



*Deadly Fatwa:*  
Iran's 1988 Prison Massacre



## **Iran Human Rights Documentation Center**

The Iran Human Rights Documentation Center (IHRDC) believes that the development of an accountability movement and a culture of human rights in Iran are crucial to the long-term peace and security of the country and the Middle East region. As numerous examples have illustrated, the removal of an authoritarian regime does not necessarily lead to an improved human rights situation if institutions and civil society are weak, or if a culture of human rights and democratic governance has not been cultivated. By providing Iranians with comprehensive human rights reports, data about past and present human rights violations and information about international human rights standards, particularly the International Covenant on Civil and Political Rights, the IHRDC programs will strengthen Iranians' ability to demand accountability, reform public institutions, and promote transparency and respect for human rights. Encouraging a culture of human rights within Iranian society as a whole will allow political and legal reforms to have real and lasting weight.

The **IHRDC** seeks to:

- Establish a comprehensive and objective historical record of the human rights situation in Iran since the 1979 revolution, and on the basis of this record, establish responsibility for patterns of human rights abuses;
- Make such record available in an archive that is accessible to the public for research and educational purposes;
- Promote accountability, respect for human rights and the rule of law in Iran; and
- Encourage an informed dialogue on the human rights situation in Iran among scholars and the general public in Iran and abroad.

### **Iran Human Rights Documentation Center**

129 Church Street

New Haven, Connecticut 06510, USA

Tel: +1-(203)-772-2218

Fax: +1-(203)-772-1782

Email: [info@iranhrdc.org](mailto:info@iranhrdc.org)

Web: <http://www.iranhrdc.org>

#### Photographs:

The front cover painting is by Soudabeh Ardavan, an artist and a survivor of the 1988 prison massacre. The portrait is of the Deputy Minister of Intelligence in 1988, Mostafa Pour-Mohammadi, who represented the Ministry of Intelligence on the Death Commission of Tehran.

Photographs used throughout the report were obtained online.

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Iran Human Rights Documentation Center, New Haven, Connecticut

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# Table of Contents

<b>Introduction.....</b>	<b>1</b>
<b>1. The Victims.....</b>	<b>3</b>
1.1 Mojahedin-e Khalq.....	3
1.2 The Tudeh Party of Iran.....	5
1.3 Fedaiian-e Khalq.....	6
1.4 Other Leftist Groups.....	6
<b>2. Khomeini’s Fatwa .....</b>	<b>7</b>
2.1 Clerical objections.....	9
<b>3. Planning for the Massacre.....</b>	<b>10</b>
3.1 Prisoners are Interrogated.....	12
3.2 Prisoners are Reorganized .....	13
<b>4. The Massacre.....</b>	<b>14</b>
4.1 The Prisons are Locked Down.....	15
4.2 Interrogations, Executions and Torture .....	17
4.3 Tehran: Gohar Dasht and Evin Prisons .....	18
4.3.1 <i>Gohar Dasht</i> .....	18
4.3.2 <i>Evin</i> .....	27
4.4 Shiraz.....	36
4.5 Tabriz.....	37
4.6 Dezful .....	39
4.7 Zanjan .....	41
4.8 Esfahan .....	42
4.9 Hamedan.....	43
4.10 Ahvaz.....	44
4.11 Zahedan .....	46
4.12 Mashhad .....	46
4.13 Rasht.....	48
<b>5. The Government Denies Families Information and Forbids Mourning.....</b>	<b>49</b>
<b>6. Violations of International and Iranian Law .....</b>	<b>54</b>
6.1 Violations of International Human Rights Law.....	54
6.1.1 <i>Summary Mass Executions</i> .....	55
6.1.2 <i>Torture</i> .....	55
6.1.3 <i>Interrogations</i> .....	56
6.1.4 <i>Violation of rights to freedom of expression and association</i> .....	57
6.1.5 <i>Forced disappearances</i> .....	58
6.1.6 <i>Violation of right to redress</i> .....	60
6.2 Crimes Against Humanity .....	60
6.3 Violations of Iranian Law.....	62
<b>Conclusion .....</b>	<b>63</b>

# Introduction

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

The victims included prisoners who had served their sentences but had refused to recant their political beliefs, prisoners who were serving sentences of imprisonment, people who had been detained for lengthy periods but had not been convicted, and former prisoners who were rearrested. Many had been arrested when they were teenagers for commission of low-level offenses such as distribution of pamphlets. The political views of the victims stretched from support for the Mojahedin-e Khalq (Mojahedin), a Marxist-Islamic Party that had engaged in violence in an effort to overthrow Khomeini, to support for the Tudeh Party, a secular Marxist party that until 1983, supported the regime.

This was not the first time the Islamic Republic had executed thousands of its political opponents or even the first time the regime had executed its opponents en masse.<sup>1</sup> However, the 1988 massacre stands out for the systematic way in which it was planned and carried out, the short time period in which it took place throughout the country, the arbitrary method used to determine victims, the sheer number of victims, and the fact that the regime took extensive measures to keep the executions secret and continues to deny that they took place.

The executions began pursuant to a *fatwa* issued by Ayatollah Khomeini immediately following Iran's announcement that it had agreed to a cease-fire in the devastating eight-year Iran-Iraq war. The *fatwa* created three-man commissions to determine who should be executed. The commissions, known by prisoners as Death Commissions, questioned prisoners about their political and religious beliefs, and depending on the answers, determined who should be executed and/or tortured. The questioning was brief, not public, there were no appeals, and prisoners were executed the same day or soon thereafter. Many who were not executed immediately were tortured.

The Iranian government has never identified those who were secretly executed and tortured, and has never issued an official explanation for why political prisoners of different beliefs, many of whom had been imprisoned for years, were suddenly executed in the summer of 1988. By that time, most of the Mojahedin leaders had left the country or been killed, and the majority of the Mojahedin prisoners were from the lower ranks. Tudeh and other leftist parties had basically ceased to exist in Iran. Many of those executed had been convicted of relatively minor offenses—the more serious offenders had been executed in prior purges.

The regime knew that the massacre was a violation of international and Iranian law, and that news of the executions would severely damage its reputation. Therefore, it made every effort to keep the interrogations and executions secret. It closed off the prisons from all visitors, announced public executions in an effort to divert attention, and lied to families and international investigators. Families who were informed about the deaths of their loved ones were not told until October and November. Many

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<sup>1</sup> In the months following the 1979 revolution, the Islamic Republic executed 757 Iranians for “sowing corruption on earth.” ERVAND ABRAHAMIAN, TORTURED CONFESSIONS 124-25 (1999). Between 1981 and 1985, the regime executed thousands of its political opponents. One prisoner remembers spotting Ayatollah Qaffari, a noted cleric and revolutionary, walking through Evin's atrium and stopping at a water spigot. The prisoner, a royalist, reported that “[h]is whole body was covered in blood, which he had to wash off in order to go and pray. They were doing some mind-boggling killing of the Mojahedin.” IHRDC Telephone Interview with Bahman Rahbari (Apr. 19, 2009) (on file with IHRDC) [hereinafter Rahbari Interview].

families were never informed, and many of the victims were buried in unmarked mass graves. Families who received the remains of their loved ones were not allowed to hold funeral services and, to this day, are forbidden from mourning the loss. The regime recently bulldozed a mass grave site at Khavaran in Tehran.

The interrogations, killings, torture, and forced disappearances of prisoners violated and continue to violate Iran's obligations under international human rights law. The executions were carried out pursuant to a process completely devoid of fairness. Victims were chosen based on their religious and/or political beliefs in violation of their rights to free expression and association. They did not constitute a threat to the security of the Iranian state and their surviving representatives have not been afforded redress.

The executions, torture and forced disappearances of civilian prisoners also constitute crimes against humanity, as they were widespread and systematic in nature. They took place throughout Iran pursuant to an order by then-Supreme Leader Khomeini that created a system, led by high-level commissions, that decided who should be executed. As such, the perpetrators should be held criminally liable.

This report is the result of interviews conducted by the Iran Human Rights Documentation Center (IHRDC) of survivors and family members of victims of the 1988 massacre, as well as previously published memoirs and statements by survivors. It also begins to place the executions in context based on interviews, press articles, documents lent to IHRDC by Amnesty International, United Nations documents and historical works by noted scholars.

The report is divided into six basic sections. The first section briefly describes the victims and their political parties. The second describes the issuance of the *fatwa* in July 1988, including clerical disagreement. This is followed by a section describing the preparations made by the regime during the months leading up to the massacre. The fourth section describes the interrogations, torture and executions. This section looks at prisons in Tehran as well as other parts of Iran, as the massacre took place simultaneously throughout the country. The fifth section examines the regime's failure to accord the victims' remains and the families the respect they deserve. The last section provides a brief analysis of the regime's actions as violations of international human rights law and crimes against humanity, as well as Iranian law.

The IHRDC wishes to thank the courageous witnesses who agreed to be interviewed and recall these horrifying events of 20 years ago.

# 1. The Victims

The interrogations, torture, executions and forced disappearances of political prisoners during the summer of 1988 constituted a widespread and systematic effort by the Islamic Republic to eliminate all political opposition. The exact number of prisoners executed is not known. In February 1989, Ali Akbar Hashemi Rafsanjani, then-President of Iran, is reported to have claimed that “in the past few months,” fewer than 1,000 political prisoners were executed.<sup>2</sup> In 1990, Amnesty International acknowledged that it did not know the full extent of the executions but estimated that 2,000 prisoners had been killed.<sup>3</sup> Ayatollah Montazeri, in his memoirs, estimated that 2,800 or 3,800 supporters of Mojahedin-e Khalq (Mojahedin) were executed.<sup>4</sup> He also reported that there were about 500 nonreligious political prisoners.<sup>5</sup> The Mojahedin has used the figure 30,000, and has published the names of 3,208 Mojahedin supporters who were executed that summer.<sup>6</sup> In 1989, it reported to the United Nations Working Group on Enforced or Involuntary Disappearances that 1,300 prisoners were executed in August 1988.<sup>7</sup> Nima Parvaresh, a leftist and survivor, estimates that 4,500 to 5,000 prisoners were executed that summer.<sup>8</sup>

The victims were low-level members or supporters of opposition political parties, many of whom had supported Ayatollah Khomeini during the 1979 revolution, only to become targets of the regime a few years later. By 1988, the vast majority of political prisoners were former supporters of the Mojahedin or one of the many leftist groups that had sprung up in Iran. Inside the prisons, the major division was between the Mojahedin and the secular leftists.<sup>9</sup> None of these organizations enjoyed significant support inside Iran as opposition parties had been eliminated, their leaders either killed or forced into exile.<sup>10</sup>

## 1.1 Mojahedin-e Khalq

Established in the 1960s, the Mojahedin<sup>11</sup> proposed that true Shi’ism opposed not only dictatorship but also capitalism, imperialism, and conservative clericalism.<sup>12</sup> Along with the Fedaiyan-e Khalq, the Mojahedin advocated violent resistance in the form of a guerilla strategy against the Shah’s regime. During the revolution, members killed military and police administrators and contributed to opposition

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<sup>2</sup> Amnesty International, *Iran: Violations of Human Rights 1987-1990* (1990), at 12, AI Index: MDE 13/21/90, available at <http://www.amnesty.org/en/library/asset/13/021/1990/en/5a289bf6-ee5e-11dd-9381-bdd29f83d3a8/mde130211990en.pdf> [hereinafter 1990 AI Report].

<sup>3</sup> *Id.* at 11.

<sup>4</sup> AYATOLLAH HOSSEIN-ALI MONTAZERI, KHATIRAT-I AYATOLLAH MONTAZERI, MAJMU’IYYIH PAYVASTHA VA DASTNIVISHA [MEMOIR OF AYATOLLAH MONTAZERI, THE COLLECTION OF APPENDICES AND HANDWRITTEN NOTES] 303, 306 (2001) [hereinafter MONTAZERI’S MEMOIRS].

<sup>5</sup> *Id.* at 306.

<sup>6</sup> REZA AFSHARI, HUMAN RIGHTS IN IRAN: THE ABUSE OF CULTURAL RELATIVISM 113 (2001); NATIONAL COUNCIL OF RESISTANCE OF IRAN: FOREIGN AFFAIRS COMMITTEE, CRIME AGAINST HUMANITY (2001) available at [www.mojahedin.org/links/books/Crime\\_Against\\_Humanity.pdf](http://www.mojahedin.org/links/books/Crime_Against_Humanity.pdf) [hereinafter CRIME AGAINST HUMANITY].

<sup>7</sup> U.N. Econ. & Soc. Council [ECOSOC], Working Group on Enforced or Involuntary Disappearances, *Report of the Working Group on Enforced or Involuntary Disappearances*, ¶ 176, U.N. Doc. E/CN.4/1989/18 (Jan. 18, 1989), available at <http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.4/1989/18>.

<sup>8</sup> NIMA PARVARESH, NABARDI NABARABAR, GUZARISH-I HAFT SAL ZINDAN, 1361 TA 1368 [UNEQUAL BATTLE, REPORT OF SEVEN YEARS OF IMPRISONMENT, 1982 TO 1989] 62 (2007). A portion of this article has been translated into English, under the title *What Happened to Us in 1988*, and is available at <http://iranrights.org/english/document-238.php>.

<sup>9</sup> 1990 AI Report, *supra* note 2, at 13.

<sup>10</sup> ABRAHAMIAN, *supra* note 1, at 146-47, 216.

<sup>11</sup> The party is known by several acronyms including PMOI, MEK and MKO. The specific date of the organization’s establishment is not known. Keddie notes that in June 1963, the regime’s brutality caused some members of the Freedom Movement (part of the National Front) to form a secret discussion group which led to the establishment of the organization. NIKKI R. KEDDIE, *ROOTS OF REVOLUTION: AN INTERPRETIVE HISTORY OF MODERN IRAN* 237-38 (1981). Abrahamian considers a September 6, 1965 meeting to be the true beginning of the Mojahedin. ERVAND ABRAHAMIAN, *THE IRANIAN MOJAHEDIN* 88 (1989). The organization’s name first appeared in print in 1972 when members claimed that it had existed for six years. *Id.* at 129.

<sup>12</sup> KEDDIE, *supra* note 11, at 238.

demonstrations.<sup>13</sup> After the revolution, a Mojahedin spokesman hailed the revolution and declared that Ayatollah Khomeini was a glorious fighter (*mojahed*). The Mojahedin continued to stress unity behind Khomeini against any plots or attacks by counterrevolutionary forces.<sup>14</sup> In further alliance with Khomeini and his Islamic Republic Party, the Mojahedin supported the occupation of the U.S. Embassy.<sup>15</sup>

However, in 1980, the Mojahedin boycotted the plebiscite on the new Constitution, and for this reason Ayatollah Khomeini forced the Mojahedin's presidential candidate, Masoud Rajavi, to withdraw from the first presidential elections of the Islamic Republic.<sup>16</sup> Over the course of the next two years, the relationship between the clerics of the Islamic government and the Mojahedin deteriorated further. Masoud Rajavi went into hiding, and the Mojahedin used violence in an effort to depose the regime.<sup>17</sup>

In June 1981, President Bani-Sadr, a religious Marxist, went into hiding and in July escaped to France to avoid execution.<sup>18</sup> The Mojahedin, which supported Bani-Sadr, escalated its campaign of terror and sabotage.<sup>19</sup> On June 27, 1981, future Supreme Leader Ayatollah Khamenei was wounded by a bomb hidden in a tape recorder.<sup>20</sup> The following day, two bombs at the Islamic Republican Party headquarters killed 74 regime leaders, including Ayatollah Beheshti (the head of the Judiciary) and Mohammad Montazeri, Ayatollah Hossein-Ali Montazeri's son.<sup>21</sup> Throughout the summer and fall, more than 1,000 government officials were killed.<sup>22</sup>

In response, between June and November 1981, the regime executed or killed between 1,800 and 2,665 political opponents.<sup>23</sup> The victims included Mojahedin leaders and supporters, but also included 400 leftists who were mostly from groups that opposed the attempted coup. Reflecting the regime's desperation, the prosecutor at the time, Asadollah Lajevardi, announced that "even if a 12-year-old child is found participating in armed demonstrations, he will be shot."<sup>24</sup> In February 1982, security forces killed the organization's central committee members in a raid.<sup>25</sup>

The regime boasted that it had arrested 90 percent of the Mojahedin's members.<sup>26</sup> The leadership escaped to Paris.<sup>27</sup> In early 1986, Rajavi and other Mojahedin leaders moved from France to Iraq where Rajavi created the National Liberation Army (NLA) with the support of Iraq.<sup>28</sup> By 1988, the Mojahedin was no longer a political force inside Iran. However, the NLA used its base in Iraq to make incursions into Iranian territory. In March 27, 1988, the NLA crossed the border into the Fakeh region of Iran. It claimed

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<sup>13</sup> NIKKI R. KEDDIE, *MODERN IRAN: ROOTS AND RESULTS OF REVOLUTION* 233 (2003).

<sup>14</sup> ABRAHAMIAN, *supra* note 11, at 172; *see also Telegram-i Mojahedin-i Khalq bih Imam Khomeini* [Telegram of Mojahedin-e Khalq to Imam Khomeini], *ETTELAAT*, 16/08/1358 [Nov. 7, 1979].

<sup>15</sup> ABRAHAMIAN, *supra* note 11, at 196.

<sup>16</sup> ALI ANSARI, *MODERN IRAN SINCE 1921: THE PAHLAVI'S AND AFTER* 229 (2003).

<sup>17</sup> DAVID MENASHRI, *IRAN: A DECADE OF WAR AND REVOLUTION* 184 (1990).

<sup>18</sup> *See* ABOL HASSAN BANI-SADR, *MY TURN TO SPEAK* 168-71 (1991); *see also* MOHAMMAD MOHAMMADI REYSHAHRI, KHATIRI-HA, *JILD-I AVVAL* [MEMOIRS, VOL. I] 176 (2004); MENASHRI, *supra* note 17, at 187.

<sup>19</sup> *See* REYSHAHRI, *supra* note 18, at 177-190; *see also* DILIP HIRO, *THE LONGEST WAR: THE IRAN-IRAQI MILITARY CONFLICT* 69 (1991); MENASHRI, *supra* note 17, at 183-85; SANDRA MACKEY, *THE IRANIANS: PERSIA, ISLAM AND THE SOUL OF A NATION*, 303-305 (1998); *Ra'is-i Majlis: Ashub-i Diruz-i Mojahedin va Fada'i-yih Aqaliyat Bihtarin Guvah-i Adam-i Kifayat-i Ra'is-i Jumhuur Ast* [The Mojahedin and Fedaian (Minority) Riots Yesterday Provide the Best Proof Regarding the President's Incapacity], *KAYHAN*, 31/03/1360 [June 21, 1981].

<sup>20</sup> MENASHRI, *supra* note 17, at 184.

<sup>21</sup> *See* REYSHAHRI, *supra* note 18, at 178 (2006); *see also* MENASHRI, *supra* note 17, at 184-85; MACKEY, *supra* note 19, at 304.

<sup>22</sup> MACKEY, *supra* note 19, at 306 (1998).

<sup>23</sup> *See* MACKEY, *supra* note 19, at 306 (reporting 1,800 deaths); ABRAHAMIAN, *supra* note 1, at 129 (reporting 2,665 deaths); MENASHRI, *supra* note 17, at 187 (reporting at least 2,000 deaths). Bani-Sadr describes the killings following a large demonstration on June 20, 1981: "That evening, fifty people were dragged before a firing squad. In the following days, the numbers increased: 100, 150, 200, 300, 400, 500, even children only 8 years of age!" BANI-SADR, *supra* note 18, at 167.

<sup>24</sup> MENASHRI, *supra* note 17, at 192.

<sup>25</sup> HIRO, *supra* note 19, at 19. The regime was also successful in labeling the Mojahedin as traitors aligned with Iraq. *Id.* at 100.

<sup>26</sup> ABRAHAMIAN, *supra* note 1, at 129.

<sup>27</sup> ANSARI, *supra* note 16, at 233.

<sup>28</sup> *Id.*; *see also* Bernard E. Trainer, *Iran Dissidents Enter Gulf War*, *N.Y. TIMES*, May 16, 1988, available at <http://www.nytimes.com/1988/05/16/world/iran-dissidents-enter-gulf-war.html>; HIRO, *supra* note 19, at 231.

to hold 370 miles of Iranian territory, but Iranian forces quickly sent the invaders back across the border.<sup>29</sup> NLA incursions continued throughout June and July.<sup>30</sup>

## 1.2 The Tudeh Party of Iran

The Hizb-i Tudeh-i Iran (The Party of the Iranian Masses) or Tudeh Party was formally launched in September 29, 1941, following the abdication of Reza Shah.<sup>31</sup> The Marxist-Leninist Tudeh Party presented itself as democratic, anti-colonial and anti-fascist.<sup>32</sup> Its provisional program concentrated on opposing Reza Shah's government and protecting constitutional laws, civil liberties, and human rights.<sup>33</sup>

The Tudeh Party was one of the major political parties challenging the second Pahlavi regime in the 1950s. It was regularly targeted for repression, and faced massive retaliation after the 1953 coup. Between 1953 and 1958, the regime arrested over 3,000 party members, imprisoning, torturing and executing many of them.<sup>34</sup>

In January 1979, the Tudeh Party urged all opposition groups to form a united front and support Ayatollah Khomeini.<sup>35</sup> It supported the occupation of the U.S. Embassy<sup>36</sup> and, unlike many other leftist groups, continued to support Khomeini and his clerical regime well past the fall of the Pahlavi government. However, the party disagreed with Khomeini's regime on several fundamental issues, including his decision to continue the war between Iran and Iraq after 1982.<sup>37</sup> In 1981, the regime elevated its rhetoric and increased its attacks on Tudeh members. The first major wave of arrests occurred in February 1983, followed by a second wave in April of the same year.<sup>38</sup>

Most of the leadership and other members were accused of spying for the Soviet Union and, after detention and torture, many gave televised confessions.<sup>39</sup> On May 4, 1983, the Islamic Republic declared the Tudeh Party "dissolved,"<sup>40</sup> and by 1985, claimed that "the end of the Tudeh, and as a result, of

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<sup>29</sup> HIRO, *supra* note 19, at 202.

<sup>30</sup> Alan Cowell, *A Gulf Truce Leaves Rebels In a Quandary*, N.Y. TIMES, Aug. 28, 1988, available at <http://www.nytimes.com/1988/08/28/world/a-gulf-truce-leaves-rebels-in-a-quandary.html>.

<sup>31</sup> M. Omidvar, *Brief History of the Tudeh Party of Iran*, Mar. 1993, <http://www.tudehpartyiran.org/history.htm> (last visited August 23, 2009); ERVAND ABRAHAMIAN, *IRAN BETWEEN TWO REVOLUTIONS* 281 (1982).

<sup>32</sup> ALI RAHNEMA, *AN ISLAMIC UTOPIAN* 6 (2000).

<sup>33</sup> ABRAHAMIAN, *supra* note 31, at 282.

<sup>34</sup> *See generally id.*, at 305-325.

<sup>35</sup> MENASHRI, *supra* note 17, at 75. While in Paris, Ayatollah Khomeini declared in an Islamic Iran, everybody would be free to participate in politics including the Communists. Tudeh Party leaders living in exile were induced to return to Iran during or immediately after the revolution. IHRDC interview with Faribourz Baghai (June 8-9, 2009) (on file with IHRDC) [hereinafter Baghai interview].

<sup>36</sup> *Istiqbal-i Ahzab, Sazmanha va Jam'iyatha az Ishqal-i Sifarat-i America* [Parties, Organizations and Societies Welcome the Occupation of the American Embassy], ETELAAT, 14/08/1358 [Dec. 5, 1979].

<sup>37</sup> MENASHRI, *supra* note 17, at 241 (1990). The party's support for the Soviet Union after its invasion of Afghanistan was another divisive issue. *Id.*

<sup>38</sup> MENASHRI, *supra* note 17, at 282. MOHAMMAD MOHAMMADI REYSHAHRI, KHATIRIH-HA, JILD-I DUVVUM, NUFUZHAYIH HIZB-I TUDEH DAR NIRUHAYIH MUSSALAH [MEMOIRS, VOL. II, TUDEH MEMBERS WHO INFILTRATED THE ARMED FORCES] 88 (2006); *see also* ISLAMIC PROPAGATION ORGANIZATION, *CONFESSIONS OF THE CENTRAL CADRE OF THE TUDEH PARTY* 7 (1985).

<sup>39</sup> ISLAMIC PROPAGATION ORGANIZATION, *supra* note 38, at 7; MENASHRI, *supra* note 17, at 282; REYSHAHRI, *supra* note 38, at 89-90. In his book, *A Look at the Role of the Iranian Tudeh Party from Within*, Babak Amir Khosravi reports that at a Delhi conference, Hafiz Assad of Syria requested the release of Tudeh members while speaking with Iranian Prime Minister Mir Hossein Mousavi. When Musavi told him that his government had documents showing that the Tudeh Party has spied against Iran, Assad mockingly replied "Don't say these things to me. We have fabricated such 'documents' too!" BABAK AMIR KHOSRAVI, NAZAR AZ DARUN BIH NAQSH-I HIZB-I TUDEHYIH IRAN [A LOOK AT THE ROLE OF THE IRANIAN TUDEH PARTY FROM WITHIN] 22 (1996).

<sup>40</sup> MENASHRI, *supra* note 17, at 283.

Marxism in Iran, proved the total bankruptcy of ideologies based on the denial of God.”<sup>41</sup> By 1988, the Tudeh Party had not existed in an organized fashion in Iran for some time.<sup>42</sup>

### 1.3 Fedaian-e Khalq

The Organization of the Iranian People’s Fedai Guerillas (Fedaian), was formed in 1971 through the merger of two armed Marxists-Leninist groups.<sup>43</sup> In the 1970s, along with the Mojahedin, it violently resisted the Shah’s regime.<sup>44</sup> The Fedaian played a crucial role in the revolution. In February 1979, it distributed weapons among its members and sympathizers to support a group of cadets and technicians struggling against the Shah’s Imperial Guard. Following their success, these armed groups opened prisons, took over police stations and raided armories.<sup>45</sup>

Following the revolution, the Fedaian split into what became the Majority and Minority factions of the party. While the Minority continued to advocate for armed struggle, the Majority chose to shun violence and seek change through political means.<sup>46</sup> The Majority joined the Tudeh Party in supporting the regime but was quickly repressed. Beginning in 1981, the Majority was restricted and forbidden to pursue its agenda, and many of its members were imprisoned and/or dead. By 1983, the Majority had been forced into exile,<sup>47</sup> and by 1988, neither the Majority nor Minority factions were active in Iran.

### 1.4 Other Leftist Groups

A number of smaller leftist groups operated in Iran during the years after the 1979 revolution. They included Maoist groups such as the Toufan Marxists-Leninist Organization, the Toilers Party (Ranjbaran), Komala, the Union of Iranian Communists (Sarbedaran), Rah-e Kargar (Kargar) and the Marxist Mojahedin, which after several permutations became known as the Combatant Organization on the Road for the Emancipation of the Working Class (Paykar).<sup>48</sup>

Like the larger organizations with which they were affiliated, or from which they split, these smaller organizations opposed all forms of imperialism and (if they existed) had struggled against the Shah’s regime throughout the 1970s. The Shah’s prisons served both as housing for the leadership of many of these parties as well as incubators.<sup>49</sup>

During the 1979 revolution, the common goal of overthrowing the Shah united these movements, with each hoping that its ideology would prevail in post-revolutionary Iran.<sup>50</sup> Most accepted that Khomeini was mobilizing the masses and was vital to the revolution’s success. However, in the early days of the Islamic Republic’s campaign against leftist organizations, these smaller groups bore the brunt of the clerics’ attacks. The regime arrested and executed party leaders, decimating their organizational structures well before the 1988 massacre.

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<sup>41</sup> ISLAMIC PROPAGATION ORGANIZATION, *supra* note 38, at 12.

<sup>42</sup> MENASHRI, *supra* note 17, at 283; REYSHAHRI, *supra* note 38, at 88-90.

<sup>43</sup> ABRAHAMIAN, *supra* note 31, at 483.

<sup>44</sup> ABRAHAMIAN, *supra* note 11, at 1.

<sup>45</sup> KEDDIE, *supra* note 11, at 238.

<sup>46</sup> *A Brief History of [the] Organization of Fedaian (Minority)*, <http://www.geocities.com/fedaian/english/history/text.html> (last visited July 15, 2009); MENASHRI, *supra* note 17, at 169-70.

<sup>47</sup> *A Glance at the History of the Organization of the Iranian People’s Fadaian (Majority)*, <http://www.fadai.org/english/history-Views-and-Goals.pdf> (last visited July 15, 2009); MENASHRI, *supra* note 17, at 170.

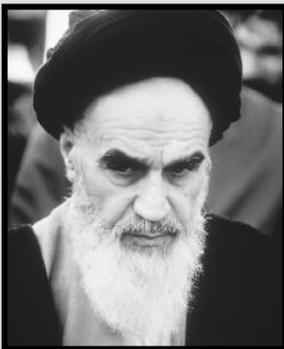
<sup>48</sup> IRAJ MESDAGHI, NA ZISTAN NA MARG (JILD-I 4) TA TOLU-I ANGUR [NEITHER LIFE NOR DEATH, (VOL. 4): TIL ... THE DAWN OF GRAPES] 325-40 (2004); *See also* ABRAHAMIAN, *supra* note 31; ABRAHAMIAN, *supra* note 11.

<sup>49</sup> ABRAHAMIAN, *supra* note 1, at 102-03.

<sup>50</sup> MENASHRI, *supra* note 17, at 77.

## 2. Khomeini's *Fatwa*

The massacre officially began pursuant to a *fatwa* by Ayatollah Khomeini in July 1988. The *fatwa* was distributed to prison authorities during the same period in which he agreed to a cease-fire in the regime's eight-year war with Iraq, and while he was terminally ill.<sup>51</sup> On July 18, 1988, after eight years of intense warfare with Iraq, Iran finally accepted UN Security Council Resolution 598 calling for a



**Ayatollah Ruhollah Khomeini** was the Supreme Leader of the Islamic Republic of Iran in 1988. As the Supreme Leader, Ayatollah Khomeini made the final decisions on all matters of state. In July 1988, he issued a *fatwa* commanding that all unrepentant Mujahedin prisoners be executed. Under his watch, hundreds of unrepentant Leftist prisoners were similarly executed. Khomeini advised those who were in charge of putting his plan into action to ignore details that would get in the way of effectuating his intent. Ayatollah Khomeini died in June 1989.

cease-fire. The cease-fire was to go into effect in August.<sup>52</sup> A statement issued by Khomeini was read on Tehran Radio on Wednesday, July 20. Khomeini told Iranians that “the acceptance of this matter for me was deadlier than poison, but I submit myself to God’s will and drink this for His satisfaction.”<sup>53</sup> He addressed the fact that the agreement was diametrically opposed to the regime’s eight-year stance. He assured his “revolutionary sons”: “I know it is hard on you—but isn’t it hard on your old father?” And he asked them to “be patient ... [and to] not scold [the officials] for the decision they have taken, because accepting this proposal was hard on them too.”<sup>54</sup>

On Friday, July 22, the Iraqi Army crossed into northern, central and southern parts of Iran. The Iranian government reported that the Iraqi plan was to incite a popular uprising and install the People’s Democratic Government of Iran.<sup>55</sup> The Mojahedin’s National Liberation Army (NLA) participated and, on July 25, crossed into Iran with a reported force of 7,000. The NLA operation was code-named “Eternal Light.”<sup>56</sup>

NLA forces destroyed the towns of Karand and Islamabad-e Gharb (population of about 15,000)<sup>57</sup> and, with Iraqi air support, marched toward Bakhtaran, a provincial capital with a population of 500,000, located 100 miles from the border.<sup>58</sup> The Iranians cut the supply lines and counterattacked with gunships.<sup>59</sup> On July 29, the NLA and Iraqi forces agreed to withdraw voluntarily.<sup>60</sup> Iran claimed to have

<sup>51</sup> Khomeini was suffering from cancer, heart problems, and failing eyesight. He died in June 1989. BAQER MOIN, *KHOMEINI: LIFE OF THE AYATOLLAH* 270 (1999).

<sup>52</sup> *Id.* at 269; see also Beeston, Nicholas & McEwen, *Iran agrees to ceasefire in Gulf War; UN chief hopes fighting will end in 10 days; Iran-Iraq war*, THE TIMES (UK), July 19, 1988.

<sup>53</sup> *Bayaniyihyih Tarikhiyih Rahbar-i Inqilab* [Historic Speech of the Leader of the Revolution], KAYHAN, 30/04/1367 [July 21, 1988]; HIRO, *supra* note 19, at 243. Marie Colvin, *Why Khomeini called the halt: Gulf war*, THE TIMES (UK), July 24, 1988.

<sup>54</sup> *Bayaniyihyih Tarikhiyih Rahbar-i Inqilab* [Historic Speech of the Leader of the Revolution], KAYHAN, 30/04/1367 [July 21, 1988].

<sup>55</sup> *Artish-i Iraq Pusht-i Darvazihyayih Khorramshahr bih Zanu dar Amad* [The Iraqi Army Was Brought to Its Knees Behind Khorramshahr’s Gates], KAYHAN, 3/5/1367 [July 24, 1988]; *Juz’iyat-i Tarh-i Mushtarak-i Munafiqin va Rijim-i Iraq barayih Pishravi ta Tehran Fash Shud* [The Details of the Joint Plan of *munafiqin* and the Iraqi Government for Advancing to Tehran Was Discovered], KAYHAN, 13/05/1367 [Aug. 13, 1988]; see also HIRO, *supra* note 19, at 246-47.

<sup>56</sup> MOHAMMAD MOHAMMADI REYSHAHRI, *Khatirih-ha, Jild-i III, Ta’sis-i Vizarat-i Ittila’at, Muqabilih ba Shabakihyayih Jasusi va Tiruristi va Ta’sis-i Dadsarayih Vijihyih Rawhaniyat* [MEMOIRS, VOL. III, FORMATION OF THE MINISTRY OF INTELLIGENCE, CONFRONTING ESPIONAGE AND TERRORIST NETWORKS AND THE FORMATION OF THE SPECIAL PROSECUTION OFFICE FOR THE CLERGY] 170 (2006); HIRO, *supra* note 19, at 246-47.

<sup>57</sup> REYSHAHRI, *supra* note 56, at 171; HIRO, *supra* note 19, at 246.

<sup>58</sup> See *Asnad-i bih Ja Mandih az Munafiqin dar Zaminihyih Irtebat-i Anha ba Rijim-i Iraq* [Documents Left Behind by the *munafiqin* Regarding their Relationship with Iraqi Government], KAYHAN, 15/05/1367 [Aug. 6, 1988]; HIRO, *supra* note 19, at 246. Bakhtaran is now known as Kermanshah.

<sup>59</sup> REYSHAHRI, *supra* note 56, at 171; HIRO, *supra* note 19, at 247.

<sup>60</sup> HIRO, *supra* note 19, at 247; MOIN, *supra* note 51, at 278 (reporting that several hundred from both sides were killed and that the Mojahedin who were captured were summarily executed).

killed 4,500 NLA members and Iraqi troops.<sup>61</sup> While the numbers killed are disputed, the NLA was defeated within days.<sup>62</sup>

Although the *fatwa* issued by Ayatollah Khomeini was undated and not made public, circumstantial evidence indicates that it was issued on Thursday, July 28, the day before the NLA forces agreed to withdraw from Iranian territory.<sup>63</sup> On its face, the *fatwa* was aimed at the Mojahedin. Khomeini ordered that

[s]ince the treacherous *munafiqin* do not believe in Islam and whatever they say is stemmed from their deception and hypocrisy, and since according to the claims of their leaders they have become apostates of Islam, and since they wage war on God and are engaging in classical warfare in the western, northern and southern parts of the country with the collaboration of the Baathist Party of Iraq, and also their spying for Saddam against our Muslim nation, and since they are tied to the World Arrogance and have inflicted foul blows to the Islamic Republic since its inception, it follows that those who remain steadfast in their position of *nifaaq* in prisons throughout the country are considered to be *muharib* (waging war on God) and are condemned to execution.<sup>64</sup>



**Abdul Karim Mousavi Ardebili** was the Chief Justice of the Islamic Republic and the head of the Supreme Judicial Council in 1988. He is a Grand Ayatollah and a teacher of Islamic jurisprudence in Qom, and is considered one of the most prominent Shi'a clerical leaders. In July 1988, Ardebili delivered a fiery and chilling Friday sermon in response to the Mujahedin's attack in western Iran. In his sermon, Ardebili foreshadowed the regime's plan to execute thousands of political prisoners without due process.

He directed that in Tehran, this work would be entrusted to a special commission made up of Hojjatolislam Hossein-Ali (Jaafar) Nayyeri (a religious judge), Morteza Eshraghi (Tehran's prosecutor), and a representative from the Ministry of Intelligence. In the provinces, each commission was to be made up of a religious judge, the prosecutor, and a representative from the intelligence ministry. A majority vote was to determine who should be executed. Khomeini urged the commissions to unleash their "revolutionary rage and rancor toward the enemies of Islam"

and to not "hesitate or show any doubt or concerns."<sup>65</sup>

Ayatollah Mousavi Ardebili, head of the Judiciary at the time, immediately relayed questions through the ailing Khomeini's son, Ahmad. He asked whether the *fatwa* covered those who had not yet been tried and those who had already served their sentences, and whether local judicial authorities could act independently of the provincial judicial organs. In response, Khomeini unequivocally replied:

In all the above cases, if the person at any stage or at any time maintains his position on *nifaaq*, the sentence is execution. Annihilate the enemies of Islam immediately. With regard to the case files, use whichever criterion that speeds up the implementation of the verdict.<sup>66</sup>

A second *fatwa* aimed at non-religious political prisoners, all of whom were deemed to be *murtads* or apostates, was reportedly issued later.<sup>67</sup> To date, a copy of a second *fatwa* has not surfaced.<sup>68</sup>

<sup>61</sup> HIRO, *supra* note 19, at 247; *Juz'iyat-i Tarh-i Mushtarak-i Munafiqin va Rijim-i Iraq barayih Pishravi ta Tehran Fash Shud* [The Details of the Joint Plan of *munafiqin* and the Iraqi Government for Advancing to Tehran Was Discovered], KAYHAN, 13/05/1367 [Aug. 13, 1988]. Commander Shamkhani claimed that Iran killed 4,800 NLA fighters. *Id.*

<sup>62</sup> Cowell, *supra* note 30.

<sup>63</sup> In 2001, Ayatollah Montezari reported that the *fatwa* was written on a Thursday after the incursion by the NLA but before he sent a letter to Ayatollah Khomeini objecting to the commissions on July 31. See MONTAZERI'S MEMOIRS, *supra* note 4, at 301. The only Thursday between those two events was July 28.

<sup>64</sup> MONTAZERI'S MEMOIRS, *supra* note 4, at 302.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.* at 302.

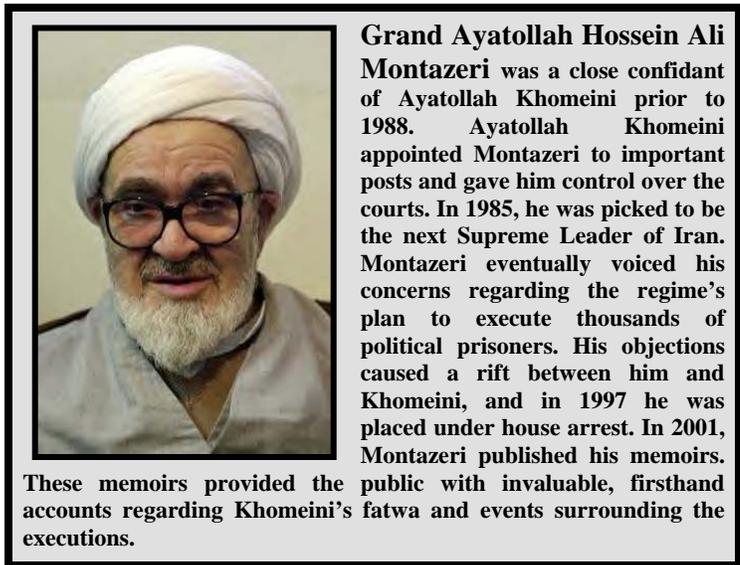
<sup>67</sup> *Id.* at 306.

<sup>68</sup> The Mojahedin have reported that a second *fatwa* was issued on September 6. See CRIME AGAINST HUMANITY, *supra* note 6, at 40.

## 2.1 Clerical objections

Clerics immediately questioned and objected to the *fatwa* and commissions. Foremost among the objectors was Ayatollah Hossein-Ali Montazeri, who, at the time, was the chosen successor of Khomeini.<sup>69</sup> He wrote three letters objecting to the mass executions.<sup>70</sup>

In the first letter, dated July 31, he told Khomeini that “the nation” had no objection to executing participants in the incursion but that the execution of those who had been sitting in prison for years would have adverse consequences. He noted that the executions are “perceived as an act of vengeance,” and that many prisoners were being executed even though they did not “hold fast to their views.”<sup>71</sup> He also noted that the executions would tarnish the regime’s reputation among the people of Iran as well as the world, and garner sympathy for the Mojahedin.<sup>72</sup> He advised that “[t]he execution of several thousand prisoners in a few days will not have positive repercussions and will not be mistake-free. Even some of our religious judges were very distressed by this.”<sup>73</sup>



In his second letter to Khomeini, dated August 4, Montazeri reported that a religious judge from one of the provinces had come to him “in great distress because of the way Your Eminence’s decree is being implemented.” He told Khomeini that, even though the religious judge on the commission insisted that the verdict be unanimous, the intelligence official “has absolute control.”<sup>74</sup>

Montazeri’s third letter, dated August 15, was addressed to the special commission in charge of the operations in Tehran: Nayyeri (the religious judge), Eshraghi (Tehran’s prosecutor), Ebrahim Raissi (the deputy prosecutor), and Mostafa Pour-Mohammadi (the Intelligence Ministry representative).<sup>75</sup> He began by noting that the Mojahedin had killed his son but that he was “worried about the judgment that posterity and history will pass upon us.” He noted that he had met with several pious judges who were dismayed at the way the decree was being implemented, and that they cited numerous cases of people being executed for no reason.<sup>76</sup>

Mohammad Hossein Ahmadi, the religious judge in Khuzestan, also wrote to Khomeini about the way the decree was being implemented. He described how members of the commissions had different

<sup>69</sup> John Kifner, *Iran names cleric Khomeini’s eventual successor*, N.Y. TIMES, Nov. 24, 1985. In 1982, Ayatollah Khomeini, transferred much of his authority to Montazeri whom he referred to as “the fruit of my life.” MOIN, *supra* note 51, at 261-62. He appointed Montazeri as his personal representative to the army and the Revolutionary Guard and gave him effective control over the courts. MENASHRI, *supra* note 17, at 225. In 1985, Montazeri was officially chosen by the Assembly of Experts to succeed Khomeini. MONTAZERI’S MEMOIRS, *supra* note 4, at 230.

<sup>70</sup> See ABRAHAMIAN, *supra* note 1, at 220; see also MOIN, *supra* note 51, at 279 (quoting parts of Montazeri’s letters). The letters reportedly surfaced in Bani-Sadr’s Paris office in March 1989 and were broadcast on the BBC. *Id.* at 287.

<sup>71</sup> MONTAZERI’S MEMOIRS, *supra* note 4, at 303.

<sup>72</sup> *Id.* at 304; see ABRAHAMIAN, *supra* note 1, at 220.

<sup>73</sup> MONTAZERI’S MEMOIRS, *supra* note 4, at 304.

<sup>74</sup> *Id.* at 304-05.

<sup>75</sup> *Id.* at 305; see also REZA AFSHARI, HUMAN RIGHTS IN IRAN: THE ABUSE OF CULTURAL RELATIVISM 114 (2001).

<sup>76</sup> MONTAZERI’S MEMOIRS, *supra* note 4, at 305.

interpretations as to whether prisoners were “holding fast” to their beliefs, and urged Khomeini to issue “uniform standards so that officials would not go to the extreme and commit mistakes.”<sup>77</sup>

In a letter later stripping Montazeri of his position as heir-apparent, Khomeini observed that “the responsibility [of being Supreme Leader] requires more endurance than you have shown.” Khomeini declared that he had had reservations when the Assembly of Experts had designated Montazeri the future Supreme Leader.<sup>78</sup> Montazeri eventually resigned in March 1989.<sup>79</sup>

### 3. Planning for the Massacre

Although the executions of political prisoners began in July 1988 pursuant to the *fatwa*, there is ample evidence that the regime planned and prepared for the massacre well before the *fatwa* was issued.<sup>80</sup> Preparations were begun in late 1987, after the hardliners had regained control of the prison system following a period of relative leniency that had begun in 1984.

In 1984, Ayatollah Montazeri and his supporters had wrested control from hardliners who had been in control of the prison system since 1981.<sup>81</sup> The prisons were dangerously overcrowded,<sup>82</sup> and filled with political prisoners whom the authorities had tortured to the point where they became repenters (*tavvabs*).<sup>83</sup> Most *tavvabs* remained imprisoned where they served as spies and collaborators. There were also a growing number of prisoners who—having served their sentences—remained in prison because they refused to publically confess to crimes or retract their views (*mellikesh*).<sup>84</sup>

Montazeri’s faction appointed new wardens in many of the prisons<sup>85</sup> and addressed the overcrowding problem by releasing political prisoners.<sup>86</sup> They reviewed case files and created easier repentance procedures, which led to the release of more political prisoners. They processed and released many prisoners who had served their time including *mellikesh* and *tavvabs*.<sup>87</sup> For example, in Tehran, they emptied Qezel Hesar of all political prisoners by November 1986, and released or transferred all the male *tavvabs* in Gohar Dasht by 1987. In addition, newly arrested individuals were sentenced to shorter terms of imprisonment.<sup>88</sup>

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<sup>77</sup> CRIME AGAINST HUMANITY, *supra* note 6, at 31.

<sup>78</sup> ABRAHAMIAN, *supra* note 1, at 220; MOIN, *supra* note 51, at 287-89 (quoting in full Khomeini’s letter denouncing Montazeri).

<sup>79</sup> MOIN, *supra* note 51, at 289.

<sup>80</sup> The Iranian authorities probably believed they required a *fatwa* for religious reasons. Under Islamic law, every religious judge is a representative of God and renders justice as His representative on earth. Therefore, the regime did not have the power to declare null and void the decisions by hundreds of judges over the course of almost twenty years. The only person with the religious authority to do so was the Supreme Leader. See IRAJ MESDAGHI, NA ZISTAN NA MARG (JILD-I 3) TAMISHKHAYIH NA-ARAM [NEITHER LIFE NOR DEATH (VOL. 3): RESTLESS RASPBERRIES] 78 (2004).

<sup>81</sup> AFSHARI, *supra* note 6, at 105; see also MONTAZERI’S MEMOIRS, *supra* note 4, at 251-253.

<sup>82</sup> See, e.g., MONTAZERI’S MEMOIRS, *supra* note 4, at 251. At one point the influx of Mojahedin prisoners became so great that the prisoners were simply tied to the large trees in Evin’s courtyards until space could be made for them. Rahbari Interview, *supra* note 1.

<sup>83</sup> A *tavvab* is anyone who has engaged in the act of *tawbih*, or penitence.

<sup>84</sup> See AFSHARI, *supra* note 6, at 73; PARVARESH, *supra* note 8, at 34.

<sup>85</sup> AFSHARI, *supra* note 6, at 105.

<sup>86</sup> IHRDC Interview with Mehdi Aslani (June 10, 2009) (on file with IHRDC) [hereinafter Aslani Interview].

<sup>87</sup> IRAJ MESDAGHI, NA ZISTAN NA MARG (JILD-I 2): ANDUH-I QUQNUS [NEITHER LIFE NOR DEATH (VOL. 2): THE SORROW OF THE PHOENIX] 164 (2004).

<sup>88</sup> AFSHARI, *supra* note 6, at 107; Aslani Interview, *supra* note 86.

Although the prisons remained overcrowded,<sup>89</sup> by late 1986 and early 1987, life in prison had become more tolerable for many political prisoners. Many were allowed more varied reading materials; some experienced relaxation of religious dress codes; and some faced fewer religious re-education efforts. By 1987, conditions had become relaxed enough at Gohar Dasht that the inmates gained the confidence to use strikes to gain improvements in conditions.<sup>90</sup> In Rasht, many prisoners refused to wear prison uniforms in open defiance of prison authorities.<sup>91</sup> In Ahvaz, supervision was fully transferred to the guards instead of the oppressive *tavvabs* who had been the main enforcers, but whose numbers had been reduced. Mojahedin prisoners—whose secret prison networks had been discovered and destroyed in the early 1980s—became bolder and began resisting the guards' demands.<sup>92</sup> Many prisoners were released from open and closed-door cells throughout the prisons, and during New Year in 1988, some were allowed to visit family members in the presence of guards.<sup>93</sup>

However, by late 1987, Montezari was politically sidelined and the hardliners regained control of the prison system.<sup>94</sup> Hardliners, including the head of the Ministry of Intelligence, Mohammad Reyshahri, criticized Montezari's involvement in the prison system.<sup>95</sup> Referring to the Mojahedin, Asadollah Lajevardi, serving in his capacity as a prosecutor at the time,<sup>96</sup> complained that

[u]nfortunately in the last few years the *munafiqin* have been dealt with in a manner contrary to the expediency of Islam ... From 1981 until early 1985 when the *munafiqin* were being dealt with decisively, they could not even attract ten new members. However, after that the *munafiqin* were treated indecisively and with leniency, and their members were released from prison under the guise of *tavvab*.<sup>97</sup>

At the time, prisoners noted several changes but often failed to read them as signs of the impending executions. Survivors report that they were interrogated more frequently, and the authorities separated prisoners based on these interrogations.<sup>98</sup> Authorities publically acknowledged the transferring and

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<sup>89</sup> One former prisoner, who was transferred to Gohar Dasht from Qezel Hesar in 1987, notes that his cell in Gohar Dasht was still regularly stuffed with over forty people, though he was told that it had been even more crowded before he arrived. IHRDC Telephone Interview with Amir Atiabi (June 13, 2009) (on file with IHRDC) [hereinafter Atiabi Interview]. This was partly due to the fact that arrests of political prisoners continued at a rapid pace—so much so that security forces were urged to limit the number of arrests made during their investigations. U.N. Econ. & Soc. Council [ECOSOC], Commission on Human Rights, *Report by the Special Representative of the Commission on Human Rights, Report on the Human Rights Situation in the Islamic Republic of Iran*, ¶ 41, U.N. Doc E/CN.4/1989/26 (Jan. 26, 1989) (prepared by Galindo Pohl), available at <http://daccessdds.un.org/doc/UNDOC/GEN/G89/103/57/PDF/G8910357.pdf?OpenElement>.

<sup>90</sup> Aslani Interview, *supra* note 86.

<sup>91</sup> Ahmad Musavi, *Kushtar-i Jam'iyih Zindanian-i Siyasi dar Sal-i 1367 – Zindan-i Rasht [The Massacre of Political Prisoners in 1988 – Rasht Prison]* (2004), available at <http://www.bidaran.net/spip.php?article151> (modified and reprinted in part in AHMAD MUSAVI, GOODNIGHT FRIEND (2004)). As a result, a number of the prisoners in one defiant ward were deprived of their rights and access to family visits from 1986 until months after the last 1988 executions. *Id.*

<sup>92</sup> Anonymous, *1367 Kushtar-i Jam'iyih Zindanian-i Siyasi dar Zindan-i Tabriz [1988 Massacre of Political Prisoners in Tabriz Prison]*, available at <http://www.bidaran.net/spip.php?article207> (directly quoting a blog entry at <http://ashyan.blogspot.com/>).

<sup>93</sup> Anonymous, *Guzarishi az Zindan-i Fajr-i Ahvaz dar Sal-i 1367 [A Report About Ahvaz's Fajr Prison in 1988]*, available at <http://www.bidaran.net/spip.php?article164>.

<sup>94</sup> One reason for the political downfall of Ayatollah Montezari was the May 1986 arrest of Mehdi Hashemi. A cleric, Hashemi was the brother of Montazeri's son-in-law and one of his close associates. In November 1986, it came to light that Hashemi had leaked the existence of the U.S.-Iran Contra Affair. He was charged with murder, kidnapping and sabotaging foreign relations, and executed on September 28, 1987. *Sahargah-i Diruz bih Hukm-i Dadgah-i Vijihyih Ruhaniyat, Mehdi Hashemi I'dam Shud [Mehdi Hashemi Was Executed Early Morning Yesterday by Order of the Special Clerical Court]*, ETELAAT, 7/07/1366 [Sept. 29, 1987].

<sup>95</sup> AFSHARI, *supra* note 6, at 108.

<sup>96</sup> Lajevardi would regain his position as warden of Evin only in 1989. One of his close associates, Hossein Hosseinzadeh, became the deputy warden of Evin in 1987. Baghai Interview, *supra* note 35.

<sup>97</sup> MESDAGHI, *supra* note 80, at 79.

<sup>98</sup> Interview by Monireh Baradaran with Hadi Aminian (Jun. 5, 2008) available at <http://www.bidaran.net/spip.php?article155> [hereinafter Aminian Interview]. This interview has been translated into English and is available at <http://www.iranrights.org/english/document-333.php> (under the title *1988 Mass Execution of Political Prisoners in Hamedan, A Testimony*). See IHRDC Telephone Interview with Shahla Talebi, Assistant Professor, Arizona State University (Mar. 15, 2009) (on file with IHRDC) [hereinafter Talebi Interview]; Interview by Monireh Baradaran with Reza Saki (Aug. 30, 2008), available

reshuffling of the prison population but claimed that they were dividing the prisoners based on their crimes and sentences.<sup>99</sup>

### 3.1 Prisoners are Interrogated

Interrogation and investigation were, and are, an ongoing process in Iran's prisons. Prisoners were questioned and interrogated repeatedly after being found guilty and while serving their prison terms. For example, when a new detainee gave the authorities new information that somehow implicated a prisoner, that prisoner was questioned again. The prison authorities often randomly questioned the political affiliation of prisoners.<sup>100</sup>

The late-1987 interrogations differed from those of the past. Suddenly, emphasis was placed on prisoners' personal beliefs and positions, including their views on the *velayat-e faqih*<sup>101</sup> and political organizations.<sup>102</sup> The questions varied depending on whether the prisoner was affiliated with the Mojahedin or a leftist party. For leftists, it seemed the major difference was the emphasis on individual religious ideology.<sup>103</sup> Prisoners continued to be questioned about their willingness to make public statements or give interviews before other prisoners condemning their organizations.<sup>104</sup>

A former prisoner linked to the Mojahedin reports that in December 1987, Gohar Dasht's security officials and guards began cracking down. They asked prisoners questions about their charges and convictions and wanted to know if the prisoners were willing to provide interviews or confession letters. They divided up the prisoners based on the answers.<sup>105</sup>

A leftist prisoner in Gohar Dasht, who was expecting his turn in the prison yard to get some fresh air one afternoon in February 1988, was instead summoned for interrogation:

After a while, a guard came with a list and called the names of ten prisoners. He blindfolded them and took them out of the ward ... After a while another ten prisoners were called. We realized that there was no particular reason for calling these particular prisoners as the names were simply called alphabetically. The alphabetical series of names continued to be called ...

My name too was eventually called. We put the blindfolds on our eyes and left the ward. Outside the ward, we stood in a hallway, blindfolded, and waited. Again, slowly, our names were called and we were taken to a room adjacent to the ward. I was led to the front of a table. I could see someone's hand from beneath the blindfold, and he was wearing a suit. This person started to question me. After asking my identification and political conviction, he asked if I were a Muslim or not. I answered that I wasn't a Moslem. He asked if I were Marxist or not and I answered that I was. Then he asked if I would accept being interviewed in front of the prisoners in order to condemn my political affiliation. My answer was no. He then sent me out of the room and I joined the rest of the prisoners who had been already questioned. They kept us waiting in the hallway,

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at <http://www.bidaran.net/spip.php?article180> [hereinafter Saki Interview]. This interview has been translated into English and is available at <http://abfiran.org/english/document-558.php> (under the title *1988: Mass Killing of Political Prisoners in Esfahan*).

<sup>99</sup> *Izharat-i Dadsitan-i Inqilab-i Tehran Piramun-i Mubarizih va Tashdid-i Mujazat-i Qachaqchiyan, A'fv-i Zindaniyan-i A'di va Guruhakha, Takhrīb-i Mahaliyih Jamshid, Asl-i 49 va Munkarat* [Statement of the Revolutionary Prosecutor of Tehran Regarding Combating and Increasing the Punishments for Smugglers, Pardoning the Regular and 'Guruhaki' Prisoners, Destroying Jamshid Neighborhood, Article 49, and Prohibiting Acts], KAYHAN, 23/04/1367 [July 13, 1988].

<sup>100</sup> Talebi Interview, *supra* note 98.

<sup>101</sup> Enshrined in the Constitution of Iran, the *velayat-e faqih* or guardianship of the jurist is a theory of government first proposed by Ayatollah Khomeini in the 1970s. It holds that in the absence of the Hidden Imam, a religious jurist is best qualified to rule. ABBAS AMANAT, SHARI'A 130-31 (2007); see The Office of the Supreme Leader Seyyed Ali Khamenei: *Leadership from the Perspective of Imam Khomeini*, [http://www.leader.ir/langs/en/index.php?p=leader\\_imam](http://www.leader.ir/langs/en/index.php?p=leader_imam) (last visited on July 15, 2009).

<sup>102</sup> See Interview by Mehdi Kia with Monireh Baradaran, available at <http://www.iran-bulletin.org/witness/MONIREH1.html> [hereinafter Baradaran Interview].

<sup>103</sup> See, e.g., Aslani Interview, *supra* note 86.

<sup>104</sup> See 1990 AI Report at 16; PARVARESH, *supra* note 8, at 52.

<sup>105</sup> See MESDAGHI, *supra* note 80, at 66-70.

blindfolded, until the very last prisoner was questioned. It was after nightfall before we were sent back to the ward.<sup>106</sup>

Female political prisoners in Evin prison in Tehran were questioned at night. They were asked what they regarded as routine questions including their names, charges, sentences and beliefs. However, the interrogators' reactions made them uneasy. When a prisoner admitted to disagreeing with the Islamic Republic's philosophy or raised another contentious issue, instead of getting angry and making threats as in the past, the interrogators encouraged the prisoners to continue speaking their minds.<sup>107</sup>

One leftist prisoner in Gohar Dasht recalls that after the initial separation of political prisoners, authorities distributed comprehensive questionnaires that again asked questions regarding political beliefs, ideology and current affairs. The questionnaires, distributed at least twice, were very detailed and took as long as an hour to complete. During this same period, authorities created several lists of prisoners. Each prisoner's name was followed by columns with yes or no questions such as "do you repent" or "do you pray," which the authorities marked by a tick or a cross, depending on the answer.<sup>108</sup>

### 3.2 Prisoners are Reorganized

Wards were reorganized and some prisoners were sent to solitary.<sup>109</sup> Since 1985, leftist and Mojahedin prisoners had been housed together in Evin and Gohar Dasht prisons in Tehran. After the interrogations, prisoners were divided into believers and non-believers. At Gohar Dasht, prisoners were further sorted by the length of their sentences. Two wards housed those prisoners who had less than ten years left to serve, and one housed those with between ten and fifteen years. Prisoners with fifteen years to life and the *mellikesh* were transferred to Evin.<sup>110</sup>

Prisoners were further sorted into three classes of prisoners. Red prisoners were those who would not compromise on any part of their ideology. Yellow prisoners had agreed to compromise on some things. For example, they may have agreed to be flexible on their religious views but more steadfast in their party affiliation. White prisoners were considered to be much more flexible than the other two groups.<sup>111</sup>

The authorities made mistakes while sorting prisoners. They categorized many hardcore committed partisans as white prisoners, while categorizing many less-committed prisoners as yellow or red.<sup>112</sup> Some authorities based their judgment on how the prisoners behaved in prison rather than their former political activities or beliefs. In other cases, unsuspecting male prisoners who were categorized as white requested, and were allowed, to accompany their brothers to the red or yellow wards.<sup>113</sup>

The Mojahedin and leftist prisoners were completely separated in many prisons, destroying the prisoners' established communications networks. This allowed the authorities to execute their plan in two stages—first the Mojahedin followed by the leftists—while keeping the leftists largely in the dark as to their fate. One prisoner notes:

All the communication [networks] that had formed as a result of experiencing torture and executions were completely destroyed. It was with these arrangements that Khomeini's regime prepared itself for the creation of a bloodbath and the massacre of political prisoners.<sup>114</sup>

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<sup>106</sup> PARVARESH, *supra* note 8, at 53.

<sup>107</sup> Talebi Interview, *supra* note 98.

<sup>108</sup> Atiabi Interview, *supra* note 89.

<sup>109</sup> PARVARESH, *supra* note 8, at 53-54.

<sup>110</sup> Aslani Interview, *supra* note 86.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*; Atiabi Interview, *supra* note 89.

<sup>114</sup> REZA GHAFARI, KHATIRAT-I YEK ZINDANI AZ ZINDANHAYIH JUMHURIYH ISLAMI [Memoirs of A Prisoner in the Prisons of the Islamic Republic of Iran] 237 (1988).

**Seyyed Hossein Hosseinzadeh** was the deputy warden of Evin prison in 1988. He was involved in the selection and summoning of political prisoners before the Tehran Death Commission.

It appears that the interrogations and subsequent reorganization of political prisoners was done in almost all of Iran's prisons. However, the timing and specific details differed. For example, in late 1987, the Zanjan prison administration reorganized prisoners between the prison's three wards and transferred some to other prisons. It also withdrew privileges, including access to newspapers, television sets and visitation rights.<sup>115</sup> In Dastgerd prison in Esfahan, similar changes began only four or five months before the beginning of the massacre in July. The authorities informed prisoners that a commission would visit the prison in order to determine their status and empty the prison. Instead, after the questioning, the authorities merged several sections, creating two larger sections.

Shortly before the cease-fire announcement in late July, the prisoners completed questionnaires that asked them what they thought about the Islamic Revolution, and requested them to provide their views on Khomeini, the United States and the Mojahedin. The questions were the same for both Mojahedin and leftists.<sup>116</sup> In Hamedan, the authorities began interrogating, distributing questionnaires, and sorting prisoners only a few weeks before the lockdown on July 30, and continued the process through the summer.<sup>117</sup>

In hindsight, survivors recognize other warnings of the coming massacre. A female prisoner in Evin recalls that the level of conflict escalated several months before the massacre. In her opinion, both prisoners and guards were responsible.<sup>118</sup> The male prisoners—especially the Mojahedin—were bolder in their political discussions and fiercely protested beatings which in turn led to further beatings. At the same time, the female prisoners continued to receive warnings from the guards, but could not determine the veracity of the threats or their purpose:

The *Pasdars* informed our ward mates that things were happening. That we should pay attention because unexpected things will occur. [They would say things like:] “We are telling you—none of you may come out of here alive.” But we didn't know if they were telling the truth or simply trying to scare us.<sup>119</sup>

The wife of a prisoner in Evin prison in Tehran remembers that in early 1988, the guards gave her several books and told her that her husband no longer needed them. Her husband told her that they had confiscated all books from the cells. She remembers that visits were stopped in mid-July.<sup>120</sup>

## 4. The Massacre

By July 1988, prisons through Iran were locked down. Although the exact dates and process varied by prison, prisoners were completely cut off from the outside world and their family members were denied information as to their loved ones' whereabouts. The authorities barred family visits, telephone calls, and letters; confiscated televisions and radios; restricted access to communal areas; forbade sick inmates vital medicines and visits to the infirmary; and turned away anxious relatives from prison gates with no explanation regarding their loved ones' situation.<sup>121</sup>

<sup>115</sup> Interview by Monireh Baradaran with Rahmat Gholami (July 20, 2008), available at <http://www.bidaran.net/spip.php?article171> [hereinafter Gholami Interview]. Rahmat Gholami was arrested in 1983 for his involvement with the Fedaiyan (Minority) and spent 6 years in Zanjan prison.

<sup>116</sup> Saki Interview, *supra* note 98.

<sup>117</sup> Aminian Interview, *supra* note 98.

<sup>118</sup> See Talebi Interview, *supra* note 98.

<sup>119</sup> *Id.*

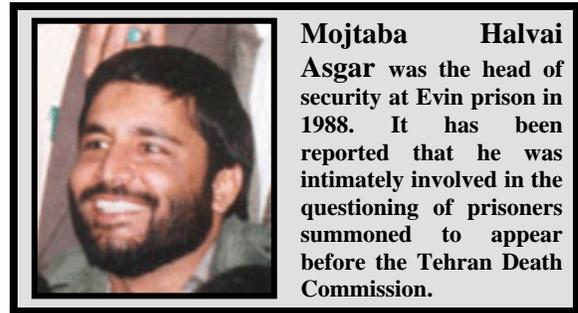
<sup>120</sup> IHRDC interview with Sepideh (May 28, 2009) [hereinafter Sepideh Interview].

<sup>121</sup> ABRAHAMIAN, *supra* note 1, at 209; see, e.g., Baghai Interview, *supra* note 35 (recalling that TVs and newspapers were taken out of Evin prison on July 21, 1988); Talebi Interview, *supra* note 98; Atiabi Interview, *supra* note 89 (recalling that TV and loudspeaker access was cut off in Gohar Dasht prison on July 29, 1988, and visits were denied on July 30, 1988).

The lockdowns preceded or coincided with the arrival of the special commissions created by Khomeini's *fatwa*. The commissions, known as Death Commissions by prisoners, interrogated prisoners and ordered that they be tortured or executed.

#### 4.1 The Prisons are Locked Down

The lockdowns were swift and coordinated, affecting prisoners and their families throughout the country.<sup>122</sup> Nima Parvaresh, a member of the leftist Paykar organization, was only 15 at the time of his arrest in the winter of 1983. In his memoirs, he noted that the prisoners' "connection with the outside world was completely cut":



**Mojtaba Halvai**  
Asgar was the head of security at Evin prison in 1988. It has been reported that he was intimately involved in the questioning of prisoners summoned to appear before the Tehran Death Commission.

Without even a period for fresh air, we were put into isolation and quarantine. Our only line of communication was using morse code with the *mellikesh* ward and through them with other wards. The guards did not answer prisoners' questions. They only opened the doors three times a day to give food.<sup>123</sup>

Amir Atiabi, a leftist prisoner in Gohar Dasht in Tehran, remembers that immediately after the announcement of the cease-fire, prisoners were isolated from anyone outside their wards. He marked Friday, July 29 on his calendar as the date TVs and loudspeaker access were taken away, and prisoners were not allowed to go outside. The following day, on Saturday, all visits were terminated.<sup>124</sup>

A survivor from Ahvaz's Fajr prison recalls that on Thursday or Friday (July 28 or 29), visits were suddenly terminated after some prisoners had left for visitation. Everyone was ordered to return to their wards:

We all began to complain and the Mojahedin decided to stay in the yard ... After a few warnings were broadcast on the prison loudspeakers, a group of guards suddenly appeared on the rooftop holding Kalashnikovs. They surrounded the yard from above and took aim at us ... All of us returned to our cells. We began to discuss and analyze what had just happened when [the guards] came in and took the television. After that they summoned one of the Mojaheds who had supposedly repented but had refused to cooperate (and was therefore being detained in a closed door cell). He returned a few hours later, and it became apparent that he had personally spoken to Reza Sarami, the head of prisons in Khuzestan. His message was particularly threatening, and was a warning to all of us.

That evening the prison's loudspeakers broadcast a message. After [salutations], several threatening verses were uttered and someone yelled: "Section 1, fire!" The thundering sound of gunshots echoed throughout the prison. Then [we heard]: "Section 2, fire!" followed by gunshots. We thought they were going room to room and killing prisoners; we expected to be next ... The events of that evening were staged. The smoke from gunpowder filled the air.<sup>125</sup>

<sup>122</sup> See, e.g., Aminian Interview, *supra* note 98; Anonymous, 1367: *Kushtar-i Jam'iyih Zindanian-i Siyasi dar Zindan dar Zahedan* [1988: The Massacre of Political Prisoners in Zahedan Prison], available at <http://www.bidaran.net/spip.php?article204>; Interview by Monireh Baradaran with Reza Fani Yazdi (Jun. 5, 2008), available at <http://www.bidaran.net/spip.php?article153> [hereinafter Yazdi Interview]. This interview has been translated into English and is available at <http://abfiran.org/english/document-335.php> (under the title *1988 Mass Execution of Political Prisoners in Mashhad, A Testimony*).

<sup>123</sup> See PARVARESH, *supra* note 8, at 55.

<sup>124</sup> Atiabi Interview, *supra* note 89.

<sup>125</sup> Anonymous, *supra* note 93.

Another survivor, who uses the pseudonym Manouchehr, was in the prison's quarantine ward. The day after television sets and newspapers were removed, he heard people running on the roof and gunfire. Visits were stopped and the prisoners were divided into groups:

Sarami, the prison director of Khuzestan Province, who I believe was a native of Mobarakeh in Esfahan ... went through the wings in order to divide up prisoners. A group, including me, was separated and transferred to Dastgerd prison in Esfahan. Apparently, they kept those whom they intended to execute in Ahvaz and transferred the rest to Esfahan. During the process of selecting and dividing up prisoners, Sarami was asking the prisoners to say things such as "death to Rajavi" or "death to the Mojahedin," and "long live Khomeini." Instead, some Mojahed sympathizers said "long live Rajavi" and "death to Khomeini." In any event, when someone refused to shout out slogans as they wished, Sarami would say to his assistant: "Write his name down for release."<sup>126</sup>

Shahla Talebi, a prisoner at Evin prison in 1988, recalls similar changes. She and her husband had been arrested in 1983 for their alleged connections to unlawful leftist organizations:

Four or five days after the cease-fire, a group of prisoners came back from visitation session and said they saw a note on the hallway which read: All visits—internal and external—are banned until further notice. This news was very strange to us. This was the first time the prison had cut off visitation rights for everyone, including *tavvabs*. Prior to that, there had never been a period where they cut off visits for everyone (except during the first wave of arrests that occurred in the early years of the revolution). We were confused as to what was going on.<sup>127</sup>

Talebi also recalls that TV and radio were removed immediately after the Friday, August 5 sermon by the head of Iran's Judiciary, Ayatollah Mousavi Ardebili.<sup>128</sup> Ardebili made the government's intentions clear:

The judiciary is under very strong pressure from public opinion asking why we even put them [Mojahedin] on trial. Why some of them are jailed, and why all are not executed... The people say they should all be executed without exceptions.<sup>129</sup>

A survivor from Dezful's Unesco prison (in southwestern Iran) remembers that visits were stopped immediately after news of the NLA's incursion reached the prison.<sup>130</sup> A survivor from Hamedan recalls that around July 30, family visits were terminated, television sets were removed from the wards, and prisoners were forbidden newspapers and access to fresh air. The prisoners were held incommunicado for the following two months.<sup>131</sup> Prisoners in Tabriz noted that, at the time of the lockdown, many prisoners were sent to solitary.<sup>132</sup> Survivors from prisons throughout the country have similar memories, including prisons in Zanjan,<sup>133</sup> Mashhad<sup>134</sup> and Zahedan.<sup>135</sup>

Authorities denied families any word of the whereabouts of their loved ones. All judiciary branches were closed and nobody was available from the judicial system or the prisons to answer questions. In Tehran,

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<sup>126</sup> Interview by Monireh Baradaran with Manouchehr (July 22, 2008), available at <http://www.bidaran.net/spip.php?article163> [hereinafter Manouchehr Interview]; see also IHRDC Interview with Manouchehr, (June 20, 2009) (on file with IHRDC). Manouchehr had been transferred to Fajr prison from Masjed-e Soleiman one month prior to the start of the executions. He was sent directly to the prison's quarantine ward.

<sup>127</sup> Talebi Interview, *supra* note 98.

<sup>128</sup> *Id.*

<sup>129</sup> Amnesty Int'l, Urgent Action, Death Penalty, AI index: MDE 13/14/88, September 2, 1988.

<sup>130</sup> Gholam-Reza Baghai, *Zendan-i "Unesco" Dezful va An Tabistan-i Siyah [Dezful's Unesco Prison and the Black Summer]* (Sept. 1, 2003), available at <http://www.bidaran.net/spip.php?article150> (based on interviews with Mohammad-Reza Ashooq) [hereinafter G.R. Baghai].

<sup>131</sup> Aminian Interview, *supra* note 98.

<sup>132</sup> Anonymous, *supra* note 92.

<sup>133</sup> Gholami Interview, *supra* note 115 (recalling that the prison was locked down a couple of days before prisoners were summoned).

<sup>134</sup> Yazdi Interview, *supra* note 122 (recalling that the prison was locked down after the cease-fire and NLA incursion).

<sup>135</sup> See Anonymous, *supra* note 122 (recalling that the prison was locked down shortly after the cease-fire and the NLA incursion).

the public was forbidden from coming within 100 meters of the visitor centers at Evin and Gohar Dasht prisons.<sup>136</sup>

## 4.2 Interrogations, Executions and Torture

The Death Commissions began with the Mojahedin sympathizers. According to some sources, the Commissions simply asked, “What is your political affiliation?” If the prisoner answered “Mojahedin,” he was immediately sent away and his name was placed on an execution list. Most, if not all, were executed within a day or two of their interrogation.<sup>137</sup>

However, if the prisoner answered ‘*munafiq*’ (or ‘hypocrite’), the Commission proceeded to a second series of questions: Are you willing to publicly condemn the *munafiqin* on television? Are you willing to fight with the Islamic Republic against the *munafiqin*? Are you willing to put a noose around the neck of an active *munafiqin*? Are you willing to clear minefields for the Islamic Republic? In most cases, a single negative answer condemned the prisoner to execution.<sup>138</sup>

Some Death Commissions deceptively told prisoners that they were amnesty delegations charged with pardoning prisoners.<sup>139</sup> As the prisoners realized the real purpose of the interrogations, the Commissions began demanding that prisoners write recantation letters,<sup>140</sup> and that they condemn and expose the *munafiqin* on public television.<sup>141</sup> They also demanded that prisoners identify anti-regime elements inside the prisons.<sup>142</sup>

The Death Commissions began interrogating leftist prisoners in mid-to late August. The questions focused on the secular leftists’ willingness to practice Islam in the manner decreed by the government. Leftist sympathizers were asked whether they were Muslim, whether they prayed and whether they accepted the Islamic Republic. Many of the men who refused to pray were executed; others were whipped. The female leftists who refused to pray were whipped five times a day, corresponding with prayer times, until they agreed to pray. Many committed suicide.<sup>143</sup>

Apparently the Commissions distinguished between two types of *murtads* or apostates—*murtad-i fitri* (inmate apostate) and *murtad-i milli* (national apostate). Individuals are deemed *murtad-i fitri* if they were raised in a Muslim household (or if one of their parents was considered a Muslim) but made a conscious decision to renounce their faith after the age of maturity. *Murtad-i millis*, on the other hand, are individuals who were born to non-Muslim parents, accept Islam after the age of maturity, but renounce it later in life.<sup>144</sup> Prisoners who did not pray and who fell into the first category were executed.<sup>145</sup> Those in the second were whipped.<sup>146</sup>

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<sup>136</sup> Az An Ruzhayih Talkh [From Those Bitter Days...], 142 KAR 7 (1996).

<sup>137</sup> ABRAHAMIAN, *supra* note 1, at 210; 1990 AI Report, *supra* note 2, at 16.

<sup>138</sup> 1990 AI Report, *supra* note 2, at 15; MESDAGHI, *supra* note 80, at 129; ABRAHAMIAN, *supra* note 1, at 210-11; *see also* Atiabi Interview, *supra* note 89; MONTAZERI MEMOIRS, *supra* note 4, at 304-05.

<sup>139</sup> MESDAGHI, *supra* note 80, at 160, 314; Atiabi Interview, *supra* note 89; Interview by Monireh Baradaran with Mohammad-Reza Ashooq, available at <http://www.bidaran.net/spip.php?article185> [hereinafter Ashooq Interview]; ABRAHAMIAN, *supra* note 1, at 210.

<sup>140</sup> MESDAGHI, *supra* note 80, at 146.

<sup>141</sup> MONTAZERI’S MEMOIRS, *supra* note 4, at 302; 1990 AI Report, *supra* note 2, at 16; ABRAHAMIAN, *supra* note 1, at 210-11.

<sup>142</sup> MESDAGHI, *supra* note 80, at 158, 184; 1990 AI Report, *supra* note 2, at 16; ABRAHAMIAN, *supra* note 1, at 210-11.

<sup>143</sup> *See* ABRAHAMIAN, *supra* note 1, at 212-15.

<sup>144</sup> Ayatollah Montazeri, *Zindani Kardan-i Murtad-i Melli ta Angah Kih Tawbih Kunad* [Imprisoning A Murtad-i Melli Until He Repents], available at <http://www.amontazeri.com/farsi/mabani/html/1601.htm>; *see also* Email from the Office of Grand Ayatollah Sistani to Anonymous (June 6, 2006; 11:45:05 am) (on file with IHRDC).

<sup>145</sup> The punishment for *murtad-i fitri* is instant death. *See* Ayatollah Montazeri, *Zindani Kardan-i Murtad-i Melli ta Angah Kih Tawbih Kunad* [Imprisoning A Murtad-i Melli Until He Repents], available at <http://www.amontazeri.com/farsi/mabani/html/1601.htm>.

<sup>146</sup> Males who are considered *murtad-i milli* are to be given three opportunities in three days to renounce their apostasy and become Muslim. If they still refuse to renounce their apostasy, they are to be executed on the fourth day. *See* AYATOLLAH

The chaos allowed some prisoners to manipulate the situation in their favor. For instance, some prisoners, though blindfolded, changed lines and moved from one group to another in the hall to avoid interrogation.<sup>147</sup> In a few cases, guards spared prisoners who were condemned to execution by mistakenly sending them to the wrong line.<sup>148</sup> Other prisoners were not so fortunate. Guards sent prisoners they disliked to the execution line in place of prisoners sentenced to death. Just as guards spared some by mistakenly sending them to the wrong line, they mistakenly sent others to be executed.<sup>149</sup>

### 4.3 Tehran: Gohar Dasht and Evin Prisons

In Tehran, executions were carried out in Gohar Dasht and Evin prisons, both of which were overcrowded.<sup>150</sup> During the summer and autumn of 1988, the Death Commission created by Khomeini's *fatwa* shuttled back and forth between the two prisons.<sup>151</sup> The members of the Commission included the two men who had been named in Khomeini's *fatwa* (Hossein-Ali Nayyeri, as the presiding religious judge of the Commission, and Morteza Eshraghi, Prosecutor of Tehran), plus Mostafa Pour-Mohammadi, the deputy Minister of Intelligence.<sup>152</sup> However, prisoners report that others participated in the interrogations.<sup>153</sup> They included Ebrahim Raissi, (deputy Prosecutor of Tehran),<sup>154</sup> Davood Lashkari (head of security at Gohar Dasht),<sup>155</sup> Mohammad Moghissei (Naserian) (Governor of Gohar Dasht),<sup>156</sup> Esmail Shushtari (head of Iran's State Prisons Organization in 1988), Ali Mobasher (religious judge at Evin), Seyyed Hossein Mortazavi (Governor of Evin), Seyyed Hossein Hosseinzadeh (deputy warden at Evin),<sup>157</sup> and Mojtaba Halvai Asgar (head of security at Evin).<sup>158</sup>

#### 4.3.1 Gohar Dasht

Gohar Dasht, on the outskirts of Karaj, approximately 20 kilometers west of Tehran, housed non-political and political prisoners. Originally a fort built by the Shah in 1978, Gohar Dasht was transformed by the Islamic Republic into a three-floor prison with hundreds of solitary cells and large wards intended to house 8,000 inmates.<sup>159</sup> When put into operation in October 1982, it was reputed to be the largest penitentiary in the Middle East.<sup>160</sup> Gohar Dasht had a sinister reputation because it was officially

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RUHOLLAH KHOMEINI, TAHRIR AL-WASILIH, 494-95 (Vol. 2). It is not clear whether the *fitri-milli* dichotomy applies to women prisoners. *See id.*; *see also* Ayatollah Montazeri, *Zindani Kardan-i Murtad-i Melli ta Angah Kih Tawbih Kunad [Imprisoning A Murtad-i Melli Until He Repents]*, available at <http://www.amontazeri.com/farsi/mabani/html/1601.htm>. Abrahamian suggests that secular leftist women were not executed because "women were not fully responsible for their actions, and disobedient women—including apostates—could be given discretionary punishments to mend their ways and obey their male superiors."

ABRAHAMIAN, *supra* note 1, at 214-15.

<sup>147</sup> *See* MESDAGHI, *supra* note 80, at 165, 176.

<sup>148</sup> ABRAHAMIAN, *supra* note 1, at 214.

<sup>149</sup> 1990 AI Report, *supra* note 2, at 17.

<sup>150</sup> ABRAHAMIAN, *supra* note 1, at 217 (acknowledging overcrowding but noting that in 1988 prisons were not as crowded as they were in 1981).

<sup>151</sup> ABRAHAMIAN, *supra* note 1, at 210.

<sup>152</sup> *See* MONTAZERI'S MEMOIRS, *supra* note 4, at 302, 305; *see also* Hassan Pooya, *Projihyyih Kushtar-i Tabistan-i 67 [The Plan for the 1988 Massacre]*, 12 KHAVARAN 11 (2003), available at <http://www.khavar.com/Adobe/Tabestan67.pdf>.

<sup>153</sup> The makeup of the Death Commission was not static. *Id.* Reportedly as many as sixteen men participated in the Tehran Commission, including representatives of Ayatollah Khomeini, the President, the Chief Prosecutor, revolutionary tribunals, the ministries of Justice and Intelligence, and prison officials. ABRAHAMIAN, *supra* note 1, at 210.

<sup>154</sup> MONTAZERI'S MEMOIRS, *supra* note 4, at 305; MESDAGHI, *supra* note 80, at 266; Aminian Interview, *supra* note 98 (describing how on July 30, the night of Imam Reza's birthday, "the religious judge Salimi, the Prosecutor Raissi, the head of the prison Maleki, and the [head of Mashhad's] Minister of Intelligence Musavi came to [his] ward along with a few guards and asked each inmate to comment on his political party and to express his grievances).

<sup>155</sup> MESDAGHI, *supra* note 80, at 266.

<sup>156</sup> Aslani Interview, *supra* note 86; MESDAGHI, *supra* note 80, at 266.

<sup>157</sup> MESDAGHI, *supra* note 80, at 266.

<sup>158</sup> *Id.*; Baghai Interview, *supra* note 35.

<sup>159</sup> ABRAHAMIAN, *supra* note 1, at 105, 135.

<sup>160</sup> *Id.*; MESDAGHI, *supra* note 48, Appendix: Gohar Dasht Prison.

designated a reformatory.<sup>161</sup> In 1988, the governor of Gohar Dasht was Mohammad Moghissei (known to the prisoners as Naserian), and the head of security was Davood Lashkari.<sup>162</sup>

### **The Mojahedin**

The Commission reportedly began interrogating and executing Mojahedin prisoners in Gohar Dasht within days of the cease-fire announcement and NLA invasion on July 25. Amir Atiabi, a Tudeh Party member housed in Ward 20, recalls hearing “strange noises that sounded like the dropping of cooking gas containers” on the Saturday night after hearing of the NLA invasion. He saw large container trucks pull into the loading dock of the Husseiniyih Hall but he could not see what was being loaded. The noise was repeated several times. Beginning that Saturday, he began marking a calendar every time he heard the sound.<sup>163</sup>

**Davood Lashkari was the infamous head of security at Gohar Dasht prisoner in 1988. According to eyewitness accounts, he participated on the Tehran Death Commission and played an important advisory role during the summary retrials of political prisoners.**

He remembers that, on August 3, he discovered that the strange sounds were bodies being dropped into a container truck. By that point, he was counting between 50 and 55 sounds each night.

One night we went to the end of the corridor to the shower room and toilettes and climbed up to see through the window what the hell this truck is doing in the middle of the night. We had never seen such a thing. Then we realized they were loading dead bodies onto the trucks. We actually saw the bodies. The guards were going to the top of the truck and started to move the bodies to make more room. We realized [then] what was happening and what the noises were. In the container truck, when they dropped something inside it was like a big drum, and the noise echoed in the area. The sound was the bodies being dropped into the truck. After a while the noises would stop because when you put bodies on top of other bodies you won't hear the noise anymore.<sup>164</sup>

Atiabi and his ward mates also listened to the Death Commission, which initially met in a room that was on the floor above theirs and perpendicular to their ward.<sup>165</sup> They heard the Commission discussing the *fatwa* and how to implement it. The Commissioners discussed what to do if the prisoners lied about their real beliefs. For a few days, Atiabi and his cellmates listened to the Death Commission, before it moved to another location.<sup>166</sup> He heard an interrogation:

A person came in and they asked, “What is your conviction/beliefs?” They said he was still holding to his convictions and values. The prisoner responded that he was not and that he was not doing anything. Then the Committee asked him if he would go to the front lines and fight against Iraq. He said, “Yes.” Then they asked him, “If you are repentant, can you give some names to us [of those who are not repentant but only pretending]?” He said, “I don't know anybody.” Then they asked him, “Are you ready to execute a person who is not repentant?” He said, “No.” Then they took him and sent him out. I personally listened to all of this from the window. They wanted him to prove that he was not a Mojahedin.<sup>167</sup>

<sup>161</sup> ABRAHAMIAN, *supra* note 1, at 168.

<sup>162</sup> MESDAGHI, *supra* note 48, at 248-49.

<sup>163</sup> Atiabi Interview, *supra* note 89.

<sup>164</sup> *Id.* Ward 20 came out from the main building to form an “L.” The toilets and showers were on one end of the “L” and the amphitheater was on the other end. Thus, from the toilet, Atiabi could see across the yard to the amphitheatre where the trucks were loading.

<sup>165</sup> *Id.* They listened from the first cell from the main building. Therefore, he and his ward mates could hear the Death Commission meeting on the second floor of the main building; see MESDAGHI, *supra* note 80, at 276 (reporting that some prisoners were interrogated in the administrative unit of the prison located between the health clinic and the visitation compound).

<sup>166</sup> Prisoners were later interrogated in a room located near Husseiniyih Hall, the amphitheatre that was used for executions. Aslani Interview, *supra* note 86.

<sup>167</sup> Atiabi Interview, *supra* note 89.

**Mohammad Moghissei (Naserian) was the governor of Gohar Dasht prison and is now a senior official in the Judiciary. As governor of Gohar Dasht, Moghissei participated on the Tehran Death Commission and played a critical role in deciding which prisoners were to be executed.**

They also overheard discussions on the technicalities of hanging prisoners. One of the Commissioners explained his experience of using a crane to hang several prisoners. They later learned from prisoners who returned to write their wills and put their belongings in plastic bags, that prisoners were called six at a time to come forward to be hung. Atiabi recalls that after overhearing the Death Commission, they knew that Mojahedin supporters were being executed.<sup>168</sup>

Atiabi also learned that Mojahedin prisoners were being executed from prisoners in the solitary cells above and perpendicular to Ward 20, who communicated through Morse Code tapped with their fingers on steel blinds.<sup>169</sup>

Nima Parvareh, another survivor at Gohar Dasht, writes how he learned of the executions shortly after learning about the NLA invasion from a guard:

[W]ards 7 and 8 informed us, through the *mellikesh* ward, of big trailers equipped with refrigerators loading many corpses from the amphitheatre area (that was connected to these wards) and carrying them out of Gohar Dasht, during the evening and daylight hours. Some thought the corpses were those of recent Mojahedin casualties at the border. Later, we were informed by these same wards that prisoners in wards 7 and 8 were very troubled by the odor of decomposing corpses and had mentioned it to the ward guards. That night, they saw guards spraying the corpses that were going to be loaded on the trailers.<sup>170</sup>

A few days later, Parvareh heard about the Death Commission from a Mojahedin prisoner who had been moved to a room next to his cell. The prisoner told him that the Commission was headed by Eshraghi and Nayyeri and that groups of Mojahedin prisoners were being “put on trial again”:

[T]hose who still introduced themselves as Mojahedin members or refused to be interviewed in public and condemn the Mojahedin’s attack on the borders were hanged in the prison amphitheatre. Many prisoners were hanged this way every day.<sup>171</sup>

Some leftist prisoners dismissed the messages as rumors.<sup>172</sup> Others believed that while the Mojahedin prisoners might be targets, they were not in danger. As explained by Aslani, “[w]e weren’t the head or the tail of the onion. We were no danger to the regime.”<sup>173</sup> Some leftist prisoners didn’t suspect anything even after they noticed the arrival of large trucks and use of disinfectant.<sup>174</sup>

## The Leftists

Atiabi remembers a quiet period from August 18 to 26 which corresponded with a ceremonial mourning period marking the beginning of Muhharam, a month of religious significance for the Iranian Shi’a clerical establishment.<sup>175</sup> Apparently, the Death Commission suspended the executions in mid-August

<sup>168</sup> *Id.*; see ABRAHAMIAN, *supra* note 1, at 211 (reporting that prisoners were hung six at a time).

<sup>169</sup> Atiabi Interview, *supra* note 89.

<sup>170</sup> PARVARESH, *supra* note 8, at 56-57. Prisoners also saw the warden, Davood Lashkari, taking rope to the prison amphitheater. MESDAGHI, *supra* note 80, at 132.

<sup>171</sup> PARVARESH, *supra* note 8, at 57.

<sup>172</sup> IHRDC Interview with M.M. (May 27, 2009) (on file with IHRDC) [hereinafter M.M. Interview]; PARVARESH, *supra* note 8, at 57.

<sup>173</sup> Aslani Interview, *supra* note 89.

<sup>174</sup> *Id.*; see PARVARESH, *supra* note 8, at 57.

<sup>175</sup> About 1,400 years ago, during month of *Muhharam*, Muhammad’s grandson (Imam Hussein) was killed in battle. Since then, Shi’as commemorate his death every year, particularly during the first 13 days of the month.

1988 to observe Muhharam.<sup>176</sup> Atiabi remembers that he and his cellmates felt relieved and hopeful that the wave of executions had bypassed the leftists.<sup>177</sup>

However, on August 27, the Death Commission began interrogating leftist prisoners in Gohar Dasht.<sup>178</sup> Mehdi Aslani, who had been in prison since 1983 for his membership in the Fedaiyan, recalls that on that day, prisoners in the ward above his signaled that an unusual event was taking place. The same day, while Parvareh was making contact with a comrade in the *mellikesh* ward, a guard opened the door and summoned some prisoners. He later learned that, on that day, prisoners were summoned from Wards 7 and 8, which were leftist wards. He believes that the regime began executing leftists that day.<sup>179</sup>

**Morteza Eshraghi was Tehran's Prosecutor and was identified as a member of the Death Commission in Khomeini's fatwa. He served alongside Nayyeri and Pour-Mohammadi on Tehran's Death Commission. Currently, he serves as a Justice on the Supreme Court of Iran.**

This second phase of interrogations resembled “an inquisition in the full sense of the term—an investigation into religious beliefs rather than into political and organizational affiliations.”<sup>180</sup> The questions focused on religious practice in an attempt to gauge a prisoner's piety: “Are you a Muslim?”; “Do you believe in God?”; “Do you fast during Ramadan?” As with the Mojahedin, an incorrect answer often meant death.<sup>181</sup>

Atiabi recalls that in the early morning of August 27, Davood Lashkari and guards stormed into his ward, and ordered the prisoners to drop what they were doing, and line up in the corridor. Atiabi remembers that he and others whom the authorities believed were respected leaders or main resistance figures in the prison were the first to be taken to see the Death Commission. Some prisoners appeared in their underwear and without sandals. It seemed to Atiabi that the authorities were in a hurry. The guards beat and insulted the prisoners, and lined them up in the corridor in front of the room where the Death Commission was sitting. The prison officials placed their most hated prisoners in the front of the line. Atiabi entered the room at about noon. The room was large. Because he is tall, he could see over the black curtain behind the Commission and saw men working feverishly on files. He believes that they were intelligence officials and interrogators deciding who should be executed.<sup>182</sup>

He recognized Nayyeri, who had sentenced him to ten years imprisonment, and Eshraghi, who had been his prosecutor in 1985. There was also a cleric who he did not recognize at the time but later learned was Pour-Mohammadi. The cleric informed Atiabi that, now that the war was over, the government wanted to see which prisoners they could release. He was first asked whether he still believed in the Tudeh Party to which he answered “yes.” He was then questioned about his religious beliefs.



**Ali Mobasher was a religious judge in Evin prison and frequently sat on Tehran's Death Commission in place of Nayyeri. He is now the President of Revolutionary Courts in Tehran.**

<sup>176</sup> In his memoirs, Ayatollah Montezari wrote: “On the 1<sup>st</sup> of *Muhharam* (August 13, 1988) I summoned Mr. Nayyeri, the religious judge of Evin, Mr. Eshraghi, the Prosecutor, Mr. Raissi, the deputy Prosecutor and Mr. Pour-Mohammadi, representative of the Ministry of Intelligence, and told them it was *Muhharam*, and that they should at least stop the execution. Mr. Nayyeri said, “So far we have executed 750 in Tehran. We have also separated 200 resolute prisoners from the others. Let's take care of them and then [we will do] whatever you say.” MONTAZERI'S MEMOIRS, *supra* note 4, at 305-306; *see also* Interview by Radio Zamaaneh with Ayatollah Montazeri (Feb. 10, 2009), available at [http://zamaaneh.com/movie/2009/02/post\\_148.html](http://zamaaneh.com/movie/2009/02/post_148.html).

<sup>177</sup> Atiabi Interview, *supra* note 89.

<sup>178</sup> Aslani Interview, *supra* note 86 (recalling that the ward above his signaled an unusual event); MESDAGHI, *supra* note 80, at 297.

<sup>179</sup> PARVARESH, *supra* note 8, at 57.

<sup>180</sup> ABRAHAMIAN, *supra* note 1, at 212.

<sup>181</sup> *Id.* at 210; *see* PARVARESH, *supra* note 8, at 59-61.

<sup>182</sup> Atiabi Interview, *supra* note 89.

He told the Commission that he was a Muslim but that he did not pray. When asked why, he explained that

I did not pray before I was imprisoned, and I think if I pray in prison then that means I am pretending and not really praying. I don't want to pretend that I am what I was not outside of prison. I don't want to pray because I am in prison. This type of praying [by force] has no value before God.<sup>183</sup>



**Hossein Ali (Jaafar) Nayyeri** was a religious judge and was specifically named as a member of the Death Commission in Khomeini's fatwa. In 1988, Nayyeri acted as the Chair of Tehran's Death Commission. He currently serves as the Deputy Chief Justice of the Supreme Court of the Islamic Republic of Iran.

Nayyeri retorted: "Take him out of the room and beat him until he prays." Outside, someone handed him a questionnaire with the same types of questions. He answered the questions the same way, signed it and was told to sit. Guards eventually took him and other prisoners to the third floor, where they were again asked whether they agreed to pray. Most answered in the affirmative. However, Atiabi and several others refused and so were tied to a bed and whipped—ten lashes for every prayer session. The guards competed in the whipping and frequently changed hands to make sure the strokes were strong.<sup>184</sup>

After the whipping, the guards took Atiabi and the other prisoner, Jalil Shahbazi, to a room where they were the only two leftists. The two decided it was better to be executed than be whipped to death. They asked Naserian, the Governor of Gohar Dasht, to take them to see the Death Commission again where they planned to announce that they were not Muslim. The next morning, Naserian lashed them ten times—Atiabi's feet were so swollen and numb that he could not walk. Naserian then took them to the Death Commission and introduced them as non-believers who protested praying. When he was asked why he protested praying, Atiabi told the Death Commission to look at his swollen feet and declared that "if this is your Islam, I am not a Muslim." Eshraghi advised him to pray but Atiabi refused. Nayyeri ordered him to be sent to the left.<sup>185</sup>

While in the execution line, Atiabi went to the toilet where he wrote his name on his shorts so that his family could identify his body if he was buried. Later that day, the guards took him back to meet with Eshraghi. Eshraghi tried to convince Atiabi to pray, but Atiabi refused and was again sent to the left side.<sup>186</sup> While waiting in the execution line, his former interrogator, Rahimi, interrogated him about his beliefs.<sup>187</sup>

By the time Atiabi's turn came, it was late and the Death Commission was leaving for the night. Nayyeri commanded that those who were waiting should be taken to their cell until the next day. That night, reasoning that there was no point in suffering lashes as he was to be executed the next day, Atiabi agreed to pray. His cellmate, Jalil Shahbazi, did not and committed suicide the next morning.<sup>188</sup>

Aslani recalls that on August 28, Davood Lashkari and guards blindfolded the prisoners in his ward and lined them up in front of two rooms. Prisoners entered the room one by one. Each room had an interrogator: Naserian, the Governor of Gohar Dasht, and Lashkari, the head of security at the prison.

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

<sup>186</sup> Atiabi believes that Eshraghi tried to save him because he is from a family that is *seyyed* (descendants to the prophet's son-in-law, Imam Ali). Atiabi Interview, *supra* note 89.

<sup>187</sup> *Id.* Atiabi believes that Rahimi was tasked with interrogating members of the Tudeh and Fedaian (Majority).

<sup>188</sup> *Id.* Atiabi was later moved to Evin (he believes it was in December) and released on February 1989.

Aslani was questioned by Naserian. He remembers that the room was completely ordinary, with a table and chair for Naserian. Naserian asked whether Aslani supported his political party, whether he was Muslim, and whether he prayed. Aslani answered that, although he had been a member of the Fedaiyan, he did not know what activities the party was engaged in at the time, and so could claim to support it. However, he admitted he was not a Muslim and that he did not pray.<sup>189</sup>

Aslani was beaten with cables and thrown into a small cell with other prisoners. Half an hour later, a guard summoned him and about nine other prisoners, and led them toward Husseiniyeh Hall. They stopped before a room near the Hall. The person at the head of the line was Jahanbakhsh Sarkhosh, a member of the Fedaiyan (Minority). Naserian escorted Sarkhosh into the room. After a few minutes, Naserian escorted him out, handed him to a guard, and instructed the guard to take Sarkhosh to the left. The second person was a



**Mostafa Pour-Mohammadi** was the Deputy Minister of Intelligence and sat on the Tehran Death Commission as a representative of the Ministry. Pour-Mohammadi has served on President Ahmadinejad's cabinet and is currently the National Security Advisor to the Supreme Leader.

Christian. He and the third person were taken back in the direction from which the prisoners had come. The fourth person was sent to the left. Aslani later learned that prisoners sent left were to be executed in Husseiniyeh Hall, and that prisoners sent to the right were taken back to their ward because they had submitted to prayer. The third group of prisoners was flogged until they agreed to pray.<sup>190</sup>

Naserian took Aslani out of order. In the room, Commissioners Nayyeri, Eshraghi and Pour-Mohammadi sat behind a large table. Naserian stood behind them. The Commissioners asked him again whether he was Muslim and whether he prayed, but his inquisition was cut short because the phone rang. He was taken to another cell where he discussed the interrogations with other prisoners. At that point, he decided he would tell the Commission that he was a Muslim but that he would not pray.<sup>191</sup>

Aslani was summoned before the Death Commission a second time a few days later on August 31.<sup>192</sup> Again, Nayyeri asked whether he was a Muslim. This time he claimed he was, but he refused to submit to prayer, arguing that his prayer would be an insult to pious believers. The Commission did not agree and Eshraghi interrupted the questioning. Naserian opined that a Muslim must pray and suggested that Aslani's mustache be shaved. Eshraghi agreed and Aslani was taken out of the room. A guard shaved off half his mustache. Naserian then demanded that Aslani sign a handwritten note. It read: "This person \_\_\_\_\_ will from now on pray." Aslani crossed out the word "pray," filled in his name, and signed the note. In response, Naserian beat and insulted him.<sup>193</sup>

Aslani was taken to another cell with four or five other prisoners, where he remained for about twenty hours. They were then taken to Ward 8, which housed about 200 prisoners who had survived the Death Commission.<sup>194</sup> Although the prisoners in Ward 8 were pressured to pray, Aslani remembers that the pressure lessened after about a week.<sup>195</sup>

Parvaresh recalls learning about the execution of the leftist prisoners:

<sup>189</sup> Aslani Interview, *supra* note 86.

<sup>190</sup> *Id.*

<sup>191</sup> *Id.*

<sup>192</sup> Mehdi Aslani, Address for the 20<sup>th</sup> Anniversary of the 1988 Massacre, in Koln, F.R.G. (Aug. 20, 2008).

<sup>193</sup> Aslani Interview, *supra* note 86.

<sup>194</sup> Aslani believes that Eshraghi saved his life and saved him from regular floggings. Aslani Interview, *supra* note 86.

<sup>195</sup> Aslani served about another year. He was released after attending a seminar where ex-Tudeh leaders spoke and participated in a public amnesty ceremony. *Id.*

[T]he fact that many of the prisoners never returned to the ward was a serious warning for us. Throughout that day and night we were communicating in morse with the other wards, but no one knew their fates. The following day, we contacted the *mellikesh* ward and they informed us that all the prisoners from Wards 7 and 8 had been blindfolded, taken to the hallway, and lined up. Then Davood Lashkari and a number of guards questioned them about their convictions, sentence terms, whether they were Muslim or not, whether they performed the daily prayers or not, etc. After these questions, many prisoners from Ward 7 were taken to a court where Ayatollah Eshraghi was the judge. Out of the eighty-five to ninety prisoners who had been in the ward, only thirty survived. The rest were hanged that day.

Once the court's working hours were over, the prisoners from Ward 8 were all transferred to a ward with individual cells and were kept in solitary confinement. They managed to contact one of the survivors from the first day who informed them that all the prisoners who were called out of the ward that day had been re-tried and executed. This information regarding the fate of the prisoners who were executed on the first day helped many of them to stay alive.<sup>196</sup>

Parvaresh remembers that the Death Committee temporarily suspended its work on August 29 and 30.<sup>197</sup> On August 31, his ward was blindfolded and lined up in a hallway. One by one, they were taken into a room in which Lashkari was seated with several guards. He remembers that "[t]hose who said that they were not Muslim and would not pray sat on the left side of the hallway, and those who said they were Muslim sat on the right side of the hallway."<sup>198</sup>

When it was Parvaresh's turn, Lashkari slapped him hard on the face. Parvaresh told him that he was not a Muslim, that he did not pray and that he did not believe in heaven or hell. He was sent to the left side of the hallway.<sup>199</sup> He and the other prisoners in his line were taken to the first floor to await their turn before the Death Commission. Some prisoners who were waiting to be executed sat in the left corner of the courtroom. Parvaresh remembers that Eshraghi was seated at a table. At another table, guards were working with prisoner files. Eshraghi asked the same questions:

He first asked me to identify myself, then asked about my charge. Then he asked if I were Muslim. I answered, "If you intend to execute me, then I am a Muslim. If you don't intend to execute me I will give a different answer." Eshraghi asked if I had ever performed the Islamic prayer. I said, "Yes, when I was a child." He asked if I had ever been to a mosque. I said, "Yes, I have been." He asked if I ever prayed in prison. I answered, "No, I never prayed in prison." At this time Naserian angrily interjected and asked, "So are you Muslim or not?" I replied, "If you want to make us Muslims by execution, then I am Muslim. Otherwise not." Naserian said, "Then you have to shave your moustache." He brought an electric razor and said, "If you don't, I'm going to shave it." I answered: "Are you prosecuting me for having a thick moustache?" I was thrown out of the courtroom, while Naserian beat and slapped me. He put the blindfold on my eyes again. As he took me to the right side of the hallway he said, "We should execute all of you. You are all evil."<sup>200</sup>

Parvaresh was repeatedly whipped for not praying. He was whipped at the prescribed prayer hours but also randomly: "Because of the intensity of the pain I could hardly breathe. I was screaming with my whole strength. Other prisoners were in the same situation."<sup>201</sup>

Parvaresh and the others eventually agreed to pray and were sent to Ward 8 where they met other survivors (including Aslani). But the threat of execution did not subside. Parvaresh recalls how, even

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<sup>196</sup> PARVARESH, *supra* note 8, at 58

<sup>197</sup> Parvaresh explains how the Islamic Republic honored these days to commemorate the 1981 assassination of President Mohammad Ali Rajai and Prime Minister Mohammad Javad Bahonar. PARVARESH, *supra* note 8, at 58.

<sup>198</sup> *Id.* at 59.

<sup>199</sup> *Id.* at 59-60.

<sup>200</sup> PARVARESH, *supra* note 8, at 61.

<sup>201</sup> *Id.* at 63.

then, he and prisoners in Ward 8 were often ushered into the hallway. There, Lashkari and Naserian selected prisoners, blindfolded them, and sent them to solitary confinement: “This situation continued until October 1988. By early November, some of these prisoners were brought back to the ward from solitary confinement. When that occurred, we gradually felt that we may survive.”<sup>202</sup>

Atiabi remembers that the survivors were allowed visits with their families on October 11 and 31. Very few Mojahedin remained. He learned that out of fifty-two people in his ward, twenty-six had been executed. He remembers that some people were executed because the authorities believed they would be leaders on the outside. For example, one man, Keyvan Mahshid, who always prayed and practiced Islam was executed, while laborers who denied being Muslim were not executed because they were not leaders.<sup>203</sup> Parvaresh estimates that about 250 to 300 leftists survived out of 500 in five wards.<sup>204</sup>



The few female political prisoners in Gohar Dasht at the time were also interrogated, whipped and executed. M.M., a high-ranking member of the Tudeh Party arrested in 1983, learned of the cease-fire from television and newspapers. She learned about the NLA incursion from prison visits. Families and prisoners were hopeful. At the time, there were twenty-five or twenty-six women in her ward. All except one Mojahedin supporter were repentants; about seven women were leftists and the remaining were former Mojahedin supporters. In late July, the one non-repentant Mojahedin, named Roya, was told to put on her blindfold and chador. She was taken away and never heard from again. In early August, they learned that Mojahedin were being executed. Even then, M.M. did not believe that everyone would be executed.<sup>205</sup>

On August 15 or 16, officials separated the women in her ward into solitary cells:

Based on the noises that I could hear while in solitary confinement, I began to realize that the situation was severe. There was a lot of noise and ruckus coming from outside ... [I] later realized that this was their way of forcing us to reflect on our activities. They would separate us from the others and instill fear before we went to court. They did not want us to stay in the wards because the moods were high there.<sup>206</sup>

M.M. was taken before the Death Commission on August 26. Officials blindfolded her and the other women on the way. They removed the blindfolds once she was inside a room in which Nayyeri, Eshraghi, Naserian, and Naserian’s assistant (Lashkari) sat at a desk surrounded by several guards. Prisoners’ case files were on the desk.<sup>207</sup>

Nayyeri ask her about her charge. He then asked whether she was firm in her position, whether she prayed and whether her mother and father prayed. M.M. answered honestly: She was firm, she did not pray, and her father did not pray. Eshraghi tried to intervene, assuring Nayyeri that M.M.’s father, in fact, did not pray. The reason for Eshraghi’s interference eluded her: “I did not understand the consequences these

<sup>202</sup> *Id.* at 63-64. Nima Parvaresh was released late March or early April in 1989 from Evin prison after pledging that he would not participate in any political activities against the Islamic Republic of Iran. *Id.* at 70.

<sup>203</sup> Atiabi Interview, *supra* note 89.

<sup>204</sup> Parvaresh recalls the names of 44 prisoners who were executed in Evin and Gohar Dasht. PARVARESH, *supra* note 8, at 64-66 (2007).

<sup>205</sup> M.M. Interview, *supra* note 172.

<sup>206</sup> *Id.*

<sup>207</sup> *Id.*

answers would have for me. I did not realize that the response ‘my father did not pray’ would help reduce my sentence.’<sup>208</sup>

Nayeri ordered that she be whipped five times a day (at prayer) and receive 15 lashes each session. All meals were to consist of one date, and she was to wear a rough cloth.<sup>209</sup> He told her, “You will be beaten until you die or turn to Islam.” Naserian kicked her from behind and took her out. She remembers sitting in the hallway for twenty minutes as people busily came and went and that she was one of only five women.<sup>210</sup>

The day they brought us out of court, they were killing many prisoners only a few meters away. When we came out, we sat down. It was very busy. There was a lot of screaming and yelling. Everyone was tense. The [guards] dragged their foot on the floor and stamped them on the ground. I admit that it was there that I finally realized what was happening, but I was still in shock.<sup>211</sup>

The women were taken to the basement where they were thrown into solitary cells. Naserian and two other muscular men later brought them to a room where they were each tied to a special bed and beaten. The women were forced to watch the others being beaten. M.M. believes that they were brought to the basement so that nobody would hear their screams.

They threw blankets over our heads, so if we screamed no one could hear. They also put a dirty piece of cloth in our mouths. This was more troubling than the actual beating for me ... I had been lashed many times before, but this time was different. They struck with intent to kill. They lashed me for five days, five times a day, eight lashes. They beat us with wire hoses that were filled. They were much heavier than the regular cables with which I had been beaten before. One prisoner’s leg was broken ... After the first beating was done and I was untied from the bed, I could not walk. I was crawling on all fours. I remember that Naserian told me: “You wretch! I finally got to see you crawling too!”<sup>212</sup>

After five days of whippings, M.M. told officials that she could not take more beatings. She recalls the physical and emotional devastation:

I felt I was broken from within. The day I had to admit that I couldn’t take it anymore was very painful. I did not want to die defeated ... If it continued, I would have certainly died. My urine was bloody and I was not in good physical condition. Naserian, who had it in for me, said, “You are so stupid. If you had given in on the first day you wouldn’t have to crawl on all fours in front of me! ... I can’t forget that moment. I was wearing a chador. I was blindfolded and gagged. I was teary-eyed and bloody. Fluids were running from my mouth and nose ... and in the middle of all this they were laughing at my ... condition.”<sup>213</sup>

M.M. told the guards that she was menstruating and that therefore, she could not pray.<sup>214</sup> She was continually harassed for a week until she accepted prayer. About a week later, M.M. and the other women prisoners were transferred back to Gohar Dasht’s administrative buildings. Officials continued to interrogate them, once on videotape. Without informing her family, M.M. was released on May 2, 1989.<sup>215</sup>

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<sup>208</sup> *Id.*

<sup>209</sup> M.M. notes that this punishment had a religious basis. *Id.*

<sup>210</sup> M.M. describes how Gohar Dasht had become a “men’s prison” and that “Gohar Dasht had been emptied of women.” *Id.*

<sup>211</sup> *Id.*

<sup>212</sup> *Id.*

<sup>213</sup> *Id.*

<sup>214</sup> Women who are menstruating are considered ritually unclean and may therefore not participate in prayer. See Ruhollah Khomeini, *Tuzih-ul Masa’il [Explaining Questions], Section I, Ahkam-i Ha’iz [Laws Applicable to Those Who Are Menstruating], available at <http://www.aviny.com/Ahkam/ResalehImam/resale04.aspx#f2>*. (“a few things are forbidden to the ha’iz [women on a period]: Worships that require ablution such as daily prayer...”).

<sup>215</sup> M.M. Interview, *supra* note 172.

### 4.3.2 Evin

Evin, one of the Middle East's most notorious prisons, is located at the foot of the Alborz mountains in Tehran. The prison officially began operations in 1961 as a detention center for people awaiting trial. However, under the Islamic Republic, political prisoners served their entire sentences in the prison.<sup>216</sup> Many of Evin's wardens had themselves been political prisoners. Prominent among them was Seyyed Asadollah Lajevardi, a former merchant who had served time in Evin for attempting to blow up the offices of El Al.<sup>217</sup> In 1979, he was appointed the Chief Prosecutor of Tehran, and in June 1981, was awarded the post of warden of Evin. He preferred to be addressed as "Hajj Aqa," and boasted that he was so proud of Evin that he had brought his family to live there. Lajevardi was notorious as the "Butcher of Evin."<sup>218</sup> In 1984, Lajevardi was removed from his post as warden of Evin.<sup>219</sup>

#### **The Mojahedin**

There are few accounts of the interrogation and execution of Mojahedin prisoners in Evin because so few survived. One former prisoner, imprisoned in Evin from 1986 to 1991, reported that nearly 90% of those killed at Evin were executed during the first ten days of the massacre.<sup>220</sup> Another reported that of the fifty Mojaheds in her ward, not a single one returned after being summoned by the guards.<sup>221</sup> Another, who was transferred to Evin in the autumn of 1988 after having survived the executions at Gohar Dasht, recalls that

[t]he prison population in Evin was so badly decimated in the massacre that by now we, the Gohar Dasht survivors, outnumbered the inmates in what had always been by far the country's largest and most populated prison.<sup>222</sup>

The Death Commission reportedly first summoned and interrogated Mojahedin supporters on Wednesday, July 27.<sup>223</sup> The executions began several days later.<sup>224</sup> Kamal Afkhami Ardekani, a former Evin official, reported to the United Nations human rights rapporteur that people, including children, were hanged every half-hour from 7:30 a.m. to 5:00 p.m. through most of July and August. The prisoners were loaded onto three forklift trucks and lifted onto six cranes from which they were hung.<sup>225</sup> According to Ardekani:

They would line up prisoners in a 14-by-five-meter hall in the central office building and then ask them one question, "What is your political affiliation?" Those who said the Mujahedin would be hanged from cranes in position in the car park behind the building.<sup>226</sup>

<sup>216</sup> MESDAGHI, *supra* note 48, Appendix: Evin Prison (2004).

<sup>217</sup> CHAHLA CHAFIQ, LE NOUVEL HOMME ISLAMISTE: LA PRISON POLITIQUE EN IRAN [A STRATEGY FOR MAKING AN ISLAMIC MAN] (Abigail F., trans.) (2002), available at [http://www.abfiran.org/english/document-481.php#\\_edn49](http://www.abfiran.org/english/document-481.php#_edn49); see also ABRAHIMIAN, *supra* note 1, at 136.

<sup>218</sup> ABRAHIMIAN, *supra* note 1, at 136.

<sup>219</sup> Iraj Mesdaghi, *Hey'at-i Kushtar-i Zindaniyani-i Siyasi dar Revayat-i Guruhha va Fa'alan-i Siyasi [The Political Prisoners' Death Commission According to Others and Political Activists]*, <http://irajmesdaghi.com/page1.php?l=186> (last visited Aug. 20, 2009).

<sup>220</sup> Hossein Mokhtar, Testimonial at the Conference of the Mission for Establishment of Human Rights in Iran (Sept. 1, 2002), available at [http://mehr.org/Mokhtar\\_Testimony.htm](http://mehr.org/Mokhtar_Testimony.htm) [hereinafter Mokhtar Testimonial].

<sup>221</sup> ABRAHIMIAN, *supra* note 1, at 211 (citing testimony of Raha, or Monireh Baradaran).

<sup>222</sup> CRIME AGAINST HUMANITY, *supra* note 6, at 86.

<sup>223</sup> MESDAGHI, *supra* note 80, at 294.

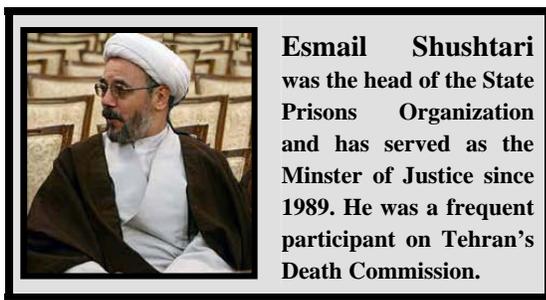
<sup>224</sup> See *id.* at 123; see also Mokhtar Testimonial, *supra* note 220 (stating that the executions began on July 29 or July 30, 1988).

<sup>225</sup> Christina Lamb, *Khomeini fatwa 'led to killing of 30,000 in Iran'*, DAILY TELEGRAPH, Feb. 4, 2001, available at <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/1321090/Khomeini-fatwa-led-to-killing-of-30000-in-Iran.html>; see Roya Johnson, *The 1988 Iran massacre: crimes against humanity*, AMERICAN THINKER, Sept. 22, 2004, available at [http://www.americanthinker.com/2004/09/the\\_1988\\_iran\\_massacre\\_crimes.html](http://www.americanthinker.com/2004/09/the_1988_iran_massacre_crimes.html). Johnson, who was arrested and imprisoned at the age of 14, recalls: "a close friend of mine, Sussan Khoshbee, was among the victims. She was in her teens at the time of her arrest on the charge of handing out MEK leaflets. She was executed along with her sister, Sahar."

<sup>226</sup> Lamb, *supra* note 225.

Saeed Amirkhizi, a prisoner in Evin who was permitted to work outside his ward and therefore was exposed to information not available to other prisoners, wrote that the executions took place in Evin's Section 209.<sup>227</sup> A guard told him that they had erected a "multi-galley beam in the visitors' hall."<sup>228</sup> He reported that

[t]he intensity of the executions was so much that it affected the guards themselves. Even the cruel torturers, who had been tormenting and executing prisoners for years, were astonished by this level of cruelty and barbarity. Hajj Amjad, a guard ... famous for his short temper and brutality, became unbelievably quiet and introverted after the carnage ... Another torturer named Mohammad Allahbakhshi was in a similar situation.<sup>229</sup>



There is evidence that Mojahedin women were also interrogated and executed a few days after the cease-fire announcement. Monireh Badaran, a leftist survivor, remembers that some women were taken away at night and that more were taken a few days later. One woman returned, spoke to her terrified friends, and was taken away permanently within a few minutes. All the Mojahedin women were summoned a few days later.<sup>230</sup>

Shahla Talebi, a leftist woman in Evin at the time, has similar memories but puts the afternoon of August 6 as the date the Mojahedin women began to be summoned. The women were told to say their goodbyes to their ward mates and were removed by early evening. Talebi recalls the authorities' ensuing manipulation of those left behind:

[The authorities] let one of [the Mojahedin prisoners] return after some time. This was a method used by the regime to send an indirect message and create fear amongst us. The person would be taken away again, once [she] had broken the news. [The guards] pretended it was a mistake, but they would give the person ample time to talk to us and tell us what had happened.<sup>231</sup>

The leftist prisoners were told that the Mojahedin women had been given transfer papers for Gohar Dasht. But that night's events led Talebi and others to believe something else was happening.

[T]avvabs gathered around a prisoner and chanted slogans. At 9:30 that night, we heard the *Pasdars* and then the gunshots. It was long since we had heard gunshots inside the prison because they did not execute prisoners outdoors anymore.<sup>232</sup>

Still, disbelief clouded comprehension:

We thought they wanted to create terror among us. We knew that the regime was doing something dangerous and we knew that they would execute a few, but we could not connect the dots. We did

<sup>227</sup> CRIME AGAINST HUMANITY, *supra* note 6, at 91; *see* MESDAGHI, *supra* note 80, at 294.

<sup>228</sup> CRIMES AGAINST HUMANITY, *supra* note 6, at 91.

<sup>229</sup> *Id.*, at 92 (quoting testimony of Saeed Amirkhizi).

<sup>230</sup> Baradaran Interview, *supra* note 102; *see also generally* MONIREH BARADARAN (M. RAHA), HAGHIGHT SADEH: KHATIRATI AZ ZINDAN-I ZANAN DAR JUMHURIYH ISLAMIYH IRAN [SIMPLE TRUTH: MEMOIRS FROM WOMEN'S PRISONS IN THE ISLAMIC REPUBLIC 287 (1997). A portion of this book has been translated into English and is available at <http://www.iranrights.org/english/document-82.php>.

<sup>231</sup> *See* Talebi Interview, *supra* note 98.

<sup>232</sup> *Id.* Monireh Baradaran recounts a similar atmosphere of fear: "All the Mojahedin in our block were called. We said our goodbyes. They tried to keep calm and we stood there in the corridor, dazed, gazing at their departure. That night we heard shots from the Evin area and *Pasdars* [Revolutionary Guards] marching outside the prison block. Their voice was terrifying when they shouted 'death to the hypocrites, death to the non-believer.' We knew something was happening on this side of the prison walls, something very frightening." Baradaran Interview, *supra* note 102.

not relate the gunshots and the state of emergency to each other. We thought they were simply fear-mongering.<sup>233</sup>

Talebi recalls that the guards continued taking away Mojahedin sympathizers until none remained.<sup>234</sup> Similarly, another leftist prisoner, Mahiar, recalls that none of the Mojahedin women in her *mellikesh* ward returned.<sup>235</sup> As in Gohar Dasht, the first wave of executions ended sometime in mid-August 1988.<sup>236</sup> In late August, the interrogations, whippings and executions resumed and included leftists.<sup>237</sup>

In 1989, the U.N. Special Representative to Iran reported on allegations of executions by families of female Mojahedin prisoners. Families claimed to have “received from administrative officials a certificate of marriage of their imprisoned daughters. These certificates concerned female prisoners who had allegedly been raped before execution.”<sup>238</sup>

### **The Leftists**

Mahmoud Roghani, a high-ranking Tudeh member, recalls discussing the Death Commission with a non-political prisoner on August 19 or 20. The prisoner, who was in charge of cleaning the prison and was not blindfolded, told Roghani:

“Sirs, I should inform you of something so that you act more cautiously. A commission has been set up by Imam Khomeini which has the discretionary power to order anything from execution to release. They will ask you three questions: Are you a Muslim or not? Do you accept the Islamic Republic or not? Do you believe in your party or not? Take care of yourselves and may God be with you.”<sup>239</sup>

The same day, Roghani and Esmail Zolqadr, a secret Tudeh officer who was later executed, were taken to the dentist. While returning to his cell, Roghani saw in the hallway a pile of bags engraved with prisoners’ names. Two days later, when Roghani’s cellmate, Kiomars Zarshenas, was told to pack his bag before being summoned for execution, Roghani realized that the bags he had seen probably belonged to executed prisoners. At that point, he no longer doubted what he had been told about the Death Commission. The next day, August 23, all but two of his cellmates were summoned and never returned.<sup>240</sup>

Dr. Faribourz Baghai, also a Tudeh Party leader, recalls that on August 27 a prisoner from a non-political ward who had good relations with the Pasdars warned him about the Death Commission.<sup>241</sup> He said that it arrived by helicopter and relayed the questions being asked: “Are you a Muslim?” “Do you pray?” “Do you accept the Islamic Republic?” The next day, August 28, one of his ward mates, a high-ranking Tudeh member, was taken away and never returned.<sup>242</sup>

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<sup>233</sup> Talebi Interview, *supra* note 98.

<sup>234</sup> *Id.*

<sup>235</sup> IHRDC Interview with Mahiar (June 12, 2009) (on file with IHRDC) [hereinafter Mahiar Interview].

<sup>236</sup> MESDAGHI, *supra* note 80, at 297; Pooya, *supra* note 152.

<sup>237</sup> MONTAZERI’S MEMOIRS, *supra* note 4, at 306; ABRAHAMIAN, *supra* note 1, at 212.

<sup>238</sup> U.N. Econ. & Soc. Council [ECOSOC], Commission on Human Rights, *Report by the Special Representative of the Commission on Human Rights, Report on the Human Rights Situation in the Islamic Republic of Iran*, ¶ 27, A/44/620 (Nov. 2, 1989) (prepared by Reynaldo Galindo Pohl), available at [www.un.org/Docs/journal/asp/ws.asp?m=A/44/620](http://www.un.org/Docs/journal/asp/ws.asp?m=A/44/620).

<sup>239</sup> IHRDC Interview with Mahmoud Roghani (June 9, 2009) (on file with IHRDC) [hereinafter Roghani Interview].

<sup>240</sup> *Id.*

<sup>241</sup> Faribourz Baghai was born in 1940 in Tehran and joined the Tudeh Party while a student in Germany. After the revolution, he returned to Iran with his son and German wife to teach medicine at Beheshti University and to work for the Tudeh Party. By this time, he had become a high ranking member of the Party with many responsibilities including communicating and coordinating with Tudeh members around the world. He was also an elected member of Tehran’s Central Committee. Baghai Interview, *supra* note 35.

<sup>242</sup> *Id.*

On August 30, Baghai was blindfolded and escorted to a room by Hajj Mojtaba Halvai, the head of security in Evin. He was seated on a chair and told to take his blindfold off:

I recognized Nayyeri, I also noted Eshraghi (though I did not know it was his name until later), and the administrator who had interrogated me, Hajj Nasser. He was the head of section 5 and had been in charge of interrogating all Tudeh [members] and other leftists.<sup>243</sup>

Baghai recalls that the room was a cell in Section 209. It contained a table and four chairs. Nayyeri sat in the middle, surrounded by the warden of Evin, Eshraghi and Nasser. Halvai stood behind. Nayyeri asked his name and whether he was Muslim. He responded that he was Shi'a. He was asked if he was part of the Tudeh Party, and whether he accepted this party. He answered "No." He was then asked whether he accepted Marxism. Again, his answer was "No." He was finally asked whether he prayed. Baghai had prayed regularly when he was first arrested, but had stopped after his transfer to Evin. He suspected that the Commission would know this and so he answered honestly, saying that he did not currently pray. When asked why, he noted that the room he was in was religiously unclean. When asked why that was the case, he pointed out that he lived with a Marxist and a Baha'i. He thought this would be a convincing argument.<sup>244</sup>

Eshraghi explained that he was under the wrong impression and that, regardless of whether one is living in sin, when one is called to prayer, he must pray. Baghai remained silent as the four members of the Commission whispered amongst themselves. After a short discussion, Eshraghi told him that he would be taken to a place where he could pray. Baghai thought this was a death sentence, but his life had, in fact, been spared. The whole inquisition took less than ten minutes.<sup>245</sup>

Halvai brought Baghai to a room where seven or eight other leaders of the Tudeh were waiting. Many had already been before the Death Commission three times, and did not understand why they were being shuttled back and forth and asked the same questions. Baghai believes that Tudeh prisoners went before the Death Commission three times before being executed because, under Islamic law, an individual must repudiate his faith three times (with some time in between each questioning) before he can be executed as an apostate.<sup>246</sup>

Baghai had not seen many of the men in seven years but he could not tell them that they were close to being executed. One of the men asked him about a spot on his skin and whether it was a tumor, not knowing how close he was to execution. After about 30 to 45 minutes, Baghai and Roghani were taken to a cell in Section 209. There, Baghai warned Roghani that they must pray if they wished to survive. After two days, Roghani was taken out of the cell and the day after that, Baghai was taken out to speak with Nayyeri. Nayyeri asked Baghai how many weapons he had owned and what his opinion was of the Baha'i. Baghai answered that he had never owned any weapons, and that he did not understand how the Baha'i could make the claims they do.<sup>247</sup>

When Baghai saw the same Death Commission a second time, he told them that he had prayed. The Commission made him recite the Islamic pledge, with Eshraghi reciting it first and Baghai repeating after him with his hand on his heart. Once again, he was taken back to his cell. Roghani never returned and Baghai later learned that he had been taken back to a different ward and survived the massacre. Two days later, Baghai was summoned a third time. This time, he waited in the hall a very long time before seeing the Commission. He was still waiting when the midday call to prayer came and he made a big show of praying close to where the members of the Death Commission were doing the same.<sup>248</sup>

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<sup>243</sup> *Id.*

<sup>244</sup> *Id.*

<sup>245</sup> *Id.*

<sup>246</sup> *Id.*; see also *supra* notes 144-146 and accompanying text (explaining apostasy according to Shi'a teachings).

<sup>247</sup> Baghai Interview, *supra* note 35.

<sup>248</sup> *Id.*

He never saw the Death Commission a third time. Instead, a guard took him to a different room where he was made to stand in a corner blindfolded. Halvai asked him how he was doing. Baghai reminded Halvai of the medical services he had provided to him, and asked him why he was being treated so poorly.<sup>249</sup> Halvai responded by directing Baghai to stand at the end of a particular line, which was then escorted to a room with many Tudeh members. The first thing Baghai did upon entry into the room was claim to be Muslim (so that he would not be asked about party affairs and find himself in trouble again). Baghai was eventually taken back to his cell and guards brought him his medical books. This relieved him immensely because he had noted that anytime he was given his medical books it meant he was safe from danger.<sup>250</sup>

Baghai's friend, Roghani was also summoned on August 30. He recalls the high security atmosphere of the hallways leading to the interrogation:

When we got to the top of the stairs, they lined us along a wall. There was a door there that led to Evin's clinic and I noticed that the door locks from outside. Then one of the guards gave a key to the other one. The guard took the key and opened the door from inside. Then the second guard gave another key to the first guard and he unlocked the outside lock. The guards did not have the keys to their assigned areas. If one guard wanted to go in or out, another guard had to give him the key.<sup>251</sup>

Roghani believes that the guards were from Komiteh-yeh Moshtarak, a prison mainly used for interrogation and torture. He recognized the voices of Hajj Mousa and Hajj Sharifi, two notorious guards from Moshtarak Komiteh. The guards subjected the prisoners to abuse and beatings while they waited to be interrogated. Roghani explains:

I could see Hajj Mojtaba [Halvai] beating our guys. He kicked their heads hard, beat them and yelled "Why [have you] turned [your] head around and coughed?" (Coughing meant that you were trying to deliver a message.) They took Heybat Moini and me to another area where there was a pillar and a staircase that went downstairs. They sat us down. Apparently, that area was the place where they executed the prisoners with cranes. They ordered us to sit on the ground with our legs crossed and face the wall. My back hurt.<sup>252</sup>

While waiting in the Hall, Hajj Sharifi, one of the guards from Moshtarak Komiteh, recognized Roghani and warned him not to give wrong answers to the Commission. Roghani believes the guard respected him because Roghani is a *seyyed*, a descendent of the prophet, Muhammad.<sup>253</sup> Roghani could also overhear a conversation inside the room that took place between Baghai and the Commission: "I heard a voice from inside the court, saying that his hands had not touched a surgical knife for several years. The voice was familiar. I soon realized that it was Faribourz Baghai. I had not seen him in five years!"<sup>254</sup>

After waiting in the hall a while, Roghani was taken into the room and ordered to take off his blindfold. He remembers a large table at which four or five men sat.

I recognized Nayyeri because he was at my first trial. I also recognized Eshraghi because he used to visit the prison and I had been told by my cellmates that this was Eshraghi. Eshraghi had served time in the Shah's prisons. The [], Hajj Reza, whom we saw everywhere was also there. I did not recognize the rest.<sup>255</sup>

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<sup>249</sup> Baghai had helped Halvai with medical issues and supported his habit with morphine shots when Halvai could not obtain enough opium. Baghai notes that more than half of the morphine shots he gave while in prison were given to Halvai. *Id.*

<sup>250</sup> *Id.*

<sup>251</sup> Roghani Interview, *supra* note 239.

<sup>252</sup> *Id.*

<sup>253</sup> *See supra* note 202 and accompanying text.

<sup>254</sup> Roghani Interview, *supra* note 239.

<sup>255</sup> *Id.*

Nayyeri asked his name. He then asked whether Roghani was a Muslim and whether he believed in the Islamic Republic. Roghani answered “yes” to both questions. When asked whether he believed in his party, he said “no.” He was then asked how many children he had, whether he had ever lived outside the country, and whether he had served time in the Shah’s prisons. Finally, he was asked why he did not pray in prison. Roghani recalls:

I saw that the situation is getting bad. I said, “Well, you see Hajj Aqa, where I am no one prays and praying alone is a bit difficult.” I then heard Eshraghi whisper to Nayyeri: “Hajj Aqa, this is the third person who has said this.” Nayyeri did not say anything at first. He then told me, “I will send you to a ward where everyone prays. You will have to endure ten lashes if you do not perform your religious obligations.”<sup>256</sup>

Roghani promised to pray and was then escorted out of the room to an open area to get fresh air. Apparently, the prisoners were sent there to have time to think before being taken back to the Death Commission. There, Roghani joined other Tudeh Party members including Dr. Baghai. He recalls feeling miserable knowing that many of his comrades, including Heybat Moini, were being executed. However, there were still some prisoners who did not believe they were in imminent danger. He remembers the conversation he had with one of the Tudeh Party’s senior members:

Jordan asked me about the questions I had been asked. I told him. Then I asked him what questions he had been asked. He said he was asked the same questions. Jordan said: “I told them that I had been honest with them and I will now tell them the truth too. I am eighty years old. If I tell you that I pray, it will only be flattery. I don’t pray and I am not a Muslim.”<sup>257</sup>

At that point, Baghai tapped Roghani and said, “These ones are done. They have sent them out three times and each time they have emphasized that they are not Muslims. They are finished.”<sup>258</sup> Later, Roghani promised that he would perform his religious obligations and was not taken to the Death Commission a second time. That night, he was taken to a cell in Section 209 where he joined Dr. Baghai and prayed.<sup>259</sup>

Shahla Talebi heard Ardebili’s August 5 sermon through loudspeakers. She remembers that the sermon incited fear and speculation among prisoners. However, at the time, due to the lockdown, she was not aware of the Mojahedin’s military operation (*Eternal Light*) into western Iran:

We did not know what was going on outside. The crowd chanted death slogans against *munafiqin* and others. This was strange. I do not remember who read the second sermon but the person said, “We will kill ten of them for every fallen *Pasdar* brother.”<sup>260</sup>

She was shocked to hear about the NLA’s invasion later that night, the last time radio was broadcast in Evin prison:

The war had ended, so what was this military music about, we wondered. We listened: “These are the much hated bodies of *munafiqin* ... disgracefully defeated in the war.” Only then did we realize that Mujahedeen had launched an attack.<sup>261</sup>

Talebi remembers that many prisoners refused to believe they could be targets. The leftists were not explicit targets of Ardebili’s sermon. The Mojahedin prisoners had not participated in the NLA invasion

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<sup>256</sup> *Id.*

<sup>257</sup> *Id.*

<sup>258</sup> *Id.* Roghani believes the prisoners were given time chance to think over their position for religious reasons. According to Shari’a law, a mature person must confess three times that he turned away from Islam in order to punish him as a *murtad*. See *supra* notes 144-46 and accompanying text (explaining apostasy according to Shi’a teachings).

<sup>259</sup> Roghani was released in commemoration of the tenth anniversary of the Islamic Republic in February 1989. Roghani, *supra* note 239.

<sup>260</sup> Talebi Interview, *supra* note 98.

<sup>261</sup> *Id.*

and so, they believed, they were not subject to retaliation. Yet, she and others believed “these were only pretexts for [authorities] to finish off the prison issue.”<sup>262</sup>

Monireh Baradaran, another leftist prisoner in Evin, recalled that in August, she and her cellmates received a newspaper clipping from cellblock 2, which housed *tavvab* prisoners. She remembers that the clipping made the threat clear:

We read that the spokesman for the Supreme Judicial Council, after much cursing at the “discredited” communists, had asked for the “maximum penalty” for them. He said that “after the hypocrites [Mojahedin], it is the turn of the non-believers.”<sup>263</sup>

Baradaran remembers that in late August, the whipping of the leftist women began. She learned that women were taken out of their cells and whipped in the corridor. After one or two weeks, she saw prisoners who had already finished their sentences and had been whipped in solitary returning to their cells. They had agreed to pray. Baradaran reports that “[t]hey had been told in their trial that the punishment for a non-believing woman is death under the lash or repentance.” She relates how seven or eight Tudeh and Fedaiyan prisoners were taken out for interrogation. They reported that they had been asked, “Are you a Muslim?” “Do you pray?” They all replied in the negative and the “religious judge had given out a verdict of death under the whip or repentance.”<sup>264</sup>

When the *mu’azzin* sounded (the call to prayer), they were taken away. The judge had said that the whipping would start that noon. From then on we would be fixed to our spot whenever the call to prayer sounded. Silence threw its shadow everywhere. I imagined the cell doors opening one by one. They were laid out on the bed. The whistle of the whip would resound along the long corridors. They were returned to the cell, waiting for the next turn. It would have been less painful if they had been dealt the 25 lashes in one go. They said themselves that the wait was much worse than the whipping itself. They could not sleep at night. The gap between the last lash, around midnight and the early morning whipping, between 3:30 to 4 a.m., was too short. They later learnt to sleep between the morning and noon lashings, which was longer.<sup>265</sup>

Baradaran believes that the Death Commission met on Mondays and Wednesdays. She remembers that groups of prisoners continued to be taken out, interrogated and whipped until the beginning of October.<sup>266</sup>

Many female prisoners went on dry hunger strikes, forgoing food and water. Baradaran remembers young girls, almost all supporters of the Tudeh and Fedaiyan, going on hunger strikes as late as September 23 or 24. Suicides were common among women prisoners. The physical and psychological trauma led many to slit their wrists, overdose on sleeping pills, or ingest toxic cleaning powder.<sup>267</sup>

The women’s strength and morale weakened as prisoners shattered by the whippings returned to the wards.<sup>268</sup> Prisoners were returned only if they recanted. According to Talebi, “Coming back [to the ward] meant surrender.” Talebi remembers how, as one of the last women taken, she faced a “profound dilemma”:

If we wished [the other women] would resist, it meant we wished them more torture. But wishing their return meant it was our turn to go. It was an infernal state. Some committed suicide during this time. One slit her wrist and another hanged herself. I was against suicide, but when my turn came, I hid a broken piece of glass in my purse so I could take my life. Others had similar thoughts.<sup>269</sup>

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<sup>262</sup> *Id.*

<sup>263</sup> BARADARAN, *supra* note 230.

<sup>264</sup> BARADARAN, *supra* note 248, at 392.

<sup>265</sup> *Id.* at 392-393.

<sup>266</sup> *Id.* at 393, 398.

<sup>267</sup> *Id.* at 397-98.

<sup>268</sup> Talebi Interview, *supra* note 98.

<sup>269</sup> *Id.* Talebi did not attempt suicide.

During the summer of 1988, Mahiar, a prisoner affiliated with the Tudeh Party, was housed in the *mellikesh* ward in Evin. She recalls that three weeks after the Mojahedin women were taken away, leftists were summoned.<sup>270</sup> On the first day, seventeen to eighteen leftist prisoners were taken away. They were not high-profile prisoners. Their sentences were often two years or less, and most were 22 to 30 years old. Mahiar recalls:

I don't think they had any criteria for calling people ... They did not announce the names alphabetically. Two Tudeh members were called and the rest were from other groups. A female guard entered our room and said that this and that person should get ready for court. There was no list.<sup>271</sup>

Three weeks later, Mahiar and four other *mellikesh* prisoners were blindfolded and brought by car to another location inside Evin. It took several minutes to reach their destination. Once there, Mahiar removed her blindfold and saw four men sitting at desks in a small room. She recognized Nayyeri, the head judge, and Halvai, who was seated next to him. There were some other officials present as well, but Mahiar could not remember their names. Nayyeri conducted the questioning:

**Nayyeri:** Ms. Mahiar, what are you accused of?

**Mahiar:** I was a member of the Tudeh Party.

**Nayyeri:** Are you still a member?

**Mahiar:** I have been in prison during the past five years and have had no connection with them. I don't know what their position on current issues is. For this reason, I cannot say whether I am or am not a member.

**Nayyeri:** She is still a Tudeh supporter. Are you a Muslim?

**Mahiar:** This information is personal.

**Nayyeri:** Do you pray?

**Mahiar:** This information is also personal.

**Nayyeri:** What about your father and mother?

**Mahiar:** My mother and father are Shi'a and I was born in a Shi'a family.

**Nayyeri:** She does not pray. She is a *murtad*.<sup>272</sup>

Citing the Quran, Nayyeri told her that “a *murtad* woman must be whipped until she accepts and says she is Muslim, or she must die.” Then Nayyeri ordered her to leave. The session did not last more than five minutes. The guard, holding the corner of Mahiar's chador as “though he was touching something dirty,” blindfolded her and transferred her to a solitary cell.<sup>273</sup>

Mahiar entered the cell at noon, a time for prayer. Asked if she would pray, she refused. The guard then directed her to a wooden chair and ordered her to lie down. As she lay down, the guard recited the call to prayer. Mahiar was then whipped and told to leave.<sup>274</sup> At four or five in the evening, the next call to prayer, Mahiar again was asked whether she would pray, and again she refused. She was beaten. Mahiar saw the same guard beating others:

The bodies of some [of the women] were bleeding. Some were making horrifying sounds ... I saw a woman whose face was old and wrinkled. She was asked [by the guard] if she prayed. I could not hear her answer. When they started beating her, I realized that she also had refused to pray.<sup>275</sup>

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<sup>270</sup> In her testimony, Mahiar places the summoning of leftist prisoners three or four weeks after the Mojahedin's summoning. Mahiar Interview, *supra* note 254.

<sup>271</sup> *Id.*

<sup>272</sup> *Id.*

<sup>273</sup> *Id.*

<sup>274</sup> At other times, Mahiar describes a wooden bed. *Id.*

<sup>275</sup> *Id.*

For twenty-four days, Mahiar was whipped five times a day, at each call to prayer: 12 a.m., 4 a.m., 2 p.m., 4 p.m., and one last time in the evening. During each session, she received five lashes, totaling twenty-five lashes a day. While in the past men had generally whipped the prisoners, women conducted these whippings. Mahiar and others suffered from sleep deprivation.<sup>276</sup>

Mahiar tried to resist by joining other women in a hunger strike. But the beatings continued. On the sixth day of her hunger strike, Mahiar told the guards that she had begun menstruating and was given a three-day reprieve from the lashings.<sup>277</sup> Mahiar recalls that guards stopped whipping the women prisoners sometime during her three days of rest. A guard simply informed her that the whippings had come to an end.<sup>278</sup>

Talebi remembers that the same night the whippings stopped, prisoners were directed to write letters to their families inviting them to visit. Those families who did not receive letters would then know that their relatives had been executed. Some women were allowed to speak with their husbands who were held in separate wards at Evin. Talebi describes one woman's experience: She asked what had happened to him and he refused to answer. "I am not a human being any more. I am a monkey. They played all kinds of games with me," the husband said.<sup>279</sup>

Authorities told families to bring sweets for the prisoners, and the prison provided prisoners with flowers to give to their families. Talebi recalls:

Some families exchanged flowers and sweets, and others clothes of their executed loved ones ...  
Watching some prisoners having sweets on that night made me sick and I threw up. Having sweets meant celebrating the death of the executed.<sup>280</sup>

Mahiar and her ward mates learned of the executions only when family visitations resumed, one week after the whippings ceased: "We were informed by our fathers and mothers about the events in the prison. Some of the parents had fainted on the spot when they were told of their children's death."<sup>281</sup> Mahiar learned from her father that her fiancé, Nosrat, had been executed without having ever received a sentence.<sup>282</sup>

Talebi recalls that, following the visits, authorities continued to interrogate surviving leftist prisoners.<sup>283</sup> They threatened her with execution if she refused to write a letter of repentance. After she refused, they told her to write a "will," or a "token letter to the family saying that [she] was responsible for [her] execution."<sup>284</sup>

Mahiar and fifty-three other leftist prisoners in the *mellikesh* ward were transferred to Gohar Dasht. A man interrogated Mahiar the night she arrived. After refusing to write a letter of repentance, she was sent to solitary for a week. Eventually, Mahiar and the other *mellikesh* prisoners returned to Evin where they continued to be pressured to write repentance letters. Mahiar was steadfast in her refusal, even after officials tried to prod her family into convincing her to relent.<sup>285</sup>

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<sup>276</sup> *Id.*

<sup>277</sup> See *supra* note 214 accompanying text.

<sup>278</sup> *Id.*

<sup>279</sup> Talebi Interview, *supra* note 98.

<sup>280</sup> *Id.*

<sup>281</sup> Mahiar Interview, *supra* note 254.

<sup>282</sup> While some female prisoners were allowed to visit their husbands in other wards, guards rejected Mahiar's visitation requests. From 1983 until Nosrat's execution in 1988, Mahiar never saw her fiancé. *Id.*

<sup>283</sup> Talebi Interview, *supra* note 98.

<sup>284</sup> *Id.*

<sup>285</sup> *Id.* Mahiar was released in August 1990. She had been arrested in 1984 and served six years for a three-year sentence.

## 4.4 Shiraz

In Shiraz, the capital of Fars province, almost all political prisoners were permanently housed in Adelabad prison, a maximum security prison that was modernized in the 1970s during the reign of Mohammad Reza Shah.<sup>286</sup> In 1988, the prison had three stories and housed political prisoners as well as non-political prisoners. The first floor generally housed prisoners with less serious offenses and repentants; the second floor housed prisoners with more serious offenses; and the third floor held prisoners whose offenses were judged by the Revolutionary Court to be grave, which included Bahá'ís, murderers, drug dealers and political prisoners.<sup>287</sup>

Adelabad had a reputation for being one of the most successful institutions for rehabilitating political prisoners.<sup>288</sup> Officials attempted to rehabilitate prisoners through forced prayer and torture so that, once released, they would no longer pose a threat to the regime. According to one eyewitness, prisoners in other prisons who refused to take part in daily prayers were sent to Shiraz where they were placed in one of the 19 solitary confinement cells or in Ward 49, which was known as the punishment ward. Some prisoners stayed there for months, if not years.<sup>289</sup>

Almost 90% of the executed prisoners were serving sentences handed down before 1988. Some were *mellikesh* who had already finished serving their prison terms. Others were *tavvabs*, including people who had cooperated with the authorities in identifying Mojahedin members. Jahangir Esmaili-Pour (pseudonym) who was serving a ten-year sentence in Adelabad at the time, recalls that few were spared:

Even repentant convicts were not spared the onslaught of hatred and death. Even some who had been assigned, by the MOI, to single out political activists ... were sent to the detention center and executed.<sup>290</sup>

To Esmaili-Pour's knowledge, no leftists were executed in Shiraz during that summer. He recalls that the first group of thirty to forty prisoners was summoned in late July. All but one were active Mojahedin members. The one exception returned and told the other prisoners what had happened. He said that they were only asked three questions: What are you accused of? Do you believe in your organization? Are you willing to cooperate with us? Some were asked additional questions such as "Are you ready to execute a Mojahed prisoner?" Even though some prisoners answered in the affirmative, their names remained on the execution list.<sup>291</sup>

Shiraz's Death Commission was made up of local authorities. They included Hojjatolislam Eslami (the Revolutionary Court Prosecutor), Hojjatolislam Mosayyebi (Shiraz's clerical judge), a Ministry of Intelligence representative, and an interrogator assigned to the prisoners' case files.<sup>292</sup> The commission interrogated prisoners in off-site detention facilities run by the Revolutionary Guard, where they were

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<sup>286</sup> ABRAHAMIAN, *supra* note 1, at 105.

<sup>287</sup> See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, COMMUNITY UNDER SIEGE: THE ORDEAL OF THE BAHÁIS OF SHIRAZ 30 (2007) (providing a map of Adelabad prison).

<sup>288</sup> Fariba Sabet, *Shiraz Prison* (2004), available at <http://www.iranrights.org/english/document-191.php> (relating her experience after being transferred from Evin to Adelabad, known as the "prison of the exiles)."

<sup>289</sup> Interview by Monireh Baradaran with Jahangir Esmaili-Pour, available at <http://www.bidaran.net/spip.php?article159> [hereinafter Esmaili-Pour Interview]. Jahangir Esmaili-Pour is a pseudonym and the name of one of the interviewee's comrades who was executed in 1988.

<sup>290</sup> *Id.* Authorities first arrested Esmaili-Pour in 1980 for demonstrating and distributing pamphlets for a leftist organization. He was arrested several more times before he was sentenced to ten years. Esmaili-Pour was held at Adelabad prison until his release in 1989.

<sup>291</sup> *Id.*

<sup>292</sup> *Id.*

kept in solitary cells. Guards shuttled prisoners back and forth between the facilities.<sup>293</sup> Apparently, authorities banned family visits only for prisoners summoned to off-site facilities.<sup>294</sup>

In November, Esmaili-Pour and another prisoner who was a member of the Fedaiyan (Minority) were summoned to an off-site detention facility for interrogation:

It was mid-to-late November when the executions stopped, yet we were convinced that our executions were a certainty. For a while they kept us in a solitary cell. After a week they sent us to interrogation. Of course [the interrogations] were accompanied by beatings. One of us was whipped with cables allegedly because he answered questions “hypocritically.” ... During the first few minutes of the interrogation there were beatings. After that the interrogator said: “We’ve brought you here so you can be executed. If you answer our questions truthfully we will try to save your life.” They asked: “Are you a Muslim? Do you believe in Marxism? Do you believe in the Islamic Republic?”<sup>295</sup>

Esmaili-Pour, who returned to the general ward in Adelabad after a two-and-a-half-month stay at the detention center, believes that the first group of prisoners was executed by hanging, but that later victims were killed by firing squad at the Chawgun military base on Zerehi Street. He estimates that around 250 political prisoners lost their lives in Shiraz that summer.<sup>296</sup>

## 4.5 Tabriz

Tabriz is the fourth largest city in Iran and the capital of East Azerbaijan province, located in northwestern Iran. The prison in Tabriz had been built in 1983 by repentant prisoners.<sup>297</sup> Ward 4 was reserved for unrepentant political prisoners and was designated as the prison’s punishment ward. Survivors relate that the cell doors in Ward 4 were usually closed. Restroom visits were allowed three times a day, and the prisoners had access to fresh air for about an hour each day. Each cell in Ward 4 had a three-level bunk bed. The *tavvabs* were given the top bunk and would often sit and observe other prisoners for whom they were responsible.<sup>298</sup> Survivors generally describe conditions in Tabriz’s Ward 4 as difficult, noting that the *tavvabs* forbid prisoners from talking to one another.<sup>299</sup> On the eve of the 1988 executions, Ward 4 housed both Mojahedin and leftist prisoners.<sup>300</sup>

Similar to other prisoners throughout the country, prisoners in Tabriz initially welcomed the news of Iran’s acceptance of U.N. Resolution 598. Many thought the acceptance signaled the regime’s weakness and presumed that they would either soon be released or prison conditions would improve. But some prisoners were extremely nervous about the NLA’s incursion. While some continued to cheerfully congratulate each other that the operation was yet another sign that the regime would soon fall, others began to notice the increasingly tense behavior of the guards. One survivor recalls hearing Ardebili’s August 5 broadcast that alerted him to the impending massacre:

Around 3 p.m. on Friday, as we were hanging around the yard during our one hour access to fresh air under the hot July sun, the Friday prayer sermon of—I think it was Mousavi Ardebili—was being broadcast from the ward guard office’s radio. We were all listening intently. During his analysis of the [regime’s] acceptance of the cease-fire and Saddam’s violation of it, Mousavi Ardebili referred to the prisoners and noted that in certain locations prisoners had attacked prison

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<sup>293</sup> *Id.*

<sup>294</sup> *Id.*

<sup>295</sup> *Id.*

<sup>296</sup> *Id.* The names of fifty-three prisoners who he remembers were executed are listed in his statement.

<sup>297</sup> ABRAHAMIAN, *supra* note 1, at 135.

<sup>298</sup> Interview by Monireh Baradaran with Gholam-Reza Ardebili, available at <http://www.bidaran.net/spip.php?article196> [hereinafter Ardebili Interview]; see also Interview by Monireh Baradaran with Mohammad-Reza Matin, available at <http://www.bidaran.net/spip.php?article190> [hereinafter Matin Interview].

<sup>299</sup> Ardebili Interview, *supra* note 298; see also Matin Interview, *supra* note 298.

<sup>300</sup> Ardebili Interview, *supra* note 298.

guards and mutinied. He concluded that this was an indication that the prisoners were in contact with the Mojahedin.

These words alerted us to impending dangers, and it became clear that things were about to change for the worst in the prisons. What is about to happen? What are they going to do with us? What is the relationship between the post-cease-fire attacks and political prisoners?<sup>301</sup>

Tabriz authorities apparently did not make prisoners complete questionnaires until June or July. At that point, they were divided according to their answers. In late July, prisoners were allegedly summoned individually and first taken to solitary cells at the Ministry of Intelligence where they were interrogated. After interrogation, some were returned to general wards and others sent to solitary. A Death Commission from Tehran conducted interrogations in the Revolutionary Court. Every day, it interrogated and executed a few of the prisoners from the solitary cells.<sup>302</sup>

As Tabriz prison entered lockdown mode, prisoners in Tabriz were held incommunicado and denied visits, newspapers, and TVs.<sup>303</sup> However, they began to suspect the scope of the executions as Mojahedin cellmates were summoned and never returned. Gholam-Reza Ardebili arrested because of his work for the Tudeh Party, recalls that one day he and some cellmates were ordered out of their cell. When they returned from their walk in the yard, five or six Mojahedin cellmates were no longer there. A black shroud covered their beds and their belongings were strewn all over. On the black shroud the following words had been written: “Such are the ill-fated fortunes of the Islamic Republic’s enemies!”<sup>304</sup>

Ardebili believes that the almost all of those executed in Tabriz in 1988 were Mojahedin. As more and more Mojahedin members were summoned, the guards transferred the leftist prisoners to other cells within the ward.<sup>305</sup> A number of the Mojahedin were *mellikesh* and *tavvabs*. Some had been sent to the front to fight the Mojahedin’s incursion, and had returned to proudly proclaim their involvement in counterterrorism operations.<sup>306</sup>

Accounts place the number of executed prisoners in Tabriz at between sixty and seventy. Among the executed Mojahedin, about twenty had been transferred from Urumiyeh to Tabriz in 1987. The remaining Urumiyeh transferees were returned to Urumiyeh and executed by firing squad.<sup>307</sup>

The executions lasted only a few weeks until the end of August when the authorities allowed prisoners access to the outside world. However, the pressure from the *tavvabs* in Ward 4 continued to increase:

The prisoners would repeatedly be summoned and receive news of their impending execution from the *tavvabs*, who requested that the prisoners quickly write confession letters and give interviews in order to save their lives. (In several instances they were successful.) During this time they didn’t summon me for this reason, but one time they started trouble in my cell for no reason at all and almost killed me. Ali Namazi nervously attacked me and punched me. He said that I would soon be executed and that I would finally pay for what I had done. I calmly told him that it is very possible that they will execute me, but that the chances of his execution were much higher than mine despite the fact that he was a *tavvab*. I said they’d probably execute him before they execute me. I was surprised, [because] he turned white and began screaming at me angrily, telling me that this would not happen because the Revolutionary Courts and the Ministry of Intelligence had complete faith in the [*tavvabs*] ... I realized that despite it all, this poor guy was extremely scared, and that [the *tavvabs*]’ threatening behavior was their way of dealing with their own

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<sup>301</sup> Anonymous, *supra* note 92.

<sup>302</sup> *Id.*

<sup>303</sup> Other eyewitnesses claim that such rights were not granted in Tabriz prison to begin with. *See, e.g.*, Ardebili Interview, *supra* note 298.

<sup>304</sup> *Id.*; *see also* Anonymous, *supra* note 92.

<sup>305</sup> Ardebili Interview, *supra* note 298.

<sup>306</sup> Matin Interview, *supra* note 298.

<sup>307</sup> Anonymous, *supra* note 92.

insecurities. They probably thought that by sending us to the gallows now they would somehow prevent or delay their own deaths.<sup>308</sup>

Mohammad-Reza Matin, a member of the Fedaiian (Majority), had no inkling of the events that were transpiring. Sent to solitary in June after completing the questionnaire, his interaction with others was limited to the guards who escorted him to the restroom and shower. Even this interaction was so infrequent that at times he was forced to relieve himself in the same bowl from which he ate. Finally, around early September, a guard informed him that he had a visitor. He was taken to get cleaned up:

A while later I went to meet my visitor, accompanied by a *tavvab*. At that time visits [were still] cut off. My visitor (and that of another [prisoner] who accompanied me) was out of the ordinary. I later found out that my mother and the mother of the other [prisoner] (who was a leftist and survived) had come and visited the prison every day, but they would not receive any information. So one day they went to the prison along with gasoline, doused themselves with it and threatened to set themselves on fire if they were denied visitation rights. The prison guards had no choice but to allow us to meet. When my mother saw me, she was ecstatic. She ripped her collar and the first thing she said was this: “My son, all of your friends have been executed in prison.” I returned to my cell ... There were few prisoners left in the ward. A large number of the Mojahedin had been executed, and several others had been released.<sup>309</sup>

Before the execution of *murtads* (or apostates) such as Matin could take place, a suspension order was apparently issued from Tehran.<sup>310</sup>

In 1990 I was summoned to the Revolutionary Court. I don’t know the reason for this. In the corridor I ran into my first interrogator. He approached me and said “You’re still alive?” You could see his complete disappointment in his face—his disappointment at my being alive. He could not hide his hatred towards me. He expressed his regret at my having escaped the hands of justice. He said that they had already sent the list of the individuals that were to be executed to Tehran and were awaiting their approval when the whole thing was called off. He told me not to think that I had escaped danger—he would take care of me when the opportunity arose.<sup>311</sup>

## 4.6 Dezful

Dezful is a city in Khuzestan province in southwestern Iran. Political prisoners were detained in Unesco prison located in the center of the city. During the Shah’s reign, the prison building was a school operated by the United Nations Educational, Scientific and Cultural Organization. After the revolution, the school was turned into a prison.<sup>312</sup> One part of the prison was given to the Islamic Revolution’s Prosecutor’s Office, and the basement was turned into control or interrogation rooms.<sup>313</sup>

Mohammad-Reza Ashooq, a Mojahedin supporter, noticed significant changes in Unesco during the summer of 1988.<sup>314</sup> When news of the NLA’s incursion reached the prison, visits ceased and many former Unesco prisoners were rearrested.<sup>315</sup> The prison authorities assembled all the political prisoners and, Qera’ati, who was in charge of the prison, demanded that several of them repent. They all refused.<sup>316</sup>

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<sup>308</sup> *Id.*

<sup>309</sup> Matin Interview, *supra* note 298.

<sup>310</sup> Anonymous, *supra* note 92.

<sup>311</sup> *Id.*

<sup>312</sup> Ashooq Interview, *supra* note 139.

<sup>313</sup> G.R. Baghai, *supra* note 130.

<sup>314</sup> Ashooq was first arrested in 1981 and spent two years in prison. He was arrested a second time in 1985 and sent to Unesco prison. *Id.*

<sup>315</sup> *Id.* While Ashooq remembers that the lockdown happened on July 23, it is possible that it happened later, as the NLA did not invade until July 25.

<sup>316</sup> Ashooq Interview, *supra* note 139.

Ashooq remembers that the authorities told the prisoners that an amnesty commission was coming:

Around July 24<sup>317</sup> they informed us that there would be no visits on Tuesday but that an amnesty commission which had been sent by Khomeini was coming in order to tend to the prisoners' status. On that day they set up the commission in the prison's office. We entered the office in groups of 8. We were blindfolded and handcuffed and forced to sit on a bench [upon entering]. They took off our blindfold during the question-and-answer session. The questions included the following: "What is your charge? Are you ready to fight against the Mojahedin?" That was it. We could only answer "yes" or "no." Amnesty or execution. We numbered around 62-66 individuals. In our 8-member group, all of us were sentenced to death (except for one of us who was too young).<sup>318</sup>

Ashooq noted that prisoners whose answers indicated an unwillingness to cooperate or repent were placed on a list. He remembers that the following men were present during the commission interrogation: Alireza Avayi (a prosecutor and well-known interrogator),<sup>319</sup> Shams'uddin Kazemi (an interrogator), Hardavaneh, and another man whose name he does not remember.<sup>320</sup> During Ashooq's interrogation, the three members disagreed and the representative from the Ministry of Intelligence cast the deciding vote to place his name on the execution list.<sup>321</sup>

After the interrogations, most of the prisoners were transferred to the prison in Ahvaz. Three prisoners stayed behind. Ashooq describes what happened next:

Then they took us to the prison office and ordered us to leave our belongings there and sit down. They took each of us to a small room, one by one. I heard Kazemi's voice, the court's interrogator, who ordered me to sit facing the wall and said, "Write your will; you are to be executed." I told him that I would not. He said he'd return in 10 minutes and left. When he returned, he saw that I had not written anything down. He said, "There is no need." He and two or three other individuals blindfolded me and tied my hands and took me outside.<sup>322</sup>

The guards then loaded the prisoners onto a minibus. At first, Ashooq and the rest of the prisoners thought they were headed toward Haft Tappeh in Ahvaz, but they soon realized that the bus was going toward Andimeshk and Dehloran – they were headed toward the Karkheh Bridge military base:

[Once we arrived a]t the base, they forced us into the public bathroom. Pictures of Basijis [who had been martyred] and were there before were all over the doors and walls. They gave us camphor and a shroud.<sup>323</sup> They ordered us to take our clothes off and wear the shroud. We could hear the screams of women who were sent to be executed. I wanted to escape through the bathroom window. I cautiously put on my street clothes again. Kazemi (the interrogator) entered along with five or six other Pasdars. They saw me with my street clothes on. They bound my hands, swore at me and dragged me outside while punching and kicking me. I fell on the floor. Again they loaded us onto the minibus. Kazemi ordered them to execute me with my street clothes on.<sup>324</sup>

In the end, Ashooq escaped execution by jumping out the window of the bus. He estimates that approximately fifty to sixty prisoners from Unesco prison were executed during the summer of 1988. His experience was relayed to Ayatollah Khomeini in a letter by the religious judge of Khuzestan,

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<sup>317</sup> As Ashooq remembers that this took place following the NLA invasion on July 25, the announcement must have been made later than July 24. *Id.*

<sup>318</sup> *Id.*

<sup>319</sup> Alireza Avai later became the head of the Justice Ministry of Kermanshah Province. *Id.*

<sup>320</sup> *Id.* Baghai alleges that Mohammad-Hossein Ahmadi was also present on the Death Commission. G.R. Baghai, *supra* note 130.

<sup>321</sup> *Id.*

<sup>322</sup> Ashooq Interview, *supra* note 139.

<sup>323</sup> Camphor is used to ritually cleanse bodies prior to proper burial in an Islamic cemetery.

<sup>324</sup> Ashooq Interview, *supra* note 139.

Hojjatolislam Ahmadi, in which he criticized the summary executions of Mojahedin sympathizers.<sup>325</sup> Ahmadi's letter names Ashooq as one example of a prisoner Ahmadi believed was unjustly sent for execution:

For example, in Dezful prison several prisoners such as Taher Ranjbar, Mostafa Behzadi, Ahmad Assekh, and Mohammad Reza Ashooq were willing to condemn the munafiqin and even agreed to submit to interviews and recantations on radio and television before their fellow inmates. Despite this, the Intelligence Ministry official asked them: "Since you believe in the regime and reject the munafiqin, are you now prepared to fight on behalf of the Islamic Republic and go to the war front?" Some wavered and some rejected [the idea]. The intelligence official concluded that they had refused to change their positions and were unwilling to fight for our just regime. I told the official: "So are a majority of the people of Iran considered to be munafiqin if they refuse to go to the war front? He replied: "These guys are different from ordinary folks." In any case, the above-named prisoners were all executed except for the last one who managed to escape en route to the execution."<sup>326</sup>

## 4.7 Zanzan

It is estimated that between thirty-five to forty (out of one hundred or so) prisoners were executed in Zanzan prison, which is located in the province of Zanzan in northwestern Iran. Zanzan prison had three wards. Rahmat Gholami, a member of the Fedaiyan (Minority) detained in Zanzan prison from 1983 until 1989, recalls that a year prior to the executions the prison's management structure changed and things became more difficult. He also noted that prisoners were shuffled between the cells holding *tavvabs* and those holding unrepentant prisoners.<sup>327</sup>

A few days before the executions began in Zanzan prison, televisions and newspapers were taken away and visits were suspended. Around July 28 (or 29), Gholami recalls that approximately 25 prisoners were summoned and told to pack their belongings. Most of these prisoners were housed in the basement, although some were from the upstairs ward. According to Gholami, only Mojahedin members were included in this group. Most of the prisoners in Zanzan prison viewed the summons as possibly signaling improved conditions or release. Looking back, Gholami recalls the excitement that overtook some of the *tavvabs* who were part of the first group of prisoners to be summoned:

This was the tragedy of the situation. Prisoners had no idea that they were being sent to the slaughterhouse ... I have a very painful memory from that day—one which I think about often. When one of the *tavvabs* heard his name being read from a list he [enthusiastically] rang the intercom and informed the guards: "We are ready—come take us away." It's a tragedy when a prisoner is completely clueless—when he willingly summons the guards and hurries towards his own death.<sup>328</sup>

Some of the prisoners who were summoned returned and clued in the leftists:

None of them told us what happened to them. We were leftists and naturally were not privy to their secrets in that kind of environment. The reign of terror was such that no one dared ask them any questions. Without speaking (and with their eyes), they let us know that they had returned from the slaughterhouse.<sup>329</sup>

Nonetheless, information slowly began to leak regarding the interrogations experienced by some of the summoned Mojahedin prisoners. Gholami does not know whether the Mojahedin prisoners actually faced

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<sup>325</sup> G.R. Baghai, *supra* note 130.

<sup>326</sup> See MONTAZERI'S MEMOIRS, *supra* note 4, Appendix 157.

<sup>327</sup> Gholami Interview, *supra* note 115.

<sup>328</sup> *Id.*

<sup>329</sup> *Id.*

a three-member Death Commission, in part because he does not believe that any leftists were summoned in Zanjan. Prisoners in Zanjan were not fully aware of the magnitude of the executions until family visits resumed around mid-November 1988.<sup>330</sup>

## 4.8 Esfahan

Esfahan is the capital of Esfahan province located approximately 340 kilometers south of Tehran. Grand Ayatollah Montazeri was born in the city of Najafabad in Esfahan province, which is approximately 30 kilometers west of the city of Esfahan.<sup>331</sup> At least one survivor believes that as many as 140 to 150 prisoners detained in Esfahan's Dastgerd prison and other detention facilities were executed.<sup>332</sup>

Reza Saki was initially arrested in 1983 because of his connections to the Fedaiyan. He recalls that shortly before the cease-fire was announced, several groups of Mojahedin and leftist prisoners were released, although the Mojahedin were rearrested a short while later. After the releases, the authorities merged several of the sections in Dastgerd prison creating two larger sections. Around the same time, they gave the prisoners questionnaires that asked about their thoughts on the Islamic Revolution, Khomeini, the United States and the Mojahedin. The questions were the same for both Mojahedin and leftists.<sup>333</sup>

Saki recalls that soon after the Iran-Iraq war came to an end, the prisoners saw Ali Shamkhani on television speaking about the Mojahedin's invasion. The situation in the prison began to change after that:

A few days passed and the TV and fresh air privileges came to an end. We were totally disconnected from the outside world. They gave us no more newspapers. The visitations were prohibited. Our food and cigarette rations were reduced. We had no idea what was going on. Then they took prisoners in groups of two or three. They were Mojahedin. It took them about 20 days to take all of them. They took those who stood by their political positions as well as those who cooperated. We had no idea where they were taking them to.<sup>334</sup>

A *tavvab* told him, "May God have mercy on all of you." Saki recalls that all the Mojahedin from Section 1, all but two from section 2, and one leftist, a Fedaiyan (Minority) sympathizer, were executed.<sup>335</sup>

In early August, some prisoners were transferred to Esfahan from Ahvaz prison. They were fingerprinted and sent to a separate quarantine ward:

The first day we arrived, at about 6 p.m., they took us out for an hour of fresh air. The guard was a low-ranking soldier. Some of the inmates kept him occupied so others could talk to the prisoners whose windows opened to the outside. They were in the common wing. They said they had heard of our arrival. They also gave us a newspaper. I believe it was *Kayhan* or maybe *Ettelaat*. In that paper we read the Friday sermon of Mousavi Ardebili. He said that people shouted slogans that the munafiqin should be executed. This was the first time that such an announcement was being made from an official against the political prisoners. Someone then speculated that they were about to start a mass killing of the Mojahedin. This was one sign. The other sign was that when we were about to board the bus in Ahvaz, Sarami told one of the prisoners, Ahmad Eshgh Torqi, to count his blessings.<sup>336</sup>

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<sup>330</sup> *Id.*

<sup>331</sup> MONTAZERI'S MEMOIRS, *supra* note 4, at 9.

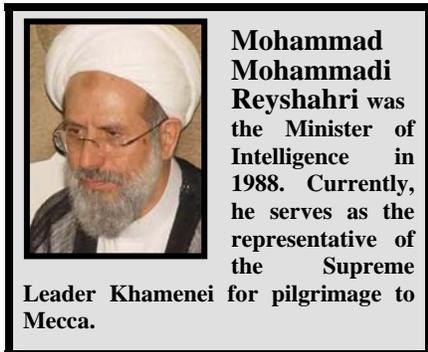
<sup>332</sup> Saki Interview, *supra* note 98. *But see* ABRAHAMIAN, *supra* note 1, at 215 (stating that no political prisoners were executed in Esfahan).

<sup>333</sup> Saki Interview, *supra* note 98. Saki spent his first year of his detention in solitary confinement at a secret detention facility in the city, but was later transferred to Dastgerd prison. He was eventually released in February 1989.

<sup>334</sup> *Id.*

<sup>335</sup> *Id.* The remaining prisoners in Saki's section were not allowed visitation and were released in February 1989 after a ceremony.

<sup>336</sup> Manouchehr Interview, *supra* note 126; *see also* IHRDC Interview with Manouchehr (Jun. 20, 2009) (on file with IHRDC).



Another Ahvaz prisoner who was transferred to Dastgerd recalls that his group protested their transfer and informed the guards that the rules of Esfahan prison did not apply to them (because they were from Khuzestan). The prisoners who refused to accept their transfer were sent to solitary but were eventually reunited with their fellow inmates.<sup>337</sup>

An eyewitness has reported that guards entered his ward every day between August and December 1988 and read out a list of up to ten names. The guard took those prisoners, who were never seen again. At the time, those who remained did not know what was

happening.<sup>338</sup>

## 4.9 Hamedan

The central prison of Hamedan, the capital city of Hamedan Province, is located approximately 360 kilometers southwest of Tehran. In Hamedan, the interrogations began on July 30. In the following passage, Hadi Aminian, a member of Rah-e Kargar, explains this interrogation process:

The main change took place on July 30, the night of Imam Reza's<sup>339</sup> birthday. In the evening, Judge Salimi, the Prosecutor Raissi, the head of the prison Maleki, and the [provincial] Minister of Intelligence Mousavi came to our ward along with a few guards and asked each and every inmate to comment on the party they belonged to and discuss their demands. This went on for hours, long into the night. The next day they called a number of people, including me. We were taken to a "court," or some kind of interrogation, at the office of the official in charge of our ward. Afterwards, they kept us all in a room outside the ward. At the end of the night they sent us (about 15 individuals) back to the ward.<sup>340</sup>

Family visits were terminated at around the same time. The prison authorities also took out all television sets, refused to bring in newspapers, and forbade access to fresh air. The prisoners were held incommunicado for the following two months.<sup>341</sup>

Additional prisoners from Aminian's ward were summoned for interrogations. After these interrogations, the authorities sent about fifty prisoners to the basement where they were subjected to regular threats and beatings. Aminian recounts that during the first day of interrogations, three Mojahedin members whose sentences had previously been commuted to long prison terms were summoned. Next they summoned an additional twelve Mojahedin members, told them to pack their belongings and took them away. They were never seen again.<sup>342</sup>

In late August, the remaining prisoners completed questionnaires asking them to provide comments regarding various current events, including the Mojahedin's recent military operations in western Iran. The prisoners answered the questionnaires and signed them. Aminian believes that the executions were still going on at that time. The next day, guards summoned another prisoner and took him away. The prisoner, Ahmad Reihani, had served seven years of his sentence and had nineteen days left but was never

<sup>337</sup> Anonymous, *supra* note 93.

<sup>338</sup> See 1990 AI Report, *supra* note 2, at 15.

<sup>339</sup> Imam Reza is the 8<sup>th</sup> Imam in the line of 12 Imams revered by Shi'a Muslims. He is the only Imam buried in Iran.

<sup>340</sup> Aminian Interview, *supra* note 98. Aminian was arrested in the spring of 1989 because of his activities with Rah-e Kargar. He remained in Hamedan prison until February 1989 when he was released. He was originally sentenced to death, but his sentence was later reduced to 20 years.

<sup>341</sup> *Id.*

<sup>342</sup> *Id.*

seen again. Hajj Babai, the head of Hamedan prison, ordered that Reihani's belongings (and those of others who had been taken away) be sent to his office.<sup>343</sup>

Aminian was summoned in late fall of 1988 and told that he would also be executed. Three days later, an interrogator by the name of Hamed came to his cell and told him that it was too late to execute him. He remained in prison for another three months or so, and was allowed to see his family once before finally being released. Aminian believes that around thirty-two political prisoners were executed in Hamedan, and that most were killed by firing squad. He believes that at least two female Mojahedin prisoners were killed in Hamedan. All of the executed prisoners had initially been sentenced to prison terms, and some had even had their sentences commuted. Others had been released and were rearrested during the summer.<sup>344</sup>

#### 4.10 Ahvaz

Ahvaz is the capital city of Khuzestan province and is located in the southwest of Iran. The province borders Iraq's Basra province and the Persian Gulf. Fajr prison, which houses political prisoners, is on the main road leading to Ahvaz. First put into operation in 1983, it is run by Revolutionary Guards. In 1988, the prison included three L-shaped wards, an office area, a large mosque, a visitation room and solitary cells. One of the wards was for women.<sup>345</sup>

Survivors from Fajr prison estimate that between fifty-seven and sixty political prisoners were killed by firing squad.<sup>346</sup> Some allege that no leftist prisoners were executed in Ahvaz,<sup>347</sup> while others believe that a small number (perhaps three or so) were executed.<sup>348</sup> As in other prisons, the broadcasted speeches and Friday sermon signaling the end of the war and the incursion by the NLA excited and worried prisoners in Ahvaz. One leftist prisoner noted that the difference in reaction depended on prisoners' political sympathies:

We became suspicious, because it is during such dangerous times when prisoners are most vulnerable to attack. But the Mojahedin were overjoyed with the news of "victory" and were congratulating each other ... Even the Mojahedin who rejected Rajavi but had refused to repent believed that the Mojahedin were on the brink of victory.<sup>349</sup>

The day after the lockdown on Thursday or Friday (July 28 or 29), prisoners were separated:

[T]he cell door was suddenly kicked open and [Reza Sarami, the head of prisons in Khuzestan] entered, accompanied by a few guards. They violently removed the carpet and placed a table and chair on the floor. Sarami sat behind the table and said: "We have returned to 1981; everyone must be retried."<sup>350</sup>

Sarami walked through the wings of the prison and divided up the prisoners. They were asked to chant "death to Rajavi," "death to the Mojahedin," and "long live Khomeini." Those who refused or chanted "long live Rajavi" and "death to Khomeini" were identified and separated. Some prisoners were selected

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<sup>343</sup> *Id.*

<sup>344</sup> *Id.*

<sup>345</sup> Tudeh Party of Iran, *Remembering the Martyrs of a National Tragedy*, <http://www.tudehpartyiran.org/meli.htm> (last visited Aug. 20, 2009).

<sup>346</sup> Manouchehr Interview, *supra* note 126; see also IHRDC Interview with Manouchehr. (Jun. 20, 2009) (on file with IHRDC).

<sup>347</sup> Interview by Monireh Baradaran with Ali, available at <http://www.bidaran.net/spip.php?article165> [hereinafter Ali Interview]. This interview has been translated into English and is available at <http://www.iranrights.org/english/document-585.php> (under the title *1988: Mass Killing of Political Prisoners in Ahvaz*).

<sup>348</sup> Anonymous, *supra* note 93.

<sup>349</sup> Anonymous, *supra* note 93.

<sup>350</sup> *Id.*

for transfer to Dastgerd prison in Esfahan. A survivor from that group believes that the authorities intended to execute those remaining in Ahvaz.<sup>351</sup>

After the sorting, prisoners faced Ahvaz's Death Commission. One prisoner, arrested in 1983 because of his involvement with the Fedaian, recalls the make up of the Commission that interrogated him:

They were local authorities. I myself was interrogated by three men, Shafi'i, who was a high-ranking prison officer; the other man was an Arab—if I recall correctly, his name was Abbas; and another man from the Revolutionary Court. There were also two others, Sarami, a native of Dezful, and Mehdizadeh, who was known for his brutality and bloodthirstiness, and who worked for the Revolutionary Court. Mehdizadeh frequented the youth wing. He was known for his moral corruption.<sup>352</sup>

The same prisoner recalls that, just as in other parts of the country, prisoners in Ahvaz were asked whether they were faithful to the Islamic Republic, if they were Muslim, and if they prayed. The members of the Death Commission then requested that he provide an interview denouncing his party. He and other prisoners refused to do so. The second time he was summoned before the Commission, the members demanded that he refrain from engaging in political activities upon his release from prison. He accepted their demands and was released.<sup>353</sup>

The prisoners who were eventually transferred to Esfahan were questioned by the Death Commission before their departure. Manouchehr (pseudonym) was in this group. He explains that the prisoners were summoned one by one and asked questions that were similar to those asked of other leftists, but that the questions for Mojahedin members were different.<sup>354</sup> They were simply asked which organization they belonged to. If the prisoner answered "Mojahedin," the questions ended. If they answered "munafiqin" they were asked if they still believed in the organization's ideology. Some were also asked whether they believed in Masoud Rajavi.<sup>355</sup>

To Manouchehr's knowledge, all leftists and Mojahedin refused to budge. They were returned to their rooms where Sarami told the leftists that they were "apostates and the sentence for apostates is death." He then turned to the Mojahedin and said, "and you are munafiqin and the sentence for munafiqin is death." Shortly after he left the room, guards ordered the leftists to put their names on their belongings.<sup>356</sup>

The leftist prisoners were taken to the prison's mosque where they joined prisoners from other cities in and around Khuzestan province, including Dezful, Masjed Suleiman, Shushtar, and Mahshahr. Many of the prisoners were ethnic Arabs. At the time, Manouchehr was certain of execution. The prisoners were handcuffed to each other and forced to board a bus headed toward Esfahan. Manouchehr remembers that during the journey they were forced to make several rest stops. When the prisoners encountered members of the public during these stops, the guards referred to them as "prisoners of war."<sup>357</sup>

The families of the Ahvaz prisoners who were transferred to Esfahan were not informed of the move and believed that their loved ones had been executed. After about 40 to 50 days in Esfahan, the transferees were returned to Fajr.<sup>358</sup> Several prisoners were sent directly to solitary but were eventually returned to the general ward.<sup>359</sup> After almost four months, family visits resumed. It was during these first meetings with their family members that the leftist prisoners learned that almost all of the non-repenting Mojahedin

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<sup>351</sup> *Id.*

<sup>352</sup> Ali Interview, *supra* note 347.

<sup>353</sup> *Id.*

<sup>354</sup> Manouchehr Interview, *supra* note 126; *see also* IHRDC Interview with Manouchehr (Jun. 20, 2009) (on file with IHRDC).

<sup>355</sup> *Id.*

<sup>356</sup> *Id.*

<sup>357</sup> *Id.*

<sup>358</sup> *Id.*; *see also* Anonymous, *supra* note 93.

<sup>359</sup> Manouchehr Interview, *supra* note 126; *see also* IHRDC Interview with Manouchehr. (Jun. 20, 2009) (on file with IHRDC).

had been executed, along with a significant number of *tavvabs*.<sup>360</sup> Several of those killed were *mellikesh*.<sup>361</sup> Manouchehr's mother informed him that all of his fellow prisoners in Masjed Soleiman had been killed.<sup>362</sup>

One survivor recalls that a week prior to February 11 (the anniversary of the Islamic Revolution), prison authorities requested that the prisoners provide their addresses and telephone numbers. They informed them that they would soon be released, but only on the condition that they repent. Again, the prisoners refused. They were all sent to solitary, but were released on April 1.<sup>363</sup>

#### 4.11 Zahedan

Zahedan prison is located in the city of Zahedan, which is the capital of Sistan-Baluchistan province and is approximately 1605 kilometers southeast of Tehran. The political ward in Zahedan prison was managed by the Ministry of Intelligence. The prison held around forty to fifty political prisoners in 1986. In the summer and fall of 1986, authorities transferred some of the prisoners to Mashhad, leaving approximately twenty of the original political prisoners in Zahedan. In addition, there were several other political prisoners who had been transferred to Zahedan from other prisons throughout the country. By the end of 1987, the political prisoners' ward had been dissolved and the prisoners relocated to other wards.<sup>364</sup>

A survivor from Zahedan echoes the testimony of survivors from other prisons who began to notice significant changes after the cease-fire agreement between Iran and Iraq:

After the acceptance of the UN Resolution 598 and the border conflicts between Mojahedin forces and the Islamic Republic, the prison's environment changed instantly. They turned the TVs off. The loudspeakers no longer worked.<sup>365</sup>

Family visitation privileges were also withdrawn. Soon after, six prisoners were summoned—five Mojahedin and one Fedaiian (Minority). The Fedaiian member soon returned and said that he had been taken by mistake. Some of the Zahedan prisoners returned to the ward later:

They were in horrible shape; they had returned with only their underwear on. They looked haggard and unkempt.<sup>366</sup>

They explained that they had been interrogated by a three-person commission (representing three agencies) that was not composed of individuals indigenous to Sistan-Baluchistan province. The commission had been unable to reach a decision regarding their cases and so sent them to Evin prison. At Evin, their files were reviewed and they were sent back to Zahedan. It is unclear how many prisoners were executed in Zahedan. An eyewitness alleges, however, that none of those who had been transferred to Zahedan from other prisons returned from the Death Commission.<sup>367</sup>

#### 4.12 Mashhad

Mashhad is located approximately 850 kilometers east of Tehran. In 1988, Mashhad served as the capital of Khorasan province and is currently Iran's second most populous city. Mashhad's prison, Vakil Abad,

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<sup>360</sup> Anonymous, *supra* note 93.

<sup>361</sup> Ali Interview, *supra* note 347.

<sup>362</sup> Manouchehr, *supra* note 133; *see also* IHRDC Interview with Manouchehr (Jun. 20, 2009) (on file with IHRDC).

<sup>363</sup> Anonymous, *supra* note 93.

<sup>364</sup> Anonymous, *supra* note 122.

<sup>365</sup> *Id.*

<sup>366</sup> *Id.*

<sup>367</sup> *Id.*

included a ward for political prisoners that had been built several years prior to 1979. According to prisoner accounts, this ward consisted of three separate sections, one of which had solitary cells.<sup>368</sup>

Reza Fani Yazdi, a leftist survivor housed in Section 2 of Vakil Abad, recalls that everything changed after the cease-fire acceptance:

A few days after the acceptance of UN Resolution 598 ... everything suddenly changed. It was evening. The section's loudspeakers were suddenly turned on and they read the names of everyone in Section 2. They blindfolded us, took us to the ward's hallway (which connected all the prison wards) and sat us down facing the wall. They gave all of us pieces of paper which included several questions, such as: "To which political movement are [you] connected, and what were the circumstances of [your] arrest and conviction? What do [you] think of the Islamic Republic? Were any of [your] followers executed, or are any of [your] followers outside the country?"<sup>369</sup>

The day after the questionnaires were passed out, the ward was cut off from the outside world. TVs were taken out, access to newspapers was withdrawn, and contact with family members ceased. Yazdi remembers that even prison doctors and municipal officials were forbidden to enter his ward.<sup>370</sup>

Around the same time, prison officials began summoning prisoners. According to Yazdi, the summoning occurred in three phases. The first group consisted of nine Mojahedin who were summoned the day after the questionnaires were passed out. The second group was summoned a few days after that and consisted of approximately 100 prisoners. A week later, the third group was taken out. After the third group left, out of approximately 400 prisoners, only 100 or so remained. Almost all the Mojahedin had been taken and most of the remaining prisoners were leftists.<sup>371</sup>

After the Mojahedin prisoners were summoned, prison officials began summoning leftists:

It hadn't even been three days since they had taken the third group of Mojahedin prisoners when twenty-three of us were summoned, taken out of Ward 2 and transferred to a quarantine room. The rest of the prisoners were taken to Ward 1. The prison head's assistant accidentally ran into one of the prisoners in the hall behind the ward and told him that the prisoners in the quarantine room will be the next group to go. "This time the commission comes to Mashhad, they'll send all of you to hell!" These were the exact words of Hajj Vali-Pour (who was a young cleric ... and was in charge of the political ward) to one of our friends.<sup>372</sup>

Yazdi believes that leftists never went before the Death Commission because of Ayatollah Montazeri's continued insistence that the execution of political prisoners come to an end. Nonetheless, several former Mojahedin members who had abandoned the group and joined leftist organizations were executed. Many of the Mojahedin prisoners had served at least seven years in prison, and were close to finishing their terms. Others were *mellikesh* but had not been released.<sup>373</sup>

Visits resumed at Vakil Abad around November 1988. Yazdi believes that none of the family members in Mashhad were told that their loved ones had been executed. Week after week, family members visited the prison, only to be told by officials that their loved ones were transferred to other prisons and would return. Yazdi is not aware that any belongings or last wills and testaments of the executed prisoners were given to families. Families were not given any information regarding where the prisoners were buried. To this day, family members of the disappeared gather at the site of *La'nat Abad* cemetery in Mashhad, where many believe the executed are buried.<sup>374</sup>

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<sup>368</sup> Yazdi Interview, *supra* note 122

<sup>369</sup> *Id.*

<sup>370</sup> *Id.*

<sup>371</sup> *Id.*

<sup>372</sup> *Id.*

<sup>373</sup> *Id.*

<sup>374</sup> *Id.*

## 4.13 Rasht

Rasht is the capital of Gilan province and is the largest city on Iran's Caspian coastline. It is located approximately 324 kilometers northwest of Tehran. Around sunset on July 29, Abdollahi, the head of Rasht prison, entered the political prisoners' ward. He first went to Hall 1 and moved on to Hall 3. According to Ahmad Musavi, a survivor, Abdollahi told the prisoners, "All of you must be killed!"<sup>375</sup>

The next day at 9 p.m., guard Ramezan Keshavarzi entered the ward and began calling out names. Fourteen men from Hall 1, one from Hall 2 and one from Room 10 were called. Half an hour later, another guard came and called the names of ten more prisoners who were taken away with their belongings. Around 11 a.m. the next morning (July 31) more names were called. The summoning continued until out of sixty prisoners in Halls 1 and 3, only seven remained. Guards told the prisoners in Hall 2, who were mostly *tavvabs*, that there would be no visits for two months.<sup>376</sup>

Musavi was taken to solitary and severely beaten by two guards, Esmaili and Mirzai. He was sent back after fifteen days.

At the same time Karim, Hassan, Mahmoud and Mohammad (who were all members of the Mojahedin and were the only ones remaining in Room 10) accompanied me and we were all transferred to Hall 1. The nine remaining individuals (from a total of nineteen who had initially refused to wear prison uniforms) continued on with our lives in Hall 1.

He remembers that only 25 out of 120 prisoners remained in Hall 1. One of the returning Mojahedin told them that he had been interrogated by four people that included representatives from the prosecutor's office and the Ministry of Interior, an interrogator and Abdollahi (the head of Rasht prison). Musavi noted that after the interrogation they placed a negative mark next to his name. He thought this meant he was to be executed, but he later found out that a positive mark, in fact, meant the prisoner was to be executed.<sup>377</sup>

Musavi explains that because the summoned prisoners held various political beliefs and often refused to communicate with each other, they didn't realize the magnitude of what was going on. Looking back, however, he now recognizes some of the telltale signs that foreshadowed the executions:

[A]t the time they began to summon the prisoners from the wards, some regime officials had spoken of taking revenge on the prisoners in order to retaliate against the Mojahedin's Operation Eternal Light. For example, Mousavi Ardebili, the head of the Judiciary, had demanded the massacre of prisoners after Operation *Mersad* during his Friday sermon on July 29. Despite all of this, we had no evidence (other than suspicions and conjecture) indicating that innocent prisoners who had nothing to do with events outside prison and were merely serving their sentences would be executed and slaughtered. The guards also threatened us [every now and again]. When we complained about conditions in the ward they would say: be thankful that you have something and you're still alive – don't do something that will force us to send you over to your friends.<sup>378</sup>

Musavi believes that the prisoners in Rasht were hanged and that several were within days of release. About a month later, he and other prisoners were taking a walk in the ward hall when they were suddenly ordered to return to their cells.

After two hours they let us come outside and we realized that all the windows in Room 10 had been covered with blankets so that no one could see inside. We managed to sneak a peak inside without the guard finding out. They had returned all of the prisoners' belongings to the ward and

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<sup>375</sup> Musavi, *supra* note 91.

<sup>376</sup> *Id.*

<sup>377</sup> *Id.*

<sup>378</sup> *Id.*

placed them in Room 10. We were overtaken by the thought of all our friends who had been executed.<sup>379</sup>

## 5. The Government Denies Families Information and Forbids Mourning

Despite the efforts of the regime to keep the executions secret, word leaked out soon after they began. Early on, families of prisoners who had connections with government workers were given information.<sup>380</sup> Some families brought items to the prison in hopes that they might get a signed receipt proving their loved one was still alive. Prison officials often took the items—clothes, dried milk, and medicine—while leaving families without a hint of their loved ones' whereabouts.<sup>381</sup>

Some families appealed to Ayatollah Montazeri,<sup>382</sup> but these appeals were of no use, as Montazeri's faction had fallen out of favor.<sup>383</sup> Others went to the Office of the Ministry of Justice and demanded information about the whereabouts of their loved ones. The wife of a Fedaiian member imprisoned in Evin recalls that, soon after her visit to the Ministry of Justice, she received a letter dated August 3 that she found worrisome:

[I]n my letter, [my husband had] written: “[M]y memories with you are drawn on my mind and they are like an eternal stone tablet that will never be destroyed ... A long time has passed since our last visit ... I hope you are well. Take care of our son. I cannot speak much to our son during these short visits. Talk to our son on my behalf. Ask him what he likes ... You can write letters on my behalf and read them to him.”

Other families received similar letters.<sup>384</sup>

In July and August 1988, the UN Special Representative for Iran to the Commission on Human Rights (U.N. Special Representative) sent telegrams to the Iranian Foreign Minister expressing concern about the reported executions.<sup>385</sup> In September, Amnesty International condemned the mass execution of political prisoners. Amnesty admitted it did not have much information but reported that it had received letters stating that supporters of the Mojahedin and other political groups had been executed.<sup>386</sup>

In August 1988, The New York Times reported that since the July offensive, the regime had publically denounced the Mojahedin and executed scores of Mojahedin supporters. In response, Alireza Jafarzadeh, a Mojahedin spokesman, reportedly said that the government's actions attested to the organization's influence: “The Mojaheden have learned to take proper tactics when and if necessary. We have always adjusted tactics in our fighting. The form of fighting is secondary.”<sup>387</sup>

By late September (or early October), visits had resumed in many of Iran's prisons.<sup>388</sup> A relatively small number of families learned of the fates of their loved ones when they went for prison visits and were

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<sup>379</sup> *Id.*

<sup>380</sup> Yazdi Interview, *supra* note 122.

<sup>381</sup> Sepideh Interview, *supra* note 120; *see also* 1990 AI Report, *supra* note 2, at 13.

<sup>382</sup> Sepideh Interview, *supra* note 120.

<sup>383</sup> Saki Interview, *supra* note 98.

<sup>384</sup> Sepideh Interview, *supra* note 120.

<sup>385</sup> Paul Lewis, *U.N. Says Human Rights Abuses are Continuing Throughout Iran*, N.Y. TIMES, Nov. 3, 1988, at A10, available at <http://www.nytimes.com/1988/11/03/world/un-says-human-rights-abuses-are-continuing-throughout-iran.html?scp=2&sq=Iran&st=nyt>.

<sup>386</sup> Urgent Action, Amnesty Int'l, Iran: Political Execution, AI Index MDE 13/14/88 (Sep. 2, 1988) (on file with IHRDC).

<sup>387</sup> Cowell, *supra* note 30.

<sup>388</sup> *See, e.g.*, BARADARAN, *supra* note 230; Atiabi Interview, *supra* note 89.

handed the prisoners' belongings in bags.<sup>389</sup> This quickly led to riots outside the prisons and so this practice was ended.<sup>390</sup>



**Akbar Hashemi Rafsanjani** was the Speaker of Parliament and the acting Commander in Chief of the Armed Forces in 1988. He is currently the head of the Expediency Council and the deputy Speaker of the Assembly Experts. When asked about the execution of political prisoners in the summer of 1988, Rafsanjani responded that “in the past few months” less than 1,000 prisoners were executed.

In November, the authorities began informing families by telephone of the deaths of their loved ones.<sup>391</sup> Even then, some families were given false information: Authorities sent families to the wilderness in search of phantom burial places;<sup>392</sup> or told parents that their child, who was still alive, had been executed.<sup>393</sup> Some families were told that their loved ones had been sent to an island where drug addicts were held.<sup>394</sup>

For many families, a phone call from the authorities signaled the beginning of a bureaucratic nightmare. Sepideh recalls that the Tehran's Prosecutor Office called her father-in-law's home on November 23 and asked him to come to Evin to “meet the committee.” Once at Evin, her family and others were sent to the Ministry of Justice where officials sent them to yet another location (Karim Abad, the “committee center” near Khavaran Road). Officials at Karim Abad told the families to return another day. When they returned, families were told to stand in separate lines and stay away from other families. Only one family member was allowed to enter the officials' room. Once inside, the news came quickly:

There were two people sitting in the room. When I entered [one] said: “It seems that you know why you are here.” I said: “No. My husband's term ends in two months and [he] may be released. We don't know what's happening. We were told to come here and here we are.” He said: “Your husband has been executed. Take his belongings and leave.” I started to argue with him ... He referred to the Mojahedin's attack. I said: “What is the meaning of this? My husband went to court and was sentenced to two years. He was to be released in two months, and in any case, he was not a Mojahed and he's done nothing. These things have nothing to do with him. I told him that my husband had a two-year sentence. His sentence would have ended in two months. Why was he executed? [The official] replied: “We only know that you should think about yourself and your kid. He did not think of his wife and child.” I said, “Yes, his heart was ... far greater than that.”<sup>395</sup>

Most families received their loved one's belongings, usually in a plastic bag and were ordered not to mourn.<sup>396</sup> Officials ignored families' inquiries, refuting the existence of wills and even burial sites. Families were quickly and forcefully ousted from the center.<sup>397</sup>

A survivor from Shiraz relates that families protested in front of Shiraz's Adel Abad prison. The protesters were violently attacked and beaten by authorities from the Ministry of Intelligence. He reports that after repeated arrests, several protesters were beaten to death.<sup>398</sup>

<sup>389</sup> BARADARAN, *supra* note 230, at 400-01 (indicating that some time after the resumption of visitation rights, a small number of families were notified that they should come to prison. There they were given their loved ones' belongings).

<sup>390</sup> 1990 AI Report, *supra* note 2, at 14. While authorities began to inform families in October and November 1988, the exact dates of the protests outside the prisons have not been confirmed.

<sup>391</sup> MESDAGHI, *supra* note 80, at 235 (2004); *see also* Sepideh Interview, *supra* note 120; *Az An Ruzhayih Talkh [From Those Bitter Days]*, 142 KAR 7 (Aug. 19, 1996); 1990 AI Report, *supra* note 2, at 14.

<sup>392</sup> Saki Interview, *supra* note 98.

<sup>393</sup> *Id.*; *see also* Yazdi Interview, *supra* note 122.

<sup>394</sup> Saki Interview, *supra* note 98.

<sup>395</sup> Sepideh Interview, *supra* note 120.

<sup>396</sup> *Id.*; *see also* SHIRIN EBADI WITH AZADEH MOAVENI, *IRAN AWAKENING: A MEMOIR OF REVOLUTION AND HOPE* 87 (2006) [hereinafter *AWAKENING*].

<sup>397</sup> Sepideh Interview, *supra* note 120.

In October 1988, the U.N. Special Representative on human rights in Iran issued an interim report that there had been a wave of executions that summer. He reported that 200 Mojahedin prisoners had been killed at Evin on July 28, and that between August 14 and 16, the bodies of 860 executed political prisoners had been taken to the Behesht-e Zahra cemetery in Tehran.<sup>399</sup> On November 29, he met with Iran's Permanent Representative to the U.N. who tried to discredit information provided by the Mojahedin by presenting a videotape produced by the NLA. The tape was a compilation of videos showing military parades, military training, battlefields and statements by NLA leaders. According to the Permanent Representative, such videos were regularly broadcast in Iran and "that fact in itself discredited" all claims of the Mojahedin.<sup>400</sup>

Iran's Permanent Representative denied that the mass executions took place. He repeatedly announced that many people had been killed during the NLA's incursion and spoke about Iran's need to defend its "sovereignty and territorial integrity."<sup>401</sup> Yet, in December 1988, Ali Khamenei publicly justified the executions by speaking of "those who have links from inside prison with the *Monafeqin* [Mojahedin] who mounted an armed attack inside the territory of the Islamic Republic."<sup>402</sup>

In the Islamic Republic, we have capital punishment for those who deserve to be executed ... Do you think we should hand out sweets to an individual who, from inside prison, is in contact with the *munafiqin* who launched an armed attack within the borders of the Islamic Republic? If his contacts with such an organization have been established, what should we do about him? He will be sentenced to death, and we will execute him. We do not take such matters lightly.<sup>403</sup>

Neither he nor others who made the same justifications ever explained how those links existed or how longtime prisoners had participated in the incursions.<sup>404</sup> As late as 1990, Hojjatolislam Noori, then-Minister of the Interior, told the UN Special Representative that "to conceal the defeat of the invaders, a campaign had been organized abroad alleging that invaders captured on the battlefield had been executed en masse, together with imprisoned members of the same group."<sup>405</sup>

A year and a half after her husband's execution, Sepideh received a call asking if she wanted a death certificate, "required for administration matters." When she asked again about her husband's will and burial site, authorities accosted her:

"[Your husband] was a communist. He did not have a will. He was an atheist so he does not have a burial spot ... What do these people know about the importance of burial? It means nothing to them."<sup>406</sup>

The death certificate issued to Sepideh stated that her husband had died "of natural causes." Pointing this out to the official, Sepideh was met with threats. The next day, she was forced to appear at the Tehran

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<sup>398</sup> Esmaili-Pour Interview, *supra* note 289.

<sup>399</sup> Lewis, *supra* note 385. The United Nations Human Rights Commission had been examining the human rights situation in Iran through a series of annual reports beginning in 1985. *Id.*

<sup>400</sup> Special Representative of the Commission on Human Rights, *Report on the human rights situation in the Islamic Republic of Iran*, at 5, delivered to the Commission on Human Rights, U.N. Doc E/CN.4/1989/26 (Jan. 26, 1989) [hereinafter *1989 Report of the Special Representative*], available at <http://documents-dds-ny.un.org/doc/UNDOC/GEN/G89/103/57/pdf/G8910357.pdf?OpenElement>.

<sup>401</sup> See U.N. Econ. & Soc. Council [ECOSOC], *Letter dated 28 February 1989 from the Permanent representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General*, at 2-3, U.N. Doc. A/44/153 (Feb. 28, 1989); see also AFSHARI, *supra* note 6, at 116.

<sup>402</sup> 1990 AI Report, *supra* note 2, at 12.

<sup>403</sup> Iraj Mesdaghi, *Another Look at the Summer of '88 Massacre*, <http://www.irajmesdaghi.com/page1.php?id=36> (last visited Aug. 7, 2009).

<sup>404</sup> AFSHARI, *supra* note 6, at 115.

<sup>405</sup> Special Representative of the Commission on Human Rights, *Report on the human rights situation in the Islamic Republic of Iran*, ¶ 119, delivered to the Commission on Human Rights, U.N. Doc. E/CN.4/1990/24 (Feb. 12, 1990) [hereinafter *1990 Report of the Special Representative*], available at <http://documents-dds-ny.un.org/doc/UNDOC/GEN/G90/104/78/pdf/G9010478.pdf?OpenElement>.

<sup>406</sup> Sepideh Interview, *supra* note 120.

Prosecutor's Office, where she was held and questioned until evening. She was subjected to questioning, often while blindfolded, for the next seven years.<sup>407</sup>

Even when the authorities informed families about the executions of their loved ones, they cruelly denied them the dignity of mourning.<sup>408</sup> As Sepideh describes: "Our crying began when we arrived home."<sup>409</sup> Families were ordered not to hold funerals or memorial services, even those traditionally marking 40 days<sup>410</sup> and one year<sup>411</sup> after death. While some families managed to hold ceremonies privately, the homes of others were raided.<sup>412</sup>

Some families later learned of the burial location, which could be marked with a headstone indicating the name and date of birth.<sup>413</sup> Some prisoners were buried miles away from where the prisoner had been arrested and detained.<sup>414</sup> Some people were given false information about the burial place of their loved ones, which furthered the families' mistrust of the government.<sup>415</sup> Many people never learned the location of their loved ones' remains.<sup>416</sup> One father threatened suicide in attempt to learn the whereabouts of his son. When the religious judge refused to give him information, the father jumped out a window to his death.<sup>417</sup> Another woman explained how she desperately dug up graves with her bare hands to find her husband's remains.<sup>418</sup>

Slowly, rumors of burial sites began to spread.<sup>419</sup> While prisons determined where bodies were buried, it was generally understood that prisoners were buried in mass graves in the La'nat Abad sections (which means "place of the damned") of cemeteries that were reserved for political prisoners.<sup>420</sup> In Tehran, many of the remains were buried in mass graves in Khavaran,<sup>421</sup> a deserted part of southeast Tehran generally used to bury political prisoners and atheists (which include Bahá'ís).<sup>422</sup> As the executions became known, families gathered there on Fridays. Sepideh describes the site:

Before the 1988 mass executions, they had dug two large canals. When we arrived, they had filled the canals, but the mounds were clearly visible. They had buried [the prisoners] so close to the surface that at times you could see bone remnants, articles of clothing, slippers and combs on the

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<sup>407</sup> *Id.* At the time of her husband's execution, Sepideh was under a "suspended sentence" or conditional release. Although her suspended term was for three years, she was forced to report to the committee for 7 years. *Id.*

<sup>408</sup> AWAKENING, *supra* note 396, at 87; Sepideh Interview, *supra* note 120; Esmaili-Pour Interview, *supra* note 289.

<sup>409</sup> Sepideh Interview, *supra* note 120.

<sup>410</sup> 1990 AI Report, *supra* note 2, at 15. In the Shi'a religious tradition, it is customary to mourn the death of a loved one forty (40) days after death. Forty-day mourning cycles played a significant political role in the downfall of the Shah's regime during the Iranian Revolution. See CHARLES KURZMAN, THE UNTHINKABLE REVOLUTION IN IRAN 53-59 (2004) (explaining the significance of the forty-day mourning period during the Iranian Revolution).

<sup>411</sup> AWAKENING, *supra* note 396, at 87.

<sup>412</sup> Sepideh Interview, *supra* note 120.

<sup>413</sup> Esmaili-Pour Interview, *supra* note 289.

<sup>414</sup> Aminian Interview, *supra* note 98.

<sup>415</sup> Saki Interview, *supra* note 98.

<sup>416</sup> Yazdi Interview, *supra* note 122; see also 1990 AI Report, *supra* note 2, at 13.

<sup>417</sup> Yazdi Interview, *supra* note 122.

<sup>418</sup> 1990 AI Report, *supra* note 2, at 13.

<sup>419</sup> See, e.g., Ali Interview, *supra* note 347; see also Esmaili-Pour Interview, *supra* note 289 (describing the mass grave at the corner of Shiraz cemetery as "the damned lot").

<sup>420</sup> 1990 AI Report, *supra* note 2, at 13; Ali Interview, *supra* note 347; see also Esmaili-Pour Interview, *supra* note 289; Yazdi Interview, *supra* note 122.

<sup>421</sup> See Amnesty Int'l, Iran: The 20<sup>th</sup> Anniversary of 1988 "Prison Massacre," AI Index MDE 13/118/2008, Aug. 19, 2008, available at <http://www.amnesty.org/en/library/asset/MDE13/118/2008/en/f59e0311-6de3-11dd-8e5e-43ea85d15a69/mde131182008en.pdf>; see also Amnesty Int'l, Iran: Preserve the Khavaran grave site for investigation into mass killings, AI Index MDE 13/006/2009, Jan. 21, 2009, available at <http://www.amnesty.org/en/library/asset/MDE13/006/2009/en/4c4f2ba9-e7b0-11dd-a52605dc1810b803/mde130062009eng.pdf> (last visited Aug. 10, 2009).

<sup>422</sup> See Monireh Baradaran (M. Raha), *Khavaran Rose Garden, The Story of a Mass Grave* (Noghteh 1997), available at <http://www.iranrights.org/english/document-190.php>; AWAKENING, *supra* note 396, at 91. Fundamentalists refer to Khavaran as the "Accursed Land." *Id.* Many families had not heard of Khavaran before the 1988 massacre. Sepideh Interview, *supra* note 120 (explaining that "[o]n the right side [of Khavaran], Bahá'í people had been buried. On the left side, political prisoners who had been executed in the early 80s had been buried.").

ground. We were not allowed to touch the ground or sit down ... There were lots of security forces present, both on foot and in vehicles. We noticed several black cars parked outside.<sup>423</sup>

Pasdars<sup>424</sup> patrolled Khavaran cemetery and attacked people who come to mourn.<sup>425</sup> Authorities destroyed memorial markers brought or made by mourners.<sup>426</sup> Despite these impediments, families continued to congregate at Khavaran to mourn those they lost in 1988.<sup>427</sup>

In the past few years, families have attempted to mourn their loved ones on what they believe to be the anniversary of the executions, August 29.<sup>428</sup> In 2005, at least 2,000 people gathered in Khavaran to commemorate the executions. Many were detained by police.<sup>429</sup> In 2007, at least eight people were imprisoned by the Ministry of Intelligence for their involvement with one such ceremony. They were all arrested at home or workplace. Most of their homes were searched, and personal possessions, including laptops, were seized. Some family members who did not attend the ceremony were taken for interrogation or as punishment for giving an interview about the detention.<sup>430</sup>



**Mir Hossein Mousavi** was the Prime Minister of the Islamic Republic of Iran during the 1988 Massacre. Most recently, he lost a disputed presidential election to President Ahmadinejad. In the lead up to the election, students attending one of his campaign speeches chanted “88” and called for him to explain his role in the massacre. In response to these concerns, a Mousavi supporter responded: “My friends, at the beginning of the Islamic revolution we were all like Ahmadinejad, but we changed our path and our way.”

In 2008, on the 20<sup>th</sup> anniversary of the massacre, the Iranian government stepped up law enforcement presence around Khavaran and disrupted commemoration ceremonies.<sup>431</sup> Those who refused to obey orders were harassed, attacked and arrested. The police detained as many as seventeen people.<sup>432</sup> During the first four days, no news was released about the people who were detained.<sup>433</sup> The civil rights activist Solmaz Igdar, a reporter for a feminist website and defender of children’s and women’s rights, was released after 13 days in detention and after her family posted bail in the amount of \$100,000 USD.<sup>434</sup> In

<sup>423</sup> Sepideh Interview, *supra* note 120.

<sup>424</sup> FREDERIC WEHERY ET AL., THE RISE OF THE PASDARAN: ASSESSING THE DOMESTIC ROLE OF IRAN’S ISLAMIC REVOLUTIONARY GUARDS CORPS I (2009).

<sup>425</sup> BARADARAN, *supra* note 230, at 473; *see also* Sepideh Interview, *supra* note 120.

<sup>426</sup> BARADARAN, *supra* note 230, at 473.

<sup>427</sup> 1990 AI Report, *supra* note 2, at 15.

<sup>428</sup> Amnesty Int’l, *Iran: The 20<sup>th</sup> Anniversary of 1988 “Prison Massacre”*, AI Index MDE 13/118/2008, Aug. 19, 2008, available at <http://www.amnesty.org/en/library/asset/MDE13/118/2008/en/f59e0311-6de3-11dd-8e5e-43ea85d15a69/mde131182008en.pdf> (last visited Aug. 10, 2009).

<sup>429</sup> *In Tehran, a Somber Crowd Recalls Iran’s Worst Massacre*, IRAN FOCUS, Sep. 3, 2005, [http://iranfocus.com/en/index.php?option=com\\_content&task=view&id=3585](http://iranfocus.com/en/index.php?option=com_content&task=view&id=3585).

<sup>430</sup> Urgent Action, Amnesty Int’l, Fear of Ill Treatment/Possible Prisoner of Conscience, AI Index: MDE 13/128/2007 (Nov. 2, 2007).

<sup>431</sup> *One Million Signature Campaign Timeline*, Human Rights First, available at [http://www.humanrightsfirst.org/defenders/hrd\\_iran/hrd\\_iran\\_page.aspx?item=57&c=i6](http://www.humanrightsfirst.org/defenders/hrd_iran/hrd_iran_page.aspx?item=57&c=i6) (last visited Aug. 10, 2009).

<sup>432</sup> *Bi Ittila’i az Sarnivisht-i Bazdashtshudigan-i marasim-i Khavaran dar guft-i Guyih Radio Zamanih ba Abdulfatah Soltani va Naser Zerafshan* [Nothing is Known About the Fate of Those Arrested During the Khavaran Ceremonies: A Radio Zamaneh Interview with Abdulfatah Soltani and Naser Zerafshan], GOOYA NEWS, Sept. 5, 2008, available at <http://news.gooya.com/politics/archives/2008/09/076190.php> (last visited Aug. 7, 2009).

<sup>433</sup> *See Bikhbari az Bazdashtshudigan-i Ruz-i Jum’iyih Khavaran, Solmaz Igdar, Khabarnigar-i Kanun-i Zanan-i Irani dar Zindan, Kanun-i Zanan-i Irani* [Nothing is Known About those Arrested on Friday at Khavaran, Solmaz Igdar, Reporter for the Iranian Women’s Society in Prison, Iranian Women’s Society], GOOYA NEWS, Sept. 3, 2008, available at <http://news.gooya.com/politics/archives/2008/09/076090.php> (last visited Aug. 7, 2009).

<sup>434</sup> *Protest Iranian Government’s Repression of Women Writers*, Human Rights First, [http://www.humanrightsfirst.org/defenders/hrd\\_iran/alert090808\\_igdar.html](http://www.humanrightsfirst.org/defenders/hrd_iran/alert090808_igdar.html) (last visited Aug. 7, 2009).

October 2008, Hamideh Nabavi-Chashemi, another feminist and women's rights activist, was imprisoned for her alleged involvement in activities at Khavaran two months earlier.<sup>435</sup>

The Iranian government continued to block access to Khavaran until January 2009 when it began bulldozing the cemetery in an apparent attempt to destroy evidence of the 1988 executions. The destruction set off internal protests by families as well as human rights groups.<sup>436</sup> This was not the first time that the Iranian government has tried to destroy Khavaran. Babak Emad, the president of the Association of Iranian Political Prisoners, explained that "There were earlier attempts to destroy the graves but they were resisted, very courageously, by the families."<sup>437</sup>

## 6. Violations of International and Iranian Law

The Iranian government's interrogation, execution and torture of prisoners in 1988, as well as its continued refusal to allow families access to the bodies of their loved ones violated, and continue to violate, Iranian law and Iran's obligations under international human rights law. The executions, torture and forced disappearances are also crimes against humanity. As such, the perpetrators should be held criminally liable.<sup>438</sup>

### 6.1 Violations of International Human Rights Law

The regime violated international law both in the manner in which it carried out, and its justifications for, the interrogations, executions and torture of political prisoners. It also violated the prisoners' rights under international law to free expression and association, as well as redress. While the Islamic Republic is permitted, in limited circumstances, to derogate from some of its international human rights obligations,<sup>439</sup> it did not have any right to derogate from its duties to protect these rights of its citizens. The right to life "is the supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation."<sup>440</sup> Similarly, there is no permitted derogation from the international protections of freedom of thought, conscience and religious belief.<sup>441</sup> The Human Rights

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<sup>435</sup> See [Amnesty Int'l, Iran: Human Rights in the Spotlight on the 30<sup>th</sup> Anniversary of the Iranian Revolution](http://www.amnesty.org/en/library/asset/MDE13/010/2009/en/90ed36ff-f6c8-11dd-b29a-27125ba517bb/mde130102009fa.html), AI Index: MDE 13/010/2009, Feb. 5, 2009, available at <http://www.amnesty.org/en/library/asset/MDE13/010/2009/en/90ed36ff-f6c8-11dd-b29a-27125ba517bb/mde130102009fa.html>.

<sup>436</sup> See [Amnesty Int'l, Iran: Preserve the Khavaran grave site for investigation into mass killings](http://www.amnesty.org/en/library/asset/MDE13/006/2009/en/4c4f2ba9-e7b0-11dd-a52605dc1810b803/mde130062009eng.pdf), AI Index MDE 13/006/2009, Jan. 21, 2009, available at <http://www.amnesty.org/en/library/asset/MDE13/006/2009/en/4c4f2ba9-e7b0-11dd-a52605dc1810b803/mde130062009eng.pdf>.

<sup>437</sup> *No Peace for Victims of Iranian Revolution*, WESTMINSTER NEWS ONLINE, Mar. 10, 2009, <http://www.westminsternews.com/wordpress/?p=1184>.

<sup>438</sup> Both direct and indirect actors may be prosecuted under international criminal law, including the executioners, the guards, the members of the Death Commissions, and their superiors. See Rome Statute of the International Criminal Court arts. 25, 28, *entered into force* July 1, 2002, U.N. Doc. A/CONF.183/9 [hereinafter Rome Statute].

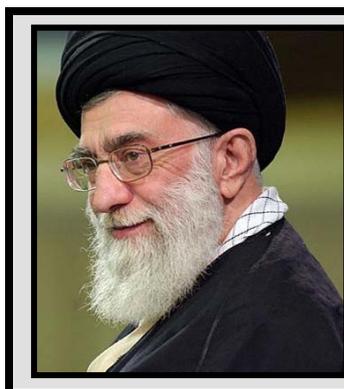
<sup>439</sup> State parties are permitted to derogate from some international obligations "in [a] time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed." International Covenant on Civil and Political Rights art. 4, ¶ 1, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR]. During armed conflicts "measures derogating from the [ICCPR] are allowed only if and to the extent that the situation constitutes a threat to the life of the nation." U.N. Human Rights Comm., General Comment No. 29: States of Emergency (Art. 4), ¶ 3, U.N. Doc. CCPR/C/21/Rev.1/Add.11 at 2 (Aug. 31, 2001), available at [http://www.unhcr.ch/tbs/doc.nsf/0/71eba4be3974b4f7c1256ae200517361/\\$FILE/G0144470.pdf](http://www.unhcr.ch/tbs/doc.nsf/0/71eba4be3974b4f7c1256ae200517361/$FILE/G0144470.pdf). Thus, even if the right to life were a derogable obligation, the armed incursion by the NLA in July 1988 did not justify any derogation. Those executed were already in prison and any military threat arising from the incursion had already been averted by the time the executions began.

<sup>440</sup> U.N. Human Rights Comm., General Comment No. 6: Right to Life (Art. 6), ¶ 1, U.N. Doc. HRI/GEN/1/Rev.1 at 6 (Apr. 30, 1982), available at <http://www.unhcr.org/refworld/docid/45388400a.html> [hereinafter General Comment No. 6].

<sup>441</sup> U.N. Human Rights Comm., General Comment No. 22, Article 18: Freedom of Thought, Conscience or Religion, ¶¶ 1, 3, U.N. Doc. CCPR/C/21/Rev.1/Add.4, at 1-2 (July 30, 1993), available at <http://www.unhcr.org/refworld/docid/453883fb22.html> [hereinafter General Comment No. 22].

Committee has stated that the “guarantees of fair trial may never be made subject to measures of derogation that would circumvent the protection of non-derogable rights.”<sup>442</sup>

### 6.1.1 Summary Mass Executions



**Ayatollah Seyyed Ali Khamenei** was the president of the Republic in 1988 and succeeded Ayatollah Khomeini as the Supreme Leader of Iran. When asked about the execution Khamenei responded: “[W]e in the Islamic Republic have capital punishment for those who deserve to be executed. Do you think we should give sweets to a prisoner who has connections with the activities of the munafiqin?”

Article 6 of the ICCPR, to which Iran is a party, embodies the supreme right to life possessed by every human being.<sup>443</sup> Although capital punishment is not prohibited under international law, the right to execute offenders is extremely limited. Defendants may not be sentenced to death for crimes committed while under the age of 18, and pregnant women may not be executed.<sup>444</sup> Moreover, Article 6 provides that “a sentence of death may be imposed only

for the most serious crimes in accordance with the law in force at the time of the commission of the crime.” The death penalty can only be carried out pursuant to a “final judgment rendered by a competent court.”<sup>445</sup> Parties to the Covenant also agreed that a person sentenced to death has the right to appeal or seek a pardon.<sup>446</sup>

The Iranian government’s mass executions of political prisoners violated its obligations under Article 6 of the ICCPR. The executions were disproportionate to any crime committed and the decisions to execute were made without any of the required safeguards. Far from being reserved for the “most serious crimes” as an “exceptional measure,” thousands of prisoners were executed, and the death penalty was essentially a mandatory punishment for certain classes of political and religious beliefs. The widespread executions were directed at non-violent prisoners serving long-term sentences for acts that, even if considered offenses, were not capital crimes under Iranian law. Many of the victims were serving time for crimes they committed while under the age of 18.<sup>447</sup>

### 6.1.2 Torture

Torture is explicitly prohibited by Article 7 of the ICCPR as well as the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention).<sup>448</sup> Torture is defined in the Torture Convention as “any act by which severe pain or suffering, whether physical or mental, is

<sup>442</sup> U.N. Human Rights Comm., General Comment No. 32, Article 14: Right to Equality before courts and tribunals and to fair trial, ¶ 6, U.N. Doc. CCPR/C/GC/32, at 2 (Aug. 23, 2007), available at [http://www.unhcr.org/refworld/type/GENERAL\\_478b2b2f2.0.html](http://www.unhcr.org/refworld/type/GENERAL_478b2b2f2.0.html) [hereinafter General Comment No. 32].

<sup>443</sup> ICCPR, *supra* note 439, art. 6(2). Article 6 provides: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” *Id.* art. 6(1). The “inherent right to life” should not be interpreted too narrowly; it obliges states to take positive measures. General Comment No. 6, *supra* note 440, ¶ 6.

<sup>444</sup> ICCPR, *supra* note 439, art. 6(5).

<sup>445</sup> *Id.* art. 6(2). Mandatory death sentences have been prohibited *per se* because they deprive defendants “of the most fundamental of rights, the right to life, without considering whether this exceptional form of punishment is appropriate in the circumstances of his or her case.” *Thompson v. St. Vincent and the Grenadines*, Communication No. 806/1998, U.N. Doc. CCPR/C/70/D/806/1998, ¶ 8.2 (May 12, 2000), available at <http://www.unhchr.ch/tbs/doc.nsf/0/4e7f1d1ca312940fc12569e3003e9190?Opendocument> (explaining that a legal system imposing capital punishment on a particular category of crime without regard for circumstances surrounding the offense constitutes a violation of article 6(1)).

<sup>446</sup> ICCPR, *supra* note 439, art. 6(4).

<sup>447</sup> In his third letter of 1988, Ayatollah Montazeri criticized the Death Commissions for violating Islam by executing minor offenders who, in a legitimate court of law, would only have been reprimanded. ABRAHAMIAN, *supra* note 1, at 220.

<sup>448</sup> ICCPR, *supra* note 439, art. 7; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, GA res. 39/46, annex, 39 GAOR Supp. (No. 51) at 197, UN Doc. A/39/51 (1984); 1465 U.N.T.S. 85, available at <http://www2.ohchr.org/English/law/cat.htm> [hereinafter Torture Convention].

intentionally inflicted.”<sup>449</sup> While Article 7 does not require a reason for the infliction of pain, the Torture Convention requires that the pain be inflicted for at least one purpose—listed purposes include intimidation, coercion and discrimination.<sup>450</sup> Both treaties also prohibit the use of cruel, inhuman and degrading treatment and punishment.<sup>451</sup> Systematic beatings have been found to constitute torture.<sup>452</sup>

In 1988, leftist prisoners who refused to pray and observe other Islamic practices as demanded by the government were repeatedly whipped every day. This systematic whipping of political prisoners for the purpose of coercing them into adopting religious practices constituted torture in violation of both the ICCPR and the Torture Convention.

### 6.1.3 Interrogations

The Death Commission process violated Iran’s obligations under Article 14 of the ICCPR, which requires “a fair and public hearing by a competent, independent and impartial tribunal established by law.”<sup>453</sup> Article 14 applies to special tribunals.<sup>454</sup> Such specialized trials “should be exceptional, i.e., limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where, with regard to the specific class of individuals and offenses at issue, the regular civilian courts are unable to undertake the trials.”<sup>455</sup>

Article 14 sets forth basic requirements for a fair hearing under international law, all of which were violated by the Iranian regime during the summer of 1988. These include the prohibition against double jeopardy, and the requirements that hearings be public and conducted fairly. The prohibition against double jeopardy—the rule that an individual cannot be tried multiple times for the same offense—is a fundamental principle of justice throughout the world.<sup>456</sup> In the summer of 1988, the Death Commissions interrogated and sentenced to death political prisoners who had already been tried and were serving their sentences, often for non-violent offenses including distributing newspapers and leaflets, taking part in demonstrations or collecting funds for prisoners’ families. As Ayatollah Montazeri noted, judges had already sentenced the prisoners to terms of imprisonment, and there were no reasonable ends to be served by re-trying, let alone executing, them.<sup>457</sup>

Paragraph 3 of Article 14 outlines minimum guarantees for the conduct of a fair hearing. It includes requirements that defendants be informed of the charges against them, be afforded adequate time and facilities to prepare their defenses, be provided legal defense counsel, be provided the right to examine the witnesses against them, and not be compelled to testify against themselves or confess.<sup>458</sup> Paragraph 5 of Article 14 requires that those convicted of crimes have the right to appeal their convictions and sentences

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<sup>449</sup> Torture Convention, *supra* note 448, art. 1.

<sup>450</sup> *Id.*

<sup>451</sup> ICCPR, *supra* note 439, art. 7; Torture Convention, *supra* note 448, art. 16.

<sup>452</sup> See MANFRED NOWAK, U.N. COVENANT ON CIVIL AND POLITICAL RIGHTS: CCPR COMMENTARY, 131, 161 (1993) (listing cases).

<sup>453</sup> ICCPR, *supra* note 439, art. 14(1). The Human Rights Committee (HRC) has stated that “scrupulous respect of the guarantees of fair trial is particularly important” in “trials leading to the imposition of the death penalty.” General Comment No. 32, *supra* note 442, ¶ 59.

<sup>454</sup> General Comment No. 32, *supra* note 442, ¶ 22.

<sup>455</sup> *Id.*

<sup>456</sup> Double jeopardy, also expressed as *ne is bid idem*, is reflected in principal international human rights treaties. See, e.g. ICCPR, *supra* note 439, art. 14(7); Charter of Fundamental Rights of the European Union, art. 50, 2000 O.J. (C 364/01), available at <http://www.unhcr.org/refworld/docid/3ae6b3b70.html>. Article 14(7) of the ICCPR states: “No one shall be liable to be tried or punished again for an offense for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of [that] country.”

<sup>457</sup> MONTAZERI’S MEMOIRS, *supra* note 4, at 303-04.

<sup>458</sup> ICCPR, *supra* note 439, art. 14.(3.) According to the HRC, “this safeguard must be understood in terms of the absence of any direct or indirect physical or undue psychological pressure from the investigating authorities on the accused, with a view to obtaining a confession of guilt.” General Comment 32, *supra* note 442, ¶ 41.

to a higher tribunal.<sup>459</sup> With certain exceptions involving security and privacy, trials must be public and any judgment must be made public.<sup>460</sup>

The interrogations conducted by the Death Commissions were not public and failed to observe any of the fundamental requirements for a fair hearing. They were secretly conducted in prisons that were cut off from the outside world. Telephones, newspapers, televisions and all other forms of communication had been removed. The authorities deliberately failed to inform the prisoners' families about the interrogations, or provide any charges. The Iranian press, tightly controlled by the government, was not permitted to report on the interrogations or executions.

The entire interrogation process was one of compulsion, designed to coerce confessions that were used to justify executions and torture. Prisoners were not told why they were being interrogated, and were not provided any time to prepare defenses, consult counsel, or present witnesses or documents in their defense. To the contrary, many prisoners were misled about the nature of the proceedings; they were told that the Death Commissions were amnesty commissions. The Death Commissions often decided whether to execute prisoners based on sessions that lasted only a few minutes, during which prisoners were asked only a handful of questions.

Prisoners were often executed within hours, if not minutes, after the Death Commissions completed their interrogations. No opportunity existed for appeal, let alone for an appeal complying with the requirements of international human rights law.

#### *6.1.4 Violation of rights to freedom of expression and association*

The Islamic Republic also violated prisoners' rights under international law to opinions, freedom of expression and association, and political participation. These rights are found in Articles 18, 19 and 22 of the ICCPR. Article 18 provides:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."<sup>461</sup>

International law protects the right to "theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief."<sup>462</sup> States may not compel individuals to reveal their religious beliefs,<sup>463</sup> or coerce them into adopting a particular religion or belief.<sup>464</sup>

Article 19 protects the "right to hold opinions without interference,"<sup>465</sup> while Article 22 protects the right of association.<sup>466</sup> States may prohibit the association and criminally prosecute individuals for membership in religious or atheistic organizations, but only when it is "in fact necessary to avert a real, and not only

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<sup>459</sup> ICCPR, *supra* note 439, art. 14(5).

<sup>460</sup> ICCPR, *supra* note 439, art. 14(1); *see also* General Comment No. 32, *supra* note 442, ¶ 28 ("All trials in criminal matters ... must in principle be conducted orally and publicly. The publicity of hearings ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large. Courts must make information regarding the time and venue of the oral hearings available to the public and provide for adequate facilities for the attendance of interested members of the public.")

<sup>461</sup> ICCPR, *supra* note 439, art. 18(1). The HRC has commented that the "right to freedom of thought, conscience and religion ... is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others." General Comment No. 22, *supra* note 441, ¶ 1.

<sup>462</sup> General Comment No. 22, *supra* note 441, ¶ 2.

<sup>463</sup> *Id.* ¶ 3.

<sup>464</sup> *Id.* ¶ 5; *see also* ICCPR, *supra* note 439, art. 18(2).

<sup>465</sup> ICCPR, *supra* note 439, art. 19(1).

<sup>466</sup> *Id.* art. 22.

hypothetical danger to the national security or democratic order and ... less intrusive measures would be insufficient to achieve this purpose.”<sup>467</sup>

The Death Commissions’ interrogation, torture and executions of leftist secular prisoners violated the core protections of Article 18. Not only were prisoners whipped and executed on the basis of their religion or other beliefs, they were unlawfully compelled to reveal their thoughts and coerced to adopt the religious beliefs of the Iranian regime. The Death Commissions also violated Articles 19 and 22 as, even if a particular political party were deemed to be a danger to security in Iran, the prisoners were already incarcerated and therefore did not pose a danger to national security. The status quo of imprisonment was itself sufficient to protect the state, and the Commissions did not have the authority under international law to interrogate, torture and execute prisoners.

### 6.1.5 Forced disappearances

Recently, the United Nations opened up for signature and ratification the International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED). The ICPAPED codified the prohibition against forced disappearances in the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, but included additional provisions targeted at preventing forced disappearances and combating impunity for them.<sup>468</sup>

The ICPAPED defines “enforced disappearance of persons” as a deprivation of a person’s freedom by a state or by persons acting with the authorization, support or acquiescence of a state, and the absence of information on the fate or whereabouts of such persons or refusal to acknowledge deprivation of freedom, thereby placing the person outside the protection of the law.<sup>469</sup> A “victim” can be the disappeared person as well as “any individual who has suffered harm as a direct result of an enforced disappearance.”<sup>470</sup> It requires that each victim be told the truth regarding the circumstances and fate of a disappeared person.<sup>471</sup> In the event of a disappeared person’s death, it requires the state to “respect and return their remains.”<sup>472</sup> The Human Rights Committee has also noted that a government’s failure or refusal to notify family members of the location of the body of someone who has been executed violates Article 7 of the ICCPR, which prohibits cruel, inhuman or degrading treatment or punishment.<sup>473</sup>

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<sup>467</sup> Jeong-Eun Lee v. Republic of Korea, Communication No. 1119/2002, U.N. Doc. CCPR/C/84/D/1119/2002, ¶ 7.2 (Aug. 23, 2005), available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.84.D.1119.2002.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.84.D.1119.2002.En?OpenDocument) (concluding that the Republic of Korea’s prohibition on membership in a political organization violated the member’s right to freedom of association and was incompatible with the requirements of Article 22); see also ICCPR, *supra* note 439, art. 22(2).

<sup>468</sup> See International Convention for the Protection of All Persons from Enforced Disappearances, G.A. Res. 61/177, U.N. Doc. A/RES/61/177 (Dec. 20, 2006), available at <http://www2.ohchr.org/english/law/disappearance-convention.htm> [hereinafter ICPAPED]; see also ECOSOC, Commission on Human Rights, *Report of the Working Group on Enforced or Involuntary Disappearances*, ¶¶ 40-42, U.N. Doc E/CN.4/2005/65, at 14 (Dec. 23, 2004) available at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=42d66e400&skip=0&query=%22E/CN.4/2005/65%20%22>. While only thirteen countries (of which Iran is not one) of the required twenty have ratified the Convention, it has only been open for signature since February 2, 2007. UNITED NATIONS TREATY COLLECTIONS, ICPAPED, Status available at [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&lang=en).

<sup>469</sup> ICPAPED, *supra* note 468, art. 2.

<sup>470</sup> *Id.* art. 24(1).

<sup>471</sup> *Id.* art. 24(2).

<sup>472</sup> *Id.* art. 24(3). Article 24 addresses concerns pointed out by an expert to the working group on enforced disappearances. The expert pointed out that there was a need to “precisely define the concept and the legal consequences of the right of family members of disappeared persons to the truth.” ECOSOC, Commission on Human Rights, *Civil and Political Rights, Including Questions of: Disappearances and Summary Executions*, ¶ 80, U.N. Doc. E/CN.4/2002/71, at 34 (Jan. 8, 2002) (prepared by Manfred Nowak) available at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=3d6ce3c50&skip=0&query=E/CN.4/2002/71>.

<sup>473</sup> Schedko v. Belarus, Communication No. 886/1999, U.N. Doc. CCPR/C/77/D/886/1999, ¶ 10.2 (Apr. 28, 2003) available at <http://www.unhcr.ch/tbs/doc.nsf/0/399cc6c62d92bbcec1256d33004d5600?Opendocument>.

The Inter-American Court of Human Rights recently ruled that the prohibition against forced disappearance and the duty of states to investigate and punish those responsible has reached the level of *jus cogens*, and is therefore a duty so fundamental under international law that states may not derogate from it.<sup>474</sup> The Court has consistently recognized that forced disappearances frequently “involv[e] secret execution without trial, followed by concealment of the body to eliminate any material evidence of the crime.”<sup>475</sup> A state is required to use all means at its disposal to inform the disappeared person’s next of kin about what happened to their loved one and, if necessary, where the remains are located.<sup>476</sup>

Iran violated, and continues to violate, its fundamental duty to prevent the forced disappearances of the thousands of prisoners executed during the summer and fall of 1988. While executions were taking place, the regime refused to respond to the inquiries of families as to the fate and whereabouts of their loved ones. It later misled some families by telling them that their loved ones had been moved to another prison when, in fact, they had been executed. Even in the cases where the government eventually told families that their loved ones had been executed, it usually refused to provide the remains or even identify the location of the remains.

The government also prohibited families from holding funeral ceremonies and has removed small monuments left by family members at the mass grave sites. Family members have been arrested and interrogated when visiting mass graves, and the government recently bulldozed a mass grave site in Khavaran.

By 1990, the United Nations Working Group on Enforced Disappearances had notified Iran of more than 450 outstanding cases of alleged forced disappearances, an increase of more than 350 from 1987.<sup>477</sup> In 1991, Iran provided responses to 265 of the cases, but the working group found that none of the responses clarified the cases.<sup>478</sup> For each case, the Iranian government’s withholding of information or provision of misinformation violated, and continues to violate, international law.

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<sup>474</sup> Goiburú et al. v. Paraguay, Inter-Am. Ct. H.R. (Ser.C) No. 153, ¶¶ 83-84 (2006), available at [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_153\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_153_ing.pdf). The Court was interpreting the preamble and Article III of the Inter-American Convention on Forced Disappearance which prohibits enforced disappearances.

<sup>475</sup> Godínez-Cruz v. Honduras, Inter-Am. Ct. H.R. (Ser.C) No. 5, ¶ 165 (1989), available at [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_05\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_05_ing.pdf); see also Velásquez-Rodríguez v. Honduras, Inter-Am. Ct. H.R. (Ser.C) No. 4, ¶ 157 (1988), available at [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_04\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_04_ing.pdf); Bámaca-Velásquez v. Guatemala, Inter-Am. Ct. H.R. (Ser.C), No. 70, ¶ 130 (2000), available at [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_70\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_70_ing.pdf).

<sup>476</sup> Castillo-Páez v. Peru, Inter-Am. Ct. H.R. (Ser.C) No. 34, ¶ 90 (1997), available at [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_34\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_34_ing.pdf); see also Trujillo-Oroza v. Bolivia, Inter-Am. Ct. H. R. (Ser.C) No. 92, ¶ 109 (2002), available at [http://www.corteidh.or.cr/docs/casos/articulos/Seriec\\_92\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/Seriec_92_ing.pdf). Although the European Convention on Human Rights does not mention enforced disappearance, the European Court of Human Rights has also found that a failure to provide information regarding the whereabouts of a disappeared person is a violation of the right to be free from inhumane or degrading treatment. Taş v. Turkey, App. no. 24396/94, Eur. Ct. H.R. ¶ 80 (2000); Timurtaş v. Turkey, App. no. 23531/94, Eur. Ct. H.R. ¶¶ 96-98 (2001); Cyprus v. Turkey, App. no. 25782/94 Eur. Ct. H.R. ¶¶ 157-58 (2001), available at <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=697331&portal=hbkm&source=externalbydocnumber&table=1132746FF1FE2A468ACCB CD1763D4D8149>.

<sup>477</sup> Compare ECOSOC, Commission on Human Rights, *Report of the Working Group on Enforced or Involuntary Disappearances*, ¶ 216, U.N. Doc. E/CN.4/1991/20 (Jan. 17, 1991), available at <http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=12Y76E762735S.15588&profile=bib&uri=full=3100001~!224710~!11&ri=3&aspect=subtab124&menu=search&source=~!horizon>, with ECOSOC, Commission on Human Rights, *Report of the Working Group on Enforced or Involuntary Disappearances*, ¶ 129, U.N. Doc. E/CN.4/1988/19 (Dec. 31, 1987), available at <http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.4/1988/19>. It is difficult to be exactly sure when a person officially “disappeared” because the United Nations relies on self-reporting. See UN Office of the High Commissioner for Human Rights, *Fact Sheet No. 6 (Rev.2), Enforced or Involuntary Disappearances*, 6-7, No. 6 (Rev.2), (May 2004), available at <http://www.unhcr.org/refworld/docid/4794774bd.html>.

<sup>478</sup> ECOSOC, Commission on Human Rights, *Report of the Working Group on Enforced or Involuntary Disappearances*, ¶ 206, U.N. Doc. E/CN.4/1992/18 (Dec. 30, 1991), available at <http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=12Y76E762735S.15588&profile=bib&uri=full=3100001~!268611~!12&ri=1&aspect=subtab124&menu=search&source=~!horizon>. The regime responded that in 247 of the cases, the person could not be

### 6.1.6 Violation of right to redress

The Iranian government violated, and continues to violate, its obligations to bring those responsible for violations of the ICCPR to justice. Iran is required “to ensure that any person whose rights or freedoms ... are violated shall have an effective remedy.”<sup>479</sup> General Comment No. 31 to the ICCPR stipulates that state parties must ensure that those individuals responsible for violations of the ICCPR are brought to justice. Failure to do so is itself a violation of the agreement.<sup>480</sup> States may not relieve “perpetrators from personal responsibility.”<sup>481</sup>

Before the interrogations began, the Iranian government implemented a well-organized misinformation campaign, downplaying the scope of the executions and attempting to link all political prisoners to the NLA’s military incursion. Since then, the government has not made any move toward investigating or bringing the perpetrators to justice. On the contrary, individuals who held positions of power and could be deemed directly responsible for the 1988 executions remain in positions of authority in Iran. Pour-Mohammadi, for example, a member of the Tehran Death Commission, was named Minister of the Interior by President Ahmadinejad nearly two decades later.<sup>482</sup>

## 6.2 Crimes Against Humanity

The executions, torture and forced disappearances assuredly meet the definition of crimes against humanity, as explained and made part of customary international law by the International Criminal Tribunal for the former Yugoslavia (“ICTY”), the International Criminal Tribunal for Rwanda (“ICTR”), and the Rome Statute of the International Criminal Court (the “Rome Statute”). Such crimes, articulated originally in the Hague Convention and the Nuremberg Charter, require (1) a widespread or systematic attack, (2) directed against a civilian population, (3) with knowledge on the part of the perpetrator of the nature of the attack.<sup>483</sup> There is no statute of limitations for crimes against humanity.<sup>484</sup>

The requirement that the acts be “widespread” is quantitative—it describes the scale of the attack, though there is some disagreement as to whether the term refers to a multiplicity of victims or targeted persons.<sup>485</sup>

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identified; that in 15 of the cases, the person was dead but provided no other information; that in two of the cases, the person was alive; and that for the remainder, the person was a prisoner of war in Iraq.

<sup>479</sup> ICCPR, *supra* note 439, art. 2(3)(a). According to the interpretive General Comment No. 31 issued by the Human Rights Committee, “all branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level—national, regional or local—are in a position to engage the responsibility” of each state party. U.N. Human Rights Comm., General Comment No. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant: International Covenant on Civil and Political Rights, ¶ 4, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (May 26, 2004), available at <http://daccessdds.un.org/doc/UNDOC/GEN/G04/419/56/PDF/G0441956.pdf?OpenElement> [hereinafter General Comment No. 31].

<sup>480</sup> General Comment No. 31, *supra* note 479, ¶ 18. (“These obligations arise notably in respect of those violations recognized as criminal under either domestic or international law, such as . . . summary and arbitrary killing.”)

<sup>481</sup> *Id.*; see also Rome Statute of the International Criminal Court art. 27, Jul. 17, 1998, 2187 U.N.T.S. 90 [hereinafter Rome Statute].

<sup>482</sup> HUMAN RIGHTS WATCH, MINISTERS OF MURDER 2005, 3-8 (2005) available at <http://www.hrw.org/legacy/background/mena/iran1205/iran1205.pdf>.

<sup>483</sup> Rome Statute, *supra* note 481, art. 7; see also Prosecutor v. Tadic, Case No. IT-94-1-T, Opinion and Judgment, ¶ 646 (May 7, 1997), available at <http://www.un.org/icty/tadic/trialc2/judgement/tad-tj970507e.htm> (stating that crimes against humanity may have occurred “if the acts occur[red] on either a widespread basis or in a systematic manner”).

<sup>484</sup> See generally Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, Nov. 26, 1968, 754 U.N.T.S. 73, available at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=3ae6b37818&skip=0&query=Convention%20on%20the%20non-applicability%20of%20statutory%20limitations%20to%20war%20crimes>; U.N. Human Rights Comm., Consideration of reports submitted by States parties under article 40 of the Covenant: International Covenant on Civil and Political Rights: concluding observations of the Human Rights Committee: Spain, ¶ 9, U.N. Doc. CCPR/C/ESP/CO/5 (Jan. 5, 2009), available at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=49ae40b82&skip=0&query=CCPR/C/ESP/CO/5>.

<sup>485</sup> GERHARD WERLE, PRINCIPLES OF INTERNATIONAL CRIMINAL LAW 225 (2005); see also Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Judgment, ¶ 580 (Sep. 2, 1998), available at <http://www.ictor.org/ENGLISH/cases/Akayesu/judgement/akay001.htm>; cf.

The requirement that the acts be “systematic” is qualitative—it denotes the “organized nature of the acts of violence and improbability of their random occurrence.”<sup>486</sup> Proof of a preconceived state policy to commit such crimes has sometimes been interpreted to be an element of crimes against humanity,<sup>487</sup> and at other times, to provide only evidentiary support of a “systematic” attack.<sup>488</sup> The purpose of the requirement that the acts be widespread or systematic is “to exclude a random act which was not committed as part of a broader plan or policy.”<sup>489</sup>

To qualify as a crime against humanity, the attack must also be directed at a “civilian population.” That term is understood to refer, *inter alia*, to people “who are not taking any active part in the hostilities.”<sup>490</sup> The term only excludes members of the military and members of organized resistance groups, if they are commanded by a person responsible for his subordinates, that they have a fixed distinctive sign recognizable at a distance, that they carry arms openly, and that they conduct their operations in accordance with the laws and customs of war.<sup>491</sup> However, a civilian population is not altered by the presence of members of resistance groups, or former combatants, who have laid down their arms.<sup>492</sup> It is absolutely forbidden under customary international law to target civilians even in a state of emergency.<sup>493</sup>

Each of the underlying crimes committed by the Islamic Republic—execution, torture and forced disappearance—constitutes a crime against humanity, as each was part of a widespread and systematic attack on a civilian population.

## **Executions**

The executions were clearly murder in that they were willful killings.<sup>494</sup> They were carried out in multiple prisons throughout the country over the course of several months, in a coordinated effort to rid the prisons of all political prisoners. They were widespread both geographically as well as in numbers of victims. Though exact figures are difficult to determine, the victims easily numbered in the thousands. The executions were systematic in that they were ordered and carried out by the highest ranks of government pursuant to a *fatwa* issued by the highest ranking official, the Supreme Leader Ayatollah Khomeini. Khomeini’s order to execute prisoners, corroborated by statements of survivors and Montazeri’s description of the process the Death Commissions used for their determinations, reveals that the attacks were far from random.

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Prosecutor v. Gombo, Case No. ICC-01/05-01/08, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, ¶ 83 (June 15, 2009), available at <http://www.icc-cpi.int/iccdocs/doc/doc699541.pdf>.

<sup>486</sup> Prosecutor v. Kunarac et. al., Case No. IT-96-23& IT-96-23/1-A, Judgment (App. Chamber), ¶ 94 (June 12, 2002), available at <http://www.un.org/icty/kunarac/appeal/judgement/kun-aj020612e.pdf>; Prosecutor v. Gombo, Case No. ICC-01/05-01/08, Decision on the Prosecutor’s Application for a Warrant of Arrest against Jean-Pierre Bemba Gombo, ¶ 33 (June 10, 2008), available at <http://www.ohchr.org/doc/doc/ICC-01-05-01-08-14-tENG.pdf>; Prosecutor v. Bagosora, Case No. ICTR-98-41-T, Judgment and Sentence, ¶ 2165 (Dec. 18, 2008), available at <http://www.unhcr.org/refworld/topic.463af2212.469f2d102.494fb4ff2.0.html>.

<sup>487</sup> Rome Statute, *supra* note 481, art. 7(2)(a).

<sup>488</sup> Kunarac et al., Case No. IT-96-23& IT-96-23/1-A, ¶ 98; Prosecutor v. Muvunyi, Case No. ICTR-2000-55A-T, ¶ 512 (Sep. 12, 2006), available at <http://www.unhcr.org/refworld/publisher.ICTR...48abd529d.0.html>.

<sup>489</sup> *Report of the International Law Commission on the work of its forty-eighth session, 6 May-26 July 1996*, 51 U.N. GAOR Supp. (No. 10) at 47, U.N. Doc. A/51/10 (1996), reprinted in [1996] 2 Y.B. Int’l L. Comm’n 1 U.N. Doc. A/CN.4/SER.A/1996/Add.1 (Part 2), available at [http://untreaty.un.org/ilc/documentation/english/A\\_51\\_10.pdf](http://untreaty.un.org/ilc/documentation/english/A_51_10.pdf).

<sup>490</sup> Prosecutor v. Bisengimana, Case No. ICTR-00-60-T, Corrigendum-Judgement and Sentence, ¶ 48 (citing Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Judgment, ¶ 582 (Sep. 2, 1998)), available at <http://www.ictcaselaw.org/docs/bisengimana%20jgt%20-%20eng.pdf>.

<sup>491</sup> Prosecutor v. Blaskic, Case No. IT-95-14-A, Judgment, ¶ 112 (July 29, 2004) available at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=4146f0eb4&skip=0&query=Blaskic>

<sup>492</sup> *Id.* ¶ 113.

<sup>493</sup> *Id.* ¶ 109.

<sup>494</sup> Murder, as explained in the Rome Statute, means the “willful killing” of a person or causing the death of such a person. The means of such killing is irrelevant as long as “the perpetrator caused the victim serious injury with reckless disregard for human life.” WERLE, *supra* note 485, at 233.

The victims of the widespread and systematic attack were largely prisoners who had, for years, been isolated from their political parties and who were imprisoned long before the NLA's incursion from Iraq. As such, there can be no doubt that the attack was on a civilian population.<sup>495</sup>

### **Torture**

Under the Rome Statute, torture is defined as “intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.”<sup>496</sup> Unlike the Torture Convention, the Rome Statute “does not adopt [a] means-end relationship,” and therefore, “includes pain caused even without a particular purpose, for example for purely arbitrary reasons.”<sup>497</sup>

In 1988, political prisoners were whipped both to coerce them into religious observance and arbitrarily. In either case, the whippings were widespread and systematic, and constituted crimes against humanity.

### **Forced Disappearance of Prisoners**

In 1998, enforced or forced disappearance of persons was recognized as a crime against humanity in the Rome Statute.<sup>498</sup> The Rome Statute's definition of “enforced disappearance of persons” is similar to that in the newer ICPAPED. It also requires deprivation of a person's freedom by a state or by persons acting with the authorization, support or acquiescence of a state, and the absence of information on the fate or whereabouts of such persons or refusal to acknowledge deprivation of freedom, thereby placing the person outside the protection of the law.<sup>499</sup>

The regime's failure to notify families about the whereabouts of their loved ones, its refusal to allow families to bury their loved ones, its refusal to identify graves of executed prisoners, and its refusal to provide the remains to family members violate Iran's obligation under international law to protect people from forced disappearances.

## **6.3 Violations of Iranian Law**

The regime's systematic campaign to interrogate, torture and execute political prisoners throughout Iran also violated numerous provisions of the Iranian Constitution. Perhaps the two most fundamental constitutional protections violated during the 1988 massacre were Articles 22 and 39. Article 22 provides that the “dignity, life, property, rights, residence, and occupation of the individual are inviolate” except in cases sanctioned by law.<sup>500</sup> Article 39 prohibits “all affronts to the dignity and repute of persons arrested, detained, imprisoned, or banished in accordance with the law.”<sup>501</sup>

The Death Commissions also violated Article 23, which provides that “the investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.”<sup>502</sup>

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<sup>495</sup> Even if the Mojahedin prisoners were considered members of an “armed resistance group” as defined under international law, their presence would not destroy the prison population's civilian status, as they were unarmed. The atrocities may also have constituted war crimes if it is found that they were committed in response to the NLA's incursion into Iran with the Iraqi army.

<sup>496</sup> Rome Statute, *supra* note 481, art. 7(2)(e).

<sup>497</sup> WERLE, *supra* note 485, at 244.

<sup>498</sup> The Rome Statute, *supra* note 481, art. 7(1)(i).

<sup>499</sup> Compare Rome Statute, *supra* note 481, art. 7(2)(i), with ICPAPED, *supra* note 468, art. 2. The Rome Statute requires that the perpetrator intend to remove the person from the “protection of the law for a prolonged period of time.”

<sup>500</sup> Qanun-i Assasiyih Jumhuriyih Islamiyih Iran [Constitution of the Islamic Republic of Iran] 1358 [adopted 1979, amended 1989] art. 22 [hereinafter Iranian Const.].

<sup>501</sup> *Id.* art. 39.

<sup>502</sup> *Id.* art. 23.

Thousands of Mojahedin and leftist prisoners were executed and flogged based solely on their refusal to forgo their ideological, political or religious beliefs.

The Death Commissions also failed to meet the requirements of Article 34, which provides that all citizens have a right to “seek justice by recourse to competent courts.”<sup>503</sup> Article 36 mandates that the “passing and execution of a sentence must be only by a competent court and in accordance with law.”<sup>504</sup> Furthermore, Article 168 requires that “political and press offenses will be tried openly and in the presence of a jury, in a court of justice.”<sup>505</sup>

Finally, the Iranian Constitution provides clear protections to all citizens, including political prisoners, against torture. Article 38 forbids “all forms of torture for the purpose of extracting confession or acquiring information.”<sup>506</sup> The language of this article is unequivocal and similar in substance and scope to international standards.<sup>507</sup>

## Conclusion

The 1988 massacre remains a shocking tale of brutality. Survivors and analysts have put forward several explanations for the *fatwa* and executions, all based on overlapping political and practical considerations. However, as this report begins to demonstrate, while those events may have provided the trigger for the *fatwa*, there is abundant evidence that the massacre of political prisoners was planned and prepared long before Iran agreed to the cease-fire or the subsequent NLA invasion. The executions began only days after the *fatwa* was issued. The regime had long abandoned Ayatollah Montazeri’s theory that the problem of overcrowded prisons could be eliminated through release of rehabilitated prisoners. Instead, the ailing Khomeini was intent upon preserving his creation—an Islamic Republic without opposition. Although opposition parties had been eliminated and their leaders had fled the country, the regime believed that the last appearance of opposition—political prisoners—had to be executed and time was running out. That summer, Khomeini was terminally ill with cancer and heart disease, and his eyesight was failing.

The lessons of the 1988 massacres cannot be forgotten and the perpetrators must be held accountable. As this report goes to press, the Iranian government is brutally arresting, torturing and killing individuals it believes threaten the Islamic Republic. It has begun to hold mass show trials of hundreds of activists, lawyers and others caught up in the demonstrations following the disputed June 12 election. Some have been forced to confess; most have not been allowed lawyers; and undoubtedly, most have been tortured. The IHRDC hopes that this report will assist Iranian citizens and the world in their efforts to prevent further atrocities, regardless of who rules Iran.

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<sup>503</sup> *Id.* art. 34.

<sup>504</sup> *Id.* art. 36.

<sup>505</sup> *Id.* art. 168; *see also* Qanun-i Matbu’at [Press Law] 1364 [ratified 1986, amended 2000], arts. 36-44, *available at* <http://iranhrdc.org/httpdocs/English/pdfs/Codes/Iranian%20Press%20law%20with%202000%20amendments%20-%20EN.pdf>. Article 168 of the Iranian Constitution requires that the government define “political offenses” in order to protect political prisoners. Despite this mandate, however, the government has failed to pass any laws addressing this particular issue. According to Iranian legal scholar Mehrangiz Kar, the government’s failure to define political offenses has allowed the regime to abuse the system and crush political dissent under the guise of law. Mehrangiz Kar, *The Silencing of Dissidents: A Legal Analysis*, at 14-15, *available at* [http://iranhrdc.org/httpdocs/Persian/pdfs/Reports/mehrangiz/full\\_report.pdf](http://iranhrdc.org/httpdocs/Persian/pdfs/Reports/mehrangiz/full_report.pdf) (published by IHRDC, 2007).

<sup>506</sup> Iranian Cons., *supra* note 500, art. 38.

<sup>507</sup> *See, e.g.*, ICCPR, *supra* note 439, art. 7.

**Deadly *Fatwa*:**  
Iran's 1988 Prison Massacre

**Appendices**



## APPENDICES TABLE OF CONTENTS

**Appendix 1** – Lists of victims

**Appendix 2** – Perpetrators of the 1988 massacre

**Appendix 3** – *Fatwa* issued by Ayatollah Khomeini in July 1988

**Appendix 4** – Questions posed by Ayatollah Mousavi Ardebili and Khomeini's responses, 6/5/1367 (JULY 28, 1988)

**Appendix 5** – Ayatollah Montazeri's first letter addressed to Ayatollah Khomeini, 9/5/1367 (JULY 31, 1988)

**Appendix 6** – Ayatollah Montazeri's second letter addressed to Ayatollah Khomeini, 13/5/1367 (AUGUST 4, 1988)

**Appendix 7** – Ayatollah Montazeri's third letter addressed to Misters Nayyeri, Eshraghi, Raissi and Pour-Mohammadi, 24/5/1367 (AUGUST 15, 1988)

**Appendix 8** – Amir Atiabi's calendar in prison, provided to IHRDC by witness

**Appendix 9** – Sketch of Gohar Dasht Prison drawn and provided to IHRDC by Amir Atiabi, accompanied by aerial photo of Gohar Dasht Prison retrieved from Google™ Earth in August 2009



## **Appendix 1**

Lists of victims



## **Names and Identities of Victims**

To date, no individual or organization has been entirely successful in identifying all those executed in the 1988 massacre. Efforts to collect this information have been fraught with numerous challenges, including the fact that the Iranian government continues to deny its role in the planning, commission and cover-up of these crimes. The IHRDC joins others in calling on the Iranian regime to open its records to victims groups, human rights organizations and others so that an accurate list of victims can be compiled.

Despite the many challenges, numerous concerned individuals and organizations have worked tirelessly and diligently to ensure that the names of those who lost their lives will never be forgotten. Below is a partial compilation of these efforts. Where possible, the IHRDC has provided the sources and data used to compile the lists. However, it cannot vouch for the accuracy of the information provided therein.

### English

<http://documents-dds-ny.un.org/doc/UNDOC/GEN/G89/103/57/pdf/G8910357.pdf?OpenElement>

The Special Representative of the Commission on Human Rights, in a 1989 report on the human rights situation in Iran, provided the names of more than 1,000 prisoners allegedly executed in the prison massacre. The information came from several sources, including non-governmental organizations in consultative status with the Economic and Social Council and other bodies concerned by the alleged executions.

<http://www.amnesty.org/en/library/asset/MDE13/118/2008/en/f59e0311-6de3-11dd-8e5e-43ea85d15a69/mde131182008en.pdf>

In this 1998 report marking the 20<sup>th</sup> anniversary of the 1988 massacre, Amnesty International states that it believes between 4,500 and 5,000 prisoners were executed.

<http://www.amnesty.org/en/library/asset/MDE13/021/1990/en/5a289bf6-ee5e-11dd-9381-bdd29f83d3a8/mde130211990en.pdf>

In this 1990 report on human rights in Iran, Amnesty International states that it has recorded the names of over 2,000 political prisoners executed between July 1988 and January 1989.

[http://mehr.org/Massacre\\_List.htm](http://mehr.org/Massacre_List.htm)

This list was compiled by the Mission for Establishment of Human Rights in Iran (MEHR Iran). It lists the number of executed at 4,525.

<http://www.scribd.com/doc/2469298/Crime-Against-Humanity>

[http://www.mojahedin.org/links/books/Crime\\_Against\\_Humanity.pdf](http://www.mojahedin.org/links/books/Crime_Against_Humanity.pdf)

This list was compiled by the Foreign Affairs Committee of the National Council of Resistance of Iran. It lists the number of executed at 3,208.

#### Persian

<http://asre-nou.net/1386/shahrivar/6/koshtar/m-liste-koshtar.html>

This website provides a partial list of the victims' names in Persian. This site also has links to lists in English that are formatted exactly like the list provided by MEHR. However, these lists identify only 4,415 people.

<http://khavaran.com/PDFs/Liste-Mojahedin67.pdf>

This list was compiled by the Mujahedin in the summer of 1999 and includes the names of 3,210 Mujahedin members executed in 1988.

<http://www.iranhrdc.org/httpdocs/Persian/1988blackbook.htm>

This list was compiled by Guftiguhayih Zindan – 1367 (Prison Interviews – 1988) and published in Kitab-i Siah-i 67: Asnad-i Naslkushiyih Kumunistha, Inqilabyun va Zindanian-i Siasiyih Iran [The 1988 Black Book: Documenting the Massacre of Iranian Communists, Revolutionaries and Political Prisoners]. It lists the number of executed as 4,799.

<http://iranhrdc.org/httpdocs/Persian/pdfs/1988Victims/edami67.pdf>

This list was compiled by Kanoon-e Zendanian-e Siasiyih Iran (dar Tab'id) and published in Seminar-i Beinulmellaliyih Stockholm [The International Seminar in Stockholm]. It lists the number of executed as 2,367.

<http://iranhrdc.org/httpdocs/Persian/pdfs/1988Victims/edamh-67-2.pdf>

This source of this list is unknown at the moment. It lists the number of executed at 4,672.

## **Appendix 2**

Perpetrators of the 1988 massacre



## **POLITICAL LEADERSHIP**

### **Ayatollah Ruhollah Khomeini**

Ayatollah Khomeini was the Supreme Leader of the Islamic Republic in 1988. He issued the *fatwa* ordering the massacre. He died in June 1989.

### **Ayatollah Seyyed Ali Khamenei**

Ayatollah Khamenei was President of Iran in 1988. In December 1988, Khamenei publicly justified the killings by stating: "We in the Islamic Republic have capital punishment for those who deserve to be executed. Do you think we should give sweets to a prisoner who has connections with the activities of the *munafiqin* who attacked the Islamic Republic's borders? If his connection with that group is revealed, what should we do to him? He is condemned to execution and we will execute him. We do not joke with this." He became the Supreme Leader of the Islamic Republic in 1989.

### **Mir Hossein Mousavi**

Mousavi served as Prime Minister in 1988. Details of his role in the executions are unknown. Presently, Mousavi is a member of the Expediency Council. He was a candidate for the presidency during the June 2009 elections.

### **Akbar Hashemi Rafsanjani**

In 1988, Rafsanjani served as Speaker of Parliament and acting Commander-in-Chief of the armed forces. In response to questions about the 1988 prison massacres, Rafsanjani reportedly alleged that "in the past few months" fewer than 1,000 political prisoners were executed. Currently, he is head of the Expediency Council and Deputy Speaker of the Assembly of Experts.

### **Mohammad Mohammadi Reyshahri**

In 1988, Reyshahri was the Minister of Intelligence. Reyshahri is currently a Representative of the Supreme Leader for the pilgrimage to Mecca. He also serves as a judge in the Special Court for the Clergy and the Revolutionary Tribunal.

## **JUDICIARY**

### **Ayatollah Seyyed Abdul-Karim Mousavi Ardebili**

In 1988, Ardebili was Chief Justice of the Islamic Republic and headed the Supreme Judicial Council. At the time, he was quoted as saying: "The judiciary is under very strong pressure from public opinion asking why we even put them [Mojahedin] on trial, why some of them are jailed, and why all are not executed ... The people say they should all be executed without exceptions." Ardebili now serves as a jurist.

### **Asadollah Lajevardi**

In 1988, Lajevardi was the Prosecutor of the Revolutionary Court in Tehran and was known as the "Butcher of Evin." He returned to his position as Governor of Evin prison immediately after the summer executions. Lajevardi was assassinated in 1998.

### **Mohammad Esmail Shushtari**

In 1988, Shushtari was head of the State Prisons Organization. He participated in the Death Commission in Tehran. He served as the Minister of Justice for both Hashemi Rafsanjani and Mohammad Khatami (1989-2005).

### **DEATH COMMISSION MEMBERS**

#### **Hossein Ali (Ja'afar) Nayyeri**

In 1988, Nayyeri presided as the head of Tehran's Revolutionary Courts. Khomeini's *fatwa* named him to the Tehran Death Commission, and he acted as chair of Tehran's Death Commission. He currently holds the position of Deputy Chief Justice of the Supreme Court.

#### **Morteza Eshraghi**

In 1988, Eshraghi was Tehran's Prosecutor and was named by Khomeini's fatwa as a member of Tehran's Death Commission. Presently, he is a Justice of the Supreme Court.

#### **Mostafa Pour-Mohammadi**

Pour-Mohammadi served as Deputy Minister of Intelligence in 1988. He was a member of Tehran's Death Commission as the representative of the Ministry of Intelligence. Currently, Pour-Mohammadi serves the Supreme Leader as national security advisor and is Minister of Interior Affairs.

#### **Ali Mobasheri**

In 1988, Mobasheri was a religious judge in Evin prison. He frequently replaced Nayyeri as a member of Tehran's Death Commission. He currently serves as President of Revolutionary Courts in Tehran.

#### **Ebrahim Raissi**

In 1988, Raissi was Tehran's Deputy Prosecutor and a member of the Tehran's Death Commission (often in place of Eshraghi). He now serves as head of the State Inspectorate Office.

### **PRISON ADMINISTRATORS**

#### **Seyyed Hossein Mortazavi**

As Governor of Evin prison, Mortazavi participated on Tehran's Death Commission and played an important role in the selection of prisoners who were to be executed. He now holds an official senior position in the judiciary.

#### **Mohammad Moghissei (Naserian)**

In 1988, Naserian was Governor of Gohar Dasht prison and participated on Gohar Dasht's Death Commission. Naserian played a critical role in deciding which prisoners were to be executed. He now is a senior judiciary official.

#### **Davood Lashkari**

In 1988, Lashkari was head of security and an interrogator at Gohar Dasht prison. Lashkari participated on the Gohar Dasht Death Commission.

**Seyyed Hossein Hosseinzadeh**

In 1988, Hosseinzadeh was the deputy warden of Evin prison and Mortazavi's right-hand man. He was involved in the selection and summoning of prisoners before the Tehran Death Commission.

**Mojtaba Halvai Asgar**

In 1988, Halvai Asgar was head of security at Evin. According to eyewitnesses, Halvai was involved in the questioning of prisoners before the Tehran Death Commission. He was also known to regularly interrogate and beat prisoners.

**Serami**

In 1988, Serami was the head of prisons for Khuzestan province. Serami participated on Ahvaz's Death Commission and in selecting who should be executed.

**Mehdizadeh**

In 1988, Mehdizadeh was an officer of the Revolutionary Court and active in Ahvaz's Fajr prison. Mehdizadeh interrogated and tortured prisoners, and participated as a consultant to the Death Commission.

**Shafi'i**

In 1988, Shafii was a high-ranking prison officer in Ahvaz and participated on Ahvaz's Death Commission.

**Qera'ati**

In 1988, Qera'ati was the head of Dezful's Unesco prison.

**Alireza Avayi**

In 1988, Avayi was an interrogator and torturer at Unesco prison in Dezful, Khuzestan. Avayee participated on the Death Commission in Dezful.

**Abdollahi**

In 1988, Abdollahi was head of Rasht prison and participated on Rasht's Death Commission.

**Maleki**

In 1988, Maleki was the head of Hamadan prison. According to eyewitness testimony, he participated in initial interrogations aimed at selecting individuals who would go before Hamadan's Death Commission.

**Eslami**

In 1988, Hojatolislam Eslami was a Revolutionary Court Prosecutor and participated on Shiraz's Death Commission at Adelabad prison.

**Mosayyebi**

In 1988, Hojatolislam Mosayyebi was Shiraz's clerical judge and participated on Adelabad's Death Commission.



## **Appendix 3**

*Fatwa* issued by Ayatollah Khomeini in July 1988

(followed by translation)



بسم الله الرحمن الرحيم

در آنجا که ضایعین غائبین بپوشید بسم مستغنی برون در پی میگویند لغز صید وفاق کفایت در جمله آن  
 که بسم در تار پدید آید آنرا در توبه به مایه بپوشد آنرا در جفا رسد بکند آنرا در نوبی در خیر خوب کند  
 با وی در عیب است عراق و کجای کسی تان بر او صلح علیه ملت مسلمان با و با توبه به در بباط تان با  
 انگار جهان و فریاد تا جگر دانه تان لذتبخش بکشید تمام همه رسد می آید آن گانه که در دنیا  
 سر بر کشد بر روضه تان خود با فساد کرد و بکند مایه و بکند به اهدام میباشند و تسخیر مرفوع بزند  
 در آن باره اکثریت آید هر چه بسم نریزد و جانب بر شرافت و نماند از لذت طهرات میباشند  
 بگر چه حیاط در جماعت است در این طهر در زندانها بر آن گاه که در آن اکثریت آید آن قاضی شریع  
 در آن تان بقرب و یاد و یاد و نماند و لذت طهرات منم در تاج میباشند در م بر ما این  
 سال انزلی است تا طاعت بسم در برابر دشمنان خدا از جمله توبه نماند تمام رسد  
 است بیدار چشم و کینه بپوشد به خدا نسبت دشمنان بسم رضایت خداوند تعالی آید  
 آید که تسخیر مرفوع به حمد آن است در روز و کف و توبه بکند و سعی کند باشد  
 مع انگار میباشند توبه در سایر قضای بسم بپوشد تا در کف خون پاک و طهر  
 شود و بپوشد بسم در جمیع امور

In the Name of God, the Compassionate the Merciful

Since the treacherous *munafiqin* do not believe in Islam and whatever they say is stemmed from their deception and hypocrisy, and since according to the claims of their leaders they have become apostates of Islam, and since they wage war on God and are engaging in classical warfare in the western, northern and southern parts of the country with the collaboration of the Baathist Party of Iraq, and also the spying that they do for Saddam against our Muslim nation, and since they are tied to the World Arrogance and have inflicted foul blows to the Islamic Republic since its inception, it follows that those who remain steadfast in their position of *nifaq* in prisons throughout the country are considered to be *muharib* (waging war on God) and are condemned to execution. The task of deciding the matter in Tehran is with majority vote of misters Hojjatolislam Nayyeri (the religious judge) and his Excellency Mr. Eshraghi (prosecutor of Tehran) and a representative of the Intelligence Ministry, even though unanimity is preferable. Likewise, in prisons in provincial capitals, the majority views of the religious judge, the revolutionary prosecutor or assistant prosecutor, and the representative of Intelligence Ministry must be obeyed. It is naïve to show mercy to *muharibin*. The decisiveness of Islam before the enemies of God is among the unquestionable tenets of the Islamic regime. I hope that you satisfy the almighty God with your revolutionary rage and rancor as regards to the enemies of Islam. The gentlemen who are responsible for making the decisions must not hesitate, show any doubt or concerns and try to be “most ferocious against infidels.” Hesitating in the judicial matters of the revolutionary Islam is ignoring the pure and holy blood of the martyrs. Peace

Ruhollah al-Mousavi al-Khomeini

## **Appendix 4**

Questions posed by Ayatollah Mousavi Ardebili and  
Khomeini's responses, 6/5/1367 (JULY 28, 1988)

(followed by translation)



بسته ۲

پدر بزرگوار حضرت امام زین العابدین علیه السلام بر لاله خورشید معلوم آید که بر سر لاله در بیع در کلام امام زین العابدین علیه السلام در باره منافقین این است  
داشته که تخلف در سر آن مخرج کرده

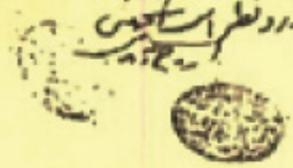
- ۱- آن این حکم بر پیوسته است باینکه که در زمان حرمه اندوخته شده اند که هم با هم گشته اند و لا تمیز بر وضع نهاده اند
- ۲- آن این حکم در مورد آن اجرا شده است و آنرا بیکدیگر از آن شده اند که هم با هم اند
- ۳- آن این حکم که قبلاً حکم بر آن صادر شده اند که در زمان حرمه اند و لا تمیز بر وضع خالق می باشد
- ۴- آن این حکم که با هم می باشد
- ۵- در مورد این حکم بر وضع منافقین آیا پرده قرمز فقیه را که در سرش خالی که خود هستند از نفس که داده و تابع کرد این

نیستند باید بر کراهنان در میان که گویا خود می توانستند هرگز گشته

فرزند شاهجه

بسته ۲

در تمام موارد فرق هرگز در پیوسته  
اگر بر بنسابق باشد حکم اسلام است  
بر بنسابق است به هم را تا بر کینه  
در کلام و حکم که بر وضع پرده اند  
در صورت که حکم بر سر است اجرا کرد  
مان سر و نظر است



In the name of the Exalted

Eminent Father, his Excellency the Imam (May God extend his shadow),

With greetings, Ayatollah Mousavi Ardebili had ambiguities regarding Your Eminences recent decree about the *munafiqin* that he expressed in three questions over the phone:

1. Is the decree for those who have been in prison, who have already been tried and sentenced to execution but have not changed their stance and their verdict has not yet been carried out, or are those who have not yet been tried also condemned to execution?
2. Are those *munafiqin* who have received limited jail terms and who have already served part of their sentence but continue to hold fast to their stance of *nifaq* also condemned to execution?
3. In reviewing the status of the *munafiqin*, is it necessary to refer the case files of those *munafiqin* who are in cities that have an independent judiciary to the provincial capital or can the [judicial authorities] act autonomously?

Your son, Ahmad

In the name of the Exalted,

In all the above cases, if the person at any stage or at any time maintains his position on *nifaq*, the sentence is execution. Annihilate the enemies of Islam immediately. As regards to the case files, use whichever criterion that speeds up the implementation of the verdict.

Ruhollah al-Mousavi al-Khomeini

## **Appendix 5**

Ayatollah Montazeri's first letter addressed to  
Ayatollah Khomeini, 9/5/1367 (JULY 31, 1988)

(followed by translation)



مضمون آیه است اعطی الامم عیسیٰ بن ماری علیها السلام

این از سلام و رحمت بر من است. راجع به سوره آخر حضرت عیسیٰ بن ماری علیها السلام است. در این آیه  
 اعدام باز داشتند که گمان حادثه اخیر را رحمت و عاصم به برایت ظاهر از سوره سوره اعدام بود و از این آیه  
 اولاً شرط فعلی هر یک از این دو است. و ثانیاً افراد آن بیساری را که نزدین و انجلی است  
 تا احوال و احوال میسند و آن چه آورده میسند. و ثالثاً بسیاری از آنان سر موضع میسند و بعضی از مسلمانان  
 با آنان معامله سر موضع میسند. و در اینجا در شرایط فعلی که باقی رآه و حالات اخیر صدام و منافقین آورد و دنیا  
 بخود گرفتاریم و بسیاری از رسانه ها و شخصیتها از مداخل میسند و صلح نظام و حضرت عیسیٰ است که در بعضی  
 علیه ما شروع شود. و خامش افرادی که بر سینه دادگاریان با موازین در سابق محکوم بکسر از اعدام شدند  
 اعدام کردن آنان بدون مقدمه و بدون فعالیت تازه این به اقصای همه موازین قصاص و اطلاق قصاص است  
 و محکم العبد غریب ندارد. و سادساً مستحقین قصاص و اطلاق قصاص و اطلاق قصاص و اطلاق قصاص  
 و اثبات است و تا سزا جزو بسیاری از افراد است و با هم اخیر حضرت عیسیٰ بن ماری علیها السلام است  
 و در مورد اطلاق هم بهتر است. و سابعاً تا زمانی که از کشتن و خونریزی میسند این گرفته ایم جز اینکه جلیقات را  
 علیه خود زیاد کرده ایم و جازبه منافقین و ضد انقلاب را جیره نموده ایم بجا است در وقت و عطف وقت بر خود کرد  
 که قطعاً بر این بسیاری جازبه خواهد داشت. و ثامناً اگر زمام بر دست خودتان اصرار دارید اطلاق سوره دهید  
 ملاک اتفاق نظر تاهن و دادستان و مشور اطلاق است. و زمان هم استند است حضرت عیسیٰ بن ماری علیها السلام  
 و بلا فیه اعدام چند خط هر از طرف چند روز هم نفس العبد غریب ندارد و هم حق از خطا نمیاید بود  
 و بعضی از قصاص میسند بسیاری را رحمت میسند و بجا است این حدیث شریف برتر حد واقع شود  
 و تا در راه است حق. و در نو اول المدد عن المسلمین ما استسلمت فان كان لا مخرج فلوک اسیله فان الامام ان یخلف فی العفو  
 غیر من ان یخلف فی العفو. و در سلام میسند و اعدام آیه حکم ۶ از آیه الحجه ۱۳۰-۱۳۱-۱۳۲



In the Name of God the Compassionate, the Merciful,

His Exalted Eminence Imam Khomeini,

With greetings, in regards to Your Eminence's recent decree for executing of the *munafiqin* who remain in prisons, the nation and society is accepting of the execution of the detainees of recent events and they apparently have no adverse consequences, but the execution of those who were already in prison:

First, under present circumstances, will be perceived as an act of vengeance and a vendetta. And second, will distress and aggrieve many families, even those who are pious and revolutionary, and they will turn their backs on the regime. And third, many of the [prisoners] are not holding fast to their views but are being treated as such by the officials. And fourth, presently due to the attacks and pressures of Saddam and the *munafiqin*, we seem meek to the world and many medias and personalities are defending us, it is not expedient for the regime and yourself to have the negative propaganda starting against us. And fifth, to execute people who have been sentenced by our courts to punishments other than execution, without any process or new activities, is a complete disregard for all judicial standards and rulings and will not reflect well on the regime. And sixth, our judicial officials, prosecutors and intelligence officials are not [perfect and] at the level of Moqaddas Ardebili, and mistakes and unduly influenced decisions are aplenty. With Your Eminence's recent decree, many people who are innocent or have minor transgressions may be executed, while in important matters nothing should be left to chance. Seventh, so far we have not benefited from killings and violence other than increasing propaganda against ourselves and increasing the appeal of the *munafiqin* and anti-revolutionaries. It is appropriate to employ mercy and kindness for a while, as it certainly will be attractive to many. Eighth, if you insist on your decree, then at least issue an order stating that the decision is based on the consensus of the judge, the prosecutor and the intelligence official and not on the majority vote. Women must be spared, particularly those with children. Finally, execution of several thousand prisoners in a few days will not have a positive impact and will not be mistake-free.

Some of our religious judges were very distressed and it is appropriate for this respectful *hadith* to be noted that says:

“Messenger of God (Pbuh) said: Remove limitations from Muslims to the extent possible and do not punish them if you cannot find a way for it. Indeed it is far better for an Imam to err in clemency than err in punishment.” Peace upon you and May God extend your shadow. 16 Dhu l-Hijja 1408 – 9/5/67 [July 31, 1988] Hossein-Ali Montazeri [signed and sealed]

## **Appendix 6**

Ayatollah Montazeri's second letter addressed to  
Ayatollah Khomeini, 13/5/1367 (AUGUST 4, 1988)

(followed by translation)



بسم الله الرحمن الرحيم  
مفسر مبارک آیه الله العظمی امام حسین عجله الله

پس از سلام و تحیت پیرو نام مورخه ۶۷/۵/۹ بر این موضع استواریت شرعی از خود بر من میسازند  
سه روز قبر قاضی شرعی کی از اینها نهی کردیم مرد مرده اعتماد بر من میسازد بانا راهی از نحوه اجراء  
فرمان اخیر حضرتعالی بقم آمده بود و میگفت: مسئول اطلاعات با دادستان - تردید از من است -  
از یکی از زندانیان برای تحقیق اینکه سر موضع است یا نه پرسید: تو قاضی ساز تا ما قضای را محکوم کنی -  
گفت: آری - پرسید: قاضی مصاحب کنی - گفت: آری - پرسید: قاضی برای چند  
با عراق بجهت بروی - گفت: آری - پرسید: قاضی روی زمین بروی -  
گفت: اگر همه مردم حاضرند روی زمین بروند و انگلی از هر تازه مسلمان بناید تا این حد انتظار رود  
گفت: معلوم میشود هنوز سر موضعی دنیا و معامله سر موضع انجام داد  
و این قاضی شرعی میگفت: من هر چه اصرار کردم پس ملاقات آرا را با رفته اند که نیست پذیرفته شد  
و نفس را سراسر راهی مسئول اطلاعات داد و دیگران عملی است تا سیر میباشند  
حضرتعالی ملاحظه فرمائید چه کار با خود دیدی مسئول اجراء فرمان مهم حضرتعالی که بدو با هزاران نفر  
مربوط است میباشند و اسلام علیکم ورحمة الله وبرکاته



In the name of the exalted

**Date:** 13/5/67 [Aug. 4, 1988]

**No. :**.....

In the Name of God, the Compassionate, the Merciful,  
His Exalted Eminence, Grand Ayatollah Imam Khomeini (may God extend your  
shadow),

With greetings, pursuant to my letter of July 31, 1988 and in order to relieve my religious responsibilities, I wish to inform you that, three days ago, the religious magistrate of one of the provinces, who is a trustworthy man, came to see me in Qom. He was distressed by the way Your Eminence's decree is being implemented. He said: The intelligence chief or the prosecutor—I forget which—was trying to ascertain if a prisoner was still holding fast to his beliefs and so asked him: “Are you prepared to condemn the *munafiqin*?” He said yes. He asked: “Are you willing to do an interview?” He said yes. He asked: “Are you willing to go to the front to fight in the war with Iraq?” He said yes. He asked: “Are you willing to walk over mines?” He said: “Not all people are willing to walk over mines! Moreover, you must not have such high expectations from a new Muslim such as me.” [The official] said: “Obviously you are still holding on to your beliefs,” and dealt with him in the manner those who hold onto their beliefs are dealt with. This religious magistrate said: “No matter how much I insisted that the verdict be issued by consensus not a majority, it was not accepted. The main role was always played by the intelligence official and others are effectively under his influence.” Your Eminence can see what types of people are implementing your important decree that affects the lives of thousands of prisoners. Peace and the blessings of God be upon you, 13/5/67 [08/04/1988] – Hossein-Ali Montazeri [signed and sealed]

## **Appendix 7**

Ayatollah Montazeri's third letter addressed to  
Misters Nayyeri, Eshraghi, Raissi and Pour-  
Mohammadi, 24/5/1367 (August 15, 1988)

(followed by translation)



- ۱- این پیش از هر شیئی از منافقتین صبر به خود کرده ام چه در زندان و چه در خارج زندان - فرزند مرا امان نگهدارند رسانند - اگر بنا بر این معجزه باشد من بیشتر باید و بنای کنم و از من حکومت اسلام و انقلاب و کشور و هیئت ولایت فقیه و حکومت اسلام را در نظر بگیرم من قصاصت آمدن آن قاتل را در نظر بگیرم.
- ۲- این گونه مثل تمام بدون محاکمه آن هم نسبت بر سر آن داد و ایراد قطعاً در دراز مدت منع آنها است و ما را از حکومت و امان را بیشتر بسیار در مسلمانان تقویت میکند مبارزه با فکرها و ایده از طریق گفتن حقایق است
- ۳- روشی پیغمبر را با دشمنان خود در دفع مکه و جنگ هوازن به پیغمبر به چه گفته بوده است پیغمبر با فتنه و فساد بر ضد کرده و از خداوند رحمت و تعالی گرفت دوستی امیر المؤمنین با امیر مومنان را در شکست امان و فتنه
- ۴- بسیار از افراد سر موضع و از فشار باز خود نمودند اما آنها امان را بر سر موضع نشاندند و الا آن بر انقطاع بودند
- ۵- محروم شدند اگر امان را آزاد کنیم منافقتین همچون میوه در صوب صدق عنوان عیار و باغی بر امان نیندود امیر المؤمنین نسبت با این بجم هم قصاصت من بعد از خداست انجام نداد با اینکه خود را فرموده او تا من است
- ۶- مجرم اعتقاد فرود آمدن عنوان عیار و باغی نمی کردند و در تداوم سران کربلای معلی حکم با بر داد سبها نماندند
- ۷- قصاصت و حکم باید از جهت سالم و خنثی از احساسات باشد (لا یقین القاصی و هو غضبان)
- ۸- الان با تعداد و تحریکات جدا جهت یعنی ما نمانیم است ما از جنایت منافقتین در غروب نار احیم بمانیم اگر امان را بمانیم سابق اقتضای ایم و انگلیس اعدام و امان بدون فصلیت جدید زیر سوال بردن هم قصاصت و همه قصاصت و تقاضای سابق است کسی را که بکتر از اعدام محکوم کرده اند به چه ملاک اعدام میکنند
- ۹- منقبض از هم بعد جمعیست حضرت امام و عهد ولایت فقیه میباشم و نمی دانم موضوع را به چه نحوی با امان رسانند این هم ما در فتنه کشیدند طرد و تبار و سوال کردیم چه غلط بود ؟
- ۱۰- من چندین نفر از قصاصت محافل و قلوب را دیدم که ناراحت بودند و از نحوه اجرای شکایت داشتند و منتقد تند روحی میبود و گفته که میوزاد می داد که میگردند که جهت حکم اعدام اجرا می شود
- ۱۱- در فتنه مجاهدین خنجر کشیدند که هیچ فکر و برداشتند که منطق است و منطق غلط را باید با منطق صحیح جواب داد با کشتن حقر نمیدر بلکه ترویج می شود انتم توبه کنید ج - ۲ -

مجلس شورای اسلامی - تهران - ۱۳۵۵/۵/۱۰

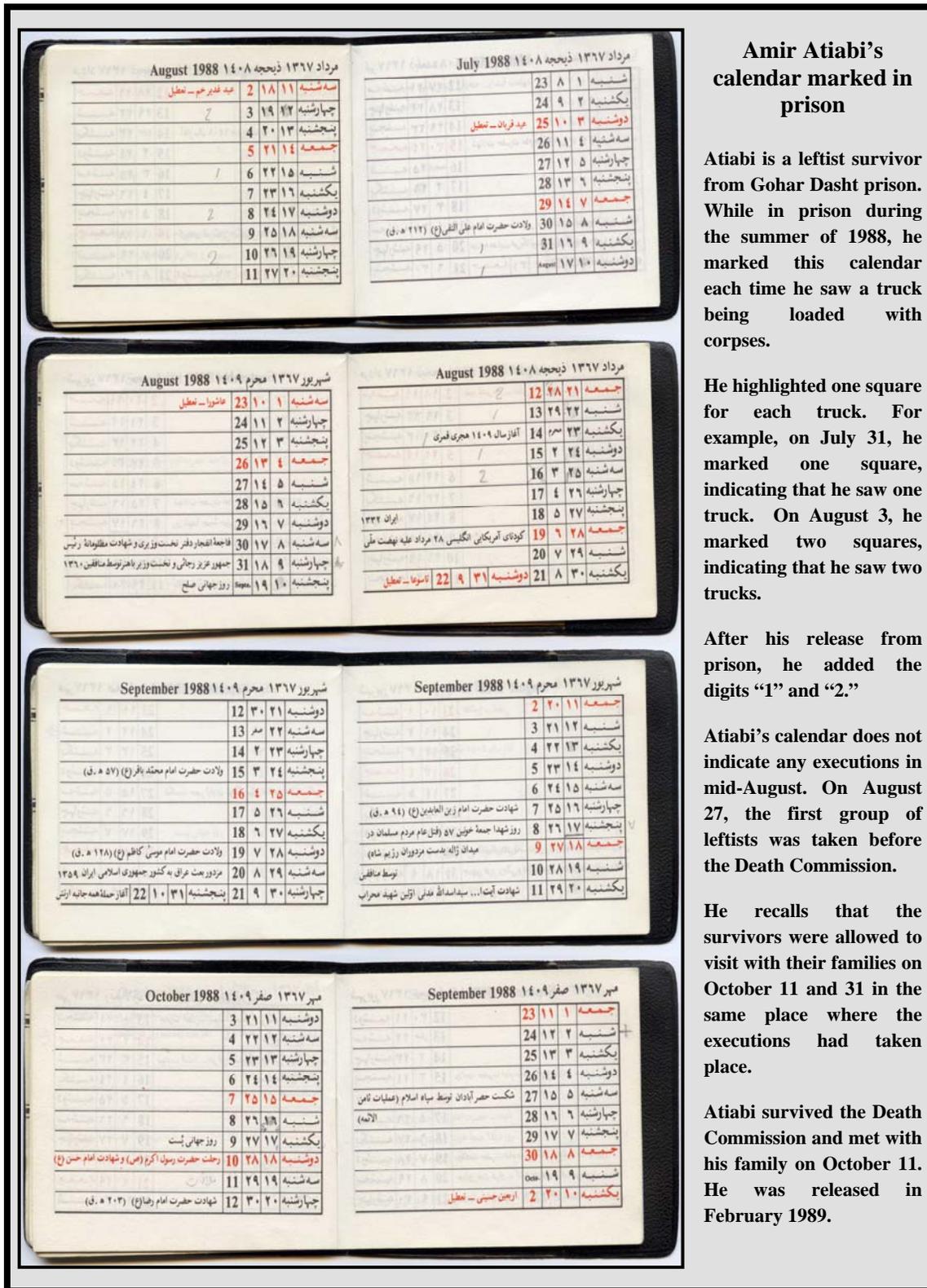
To Misters Nayyeri and Eshraghi and Raissi and Pour-Mohammadi,

1. I have received more blows from the *munafiqin* than all of you, both in prison and outside. My son was martyred by them. If it was a question of revenge, I should pursue it more than you. But I seek the expediency and interests of the revolution, Islam, the Supreme Leader, and the Islamic state. I am worried about the judgment that posterity and history will pass upon us.
2. Such massacres without trial, particularly when the victims are prisoners and captives, will definitely benefit them in the long run. The world will condemn us and they will be further encouraged to wage armed struggle. It is wrong to confront ideas and ideologies with killings.
3. Look at the behavior of the Prophet and how he treated his enemies after the conquest of Mecca and the Battle of Hawazen. The Prophet showed mercy and amnesty and was given the title of “the Mercy of both worlds” by the Almighty. Look how Imam Ali treated his enemies after defeating them in the Battle of Jamal.
4. Many of those who are steadfast in their beliefs are driven to it due to the treatment they have been given by their interrogators and prison wardens, otherwise they were flexible.
5. To argue that if we released these prisoners, they would rejoin the *munafiqin* is not sufficient to characterize them as *muharib* and insurgent. Imam Ali did not punish Ibn Muljam (his assassin), before he actually carried out the crime, even though he said beforehand: (Ibn Muljam) is my killer.
6. The beliefs of a person, per se, are not sufficient grounds to declare him as *muharib* and insurgent, and apostasy of leaders does not render their sympathizers apostate as well.
7. Judgment must be made in a healthy environment, free of emotions. “A judge who is angered will not judge.” The social environment now is not healthy due to sloganeering and propaganda. We are upset with the *munafiqin*’s crime in the west, but are taking it out on prisoners and former prisoners. However, executing those who don’t have any new activities will question all previous judges and all previous judgments. By which standard are you executing a prisoner who was not sentenced to execution prior to this? You have cut off prison visits and telephone calls now, but how will you answer the families tomorrow?
8. I, more than anybody, care about the prestige of His Eminence the Imam and the Supreme Leader. I do not know how things are being presented to him. All the studies we did in Islamic jurisprudence about taking caution when dealing with people’s blood and properties, were they all wrong?
9. I have met with a number of just and pious judges who were dismayed and complained about the way the decree is being implemented, saying there is too much extremism. They cited numerous cases of people where execution verdict was unduly given.
10. In conclusion, the Mojahedin-e Khalq are not individuals; they are an ideology, a world outlook, a form of logic. To answer wrong logic, one must use right logic. With killings it will not be solved but spread. H – M

## **Appendix 8**

Amir Atiabi's calendar in prison, provided  
to IHRDC by witness





### Amir Atiabi's calendar marked in prison

Atiabi is a leftist survivor from Gohar Dasht prison. While in prison during the summer of 1988, he marked this calendar each time he saw a truck being loaded with corpses.

He highlighted one square for each truck. For example, on July 31, he marked one square, indicating that he saw one truck. On August 3, he marked two squares, indicating that he saw two trucks.

After his release from prison, he added the digits "1" and "2."

Atiabi's calendar does not indicate any executions in mid-August. On August 27, the first group of leftists was taken before the Death Commission.

He recalls that the survivors were allowed to visit with their families on October 11 and 31 in the same place where the executions had taken place.

Atiabi survived the Death Commission and met with his family on October 11. He was released in February 1989.



## **Appendix 9**

Sketch of Gohar Dasht Prison drawn and provided to IHRDC by Amir Atiabi, accompanied by aerial photo of Gohar Dasht Prison retrieved from Google™ Earth in August 2009







**Look for the following to come from IHRDC:**

- Witness statements by four Iranian **Internet activists and bloggers** who were arrested, imprisoned and tortured
- Statements by witnesses to the **1988 prison massacres**
- The Islamic Republic of Iran's **abuse of human rights** following the June 12, 2009 presidential election



Khavaran cemetery, in southeast Tehran, is the final resting place for thousands of political prisoners who were executed during the summer of 1988. Their identities are unknown. Since 1988, the government has disrupted commemoration ceremonies at Khavaran, and systematically targeted and detained grieving family members and activists. In January 2009, the Iranian regime bulldozed several sections of Khavaran and planted trees over the unmarked graves.