



Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

REFERENCE:
AL IRN 20/2020

3 September 2020

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 36/6, 35/15, 41/12, 43/24, 40/16, 34/19 and 36/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of the continued refusal to disclose the circumstances of death and remains of thousands of political dissidents who were forcibly disappeared and then allegedly extrajudicially executed between July and early September in 1988 in 32 cities, and the authorities' refusal to provide families with accurate and complete death certificates. We would further like to bring the attention of your Excellency's Government to information we have received on six specific cases indicative of these allegations, namely: **Mr. Ali Ashgar Zighami, Mr. Ghorban Ali Shokri, Mr. Sayed Morteza Mirmohammadi, Mr. Heibatollah Moinee, Mr. Mehdi Gharaiee and Mr. Asghar Mahboub.**

The Working Group on Enforced or Involuntary Disappearances has previously raised the alleged disappearance and killings of individuals for their political opinions or religious beliefs and the alleged destruction of mass graves in a General Allegation in 2017 (A/HRC/WGEID/111/1, Annex II, paragraph 17). The Working Group regrets that no reply has been received to the General Allegation to date, despite reminders having been sent.

The alleged prosecution of a relative who was seeking information on the fate and whereabouts of prisoners believed to have been executed in 1988 was the subject of a communication sent on 30 November 2016 (IRN 30/2016) to which your Excellency's Government replied on 6 February 2017. A second communication was sent on 14 June 2017 (IRN 21/2017), on the same case, as well as on the alleged desecration of mass-grave sites in Ahvaz and Mashhad. We take note of the replies received on 11 August

2017 and 11 September 2017. However, we remain concerned by the alleged continuing threats and prosecution of family members and other individuals seeking information on the alleged executions and we highlight that the replies do not address the issue of the alleged destruction of mass graves.

According to the information received,

Between July and September 1988, the Iranian authorities forcibly disappeared and extrajudicially executed thousands of imprisoned political dissidents affiliated with political opposition groups in 32 cities in secret and discarded their bodies, mostly in unmarked mass graves.

Location of alleged killings between July and early September 1988

The mass killings of prisoners took place in 16 cities across Iran, in particular in Ahvaz in Khuzestan province, Dezful in Khuzestan province, Esfahan in Esfahan province, Hamedan in Hamedan province, Khorramabad in Lorestan province, Lahijan in Gilan province, Mashhad in Razavi Khorasan province, Rasht in Gilan province, Sanandaj in Kurdistan province, Sari in Mazandaran province, Semnan in Semnan province, Shiraz in Fars province, Tabriz in East Azerbaijan province and Urumieh in West Azerbaijan province, Zahedan in Sistan and Baluchestan province, and Zanzan in Zanzan province. Further information on the killings in each location is provided in Annex I.

Additionally, prisoners were targeted in at least 16 other cities across the country: Arak in Arak province, Ardabil in Ardabil province, Babol, Behshahr and Ghaemshahr in Mazandaran province, Behbahan in Khuzestan province, Bushehr in Bushehr province, Gorgan in Golestan province, Ilam in Ilam province, Karaj in Alborz province, Saqqez in Kurdistan province, Kermanshah in Kermanshah province, Kerman in Kerman province, Roudsar in Gilan province, Tehran in Tehran province and Qazvin in Qazvin province.

Refusal to provide accurate information on the fate and whereabouts of the individuals

While it is believed that all of the individuals who disappeared during this period have been killed, individual information has not been provided to families about the fate and whereabouts of their relatives, the circumstances leading to their execution and the location of their remains. This continues to cause extreme anguish to the families of the victims, some of whom still disbelieve that their relatives are dead.

Regarding the location of their loved one's remains, families either remained uninformed about the location or learnt about their burial in suspected or known mass grave sites through informal contact with prison guards and officials,

cemetery workers or locals. It is also alleged that many prisoners were transferred to different locations prior to their enforced disappearance and execution.

For some cities such as Ahvaz, Ardabil, Ilam, Mashhad and Roudsar, the authorities ultimately told some families verbally that their loved ones were buried in mass graves and revealed their locations. However, publicly and officially, the authorities have never acknowledged these mass grave sites, which have been subjected to desecration and destruction. This includes by bulldozing them and then constructing new burial plots, buildings or roads over them.

Regarding seven other cities, specifically Bandar Anzali, Esfahan, Hamedan, Masjed Soleiman, Shiraz, Semnan, and Tehran, the authorities gave a few families the location of individual graves and allowed them to install headstones, but many fear that the authorities may have deceived them and that some of these graves may be empty.

In some cities such as Ahvaz, Karaj, Rasht, Tehran and Mashhad, more than one mass grave site was reported.

It is likely that the real number of mass graves across the country which resulted from the alleged mass secret extrajudicial executions of 1988 is far higher.

The Iranian authorities have also excluded the names of the overwhelming majority of the victims from publicly available burial registers to conceal the location of the remains.

Failure to provide accurate death certificates

Many families have not sought death certificates for a range of reasons including shock, the prevailing climate of fear, or as a conscious act of resistance. Where families did seek death certificates, this was generally in order to resolve administrative and legal difficulties. Individuals seeking death certificates often had to wait an extended period of time and face harassment or abuse. In most cases, the authorities have refused to provide death certificates. When the certificates were obtained, they were not accurate. For example, some families have been issued with death certificates that cite “natural causes”, “illness” or just list “death” as the cause of death. Some contain false information about the date or location of death. This is in contradiction to the Civil Registration Law in the Islamic Republic of Iran which notes that a death certificate “shall be provided to anyone who requests one” (article 22) and should state “the exact date, place and cause of death.”

The following individual cases are illustrative of this phenomenon:

Mr. Ali Ashgar Zighami was held in Evin prison and disappeared in July 1988, two months before he was to finish his sentence for support for the secular

political organization, the Majority faction of Fadaiyan. In late 1988, the authorities at Evin prison informed persons associated with him that he had been executed, but did not provide any details or return his body. In 1989, a death certificate was issued, which was required for administrative purposes. The certificate made no mention of Mr. Zighami's execution and instead listed the cause of death as "death." Persons associated with him continue to suffer from physical and mental health conditions brought about by the anguish of his disappearance and the authorities' continued refusal to provide information on his fate and reveal the location of his remains.

Mr. Ghorban Ali Shokri was held in Gohrdshat prison in Karaj and disappeared in late July 1988, whilst serving a prison sentence for alleged support of Sahand, a communist group. Persons associated with him repeatedly wrote to the prison officials asking for information about his fate and whereabouts and asking for a copy of his last letter of wishes if he was dead. No reply was received. Persons associated with him obtained an official letter, as part of an application for social assistance, that confirmed he had been executed in 1988. In the early 1990s, the authorities issued a death certificate giving the date of death as 11 September 1988 and noting he died "naturally", which contradicts the previously obtained official letter.

Mr. Sayed Morteza Mirmohammadi was held in Evin prison and forcibly disappeared and executed in 1988, whilst serving a sentence for alleged support of the People's Mojahedin Organization of Iran, which had been designated as a terrorist organization by Iran. Persons associated with him were provided with two contradictory death certificates. The first in 1989 or 1990 cites the cause of death as "death" and gives a date of death as 3 September 1988, although it is believed he was actually killed in the wave of executions in Evin prison in July and mid-August. In 1999 or 2000, a second death certificate was issued which states the cause of death is "unknown" and indicates he died in Azna, Lorestan province. However, it was known that Mr. Mirmohammadi was in Evin prison, Tehran until late July 1988 when he disappeared.

Mr. Heibatollah Moinee was held in Evin prison, Tehran, and was disappeared in late July 1988, whilst serving a prison term connected to his support for the secular political organization, the Majority faction of Fadaiyan. In late 1988, persons associated with him were informed that he had been executed. No additional information was provided and his remains were not returned. In late 1980, in order to resolve an administrative issue, persons associated with him needed to annul his national identity booklet. In order to do so they were required by the National Organization for Civil Registration in Tehran to sign a paper stating he had died of natural causes. The annulment identified his home address at the time as the place of death. When persons associated with him objected to this and indicated Mr. Moinee had been in custody, the official said they should sign the paper or it would be torn up.

Mr. Mehdi Gharaiee was held in Vakilabad prison in Mashhad when he disappeared in July 1988 whilst serving a prison term in connection with his support for the People's Mojahedin Organization of Iran. Persons associated with him had no information on his fate and whereabouts until early November 1988 when they received a call from the Prosecutor's Office summoning them to the Office in their hometown of Bojnourd. Upon arrival they were informed Mr. Gharaiee had been executed and asked to sign a paper undertaking not to hold a funeral ceremony and told that if they made noise it would cause "trouble." The authorities refused to reveal where Mr. Gharaiee was buried or return his personal effects. Persons associated with him have been unable to obtain closure and to accept his death. In the early 1990s, persons associated with him sought a written declaration of his death. After several requests, the Prosecutor's office in Bojnourd provided a letter referring them to the Office of the National Organization for Civil Registration in Bojnourd. In December 1995, a death certificate was issued, but it was incomplete. No cause of death was listed and the date of death was recorded as 1988 without any day or month.

Mr. Asghar Mahboub, was serving a prison term in Gohardasht prison in Karaj when he disappeared in July 1988, while serving a sentence in connection with his support for the political organization the Tudeh party. In late 1988, persons associated with him received a phone call telling them to go to the Revolutionary Komiteh in Tehran. Upon arrival, they were informed that Mr. Mahboub had been executed and were given a bag, which officials indicated contained his personal belongings. No information was provided on the proceedings through which he was sentenced to death and executed. The officials indicated he had been executed in connection with his participation in an armed attack carried out by the PMOI in July 1988, but did not indicate how Mr. Mahboub could have been involved given that he was in a high-security prison at the time of the incident. Mr. Mahboub has no affiliation with the PMOI. The authorities refused to reveal where Mr. Mahboub's body had been buried and no death certificate was provided.

In 1992, after persons associated with him had approached several authorities to obtain a death certificate in order to resolve various administrative issues, they were issued a death certificate indicating he died "naturally" and gives the date of death as 2 October 1988, even though it is believed he was likely executed in late August or early September 1988. Persons associated with him were required to submit his national identity booklet to be annulled - the annulment document leaves the place of death blank and indicates he "died" without indicating the cause of death.

Threats and harassment of families

The families of those disappeared and believed killed face an ongoing ban on conducting commemorations or memorial events.

The authorities have particularly attempted to suppress gatherings at Khavaran mass-grave site, which has gained a symbolic meaning in the families' efforts to obtain truth and justice. Actions taken include photographing and recording family members visiting the grave site, threatening, beating and arresting families at the site, threatening families not to visit the site, raiding homes of families who hold memorial ceremonies and closing off the main entrance and roads leading to the site.

The families, survivors and human rights defenders are also the subject of persistent threats, harassment, intimidation and attacks because of their attempts to seek information on the fate and whereabouts of the individuals and their demands for justice. Several human rights defenders are serving sentences for participating in commemorative gatherings and families have faced prosecution under vague national security-related charges.

Lack of investigation and prosecution

There is a systemic impunity enjoyed by those who ordered and carried out the extrajudicial executions and enforced disappearances.

To date, no official in Iran has been brought to justice and many of the officials involved continue to hold positions of power including in key judicial, prosecutorial and government bodies responsible for ensuring the victims receive justice.

Statements from the Government

The Iranian authorities have, since 1988 onwards, flatly denied the killings, trivialized the number of deaths and claimed that many were killed in conflict. When asked repeatedly by the UN Special Representative on Iran between 1988 and 1992 to clarify the fate and whereabouts of the prisoners, Iran either did not reply or stated the victims were “forgeries”, “non-existent” or were alive, working or studying in Iran or abroad. In 1989, the UN Special Representative spoke of Iran’s “global denial” of the executions. In December 1988, the UN General Assembly passed resolution A/RES/43/137 on the situation of human rights in Iran, which expressed “grave concern” about “a renewed wave of executions in the period July-September 1988” targeting prisoners “because of their political convictions.” However, the situation was not referred to the Security Council, the UN General Assembly did not follow up on the resolution and the UN Commission on Human Rights did not take any action. The failure of these bodies to act had a devastating impact on the survivors and families as well as on the general situation of human rights in Iran and emboldened Iran to continue to conceal the fate of the victims and to maintain a strategy of deflection and denial that continue to date.

Media outlets in Iran frequently publish distressing statements from high-level officials glorifying the executions and describing the perpetrators as “national heroes” and call any public criticism or documentation of the killings as support for terrorism.

According to the source, the mass, secret extrajudicial killings in 1988 amounted to crimes against humanity of murder, extermination, persecution, torture and other inhumane acts, and the systematic concealment of the fate and whereabouts of the victims amounts to an ongoing crime against humanity of enforced disappearance.

While we do not wish to prejudge the accuracy of these allegations, we are seriously concerned by the alleged continued refusal to disclose the fate and whereabouts of thousands of individuals who were reportedly forcibly disappeared and then extrajudicially executed in 1988. We are further alarmed by allegations of the authorities’ refusal to provide families with accurate and complete death certificates, the destruction of mass graves, the ongoing threats and harassment of the families, the lack of investigation and prosecution for the killings and the statements from the Government denying or trivializing the cases and equating criticizing the killings as support for terrorism.

We underline that an enforced disappearance continues until the fate and whereabouts of the individual concerned are established irrespective of the time passed, and that the family members have a right to truth which means the right to know about the progress and results of an investigation, the fate or the whereabouts of the disappeared persons, and the circumstances of the disappearances, and the identity of the perpetrator(s) (A/HRC/16/48). We stress that this obligation is applicable to any individual who has been allegedly forcibly disappeared or unlawfully killed, regardless of whether they were civilians or defined as “terrorists” or threats to national security under national law.

We further highlight that only full respect for stringent due process guarantees distinguishes capital punishment from arbitrary execution. Furthermore secrecy surrounding the date of execution, giving little or no prior warning to condemned prisoners and their families as well as the refusal to hand over the body of an executed individual for burial amounts to inhuman treatment of the family in violation of article 7 of the ICCPR (A/67/279, CCPR/C/106/D/2120/2011), and failure to be transparent in the application of the death sentence in line with article 14 of the ICCPR risks also violating article 6 of the ICCPR (A/67/275). Equally, the failure to respect the relatives right to know the truth on the fate and whereabouts of the disappeared person causes anguish and sorrow which may amount to torture (A/HRC/16/48, General Comment, para 4). We further emphasize that the family of deceased individuals have the right to have the remains of their loved one returned to them, and to dispose of the remains according to their own tradition, religion or culture (A/HRC/16/48 para 6).

We note that as early as 1989, the UN Special Representative on Iran observed that “the information emanating from various sources... confirmed that politically motivated mass executions took place in the second quarter of 1988” (A/44/620, para 110). We further note that in 2017, the Special Rapporteur on the situation of human rights in Iran, recognized that overwhelming evidence shows that thousands of persons were summarily killed and called for a “thorough and independent investigation into these events” (A/72/322). We are extremely concerned that no such investigation has been conducted to date.

We further note that the Working Group on Enforced or Involuntary Disappearances has 541 outstanding cases of alleged disappearances in Iran under its humanitarian procedure, of which 122 related to disappearances which allegedly occurred in 1988.

We additionally highlight a number of pending visit requests from Special Procedures mandate holders including from the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on extrajudicial, summary or arbitrary executions. We further recall that the Islamic Republic of Iran agreed to a visit by the Working Group on Enforced or Involuntary Disappearances in 2004, which was delayed at the request of the Government and has never been rescheduled despite repeated requests.

We call on your Excellency’s Government to urgently conduct a thorough and independent investigation into all cases, to disclose detailed information on the fate of each individual and to prosecute perpetrators. We further call for accurate death certificates to be provided to family members, for gravesites to be identified and protected, for exhumations to be conducted in line with international standards to identify and facilitate the return of the remains, and for families and survivors to be protected from any form of reprisals.

We are concerned that the situation may amount to crimes against humanity. Should your Excellency’s Government continue to refuse to uphold its obligations under international human rights law, we call on the international community to take action to investigate the cases including through the establishment of an international investigation.

If these allegations are accurate, the facts would contravene critical provisions of the International Covenant on Civil and Political Rights (ICCPR) which your Excellency’s Government ratified on 24 June 1975, including articles 6, 7 and 14 which guarantee the right to life, the right to be free from torture and other inhuman and degrading treatment and the right to a fair trial. We further refer to the Declaration on the Protection of All Persons from Enforced Disappearance.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the steps taken to guarantee the right to truth in relation to the individuals allegedly executed in 1988, including the right to impartial, independent and effective investigation of alleged crimes, and the right to effective remedy for the victims of forcibly disappeared persons and/or their families.
3. Please provide information on the alleged refusal to provide families with accurate and complete death certificates.
4. Please provide information on the steps taken to identify grave sites, preserve alleged locations including from erosion, vandalism or looting, and to conduct exhumations in line with international standards.
5. Please provide detailed information on:
 - a. Whether the Government is in possession of the complete burial registers for the period of July – September 1988?
 - b. Whether the names of individuals executed during this period were included in publicly available registers?
 - c. Known locations of mass graves in the country, including grave sites which may be mentioned in national historical records.
 - d. Known identity information, per mass gravesite in each location, as well as figures/data of unidentified persons.
 - e. Measures taken to identify desecrated mass graves, to recognize these as locations of mass burials, and to implement measures to protect or commemorate them (such as monuments, plaques, etc).
 - f. Efforts made to publicly report on progress made on all of the above, and in particular, to inform all concerned families.
6. Please provide information regarding any provisions made to allow families to remember and pay their respects, individually or collectively, at the site of the burials.
7. Please provide information on the legal provisions, which would protect families of the disappeared and human rights defenders seeking information on the fate and whereabouts of victims of enforced disappearances. How does the State prevent retaliation against those who demand justice for and on behalf of the victims and their families?

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and, in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Luciano Hazan
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Javaid Rehman
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Fabian Salvioli
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Annex I – Information received on executions in specific regions

According to information received:

Ahvaz

Fajr prison in Ahvaz was put on lockdown in late 1988, when all family visits were suspended and radios and televisions were removed. Prisoners were taken one by one or in groups before several prison and judicial officials for interrogations. They were handcuffed and blindfolded and were asked questions regarding their political beliefs. Some prisoners, all of whom had been imprisoned in connection with support for the PMOI, who were taken for interrogation did not return to their cells and were moved to solitary confinement or were executed.

The authorities in Ahvaz told the families of the prisoners that they had buried the victims in a mass grave on a barren piece of land three kilometres east of Behest Abad cemetery. In an apparent effort to prevent exhumations, the authorities poured concrete over the site immediately after the burial. In July 2018, the concrete structure marking the mass grave as well as dozens of nearby individual graves, which belonged to political dissidents executed in the early 1980s, had been smashed to pieces. According to an official board placed at the site, the authorities planned to build a “boulevard” running over the mass grave site and create a 21-acre park.

Dezful

Regarding Dezful, several dozen prisoners sentenced for links to the PMOI, were executed during the mass killings after interrogations. Prisoners were told that they would be transferred to Ahvaz, but instead were allegedly executed after interrogations by the so-called “commission” comprising the judge who presided over the cases of political activists in Khuzestan province, the prosecutor of Dezful, and a Ministry of Intelligence official. The whereabouts of the remains of dozens of prisoners who were executed during the mass killings in Dezful is still unknown.

Esfahan

In Esfahan, dozens of prisoners, both men and women, were executed during the mass killings of July-September 1988 in Dastgerd prison. At least 200 former PMOI prisoners who had been released in earlier years were also rearrested, forcibly disappeared after arrest and extrajudicially killed during this period after the interrogations before the “commission” composed of three clerics and two people in plain clothes. The whereabouts of the remains of most of the victims in Esfahan are still unknown.

Hamedan

In Hamedan, after interrogations before the “commission” composed of a Shari’a judge, a prosecution official and a representative from the Ministry of Intelligence, several dozen prisoners, imprisoned for supporting PMOI or leftist organizations, were collected from their cells and most were never seen again. For other prisoners, shortly afterwards, the authorities removed the televisions, suspended prison visits, cut prisoners’ access to the prison yard, and welded the doors and windows of the sections housing political activists. In Hamedan, the authorities referred families to individual graves that they claimed contained the bodies of their loved ones. However, some families have expressed concern that the graves may in fact be empty.

Khorramabad

In Khorramabad, Falak-ol-Aflak detention facility was put on lockdown in late July 1988, with family visits cancelled. In the following days, many prisoners were told to collect their belongings and were taken away. Most were never seen again. To date, it is not known where the mass killings were carried out or where the bodies of executed individuals are buried.

Lahijan

In Lahijan, several dozen prisoners, most imprisoned for links to PMOI, some under the age of 18 and as young as 14 at the time of their arrest, were taken away from their cells in Malek Ashtar prison in late July 1988 and never seen again. To date, the authorities have not revealed the whereabouts of the remains of those executed in Lahijan. However, there are two suspected mass grave sites in Agha Sayed Morteza cemetery in Lahijan.

Mashhad

In Mashhad, in late July 1988, Vakilabad prison was put on lockdown, radios and televisions were removed, and a series of interrogations started. At least 178 prisoners were executed during the mass killings, most were serving sentences for support for the PMOI. The real number of victims may be higher. Several of the victims are believed to have been under the age of 18 at the time of their arrest. The exact whereabouts of the remains of the victims of the mass killings in Mashhad remain unknown. However, there are three sites on the outskirts of Behesht Reza cemetery near Mashhad which are believed to be mass graves containing the remains of some of the victims. One is in the southern corner of the cemetery, another in its south-eastern corner and a third on its eastern side. Over the past three decades, these reported mass grave sites have been desecrated and destroyed.

Rasht

In Rasht, several dozen prisoners were executed during the mass killings after interrogations by the “commission” involving judicial, prosecution, intelligence and prison officials. The whereabouts of the remains of the victims in Rasht are still unknown. Some families were informed they had been buried in individual graves in a town called Koulivar, but some relatives believe the graves may be empty. It is believed that the bodies of the victims were dumped in three or four trenches dug in an outlying part of the main burial ground in Rasht - Tazeh Abad cemetery. Since 2008, the authorities have constructed new individual burial plots on top of this site and sold many of them without informing the owners of the new burial plots about the reported mass graves lying beneath the plots they have bought.

Sanandaj

In Sanandaj, a few hundred prisoners were executed during the mass killings of July-September 1988 in Kurdistan province. They included men, women and children as young as 16. Some of the victims were also elderly and in their 70s. Unlike in the rest of the country, while some of the execution victims were serving lengthy prison terms, most of them had been arrested since March 1988 as part of a massive crackdown targeting people for their real or perceived support for Kurdish opposition groups. This included not only individuals who had sympathized or supported these groups but also, in many cases, their family members. The Revolutionary Court prison became severely overcrowded in the months leading to July and infectious diseases spread.

The authorities started a series of interrogations and prison visits were suspended. Prisoners were summoned group by group, taken to a room where they were fingerprinted and then brought, while blindfolded, before a “death commission” involving Revolutionary Court judges and prosecution, intelligence and prison officials. Once these interrogations started, every few days, the authorities called out a list of people and took them away. Most were never seen again. The families were told about the executions in September 1988, but authorities did not disclose the location of burial. It is believed that the bodies were buried in a barren piece of land on the outskirts of the city of Qorveh, about 93 kilometres east of Sanandaj. The families dug in the location and found remains which they reburied.

Sari

In Sari, several dozens individuals imprisoned in connection with their support for the PMOI were taken away in late July 1988, of which around 35 of them were never seen again. Simultaneously, the prison was put on lockdown; access to television and radio was cut; and family visits were suspended. To date, it is not known where and how all the victims of the mass killings in Sari were executed. It appears that, in the second half of 1988, there were multiple prison transfers between different cities in Mazandaran province, including to and from Sari,

Ghaemshahr, Babol, Amol and Behshahr. The whereabouts of the remains of most victims in Sari are unknown.

Semnan

In Semnan, several dozen prisoners, both men and women, arrested for alleged support for the PMOI, were killed in July-September 1988 after interrogations before the “commission”. The whereabouts of the remains of most victims in Semnan are unknown.

Shiraz

In Shiraz, at least 250 to 300 prisoners, both men and women, all serving sentences for support for the PMOI, were executed during the mass killings. The killings happened after intense interrogations by the “commission” including a Shari’a judge, a prosecution official and a Ministry of Intelligence representative. The majority of the victims are believed to have been buried in a mass grave on the outskirts of Darolrahmeh cemetery in Shiraz, near individual grave sites of those executed in the early 1980s. It is believed that in recent years, new burial plots have been constructed over the suspected mass grave site.

Tabriz and Urumieh

Dozens of prisoners were transferred back and forth several times between the two prisons. In Tabriz, most PMOI prisoners were taken away, dozens of prisoners are believed to have been killed. It is thought they are buried in a plot of land near the entrance of Vaideh Rahmat cemetery in Tabriz, which is known as the children’s block. Reportedly, since June 2017, the authorities have initiated a project to convert the area into an open space for official ceremonies.

In Urumieh, prisoners were also collected and taken away. It is not confirmed how they were killed or where their remains are located.

Zehedan

In Zehedan, in Gourband (Shahr bani) prison run by the Revolutionary Guards, the section which housed political dissidents was closed by 1988 and some of the prisoners there were transferred to other locations and executed during the mass prisoner killings. Additionally, several dozen people in Zahedan who had been arrested several weeks or months before the mass prisoner killings, were also executed. It is also believed that the considerable number of them were in their teens or early twenties and had either been arrested in other cities and transferred to Zahedan after being punished with “internal exile” or arrested while trying to cross the border into Pakistan.

Zanjan

In Zanjan, in late July, the prison was put on lockdown. Televisions, radios and newspapers were removed, and family visits were suspended. Prison officials started taking away groups of people, most of whose whereabouts are still unknown. However, it is believed that a site in a cemetery in Zanjan called Bala contains the remains of the victims of mass killings. It is also alleged that since early 2002, the authorities have built new burial plots over the suspected mass grave site without informing the new owners of the alleged existence of a mass grave on the same site.

Annex II - References to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We refer to the International Covenant on Civil and Political Rights (ICCPR) which your Excellency's Government ratified on 24 June 1975, including articles 2, 6, 7 and 14 which guarantee the right to remedy, the right to life, the right to be free from torture and other inhuman and degrading treatment and the right to a fair trial.

We would like to highlight that **enforced disappearance** constitutes a unique and integrated series of acts and omissions representing a grave threat to life and that states are required to conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance and introduce prompt and effective procedures to investigate cases of disappearances thoroughly, by independent and impartial bodies (Human Rights Committee, General Comment 36).

We further remind that, according to the Declaration on the Protection of All Persons from Enforced Disappearance;

- No order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance (article 6)
- no circumstances whatsoever may be invoked to justify enforced disappearances (article 7),
- that individuals should be protected from ill-treatment, intimidation or reprisal (article 13)
- that investigations should be conducted for as long as the fate of the victim remains unclarified (article 13)
- that enforced disappearance should be considered a continuing offence for as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified (article 17)

We further note that the family members have a right to truth which means the right to know about the progress and results of an investigation, the fate or the whereabouts of the disappeared persons, and the circumstances of the disappearances, and the identity of the perpetrator(s) (General comment on the right to the truth in relation to enforced disappearance, A/HRC/16/48). We further underline that the anguish and sorrow of the family may reach the threshold of torture (Ibid).

We highlight that the **death penalty** may be imposed only for the most serious crimes which must be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing (article 6 of the ICCPR and Human Rights Committee, General Comment No. 36). Furthermore, any trial which could lead to the imposition of the death penalty, including all stages before the trial and the consideration of appeals on

matters of fact and law after the trial, must rigorously comply with the guarantees set out in Article 14 of the ICCPR. In the absence of a fair trial, the imposition of a death sentence constitutes a violation of the right to life.

We would like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all **violations of the right to life**. We urge your Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles), in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) also provides detail on the duty to investigate potential unlawful deaths "promptly, effectively and thoroughly, with independence, impartiality and transparency." This duty continues to apply in situations of internal disturbances and tensions, and armed conflict (para 20). In particular we note the authorities must "conduct an investigation as soon as possible and proceed without unreasonable delays... The failure of the State promptly to investigate does not relieve it of its duty to investigate at a later time: the duty does not cease even with the passing of significant time" (para 32). The duty of promptness does not justify a rushed or unduly hurried investigation. We remind that amongst other things, investigations into alleged unlawful killings should seek to determine who was involved in the death, and their individual responsibility for it, and seek to identify any failure to take reasonable measures which could have had a real prospect of preventing the death. It should also seek to identify policies and systemic failures that may have contributed to a death, and identify patterns where they exist (para 25).

With regard to the alleged **violations of due process and of fair trial guarantees**, including the alleged decision to impose death penalties following a review by "commissions" without providing the accused with access to legal assistance and representation, we would like to recall article 14 of the ICCPR, which provides inter alia for the principle of equality before competent, independent and impartial courts and tribunals, the presumption of innocence, provision of adequate time and facilities for the preparation of the defence, and the right of accused persons to communicate with counsel of their own choosing.

We would like to recall that, as established by the Human Rights Committee in its General Comment No. 31 (paragraph 18), States have an obligation to **investigate and punish serious human rights violations**, including summary or arbitrary killings, torture and other cruel, inhuman or degrading treatment, and enforced disappearances. Failure to investigate and prosecute such violations is in itself a breach of the norms of human rights treaties.

In this regard, the updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity recalls that impunity arises from a failure by States to meet their obligations to investigate violations; to ensure that those

suspected of criminal responsibility are prosecuted, tried and duly punished; to provide victims with effective remedies and reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations (principle 1). Victims and their families have a right to know the truth about past events concerning the perpetration of heinous crimes as established by principles 2 and 4 of the Set of Principles.