

Urgent need to address Impunity in the Islamic Republic of Iran

Rampant and serious human rights violations in the Islamic Republic of Iran, including a deadly crackdown on anti-government protesters and suppression of families seeking justice for the victims of the 1988 extrajudicial executions and enforced disappearances of political prisoners, amount to ongoing crimes against humanity, two separate United Nations reports have concluded in 2024.

With executions on the rise, it is imperative that the UN set up an accountability mechanism to tackle the culture of impunity that has been prevalent in Iran for the past 45 years.

Families targeted for seeking justice

In the prevailing environment it is impossible to seek any form of accountability at the domestic level for crimes such as the 1988 enforced disappearances. There are no avenues to seek truth and justice and no prospects of claiming reparations in the Islamic Republic of Iran.

Indeed, families seeking accountability are frequently targeted, persecuted and punished. One poignant example illustrating this pattern of harassment and persecution is the case of political prisoner Maryam Akbari-Monfared.

Ms. Akbari-Monfared displayed immense courage by filing an official complaint from inside prison on 15 October 2016, addressing the Iranian judiciary regarding the enforced disappearance of her siblings during the 1988 massacre. In response to her pursuit of accountability, she has faced increased pressure while incarcerated, including the denial of visitations and her forced exile to a remote location, far from her children. Authorities have informed Ms. Akbari-Monfared that her release is contingent on retracting her call for accountability regarding her siblings' presumed murder. Despite enduring a 15-year sentence without a single day of furlough, including during the COVID-19 pandemic, Ms. Akbari-Monfared's ordeal continues. On 1 July 2023, she was summoned to the Courthouse of Evin Prison and arraigned on five new charges, subsequently receiving an additional two-year sentence. Her continued detention is aimed at coercing her into renouncing her pursuit of accountability.

Executions used as a tool of terror

So far in 2024, Iranian authorities have executed at least 330 people, including several dissidents.

In the month of July alone, at least 53 people, including five women, were hanged in Iran.

Iran remains the world's foremost executioner of women, men, and children per capita.

Human rights groups point out that some 92 percent of recent executions in Iran have been carried out secretly, and only eight percent have been reported by state media.

Suppression of women and girls amount to ongoing crimes against humanity

The violent repression of peaceful protests and pervasive institutional discrimination against women and girls has led to serious human rights violations by the government of Iran, many amounting to crimes against humanity, the Independent International Fact-Finding Mission on the Islamic Republic of Iran (FFMI) said in its first reportⁱⁱ to the UN Human Rights Council on 8 March 2024.

The report said violations and crimes under international law committed in the context of the anti-government protests that began on 16 September 2022 include extra-judicial and unlawful killings and murder, unnecessary and disproportionate use of force, arbitrary deprivation of liberty, torture, rape, enforced disappearances, and gender persecution.

Human rights violations have disproportionately impacted women, children, and members of ethnic and religious minorities.

“These acts form part of a widespread and systematic attack directed against the civilian population in Iran, namely against women, girls, boys and men who have demanded freedom, equality, dignity and accountability,” said Sara Hossain, chair of the Fact-Finding Mission.

The 1988 massacre constitutes crimes against humanity and genocide

A separate report by Prof. Javaid Rehman, the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, said that the “atrocity crimes” of summary, arbitrary and extra-judicial executions during 1981-1982 and in 1988 amounted to crimes against humanity of murder and extermination, as well as genocide. The report, titled “Atrocity Crimes” and grave violations of human rights committed by the Islamic Republic of Iran (1981–1982 and 1988)ⁱⁱⁱ and published on the OHCHR website on 22 July 2024, stated that the executions included women – some reportedly raped before being executed – and many children. Crimes against humanity also included imprisonment, torture, and enforced disappearances.

Prof. Javaid Rehman should be commended for his six years of tireless efforts to promote human rights in Iran as Special Rapporteur and in particular for his courage and determination in seeking truth and accountability for the mass executions of tens of thousands of political prisoners in 1981-1982 and the 1988 massacre.

His landmark report in particular examined the 1988 mass extrajudicial execution and enforced disappearance of thousands of political prisoners, stating:

“The 1988 Massacre in the Islamic Republic of Iran refers to the “systematic” and “widespread” attack on a civilian population resulting in mass murder, summary, arbitrary and extra-judicial executions as well as enforced disappearances of thousands of political prisoners between July–September 1988. Three and a half decades onwards – over 35 years – the enforced disappearances are continuing. An overwhelming majority of the executed prisoners were members and sympathisers of the People’s Mojahedin Organisation of Iran (PMOI), also known as the Mujahedin-e Khalq (MEK), although hundreds of individuals belonging to leftist political groups and organisations were also forcibly disappeared and executed.”

“The 1988 massacre reportedly initiated following a fatwa (religious decree) by Iran’s then-Supreme Leader Ayatollah Ruhollah Musavi Khomeini, although witnesses in their testimonies and many survivors of the massacre have informed the Special Rapporteur that the plan of execution of prisoners were afoot several months in advance of the massacre.”

The report adds: “There is considerable evidence that mass killings, torture and other inhumane acts against members of PMOI were conducted with genocidal intent.”

“Khomeini’s 1988 fatwa is manifestly clear that he intentionally and purposefully ordered the mass executions of all steadfast PMOI members, an ordinance which was also subsequently implemented against members of other groups. The wilful executioners implemented Khomeini’s fatwa in full

knowledge that they were committing international crimes by systematically and deliberately murdering political prisoners all across the country in a coordinated manner.”

“The magnitude and numbers of those involved in these crimes is enormous stretching from the Supreme Leader, the Sharia’s judges, the prosecutors, representative from the Ministry of Intelligence, members of the “death commission” and their facilitators; prison guards, members of the Revolutionary Guards and all those who facilitated the commission of these crimes in international law and their subsequent ongoing concealment.”

In his recommendations the Special Rapporteur said an investigative and accountability mechanism should be established to conduct impartial and transparent investigations under international law and preserve evidence with the aim of further criminal prosecutions of those responsible for “atrocious crimes” in Iran. “The continued concealment of the fate of thousands of political opponents and the whereabouts of their remains amounts to the crime against humanity of enforced disappearance,” Prof. Rehman said.

“I have observed the failure to ensure justice and accountability in Iran and how this is impacting the families of the victims and the current human rights situation in the country.”

“I repeat, there should be no impunity for such gross human rights violations, regardless of when they were committed. The Iranian regime and its leaders should not be allowed to escape the consequences of their crimes against humanity and genocide. An independent international investigative and accountability mechanism for Iran is absolutely essential,” he added.

Time to establish an accountability mechanism

The Special Rapporteur’s report has opened a pathway to justice and an end to impunity in Iran.

The international community should give every support to Prof. Rehman’s successor, Dr. Mai Sato, in pursuing the quest for truth and accountability, ending impunity, and guaranteeing non-recurrence.

The Human Rights Council should in line with the Special Rapporteur’s recommendations establish an international accountability mechanism to take actionable measures aimed at ending impunity for Iran’s atrocious crimes, chief among them the 1988 extrajudicial executions and enforced disappearances.

Furthermore, individual UN member states should make use of the principle of universal jurisdiction to investigate, issue arrest warrants against, and prosecute Iranian officials responsible for “atrocious crimes” including crimes against humanity as well as genocide and other serious human rights violations amounting to crimes under international law.

ⁱ <https://iran-hrm.com/2024/08/02/july-2024-monthly-report-iran-human-rights-monitor-iran-hrm/>

ⁱⁱ <https://www.ohchr.org/en/press-releases/2024/03/iran-institutional-discrimination-against-women-and-girls-enabled-human>

ⁱⁱⁱ <https://www.ohchr.org/sites/default/files/documents/countries/iran/20240717-SR-Iran-Findings.pdf>

