



**Submission to the UN Universal Periodic Review
34th Session of the Working Group**

Iran (Islamic republic of)

Submitted March 2019

**Submitted by the Alliance to Renew Co-operation Among Humankind
(ARCHumankind)**

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ARCHumankind was established in 2010 by people united in their commitment to defend democracy, humanity, and sustainable development. The purpose of the organisation is to carry out independent assessments on contemporary violations to these rights, and to do so without serving ulterior motives. The organisational structure is based on the idea of bringing together people from diverse cultural and professional backgrounds in order to establish a mutual understanding based on a common ground.

1. Introduction

The present report contributes to the analysis of the human rights situation in Iran on two accounts we think deserve a more in-depth attention. Firstly, it examines the significance of the 1988 massacre in light of the audio recordings released on 9 August 2016. The 1988 massacre and the content of the recordings serve as clear evidence that the culture of impunity on human rights violations is a major problem in the Iranian Islamic Republic. Iran refuses to officially acknowledge this crime against humanity and, instead of bringing the main culprits to justice, it actually promotes them. In order to hide the crime in question, the authorities first denied proper burials and are now destroying the places where bodies were dumped, even denying families of the victims the right to be aware of the fate of their loved ones. We highlight two persons in particular, Mostafa Pourmohammadi and Ebrahim Raisi, both of whom bear personal culpability for the 1988 massacre of political prisoners. We argue for these events to be considered a crime against humanity, as was already done by the Piemonte Council and the Canadian Parliament.

Secondly, we address violations to the right to a healthy natural environment. The country's theologically-based penal legislation allows for political rulings to be enforced by the judiciary. Iran's judiciary is not independent. Iran's attacks on human rights are based to some extent in the concepts of *moharebeh* and *efsad-e-fel-arz*, respectively denoting "enmity against God" and "corruption on earth", both of which are theologically-based accusations that can lead to capital punishment.

2. Political impunity regarding the 1988 massacre

It is well documented that a culture of political impunity and the resulting lack of public accountability has ran rampant in Iran since the revolution of 1979.¹ In the course of this report, we shall focus on one event in particular – the 1988 massacre – and its contemporary status in political discourse. Since the last Universal Public Review (UPR) cycle the son of Hossein Ali Montazeri, the then-presumed "heir apparent" to Ruhollah Khomeini, released audio recordings taken on 15 August 1988 which clearly indicate two facts. Firstly, recordings released in 2016 denote Montazeri's understanding that the so-called "death commission" comprised of four top-level Iranian officials were committing 'the biggest crime in the Islamic Republic, for which the history will condemn us,'² and that this crime 'has been committed at your hands, and they'll write your names as criminals in history.'^{3, 4} Secondly, two members

¹ Blood-Soaked Secrets: Why Iran's 1988 prison massacres are an ongoing crime against humanity. Amnesty International. 2017. Available here:

<<https://www.amnesty.org/download/Documents/MDE1394212018ENGLISH.PDF>>

² Dehghan, S. 'Audio file revives calls for inquiry into massacre of Iran political prisoners'. The Guardian. 2016. Available here: <<https://www.theguardian.com/world/iran-blog/2016/aug/11/hossein-ali-montazeri-audio-file-calls-for-inquiry-1988-massacre-iran-political-prisoners>>

³ Ibid.

⁴ 'Iranian officials react to leak of the Montazeri tape'. Justice for Victims of 1988 Massacre in Iran (JVMI). 2016. Available here: <<https://iran1988.org/iranian-officials-react-leak-montazeri-tape/>>

of the death commission in particular, Mostafa Pourmohammadi and Ebrahim Raisi, have enjoyed high-profile careers in the Iranian administration since the 1988 massacre. In 1988 Pourmohammadi was the Deputy Intelligence Minister, holding personal liability for deciding individuals' fates based on political and religious belongings.⁵ Despite that, he was appointed Minister of Justice from 2013 to 2017.⁶ The case of Pourmohammadi reveals Iran's lack of credibility in combatting political impunity and accountability for crimes against humanity.

In practical terms, the 1988 massacre falls into the categories of extra-judicial killings and enforced disappearances. In the previous UPR cycle the issue of impunity remained relatively underreported. Only France indicated that impunity remains an issue.⁷ However, Iran received 15 recommendations to improve the standards of its judicial system. Of the 15 recommendations made, Iran accepted 3, and noted 12. Four of the 15 recommendations were linked to the need for Iran to sign and ratify the Rome Statute of the International Criminal Court.⁸ No state made recommendations for Iran to address the problem of extra-judicial executions.⁹ Three states recommended Iran to ratify the Convention for the Protection of All Persons from Enforced Disappearance.¹⁰ Evidently, the current trend is for countries to focus on the death penalty, for the elimination of which 41 recommendations were made, but only one accepted.¹¹ The efforts to address the leading causes for the culture of political impunity in Iran seem insufficient on both accounts. On the one hand, both the issues of extra-judicial killings and enforced disappearances remain underreported. On the other hand, even if they were adequately reported, Iran lacks the political commitment necessary to enforce any recommendation resulting in concrete legal improvements for the protection of human rights in the country.

The released audio recordings demonstrate that the events were both systemic and state-sponsored. The atrocities were carried out in full awareness of their gravity. The fact that Montazeri fell out of Khomeini's favour immediately afterwards demonstrates the regime's commitment to their pledge to systemically eliminate political and religious contenders. Montazeri made his standing clear in a letter to Khomeini - later leaked to the BBC - which

⁵ 'Ahmad Montazeri: Participants in 4-Member (Death) Committee Must Tell the Truth and Apologize to the People'. National Council of Resistance of Iran (NCRI). 2017. Available here: <<https://www.ncr-iran.org/en/news/human-rights/22921-ahmad-montazeri-participants-in-4-member-death-committee-must-tell-the-truth-and-apologize-to-the-people?highlight=WyJub21pbmF0aW9uIiwibWluaXN0ZXIiLCJtaW5pc3RlcidzIiwibWluaXN0ZXInc29mZmljZS5cdTIwMWQoIiLCInbWluaXN0ZXIncjIsIidtaW5pc3RlciIsIm1pbmlzdGVyJyJd>>

⁶ 'Rights Groups Urge Rohani To Drop Justice Minister In Second Term', Radio Free Europe/Radio Liberty. 2017. Available here: <<https://www.rferl.org/a/iran-justice-minister-pourmohammadi-rohani-cabinet-second-term/28630806.html>>

⁷ 'Database of Recommendations', UPR-Info. n.d. Available here: <<https://s.upr-info.org/2U7TueM>>

⁸ 'Database of Recommendations', UPR-Info. n.d. Available here: <<https://s.upr-info.org/2UebT9K>>

⁹ 'Database of Recommendations', UPR-Info. n.d. Available here: <<https://s.upr-info.org/2UcMopb>>

¹⁰ 'Database of Recommendations', UPR-Info. n.d. Available here: <<https://s.upr-info.org/2UeQEES>>

¹¹ 'Database of Recommendations', UPR-Info. n.d. Available here: <<https://s.upr-info.org/2Uc2fEI>>

indicated unfavourable views regarding the 1988 massacre.¹² Given the contextual understanding and the fact that the Iranian decision-makers at the time were resolutely aware of the significance of their chosen political measures, how should we perceive the 1988 massacre today? It does not fit the definition of “genocide”, as outlined by Article 2 of the UN General Assembly resolution 260 (also known as “Genocide Convention”), because the executed prisoners were political in nature, and politically-motivated systemic killings are not covered by the said definition. However, the event does fit the definition of a crime against humanity as stipulated by Article 7 of the Rome Statute of the International Criminal Court.^{13, 14, 15 16}

The tapes prove that these extra-judicial killings of political prisoners were planned for in advance. Khomeini had issued a fatwa approving the killing of political dissidents, targeting in particular the People’s Mujahedin of Iran – a political group with a modern interpretation of Shia Islam.¹⁷ Moreover, the reaction to the released tapes by one of the key perpetrators, Mostafa Pourmohammadi, reveals that the extra-judicial killings were also religious in nature.¹⁸ In addition, Ahmed Montazeri, the son of Hossein Ali Montazeri – the man who released the tape on 9 August 2016 - was initially given a 6-year prison sentence on the grounds of ‘acting against national security.’¹⁹ The conviction was later turned into a suspended sentence, the formally stated reason being a request by a ‘senior cleric’. This probably was due to the realization that Iran could not continue covering up the 1988 massacre - 2016 was indeed the time when the whole country became aware of what had happened.²⁰ A good example of the continuing secrecy is the case of Alireza Varasteh, who was arrested by the Iranian authorities for being in contact with the families of the 1988 massacre victims.²¹ Likewise, on 3 January 2018, Mansoureh Behkish was sentenced to seven and a half years in prison for advocating for justice regarding the 1988 massacre. She lost six of her family members in the massacre.²² At

¹² Schwerin, U. *The Dissident Mullah: Ayatollah Montazeri and the Struggle for Reform in Revolutionary Iran*. 2016. I.B. Tauris. London., p. 119.

¹³ Convention on the Prevention and Punishment of the Crime of Genocide. Available here:

<<https://www.ohchr.org/en/professionalinterest/pages/crimeofgenocide.aspx>>

¹⁴ ‘Iran’s 1988 massacre a key theme at Human Rights Council’s 37th session’. Justice for Victims of 1988 Massacre in Iran (JVMI). 2018. Available here: <<https://iran1988.org/irans-1988-massacre-a-key-theme-at-human-rights-councils-37th-session/>>

¹⁵ Rome Statute of the International Criminal Court. Available here: <https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf>

¹⁶ Casaca, Paulo, director of ARCHumankind has argued for a crime like this to be considered as genocide. See <https://www.sadf.eu/the-politics-around-the-crime-of-genocide-2/> .

¹⁷ ‘Iranian officials react to leak of the Montazeri tape’. Justice for Victims of 1988 Massacre in Iran (JVMI). 2016. Available here: <<https://iran1988.org/iranian-officials-react-leak-montazeri-tape/>>

¹⁸ ‘Iranian officials react to leak of the Montazeri tape’. Justice for Victims of 1988 Massacre in Iran (JVMI). 2016. Available here: <<https://iran1988.org/iranian-officials-react-leak-montazeri-tape/>>

¹⁹ ‘Son Of Top Iranian Dissident Cleric Taken Into Custody’, Radio Free Europe/Radio Liberty. 2017. Available here: <<https://www.rferl.org/a/iran-son-top-cleric-montazeri-jailed/28324836.html>>

²⁰ ‘Late Iranian Dissident Cleric's Son Freed After Sentence Suspended’. Radio Free Europe/Radio Liberty. 2017. Available here: <<https://www.rferl.org/a/iran-son-montazeri-freed-suspended-sentence/28350655.html>>

²¹ Available here: <https://zandaniran.blogspot.com/2018/04/blog-post_89.html>

²² Available here: <<https://www.radiozameh.com/379723>>

the same time, Iran continues to refuse acknowledging the 1988 massacre. The authorities are in fact actively covering up the event, which is evident from the plans to build a road over both individual and mass graves. Since July 2018, both photo and video evidence has surfaced of the authorities' destruction of graves.²³

The contemporary significance of the 1988 massacre, and the release of audio recordings documenting the regime's understanding of the atrocities, reveals the continuing political impunity in Iran. Since the last Iran UPR in 2014, the Special Rapporteur on the situation of human rights in the Islamic republic of Iran produced a report for the 37th Session of the UN Human Rights Council in March 2018.²⁴ Submitted in consultation with the state party under review, the report also contains a summary of the 1988 massacre. The Special Rapporteur reiterates her understanding of events such as as enforced disappearances and extra-judicial executions. Likewise, the Special Rapporteur highlights the fact that the massacre of 1988 remains officially unacknowledged by Iran, and that any effort to address the losses caused to the victims' families would entail an official acknowledgement – in fact a precondition for any other compensation.

The UN Human Rights Council stated in a press release that not only is the issue pertaining to the 1988 massacre of historical importance, but also that the impunity enjoyed by the perpetrators continued well after the event.²⁵ Both Ebrahim Raisi and Mostafa Pourmohammadi were part of the same death commission in Tehran, the former acting as the Prosecutor General and the latter as the Deputy Intelligence Minister.²⁶ Since then, Ebrahim Raisi has been most recently (19 March 2019) appointed as the Chief Justice of Iran, effectively overseeing the whole judiciary. The United States State Department has criticised this appointment, indicating that his responsibilities regarding the 1988 massacre.²⁷ Prior to this appointment, Raisi served as Attorney General, prior to which he was the First Vice Chief Justice of Iran (since 2004). It is evident that even the section of Iranian leadership commonly described as moderate does not take appropriate measures to either do justice to the victims of the 1988 massacre or to ensure that those responsible are not appointed to high administrative positions. Prior to his appointment as the Minister of Justice, Ebrahim Raisi served as the

²³ 'Iran: Road to be Built over Individual and Mass Graves', Amnesty International. 2018. Available here: <<https://www.amnesty.org/en/documents/mde13/8828/2018/en/>>

²⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Human Rights Council, Thirty-seventh session, February-March, 2018. Available here: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A_HRC_37_68.DOCX>

²⁵ 'Human Rights Council discusses situation of human rights in Iran', United Nations Human Rights Council. 2018. Available here: <<https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22796&LangID=E>>

²⁶ Blood-Soaked Secrets: Why Iran's 1988 prison massacres are an ongoing crime against humanity. Amnesty International. 2017. Available here: <<https://www.amnesty.org/download/Documents/MDE1394212018ENGLISH.PDF>>

²⁷ "'Serious Rights Violator' Appointed Head Of Iran's Judiciary', Radio Free Europe/Radio Liberty. 2019. Available here: <<https://www.rferl.org/a/serious-rights-violator-appointed-head-of-iran-s-judiciary/29809381.html>>

Minister of Interior from 2005 to 2008. He was the deputy Minister of Information between 1997 and 1999.

Enforced disappearances and extra-judicial executions of prisoners of conscience remain grave violations of human rights; this is admitted by Iranian authorities in the scope of the Universal Declaration of Human Rights. It is also worthwhile to note that since these crimes against humanity are not officially recognized, the argument claiming that the 1988 massacre was carried out in accordance with the Islamic law prevailing at the time would not hold. At the same time, the examples set in both Italy and Canada serve as a reminder that the crimes of 1988 were not forgotten despite Iran's best attempts. Canada became the first country to recognise the massacre of 1988 as a crime against humanity. The decision received unanimous support in the Canadian parliament - established on a broad coalition between all parties present.²⁸ The Piemonte Council also issued a resolution recognising the events of 1988 as crime against humanity.²⁹

3. Violations to the right to a healthy natural environment

The UN Human Rights Council Working Group on the Universal Periodic Review 2014 Summaries on Iran³⁰ highlights in its point 5 that:

'The Iran Human Rights Document Center (IHRDC) noted that under the IPC, the definitions of moharebeh (enmity against God) and efsad-e-fel-arz (corruption on earth) had been extended and were open to further interpretation to include some crimes of a highly political character, such as membership in opposition groups and supporting the overthrow of the Islamic regime.'³¹

New developments in the Iranian regime's criminal policy seem to indicate the enlargement of the theologically covered accusations that may lead to capital punishment of human rights defenders in new rights areas, such as the rights to a healthy natural environment. On January the 24, 2018, Iran arrested 'Kavous Seyed-Emami, the Iranian-Canadian managing director of

²⁸ 'Canada Recognizes Iran's 1988 Massacre as Crime against Humanity', Foreign Policy Association. 2013. Available here: <<https://foreignpolicyblogs.com/2013/06/14/canada-recognizes-irans-1988-massacre-as-crime-against-humanity/>>

²⁹ 'Iran: Italy Issues Resolution for Justice for 1988 Massacre Victims', Iran News Update. 2017. Available here: <<http://irannewsupdate.com/news/human-rights/3748-iran-italy-issues-resolution-for-justice-for-1988-massacre-victims.html>>

³⁰ Universal Periodic Review - Iran (Islamic Republic Of) - Second Cycle, Summary of stakeholders' information. 2014. Available here: <<https://www.ohchr.org/EN/HRBodies/UPR/PAGES/IRIndex.aspx>>

³¹ In point 15, we can read that: 'the HRW also stated that the judiciary had carried out death sentences for vaguely worded or overly broad terrorism-related charges such as moharebeh'. This statement mimics the authorities' declarations that claim they are only persecuting 'terrorists' when they use the 'moharebeh' expression. However, this is not corroborated by existing evidence.

the Persian Wildlife Heritage Foundation and a lecturer in sociology in Tehran', along with 'at least nine other members'.³²

On February the 9, 2018 - the Iranian authorities claim - 'Mr Sayed-Emami committed suicide' Still, according to Radio Farda, 'Tehran's prosecutor, Abbas Jafari-Dolatabadi, told the semi-official ILNA news agency' that 'Seyed-Emami "was one of the defendants in a spying case and unfortunately he committed suicide in prison since he knew that many had made confessions against him and because of his own confessions'. 'On February 12, ILNA quoted Alaeddin Borujerdi, the head of the parliamentary committee on national security and foreign policy, as saying some lawmakers confirmed Seyed-Emami committed suicide after watching CCTV footage from his time in custody.'³³ "The video showed that Seyed-Emami takes his shirt off and prepares for suicide," Borujerdi said.'

According to Radio Farda, on 25 February 2018, 'Iranian officials have said the activists who have been arrested were gathering sensitive information under the guise of scientific and environmental activities on behalf of the CIA and Israel's Mossad.'³⁴ This version was strongly contested by the family of the defendant, as well as 'Four academic societies related to political science, sociology, peace studies, and cultural studies' in Iran as well as rights activists called 'for a serious and transparent investigation' into his death.³⁵ Still, according to Radio Farda: 'Former Intelligence Minister Ali Yunesi, an advisor to Rouhani, criticized the handling of Seyed-Emami's case and suggested the public did not believe the official explanation for his death.'³⁶

"Given the events that have occurred, if a competent and legal agency does not intervene and doesn't give its opinion on the dead individual or those under arrest, public opinion will not believe they are spies even if they are convicted," he said in an interview with the daily Iran newspaper published on February 25.'

On May, 18 2018, according to Radio Farda, 'along with Seyyed-Emami, 13 other environmentalists were arrested and accused of espionage.' [...] 'The deputy head of Iran's Environment Ministry, Kaveh Madani, cited their arrest as one of the reasons he feared for his

³² 'Iran Arrests Three More Ecologists For Spying', Radio Free Europe/Radio Liberty. 2018. Available here: <<https://www.rferl.org/a/iran-arrests-more-ecologists-spying-charges/29061970.html>>

³³ 'Academics, Activists Demand Probe Into Iranian-Canadian Activist's Death', Radio Free Europe/Radio Liberty. 2018. Available here: <<https://www.rferl.org/a/iran-probe-called-activist-death-prison-suicide-seyed-emami/29035130.html>>

³⁴ 'Iran Arrests Three More Ecologists For Spying', Radio Free Europe/Radio Liberty. 2018. Available here: <https://www.rferl.org/a/iran-arrests-more-ecologists-spying-charges/29061970.html>

³⁵ 'Academics, Activists Demand Probe Into Iranian-Canadian Activist's Death', Radio Free Europe/Radio Liberty. 2018. Available here: <<https://www.rferl.org/a/iran-probe-called-activist-death-prison-suicide-seyed-emami/29035130.html>>

³⁶ 'Academics, Activists Demand Probe Into Iranian-Canadian Activist's Death', Radio Free Europe/Radio Liberty. 2018. Available here: <<https://www.rferl.org/a/iran-probe-called-activist-death-prison-suicide-seyed-emami/29035130.html>>

own safety and secretly fled the country in April.’³⁷ On 23 October 2018, ‘The charge against five detained environmentalists has been changed from "espionage" to "Corruption on Earth" after the examining magistrate received a letter from the Iranian Army, one of the former lawyers of the accused cited Tehran Prosecutor-General as saying’. At the same time, Radio Farda also informed that ‘social media posts on October 22 have referred to the mysterious murder of a prominent environmentalist, Farshid Hakki.’³⁸ According to Amnesty International ‘At least 63 environmental activists and researchers were arrested in 2018, according to media reports. The Iranian authorities accused a number of them, without providing any evidence, of collecting classified information about Iran’s strategic areas under the pretext of carrying out environmental and scientific projects. At least five were charged with “corruption on earth”, which carries the death penalty.’³⁹ According to the declarations of a female member of the Majlis, environmental activism became, together with feminine and labour activism, a major reason for persecution in Iran.⁴⁰ This set of events corroborates a new escalation in the use of theological arguments for repressing rights defenders in Iran, focusing now on the environment, an area where the disastrous results of neglect by national authorities are ever more apparent.

³⁷ “'No Proof' Of Spying For Environmentalists In Jail - Intel Ministry”, Radio Farda. 2018. Available here: <<https://en.radiofarda.com/a/iran-intelligence-says-no-proff-spying-for-environmentalists/29218831.html>>

³⁸ ‘Five Detained Environmentalists Face New Charge Carrying The Death Penalty’, Radio Farda. 2018. Available here: <<https://en.radiofarda.com/a/iran-environmentalists-face-new-charge-death-penalty/29558029.html>>

³⁹ ‘Iran’s ‘year of shame’: More than 7,000 arrested in chilling crackdown on dissent during 2018’, Amnesty International. 2019. Available here: <<https://www.amnesty.org/en/latest/news/2019/01/irans-year-of-shame-more-than-7000-arrested-in-chilling-crackdown-on-dissent-during-2018/>>

⁴⁰ Available here: <[7](http://aftabnews.ir/fa/news/511350/%D9%85%D8%A7%D8%AC%D8%B1%D8%A7%DB%8C-%D8%A8%D8%A7%D8%B2%D8%AF%D8%A7%D8%B4%D8%AA-%D8%AF%D8%AE%D8%AA%D8%B1%D8%A7%D9%86%DB%8C-%DA%A9%D9%87-%D8%A8%D8%B1%D8%A7%DB%8C-%D8%AA%D9%85%D8%A7%D8%B4%D8%A7%DB%8C-%D8%AF%D8%A7%D8%B1%D8%A8%DB%8C-%D8%A8%D9%87-%D9%88%D8%B1%D8%B2%D8%B4%DA%AF%D8%A7%D9%87-%D8%A2%D8%B2%D8%A7%D8%AF%DB%8C-%D8%B1%D9%81%D8%AA%D9%87-%D8%A8%D9%88%D8%AF%D9%86%D8%AF%D9%88%D8%B2%D8%A7%D8%B1%D8%AA-%DA%A9%D8%B4%D9%88%D8%B1-%D8%A2%D8%B2%D8%A7%D8%AF-%D8%B4%D8%AF%D9%86%D8%AF%>></p></div><div data-bbox=)

4. Conclusion

As we have seen, human rights violations remain an issue in Iran, and the ways in which they are violated remain diverse. The significance of recognising the 1988 massacre as a crime against humanity cannot be understated, both as regards paying respect to the victims and combatting Iran's attempts silence the events. The Internet enabled for the 1988 massacre to become a salient topic after relevant tapes were released in 2016. In this context, the best demonstration of political impunity was Pourmohammadi's statement that 'We are proud to have carried out God's commandment concerning the [PMOI]... I am at peace and have not lost any sleep all these years because I acted in accordance with the law and Islam.'⁴¹ We also witness here the use of Islam as a vehicle to justify human rights violations. As regards the environment, the same theologically-based, vaguely-constructed accusations remain instrumental – they justify human rights violations and are used as political weapons against opposition forces of various kinds.

Recommendations:

ARCHumankind recommends for the Islamic Republic of Iran:

- To sign and ratify the Convention for the Protection of All Persons from Enforced Disappearance of 2010.
- To ratify the Rome Statute of the International Criminal Court.
- To stop using theologically-based accusations to administer capital punishment
- To declare a moratorium on death penalty.
- To carry out an independent and impartial inquiry into the 1988 massacre of political prisoners, as requested by the Special Rapporteur on the situation of human rights in Iran and the UN Secretary-General.

⁴¹ Blood-Soaked Secrets: Why Iran's 1988 prison massacres are an ongoing crime against humanity. Amnesty International. 2017. Available here:

<<https://www.amnesty.org/download/Documents/MDE1394212018ENGLISH.PDF>>