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Human rights situations that require the Council's attention

Joint written statement* submitted by Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status, Women's Human Rights International Association, Edmund Rice International Limited, non-governmental organizations in special consultative status, Association of World Citizens, International Educational Development, Inc., non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2021]

* Issued as received, in the language(s) of submission only.



United Nations Commission of Inquiry is needed into the 1988 massacre in the Islamic Republic of Iran

We appeal to United Nations (UN) High Commissioner for Human Rights Michelle Bachelet and the Member States of the UN Human Rights Council to follow up the recent call by seven UN human rights experts by establishing a Commission of Inquiry into the 1988 massacre of political prisoners in the Islamic Republic of Iran (Iran).

In a letter dated 3 September 2020 to the Iranian authorities, the UN human rights experts stated that the 1988 massacres “may amount to crimes against humanity.”

The UN experts included the Chair-Rapporteur of the 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.

Their letter read: “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”.

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

“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”, the letter added.

The 1988 massacres are ongoing crimes against humanity

The UN experts said they 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)”, the UN experts insisted.

The “fatwa” (ruling) issued by Iran’s Supreme Leader has never been rescinded. On 25 July 2019, in an interview with the state-run Mosalas magazine, Mostafa Pour-Mohammadi, Advisor to the Judiciary Chief and a former member of the Death Commissions, defended the 1988 massacre and said newly-caught activists of the People’s Mojahedin Organization of Iran (PMOI or MEK) – the main group targeted by Khomeini’s “fatwa” – would face capital punishment.

Impunity by Iranian officials must stop

“There is a systemic impunity enjoyed by those who ordered and carried out the extrajudicial executions and enforced disappearances”, the UN experts said, adding: “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”.

The UN experts stated that international inaction over the 1988 massacre had “emboldened” Iranian authorities to “conceal the fate of the victims and to maintain a strategy of deflection and denial.”

We endorse the UN experts’ call on the international community to “take action to investigate the cases including through the establishment of an international investigation.”

We note that this letter was just one of many attempts by the international community to persuade the Iranian authorities to end their obstacles to accountability over the 1988 massacre.

In 2017, the previous Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Asma Jahangir, informed the General Assembly:

“Between July and August 1988, thousands of political prisoners, men, women and teenagers, were reportedly executed pursuant to a fatwa issued by the then Supreme Leader, Ayatollah Khomeini. A three-man commission was reportedly created with a view to determining who should be executed. ... The families of the victims have a right to know the truth about these events and the fate of their loved ones without risking reprisal. They have the right to a remedy, which includes the right to an effective investigation of the facts and public disclosure of the truth; and the right to reparation.”

On 26 February 2018, UN Secretary-General António Guterres told the Human Rights Council:

“OHCHR continued to receive letters from families of the victims who were summarily executed or forcibly disappeared during the events of 1988. ... The Secretary-General remains concerned by the difficulty the families faced in obtaining information about the 1988 events and the harassment of those continuing to advocate for further information related to these events.”

UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, told non-governmental organizations (NGOs) on 9 March 2018:

“The 88 massacre, the allegations of the massacres in 88, the summary executions and enforced disappearances of thousands of political prisoners – men, women and children – we have received a great deal of information from you. ... And the recommendations have been made to the national authorities to investigate independently and impartially of course given all the attention given to this by the victims’ families.”

In its national statement at the Human Rights Council’s March 2018 session, Germany called upon the Iranian leadership to respect the right of the Iranian people to raise their complaints and demands, including the call for an investigation of the 1988 events by guaranteeing their civil rights.

On 18 November 2020, Canada’s representative at the UN Third Committee called for the perpetrators of the 1988 massacre to be held accountable.

On 23 December 2020, the United Kingdom of Great Britain and Northern Ireland’s Human Rights Minister Lord Ahmad of Wimbledon urged the authorities in Tehran to allow Special Rapporteur Javād Rehmān access to the country so that he could conduct research and investigations including into the 1988 massacre.

On 17 December 2020, the European Parliament voted in favour of a resolution calling on Iran to release those demanding truth and justice for the mass extrajudicial executions of the 1980s.

On 10 December 2020, the United States of America State Department endorsed the UN experts' call for an independent international investigation into the mass disappearances and summary executions in Iran in 1988.

Amnesty International has also publicly supported the UN experts' call for an international investigation. In December 2020, it called on the UN Human Rights Council to establish an independent, impartial, and effective international mechanism to address impunity for the crimes against humanity that occurred during the 1988 massacre. The group has described the 1988 massacre as "ongoing crimes against humanity."

The Iranian authorities have failed to respond to the UN experts or to the numerous appeals by members of the international community. Instead, they continue to harass and arrest those in Iran demanding accountability, and they rewarded the perpetrators of the 1988 massacre by promoting them to senior positions in the government and judiciary. Members of the 1988 Death Commissions include the current Judiciary Chief Ebrahim Raisi and Justice Minister Alireza Avaei.

It is time for a UN Commission of Inquiry into the 1988 massacre in Iran

The UN experts stated that they are "extremely concerned" that the Iranian authorities have never investigated the 1988 massacre despite prior appeals to do so by the UN Special Rapporteur.

Four months on since the UN experts' appeal, Iranian authorities continue to evade accountability.

The establishment of a UN mandated Commission of Inquiry into the 1988 massacre is long overdue. In order to end the culture of impunity that exists in Iran, we appeal to the Member States of the Human Rights Council to set up a Commission of Inquiry to establish the facts of the massacre and to hold the perpetrators to account for serious violations of international humanitarian law and international human rights law.

Furthermore, we believe High Commissioner Michelle Bachelet has a fundamental duty to initiate the establishment of a Commission of Inquiry into Iran's 1988 massacre. We encourage the Office of the UN High Commissioner for Human Rights to act without haste to end impunity for the perpetrators of Iran's greatest crime against humanity.

HANDS OFF CAIN, Nouveaux Droits de l'Homme (France), Justice for Victims of 1988 Massacre in Iran (JVMI), Association des femmes Iraniennes en France (AFIF), Comité de Soutien aux Droits de l'Homme en Iran (CSDHI), Associazione delle Donne Democratiche Iraniane in Italia, Association of Anglo-Iranian Women in the UK, Iran Libero e Democratico (Italia), Iranian youth association in Switzerland, Association de Réfugiés politiques pour les droits de l'homme – France, Associazione Medici e Farmacisti Democratici Iraniani in Italia, Association des jeunes Iraniens pour la démocratie et la liberté-Luxembourg, Association IranRef (Belgique), Iranska Kvinnosamfundet i Sverige (Sweden), Anglo-Iranian Professionals Association of Iranian Political Prisoners-UK, NGO(s) without consultative status, also share the views expressed in this statement.