



Civil Society Hearing
into the
1988 Massacre
of Political Prisoners
in Iran

Geneva - 1 February 2018

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Organisers



France Libertés
Fondation Danielle Mitterrand



Nonviolent Radical Party,
Transnational and Transparty



International Educational Development

International Educational
Development (IED)



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



Women's Human Rights
International Association (WHRIA)

Note of dedication

JVMI would like to dedicate its report about the civil society hearing on the 1988 massacre in Iran, convened on 1 February 2018, to the memory of the great humanitarian **Asma Jahangir**, for her dedication to the cause of human rights in Iran.



JVMI is deeply saddened by the sudden tragic loss of Ms. Jahangir, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. She will be dearly missed by all the families of victims of the 1988 massacre in Iran who met and shared their story with her.

In her meetings and encounters with families of the victims of the 1988 massacre, Asma coming from a background as a caring defender of human rights, was full of determination to achieve justice and human rights in Iran.

Speaking before the UN Third Committee in New York on 25 October 2017, she reiterated that families of victims of the 1988 massacre have a right to remedy, reparation, and the right to know about the truth of these events and the fate of the victims without risking reprisal.

Asma will be remembered by the people of Iran as a champion of human rights who did not shy away from speaking out against injustice by a duplicitous regime that engages in human rights violations.

Her reports stated that the perpetrators of the massacre have never been held to account and continue to hold key positions in the Iranian government and Judiciary. Indeed, she pointed out that the current Iranian Justice Minister was a member of the Death Commissions that sent political prisoners to their deaths.

Asma has left us, but she has done so with a legacy to be proud of. May she rest in peace as her memory endures in the hearts and minds of millions of Iranians and other victims of human rights abuses throughout the world.

Now it is the task of all democratic governments and the United Nations at large to fill the void and carry her torch for human rights in Iran.

Executive Summary

Following reports by the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the UN Secretary General to the General Assembly highlighting the 1988 massacre of political prisoners in Iran, a civil society hearing was held in Geneva on 1 February 2018 to discuss the necessary steps for bringing an end to the impunity enjoyed by the perpetrators. In her report, Special Rapporteur Asma Jahangir stated that “families of the victims 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 Special Rapporteur therefore calls on the Government to ensure that a thorough and independent investigation into these events is carried out.”

Justice for the Victims of the 1988 Massacre in Iran (JVMI) had already published two documentary books on this issue. “Inquiry into the 1988 mass executions in Iran” was published in March 2017 and “The 1988 Massacre in Iran - Evidence of a Crime against Humanity” was published in October 2017.

The civil society hearing in Geneva heard witnesses and legal experts and offered an adjudication of the 1988 massacre of political prisoners in the Islamic Republic of Iran. The hearing was the first of its kind by NGOs in Geneva, and it urged immediate action by the UN to address the current wave of mass arrests and killings in Iranian jails following the recent anti-government protests.

The civil society hearing urged the UN High Commissioner for Human Rights to establish a fact-finding mission to investigate the months-long 1988 massacre during which Iran’s government executed an estimated 30,000 political prisoners, mostly activists of the People’s Mojahedin Organisation of Iran (PMOI / MEK).

During the Geneva hearing, former UN judges, senior human rights officials and human rights experts and advocates stressed that such an inquiry, long overdue, is now especially crucial in light of the arrest of thousands of peaceful anti-government protesters at the turn of the year, after which numerous protesters died while in authorities’ custody. Many more are at risk of a similar fate.

Twelve detainees so far have been identified by name as having died as a result of torture in Iran’s prisons. In an act of propaganda, authorities have attempted to downplay some of these deaths by insisting that they actually were instances of suicide.

“Deceased prisoners have died of guilty conscience,” Hassan Nowroozi, the spokesman for the Iranian Parliament’s Legal and Judicial Committee, was quoted as saying. “The deaths of many of these people in prison may be related to regretting their acts. They realised the ugliness of their acts, and maybe that led to their suicide in prison.”

Such language is chillingly familiar. In declaring the people’s demands for democracy to be “ugly,” figures such as Nowroozi recall attention to the sentiment that all enemies of the authorities are enemies of God — a sentiment that was codified into law following a fatwa issued in 1988 by Supreme Leader Khomeini. That religious pronouncement led inexorably to the creation of Death Commissions in various cities throughout Iran, where they were tasked with eliminating

all political prisoners who remained loyal to their beliefs.

In the first session of the civil society hearing, Kirsty Brimelow QC, Chair of the Bar Human Rights Committee of England and Wales, presented an indictment. In the first and third sessions of the hearing she introduced 15 witnesses who were either survivors of the 1988 massacre or families of the victims. In another session, four distinguished experts; Jean Ziegler, Vice President of the Human Rights Council Advisory Committee; Juan Garcés, chief lawyer in the Spanish case against General Pinochet; Eric Sottas, former Secretary-General of the World Organisation Against Torture (OMCT); and Tahar Boumedra, former chief of the Human Rights Office of the UN Assistance Mission for Iraq, discussed the nature of the crimes and the UN's obligations regarding the 1988 massacre. In the final session, Geoffrey Robertson QC, head of Doughty Street Chambers in the UK and former appeal judge at the UN Special Court for Sierra Leone; and Professor Eric David, Professor emeritus of international law at the Université libre de Bruxelles; acting as adjudicators, offered their opinions based on the evidence and made recommendations to the UN.

Participants in the hearing expressed a consensus that the 1988 massacre clearly constitutes a crime against humanity. They stressed that the international community and in particular the UN are obliged to take all necessary measures to end impunity in this case, and they warned that failure to hold Tehran accountable would simply emboldened the Iranian authorities to continue their gross human rights violations.

Kirsty Brimelow summed up her presentation after hearing all the witnesses, establishing beyond any doubt that, based on undeniable facts and evidence including official acknowledgements, a crime against humanity had occurred in 1988 and that it has continued to date. She named several perpetrators of the 1988 massacre currently holding key judicial positions, including Justice Minister Alireza Avaie and Advisor to the Head of the Judiciary Mostafa Pour-Mohammadi. She warned that if this impunity is not ended, the lives of those arrested at the beginning of 2018 would be at serious risk.

Jean Ziegler, Eric David and Tahar Boumedra, citing Article 7 of the Rome Statute, stated that the 1988 mass killings in Iran constitute crimes against humanity. Both Geoffrey Robertson and Tahar Boumedra made the case that it is well established that the Iranian authorities will not and cannot launch an independent investigation into this massacre, and thus, the relevant Special Procedures ought to individually and collectively call on the UN to establish an impartial commission of inquiry.

The testimonies of the 15 witnesses provided solid facts and undeniable evidence of the extent of the crimes committed and the suffering of the survivors and the families of the victims. One witness explained that 14 members of her family had been executed in Iran for their belief, five of them during the 1988 massacre. Three of the survivors explained that preparation for the mass executions started several months before the massacre itself. Geoffrey Robertson in his conclusion discussed in detail why there could be no justification for the massacre, which he said was more tragic than the Death Marches of Prisoners of War during World War II in Japan and the mass killings of Srebrenica.

Summing up the evidence of a crime against humanity

The testimony of survivors and relatives of massacre victims presented concrete evidence of a

crime against humanity, as stipulated in Article 7 of the Rome Statute, having taken place in 1988 in Iran.

Article 7 reads:

“For the purpose of this Statute, “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:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) 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;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”

Evidence was presented at the hearing, including written documents, which proved beyond any doubt, let alone reasonable doubt, that crimes against humanity has occurred. These documents included but were not limited to a written decree (fatwa) issued by the State’s Supreme Leader, which explicitly ordered the execution of any prisoners belonging to the opposition People’s Mojahedin Organisation of Iran. His decree stated: “It is decreed that those who are in prison throughout the country and who remain steadfast in their support for the [PMOI] are waging war on God and are condemned to execution.”

The decree was so ruthless even by the standards of the Islamic Republic of Iran, that the Chief Justice sought clarification. Khomeini’s response was even more ruthless: “If the person at any stage or at any time maintains his [or her] support for the [PMOI], the sentence is execution. Annihilate the enemies of Islam immediately. As regards the cases, use whichever criterion that speeds up the implementation of the verdict.”

Further evidence included letters from then successor to the Supreme Leader, Ayatollah Montazeri, who opposed the executions. Finally, reference was made to Montazeri’s audio tape discussing the issue with four of the perpetrators in the midst of the killings, all of whom acknowledged and defended the mass killings.

There was evidence that political prisoners were called before a three-panel commission, comprising of a religious judge, a prosecutor and a representative of the Ministry of Intelligence and Security (MOIS) and asked their charges. Prisoners who responded by saying that their charge was supporting the ‘Mojahedin,’ and not the “Monafeqin” (meaning ‘hypocrites’ - a

derogatory term used by the authorities when referring to the PMOI), were executed. It was also stated that the number of prisoners thought to have been executed in 1988 stood at around 30,000. Furthermore, as evidence, reference was made to current Iranian officials acknowledging and even defending the executions.

There was evidence from witnesses that spurious charges or no charges at all were used in sentencing prisoners. One witness described a victim who was sentenced to eight years and then subsequently was executed.

Evidence was presented of individuals who were executed under the pretext of drug trafficking spurious charge but who were in fact political prisoners. There was evidence of torture carried out on prisoners, including physical torture, beatings, lashing, beatings to feet and legs causing infection and, in some cases, resulting in amputation. Some of the beatings that were described resulted in kidney problems for victims. Further inhumane conditions including denial of access to toilet facilities. One witness described how 70 people were locked in one small space. Another witness described the detention of 87 people in another small space gulping at the window for air and taking it in turns. One witness described torture to the extent that a prisoner was unrecognisable even to his own father. There was evidence of torture used to extract confessions, which showed no attempt at a judicial process, simply to try to get some sort of confession to give an excuse to comply with a fatwa which had no basis in any legal process, procedure or law.

There was evidence of children being mistreated in prison including a 16-year-old and a 17-year-old who were rounded up. One survived the prison; the other was executed. The hearing heard of a pregnant woman who was executed. Solitary confinement conditions were so inhumane that one of the witnesses had attempted suicide. He gave a brief overview of how terrible that was.

Relatives of victims also faced psychological torture. Numerous witnesses reported families being called to prison and then sent away, and refusal of visitation rights to people. The families were given no access to the body of their loved one. They were also denied access to graves, or if there was access, there was no confirmation as to what grave they were looking at. One of the witnesses explained how he had been able to identify the curly hair of his sister in a mass grave in order to carry out a proper burial; however, the burial resulted in the head stone constantly being smashed. Others were not able even to have a burial.

There was direct evidence of planning of the 1988 massacre. Witnesses testified that visitations stopped in 1988, as the planning was under way, in order to carry out the executions. There was direct evidence from those who were in prison who could hardly believe how the prisons had been emptied so quickly thinking it could only be that there were pardons and then hearing via Morse code that in fact there was no pardon, that people were being hanged in twos and more. One witness testified that in Rasht prison no one survived. There was evidence of three prisons where out of thousands only 135 survived and as an example, 185 people were executed in one day, and evidence of lines going to slaughter. There was evidence of family members still not knowing even the spurious reason upon which a loved one was put to death.

There was evidence from the witnesses of more inhumane treatment by the state in the returning of belongings of prisoners. The session heard of an 86-year-old mother who was still waiting for her son to return; such is the effect of not knowing and not having closure. There were accounts of hanging squads, of firing squads and of playing with the families; the lack of information, the games, the cruel inhumane treatment, the mental torture. The session heard numerous names

of members of the Death Commissions. Furthermore, evidence was presented of the complicity of prison guards and the knowledge of the prison guards, knowing that there was complete planning and that the mass execution was what was happening next.

The UN Obligations

The summary presented by Kirsty Brimelow identified a number of crimes that fall under the title of crimes against humanity. All the eminent jurists agreed that what happened to the political prisoners in Iran in 1988 meets the definition of a crime against humanity as stipulated in Article 7 of the Rome Statute.

It was also concluded that the 1988 massacre in Iran was more serious and on a larger scale than the death marches at the end of the Second World War in the Pacific, where several thousand American, British and Australian soldiers were killed; and the massacre of Srebrenica, when 7000 men and boys were killed and buried in mass graves. While in those two cases the perpetrators faced trial, perpetrators of the 1988 massacre are enjoying impunity and many of them hold key positions in various branches of the government and judiciary.

The UN Special Representative on Human Rights Situation in Iran at the time of the massacre was Reynaldo Galindo Pohl. He was immediately informed of the start of mass executions. In his report while the massacre was continuing, he reported the killings and specifically referred to one report of 800 executions. He further called on the Iranian authorities to investigate the report. But, this and other calls were categorically refused by the government of the Islamic Republic of Iran.

The most recent Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Asma Jahangir, in her report submitted to the General Assembly by the UN Secretary General on 14 August 2017 stated, "In January 1989, the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, Reynaldo Galindo Pohl, expressed concern over the "global denial" of the executions and called on Iranian authorities to conduct an investigation. Such an investigation has yet to be undertaken." (See E/CN.4/1989/26, para. 68)

She further stated that "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."

But while she acknowledged that a crime against humanity took place, while she acknowledged in her report that perpetrators and some of the officials of the Islamic Republic have admitted and even defended the executions, and further acknowledged that it is impossible to expect a regime like that of the Islamic Republic of Iran to independently investigate, the Special Rapporteur went on again like her predecessors calling again on the government of Iran to investigate. It is clear that after 30 years of denying and then defending the massacre, the Iranian authorities will not investigate themselves for a crime against humanity. If we stand by the rule of law, we need the establishment of an international commission of inquiry.

Indeed, the Iranian authorities are unable to investigate the 1988 massacre because on the one hand they don't have an independent judicial system, and on the other hand, a number of officials, currently holding positions in the government, have publicly admitted their role in the executions and are still calling for the annihilation of the opposition.

Also, at the civil society hearing, witnesses talked about torture. Within the UN, there is a mechanism for the promotion and protection of human rights, and there is a Special Rapporteur concerned with torture. So, he is expected to be seized about this issue in addition to the Special Rapporteur on the situation of human rights in Iran. There is also a Special Rapporteur concerning extra-judicial killings. She too ought to get seized on this issue. There is a Working Group on Enforced or Involuntary Disappearances; they too should be concerned, as should the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. Up until now, many families don't have a death certificate. Many still don't have an official confirmation of the death of their loved ones.

The mandated special rapporteurs are expected to place those matters on their agenda. But also, there is a legitimate right to call on the UN High Commissioner for Human Rights to take his own initiative. This is a case that needs to be urgently investigated and the intervention of the High Commissioner for Human Rights is going to be instrumental if the special rapporteurs are to consider this matter with due urgency, collectively and individually. Collectively in the sense that the six rapporteurs concerned ought to come together and put their forces together and issue a statement that requests an investigation. And individually, each rapporteur concerned should produce his/her own report. After all, this will be an implementation of the guiding principles on investigating crimes against humanity, crimes of war and genocide.

Recent developments

The authorities in Iran continue their widespread crackdown, targeting participants in the recent anti-government protests along with activists and dissidents of every stripe. By all accounts, this crackdown is worsening. While the regime initially claimed that only a few hundred had been arrested during the demonstrations, officials later acknowledged more than 5,000 arrests. Activists inside the country have monitored more than 8,000.

Senior government officials now are attempting to portray thousands of detained protesters as "enemies of God." Some of the present conditions are disturbingly reminiscent of the run-up to the 1988 massacre.

Bearing in mind the 1988 massacre and years of ongoing political executions in Iran, bearing in mind that several senior current officials, including in the judiciary, as stated during the hearing, are the perpetrators of the 1988 massacre, and bearing in mind that since the beginning of 2018 at least 12 protesters are reported to have been killed under torture, there is serious concern that Iranian officials suspected of having committed the 1988 massacre of the political prisoners are enjoying total impunity in the government and judiciary.

Conclusion and recommendations

The ruthless and extreme violence the Iranian authorities used recently against peaceful demonstrators is an additional indicator that impunity has emboldened the regime in suppressing the opposition. The perpetrators of previous grave crimes in Iran must not be allowed to embark

on a new systematic purge of the protesters. The international community must send a firm message to the Iranian authorities that impunity will no longer be accepted, nor tolerated. The JVMI makes the following recommendations:

- The Office of the UN High Commissioner for Human Rights should set up a Commission of Inquiry or a Fact-Finding Mission to investigate the 1988 mass killings.
- All U.N. Member States must lend him their support in the formation of a fact-finding mission to investigate the 1988 massacre to reveal the truth, hold the perpetrators to account and seek justice, reparation and guarantees of non-recurrence.
- The next UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran must seize the opportunity and based on all available evidence further cover this issue and urge relevant UN institutions to adopt binding measures.
- UN Special Procedures related to this issue should act jointly and adopt a clear public position calling on the OHCHR and UN Member States to immediately establish a Fact-Finding Mission.

Introduction

By Tahar Boumedra

International lawyer from Algeria, served as Chief of the Human Rights Office of the U.N. in Iraq.



(Photo by The Media Express)

Good morning ladies and gentlemen,

We are going to start proceeding with our hearing about the 1988 massacre of political prisoners in Iran and the ongoing persecution of the Iranian opposition.

You are aware that we are talking about a massacre that happened 30 years ago against political prisoners who were serving prison terms. The U.N., through the successive Special Representatives and Special Rapporteurs, had repeatedly called on the government of Iran to undertake an independent investigation, but the call of the U.N. had always fallen on deaf ears. The suspect perpetrators of the massacre of 1988, of, allegedly, over 30,000 victims, had been the subject of recent revelations by actors who had been part of the system. So far, no official investigation has taken place and our hearing today comes in the context that the government of Iran has refused to cooperate with the U.N. and is unwilling to investigate.

While the government of Iran is refusing to investigate or to prosecute, the U.N. has also failed in establishing an independent commission of inquiry to look into this massacre that is still ongoing. The recent events that took place in most cities and towns in January (2018), where a number of demonstrators were killed, are evidence of the ongoing crime. Without going into detail, I would like to remind everybody that the Special Procedures established by the Human Rights Council and the mechanisms established by different human rights conventions so far have failed in undertaking any serious investigation. For this purpose I would like to point out the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. These principles are recommended by the Economic and Social Council Resolution 1989/65 of 24 May 1989. They make it, at least morally, an obligation to investigate alleged crimes against

humanity and particularly those crimes brought to the attention of the U.N. by the families of the victims.

Let me just read for you the relevant principles:

Principle 9: "There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death..."

Principle 11 reads: "In cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure."

These principles are directed towards the U.N. member states, but also oblige the Special Procedures of the U.N. when it is proven that the government concerned has failed to investigate either because it's unable to investigate or simply because it refuses to investigate which is the case of our hearing today. In the absence of any investigation of the massacre of 1988 and the extra-legal killings that took place lately, civil society has found no alternative but to launch its own investigation, and we are hoping that in our gathering today, the panel of experts will look at the available evidence that sheds some light on what happened during the summer of 1988. So, today's panel will scrutinize the available evidence, and will give its opinion and make recommendations to the attention of the UN specialized institutions in order to request that the Special Procedures of the U.N. take effective action, namely the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran and the other special rapporteurs concerned with torture, extra-legal executions and forced disappearances. Our proceedings will be put in the form of an appeal to these Special Procedures and to the High Commissioner for Human Rights to appoint a commission of inquiry to act independently and investigate the massacre and other crimes committed by the officials of the Islamic Republic of Iran.

Our panel is comprised of independent expert lawyers. I will probably start naming in the order of intervention.

Ms. Kirsty Brimelow, a Queen's Counsel (QC). She's the head of the Doughty Street's International Human Rights Team and part of the Doughty Street Equalities Team (UK). Kirsty specializes in international human rights and international criminal law. She's also chair of the Bar Human Rights Committee of England and Wales. Kirsty will present some evidence of the crimes that took place during the summer of 1988 in the Islamic Republic of Iran and she will interview and question a number of witnesses that will come to the panel.

After that, we will hear from Professor Jean Ziegler. Professor Ziegler is a former professor of sociology at the University of Geneva and the Sorbonne. Currently Vice President of the Advisory Committee of the U.N. Human Rights Council, he was a Member of Parliament from the Social Democrats in the Federal Assembly of Switzerland from 1981 until 1999. He has also had several positions in the U.N. including the Special Rapporteur on the Right to Food from 2000-2008. He was also member of the Advisory Committee of the U.N. Human Rights Council from 2008-2012.

We will also have the privilege to hear Dr. Juan Garcés. Dr. Juan Garcés is a well-known Spanish

lawyer. He was Salvador Allende's personal advisor. The only one still alive after the military coup in 1973 in Chile. Together with the Union of Progressive Spanish Prosecutors, Dr. Garcés filed a criminal complaint against General Augusto Pinochet and fellow Junta leaders for crimes against humanity in July 1996. He was the chief lawyer in the Spanish case against Pinochet. He struggled for a long time against impunity of dictators and had been instrumental in bringing to justice some notorious perpetrators of crimes against humanity.

We will then hear from Eric Sottas. He was former Secretary-General of the World Organisation Against Torture (OMCT).

I will then intervene as representative of the families of the victims.

We will also hear a number of survivors and relatives of victims of the 1988 massacre.

Then will come the role of the chairs of the panel. They will at the end of the hearing make some recommendations towards the United Nations and its Special Procedures.

We have the privilege to have Geoffrey Robertson QC

Mr. Robertson is the founder and joint head of Doughty Street Chambers in the UK. He has a distinguished career as a trial and appellate counsel, an international judge, also President of an international tribunal in Sierra Leone. He has written many books and published articles but he also made a publication on crimes against humanity which is a landmark in this kind of literature. Mr. Robertson is also a constitutional and criminal lawyer who is well known in England and Europe. He started as an appeal judge as I said in the Special Court for Sierra Leone. He conducted an inquiry into the 1988 massacre of the political prisoners in Iran with the Boroumand Foundation.

Last but not least, we have the privilege of having with us Professor Eric David.

Professor Eric David is an emeritus professor of international law at the Université libre de Bruxelles. He is a Doctor of Law (1966) and has a special degree in international law and a large number of degrees and honorary degrees. He has been an Expert of the Belgian Red Cross (French-speaking section) since 1996 for International Humanitarian Law and member of the International Humanitarian Fact-Finding Commission from 2007 to 2017.

Ladies and gentlemen, this is our program and we are proceeding in two sessions: the morning session and then the afternoon session and by the end of the day, we will be able to have ready some recommendations requesting an independent commission of inquiry from the U.N.

Thank you for your attention.

Indictment

Session 1

By Kirsty Brimelow (QC)

Head of the Doughty Street's International Human Rights Team, specialized on international human rights and international criminal law, Chair of the Bar Human Rights Committee of England and Wales



(Orbisswiss Photos Geneva)

Thank you very much Tahar for the welcome and introduction, and can I add my welcome to you all. I'm playing the role now of prosecutor but obviously we're not in a courtroom nor are we in a tribunal so you're not going to get a full opening speech nor a full process. This is an outline and then we can discuss further and there will be more commentary and you can see what you think, and then we can come to a conclusion as to why there is not already an independent investigation going in Iran, is there any reason why that isn't happening.

Because this is a case about crimes against humanity, I'm going to go back to the definition of what is a crime against humanity.

Article 7 of the Rome Statute sets out that a crime against humanity is a systematic attack against the civilian population. Systematic or widespread and then you look at the underlying elements. Here we have underlying elements of murder, torture, imprisonment or severe deprivation of physical liberty in violation of fundamental rules of international law, persecution against an identifiable group on political or religious grounds, enforced disappearances of persons, other inhumane acts intentionally causing great suffering or serious injury. We can add to that as well as has been recognised, the crime of rape.

Fundamentally, crimes against humanity are inhumanity and they are the most serious crimes. And what happened in Iran in 1988 is the most serious of crimes. We have evidence that we can examine and I'm going to be calling before you some witnesses and they will give a truncated presentation because we're not at the court stage, but you will hear some of the evidence from them directly.

Of course, for a crime against humanity there must be knowledge of the perpetrator that he or she is contributing to a widespread attack. Again, I'll point to evidence that shows that the knowledge was there because much of the evidence that we have and that the UN is being asked to act upon has emerged much more in recent years. That is why the case is ready now to move on to the next stage.

In brief, what is the evidence here? Well, in July 1988, Iran's Supreme Leader Khomeini issued a fatwa ordering the execution of political prisoners, members and sympathisers of the People's Mojahedin Organisation of Iran, also known as the MEK. The wording of the fatwa itself is important evidence and doesn't need debating because other than slight translation difficulties between Farsi and English, the meaning is extremely clear. It is decreed that those who are in prisons throughout the country and remain steadfast in their support for the 'Monafeqin' (which translates as hypocrites - Mojahedin) are waging war on God and are condemned to execution.

"Those who are making the decisions must not hesitate, nor show any doubt or concern about the details". They must try to be most ferocious against infidels. So where is the evidence here of crimes against humanity? First, we can see just from that one order that the order contains a direction that all those, irrespective of whatever potential defence they might have, all those who are affiliated to a particular group are to be condemned to execution. What about a trial? Well, the order is "don't concern yourself with details" so don't concern yourself with the evidence, the execution must occur, so no judicial process.

What about the crime itself? This is a crime that is not under any legitimate national legislation because it's a belief crime. So, the order is those who are to be executed are those who have beliefs or have loyalty to a grouping, the Mojahedin.

The fatwa makes it extremely clear because it says as the treacherous Monafeqin (Mojahedin) do not believe in Islam, and what they say is out of deception and hypocrisy, therefore they should be condemned to death. Strong evidence; beliefs, speaking out of deception, hypocrisy even if true, cannot be a crime, certainly not a crime justifying a judicial death penalty sentence. Even on the surface of the fatwa, it is teeming with evidence of crimes against humanity.

What evidence is there? There are genuine, undisputed letters. There are announcements from those who allege to be perpetrators saying they would do it all again. Not only are the letters not disputed, they are in fact embraced by those who are still in high positions of power in Iran. So, we don't have the difficulty of needing to investigate what's a forgery here. We have letters. There was also an audio tape which was released in August 2016 which was actually a recording of the ongoing discussions into the process of the executions that happened in 1988.

So first of all, to the evidence of the letters. Even the chief justice at the time who certainly was considered to be a hardliner, even he questioned the fatwa. The response from the Supreme Leader to the questioning was as follows (so, more evidence): If the person at any stage or any time maintains his or her support for the Monafeqin (Mojahedin), the sentence is execution. It's

very clear, support for a belief, a political belief, support for an ideology is equal to execution. He goes on in the letter: annihilate the enemies of Islam immediately.

Again, due process, trial, consideration of evidence, representation by a lawyer, appeal system - nothing.

There's further evidence from this letter; use whatever criterion that speeds up the implementation of the verdict. All these executions are extremely quick. I'll come on to the nature of the killings and the inhumanity of the executions. But even that speed was not quick enough for the Supreme Leader. There was a direct order there; do whatever it takes to speed up this process. Certainly, no room for appeal.

I'll come onto other letters. Many of you will be familiar with letters from [then Deputy Supreme Leader] Montazeri who had considerable courage. He was the only official to in fact challenge what was going on in 1988 and many of you will know he ended up under house arrest in 1997 and died in 2009. But his letters are prophetic, and his letters expose further the evidence of the crimes against humanity that were ongoing in 1988. So, knowledge of being part of a widespread, systematic execution of people. Well the audiotape which was released on 9 August 2016, appeared on the internet and again there's no doubt that it's genuine, and it was from a discussion between those involved in the executions and the death commissions.

The revealed discussion was on 15 August 1988. Montazeri was part of those discussions and he can be heard protesting what was happening. There's one reference to a group of 200 people who are due to be executed and there's a request for permission to execute them all. Montazeri says: I give no permission to execute a single one. However, they were all killed.

What's exposed as well from the audio is the absolute lack of any semblance of a judicial process. What was set up were three-men commissions but what the audiotape exposes is that the intelligence official who was on the commission held the balance of power. So, where there was any dispute from the judge who was supposed to be in charge, or where there was consideration that there should at least be unanimous decision on an execution, the intelligence official was able to come through with his view and the execution carried out.

What also was exposed was further crimes against humanity if there was any doubt, pregnant women were referred to, executed, children, 15-year olds, 13-year olds executed. So, not only in terms of international law was there the gravest of crimes being committed, but if we had to look any further which no doubt would happen in a tribunal, as to other breaches of international law, there are multiple breaches against the convention against torture, the convention of the rights of the child, the ICCPR, all of which Iran has ratified, meaning it has promised to other states that it will comply with those provisions.

How were the executions carried out? Well, Amnesty commissions are what they were called but they very quickly became known as death commissions and their name is chillingly telling. The hearings, such as they were, lasted it seems from the evidence around 2 or 3 minutes and there have been many reports and much evidence of the questions that people faced before these hearings. Essentially, they included a necessity to renounce loyalty to Mojahedin.

In fact, the death commissions came in two waves; there was the opposition grouping first of all and then there was another wave of death commissions to deal with the agnostics, the atheists, the apostates.

Questions included the following: are you willing to put a noose around the neck of an active member of Monafeqin? Are you willing to clear the minefield for the army of the Islamic Republic? Hesitation, wrong answer or not convincing enough in an answer or in one case the man said, 'I have only just renounced the Mojahedin, how can you now expect me to carry on with your further requests?': So, execution. If the person used the word 'Mojahedin' rather than 'Monafeqin': execution.

The executions in terms of numbers? Many of you will be familiar that originally there were many protests about what was going on in Iran in 1989 and there were many challenges as to what was happening and Amnesty International released a report in 1990 where it considered around 2000 people had been executed but what we have now is evidence that that figure is at least 30,000 people because of course, originally it was considered that the death commissions were in Tehran but what's been discovered is that the death commissions were set up in more than 70 towns and provinces in Iran. So, only with having so many could they physically process that number of killings in such a short period.

The killings themselves, the hangings - again evidence has been obtained which shows that there were hangings from cranes, multiple hangings at the same time and a conveyor belt-type system had to be employed in order to get through sufficient people in a day to reach the target of clearing out the prisons. People who had already received a prison sentence, had gone through a judicial process of sorts and were sentenced to prison, were then resented under the death commission and sentenced to death. People who had been released from prison were swept up and sentenced to death. With those there could not be attempt at pretence of any proper process and of course it wasn't a sentence. Because there was no judicial process underpinning it. Extra-judicial, extra-legal killings was what happened, of that you can be sure, but you would need to hear the evidence and we cannot do that in this gathering, but this is what needs to be done before a tribunal.

The crimes themselves - I'm going to point another bit of evidence, in one of the Montazeri letters to the Supreme Leader, he challenged Khomeini. He said the following: whilst these people have been sentenced by our courts to prison terms, to execute them without due process and new charges against them is a complete disregard for all judicial standards. Many people who are charged with minor offences or are innocent are executed. There can be no doubt of the knowledge as to what was happening. This wasn't a spontaneous act of revenge or an ill thought out but deadly attack, it was planned, widespread, systematic, ongoing.

The first executions probably took place on 28 July 1988. It seems from the evidence they had all completed by January 1989. If there is any doubt about the numbers, you will find within these two reports (Reports prepared by JVML, first report in February 2017, the second in October 2017) on the massacre of 1988 in Iran, which are not just reports but also a collation of evidence. Within the second report there are the mass graves and more and more mass graves have been uncovered in recent years.

They are collated with their coordinates listed. They are evidenced, and they've been discovered at different times. People who go and visit mass graves or have evidenced them have been placed in danger and disappeared. This is an ongoing crime. Amnesty International was recently protesting against the destruction of forensic evidence, the bulldozing of one of the mass graves and calling upon Iran to stop that bulldozing.

Another reason to act now is that the evidence is being shredded, concreted over, contaminated, being destroyed and its obviously being done deliberately.

Well, why is it being done now if it all occurred in 1988? The perpetrators who are alleged to have carried out, been part of the crimes against humanity, are set out within the reports and 60 names in total have been released publicly and many of those names are in very high positions not only in the executive and political office but also in judicial office. So, this isn't a crime against humanity whereby it can be considered a face-less crime where the exact identity of the perpetrators cannot be evidenced in order to bring charge, in order to arrest or start a due process against them. The suspects are identified, and they can be investigated.

I'm going to refer to a few names: Mostafa Pour-Mohammadi is a very familiar name because there was much international outcry that up until August 2017 he was the Minister of Justice in Iran. Pausing and thinking about that, not only does that indicate what process is necessary here, we cannot have a procedure of Iran investigating itself for the reason that those who are investigated are those with huge incentive to derail or interfere with any investigation. It would not be an independent investigation and there can be no doubt about that procedurally. So, it has to be independent of Iran because of the people who are being investigated.

The second point here is that doesn't it show that the past is still infecting the present? Is it a coincidence that Iran still at the top of the world's leader-board for executions per capita? Is it any coincidence that after the protests in January 2018 we are already seeing the bodies of ten of those protesters with the lines coming out of the Iranian state that they have either killed themselves in prison or were drug addicts and died through some drug addiction or, in one case, there was a public announcement that the person so regretted protests that he was driven to killing himself in prison? This is unacceptable, ongoing torture and those thousands who remain in prison must still be at risk which is one reason why we need to move quickly, urgently even though we are now at a point 30 years on from 1988, there need to be urgent movement now.

Pour-Mohammadi is now the advisor to the chief of the judiciary, Ali Razini is the head of the 41st branch of the supreme court. Mohammad Moghisseh, there is much evidence of his direct involvement in the executions including physically escorting prisoners to the place of execution, he is president of the 28th branch of the revolutionary court. Hossein-Ali Nayyeri is head of the supreme disciplinary court for judges. So, he is in the disciplinary branch of over-seeing the judges, he is vice-president of the supreme court. How could it possibly make any sense let alone comply with any procedural normality for Iran to carry out its own investigations with suspects in such positions.

I'm going to move now to call some evidence. I'm going to ask the witnesses to speak to you directly and give evidence in a very brief outline about 1988. But before I do I'm going to leave you with Montazeri's words from the audio tape released August 2016: 'In my view, the biggest crime in the Islamic Republic for which history will condemn us has been committed at your hands and they'll write your names as criminals in history'. That is what he said in 1988. At this 30-year anniversary of this massacre, it is time that international law regains its teeth, its strength and that an independent inquiry is set up to investigate this widespread, systematic, inhumane, barbaric, medieval crime against humanity.

Thank you.

Witness Statements



(Orbisswiss Photos Geneva)

Mostafa Naderi

Former political prisoner and eye witness



(Orbisswiss Photos Geneva)

My name is Mostafa Naderi. I was arrested in 1981 for supporting the People's Mojahedin and distributing their publications. Immediately after being arrested, they placed me under interrogation and torture for eight days including beating, lashing with cable, hanging from the ceiling and other forms of torture.

When the massacre started in 1988, I was in solitary confinement. In total I spent five years in solitary confinement at Gohardasht and Evin prisons.

The regime started to separate the prisoners based on their sentences and political belief two years before the start of the massacre.

I heard the news of executions while in solitary confinement, through communicating in Morse code with my adjoining cell.

Prior to the start of the massacre they were repeatedly saying that "we will solve the problem of political prisoners and will not allow any of you to get out of the prison alive".

And in 1988, the regime took the opportunity to start the massacre. Personally I witnessed that none of 250 prisoners in the top section of ward 3 of Evin prison survived. From about 200 prisoners in Evin ward 3's lower section all but two were executed.

At the time I was in solitary confinement, they used to take the prisoners to the so-called court

and then bring them back to the solitary cells. There were about 500 to 600 solitary cells and all of them were filled with prisoners. They took them away and executed them, and their personal belongings were placed in a bag in front of their cells. They took me away for interrogations a couple of times. But I was never taken to their so-called court.

The reason why I never reached the Death Commissions was that due to the torture and internal bleeding, I had developed kidney failure. At the time I was taken to the prison hospital and I was unconscious. Later when I woke up, other patients told me that the guards had come and called me name, but I could not answer them because I was unconscious, so they did not take me away. At that time, when they were clearing out the wards, they did not have enough time to check the list of names and they took the prisoners away ward by ward and then, as I heard later, it was in the court that they asked the prisoner's name because the trials were not based on the sentences or the crimes or anything else.

There were three prisoners in the cells next to me; their names were Yaghoub Hassani, Mehdi Vosoughian and the third one was called Abbas, but I don't remember his family name. They took them away but they never returned them.

Finally, when we returned to the ward, I just realized that they had executed all the prisoners and as far as I know and the statistics that I collected from other prisoners and their wards, there were about 12,000 prisoners in Evin prison of which only 250 survived the massacre.

Zohreh Bijanyar

Sister of the victim of massacre

During the massacre of political prisoners in 1988, my sister, Zahra Bijanyar, was executed after spending seven years in prison and enduring torture and ill-treatment along with more than 30,000 other political prisoners.

At the time of her arrest, Zahra was 24, was newly married and pregnant, but lost her baby under torture. Like other political prisoners, Zahra never had the right to a lawyer to defend her and was sentenced to 10 years in prison. She was one of the first prisoners to be taken to dreaded safe houses. She told me on one occasion that she had been wearing the same shirt for six months. Her skin was like glass for not being exposed to light. Her feet developed extra flesh. She lost most of her eyesight. And many of her teeth were broken. But despite all these, she always had a smile on her face during the prison visits. This is while her cellmates talked about her beatings at the hands of guards. I went to visit her in that summer, exactly on 19 July 1988, the day after the ceasefire was announced between Iran and Iraq. This was our last visit. She was very worried and said that they were preparing something, they moved and grouped everyone, may God help us, and then, with her hand, she pointed out that they would kill everyone, but unfortunately I did not believe it.



(Photo by The Media Express)

Then the family visits were cancelled and everyone was anxious and very concerned. The news

of the mass killings was circulating in all the cities around the country. On a daily basis for almost three months, families were going to prisons to get news about their loved ones, but they were faced with insult and violence from prison authorities. Families also gave money for the prisoners and the officials shamelessly were taking it. I have the receipts.

One day, a woman whose house was near Evin, went to the families and said; "We can hear the sound of gunshots and cries all night, they are killing everyone, we have had to leave our homes."

An evil person by the name of Karbalai was in charge at Evin. He was the one who brutally and cruelly disturbed the families by saying words such as "We are cleaning our home, we destroyed them along with their files. What do you want?"

Those days, nobody wanted or could believe the massacre of more than 30,000 political prisoners across Iran. Since October 1988, prison authorities announced the execution of political prisoners by making phone call to the families. And at the same time they banned the families from having any mourning ceremonies. The families never knew why their relatives were suddenly executed after being so many years in prison, even those who had served their times and were supposed to be released. And the families did not know where and when their loved ones were buried.

Zamani, one of the intelligence officers in Evin, issued the verdict of the execution for Zahra. Prison officials wrote on the identity card of my sister, like other political prisoners, that she died of natural causes in her father's house.

Tens of thousands of families, like my own family, after 29 years, still do not know what happened to their loved ones in that dark summer, why and when they were massacred and where they were buried. Since 1988, families have contacted international human rights organizations, written to them, and have testified about the catastrophe that occurred, but astonishingly the world has and still is silent.

When Mr. Reynaldo Galindo Pohl came to Iran for the first time, families tried to contact him, but many parents were arrested in front of his office. Today, it is no longer possible to remain unaware about the premeditated massacre of political prisoners in 1988 with Khomeini's fatwa. It's time for the silence to be broken and for the case of this massacre to open up to justice.

Today, members of the Death Commissions and perpetrators of the massacre of 1988 in the Iranian judicial system have important posts and continue with the execution of their opponents. The families of the massacred inmates are always threatened and harassed, and whenever they dare to seek justice for their loved ones, they end up in jail. Today, the world must be informed about what has happened and continues to happen to the people of Iran. Perpetrators of this great crime should be tried in international tribunals for crimes against humanity.

Can criminals hide themselves and the world remain silent? History teaches us "no".

My sister loved life. She wanted us to wear colourful dresses during our prison visits in order for her to see. In her short letters, she used to write about the small garden and growing of the buds after a cold and long winter, and that how the oppressors could not stop the movement and dynamism of life.

Still, elder parents are looking for a sign of their loved ones in the cemeteries, and many of them

passed away with a heavy heart and with no answers to their questions. This is an essential right of the families to know what happened in that dark summer to their loved ones.

We assure you today that we are seeking justice for our loved ones.

Yahya Shojai

Father of a victim

Once upon a time there was no United Nations and there were no human rights, and some people committed genocide. But, how is it that now that there is the United Nations and there are human rights, the UN does not deal with the genocides. There is a repressive regime in Iran that commits genocide.

Those killings were ordered by the regime's Supreme Leader and then were exposed by the Supreme Leader's heir. There is no room for doubt at all. Mostafa Pour-Mohammadi himself has said that by executing the prisoners they implemented God's command. Is he God's representative on earth? In this civilized world?! For sure he is not. No he is not. Therefore, he has confirmed everything about this massacre.



(Photo by The Media Express)

And now I come to my story. My younger son was barely 16 years old when he was executed on 27 September 1982. And then there was my daughter who was a high school student and she was 16 years old and we left her with our relatives and fled the country. This girl was not political and had done nothing. They arrested her because of her family and sentenced her to three years' imprisonment. She spent three years in prison, and all of those who have spent time in prison know well what kind of torture they impose to break the prisoner's will. This girl was crushed under the beatings and torture. Then they told her to go to hospital for treatment at her own expense. She couldn't walk and would walk on her knees and hands on the floor with pain.

They gave her 10 days leave to go for medical treatment but after five days they detained her again and took her for execution. My daughter's name was Nasrin Shojai.

Then, my sister's son, Ghorban, who was a prisoner as well. He had finished his prison term but they did not free him. He should have been released but they held him in prison for a couple more months and executed him during the massacre.

My brother's son, Morad Shojai, was also a prisoner and should have been released. He was sentenced to three years in prison but was not freed and was executed during the massacre in prison.

Next one was my brother's son-in-law, Ali Taheri. He also received three years' imprisonment. He was released after his prison term ended and he came home but he was rearrested later, and they executed him during the massacre.

Pour-Mohammadi has confirmed the executions himself and said that he implemented God's commandment. What else do you need?

It is a pity that the United Nations has hidden behind the shows that the medieval mullahs put on and does not do anything.

These prisoners had all served their prison terms but they took them away and executed them. And after the executions, they did not even hand over their bodies to us. My brother who was there said they only showed us a grave and made the families to pay for the graves of their executed loved ones. This is the crime that has taken place, there were massacres in Serbia and Chile and other places ... what happened in those countries. There is no doubt about this massacre. Who in the world specified that these mullahs are the representatives of God on earth and gave them the right to implement God's command? I don't have anything else to say.

This regime must stop its export of fundamentalism and pursuit of a nuclear bomb. The regime has its hands on these two issues and the United Nations and the world are watching when the regime is going to do something. You must stop the regime.

I would like to say that 12 members of my family have been executed, 12 people.

Question, Kirsty Brimelow: Thank you. I appreciate that it is difficult for you, and you can see in the room that many people are very moved by what you have said about your family because in total you lost 12 members of your family. I have a question to ask you because it is relevant to a crime against humanity, and it's about your daughter. You said she was tortured and you said that we know the type of torture that is used on women. It is difficult, but can you tell us, was the torture physical beatings or was it another type of torture as well?

Response: I really cannot describe these tortures. I cannot describe what kind of torture they imposed on my daughter. It is really difficult. But those who have been imprisoned know they use all kind of tortures to break the prisoners' pride. My daughter Nasrin was mangled and torn into pieces and she could only walk on her knees. Now, what they have done to her is something different. Then they escaped providing medical care for her and told her to go to hospital for treatment at her own expense within 10 days. But she could not because before she could make an appointment with a doctor or receive proper medical treatment in hospital, they took her away and executed her. It is clear what kind of tortures they apply when they torture a girl. I just cannot describe it.

Ramezan Mousavi

Former political prisoner and an eye witness

I am Ramezan Mousavi. I was arrested in Teheran for supporting the People's Mojahedin Organisation of Iran in 1982. First I was taken to Evin Prison and after a long time I was transferred to the Ghezelhesar Prison and in 1988 to Sari Prison in Mazandaran province.



(Orbiswiss Photos Geneva)

Today I want to tell you about my recollection of the massacre, as well as the tortures that were carried out at Sari prison by interrogators and prison officers. About six to seven weeks before the 1988 massacre, the pressures on prisoners increased. These included: not being taken to the hospital, denial of access to dentist and lowering the food rations, which meant we never had enough food.

The only thing we could do at the time was to send our families to the prosecutor's office to complain, but they never listened to them. After a while an interrogator from Sari's intelligence office came to our ward and stayed in a room. Every week they used to take a number of prisoners, asking them a few questions and returning them to the ward. This continued for about six to seven months.

On 29 July 1988, at about noon, they came and took 40 people altogether, blindfolded and handcuffed, from ward 4, which was our ward, and ward 5 which was for the youths and also from the ladies' ward. They were all taken to the intelligence office in prison, and they scattered the rest of us in individual cells. We did not know what was happening at all.

Then they started calling our names one by one to go to another room, but we did not know how many people were in that room. I could hear the prison governor's voice asking each person a few questions and then sending them back.

When they returned me they took me to another cell with another group of prisoners. It was only after a while we found out that those prisoners had been executed. All the time we thought they were being kept in other wards or cells. After three months they returned, and we were taken from the Sari intelligence office cells to the Sari Prison cells.

We were put in two quarantine cells for about 3 to 4 month, and it was there when we found out what had happened. The way we found out was when they took one of the prisoners to the prosecutor's office, and he saw that many families had gathered there asking about the whereabouts of their children's graves.

I know that on 29 July that year, 29 prisoners were taken to the forests in the outskirts of Sari and executed by firing squad. Two prisoners called Mohammad Ramesh and Abolhassan Sabouri were hanged from a bridge in Babolsar on the fake charge of drug trafficking. Later on, we found out that in each prison in other cities like Qaemshahr, Neka, Chaloos, Babol, and many others, 20 to 30 prisoners had been executed.

I hope one day soon, those responsible for the massacre will face justice. Thank you.

Ehsan Niakan

Former political prisoner and a survivor of the massacre



(Photo by The Media Express)

I spent 7.5 years in the 1980s in prison, including in Evin, Ghezelhesar and Heshmatiyeh prisons in Tehran, as well as in Semnan. I was arrested again following the 2009 uprising and I was sentenced to 11 years' imprisonment but I was able to leave the country and now I am here before you.

Today, I want to describe a little about the painful and unthinkable catastrophe, during which, according to the (former) deputy minister of intelligence, Mr. Reza Malek, who is currently in Evin prison, more than

33,000 political prisoners who had already received prison sentences were executed. I am one of the survivors of the 1988 massacre and I faced the death commission several times, a death commission whose members were Hossein-Ali Nayyeri, Mostafa Pour-Mohammadi, Morteza Eshraqi, and Zamani. And they condemned three members of my family to death, including Hamid-Reza Nazari, Hossein Niakan and Zahra Niakan who was only 19 years old when she was arrested in September 1988, and we have no news about her until today. The regime did not say whether they executed her or if she is in prison, and we have no trace of her.

Hamid-Reza Nazari was arrested on 29 June 1981, and I have here before you his verdict according to which he was sentenced to 4 years' imprisonment in 1984. But until today, there is no news about him either, and there is no trace, and the regime does not say whether he is in prison or that he was executed. They did not even give us any of his personal belongings. He was sentenced to four years' imprisonment, a verdict that was imposed on him by Tehran's prosecutor himself. He had spent part of his sentence in Evin and part of it in Ghezelhesar prison and during the massacre he was in Gonbad prison. After the family visits were cut off by the authorities, his family kept going to Evin and other prisons in Tehran as well as Gonbad prison but until now they have not been given any news or trace about his fate or whereabouts.

Zahra Niakan was 19 years of age when she was arrested in late September 1988. Until this moment, no one in the regime, no department, and no institution has said whether she is in prison or has been executed. We have no trace of her.

Hossein Niakan, the one in the middle in this photo, was arrested on 28 June 1981 and sentenced to two years imprisonment. When the two-year prison term ended, Haj Davoud did not let him go free and they kept him in Ghezelhesar prison for another two years and one month, and Haj Davoud's agents in the prison, as testified by other prisoners in ward 4 of Ghezelhesar prison, tortured him and burned his chest with a cigarette, inscribing the words "Hail to Khomeini". This occurred when Haj Davoud's agents were subjecting the prisoners to beatings, torment and torture in Ghezelhesar prison.

Today I want to testify as someone who was arrested in 2009. It is true that this regime created

this disaster 29 years ago, but all the regime officials and agents who I encountered defended the executions of 1988, such as the prosecutor named Mohebbi who was interrogating me in 2009. When I asked him what are you going to do with me and wanted him to determine my fate, he explicitly said we made a mistake not executing you in 1988.

After they executed Hossein (Niakan) on 14 August 1988, they took me to the so-called court two days later on 16 August 1988 and when I entered the court, they asked my name and when I said Hossein Niakan, Nayyeri said with surprise, "Why are you alive?" These were his exact words. I was spared because I came from another prison and they were transferring me to Zanjan prison and I was walking with crutches under my arms because of the injuries inflicted on me due to torture and when he saw me in this condition, he said take him outside.

One point I want to add here is that the project to carry out the massacre was not spontaneous. The families of the prisoners know well that during the years 1986 and 1987 when the prisoners were more confrontational to seek their rights they would stand against the authorities. For example, when I was in Evin prison, if the food was insufficient, a prisoner who was responsible for the room would put the food outside and then the guard or a higher official would come and deal severely with this issues. I witnessed once Mortazavi, the official responsible for Evin prison, came and dealt with Kamal Sa'ad Zadeh who is one of the 1988 martyrs. Mortazavi turned toward the prisoners who were about 43 people in a room and threatened them saying that our turn will come too. The threats were such that the prisoners would realize the condition is being prepared for a series of painful events.

In Semnan prison, whenever the intelligence agent, Nasser Hemati, had a conflict or argument with the prisoners, for example on the guild issues, he would say that you will see later how we will mangle you into pieces, and two years later this happened.

During my transfer from solitary confinement to ward 209 of Evin Prison, which was built by Assadollah Lajevardi, and where the Death Commission did its work, I observed a new blue refrigerated trailer in front of ward 209 with its refrigerator turned on which was used for the transfer of the bodies after executions.

Another issue I witnessed: outside ward 209, on the left side of the main street, there was a place where they used to keep a wheelbarrow to collect the slippers of the prisoners who were executed and they poured the slippers on the ground on top of each other making it like a hill.

At the time of the transfer from ward 209 to solitary cells, one of the guards said they are killing all prisoners. This was the word of the guard who was in a way confirming the issue of the massacre.

We are happy that after 29 years those lives and blood have not gone in vain and today we can talk about the massacre. We hope that the day will come when justice is done and these mothers who have been waiting for so long would see that day. Those of you who can hear us, come and answer these mothers after 29 years. They are still waiting for an answer about their children who have been executed. Tell them; they want to know if their children have a grave. Come tell them all of this.

Sima Mirzaei

Relative of the victims



(Photo by The Media Express)

Fourteen members of my family had been executed in the prisons of notorious Khomeini's regime. These are the photos of executed members of my family (Sima lifts up the photos for the audience to see). Seven of them were executed in the summer of 1988 while serving prison terms.

I wish this hearing took place 10 years ago, when my mother was still alive. She would have told you the horrific things that had been happening in the prisons and what the prisoners had to go through. She would have told you

what the families of the prisoners had suffered. The regime had not only killed prisoners, they also tortured and murdered the parents and family members. Two of my brothers and two of my sisters were among those executed in summer of 1988.

One of my sisters, Khadijeh Mirzaei was a university student. She was arrested in October of 1981, when she was 22. She was tortured for 2 months and she died due to torture. Her body was not released to us. My father asked the prison authorities to release her body for burial. They told my father that Khadijeh was weak and could not tolerate the torture. She was executed in 1981. When the authorities revealed the place of her burial, it became a shrine for the family.

My Brother, Hossein had a master's degree in sociology from Tehran University. He was arrested on 20 June 1981. He was 26. He was arrested in my father's house. The night before his arrest, a group of Revolutionary Guards surrounded the house and kept watching it for a few days. They arrested whoever came around. Out of fear, my mother had gathered all of us in a small room. We were all piling up in this small room, near a window. Once the guards came in, took my mother by her hair and forced her to run around the room. They set up an ambush for my brother and arrested him on his way into the house and took him away.

Hossein spent about one and half year in solitary confinement. We had no news of him despite my parents' repeated efforts to get his whereabouts. They approached Ghezelhesar Prison and Evin Prison authorities to no avail. No one told us anything. We did not know whether he was still alive or had been executed. After one year and half, we were allowed to visit him in the prison. We were informed that Hossein was given 15 years prison by a judge named Mobasheri.

Hossein's inmates told us that he spent more than half of his sentence in solitary confinement and was constantly under torture. After about one year, Hossein was denied any prison visits for 6 months. My mother wanted to see him, but they told her that Hossein is banned from any visits. My mother went to Gohardasht, Evin and Ghezelhesar Prisons to look for him but got nowhere. Even his friends and inmates did not know his whereabouts. We had no idea if he was alive or dead. Finally, through one of our relatives who was also imprisoned in Evin Prison and while we were talking about Hossein's daughter who was 6 years old at the time, he mentioned that he

knows about Hossein Mirzaei. He confirmed having seen him when we showed him his photo. He said Hossein had been in quarantine for six months.

This is how we found out that Hossein was still alive. After 6 months in quarantine he was sentenced by a judge called Nayyeri, one of the members of the "Death Commission". He was given seven years' imprisonment. One of his inmates told us that at a point, Hossein was supposed to be transferred from Evin Prison to Gohardasht Prison. By mistake, he was taken to Ghezelhesar Prison. A person named Haj Davoodi was in charge of Ghezelhesar Prison at the time. When he noticed the mistake, he hit him badly and returned him to Evin Prison. Upon his return, Hossein was tortured again and sent to solitary confinement for about 5 or 6 months. He was then taken to the section of the common prisoners. Hossein had to pay for the guard's mistakes this way. In June 1988, he was taken back to solitary confinement. This happened just before Khomeini accepted the Iran-Iraq war ceasefire. From the time Hossein was arrested in 1981, my mother went from one prison to another and had spent countless nights at different prisons. She was told that Hossein is banned from receiving any visits. He was executed on 26 August 1988.

My younger brother, Mostafa, was only 16 years old when he was arrested. Imagine what a 16-year-old person could have done, politically, to be arrested. I was at my father's house when the guards raided the house and arrested Mostafa. The guards raided the house at about 2am, while Mostafa was in bed. They pulled the blanket off him. Mostafa was surprised, asking what is going on, what have I done? They dragged him to the lower floor while still in his pyjamas. My mother was yelling at them and asking where are you taking my child? What has he done? If you want to take him, take me with you too. The guards kept quiet and took Mostafa with them. My mother told all of us that we may be next and advised us to go somewhere else to stay. My sister, Masoumeh and I, alongside my mother left the house. When my mother returned to her house near dawn, she found the guards in the house, looking for Masoumeh, my sister. Since they could not find Masoumeh, they took my younger sister and the son of my brother Hossein. They told my father that they will release them when Masoumeh is delivered to the prison authorities.

On the way to the washroom, my sister found Mostafa crawling towards the washroom. His feet were covered with blood and swollen. He could not hold himself up. Upon seeing him in this condition, my sister lost herself, screamed and fell unconscious on the ground. We later found out that Mostafa was under torture for the entire night.

Mostafa was sentenced to seven years of prison by Nayyeri (who later became a member of the Death Commission) in branch 7 of the Evin Prison court. He had spent six years of his 7-year prison term. He was taken to solitary confinement in June 1988. Just before the ceasefire in 1988, he was taken to the infamous courts, where he was asked a couple questions. What is your name and what is your crime? Mostafa gave his name and the crime he was charged for, i.e. supporter of Mojahedin. He was sentenced to death because he didn't use the word 'Monafeqin' instead of Mojahedin, and he was executed on 10 July 1988. I salute him.

My sister, Masoumeh was 18 when arrested. She was a high school student and was carrying a PMOI leaflet related to Mohammad Reza Saadati's arrest just after the revolution. Masoumeh was living in the city of Hamedan at the time. My father bailed her, and she was released. She was re-arrested in the city of Mashhad on 15 October 1982. My father had purchased a house in Mashhad which was like a safe-house for us. Masoumeh was living in this house when arrested. It was extremely hard to live safely and securely because of the regime's tight control and policing. When the house in Mashhad came to the attention of the Revolutionary Guards, they raided it and

arrested Masoumeh, my in-law, Mahnaz and other relatives present in the house at the time. They were taken to Vakil-Abad Prison in Mashhad and then transferred to Evin Prison. The information that reached us indicated that Masoumeh was kept in Evin Prison for 102 days before she was transferred to Ershadgah Prison in the city of Hamedan where she was arrested the first time. Masoumeh was tortured and was held in solitary confinement.

My mother told us that despite Masoumeh's loneliness in the prison, she believed that she was not alone, she had God with her.

My parents had to take care of two of their grand children whose parents were in prison. Despite this, they used to go from one prison to the other, from Gohardasht Prison to Karaj Prison, to Ghezelhesar Prison, driving for more than 6 hours and going to Hamedan, every week. Masoumeh had asked my mother not to come every week, especially in the winter. My mother ignored her request and said, "I have only 90 minutes of visit every week, I cannot miss the opportunity, you are my daughter".

Masoumeh was sentenced to five years of imprisonment by another notorious judge named Salavati. She was supposed to be released in 1987. Her release kept being delayed. When asked about the delay, the guards said that if she is released from the prison, she will join the MEK again. We are going to keep her in prison till the colour of her hair becomes white like her teeth and the colour of her teeth black like her hair. She was executed on 4 August 1988, alongside with many other prisoners in Hamedan. Few prisoners in that prison survived.

My brother's wife, Mahnaz Yousefi Nobeh was arrested when she was 20. She was arrested the same night the guards raided my father's house and arrested Khadijeh and Hossein. They were all tortured including Mahnaz who was pregnant. Due to ill treatment she received while pregnant, her health deteriorated. She was taken to the hospital accompanied by Khadijeh and a number of guards. When the doctors and nurses examined her, they realized that if kept in those conditions, she would not make it. They guided her to the washroom and helped her escape from the hospital. Mahnaz was arrested again in Mashhad, alongside my sister Masoumeh in October 1982. She had a one-year old daughter at the time. She was kept with her In Evin Prison. She was holding her daughter while being tortured. After a while, she agreed to let her daughter be taken out of the prison. She said she did not want her daughter around while being tortured. Mahnaz was sentenced to 12 years in prison. She was a very kind and strong girl. She was always a helping hand to other prisoners. She spent her last 3 months in solitary confinement and was executed on 10 August 1988.

We were unaware of the whereabouts of the others. In the (Iranian calendar) month of Aban (November) of 1988, we receive a phone call at my father's house. My father was not home at the time. The caller insisted that they would like to speak to Mr. Mirzaei and will call back. They called back, and my father answered. It was Thursday night when they called. They asked my father to go to the Central Committee, so they can deliver Mostafa's motorbike to him. When Mostafa was arrested, he was riding a motor bike. The caller said that they have decided to give back the bike to the family. My father was very excited. We had not heard from Mostafa for about 5-6 months. The caller had insisted that my father had to come alone. When my father went to the Central Committee, he noticed the presence of few other families. They too were asked to come. My father was first to go inside. Before he sat down, he told the officers he had been asked to come to collect his son's bike. The officer in charge called one of the guards and asked him to bring the bike. The guard came back holding two bags. He left the bags in front of my father. The officer in

charge told my dad that these are Mostafa's personal belongings, and he and his bike are buried in Behesht Zahra Cemetery, you can go and find him yourself.

My father was shocked. Just imagine, you are called to receive the motor bike of your son, but instead you receive the news of his execution and a bag of his personal belongings. My father did not know what to do, the world had come to an end for him. To make the situation more painful, they asked him to sign a paper promising not to arrange for any funeral and mourning rituals under the threat of doing the same to the rest of his imprisoned children. My father then was brought home with the help of the other families.

For four consecutive weeks, we received a phone call every Thursday, asking us to go to the Central Committee. The ring of the telephone was like an electric shock to us. The second phone call was about my brother Hossein and for four consecutive weeks, my father went to the Central Committee and came back with a different bag, containing the personal belongings of one of his family members.

After delivering the news of Mostafa's execution to us, our house was kept under surveillance and our visitors were turned away. My father had taped a hand-written mourning note at the entrance door. The guards removed it and replaced it with a note saying, "Death to the Mojahedin".

And so, days, weeks and months passed. They neither gave their bodies to us nor told us about their burial places. Despite my mother's repeated inquiries, we were never given a place of burial of our family members who had been executed. After about one year, we were called and asked to go and get the burial information. My mother was confronted by the murderous Lajevardi. He told my mother that she had been seen wandering in Khavaran cemetery.

When we received the news about Mostafa's execution, my father, accompanied with one of my sisters decided to visit Behesht Zahra Cemetery, looking for the new tombs and burial places. My other sister who was executed in 1981, was buried in section 91 and we were given her tomb number. They found a big trench in the vicinity of section 93 and no one knew what's been ditched in it.

As my father and sister were looking for new tombs where Mostafa might have been buried, they met another mother, known as Mother Ali, whose son had been executed in 1981. Mother Ali was always in Behesht Zahra, at her son's tomb. Mother Ali told my father that once she was in Behesht Zahra Cemetery for her son's birthday when she saw a number of trucks entering the cemetery. She and others discretely kept those trucks in sight. They saw that the authorities were dumping bodies in the big ditch in the vicinity of section 93. The bodies were then covered with earth. My father concluded that this was the burial place of his sons.

Lajevardi had told my mother that instead of wandering in Khavaran Cemetery and section 93, she should cooperate with him and in return he would reveal the burial places of her children. My mother bravely faced him by telling him, "You have executed 5 of my children and expect me to cooperate! Shame on you. You executed Hossein and Mostafa, and now you expect me to cooperate!" Lajevardi became irritated and called on the guards to beat my mother and throw her out from the prison.

And so, up to now, no bodies, no tombs and no burial places have been given to us. We will neither forget nor forgive these crimes. We will not remain silent.

Conclusion of Session 1

By Kirsty Brimelow

Thank you, Ms. Mirzaei? So, in a very short session we have evidence which supports crimes against humanity. We have multiple commissions of acts pursuant of state's policy and we had evidence of murder, torture, imprisonment, severe deprivation of physical liberty in violation of international law, persecution and many examples of inhumane acts intentionally causing great suffering or serious injury physically or also mentally. Much evidence of that including torture being carried out on women - one particular woman with her one-year-old child watching. We have evidence of rounding up, indiscriminate rounding up of people. We had three direct eye witnesses from the prisons of what they saw in the prison. The systematic organization and transporting of the bodies in refrigerated truck. The stacking up of the shoes and slippers of those

who had been killed. We have had the evidence of torture of not only being physical, to the extent of really serious harm and sexual torture. Families wiped out. Sima Mirzaei; they did not just kill the family; they killed the entire family. We have nothing; no grave sites; much evidence from our witnesses of people wanting to know. We also have evidence of not understanding; there has been no legal action by the UN with all this evidence now since 1988, particularly in the last few years. Evidence: eyewitness evidence, 40 people there that had been disappeared and killed. People desperately seeking information, evidence of lack of judicial process, they are killing everyone. Evidence of people trying to grieve, even grieving within this space here, grieving attempting to grieve but not knowing, not having a body, not being allowed having any religious rights over their loved ones. Not being allowed answers. Mass graved the indignity, the anonymity, the cruelty, the cruelty of playing with families, the cruelty of playing with information. We have your information, we don't we have your belongings. And we have the bravery of our witnesses who haven't given up and are asking for support, still believing in due process and are asking for an investigation and a tribunal and for a due process that was denied to their loved ones. So, thank you to our very brave witnesses, each and every one of you, it is not my purpose here to offer any condolences because the words will only seem very shallow to you; but you can see the reaction of everybody in the room and the horror hearing directly the horror that was committed and is ongoing. And really finally, the question which was relevant here is what is the purpose of the UN if it is not to investigate the 1988 massacre? Thank you and thank you to all our witnesses.



(Photo by The Media Express)

Expert Opinions

Session 2



From left, Eric Sottas, Jean Ziegler, Tahar Boumedra and Juan Garcés

(Orbisswiss Photos Geneva)

The session was chaired by Tahar Boumedra who also offered his expert opinion. Other experts were Dr. Juan Garcés, chief prosecutor in the legal case against Chilean dictator General Augusto Pinochet; Eric Sottas, former Secretary-General of the World Organisation Against Torture (OMCT); and Professor Jean Ziegler, Vice President of the UN Human Rights Council Advisory Committee. To open the session, Dr. Juan Garcés was invited to present his observations following statements by witnesses and their accounts of the 1988 massacre of political prisoners.

Juan Garcés

I am very deeply moved by hearing the witness statements to which we have just listened, and it reminded me, since we are speaking of the United Nations, of what the major crimes were; and I thought of a meeting which took place in 1935 between the German Führer and his highest generals, at the time he was preparing to invade Poland. He invoked the necessity of major massacres of the Slav population in order to leave room for the occupation of its territory by the Germans. One of the generals said, "My Führer, these massacres, these major crimes, will give rise to a great problem with the international community abroad; they will protest when they find out that it's happening." And Hitler's answer was: "But who, today, remembers the massacre of the Armenians?". That is to say, 23 or 24 years earlier, there had been the first great genocide of the 20th Century in Armenia, and its memory was lost. The fact that its memory had been

lost was, for Hitler, one of the reasons for saying "Don't worry," but it's not like that now. Now, because the United Nations didn't want a crime of that nature to be repeated after 1945; and since then, the rights agreed at Nuremberg, the rights agreed at The Hague, the rights agreed at Geneva were developed precisely in order to prevent and punish crimes like those of which we have just heard the witnesses' testimony today. Therefore, even in the midst of the sorrow of remembering and recalling them, in homage to the victims, I think that it's a necessary contribution. Not just positive but necessary, in order to remember that these crimes have been committed when impunity prevailed while the norm is that justice must be done.



(Orbiswiss Photos Geneva)

I come from a country which has also known tremendous crimes, of similar magnitude, at the time of the Spanish civil war and under the 40 years' dictatorship that followed it. Unfortunately, our country didn't have the opportunity to preserve its memory. It didn't have the opportunity to give homage to the victims in the way that you have just heard today. But there is in Spain a feeling of solidarity against crimes of this nature, which is why I am very happy to say that the Spanish courts were the first in the world to open an inquiry into crimes against international law whose victims were Iranians resident in Camp Ashraf (Iraq). And it was from 2009 onwards that I had the privilege to submit to the Spanish courts a complaint of violation of the Geneva Convention on behalf of the residents of Ashraf since 2004. The Spanish court conducted an investigation, applying the principles of universal justice, witnesses were heard, Iraqi officials were summoned to be heard and requests of information were addressed to the Iraqi government, whose answer was: "The deed on which the Spanish court was asking for information is the subject of an inquiry in Baghdad; don't worry, justice has been done." In fact, the Baghdad inquiry never happened, and the judicial investigation went on its way. Which means, if those responsible for the attacks on Camp Ashraf enter Spanish territory, Spanish justice will be able to summon them and interrogate them, offer them a lawyer for their defence, and indict them for violation of the Fourth Geneva Convention.

What is this about? The Iranians present here know this story perfectly, but the others probably don't, so I shall recall it briefly. The Iranian refugees in Iraq were given extra-territorial status in Ashraf in the year 1986, and after the invasion of Iraq in 2004, the troops acting on the authority of the United Nations under the scope of Chapter 7 of the United Nations Charter granted them the protection of the 4th Geneva Convention. Well, from 2009 onwards, the residents of Ashraf found themselves denied all rights. The high authorities of Baghdad said that they had no rights, no civil rights, and no rights to anything. They were subjected to a siege, with restrictions of every kind. Interventions by the police and the army provoked massacres. Loudspeakers submitted them to sounds that amounted to torture, "white sound" day and night, some residents were arrested and tortured, others disappeared, which means that there were serious violations of the Geneva Convention. This Convention, which was signed by many countries, including Iraq and Spain, grants law courts the right and even the obligation to prosecute crimes of this nature; this Convention that was agreed and dictated just after the great massacres and war crimes of the Second World War. The generation living at that time was very sensitive to those crimes,

and therefore wanted to provide the international community with a legal instrument to pursue those responsible. That's what the Spanish court did.

However, today the Spanish domestic law has been modified as a result of certain international pressures. Spanish domestic law today tells the judge who was exercising the universal jurisdiction and able to prosecute violations of the Geneva Convention abroad, you can only prosecute perpetrators of these crimes when they are in Spanish territory. This limitation didn't exist before 2015. Despite this limitation, the international community can act within the institutions the United Nations have granted themselves in order to prosecute crimes of this nature. And that is just what I am inviting the organisations that are represented here today, to conduct an inquiry into the crimes that have been recalled this morning, and join their efforts to those that the State tribunals are applying themselves to prosecute. For the prosecution of these crimes requires cooperation between international organisations and national law courts. It is only to the extent that this cooperation is effective that the crimes committed in the past can be brought to justice. It is not only a suitable task for criminal law; criminal law always deals with the past, doesn't it, with what has already taken place, but it's also a necessity for the future. From my point of view, a meeting like this one, remembering what was heard this morning, is not only a homage to the victims of yesterday, but also a contribution to the present generation.

Eric Sottas



(Photo by The Media Express)

I too shall express myself in French. I shall try to be brief because I see that our time is limited, and to face the main question which was raised in a fairly clear manner, without answering it by trying, as was done a short while ago, to open some pathways: why has nothing been done yet, at the international level, by the United Nations?

I was, perhaps for too many years, the Secretary-General of the World Organisation Against Torture, of which I was one of the co-founders. One of the first cases we had since the end of the 1970s was, obviously, the Iranian case. Of course, there's the massacre of 1988, an indefeasible crime against humanity, and we have there a firm anchoring point, from the legal point of view, for demanding that justice be done, without fear of a problem with courts refusing to pronounce

judgment because of the time elapsed. There is no time limitation for crimes of this type, so one can act. That said, I think it is also necessary to examine the totality of the crimes committed by the regime, to analyse the way in which, up to now, with, it must be said, a certain degree of complicity on the part of the international community and of Western countries, it has escaped all penalties.

There have been economic sanctions applied by the Americans, but I should like to refer particularly to this time of crime. It's a crime that must be recalled, I should say, principles have

already been mentioned and I don't want to return to that, but I remember that it's a crime that violates two fundamental principles, and the fact is that there has been no penalty.

One: it is one of the principles defined in those very years by Louis Jouannet, in the *Principes de Jouannet*, I collaborated in this work, its principled objections to impunity. The struggle against impunity is the only element that gives a guarantee of non-repetition. I think that so long as crimes are not judged, are not identified at first, their perpetrators are not identified, etc., there is a risk.

But there is a second element, a second principle that was defined within the framework of what Theo van Boven was working on; it is that of full compensation. Full compensation is the victim's right, and that right includes the right to the holding of an exhaustive inquiry into what has happened, that the perpetrators should be identified, that they should be denounced before independent courts dispensing equitable justice, awarded penalties fitting the gravity of their crimes. These principles have been systematically violated by Iran, continually, since the beginning of the regime, and I must remind you that we are commemorating forty years of this regime's existence.

So, as I was saying, and it's terrible to hear again the testimonies that were presented to us. For years, since I was working within the World Organisation Against Torture, I have had the opportunity, on the one hand through our programme of assistance to victims, to hear what the victims had to say, and above all what type of torture they had undergone, from those who had survived. I also had the opportunity to make a record of the systematic policy, carried out from the very beginning, for eliminating all opposition; that is to say, murders within the country, but also outside the country, in order to make sure that there was no possibility of an alternative to the regime which was establishing itself.

The Mojahedin were among its victims, and there too we have an impasse, because these crimes, these murders, and it is well known here in Geneva, have never been punished, and I am thinking of the case of Kazem Rajavi, and I am also think of the case of Shapour Bakhtiar, the best known ones, but you know well that the regime sent assassins out of the country, sent them to carry out the task, in the same way that people were sent into prisons, people in prisons were ordered to execute Mojahedin who were imprisoned and other opposition members.

So, the question that's being asked here is this: Is there any hope of getting out of this nightmare? And it's tempting to say that if it's been impossible to do anything in forty years, impossible to put into practice the principles defined at an international level, is there any chance of having more success in the future?

First, I think that when one sums up, one must take everything into account. This morning, when the statistics of the murders were announced, the fact was quoted that Amnesty spoke first of 2,500, then later there was a list of names that mounted up to four or five thousand; today, we have a list of over 30,000. That was a formidable effort that was carried out by the victims, by the women and men working with them, so as to document, it's not a documentation that can be presented as it is, but to document what really happened. This work was done. It was done in the same way that it was done when the question was to find out who was behind a certain number of murders.

Second, it's clear that both outside and inside the country, there is no resignation; which is to say that even if this horrible suffering that was intended to paralyse the population – I shall

return presently to the way in which torture was organised, and why it produced a certain result, including at the international level – but it didn't succeed in paralysing the population inside the country, or in stopping the international movements on this subject. The United Nations didn't do enough, but all the same, today there is a substantial documentation, thanks to the rapporteurs and the existing requests. What is regrettable is that it didn't go further.

This constant mobilisation also has some results that I should like to emphasise; because, in the plan for elimination of 1988, it must not be forgotten that there was another aspect which was the attempt to eliminate the Iranian Mojahedin who had laid down their arms after the 2003 war in Iraq, in the famous Camp Ashraf, and it came within a hair's breadth of succeeding. Remember, when Camp Ashraf was encircled and the Iranian Revolutionary Guards were passing from one frontier to the other, with the blessing of the Iraqi authorities, that the Americans who had undertaken, from the moment when these combatants laid down their arms, to consider them to be protected persons, that the Geneva Conventions also protected them, in spite of all that, the risk of seeing that massacre being carried out on foreign territory was, unfortunately, extremely pressing. There were some deaths, but it was possible, with Camp Liberty, etc., to save most of those who were in the camp. And I believe that this task of mobilising the resistance members, the opposition members, organisations, civil society, must be valued more highly, and the effort that is being made today is, precisely, beginning with this work, an attempt to take the next step.

The practice of torture, as I said – the case of 1988 is quite paradigmatic in this sense – the use of torture, like targeted assassinations, was used by the regime with two aims: one, that of terrorising the local population, in order to make sure that there would be no alternative, no viable opposition to take power on the day when the regime crumbled; but the other element was also, and I believe these two elements of be contradictory, it was also to demonstrate that the regime was in a strong position in the face of the outside world, that it was in control of the situation, and that even if it was brutal, it was a partner with whom it was possible to work. This objective, I was saying, contradicts the first one: Why? Because torture, and we've heard this many times, was hardly ever being used to make people speak. It is being used, almost systematically, to try to destroy their humanity. It is being used, and this is the way one of my friends put it, he said: "They're not trying to make people speak, they're trying to make them keep quiet. They're trying to stop voices being raised." And if you look at the methods they use, at the fact that these interrogations under torture don't yield sufficient elements for really combing out a place for enemies, I believe that in fact this element did exist. But besides that, we've spoken of mediaeval or barbarous punishments, it's torture, let's be clear, international doctrine has said that stoning someone to death, cutting a hand off, gouging an eye out isn't a punishment, it's a form of torture. But the use of this type of punishment, in public, was done with the aim that I indicated earlier: making the population aware that if it tried to rise up against the regime, the regime was ready for anything, and had the means to do it. But at the same time, in order to reassure their partners, they were trying, on the contrary, to show that the regime was behaving, I was going to say more or less in conformity, because it never said it was in conformity, with international rules. It can be seen in the inquiries into the 1988 massacres. I don't want to repeat what has been said, but in the witness statements there is something one notices, and that's quite strong: the massacre was planned. It was planned in such a way, even if it was done in a hurry, it was planned in such a way as to prevent the population from reacting, while at the same time terrifying them.

These 30,000 people eliminated were those who represented opposition, dissent, and I was going to say, because of their being eliminated in such brutal circumstances, it automatically had an effect, not only on their families but, I should say, on all their support group, the whole civil

society that had hopes on them. So there, that goal was clearly aimed at in this manner. At the same time, they didn't want these matters to be known on the outside, and so a system was used consisting of putting people to death while delaying information to their families. If you look at how the first executions started, you will see that they had already begun in April but above all, on the list, it's the month of August when the executions were most frequent. I won't go into the details because there are too many. From July onwards access for families of the prisoners was limited, forbidden, they were told about displacements, etc. So a certain blackout was created by different methods, but a certain blackout was created so that the families shouldn't realise what was happening at the moment when it was happening. Then it was in October, November, that is after the delay that the Muslim world respects for funerals, it was after the forty days that the families were called, not as a group but one by one, and with that surfeit of cruelty of which we heard just now, the death of the prisoners was announced to them, and a death that was all the more inexplicable because among those dead were to be found some people who had already been freed and who were coming back simply to have their authorisations countersigned and who were detained and eliminated. So, the deaths were announced to them, they were not given the bodies, they were given this piece of paper in which they were told that they had no right to organise funerals, that they had no right to receive condolences, that they must keep quiet and if they didn't keep quiet there would be reprisals affecting the rest of the family.

After that, when they looked for the bodies, they were given false addresses, that is to say you know that people who went to the cemeteries, to the tombs, noticed that in reality the tomb was an old one and they had been given a random number to mislead them. So, there was an attempt to stop documentation being made, notably among those who knew the victims, so that the extent could be known. A certain amount of time was needed to discover that the number was far greater than the international organisations had estimated at first, and so the regime in the meantime, I don't know if you remember this declaration, but when it was questioned after the first elements emerged, the regime admitted that within the framework of the prison purges, there really was a certain increase in the number of executions, but either it was claimed that they were drug traffickers, we've already heard examples of that this morning, or that the number was far less than was claimed, notably by the Mojahedin who were the first to report it. So from then onwards, when the numbers began to be more clearly seen, we have had – that is to say I hoped that we wouldn't need another one - but we have had dozens of meetings, we have had events like this one, like others at the United Nations, etc.

At that moment a new element arrived: it was that, because of the struggle for power within the regime, in fact a harsh tendency which had been the one that had pushed them towards liquidation, a tendency involved in all this case of the regime's affairs during the first ten years, but less disposed to go to the limit, there were tensions. We spoke of them earlier, notably citing the way the number two [Ayatollah Montazeri] began to keep his distance, when he saw to what extremes people were going. But the regime tried to show that in reality things had changed. And that led to its being impossible to hold the Rajavi court case in Geneva, because of a French political problem. The perpetrators were in France, had been arrested in France, at the end of 1993, not for the Rajavi case but for the Shapour Bakhtiar case. Now, and this is the element that was also mentioned this morning, if the trial was pursued to the limit, it would be shown that those who today are occupying pre-eminent posts in justice, security, etc., were the perpetrators who ought to be judged. That is why the French Minister of the time, Charles Pasqua, who had undertaken, once the question had been clarified in France, to extradite them to Switzerland for the investigation of the Kazem Rajavi case, that's why he sent the two key witnesses and perpetrators in these two cases back to Tehran. At the time, I had had the opportunity to discuss

it with some magistrates, who were outraged, as a matter of fact – in the end the law condemned the measure Pasqua had taken, but it was too late – but, these magistrates said to me, yes but we must also think in terms of *realpolitik*. If the regime opens up, we must go in its direction, because otherwise there's no alternative. And that's something which has nothing to do with law but which unfortunately predominates today in too many so-called human rights cases.

Ever since the Human Rights Commission, which was certainly biased in some aspects, which certainly lacked efficiency, transformed itself into a Council, we have here the raw material for pursuing a case to the end. It should be required. The United Nations mechanisms are weak on that question. There is the Convention against Torture which has been ratified, but you know why universal powers can be put into practice as was indicated earlier; there are conditions of reciprocity in the declarations in Article 23 and here there's rather a block. Having said this, there are mechanisms that could have been put in place. But in this present atmosphere of trying to make the State cooperate, I'm afraid that if we don't take steps of another kind, notably returning "blaming and shaming", the members of the Human Rights Council, the General Assembly, especially in these cases when they are led to making decisions, there is a risk of having yet another debate that will lose itself in quibbles on the question of knowing whether or not it's the right moment.

Last point, and here I think our Spanish friend isn't going to contradict me, the fact is definite, we're dealing with a crime against humanity, and even if a United Nations commission admits it, that doesn't guarantee that they will be judged for it. In principle, judgment is always at the national level. And that's the problem that was confronted in Tunis. I thought, naively, that having won three times in cases of torture in front of the Committee on Human Rights, with a definitive decision, at the time when Ben Ali was overturned, because before that, I had been there and it had been explained to me that these decisions wouldn't be acted on, that the inquiries wouldn't be opened, that the victims wouldn't be compensated, but I thought that the new regime would act immediately. But we found ourselves in front of judges who thought that it was the Public Minister who was too soft. We found ourselves faced with the question of not creating emergency courts, and of having, in the other courts, judges who had already passed a contrary judgment on the question of torture and so couldn't be employed. In short, we find ourselves again running into the sand.

So, I'll say that what needs to be prepared is, on the one hand, at the United Nations level, this commission of inquiry which has been spoken of, which is essential, but it is also necessary, on the other hand, to imagine how, once the inquiry is over, the perpetrators of these extortionate deeds will be concretely judged and by whom, because, placed where they are and in the present political and economic circumstances, I fear that it will be very difficult for a court, especially in the present state of justice in Iran, to be able to give a satisfactory judgment.

Thank you.

Jean Ziegler

First of all, let me thank you for your invitation. You know that the Advisory Committee to the UN Human Rights Council is a subsidiary organ of the Human Rights Council, which is the third most important body of the United Nations after the General Assembly and the Security Council. This Committee is formed of eighteen international experts proposed by their respective countries, but after election by the Council, they are totally independent, and at the moment I am Vice-President of this Committee which is the think tank, to put it briefly, for the Human Rights Council, which prepares dossiers, which makes proposals, which executes mandates, etc. Our Committee has been applied to many times, and has reacted accordingly, in connection with the crimes committed by the dictatorship of the mullahs in Tehran for 39 years. We are here this morning for two reasons: to commemorate and recall the martyrdom of about 33,000 young and not so young women and men of Iran during the 1988 massacre, and secondly to see how it's possible to put an end to the impunity of the murderers who are still, some of them, in power and at work, how to hand them over to international justice which is the mechanism created to put an end to this totally scandalous impunity.



(Photo by The Media Express)

I should like to begin with a few preliminary remarks. First, my profound condolences addressed to the families, to the survivors of the massacres, to the families of those who have lost martyrs not only in the 1988 massacre but in the massacres that have continued until today.

Secondly, I should like to recall very rapidly the situation in which we are speaking today, which is altogether extraordinary: the Iranian population has risen up again, a new generation. These young people have demonstrated in over 30 towns, laying their lives on the line. They face arrest, torture and murder, and they know it. They know that they are risking their lives, according to the Western press, to protest at high prices, at economic misery, at the mullahs' corruption. This is certainly true, but in fact, at its deepest, the fire that animates them is the fire of the martyrs of 1988. They are demanding freedom, democracy, respect for human rights, and they are certainly fed by the heroic example of the martyrs of 1988. So, there is an altogether extraordinary topicality in the sacrifice of these heroes and heroines of 30 years ago.

I should like to say a third preliminary thing: my friend Eric Sottas spoke a short while ago about Kazem Rajavi. Kazem Rajavi was, thanks to him, the first delegate of the NCRI, the National Council of Resistance of Iran, at the Human Rights Commission, very active in civil society internationally and in Geneva. Thanks to Kazem Rajavi and then his successors, contact has never been broken with the Human Rights Council, and the UN has been kept in touch remarkably well and with precision and intelligence by the NCRI. I speak of Kazem Rajavi because he was murdered in April 1989 in a village a few dozen kilometres from here at Tannay by the killers of Tehran – an assassination which remains unpunished till today, and I cannot

speak in front of an audience like that one without honouring the work and the memory of that altogether extraordinary man who was Kazem Rajavi and who also paid with his life to make the crimes of the mullahs public. I should like, because we were very close, he was a professor in the same university that I was, in Geneva, a member of the same party, the Parti Socialiste Genois [Socialist Party of Geneva], to say a word about Kazem on this occasion: I argued for quite a long time with one of my colleagues who was a State Councillor in charge of Justice and Police in the Canton de Vaud. Kazem and his family lived at Tannay in the Canton de Vaud, and I asked the Government and this Minister for Justice at Vaud, to organise protection for Kazem Rajavi. Kazem Rajavi refused. The Government of Vaud said yes, let him come and see us, we'll organise surveillance, police protection, in Tannay in its neighbourhood, where he lives, and Kazem said: "Never!" I said, "You're crazy, why? You know that you love the light of day." He said to me: "My comrades have no protection anywhere in the world. I won't have any." And he died for it. And that's the legacy of the heroes of 1988.

Now hope has arisen with these demonstrations of a few days ago, a few weeks ago, and that will certainly go on, and that are also being paid for with the blood of those who demonstrated. Recall Jean Jaurès. Jean Jaurès said: "The road is lined with corpses, but it leads to justice." So what's happening today in Iran reveals a tremendous hope, because once again, and I'm ending my preliminary remarks here, the legacy, the example, the martyrdom, the sacrifice of the heroes and heroines of 1988 is being reincarnated, reincarnated in the young generation which is rising up today for the same values: democracy, independence, freedom in Iran.

Now I am going to make two series of remarks: In the first, I shall revert rapidly to history, to two or three points of history that are important and that allow me to put into context what I shall be asking in the second series of remarks.

You know that Khomeini returned to Iran in 1979, to an Iran from which the Shah had just fled, and where the principal social force was the People's Mojahedin, why? Because the People's Mojahedin was the principal force of resistance against the dictatorship of the Shah. The SAVAK, the police, the Shah's Gestapo, liquidated all the founders of the Mojahedin, for example. The founders' successor, I'm taking one example, Massoud Rajavi, who survived; he came out of prison ten days before Khomeini's arrival. The Mojahedin enjoyed immense prestige because of these stories of resistance against the Shah's dictatorship. I'm taking Massoud as an example. Massoud was condemned to death. He was saved at the very last minute because Kazem went to see the President of the Swiss Confederation who at the time was Pierre Graber, and Graber had consented to go to St. Moritz where the Shah of Iran was on holiday in a super-luxury hotel, to ask the Shah for a reprieve for Massoud. The Shah couldn't refuse the President of the Confederation of Switzerland this service. At a few moments, perhaps a few hours from execution, Massoud was saved, and quite naturally became, together with the Mojahedin, the principal force, the most credible social force, in this Iran where Khomeini was arriving. But there was just one meeting between Khomeini and Massoud, and the delegation of the Mojahedin led by Massoud, just one meeting, in 1981, October 1981. And Khomeini said: "I'll give you ministerial posts, I'll give you everything you ask for, I'll involve you in the government, etc., etc., but you must consent to crush the enemies of God with me," that is to say, to install Islamist dictatorship. And the Mojahedin refused. Massoud said: "No question of that; we have lost so many comrades, we have paid such a high price against the SAVAK in its prisons and under its torture. We are here to install democracy, independence, serenity and human rights in Iran." And there was a rupture. And very soon, of course, the conflict grew more poisonous, persecutions began almost immediately; the worst moment, the turning point, as the Mojahedin say, was 20 June 1981, before the meeting

but Massoud, already, was not surrendering to Khomeini's promises, 20 June 1981, an immense meeting, a public demonstration organised by the Mojahedin, 500,000 – and I've seen the photos in the archives - at least 500,000 people in Tehran, who were demanding liberty, demanding democracy, and there, for the first time, Khomeini's services, the Revolutionary Guards in the making fired on the crowd, and it was the first great public massacre, and from then onwards the Mojahedin, democrats in general, freedom fighters, were in hiding, were persecuted, persecutions that culminated, I repeat, in 1988. There were never any negotiations later, it was pitiless fascist clerical violence against a movement, against men and women of all generations, of all religions too, who were demanding, once again, the installation of democracy, of freedom, and who were demonstrating, that which is still tremendous today among the Mojahedin, for example, or the NCRI in general, a democratic Islam, an enlightened Islam.

And that's why this movement is so important, why this Iranian Resistance is so important for the whole world, because they are a leading force among Muslims. There are 1.1 billion Muslims in the world, among whom there are appalling perversions, you know, the Jihadists, the Iranian mullahs' dictatorship, etc., etc., but there, you have the witnesses, the witnesses with their blood, of a democratic Islam, of an enlightened Islam, of an Islam which incarnates all the immense Iberian heritage of Averroes, of all the very great Islamic thinkers and scholars, of the period of what is called enlightened Islam, that of Cordoba, that of the 12th, 13th, 14th centuries, that of Aranjuez, Granada, etc., the Mojahedin have often been called the torch-bearers of the second enlightened Islam. And this is why this Iranian Resistance movement which is being carried out not only in the name of the values which I mentioned just now, but in the name of Islam, and most of the friends I have among the Mojahedin are deeply religious, they are deeply religious Muslims, they are men and women of faith, but a tolerant faith, a faith that is faithful to the Qur'an, I repeat, an enlightened faith. And that's why this movement, I repeat, is of such great importance.

A historical reference comes to my mind, which may seem rather out of place in this setting, but which is a good expression of what I am thinking here: in Warsaw, in 1843, the Commander in Chief of the Russian occupying forces who were crushing the people of Warsaw's 1843 insurrection saw under the windows of the palace where he was living a banner floating which had been placed there during the night by the Polish insurgents who were fighting for their freedom from the Czarist occupation, and this banner read: "For our freedom and yours". "For our freedom and yours", addressed to the occupying troops defending an appalling Czarist power, serfdom, etc., etc., and the insurgents were saying: "We are fighting for our freedom, of course, but also for yours, also for yours," and the Mojahedin or the NCRI, one can say, are in exactly the same situation. Their fight is for our freedom too, because we need an enlightened Islam, we need coexistence, collaboration, peaceful cooperation. It has a universal dimension, not only in the sacrifice of the martyrs of 1988, but in the sacrifice of those who today, now, at this moment, are being tortured and are dying and who don't recant, and who demonstrated, a few weeks ago, in over thirty towns in Iran. There is an organic, almost physical link between them and us, between their sacrifice and our freedom which is being defended by them.

Now I am coming to the second series of my remarks, and that is why our solidarity must not be just moral and verbal, etc., but it's politically essential. If killers like those mullahs, if these dictators who have been there for 39 years, unpunished, go on with their abusive acts, and I have here *Fallen for Freedom* (book), the NCRI has published the list of 20,000 martyrs, out of the 120,000 who have probably fallen since the beginning of the dictatorship of the mullahs. Here is the text of Khomeini's fatwa, which gave birth to and legitimated the massacres of 1988, and

here is the list, with the ages and photos, it's terrifying, I spent the night leafing through them again, of all these martyrs, all these martyrs who are continuing to fall for our freedom, and this impunity must stop.

How can it stop? Through the mobilisation, at last, of this Western public opinion, which has been shot through with realpolitik, with commercial interests, the search for profit, Persia's an immense country, very rich, with numerous capitalist seductions to offer the capitalist oligarchy of globalised capital, globalised financial capital in the West - this European public opinion must wake up. This morning's meeting - and yet again I thank the civil society for having made it possible - plays a part in this effort. It must wake up and demand that this impunity ceases.

Several speakers before me have demanded that the UN hold this inquiry and I congratulate and thank the High Commissioner for Human Rights who has sent some observers here, who has said that there was a crime against humanity there, there was a crime against humanity - a crime against humanity 30 years ago, 20 years ago, 60 years ago; Statutory Limitations don't apply to crimes against humanity. Crimes against humanity are perfectly identifiable. They were defined in 1948, therefore in the Resolution on Genocide and Crimes Against Humanity, the definition of crimes against humanity was repeated in Article 7 of the Statute of Rome, in 1998. The Statute of Rome that gave birth to the International Criminal Court. And the barbarous acts inflicted on the Iranian martyrs by the mullahs' dictatorship are defined with total juridical precision. And I shall read them to you quickly:

What is a crime against humanity? The witness statements that you have heard, the testimonies that are in this book, a terrifying, moving one but one of very great precision, are perfectly defined in a legal sense. It's not a question of a general condemnation of murder or torture, and I shall allow myself to read it to you quickly: "Article 7, Crimes Against Humanity. It's the Statute of Rome which repeated 1948's exact definition of a crime against humanity just as it appears in the Resolution Against Genocide. Article 7 states:

"For the purpose of this Statute, "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:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) 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;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."

That is the extraordinarily precise definition of the crimes against humanity that have been committed, empirical testimonies have been provided to this meeting today, that were committed and are continuing to be committed by the mullahs' killers.

For there to be a Commission of Inquiry, it is also necessary for there to be identification of the perpetrators of these crimes against humanity. It is perfectly easy, there is no problem about it, no legal or technical problem for the investigators, as with, for example, Augusto Pinochet or for the Commission of Inquiry for Syria, there you have problems of identification; here there aren't any such problems. In 1988 - I'm confining myself to the 1988 mass murders - there are guilty people on three levels:

First of all, there are those members of those famous Death Commissions that Khomeini set up: a prosecutor, a religious judge and a representative of the Intelligence Ministry. In every village, in every province, in every town there was a Death Commission. As it was called a Death Commission it can be identified. Khomeini, in the fatwa which is here, and which is also very detailed, set up these Death Committees. He said: If two out of the three agree to execution – execute them. There was no right to defence, no right to a lawyer, no right to be heard: The Committee stipulated that if two members agreed, it meant execution. So those members of the Commissions can be identified. If they are alive, the members of these Commissions can be easily identified.

Next, there are those who then carried out the hangings and executions. These were the Revolutionary Guards. It wasn't the Commission members themselves; it was the Revolutionary Guards who physically killed the prisoners. Well, they too are known and identifiable.

And finally, more importantly, there are those who ordered the mass murder or any of those crimes that are mentioned in Article 7 of the Rome Statute which I just read. They are also known, and several of them are in power today. Yes, several are in power today. For example the present Minister of Justice is one of the killers who was instrumental in the mass murder in 1988.

So we need a Commission of Inquiry from the United Nations. Eminent jurists, who are much more eminent than I am, like Maître Juan Garces, whose infinite skills I salute, have told you how these inquiries are conducted. Of course, I, personally, and that's what the Advisory Committee will ask for. What our Committee will ask from the Human Rights Council is that the Human Rights Council should set up a Commission of Inquiry into the 1988 massacre and the massacres that continued afterwards. I know that among our friends there are hesitations, some say it's too dangerous, because there has to be a vote, and the 47 members of the Human Rights Council have to vote, and there's a risk of not having the necessary votes, etc., etc. But Mr Frej Fenniche, who is one of those great jurists, and who has played an essential part for a long time at the OHCHR, thinks that the High Commissioner himself has the power to nominate a fact-finding mission, to set up this fact-finding mission. Whoever it is, the Human Rights Council or the High Commissioner, whoever is responsible for creating this fact-finding mission, this Commission of Inquiry, it must take place. It must take place, and nothing, neither the identification of these crimes nor the identification of the perpetrators of these crimes, is an obstacle to it.

Now to my last point: Of course, afterwards, after the crimes have been verified by this Commission of Inquiry, the perpetrators verified by this Commission of Inquiry, what should be done? Well, it needs a Special Tribunal. We know that Kofi Annan, and he must be praised for that, had the intuition and the will to put an end to impunity in Rwanda, in the Balkans, in Liberia, in Sierra

Leone, in Lebanon, by setting up, after a decision by the Security Council, special tribunals. Well, we need a Special Tribunal, of course, we need the United Nations, the General Assembly of the United Nations, to create a Special Tribunal on Iran, on Iran, which will put an end to this impunity that has put humanity to shame. I shall end by thanking once again the civil society and the Iranian activists for having given me the opportunity to speak.

Tahar Boumedra

On the development of international law, particularly international criminal law, I would like to point out two major cases that recently made a landmark in the international jurisprudence.

First, the International Court of justice (ICJ) in Belgium vs. Senegal, case related to Hissène Habré, former President of Chad, who had been charged with crimes against humanity, held that there is the obligation to investigate and to prosecute or extradite. The ICJ's ruling was rejected by Senegal on the ground that they don't wish to exercise extraterritorial jurisdiction since the charges against Hissène Habré were committed outside Senegal and that Senegal is unable to secure a fair trial for lack of funds.



(Photo by The Media Express)

But under pressure from civil society and the NGOs, the African Union managed to reach a compromise whereby Senegal accepted to exercise extraterritorial jurisdiction after securing funds. The AU compromise was negotiated for Africa to appear upholding the ICJ's ruling and avoid embarrassment for Senegal and its member states. The right or rather the obligation to investigate and prosecute or extradite was upheld and Mr. Habré was prosecuted and condemned for life imprisonment.

Second, is a very interesting case that took place in South Africa. You are aware of the crimes that took place in Zimbabwe, and again it was thanks to the civil society this case was taken all the way up to the constitutional court of South Africa. The constitutional court made it an obligation of the government of South Africa to investigate crimes against humanity extraterritorially. So that means crimes that took place in Zimbabwe. Zimbabweans were investigated by the police in South Africa.

When Gen. Hassan al-Bashir of the Sudan visited South Africa, the procedure ruled by the constitutional court was activated against him and he had to be smuggled out of the country to escape prosecution for crimes against humanity.

Having said that, we heard this morning the brilliant summary presented by Kirsty Brimelow and the witnesses. Kirsty has identified a number of crimes that fall under the title of crimes against humanity. And also Professor Ziegler and all the eminent jurists around here agree that

what happened to the political prisoners in Iran in 1988 is a crime against humanity. And I would say that experts recognize a crime against humanity when they see it. This morning we saw survivors among the political prisoners who witnessed the massacre of the summer 1988 as well as members of the families of the victims of that massacre, and the experts are unanimous in their opinion that what happened in Iran in 1988 was a crime against humanity that must be investigated and the perpetrators must be held to account.

The major question left for us now to answer is what is the way forward?

Certainly, we just heard Professor Ziegler, who suggested certain avenues. But I want to be more modest than that. You are aware that the issue of human rights in Iran started in the early 80s, by continuously appointing Special representatives / Special Rapporteurs till the current Special Rapporteur on the Situation of Human rights in Iran. They all called for the government of Iran to investigate. And if you have followed the reports of these special rapporteurs, all those calls were categorically refused by the government of the Islamic Republic of Iran. What does that mean? It means it's a government that refuses to act and honor the obligation to investigate. And they're unable to do so because on one hand they don't have an independent judicial system, and on the other hand they are unwilling to investigate because a number of officials, currently holding positions in the government, have publically admitted their role in the executions and are still calling for the annihilation of the opposition.

So far, the U.N. has done a lot, but not enough because we need to see an investigation taking place. The recent Special Rapporteur on the Human Rights situation in Iran, Asma Jahangir, had submitted a report to the General Assembly. The Secretary General of the U.N. himself has referred to this report and has presented in turn his own report to the General Assembly and to the Security Council.

So, there is a mechanism at work. But let me underline one thing in the report of Ms. Jahangir. While she admits that a crime against humanity took place, while she admits in her report that it's impossible to expect a regime like that of the Islamic Republic of Iran to independently investigate, she went on again like her predecessors calling again on the government of Iran to investigate. This is really unacceptable. We know very well it's not going to happen. We need to stop shying away from facing the reality. If we stand by the rule of law, calling for the government to investigate 30 years after the event is no longer an option. We need the establishment of an international commission of inquiry, independent from the government of the Islamic Republic of Iran.

But there are other issues, there are other avenues also because this morning when the witnesses and Kirsty were pointing at the crimes taking place, they mentioned torture. And we have within the UN mechanisms for the promotion and protection of human rights, we have a Special Rapporteur concerned with torture. So we would like for him to be seized about this issue as well as the Special Rapporteur for Iran. There is also the other Special Rapporteur concerning extrajudicial killings. This Special Rapporteur, we need her to get seized on this issue. There is a Working Group on Enforced or Involuntary Disappearances they too are concerned. Up until now, some families don't have a death certificate. Some still don't have an official confirmation of the death of their loved ones.

These are the way forward because as I said, I'm trying to be modest. We want those mandated special rapporteurs to place those matters on their agenda. But also, we have the legitimate right

to call on the High Commissioner for Human Rights to take his own initiative.

I know the minute we say High Commissioner, there will be procedural and financial issues to be raised. But this is a case that needs to be urgently investigated and the intervention of the High Commissioner for Human Rights is going to be instrumental if the special rapporteurs are to consider this matter with the due urgency, collectively and individually.

Collectively in the sense that the five rapporteurs concerned, they need to come together and put their forces together and issue a statement that requests an investigation. And individually, each rapporteur concerned should produce his/her own report. After all, this will be an implementation of the guiding principles on investigating crimes against humanity, crimes of war and genocide.

I am happy that the Office of the High Commissioner is represented in this hearing. I hope that what has been said and witnessed will be transmitted to the High Commissioner. I thank you for your attention.

Witness Statements

Session 3



(Photo by The Media Express)

Ezzat Habibnejad

Former political prisoner and wife of a victim



(Photo by The Media Express)

Greetings to all of you and thank you for inviting me to this important conference. As time is limited I'm forced to cut short, otherwise, I have experienced thirty years of torture and suffering and have witnessed a thousand problems that all the families, including my own, have endured.

My husband was arrested in September 1981, and I was arrested along with my one-year-old daughter two months later. My one-year-old daughter spent three months with me in a small room, with 35 other people. A room without any window or facilities. But it wasn't only my daughter; there were three other children in the same room, all between the ages of one and three. My daughter and those children didn't get any fresh air and never saw the light of day in those three months, and were kept solely in that space. No matter how

much I begged them to allow me to send my child out of prison, they would refuse and stated not until the interrogations are over.

Eventually the interrogations came to an end and I was able to send my child out of prison. I was released after two years and my husband was released after three and a half years. He was initially sentenced to three years of imprisonment and he was kept in prison for an extra six months, and was released after three and a half years in late 1985.

We started to put our lives together again, with our daughter who had not seen her family. We wanted to start a new life. I became pregnant and Ehsan was born. When he was only ten days old, they raided our house again and arrested my husband.

No matter how much I asked what is going on? They wouldn't respond and Mehdi kept saying I don't know why they are arresting me.

They then told us that we found out that one of his friends, who was also an ex-political prisoner and had escaped to Europe, had called him. The extent of the call was to see how we were doing and for this, they sentenced him to 5 years' imprisonment in 1986.

Every week on Thursdays, when we were allowed visits, I used to take my two children, Ehsan and Amineh, to go to prison to see him. That was until March, 1988 when suddenly the prison conditions and atmosphere changed.

All visit rights were suspended. Some prisoners were exiled to Tehran, including one of our close friends, Jafar Hashemi and five others; they were sent to Evin Prison. The situation was very tense and peculiar. Every time we went for visit they would say you have no visits today.

Towards the end of July 1988 they officially called off all prison visits. When we demanded answers, they wouldn't respond and would only harass and insult us. At prison they would tell us to go and ask the prosecutor's office, the prosecutor's office would say go ask the IRGC and they would tell us to go to the prison. This wasn't only my case; all the families had a similar situation.

My husband was in Mashhad's Vakil-Abad Prison and we lived in Mashhad.

There were rumors going around Mashhad that they have executed a number of political prisoners, but none of us could believe it, especially since they all had prison terms, not execution sentences. Many mothers would say that they have been asked to provide bail and their children were to be released, but they too were banned from visitation rights.

Eventually time passed until 4 November 1988 when they called my father-in-law who lived in the city of Bojnurd and summoned him to the Bojnurd prosecutor's office, saying we need to talk to you. There they told him that they had executed Mehdi two months ago, and they made him give a written commitment banning the family from holding any kind of ceremony or memorial and threatened him that if you do so it will have heavy consequences for you and your other children.

My father-in-law told them if you've executed him where is his body and his belongings? They told him, we don't give the belongings to anyone and his body is buried in Mashhad's Behesht Reza Cemetery.

After that, they would call the families to the prosecutor's office or would somehow inform the

families of the ex-ecutions but would refuse to give the belongings of prisoners to the families. They would only say that they were buried. Finally, we heard from one of the families who had an acquaintance who worked at the Behesht Reza Cemetery in Mashhad who had told them "you didn't hear this from me but I saw them bring in truck load after truck load of bodies and they buried them in three locations." One of those mass graves was near the burial site of those executed in 1981, and I have a photo of it with me here today. I have both the pictures and videos of that section.

He told them the second area where they were buried was near a demolished clay tower which was in the middle of a vast barren area. The third mass site he said was by the wall of the cemetery. So three specific areas.

It is noteworthy to mention that many parents had heart attacks when they heard the news of their children's ex-ecutions and died on the scene. The families suffered tremendously.

I wish they were here today and they would describe the torment they lived through. In the mass grave by the tower, one of the mothers threw herself on the soil while grieving, then she felt an unpleasant smell coming from the ground so she started to push aside the dirt and sees the trousers of one of the victims. Then she started screaming 'My baby! My baby!', and she fainted.

The families added new soil to the site and they put small stones in the area to make it look more like a cemetery.

Believe me, every Friday morning the families gathered there and brought flowers and would cover all three sites but, when we went the next time the stones and flowers had all been removed and the authorities would bull-doze over them and would destroy it all.

There were a few trees there, where the families and mourning mothers would go and sit under, to change their mood and have some peace, but unfortunately those trees were also axed down. They just wanted to make the families suffer. In general, it was a very difficult time for us all. Among those responsible and the perpetrators of the massacre in Mashhad, one was Razini who was the religious judge. He was ruthless. Another was Hosseini, who was the prison supervisor. And the other one was Valipour. These three played a major role in the massacre in Mashhad.

Many families still can't accept and believe the death of their loved ones. My mother-in-law still to this day, each time the phone rings says let me answer the phone, 'it might be Mehdi!' When there is a knock at the door, she says 'it's Mehdi!'

They are still waiting because they have never had closure, they didn't receive the belongings, gravesite, nothing.

That's why I am very happy today that you have convened such a hearing, and I beg you to be our voice, bring the perpetrators of these heinous crimes to face justice so history will learn and no murderer, no dictator would allow himself to massacre his own people.

Kirsty Brimelow, Question: I have a question, how do you know who was on the death committee, the names of those who were on the death committee?

Response: A few who were able to escape death and were not executed told us.

Question: And for you, is it most important that you find out what happened or is it most important that you see prosecution of those who carried out the killings? So is the information about what happened and why people were killed more important than prosecutions?

Response: Both are important to me. I want to know why? These people had sentences! The regime itself had giv-en him a five year prison sentence! And that was only because of a phone call, a phone call which, was just to ask us how we were doing. And yes, they all have to be brought to justice! They have to be punished for their actions.

I know a lot of families that couldn't bare the pain anymore, they crumbled. I have the names of about 25 to 30 people who are close acquaintances; we're not family but we are close. For example, the husbands of a few of my friends, that we had a close relationship with, the brothers of my friends or for example some of our acquaintanc-es who were friends of friends; I have their names.

For example, there were families where the mother, father and brother of a woman were all executed, and what remains from this family is one girl whose, mother, father and brother have all been executed, three from one family.

I know families that two of their sons, Mohammad Reza Saeedi and Ali Saeedi, were victims, and the family re-ceived the news of the execution of both sons at the same time.

Or, for example, there were two other young men who were both college students and they had the same plight and because time is short I can't say all the names one by one but if anyone wants I can give them the pictures of those graves and give you the names.

Ehsan Qaraee

Son of a massacre victim

When my father was arrested, I was only 10 days old and when he was executed I was two years old, so naturally I have no personal experience of the massacre in the context of the massacre itself, but I would like to address another aspect; an issue that may be overshadowed by the fact that the massacre is so massive and horrible that it remains in the shadows.

But the aspect I want to address, of which I have experience, and which I want to share with you and testify about is the torture that the families have been put through by the regime after the massacre. As one of the witnesses in the last panel stated, it wasn't just one member of the family who was executed, in fact they killed the whole family in various forms.



(Photo by The Media Express)

I would like to give three examples about my own family's experience, which I have personally witnessed.

The first is my own grandmother, who, after thirty years, still has her eyes on the door and believes that there is a chance that the regime has not killed all the prisoners, and in particular

her son, and this hope eats away from this woman who is now 87 years old, every day. This is a daily psychological torture which has continued for 30 years.

Another example which relates to my father's side of the family is the case of my aunts and uncles, who were denied the right to enter universities or obtain government jobs due to family connections. The regime has used all means to deprive them of a normal life.

The last example I want to address is the atrocious case of my father's cousin. He was arrested months before the massacre on non-political grounds, for a crime he had never committed. He was 30 years old, and was severely tortured, which was not common for someone arrested on non-political charges. Under torture they would repeatedly tell him that we know that all of you are hypocrites; your whole generation should be uprooted.

Six months after the massacre, in March 1989, this young man named Abolqassem Qaraee was publically executed under the pretext of being a drug trafficker. It is noteworthy that he wasn't even arrested on such a charge, but he was executed under this pretext without a court hearing or a trial which you would at least expect in such a case where the charge was non-political.

I mentioned these three cases to show you that the massacre was not limited to the person executed in prison, and in that context, their families have been systematically tortured in the course of these thirty years. Exactly the same as the systematic massacre, the subsequent conduct of the government is totally systematic and well-planned, and it's a process which continues to this day as we are gathered here.

Razieh Parandak

Mother of a massacre victim



(Orbiswiss Photos Geneva)

My name is Razieh Parandak, I am the mother of Amir Mehran Bigham. My son was arrested in a demonstration in 1981 in the city of Karaj and after a few days of looking for him we found him in the Kanoon temporary prison in Karaj. After his trial, because they had no evidence against him, they gave him a six-month prison term and the Sharia judge said that after the six months because of the holy month of Ramazan he would most likely be released. Six months passed but he was not released and was transferred to Ghezelhesar prison.

When they were taken to Ghezelhesar prison we kept on trying to visit him and they kept refusing our requests under the pretext that the prisoners have not been assigned a specific place and that they will inform us when we can see him. It took almost three months before we could see him. When we visited him, we found out that they had been subjected to a lot of physical and psychological duress and they had placed 60 -70 people in a 20-metre square room. It was so crowded that one of the boys complained of breathing problem. The room had only a small window and four inmates at a time would take turns to go to the window to get fresh air. The

prisoners were lashed repeatedly that caused major kidney problems. The guards would restrict the access of the prisoners to bathrooms. They told us that the pressure was so much that they had to urinate in tea flasks. They had to endure such conditions in prison.

Mehran spent four years in Ghezelhesar prison. One day when we went to see him they informed us that he was no longer in Ghezelhesar prison. We were distressed not knowing what had happened to our son. We went to inquire with the Revolutionary Court. They informed us that he had been transferred to Gohardasht prison. We later found out that they were all transferred to Gohardasht prison because they refused to work in the kitchen as a punitive measure. We went to visit him in Gohardasht prison. Up to 1986 only the parents could visit prisoners in Gohardasht and after 1986 brothers and sisters could also visit their family members in prison. I went to see him with his sister who was 18 at the time but could not take his brother Manouchehr because he used to work with Mehran and we had sent him away to another place. This continued until 1987 and once when we visited him he said that the night before they took everybody's blankets and we were all forced to sleep without any covers on the bare floor. These were the kinds of tortures they routinely administered which the prisoners often did not mention to their families because they did not want their parents to feel bad.

In November 1987 Mehran was released and returned home. He had to go to the prosecutor's office twice a month to sign a form as a condition of his release. Thirty-five days after his release when he went to sign the form, he never returned. This made us very worried as we did not know where he was. The next day we went to Karaj Revolutionary Court to inquire about his whereabouts, but they claimed that they had no knowledge and we should keep looking for him ourselves. We tried the Gohardasht prison, and any other place that we knew but could not find any trace of him. I went back to the Revolutionary Court and told them he had come here to sign on but did not return. They replied, he must have gone to see Massoud Rajavi.

One of the boys who had recently been released from prison told us to put his name and picture in the Etela'at newspaper (one of the main Iranian dailies). This newspaper is circulated inside the prisons and if anyone had seen him they would send a word through their relatives to let you know his whereabouts. We ran the ad in the paper and a week later two people came to our home and informed us that he is in Gohardasht prison.

I took the newspaper and went directly to the Revolutionary Court and told them the story that two people who were in prison had come to our home and informed us that they had seen him in Gohardasht. They told me so what do you want to do if he is in Gohardasht? I told them I want to see him and take him some clothes, toothbrush and money. The man said go and get the clothes and the items that you want to give him and take it to Gohardasht prison. I took the items with 500 Tomans of money to Gohardasht and they gave me a receipt for my items. I used to go twice a month to try to visit my son, but they would never let me see him. They kept on saying that he was still awaiting a trial and as soon as he was done, visits would be allowed.

Prior to the 1988 massacres, when I tried to see my son, I met two other women whose sons were in Gohardasht prison. When I told them about my ordeal they said that the authorities may deny my son's presence there. They told me that they could visit their sons on a regular basis however, in the past month the authorities had refused permission for visitations. I kept on going every two weeks to try to see my son until December 1988. When I realized that I was getting nowhere I told his father, even though he was busy inquiring about our son, that perhaps they don't pay much attention to me because I am a woman and he should follow up. When his father went to

seek information about our son they told him that he was executed. When he asked when did you execute him? How would I know what you are saying is true? What proof do you have? The official told the guard to go and get his watch. He had one of those self-winding watches and we noticed that his watch had stopped on 19 August 1988. Upon hearing this, his father felt ill and came home with a taxi. He said that they had told him they executed your son and if you want us to show you his gravesite you have to deposit 150,000 Tomans to Khomeini's bank account.

They had informed my husband that we were not allowed to hold any public ceremonies or post his picture outside of the house. Only your immediate and close relatives can visit you. It was a custom when you lose a young son, or they are martyred to place his picture in the street near their residence. I cannot even describe how bad we were feeling. After a week we received a call to go and pick up his bag from the prison. When his father brought his bag home we found two shirts, a pair of pants, a towel, toothbrush and toothpaste, a piece of stone which I think he used for his prayers and a plastic rope between 70 to 80 cm which I left with his aunt in Iran to keep for me. I still can't figure out what that plastic rope represented.

After some time in 1993, one of his friends was released from prison and told me that when they took him for interrogation he pushed his blindfolds up and saw Mehran was sitting there. His face was bloodied, and he could not even walk. I asked him Mehran what are you doing here? He asked me Hamid, is it you? I replied yes. Mehran said that they had pressured him to say that I wanted to leave the country with you to join the PMOI, but I refused. He yelled in front of the guards saying I did not say anything about you so don't let them fool you. The whole time Mehran was in custody. Until his execution he was held in solitary confinement.

Two years ago, when I went to see my brother among the Iranian opposition members in Albania two people asked me if I was Mehran's mother. I replied yes. They told me that they were in Gohardasht prison taking a fresh air break when they saw a string hanging with a note at the bottom, which read I am Mehran Bigham and I am in solitary. They said we wrote a note and attached it to the same string asking how can we know you are not lying and you are indeed Mehran Bigham? He wrote back the lyrics to the song by Marzieh, which he used to sing to the prisoners and that was how we believed it was him. He had said that he received items from his mother with 200 Tomans of money when I had actually sent him 500 Tomans. The guards had stolen 300 Tomans of the money I had sent for him. He added that he was tortured severely to a point that for a few days he couldn't stand up or go to the window.

I like to add that Mohammad Koschi is one of our relatives who was arrested in 1981 and executed in 1988 and Jamshid Assadi whose mother and father were our close friends was executed as well. He was from Boroujerd. Abdulali Shabanzadeh was a cellmate of Mehran After suffering severe tortures to a point that his feet were infected there was no way of saving him. His parents came from the village and with the help of friends we took him to Shafa Yahyaian hospital where the doctors said they had to amputate his leg. Abdulali was also executed.

This was our story.

Razieh Ghodrati

Former political prisoner and sister of a massacre victim



(Orbisswiss Photos Geneva)

Greetings. My name is Razieh Ghodrati. I am a former political prisoner, supporter of the People's Mojahedin Organisation of Iran. I was arrested on 26 October 1981 for supporting the PMOI and in a trial headed by a cleric by the name of Haidari that lasted only a few minutes, in a profanity filled declaration, I was given a 5-year prison sentence.

I spent two years in two separate prisons in Rasht known as Officer's club and IRGC prison. On 25 May 1983 along with 80 other men and women we were transferred to Evin prison.

In the prison known as Officer's club we were 40 people in one room with ages ranging from a 13-year-old, Zahra Sahragard, to Mother Ganjei who was 65 years old. I myself was only 17 years old at the time. Each prisoner was given two blankets one to sleep on and the other to cover with while sleeping; apart from these two blankets we had nothing at all.

Sometimes for two months we were not given bath privileges and in every 24 hours the guards would open the doors three times so that we could use the toilet. Since the prison guards held a terrible grudge against Mother Ganjei our room was always the last room given permission to use the toilets and this caused a lot of pressure on the prisoners.

In those years I witnessed the execution of many prisoners whose only crime was wanting freedom. I remember in the winter of 1982 when they were taking Batool Assadi for execution, it was dawn. When the guards accompanying her passed by our cell she cried out "they are taking me for execution" and the guard hit her with the stock of his gun causing her to yell out in pain. They dragged her to execute her. Everyone in the cell had woken up because of the commotion and with eyes filled with tears we sang her a song called "sing with me fellow traveller". Some of our cellmates said that Batool was pregnant.

Parvaneh Alvandpoor was another one of my cellmates whose feet had been lashed so much that she could hardly walk. A week before execution they took her to court and gave her 75 lashes. Parvaneh was executed in the spring of 1983 in Rasht. Zohreh Ghorbani was an extremely kind human being. I think it was in winter of 1982 when they summoned her for execution. When the guards called her, I was holding her hands because she was not feeling well and had a high fever.

We had a prison guard by the name of Soheila Modber who was responsible for the death squad. Whenever she used to take a prisoner for execution she would return and give us the details of the firing squad and look at our eyes to see the reaction of every prisoner. She was an extremely savage and ruthless woman.

A few of my friends were hanged in 1988. My close friend Tahmineh Sotoodeh who I got to know in Evin prison, Khadijeh Golchin, Lida Ghafuri and Maryam Golzadeh Ghafuri who was a

proud and lovely human being. All these people had been given a prison term but in 1988 were all executed by the Khomeini regime.

I recall that the torturers had broken Lida Ghafari's hand and she had to live with the pain for years, and in another case as a result of severe lashing Khadijeh Golchin suffered major kidney problems.

I am here to testify that in our small town called Koochesfahan, which is a suburb of Rasht, 19 of my friends were executed. Mehrdad Rastgou, Hassan Nezampasand, Ali Nikkhah, Rahman Cheraghi, Ebrahim Akbarisefat and Ibrahim Talebi were executed in 1988 by firing squad and Ibrahim Vafayipour, Kianoush Safa Baksh, Karim Emadi, Karim Fallah, Abbas Nikkhah, Mohammad Golriz, Reza Niknam, Yousef Khoshkhoo, Ali Mirzaei, Morteza Mohammadzadeh, Ahmed Seddiquian and Ismail Hassanpour were all executed between 1981 and 1984.

This is a photo of my brother Younis Ghodrati who was a supporter of the PMOI. He was born on 2 December 1963 and was a third-year high school student. He started his political activities while he was in school and from 1979 to 1982 was constantly harassed by the Revolutionary Guards but each time managed to get away unharmed. During the funeral procession of Hasan Farahnak who was a PMOI supporter killed by the Revolutionary Guards, baton wielding thugs attacked the procession and Younis was hit on the head and lost consciousness. One of our family members managed to get him out of the area and brought him home.

In December 1981 the Revolutionary Guards attacked our neighbourhood and arrested some of the supporters of PMOI including Reza Niknam. Reza was beaten severely while his parents were watching and taken prison to be tortured. On 19 June 1982 Reza was executed by a firing squad and his body was delivered to his parents but they did not allow the parents to bury him in the cemetery. Reza's body was buried in the yard of their house, and this is a picture of his grave.

Following this, my brother moved to Tehran to continue his activities. He was arrested on 14 May 1985 by the Revolutionary Guards and taken to Eshratyab prison. He was tortured so much that after four months when my father visited him he was not able to recognize him because of the extent of his weight loss. My father had looked all over Tehran for him and he was finally able to find him in Eshratyab prison. Younis was given an 8-year sentence during his so-called trial.

In the spring of 1986 when my sister went to visit Younis she had told him that your 8-year sentence will be up soon, and you will be released. Younis replied that these people would never set us free. We were all surprised by his reply. All through those years our parents were also effectively tortured along with my brother and I.

Every other week my mother would travel from Rasht to Tehran to visit my brother and I. She would spend hours behind Evin and Gohardasht prison gates in the cold and heat to make sure that we were still alive. What crimes had these mothers and fathers committed to deserve such treatment?

In May 1985 they transferred my brother Younis to Evin prison and from there to Gohardasht and then back again to Evin. In spring of 1988 Younis in his last letter to us said: "after going from Eshratyab to Evin, Ghezelhesar, Gohardasht and then on 14 May we were brought back to Evin but of course a lot has changed".

This question remained in our minds that what was Younis referring to when he talked about things having changed. Later, we realised that the difference was in the prisoners' classifications in preparation for the massacre. This has also been mentioned in the memoirs of some other prisoners who were spared from execution.

Younis along with 30,000 other political prisoners were sent to the gallows and their blood nurtured the tulip flowers in Khavaran cemetery. After the final move, my father was able to see Younis once and then despite the families' complaints all the visits were banned. For weeks following the executions my father along with many other families of other prisoners would gather in front of Evin prison's gates trying to get news about their children. My mother kept on calling on God while praying to save her son and the lives of other prisoners.

This continued until December 1988 when my father received a call at his work place to visit Evin prison. We did not want to believe what was about to transpire. The road to Tehran was never ending and when we got to Evin prison we found out we are not alone and there are many other families in search of their children who had congregated in front of Evin prison. We tried to stay calm. The guard called my dad inside and after about half an hour he returned disoriented with a bag in his hand. He handed it to me and said this is for you to keep; this is what is left from your brother. They only gave us his belongings. No sign of his body or his burial place. I felt that my back had broken, and the pressure of responsibility felt heavy on my shoulders. I made a pledge that I will continue this path till the end.

The authorities prohibited us from talking to others about this or holding any ceremonies. They said if we don't do as they say we will be arrested and taken to prison. They patrolled around our house everyday so that no one would dare to sympathize with us. It was only through people's solidarity that we were able to endure this bitter experience.

The 1988 massacre was in fact a genocide ordered by Khomeini and implemented through the Death Commissions. From that day on, life became unbearable for my parents and the whole family. My parents spent their nights mourning their son and life was never the same after that.

My parents wanted the Iranian leaders to be tried in international tribunals, but no-one answered their cry and they both died under the pain and the grief imposed on them. Twenty-nine years have passed since Younis and his friends were executed and if you ask me what kind of human beings they were, I would say that they were the treasures of our people and they gave their lives to bring freedom to their people. We will neither forget, nor forgive this genocide.

As a relative of the victims of the 1988 massacre, I want the international community and human rights organisations to condemn the 1988 massacre and recognise it as a genocide and bring the perpetrators of these crimes before international courts.

Not even one single person survived Rasht Prison to talk about their ordeal and the nightmare they suffered. The authorities executed every single prisoner in 1988, and in 1992 the regime ruined all their graves and resold the cemetery plots to other people.

Hossein Toutouchian

Former political prisoner and brother of a massacre victim

I would like to thank you on behalf of myself and all other families who did not have the chance to attend this conference; thank you for following up this most important Iranian issue. The people of Iran have a strong historical memory and they will remember you for your courage in seeking justice for our people.

Before I continue I would like to talk about a point that my friend and cellmate Mr. Ramazan Mousavi talked about as well. Many of the people who were arrested, including me, were portrayed as smugglers. When we were leaving a restaurant the security forces attacked us while shouting “smugglers”, the reason being that they were afraid of arresting and executing the Mojahedin in public. If one understands the reason behind this move, they will comprehend 36 years of the regime’s demonization campaign against the Mojahedin.

My name is Mohammad Hossein Toutouchian, and I am 61 years old. I was arrested along with my wife and two children, aged three and six months. My brother and sister and several of my family members, some of whom are in this picture, Masoumeh Mirzaei, Mahnaz Yousefi, and my brother were also arrested with us at the same time in Mashhad.

We were transferred to Tehran immediately and I spent the next 18 months in solitary confinement in Gohardasht. I have come here to explain the fact that the 1988 massacre was carried out according to a plan devised well in advance. I was released nine months before the massacre started. What I am about to say goes back to March 1981.

We were about 250 to 300 prisoners in Ward 5 of Evin prison. In April 1987, the prison guards took 40 of the prisoners, two at a time, for interrogation and when these prisoners returned to the cell they were all bloodied and beaten up. After lunch, the guards called my brother and I, took us to a room and put a form in front of us that asked for our information. At the bottom of the page there was a question, which asked what is your charge? My brother and I without coordinating with one another wrote that we were affiliated with ‘the organization’. When the guards read the form, they asked us to refer to Mojahedin as Monafeqin, (derogatory term meaning hypocrites used by the regime to call PMOI members). When we refused they started beating us severely and returned us to our cell bloodied like others before us. In fact, this was the first manoeuvre and classification of the prisoners. I was supposed to be released in April 1987, but just before my release the authorities staged a prearranged mock fight and returned me back to prison. The following day they took me to a court presided by Sharia judge Hossein-Ali Nayyeri who told me we know you have a wife and two children whom you have not seen for the past five years. We don’t want you to give an interview or condemn anyone. What we want is to take you to the cell entrance and you just say, ‘Death to Rajavi’ and then go home. I answered him in a way that he sentenced me to six months’ solitary confinement.

I was released after six months of solitary confinement. After my release I visited my brother four times. During my first visit he told me that they had separated all the prisoners according to their political and religious beliefs. During the third visit he had written a message for me on his hand



(Photo by The Media Express)

that said leave the country. In my fourth visit he wrote another message on his hand telling me not to visit him again. That was my last visit and I left the country after that.

My brother Mohammad Ali Toutounchian was a fourth-year sociology student at the University of Tehran. He was arrested twice during the Shah's rule and twice under Khomeini. One of the reasons he was given a long sentence was because he was a political prisoner under the Shah's regime. He was a courageous individual and when the regime's representatives used to visit the prison he would stand up courageously and say what needed to be said. All his cellmates would testify to this.

Following the massacres, one day my mother received a call to go to one of the guards' headquarters. When she arrived there, they handed her a bag with my brother's personal belongings. Up to this date we have no knowledge of his burial place or why he was executed.

What we are asking you today is to bring the perpetrators to justice, and I believe in doing so we will not only get to the reason behind the massacre, but we will be able to find their burial sites, an act that will be recorded in history.

In his recent article Mr. Boumedra correctly pointed out that if we don't condemn the regime for the massacre, it is likely to commit other massacres as well. So, let history remember the people who witnessed this massacre for their courage, not their indifference. Thank you.

Reza Shemirani

Massacre survivor

Dear friends, I never thought that I would be released from the Iranian regime's prisons and would find the chance to speak to all the judicial, legal and distinguished dignitaries that are present here today, having the opportunity to share with you what I have experienced and what was going on in the prisons. Many names that have been mentioned so far are familiar to me. I knew Mohammad Ali Toutounchian who was executed. I knew Mohammad Koolchi, who had lost one of his eyes and the other eye needed medical care, care which he never received, and as a result, he lost all his vision and was executed.



(Orbiswiss Photos Geneva)

My name is Reza Shemirani. I was a medical student. I was arrested in 1981 for supporting the PMOI. My court hearing lasted only two minutes, and I was sentenced to 10 years in prison. I served my sentence and was released from the prison.

I know the time limit does not allow me to go to details. I published a book about two years ago containing many documents including some photos that I have been able to compile, detailing the massacre that happened in a two-month period in 1988.

I would like to briefly detail the court and sentencing process that resulted in my imprisonment.

Hossein and I were inmates. He was sort of in charge of classifying all the information we received in the prison. After his execution, I took on this responsibility. I was away from the rest of prisoners for about one year. I was sentenced to solitary confinement and, as a result, was unaware of what was going on in the prisons. On 18 July 1988, we were a group of 13 inmates, of whom nine were executed. The person in charge of security of the prison, Mojtaba Halvayi Asgar, came to our section and placed us in individual cells. On 20 July 1988, we were given a form and asked to fill in it. We had to write our names and our charges. They wanted to know who is still a PMOI supporter. They collected all the forms and on 27 July 1988, prisoners Amir Abdollahi and Mohammad Reza Saraydar were summoned and taken away. In the early hours of 28 July, Amir came back and began to gather his personal belongings. He told us that many prisoners have gone to the court and have been sentenced to execution. Among them were prisoners who were serving their prison sentences and were being sentenced again. Amir gathered his personal belongings and left us. During a 2-month period, I was called five times. On the fifth time, I was accompanied by one of the friends who is present here today. Due to the high number of executions and prisoners, our execution kept being postponed and somehow we escaped the execution. In the court, Hossein-Ali Nayyeri was seated in the middle. To his right was Mojtaba Pour-Mohammadi, the ex-Minister of Intelligence of Hassan Rouhani. And to the left was Morteza Eshraqi, the prosecutor. In cases where Nayyeri was unable to be present at Gohardasht prison, other judges like Ali Mobasheri, Ibrahim Raisi and Ismail Shushtari used to take his place.

Upon the prisoners' entrance to the court, they asked your first and last name and charges. If one would even utter the word Mojahedin, it was enough for him or her to get the death sentence. At the end of this short court, if the prisoner was sent back to Gohardasht Prison, it meant that the prisoner would be executed. Ward 209 of Gohardasht prison had many solitary cells built in during the Shah's regime.

It had a huge basement. The basement contained many columns, equipped with nooses (five of them) for hanging. I saw it when I was taken to this prison to be tortured. So, many executions happened in this prison. The regime's propaganda machine was at work constantly and was talking about amnesty for prisoners.

On 8 August 1988, I had a chance to communicate with Mohammad Ali Toutounchian by Morse code. He told me that he had heard about the amnesty. But it was just the regime's tactic to keep everyone hopeful and the killings to be less noticeable.

Despite all of this, the prisoners were all aware of what was going on. They bravely appeared in the courts and defended their beliefs and were executed.

In addition to the names of the prison authorities that I mentioned earlier, an influential individual named Mousa Vaezi known as Zamani was the main organiser. Also, I could name Mojtaba Halvayi Asgar, the prison's intelligent officer, Majid Ghodousi and a cleric named Mortazavi, in charge of the prison. This was a system that had not been successful against prisoners' resistance in the past and was trying to do its job in the space of a few months.

My observations are all documented and could be used in any court. I would also like to mention some points.

1. In 1987, as Hossein Toutounchian has mentioned, the prisoners were called out, two at a time.

They were taken away, tortured and beaten. This continued for about one year. I was also called and was asked to gather my personal belongings. They did not allow me to go back to the ward, and I was taken to solitary confinement. I was under constant interrogation. I was under severe physical and psychological torture. The immense pressure forced me to unsuccessfully commit suicide. I was in the prison's clinic for 10 days. The interrogator came to me and said that they have plans for all the prisoners and if I collaborate, I could save myself. He told me that he will take me to another place, away from the others, so I will not be embarrassed for cooperating with the authorities.

2. In early March 1988, Qassem Alooki, a Mojahedin activist who was later executed, was taken to Tohid Committee (this security centre was established in the Shah's time). They told him that they have a plan for all the prisoners and will not allow the existing situation to continue. At the same time, Masoud Moghbeli, son of Ezat'ollah Moghbeli, a famous Iranian actor, was also in prison and was taken to the Committee prison. They had given him a portable radio and told him that he can listen to the Mojahedin's radio station (Voice of Mojahed), if he wants to. This is no longer important for us, because we have classified all the prisoners into red, yellow and white, a guard told him. All those labelled red will be executed, the whites will be released and the yellows will either be executed or will be released. They asked him to spread the news to others. Such dialogue was heard from others as well.

3. The wave of executions came to an end in October 1988. Mohammad Farjad, an art student from an Italian university, and I were pinpointed and watched because the prison authorities thought we were in charge of organising the prisoners. This was the reason I spent about one year in solitary confinement. In September, they called me and asked me what I thought about the wave of executions. I asked them why they have killed so many innocent people, they were serving their terms, and they had not committed any new crime. They told me that the prisoners inside the prison and their families outside of the prisons are aggravating the officials and have caused an array of legal and international issues for the regime. We are unable to take more pressure, and this was the reason we wanted to finish this problem and will do so with the rest, if needed. We do not have to answer to anybody.

In this conversation, there was no mention of the Mojahedin or the National Liberation Army of Iran. They were concerned that the prisoners had become a problem for the regime. This reveals the importance of these activities.

In summary, what is important is the execution of so many people, many who were still serving their terms in different prisons in Iran, including Evin, Ghezelhesar, Gohardasht and many other official and secret prisons.

When Reynaldo Galindo Pohl, the UN special representative came to Iran to visit the prisons, the authorities wanted to showcase us to him and claim that not all prisoners have been executed and the situation is ok. Prior to his arrival, they laid green carpets in the wards, brought fridges and other stuff, and prevented him from visiting the political prisoners' section. Although many families shared their painful stories with him, but unfortunately his report did not mirror the entire truth.

I will be available if I can answer any questions.

Thank you.

Ahmad Ebrahimi

Massacre survivor

Dear friends, thank you very much for giving me this opportunity to testify about the massacre of political prisoners in 1988, as an eye-witness of that massacre.

When I was 20 years old, I was arrested in Tehran with my friend and we were taken to prison. After 2 months of interrogation, which was accompanied by torture, I was taken to court and given a suspended execution sentence because of my support for the PMOI. In those days, anyone who has heard about the situation in Iran knows that everyday about 200-300 people were executed just in Evin prison. I was in prison for 10 years, from November 1981 to June 1991. Three years after my sentence, I was re-tried in 1984 and in this court, I was sentenced to 7 years of imprisonment, after which I was freed in 1991, as I said.



(Orbisswiss Photos Geneva)

In 1988, at the time of the massacre, I was in Gohardasht prison in section 1. In July, one month before the start of the mass executions, the people in our section were transferred to another section, which was called “Jahad” section. We were very furious and upset, because we didn’t want to go to “Jahad”, because “Jahad” was for those people who wanted to cooperate with the authorities in prison and also those people who were called “Tavabs”. I would like to explain about this word. All political prisoners who had been arrested and imprisoned, from day one, were subjected to torture, humiliation and insult and other inhumane treatment by the regime, so that they would bow down to the regime, but as you know, even though all the prisoners didn’t do that, some did. The regime didn’t stop there but put further pressure on these prisoners to co-operate with the regime, spying on other prisoners and writing reports about what is going on inside the prison and these people were called “Tavabs”. One of our top requests was that we didn’t want to live with these people. Therefore, once we got to the “Jahad” section, we were very frustrated, because after so long, we knew that the regime wanted to mix us with these people and we objected to this situation.

Also, at the same time, our family visits were stopped, which we previously had every fortnight. Newspapers were banned and the only remaining source of information we had, the TV, was also taken out from our section. The regime wanted to keep us in the dark, so that we didn’t know what was going on.

On 7 August 1988, I remember this day well because “Nasserian”, whose real name was “Mohammad Moghisseh”, but he was known by the nickname, “Nasserian”, came to our section and prisoners congregated around him and objected to the situation that we were in. But then Nasserian told us: “If you want to speak to me, you have to queue up”. Once we queued up there, in response to all the requests we had, he just replied “what is your conviction?” If we said “Monafeq”, he told us to go back to the section and if we denied being a “Monafeq” and said anything else, he would take us to go to another section, blindfolded.

Here, I want to explain the word “Monafeq”. Monafeq means ‘hypocrite’ and the regime used this term to describe supporters of the Mojahedin. If we denied this label, the regime was so

sensitive on this issue, as a result of which, you may know, in the massacre, so many were killed because they denied being a “Monafeq”.

At that time, we resisted, and I along with 86 other people were taken to the other section, which was comprised of a very small room, measuring 5 meters by about 6 meters and another room which was roughly half this size. We were 87 people and in this small area, we couldn't even stretch our legs. Once we opposed the situation, one of the Revolutionary Guards who was the officer of the prison said: “OK, everything will get sorted out tomorrow”. On 8 August, all of us were blindfolded and taken to the main corridor of Gohardasht prison. From underneath my blindfold, I saw that lots of prisoners were seated on both sides of the corridor, one meter apart, with one Revolutionary Guard standing guard to make sure that nobody spoke to each other. After a few hours and once every 20 minutes or so, once the prisoners fully settled, Nasserian along with the other official of the prison, which we didn't know by name, but we recognized by voice, came there and called the people by name and took them somewhere and we didn't know where. It was a very curious situation because the regime, every so often, classified the prisoners, as was mentioned earlier by other people, but this time, we didn't know what was going on, until one of my friends, by the name of Abbas Yegane, said: “Bacheha halalam konid”, which in our culture means “Friends, forgive me” and is said when a person is going to die, or we cannot see them again.

Once he said that, I couldn't realize what he was saying because every so often, we saw each other and he said that he wants to show us something alarming. Time passed by, so many people came and went, huge numbers of people, I couldn't count them, because I didn't know what was going on, I thought that this was just another classification, but it wasn't and by about 4 o'clock in the afternoon, I was called to the Death Committee and there were about 10 people in front of me. I didn't know any of them, except Mostafa Pour-Mohammadi, because I saw him in the newspapers and at that time, he was one of the judiciary officials.

Before I went there, I heard someone say: “They are killing everyone” attempting to let other people know what is going on, because as I said, the regime wanted to keep us in the dark. Once I saw Pour-Mohammadi, I sensed that something serious is going on, but I still didn't know. At that point, I was concerned because I was afraid of not being brave enough, but after my court –or whatever you want to call it – finished, I came out and I was wondering what was going on. At about 6 or 7 o'clock in the evening, one of my friends by the name of Mehdi Fereydooni, secretly approached me in a way that no one could see and said: “Ahmad, do you know what happened?” I said: “No”.

He said: “180 people were executed in Evin prison, yesterday!” I said: “Oh, are you serious? Was it (after they were sent to) court? What?” I was shocked.

I thought to myself that maybe the regime killed one or two people to somehow scare the other prisoners. I kept thinking, all thoughts came to my mind. From 9am until 23:30, I was in the corridor, blindfolded as I said and I just was seeing people coming and going, and at 23:30 when we got back, we were just 13 people that were left alive. They took us to somewhere called “Farii 7” and I saw that all the people are very desperate and were asking: “What happened?”

They had killed everyone. I can't describe our situation in words, we were very panicky, and we didn't know what was going on. We were asking: “Could this be true?” We were four people left from the 87 people who were together the previous night. Four people left alive, and along with the people from section 2 of Gohardasht, we were 13 people out of 207 people in total. I don't

know how the time was passing for us, but it was a very bad situation. We were there for two months, and after two months, all of us who were left alive from all sections and from among several thousand people in prison in Gohardasht, just 130 were left alive and we met in another section, where we spent the rest of our time in prison. Sorry I was a bit emotional, but this is what happened to us at that time.

Farzaneh Majidi

Family member of several victims

Hello my name is Farzaneh Majidi. I am here today like other victims of this regime who spoke earlier to talk to you about my ordeal. It is extremely hard for me to talk about what happened to us, but I will do my best. As you can see, this is a picture of five of my family members. They did not only kill these five family members, they killed our whole family. The fact of the matter is that after what we went through, life has never been the same anymore, and we have lived a life filled with stress and depression. We were not allowed to do anything, if we wanted to work we could not find jobs, and every turn resulted in a dead end. It turned out that life had no meaning living under this regime.



(Orbisswiss Photos Geneva)

I was suspended from school several times, and my brother Hossein was executed. He was arrested in 1981 at the age of 16, and for seven years we had no knowledge of his whereabouts.

My father had checked all the hospitals and prisons with no success until they finally gave him a plot number for his grave, and my father used to say we are not even sure if he is really buried there. After they took my brother Hossein, we had no knowledge of his whereabouts until my uncle Hooshang Rahimi who was released after 10 years of imprisonment told us that his friends had seen Hossein in prison and he had told them if you see my uncle tell him that they have charged me with waging war against God and are going to execute me.

This is a picture of my oldest uncle. His name was Aziz Mohammad Rahimi who was arrested in 1981 for supporting the Fedayeen Organization. After 40 days of imprisonment they announced his name along with eight other people who had been executed. After him Hooshang was imprisoned for 10 years. Two years after his release he had gone to sign in with his parole officer and never returned. After a few months three or four Revolutionary Guards knocked on my grandfather's door and told him, this is a bag with Hooshang's belongings. They told my grandfather that he must pay for the bullets that were fired for executing Hooshang. My grandfather had started screaming and yelling at the guards telling them you have killed my son and you are here trying to collect money for the bullets you fired at him? When the guards saw my grandfather's reaction, they fled the scene.

Now I want to talk about my aunts. This gathering is about them and everyone who was a victim of the 1988 massacre. One of my aunts' names was Mehrangiz who was arrested in 1980 without any of us knowing of her arrest. Two months passed and one day she called and said that she is

in prison and they had given her a seven-year sentence. After she served her time they refused to release her, and she was executed in 1988 along with all other prisoners during the massacre.

Soheila was my other aunt. She was arrested along with all of us. They arrested my grandfather, my other aunt and myself all at once in our home. They took Soheila to prison where she faced many physical problems including a severe eye infection. She was even given a furlough, but the doctors could not heal her infection. She returned to prison from her furlough and in 1988 was executed along with other prisoners.

My grandmother was also taken to prison for three years. She used to say that when they took the prisoners for execution, there were such loud noises and so much smoke as though the place was on fire. She had no idea that her own children were amongst those executed. A friend of my uncle Hooshang said he had a friend who looked a lot like my uncle Hooshang but a lot younger. His name was Morteza who is now alive and lives in Iran. He had told Morteza that he had a friend that he adored who was a great man. Morteza asks who is this man you talk so highly of? He replied his name was Aziz and he was executed. He said my brother's name was also Aziz and was executed; they had tortured him severely before execution; they pulled his nails and burned his body and then executed him.

This was a short summary of the horror we lived through. What I want to reiterate is that when the regime executes a person, it is not only that person who loses his life; they in a sense kill the whole family. It is very hard to try to describe the horror we experience and no matter how I explain, it is hard to comprehend. They used to attack our house every day and send notes and letters wrapped around stones through our windows, breaking the glass and causing fear and havoc. They wrote in their notes that you are Monafeqin and soon we will kill you all. No matter who you are, you will not be able to live a normal life under such conditions.

One of my aunts had been accepted in Medical School, but she was not allowed to attend because they said that you are from a Monafeqin family. When her sister was arrested and taken away she came down with a special stress related illness causing blisters all around her mouth. She had witnessed the arrest of her family members and since she was a little girl, this had a shocking impact on her. This episode had made her lose all her desire to live.

We had gone on a trip, and we had no idea what had transpired. Upon our return, we realised that the authorities have locked out our front door and posted a big sign on it that read the people of this house are all Monafeq and are considered dangerous.

This was part of what I had seen and experienced. I want to thank everyone involved in making such a meeting possible. We had tried for years to have a platform so that we could share our story, but we were not able to. Going through reliving these memories are very hard for us and the ordeal is so heavy that a lot of people have a hard time believing it.

We are only a few people here but there are thousands of other victims in Iran whose loved ones have been killed or vanished without a trace, and no one will ever hear their cries for help. This regime has been killing our people for years, and no one knows how they were killed. I thank you for listening to me.

Behrouz Eslami

Former political prisoner, Family member of several victims

I would like to thank the organisers of this meeting who gave me the chance to come here and testify.

I was imprisoned and sentenced to death but a week before the execution I had a chance to escape. After my escape, my wife was arrested while my son was only a year old. In 1981, when I was in prison, one night we became aware that Nader Dabeshlim who was a PMOI supporter was to be executed that night. Nader was 16 years old and was a martyr from our city. I am a Kurd from Ilam.



(Orbisswiss Photos Geneva)

One of the witnesses here was asked if prisoners had faced other types of tortures except physical ones. I remember one thing which I wanted to say. We are Kurds, our geographical location is very cold. Following my arrest, my wife and my little son were arrested. There was no hot water to bath the babies. Around 30 women were in one room, and they had a large kettle of boiling water for tea per day. Every other day, they gave their hot water to my wife to bath Nader. The denial of access to enough hot water is just one example of non-physical torture that I wanted to mention.

However, in relation to the issue of the 1988 massacre for which we have gathered today, my sister Farah, along with four other women and two men, were executed together exactly on 30 July 1988. It is very hard for me to start from Farah, because in fact I knew all of them. We were all relatives, we were working together, and we were PMOI sympathisers. However, I must start from Farah. She was a student and an activist. She was constantly under monitor. Once, there was an opportunity when I was out of the country to get her out, but unfortunately, the phone was being tapped, and she was arrested and subjected to horrific tortures. She was released after three years. In an opportunity, my dad and my cousin, (my dad is dead, but my cousin is alive and is out of the country, and I hope he can testify one day in the future) they took Farah to a specialist who saw her back. Her back was wounded. This specialist had never seen such wounds, he was surprised and asked what has happened to her? These wounds are strange! Then, my dad told him that she has been tortured. The doctor started crying and could not believe what he was seeing. In early 1988, Farah was arrested again and was interrogated, but they still did not give her a verdict. Then, the 1988 massacre started. Farah was executed with four other women. Here are their photos, Nasrin Rajabi, Jasoumeh Heidari, Hakimeh Rizbandi and Marzieh Rahmati, and Farah. They were executed with two other men, Mohammad Nabi Morovvati and Nasrollah Bakhtiari. Of course, none of the families were informed about the executions at the time.

Not knowing this, my father kept going to the prison during the visit hours, but they kept saying that she was forbidden to have any visit. This went on for months. Finally, due to the pressure of my father and other families, on 26 November 1988, like all other witnesses who said they received a phone call, our phone rang, and my father answered it. He was asked to go to the prosecutor's office the following day. My father went there. They gave him the bag and stuff belonging to my sister, and they told him uneasily and brutally: "We executed your daughter for supporting the Mojahedin. If you say anything or invite anyone for even a small memorial, we will execute all of you."

He was asked to go back in 10 days to be told where his daughter's grave was. Ten days later, my father went to get the address. Before giving the address, they told him: "Just one car, and not more than 4 persons can go to her grave".

The address was in Saleh Abad. On a hill, out of the public cemetery, there were several numbered graves. According to them, the grave number 6 was Farah's grave. However my dad with the families of other martyrs went to the location which they had been told in Saleh Abad cemetery.

In a ditch about 10 meters long, the authorities had put the corps of these martyrs; the feet of one was on the head of the other. In that ditch, martyrs Hakimeh Rizbandi, Nasrin Rajabi, Farah Eslami, Marzieh Rahmati, Jasoumeh Heidari, Nabi Morovvati, and Nasrollah Bakhtiari were buried.

Well, 4 months had passed since the executions, and the identification was not easy. Finally, all the families managed to identify their child. Farah was identified by her hair because she had curly hair. The stone of the graves of these seven martyrs were destroyed many times by mercenaries. They even prevented the families from planting a tree.

Later, we learnt that on 20 July 1988, (after accepting the ceasefire agreement in the war with Iraq) the guards had moved these prisoners out of the prison with the excuse of security problems.

Initially we thought, they were transferred to the prison in Kermanshah or Tehran. Later, we received news from a nearby village and we were told that on the way, their vehicle had broken down. They had to spend the night there, and in the morning, the authorities moved the prisoners to the top of a hill near Saleh Abad and after they raped the prisoners, they killed all of them.

I know all those who were martyred with Farah, but Jasoumeh was a special case. She was the only daughter of the family. At the time of her execution, she had a 6 or 7-month-old baby who was born in prison. She called him Omid and told her cousin that I named him Omid because I hope that one day our country will be free (Omid in Farsi means 'hope'). No one knows where Omid is right now. Jasoumeh was arrested when she was leaving the country with her father. No one knows what happened to her father either, an 80-year-old man.

This is the story of Jasoumeh and about another martyr, Marzieh Rahmati, who had said that she was not given water for three days, and on the fourth day, they told her that she would be given a few drops of water in exchange for each confession, which obviously she had refused.

One day when she was allowed to go home to take a shower for a few minutes, her family knew she had been tortured, but, she did not want to make her family sad, so she did not allow them to go and see her body.

Thank you very much, and I hope one day the movement for justice will bear fruit and the agents and mercenaries of this massacre will go on trial and get punished for their crimes.

Conclusion of Session 3

By Kirsty Brimelow

Underlying cases of crimes against humanity, we have had one of our witnesses who has raised the possibility of the crime of genocide which is certainly something in terms of looking at the crimes committed that would be considered as crimes against humanity. You have articles 6 and 7 of the Rome Statute. What we have is evidence from witnesses that spurious charges, no charges at all, we have the evidence there not only what is in the report, but evidence of those who had been released from prison sentences. We had one who was sentenced to eight years and then subsequently was executed. We have those who were arrested for drug trafficking spurious charge but then asked to use the word Monafeqin (hypocrite), and if they used the wrong word the death sentence was imposed. Torture, physical torture, beatings lashing, beatings to feet, legs causing infection such as resulting in amputation. Beatings resulting in kidney problems, resulting in further inhumane conditions being imposed such as no access in toilet facilities. Normal detention included, we have heard of 70 people in one small space, 87 in another small space gulping at the window for air and taking it in turns. Torture has extended to beatings so that the prisoner is unrecognisable even to his own father. Torture used to extract confessions so no attempt at a judicial process simply to try to get some sort of confession to give an excuse to comply with a fatwa which had no basis in any legal process, procedure or law.



(Photo by The Media Express)

The evidence and more direct evidence of children; we had evidence of a 16-year-old and a 17-year-old who were rounded up. One survived the prison; the other executed. We heard of a pregnant woman who was executed. Solitary confinement conditions were so inhumane that one of our witnesses attempted suicide. He gave a brief headline of how terrible that was. Torture of the families, again the theme of families being called to prison and then sent away; refusal of visitation rights to people. The treatment of the families; no access to the body of their loved one. Then no access to graves or if there was access no confirmation as to what grave they were looking at. One of our witnesses explained how, luckily, he could identify the curly hair of his sister in order to carry out a burial, however the burial resulted in the head stone constantly being smashed. Others weren't so lucky and were not able even to have a burial. I am talking about lucky in complying in having some basic dignity in dealing with a relative, a loved one's body.

We have had direct evidence of planning. The visitations stopped in 1988 as the planning was under way in order to carry out the executions. We have had direct evidence from those who

were in prison who could hardly believe how the prisons had been emptied so quickly thinking it could only be that there were pardons and then hearing via Morse code that in fact there was no pardon, that people were being hanged in twos and more. Rasht prison, no one survived it. We have evidence of three prisons where 135 survived, 185 people were executed in one day and evidence of lines going to slaughter. We heard evidence still of family members not knowing even the spurious reason upon which a loved one was put to death.

We have within our evidence from our witnesses more inhumane treatment by the state; returning of belongings with part of a rope within it which was used to hang her son. We know of an 86-year-old mother who was still waiting for her son to return; such is the effect of not knowing, not having closure. We heard of hanging squads, we heard of firing squads and we have heard of playing with the families; the lack of information, the games, the cruel inhumane treatment, the mental torture. We have names of those on the death commissions; we have a name of a prison guard and the complicity and the knowledge of the prison guards knowing that there was complete planning and that the mass execution was what was happening next.

Amongst it all, amongst the evidence of a wooden sign, which was the only sign of the graveyard of a loved one with a number 6 on it, amongst all of that we have the naming of a new generation on it, the hope. What is required? What do people want? Condemnation; now, many of you will know that Canada a number of years ago recognised that the 1988 killings were a crime against humanity. So, another step that could be taken is for Parliament, for governments around the world to recognise what Canada had done that this was a crime against humanity.

Perpetrators on trial including answers that could be gained through proper investigation and a commission, and out of it all the message that perhaps we can take is the message of the cry to let history be positive. This history is tragic but turn it into something positive by using it to prevent a repeat of that massacre today, and that is the precepts perhaps where we are as an international community, where we are standing looking at Iran, that there is a real danger that this could be again repeated. So, the cry is let us use the bravery of all our witnesses and let us use the inhumanity that they have spoken of and try and turn a corner rather than continue in the same cycle of history repeating itself.

Please join me in thanking our very brave witnesses and expressing also your condolences. It took a huge amount of emotional courage today, and we salute them all.

Adjudicators' Conclusion

Session 4

The final session was chaired by Tahar Boumedra. The first adjudicator was Mr Geoffrey Robertson QC, head of Doughty Street Chambers in the UK and former appeal judge at the UN Special Court for Sierra Leone, who was followed by Eric David, Prof. em. of public international law, Université libre de Bruxelles (ULB).

Geoffrey Robertson

I am moved by the courage of the witnesses who have come forward today. We have heard so much about the wicked behavior of the authorities in Iran in July-August 1988. But you know what we haven't heard? The one thing we haven't heard is a defense. Perhaps we should have asked; I'm not sure if he would have been allowed to come, Mr. [Mir-Hossein] Mousavi. The 'hero' of the 'Green Revolution' in 2009, who was Prime Minister of Iran at the time, defended the killings on Austrian Television. This is what he said, "They had to die because they had plans to perpetrate killings and massacres. We had to crush the conspiracy."

So, there we have another view, there we have to look at the defense of these horrific actions. [Former President Ali-Akbar Hashemi] Rafsanjani, his defence was, "Oh, we didn't kill more than a thousand!" And that is hardly a defense when we know that many thousands were in fact killed. But it was Mousavi who first put up the idea that this was somehow a just reaction to the operation - "Eternal Light". Khomeini said to the public that signing the armistice [in the Iran-Iraq War] was like drinking poison, and it was the most brutal reprisal that in some ways and some accounts explains why he authorized the deaths of so many innocent prisoners; people who were innocent because they never lifted a finger against the regime, many of them had been arrested in 1981 for selling newspapers and they were simply destroyed. Partly, as a result of hatred, so Mousavi was wrong in suggesting there was any link between the prisoners in jail and the "Eternal Light" operation and partly because there had been quite a lot of planning. We heard evidence of the color coding on prisoners' files: red, if you are against the regime and will one day be killed. So, when we look at this case as a whole, we must demand an explanation and understand why the explanation is wrong. Wrong in law, and false in facts.

If you look at the explanations that are coming out since 2016 when various mouthpieces of the



(Photo by The Media Express)

regime have tried to defend it they say "Oh, the prisoners had radios, they were listening to PMOI's radio station."

I could quite believe - because I've never known a prisoner of war camp where prisoners didn't get hold of radios - that listening to a broadcast by your friends would be something that you would do. But there was never any evidence of any connection between the PMOI forces and between the prisoners. The prisoners were no doubt hoping for the success of the operation 'Eternal Light' but there was no basis for thinking they were in cahoots; that they were in communication with the National Liberation Army of Iran. So that attempt by the regime to give some spurious legality to the killings must be rejected out of hand, but that is the way, as this story is exposed, the regime is forced to defend it, and it is not a defense in law, because from time in memorial, hundreds of years ago, prisoners have been given special protection in law because they are especially vulnerable. They are at the whim of their conquerors and they are given rights; the right of quarter. In the fifteenth and sixteenth century, medieval armies protected prisoners and thought it wrong to attack their own prisoners. So, there is a special quality about a prisoner, a special vulnerability. Now, what happened, I think we can summarize the evidence, as I summarized it in a report for the Boroumand foundation which I did after interviewing some 40 prisoners. We can summarize what happened this way.

Late in July, in 1988, as the war with Iraq was ending in a truculent truce, prisons in Iran crammed with government opponents suddenly went into lockdown. All family visits were cancelled, televisions and radios switched off and newspapers discontinued; prisoners were kept in their cells, disallowed exercise or trips to the infirmary. The only permitted visitation was from a delegation, turbaned and bearded, which came in government BMWs and Mercedes to outlying jails: a religious judge, a public prosecutor, and an intelligence chief. Before them were paraded, briefly and individually, almost every prisoner, and there were thousands of them, who had been jailed for adherence to the Mojahedin (PMOI). The delegation had but one question for these young men and women, most of them detained since 1981 merely for taking part in street protests or possession of 'political' reading material, and although they did not know it, on the answer their lives would depend. Those who by that answer evinced any continuing affiliation with the Mojahedin were blindfolded and ordered to join a conga-line that led straight to the gallows. They were hung from cranes, four at a time, or in groups of six from ropes hanging from the 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. Months later their families, desperate for information about their children or partners, would be handed a plastic bag with their few possessions. They would be refused any information about the location of the graves and ordered never to mourn them in public. By mid-August 1988, thousands of prisoners had been killed in this manner by the state - without trial, without appeal and utterly without mercy. After a fortnight's break, a new wave of killings came in, they were the communists, the Marxists, they were the atheists, and here we have a slightly different, slight trial; no defense of course, and a different treatment for women. Women apostates were beaten five times a day until they recanted or died of torture. And men were given an opportunity to say that their parents were not practicing, and they weren't practicing so they might avoid death in favor of torture. But this is where genocide comes in, because genocide is killing part of a group on religious or racial reasons. And religious reasons include apostasy. So, there is no doubt about the enormity of what happened, there really isn't. There is no doubt that the defense that has been put up at various times by the state, that they were fifth columnists, that they were in touch with Rajavi, that they were planning operations to kill, this defense has no merit because there is no evidence

of it. There is no evidence of any two-way communication between the prisoners and there is in fact no defense in law to arbitrary executions. Even if you have evidence you have to produce it, there has to be some form of trial in which the defendant has a defender, and that of course was never given. So, the defenses don't stack up.

Where is this monstrosity in the history of modern evil? Well, you have to think hard to find anything to rival it. I think that there are three great monstrosities in the last 70 years.

The first came at the end of the Second World War in the Pacific, when the Japanese death-marched Americans and British and Australians. Several thousand of them were marched to death. That was punished at the Tokyo trial. Those who ordered the death march were ordered to be executed.

The next second great atrocity was Srebrenica, when 7000 men and boys were taken out by the Bosnian Serb troops. Orthodox Priests blessed them and then they killed 7000 and buried them in mass graves outside Srebrenica. Well, Karadzic who was the General in charge and his lesser generals have all been sentenced to life imprisonment. Those two cases not as serious as the case we've been considering today. Where is the perpetrator? Fortunately, he's dead. He was dying of cancer, at the time Khomeini gave the order, he had his own death sentence well imposed on him - that didn't stop him giving the order. But he gave it to his President, who is now the Supreme Leader, a man who went on in blood to authorize the killing of 160 people outside Iran and then went on in 2009 to order the killings of the Green movement. So the Supreme Leader himself could be the first defendant in any trial.

Where is Pour-Mohammadi, the intelligence chief who always insisted on death. He, as you've heard, was the Justice Minister until a few months ago and is now the senior advisor to the head of the judiciary.

Where are so many of the other senior people? Most of them are still alive, most of them occupy high judicial or executive posts. Prime Minister Mousavi, as I've said, is not one of them, but he is still alive and still, I think, needs to account for his part in at least trying to excuse these killings back in 1988.

But what about the United Nations? I've been very critical of Mr. [Reynaldo Galindo] Pohl [UN Special Representative on Human Rights Situation in Iran at the time from 1986 to 1995] because I thought his response was cowardly and pathetic. He was told, as was Amnesty International, in August about the killings and he reported about 800 of them to the UN. But thereafter, he did not pressure Iran; he allowed himself to be fobbed off with a stupid controversy over whether Sharia law over-ruled international or human rights law, and then, when the Iranians were pretty confident that he was naïve and pathetic, they let him in! And they took him to Evin Prison and they met him with a band, just as the Nazis at Auschwitz had met visitors with a band. And they paraded women in front of him who they said were prisoners - but one suspects that they were actors - who said how wonderful the food was at Evin Prison! Did he ask to meet Montazeri? Of course not! Did he ask to meet the families? Of Course not! He was a naïve Salvadorian diplomat who really did not do his job, and the UN's failure to hold Iran responsible is partly for that reason. Of course, there was a great deal of weight being put on the truce in this long running war between Saddam's Iraq and Khomeini's Iran, going on for 8 years, with Iraqis using chemical weapons. People were very pleased that it had ended, that no one wanted to upset Iran. Blind eyes were turned to the increasing reports of thousands of young men and women

being killed arbitrarily. So, Iran got away with it, and still gets away with it. I was noticing the report of the latest Special Rapporteur, who having said between July and August thousands of political prisoners were reportedly executed - not 'reportedly'! - they 'were' executed! - and then notes the Montazeri tapes, and says over the years a high number of reports have been issued about the 1988 massacres; If the number of persons disappeared can be disputed, overwhelming evidence shows that thousands of persons were summarily killed; Recently these killings have been acknowledged; families of the victims have a right to know the truth.

So, you notice how the language slips. First, 'thousands of people were summarily killed'. But the only thing we are concerned about is 'that the victims know the truth about their children's killings!', and that's not quite the same thing. They have a right to a remedy - the Special Rapporteur therefore calls on the government to ensure a thorough and independent investigation. That is illogical and very weak! This government of Iran has been called on for thirty years to set up commissions of inquiry and it will not do so. It is illogical for the Special Rapporteur to end up by saying, 'oh well, set up a commission of inquiry to tell relatives where their children are buried.' That is no solution at all.

The only thing, and of course, short of invading Iran that the UN is not going to do, there is no immediate likelihood of a criminal trial. However, there was an opportunity when the people who acted with this barbarity were on-route to get a nuclear weapon, that was when the world did say stop, when the Obama administration and Europe said no, we've got to stop these barbarians, because they are capable of such barbarity that if they got a nuclear weapon we would all be at risk. So, extraordinarily, an agreement was made, but never at any point did the West seek to put in a clause requiring any kind of remedy or recompense for the killings of 1988.

What we can expect, and what we can ask and what we can legitimately ask is for the Human Rights Council to set up an inquiry. There is now a mass amount of evidence, an authoritative inquiry, by three independent figures, much like the inquiry into the Sri Lankan mass murder, which was a very good inquiry, and exposed those who were guilty of it. So, a Human Rights Council or OHCHR inquiry is very urgent, because people are old, people are dying, witnesses, and there aren't many in relation to the first wave because most of the Mojahedin were killed; lot more than in relation to the second. But they are getting old, memories are fading. It is essential that this inquiry be undertaken.

Now, once it is, there is a further development in human rights law, which is rather interesting because it is compatible with the new desire for countries to have their own sovereignty and not to be overruled by international law. It's called a Magnitsky Act and the name relates to a lawyer who was killed in Russia after exposing criminality on the part of the State; and the people who were responsible for his death were policemen, prosecutors and judges. Judges who refused to give him bail when he was dying, prison officials who refused to stop the torture. These kinds of train drivers to Auschwitz were listed and the Obama administration was the first to setup a global Magnitsky law in which individuals who are responsible for human rights atrocities are listed and are not allowed to not only to enter the country but to have money in banks, to have relatives treated in hospitals, to have children educated; in fact they are frozen out of any opportunity to use the money they've acquired from their breaches of human rights or the status. This was adopted by the American Congress in 2012. There is a much better Canadian Magnitsky statute. Estonia and a number of European countries have accepted the principal that they should name and shame individuals who are responsible for human rights abuse and allow them and their families, because often human rights abuses are committed by people who want

to make money or power for their family, but they will be casted out of the civilized world and will not be even allowed to accompany their State delegations.

So, that for the time being must be the way forward. Firstly, an urgent authoritative inquiry conducted under the auspices of the Human Rights Council or OHCHR, if not the Security Council, because this is the UN's shame, this is the most shameful thing that the UN has done by ignoring this mass atrocity. And secondly, by encouraging countries once the individuals are authoritatively identified, and we can authoritatively identify quite a few of them now, they should be put on Magnitsky lists by those countries that are developing that way of condemning human rights abuse. Thank you.

Eric David

(English concept note related to Eric David's remarks which were delivered in French follows)

I. The legal qualification of the facts attributed to the Iranian Gvt. and its members

- Crimes against humanity: wilful killings, forced disappearances, physical and moral torture (not to make speak but to make silent) = > terrorism = > combination of offences (all the "technical" speakers: Kirsty Brimelow, Juan Garcés, Eric Sottas, Jean Ziegler, Tahar Boumedra); genocide ? Yes if the reason to kill Mojahedin is apostasy = religious cause => murder = genocide as defined in the 1948 Convention (Art. 1) (G. Robertson).
- Evidence : unanimity of testimonies and witnesses heard by counsel Kirsty Brimelow) (= > direct evidence) and facts in the public domain : a matter of public knowledge must not be proved (ICTR jurisprudence, *Niyitegeka*, 2003, *Semanza*, 2005, *Karemera*, *Seromba*, 2006, etc).
- A continuous crime => no statute of limitation
- Criminal responsibility of the decision-makers (governmental authorities – JCE; cfr 1915 tripartite declaration of France, Russia and UK to the Ottoman Gvt. –, members of the death committees – Armenia and Hitler in 1935 : Juan Garcés)) and of the decision-implementers (direct perpetrators): same level of responsibility (apart from rare cases of duress) (no "big and small fishes"...: equal penal responsibility of all murderers)
- Obligation of all States to exercise universal jurisdiction if any Iranian decision-makers or direct perpetrator is found on the territory of any foreign State and obligation of Iran itself,



(Photo by The Media Express)

as a State, to prosecute any person suspected to be responsible for the 1988 massacres and all crimes committed between 1981 and today: see A/RES/3074 and ICC Statute (as expression of international customary law), para. 4-6:

A/RES/3074:

"The UNGA [...]

Declares that the UN, in pursuance of the principles and purposes set forth in the Charter [...] proclaims the following principles of co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity:

1. War crimes and crimes against humanity, wherever they are committed, shall be subject to investigation and the persons against whom there is evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment; [...]"

ICC Statute, para. 4-6:

"Affirming that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation,

Determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes,

that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes"

- Lack of prosecution against the perpetrators of those crimes or persons responsible for them = **violation by Iran of the obligation to fight against impunity**
- Summary of findings :
- 1988 massacres = **crimes against humanity** and, even, to some extent, genocide;
- Crimes justifying **universal jurisdiction** in all States towards direct and indirect perpetrators found on their territory;
- **Lack of prosecution** against the perpetrators of crimes against humanity is also a violation of international law by Iran;
- **International responsibility of Iran as a State** through its officials and obligation of **full compensation** to the victims and their rights holders (E. Sottas)

II. The duties of the UN towards the Iranian crimes

- Mandate of Office of the High Commissioner for Human Rights (OHCHR), A/RES/48/141, § 4: the HC

"shall be the UN official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General; within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner's responsibilities shall be:

- (a) To promote and protect the effective enjoyment by all of all civil, cultural, economic,

political and social rights;

(b) To carry out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and to make recommendations to them with a view to improving the promotion and protection of all human rights;
[...]"

- 2003 Report of OHCHR:

"Combating impunity in cases of human rights violations on a mass scale is perceived both as a fundamental matter of justice and the way to deter further violations. The United Nations human rights programme has tools for inquiring into human rights violations, thus helping to hold perpetrators accountable. In the past, the Commission on Human Rights, the Secretary-General or the High Commissioner has established commissions of inquiry or other types of investigation teams. Reports resulting from these examinations were made to the competent bodies of the United Nations for further consideration. In the reporting period, OHCHR carried out inquiries into the mass graves in Afghanistan and, in cooperation with MONUC, in the Democratic Republic of the Congo."

- 1945 UN Charter,

"We the Peoples of the United Nations Determined
[...]

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained

[...]

Art. 1

The purposes of the UN are:

[...]

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends."

- On the basis of these texts, **possibility** and arguments to plead that OHCHR is obliged to deal with these crimes against humanity and to investigate about them; **international responsibility** of the UN if they remain silent? (*cfr.* Srebrenica, Rwanda, ... => trial of I.O. for their incredible passivity?)
- However, since 1985, UNGA adopted resolutions denouncing human rights violations by Iran; *e.g.*, see recently A/RES/72/189, 19 Dec. 2017:
"The GA [...]
9. Expresses serious concern at the alarmingly high frequency of the imposition and carrying-out of the death penalty by the Islamic Republic of Iran, in violation of its international obligations, including the imposition of the death penalty against minors and persons who at the time of their offence were under the age of 18, and executions undertaken

for crimes that do not qualify as the most serious crimes, on the basis of forced confessions or against persons who at the time of their offence were under the age of 18, in violation of both the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, expresses concern at the continuing disregard for internationally recognized safeguards, including executions undertaken without notification to the prisoner's family members or legal counsel, and calls upon the Government of the Islamic Republic of Iran to abolish, in law and in practice, public executions, which are contrary to the 2008 directive seeking to end this practice issued by the former head of the judiciary;

10. Calls upon the Islamic Republic of Iran to ensure, in law and in practice, that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, which may include sexual violence, and punishments that are grossly disproportionate to the nature of the offence, in conformity with amendments to the Penal Code, the constitutional guarantees of the Islamic Republic of Iran and international obligations;

11. Urges the Islamic Republic of Iran to cease the widespread and systematic use of arbitrary detention, including the use of this practice to target dual and foreign nationals, and to uphold, in law and in practice, procedural guarantees to ensure fair trial standards, including timely access to legal representation of one's choice from the time of arrest through all stages of trial and all appeals, the right not to be subjected to torture, cruel and inhuman or degrading treatment or punishment and consideration of bail and other reasonable terms for release from custody pending trial;

12. Calls upon the Islamic Republic of Iran to address the poor conditions of prisons, to eliminate the denial of access to adequate medical treatment and the consequent risk of death faced by prisoners and to put an end to the continued and sustained house arrest of leading opposition figures from the 2009 presidential elections despite serious concerns about their health, as well as the pressure exerted upon their relatives and dependants, including through arrest, and also calls upon the Islamic Republic of Iran to establish credible and independent prison oversight authorities to investigate complaints of abuse; [...]"

- Rather strangely and unfortunately, these resolutions are not adopted by crushing majorities (53-30-45 in 1985, 83-30-68 in 2017): the States which abstained (chiefly, third world countries) or which voted against are generally not model States regarding the respect of human rights (e.g., a.o., Afghanistan, Belarus, Burundi, China, North Korea, India, Indonesia, Iraq, Kazakhstan, Pakistan, Russia, Syria, Turkmenistan, Vietnam, Zimbabwe ...). The proverb says, birds of the same feather flock together. Those States argue that the resolutions concerning specific countries are examples of political selectivity and double standard: in other words, according to another maxim, the wolves do not eat each other ...
- Establishment of a special ICT (no ICC competence for the 1988 massacres, ICC Statute, Art. 11); international obligation? Could be pleaded (*cfr.* T. Boumedra and Hissene Habré case before the ICJ, 2012).
- International responsibility of the UN for an internationally wrongful omission (lack of an appropriate reaction about the 1988 massacres)? = > **request by the UNGA for an advisory opinion from the ICJ** (UN Charter, Art. 96) (J. Ziegler: "La route est bordée de cadavres mais elle mène à la justice", J. Jaurès).

- Summary of findings:
 - **The UN were not indifferent** to the human rights violations in Iran: see annual resolutions of the UNGA since 1985;
 - **The UN could** have been much more active and should have **established a special ICT** for the 1988 massacres in view of their magnitude;
 - It could be pleaded that this lack of appropriate reaction of the UN is an internationally wrongful omission; the UNGA should request **an advisory opinion from the ICJ** in this regard.

Media Coverage

The civil society hearing was widely covered by the international press including Swiss public broadcaster RSI, Tribune de Genève, Saudi news channel Al-Ekhbariya, Newsweek, Radio Farda, Voice of America (Persian Service), The Hill (U.S.), Elaph (Arabic news agency), Al Riyadh (Saudi daily), AFP Photo and Getty Images.



THE U.N. MUST INVESTIGATE IRAN'S 1988 MASSACRE, OR DETAINED PROTESTERS TODAY FACE SAME FATE

BY **TAHAR BOUMEDRA** ON 30 JANUARY 2018

The United Nations (U.N.) is often criticized for not acting or not intervening promptly to rescue victims of gross violations of human rights. This is an observation I came to register when I was in the field as chief of the U.N. Human Rights Office in Iraq.

This week, I will attend a civil society hearing in Geneva for the purpose of investigating the 1988 massacre of political prisoners in Iran, yet another case where the global body of nations failed to act in a timely manner.

Nearly 30 years after the massacre of as many as 30,000 political prisoners, a group of NGOs are holding a civil society hearing to investigate this atrocity for the first time, next door to the U.N. headquarters in Geneva. Survivors of the massacre, relatives of victims and human rights experts will present testimonies and reflect on the way forward.

This hearing couldn't be more timely, given the perilous fate that awaits the several thousand Iranians who have been arbitrarily arrested since late December 2017, when nationwide protests that sought an end to the theocratic dictatorship began in the country.

So far, 10 protesters have been reportedly tortured to death in prison, although the regime rejects the claims and said most "committed suicide" in the country's jails.

But Iran's regime is notorious for purging its opponents secretly in prison, and the most emblematic case is the 1988 massacre.

At the time, the Islamic Republic's Supreme Leader Ayatollah Khomeini had been forced to accept the terms of a ceasefire in the Iran-Iraq War. Fearing that an end to external hostilities would give rise to opposition voices challenging the clerics' chaotic management of domestic affairs, Khomeini decided to immediately purge organized opposition.

Within days, he issued a fatwa to the effect that all prisoners who remained steadfast in their support for the opposition People's Mojahedin (PMOI or MEK) were "waging war on God" and "condemned to execution."

In his decree, Khomeini ordered the formation of three-member panels, known as "Death Commissions," throughout the country to implement his order of executing all political prisoners

who remained loyal to their belief and political affiliation. Kangaroo trials of prisoners lasted mere minutes.

The U.N. Special Rapporteur on the Situation of Human Rights in Iran, Asma Jahangir, reported last August that Iran's current Minister of Justice Alireza Avayi and other high-ranking officials were part of the commissions that carried out the massacre.

Her report pointed out 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."

In 2017, at the request of the grieving families, I co-produced two reports, published by Justice for the Victims of the 1988 Massacre in Iran (JVMI), about these mass executions. The reports exposed the identities of dozens of members of the Death Commissions. Some of them are currently holding senior positions in the Iranian administration, including the government and the judiciary. They also provided details and exact map coordinates of 59 mass graves that were used to secretly bury the victims.

The Iranian officials suspected of having committed the 1988 massacre of the political prisoners are enjoying total impunity. The calls of NGOs and the successive U.N. Special Rapporteurs on Iran to investigate and bring perpetrators to account have fallen on deaf ears. The hearing in Geneva this week is a civil society exercise to call for accountability and justice for the victims and their families.

The ruthless and extreme violence the Iranian authorities used recently against peaceful demonstrators is an additional indicator that impunity has emboldened the mullahs' regime in suppressing the opposition. The perpetrators of previous grave crimes in Iran must not be allowed to embark on a new systematic purge of the protesters. The international community must send a firm message to the Iranian authorities that impunity will no longer be accepted nor tolerated.

A U.N. commission of inquiry to hold the perpetrators of the 1988 massacre to account must allow for punitive measures against specific members of the Iranian government and judiciary who have publicly confessed and admitted to taking part in the process that led to the massacre of the political prisoners in the summer of 1988.

The Office of the U.N. High Commissioner for Human Rights, under the leadership of Zeid Ra'ad Al Hussein, has made great strides in the promotion of human rights globally, but the issue of timely responses to imminent tragedies remains a serious challenge.

If the U.N. wants to stop another slaughter of innocent Iranians whose only crime is to demand basic rights and an end to clerical rule, then the time to act is now. The High Commissioner should seize the moment, and all U.N. Member States must lend him their support in the formation of a commission to investigate the 1988 massacre and bring an end to the impunity in Iran.

Tahar Boumedra is a former chief of the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) and legal expert.

<https://www.newsweek.co.uk/u-n-must-investigate-irans-1988-massacre-detained-protesters-today-face-same-fate-535159>



Iran's latest crackdown on dissent is fueled by UN silence over past crimes

BY TAHAR BOUMEDRA, OPINION CONTRIBUTOR — 31 JANUARY 2018

Among analysts and commentators who have been paying attention to the state of affairs in the Islamic Republic of Iran, there is widespread agreement that the fallout from recent protests, which spread to as many as 140 cities across the country, has only just begun.

The ongoing fallout takes two equally important forms. In the first place, the repression of those protests and the regime's failure to address their economic, social and political demands means that public grievances are continuing to simmer and will certainly bubble to the surface again, perhaps with even greater intensity. Considering the unexpectedly bold slogans of the late December/early January demonstrations, including calls for the removal of Supreme Leader Ali Khamenei, a resurgent uprising would pose a virtually unprecedented threat to the clerical regime.

Additionally, 11 detainees so far have been identified by name as having died as a result of torture in Iran's medieval prison system. In a disgusting yet savvy display of propaganda, regime authorities have attempted to downplay some of these deaths by insisting that they actually were instances of suicide.

"Deceased prisoners have died of guilty conscience," Hassan Nowroozi, the spokesman for the Iranian Parliament's Legal and Judicial Committee, was quoted as saying. "The deaths of many of these people in prison may be related to regretting their acts. They realized the ugliness of their acts, and maybe that led to their suicide in prison."

Such language is chillingly familiar. In declaring the people's demands for democracy to be "ugly," figures such as Nowroozi recall attention to the sentiment that all enemies of the clerical regime are enemies of God — a sentiment that was codified into law following a fatwa issued in 1988 by the Islamic Republic's founder, Ayatollah Khomeini. That religious pronouncement led inexorably to the creation of death commissions in various cities throughout the fledgling theocracy, where they were tasked with identifying persistent opposition to clerical rule, and to stamp it out.

As a board member of Justice for Victims of the 1988 Massacre in Iran (JVMI), I have extensively researched the aftermath of Khomeini's fatwa. In the summer of 1988 alone, the regime hanged an estimated 30,000 political prisoners following minute-long interrogations regarding their political affiliations. Victims included teenagers and pregnant women, and many of those who were executed had already served out their apportioned sentences.

The main target of the killings was the People's Mojahedin Organization of Iran (PMOI or MEK), which nonetheless remains the leading opposition group in the Islamic Republic. Although regime officials long have sought to deny the popular reach of the PMOI, the surprisingly rapid spread of the recent demonstrations led the supreme leader to publicly acknowledge the organization as a driving force behind them.

Senior regime officials now are attempting to portray thousands of detained protesters as "enemies of God." Some of the present conditions are disturbingly reminiscent of the run-up to

the 1988 massacre, and these conditions include not just popular disaffection and government reprisals inside Iran but also the lack of a serious response from much of the world.

The silence of Western powers and lack of action by the United Nations provided Tehran with the freedom to carry out its killings 30 years ago, and the persistence of that silence has provided the regime with a sense of impunity with regard to subsequent human rights abuses. If the international community in general, and the UN in particular, fail to send a clear message of intolerance for both current and past human rights abuses, it is all but certain that Tehran will continue to escalate the current situation, perhaps even to reach the level of the 1988 massacre. Concern over that possibility, as well as the demand of justice for past victims, has been a driving force in JVMI's efforts to focus more international attention on the 1988 massacre and its ongoing legacy. Those efforts are set to continue on Thursday with a civil society hearing in Geneva, where I will join other human rights experts in discussing a mock indictment to be brought against the perpetrators of the massacre.

This hearing will also include eyewitness testimony from survivors of the massacre, and it is my hope that world powers will bear witness to the story and feel appropriately ashamed of their silence and its effects. The United Nations should establish an independent commission of inquiry regarding the 1988 massacre, with an eye toward filing charges against the persons responsible, many of whom continue to fill positions of authority in the Islamic Republic.

Let's hope that increased awareness about the 1988 massacre will make the international community better informed of the depths of violence and inhumanity of the Iranian theocratic regime. Let there be no illusions, silence in the face of the regime's worsening abuses will only engender more cruelty and violence. Such silence endangers the lives of countless innocent people.

Tahar Boumedra is a former chief of the Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) and legal expert.

<http://thehill.com/opinion/international/371676-irans-latest-crackdown-on-dissent-is-fueled-by-un-silence-over-past>

* * * * *

Voice of America's Persian TV carried a report about the civil society hearing on 1 February 2018 with the title: "Meeting by 'Justice for the Victims of the 1988 Massacre' in Geneva: Prevent a massacre of detainees".

<https://ir.voanews.com/a/protest-iran-uk-/4234961.html>



L'ONU doit agir maintenant pour mettre fin à l'impunité en Iran

Tahar Boumedra*

31.01.2018

Commentaires 0

Mail 0

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Signaler une erreur

Vous voulez communiquer un renseignement ou vous avez repéré une erreur?

Quand j'étais sur le terrain en tant que chef du Bureau des droits de l'homme au sein de la Mission de l'ONU en Irak, j'ai constaté que, l'ONU, agissait, toujours trop tard pour les victimes des violations des droits de l'homme.

Cette semaine je vais assister à une audition à Genève sur le massacre de 30 000 prisonniers politiques en Iran en 1988, un autre cas où cette instance mondiale des nations n'a pas agi en temps opportun.

Près de 30 ans après, un groupe d'ONG organisent, une audition de la société civile pour enquêter sur ce massacre, à Genève. Des survivants du massacre, des proches des victimes et des experts y seront présents pour témoigner et réfléchir sur la voie à suivre.

Aujourd'hui encore, le sort peut frapper des milliers d'Iraniens arbitrairement arrêtés lors des manifestations qui ont ébranlé le pays depuis la fin décembre. Dix jeunes manifestants sont déjà morts en détention. Le régime réputé pour la « liquidation » secrète de ses opposants en prison, prétend qu'ils se sont "suicidés"!

...



Tahar Boumedra est un ancien chef du Bureau des droits de l'homme de la Mission d'assistance des Nations Unies pour l'Irak (MANUI), et expert juridique.

[Retrouvez ici tous les invités de la](#)

Switzerland's Tribune de Genève reported about the civil society hearing on 1 February 2018: "L'ONU doit agir maintenant pour mettre fin à l'impunité en Iran".

<https://www.tdg.ch/monde/L-ONU-doit-agir-maintenant-pour-mettre-fin-a-limpunite-en-Iran/story/28400259>



RSI (Radiotelevisione svizzera di lingua italiana), Switzerland's Italian-language television channel, carried a 3-minute report about the civil society hearing in its nightly news bulletin on 2 February 2018. The segment was titled: "30th anniversary of the massacre of political prisoners".
<https://www.rsi.ch/play/tv/telegiornale/video/02-02-2018-30-anni-dal-massacro-di-prigionieri-politici?id=10084385>



Al-Ekhbariya TV (Saudi News Channel), aired a report about the civil society hearing in its news coverage on 1 February 2018. The segment was aired under the title: "Iranian opponents hold a conference to expose human rights violations by the Iranian regime".

<https://www.youtube.com/watch?v=NWNGqE45iUA>



Radio Farda, the Iranian branch of the U.S. government-funded Radio Free Europe/Radio Liberty (RFE/RL) external broadcast service, aired an interview with Tahar Boumedra of JVMI about the hearing on 1 February 2018. The segment is available on the radio station's website with the title: "Mock trial held to investigate executions of the 1980s in Iran".

<https://www.radiofarda.com/a/29013126.html>

Notes:

Mostafa Pour-Mohammadi

Position at the time of 1988 mass executions: Representative of Intelligence Ministry in the “Death Commission” in Tehran

Present position: Advisor to Chief of the Judiciary; Iran’s Minister of Justice until August 2017

All those executed in Tehran and Karaj were sentenced to death under his ruling. In 2005, Human Rights Watch accused him of committing crimes against humanity for his role in the “Death Commission” and described him as a Minister of Murder.

Mohammad Moghisseh (a.k.a. Nasserian)

Position at the time of 1988 mass executions: Head of Gohardasht (Rajai-Shahr) Prison; member of “Death Commission” in Tehran

Present position: President of the 28th branch of the Revolutionary Court

Ali Mobasher

Position at the time of 1988 massacre: Religious judge, also acting as substitute to Hossein-Ali Nayyeri in Death Commission

Present post and occupation: Supreme Court judge

Morteza Eshragi

Position at the time of 1988 massacre: Tehran’s Prosecutor; member of Death Commission in Tehran

Present post and occupation: Lawyer practicing in Tehran

Ali Razini

Position at the time of 1988 massacre: Head of the Judicial Organization of the Armed Forces

Present post and occupation: Deputy of Legal Affairs and Judicial Development of the Judiciary
Khomeini’s order on 24 July 1988 to him states: “... You are assigned: 1. Set up special courts to deal with war offences in all war zones and deal with offenders in accordance with Sharia disregarding rules and regulations which can be restrictive and troublesome. 2. Any act that may lead to failure of Islamic front or be a threat to lives or cause bodily harm, punishment will be death.”

Hossein-Ali Nayyeri

Position at the time of 1988 massacre: Head of Tehran’s Islamic Revolutionary Courts; head of the Death Commission in Tehran

Present post and occupation: Head of the Supreme Disciplinary Court for Judges and deputy head of the national Supreme Court

Asadollah Lajevardi

Known as “the butcher of Evin Prison”. He was said to have been personally responsible for the torture and execution of thousands of Iranian political prisoners who opposed the ruling theocratic government of Iran. Lajevardi was appointed the chief prosecutor of Tehran. Lajevardi was given the added post of warden in June 1981 after the first post-revolutionary warden of Evin prison

Evin Prison

is a prison located in the Evin neighborhood of Tehran, Iran. The prison is notable as the primary site for the housing of Iran’s political prisoners since 1972, before and after the Islamic Revolution,

in a purpose-built wing nicknamed “Evin University” due to the number of intellectuals housed there

Ghezel Hesar Prison

Is the largest state prison in Iran. As of 2011 it was holding about 20,000 prisoners. It is located in Ghezel Hesar, city of Karaj, 20 km northwest of the Iranian capital Tehran.

Gohardasht Prison

Is a prison in Gohardasht, a town in the northern outskirts of Karaj. Sometimes spelled Gohar Dasht Prison, it is also known as “Rajai Shahr Prison”. Political prisoners and prisoners of conscience tend to be sent to Ward 12 of Rajai Shahr. Rajai Shahr is regarded as one of Iran’s harshest jails because of its many reported cases of torture, rape and murder. The IRGC has solitary confinement cells in Rajai Shahr Prison.

Heshmatiyeh Prison

Heshmatiyeh Prison is a prison, located on a Revolutionary Guards (IRGC) base, in the North-East of Tehran. It is noted for its political prisoners’ wing.

Haj Davood Rahmani

Born in the 1940s, he was an ironsmith who after the Revolution found his way in the Islamic Revolutionary Committee and later Evin, and afterwards he became warden of the **Ghezel Hesar** Prison in the summer of 1981 and remained at this post until July 1984. After being discharged, he returned to Evin and was active in the prison’s administration and the Division for Released Persons. In prison he was known as “Haj Davood”.

Fatwa

The following is the full translation of Khomeini’s *fatwa* ordering the 1988 massacre in Iran:

In the Name of God, the Compassionate, the Merciful,

As the treacherous Monafeqin [Mojahedin] do not believe in Islam and what they say is out of deception and hypocrisy, and as their leaders have confessed that they have become renegades, and as they are waging war on God, and as they are engaging in classical warfare in the western, the northern and the southern fronts, and as they are collaborating with the Baathist Party of Iraq and spying for Saddam against our Muslim nation, and as they are tied to the World Arrogance, and in light of their cowardly blows to the Islamic Republic since its inception, it is decreed that those who are in prisons throughout the country and remain steadfast in their support for the Monafeqin [Mojahedin], are waging war on God and are condemned to execution.

The task of implementing the decree in Tehran is entrusted to Hojjatol-Islam Nayyeri, the religious judge, Mr. Eshraqi, the Tehran prosecutor, and a representative of the Intelligence Ministry. Even though a unanimous decision is better, the view of a majority of the three must prevail. In prisons in the provinces, the views of a majority of a trio consisting of the religious judge, the revolutionary prosecutor, and the Intelligence Ministry representative must be obeyed. It is naive to show mercy to those who wage war on God. The decisive way in which Islam treats the enemies of God is among the unquestionable tenets of the Islamic regime. I hope that with your revolutionary rage and vengeance toward the enemies of Islam, you would achieve the satisfaction of the Almighty God. Those who are making the decisions must not hesitate, nor show any doubt or be concerned with details. They must try to be “most ferocious against infidels.” To have doubts about the judicial matters of revolutionary Islam is to ignore the pure blood of martyrs.

Ruhollah Moussavi Khomeini



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