

## **Twenty Years of Silence: The 1988 Massacre and the Quest for Accountability**

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This summer, thousands of bereaved families will defy the Iranian government and gather at the mass graves in Tehran's Khavaran cemetery to mark the twentieth anniversary of the 1988 (1) massacre of Iranian political prisoners. If you have forgotten this grim anniversary, then you are not alone. In fact, you are not alone if you did not even know that such a massacre ever occurred.

In scale and brutality, the 1988 massacre is unparalleled in contemporary Iranian history. It is the darkest irony of this very dark episode, that of all its human rights violations the Iranian government has been most successful at keeping the 1988 killings a secret from the international community and from many Iranians. By now, virtually everyone knows of the reign of terror that immediately followed the Islamic Revolution, the Iranian government's assassination campaign abroad, and the "Chain Murders" that targeted opposition intellectuals and activists in the late 1990s. Tragically, however, there is very little public awareness of the 1988 executions. Not only has there been no prosecution of the criminals who orchestrated and carried out that summer's gruesome murders, but the government continues to deny that they even occurred.

In this article, I want to do three things. First, I want to tell, in a condensed form, the story of the 1988 massacre. This story needs to be told repeatedly because many simply do not know it. Such repetition is also important, because in its retelling we commemorate the victims and ensure that their deaths were not in vain. Secondly, I want to discuss why this twenty year-old crime matters. Finally, I want to briefly outline a blueprint for future action.

There is also one approach that I specifically want to avoid in this piece. I do not wish to delve into the reasons why, for two decades, little has been done to pursue justice in this case. That is not to say that past failures are unimportant. They teach us a great deal about the difficulties ahead and the pitfalls to avoid. What I mean is that devoting energy to blaming the actions of this political party or the omissions of that human rights organization distracts from the real and difficult tasks now at hand: Making the world aware of the crime, investigating the massacre, and preparing for future prosecutions.

### **What happened in 1988?**

Throughout the 1980's, Iranian prisons were filled with political prisoners of every age, gender, and ideological affiliation. As has been noted by Amnesty International, the vast majority of these political prisoners had been sentenced to prison—in trials that fell far short of international standards—for non-violent political activity. While in prison, they had endured appalling torture and other forms of brutality.

In late 1987 and early 1988, prison officials began the unusual process of interrogating political prisoners again and separating them according to their party affiliations, religiosity, and length of sentence. In Tehran, this meant that some prisoners were moved between Evin and Gohar-Dasht prisons. This preliminary segregation of prisoners strongly indicates that there were pre-existing plans for mass killings. Furthermore, the filtering process belies the notion that the 1988 executions were in response to armed attacks on Iranian territory.

At the end of July 1998, shortly after Iran had accepted a cease-fire in the war with Iraq, and days after its military had soundly repelled an attack by the Mojahedin-e Khalq on Iran's western border, Ayatollah Ruhollah Khomeini gave two unprecedented secret orders(2) to begin the re-trial of all political prisoners across the country and to execute those who remained steadfast in their opposition to the Islamic regime. To give effect to Khomeini's order, a commission was assembled—called the “Death Commission” by the prisoners—consisting of a representative from the Judiciary, the office of the Prosecutor, and the Ministry of Intelligence. In Tehran's Death Commission, those government agencies were represented by Jaafar Nayyeri, Morteza Eshraghi and Mostafa Pourmohammadi respectively, although others also played a role. The task of the Death Commission was to determine whether a prisoner was a Mohareb(3) or Mortad-(4)and to execute both groups. In the case of most Mojahedin prisoners, that determination was often made after only a single question about their party affiliation. Those who said “Mojahedin” rather than the derogatory “Monafeqin”(5) were sent to be hanged. In the case of various leftist prisoners, the Death Commission asked about religious belief and willingness to cooperate with the authorities. Sample questions included: “are you a Muslim?”, “do you pray?”, and “are you willing to clear minefields for the military of the Islamic Republic?” If a plurality of judges felt that the prisoner was a Mohareb or Mortad, the prisoner was sent to hang immediately.

Several thousand political prisoners were killed in a matter of two months. Ayatollah Hossein Ali Montazeri estimates that the number killed was somewhere between 2,800 and 3,800. Others believe the number is higher. Even those who survived the questioning of the Death Commission did not always fare well. Some could not bear the emotional pain of what they had witnessed, or the physical pain of the regular floggings they received, and simply committed suicide. The prison guards are said to have encouraged that decision.

To add insult to injury, the Iranian government did not inform the victims' families about the re-trials until the executions had been carried out and the bodies had been buried in mass graves. Once informed, the families were not told of their loved ones' burial spots and were ordered not to erect any monument or hold any ceremony. When asked about the killings by the Western press, representatives of the Iranian government—Abdollah Nouri, Ali Khamene'i, and Hashemi Rafsanjani—flatly denied them. The Iranian government continues to deny the 1988 elimination of opposition prisoners.

### **Why Does 1988 matter?**

Even after reading the story above, it is fair to ask why, in a world of finite activist resources and limited attention spans, it is worth focusing on a case from two decades ago. Why not instead focus on something more immediate and pressing?

There are two answers. The first is that—while one does not want to be in the business of comparing suffering—the scale of the crimes committed in 1988 makes the case qualitatively different from the Iranian government's other human rights violations. As mentioned at the outset, the murder campaign of that summer is a crime without parallel in Iran's tumultuous modern history. In fact, the executions have all the elements required by international law to be labeled as crimes against humanity: The murders were widespread and systematic, they were directed at a civilian population, and, as made clear by Ayatollah Montazeri in his memoirs, they were a policy preconceived at the highest ranks of the Iranian government. The sheer magnitude of the 1988 massacre makes it too large to ignore, even after twenty years.

The second reason to focus on 1988 is that the absence of accountability for those crimes has led to the culture of impunity so rampant in today's Iran. Why would Iranian officials hesitate to murder intellectuals, torture students, or kill an Iranian-Canadian photojournalist? After all, they know that their colleagues (i.e. Ismail Shooshtari or Mostafa Pourmohammadi) who bear immense criminal responsibility for the same types of acts in 1988 have been rewarded with cabinet posts under the Khatami and Ahmadinejad administrations? A focus on 1988 sends a strong signal to Iranian officials that the human rights community has a long memory and that, like Milosevic, Pinochet, and numerous Rwandan genocidaires(6), they will one day have to account for their crimes. A campaign to widely identify the perpetrators of the 1988 massacre may also shame future Iranian administrations into marginalizing those individuals. A publicity campaign will alert the Iranian government that giving public roles to known criminals will further isolate it from the international community.

### **What is to be Done about 1988?**

On this sad anniversary, it is important to hold gatherings, lay flowers, and observe moments of silence. But remembrance is not enough. What we need now, after twenty years of silence, is to map out a strategy for demanding accountability. To decide on such a strategy, we will need input from survivors, victims' families, lawyers, human rights activists, and journalists. To start this important conversation, I outline below a few preliminary thoughts on the course of action. The list below is not exhaustive and the steps outlined are intertwined:

- **Telling the world:** I began this article by mentioning that the vast majority of people simply do not know that the crimes of 1988 ever occurred. Our failure to publicize this crime is the most shameful disservice to the victims and their families. It is also the single greatest obstacle to the pursuit for justice since we cannot expect an international outcry over a crime about which the world simply does not know. To rectify the situation, we need to begin a thoughtful information campaign; a campaign that goes beyond insular gatherings of former prisoners and a small group of devoted activists; a campaign that vividly presents the 1988 case as a human rights issue that matters to all Iranians rather than a political issue that benefits only those opposition groups whose members were executed. We need to write op-eds in newspapers, both local and national, in Persian and in the major languages of the world, without hyperbole or generalizations. We need to have professional-looking websites that disseminate information on this topic. We need to talk to the journalists we know and ask them to cover this story, and if the journalists ask us for information, we need to have well-written resources to provide. We need to blog about 1988. Our academics need to write scholarly papers on the topic. We need to host conferences on the issue. In short, we need to make sure that we shatter the pervasive silence of the past twenty years.
- **Telling our representatives:** An important part of our information campaign needs to focus on our elected representatives at every level of government. Through meetings with representatives and candidates, letter writing, and through the use of our emerging diaspora lobby groups, we first need to inform the leaders of the countries in which we live about the atrocity that occurred in 1988 and its importance to the Iranian community. We then need to demand action from these governments, letting them know that they will only have our votes if they seriously address our concerns in this regard. Government action can come in many forms. For example, we can request that our governments

formally recognize the 1988 massacre as crimes against humanity. The mere act of recognition by a foreign government will surely get Tehran's attention. We can ask that our governments insist on tough human rights pre-conditions in all future dealings with Iran, namely an independent investigation of the 1988 massacre. We can also demand that our governments use any legal mechanism available to them, be it through the exercise of "universal jurisdiction" or other means, to threaten the perpetrators of the 1988 massacre with arrest and prosecution.

- **Pressuring the human rights organizations:** It is baffling that two of the world's most powerful human rights organizations, Amnesty International and Human Rights Watch, have simply never written full reports on a crime as widespread as the 1988 extermination campaign. To give credibility to our cause, this needs to change. What is needed here is public pressure on these organizations and their Iran researchers in the form of letters, emails, and phone calls, asking them take up the case more seriously. Instead of blaming and condemning them for their failure up until now, it is important to convince them that their investigation would alleviate some the suffering of the victims' families and would have a positive impact on Iran's political culture. If they are unwilling to pursue the case, we need to ask for clear reasons. If they say that they will consider it, we need to follow up. Persistence is the key in this regard.
- **Consulting with other communities and learning from their experience:** There is a wealth of knowledge and experience among various communities about how to deal with human rights atrocities. Those of us in the Iranian human rights community should form alliances with such groups and learn about their successes and failures. For example, we may attempt to learn from the Chilean example, where brave activists began documenting the atrocities of the Pinochet regime back in the bleak days of the 1970's when there was little hope for change. Though the Chileans were never successful in obtaining a conviction against Pinochet while he was still alive, they scored a major victory in 1998 when Pinochet was arrested in England on a Spanish warrant for human rights crimes. With their tireless efforts, the lawyers and activists ensured that the former dictator's last days were spent in real fear of prosecution. A different yet equally instructive example is to be found in neighboring Argentina. There, the famed "Mothers of the Plaza de Mayo" began their struggle in the 1970's against the military junta that had abducted their children in the brutal Dirty War. Their protests continue to this day, though the Dirty War is long over and the military junta is gone. The Mothers have had many successes and some failures. Their model is also one that we ought to study in closer depth.
- **Gathering the evidence and preparing for prosecution:** Even if we had ready access to the 1988 culprits, the prospects of prosecutions in the near future are slim. Simply put, at the moment, with the Islamic government firmly in control of Iran, it is not clear where any claim against the perpetrators of the 1988 crimes could be brought. The Iranian Judiciary, itself a tool of Iranian government repression, will not pursue this case. The newly-established International Criminal Court lacks jurisdiction to address the issue for a variety

of legal reasons. Moreover, the national courts around the world are reluctant to make use of the notion of universal jurisdiction to prosecute individuals for crimes committed in another country.

- We should not be deterred, however, by the current absence of a proper venue. For now, we should focus on preparing a case, with an eye towards a future opportunity to present the evidence in an Iranian, foreign, or international court. What is currently needed is for an organization to compile all documents and testimony from all survivors, victims' families, any perpetrator who is willing to speak (perhaps with the hope of future amnesty), any current or former official who may have inside knowledge of the massacre (such as Ayatollah Montazeri), and any other person willing to come forward with relevant information. We will need to hold meetings between lawyers who have expertise in various jurisdictions to discuss possible legal theories. The preparation of documents and evidence will of course facilitate any future prosecution. But it will also assist in the information campaign and lobbying efforts I have outlined above.

Obtaining justice in the 1988 case will require a sustained and serious effort from the human rights community. Much groundwork needs to be laid before we can even seriously begin the project of prosecuting the responsible parties. Two decades have already passed without any serious action on these crimes against humanity. In these two decades, memories have faded and evidence has been lost. We need to get to work. There is no time to waste.

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(1) 1367 in the Iranian calendar.

(2) A copy of the order pertaining to the Mojahedin is now widely available.

(3) Combatant against God.

(4) Apostate.

(5) Hypocrite.

(6) Those responsible for mass killings.