
**“Atrocity Crimes” and grave violations of human rights
committed by the Islamic Republic of Iran
(1981–1982 and 1988):**

**Detailed findings of Mr. Javaid Rehman, the Special
Rapporteur on situation of human rights in the Islamic
Republic of Iran**

**The Special Rapporteur wishes to dedicate these detailed findings
to the victims of “Atrocity Crimes”, their families and their loved ones**

17 July 2024

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Summary

This document contains detailed findings of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Mr. Javaid Rehman, focusing on the “atrocities crimes” and grave human rights violations that took place in the Islamic Republic of Iran during 1981–1982, and in 1988. In its elaboration of “atrocities crimes”, the Special Rapporteur details the summary, arbitrary and extra-judicial executions of thousands of arbitrarily imprisoned political opponents, amounting to the crimes against humanity of murder and extermination. There is also a detailed consideration of the crimes against humanity of torture, persecution and enforced disappearances and other inhumane acts intentionally causing great suffering, serious injuries to the bodies and to the mental and physical health of the political prisoners. The executions included those of women – some of them reportedly raped – before their executions, and a very large number of children. In its specific examination of crimes against humanity, the Special Rapporteur also analyses sexual and gender-based crimes against women and girls as well as the persecution of religious, ethnic and linguistic minorities during the first decade of the establishment of the Islamic Republic in 1979.

The Special Rapporteur notes that the “atrocities crimes” as reported – which took place all across Iran – represent the commission of the worst and the most egregious human rights abuses of our living memory whereby high-ranking state officials connived, conspired and actively engaged to plan, order and commit crimes against humanity and genocide against the nationals of their own state. Notwithstanding the availability of overwhelming available evidence – to this day – those with criminal responsibility for these grave and most serious violations of human rights and crimes under international law remain in power and control; the international community has been unable or unwilling to hold these individuals accountable. Indeed, many of the individuals implicated in these “atrocities crimes” continue to enjoy the official, governmental privileges and impunity from international justice and accountability.

Survivors and witnesses remain in immeasurable grief and an undeniable victimhood presents a living testimony to these atrocities: as survivors mentioned in their testimonies to the Special Rapporteur, they are all faced with mental and psychological trauma on a perpetual basis as they search for a dignified, respectful, and humane closure to their daily suffering and pain. In innumerable cases, families of those forcibly disappeared continue to search for their loved ones, as the authorities persist in violating their rights. These victims and survivors look towards the United Nations and members of the international community for truth, justice and accountability.

Through the prism of the first decade after the Revolution of 1979 in Iran, the Special Rapporteur provides an insight into the current day egregious violations of human rights and crimes under international law. The raison d’être of the “Women, Life, Freedom” protest movement – commencing in September 2022 – can be traced to the resistance to enforced veiling by women in 1979 and the 1980s in response to the oppression to which they were subjected after the Revolution. The continued application of the various arbitrary and discriminatory provisions of the Constitution of the Islamic Republic of Iran (1979), along with the currently applied arbitrary and overbroad national security offences such as moharebeh (“waging war against God”), efsad-e fel-arz (“spreading corruption on Earth”), which the Iranian authorities continue to use to execute protesters and other dissidents, the perpetual executions of those arrested as children as well as the institutional structures through which human rights violations are weaponized and instrumentalized – including through the Islamic Revolutionary Courts – were conceptualized, devised and implemented during the period of this investigation.

The Special Rapporteur concludes by making recommendations to the international community to take concrete steps to end the continuing impunity within the Islamic Republic of Iran ensuring accountability, truth, justice and reparations. He calls upon the international community to establish an international investigative and accountability mechanism to conduct prompt, impartial, thorough and transparent investigations into the crimes under international law as stated in this report, and to gather, consolidate and preserve evidence with a view towards future criminal prosecution of all perpetrators. More specifically, the proposed international accountability mechanism must investigate the “atrocities crimes” committed during 1981–1982 and in 1988 against thousands of political opponents of the authorities, in particular their mass summary, arbitrary and extra-judicial executions amounting to the crimes against humanity of murder and extermination and the continued concealment of the fate of thousands of political opponents and the whereabouts of their remains, which amounts to the crime against humanity of enforced disappearance. Enforced disappearance is a continuing crime under international law as long as the perpetrators continue to conceal the fate of the disappeared person and the facts remain unclarified. Additionally, the proposed mechanism must investigate the crimes against humanity of torture, persecution and other inhumane acts causing great suffering, serious injuries to the bodies and to the mental and

physical health of the political prisoners as well as the crime of genocide. The international accountability mechanism must also conduct prompt and transparent investigation into the patterns of sexual and gender-based violence perpetrated by the authorities against women and girls, including cases of reported rape, as well as the repression, persecution, and summary, arbitrary and extrajudicial executions of ethnic, linguistic and religious minorities during the first decade of the establishment of the Islamic Republic of Iran.

In addition to establishing an international accountability mechanism, the Special Rapporteur calls upon the international community to require the Iranian authorities to inter alia establish fully the truth regarding the mass enforced disappearances, extrajudicial, arbitrary, and summary executions, and genocide committed in the 1980s and particularly during 1981-1982 and in 1988 and to provide, fully in accordance with international law, reparations and all appropriate remedies to the victims, survivors, as well as to the families of those who were tortured, executed or forcibly disappeared.

Given serious structural obstacles making the judicial system of the Islamic Republic of Iran unable, unwilling and unavailable to investigate crimes under international law or other human rights violations committed by state agents, the Special Rapporteur also urges individual states to exercise universal and other extraterritorial jurisdiction in relation to crimes under international law committed in Iran, in the 1980s particularly during 1981-1982 and in 1988, by initiating adequately resourced criminal investigations, identifying those suspected of responsibility, including commanders and other superiors, and issuing, when there is sufficient admissible evidence, international arrest warrants.

I. Overview

A. Introduction and background

This report contains detailed findings of the Special Rapporteur on situation of human rights in the Islamic Republic of Iran, Mr. Javaid Rehman, focusing on the “atrocities” of the crimes against humanity that took place in the Islamic Republic of Iran during 1981–1982, and in 1988. In its elaboration of “atrocities crimes”, the Special Rapporteur details the summary, arbitrary and extra-judicial executions of thousands of arbitrarily imprisoned political opponents, amounting to the crimes against humanity of murder and extermination. There is also a detailed consideration of the crimes against humanity of torture, persecution and enforced disappearances and other inhumane acts causing great suffering, serious injuries to the bodies and to the mental and physical health of the political prisoners. The executions included those of women—some of them reportedly raped—before their executions, and a very large number of children. In its specific examination of crimes against humanity, the Special Rapporteur also analyses sexual and gender-based crimes against women and girls as well as the persecution of religious, ethnic and linguistic minorities during the first decade of the establishment of the Islamic Republic in 1979.

B. Contemporary relevance of the findings by the Special Rapporteur

The Special Rapporteur notes that the “atrocities crimes” as reported – which took place all across Iran – represent the commission of the worst and the most egregious human rights abuses of our living memory whereby high-ranking state officials connived, conspired and actively engaged to plan, order and commit crimes against humanity and genocide against the nationals of their own state. Notwithstanding the availability of overwhelming available evidence, – to this day – those with criminal responsibility for these grave and most serious violations of human rights and crimes under international law remain in power and control; the international community has been unable or unwilling to hold these individuals accountable. As noted by Amnesty International “the succession of atrocities in Iran is intractably linked to the impunity that has been enjoyed by the Iranian authorities since 1979, leading them to believe that they can commit human rights violations without repercussions”.¹ Indeed, many of the individuals implicated in these “atrocities crimes” continue to enjoy the official, governmental privileges and impunity from international justice and accountability. In other cases, principles of justice and accountability have been breached through prisoner exchanges – as has been witnessed most recently on 15 June 2024—through the release of Hamid Nouri² who had been convicted by Swedish courts of war crimes and murder and for his involvement in the 1988 massacre.³

The tragedy of these crimes is that their survivors and witnesses remain in immeasurable grief and an undeniable victimhood presents a living testimony to these atrocities. As survivors mentioned in their testimonies to the Special Rapporteur, they are all faced with mental and psychological trauma on a perpetual basis as they search for a dignified, respectful, and humane closure to their daily suffering and pain. In innumerable cases, families of those forcibly disappeared continue to search for their loved ones, as the authorities persist in violating their rights. These victims and survivors look towards the United Nations and members of the international community for truth, justice and accountability.

*I wish to convey to the United Nations that the atrocities of the 1980s do not merely belong to the past or to the abstract—they directly affect individuals like myself and now, decades later, continue to impact my daughter. Our suffering stems directly from the permanent crimes committed by the Islamic Republic, and these government-sanctioned atrocities persist to this day. It is crucial to recognize that the legacy of such violations is a living history, carried in the lives of those like us, who continue to face the impact of these unresolved injustices. **Testimony and written statement (Witness: 26)***

¹ Amnesty International, “Iran: Blood-soaked secrets: Why Iran’s 1988 prison massacres are ongoing crimes against humanity” (4 December 2018) Index Number: MDE 13/9421/2018 <https://www.amnesty.org/en/documents/mde13/9421/2018/en/> (hereinafter Amnesty International Report) at p. 135.

² Iran, Sweden exchange prisoners in Omani-mediated deal | Politics News | Al Jazeera.

³ A/HRC/52/67, para 72; Iran: UN expert welcomes historic verdict in universal jurisdiction case | OHCHR; A/HRC/55/62, para 89.

Through the prism of the first decade after the Revolution of 1979 in Iran, this study provides a remarkable insight into the current day egregious violations of human rights and crimes under international law. The *raison d'être* of the “Women, Life, Freedom” protest movement – commencing in September 2022 – can be traced to the resistance to enforced veiling by women in 1979 and the 1980s in response to the oppression to which they were subjected after the Revolution. The continued application of the various arbitrary and discriminatory provisions of the Constitution of the Islamic Republic of Iran (1979), along with the currently applied arbitrary and overbroad national security offences such as *moharebeh* (“waging war against God”), *efsad-e fel-arz* (“spreading corruption on Earth”), which the Iranian authorities continue to use to execute protesters and other dissidents, the perpetual executions of those arrested as children as well as the institutional structures through which human rights violations are weaponized and instrumentalized – including through the Islamic Revolutionary Courts – were conceptualized, devised and implemented during the period of this investigation.

C. Conclusions and recommendations

The Special Rapporteur concludes by making recommendations to the international community to take concrete steps to end the continuing impunity within the Islamic Republic of Iran ensuring accountability, truth, justice and reparations. He calls upon the international community to establish an international investigative and accountability mechanism to conduct prompt, impartial, thorough and transparent investigations into the crimes under international law as stated in this report, and to gather, consolidate and preserve evidence with a view towards future criminal prosecution of all perpetrators. More specifically, the proposed international accountability mechanism must investigate the “atrocities crimes” committed during 1981–1982 and in 1988 against thousands of political opponents of the authorities, in particular their mass summary, arbitrary and extra-judicial executions amounting to the crimes against humanity of murder and extermination and the continued concealment of the fate of thousands of political opponents and the whereabouts of their remains, which amounts to the crime against humanity of enforced disappearance. Enforced disappearance is a continuing crime under international law as long as the perpetrators continue to conceal the fate of the disappeared person and the facts remain unclarified. Additionally, the proposed mechanism must investigate the crimes against humanity of torture, persecution and other inhumane acts causing great suffering, serious injuries to the bodies and to the mental and physical health of the political prisoners as well as the crime of genocide. The international accountability mechanism must also conduct prompt and transparent investigation into the patterns of sexual and gender-based violence perpetrated by the authorities against women and girls, including cases of reported rape, as well as the repression, persecution, and summary, arbitrary and extrajudicial executions of ethnic, linguistic and religious minorities during the first decade of the establishment of the Islamic Republic of Iran.

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D. Methodology and framework

In the completion of his findings, the Special Rapporteur developed a rigorous methodology and has consulted a wide range of sources including the following:

(a) **Witness testimonies and interviews:** The Special Rapporteur has relied significantly on testimonies of the victims, as well as his meetings with the individual victims over the past six years of his mandate. More specifically for completing this report, the Special Rapporteur has interviewed 80 individuals,

victims, survivors or persons with direct knowledge of “atrocious crimes” since 1 November 2023. A number of victims agreed to be identified and have been referenced in this report and a select number of statements (or extract therefrom) have been provided in the report or the appendix to this report.⁴ There were also a number of interviewees who preferred to remain anonymous. He has gathered evidence from a large number of witnesses, who were themselves victims or lost members of their families or loved ones or are survivors of the atrocities. A very large bulk of testimonies were from individuals based outside of Iran, although the Special Rapporteur has received testimonies and information from victims from within the Islamic Republic of Iran.

(b) Governmental official sources: The Special Rapporteur has also been able to access and review official statements including press releases, information received from official and semi-official newspapers, official documentation and videos and other evidence publicly available.

(c) United Nations documents and resources: The Special Rapporteur has consulted the United Nations documents and resources including the reports from his predecessors, Special Procedures communications, information from treaty bodies as well as other United Nations documents.

(d) Documentary evidence: The Special Rapporteur has relied heavily on the documents and reports made available to him. The documentary evidence also includes various data resources, as well as audio-visual evidence from various sources. For the data on executions and audio-visual evidence, the Special Rapporteur has inter alia relied upon the following sources: the Abdorrahman Boroumand Center,⁵ Raystad collective;⁶ Justice for the Victims of the 1988 Massacre in Iran (JVMI);⁷ Testimonies, documents and Information from the Iran Tribunal: International People’s Tribunal.⁸

(e) Reports and documentation from international organizations as well as assistance from experts: The Special Rapporteur acknowledges having received reports and documents from various national and international organizations as well as the support and guidance of various experts. A comprehensive list of the individual experts and organizations supporting this study is provided in the appendix I and II of this report.⁹

E. Responsibility of non-State actors

The Special Rapporteur has received information on the reported acts of violence and killings perpetrated by non-state actors: this includes armed struggle, violent and terrorist actions by non-State actors, political parties and organizations.¹⁰ While acknowledging that non-State actors and individuals perpetrating violence must be held accountable for internationally recognizable crimes in fair trials conducted in accordance with international law and standards, this report is focused on crimes of international law committed by the State authorities during 1981–1982 and in 1988.

F. Overall structure

This report is divided into VIII parts. After this first introductory part, part II provides a conceptual understanding of the crimes committed by the Iranian authorities: the definitional analysis examines the meaning and scope of “atrocious crimes”, in particular, crimes against humanity and genocide. This part also briefly examines international obligations under international human rights law and international criminal law to prohibit, prosecute and punish those engaged in “atrocious crimes”. Part III provides a brief historical overview of the human rights situation and the violations that took place in the immediate aftermath of the 1979 Revolution. Part IV considers the events leading up to the 1981–1982 massacres; it focuses on the violations of human rights and the commission of international crimes during these massacres, primarily between June 1981–March 1982. Part V examines the situation leading up to the

⁴ For security reasons Appendix III has been designated as “Confidential” and not available as a public document..

⁵ The Abdorrahman Boroumand Center :: Home (iranrights.org)

⁶ https://rastyad.com/en/home_en/.

⁷ Home - Iran 1988 Massacre

⁸ Iran Tribunal – An international People's Tribunal

⁹ See Appendix I and II.

¹⁰ Meeting with Association for Defending Victims of Terrorism and documents provided to Special Rapporteur meeting 13 March 2024; Association for Defending Victims of Terrorism | ADVTNGO; Amnesty International Report, 1988 at p. 26.

events of 1988 and the massacre of thousands of political prisoners. In focusing on the mass murder of thousands of political prisoners – known as the “1988 massacre” – this part examines the various crimes against humanity committed against these persons including the crimes of murder, extermination, torture and enforced disappearances as well as the crime of genocide. Part VI examines gender-based crimes and the crimes committed against ethnic, linguistic and religious minorities. Part VII examines the subject of continuing impunity for those individuals who have committed crimes against humanity and genocide whereas Part VIII sets out conclusions and recommendations.

II. “Atrocity Crimes” in International Law and Obligations of the Islamic Republic of Iran

A. Defining “Atrocity Crimes” in International Law

“Atrocity crimes” are referred to as the international crimes of genocide, crimes against humanity and war crimes representing “the most serious crimes against humankind”.¹¹ Although, the crime of genocide, crimes against humanity and war crimes have a substantial recognition both in customary international law and international treaty obligations, their categorization as “atrocity crimes” is relatively recent having been determined by the United Nations in its *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*.¹² According to this document “the term ‘atrocity crimes’ refers to three legally defined international crimes: genocide, crimes against humanity and war crimes. The definitions of the crimes can be found in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions and their 1977 Additional Protocols, and the 1998 Rome Statute of the International Criminal Court, among other treaties”.¹³ The moral and legal obligation to prevent and punish those engaged in the crime of genocide, crimes against humanity and war crimes is embedded in international law, possibly as a norm of *jus cogens*. However, as the Special Rapporteur highlights from his examination of the Islamic Republic of Iran, perpetrators have – with complete impunity – committed crimes against humanity and genocide, and this has emboldened them to continue to conduct gross human rights violations.

At the time of the Revolution of 1979, the Islamic Republic of Iran was bound by customary international law, and international treaty obligations to prevent the “atrocity crimes” of genocide, crimes against humanity and war crimes and to punish those engaged in these crimes. Iran had ratified the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention),¹⁴ on 14 August 1956¹⁵ and the four Geneva Conventions¹⁶ on 20 February 1957¹⁷ with explicit obligations to prevent and punish genocide and war crimes. The relevance of the Geneva Conventions and the Additional Protocol 1 was highlighted by the Stockholm District Court in its conviction of Hamid Nouri in its judgment of July 2022; the Court finding article 75 of the Additional Protocol as having reached “the status of customary rule in international law humanitarian law long before the 1988 mass executions took place... and therefore binding for Iran”.¹⁸

The obligations to prevent crimes against humanity, in particular the prohibition of summary, arbitrary and extra-judicial executions, the arbitrary deprivation of life, the prohibition on the execution of juveniles and pregnant women, the prohibition on torture, the prohibition on arbitrary deprivation of liberty, prohibition on enforced disappearances, persecution of individuals and minorities and the prohibition of sexual abuse was established through customary international law as well through Iran’s ratification of international

¹¹ 2024.Doc.49_Framework of Analysis for Atrocity Crimes_EN.pdf, at p. 1; David Scheffer, “Genocide and Atrocity Crimes” *Genocide Studies and Prevention* 1, 3 (December 2006): 229–250.

¹² 2024.Doc.49_Framework of Analysis for Atrocity Crimes_EN.pdf.

¹³ Ibid. footnotes omitted.

¹⁴ 78 UNTS 277; 58 UKTS, 1970; Cmnd 4421.

¹⁵ [UNTC](#)

¹⁶ Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949; Convention (III) Relative to the Treatment of Prisoners of War. Geneva, 12 August 1949; Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

¹⁷ University of Minnesota Human Rights Library (umn.edu); iran_e.pdf (un.org). The Islamic Republic of Iran is not a party but is a signatory to Additional Protocol I, II and III. Ibid.

¹⁸ Judgment of Hamid Nouri 17 July 2022, at p. 6.

treaties including the International Covenant on Civil and Political Rights,¹⁹ (ratified on 24 June 1975)²⁰ the International Covenant on Economic, Social, and Cultural Rights,²¹ (ratified on 24 June 1975),²² the International Convention on the Elimination of All Forms of Racial Discrimination,²³ (ratified on 29 Aug 1968).²⁴

B. Crimes against Humanity

Although the Statute of the International Criminal Court, (hereinafter the Rome Statute)²⁵ only having been adopted in 1998, could not be applied to the Islamic Republic of Iran, the core substantive provisions of the treaty are regarded as representing the customary law principles articulating and defining “atrocities crimes”, including crimes against humanity. Crimes against humanity—as contemporaneously defined in Article 7 of the Statute of the International Criminal Court—were fully established within customary international law resulting in binding obligations for the Islamic Republic of Iran in 1979.

According to Article 7 of the Rome Statute, the crimes inter alia of murder, extermination, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape, sexual slavery, persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, enforced disappearance of persons and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack” constitute crimes against humanity.²⁶

Article 7(2) elaborates on the various facets of these crimes including “Attack directed against any civilian population” meaning “a course of conduct involving the multiple commission of acts . . . against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack”; “Extermination” “includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population; “Torture” meaning “the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions”; “Persecution” meaning “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity”; “Enforced disappearance of persons” meaning “the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.”²⁷

Additional obligations, including, the prohibition of “summary, arbitrary and extra-judicial executions”,²⁸ the arbitrary deprivation of life resulting from sentences violating the provisions of Article 6 and 14 of the International Covenant on Civil and Political Rights or killings of individuals outside of a judicial or legal process, supplement existing obligations within customary international law.

¹⁹ New York, 16 December 1966 United Nations, 999 U.N.T.S. 171; 6 I.L.M. (1967) 368.

²⁰ University of Minnesota Human Rights Library (umn.edu)

²¹ New York, 16 December 1966, 993 U.N.T.S. 3; 6 I.L.M. (1967) 360.

²² University of Minnesota Human Rights Library (umn.edu)

²³ New York, 7 March 1966 United Nations, *Treaty Series*, vol. 660, p. 195

²⁴ University of Minnesota Human Rights Library (umn.edu)

²⁵ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90.

²⁶ Article 7(1) Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90.

²⁷ *Ibid.* Article 7(2).

²⁸ E/CN.4/1983/16, para 66; E/CN.4/2002/74, para 42; E/CN.4/2002/74, para 8; A/HRC/11/2/Add 5, para 3; A/71/372, para 22; A/77/270; Katja Luopajarvi, *Institute For Human Rights, Åbo Akademi University* (19 March 2001) *Extrajudicial, summary or arbitrary executions – the scope of the mandate of the Special Rapporteur* Special Rapporteur on extrajudicial, summary or arbitrary executions | OHCHR.

C. Genocide

Having the same definition in Article 6 of the Statute of the International Criminal Court, genocide is defined by Article II of the Genocide Convention as acts “committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such” including inter alia “Killing members of the group; Causing serious bodily or mental harm to members of the group; Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”.²⁹ In order to establish the crime of genocide, there must be a “specific intent” (*dolus specialis*) to destroy a national, ethnical, racial or religious group, in whole or in part. Genocidal intent therefore is the factor that distinguishes murder or killings from genocide; conversely without intent, the crime of genocide cannot be established.

Genocide is not only aimed at the total destruction of a group, but also covers its partial destruction.³⁰ The Convention while addressing genocide does not provide the definition of “national, ethnical, racial or religious” groups, and although political groups are clearly excluded,³¹ there is no specification as regards the meaning of what constitutes “protected groups”. The identification of “protected groups” presents further complexities: the International Court Justice in *the Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* noted that “the essence of the intent is to destroy the protected group, in whole or in part, as such. It is a group which must have particular positive characteristics — national, ethnical, racial or religious — and not the lack of them.”³² However, in practice such identification is not straight forward and attempts to enter into the specificities and definition of what constitutes, for example, religious group, has in the past proved unhelpful.³³ In *Akayesu*, the International Criminal Tribunal for Rwanda (ICTR) – Statute of the ICTR having the same definitional elements as contained in the Genocide Convention – took the view that “the religious group is one whose members share the same religion, denomination or mode of worship.”³⁴ In the earlier judgment of *Kayishema*, the ICTR had found that “a religious group includes... a group sharing common beliefs” which is stable and permanent.³⁵

In *Laurent Semanza*, the ICTR made some significant observations emphasizing the need to make a case-by-case assessment. The tribunal noted:³⁶

The Statute of the Tribunal does not provide any insight into whether the group that is the target of an accused’s genocidal intent is to be determined by objective or subjective criteria or by some hybrid formulation. The various Trial Chambers of this Tribunal have found that the determination of whether a group comes within the sphere of protection created by Article 2 of the Statute ought to be assessed on a case-by-case basis by reference to the objective particulars of a given social or historical context, and by the subjective perceptions of the perpetrators. The Chamber finds that the determination of a protected group is to be made on a case-by-case basis, consulting both objective and subjective criteria.

International Criminal Tribunal for Rwanda, Trial Chamber I, The Prosecutor v. Laurent Semanza Judgment and Sentence, Case No. ICTR-97-20-T 15 May 2003 (para 317) (footnote omitted)

²⁹ Article II Genocide Convention.

³⁰ Javaid Rehman, *The Weaknesses in the International Protection of Minority Rights* (The Hague: Kluwer Law International) 2000, at p. 56.

³¹ GAOR, 3rd session, Part 1, Sixth Committee, 74th mtg., 14th October 1948, p. 102; William A. Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge: Cambridge University Press) 2009.

³² *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, I.C.J. Reports, 2007 (para 193).

³³ *Prosecutor v. Jean-Paul Akayesu*, ICTR-96-4-T, Judgment (2 September 1998) (International Criminal Tribunal for Rwanda, Trial Chamber 1), online: ICTR [Akayesu] (paras 512-515).

³⁴ *Ibid.* (para 515).

³⁵ *The Prosecutor versus Clement Kayishema and Obed Ruzindana Case No. ICTR-95-1* (21 May 1999) (para 98).

³⁶ Article 2 Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 | OHCHR.

The case-by-case basis approach, representing both objective and subjective criteria as recommended by the Tribunal appears particularly opportune in the case of post-Revolutionary Iran, wherein as the Special Rapporteur elaborates, it was a range of groups – religious minorities, religious and political opponents, Marxists, atheists, agnostics and others – who were targeted and victimized. The Iranian theocracy had a specific understanding of religion and religious groups and was open to manipulating terminologies within international human rights and international criminal law.

Thus, for example, in the context of non-recognition of the Bahá'ís as a religious minority, the Iranian regime – reiterating in response to concerns expressed by Professor Abdelfattah Amor after his visit to the Islamic Republic of Iran – noted that “Baha’is are not a religious minority, but a political organization which was associated with the Shah’s regime, is against the Iranian Revolution and engages in espionage activities.”³⁷ Yet at the same time other groups were targeted, victimized and brutalized based on state-led charges of having become *mohareb* or apostates and therefore seeking justifications of executions or torture based on grounds of religion. Within this contextual matrix, while it would be important to take account of the objective consideration of particular positive characteristics of group membership, it would be equally significant to evaluate the subjective perceptions of the perpetrators as regards the existence of the protected group and the victims’ membership of this protected category.³⁸

After having considered the constituent elements of the international crime of genocide, the Special Rapporteur has examined the applicability of the provisions of the Genocide Convention in the aftermath of the Iranian Revolution.

The Special Rapporteur has received submissions and evidence of the “intent to destroy” various groups, wholly or in part in the aftermath of the 1979 Revolution. Religious minority groups, in particular, the Bahá'ís were targeted; members of the Bahá'í community were executed, tortured and abused – physically and mentally. It has been reported that “since the early 1980s, over 200 Bahá'ís have been executed or murdered, thousands arrested, detained and interrogated, and tens of thousands more deprived of jobs, pensions and educational opportunities. The community’s holy places, cemeteries and properties have been confiscated, vandalized or destroyed; and many individuals have had homes and other property seized or damaged.”³⁹ Having considered the various submissions and the available documentation and having examined the treatment meted out to the Bahá'í community in the early years of the Revolution, the Special Rapporteur reports that Iranian authorities – with destructive, arguably genocidal intent – engaged in killing or colluded in the killings of members of the Bahá'í community; Bahá'ís were physically and mentally tortured simply because of their faith and members of the community suffered from “serious bodily or mental harm.”⁴⁰ They also faced confiscation of their properties, expulsion from employment and denial of education rights.

Ben Whitaker, the UN Special Rapporteur on Prevention and Punishment of the Crime of Genocide in his 1985 report mentions the case of Bahá'í of Iran.

The Nazi aberration has unfortunately not been the only case of genocide in the twentieth century. Among other examples which can be cited as qualifying are . . . the contemporary Iranian killings of Baha'is. See evidence presented to United Nations Human Rights Commission and Sub-Commission, 1981-1984, and R. Cooper, The Baha'is of Iran (London, Minority Rights Group, 1985).

Revised and updated report on the question of the prevention and punishment of the crime of genocide prepared by Mr. B. Whitaker E/CN.4/Sub.2/ 1985/6, July 2, 1985, (para 24 and footnote 18).

³⁷ Visit by the Special Rapporteur to the Islamic Republic of Iran 9th February 1996 E/CN.4/1996/95/Add.2 (para 20).

³⁸ Robert Cryer, “International Criminal Law” in Malcolm D Evans (ed.) *International Law* (Oxford: Oxford University Press) 2018, 743-778, at p. 748.

³⁹ The Bahá'ís In Iran – A Persecuted Community Bahá'í International Community (United Nations office, Geneva) overview_of_persecution-0116_with_letterhead.pdf (bic.org); Katharine R. Bigelow “A campaign to deter genocide: the Bahá'í experience” in Helen Fein (ed.) *Genocide watch* (New Haven: Yale University Press) 1992, pp. 189-196.

⁴⁰ Genocide Convention Article II (b); “Baha'is in the same peril as the Jews in Nazi Germany: Iran planning to exterminate 300,000 Baha'is if they refuse to be converted” Exclusive report by Rosemary Righter of the London Sunday Times, Sunday Independent 27 September 1981.

Iran's persecution of the Baha'is also violates the Genocide Convention. Iran has signed and ratified the Genocide Convention, and has neither denounced it nor announced any reservations. Yet, Iran's treatment of the Baha'is closely resembles the form of genocide described by article 2(a)-(c) of the Convention. Article 2(a)-(c) defines genocide as the killing of the members of a group and the creation of "conditions of life calculated to bring about [a group's] physical destruction in whole or part."

Paul D. Allen, "The Baha'is of Iran: A Proposal for Enforcement of International Human Rights Standards," *Cornell International Law Journal*, 20(2) (1987) 337 at 345.

Any consideration of the applicability of the Genocide Convention to mass killings during the 1980s, and particularly in 1981-1982 and the 1988 massacre has generated considerable legal challenges. As noted, the conventional provisions are limited only to national, ethnical, racial or religious groups; this definition excludes members of political opposition. Nevertheless—in the light of aforementioned observations—it is not straightforward to exclude the opposition groups, particularly the PMOI from the category of a "protected group". As the Special Rapporteur highlights in his subsequent discussion, there is considerable evidence that mass killings, torture and other inhumane acts against members of PMOI were conducted with genocidal intent. The case for genocide against members of the PMOI rests on the basis that the perpetrators of this crime perceived members of group as "*monafaqins*"; for the perpetrators, members of this group had become deviants, they had "deserted Islam" and were waging "war against Islam". In so far as the Iranian theocracy was concerned, PMOI was perceived as religious group, albeit a deviant and heretical group with legitimate – religious – justification of mass executions, torture and mental and physical harm.

In the Iranian theocracy, the MKO was objectionable essentially because it was a group which had adopted a different version of Islam – albeit a difference influenced by its Marxist politics . . . The MKO were treated as a religious group by their persecutors: those who did not repent their "hypocrisy" and repudiate their deviation were for that reason killed.

Geoffrey Robertson, *Massacre of Political Prisoners in Iran, 1988: Report of an Inquiry Conducted by Geoffrey Robertson QC (hereinafter Robertson Report)* at p. 102.

The next significant challenge relates to Marxism, atheism or agnosticism: are these religions and can their followers form religious groups within the protected group category of the Genocide Convention? According to Article 1(1) of the Declaration on the Elimination of All forms of Intolerance and of Discrimination Based on Religion or Belief "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion *or whatever belief of his choice*, and freedom . . ." ⁴¹ The Human Rights Committee in its general comment 22 on the right to freedom of religion or belief has noted that "*Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms 'belief' and 'religion' are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against *any religion or belief* for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community" ⁴²

From the above international human rights jurisprudence a case can be made that provided there is group identity, atheists, agnostics, non-believers, apostates and others can claim the protection of the Genocide Convention. Robertson ⁴³ and Schabas ⁴⁴ make reference to the domestic case in Argentina, where Judge Balthazar Garzon found that "to destroy a group because of its atheism or its common non-acceptance of the Christian religious ideology is... the destruction of a religious group, in as much as, in addition, the group to be destroyed also technically behaves as the object of identification of the motivation or subjective element of the genocidal conduct. It seems, in effect, that the genocidal conduct can be defined both in a positive manner, vis-a-vis the identity of the group to be destroyed (Muslims, for example) as in a negative manner, and indeed, of greater genocidal pretensions (all non-Christians, or all atheists, for example)".

⁴¹ GA Res. 36/55, 36 UN GOAR Supp. (No. 51) at 171 UN Doc. A/36/51 1981. (*Italics added*).

⁴² Human Rights Committee, General Comment 22, Article 18 (Forty-eighth session, 1993). Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 35 (1994). (*Italics added*).

⁴³ Robertson Report at p. 103.

⁴⁴ Schabas (n 31) at p.149.

Iran's theocracy had made their genocidal intent abundantly clear through religiously defined offences, including those of *moharebeh* and apostasy.

It is plain that the judges had little or no interest in the defendants' politics: they were wholly or predominantly concerned with their attitude to God and to Islam and whether they were born into Muslim families with parents who prayed and whether they were prepared to abandon their atheist beliefs by saying their prayers. The decision that sentenced them to death or (in the case of women) to potentially lethal torture was whether they were apostates, upon criteria determined by religious texts and not political treatises. Hence, the distinction between "innate" and "voluntary" apostates, the difference between the treatment accorded to men and women, and the life-or-death significance attached to repentance: all principles which were drawn directly from long established Sharia jurisprudence. Although it may seem paradoxical to refer to atheists as a "religious group," there is some authority for the proposition that "religious groups encompass both theistic, non-theistic and atheistic communities which are united by a single spiritual ideal."

*Although the fact that most were Marxists gives those groups a political complexion, apostasy and the waging of war against God are entirely religious concepts, defined by theological texts and tests according to principles that took shape among Muslim jurists more than a thousand years ago. There was no investigation of whether the defendants' atheism sprang from their politics, or vice-versa: the inquiry was simply whether they were born Muslim, whether they had lapsed from Islam, and whether they were ready to re-embrace the faith after being thrashed with an electric cable. **It can be argued that this was genocide, because it involved the extermination of a substantial part of a group, whose membership was defined in the eyes of the exterminators by their attitude to religion.***

Robertson Report, pp. 103-104.

Article III of the Genocide Convention provides that the "following acts shall be punishable: Genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, complicity in genocide" and according to Article IV "Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals".⁴⁵

III. Human Rights Violations and the 1979 Revolution

A. Historical overview

Prior to the 1979 Revolution, the human rights situation in Iran raised substantial concerns. In addition to the largescale persecution, arbitrary detention, targeting, torture and other ill-treatment of members of the opposition, writers, intellectuals and other dissidents during 1972-1976 over 300 political dissidents were reportedly executed after grossly unfair trials before military tribunals.⁴⁶ The grave violations of human rights in particular the repression of the rights of the freedom of expression, association and peaceful assembly and targeting and torture of many factions within the political opposition by the National Intelligence and Security Organization (SAVAK), alongside other social evils including endemic corruption contributed to mass discontent and demonstrations ultimately leading to the overthrow of the Shah who left the country on 16 January 1979.⁴⁷

The human rights situation however aggravated considerably with the arrival of Ayatollah Ruhollah Musavi Khomeini on 1 February 1979 in Iran and his establishment of a provisional government. At the behest of

⁴⁵ Article III and IV Genocide Convention.

⁴⁶ Amnesty International Report at p. 26. These executions included the shooting by firing squad of eleven *Mojahedin* leaders who had unsuccessfully attempted to blow up a power station during Shah's 1971 Persepolis celebrations Robertson Report at p. 17. In addition to the *Mojahedin*, other dissidents were also targeted including members and sympathizers of the Tudeh Party, Fadaïyan Khalq and other dissident groups. See Ervand Abrahamian, *Iran Between Two Revolutions* (Princeton, NJ: Princeton University Press) 1982, at p. 481.

⁴⁷ Lawyers Committee for Human Rights, Abdorrahman Boroumand Center: The Justice System of the Islamic Republic of Iran (1 May 1993) (iranrights.org); Testimony and written statement (Witness: 22).

Khomeini as the Supreme Leader, Revolutionary Courts – presided by Sharia judges – were established in most cities dispensing “revolutionary” justice.

In the following months, hundreds of individuals considered “anti-revolutionary” were arbitrarily arrested and summarily executed after flagrantly unfair “trials” that lasted only a few minutes and were so arbitrary and summary that they cannot be considered to constitute judicial proceedings. The victims included individuals with real or perceived affiliation with the overthrown system; members of Kurdish, Turkmen and Ahwazi Arab minorities seeking a degree of autonomy; sex workers; and people accused of drugs-related offences and sexual “offences” such as adultery and sodomy. Trials were often held on camera. Defendants were not given access to a lawyer. They were not informed of specific accusations against them. They were not provided with any opportunity to adequately defend themselves; often, the only defence facility offered to them was to write a defence speech for the court on a piece of paper to charges which were not often known until just before trial. There was generally no possibility of appeal and no effective presumption that defendants were innocent until proved guilty. Executions followed soon after death sentences had been passed.

*Amnesty International Report, at p. 27 (footnotes omitted).*⁴⁸

There was also the reported arbitrary execution of around 500 officials—including ninety SAVAK officers—belonging to the previous monarchical rule of Mohammed Reza Pahlavi: these executions were undertaken without the essential safeguards of fair trial, violating Article 14 of the International Covenant on Civil and Political Rights to which the Islamic Republic of Iran has remained a State party. In October 1981, Amnesty International reported “[i]n the whole of 1980 there were 1,229 known executions throughout the world, including 709 in Iran”.⁴⁹

B. Ayatollah Khomeini and the repressive governance structure

Subsequent to the Revolution, the governmental structures based on Ayatollah Khomeini’s theory of *velayate faqih*,⁵⁰ reflecting a theocratic worldview based on the Supreme Leader’s interpretation of the Shia’ Islam were implemented. Khomeini issued several *fatwas* and executive orders to “purify” public institutions including bar associations, schools and universities from those who identified or were perceived as Marxist, non-Islamic, Western, or liberal segments.⁵¹ The ensuing considerable repression led to increasing subjugation of women and girls with the repeal of the Family Protection Law of 1975 which had introduced some reforms in support of women’s rights and the gradual enforcement of the gradual enforcement of discriminatory compulsory veiling despite mass peaceful protests by women. In April 1980 the authorities launched what they described as the “Cultural Revolution” which involved shutting down of higher educational institutions between 1980 and 1982 and dismissing thousands of academics and

⁴⁸ For the persecution and arbitrary, summary and extra-judicial executions of the Bahá’ís, Jews and Christian minorities see: <https://www.iranrights.org/memorial/story/-3502/bahar-vojdani>; <https://www.iranrights.org/memorial/story/-3760/azematollah-fahandej>; <https://www.iranrights.org/memorial/story/75622/yusef-khorasani-qadimi>; <https://www.iranrights.org/memorial/story/14938/ali-akbar-khorsandi>; <https://www.iranrights.org/memorial/story/-2861/habib-elqanian>; <https://www.iranrights.org/memorial/story/12671/albert-danial-pur>; <https://www.iranrights.org/memorial/story/-5106/ebrahim-berukhim-berookhim>; <https://www.iranrights.org/memorial/story/-8863/parviz-arastu-sayah-sina>.

⁴⁹ Amnesty international news release NR26/80, AI INDEX MDE 13/13/81; The Abdorrahman Boroumand Center has provided the following data of arbitrary and extrajudicial executions: 1979 (763); 1980 (931); 1 January-30 June 1981 (552). According to the information provided by Abdorrahman Boroumand Center during the period between 11 February 1979 – 20 June 1981, a minimum of 552 executions were associated with the former regime (communication dated 1 June 2004).

⁵⁰ Shahin Nasiri and Leila Faghfour Azar, “Investigating the 1981 Massacre in Iran: On the Law-Constituting Force of Violence,” *Journal of Genocide Research* (2022) 1-24. <https://doi.org/10.1080/14623528.2022.2105027>; Justice for the Victims of the 1988 massacre in Iran (JVMI), Inquiry into the 1988 Massacre in Iran (2017) (hereinafter JVMI Report) at p. 1; <https://www.iranrights.org/library/document/3906>.

⁵¹ Ruhollah Khomeini, *Ṣaḥīfeh-ye Imām: An Anthology of Imam Khomeini’s Speeches, Messages, Interviews, Decrees, Religious Permissions, and Letters* (vol. 12) (Tehran: The Institute for Compilation and Publication of Imām Khomeini’s Works, 2008), 368-369. http://en.imam-khomeini.ir/en/c5_3219/Book/English/SAHIFEH-YE-IMAM-Volume-12-

scholars, faculty and staff members, and university students perceived as opposing policies of the Islamic Republic system, with many of them facing harassment, arbitrary arrests and detention, torture and other ill-treatment, persecution or even the death penalty.^{52 53} The commencement of the Iran-Iraq war on 22 September 1980 was accompanied by corresponding repressive measures undertaken domestically within the Islamic Republic of Iran to consolidate the newly founded political system and to crush opposition political organizations and civil society groups who advocated secularism and different political and cultural vision for the country.

IV. 1981–1982 “Atrocity Crimes” and Massacres

A. Crimes Against Humanity

Widespread and systematic attack

Under international criminal law, acts of murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or severe deprivation of physical liberty, torture, rape and other sexual offences, persecution, enforced disappearance, apartheid and other inhumane acts become crimes against humanity when they take place within the context of a widespread or systematic attack on a civilian population. Article 7(2) Rome Statute provides that “attack directed against any civilian population” means a course of conduct involving the multiple commission of the abovementioned acts against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.

In light of the evidence presented to the Special Rapporteur, he takes the view that between 1979 and 1988, the authorities in the Islamic Republic of Iran waged a widespread and systematic attack against a civilian population pursuant to and in furtherance of a pre-meditated and religiously motivated state policy to exterminate a large part of the political spectrum (representing different ideologies and worldviews) that were perceived as religious enemies of the theocratic rule. The attack conducted was one of the most extensive and brutal campaigns of modern history of the “atrocity crimes” of crimes against humanity against tens of thousands of real and perceived political and religious dissidents, involving the commission of mass murder through summary, arbitrary and extrajudicial executions, imprisonments, torture, rape and other sexual offences, persecution, enforced disappearances, and other inhumane acts. The civilian population in this context encompassed a broad and inclusive category of citizens who became targets due to their actual or perceived opposition to the Islamic Republic system. This included intellectuals, scientists, artists, socialists, social democrats, members and sympathizers of various political organizations, nationalists, liberals, monarchists, ethnic minorities, and followers of religious minorities such as the members of the Bahá’í Faith. Among the political organizations whose members were targeted throughout the 1980s were the Mujahedin-e Khalq (PMOI), various leftist, secular organizations such as the Fadaiyan Khalq Organization and the Tudeh Party, and various Kurdish organizations including the Democratic Party of Iranian Kurdistan and the Revolutionary Organization of the Toilers of Iran’s Kurdistan.

The widespread nature of the attacks is demonstrated by the period of time over which multiple crimes were committed, and the vast number of victims involved. The systematic nature is demonstrated by the repetition of documented patterns of arbitrary detentions, enforced disappearances, torture, and arbitrary, summary and extrajudicial executions across the country, and the involvement of high-level executive and judicial authorities in orchestrating a religious campaign against perceived anti-Islam groups.

Mass murder through summary, arbitrary and extrajudicial executions

Largescale repression and persecution by State authorities had led to countrywide upheaval and demonstrations culminating in the PMOI calling for mass protests and demonstrations on 20 June 1981.⁵⁴ Reportedly the State authorities killed over fifty protesters and injured over 200.⁵⁵ On 21 June 1981, Saeed Soltanpour, a prominent poet and playwright, and 14 other leftist dissidents (5 of whom were unidentified) were subjected to summary executions on charges of ‘enmity against Islam, Allah and his prophet’ and

⁵² Shahrzad Mojab, “State-University Power Struggle at Times of Revolution and War in Iran”, *International Higher Education* 36 (2004): 11-13; JVMI Report, at p. 28.

⁵³ Testimony and written statement (Witness: 19).

⁵⁴ JVMI Report, at p. 55.

⁵⁵ Ervand Abrahamian, *The Iranian Mojahedin* (New Haven: Yale University Press) 1989, pp. 218-219.

Statement 2: August 8, 1981

Official statement issued by the Islamic Revolutionary Court of Tehran on August 8, 1981, confirming the execution of 46 members and sympathizers of Mujahedin-e khalq (PMOI). The Islamic Revolutionary Court of Tehran (1981, August 8). *Jomhuri-e Eslami*, p. 11

چگونه از شخصیتها و اماکن حساس حفاظت کنیم

در برابر تروریسم بهتر شوی

حفاظت از شخصیتها و اماکن حساس یکی از مهمترین وظایف است. در این زمینه باید تدابیر مناسبی اتخاذ شود تا از وقوع حوادث ناگوار جلوگیری شود. این امر نیازمند همکاری و هماهنگی بین دستگاههای مختلف است.

در این زمینه باید تدابیر مناسبی اتخاذ شود تا از وقوع حوادث ناگوار جلوگیری شود. این امر نیازمند همکاری و هماهنگی بین دستگاههای مختلف است.

جمهوری اسلامی

۳۸ تن از رهبران و اعضای فعال منافقین اعدام شدند

در این باره اطلاعیه صادر شد. ۳۸ تن از رهبران و اعضای فعال منافقین اعدام شدند. این افراد در پی اقدامات تروریستی و تلاش برای سرنگونی نظام اسلامی اعدام شدند.

در این باره اطلاعیه صادر شد. ۳۸ تن از رهبران و اعضای فعال منافقین اعدام شدند. این افراد در پی اقدامات تروریستی و تلاش برای سرنگونی نظام اسلامی اعدام شدند.

اخبار ایران

۸ منافق تروریست در سه شهر تیرباران شدند

در این باره اطلاعیه صادر شد. ۸ منافق تروریست در سه شهر تیرباران شدند. این افراد در پی اقدامات تروریستی اعدام شدند.

در این باره اطلاعیه صادر شد. ۸ منافق تروریست در سه شهر تیرباران شدند. این افراد در پی اقدامات تروریستی اعدام شدند.

وزارت اسباب

سازمان ترویجی ملی ایران

آگهی مناقصه

مختص خرید...

فایز لوجیستیک و ترانسپورت

های تکنولوژی برای

تأمین و توزیع...

آگهی مزایده

مزایده بر روی...

آگهی مزایده

مزایده بر روی...

In light of the evidence presented to the Special Rapporteur, he takes the view that the executions that took place between June 1981–March 1982 were carried out as part of a “widespread” and “systematic” attack against a civilian population constituting crimes against humanity of murder. The executions were unlawful, mass summary, arbitrary and extra-judicial in nature resulting in the arbitrary deprivation of life of thousands of men, women and children in violation of Article 6 of the ICCPR.⁶⁰ The so-called court hearings were short, arbitrary and void of any due process.

The 1981–1982 massacre was a pre-meditated and religiously motivated state-sponsored violence, which aimed at exterminating a large part of the political spectrum (representing different ideologies and worldviews) that were perceived as religious enemies of the theocratic rule. This included intellectuals, scientists, artists, socialists, Marxist Leninists, social democrats, members and sympathizers of Mujahedin-e-Khalq, nationalists, liberals, monarchists, ethnic minorities, and followers of religious minorities such as the Bahá'í faith and Jews. The crimes reported to have been committed include murder, extermination, genocide, torture, enforced disappearances and “other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health”.⁶¹

In view of the religious campaign against perceived anti-Islam groups, the Islamic Revolutionary Courts acted as religious tribunals for persecuting and eliminating perceived enemies of Islam and the theocratic rule. These courts issued severe punishments such as executions, stoning, floggings, torture, and amputations. They lacked the very basic elements of a fair trial, denied ideological opponents the rights to legal assistance and representation, and issued verdicts without sufficient evidence, often relying on forced confessions obtained through torture.⁶² Witnesses have described these courts as “kangaroo courts” which conducted sham and completely arbitrary trials described as “show trials”. Many witnesses in their testimonies described the court procedure as a religious judge sitting by himself⁶³ or with another person taking notes.⁶⁴ The proceedings in these courts were so summary and arbitrary that these could not be described as any form of legal or judicial proceedings. Therefore, the Special Rapporteur considers that the killings carried out pursuant to the rulings of these religious tribunals amount to extrajudicial executions under international human rights law or murder under international criminal law.

Within the Islamic Revolutionary Courts, Sharia Judges convicted individuals on charges based on the Quranic concepts such as *kafers*, *munafiqs* and *murtads*. The term religious hypocrites (*monafeqin*) was primarily used to classify the sympathizers and members of Mujahedin-e Khalq. Their interpretation deviated from orthodox readings of Shia Islam and was considered by the clerical rule as religious hypocrisy (*nefaq*), corruption (*fesad*), and heresy (*shirk*). For this reason, the Sharia judges considered the members and sympathizers of this group not simply as political opponents but rather as religious enemies. The terms (*kafer*) “non-believers” and (*murtad*) “apostate” were, primarily, used to describe the sympathizers and members of Marxist organizations and some other leftist and liberal groups. According to Sharia judges, apostates and atheists had renounced Islam and were in a religious war with Allah and the theocratic order.⁶⁵

I was arrested in September 1981 and released in September, 1989. After about two months of torture where they asked me the names of my friends and participating in a show court where there was only a mullah named Soltani and the person who tortured me, they sentenced me to two years in prison. After my two-year sentence was over, they wanted me to cooperate with them, to go to the front of the Iran-Iraq war, to execute and torture my friends, and also report them about prisoners who talked against them. I didn't accept, then they kept me for six years again. During the 8 years I was in prison, I don't remember anything other than the sound of torture, shouting and beating. After the end of the war between Iran and Iraq, guards came and took us inside a court known as the death panel. The names of those who were on the death panel were Mustafa Pourmohammadi, Hossein Ali Nayeri, Morteza Eshraqi, and Seyyed Ebrahim Raisi. After two or three questions, most of those who did not accept their request were sentenced to death. They asked me to condemn the Mujahideen, and I did so, and because of this, they took me to a solitary cell for three months. I was in solitary confinement. After I got out of solitary confinement, I found out that about 80% of those I was in prison with were executed.

⁶⁰ Written statement and testimony and statement (Witness: 4).

⁶¹ Article 7(1)(k) Rome Statute of the International Criminal Court.

⁶² Nasiri & Faghfour Azar (n. 50); Nader Entessar, “Criminal Law and the Legal System in Revolutionary Iran,” *Boston College Third World Law Journal* 8, no. 1 (1988): 91-102.

⁶³ Written statement and testimony (Witness: 5).

⁶⁴ Written statement and testimony (Witness: 4).

⁶⁵ Nasiri & Faghfour Azar (n. 50)

Written statement and testimony of a victim and torture survivor, imprisoned 1981–1989 (Witness: 1)

XX was born in Mashhad, Iran in July 1962 . . . Despite his young age, he was outraged about the injustice that he was witnessing by the clerical regime, particularly the violent consolidation of power into the hands of Ayatollah Khomeini and his allies. XX used to share about his anxieties and disapproval of the route that the regime had taken to his family, while also sharing his devotion to resist such injustice and his refusal to leave Iran despite his parents' persistence. He even left a written will hidden in his home in case he may get killed as a result of his activism. For 3.5 months there was no news of XX, with his family not knowing if he was alive or dead. His parents repeatedly inquired after him at Evin, but with no results. Later, his family learned from his cellmates that XX was badly tortured for the months following his arrest to the extent that he was unable to walk. XX was executed on 18 July 1982 by the firing squad at Evin Prison. The tragedy of XX's execution had great and lasting impacts on his family. In fact, the news of his execution carried the risk of death or other harm for his pregnant mother and unborn sister, given his mother's heart disease. The family worked hard to keep his execution a secret, letting his mother and siblings believe that he was simply barred from visitation rights. The family was not able to gather at his grave site without harassment. There was also much fear among relatives and friends to even appear at the same location as the family. The mourning process was thus extremely lonely. Other harassment in the months following XX's execution entailed breaking the family purchased grave stones at least four times on which an engraved message read, "life is an ideology, and a struggle (Jihad) towards its realization", and replacing it each time with generic stones.

Testimony and written statement (Witness: 31)

Amnesty International notes as follows:

Between June and December 1981, several thousand people were executed either without trial or following flagrantly unfair "trials" that lasted only a few minutes and were so arbitrary and summary that they cannot be considered to constitute judicial proceedings. Defendants were not informed of any specific accusations against them, were denied access to a lawyer, and were granted no possibility of appeal. Some were blindfolded during their "trial." The authorities often did not announce the executions in advance; families learned about the fate of their loved ones through newspapers and the radio. Most of those killed were targeted for real or perceived affiliation with the PMOI. However, hundreds of individuals affiliated with Kurdish opposition groups and leftist and other political organizations were also among the victims. . . Hundreds of those executed were children who had been caught up in the turmoil of the post-revolutionary period. One of them was 13-year-old Fatemeh Mesbah, an apparent PMOI sympathizer, who was arrested in a demonstration in Tehran on 16 September 1981 and shot dead by a firing squad four days later. On 20 September 1981, Assadollah Lajevardi, the prosecutor of Tehran, was reported to state, "Even if a 12-year-old is found participating in an armed demonstration, he will be shot. The age doesn't matter." Thousands were also sentenced to lengthy prison sentences after grossly unfair "trials" before Islamic Revolutionary Tribunals. . . many were systematically tortured to recant their political ideology and announce their repentance on TV. A large number of these prisoners remained in prison until the enforced disappearance and extrajudicial execution of thousands of prisoners in July-September 1988.

Amnesty International Report, at pp. 30-31

Mass murder of children

The testimonies and other evidence presented to the Special Rapporteur confirm that a significant number of victims of state violence during the 1981–1982 massacre were children, under the age of eighteen.⁶⁶ It has been reported that at least 103 individuals (*i.e.*, 10% of identified victims) killed or executed in the city of Tehran were, under the age of eighteen.⁶⁷ Many of these underage victims were subjected to arbitrary detention, torture, summary, and arbitrary executions on charges of *moharebeh* (“waging war against God”) and *efsad-e fel-arz* (“spreading corruption on Earth”).⁶⁸ For example, on 21 September 1981, the Islamic Revolutionary courts announced the execution of Fatemeh Mesbah (13),⁶⁹ Niloufar Tashayyod (16),⁷⁰ Simin Samadi (16), Masoud Gerami-Bakhsh (17), Maliheh Pourmand (17), Azizeh Sadjadpour (17),

⁶⁶ Iran Tribunal (list of political prisoners) Appendix V; Between 20 June 1981 and 20 March 20 1982, Omid database reports 175 children executed across Iran. This is reported as the minimum number and amongst them were 11 (13 years old) 13 (14 years old) 9 (15 years old) and 72 (16 years old): The Abdorrahman Boroumand Center.

⁶⁷ Nasiri & Faghfour Azar (n. 50).

⁶⁸ <https://www.iranrights.org/memorial/story/-5622/homayun-borumand-sorkhabi>

⁶⁹ Fatemeh Mesbah was executed along with 80 other individuals according to a communiqué of the Central Islamic Revolutionary Tribunal, published in the newspaper *Kayhan*, September 20, 1981 <https://www.iranrights.org/memorial/story/-4096/fatemeh-mesbah>

⁷⁰ <https://www.iranrights.org/memorial/story/-3252/nilufar-tashayod>.

Revolutionary Courts and the Islamic Revolutionary Guard Corps (IRGC) in 85 cities.⁷⁴ The data has been substantiated by archival analysis of official statements published in three major state-run newspapers: *Jomhuri-e Eslami*, *Ettela'at*, and *Kayhan*. Additionally, field research was conducted in Tehran's largest cemetery, Behesht-e Zahra, to locate the grave locations of over 1000 executed victims.⁷⁵ The findings of this study are further supported by information and list of executions provided by Amnesty International and Iran Tribunal. The Special Rapporteur has also received the following submission from the Abdorrahman Boroumand Center "Between June 20 1981 and March 20 1982, an internal report from Omid database brings up 4391 executions (of which 118 are drug related or sexual offences). So, 4376 are executions of the opposition groups and religious minorities. 175 among them are children".⁷⁶

In his 1987 report, Professor Reynaldo Galindo Pohl, the United Nations Human Rights Commission's Special Representative on Iran noted that around 7,000 executions had taken place in Iran between 1979 and the end of 1985, observing that some sources indicated a much higher figure.⁷⁷ Professor Galindo Pohl acknowledged that the "reported executions reached several thousands per annum in the period 1979-1981."⁷⁸

B. Torture

The Special Rapporteur has been presented with substantial evidence that the Iranian authorities conducted the crimes against humanity of torture against thousands of young men and women, including hundreds of children throughout the 1980s including between the period of June 1981–March 1982 when mass executions peaked. Torture prevailed in prisons and detention centers across the country with a complete denial of the prisoners' fundamental rights. In his 1987 report, Professor Galindo Pohl reported the use of torture and other ill-treatment were widespread, often occurring immediately after arrest and continuing during imprisonment.

The prisoners were regularly subjected to *bastinado* before their interrogation. Torture was inflicted on political prisoners not only for extracting information in the investigation stage, but also to break their spirit throughout their imprisonment period. In a television interview, Assadollah Lajevardi, the prosecutor of Revolutionary Prosecutor of Tehran, had confirmed that flogging and corporal punishment were used as successful methods for encouraging "repentance" and "integrating political prisoners in the Islamic Republics order".⁷⁹ This systematic form of torture was intended to convert prisoners' religious beliefs, political opinions, and worldviews, as well as to force them to engage in religious practices or daily prayers, and or to give public false confessions. The Islamic Revolutionary Court of Tehran in a press release of 1 December 1981 stated that political prisoners were forced by prison authorities to carry out the execution of 30 fellow prisoners in Evin prison.⁸⁰ This document exemplifies the pattern of torture and other cruel, inhumane, and degrading treatment of political prisoners by the Islamic Republic.

Witnesses have noted in their testimonies of prisoner's bodies having burn marks with cigarettes, irons or electricity, individuals having been subjected to mock executions, tortured to death or killed by death squads.⁸¹ One witness in his testimony pointed out that his brother had been tortured before execution; there were 17 gunshots inflicted on his body, whereas one should have been sufficient for the execution.⁸² Other methods of torture included prolonged solitary confinement, kicking, punching, suspension for long periods by the arms or wrists, forced removal of nails, being made to stand or sit without moving for hours or days at a time, being hosed with water, having the heads held under water, being deprived of food and water,

⁷⁴ Rastyad Collective, "Online Database Relating to Victims of the 1981 Massacre," Rastyad Collective, <https://rastyad.com/>; Nasiri & Faghfour Azar (n. 33).

⁷⁵ Nasiri & Faghfour Azar (n. 50).

⁷⁶ The Abdorrahman Boroumand Center (communication dated 1 June 2004).

⁷⁷ Report E/CN.4/1987/23, 28 January 1987, <https://undocs.org/en/E/CN.4/1987/23> (para 44)

⁷⁸ *Ibid.*

⁷⁹ Interview with Assadollah Lajevardi. Excerpt from the documentary "Iran: A big prison." <https://www.youtube.com/watch?v=PuoVHJoAcsk>

⁸⁰ The Islamic Revolutionary Court of Tehran, *Etela'at*, 10 December 1981, 2. <https://rastyad.com/mohabat/>

⁸¹ Written statement and transcript (Witness: 15).

⁸² Summary of oral testimony (witness: 44).

and being kept blindfolded for hours or days at a time so that prisoners became disoriented and blindfolded.⁸³ Survivors have reported that pregnant women were similarly subjected to physical torture.⁸⁴

The families of the victims were also subjected to all forms of psychological torture. Even more painful was the demand for the payment of the bullets as the price for returning the body.⁸⁵

While watching Mazandaran TV in Tehran, a chilling announcement shook me to the core: the regime had carried out executions in Sari, Mazandaran, and to my disbelief, my brother's name was mentioned. Frantically, I attempted to contact my parents, but there was no response. I rushed from Tehran to Babol, a distance of 220 km, and as I approached my home, the sounds of screams and weeping filled the air. Facing the grim reality, I encountered the devastating news: on August 8 1981 my brother's lifeless body, wrapped in a shroud, bore witness to the brutality of the regime. His bloody shirt, hung on the car garage door, served as a stark reminder of the inhumanity inflicted upon him. Upon closer inspection, I counted 17 gunshot wounds on his freshly executed body: two shots on each limb and nine more distributed across his back, chest, and head. Additionally, his back bore burn marks, and evidence of cable flogging wounds further attested to the savagery of his demise.

Testimony from the brother of the victim (Witness: 44)

You would be lashed so much that that your shoe size would increase from 38 to 42 or 43;

Another case of torture was my brother. [Before his summary and arbitrary execution] he was tortured so much that in a short period of time, his kidneys did not function well and all his body was covered with fungus. His teeth had lost all enamel and it was very difficult for him to eat food. The one year that he spent in Komiteh, he was always in solitary confinement

Testimony from a victim and survivor (Witness: 2)

I was arrested in Tehran in 1981 and taken to Evin, where I was being beaten by cables on my back and other parts of my body. Their logic was that they said we will beat you first and then ask questions, and because the feet get swollen after beating, they ask you walk around the interrogation room so they can beat again. Following taking my name and address they realized that I was a sympathizer of the PMOI, and then they started beating me more, and then they put my hands behind my back and hung me from the ceiling, there was a lot of pressure on my shoulders. Because there was nowhere else to go, my legs were swollen and bloody and they couldn't hit me anymore. As I was hanging from the ceiling, I could see the floor of the interrogation room, on the floor of the interrogation room, surrounded by people with bloody, swollen feet, in the middle of the interrogation room was a bed on which the person was placed with his belly and legs up, and two people took turns beating him with the cable. It was during this time that the door to the interrogation room opened, because I saw from above that a young woman was brought in and they started beating her, and I remember exactly that she was wearing a blue shirt and jeans. They beat her from 4 p.m. until the next morning. I was under a lot of pressure, and I kept getting unconscious and coming back. The following day, some guys came to the room told the guards what good

⁸³ Nasiri & Faghfour Azar (n. 50). Amnesty International, Iran: Imprisonment, torture and execution of political opponents (Index: MDE 13/001/92), p. 6. 76 Amnesty International, Annual report 1982 (Index: POL 10/0004/1982), p. 325; Amnesty International, Annual report 1983 (Index: POL 10/0001/1983), pp. 305-306; Amnesty International, Annual Report 1984 (Index: POL 10/0004/1984), p. 334; Amnesty International, Annual report 1985 (Index: POL 10/002/1985), p. 311; Annual report 1986 (Index: POL 10/0003/1986), pp. 328-329; and Amnesty International, Annual report 1987 (Index: POL 10/0002/1987), pp. 342-343; Amnesty International, Iran: File on torture (Newsletter, 31 March 1985), www.iranrights.org/library/document/105/iran-file-on-torture-1985.

⁸⁴ Nasiri & Faghfour Azar (n. 50).

⁸⁵ After Mr. Berukhim's execution, several of his friends went to Evin Prison to take delivery of his body but prison officials refused to turn his body over, insisting that "the Jewish infidel" was to be buried in a mass grave alongside the other people who had been executed that day. After some negotiations with the officials, they agreed to release Mr. Berukhim's body provided a considerable amount of money was paid to them covering the cost of the bullets spent in his execution. According to Mr. Berukhim's friend, "Ebi's body was still warm at the Jewish cemetery morgue. They had desecrated his body with markers, and signs of torture with steel cables were visible at the bottom of his feet". <https://www.iranrights.org/memorial/story/-5106/ebrahim-berukhim-berookhim>.

is it to us now that she's dead? She died without screaming. On the bed they tied me to the sides of the bed with wires, and every time they hit me, I instinctively pulled my hand back, which destroyed my wrist. The flesh, skin, and bones were exposed. They kept me like this for eight months, and different people would come into the room to interrogate and torture me.

Written statement and testimony of a victim and survivor (Witness: 3)

I was taken to Evin, where I was tortured. They were beating me in prison to find out which group I belonged to and what I did for them. Everyone was being beaten because they used to arrest people randomly and did not have information on them. They were beating us so that we would confess. Sometimes detainees would confess to things they had not done, just to escape being tortured. For several days we were held in the hallways outside the prison cells and torture rooms so we could hear people being tortured. I was in the hallway for five days. I think that my interrogation and torture lasted altogether seven hours. The torture was beating and flogging the soles of my feet, which was customary at that time. They also flogged my back. There was another torture that they used at the time: qapani. It often caused problems with the shoulder; it would dislocate it. They did not hang me by my shoulder, but they did so to others. My fingers were numb at first, but after a few weeks it went away. However, I still have pain and discomfort in my shoulder.

Written statement and testimony of a victim and survivor (Witness: 4)

My sister, while participating in a meeting with her university friends, was arrested by the Sepah Pasdaran in Mashhad in October 1981. My cousin was arrested during the day and transferred to prison. She also suffered torture upon her arrest. My mother said: "A few days after XX's arrest, they informed us that XX will appear before the Sharia "judge", Razini, the next day. I went to the "Revolutionary Court" hoping to see her. I saw her from afar. She entered a room and came out 3 minutes later. Once we had visiting rights, I asked her what happened in that room. She said that upon entering that room, she saw Razini placing his bare feet on the table in front of him. She asked him if he was a judge. Razini, staring at her, had said: Execution, take her out". Regarding the torture, my mother said that two prison guards helped her come to the visiting room because she could not walk. My sister told to my uncle in the visiting room that she didn't even scream during the torture and held her head high.

Written statement and testimony of a victim who lost her sister and cousin (Witness: 5)

In Evin Prison, in 1981 and 1982, many prisoners were in very bad, critically bad, health—including one of my friends who was in critical condition in the prison infirmary. A common problem for prisoners was kidney malfunction, and they needed dialysis. Some prisoners could not walk because of the torture; they could not move because they had been beaten on the soles of their feet. In 1982, a lot of people were severely tortured and pressured to confess in televised interviews. People who were tortured were told they had two options: either give a televised interview and stop being tortured, or the torture would continue. The intensity and severity of the torture inflicted upon prisoners were unthinkable. The offer to give a televised interview did not mean that they would be released or that their prison sentence would be reduced. It only meant that the torture would stop, and they would be executed sooner and would not have to bear more torture. The pressure of torture was such that the prisoner would rather be executed than be continually tortured. I know a lot of people who made a televised confession and were executed afterward. Some of these people were xx, xx, xx, xx, xx etc. . . They all made televised confessions and were executed afterward.

Written statement and testimony (Witness: 32)

C. Enforced Disappearances and denial of the right to truth

It has been reported that the Iranian authorities have – in many cases – refused to clarify the fate of those in their custody and hand over the remains and personal belongings of victims to their families. For example, on 7 July 1981, the Islamic Revolutionary Court of Tehran confirmed the execution of 6 members of two leftist groups Paykar and the Democratic Party of Iranian Kurdistan on charges of *iritdad*, *moharebeh*, and *efsad e fel arz*. In this press release, the Court stated that the remains of these dissidents

were not buried in official cemeteries, as “the Islamic law proscribes the burial of *murtads* in accordance with Islamic procedures”.⁸⁶ It is still unclear where the remains of these victims and hundreds of others religious and political dissidents were buried.

According to survivors’ accounts, many of their fellow-prisoners were executed or killed under torture in absolute secrecy. As a result, the fate of these victims has – for months or years – remained unknown to their families. In many cases, the Iranian authorities refused to provide information concerning the whereabouts, detention and execution of political and religious opponents, leaving their anguished families in distress, uncertain whether their loved ones were dead or alive. For example, Amnesty International reported in March 1982 that the minister of foreign affairs of the Islamic Republic, Mir Hossein Moussavi, had refused to respond to requests concerning possible execution of Shokrollah Paknejad, one of the leaders of the National Democratic Front.⁸⁷ Such concealment of fate or whereabouts by the authorities amounts to the crime under international law of enforced disappearance. As the UN Working Group on Enforced or Involuntary Disappearances has explained, the commission of an extrajudicial execution in detention also falls within the definition of enforced disappearance if it is followed by the refusal of state officials to disclose the fate or whereabouts of the victim or a refusal to acknowledge that the act has been perpetrated at all.⁸⁸

Since the early 1980s, the Iranian government has, systematically, demolished individual and mass graves across the country believed to contain the remains of the executed dissidents. The authorities continue to conceal or erase data that could serve as potential evidence to avoid legal accountability. It has been reported that two large burial sites in the *Behesht-e Zahra* cemetery were systematically destroyed by the authorities in the last few decades.⁸⁹ These sections (known as sections 41 and 93) contain the remains of hundreds of political dissidents executed between 1980 to 1988. Section 41 is a site of approximately 1.3 hectares containing desecrated gravestones of dissidents executed between 1980 and August 1981. This section has an estimated capacity of 5,000-7,000 graves. Section 93 contains the remains of individuals executed between 1983 to 1988. Eighty per cent of the total area of this burial site has been destroyed. The destroyed part of the section has an area of approximately 1.6 hectares with an estimated capacity of 5,000-7,000 graves. The identity of most individuals buried in these sections is unknown. In the previous decades, the authorities did not allow the families of victims to mourn in these burial sites.⁹⁰

D. Genocide

The Special Rapporteur has received reports that mass executions were carried out to deliberately destroy the perceived “anti-Islam” groups within the Iranian society. In order to provide substantive evidence of the *mens rea*, a significant number of statements and *fatwas* issued by the Supreme Leader Ayatollah Khomeini; Attorney General of Islamic Revolutionary Courts, Hossein Moussavi Tabrizi; Mohammad Mohammadi Gilani and Ayatollah Khamenei, as well as press releases issued by Islamic Revolutionary Courts across the country have been presented. Death sentences had, in most cases, a religious motivation and were intended to exterminate the perceived “anti-Islam” groups, classified as *monafeqin* (used in reference to members and sympathizers of PMOI, *kafir* and *murtad* (used in reference to members and sympathizers of Marxist, Communist and other secular leftist organizations and groups with non-theistic worldviews).⁹¹ The pronouncements and decisions of the Revolutionary Courts confirm that death

⁸⁶ The Islamic Revolutionary Court of Tehran, *Jomhuri-e Eslami*, 7 July 1981, 3.
<https://rastyad.com/parvande/?smid=7339>

⁸⁷ Amnesty International, “Iran: Execution Toll Now Over 4000,” *Amnesty International Newsletter* 8, no. 3 (1982): 1.

⁸⁸ Working Group on Enforced or Involuntary Disappearances, General comment on the definition of enforced disappearance, March 2007, UN Doc. A/HRC/7/2,
www.ohchr.org/EN/Issues/Disappearances/Pages/GeneralComments.aspx, para. 10.

⁸⁹ See Rastyad Collective, “The 1981 Massacre in Iran: Appendix,” appendix VI.
<https://rastyad.com/en/appendix/>

⁹⁰ See Rastyad Collective, “Online Database Relating to Victims of the 1981 Massacre,” <https://rastyad.com/maps/>.

⁹¹ Ruhollah Khomeini, *Ṣaḥīfah-ye Imām: An Anthology of Imam Khomeini’s Speeches, Messages, Interviews, Decrees, Religious Permissions and Letters* (vol. 14), (n. 34); Hossein Moussavi Tabrizi, “Those Prosecutors Who do not Act Decisively Against Mufsidis will be Punished [translated title]” *Jomhuri-e Eslami* 20 September 1981, 11; Mohammad Mohammadi Gilani “Who is Mohareb under

sentences for these “anti-Islam” groups were issued regardless of the age, gender, and the nature of political activism of individual victims.⁹²

The religious nature of allegations against dissidents at the time of the massacre and the establishment of *ad hoc* religious tribunals (Islamic Revolutionary Courts) across the country in a systematic manner, are arguments directing towards Islamic regime’s special intent to destroy its perceived anti-Islam groups, PMOI, Marxists, communists, and other political groups with non-theistic worldviews. Perpetrators defined these groups and their religious identities based on theological doctrines and in view of their attitude towards religion. The classification of members and underage sympathizers of these groups in terms of “anti-Islam” groups and their destruction based on extra-legal allegations of “waging war against Allah and Islam” demonstrates the genocidal intent of perpetrators. The genocidal aspect of the 1981 massacres is arguably also evidenced by forced conversions of prisoners, who were classified as *kafer*, *murtad* or *munafiq*.

The Special Rapporteur has received submissions that members of the Bahá’í faith were also tortured to force conversions and for the Bahá’ís this resulted in executions.⁹³ These conversions were enforced through cruel treatment of prisoners and systematic forms of torture.

Through these practices, perpetrators clearly targeted religious identities of victims and caused serious bodily and mental harm to members of the groups based on their religious identity.⁹⁴

V. The 1988 Massacre and “Atrocity Crimes”

A. Background and overview

In the aftermath of the government’s crackdown in 1981 and in subsequent years, tens of thousands of opponents of the Islamic Republic of Iran were arbitrarily imprisoned and tortured and thousands were subjected to arbitrary, summary and extra-judicial executions.

The 1988 Massacre in the Islamic Republic of Iran refers to the “systematic” and “widespread” attack on a civilian population resulting in mass murder, summary, arbitrary and extra-judicial executions as well as enforced disappearances of thousands of political prisoners between July–September 1988. Three and a half decades onwards – over 35 years – the enforced disappearances are continuing. An overwhelming majority of the executed prisoners were members and sympathisers of the People’s Mojahedin Organisation of Iran (PMOI), also known as the Mujahedin-e Khalq (MEK), although hundreds of individuals belonging to leftist political groups and organisations were also forcibly disappeared and executed.

Political prisoners who were executed and those who survived the massacre suffered from severe forms of physical and mental torture and other cruel, inhuman and degrading treatment. The executions took place on the basis of the prisoners’ political affiliations to opposition groups. Additionally, they were also executed because they were perceived by their executioners either as hypocrites (*monafeqin*), practicing a heretical religious belief (in the case of members and sympathisers of the Mujahedin-e Khalq)⁹⁵ or as apostates from Islam (*Murtad*) (in the case of members and sympathisers of leftist political groups).⁹⁶ The victims were buried in secret and unmarked individual and mass graves across Iran, and the perpetrators have thus far evaded accountability and justice.⁹⁷ Moreover the families of the victims continue to be denied the right to know the truth; they are not able to obtain a closure as the authorities refuse to clarify the fate of the victims and disclose the whereabouts of their remains, which means that the victims of the 1988 massacre remain forcibly disappeared.⁹⁸

the Islamic Law” [translated title], *Jomhuri-e Eslami* 14 October 1981, 7; Ali Khamenei, “Friday Prayer speech” 26 June 1981 ۱۳۶۰ تیر ۵ - خطبه نماز جمعه خامنه‌ای - (youtube.com)(last accessed 15 June 2024).

⁹² For the press releases of the revolutionary courts in 1981 and 1982 see, Rastyad Collective, “Online Database Relating to Victims of the 1981 Massacre,” <https://rastyad.com/iran/>.

⁹³ Various submissions received; <https://www.ourstoryisone.bic.org>

⁹⁴ Interview with Moussavi Tabrizi, (n. 91); Mohammadi Gilani (n 91).

⁹⁵ JVMI Report at p. 42.

⁹⁶ See Robertson Report.

⁹⁷ Testimony (Witness: 59); Amnesty International Report.

⁹⁸ Ibid.

The 1988 massacre reportedly initiated following a *fatwa* (religious decree) by Iran's then-Supreme Leader Ayatollah Ruhollah Musavi Khomeini, although witnesses in their testimonies and many survivors of the massacre have informed the Special Rapporteur that the plan of execution of prisoners were afoot several months in advance of the massacre. The survivors and families of the victims have testified that towards the end of July 1988, prisons across Iran were placed in a lockdown and all communication was cut off and prison environment became abnormal.⁹⁹ Televisions were taken away and newspapers were abruptly stopped.^{100 101}

To convey the narrative of what transpired and to briefly address the 1988 massacre through the lens of my personal experiences, it is necessary to go back to October 1987, as it was then that Ghezelhesar Prison was emptied of political prisoners, who were all transferred to Gohardasht Prison. In my view, this marked the beginning of the massacre. Upon our arrival at Gohardasht prison, it was evident that the situation had drastically changed, signaling a shift in the regime's policy. Restrictions intensified daily, with diminished food quality and quantity, a ban on group exercise, and a denial of medical treatment, among other measures. Periodically, we were summoned from our ward for interrogation, or forms were distributed, seemingly to extract information. A new phase commenced in early April 1988. The authorities began segregating religious and non-religious prisoners within certain wards, and some were transferred between Gohardasht and Evin prisons.

Testimony and written statement of one prisoner (Witness: 16)

While the 1988 massacre of prisoners took place immediately after the ceasefire in the eight-year Iran-Iraq war and an armed incursion by the *Mujahedin-e Khalq* (MEK) from its base in Iraq in July 1988, as confirmed by the available evidence including the statements by the United Nations experts, human rights organisations and witness testimonies, the vast majority of victims had already been imprisoned years earlier and were not involved in the armed conflict.

Most of the alleged victims were said to be members or supporters of the People's Mojahedin Organization of Iran, but members of other opposition groups, such as the Tudeh Party, the People's Fedaiyan Organization, Rahe Kargar and the Komala Organization in Iranian Kurdistan, as well as at least 11 mollahs, were also said to be among the alleged victims. Many of the people said to have been executed had been serving prison terms for several years, while others were former prisoners who were rearrested and then executed. It would therefore seem unlikely that these persons could have taken part in violent activities against the Government, such as participation in the NLA incursion into the western part of the Islamic Republic of Iran in July 1988. Among those said to have been executed were several women and, in some cases, several members of the same family. It was alleged that many of those who had been serving prison sentences had had their sentences changed to the death penalty, in contravention of article 14, paragraph 7, of the International Covenant on Civil and Political Rights to which the Islamic Republic of Iran is a party.

The Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, Reynaldo Galindo Pohl Report E/CN.4/1989/26, 26 January 1989, (para 17).

Some of the prisoners were arbitrarily held without ever having been tried or sentenced; some were serving unjust prison terms ranging from life to as little as two or three years; some had completed their sentences and were due to be released, or had been told that they would remain in prison because they were not deemed "sufficiently repentant" . . . Some were kept incarcerated for years although they had been sentenced to prison terms of only several months. . . Others were former prisoners who had been released several years earlier and then re-arrested in the weeks leading up to July 1988 and shortly after the PMOI's armed incursion on 25 July 1988. Many were forcibly disappeared immediately after arrest and the authorities refused to provide any information on their fate and whereabouts.

⁹⁹ Written statement and testimony (Witness: 13); Written statement and testimony (Witness: 22).

¹⁰⁰ Written statement and testimony (Witness: 11).

¹⁰¹ Testimony and written statement (Witness: 4).

In late July 1988, the Islamic Republic of Iran began summarily interrogating, torturing and executing thousands of political prisoners throughout the country. The massacre continued into the fall. Well planned and deliberately accomplished in secret, the massacre effectively eliminated any remaining political opposition to then-Supreme Leader Ayatollah Khomeini's regime. Although the exact number of victims is not known, thousands of prisoners were tortured and executed over the course of only a few months.

The victims included prisoners who had served their sentences but had refused to recant their political beliefs, prisoners who were serving sentences of imprisonment, people who had been detained for lengthy periods but had not been convicted, and former prisoners who were rearrested. Many had been arrested when they were teenagers for commission of low-level offenses such as distribution of pamphlets.

Deadly Fatwa: Iran's 1988 Prison Massacre - Iran Human Rights Documentation Center (iranhrdc.org)

The Special Rapporteur has received submissions from families of those executed and testimonies from survivors that the decision to carry out the massacre of all steadfast prisoners had been made months earlier and specific measures were taken by the authorities to set the stage for the mass killings.¹⁰³ These submissions point to a pattern of threats, interrogations, classification procedures, and prisoner transfers between various prisons, and suggest a premeditated plan leading up to the mass killings.¹⁰⁴ The classification procedure in Evin prison is also reported to have taken the form of questions about “the Islamic Republic” and “Islam” during February 1988.

The evidence suggests that the killings were part of a predetermined plan, and the narrative surrounding the Forough Javadan operation [the name used by the Mujahedin-e Khalq for their operation] was merely an attempt to justify the tragedy of the prisoners' executions. Contrary to the Islamic Republic's efforts to attribute the mass killings to a Mujahedin operation, it was, in fact, orchestrated by the Islamic Republic itself.

Testimony and written statement of one victim and survivor (Witness: 6(a))

The Mersad or Forough Javidan operation provided the regime with the excuse to implement a plan that it had prepared before this operation and not because of it.

Testimony and written statement (Witness: 21).

Although the executions of political prisoners began in July 1988 pursuant to the fatwa, there is ample evidence that the regime planned and prepared for the massacre well before the fatwa was issued. Preparations were begun in late 1987, after the hardliners had regained control of the prison system following a period of relative leniency that had begun in 1984.

The 1988 massacre remains a shocking tale of brutality. Survivors and analysts have put forward several explanations for the fatwa and executions, all based on overlapping political and practical considerations. However, while those events may have provided the trigger for the fatwa, there is abundant evidence that the massacre of political prisoners was planned and prepared long before Iran agreed to the cease-fire or the subsequent NLA invasion. The executions began only days after the fatwa was issued. The regime had long abandoned Ayatollah Montazeri's theory that the problem of overcrowded prisons could be eliminated through release of rehabilitated prisoners.

¹⁰² Testimony and written statement (Witness: 18). According to Witness 23: “There was another prisoner, . . . who was charged with supporting the MKO, but since he did not have enough money to pay the bail, he was kept in prison for seven years and ended up being executed in 1988”.

¹⁰³ Testimony and written statement (Witness: 12); Testimony and written statement (Witness: 6(a)); Testimony and written statement (Witness: 21); Testimony and written statement (Witness: 80).

¹⁰⁴ Testimony and written statement (Witness: 21); Testimony and written statement (Witness: 12).

Iran's former Deputy Supreme Leader Ayatollah Hossein-Ali Montazeri is on record as saying that Khomeini's son, Ahmad Khomeini, who was the Supreme Leader's top personal assistant, had as early as three to four years prior to the 1988 massacre stated that all PMOI affiliates, including anyone caught reading their newspaper, should be executed.¹⁰⁵

Notwithstanding the prevalent environment, it appears that the cataclysmic events of July 1988 proved to be the immediate trigger for Khomeini's *fatwa* to kill all Mojahedin prisoners. The shooting down of Iran-Air flight 655 passenger plane by USS Vincennes on 3 July 1988 killing all 290 passengers and crew,¹⁰⁶ the acceptance of a cease-fire agreement to end the Iran-Iraq war and the reluctance of Khomeini to accept this agreement— a decision, which – during his broadcast of 20 July 1988 – he likened to “drinking a chalice of poison”,¹⁰⁷ the Iraqi leader Saddam Hussein's opportunism and the Mojahedin launch of their “Eternal Light” invasion inside the Iranian territory on 25 July 1988¹⁰⁸ were events which must have weighed heavily on Khomeini, already debilitating and dying because of an incurable cancer. The undated *fatwa* that was not made public – reportedly based on circumstantial evidence¹⁰⁹ – issued on 28 July 1988¹¹⁰ by Khomeini mandated the extermination of all steadfast political prisoners.

The “Death Commissions,” initiated by Khomeini's *fatwa*, played a pivotal role and triggered the extrajudicial killings of political prisoners. These Commissions in prisons across Iran were responsible for the enforced disappearance and extra-judicial execution of thousands of political dissidents.¹¹¹

Khomeini's *fatwa*

Ayatollah Khomeini's *fatwa* stated that all those imprisoned opponents who “remain steadfast in their position of *nefaq* in prisons throughout the country are considered to be *mohareb* [waging war against God] and are condemned to execution.”¹¹² As noted previously, these imprisoned prisoners included those who had already been tried and were serving their prison terms. Reportedly, none were on death row. The text of the *fatwa* was later published in the memoirs of Ayatollah Hossein-Ali Montazeri, who in 1988 was the Deputy Supreme Leader and Khomeini's heir-apparent. While Khomeini's *fatwa* called for the execution of all political prisoners affiliated to the PMOI, who remained steadfast in their beliefs, there have been reports that another decree was issued regarding the execution of members of leftist political groups, although no such decree has ever been published.

Text of Khomeini's fatwa:

¹⁰⁵ Audio transcript of Iran officials' remarks about 1988 massacre - Iran 1988 Massacre (last accessed 25 June 2024).

¹⁰⁶ John Barry “Sea of Lies” *Newsweek* (13 July 1992); Michael R Gordon “U.S Account of Downing of Iran Jet Criticized” *The New York Times* (2 July 1992).

¹⁰⁷ The New York Times, 5 October 2006, Quote from Khomeini,

<https://www.nytimes.com/2006/10/05/world/middleeast/an-old-letter-casts-doubts-on-irans-goal-for-uranium.html>

¹⁰⁸ Robertson Report at pp. 40-41.

¹⁰⁹ Deadly Fatwa: Iran's 1988 Prison Massacre - Iran Human Rights Documentation Center (iranhrdc.org);

Submission from JvMI which provides a link to the US State Department information brief “The Iranian Judiciary and Human Rights” according to which “July 19 marks the anniversary of the start of Iran's so-called ‘Death Commissions’ . . . Submission from JvMI;

<https://x.com/statedeptspox/status/1284216751941652484> .

¹¹⁰ Amnesty International Report (at p. 97), placing reliance on Montazeri's memoirs, note that “The *fatwa* is undated, but the sequence of events described in Montazeri's memoirs including his statement that the *fatwa* was issued on a Thursday indicates that it was issued on 28 July 1988”. Also see the Judgement in Hamid Nouri conviction at p. 10.

¹¹¹ Treasury Designates Supreme Leader of Iran's Inner Circle Responsible for Advancing Regime's Domestic and Foreign Oppression | U.S. Department of the Treasury November 4, 2019 (last accessed 25 June, 2024)

¹¹² Khomeini's 1988 *fatwa* and English translation can be found in various sources. This report relies upon the English translation as provided in the Amnesty International Report. Other sources include : Khomeini's *fatwa* ordering the 1988 massacre in Iran's prisons - Iran 1988 Massacre (last accessed 25 June 2024).

In the name of God, the Compassionate, the Merciful.

Since the treacherous monafeqin do not believe in Islam and whatever they say stems from their deception and hypocrisy, and since, as per the admissions of their leaders, they have deserted Islam, and since they wage war against God and are engaging in classical warfare on the western, northern, and southern fronts with the collaboration of the Baathist Party of Iraq, and also they are spying for Saddam [Hossein, Iraq's former president] against our Muslim nation, and since they are tied to the World Arrogance [US and Western powers] and have inflicted foul blows on the Islamic Republic since its inception, it follows that those who remain steadfast in their position of nafaq in prisons throughout the country are considered to be mohareb [waging war against God] and are condemned to execution. In Tehran, this determination shall be made based on a majority opinion by gentlemen, Hojjatoleslam [honorific used for certain clerics] Nayyeri, Mr Eshraghi and a representative of the Ministry of Intelligence, even though a unanimous decision is more cautious. In the prisons of provincial capitals in the country, the views of a majority of [a trio consisting of] the Shari'a judge, the revolutionary prosecutor general or assistant prosecutor, and the ministry of intelligence representative must be obeyed. It is naive to show mercy to moharebs. The decisiveness of Islam before the enemies of God is among the unquestionable tenets of the Islamic system. I hope that you satisfy Almighty God with your revolutionary rage and rancor against the enemies of Islam. The gentlemen who are responsible for making the decisions must not hesitate, nor show any doubt or concerns and they must endeavor to be the 'harshest on non-believers'. To hesitate in the judicial process of revolutionary Islam is to ignore the pure and holy blood of the martyrs.¹¹³

According to this *fatwa*, the reason for its issuance was primarily that members of this group (termed as “*monafeqin*”) did not believe in Islam but claimed to be Muslims. Therefore, they were also considered as hypocrites and apostates who thus had waged “war against God”. Additionally, the *fatwa* refers to the armed incursion of the Mujahedin-e Khlaq even though thousands of prisoners held in Iran’s high-security prisons could not have been possibly involved in the armed incursion. Testimonies from survivors at the prison and leaked official records all confirm that prisoners who were taken before “Death Commissions” between July and September 1988 were not asked about accusations of secret collusion with the PMOI.

Further clarifications were sought from Khomeini about his *fatwa*: in his memoirs, Hossein Ali Montazeri published a copy of a letter written by Khomeini’s son, Ahmad Khomeini, to his father seeking clarification on behalf of the Head of Iran’s Supreme Court and a member of Iran’s Supreme Judicial Council, Abdulkarim Mousavi Ardebili. The questions raised were whether these execution orders only applied to prisoners who had been previously tried and sentenced to death but while on death row had not changed their positions, or whether the death sentence was to be applied to all those who had not yet been tried as well as those who had been sentenced to imprisonment, had served their sentence but still remained “steadfast” in their support for the PMOI. The questions also sought clarification as to whether provincial authorities could exercise their independent judgment or were required to refer cases of prisoners to the judicial organ in the capital of the province.¹¹⁴

Khomeini’s unequivocal response to all of the above issues was as follows:

In all the above cases, if anyone at any stage maintains his position on nafaq [a pejorative reference to the PMOI], the sentence is execution; annihilate the enemies of Islam immediately; regarding the [process] of dealing with cases, [adopt] whichever way that ensures the order is implemented more quickly.¹¹⁵

¹¹³ The scanned copy of the original handwritten *fatwa*, which was first published in Hossein Ali Montazeri’s memoirs, is available at www.archive.is/7s8C (last accessed 25 June 2024); Khomeini’s 1988 *fatwa* and English translation can be found in various sources. As noted, this report relies upon the English translation as provided in Amnesty International report. Other sources include : <https://iran1988.org/khomeini-decrees-execution-of-steadfast-monafeqin-mojahedin-in-prisons/> (last accessed 25 June 2024).

¹¹⁴ Amnesty International Report at pp. 98-99.

¹¹⁵ The full text of the note is published in Hossein Ali Montazeri, *Memoirs*, p. 352. It is also available on the website of Hossein Ali Montazeri at www.amontazeri.com/book/khaterat/volume-1/625. The scanned copy of the handwritten note, which was first published in Montazeri’s memoirs, is available at www.archive.is/9sCk.

The “Death Commissions”

In issuing his *fatwa*, Khomeini ordered the execution of all “steadfast” *Mojahedin* prisoners in which he also decreed the formation of three-member commissions nationwide, each commission including a religious judge, prosecutor (or deputy prosecutor) and representative from the Ministry of Intelligence.¹¹⁶

The Special Rapporteur has received reports that three-member commissions known among prisoners as “Death Commissions”, were formed across Iran to order the execution of political prisoners who refused to abandon their beliefs. The “Death Commissions” were not lawfully constituted courts of law, nor were they operating within the scope of established criminal laws. These “Death Commissions” were not constituted to establish the guilt or innocence of the defendants regarding the “crimes” for which they were “charged”. The accused had not been informed that they were being tried for any specific crime; nor were they allowed to provide any legal defence or justification. There was no right of appeal against the decision of the “Death Commissions”. In essence, the proceedings were so extremely summary and arbitrary that these could not constitute judicial proceedings.¹¹⁷ These summary and arbitrary proceedings blatantly violated the provisions of the ICCPR, in particular those provisions relating to the right to life.¹¹⁸ There were substantial violations and breaches of the right to due process and the right to fair trial as contained in Article 14 of the Covenant.

The procedures established by the “Death Commissions” were arbitrary and crude. According to survivors, prison authorities summoned individual detainees one by one and posed a series of questions. For those who identified themselves as *Mojahedin*, the foremost of these questions was whether or not they were willing to denounce the PMOI. Those who affirmed their association with the *Mojahedin* and were not willing to denounce the PMOI were sentenced to death.¹¹⁹ In instances where detainees refrained from openly expressing allegiance to the PMOI, they were subjected to further scrutiny. They were typically required to meet additional criteria, such as agreeing to make a coerced “confession” in writing or on television, wherein they would denounce the PMOI.

In many cases, the prisoners were tested to see whether they were ready to degrade their humanity and inflict harm on themselves and others. According to Amnesty International,¹²⁰ the questions included:

- *Are you willing to walk through an active minefield to assist the army of the Islamic Republic?*
- *Are you willing to join the armed forces of the Islamic Republic and fight against the PMOI?*¹²¹
- *Are you willing to provide information on former comrades, identify fake “repenters” (tavvab) and “co-operate” with intelligence officials?*
- *Are you willing to participate in firing squads?*
- *Are you willing to hang a monafeq (a pejorative epithet for members and supporters of the PMOI)?*

Prisoners were not informed of the reasons for these questions, nor were they made aware that their answers would literally result in life or death. There are also reports of confusion and misunderstanding amongst prisoners about the purpose of the “Death Commissions” as some perceived these to be “Pardoning Committees”. Many prisoners were executed because they responded with a “wrong” answer.¹²² When the prisoners did not give the responses required by those on the commissions, they were dispatched for execution; on many occasions even desperate efforts by prisoners could not save them from executions.

Twenty-two to twenty-five days later, in mid- or late-August, one of the 45 prisoners, XX was returned to Adelabad Prison. That year XX had been my cellmate. For five days after he returned, he would not talk to anyone. Another cellmate and I insisted on getting him to talk, and he only said, “They hanged all the kids [fellow prisoners, people the speaker feels close to].” He had been warned not to talk about what he had seen. But it was obvious that they had sent one person back on purpose to see what would be the reaction of the inmates upon hearing the news. . . He had been taken into a basement where people were questioned and executed. In his two-minute trial he had been asked, “Do you believe in the Islamic

¹¹⁶ Robertson Report at p.125.

¹¹⁷ Testimony and written statement (Witness: 57).

¹¹⁸ Article 6, ICCPR.

¹¹⁹ JVMI Report, at p. 91.

¹²⁰ Amnesty International Report at p. 85; JVMI Report, at p. 91.

¹²¹ Testimony and written statement (Witness: 29).

¹²² Testimony and written statement (Witness: 11).

Republic?” He had given an affirmative response. Then he was asked, “Do you believe in the MKO?” He had said no. And then they had asked him, “If we tell you that right now some MKO member has come to Iran from Iraq and we want to execute him, would you be willing to hang him?” XX had said he would do so. Then the guards gave him a cord while he had his blindfold on. XX had started to cry and said, “I cannot kill anyone.” He was then transferred to Adelabad. Two weeks later XX was taken away with another group and was executed.

Testimony and written statement (Witness: 23)

Several weeks after the start of the massacre of PMOI affiliates, in a second wave of executions, reportedly commencing in or around 26 August 1988,¹²³ the authorities targeted adherents of leftist groups, including the Fadaiyan Khalq Tudeh Party, the Democratic Party of Iranian Kurdistan, Peykar, Rah-e Kargar, and Komala, and other “innate” apostates.¹²⁴ One of the main questions posed to this group of prisoners was whether they prayed or not. However, it is reported that during the second wave questions targeted the prisoners’ religion and religious backgrounds.¹²⁵ As far as the leftist prisoners were concerned, their interrogations were in the form of a religious inquisition since the questions focused primarily on their personal attitudes towards Islam. Amongst the questions asked from these prisoners were the following:

- *Are you a Muslim?*
- *Do you pray?*
- *Do you read the Qur’an?*
- *Did your father pray and read the Qur’an?*

There is thus evidence that in this second wave, individuals were executed or tortured based on judgements regarding the prisoners’ attitudes towards Islam and religious beliefs including targeting Marxist groups on the charge of apostasy.¹²⁶ The political beliefs were relevant to the extent that the political alignments and affiliations placed these prisoners under the suspicion of atheism or atheistic values. Male prisoners who refused to renounce their beliefs or were adjudged as “innate” apostates were executed.¹²⁷ Therefore, male prisoners who did come from religious Muslim families were executed. Female prisoners were flogged five times each day, attempting to convert them to Islam.¹²⁸ While reportedly not many women were executed during this wave, some died because of persistent torture and a number of them committed suicides.¹²⁹

Laws of war and the execution political prisoners in 1988

The Iranian Chief Justice was reported as declaring on 5 August 1988 that “Judiciary is under very strong pressure from public opinion asking why we even put them (members of the People’s Mojahadin Organisation) on trial, why some of them are jailed, and why all are not executed. . . the people say they should all be executed without exception”. The Chief Justice reportedly added that more members of that organisation should be executed, and that they should not benefit from any amnesty. “It was lucky that many of those who fought with the National Liberation Army were killed, this saved having to prepare files

¹²³ Robertson Report, at p. 61.

¹²⁴ Not all the leftists were deemed “innate” apostates. See the definition of Shari’a judge and head of supreme court, Ayatollah Gilani: There are two kinds of apostates, voluntary [parental] and “innate”. “Innate” apostate is one whose birth is into Islam, meaning, his parents, or one of the parents at the time of his birth, were Muslims. Voluntary (parental) apostate is someone whose birth is otherwise (who is born to a non Muslim family). The sentence for the “innate” apostate is death and his repentance will not be accepted. His wife will be forbidden to him; she must observe a window’s period of waiting and his belongings will be distributed between his inheritors, even if he is alive. But the voluntary apostate and a female apostate, “innate” or voluntary, are not sentenced to death only for apostasy and their repentance will be accepted. <https://www.iranrights.org/library/document/232/who-is-an-apostate-and-what-is-his-sentence-in-islam>.

¹²⁵ JVMI Report, at p. 21; Testimony and written statement (Witness: 21).

¹²⁶ Testimony and written statement (Witness: 11).

¹²⁷ Robertson Report, at p. 92.

¹²⁸ Testimony and written statement (Witness:4).

¹²⁹ Iran Tribunal: International People’s Tribunal (Finding of the Truth Commission) at p. 46.

to have them executed” (published in *Etelaat* of 6 August 1988). It was further reported that the Government had told revolutionary courts to be more severe against “armed and atheist” groups”.

The Special Representative of the Commission on Human Rights on the situation of human rights in his interim report in accordance with the Commission on Human Rights Resolution 1988/69 (10 March 1988), para 49.

Khomeini’s *fatwa* as well as the statements made by senior Iranian governmental and judicial officials, including the Iranian Chief Justice appear to impute the armed incursion of the “National Liberation Army” to the *Mojahedin* prisoners who had already been in captivity at the time of the operation – an operation termed as *Forough-e Javidan* or *Eternal light* by the PMOI and as counteroperation termed as *Mersad* by the Islamic Republic of Iran. This argument conflates the actions of the “National Liberation Army” to the incarcerated political prisoners, relating directly the issue of the mass execution of political prisoners belonging to the PMOI to that of the armed incursion. The Iranian authorities have stressed that the political prisoners were somehow in league with the invading *Mojahedin* forces – supported by Saddam Hussein’s army. Khomeini’s *fatwa* attempts to link all “steadfast” *Mojahedin* captives as enemies who have aligned themselves with Iraq and therefore, they had to be condemned to death for their role in “Eternal light” operation.¹³⁰

In the application of international humanitarian law, it also important to recognise the fact that many of these political prisoners had been detained for several years, sentenced for minor acts of ideological or political support for the PMOI activities, others had served or completed their sentences but had been detained because they had not “repented”; On this basis, the Special Rapporteur takes the view that these political prisoners did not satisfy the definition of Article 4 of the Convention (III) Relative to the Treatment of Prisoners of War.¹³¹

If, as the fatwa assumed, the Mojahedin were prisoners of war, then killing them was the gravest of breaches of Geneva Convention III and thus a war crime that all state parties to that Convention would have a duty to prosecute by tracking down suspected perpetrators and putting them on trial. This duty applies to “grave breaches” committed in an international armed conflict (which the Iran-Iraq War most certainly was), and which had not ended at the time of the massacre: the ceasefire did not come into effect until 20 August 1988. The problem with this analysis is that the Mojahedin victims were not, under this or any other definition, “prisoners of war.” They were prisoners during a war, certainly, but they had been arrested (a few before the war even started) for minor acts of complicity with an underground movement opposed to the Islamic Republic but not at that stage in league with Iraq. Most of them had been arrested in or after June 1981 for demonstrating or distributing newspapers or merely for being ‘sympathizers’ – any who were taken in arms were shot on the spot or executed. In any event, although it might be said that they were members of an “organised resistance movement” they did not belong to Iraq and did not satisfy the other conditions in Article 4 of Covenant III, namely that they carried arms openly and wore uniforms or emblems that distinguished them as combatants. . .

Tempting though it is to take the fatwa at its word and treat the Mojahedin prisoners as an active Iraqi-aligned force, to accord them retrospectively POW status is too much of a stretch, despite the presumption that all persons should enjoy Convention III protection until their status has otherwise been determined by a competent tribunal. What is, however, important evidentially, is that the government of Iran was well aware of the Geneva Convention provisions: the state had ratified them . . . It looked upon its Mojahedin prisoners as if they were members of an Iraqi-aligned militia, who would have had the same status of prisoners of war, yet it killed them without the process due to such prisoners. So, there can be no doubt that those who carried out the fatwa knew well that it was an incitement for them to commit an act that was unlawful as a matter of international humanitarian law. If the Mojahedin were not prisoners of war, then the leftists were even less so.

Robertson Report, pp.92-93

¹³⁰ Robertson Report, at p. 61.

¹³¹ Convention (III) Relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.

On the other hand, the Stockholm District Court in convicting Hamid Nouri found that the conflict between the MEK and the Islamic Republic of Iran formed part of the International Armed Conflict between the Islamic Republic of Iran and Iraq which was on-going at the material time.

The Court found that the facts presented in the case had showed that MEK had launched attacks against Iran from Iraqi territory during the summer of 1988, that the attacks were launch[ed] with the support of and in collaboration with Iraqi forces, that MEK was in alliance with Iraq against Iran, and that MEK was given access to territory, protection and support in the form of financing, weapons, ammunition, vehicles, tanks and military education by Iraq after June 1986. The facts had further shown that MEK had an armed branch which was structured as a conventional army and that the attacks that were launched in the summer of 1988 were mutual military operations must have been preceded by mutual planning between MEKs armed branch and the Iraqi army. The Court thus concludes that Iraq exercised overall control over MEKs armed branch during the attacks that were launched against Iran during the summer of 1988.

As such, the conflict between the MEK and Iran formed part of the IAC between Iran and Iraq and was ongoing during the relevant time period. Therefore, the rules under international humanitarian law which are applicable in IACs (GK I-IV and TP I) are applicable in the case at hand. The Court further noted that it had been proved that Iraqi forces were directly involved in military operations by MEK on Iranian territory. This, the Court explained, meant that the armed conflict between MEK and Iran is to be considered as forming part of the IAC regardless of the level of control by Iraqi forces.

Judgment of Hamid Nouri 17 July 2022, at p. 7

Robertson makes the following important observations:

At this simple and visceral level, the murder of the Mojahedin was as monstrous and indefensible a crime as the Japanese death marches of POWs in retaliation for Allied victories, or the German reprisal killings of whole villages after partisan assassinations of Nazi officials in Czechoslovakia and Italy, or Saddam Hussein's malicious executions and destruction at Dujail after an attempt on his own life. Comparisons are odious, especially between atrocities, but the Iranian prison slaughter strikes me as the worst of all. Its calculation makes it more vicious than the killings at Srebrenica or the Nazi reprisal killings. There were more victims than there were at the Sandakan death marches in Borneo, where only 6 of the 1,300 allied prisoners survived. If, as the fatwa assumed, the Mojahedin were prisoners of war, then killing them was the gravest of breaches of Geneva Convention III and thus a war crime that all state parties to that Convention would have a duty to prosecute by tracking down suspected perpetrators and putting them on trial. This duty applies to "grave breaches" committed in an international armed conflict (which the Iran-Iraq War most certainly was), and which had not ended at the time of the massacre: the ceasefire did not come into effect until 20 August 1988.

Robertson Report pp. 92–93.¹³²

We knew that if there was armed conflict between the NLA and the IRGC, at the last stage [of the conflict] they [the guards] would kill us [MKO prisoners]. They told us this from the beginning, from 1981 and 1982, and they even reiterated it in April 1988. They would warn us saying, "Do not think that if something happens, we will let you out. At that time, we will kill you. We're going to throw hand grenades into your cells. You are moharebs; therefore you're not going to leave the prison." Lajevardi also said that the monafeqin should not feel secure, and this guideline was written in the newspaper. They also said this to the leftist prisoners.

Testimony and written statement (Witness: 32)

Internal dissent to mass executions

¹³² https://www.iranrights.org/attachments/library/doc_118.pdf

Ayatollah Hossein-Ali Montazeri, Khomeini's designated successor at the time of the massacre in 1988, expressed serious concerns at the mass killings, arguing that since the prisoners had already been sentenced, retrying them and sentencing them to death without evidence of any new crime committed, would undermine the previous judgements and make a mockery of the entire legal system in Iran. In response to Montazeri's dissent, Khomeini removed him from his position as designated successor. Montazeri was subsequently placed under house arrest until he passed away in 2009.

On 9 August 2016, an audio recording of Montazeri's meeting on 15 August 1988 with top officials responsible for the massacre was published online, leaked by his son Ahmad Montazeri. In the audio file¹³³ the elder Montazeri could be heard addressing the "Death Commission" of Tehran consisting of four people: Mostafa Pourmohammadi, Intelligence Ministry representative in the Commission; Hossein Ali Nayyeri, the sharia judge; Morteza Eshraqi, the public prosecutor; and Ebrahim Raisi, the deputy prosecutor, who collectively decided on the executions in Evin prison and Gohardasht prison in Tehran province. Ebrahim Raisi – until his death in a helicopter crash on 19 May – was the Iranian President.

On 13 August 2016, Ahmad Montazeri was charged and sentenced for breaching the official secrets. In November 2016, he was sentenced to 21 years imprisonment which was reduced to 6 years and subsequently the prison sentence was suspended.¹³⁴

B. Commission of "Atrocity Crimes" during and subsequent to the 1988 Massacre

The Special Rapporteur has received substantial evidence through testimonies from individuals, victims and survivors, confirming the commission of largescale "atrocity crimes" in particular crimes against humanity of the mass murder, torture, enforced disappearances, and other inhumane acts as well as receiving evidence and submissions directing towards the crime of genocide. These reports have been verified and substantiated by existing documentary records, victims' testimonials and reports by civil society organisations. Numerous credible international non-governmental organisations have documented the enforced disappearance and extrajudicial killing of thousands of prisoners by Iranian authorities between late July and September 1988 for their political opinions and religious beliefs.

In light of the evidence available to the Special Rapporteur, he has taken the view that the "atrocity crimes" of the crimes against humanity in particular murder through arbitrary, summary and extrajudicial executions of thousands of political prisoners, torture, persecution and enforced disappearances and other inhumane acts against political prisoner as well as genocide took place in the Islamic Republic of Iran between the end of July until end of September 1988.

The crime against humanity of enforced disappearance is continuing.

C. Mass murder through summary, arbitrary and extrajudicial executions

Khomeini's 1988 *fatwa* is manifestly clear that he intentionally and purposefully ordered the mass executions of all steadfast PMOI members, an ordinance which was also subsequently implemented against members of other groups. The wilful executioners implemented Khomeini's *fatwa* in full knowledge that they were committing international crimes by systematically and deliberately murdering political prisoners all across the country in a coordinated manner. Although there is a lack of unanimity in the precise numbers of those executed, there is no doubt that at least several thousand persons were murdered all across Iranian prisons as part of a "widespread" and "systematic attack" directed at prison population during the summer of 1988.

Various sources have provided evidence of summary, arbitrary and extra-judicial executions of thousands of political prisoners in pursuit of the *fatwa* issued by the Supreme Leader of the Islamic Republic of Iran. The official governmental sources – substantiated by the Audio file of Hossein-Ali Montazeri – confirm that mass executions of political dissidents took place during 1988. These executions had no legal basis in law and therefore constituted summary, arbitrary and extra-judicial executions. The executions of those

¹³³ Audio transcript of Iran officials' remarks about 1988 massacre - Iran 1988 Massacre (last accessed 25 June 2024).

¹³⁴ Amnesty International Report at pp. 105-106.

perceived to be “steadfast” in their beliefs were so tragically comprehensive and brutal that even those with physical disabilities were not spared. Thus, for example, prisoner Kaveh Nasserri, despite epilepsy and paralysis, was executed as was prisoner Nasser Mansouri whose spinal cord had been severed.¹³⁵

In order to ensure secrecy, mass executions took place in makeshift arrangements within the precincts of the prisons, leading to prisoners meeting extremely excruciating and inhumane deaths. In many cities, prisoners were reportedly hanged while in a few places, executions were reportedly carried out by firing squads.¹³⁶ Victims and family members of victims have also complained of other cruel and inhumane means of executing prisoners.¹³⁷

Between July and August 1988, thousands of political prisoners, men, women and teen-agers, were reportedly executed pursuant to a fatwa issued by the then Supreme Leader, Ayatollah Khomeini. A three-man commission was reportedly created with a view to determining who should be executed. The bodies of the victims were reportedly buried in unmarked graves and their families never informed of their whereabouts. These events, known as the 1988 massacres, have never been officially acknowledged.

In August 2016, an audio recording of a meeting held in 1988 between high level State officials and clerics was published. The recording revealed the names of the officials who had carried out and defended the executions, including the current Minister of Justice, a current high court judge, and the head of one of the largest religious foundations in the country and candidate in the May presidential elections. Following the publication of the audio recording, some clerical authorities and the chief of the judiciary admitted that the executions had taken place and, in some instances, defended them.

Asma Jahangir, the Special Rapporteur on the situation on human rights in the Islamic Republic of Iran, A/72/322, (2017) para 73, 74.

D. Enforced Disappearances

The aftermath of the 1988 massacre was further compounded by the authorities’ refusal to inform grieving families of the fate of their loved ones or where they were buried. Families were prohibited from holding any form of memorial ceremony or displaying photographs of their executed loved ones in public or even in their homes. Additionally, families were forbidden from participating in public protests related to the executions.

In the context of the 1988 massacre, the crime against humanity of enforced disappearance is manifested by a deliberate and pervasive cloak of secrecy, with the Iranian authorities orchestrating the arrest, detention, and subsequent disappearance of individuals throughout the country. The systematic nature of these enforced disappearances, carried out on a large scale and continuing to date, exemplify a widespread and coordinated attack on a civilian population, designed to suppress any form of dissent. According to the former prisoners and victims’ relatives, across the country, prison visitation rights were suspended in late July 1988 in anticipation of the “Death Commissions” initiating their operations.¹³⁸ This suspension persisted for months during which time victims were executed. In the overwhelming majority of cases, the families were never given death certificates, and to this day, they are deprived of the right to attain closure. Some were given death certificates that were misleading or incomplete about the causes, circumstances and dates of the death and cite “natural” causes or simply “death” as the cause of death or provide no cause of death.¹³⁹ According to Amnesty International, the names of most of the victims are also missing from official burial records, including the online database of the Organization of Behesht Zahra. The authorities persistently refuse to acknowledge the occurrence of the massacre or to provide victims’ families with any information regarding the fate or whereabouts of their loved ones. Additionally, in conjunction with the

¹³⁵ Testimony and written statement (Witness: 13). Testimony and written statement (Witness: 12).

¹³⁶ See the cases of Dezfoul, Sari and Esfahan in Annex 1: Amnesty International Report.

¹³⁷ Testimony and written statement (Witness: 7).

¹³⁸ Testimony of former political prisoners: (Witness: 9); (Witness: 10); (Witness: 38) published by JVMI in February 2017, ‘Inquiry Into The 1988 Mass Executions In Iran’, <https://iran1988.org/text-report-inquiry-1988-mass-executions-iran> (last accessed 5 May 2024) & Testimony of Witness: 8, sister of victim, at a civil society hearing in Geneva on 1 February 2018, published by JVMI, “Civil Society Hearing into the 1988 Massacre of Political Prisoners in Iran”, page 17: <https://iran1988.org/report-of-civil-society-hearing-into-irans-1988-massacre-published-february-2018/> (last accessed 25 June 2024).

¹³⁹ <https://www.amnesty.org/en/documents/mde13/9421/2018/en/>.

mass execution of prisoners who were already imprisoned, the Iranian authorities carried out a widespread wave of arrests across the nation, targeting former political prisoners who had previously served their sentences and been released.¹⁴⁰ These individuals forcibly disappeared without a trace, and the authorities declined to disclose any information about their fate or whereabouts. All these actions constitute the crime of enforced disappearances.

Overwhelming evidence shows that thousands of persons were summarily killed [highlighting that] the families of the victims have a right to know the truth about these events and the fate of their loved ones without risking reprisal. They have the right to a remedy, which includes the right to an effective investigation of the facts and public disclosure of the truth; and the right to reparation.

The former UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Asma Jahangir A/72/322, (2017) (para 109).

The Special Rapporteur, Asma Jahangir also raised her concerns at the reported attempts by the authorities to erase evidence including by the demolition of mass grave site in the city of Mashhad, Khorasan-e Razavi Province, where up to 170 political prisoners are believed to be buried, and at the Ahvaz nearby Behest Abad Cemetery, where a reported 44 persons executed during summer 1988 are buried.¹⁴¹ In her report, the Special Rapporteur also mentioned the case of Maryam Akbari Monfared, a political prisoner, whose siblings were executed and who had been denied medical treatment and threatened with the cancellation of her visitation rights for having published an open letter calling for an investigation into the executions of 1988 during which her young siblings were executed.¹⁴²

The Working Group reiterates the “concerns expressed about the ongoing concealment of burial sites of those forcibly disappeared and allegedly executed between July and September 1988 across the country.” The Working Group “recalls that an enforced disappearance continues until the fate and whereabouts of the individual concerned is established and repeats its support for an international investigation on the matter”.

WGEID report to the 51st session of the Human Rights Council (A/HRC/51/31), 12 August 2022, <https://undocs.org/en/A/HRC/51/31>

On 3 September 2020, seven UN Special Rapporteurs, including the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, wrote to the Iranian authorities, stating that the 1988 extrajudicial executions may amount to “crimes against humanity,”¹⁴³ expressing their concerns at the “alleged continued refusal to disclose the fate and whereabouts of thousands of individuals who were reportedly forcibly disappeared and then extrajudicially executed in 1988”.¹⁴⁴ The communication goes on to note that “enforced disappearance continues until the fate and whereabouts of the individual concerned are established irrespective of the time passed, and that the family members have a right to truth. . .”¹⁴⁵ Their letter stated that the failure of UN bodies to act over the 1988 massacre has “had a devastating impact on the survivors and families” and “emboldened” the authorities to “conceal the fate of the victims and to maintain a strategy of deflection and denial.”¹⁴⁶ However, to this date today, the communication has not been addressed by the Iranian authorities.

¹⁴⁰ Amnesty International Report, 19 June 1989, <https://www.amnesty.org/en/documents/mde13/019/1989/en/>; also see <https://www.iranrights.org/memorial/story/-8521/leila-madaen>; <https://www.iranrights.org/memorial/story/-8541/afsaneh-tahmasebi>

¹⁴¹ A/72/322, para 71.

¹⁴² A/72/322, para 72.

¹⁴³ Joint letter by seven UN Special Procedures to the government of Iran, 3 September 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25503>

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

Between July and September 1988, the Iranian authorities forcibly disappeared and extrajudicially executed thousands of imprisoned political dissidents affiliated with political opposition groups in 32 cities in secret and discarded their bodies, mostly in unmarked graves. . .

While it is believed that all of the individuals who disappeared during this period have been killed, individual information has not been provided to families about the fate and whereabouts of their relatives, the circumstances leading to their execution and the location of their remains. This continues to cause extreme anguish to the families of the victims, some of whom still disbelieve that their relatives are dead.

Regarding the location of their loved one's remains, families either remained uninformed about the location or learnt about their burial in suspected or known mass grave sites through informal contact with prison guards and officials, cemetery workers or locals. It is also alleged that many prisoners were transferred to different locations prior to their enforced disappearance and execution. . .

Many families have not sought death certificates for a range of reasons including shock, the prevailing climate of fear, or as a conscious act of resistance. Where families did seek death certificates, this was generally in order to resolve administrative and legal difficulties. Individuals seeking death certificates often had to wait an extended period of time and face harassment or abuse. In most cases, the authorities have refused to provide death certificates. When the certificates were obtained, they were not accurate. For example, some families have been issued with death certificates that cite "natural causes", "illness" or just list "death" as the cause of death. Some contain false information about the date of location of death. This is in contradiction to the Civil Registration Law in the Islamic Republic of Iran which notes that a death certificate "shall be provided to anyone who requests one" (article 22) and should state "the exact date, place and cause of death."

The families of those disappeared and believed killed face an ongoing ban on conducting commemorations or memorial events.

The authorities have particularly attempted to suppress gatherings at Khavaran mass-grave site, which has gained a symbolic meaning in the families' efforts to obtain truth and justice. Actions taken include photographing and recording family members visiting the grave site, threatening, beating and arresting families at the site, threatening families not to visit the site, raiding homes of families who hold memorial ceremonies and closing off the main entrance and roads leading to the site.

The families, survivors and human rights defenders are also the subject of persistent threats, harassment, intimidation and attacks because of their attempts to seek information on the fate and whereabouts of the individuals and their demands for justice. Several human rights defenders are serving sentences for participating in commemorative gatherings and families have faced prosecution under vague national security-related charges.

Joint letter by seven UN Special Procedures to the government of Iran, 3 September 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25503>

Furthermore, according to human rights groups, the Iranian authorities have embarked on a systematic campaign to destroy the mass graves of thousands of political prisoners who were forcibly disappeared and extrajudicially executed in 1988.¹⁴⁷ This campaign to destroy evidence not only compounds the suffering of the victims' families, but also impedes efforts to establish the truth and hold those responsible accountable. In addition to persistently refusing to provide information to victims' families, Iranian authorities have engaged in a systematic crackdown on those seeking truth and justice regarding the events of 1988.

Many families were devastated after hearing the news of their loved one's execution. Many parents waited until the last day of their lives, still hoping their loved one would return. I know a mother who lived for 33 years with three old, framed pictures and the images of her three hanged children and who passed away last year. Some parents died of grief within a month, and some lost their mental balance.

After being released from prison, I visited many families of those who had been executed and saw firsthand how they suffered from the loss of their loved ones. Some families were given their child's belongings and were told, "We killed him. You are not allowed to mourn." They told my friend XX's father if he wants to know his son's burial place, he should hand over his identification card. The father refused because he

¹⁴⁷ Amnesty International Report.

knew they wanted to destroy the last piece of his identity. He said, "I have it, but I won't give it." They took him to prison and carried out a mock execution. He fell ill and later passed away. This is just one example. Many families have no trace or clue of their children. Some still cannot believe it, and some have lost their mental balance.

Testimony and written statement (Witness: 12).

After the visits were banned, my parents were not informed of anything when they tried to visit. They were referred to different prisons and cities. They would go everywhere they could to find a trace. One day, when my mother was waiting for answers at Gohardasht, she was suddenly given [his] watch. Imagine what my mother's feelings were at that moment of shock. A young man who had a thousand wishes and aspirations went to prison at a young age and now his mother hears the news of his death. She also asked about [A]'s whereabouts but was not given any answers... I found out that my mother had suffered from a stroke and was taken to the hospital. My father had lost his mental balance and was beating himself. There was a lot of crying and grieving being heard from the other end of the phone.

Not only did the regime not give my parents their children's bodies, but they did also not even inform them of their burial sites, and after a while, they pressured my family to hand in their children's birth certificates in order to deny their existence and destroy their identities altogether. They wanted to document that basically such people were not even born to begin with. My father spent a lot of money and went everywhere he could to retrieve their bodies. They would just refer him to different prisons or government offices in different cities. Due to these constant efforts, he was repeatedly summoned to the prosecutor's office [in his home town] and threatened. Several times, he was arrested and harassed. My mother fell ill under these pressures to the extent that her hands and body were constantly shaking with great intensity, and she became so weak that she could not move. Every day she would stare at the door. She just didn't want to believe that she had no children anymore. As soon as the doorbell rang, she would think it's her kids and would yell out "they're here."

Testimony and written statement of a survivor of the 1988 massacre (Witness: 15).

The Special Rapporteur has previously expressed serious concerns at the attempts to destroy evidence of past violations related to the summary, arbitrary and extrajudicial executions and enforced disappearances of political dissidents in 1988.

In May 2022, it was reported that the authorities had put up large concrete walls and surveillance cameras in Khavaran cemetery, which contains a mass grave believed to hold the remains of victims of summary executions and enforced disappearance of 1988. It is believed that these measures are aimed at restricting access to the site and facilitating the destruction of evidence. These measures are the latest in a series of measures to interfere with the evidence of the executions, which have included bulldozing of gravesites and forcing members of the Baha'i community to bury their dead between existing graves or at the Khavaran mass grave site (A/76/150, para. 10).

Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/77/181, para 43.

The Baha'i International Community is deeply distressed that, in the midst of widespread suffering of Iranians, an agent of Iran's Ministry of Intelligence, Masoud Momeni, is continuing to forcibly bury more deceased Baha'is without the knowledge of their families and in violation of Baha'i burial practices.

Baha'is forcibly buried in Khavaran cemetery in Tehran and four arrested in connection with the cemetery | Bahá'í International Community (bic.org) 4 May 2023

E. Secret burial in mass graves

Once executed, the bodies of most victims were secretly packed in trucks and transferred to various locations throughout the country and buried in hastily dug unmarked mass graves.¹⁴⁸ Some other victims

¹⁴⁸ Robertson Report.

were secretly buried in individual graves. According to evidence reviewed by the Special Rapporteur, the authorities did not return the bodies of any of the victims to families. They also refused to tell most families where the bodies were buried. In 2017, JVMI published a list¹⁴⁹ of a reported 59 mass graves where the bodies of the victims were allegedly buried in secret. In 2018, Amnesty International and Justice for Iran published a joint report¹⁵⁰ alleging that the Iranian authorities were destroying or damaging mass grave sites across Iran that were believed to contain the remains of the victims. Justice for Iran estimated that there may be more than 120 locations across Iran that contain the remains of these victims. Many grave sites are located in deserted areas inside or in the vicinity of cemeteries.

The Iranian authorities have never acknowledged the existence of any mass graves in the country, yet they have put most suspected and confirmed mass graves sites under close surveillance and prevented families and members of the public from holding commemorative gatherings at the sites or decorating them with flowers, pictures and memorial messages. In several cases, the authorities have also poured concrete on the site. All this has created a climate of fear where families are too scared to apply for exhumation licences and search for bodies believed to be buried in mass graves.

In more recent years, the climate of fear and secrecy has been reinforced by activities aimed at destroying suspected and confirmed mass grave sites, including by bulldozing the sites; hiding the sites beneath new, individual burial plots; and constructing concrete slabs, buildings or roads over them.

Amnesty International Report at pp. 54.

Throughout the 1980s, the Iranian authorities arbitrarily detained, tortured, disappeared and killed thousands of people for their political opinions or religious beliefs. The killing spree reached horrific levels in August and September 1988 when the authorities implemented a plan to systematically liquidate political prisoners across the country. . . The victims' families were kept in the dark about the fate of their loved ones. From late 1988 onwards, the authorities informed the families that their relatives had been executed, although the timing and details differed depending on the city. However, the authorities never returned the bodies for proper burial. Nor did they provide any concrete information about the circumstances of or reasons for the executions or the place of burial. Three decades later, there is still little information about the number and location of these graves. Existing research has identified at least 74 potential mass grave locations across Iran. As of today, Justice for Iran has been able to confirm the locations of 10 mass graves. The organization is continuing with its efforts to independently research and obtain information about other suspected mass graves.

Burying the Past: Deliberate Destruction of 1988 Mass Graves in Iran

Submission to the UN Working Group on Enforced or Involuntary Disappearances Justice for Iran January 2017, p 1. (footnote omitted) [Burying-the-Past-Deliberate-Destruction-of-1988-Mass-Graves-in-Iran.pdf](#) ([justice4iran.org](#))

Based on information provided by family members of victims, human rights defenders, Persian-language media outlets and political opposition groups, Justice for Iran estimates that there may be more than 120 locations across Iran that contain the remains of victims of the 1988 prison killings. Many grave sites are located in deserted areas inside or in the vicinity of cemeteries; during the 1980s, it was the established practice of the judicial authorities and security officials to bury the bodies of prisoners executed for political reasons in such areas, which they colloquially referred to as “damned land” (la’nat abad). Amnesty International and Justice for Iran have examined the situation of seven confirmed or suspected containing mass grave sites. Their research reveals that the Iranian authorities have engaged in a number of actions between 2003 and 2017 to desecrate and otherwise damage the sites. They include: bulldozing, hiding the mass graves beneath new, individual burial plots; constructing concrete slabs, buildings or roads over the mass graves; and turning the mass grave sites into rubbish dumps. In at least three cases, the authorities appear to be planning actions that would further damage the mass graves. Amnesty International and Justice for Iran are not able to identify which particular authority is responsible for ordering or authorizing the destruction of the mass grave sites. The management of cemeteries generally

¹⁴⁹ JVMI, October 2017: “The 1988 [Massacre in Iran: Evidence of a Crime Against Humanity](#)”: <https://iran1988.org/new-report-published-1988massacre-iran-evidence-crime-humanity/> pp. 138-206.

¹⁵⁰ Amnesty International Report, at pp. 53-63.

rests with municipal authorities in Iran. However, given the political sensitivity of the sites that are believed to contain mass graves of victims of the 1988 prison killings and the fact that they are regularly patrolled by security and intelligence officials and kept under close surveillance, Amnesty International and Justice for Iran assume that judicial officials and intelligence and security bodies are likely to be involved in some way in the decision-making processes related to their maintenance or destruction.

Justice for Iran and Amnesty International, Criminal Cover-up: Iran Destroying Mass Graves of Victims of 1988 Killings (2018) Mass-Graves-Report-ENGLISH-FINAL.pdf at p. 9.

Since the 1980s, Khavaran has become the symbolic gravesite for the mass extra-judicial executions of 1988. Every year, many families and survivors try to gather there to commemorate their loved ones. However, the authorities often stop families from holding gatherings at Khavaran and from placing flowers and pictures at the mass gravesite. Over the years, the Iranian authorities have also subjected Khavaran to repeated destruction, including by bulldozing. The latest round of destruction was in January 2009 when numerous ad hoc grave markings made by the families of some of those executed in 1988 were destroyed by bulldozer. The site was then partially covered by soil, and trees were planted. This prompted widespread concern that the authorities were seeking to destroy evidence of their human rights violations. Amnesty International issued a statement on 20 January 2009, calling on the Iranian authorities to “immediately stop the destruction of hundreds of individual and mass, unmarked graves in Khavaran.” The organization warned that “these actions are aimed at... depriving the families of the victims of the 1988 killings of their right to truth, justice and reparation.” In response, the spokesperson of the Judiciary, Alireza Jamshidi, said at a press conference on 26 January 2009 that he had no information regarding the destructive actions reported.

Burying the Past: Deliberate Destruction of 1988 Mass Graves in Iran

Submission to the UN Working Group on Enforced or Involuntary Disappearances Justice for Iran January 2017, p 7 (footnote omitted). *Burying-the-Past-Deliberate-Destruction-of-1988-Mass-Graves-in-Iran.pdf* (justice4iran.org)

Destruction of Khavaran

Khavaran is an area of land surrounded by iron fencing. In the corners of the area, individual graves of some prisoners executed in the early 1980s are located. From the 1980s onwards, families who assumed Khavaran as the burial place of their loved ones have been forbidden from putting up any sign or memorial plaque over their graves. Families are not allowed to install tombstones on graves, plant trees, or mark the possible location of graves with pieces of bricks or coloured sand.

After the 1988 massacre, the authorities’ policies on burying executed prisoners and giving the location of their burial sites to families changed. Families say they were given “no information” about the location of graves, and all that all their knowledge about the graves was received in a piecemeal fashion from unofficial sources and informal channels.

The discovery of mass graves containing bodies piled up against one another, wearing clothes instead of funeral shrouds, answered the families’ questions about the burial sites. However, they suffered greatly to learn about the inhumane mass burial of their loved ones and to see parts of their bodies sticking out of the ground. Now, 27 years after the massacre, families regard the discovery of mass graves as their most painful memory.



I am sister of XX. My brother was born on September 19, 1950. He graduated from Tehran University with a degree in psychology and was a former political prisoner (he spent five years in Shah's prison).

XX was married and had a daughter. He was one of the leaders of the Organisation of Iranian People's Fedaiian (Majority), a well-known leftist organization. On November 8, 1983, he was arrested on the street, and we did not know anything about his arrest or whereabouts for 72 hours. XX was severely tortured, and his shoulder was severely damaged due to being hung for a long time, which he never recovered. He was tortured so much that he underwent dialysis three times because his wounds were severely infected, and his kidney had been damaged. XX was allowed prison visitation nine months after his arrest. He had suffered so much and was so sickly and thin that his mother had a hard time recognizing him.

Throughout his confinement, he was under much pressure to talk in front of cameras, denounce his beliefs, and declare remorse, which he never accepted. Since he did not repent, he spent most of his five years of incarceration in solitary confinement. Most of the time, prison authorities prohibited him from his visitation rights for various excuses. XX was sentenced to life imprisonment, but he was executed in the massacre of political prisoners in the summer of 1988, on August 31, 1988, in Evin prison. The authorities denied us his body or the location of his gravesite.

During the five years, XX was in prison, our family, especially our mother, his wife, and his young daughter (who was two months old at the time of his arrest), were verbally abused during prison visits and had their visitations interrupted for various excuses by the authorities. The effects of this unnecessary brutality, fear tactics, and violent behaviors have seriously damaged the soul and psyche of his young daughter, which continues to this day.

In the summer of 1988, when the prison authorities were executing our loved ones, visitations were stopped for five months, and our families were completely unaware and kept in the dark about the reasons for the visitations stopping. The sudden news of his execution was a shock, and our family suffered greatly. XX's body was never handed over to us, and based on the evidence of bodies buried in mass graves in Khavaran cemetery at the same time as his execution, we assume that XX was also buried there. We have not been given his will or any information about why he was suddenly executed or the place of burial.

When our mother went to the prison to take back XX's birth certificate, the death section of his birth certificate stated that "he died at home," a fable story that Amnesty International also reported as a falsehood. After nearly 36 years, we are still not aware of the reason XX was executed or his whereabouts. The families of the victims of the atrocities of the 1980s and the massacre of the political prisoners in 1988 are also forbidden to attend the Khavaran cemetery. When the families go to Khavaran, they are subjected to verbal and physical violence. We have also experienced threats, arrests, and beatings.

We were suddenly and unexpectedly given his personal belongings and a receipt, along with the news of his execution from Evin after four months of trying to get a visit or any news of him. We were already familiar with Khavaran, and we went there and found the incredible sight of all these loved ones in mass shallow graves.

Another family member who was executed was my sister's husband. XX, born in 1955 in Kermanshah, was a student at the Technical Institute of Tehran. He was arrested on January 13, 1983, and was a Tudeh Party sympathizer. XX was executed on August 30, 1988.

During the years XX was behind bars, our mother, among other mothers and family members of the victims, wrote letters, went as a group to visit authorities such as Ayatollah Montazeri, and participated in staged sit-ins and demonstrations, all to no avail. Our mother was once beaten up for demonstrating in front of the prosecutor's office. Most of the time, the authorities would arrest the mothers and family members, forcing them to fill out forms giving away their names, their children's names, and other personal information, and threatening to put them in jail, arrest their other children, or expel them from university or their jobs.

After the massacre, XX's relatives went to Khavaran and dug up graves. The graves were so shallow that black plastic bags and clothes soon poked out of the soil; the bodies had all been dumped on top of each other. Somebody's mother said, "They have spent so long together in prison; let them remain that way – cover them up, and don't let the crows come near." Soon, the Revolutionary Guards turned up and beat up the families and forced them out of Khavaran. Later that week, when the families returned to Khavaran, they witnessed the soil being covered with lime to toughen it, preventing the families from moving the dirt and finding the bodies.

Testimony and written statement (Witness: 25)

F. Torture

The Special Rapporteur received substantial evidence and testimonies of widespread and systematic exercise of torture. Prisoners were subjected to brutal beatings accompanied by long, unbearable periods of solitary confinements. Prior to their interrogations and executions, prisoners were subjected to severe torture and beaten with metal bars which left them bloodied. Witnesses have reported that the imprints of marks of torture were visible on the necks, waists, and feet of these prisoners.¹⁵¹ Survivors have also complained of having been kept in solitary confinement and subjected to inhumane treatment and conditions including sleep deprivation,¹⁵² denial of adequate food or essential personal health and hygiene condition including access to toilets, showers.¹⁵³ Torture of prisoners continued even as they were taken to the execution chamber, including, as noted above, executions of disabled persons.^{154 155} Political prisoners have also complained of having been mixed with non-political prisoners serving sentences including for theft and drug offences.¹⁵⁶ Political activists who were spared executions were subjected to *bastinado* – severe beatings on the soles of their feet. These electric cables were used on individuals reportedly five times every day to force them to pray.¹⁵⁷ Acts of torture were also committed against apostate women by flogging them to force them to pray.¹⁵⁸

Our brother, XX was arrested in mid-July of 1982. The charges against him included supporting a Marxist group, selling their newspapers, participating in their gatherings, and giving them his pocket money. After two years of torture and uncertainty, he was sentenced to ten years in prison. His trial was held behind closed doors, blindfolded, without a lawyer or family members present. The court session lasted only a few minutes. Before and after his trial, our mother made several trips to the attorney general's office and the courthouse to complain about XX's situation. Each time, the judge and the attorney

¹⁵¹ Testimony and written statement (Witness: 16).

¹⁵² Testimony and written statement (Witness: 17).

¹⁵³ Testimony and written statement (Witness: 18); Testimony and written statement (Witnesses 41 and 42).

¹⁵⁴ Testimony and written statement (Witness: 14).

¹⁵⁵ Testimony and written statement (Witness: 12).

¹⁵⁶ Testimony and written statement (Witness: 17).

¹⁵⁷ Robertson Report at p. 107.

¹⁵⁸ *Ibid.* p. 107.

general's office told her they would not review his case until he repented and collaborated with the regime, something XX vehemently refused. Once, our mother met with Asadollah Lajevardi, the Head of Evin Prison and Prosecutor General of Tehran's Revolutionary Courts. That day, Lajevardi took our mother and other parents to a large room, where he began reading each detainee's indictment. The charges were similar for all detainees: loyalty to their political parties, selling party newspapers, donating money, and distributing pamphlets. One mother protested, saying her family could barely afford to feed themselves, let alone support a political group. Lajevardi responded, "You think we're talking about \$100,000? Even a dollar is considered a donation. Lending a motorcycle or offering a place to stay is considered assistance in a crime." Parents frequently protested the prison conditions: cold showers, inadequate books, and insufficient food. Even after sentencing, guards systematically hit, tortured, and placed prisoners in solitary confinement, often denying them visitation rights. Visiting was always done under double glass, with communication through a phone. Our father, almost deaf and using hearing aids, couldn't hear anything using these phones. During the 6.5 years our brother was in prison, our father never heard his voice, only seeing him through the glass. In Gohardasht Prison, prisoners had to shower with freezing water when the water heaters broke during the cold winter. Despite parents' complaints, prison officials refused to fix the heaters, claiming they had no money due to the war and the prisoners being counter-revolutionaries. Parents even offered to pay for the repairs, but the authorities refused and continued the mistreatment. Families argued that their children were political prisoners and had rights. Still, the regime refused to accept their status as political prisoners, labeling them instead as "anti-revolutionaries" and "enemies of God." In July 1988, all visitations stopped, with guards claiming they were repairing visitation rooms. We later learned that during July and August 1988, authorities were hanging prisoners from the ceilings. According to a cellmate's testimony, XX was called before the "Death Committee" on August 28, 1988. He was asked if he believed in God, prayed, and believed in Imam Khomeini. XX answered, "I will not answer to inquisition and the inspection of my beliefs." A few minutes later, he was taken to the gallows and hanged from the ceiling. He was 29 years old and had already served over six years of his sentence. For five months, we were denied visitation rights and kept in the dark. Our parents continuously went to Gohardasht and Evin prisons, seeking information. Several times, the prison authorities accepted money from our mother to give to him, knowing he was already dead. On December 5, 1988, our mother went to Evin prison, where they told her to send his father the next day, handing her a small piece of paper with the date and time written on it. When she asked if they had killed him, they only said, "Just tell his father to come." The next day, on December 6, 1988, our father went to Evin Prison, where authorities handed him a small bag, saying, "Your son was an apostate, and we have killed him. He had no place in this world or the next. Go pray for him; may God have mercy on his soul." Our father asked for his body or the location of his grave so we could have a proper mourning ceremony. They refused, stating he was an apostate and could not have a mourning ceremony, nor would they reveal his grave's location. Our father returned home looking 20 years older, devastated by the news. He said, "They executed him and gave me this bag." We were in disbelief. Why had a prisoner, who had already served several years of his sentence, suddenly been executed? The small bag contained only a few shirts, a watch, a pair of glasses, and pants, none belonging to XX. When we first visited Khavaran cemetery, one of Iran's mass graves for political prisoners, we had low expectations. Given the Islamic government's history, we anticipated an unpleasant sight, but the reality shattered our hearts. Even in death, our loved ones faced injustice. The cemetery was barren—no flowers, trees, grass, or stones, just dirt. It was an empty, lonely place. The parents looked withered and exhausted. We sat on the ground as they brought out pictures of their loved ones, trying to decipher the mystery to no avail. While XX was in jail, our mother and other parents would band together, often traveling in several buses, to petition the authorities about their children's dire situations. The authorities consistently mistreated the mothers and family members, subjecting them to verbal abuse, physical beatings, or even arrest. They frequently threatened to detain their other children or exacerbate the conditions of their loved ones in prison, adding to the parents' anguish and despair.

Testimony and written statement (Witnesses: 27 and 42)

According to survivors' testimonies, in many cases, during interviews with prisoners, the "Death Commissions" across the country would ask prisoners who had broken down and renounced their support for the PMOI to agree to take part in the execution of their steadfast cellmates as a condition to remain alive. This coercive demand inflicted upon prisoners, who were already enduring a harrowing and perilous situation, an intense and excruciating mental anguish which amounted to a form of psychological torture. It effectively forced individuals to confront a horrifying choice: comply with the Commission's orders and become complicit in the death of their fellow inmates or face imminent execution themselves. Those

prisoners who refused to take part in this activity were deemed to be still committed to the group in their hearts. Sometimes prisoners were made to witness the executions as a form of torture.¹⁵⁹

G. Psychological and physical torture for families of victims

In the context of the 1988 massacre, alongside the prisoners, their families suffered and indeed continue to suffer from psychological or physical torture. It is important to recognise that the persistent refusal of the Iranian authorities after more than 35 years to provide the families with information about the fate of their loved ones or issue death certificates has inflicted profound and enduring suffering, effectively constituting a form of psychological torture against thousands of Iranian families. This ongoing denial of closure has left these families in a perpetual state of anguish and torment. The UN Working Group on Enforced or Involuntary Disappearances (WGEID) has declared that the “anguish and sorrow” caused to the family as a result of an enforced disappearance is a “suffering that reaches the threshold of torture”.¹⁶⁰ Similarly, the UN Human Rights Committee has recognised that the “anguish and stress” caused to the family by the “disappearance” of their loved ones and by the “continuing uncertainty” concerning their “fate and whereabouts” violates Article 7 of the International Covenant on Civil and Political Rights (ICCPR) and thus constitutes a form of “torture” or other “cruel, inhuman or degrading treatment” against the families.¹⁶¹

They literally killed not only the prisoners but also the children and parents of those who had been executed. For four consecutive weeks, four months every week they called my father, urging him to come to the Central Committee. One time, they claimed they wanted to return XX's motorcycle. He genuinely believed they were returning his son's motorcycle, but upon arrival, he found other families present. Perplexed, he inquired about their purpose, and everyone looked at each other in astonishment. The guard instructed him to “Come take Mostafa's motorcycle.” Once inside, another official told one of the guards, “Bring Mostafa's motorcycle.” The guard brought two bags and placed them in front of my father, saying, “These are XX's private clothes, and you can collect him and his motorbike from Behesht-e-Zahra cemetery.” This is how they devastated our parents and coerced my father into signing a written pledge, forbidding him from holding ceremonies or mourning. My father questioned, “You had sentenced him yourselves?”

None of their corpses were given to us. We only have a reference number for the grave of XX in Hamedan. A year after XX's execution, they called my mother, claiming they wanted to provide her the location of her son's grave. When she arrived, they told her, “We have seen you searching among the graves in sections 91, 92, and 93, and now we want to end your search. If you cooperate with us, we will give you the location and grave number.” . . . I want to emphasize that these executions are not over; the persecution of families continues. Last year, my 70-year-old sister was arrested in Iran. Although released on heavy bail for several months, she has now been sentenced to two years in prison. After 30 years, an eviction order has been issued to confiscate my brother's house, claiming it should be seized because he was executed. All family members living there have been ordered to evacuate, with the threat of eviction and confiscation if they resist. Additionally, one of my sisters who left the country in 1989 had her house and belongings confiscated, and even her mother-in-law, who lived there, was forcibly removed.

Testimony and written statement (Witness: 7).

After leaving prison, the regime continued to harass me. They summoned me to the prison from time to time, beat me, and threatened me, and this harassment continued even after I left Iran, including by terrorist attacks. On 2 November 1999, a truck near our location in Basra exploded, and some of my friends were martyred. I lost my left eye. For the past 30 years, the regime has repeatedly summoned and arrested my family members. My brother was imprisoned for a long time, and as we speak, my sister, who has committed no crime and is suffering from cancer, needs medical attention but has been imprisoned. Whereas my 56-year-old sister, who is suffering from cancer, has done nothing at all, so the question is, why have they charged her with being a Bahgi and put her in danger of being executed?

¹⁵⁹ Testimony and written statement (Witness: 4).

¹⁶⁰ Working Group on Enforced or Involuntary Disappearances, <https://undocs.org/en/A/HRC/16/48> 26 January 2011, at p. 15 (last accessed 05 May 2024).

¹⁶¹ UN Human Rights Committee, Communication No. 107/1981, dated 21 July 1983, p. 142, https://www.ohchr.org/sites/default/files/Documents/Publications/SelDec_2_en.pdf (last accessed 25 June 2024).

Testimony and written statement (Witness: 11).

After the executions, the remaining survivors of the massacre were released after 1991 on heavy bail and guarantees from the families, but psychological pressures and torture continued. . . . In fact, the released prisoner was under constant interrogation, pressure, and deprived of all social benefits and eventually abducted and physically eliminated. I was also close to the kidnapping stage as well, but they were not successful.

Testimony and written statement (Witness: 13).

They literally killed not only the prisoners but also [destroyed] the children and parents of those who had been executed. For four consecutive weeks, four months every week they called my father, urging him to come to the Central Committee. One time, they claimed they wanted to return XX's motorcycle. He genuinely believed they were returning his son's motorcycle, but upon arrival, he found other families present. Perplexed, he inquired about their purpose, and everyone looked at each other in astonishment. The guard instructed him to "Come take XX's motorcycle." Once inside, another official told one of the guards, "Bring XX's motorcycle." The guard brought two bags and placed them in front of my father, saying, "These are XX's private clothes, and you can collect him and his motorbike from Behesht-e-Zahra cemetery." This is how they devastated our parents and coerced my father into signing a written pledge, forbidding him from holding ceremonies or mourning.

None of their corpses were given to us. We only have a reference number for the grave of XX in Hamedan. A year after XX's execution, they called my mother, claiming they wanted to provide her the location of her son's grave. When she arrived, they told her, "We have seen you searching among the graves in sections 91, 92, and 93, and now we want to end your search. If you cooperate with us, we will give you the location and grave number." . . . I want to emphasize that these executions are not over; the persecution of families continues. Last year, my 70-year-old sister was arrested in Iran. Although released on heavy bail for several months, she has now been sentenced to two years in prison. After 30 years, an eviction order has been issued to confiscate my brother's house, claiming it should be seized because he was executed. All family members living there have been ordered to evacuate, with the threat of eviction and confiscation if they resist. Additionally, one of my sisters who left the country in 1989 had her house and belongings confiscated, and even her mother-in-law, who lived there, was forcibly removed.

Testimony and written statement (Witness: 7).

H. Genocide

The specific requirements of the Genocide Convention and the challenges related to establishing genocide have already been considered. Khomeini's *fatwa*, a key document of the 1988 massacre, lays bare the genocidal intent in physically destroying the PMOI, which was treated as a religious group by the perpetrators. The *fatwa* explicitly characterizes the PMOI's alleged religious transgressions as "waging war against God" that must be punished by execution. Khomeini decreed "Since the treacherous monafeqin [PMOI] do not believe in Islam and whatever they say stems from their deception and hypocrisy, and since, as per the admissions of their leaders, they have deserted Islam, and since they wage war against God . . . it follows that those who remain steadfast in their position of *nafaq* in prisons throughout the country are considered to be mohareb [waging war against God] and are condemned to execution."¹⁶²

The religious rhetoric against the *monafeqin* is evident from the *fatwa* of Khomeini. Robertson has noted "The MKO were treated as a religious group by their persecutors: those who did not repent their 'hypocrisy' and repudiate their deviation were for that reason killed – for being 'steadfast in their adherence to a corrupt version of Islam'"¹⁶³ Unlawful, intentional killing was conducted, involving the murder of prisoners on political as well as religious grounds, subsequent to the *fatwa* from the Supreme Leader. The first phase of

¹⁶² Khomeini's handwritten *fatwa* of 1988: <https://iran1988.org/khomeini-decrees-execution-of-steadfast-monafeqin-mojahedin-in-prisons/>

¹⁶³ Geoffrey Robertson at p. 102.

the mass executions was intended to exterminate all PMOI affiliated political prisoners. In the second wave, individuals belonging to leftist political organisations and atheist, or agnostic groups were targeted.

In his earlier analysis, the Special Rapporteur has recognised the limitations in establishing the crime of genocide. As noted, the Genocide Convention explicitly excludes political groups from Article II of the Convention. Having said that, the Special Rapporteur places reliance on the evolving jurisprudence in international criminal law and endorsed the ICTR in *Laurent Semanza* judgement where the tribunal made a number of significant observations emphasizing on the need to make a case-by-case assessment.¹⁶⁴

As one leading authority has noted that “part of the difficulty is that groups exist, at least partially, at the level of (often fostered) perception, rather than objective fact. In addition, even against this backdrop, group membership is complex, as some people may not consider themselves to belong to a group, but others may do so, and vice versa. Owing to this, *the better view is that if such a group is considered to exist in the relevant cultural context, then the perception of the perpetrator that the victim is a member of that group suffices for them to be considered a member for the purposes of genocide.*”¹⁶⁵

Thus focusing on the specific context of the 1988 massacre, the evidence presented to the Special Rapporteur establishes – in so far as the perpetrators and executions were concerned – a genocidal intent to physically destroy, in whole or in part, atheist or agnostic groups which the perpetrators understood and described as “apostates”: the inquisitorial process was focused on the religious beliefs of the prisoners and those claiming to be atheists or Marxists were executed. As noted in the earlier discussion, the Special Rapporteur is of the view that apostates, atheistic and agnostic groups fall under the protection of the Genocide Convention.

The treatment of the PMOI as a religious as well as political opposition was established from the early days of the Islamic Revolution. According to Grand Ayatollah Hossein-Ali Montazeri, authorities sought to eliminate the PMOI many years before the 1988 massacre.¹⁶⁶ On 24 July 1980, cleric Allameh, head of the Revolutionary Court of Bam, (in Kerman Province), decreed: “According to Imam Khomeini’s order, the People’s Mojahedin are apostates and worse than infidels. They have no financial rights, nor the right to life.”¹⁶⁷ In an earlier pronouncement, Khomeini had stated: “Solving the problem of hypocrites is one of the major problems for our nation and for Islam from the beginning”.¹⁶⁸ And in June 1980, he warned: “It is the hypocrites who are worse than the infidels . . . They were able to fool our pure, credulous, truthful young people with the propaganda they know and know well.”¹⁶⁹

Ten years later, in referring to Khomeini’s decree to massacre the PMOI and its supporters, Mohammad Yazdi, at the time Iran’s Judiciary Chief, said: “The Imam’s handwritten judicial order condemned the hypocrites (PMOI) – the totality of the organisation and its infrastructure, and not just individuals – so that there would be no hesitation in terming the activities by these individuals as ‘waging war on God’ and ‘corruption on Earth’.”¹⁷⁰

As noted earlier, in response to a question posed by the then-Chief Justice Ayatollah Abdolkarim Moussavi Ardebili about the fate of those PMOI affiliates already tried but not sentenced to death, Khomeini stressed that they should be executed because they were “the enemies of Islam”: “In all the above cases, if anyone at any stage maintains his [or her] position on nafaq [a pejorative reference to the PMOI], the sentence is execution; annihilate the enemies of Islam immediately”.¹⁷¹

Mostafa Pourmohammadi, a member of Tehran’s “Death Commission”, and later the Interior and Justice Minister, further articulated the intent to eliminate the PMOI based on its religious beliefs, stating that because the PMOI were non-believers, their blood must be spilled.

¹⁶⁴ International Criminal Tribunal for Rwanda, Trial Chamber I, *The Prosecutor v. Laurent Semanza* Judgment and Sentence, Case No. ICTR-97-20-T 15 May 2003 (para 317).

¹⁶⁵ Robert Cryer, “International Criminal Law” (n.38) at p. 748. (*Italics added*).

¹⁶⁶ Text of remarks by Hossein-Ali Montazeri, <https://iran1988.org/audio-transcript-iran-officials-remarks-1988-massacre/>

¹⁶⁷ Cleric Allameh’s handwritten decree, published in *Mojahed*, PMOI’s daily newspaper, Tehran, No. 103, 30 December 1980.

¹⁶⁸ “Sahifeh Noor” (Pages of Light), a collection of Khomeini’s lectures and writings, 15 December 1979, Volume 10, Page 286.

¹⁶⁹ 25 June 1980, Volume 12, Page 197.

¹⁷⁰ *Ettela’at Daily*, Tehran, 30 May 1990.

¹⁷¹ Letter to Khomeini and his response, <https://iran1988.org/letter-of-ahamd-khomeini-to-his-father-and-the-latters-response/>

God commanded to show no mercy to the nonbelievers because they will not show mercy to you either and there should be no mercy to the [PMOI] because if they could, they would spill your blood, which they did. ... We are proud to have carried out God's commandment with regard to the [PMOI] and to have stood with strength and fought against the enemies of God and the people.

Mostafa Pourmohammadi, State-run Tasnim News Agency, 28 August 2016.
<https://iran1988.org/mostafa-pour-mohammadi/> (last accessed 05 May 2024).

VI. Marginalized Communities

While the situation of human rights remained extremely alarming through-out the decade beginning January 1979, certain groups were subjected to extreme forms of horrific crimes including repression, persecution, torture including rape and other forms of sexual violence, and extra-judicial, summary and arbitrary executions. Specifically targeted amongst them were political dissidents, women and girls, and ethnic, linguistic and religious minorities.

A. Gender-based crimes

As earlier noted, women and girls belonging to opposition groups were targeted, and many belonging to PMOI as well as to secular and leftist groups were summarily, arbitrarily, and extra-judicially executed throughout the 1980s. Impoverished women and girls who worked as sex workers were also subjected to mass executions in the immediate aftermath of the 1979 Revolution. As detailed further below, Bahá'í women and girls were also among the victims of summary, arbitrary and extrajudicial executions. Women were also deprived of their fundamental civil and political rights, including rights within family laws. Veiling for women and girls became compulsory with severe punishments including lashings. Women and homosexuals were also subjected to cruel, inhuman and degrading punishments amounting to torture including stoning to death for adultery (*zina*) and same-sex sexual relationships (*lavat*).¹⁷² For example, on 9 August 1981, four individuals were executed on charges of adultery and same-sex sexual activity in Isfahan.¹⁷³ Women as mothers, as well as children faced physical and psychological trauma.¹⁷⁴

The Special Rapporteur regrets to note the widespread and substantial commission of serious human rights violations and crimes under international law against women and girls imprisoned during the 1980s. The Special Rapporteur reports from various sources that rape and other forms of sexual violence were instrumentalized against women and girls.¹⁷⁵

The Special Rapporteur received reports of cases where unmarried women were raped before their execution and after having committed these crimes, perpetrators would go to families with sweets suggesting to them to celebrate the wedding of their daughter prior to their execution.¹⁷⁶ Interrogators and prison authorities also denied access to women prisoners' gender-specific facilities, including personal hygiene and menstrual products for women and girls.

I am xx, the sister of ZB. She was arrested in September 1982 at the age of 25 due to her association with the PMOI. After six months incommunicado, she wrote a letter to us, stating that she had been sentenced to 10 years in prison. She was pregnant at the time of her arrest, but under torture and in prison, she lost her child. She and other prisoners never had a lawyer to defend them, and the judicial system of the Islamic Republic was far from international standards. In 1982, they told us that for them, judges,

¹⁷² [Iran and the women's question - Atlantic Council](#) (last accessed 25 June 2024).

¹⁷³ Rastyad Collective, <https://rastyad.com/wp-content/uploads/2021/05/21%D9%85%D8%B1%D8%AF%D8%A7%D8%AF-%D8%B5%D9%81%D8%AD%D9%874.pdf>

¹⁷⁴ Testimony and written statement (Witness: 41).

¹⁷⁵ Justice for Iran, *Crime and Impunity: Sexual Torture of Women in Islamic Republic Prisons Part 1: 1980s* (Justice for Iran: 2012) (justice4iran.org)

¹⁷⁶ *Ibid.* pp. 61-132; Iran Tribunal, p. 15, para 67.

lawyers, and prosecutors were all the same. During her imprisonment, she was regularly subjected to torture and was very ill. I remember sending her a pair of glasses with size 8 lenses. The last time I saw her was the day after the acceptance of the ceasefire resolution between Iran and Iraq, around July 17 or 18. I saw my sister, very worried and agitated, and she told me that she didn't know what they were planning to do. She said they separated us, categorized us, took away our televisions and newspapers. Families were in front of the prison every day to get any news, but the prison guards and officials treated them very harshly and cruelly.

Unfortunately, my mother passed away last year on August 21. They took my sister's ID card by pressuring our family, essentially taking me as a hostage. They told my father that if he wanted to free me, he should bring her ID card. They wrote on my sister's ID card that she had died at her father's house and never provided the burial place. One day they took me and gave me a form to fill out. I filled it out, saying that if they told us the burial place, we wouldn't put flowers or plants, wouldn't cry, and wouldn't take more than three people there. But they never told us and until the last days of their lives, my parents always sought to know where my sister was buried.

Testimony and written statement (Witness: 8)

The solitary cells of the Committee Moshtarak prison lacked sanitary facilities, and three times a day—early in the morning around 4 or 5 a.m., at noon, and in the evening—they blindfolded the prisoners and escorted them to the restroom, allowing no more than 5 minutes. Within these brief moments, I had to clean my baby, lacking proper sanitary equipment. Resorting to tearing my shirt, worn beneath my cloak, with my teeth, I fashioned makeshift napkins for use instead of diapers, which I then washed within the allotted 5 minutes. Due to the absence of natural light within the cell, I dried them in the enclosed space. Meanwhile, a 300-watt lamp remained illuminated in the cell throughout both day and night, emitting heat like a summer heater. This proved to be the most agonizing torture for my baby, as the harsh light directly hurt her eyes. My daughter fell severely ill due to the lack of health facilities and inadequate nutrition, and I feared for her life. Despite my repeated requests for proper powdered milk, the prison guards ignored my pleas. One day, when my daughter's fever spiked, I asked a prison guard named "Maryam" for a glass of water to help lower her temperature by dampening her body. However, Maryam callously replied, "A less infidel puppy is better. What have you done for Islam?" In desperation, I attempted to alleviate my baby's fever with my own tongue and saliva. Determined to secure proper care for my daughter, I declared a hunger strike until my request was met and my daughter was released from prison.

Testimony and written statement (Witness: 6).

On the evening of December 22, 1981, Vaez-Tabassi, the head of Astan Quds-e-Razavi, entered the quarter of female political prisoners to ask them to write a letter of apology to express their regret for having "collaborated with the counter-revolution". There were 500 women. They all revolted against Vaez-Tabassi and forced him to leave their quarter. Razini ordered the execution of the 500 women immediately and that evening. Before the execution, they had raped them all. The next day the names of some of them appeared in the newspaper "Khorasan" including my sister. My uncle, who subscribed to this newspaper, had seen this information in the newspaper and went to find my mother to inform her. Then my aunts and uncle went to the morgue to look for his body. When they arrive there, they are informed that there are two bodies, that of XX's parents who were not aware had a difficult time. My uncle had a heart attack and my aunt lost consciousness for several hours. Both were transferred to hospital.

As for my father, who was in prison at the time, he received the information in a brutal way. For several weeks, he had been asking to meet XX since they were in the same prison. The execution of the girls was Monday midnight and they had "granted" the meeting between my father and my sister on Tuesday! On Tuesday morning the guards transferred my father supposedly to meet my sister at the prison office. When he arrived, the prison official told him "we have sent your daughter to hell and you will soon see her there".

The day after the execution, around fifty families decided to do the ceremonies together and it happened at our home in Mashhad. On the first day of the ceremony, a Pasdar patrol came to the door. A pasdar had gotten out of the car, flowers and chocolates in hand, and was about to enter the house. A relative stopped him at the door and asked him what he wanted. He replied that he wanted to leave the family

with flowers and chocolates because XX and XX “had married two pasdars before their execution”. This was the subject of a Fatva of Khomeini to rape the virgin girls “Mohareb” (rebellious to the god and his prophet) so that they would not go to paradise. This person had collected the flowers and chocolates so that the pasdars could go away. Then she put them straight in the trash without talking to anyone. She told me a few years later. This person is still alive and is in Iran. The 500 had been in a mass grave behind the Behesht-e-Reza cemetery, reserved for “counter-revolutionaries”. The families, even if they did not know exactly where their children's grave was, each took part of the grave to put their child's name. But the Pasdar passed after the families had passed to destroy the names of those executed and collect the flowers. And this for years.

Testimony and written statement of victim who lost her sister and cousin (Witness: 5).

One time, in Ward 240 of Evin Prison, a deeply distressing scene unfolded. A mother, severely tortured and carried on a stretcher, entered the ward with her legs bandaged up to her knees. Accompanying her was a terrified little girl, aged 2 or 3. The child, fearing further brutality, would run to her mother whenever guards entered, exclaiming, “Mom, they're here to beat you again.” When we inquired about the child's fear, the mother revealed the heartbreaking truth—they had tortured her in the presence of her innocent child. These indelible images serve as painful reminders of the immense human rights violations endured during those tumultuous times.

Testimony and written statement of one survivor (Witness: 19)

The ground was cold and concrete, so I threw the chador (a big scarf to cover the hair and body) on the ground and lay down. I woke up with water pouring on me. For interrogation, I was taken to another place in wet clothes, where the screams of the prisoners who were being tortured could be heard from all sides. I was blindfolded the whole time. After a few hours, they opened my blindfold and I recognized the man with a bandage from head to toe by his voice. It was my husband, he said: they know everything about us, it is better to confess. I will be executed tomorrow morning, take care of yourself and our babe. My husband was not executed at that time, He was killed in the summer of 1988 along with thousands of other prisoners. How was he killed? I don't know until today. In that terrible and hidden prison in the city's center, the food was not enough and tasted awful. I, being pregnant, was getting weaker day by day. There was no toilet in the cell and they only opened the door 3 times a day so that I could go to the bathroom. The water in the bath was cold and I had to take a bath within 5 minutes in winter, usually, there was soap foam on my body when the water was cut off. In those days, I was tortured mentally and physically many times and after more than a month I was transferred to Evin prison without hearing from my husband. I was sent to solitary confinement there as well. In the ninth month of pregnancy, I was transferred to a room with 40 people in it. The place to sit and sleep was cramped, I lay down in turns, and sometimes I slept sitting up at night. I had to use the toilet in front of everyone in the bucket that was there. It was difficult for me to control it. One evening I was in severe pain and bleeding with the screams of other prisoners, while I was unconscious and covered in blood the guards took me to the prison's clinic. The doctor who was a prisoner himself (Professor Shams) said that if you don't take her to the hospital, the baby and mother would die. I was taken to the nearest hospital to Evin under the care of the prison guard. My baby was born at midnight. At 5 in the morning, we were transferred to the prison's clinic. We couldn't survive there, so I asked them to take me to the pod to get help from other prisoners.

Testimony and written statement (Witness: 24)

At the age of 15, in 1979, XX began actively participating in rallies and meetings supporting the PMOI, drawing the attention and ire of the regime forces. Despite facing frequent attacks and assaults, she remained steadfast in her convictions. The pivotal moment in XX's story occurred on June 20, 1981, during a National Day of Protest. She participated in this significant event, but tragically, she was shot from very close range and gravely wounded by a Guardsman (Y.Sh) at the age of 17 she was student in the 11th grade), sustaining severe injuries that would profoundly affect her life. XX's suffering continued as she endured multiple surgeries and 4 months of hospitalization under very tough security conditions, with the bullet lodged near her spinal cord rendering her unable to walk properly. Despite the challenges, she persevered, buoyed by the support of family and friends. However, her suffering did not end there. In a cruel twist of fate, she was detained by the Islamic Revolutionary Guard Corp (IRGC) shortly after her release from the hospital, enduring further mistreatment and torture during her incarceration. The IRGC

personnel detained her in solitary confinement for the first two weeks, depriving her of access to medicine and treatment. Unable to charge her with any wrongdoing, they released her after two months. After her release from prison, she made the decision to complete her high school education. However, she faced obstacles when authorities denied her entry to a traditional high school. Undeterred, she persevered by studying at home and ultimately earned her diploma as a self-taught individual.

Iranian specialists attempted surgeries on XX but were unable to remove the bullet lodged in her body, advising her family that she needed further operations abroad to save her life. In a desperate attempt to seek medical treatment abroad (as per the regime's misogynistic laws that barred young women from traveling alone), XX's family arranged her marriage to another supporter of the PMOI, Mr. BD with the intention of taking her abroad for necessary medical treatment. However, before this hope could be realized, she was forcibly taken from her home by the Revolutionary Guards, leaving the family in anguish and uncertainty. Tragically, Bahman Dehghan was later kidnapped and killed by the IRGC intelligence unit in city of Kazeroun in 1996. For over six months, her whereabouts remained unknown, exacerbating her family's anguish. Finally, it was revealed that she had endured unimaginable torture during her captivity. During her imprisonment, XX endured rapid and relentless torture, enduring horrifying acts such as being subjected to collective beatings by both the prison guards and inmates who collaborated with them. On November 4, 1985, after enduring 15 months of inhumane treatment, XX was executed by hanging. Her body bore the gruesome marks of torture, including one eye gouged out and deep wounds visible all over her bruised body.

Testimony and written statement of brother of the victim (Witness: 40)

In the shadowed corridors of the 1980s, I stood—a teenager tasked with the care of my parents, whose bodies and spirits bore the brunt of relentless persecution. The tally of my mother's beatings and overnight detentions blurred into a haze of anguish, while my father's arrests stretched into days, then weeks, leaving an indelible mark on our family's soul. I came of age in a perpetual state of mourning, grieving for siblings lost to tyranny's cruel hand. Yet, nothing pierced the heart quite like the wails of my parents upon each harrowing announcement of another life extinguished. I was but a child when my brother XX fell victim to the executioner's callous decree; my parents, only forty-three and fifty, were sentenced to a lifetime of sorrow.

It was only upon embracing motherhood myself that the full magnitude of their torment dawned on me. Each life snatched away by bullet or noose signified more than a singular end—it heralded an eternal sentence of grief for those left to tread the earth in their absence. We, the remnants of the 1980s' horrors, have merely existed, shadows amidst the living, haunted by the memories of our loved ones' shattered dreams, their final moments steeped in grave injustice, without recourse or recognition. The void of their unmarked graves and the silence where our mourning should have been echo through our days.

Testimony and written statement (Witness: 28)

I was arrested at home where I lived with my parents and one of my younger brothers. The police guard buzzed on the door showed the catch sheet, after searching the home they took me to Evin prison. I was put in a cell with its door opened in order to watch me at all time. After almost 48 hours they called me in for integration. From their questions I found out that the secret office where I worked was under watch for longer than two months. I was in corridor 209 (specifically for newly arrested) for two weeks and was taken for interrogation repeatedly, both during the day and in the middle of the night, when they would beat me badly. Once when one of them was kicking me with his heavy boots, it landed on my right eye. It was so painful and a hot fluid mixed of tear and blood dripped out of my eye. After a few days the terrible pain left and later on I noticed a dark mark in my vision. When I was released from prison, from an Ophthalmologist I found out that the retina in that eye had teared. As I did not receive any treatment, the retina repaired itself gradually and made a lasting dark mark in my vision.

I was kept in a cell for two months; then I was sent to a ward. In a period of 18 months the interrogators called me in two or three times. They mainly asked about my views on politics, government, living in prison and so on. Then I was taken to a so-called court. It was a small room two men sat a long table, - one with a turban who was the judge and - the other in a suit who was making notes quietly. The court last about 5 minutes, the judge briefly went through the records about me from the papers in front of him, then asked: Are you ashamed of your background and what you have done?" I replied: "I have done

nothing wrong, then there is anything for being ashamed of?" After giving me a dirty look he said: "-Go BACK to your ward."

In the first winter permanently, I felt cold and hungry. The ration of food was so small, after eating any meals I only for a short time felt less hungry. I caught a bad cold which ended up as a heavy chest infection which stayed with me for almost two years and a half. But my lungs never recovered from it. When I came out of prison I visited a Pulmonologist, who took a TB test and an x-ray. Then he told me that my lung damaged and I should not do any activities except walking, and it should be no longer than 10 to 15 minutes. Anyhow, recently I developed a problem with one the valves in my heart and it is due to the fact that my lung does not work properly.

Testimony and written statement (Witness: 43)

I am a child survivor of the 1981-1982 massacre of Iranian political prisoners. I was born on May 21, 1981. My parents, AA and AP were both members of the Mojahedin-e-Khalq Organization. They were arrested sometime during the fall of 1981 (or early winter 1982); the exact date is unknown. According to the accounts of other survivors, they were both severely tortured.

I was raised by my maternal grandparents, in Mashhad, Iran. Living as the remaining child of two executed political prisoners (members of Mojahedin in particular) under the Islamic regime meant being suppressed at all times, specifically at school. I have many memories of teachers and administrators showing signs that they were keeping an eye on me or on occasions trying to extract information from me by manipulation. In short, I knew early on that I was not supposed to talk about my family situation, even to my closest friends! I also have memories of my grandparents and other family members being regularly harassed by the regime.

Testimony and written statement (Witness: 30)

Next to my cell, a student was crying, claiming to have been raped by the chief of Evin Prison. . . After her release, she was admitted to the psychiatric hospital. I witnessed guards leaving five prisoners outside in the snow for several days. When I protested, Guard Mojtaba Halvai violently slammed my head against the wall, causing severe convulsions. In the infirmary, I was injected with a strong dose of morphine without consent, leading to a difficult addiction to overcome. Other prisoners were chained inside a minibus for an entire week without food in freezing weather. Another was tied to a radiator, blindfolded, and beaten for a week. She had significantly lost weight. late spring 81, at midnight, Mojtaba Halvai dragged me out of my cell, blindfolded. He attempted to approach me and then threw me into a car after I screamed in protest. As punishment, I was transferred with 2 other prisoners, among the criminal detainees of GHASR prison.

Testimony and written statement (Witness: 53)

Evin prison authorities suddenly contacted us by phone and instructed us to come to the prison the next day. When we arrived, people were lined up, and each family was handed one or sometimes two bags. Those who received two bags were families that had two executed members. The prison officials did not hand over the bodies of our beloved ones to any of the families, nor did they provide us with the location of their graves. They also demanded that we refrain from holding any ceremonies for our beloved ones. However, through our investigations, we discovered that the bodies of our beloved ones were dumped collectively in an area near the Baha'i cemetery on Khavaran Street and covered with dirt. Every Friday morning, we used to go to Khavaran cemetery, with many other families, all in the same situation. Every few months, the Islamic Republic authorities violently attacked the families of the executed people who visited Khavaran cemetery. After 35 years, I still suffer from emotional and psychological problems and cannot forget the injustices the Islamic Republic inflicted on our beloved ones, and I will never forgive. I will seek justice for my husband, who was innocently executed for his political activities against the Iranian government. I was also an employee . . . and a university graduate. However, after being released from prison, I was expelled from both my university and my workplace, suffering severe emotional and financial losses.

Testimony and written statement (Witness: 54)

B. Ethnic, linguistic and religious minorities

Ethnic, linguistic and religious minorities faced extreme repression, brutality and torture with certain minorities subjected to extra-judicial, summary and arbitrary executions. There was active persecution of Kurdish, Turkmen,¹⁷⁷ Ahvazi Arab,¹⁷⁸ and Baluch political groups.¹⁷⁹ After the 1979 Revolution, the Kurds, mostly belonging to the Sunni Muslim minority in a Shia dominated state were alarmed at their increasing repression and persecution. Soon after the Revolution, the Kurds began demanding greater civil, political, and cultural rights and the Kurdish nationalists also expressed dissent and took control of various governmental installations.¹⁸⁰ Protests erupted as early as March 1979.¹⁸¹ In mid-August 1979, there was a largescale Kurdish rebellion focused around the town of Paveh.¹⁸² It is reported that at the orders of Khomeini in August 1979 to regain control of the Kurdish town of Paveh in Kermanshah province from the Kurdish Democratic Party of Iran (KDPI) and to crush the rebellions in Mahabad, Marivan, Saqqaz and other Kurdish cities, Revolutionary Guards attacked Kurdish villages and town killing Kurdish men, women and children.¹⁸³ On 21 August 1979, Mohammad Sadegh Khalkhali, the Sharia Judge of Tehran, sentenced nine citizens from the Kurdish minority to death in the city of Paveh. These individuals were accused of “enmity against Allah and his prophet” and “spreading corruption on earth”.¹⁸⁴

Subsequently dozens of Kurds – including children – were executed by firing squads after summary and arbitrary “trials”, void of any due process, with entire process of arrest to execution being completed in a single day or in a matter of hours.¹⁸⁵ It is reported that in September 1979, the village of Gharna was attacked and “at least 45 innocent people were massacred”.¹⁸⁶ Moreover, on 18 February 1980, four leaders of Turkmens were arbitrarily killed by state authorities.¹⁸⁷ In 1981, it has been reported that at least 71 alleged sympathisers and members of Kurdish political parties were executed by Islamic revolutionary courts on charges of “enmity against Allah and his prophet”, “spreading corruption on earth”, and “apostasy”.¹⁸⁸ By the late 1980s, reportedly the KDPI had retreated to the Kurdish regions of Iraq, although summary, arbitrary and extra-judicial executions of the Kurdish population continued throughout the 1980s.

C. Bahá'ís

Having considered the various submissions and the available documentation, the Special Rapporteur considers that the campaign against the Bahá'ís in the immediate aftermath of the 1979 Revolution was pursued with destructive, arguably genocidal intent.¹⁸⁹ There is substantial evidence of religious based persecution against the Bahá'ís over the past four and a half decades and crimes against humanity have continued to be committed against the Bahais since 1979.¹⁹⁰

My father was executed solely because of his religious affiliation as a Baha'i. This targeted persecution constitutes a form of genocide, as Baha'is are systematically targeted for extermination based on their membership in a particular religious group.

Testimony and written statement (Witness: 79)

The Special Rapporteur has noted in his previous report that “since 1979, more than 200 Bahá'ís have been executed, solely on the basis of their religious beliefs, with nearly half of them representing the elected members of the local and national Bahá'ís governing councils. Regarded by the Iranian authorities and by

¹⁷⁷ Justice for Iran, *Crime and Impunity: Sexual Torture of Women in Islamic Republic Prisons* at pp. 46-47.

¹⁷⁸ Iran Tribunal, paras 54-60.

¹⁷⁹ Summary of oral testimony, Baluch activist (Witness: 41)

¹⁸⁰ Justice for Iran, *Crime and Impunity: Sexual Torture of Women in Islamic Republic Prisons* at p. 45.

¹⁸¹ JVI Report at p. 37.

¹⁸² JVI Report at p. 37.

¹⁸³ Amnesty International Report at p. 28.

¹⁸⁴ Kayhan, 21 August 1979, 2.

¹⁸⁵ Amnesty International Report, at pp. 27-28; Iran Tribunal, paras 61-63.

¹⁸⁶ Etelaa't 17 October, 1979.

¹⁸⁷ Kayhan, 25 February 1980, 3.

¹⁸⁸ Nasiri & Faghfoury Azar (n 50).

¹⁸⁹ Helen Fein (n. 39).

¹⁹⁰ Archives chronicle decades of Baha'i Persecution in Iran | Bahá'í International Community (bic.org)

the Iranian criminal justice system as ‘unprotected infidels’, Bahá’ís have been murdered with impunity and violations of their human rights have not been investigated”.¹⁹¹

The Iranian government began to systematically imprison and execute Bahá’ís throughout the 1980s, including the elected and appointed leadership of the Iranian Bahá’í community. On 21 August 1980, all nine members of the national Bahá’í governing council, known as the National Spiritual Assembly of the Bahá’ís of Iran, were abducted and disappeared without a trace; their whereabouts are still unknown. It seems certain that they were executed. At least 24 Bahá’ís were killed that year. Twenty were executed by the government and the rest were stoned, assassinated, or burned to death. . . In 1981, at least 48 Bahá’ís were killed in Iran. That number included the so-called “second” National Spiritual Assembly, which had been reconstituted to replace the first. Eight of its members were executed on 27 December 1981. . . At least 32 Bahá’ís were executed or killed in 1982, 29 in 1983, and 30 in 1984. Again, the targets of these executions were often members of Bahá’í governing assemblies. Four members of the “third” National Spiritual Assembly were executed in 1984, even after the institution had been disbanded in accordance with a government decree and the individuals held no official position in the Bahá’í community.

Submission from Bahá’í International Community, April 2024, p. 1.

One of the most tragic incidents took place when in June 1983, ten Bahá’í women (aged 17 to 57) were executed in Shiraz for belonging to the Bahá’í faith. They were executed based on charges against them for teaching the Bahá’í children’s class and for their refusal to renounce their Bahá’í faith. As they waited their turn, they were forced to watch as their fellow prisoners were hanged one by one in a public square. The youngest was Mona Mahmoudnejad, a 17-year-old who had taught Bahá’í children who had been forbidden from attending school. These women’s bodies were not released to their families. Not only were they denied a proper burial in accordance with their religious rites, their relatives were not even allowed an opportunity of a proper farewell.¹⁹² The Special Rapporteur also received information about the executions, torture and murders of several Bahá’í during 1985- 1989.¹⁹³

On 18 June 1983 — 40 years ago this month — 10 Bahá’í women were taken to a square in Shiraz, Iran, under the cloak of night. After months of torture and imprisonment, they were mass executed without the knowledge of their families. One was 17, most in their 20s. Their crime was their belief in a faith that promoted gender equality — absent and criminalized in Iran — justice and truthfulness. They were hanged one by one, each forced to watch the next woman’s death in a harrowing attempt to coerce them into renouncing their faith. None did. #OurStoryIsOne (bic.org)

During the 1980s—and subsequently—members of Bahá’í community faced systematic and widespread persecution in the Islamic Republic of Iran. In addition to the summary, arbitrary and extrajudicial executions on religiously motivated charges, oppressive policies were introduced including property confiscation, imprisonment, systematic exclusion from employment and educational opportunities, and denial of dignified burial.¹⁹⁴ It has been reported that the holy places of worship for the Bahá’í were destructed from the very establishment of the Islamic Republic.¹⁹⁵

In 1983, the Iranian authorities banned all Bahá’í administrative and community activities, and the Bahá’í faith was effectively criminalized. This banning order required dissolution of the national spiritual assembly, an organization that was established for the management of Bahá’í administrative affairs at the national level including matters such as marriages and burials. In addition, the order resulted in the dissolution of around 400 local-level Bahá’í administrative bodies. On 29 August 1983 Attorney General

¹⁹¹ A/74/188 (2019) para 47.

¹⁹² [#OurStoryIsOne \(bic.org\)](https://rastyad.com/parvande/?smid=11304); Bahai community marks grim anniversary in Iran – DW – 06/17/2023

¹⁹³ Submission from Bahá’í International community April 2024, pp. 9-19.

¹⁹⁴ United Nations Economic and Social Council (ECOSOC), *Situation of Human Rights in the Islamic Republic of Iran*, 2 November 1989, 23-24.

¹⁹⁵ Iran Tribunal, para 53; E/CN.4/1517 (31 December 1981).

of Islamic Revolutionary Courts, Hossein Moussavi Tabrizi, in an official announcement imposed legal prohibition on public and religious activities of Bahá'ís.¹⁹⁶

XX was assassinated at the age of 48 in 1986. He was stabbed 19 times, had his jaw broken by being struck with a chair, and his throat was cut. This brutal act was motivated by his adherence to the Bahá'í faith. XX was a prominent figure in the city, known for his support of detained and imprisoned Bahá'ís and their families.

As his daughter, L, was told in Evin Prison while she was imprisoned in 2015, "XX was part of the 'Hazfi e Nezam' project," or System Elimination project.

Initially, XX was expelled from his governmental job position of 25 years due to being Bahai, and religious discrimination in 1983. Subsequently, one night while he was alone at home, a group of individuals invaded his residence, assaulting and fatally stabbing him. Shortly after, his daughter, received a death threat letter. The family then received multiple death threats from anonymous sources. At the time, the local religious authority and representative of the Supreme Leader, known as Emam Jomeh and Namayandeh Vali Faghih in Bandar Abbas, wielded significant power and reportedly sanctioned his demise.

Testimony and written statement (Witness: 79)

VII. Impunity for “Atrocity Crimes”

A. Continuing impunity since 1979

Institutional impunity and the absence of a system for accountability for violations of human rights permeate the political and legal system of the Islamic Republic of Iran. The absence of accountability derives from various deficiencies within State structures, including negation of the principles of rule of law and separation of powers.

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/49/75, (2022) para 48.

In his aforementioned report to Human Rights Council of March 2022, after having examined the absence of accountability within the Islamic Republic of Iran, the Special Rapporteur informed the Council, that while accountability for serious human rights violations represents a core obligation of states under international law, this was not the situation in the country.

Ever since the 1979 Revolution in Iran, those who ordered and perpetuated the “atrocity crimes” of crimes against humanity as well as genocide, particularly during 1980–1981 and 1988 have remained in government. Many were rewarded for their role in their crimes and have been promoted to high positions in the government, the judiciary, and within the judicial and domestic executive of the country. Conversely, those like the former Deputy Supreme Leader Grand Ayatollah Hossein-Ali Montazeri, who was critical of the mass executions of 1988 were removed from office. After the death of the Ayatollah Khomeini, Montazeri was replaced by Ali Khamenei as the Supreme Leader. Ali Khamenei is alleged to have been involved in crimes against humanity during the 1980s. Montazeri was put under house arrest in 1997 after he questioned “the accountable rule exercised by the Supreme Leader”.¹⁹⁷

There is a systemic impunity enjoyed by those who ordered and carried out the extrajudicial executions and enforced disappearances. To date, no official in Iran has been brought to justice and many of the officials involved continue to hold positions of power including in key judicial, prosecutorial and government bodies responsible for ensuring the victims receive justice.

¹⁹⁶ Kayhan, 29 August, 1983, 17; Amnesty International, Amnesty International, August 13, 1987; A Faith Denied: The Persecution of the Baha'is of Iran - Iran Human Rights Documentation Center (iranhrdc.org) (3 February 2011) (last accessed 25 June 2024).

¹⁹⁷ BBC NEWS | World | Middle East | Profile: Iran's dissident ayatollah (last accessed 25 June 2024)

Joint letter by seven UN Special Procedures to the government of Iran, 3 September 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25503>, at p. 6.

The magnitude and numbers of those involved in these crimes is enormous stretching from the Supreme Leader, the Sharia's judges, the prosecutors, representative from the Ministry of Intelligence, members of the "death commission" and their facilitators; prison guards, members of the Revolutionary Guards and all those who facilitated the commission of these crimes in international law and their subsequent ongoing concealment.

The Special Rapporteur regrets to note that many of the individuals who are alleged to have committed serious crimes in international law remain in high-powered positions as of today. The former Iranian President, Ebrahim Raisi, acted as a member of the "Death Commission" in Tehran, and many witnesses in their testimonies made references to his role in the mass executions of 1988. Notwithstanding his death in May 2024, it is important that international justice must prevail; his death must not result in the denial of the right to truth, justice and reparations for the Iranian people. Those who committed crimes against humanity and other crimes in international law during the 1980s and subsequently must be held accountable and impunity must end in the Islamic Republic of Iran.

Witnesses have provided various names of the members of the Death Commissions in their testimonies including Mostafa Pourmohammadi, who represented the Ministry of Intelligence; Hossein Ali Nayyeri, who was in charge of the committee; Motreza Eshraghi, who was Tehran's prosecutor, and Ebrahim Raisi as acting prosecutor.¹⁹⁸ The names of Nayyeri and Eshraghi are specified in Khomeini's *fatwa*. The names of all four officials are further mentioned in the memoirs of Hossein Ali Montazari. Additionally, the four officials are heard addressing each other by name in a published audio-recording of a high-level meeting in mid-August 1988 between the four officials and Hossein Ali Montazari discussing the mass executions. Amnesty International has further named Alireza Avaei who participated in the Death Commission in Dezfoul as the prosecutor and Mohammad Hossein Ahmadi who participated in the Death Commissions in Khuzestan province as a Sharia judge.¹⁹⁹ In a report in 2017,²⁰⁰ London-based NGO JVMI published the names of nearly 100 members of the 1988 "Death Commissions", many of whom were later promoted to senior positions in the Government or Judiciary of Iran.

B. Official responses to "Atrocity Crimes"

The Special Rapporteur has made references to many occasions when the Iranian authorities publicly announced mass executions during the early 1980s. On numerous occasions mass executions were publicly announced without any need to justify compliance with international law during 1981–1982.²⁰¹ As regards the 1988 massacre, these executions took place in garb of secrecy. Once challenged, state officials have denied or trivialised these "atrocity crimes" or through a campaign of misinformation and victim blaming, attempted to accuse the victims as "enemy combatants", "terrorists" and "mass murders" with consistent reports of harassment, intimidation, arbitrary detention, persecution, torture and other ill-treatment of all those seeking justice and accountability.

The Iranian authorities have, since 1988 onwards, flatly denied the killings, trivialized the number of death and claimed that many were killed in conflict. When asked repeatedly by the UN Special Representative on Iran between 1988 and 1992 to clarify the fate and whereabouts of the prisoners, Iran either did not reply or stated the victims were "forgeries", "non-existent" or were alive, working or studying in Iran or abroad. In 1989, the UN Special Representative spoke of Iran's "global denial" of the executions. In December 1988, the UN General Assembly passed resolution A/RES/43/137 on the situation of human rights in Iran, which expressed "grave concern" about "a renewed wave of executions in the period July-September 1988" targeting prisoners "because of their political convictions". However, the situation was not referred to the Security Council, the UN General Assembly did not follow up on the resolution and the UN

¹⁹⁸ Various testimonies and written statements (See Witness 11) Appendix II; Testimony and written statement of Witness 13 Appendix II.

¹⁹⁹ <https://www.amnesty.org/en/documents/mde13/9421/2018/en/> p. 128.

²⁰⁰ JVMI Report, pp. 32-135.

²⁰¹ https://rastyad.com/en/home_en/.

Commission on Human Rights did not take any action. The failure of these bodies to act had a devastating impact on the survivors and families as well as on the general situation of human rights in Iran and emboldened Iran to continue to conceal the fate of the victims and to maintain a strategy of deflection and denial that continue to date.

Joint letter by seven UN Special Procedures to the government of Iran, 3 September 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25503>, at p. 6.

The release of the audio file from the former Deputy Supreme Leader Montazeri led to considerable commotion from amongst governmental officials; various statements were made defending or even celebrating these mass executions. On 17 August 2016, Mohammad Jafar Montazeri, former prosecutor general made the response that the release of the audio file intended at “sanitizing the atrocities of *monafeqin*”.²⁰²

We are seeing some people inside the Islamic Republic of Iran who are in concert with the enemy and in harmony with the same tune that Israel, the US, the West and their regional elements are playing, and they are after clearing monafeq criminals who committed great crimes in the early years after the Revolution.

Iranian Students News Agency, “The reaction of the country’s prosecutor general to the release of the audio file: Publish the evidence of the crimes committed by Sayed Mehdi and the crimes in Esfahan and Ghahdrijan” (17 August 2016) www.bit.ly/2OgPWjZ

On 25 August 2016 during a meeting with the former President Rouhani and his cabinet, the Iranian Supreme Leader Sayed Ali Khamenei noted that the release of the audio file reflected “attempts for clearing disgraced *monafeqin*”.²⁰³

Unfortunately, certain individuals are making efforts to create a space of innocence for these criminals who slew thousands of people, ranging from ordinary people to officials and prominent figures, and harm the brilliant reputation of the late Imam [Khomeini], but these mischievous and spiteful hands shall not achieve their [desired] goals and they will fail like they did in the past.

The Office of the Supreme Leader, “Ayatollah Khamenei gives 7-point recommendations to Rouhani admin”, 25 August 2016, www.leader.ir/en/content/16138/Ayatollah-Khamenei-meeting-with-the-cabinet-members-of-president-Rouhani

C. Accountability mechanisms

As mentioned above, in the prevailing environment it is impossible to seek any form of accountability at the domestic level for crimes committed during the 1980s. There are currently no avenues to seek truth and justice and no prospects of claiming reparations in the Islamic Republic of Iran. Indeed, those seeking accountability are frequently targeted, persecuted and punished. One poignant example illustrating this pattern of harassment and persecution is the case of Maryam Akbari-Monfared, a political prisoner in the country.²⁰⁴ Ms. Akbari-Monfared displayed immense courage by filing an official complaint from inside prison on 15 October 2016, addressing the Iranian judiciary regarding the execution of her siblings during the 1988 massacre. In response to her pursuit of accountability, she has faced increased pressure while incarcerated, including the denial of visitations and her forced exile to a remote location, far from her children. Authorities have informed Ms. Akbari-Monfared that her release is contingent on retracting her call for accountability regarding her siblings’ murder. Despite enduring a 15-year sentence without a single day of furlough, including during the COVID-19 pandemic, Ms. Akbari-Monfared’s ordeal continues.²⁰⁵ On 1 July 2023, she was summoned to the Courthouse of Evin Prison and arraigned on five new charges, subsequently receiving an additional two-year sentence. Information from sources within the prison suggests that her continued detention is aimed at coercing her into renouncing her pursuit of accountability.

²⁰² Amnesty International Report at p. 122.

²⁰³ Ibid.

²⁰⁴ Joint letter by UN Special Procedures to the Iranian government, 14 June 2017, “IRN 21/2017”, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23162>

²⁰⁵ <https://www.wsj.com/articles/iran-remembers-the-murderous-summer-of-1988-1505861938>.

The treatment of Maryam Akbari-Monfared serves as a stark illustration of the lengths to which Iranian authorities are willing to go to silence those seeking justice for the victims of the 1988 massacre and to suppress any calls for accountability with impunity.

Having regard to the impossibility of obtaining justice at the domestic level, there are possibilities of accountability at the international level or in a foreign state outside the jurisdiction of the Islamic Republic of Iran. Efforts to engage the International Criminal Court are unlikely to be unsuccessful. As noted above the Statute of the Court was adopted in 1998 and the Islamic Republic of Iran is not a party to the treaty. Furthermore, certain permanent members of the UN Security Council are likely to veto Security Council initiative to hold officials accountable for the continuing crimes emanating from the “atrocities crimes” committed in the 1980s. In these circumstances, there remains the possibility of the use of universal jurisdiction by States to investigate, issue arrest warrants against, and prosecute individuals for “atrocities crimes” including crimes against humanity as well as genocide and other serious human rights violations amounting to crimes under international law including torture, enforced disappearances and extrajudicial executions.

In July 2022, making use of universal jurisdiction, the Stockholm District Court found Hamid Nouri guilty of war crimes and murder, and sentenced him to life imprisonment for his role in the 1988 massacres of political prisoners.²⁰⁶ Welcoming the life sentence handed down to Mr. Nouri, Special Rapporteur described the verdict as “a landmark and important leap forward in the pursuit of truth and justice for a dark chapter in Iranian history”.²⁰⁷ On 12 December 2023, in its ruling, the Stockholm Court of Appeal upheld the conviction and sentencing of Hamid Nouri.²⁰⁸ On 7 March 2024, the Swedish Supreme Court rejected Hamid Nouri’s appeal. However, the Special Rapporteur is disappointed that with the release of Hamid Nouri on 15 June 2024 by the Swedish government – as part of the prisoner exchanges by the Swedish government – the principles of justice and accountability have been breached. The Special Rapporteur notes with concern that such prisoner exchanges would result in denial of justice for the victims of the “atrocities crimes” and grave violations of human rights committed by the Islamic Republic of Iran and would also contribute to a climate of impunity and undermine the principles of rule of law, accountability, justice and reparations for the victims.

Notwithstanding the serious disappointment at the release of Hamid Nouri, the Special Rapporteur calls on states to consider opening structural investigations into the general situation linked to the crimes under international law described by the Special Rapporteur in his various reports, regardless of the presence or absence of an identified suspect, especially where victims of the crimes concerned may be present on their territory.

VIII. Conclusions and Recommendations

The Special Rapporteur has consistently called for the establishment of an independent international investigative and accountability mechanism to advance truth, justice and accountability for the victims including by gathering, consolidating and preserving evidence with a view towards future prosecutions.

The Special Rapporteur seeks the establishment of an international accountability mechanism to ensure prompt, impartial, thorough and transparent criminal investigations inter alia of:

(a) the “atrocities crime” of crimes against humanity, committed against thousands of political opponents of the authorities, in particular their mass murder through summary, arbitrary and extra-judicial executions, and imprisonment, torture, rape and other sexual offences, other inhumane acts, as well as the enforced disappearances.

(b) the “atrocities crime” of genocide during the 1980s including in 1981–1982 and 1988 committed with perpetrator’s specific intent of killing, or physically or mentally harming members of groups perceived as apostates, non-believers, believing in deviant religions or beliefs or members of religious minorities.

²⁰⁶ A/HRC/52/67, para. 72. See also <https://www.aljazeera.com/news/2022/7/14/sweden-hands-life-sentence-to-ex-iranian-official-over-1988-purge>; and <https://www.iranrights.org/newsletter/issue/126>

²⁰⁷ Iran: Top rights expert welcomes Swedish verdict in mass executions case | UN News

²⁰⁸ <https://www.iranrights.org/newsletter/issue/139>; and <https://www.dw.com/en/sweden-upholds-life-sentence-in-iran-prison-executions-case/a-67771180>

(c) sexual and gender-based crimes against women and girls, including cases of reported rape and other sexual offences, as well as the repression and persecution of ethnic, linguistic and religious minorities during the first decade of the establishment of the Islamic Republic of Iran.

The Special Rapporteur calls upon the international community to require the Iranian authorities to inter alia:

(a) disclose fully and publicly the truth regarding the mass enforced disappearances and summary, arbitrary and extra-judicial executions of 1981-1982 and July-September 1988, including the names of all the persons who have been executed, the cause and circumstances of their disappearances or their executions and the location of individual and mass graves containing the remains of the victims. Tragic, as it is, solemn disclosures would also mean that appropriate death certificates (with accurate dates and details) of all those who have been executed must be issued.

(b) issue an official and public apology accepting state responsibility for the crimes committed during the 1980s and in particular during 1981-1982 and July-September 1988.

(c) stop the destruction and damaging of individual and mass grave sites that are suspected or known to contain the remains of the victims of the mass summary, arbitrary and extra-judicial executions of the 1980s including the June 1981-March 1982 massacre and the July-September 1988 massacre.

(d) provide the relatives of the victims all relevant information including the location of the graves and the remains. This information must include an honest and truthful explanation of what happened to their loved ones.

(e) initiate forensic investigations, with the help of independent, international forensics experts and following meaningful consultation with all affected communities to establish the number and identity of people buried in mass graves as part of a long-overdue thorough, independent and impartial investigation into the mass executions in Iran.

(f) ensure that identified bodies are returned to families for proper burial.

(g) ensure an absolute commitment to cooperate with the victims, the survivors and their families, including by allowing them freely to visit the graves of their loved ones, to appropriately mourn their deaths.

(h) ensure that authorities commit never to harass, intimidate or target the victims or survivors and their families and immediately end their policy of reprisals.

(i) introduce, in accordance with international law and international guidance, reparations and all appropriate remedies for the victims, survivors, as well as the families of those who were tortured, executed or forcibly disappeared.

(j) ensure effective implementation of the International Covenant on Civil and Political Rights,²⁰⁹ the International Covenant on Economic, Social and Cultural Rights,²¹⁰ the International Convention on the Elimination of All forms of Racial Discrimination²¹¹ and Convention on the Rights of the Child.²¹²

(k) sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;²¹³ the Convention on the Elimination of All forms of Discrimination against Women;²¹⁴ the International Convention for the Protection of All Persons from Enforced Disappearance;²¹⁵ the Convention against Torture and Other Cruel, Inhuman or Degrading

²⁰⁹ New York, 16 December 1966 United Nations, 999 U.N.T.S. 171; 6 I.L.M. (1967) 368.

²¹⁰ New York, 16 December 1966, 993 U.N.T.S. 3; 6 I.L.M. (1967) 360.

²¹¹ University of Minnesota Human Rights Library (umn.edu)

²¹² *Convention on the Rights of the Child*, New York, 20 November 1989 United Nations, *Treaty Series*, vol. 1577, p. 3.

²¹³ Annex to GA Res. 44/128. Reprinted in 29 I.L.M (1990) 1464.

²¹⁴ International Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979 United Nations, *Treaty Series*, vol. 1249, p. 13.

²¹⁵ International Convention for the Protection of All Persons from Enforced Disappearance, *New York, 20 December 2006, UN. Doc.A/61/488*.

Treatment or Punishment,²¹⁶ and its Optional Protocol,²¹⁷ and the Rome Statute of the International Criminal Court.

(l) enact legislation making enforced disappearances – as defined in the International Convention for the Protection of All Persons from Enforced Disappearance – a crime within Iranian law; enact legislation to ensure that crimes against humanity – as provided in the Statute of International Court – are crimes in Iranian law; enact legislation criminalizing torture – as provided in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(m) facilitate unhindered access for the United Nations Human Rights Council Special Procedures, in particular, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; UN Working Group on Enforced or Involuntary Disappearances; the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including allowing full access to individual and mass grave sites that are suspected or known to contain the remains of the victims of the mass extrajudicial, arbitrary and summary executions of the 1980s.

The Special Rapporteur calls upon individual member states of the United Nations to make use of universal jurisdiction to investigate, issue arrest warrants against, and prosecute individuals for “atrocities crimes” – committed during the 1980s and in particular during 1981-1982 and in 1988 – including crimes against humanity as well as genocide and other serious human rights violations amounting to crimes under international law including torture, enforced disappearances and summary, arbitrary and extrajudicial executions.

The Special Rapporteur calls upon states to consider opening structural investigations into the general situation linked to the crimes under international law described by the Special Rapporteur in his various reports, regardless of the presence or absence of an identified suspect, especially where victims of the crimes concerned may be present on their territory.

²¹⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984 United Nations, Treaty Series , vol. 1465, p. 85.

²¹⁷ New York, 18 December 2002 GA Resolution A/RES/57/199 of 9 January 2003.

Glossary

Bastinado: a punishment consisting of severe beatings on the soles of feet

efsad-e fel-arz : spreading corruption on Earth

fatwa: religious decree

fesad: corruption

irtidad: apostasy

kafer: non-believer/atheist

lavat: same-sex sexual relationships between men

Moharebeh: waging war against God

Monafeqin: religious hypocrites

murtad: apostate

nefaq: religious hypocrisy

PMOI: People's Mojahedin Organisation of Iran/ the Mujahedin-e Khalq (***MEK***)

shirk: heresy

tavvab: repenters

zena: adultery

Appendix: 1

List of individual experts providing comments and guidance:

1. Payam Akhavan, Human Rights Chair, Massey College, University of Toronto
2. Taimoor Aliassi Kurdistan Human Rights Association - Geneva (KMMK-G)
3. Mahmood Amiry-Moghaddam, Iran Human Rights (IHR), Oslo, Norway
4. Anonymous Reviewer
5. Anonymous researcher (A), Rastyad Collective
6. Anonymous researcher (B), Rastyad Collective
7. Anonymous researcher (C), Rastyad Collective
8. Anonymous researcher (D), Rastyad Collective
9. Raha Bahreini, Amnesty International
10. Lawdan Bazargan, Victims' Families for Transitional Justice
11. Roya Boroumand, The Abdorrahman Boroumand Center
12. Mohammad Hanif Jazayeri, Justice for the Victims of the 1988 Massacre in Iran (JVMI)
13. Roozbeh Mirebrahimi, Impact Iran, United States
14. Dr Shahin Nasiri, Amsterdam School of Cultural Analysis (ASCA), University of Amsterdam
15. Dr Mohammad Nayyeri, Brunel University, London
16. Dr Melanie O'Brien, University of Western Australia
17. Hamid Sabi, London-based human rights lawyer
18. Mohammad Sadeghpour, Association to Defend Freedom & Human Rights in Iran-Australia
19. Shadi Sadr, Justice for Iran
20. Zalikha Younas, Research Assistant.

List of translators and interpreters

1. Omid Shams, Justice for Iran
2. Rosa Rahimi
3. Andrew Fogle

Appendix: II

List of organisations providing documents and other support:

1. Anonymous
2. The Abdorrahman Boroumand Center
3. Justice for the Victims of the 1988 Massacre in Iran (JVMI)
4. Justice for Iran
5. Raystad collective
6. The Iran Tribunal: International People's Tribunal
7. Victims' Families for Transitional Justice
8. Iran Human Rights (IHR), Oslo, Norway
9. Kurdistan Human Rights Association - Geneva (KMMK-G)
10. Association of Anglo-Iranian Women in the UK
11. Association to Defend Freedom & Human Rights in Iran- Australia

Additional documents provided to the Special Rapporteur

Appendix IV: Justice for the Victims of the 1988 Massacre in Iran (JVMI)

Appendix V: List of Political Prisoners executed during the 1980s provided by Iran Tribunal

Appendix VI: Rastyad Collective