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LDDHI

جامعه دفاع از حقوق بشر در ایران

(عضو فدراسیون بین المللی جامعه های حقوق بشر)

League for the Defence of Human Rights in Iran
(FIDH Member)



Iran: 25 years on, and still no justice

1988 prison executions remain unpunished

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Cover photo's legend: location of the commemoration ceremony for the victims of the 1988 massacre on the mass graves in Khavaran (credit: jbehkish.blogspot.com)

Introduction

A quarter of a century ago, in the summer of 1988, thousands of Iranian political prisoners who had already been tried and were serving their prison sentences, stood show summary re-trials and were sent to the gallows.

As of today, the Iranian authorities, some of whom were also in power at the time, have not yet acknowledged these massive crimes that, according to International Federation for Human Rights (FIDH) and League for the Defence of Human Rights in Iran (LDDHI), ought to be qualified as extrajudicial and arbitrary executions and crimes against humanity under international law.

They have also failed to bring to justice the perpetrators, and consistently denied the victims' close relatives the right to know where their beloved have been buried and, more generally, the right to truth and mourning.

Against this backdrop, FIDH and its member organisation, LDDHI, have decided to publish the present report as a contribution to the ongoing efforts to shed light to the truth about the prison massacre, to underline the fact that 'crimes against humanity' are not subject to any statute of limitations. In the face of the Islamic Republic of Iran (IRI)'s refusal to perform its obligation under the human rights law to investigate and prosecute the perpetrators, it is the task of the international community to press for the fulfilment of those obligations.

This report has been compiled on the basis of documentary research, including data and reports published by various reliable sources, statements from senior officials, reports in domestic newspapers, media and news agencies, and by NGOs, as well as academic literature.

Background: 1979-1988

While the 1988 prison massacre constitute the largest-scale mass executions in Iran's recent history, it did not occur in vacuum and without precedent. The new Iranian rulers, who assumed power in the anti-dictatorial 1979 revolution, immediately began summary execution of the civilian and military leaders of the former regime after unfair show trials, with total lack of access to due process and lawyers, or through extrajudicial executions.

In the subsequent two years of the newly established Islamic Republic of Iran, most victims of summary or extrajudicial executions came from Kurdish, Turkmen and Arab ethnic communities who sought to achieve their decades-long suppressed rights.

The subsequent decade started with a wave of state terror in 1981 with large-scale and numerous executions. Execution by hanging or the firing squad of large groups of members and supporters of opposition groups, either without trial or at best after minutes-long questioning, continued throughout the 1980s.¹

The ongoing Iran-Iraq war (1980-1988) provided the State with the pretext to suppress any type of political opposition. However, in 1987-88, the war was approaching an unsuccessful end.² Hundreds of thousands of young people who had

¹ For details, see FIDH-LDDHI joint report 'Death Penalty – A State terror policy'.

² While Iraq had already accepted the UN Security Council's Resolution to end the war, Iran accepted it on 18 July 1988.

been fighting on the front were about to return from the war and bring with them numerous challenges. Massive economic problems, exacerbated by the totally depleted foreign exchange revenues that had been spent on war expenses, were already threatening the government with bankruptcy. Worse still, demise of the then undisputed leader Ayatollah Khomeini, who could undoubtedly reign in many followers of the State, was foreseeable. With this perspective, the top Iranian leaders seem to have reached the conclusion sometime in 1987 or early 1988 that they could not afford to have another insurmountable problem on their plate. Many imprisoned political activists were gradually coming to the end of their prison terms. The authorities seemed to believe that they would face an extremely difficult, if not impossible, political challenge if they allowed thousands of activists to leave the prisons and resume their activities one way or another.

I. The events of the summer 1988

In late July 1988, at the direct orders of the first leader of the Islamic Republic of Iran Ayatollah Khomeini, the Iranian authorities began arranging “re-trials” for several thousand political prisoners, who had already faced unfair trials a few years before and were serving their prison terms.

In an express fatwa,³ Ayatollah Khomeini appointed a three-member committee in the capital Tehran that comprised “Hojjatoleslam [Hossein-Ali] Nayyeri (the chief shariah judge), Mr [Morteza] Eshraqi (the prosecutor of Tehran), and a representative of the Ministry of Intelligence.” The Ministry assigned a deputy minister to the committee: Hojjatoleslam Mostafa Pourmohammadi.⁴ Ayatollah Khomeini also ordered corresponding committees to be set up at the provincial capitals.

In his fatwa, Ayatollah Khomeini decreed that all prisoners who still adhered to their beliefs - ‘were still steadfast in their positions’ - were ‘*mohareb* [warrior against God] and condemned to death’ (Appendix I). In a subsequent letter in reply to the then head of the Judiciary Ayatollah Mousavi Ardebili, who had sought clarification concerning prisoners already serving their sentences, he reaffirmed his decree.⁵

The fatwa concerned specifically the members and supporters of the MKO⁶ whom Ayatollah Khomeini referred to as the ‘*monafeqin*’.⁷ However, Ayatollah Montazeri disclosed that “they obtained another letter from the Imam [Ayatollah Khomeini] regarding the non-religious and communist prisoners... They aimed to eliminate them.”⁸

³See Appendix I for the copy of the undated hand-written letter of Ayatollah Khomeini to the judicial officials, which Ayatollah Hossein-Ali Montazeri reproduced in his Memoires (vol. I, p. 626), available at: <http://www.amontazeri.com/farsi/khaterat/html/0562.htm>. According to supplementary information produced in the Memoires (p 623), it can be inferred that Ayatollah Khomeini had written the letter on 28 July 1988. Ayatollah Montazeri was designated to succeed Ayatollah Khomeini as the State leader. His protests, among other things, against the executions effectively cost him his title and his subsequent fall from grace. On 31 July 1988, he wrote the first of a series of protest letters to warn Ayatollah Khomeini against his decision.

⁴See Appendix III

⁵See Appendix II

⁶Mujahedin-e-Khalq Organisation (MKO), aka in English People’s Mujahedin Organisation of Iran (PMOI), was established in the 1960s and operated against the pre-revolution monarchical regime. After supporting the 1979 revolution for two years, it moved to Iraq and operated in collaboration with the Iraqi regime under the auspices of Saddam Hussain.

⁷The word means ‘hypocrites’ which is an epithet used by the Iranian authorities for the MKO.

⁸Op. cit., *Ayatollah Montazeri’s Memoires*, vol. I, p. 639, available at:

<http://www.amontazeri.com/farsi/khaterat/html/0575.htm>. Ayatollah Montazeri did not reproduce the letter or its text. It has not surfaced in any other source.

Consequently, in the span of a few months, thousands of political prisoners were executed in Evin prison of Tehran, Rajaishahr (aka Gohardasht) prison near Karaj, as well as in prisons in the cities of Shiraz, Dezful, Tabriz, Qazvin, Arak, Khorramabad, Qom, Rasht, Esfahan, and Mashhad, among others.

Some of the political prisoners who survived have reported the conditions that preceded and continued during the executions. A while before the commencement of the executions, television sets were removed from the prison wards. Distribution of officially sanctioned newspapers to prisoners was suspended. Different sections in various prisons were completely cut off from each other. Prisoners were barred from leaving the cells for any reason even for visiting the prison infirmary. Entering or leaving the prison wards came to an absolute halt. Family visits as well as any other contact with the outside world were suspended for several months. In the Evin prison of Tehran, even the prison guards and employees were reportedly prevented from leaving the prison and lived inside the prison for about two months.

The aim was, on the one hand, to prevent relatives of prisoners from receiving any concrete information from inside the prisons and seeking to publicise the killings. On the other hand, the prisoners were totally isolated and kept in the dark to prevent them from obtaining information about and discussing the situation or working out a collective response to the events.

1. Inquisition-type proceedings

The three-member committees, dubbed by surviving prisoners as the 'death committees', operated as de facto show courts. All accounts are unanimous that the subsequent show trials lasted only a couple of minutes without any lawyers or any possibility of presenting defence. Indeed, the prisoners were not even notified that they were facing re-trial. Initially, they were even given the impression that they were being questioned to examine their eligibility for amnesty or for the purpose of relocation within prisons based on their political affiliation or ideology.

The prisoners, if they were members or supporters of the MKO, were questioned about their organisational affiliation. If they answered, "the Mujahedin", the proceeding came to an abrupt end and they were taken away and executed. If they answered "the *monafeqin*," they were asked further questions to test if they had truly rejected their allegiance. Many prisoners did not pass the test and paid for it with their lives.

The questions were different in the case of thousands of prisoners from a spectrum of left-wing organisations. They were asked questions to find out if they believed in God. If they answered in the negative, they were sentenced to death for apostasy and immediately executed. This was the fate of the first groups of prisoners who were taken for questioning. Some of the prisoners who faced the committees later had got wind of the executions. Among them, many opted to tell the truth and face death rather than recant their beliefs. Consequently,

They were hung from cranes, four at a time, or in groups of six from ropes hanging in front of the stage in an assembly hall; some were taken to army barracks at night, directed to make their wills and then shot by firing squad. Their bodies were doused with disinfectant, packed in refrigerated trucks and buried by night in mass graves.⁹

⁹ *The Massacre of Political Prisoners in Iran, 1988; Report of an Inquiry Conducted by Geoffrey Robertson QC*; Abdorrahman Boroumand Foundation, April 2011, p. 7, available at: http://www.iranrights.org/english/attachments/doc_3518.pdf

Some others decided to give ambiguous answers. For instance, asked if they were Muslims, some of them answered that they had been born Muslims. Many did not get away with that answer. Some others claimed that they believed in God but did not say their prayers. If they refused to start praying in response to further questioning, the Committees issued orders to flog them until they started praying or died under flogging.

A sample of the 'Death Committee' proceedings:

Ayatollah Montazeri recalled:

"One of the judges in Khuzestan [province]... came to me. He was very upset and said: 'They are executing [the prisoners] abruptly. They cook up a majority opinion somehow; they do not discern properly. They are upset by the Monafeqin's offensive and are ganging up on them.' I relayed his remarks to the Imam [Ayatollah Khomeini] in a letter as follows:

[One of the officials of the province] asked [the following questions] to one prisoner and the latter's answers were as follows:

- *Are you prepared to condemn the Monafeqin Organisation?*

He answered in the affirmative.

- *Are you prepared to give [a televised] interview to that effect?*

He answered yes.

- *Are you prepared to go to war with Iraq?*

He answered yes.

- *Are you prepared to walk on mines?*

He replied: Are all the people ready to walk on mines? This is too much to expect of me as a new convert.

The official in charge said: It is clear that you are still loyal [to the organisation] and dealt with the prisoner accordingly."¹⁰

2. How many were executed?

The actual number of the prisoners who were executed across Iran in 1988 is not known. Different sources have offered varying estimates. Ayatollah Montazeri reported "2,800 or 3,800". A few days after the start of the massacre, 750 people had already been executed in Tehran alone.

According to Ayatollah Montazeri:

I summoned Mr Nayyeri, shariah judge of Evin, Mr Eshraqi, the prosecutor, Mr Ra'eesi, deputy prosecutor, and Mr Pourmohammadi, representative of the [Ministry of] Intelligence on 1st Moharram,¹¹ and said: 'It is Moharram now. Stop the executions at least during Moharram.'

Mr Nayyeri replied: 'We have executed 750 people in Tehran so far. We have separated 200 people who are steadfast in their positions. We will eliminate them and then [listen to] whatever you say.'¹²

¹⁰Op. cit. *Ayatollah Montazeri's Memoires*, vol. I, p. 633, available at: <http://www.amontazeri.com/farsi/khaterat/html/0569.htm>

¹¹ Moharram is the first month of the lunar year and a holy month. 1st Moharram in 1988 was 14 August.

¹²Op. cit. *Ayatollah Montazeri's Memoires*, p 635, available at: <http://www.amontazeri.com/farsi/khaterat/html/0571.htm>

Having failed to stop them, the ayatollah wrote a letter of warning addressed to all the above-named four officials on the next day, 15 August.

Human rights organisations have given differing estimates. Amnesty International initially “recorded the names of over 2,000 prisoners reported to have been the victims of a wave of secret political executions between July 1988 and January 1989.”¹³ It later raised its estimates to 4,500-5,000.¹⁴

Mr Geoffrey Robertson Q.C. wrote in his previously cited report: ‘By mid-August, at least 4,000 had been killed...’¹⁵ In an interview in October 2011, comparing the toll to the 1995 massacre in Srebrenica, he said “at least 4,000-7,000 were executed.”¹⁶

Iranian dissident sources have managed to document the names and particulars of at least 4,672 victims of the prison massacre so far.¹⁷

II. The State’s refusal to acknowledge

Iranian authorities have never publicly acknowledged the executions of that year. By the same token, they have not disclosed the exact reasons for the decision and the timing.

The executions began on large scale in Evin prison (Tehran) and Rajaishahr prison (near Karaj) on or around 27 July, which gives the impression that the first wave of executions, i.e. the killing of MKO members, was a rash reaction to the organisation’s 25 July large incursion, under the auspices of the Iraqi regime, following the 18 July ceasefire between Iran and Iraq in their 8-year war.

This has been alleged by some sources close to the current Iranian authorities.¹⁸ Ayatollah Montazeri also indicated that Ayatollah Khomeini’s letter was written as a reaction to the offensive:

The MKO attacked the Islamic Republic of Iran... At that time, some people decided to exterminate the Mujahedin and get rid of them. [For that purpose] they obtained a letter from the Imam [Ayatollah Khomeini].¹⁹

Ayatollah Khomeini’s letter, however, made no reference to the MKO offensive. Ervand Abrahamian, the distinguished professor of history at Baruch College in the USA, maintains that the process and practical preparations for the mass executions began on 19 July 1988, six days before the MKO launched their offensive.²⁰

Some former prisoners have indicated in hindsight that there had been indications in the behaviour of prison officials several months before the events.²¹

¹³Iran: *Violations Of Human Rights 1987-1990*, Amnesty International, MDE 13/21/90

¹⁴Iran: *The 20th anniversary of 1988 "prison massacre"*, Amnesty International, MDE 13/118/2008

¹⁵Op. cit., *The Massacre of Political Prisoners in Iran, 1988*, p. 115

¹⁶Conference on 1988 Executions at Oxford University, BBC Persian Service, 27 October 2011, available at: http://www.bbc.co.uk/persian/iran/2011/10/111027_178_67_exec_conf.shtml

¹⁷ *List of 1988 massacre*, ‘The Committee of Defence of Human Rights in Iran-Sweden’ website, September 2010, available at: <http://www.komitedefa.org/text/edamha67.pdf>

¹⁸ For example, *Pasdasht-e Haghighat* (guarding the truth), a book written by Messrs Abbas Salimi Namin and Massoud Rezaei, both reputed to be former officials of the Ministry of Intelligence, in response to Ayatollah Montazeri’s memoirs. It can be downloaded at: <http://www.teribon.ir/files/pasdasht.pdf>

¹⁹ Op. cit. *Ayatollah Montazeri’s Memoires*, p. 623

²⁰*Tortured Confessions: prison and public recantations in modern Iran*, Chapter 5, Mass Executions of 1988, p. 209, University of California Press, 1999

²¹Reza Alijani, *1988 executions were planned before*, 21 October 2011, available at:

<http://news.gooya.com/politics/archives/2011/10/129902.php>; Mehdi Aslani, *Conference on 1988 Executions at Oxford University*, BBC Persian Service, 27 October 2011, available at:

Mr. Robertson Q.C. also concluded:

What makes it worse is that the executions had been planned a year earlier. The timing and places of executions had been determined.²²

It is quite clear that many top officials were informed of the massacre and some of them were more directly involved in command positions. A number of those officials are still around and some of them are still in positions of power (Appendix III). Some of them, who held high-ranking positions at the time, including the incumbent leader Ayatollah Ali Khamanei, head of the Expediency Discernment Council Ayatollah Ali Akbar Hashemi Rafsanjani, former Head of Judiciary Ayatollah Abdolkarim Mousavi Ardebili, and former Prime Minister Mir Hossein Mousavi, have tacitly admitted the executions, but declined to acknowledge them publicly or divulge concrete information or order investigations into them.

III. Families of the victims: quest for truth & justice

Victims of the executions were buried at different places. The authorities only began informing their families of the executions in October and November 1988 but did not disclose their burial places. Having heard of possible burials in mass graves, relatives had already begun searching the various cemeteries. In mid-August 1988, some of them had discovered “group of bodies, some clothed, some in shrouds, had been buried in unmarked shallow graves in the section of the cemetery reserved for leftist political prisoners”²³ in a part of the Khavaran cemetery, in south Tehran, which the authorities have dubbed “The place of the damned” because a large number of leftists are believed to be buried there.

Since then, for the past 25 years, family members of the victims have been seeking information about their beloved, the reasons for their summary retrials and execution, their burial place, and have demanded the perpetrators of the crimes to be brought to justice.

The authorities have, however, consistently declined to open any investigation into the crimes, or even to provide information about the victims. Family members of the victims, who have sought to uncover the truth, have frequently been harassed and persecuted, including on the judicial level.

Scores of supporters of Khavaran Mothers²⁴ and Mothers of Park Laleh (MPL)²⁵ aka Mourning Mothers have been detained, prosecuted, imprisoned or forced to leave the country. Among them several persons are currently serving prison terms: Ms Jila Karamzadeh-Makvandi, Ms Hakimeh Shokri, and Mr Mohammad Ebrahimi. Others have been sentenced to imprisonment and are at risk of arrest any time. They include: Ms Mansoureh Behkish, Ms Neda Mostaqimi, and Mr Mehdi Ramezani.

Families of the victims, who try to visit the site of the mass graves at Khavaran or other cemeteries and commemorate their beloved in late August/early September each year, are regularly summoned and threatened by security and intelligence agencies.

http://www.bbc.co.uk/persian/iran/2011/10/111027_178_67_exec_conf.shtml

²² Op. cit. *Conference on 1988 Executions at Oxford University*

²³ *Iran: Violations of Human Rights 1987-1990*, Amnesty International, MDE 13/21/90.

²⁴ Women whose children are buried in Khavaran Cemetery.

²⁵ Women whose children have been executed, killed, or disappeared since the early 1980s including since the 2009 presidential elections.

The 25th anniversary of the massacre this year has been no exception. On 1 September, security forces prevented the families and relatives of the executed from entering the Khavaran cemetery. In a statement issued on 3 September, Ms Mansoureh Behkish, who lost six members of her family in the executions in early 1980s and 1988, disclosed that she and her 90-year-old mother had been planning to visit the site on 5 September, but officials from Ministry of Intelligence summoned her on 28 August and warned her not to go ahead with her plan.

In addition, the authorities have attempted to eliminate the remaining evidence of the 1988 crimes but they have failed so far. In January 2009, bulldozers destroyed some of the grave markings made in Khavaran by the families of the executed. The action clearly aimed at denying the families of the victims of the 1988 killings their right to truth and justice. Nevertheless, in some other cities such as Rasht, the capital of Gilan province, which do not receive extensive international attention, the site of mass graves have been levelled and substituted with new graves.

IV. Legal analysis

Under Article 7 of the Statute of the International Criminal Court, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

Murder; (...) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court.

For the purpose of paragraph 1:

(a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack; (...) (g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.

The massive extrajudicial killings perpetrated in various Iranian prisons during the summer of 1988 against several thousand political opponents constitute, without any doubt, a crime against humanity. The scale of the executions, the common pattern and proceedings and the convergence of testimonies substantiate that those killings were widespread and systematic. Victims were civilians, either MKO members and supporters or political prisoners considered as leftists and atheists. They were persecuted for their political and religious (or non-religious) beliefs. The highest authorities had knowledge of the killings and the evidence published in Appendices of this report demonstrates that the founder of the Islamic Republic of Iran, Ayatollah Khomeini, as well as several other high-ranking officials were directly involved or accomplices in the crimes.

Under international customary law, also in force at the time of the commission of the 1988 crimes, crimes against humanity are not subject to any statute of limitations. Therefore investigation into those crimes and prosecution of those responsible remain an obligation of the authorities of the Islamic Republic of Iran.

Furthermore, the rights for victim's families to know, to access to truth, justice and reparation have been largely defined under international law, and international case law.

In accordance with the UN Set of principles for the protection and promotion of human rights through action to combat impunity, the right to truth is inalienable.

Irrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victims' fate.²⁶

Therefore, States must take appropriate actions that include judicial and non-judicial measures to ensure this right. As a consequence, an important form of reparation,

[I]n the case of forced disappearance, is the rights of the family of the direct victim to be informed of the fate and/or whereabouts of the disappeared person and, in the event of decease, that person's body must be returned to the family as soon as it has been identified, regardless of whether the perpetrators have been identified or prosecuted.²⁷

²⁶Principle 4 of the Report of the independent expert to update the Set of principles to combat impunity (E/CN.4/2005/102/Add.1).

²⁷Principle 34 of the Report of the independent expert to update the Set of principles to combat impunity (E/CN.4/2005/102/Add.1)

V. Conclusion and Recommendations

The massive killings of 1988 constitute a crime against humanity. The successive authorities of the Islamic Republic of Iran have done nothing to investigate those crimes and hold the perpetrators accountable. On the contrary, they have suppressed any move by the families of the victims to seek the truth and commemorate their deceased relatives.

FIDH and LDDHI take the opportunity of the 25th anniversary of those widespread killings to call upon the Iranian government to:

- Stop denying the rights of victims' relatives to access to truth about the victims' fate, to know the burial place of their beloved and to mourn their deaths;
- Locate, identify and return the bodies of the victims to their families;
- Act on its standing invitation to UN mechanisms and invite to Iran the UN Special Rapporteur on human rights in Iran, as well as the UN Special Rapporteurs on extrajudicial, summary or arbitrary executions; torture; the promotion of truth, justice, reparation and guarantees of non-recurrence; and the Working Group on Enforced Disappearances. They should be given free access to relatives of the victims and former political prisoners as well as the Khavaran site to examine the unmarked mass graves and the best way of undertaking an investigation into the 1988 executions.
- Investigate these crimes in order to establish institutional and personal responsibilities;
- Prosecute those responsible;
- Refrain from destroying evidence of the crimes.

FIDH and LDDHI also recommend the international community:

- Call upon the Islamic Republic of Iran in the next UN General Assembly's resolution on Iran to put an end to the impunity that followed the 1988 mass executions.

Finally, FIDH and LDDHI request the UN Secretary General and UN Special Rapporteur on human rights in Iran to:

- Include in their next reports specific observations and recommendations regarding the 1988 mass executions and the ongoing persecution of the families of the victims.

Appendix I: Ayatollah Khomeini's fatwa²⁸

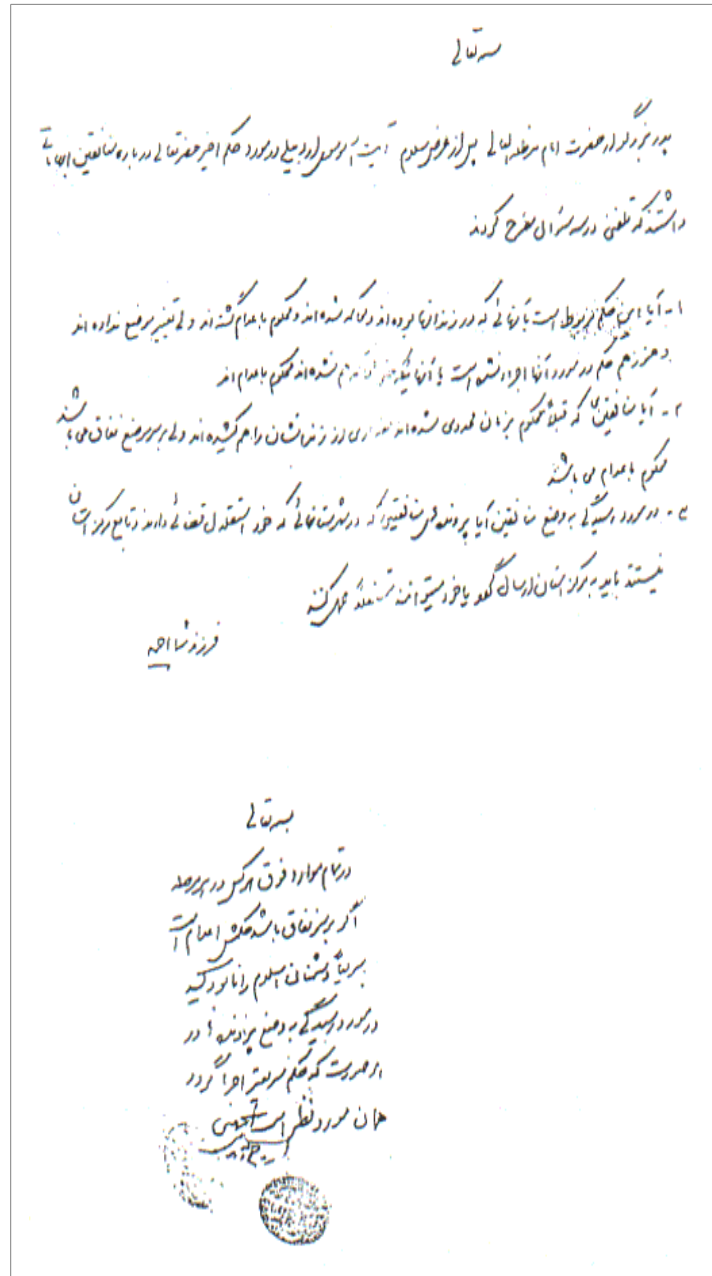
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

در اینجا که منافقین خائن بیوجه به اسلام معتقد بوند و برپه میگردیدند از در حیل و خفا اینهاست و در جمله اینها
 در اسلام درآوردند و آنرا با تعبیر به موجب بودن آنها و جنگها را که باید آنرا در طولی و غیره خوب کرد
 با جریای خرابیست عراق و کجای کوسای آن برار صلح علیه ملت مسلمان ما و با تعبیر به ارتباط آن با
 انگار جهان و صفات ناخودرمانه آنان که بندگان سگینه نظام جمهوری اسلامی ایران که در دنیا
 سر بر کرده بر روضه فغان خود با فاش کردن و بکنند محارب و مکتوم به عدل میباشند و تشعیر مرفوع بزند
 ندان با دارا کثرت آیان هم به اسلام نرسد و جانب بر شرافت و زینداری از ذرات طهعات
 از هر چه صیاط در جماع است. و این طرد در زندانها را از آن کور در ابر کثرت آیان قاضی شرع
 و اوسان استبداد و یادار بار و زینت ذرات طهعات مضموع میباشند. و هم بر مجازین
 سان انزلی است. و قاطعیت اسلام در برابر دشمن خدا از اصولی کرده پذیرفتام اسلامی
 است. و اسلام با چشم و کینه نهاده خود نسبت به دشمنان اسلام رضایت خداوند متعال را
 آیان که تشعیر مرفوع به عهد انانست و بر سر دست و دیده نکند و سعی کند «استدوار
 علی القمار» باشند. و در این قضای اسلام نهاده نادیده گرفتن خون پاک و طهارت
 شود از بینند اسلام در این

²⁸Available at: <http://www.amontazeri.com/farsi/khaterat/html/0562.htm>

Appendix II: Ayatollah Khomeini's reply to the incumbent Head of Judiciary²⁹

The first part of the document is a transcription of questions that the Head of Judiciary, Ayatollah Abdolkarim Mousavi-Ardebili, had asked to Ayatollah Khomeini in a telephone conversation with the latter's son, Ahmad Khomeini. Ayatollah Khomeini's reply follows under the transcription.



²⁹Available at: <http://www.amontazeri.com/farsi/khaterat/html/0563.htm>

Appendix III: Top officials at the time of 1988 massacre

Many past and present officials should be held accountable and provide explanations for the 1988 events. The following is a short non-exhaustive list of such officials.

1. Ayatollah **Ali Khamanei**, incumbent leader and then president, reportedly said in December 1988 in a “Student’s question and answer session with the President regarding Human Rights”:

Have we ever abolished the death penalty? We have the capital punishment like many other countries in the world... Do you think we should hand out sweets to an individual who, from inside prison, is in contact and plotting with the *Monafeqin* who launched an armed attack within the borders of the Islamic Republic with the foreign enemy and committed those atrocities in Islamabad, Karand and other places? If his contacts with such a traitorous organisation have been established, what should be done about him? He would be sentenced to death and we will certainly execute him. We do not cover this up.³⁰

2. Ayatollah **Ali Akbar Hashemi Rafsanjani**, then speaker of parliament and commander-in-chief of the armed forces and generally viewed as the No. 2 man in the State hierarchy, has generally avoided clear references to the 1988 executions, but there are statements that clearly show his full knowledge of them. He wrote in his 1988 Diaries:

We discussed with Ayatollah Mousavi Ardebili the contents of [his 5 August] Friday sermons.³¹

Furthermore, on 9 August, i.e. about 10 days after the commencement of the killings in the prisons:

Mr Ali Shoushtari, acting director of the Prisons Organisation came and reported on ... the *monafeqin*: From about 5,000 prisoners from splinter groups, one-third of members are steadfast in their positions, one-third has repented and one-third is detached.³²

This would become fully comprehensible if one recalled the wording of Ayatollah Khomeini’s fatwa against the “*monafeqin* who persist in their steadfast positions in prisons.” He has also reportedly admitted in February 1989 that “the number of political prisoners executed in the last few months was less than one thousand.”³³

3. Ayatollah **Abdolkarim Mousavi Ardebili** was Head of the Judiciary and was implicated in Ayatollah Montazeri’s Memoires.³⁴ He has reportedly claimed that he was “opposed to the 1988 executions and wrote three times” to express his opposition but “finally, the task was accomplished by a specific decree to specific persons! I was not involved in those executions.”³⁵ While he still evaded making ‘specific’ references 23 years after the massacre, there are reports of his sermons in Friday prayers on 5 August 1988 after the MKO offensive, where he incited the crowd in support of the executions:

The *monafeqin* were problem for us... Some of them are in prison in Iran... The Judiciary is under great pressure. The public opinion [asks] why we try them... why they are not all executed.³⁶

The late Ayatollah Montazeri has also disclosed in his Memoires:

I sent a message to Ayatollah [Abdolkarim] Mousavi Ardebili, then head of the Supreme Judicial Council as follows: ‘Didn’t your judges sentence these people to five or 10 years imprisonment! [?] Were you not

³⁰ Resalat, 7 December 1988, 2 and 11, reported in *The Massacre of Political Prisoners in Iran*, Geoffrey Robertson; op. cit.; we have translated the quotation from the original Persian version.

³¹ *Akbar Hashemi Rafsanjani’s Memoires and Omission of 1988 Massacre*, Akbar Ganji, 29 June 2011, available at: http://www.bbc.co.uk/persian/iran/2011/06/110629_113_hashemi_memoirs_ganji.shtml. See also above under Ayatollah Mousavi Ardebili for the content of the sermon.

³² Ibid.

³³ Iran Research Group, *Iran Yearbook 89/90* (MB Medien & Bucher Verlagsgesellschaft mbH, 1989), reported in *The Massacre of Political Prisoners in Iran*, Geoffrey Robertson, op. cit.

³⁴ See above and Appendix II

³⁵ *Visiting Ayatollah Mousavi Ardebili*, Dr Mehdi Khazali, 10 June 2011, available at: http://www.drkhazali.com/index.php?option=com_content&view=article&id=1094:1390-03-20-21-39-21&catid=231:1388-11-13-13-52-05&Itemid=447 or <http://www.rahesabz.net/story/38397/>

³⁶ Kayhan, 6 August 1988 reported in *The Massacre of Political Prisoners in Iran*, Geoffrey Robertson, op. cit.

in charge! [?]. [Why did] you ask Mr Ahmad³⁷ [Khomeini] if they should be executed in Kashan or in Isfahan!?

4. Mr **Mir Hossein Mousavi**, then Prime Minister, was questioned on the issue several times during his 2009 presidential election campaign, but he never offered a concrete answer. At some point, he even implied that the government was not informed of the events. He allegedly voiced strong support for the executions in an interview with the Austrian TV a few months after the events.³⁸ Mousavi has been under house arrest since February 2011 and not been able to respond to the issue that appeared in Mr Robertson's previously cited report.

5. Ayatollah **Mohammad Mohammadi Reyshahri** was then intelligence minister and presumably in charge of appointing the Ministry's representative to the three-member committee in Tehran and the corresponding committees in the provincial capitals.

6. Ayatollah **Mohammad Mousavi Khomeiniha**, then Prosecutor-General, was well placed to have extensive information about the massacre.

Medium level officials involved

A large number of other officials were also directly involved in the executions or reportedly played active role in preparations for the three-member committees. Some of the notable ones vis-à-vis Evin and Rajaishahr (Gohardasht) prisons include:

The three members of the 'Death Committee' in Tehran:

- Hojjatoleslam **Hossein-Ali Nayyeri** was the shariah judge. At the time of writing in early September 2013, he is deputy president of the Supreme Court.
- Mr **Morteza Eshraqi** was the Tehran prosecutor. There have been reports that he later headed a branch of the Supreme Court.
- Hojjatoleslam **Mostafa Pourmohammadi** was the Intelligence Ministry's representative. He is minister of justice in the government of the new President Hassan Rouhani.

There are scores of others.³⁹ The following is a definitely non-exclusive list of other officials who were deeply involved in the killings one way or another:

- Hojjatoleslam **Ali Mobasher** frequently substituted Hojjatoleslam Nayyeri. He is now deputy president of the Administrative Court.
- Hojjatoleslam **Ebrahim Ra'eesi**, then deputy prosecutor of Tehran, frequently substituted Mr Morteza Eshraqi. He is currently first deputy head of the Judiciary.
- Hojjatoleslam **Mohammad Moghisse** was the overseeing prosecutor in Rajaishahr (Gohardasht) prison and actively involved in preparations for the central three-member committee. He is now head of Branch 28 of the Islamic Revolution Court.
- Hojjatoleslam **Mohammad Esmail Shoushtari** was in charge of the Prisons Organisation. He served as minister of justice later and reportedly retired as a Supreme Court judge.
- Hojjatoleslam **Seyyed Hossein Mortezaei** was governor of Evin prison.

³⁷Ahmad Khomeini was Ayatollah Khomeini's son, who died under highly dubious conditions at the age of 49 only three years after his father.

³⁸Ettela'at, 22 December 1988 reported in *The Massacre of Political Prisoners in Iran*, Geoffrey Robertson, op. cit.

³⁹A more comprehensive list would include many others in different cities.

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