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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status, the Women's Human Rights International Association and the France Libertes : Fondation Danielle Mitterrand, non-governmental organizations in special consultative status, the International Educational Development, Inc. and the Mouvement contre le racisme et pour l'amitié entre les peuples, non-governmental organizations on the roster

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

[15 May 2017]

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

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UN commission of inquiry needed to end impunity over 1988 massacre of political prisoners in Iran*

There is an urgent need to bring an end to the impunity in the Islamic Republic of Iran over the 1988 mass execution of thousands of political prisoners.

The United Nations Secretary General António Guterres in his March 13, 2017 report (A/HRC/34/40) to the UN Human Rights Council on the situation of human rights in the Islamic Republic of Iran mentioned that the OHCHR has received the copies of dozens of complaint letters addressed to the UN High Commissioner for Human Rights and to the Prosecutor of the International Criminal Court from families of persons killed in the 1988 mass executions in Iran.

In February 2017, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein rightly stated that impunity feeds further human rights violations. This assessment is particularly true in Iran where the 1988 massacre of some 30,000 political prisoners has never been officially acknowledged or prosecuted.

According to the London-based NGO Justice for the Victims of the 1988 Massacre in Iran (JVMI), which published in February 2017 the findings of its investigation into the massacre, the killings took place at the end of the Iran-Iraq war when Iran's Supreme Leader Ayatollah Khomeini issued a fatwa (decree) ordering the execution of all political prisoners supportive of the main Iranian opposition group known as the People's Mojahedin Organization of Iran (PMOI or MEK). Based on Khomeini's fatwa, "Death Commissions" across the country sent political prisoners who refused to renounce their political belief to be executed.

Iranian officials acting with impunity

The JVMI report points out that the international community's inaction and insensitivity to this crime has allowed the Iranian government to feel free to continue violating international law and human rights.

The failure of the international community thus far to investigate this 'crime against humanity' and to bring the perpetrators to justice has fueled a culture of impunity for Iranian officials to the point that those officials who sat on the 1988 "Death Commission" in Tehran are today the very people standing as candidates in the Iranian Presidential election.

Iran's electoral process is incompatible with internationally-recognized norms for democratic elections, and according to the Constitution candidates must prove their allegiance in word and deed to supreme clerical rule. Candidates are stringently vetted by a Guardian Council whose members are appointed by the Supreme Leader. One of the half-dozen candidates who did qualify was Ebrahim Raisi, who sat on the Tehran Death Commission in 1988 as Deputy Prosecutor, sending thousands of political prisoners to their death. He is contesting against current President Hassan Rouhani who has an equally sinister human rights track record, with more than 3,000 execution carried out during his first term as President. Rouhani's Justice Minister, Mostafa Pour-Mohammadi, also sat on the Tehran Death Commission as the representative of the Intelligence Ministry.

Without international efforts to ensure accountability over the 1988 massacre, there is a genuine threat of a drastic deterioration in the already atrocious human rights situation in Iran regardless of whoever takes over the Presidency this summer.

In a report (A/HRC/34/65) to the HRC on March 17, 2017, Ms. Asma Jahangir, the UN Special Rapporteur on the situation of human rights in Iran, highlighted the case of Ms. Maryam Akbari Monfared, a political prisoner who is being denied medical treatment in Iran after she published a letter demanding justice for her brothers and sisters who were reportedly executed in 1988. Ms. Akbari Monfared is serving a 15-year prison sentence in relation to her affiliation to the PMOI.

The Montazeri audio file

Special Rapporteur Asma Jahangir further pointed out:

"In November 2016, Ahmad Montazeri, a cleric and son of Ayatollah Hossein Ali Montazeri, one of the founding fathers of the Islamic Republic, was sentenced to several years in prison after he released a decades-old audio tape in which his father denounced the mass execution of political prisoners during the summer of 1988. Ahmad Montazeri was arrested on charges of 'acting against the national security', 'releasing a classified audio file' and 'propaganda against the system'. Ahmad Montazeri's father was one of few Iranian leaders to voice opposition to the reported execution of thousands of political dissidents in 1988, who had already been tried and sentenced to prison in detention facilities throughout the country."

In the confidential audio file members of the Judiciary and Intelligence Ministry of Iran who were among perpetrators of the massacre, including Raisi and Pour-Mohammadi, confirm the executions in their own voices. Ayatollah Montazeri is heard telling members of the Death Commission: "15-year-old girls and pregnant women were among those killed. In Shiite jurisprudence even if a woman is 'Mohareb' (waging war on God) she shouldn't be executed. I told Khomeini this but he said no, execute the women too."

Reaction of Iranian civil society

Since the summer of 2016, Iranian civil society has defied the government by breaking the taboo on openly discussing the 1988 massacre and demanding justice.

A video clip of an April 22, 2017 speech by a student at Tabriz University condemning the 1988 massacre in Iran was widely circulated on social media. Addressing on the stage Hassan Abbasi, a former senior Revolutionary Guards officer, the Iranian student said: "Your theory and your discussions defend the horrific, inhumane, illegal and irreligious massacres of 1988. ... We will neither forgive, nor forget your betrayals and crimes. Our people will avenge the pain and grief of the mothers [of the martyrs] of our nation."

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

Previously, Reza Malek, a former senior Intelligence Ministry official who became a whistle-blower and spent 12 years in prison, secretly sent a video clip to Ban Ki-moon from within prison revealing that 33,700 people were executed during the 1988 massacre.

In a recent article about Rwanda, Mohammad Nourizad, a close associate to Ayatollah Ali Khamenei before the 2009 suppression of the uprising in Tehran, wrote:

"Here, in a matter of 2 or 3 months, 33,000 men, women, young and old were imprisoned, tortured and executed. Their bodies were taken to Khavaran Cemetery and barren lands by trucks and buried in mass graves, happy of what they had done..."

Background on "Death Commission" procedures and mass graves

According to numerous reports the procedure of the Death Commissions was very simple. The first question was: 'What is your political affiliation?' Those who answered 'Mojahedin' were sent to the gallows. The 'correct' answer was '*Monafeqin*' (hypocrites, the derogatory term used by Iranian authorities to describe the PMOI). According to Montazeri in some cities this response wasn't enough and prisoners were tested to see if they would be willing to execute other PMOI members or give televised interviews condemning the group. A negative response meant execution.

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

Those executed in Tehran and other cities were buried in mass graves. Iran's rulers have tried to wipe out all traces of the mass graves. At the end of 2008 and in early 2009, bulldozers flattened the site of mass graves in Khavaran Cemetery in east Tehran. In a statement on January 20, 2009, Amnesty International insisted these graveyards must be kept intact for investigations.

The UN Commission on Human Rights' Rapporteur on arbitrary executions stated in his 1989 report, "In the days of 14, 15 and 16th of August 1988, 860 bodies were transferred from Evin Prison [Tehran] to the Behesht-e Zahra Cemetery." This is despite the fact that the majority of the dead were buried in mass graves in Khavaran Cemetery.

Iran's 1988 massacre constitutes a crime against humanity

In a joint statement on March 8, 2017, 20 human rights groups, including Amnesty International and Human Rights Watch, called on the Iranian authorities to stop the harassment and prosecution of human rights defenders seeking truth and justice on behalf of those who were executed in 1988.

On November 2, 2007, to mark the anniversary of this massacre, Amnesty International released a statement and referred to this day as a "massacre of the prisoners". It added: "Amnesty International believes this has been a crime against humanity." In the December 25, 2005 report of Human Rights Watch, these killings are also referred to as "crimes against humanity."

On September 20, 2013, the International Federation of Human Rights (FIDH) qualified the events of 1988 as extrajudicial and arbitrary executions and crimes against humanity.

British Barrister Geoffrey Robertson, QC, former head of the UN Special Court for Sierra Leone, published an in-depth, documented report about the massacre in 2010 despite not having access to all the evidence. In his book entitled, "Mullahs without Mercy" he stated that these killings are crimes against humanity and can be classified as genocide. Robertson concluded:

"In Iran the prison massacres, by virtue of their calculated cruelty designed by the political and judicial leaders of the state, are more reprehensible than their comparators... The two leaders who advised and implemented the 1988 massacres, Khamenei and Rafsanjani are respectively Supreme Leader and Expediency Council head, and the Death Committee judges remain in judicial place. They deserve to be put on trial at an international court, of the kind that can only be established by the Security Council." (Page 104)

The General Assembly adopted Resolution A/RES/71/204 on December 19, 2016 which called upon Iran to "launch a comprehensive accountability process in response to all cases of serious human rights violations, including those involving the Iranian judiciary and security agencies, and ... to end impunity for such violations". Iran, however, has failed to comply with this call.

Need for a UN commission of inquiry

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

According to international conventions there is no statute of limitations for crimes against humanity. It is the responsibility of the international community, including the Human Rights Council and the Security Council, to attend to this matter and to ensure that accountability is achieved. What gives this matter urgency is that the massacre and genocide of 1988 has not come to an end and still continues – for example, High Commissioner Zeid Al Hussein issued a statement deploring "mass executions" in Iran following the execution of 25 Sunnis on August 2, 2016. Additionally the perpetrators of the 1988 massacre still hold key positions and could soon be at the helm of a government that continues to murder its opponents with impunity.

Recommendations

In conclusion we recommend:

- 1) the UN High Commissioner for Human Rights and the UN Human Rights Council place the massacre on their agenda and as a first step appoint an international commission of inquiry to investigate this atrocious crime;
- 2) the Special Rapporteur on the human rights situation in Iran, Asma Jahangir, carry out an inquiry into the 1988 massacre as part of her mandate;
- 3) the Special Rapporteur on the promotion of truth, Pablo de Greiff, to include the case of Iran's 1988 massacre in his subsequent report to the HRC.

*Hands Off Cain, Comité de Soutient au Droits de l'Homme en Iran, Association des Femmes Iraniennes en France, NGOs without consultative status, also share the views expressed in this statement.