**Stop impunity on the crimes of the theocracy**

*Appeal to the Swiss authorities*

According to the information released by the [National Council of Resistance of Iran](https://www.ncr-iran.org/en/ncri-statements/protesting-in-strongest-terms-against-the-swiss-government-for-closing-the-file-on-the-murderers-of-prof-kazem-rajavi/), Swiss authorities intend to close the file on the accusation against 14 officials of the Iranian regime responsible for the assassination in Geneva on April the 24th, 1990 of the former academic, diplomat and spokesman of the NCRI, Kazem Rajavi. The date of the closure, first set for today, was [postponed](https://www.ncr-iran.org/en/editorial/editorial-swiss-send-wrong-message-to-iran/) to 31 July.

According to the AFP, ‘Vaud Prosecutor General Eric Cottier did not comment specifically on the case, but pointed out that the maximum statute of limitation in Switzerland, except in the most extraordinary cases such as genocide, was 30 years. "It cannot be prolonged," he said.’

Here, it is necessary to bear in mind that Switzerland’s [penal code](https://www.loisuisse.ch/fra/sr/311.0/311.0_028.htm) defined the crime of genocide in 1937, prior to international recognition by the [United Nations](https://www.un.org/en/genocideprevention/genocide-convention.shtml)’ 1948 convention.

As stressed by [Casaca (2015)](https://www.sadf.eu/the-politics-around-the-crime-of-genocide-2/), the definition of genocide present in the 1948 convention differs from a previous version drafted by Lemkin (and actually clearly followed by the Swiss legislation) - political motivations were erased. Thus, contrarily to the 1948 Convention, Swiss law does clearly state that the attempt to destroy in whole or in part a politically defined group (exactly as a group defined by religion, race, ethnicity, nation or society) constitutes genocide.

The murder of Kazem Rajavi by the Iranian theocracy stems from a Khomeini fatwa - and was perfectly integrated with Khomeini’s 1988 fatwa to commit genocide against all those aligned with the main opposition group PMOI. As such, it constitutes one of the clearest contemporary cases of attempt to eliminate an entire political group - that is, according to Swiss legislation, to commit genocide.

In this context, we do not understand how, in light of Swiss legislation on genocide, this case can be archived.

Otherwise, politically, to close without consequences a criminal action against a state for terrorist actions on European soil constitutes an erroneous step that can only result in the incitement for the current Iranian regime to pursue this sort of action.

For all these reasons we strongly advise Swiss authorities to reconsider their decision to archive the present case against Kazem Rajavi’s assassins.

Lisbon, 2020-06-17