



Ministers of Murder: Iran's New Security Cabinet

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Introduction

In June 2005, Iranians elected Mahmoud Ahmadinejad, who had campaigned on a platform of improving economic conditions, as their new president. Ahmadinejad assumed his new post in early August 2005 with the backing of those political factions in Iran who most vigorously opposed political and social reforms initiated by his predecessor, Mohammad Khatami. This support, coupled with positions Ahmadinejad took during the campaign, caused human rights defenders and activists in Iran to view his rise to power with great concern.

These concerns grew when Ahmadinejad introduced his cabinet to the Iranian parliament for approval on August 14, 2005. Most of his nominees hail from security and intelligence backgrounds, adding to fears that the new government will intensify and expand repressive measures towards critics and dissidents.

Particularly troubling are President Ahmadinejad's choices for the powerful positions of ~~Minister of Interior, Mustafa Pour-Mohammadi, and Minister of Information, Gholamhussein Mohseni Ezhei.~~ In Iran the Ministry of Information is responsible for many intelligence functions. This briefing paper discusses credible allegations that both ministers were involved in extremely serious and systematic human rights violations over the past two decades.

In 1988 Mustafa Pour-Mohammadi represented the Ministry of Information on a three-person committee that ordered the execution of thousands of political prisoners. These systematic killings constitute a crime against humanity under international human rights law. In his role as a deputy and designated acting minister of information in 1998, Pour-Mohammadi is also suspected of ordering the murders of several dissident writers and intellectuals by agents of the Ministry of Information. In addition, while Pour-Mohammadi headed the foreign intelligence section of the Ministry of Information, government agents carried out assassinations of numerous opposition figures abroad. Mustafa Pour-Mohammadi also served as prosecutor of the Revolutionary Court (1979-1986) and prosecutor of the Armed Forces Revolutionary Court in the western regions (1986).¹

Mohseni-Ezhei, for his part, was a high ranking member of the Judiciary over the past six years and a leading figure in suppressing press freedoms. He was representative of the Judiciary in the Ministry of Information (1986-1988 and 1991-1994), head of the prosecutor's office in charge of economic affairs (1989-1990), prosecutor of the Special Court for the Clergy (1995-1996), prosecutor-general of the Special Court for the Clergy (1996-present), and head of the Judicial Complex for Government Employees (1996-2002).²

As prosecutor-general of the Special Court for the Clergy, Gholamhussein Mohseni Ezhei led the prosecution of several reformist clerics. In addition, he presided over the politically-motivated trial of former Tehran mayor Gholamhussein Karbaschi, who had played a pivotal role in campaigning for Khatami's election to presidency. Mohseni Ezhei is also suspected of ordering the murder of Pirouz Davani, an Iranian dissident and activist whom agents of the Ministry of Information allegedly kidnapped and killed in 1998.

As Ahmadinejad's new government embarks on solidifying its position, it is imperative to highlight the abusive records of these two cabinet ministers. Since taking power, the new government has reaffirmed its intent to continue a broad crackdown against dissident writers and activists. During the past two months, the Ministry of Information has summoned and interrogated at least ten journalists and newspaper editors, warning them not to criticize the new government.³ Agents of the Judiciary and the Ministry of

¹ "Biographies of proposed ministers", Iranian Students News Agency, August 14, 2005.
<http://www.isna.ir/Main/NewsView.aspx?ID=News-568867>

² Ibid.

³ "Black month for Iran's journalists," Reporters without Borders, November 23, 2005.
http://www.rsf.org/article.php3?id_article=15678

Information detained Abdolfattah Soltani, a co-founder of the independent Center for Defense of Human Rights, on July 30 and have held him without charge, mostly in solitary confinement, since then. In interviews with Human Rights Watch, many activists and journalists expressed fear that they will be at risk even for their lives, given the documented history of political killings at the hands of government forces, and in which Pour-Mohammadi and Mohseni Ejehi allegedly played a significant role.⁴

Since taking over as Minister of Interior in August, Pour-Mohammadi has appointed a large number of security and intelligence officials to powerful posts. He appointed thirty new provincial governors, of whom eighteen are former commanders of the Revolutionary Guards. The Revolutionary Guards, the most powerful military force in Iran, have been associated with numerous serious and systematic human rights abuses, including secret prisons and illegal detentions. Pour-Mohammadi's top deputy and designated acting minister, Mohammad Bagher Zolghadr, was the acting commander-in-chief of the Revolutionary Guards until his appointment to the Ministry of Interior on November 25.⁵

Pour-Mohammadi and the 1988 Prison Massacres

In 1988, the Iranian government summarily and extrajudicially executed thousands of political prisoners held in Iranian jails. The government has never acknowledged these executions, or provided any information as to how many prisoners were killed. The majority of those executed were serving prison sentences for their political activities after unfair trials in revolutionary courts. Those who had been sentenced, however, had not been sentenced to death. The deliberate and systematic manner in which these extrajudicial executions took place constitutes a crime against humanity under international law.

On July 18, 1988, Iran accepted the United Nations Security Council Resolution 598, calling for a cease-fire in the eight-year war between Iran and Iraq. On July 24, the largest Iranian armed opposition group, the Mojahedin-e Khalq Organization (MKO or MEK), based in Iraq since 1986, launched an incursion into Iran in an attempt to topple the government. Although this offensive was easily repelled by Iranian forces, it

⁴ For this report Human Rights Watch interviewed twelve Iranian journalists, activists, and former government officials both inside and outside of Iran. All of them asked to remain anonymous out of concerns for their safety.

⁵ "The Interior Minister appoints Commander Zolghadr to the post of Deputy Minister," Iranian Students News Agency, November 25, 2005.

provided a pretext for the authorities to physically eliminate many political opponents then in prison, including many MKO members captured and sentenced years earlier.

In the absence of any official acknowledgement of the 1988 prison massacre, the most credible account of these events comes from the memoirs of Ayatollah Hussein Ali Montazeri, who was at the time one of the highest ranking government officials in Iran and the designated successor of Ayatollah Khomeini, then the Supreme Leader.

According to Ayatollah Montazeri, the government formed a three-person committee to oversee the purge in each prison.⁶ The authorities told these committees to interview all political prisoners and to order the execution of those deemed “unrepentant.” These committees became known as “Death Committees” [*Heya't Marg*]. Each comprised a prosecutor, a judge, and a representative of the Ministry of Information. Mustafa Pour-Mohammadi represented the Ministry of Information on the committee at Tehran's notorious Evin Prison. In a letter of protest addressed to Ayatollah Khomeini, dated August 4, 1988, Ayatollah Montazeri wrote: “The principal role [in determining which prisoners to execute] is played by the representative of the Ministry of Information everywhere and others are effectively under his direct influence.”⁷

Ayatollah Montazeri recounts the unfolding events that led to the massacre of prisoners:

A letter was produced on behalf of the Imam [Khomeini] stating that based on the discretion of a panel composed of a prosecutor, a judge, and a representative of the Ministry of Information, imprisoned members of the hypocrites [*monafeghin*, a term used by the government to refer to the Mojahedin-e Khalq Organization] who are still believers in their cause should be executed. Decisions were to be reached based on the majority vote. Thus if two out of the three members reached a decision that a prisoner is still a believer in his cause, even though the prisoner may have already been sentenced to two or five years in prison, he would be executed.⁸

Ayatollah Montazeri further details the arbitrary and summary character of this process:

⁶ Ayatollah Montazeri, *Khaterat*, Vol. 1, p. 623, <http://www.amontazeri.com>, last accessed September 8, 2005. Translated by Human Rights Watch.

⁷ *Ibid.*, p. 633.

⁸ *Ibid.*, p. 623.

Visits to prisoners were suspended for a period of time and, according to people responsible for carrying out these orders, approximately two thousand and eight hundred or three thousand and eight hundred – I can not recall exactly – women and men were executed, relying on the authority of [Ayatollah Khomeini's] letter. Even people who practiced religious rituals of prayer and fasting were asked to repent, and they would be offended and refuse. Then [the committee] would conclude that the prisoner is still a believer in his cause and ordered their executions!⁹

In his August 4, 1988 letter to Ayatollah Khomeini, Ayatollah Montazeri gives an example of the process of questioning prisoners and determining their fates, writing:

Three days ago a religious judge from one of the provinces – a man who is trustworthy – came to Qum and complained to me of the way your orders are being implemented. The judge told me: The Ministry of Information representative or the prosecutor – I don't recall which one – in order to determine if a prisoner is a believer in his cause asked the prisoner: "Are you willing to condemn the hypocrites [*monafeghin*] organization?" The prisoner answered positively. Then, the prisoner was asked: "Are you willing to give an interview?" The prisoner answered positively. He was asked: "Are you willing to go to the war front and fight the Iraqis?" He answered yes. Subsequently, the prisoner was asked: "Are you willing to walk over a mine field?" The prisoner answered, "Not everyone is willing to walk over a mine field." Following this exchange, it was determined that the prisoner is still a believer in his cause. The judge said that he insisted on reaching a decision by consensus and not by majority vote, but his request was not accepted.¹⁰

Ayatollah Montazeri identified Mustafa Pour-Mohammadi as the representative of the Ministry of Information in charge of questioning prisoners in Evin Prison and saw him as being a central figure in the mass executions of prisoners in Tehran. He recounts a meeting with Pour-Mohammadi and the two other members of the Evin Prison committee:

⁹ Ibid., p. 628.

¹⁰ Ibid., pg 633.

After my second letter of protest [to Ayatollah Khomeini], there was no change and [the executions] continued. On August 15, 1988, I met with Mr. Nayeri, who was the religious judge in Evin, Mr. Eshraghi who was the prosecutor, and Mr. Pour-Mohammadi who was the representative of the Ministry of Information. I told them that they should stop the executions during the month of Moharram. Mr. Nayeri responded: "We have so far executed seven-hundred and fifty people in Tehran, and we have identified another two-hundred and fifty people. Allow us to get rid of them and then we'll listen to you...!"¹¹

Montazeri provides a memorandum of protest addressed to Pour-Mohammadi and the other two members of the Evin Prison "Death Committee" that he wrote on August 15, 1988. In this memorandum to Pour-Mohammadi, Montazeri wrote:

Carrying out a massacre of prisoners and captives without due process or trial will certainly help our opponent's cause in the long term. It will also encourage them to carry on armed resistance. The international community will condemn our actions.¹²

With regard to the 1988 mass prison executions, Amnesty International reported in 1990:

The political executions took place in many prisons in all parts of Iran, often far from where the armed incursion took place. Most of the executions were of political prisoners, including an unknown number of prisoners of conscience, who had already served a number of years in prison. They could have played no part in the armed incursion, and they were in no position to take part in spying or terrorist activities. Many of the dead had been tried and sentenced to prison terms during the early 1980s, many for non-violent offenses such as distributing newspapers and leaflets, taking part in demonstrations or collecting funds for prisoners' families. Many of the dead had been students in their teens or early twenties at the time of their arrest. The majority of those killed were supporters of the PMOI [People's Mojahedin Organization of Iran, another English-language name for the Mojahedin-e Khalq

¹¹ Ibid., p. 635. Moharram, the month when Imam Hussein, the third Imam of the Shi'a, was killed in battle in 680 CE, is one of the most revered months for the Shi'a.

¹² Ibid., p. 635.

Organization, or MKO]; but hundreds of members and supporters of other political groups, including various factions of the PFOI [People's Fedayeen Organization of Iran], the Tudeh [Communist] Party, the KDPI [Kurdish Democratic Party of Iran], Rah-e Kargar [Workers Party] and others, were also among the execution victims.¹³

Ayatollah Montazeri, citing officials in charge of carrying out the executions, puts the number of executed prisoners between 2,800 and 3,800, but he acknowledges that his recollection is not exact. Iranian activists have published the names of 4,481 executed prisoners.¹⁴ As long as the government refuses to announce a complete list of those executed or even to acknowledge that these executions took place, the extent of this massacre remains unknown.

The families of executed prisoners have repeatedly written to the government officials asking for the number of executed prisoners and their place of burials. In January 2003, they also wrote to the United Nations High Commissioner for Human Rights at the time, Mary Robinson, and the then-chairman of the Working Group on Arbitrary Detentions, Louis Joinet, seeking their help in determining the truth behind the mass executions.¹⁵ According to the families of some of the executed prisoners, the bodies of many are buried in unmarked graves and mass graves in the hills of Tehran's Khavaran district. Families often congregate in Khavaran to remember their executed relatives.¹⁶

Families of some of the executed prisoners told Human Rights Watch that in September 2005 the new government started to reconfigure the Khavaran site and that makeshift gravestones, put in place by the families, have been destroyed. They said that the government is preparing for a major overhaul of this area to destroy any evidence of burials:

¹³ "Iran: Violations of Human Rights 1987-1990," Amnesty International, Index: MDE 13/2/90.

¹⁴ The list of executed prisoners is available at <http://www.asre-nou.net> . Last accessed October 24, 2005.

¹⁵ The texts of these three letters is available at http://www.bidaran.com/article.php3?id_article=25 , last accessed on October 24, 2005.

¹⁶ Information on Khavaran is available at http://www.bidaran.com/rubrique.php3?id_rubrique=13 , last accessed on October, 24, 2005.

Pour-Mohammadi and the 1998 Serial Murders of Dissident Intellectuals

Mustafa Pour-Mohammadi was the deputy minister of the Ministry of Information in 1998, when agents of that ministry killed the following five prominent intellectuals and political activists:

- Darioush and Parvaneh Forohar were killed on December 13 in their Tehran home.
- Majid Sharif was “disappeared” on November 20; his body was found in a Tehran street on November 24.
- Mohammad Mokhtari was “disappeared” on December 3; his body was found in a Tehran city morgue on December 9.
- Jafar Pouyandeh, was “disappeared” on December 9; his body was found on December 13 in Shahr-e Ray, a suburb of Tehran.

Darioush and Parvaneh Forohar were long-time political activists and had been leaders of the Mellat Party of Iran since 1951. Sharif, Mokhtari, and Pouyandeh were well-known dissident journalists and writers.

These killings are known in Iran as the “serial murders.” Under pressure from then-President Mohammad Khatami, on January 5, 1999, the Ministry of Information acknowledged that its agents had perpetrated the murders. Subsequently, the authorities arrested eighteen people and tried them in connection with the killings. On June 20, 1999, the prosecutor of the Judicial Complex for the Armed Forces announced that the mastermind behind the serial killings was a high-ranking official of the Ministry of Information, Saeed Emami, and that Emami had committed suicide while in custody.

Human Rights Watch interviewed several Iranian journalists and human rights defenders who alleged that the chain of command responsible for the serial murders involved other high ranking officials in the ministry. Akbar Ganji, a prominent investigative reporter, has written extensively on this issue.¹⁷ With regard to these allegations, Nasser Ghavami, former head of the Parliament’s Judicial Committee, said: “Unfortunately, the judicial process did not proceed along the lines of a credible investigation. Those responsible for ordering these murders were never brought to justice and charges were

¹⁷ See Akbar Ganji, *Tarik-khaneh Ashbah* (The Darkroom of Ghosts) and *Alijenab Sorkhpoosh* (The Red Eminence). Ganji was sentenced to six years in prison in April 2000 because of his writings. He remains imprisoned.

not filed against them.”¹⁸ In November 2000, another parliamentarian, Davood Suleimani, complained that the masterminds and instigators behind the serial murders remain beyond the focus of the judicial investigations. He said, “In this [judicial] case, the issue of those who ordered the crimes and the functionaries who implemented them remains a mystery. This has not satisfied the public opinion. . . . those who ordered these murders as well as the agents [responsible] must be put on trial.”¹⁹

The Article 90 Commission of the Parliament, named for the article in Iran’s Constitution empowering the Parliament to investigate complaints against any of the three branches of government, launched its own investigation in August 2000, but was unable to complete it.²⁰ As Hussein Ansari-Rad, the head of the commission, said, “Our investigations led to certain people whom we did not have the power to deal with. That’s why the investigations stopped.”²¹ He further said, “There is much credible and reliable evidence pointing to involvement and participation of others.”²²

A source with first-hand knowledge of the Article 90 Committee’s investigation told Human Rights Watch: “The investigators implicated Pour-Mohammadi and even an arrest warrant was about to be issued for him. But instead it was arranged that he leave his post in the Ministry of Information.”²³ Another authoritative source, who also asked to remain anonymous, confirmed to Human Rights Watch that the investigations indeed implicated Pour-Mohammadi. Human Rights Watch wrote to Mustafa Pour-Mohammadi on October 28, 2005 asking for his response to these allegations. As of December 8, 2005, Human Rights Watch did not receive any response to its inquiry.

~~The murders of government opponents were not limited to those inside Iran. From 1990 to 1999, Pour-Mohammadi was also the director of foreign intelligence in the Ministry of Information. During this period, dozens of opposition figures were~~

¹⁸ “A brief history of the serial murders,” Iranian Students News Agency, November 20, 2004, www.isna.ir/Main/NewsView.aspx?ID=News-457431.

¹⁹ Ibid.

²⁰ Article 90 of the Iranian Constitution states that: “Whoever has a complaint concerning the work of the Assembly or the executive power, or the judicial power can forward his complaint in writing to the Assembly. The Assembly must investigate his complaint and give a satisfactory reply. In cases where the complaint relates to the executive or the Judiciary, the Assembly must demand proper investigation in the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public.”

²¹ “A brief history of the serial murders,” Iranian Students News Agency, November 20, 2004, www.isna.ir/Main/NewsView.aspx?ID=News-457431.

²² Ibid.

²³ Human Rights Watch interview, September 12, 2005. This person asked to remain anonymous out of concerns for his safety.

assassinated abroad. In some of these cases — the assassination of Shahpur Bakhtiar, a former prime minister, and the killings of three Kurdish leaders in exile in Germany, the hand of the Iranian government is well established, while in others there are credible allegations of government involvement.²⁴

Some members of parliament questioned Pour-Mohammadi's nomination as extreme and dangerous. During confirmation hearings, Imad Afrough, a conservative, opposed his nomination based on his prior performance in security and intelligence posts. "The interior minister must have a deep understanding of citizens' rights," Afrough said. "If [the minister] has a one-sided view of these rights, it will lead to crisis." Referring to Pour-Mohammadi's role in suppressing urban uprisings in 1992, Afrough asked "I want to know how [Pour-Mohammadi] would deal with [regional] forces that oppose the central government? I have not forgotten how the urban uprisings in Shiraz, Mashad, and Mobarakeh were suppressed brutally and violently, shedding much blood."²⁵ In his speech, Afrough said that Pour-Mohammadi

hails from a place [Ministry of Information] ... where they are used to closing their eyes and ears, or they are used to coercing others to close their eyes and ears... The nature of the Interior Ministry is such that the minister must be open to seeing and listening [to others]... This gentleman comes from an institutional background where there hasn't been sufficient oversight. Have you forgotten the events that occurred in the Ministry of Information? How were the murders [of intellectuals and writers] dealt with?²⁶

During the same session of the parliament, Elias Naderan, another conservative MP, noted that Pour-Mohammadi's tenure as head of the foreign intelligence unit coincided with the assassination of numerous government opponents who were abroad. "With the appointment of an intelligence agent to head the interior ministry, the government's external challenges will be intensified. Imagine when the interior minister visits a country where there are [judicial] proceedings against us, he can be arrested," Naderan said.²⁷

²⁴Iran: 'Mykonos' trial provides further evidence of Iranian policy of unlawful state killings," Amnesty International, April 10, 1997, Index: MDE 13/015/1997. "Iran: Amnesty International concerned about possible government involvement in deaths of Iranian nationals," Amnesty International, February 28, 1996, Index: MDE 13/007/1996.

²⁵ "Parliament discusses nomination of Interior Minister," Iranian Labour News Agency, August 24, 2005, <http://www.ilna.ir/shownews.asp?code=225685&code1=11>.

²⁶ Ibid.

²⁷ "Price of opposing the most controversial proposed minister," BBC Persian, August 24, 2005, www.bbc.co.uk/persian/iran/story/2005/08/050824_mf_afrough.shtml.

Mohseni Ezhei: From Inquisitor to Minister of Information

Gholamhussein Mohseni Ezhei, the new Minister of Information, has been a leading figure in prosecuting reformist clerics and politicians, as well as suppressing press freedoms, in his various capacities with the Judiciary. In January 1999, he signaled the Judiciary's offensive against the press that has since resulted in the closure of more than 100 newspapers:

The tone of *Tus* newspaper is instigating people to act against national security. If these crimes are proven in the courts, those responsible are guilty of active resistance [*mohareb*] against the state and the law is clear what their punishment should be... As the head of the Judicial Complex, I declare that if the opposition newspapers do not heed the Supreme Leader's second warning, we are responsible to confront them with all our might and seriousness using public courts as well as revolutionary courts.²⁸

On July 6, 1999, the daily *Salam* published a government memorandum written by Saeed Emami, the intelligence agent who allegedly masterminded the serial murders. In this memorandum, Emami outlined plans for suppressing reformist publications. Mohseni Ezhei, as the prosecutor general of the Special Court for the Clergy (SCC), ordered *Salam's* closure the next day. He brought an indictment against *Salam's* publisher, Hojatoleslam Seyyid Mohammad Musavi-Khoeiniha, who was convicted a few weeks later by the SCC on charges of defaming a government official, publishing insulting language, and misinforming the public.²⁹

As the prosecutor general of the SCC, Ezhei also supervised the prosecutions of leading reformist clerics, notably Abdullah Nuri and Mohsen Kadivar. In March 1999, the SCC charged Kadivar, a respected Shi'a reformist scholar, with disturbing public opinion, based on a public speech in which he discussed the motives of those responsible for the serial murders. The court also charged him with "propaganda against the sacred system of the Islamic Republic" stemming from an interview in which Kadivar said that structures of shah's government remained intact. The court sentenced him to one-and-a-half years in prison on both charges.³⁰ In November 1999, the SCC convicted Abdullah

²⁸ *Khordad Daily*, January 16, 1999; as quoted by Akbar Ganji in *Tarik-khaneh Ashbah*.

²⁹ "Assault on independent press in Iran intensifies," *Human Rights Watch*, July 28, 1999.

³⁰ Text of Mohsen Kadivar's Trial, *Bahay-e Azadi* (Tehran: Nashr-e Ney, 2000).

Nuri, a former minister of interior and publisher of *Khordad* newspaper, on charges that his newspaper published articles that "defamed the system" and spread lies and propaganda against the state. He was sentenced to five years in prison.³¹

Several journalists and activists have alleged that Mohseni Ezhei ordered the murder of Pirouz Davani, a dissident and political activist who was allegedly kidnapped and killed by the agents of the Ministry of Information in 1998. Davani's body has never been recovered. During his trial in November 2000, Akbar Ganji accused Mohseni Ezhei of ordering Davani's murder.³² Abdullah Nuri and the investigative journalist Emadin Baghi have made similar accusations against Mohseni Ezhei.³³ An authoritative Iranian source told Human Rights Watch that he had first-hand knowledge of the existence of a letter signed by Mohseni Ezhei ordering government agents to kill Davani. He asked to remain anonymous out of concerns for his safety.

In June 1998, Mohseni Ezhei was the presiding judge in the trial of Tehran's former Mayor Gholamhussein Karbaschi. As mayor, Karbaschi had actively campaigned for the election of Mohammad Khatami as president in 1997. A number of Karbaschi's deputies were also arrested and Karbaschi said they had been tortured in order to obtain confessions that would incriminate him.³⁴ During his trial, Karbaschi repeatedly asked Mohseni Ejehi to investigate torture and ill-treatment of his co-defendants, but his requests were ignored. The court sentenced Karbaschi to three years in prison and banned him from public office for ten years.³⁵

In 2004, Mohseni Ezhei also served on the Committee to Oversee the Press as the Judiciary's representative. In one shocking incident, Mohseni Ezhei physically attacked and bit a prominent reformist journalist, Issa Saharkhiz, during a meeting of the committee on May 23, 2004.³⁶

Conclusion

³¹ Text of Abdullah Nuri's Trial, *Showkaran Eslah* (Tehran: Tarh Now, 1999).

³² "Call for an end to impunity for murderers and those behind serial killings of intellectuals and journalists," Reporters without Borders, November 21, 2003. http://www.rsf.org/article.php3?id_article=8580.

³³ "Damage' to the intelligence system," Roozonline Daily, August 15, 2005. <http://roozonline.com/02article/009392.shtml>.

³⁴ Text of Gholamhussein Karbaschi's Trial, *Mohakemeh va Defa'*, (Tehran: Farhang va Andisheh, 1998).

³⁵ *Ibid.*

³⁶ "Mohseni Ezehi bites Saharkhiz," BBC Persian, May 24, 2004. www.bbc.co.uk/persian/iran/story/2004/05/040524_mf_fight.shtml.

The allegations raised in this briefing paper are extremely serious and the Iranian government should convene a thorough, impartial, and independent investigation into the conduct of these cabinet members. Because the allegations are credible, and involve serious crimes, President Ahmadinejad should relieve Mustafa Pour-Mohammadi and Mohseni Ezhei of their duties as Minister of Interior and Minister of Information, respectively, pending the outcome of such an investigation. The results of the investigation should be made public. If the charges are substantiated, the individuals in question should be prosecuted to the full extent of the law, in judicial proceedings that meet international fair trial standards.

As one of the officials allegedly responsible for ordering the mass killings of political prisoners in 1988, Pour-Mohammadi is suspected of active participation in crimes against humanity. Crimes against humanity were first classified in the charter of the Nuremberg Tribunal and constitute crimes "which either by their magnitude and savagery or by their large number or by the fact that a similar pattern was applied...endangered the international community or shocked the conscience of mankind."³⁷ Recently, crimes against humanity have been incorporated into several international treaties and the statutes of international criminal tribunals, including the Rome Statute of the International Criminal Court.³⁸

If President Ahmadinejad does not immediately relieve Pour-Mohammadi and Mohseni Ezehi of their present duties and order an independent investigation into their alleged responsibility for these serious crimes, the Parliament should conduct a vote of no confidence for these ministers and itself establish an independent commission to investigate the charges.³⁹

Such an independent investigation should aim to identify those responsible and document their alleged roles. International human rights standards, in particular the U.N. Principles on the Effective Prevention and Investigation of Extra-Judicial, Arbitrary, and Summary Executions (see appendix), provide guidance for conducting an independent

³⁷ *History of the United Nations War Crimes Commission and the Development of the Laws of War* (1943), p. 179, quoted in Rodney Dixon, "Crimes against humanity," in *Commentary on the Rome Statute of the International Criminal Court* (O. Triffterer, ed.) (1999), p. 123.

³⁸ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 3, entered into force July 1, 2002. Also see Rodney Dixon, "Crimes against humanity," in *Commentary on the Rome Statute of the International Criminal Court* (O. Triffterer, ed.) (1999), p. 122. This is the standard applied by Article 7 of the Rome Statute of the International Criminal Court. Iran is not a state party to the Rome Statute and is therefore not bound by it, but the definition in Article 7 accords with the conception of crimes against humanity in customary international law.

³⁹ The Parliament has already rejected three candidates proposed by President Ahmadinejad for the post of Minister of Oil.

investigation into suspected cases of extra-judicial, arbitrary, and summary executions, the most serious allegation leveled against Mustafa Pour-Mohammadi and Gholamhussein Mohseni Ezhei. In accordance with these Principles, other governments should consider measures including diplomatic interventions and public denunciations, as well as the use of intergovernmental mechanisms, in order to bring about effective action against these practices.

Iran's Judiciary has as a body been implicated in many of the abuses described in this briefing paper, and thereby has demonstrated that it is unable to conduct an impartial investigation into these matters.

There is a serious crisis of impunity and accountability at the highest reaches of the Iranian government, a crisis that casts its shadow over the legitimacy and credibility of the new government, in the eyes of both the Iranian public and the international community. A serious independent inquiry to determine if these new ministers were among the perpetrators of these crimes and atrocities is absolutely essential in order to begin to address this crisis.

Appendix

From the Principles on the Effective Prevention and Investigation of Extra-Judicial, Arbitrary, and Summary Executions, recommended by the United Nation Economic and Social Council Resolution 1989/65 of 24 May 1989.

Principle 9 outlines the manner in which such an investigation should be conducted:

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 in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide.

Principle 11 states that

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.

Principle 19 states that:

Without prejudice to principle 3 above, an order from a superior officer or a public authority may not be invoked as a justification for extra-legal, arbitrary or summary executions. Superiors, officers or other public officials may be held responsible for acts committed by officials under their authority if they had a reasonable opportunity to prevent such acts. In no circumstances, including a state of war, siege or other public emergency, shall blanket immunity from prosecution be granted to any person allegedly involved in extra-legal, arbitrary or summary executions.⁴⁰

Principle 8 provides for an intergovernmental and/or international dimension to such investigations and to efforts

to prevent extra-judicial, arbitrary and summary executions through measures such as diplomatic intercession, improved access of complainants to intergovernmental and judicial bodies, and public denunciation. Intergovernmental mechanisms shall be used to investigate reports of any such executions and to take effective action against such practices.

⁴⁰ Principle 3 states that: "Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extra-legal, arbitrary or summary executions. All persons shall have the right and the duty to defy such orders. Training of law enforcement officials shall emphasize the above provisions."