

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

REZA FALLAHI)
75 Rowlands Close)
Mill Hill, London NW7 2DN)
England,)

AHMAD HASSANI)
7262 Stone School Road)
Greely, Ontario K4P 1M3)
Canada,)

and)

Civil Action No. _____

AMIR BORJKHANI)
16899 Jamboree Road; Apt. 116)
Irvine, California 92606,)

Plaintiffs,)

v.)

Sayyid Ebrahim Raisolsadati,)
a.k.a. **EBRAHIM RAISI,**)
Sa'dabad Complex, Shemiran)
Tehran, Islamic Republic of Iran,)

Defendant.)

**COMPLAINT
(under the Alien Tort Statute and the Torture Victim Protection Act)**

Introduction

1. This is a Complaint alleging the personal liability of Defendant Ebrahim Raisi for the torture, murder, and disappearance of political prisoners in Tehran and Karaj, Iran, over a period of five months in the year 1988. It is alleged that Defendant Raisi – who today serves as the President (although not the head of state) of the Islamic Republic of Iran – personally ordered the

torture of Plaintiffs Fallahi, and Borjkhani, and the murder of Plaintiff Hassani's brother. His orders were crimes against humanity, in violation of the law of nations and of treaties binding both Iran and the United States.

Jurisdiction

2. This Court has subject matter jurisdiction over the Complaint as to Plaintiffs Fallahi and Hassani pursuant to the Alien Tort Statute, 28 U.S.C. § 1350, and over the claims of Plaintiff Borjkhani via the Torture Victim Protection Act, 28 U.S.C. § 1350note, as well as 28 U.S.C. § 1331. The first two Plaintiffs are not citizens of the United States. Their suit sounds in tort, and they allege that the torts were committed in violation of the law of nations: the prerequisites to federal court jurisdiction under 28 U.S.C. § 1350. Plaintiff Borikhani, a U.S. citizen, alleges that his decedent was a victim of torture, as that term is defined in 18 U.S.C. § 1350note(3)(b).

3. The Court also has jurisdiction over Plaintiff Borjkhani's claims under 28 U.S.C. § 1332, as he is a citizen of a State and Defendant is a citizen of a foreign state, and the amount in controversy exceeds \$75,000.

4. The physical presence of Defendant, a non-corporate individual, in the Southern District of New York, as well as the fact that Plaintiff Borjkhani is a U.S. citizen, provide a sufficient nexus to the United States to dispel any argument asserting impermissible extraterritoriality.

5. The Foreign Sovereign Immunities Act, 28 U.S.C. § 1601 *et seq.*, has no applicability in this matter, as Defendant Raisi is sued in his individual capacity.

The Parties

6. Plaintiff Reza Fallahi, who was born in Iran, is a citizen and resident of the United Kingdom. Because of his support of the People's Mojahedin Organization of Iran (known by its

Persian initials as “the MEK”), he was held in an Iranian prison as a political prisoner from September 1981 through September 1991. In 1988, he was in the notorious Gohardasht Prison in Tehran, where he was subjected to torture and other forms of ill-treatment on the orders of, *inter alia*, Defendant Raisi.

7. Plaintiff Ahmad Hassani, who was born in Iran, is a citizen and resident of Canada, and a supporter of the MEK. His brother Mahmoud, born in Iran in 1960, was a student in Tehran University when he was arrested in 1981 and was sentenced to ten years in prison. During his imprisonment he was tortured and abused physically and mentally. He was executed in the summer of 1988 at Evin Prison. The family was never told precisely when or how he was killed, what happened to his body or where he was buried.

8. Plaintiff Amir Borjkhani, also born in Iran, is a citizen and resident of the United States and the State of California. He was a political prisoner in Iran between 1982 and 1992, because he was a supporter of the MEK. In November 1986, the political ward of Qezel Hessar Prison, where he had been incarcerated, was disbanded, and Borjkhani was taken to Gohardasht Prison. On August 1, 1988, he was sent to solitary confinement. He was taken before the “Death Commission,” of which Defendant Raisi was a member, on August 3 and 5 of that year. Plaintiff was asked one question: whether he would renounce his support for the MEK. All prisoners were asked that question, and those who answered in the negative were immediately taken to the death hall, where they were hanged in groups of up to 12. Somehow Plaintiff Borjkhani managed to escape that fate, but spent four more years in Gohardasht before he was released in 1992.

9. Defendant Sayyid Ebrahim Raisolsadati, commonly known as Ebrahim Raisi, assumed the office of President of the Islamic Republic of Iran on August 3, 2021. He is sued in his individual capacity.

10. Defendant Raisi plans to enter the Southern District of New York to attend the opening of the United Nations General Assembly session in September 2022.¹ He will be served with process personally within this District during his physical presence in the Southern District of New York.

11. Defendant Raisi was the Deputy Prosecutor General of Tehran Province in 1988, the Prosecutor General of Tehran from 1989 to 1994, the Deputy Chief Justice of Iran from 2004 to 2014, and the country's Attorney General from 2014 to 2016. He ran for the presidency in 2017 but was defeated. He was elected to the presidency, in an election widely believed not to have been free and fair, in 2021, and was formally appointed to the post by the Supreme Leader in August of that year.

12. Although occupying the office of the President, Defendant Raisi is not the head of state of Iran. The current head of state, also referred to as The Supreme Leader, is the Ayatollah Sayyid Ali Hosseini Khamenei. *See* the 1979 Constitution of the Islamic Republic of Iran (revised in 1989), Arts. 107-132.

13. The acts of which Defendant Raisi stands accused in this Complaint were committed long before his accession to the Presidency. Although having no legal training, and no university education at all, Raisi became a public prosecutor in Iran in 1981, at the age of 20. In 1988, he was appointed by the then-Supreme Leader, the Ayatollah Ruhollah Khomeini, to the "Prosecution Committee" of four "judges" in Tehran, who were responsible for the deaths of thousands of political prisoners and the torture of countless others, the vast majority of which were

¹ *See* Joe Lieberman & Mark D. Wallace, *No Visa for Iran's President Ebrahim Raisi*, Wall St. Journal, Aug. 10, 2022, <https://www.wsj.com/articles/no-visa-for-irans-president-ebrahim-raisi-united-nations-general-assembly-new-york-terrorism-belgium-biden-bolton-alinejad-11660166051>.

supporters of the MEK. This “Committee” is generally referred to as “the Death Commission.” It was not a “regularly-constituted court”; indeed, it was not a “court” at all.

14. On November 4, 2019, the Department of the Treasury, through the Office of Foreign Assets Control (“OFAC”), imposed sanctions on Defendant Raisi, pursuant to Executive Order 13876 (June 24, 2019). The Department’s announcement of the measures said of him that “as deputy prosecutor general of Tehran, Raisi participated in a so-called ‘death commission’ that ordered the extrajudicial executions of thousands of political prisoners in 1988.”²

15. On January 12, 2021, the Department of State announced that it was imposing immigration restrictions on Defendant Raisi, under the Iran Threat Reduction and Syria Human Rights Act of 2012, Public Law 112-158 (August 10, 2012). He was described as a person whom “the President has determined [to be a] senior Iranian official involved in ... the commission of serious human rights abuses.”³

16. Defendant Raisi is therefore not entitled to the privilege of head of state immunity against actions like this one under the laws of the United States.

Venue

17. Venue is proper in this judicial District pursuant to 28 U.S.C. §§ 1391(b)(3) (insofar as this Court has personal jurisdiction over Defendant by virtue of his physical presence here) and (c)(3) (since Defendant is not a resident of the United States).

² “Treasury Designates Supreme Leader of Iran’s Inner Circle Responsible for Advancing Regime’s Domestic and Foreign Oppression,” <https://home.treasury.gov/news/press-releases/sm824>.

³ <https://www.state.gov/report-to-congress-on-identification-of-and-immigration-restrictions-on-senior-officials-of-the-government-of-iran-and-their-family-members/>

Facts

18. The facts concerning this Complaint, and the massacre of political prisoners in Iran in 1988, are well-known and well-documented. They have been the subject of United Nations statements,⁴ of U.S. Department of State documents,⁵ and of extensive coverage in the mainstream media. On December 4, 2018, Amnesty International issued a 200-page publication entitled Iran: Blood-Soaked Secrets: Why Iran’s 1988 Prison Massacres Are Ongoing Crimes Against Humanity (“the AI Report”), following an exhaustive and objective investigation⁶. All of these sources include ample evidence of the personal responsibility of Defendant Raisi for the torture, inhumane treatment, and executions that were mercilessly carried out by the regime.

19. The account of the facts presented here is based on the AI Report, except for ¶¶ 31-33, *infra*, which summarize the testimony that Plaintiffs will offer at trial.

⁴ See, for example, the letter of the High Commissioner for Human Rights of June 14, 2017 (referring to reports “that between July and August 1988, the Iranian authorities summarily executed up to 5000 political prisoners pursuant to a fatwa issued by the then Supreme Leader Ayatollah Khomeini”), <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23162>, at p. 2; and the reports of the Special Rapporteur on Iran to the General Assembly of August 14, 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/256/24/PDF/N1725624.pdf?OpenElement>, ¶¶ 71-74, and March 12, 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/060/60/PDF/G1806060.pdf?OpenElement>, ¶¶ 21-22.

⁵ In its 2021 Country Report on Human Rights in Iran, the Department of State reported that “On August 10, a Swedish court, drawing on the principle of universal jurisdiction, opened the trial of a former Iranian prosecutor, Hamid Nouri, for his alleged role in the executions of thousands of political prisoners in Iran in the 1980s. Human rights organizations and UNSR Rehman called for an independent inquiry into allegations of state-ordered executions of thousands of political prisoners in 1988, including the role played by newly elected President Ebrahim Raisi as Tehran’s deputy prosecutor at the time.” <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/iran>, § I.A. Nouri was sentenced to life imprisonment in July 2022. <https://www.bbc.com/news/world-europe-62162676>.

⁶ <https://www.amnesty.org/en/documents/mde13/9421/2018/en/>. The Executive Summary of the AI Report is attached to this Complaint as Exhibit 1.

20. In the early summer of 1988, the prisons of Iran housing thousands of political prisoners went on lockdown. No visits were permitted, and no communications could be received or sent by the detainees, who were completely cut off from their loved ones, lawyers, and friends. The lockdowns ended in October 1988, when families of the inmates were informed, without explanation, that their sons, daughters, parents, siblings, husbands, or wives had been executed.

21. The vast majority of the political prisoners at the time were guilty of nothing but their opposition to the theocratic and increasingly repressive regime. A substantial majority were supporters of the MEK, although other dissident factions were also represented among the prison populations. None of these individuals had been imprisoned after trials that conformed to the minimum standards required by international law generally, and more specifically by the International Covenant on Civil and Political Rights (“ICCPR”), to which Iran has been a state party since 1975 (the United States is also a party to the ICCPR).

22. To this day, many families have never been informed of the details of their loved ones’ deaths, or even of what has happened to their bodies. The true story was veiled in secrecy, until the facts began to emerge through investigations by international and non-government organizations.

23. The narrative that did come to light is chilling. It was learned sometime in July 1988, that Iran’s “Supreme Leader,” the Ayatollah Khomeini, issued a religious decree (called a “*fatwa*”) ordering the execution of all prisoners who remained “steadfast” in their support for the MEK.⁷

⁷ The full text of the *fatwa*, in Farsi and English, may be found at <https://iran1988.org/khomeini-decrees-execution-of-steadfast-monafeqin-mojahedin-in-prisons/>.

24. Among other things, MEK adherents believe in a genuine but distinctive form of Islam, which requires prayers and devotions, but allows individual worship unsupervised by mullahs. The MEK is strongly opposed to fundamentalism and advocates a tolerant and democratic Islam, featuring gender equality, rather than male domination, and freedom of thought, rather than suppression. For that reason, their doctrine is at odds with the state religion, which insists on “guardianship” by Islamic jurists. Thus, the persecution of the MEK is attributable, in part at least, to its religious orientation, as well as its political opposition to the regime.

25. According to reliable reports (including the AI Report) – which Plaintiffs represent are true and accurate to the best of their knowledge – pursuant to Khomeini’s *fatwa*, political prisoners, across the country but primarily at the Evin and Gohardasht prisons (in Tehran and Alborz Provinces), were hauled before a panel of three or four individuals, who asked them one question: whether they were prepared to repudiate their affiliation with the MEK, or any other organization opposed to the regime. If the answer was no, they were immediately hanged, often in groups of as many as 12 at a time. The prisoners were not afforded the right to speak, nor were they represented by counsel. The proceedings lasted for a matter of a few minutes. There was no appeal.

26. The “Death Commission,” as it came to be called, was not a regularly-constituted court. Its members had no constitutional or legal authority to impose criminal penalties, and in many instances no formal legal education. They were, instead, prosecutors, religious leaders, intelligence officials, and prison authorities.

27. One of the members of the Death Commission, who was especially aggressive in sending prisoners to the gallows, was the Deputy Prosecutor General of Tehran Province, Defendant Ebrahim Raisi.

28. The *fatwa* ordered the Death Commission to proceed with “revolutionary rage and rancor against the enemies of Islam,” and not to “show any doubt or concerns” in condemning prisoners to death. And the Commission – including Defendant Raisi – carried out that instruction with a vengeance. Thousands of political prisoners were killed in Iranian prisons over the summer and early autumn of 1988.

29. Prisoners who were not killed but who were not released were returned to their cells to undergo horrific forms of torture, including (but not limited to) beatings, sleep deprivation, stress positions, sexual violence, and mock executions.

30. On December 8, 1988, the UN General Assembly adopted a resolution on the situation of human rights in Iran, expressing “grave concern” about the reports of mass executions. Amnesty International followed a few days later with a briefing stating that “the evidence for mass executions was now indisputable” and that “the true total could run into thousands.” These and other expressions of concern were met with denials or silence by the Iranian regime.

31. The 1988 massacre was planned at the highest levels of the regime, but without the cooperation and the active involvement of Defendant Raisi, it could not and would not have taken place. In 2016, Ahmad Montazeri, son of Ayatollah Hossein Ali Montazeri (the designated successor to Khomeini), made public a recording of a meeting of senior officials on August 15, 1988, in which Hossein Ali Montazeri protested the mass executions. In the recording, members of the Death Commission – presumably including Defendant – discussed and defended the killings in Evin and Gohardasht prisons. Hossein Ali Montazeri is heard telling the Death Commission participants that the Ministry of Intelligence cited the MEK’s anti-government activities to justify the executions, which had been planned for several years. Montazeri also warned his listeners that,

“In my opinion, the greatest crime committed in the Islamic Republic, and for which history will condemn us, has been committed by you.”⁸

32. Defendant Raisi’s involvement in the mass killings is not in doubt, and he has never denied it. He was quoted in an Iranian government state media outlet in May 2018 saying that the case was analogous to the situation of “several thousand drug traffickers today whose sentences have been finalized but a decision has not yet been made to have them carried out.” He went on to say that he regarded the murders as “one of the proud achievements of the system.”⁹

33. When it was announced that Raisi would become President of Iran in June 2021, Amnesty International issued a statement over the signature of its Secretary General, Agnès Callamard. She wrote, “That Ebrahim Raisi has risen to the presidency instead of being investigated for the crimes against humanity of murder, enforced disappearance and torture, is a grim reminder that impunity reigns supreme in Iran.” The statement, attached hereto as Exhibit 2, included, among other things, the considered opinion of Amnesty International that “Ebrahim Raisi had been a member of the ‘Death Commission’ which forcibly disappeared and extrajudicially executed in secret thousands of political dissidents in Evin and Gohardasht prisons near Tehran in 1988. The circumstances surrounding the fate of the victims and the whereabouts of their bodies are, to this day, systematically concealed by the Iranian authorities, amounting to ongoing crimes against humanity.”

⁸ Brian Murphy, *An opponent of political violence was once set to lead Iran. One last quarrel changed it all*, Wash. Post., Aug. 12, 2016, <https://www.washingtonpost.com/news/worldviews/wp/2016/08/12/an-opponent-of-political-violence-was-once-set-to-lead-iran-one-last-quarrel-changed-it-all/>

⁹ Iranian Students’ News Agency, “The explanations of Raisi about the events of 1980s,” www.bit.ly/2JlosGN, May 1, 2018.

34. Plaintiff Reza Fallahi somehow survived the Death Commission in 1988. But he was returned to his cell in Evin Prison, where he was tortured repeatedly and viciously until his eventual release in 1991.

35. Plaintiff Amir Borjkhani, a political prisoner in Iran from 1982 to 1992, was taken to Gohardasht Prison in 1986. On August 3 and 5, 1988, he appeared before the “Death Commission,” which included Defendant Raisi. Like the other prisoners, he was asked whether he would renounce the MEK. Plaintiff Borjkhani would not “repent” for his opposition to the regime, but somehow he managed to escape the death sentence that befell thousands of other men and women guilty of nothing but exercising their human rights.

36. Mahmoud Hassani, the brother of Plaintiff Ahmad Hassani, was arrested in 1981 for supporting the MEK, and was sentenced to ten years in confinement. He was hauled before Defendant Raisi’s Death Commission in the summer of 1988 at Evin Prison, refused to repudiate the MEK, and was summarily executed. Like other families whose loved ones met the same fate, the Hassanis were never told, and still do not know, precisely when or how he was killed, what happened to his body, or whether or where he was buried.

Claims for Relief

Count One: Torture, under the ATS (Plaintiffs Fallahi and Hassani)

35. Plaintiffs allege the contents of ¶¶ 1-34, as if fully set forth herein.

36. Plaintiff Reza Fallahi respectfully alleges that, in 1988, in Gohardasht Prison in Tehran, Iran, he was subjected to torture and inhumane treatment on the orders of, *inter alia*, Defendant Raisi.

37. The torture and other forms of mistreatment suffered by Plaintiff Fallahi and the brother of Plaintiff Hassani, constituted violations of the law of nations, and specifically of the

United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as customary international law.

38. Plaintiffs Fallahi and Hassani are not citizens of the United States.

39. Each of the acts of torture carried out on the instruction of Defendant was a tort at common law, causing compensable harm to each of the Plaintiffs.

40. As required by the Alien Tort Statute, 28 U.S.C. § 1350, (a) Plaintiffs are aliens; (b) their claims sound in tort only; and (c) the torts were committed in violation of the law of nations. This Court therefore has subject matter jurisdiction to adjudicate the tort claims brought by Plaintiffs Fallahi and Hassani, and to find Defendant liable in compensatory and punitive damages in amounts to be set at trial. By virtue of Defendant's impending presence in the Southern District of New York, Plaintiffs' allegations herein touch and concern the United States.

Count Two: Torture, under the TVPA (All Plaintiffs)

41. Plaintiffs allege the contents of ¶¶ 1-34, as if fully set forth herein.

42. The actions of Defendant Raisi were directed against individuals in his custody or physical control, and caused the victims "severe pain or suffering not inherent in, or incidental to, lawful sanctions, [which was] intentionally inflicted on [them] for such purposes as obtaining from [them] information or a confession, punishing [them] for act that [they] or a third person had committed or is suspected of having committed, intimidating or coercing [them] or a third person, or for any reason based on discrimination of any kind," within 28 U.S.C. § 1350 note(3)(b)(1).

43. Defendant acted under the actual or apparent authority, or color of law, of the Islamic Republic of Iran in subjecting the victims to torture.

44. The courts and other institutions of Iran do not offer the possibility of adequate and available remedies.

45. The claims in this Court are not barred by the limitation provisions in 28 U.S.C. § 1350 note (2)(c), because Defendant has not set foot in the jurisdiction of this or any other United States Court since the time the claims arose, and thus the claims in this Court are equitably tolled. *See* S. Rep. 102-249, p. 11 (“The statute of limitation should be tolled during the time the defendant was absent from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, provided that the remedy in that jurisdiction is adequate and available.”). Moreover, the offenses are ongoing because Defendant and his confederates refuse to divulge information about the fate of their victims to the victims’ family members, including Plaintiff Hassani.

46. This Court therefore has subject matter jurisdiction to adjudicate the claims brought by all three Plaintiffs pursuant to the Torture Victim Protection Act, 28 U.S.C. § 1350note, and to find Defendant liable in compensatory and punitive damages in amounts to be set at trial.

Count Three: Extrajudicial Killing, under the TVPA (Plaintiff Hassani)

47. Plaintiffs allege the contents of ¶¶ 1-34, as if fully set forth herein.

48. Plaintiff Ahmad Hassani alleges that his brother, Mahmoud Hassani, was murdered on the orders of, *inter alia*, Defendant Raisi.

49. The killing of Mahmoud Hassani was “a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.” It was, therefore, an extrajudicial killing as that term is defined in 28 U.S.C. § 1350note (3)(a).

50. Under applicable law, Plaintiff Hassani is a person who may be a claimant in an action for the wrongful death of his brother.

51. Defendant acted under the actual or apparent authority, or color of law, of the Islamic Republic of Iran in ordering the death of Mahmoud Hassani.

52. The courts and other institutions of Iran do not offer the possibility of adequate and available remedies.

53. The claims in this Court are not barred by the limitation provisions in 28 U.S.C. § 1350 note (2)(c), because Defendant has not set foot in the jurisdiction of this or any other United States Court since the time the claims arose, and thus the claims in this Court are equitably tolled. *See* S. Rep. 102-249, p. 11 (“The statute of limitation should be tolled during the time the defendant was absent from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, provided that the remedy in that jurisdiction is adequate and available.”). Moreover, the offenses are ongoing because Defendant and his confederates refuse to divulge information about the fate of their victims to the victims’ family members, including Plaintiff Hassani.

54. This Court therefore has subject matter jurisdiction to adjudicate the claim of extrajudicial killing brought by Plaintiff Hassani pursuant to the Torture Victim Protection Act, 28 U.S.C. § 1350note, and to find Defendant liable in compensatory and punitive damages in amounts to be set at trial.

Count Four: Genocide (All Plaintiffs)

58. Plaintiffs allege the contents of ¶¶ 1-34, as if fully set forth herein.

59. Because the persecution by Defendant Raisi of MEK members, including but not limited to Plaintiffs, was motivated at least in part by the desire to eliminate adherents to a version of Islam different from the one officially approved by the regime, it comes within the definition of genocide, as set out in the Genocide Convention of 1948, which was ratified by Iran in 1949 and

by the United States in 1988. Genocide is a crime, wherever committed, under the laws of the United States, 18 U.S.C. § 1091.

60. Victims or intended victims of genocide have a cause of action against their victimizers, so long as they are present in the United States. *See* 18 U.S.C. § 1091(e)(2)(D). This Court therefore has subject matter jurisdiction to adjudicate the claim that Defendant Raisi engaged in a program of genocide to the detriment and injury of all three Plaintiffs, and to find Defendant liable in compensatory and punitive damages in amounts to be set at trial.

Count Five: Crimes Against Humanity (All Plaintiffs)

55. Plaintiffs allege the contents of ¶¶ 1-34, as if fully set forth herein.

56. The campaign of which Defendant played a vital part – including the persecution, torture, and extrajudicial murder of political opponents of the Iranian regime – constituted a massive crime against humanity. Defendant Raisi was an essential participant in that crime.

57. Under the common law, victims of crimes against humanity have a cause of action against their victimizers, so long as they can be found within the jurisdiction of the Court. This Court therefore has subject matter jurisdiction to adjudicate the claim that Defendant Raisi committed crimes against humanity that injured all three Plaintiffs, and to find Defendant liable in compensatory and punitive damages in amounts to be set at trial.

Count Six: Intentional Infliction of Emotional Distress (All Plaintiffs)

61. Plaintiffs allege the contents of ¶¶ 1-34, as if fully set forth herein.

62. All of the acts, crimes, and violations set forth above had as their complete or partial aim the infliction of emotional distress on both their immediate victims, such as Plaintiffs Fallahi and Borjkhani, and the families and loved ones of the victims, like Ahmad Hassani. Defendant Raisi is personally responsible for those acts, and must bear individual liability for them.

Count Seven: Common Law Torts (All Plaintiffs)

63. Plaintiffs allege the contents of ¶¶ 1-34, as if fully set forth herein.

64. The acts of which Defendant is accused below constituted torts – including but not limited to wrongful death, assault, battery, trespass to the person, entrapment, and negligence – against the immediate victims and their family members who did not survive (including Plaintiffs). For each of these torts Defendant Raisi should be found liable, and required to pay compensatory and punitive damages in amounts to be set at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Reza Fallahi, Ahmad Hassani, and Amir Borjkhani respectfully pray that this Honorable Court:

1. **ASSERT** its subject matter jurisdiction over these claims, and its personal jurisdiction over Defendant Ebrahim Raisi;
2. **ENTER JUDGMENT** against Defendant on each of the Counts as set forth above;
3. **AWARD** to Plaintiffs general, special, and consequential damages in amounts to be proved at trial;
4. **AWARD** to Plaintiffs exemplary and punitive damages, according to proof, in light of Defendant's deliberate and flagrant conduct as set forth above;
5. **ORDER** Defendant to pay the costs of this Action, including reasonable attorneys' fees; and
6. **AWARD** such additional relief as to the Court shall appear just in the premises.

JURY DEMAND

Plaintiffs demand trial by jury on all issues so triable.

Respectfully submitted,

SHER TREMONTE LLP

By: /s/Noam Biale

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Dated: August 17, 2022

Exhibit 1

1. EXECUTIVE SUMMARY

“More than a quarter of a century has passed since we began the quest for... truth regarding the fate of our loved ones.”

Mothers and Families of Khavaran, speaking in 2014.

In late July 1988, thousands of political dissidents held in prisons across Iran were forcibly disappeared suddenly. They were mostly young men and women, some just teenagers, unjustly imprisoned because of their political opinions and non-violent political activities. Prisons were put on lockdown across the country and the authorities suspended family visits without giving any reasons. For months, nothing was heard.

Gradually, terrifying rumours began to circulate about mass secret executions and the dumping of bodies in unmarked mass graves. Families' worst fears were confirmed from late October 1988 onwards when prison visits resumed and authorities informed many families that their loved ones had been executed. However, over the last 30 years, the authorities have cruelly denied them not only a body to mourn over, but also the truth about when, how and why their loved ones were killed, what happened to them in their last moments and where their remains are hidden.

The authorities have treated the killings as state secrets. Three times in the past three decades, the wall of secrecy has been cracked and each time the authorities have responded with reprisals and accused those who have leaked records related to the preparation, planning and co-ordinated implementation of the mass killings of “disclosing state secrets” and “threatening national security”. In 1989, letters raising concerns about the executions that were addressed to Supreme Leader Rouhollah Khomeini from his deputy, Hossein Ali Montazeri, were leaked. In 2000, a copy of the secret fatwa by which, in July 1988, Rouhollah Khomeini ordered the mass killings was published. In 2016, an audio recording of a high-level official meeting that took place in August 1988 between Hossein Ali Montazeri and the officials responsible for the mass killings in Tehran was posted online.

Building on the sustained campaigning and documentation efforts by survivors, family members of victims and human rights defenders over the last 30 years, Amnesty International has set out to prise open these cracks even further and reveal more of the blood-soaked secrets the authorities have tried to keep with a view to seizing the opportunity of the current renewed debate about these crimes and advance the struggle for truth, justice and reparation.

Amnesty International's focus on one of the most heinous chapters of state violence in Iran's recent history is further prompted by the ongoing official campaign to repress the commemorative efforts of survivors, families and human rights defenders, demonize the victims and distort the facts about the extrajudicial execution of political dissidents in the 1980s. It is all the more relevant as many of those alleged to have been involved in the 1988 enforced disappearances and extrajudicial executions hold or have held positions of power in Iran. They benefit from a continuing atmosphere of secrecy and impunity in the country.

Amnesty International's research, conducted from September 2017 to November 2018, analysed the testimonies of 41 survivors, 54 family members of victims, 11 former prisoners, and 10 other witnesses from 28 cities across Iran, obtained either directly or through Justice for Iran, an Iranian human rights organization; examined written materials, including testimonies and memoirs, prepared by survivors, independent researchers and other Iranian human rights organizations; and reviewed media reports and

statements issued by Iranian authorities and UN bodies, as well as the organization's own archives. It analysed the audio recording of the meeting in 1988 where members of the "death commission" in Tehran are heard discussing the killings. It obtained and verified death certificates, profile pictures and images of gravestones of dozens of execution victims and crosschecked and consolidated lists and databases containing thousands of names.

On 19 October 2018, Amnesty International sent the Iranian authorities a summary of its findings and requested related information and clarifications, but has so far received no response. The organization is denied access to the country.

Amnesty International's research leaves the organization in no doubt that, during the course of several weeks between late July and early September 1988, thousands of political dissidents were systematically subjected to enforced disappearance in Iranian detention facilities across the country and extrajudicially executed pursuant to an order issued by the Supreme Leader of Iran and implemented across prisons in the country. Many of those killed were subjected to torture and other cruel, inhuman and degrading treatment or punishment in the process.

The extrajudicial executions were followed by the authorities' refusal to officially acknowledge the killings; fully disclose the fate of the victims, including the causes and circumstances of the killings; identify the remains; and ensure that they are returned to the families. The systematic concealment of the fate of the victims and location of their remains has also involved not providing families with death certificates and responding to families' requests for death certificates by issuing ones that are in many cases inaccurate, misleading or incomplete about the causes, circumstances and dates of the death and cite "natural" causes or simply "death" as the cause of death or provide no cause.

Such conduct by the authorities amounts to the crime of enforced disappearance under international law. According to the UN Working Group on Enforced or Involuntary Disappearances, the commission of an extrajudicial execution in detention falls within the definition of enforced disappearance if it is followed by the refusal of state officials to disclose the fate or whereabouts of the victim or to acknowledge that the act has been perpetrated at all.

These ongoing enforced disappearances and the continuing uncertainty concerning the fate of their loved ones and the location of their remains have caused anguish to the families.

Their pain is compounded by several additional factors: the ongoing bans that they face on conducting mourning rituals and commemorations; the deliberate desecration and destruction of sites where their loved ones are believed to be buried in mass graves; the knowledge that those who ordered and carried out the executions continue to get away with their crimes; and the persistent threats, harassment, intimidation and attacks that they face for daring to demand truth and justice.

These cruel practices, which have caused great suffering and harm to victims' families for decades, including serious injury to their mental and physical health, violate the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

Given the widespread and systematic manner in which the authorities have committed enforced disappearances, extrajudicial executions, torture and other cruel, inhuman and degrading treatment or punishment, as well as other serious human rights violations against political dissidents and their families, Amnesty International considers that they amount to crimes against humanity, including of murder, extermination, enforced disappearance, torture, persecution and other inhumane acts.

The crimes of enforced disappearance continue until the Iranian state fully discloses the truth about the fate of the individuals concerned and the location of their remains.

International law obligates Iran to investigate these crimes under international law and, where sufficient admissible evidence exists, to prosecute those suspected of responsibility before civilian courts in fair trials. It also has an obligation under international human rights law to provide victims with effective remedies, including truth, justice and full reparation. This includes, among other things, returning the bodies to their families, and indisputably identifying the remains, including through DNA analysis.

EXTRAJUDICIAL KILLINGS

In late July 1988, prisons were put on lockdown across Iran. The authorities suspended family visits without giving any reasons, stopped providing newspapers to prisoners, and removed television sets and radios from prison cells. This happened shortly after the end of the Iran-Iraq war and an armed incursion that the People's Mojahedin Organization of Iran (PMOI), an outlawed opposition group, launched into Iran from their base in Iraq. Three days later, on 28 July, Iran's Supreme Leader, Rouhollah Khomeini, used the armed

incursion as a pretext to issue a secret fatwa (religious order) ordering the execution of all prisoners who remained “steadfast” in their support for the PMOI.

The fatwa ordered that, in each province, a three-man committee be established, comprising a Shari’a judge, the prosecutor general or his assistant prosecutor, and a representative from the ministry of intelligence. It specifically ordered that the committee for Tehran should include Hossein Ali Nayyeri as the responsible Shari’a judge and Morteza Eshraghi as the prosecutor general of Tehran. For the representative of the Ministry of Intelligence, the fatwa did not identify any individual by name. However, a leaked letter from August 1988 that Deputy Supreme Leader Hossein Ali Montazeri wrote to members of the Tehran “death commission” stated that Mostafa Pour Mohammadi represented the ministry of intelligence for the committee in Tehran.

Following the Supreme Leader’s fatwa, the Iranian authorities embarked on co-ordinated extrajudicial killings intended to eliminate political opposition. The fatwa had instructed the authorities to proceed with “revolutionary rage and rancour against the enemies of Islam” and not to “show any doubt or concerns” in condemning prisoners to death.

Across the country, on an almost daily basis, groups of prisoners were collected from their cells and brought before “death commissions” involving judicial, prosecution, intelligence and prison officials.

The “death commissions” bore no resemblance to a court and their proceedings were summary and arbitrary in the extreme. They operated outside any existing legislation and were not concerned with establishing the guilt or innocence of defendants in relation to any internationally recognized criminal offence. There was no possibility of appeal at any point during the process. The prisoners were asked if they were prepared to express repentance for their past political beliefs and activities and denounce their political groups in writing. In some cases, they were also asked if they were prepared to execute or inflict harm on fellow dissidents.

Many prisoners did not realize that their answers to these questions could make the difference between life and death. Some thought they were appearing before a pardon committee. Prisoners were not informed that they were condemned to death until shortly before their executions; sometimes they only learned about their impending fate when they were given a pen and piece of paper and told to write down their last wishes. Even then, they did not know when and how they would die until they were lined up before a firing squad or nooses were put around their necks.

Across the country, the victims were primarily supporters of the PMOI, both men and women.

In Tehran province, hundreds of men affiliated with leftist opposition groups were also executed. Their interrogations appeared more like a religious inquisition. They were asked: Are you a Muslim? Do you pray? Did your father pray and read the Qur’an? Those who identified as non-believers and said their fathers prayed were condemned to death for deserting Islam. Others were spared the death penalty but were ordered to be flogged until they agreed to pray. Leftist women were asked similar questions. In their case, the “incorrect” answer led to five lashes every prayer time (that is, 25 lashes a day) until they agreed to pray regularly.

In Kurdistan and West Azerbaijan provinces, the waves of enforced disappearances and extrajudicial killings also targeted hundreds of prisoners affiliated with the Kurdish opposition groups Komala and the Kurdish Democratic Party of Iran (KDPI).

EXAMPLES OF QUESTIONS ASKED BY 'DEATH COMMISSIONS' TO DETERMINE THE FATE OF PRISONERS

- Are you prepared to denounce the PMOI and its leadership?
- Are you prepared to express “repentance” about your political opinions and activities?
- Do you declare loyalty to the Islamic Republic?
- Are you willing to walk through an active minefield to assist the army of the Islamic Republic?
- Are you willing to join the armed forces of the Islamic Republic and fight against the PMOI?
- Will you spy on former comrades and “co-operate” with intelligence officials?
- Are you willing to participate in firing squads?
- Are you willing to hang a member of the PMOI?
- Are you a Muslim?
- Do you pray?
- Do you read the Qur’an?
- Did your father pray and read the Qur’an?

Most of the prisoners killed were serving lengthy prison terms imposed because of their political opinions and peaceful activities such as distributing opposition newspapers and leaflets, taking part in demonstrations, collecting donations for prisoners’ families or associating with those who were politically active. Others had been held for years without trial or had completed their sentences and were due to be released. Some had served their sentences but were told they would not be released until they were “sufficiently repentant”. In all of these cases, the families knew where they were and had been able to visit them until late July 1988.

Another group of those killed had been released several years earlier but were then rearrested in the weeks leading up to or shortly after the PMOI’s armed incursion on 25 July 1988. Many were forcibly disappeared immediately after their arrest and the authorities refused to provide any information on their fate and whereabouts.

To date, the exact number of those killed is unknown but minimum estimates put the death toll at around 5,000. The real number could be higher, especially because little is still known about the names and details of those who were rearrested in 1988 and extrajudicially executed in secret soon after arrest.

Many survivors believe that the mass executions of 1988 were planned long before the armed incursion of the PMOI on 25 July 1988. For example, they note that since late 1987:

- a clear pattern of interrogations and classification procedures applying to imprisoned political dissidents had emerged;
- prisoners faced unexpected interrogations that focused on their political opinions;
- prison officials and interrogators repeatedly threatened prisoners that they would be “dealt with” and that the prisons would be “cleansed”; and
- some prisoners were transferred without explanation from detention facilities near their home city to elsewhere.

Further evidence of the planned nature of the mass executions emerged in 2016 when Ahmad Montazeri, the son of former Deputy Supreme Leader Hossein Ali Montazeri released an audio recording of a high-level official meeting on 14 or 15 August 1988, in which Hossein Ali Montazeri protested against the ongoing killings of prisoners. The recording includes members of the “death commission” in Tehran discussing and defending the mass executions in Evin and Gohardasht prisons in Tehran province, including the arbitrary criteria used to determine who would be executed, and the secret and rushed nature of the proceedings. Hossein Ali Montazeri is heard telling members of the “death commission” that the ministry of intelligence was using the PMOI’s armed incursion as a pretext to carry out mass killings that had been under consideration for several years.

CONCEALING THE FATE

In July-September 1988, when rumours began to circulate about the mass executions, desperate families went to prison gates and government offices in search of information, only to be met by silence and abuse. Sometimes they were falsely told that the prisoner had been transferred, so the families embarked on wasted journeys to distant prisons.

From late October 1988 onwards, authorities informed many families that their loved ones had been executed. However, the notification was generally cruel and sudden and included no information about the reasons and circumstances of the killings. Most families were just summoned to prisons or a government office, handed a bag which an official said contained the personal belongings of their dead relative, and were ordered not to hold a memorial ceremony. Some families were not even given these last mementos. Some were told that their loved ones had been executed and then told they were alive. Some were never told anything and only learned the truth about the execution of their loved one months or years later from former prisoners or informal government contacts.

Thirty years on, a burning sense of anguish, uncertainty and injustice continues to haunt the victims' families. Some, particularly elderly mothers, are still in disbelief that their relative is dead or say that their loved ones have remained for them somewhere between life and death. Families are still searching for the truth about when, how and why their loved ones were killed, what happened to them in their last moments and where their remains are hidden. They are denied accurate death certificates stating the place, date and cause of death for each victim, as well as the right to have professional exhumations of the individual and mass graves that are suspected or known to contain the victims' remains.

HIDING THE BODIES

The Iranian authorities did not return the bodies of any of the victims to families. They also refused to tell most families where the bodies were buried.

Amnesty International knows of only five cities - Ahvaz, Ardabil, Ilam, Mashhad and Rudsar - where 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.

According to information obtained by Amnesty International, in at least seven other cities - 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 the case of Tehran, which had the largest number of victims in the country, these concerns are reinforced by Amnesty International's finding that 99% of individual gravestones in the Behest Zahra cemetery which Amnesty International understands have been attributed by the authorities the victims of the mass killings of 1988 are not registered in the cemetery's online burial registers. Amnesty International obtained the pictures of 335 such gravestones, searched for their details in the cemetery's online burial registers, and found that only three of them were registered

Amnesty International has also learned that, in at least two cases, two separate graves in different lots of the cemetery have been attributed to the same victim. The authorities have neither offered any explanation for this, nor allowed exhumations to establish the truth, to Amnesty International's knowledge. Amnesty International also received information from an individual in contact with a family in Iran who discovered in June 2017 that the ground beneath the headstone that they had thought for decades contained the remains of their loved one was empty and contained no bones or other remains. The family learned this after they gained permission to bury a recently deceased relative in the same plot.

In the rest of the country, families have either remained in the dark about the whereabouts of their loved one's remains or learnt about their burial in suspected or known mass grave sites through informal contact with prison guards and officials, cemetery workers or locals.

Thirty years on, the Iranian authorities have yet to acknowledge the existence of any mass graves in the country, let alone allow families to request exhumations and search for bodies. In most cases they have kept the location of victims' remains a secret and have destroyed suspected or known mass grave sites by bulldozing, pouring concrete, and constructing new burial plots, buildings or roads over them.

The authorities have also beaten and detained those who have tried to lay flowers at mass grave sites, forced families to sign undertakings that they will not hold commemorations, and destroyed headstones, flowers or other memorials placed there by the families.

As part of their efforts to conceal the location of the remains, and by extension the scale of the killings, the Iranian authorities have also excluded the names of the overwhelming majority of the victims from publicly available burial registers.

Between July and December 2018, Amnesty International searched in the online database of the Organization of Behesht Zahra, a state body, for the names of 4,672 individuals who have been recorded as victims of the mass executions of July-September 1988 by an Iranian human rights group outside Iran known as the Committee for the Defence of Human Rights in Iran. Amnesty International found that nearly 99% of the victims recorded in the list of the Committee for the Defence of Human Rights in Iran are not registered in the online database of the Organization of Behesht Zahra. In the remaining cases, which constitute just over 1%, the names in the list bear a resemblance to the names in the database, but Amnesty International does not have enough information to conclude definitively that they refer to the same person.

Despite the lack of any information about the structure and decision-making powers of the Organization of Behesht Zahra, the fact that nearly 99% of the victims of the mass killings are missing from official online burial records raises serious concerns that the authorities have quietly adopted specific policies and procedures to manipulate burial records. This situation makes the investigation and exhumation of individual and mass graves all the more crucial to the establishment of the truth about the burial location of each victim.

DENIALS AND MISINFORMATION

For three decades, the Iranian authorities have denied and promoted misinformation about the killings both at home and internationally.

Domestically, the authorities have concocted different stories to disguise, distort and “justify” the killings. In particular, some have presented the executions as a just and lawful response to a small group of violent individuals who had somehow colluded with the PMOI from inside prison to support and join its armed incursion on 25 July 1988. Those promoting this narrative fail to explain how thousands of prisoners from across the country could have communicated and co-ordinated from inside Iran’s high-security prisons with an armed group outside the country. Moreover, the testimonies of survivors all confirm that these vague accusations of rebellion and secret collusion were not the focus of the interrogations they faced between July and September 1988 and no information was ever given to them that they were facing renewed prosecution and sentencing on fresh charges.

Other official narratives have deceptively claimed that the executed prisoners had long been on death row for serious crimes involving killing and other violence and that the summary proceedings before their execution in 1988 focused on whether they were adequately “repentant” and therefore qualified for pardon or commutation of their sentence.

All the stories have downplayed the scale of the killings by representing the death toll as “low” or “insignificant”.

On the international stage, from late 1988, the authorities flatly denied the killings, dismissing the reports as “nothing but propaganda”. For example, on 29 November 1988, Iran’s permanent representative to the UN in New York, Mohammad Jafar Mahallati, denied the mass executions in a meeting with the UN Special Representative on the situation of human rights in Iran, and claimed that “many killings had in fact occurred on the battlefield, in the context of the war, following the invasion of the Islamic Republic of Iran by [the PMOI]”.

On 8 December 1988, the UN General Assembly adopted a resolution on the situation of human rights in Iran, which expressed grave concern about a renewed wave of executions in Iran in July-September 1988 targeting prisoners for their political convictions. Several days later, on 13 December, Amnesty International issued a briefing stating that “the evidence for mass executions was now indisputable” and that “the true total could run into thousands”. It raised its concerns with the Iranian authorities, including through embassy visits around the world, but met with denials.

On 26 January 1989, the UN Special Representative on the situation of human rights in Iran challenged Iran’s “global denial” of the wave of executions. He submitted to the authorities a list of 1,084 names, asking for information on their fate and whereabouts and noted that “there were in all probability several thousand victims”.

On 26 June 1989, the UN Special Representative received a letter from Deputy Minister of Foreign Affairs Mohammad Hossein Lavasani which claimed that “140 out of the total list of persons alleged to have been executed in Tehran are forgeries and virtually non-existent individuals”. The letter did not comment on the

fate of the remaining 944 people listed, saying that Iran “cannot, and will not, hold itself committed to answering allegations originated from certain terrorist groups and war-time traitors.”

Amnesty International extracted the names of the individuals whom the Iranian authorities claimed did not exist from the annex of the January 1989 report of the UN Special Representative, which totalled 141 rather than 140. For 117 of the 141 individuals, Amnesty International managed to match their name against the name of one of the recorded victims of the mass executions of 1988, by searching in two lists of execution victims prepared by the Committee for the Defence of Human Rights in Iran and the PMOI. Amnesty International obtained photographs of 13 of them.

Amnesty International also obtained the pictures of individual gravestones for eight people who were declared as “non-existent” by the Iranian authorities. The Iranian authorities have themselves identified these graves as the victims’ place of burial.

On 2 November 1989, the UN Special Representative spoke of the mass prisoner killings of July-September 1988 no longer as an allegation but as a verified fact. Despite this, the UN failed to take appropriate action. Not only was there no condemnation from or investigation authorized by the then UN Commission on Human Rights and no referral by the UN General Assembly to the Security Council, the General Assembly did not even follow up on its resolution of 8 December 1988.

This emboldened the authorities to persist in their disavowals of the truth. In a reply submitted in October 1990 concerning 3,620 cases of executions mentioned in the reports of the UN Special Representative between January 1988 to February 1990, the Iranian authorities did not even acknowledge one single execution carried out in 1988. They claimed that “the names of 2,109 persons allegedly executed cannot be recognized.” For the remaining 1,511, they provided vague comments that included claiming the reported execution victims were alive and studying or working, had “sought shelter in foreign countries”, were “held as prisoners of war in Iraq” or were dead due to “natural causes” or on the battlefield.

In a subsequent reply in January 1991, which concerned the fate and whereabouts of an additional 346 individuals, including 47 who were recorded as executed in 1988, the Iranian authorities again refused to acknowledge any of the 1988 executions. For 23 of the cases from 1988, the UN Special Representative recorded “no government reply” and, for the remainder of the 1988 cases, he noted similar official responses to those listed above.

Amnesty International’s research shows that 35 of the 47 reported execution cases that the authorities denied are recorded in one or more of the following sources: the database of such victims produced by the Abdorrahman Boroumand Center, and the lists of victims of the mass killings of July-September 1988 compiled by the Committee for the Defence of Human Rights in Iran, on the one hand, and by the PMOI on the other hand. These include victims whom the authorities declared had been released, were studying in universities, were studying abroad or had escaped to foreign countries. Amnesty International obtained photographs of 11 of them. It also interviewed a sibling of four execution victims whose executions were denied by the authorities: two of them the authorities claimed were studying at university, one of them they claimed had been released and the last one they claimed was studying abroad. Amnesty International also identified the case of a victim about whom the authorities provided no comment to the UN even though they told her family in Iran that she had been executed and directed them to a location where her body was found in an unmarked mass grave along with the bodies of several other women and men.

Given the gravity of the crimes committed in 1988, the Iranian authorities should not have been able to shield themselves from scrutiny by unconvincing blanket denials and mere intransigence. Sadly, that is what happened.

CRISIS OF IMPUNITY

A culture of impunity for state-commissioned human rights violations dominates in Iran. In the case of the enforced disappearances and extrajudicial executions of 1988, most families have no confidence in the justice system. Those that have been brave enough to pursue justice have faced inaction and reprisals.

SENIOR OFFICIALS LINKED TO 'DEATH COMMISSIONS'

For the last 30 years, many of those alleged to have been involved in the 1988 enforced disappearances and extrajudicial executions have held positions of power in Iran. The Shari'a judges, prosecutors general and assistant prosecutors, and ministry of intelligence representatives who participated in the "death commissions" have held and in some cases continue to hold senior positions in the judiciary or the government. For example, Amnesty International has identified and analysed evidence and reports that the following officials participated in "death commissions":

- **Alireza Avaei**, Iran's current minister of justice, was the prosecutor general of Dezful in Khuzestan province and was tasked with participating in the "death commission" in that city.
- **Hossein Ali Nayeri**, who acted as the Shari'a judge in the Tehran "death commission", was promoted to the position of the deputy head of Iran's Supreme Court in 1989 and remained in this post until September 2013. Today, he is head of the Supreme Disciplinary Court for Judges.
- **Ebrahim Raisi**, who was the deputy prosecutor general of Tehran in 1988 and a member of the Tehran "death commission", was the prosecutor general of Tehran between 1989 and 1994, the first deputy head of the judiciary from 2004 to 2014 and the country's prosecutor general from 2014 to 2016. He ran for the presidency in 2017. In a lecture on 1 May 2018, referring to media reports about his role in the 1988 mass killings, he did not dispute his presence in the meeting with Hossein Ali Montazeri, but noted that "during the period [in question], I was not the head of the court... The head of the court issues sentences whereas the prosecutor represents the people". At the same time, using the word "confrontation" in apparent reference to the mass killings, he regarded them as "one of the proud achievements of the system" and praised Rouhollah Khomeini as a "national hero".
- **Mostafa Pour Mohammadi**, who was the representative of the ministry of intelligence in the "death commission" in Tehran, was the minister of justice between 2013 and 2017. On 28 August 2016, referring to media reports about the mass prisoner killings and his involvement in them, Mostafa Pour Mohammadi said: "We are proud to have carried out God's commandment concerning the [PMOI]... I am at peace and have not lost any sleep all these years because I acted in accordance with law and Islam."
- **Mohammad Hossein Ahmadi**, who was the Shari'a judge of Khuzestan province in 1988 and a member of the Khuzestan "death commission", is currently a member of the Assembly of Experts, a constitutional body that has the power to appoint or dismiss Iran's Supreme Leader. For nearly a decade in the 2000s, he was also the head of the body in charge of selecting and appointing judges across the country.

The participation of these and other suspects in senior roles of the government and judiciary understandably undermines the families' confidence in national mechanisms that should provide them with justice and effective remedies.

The crisis of impunity in Iran has become ever more severe since 2016, when the audio recording of the August 1988 meeting of Hossein Ali Montazeri with members of the Tehran "death commission" was released. The audio recording gave rise to an unprecedented wave of publicity around the mass prisoner killings of 1988. In response, the authorities have launched an intensive campaign of disinformation and victim-blaming and issued numerous statements glorifying the perpetrators of the mass killings as "national heroes", likening any criticism of the atrocities to support for "terrorism", and threatening reprisals against anyone seeking to shed light on the mass prisoner killings.

For example, on 15 August 2016, the head of the judiciary, Sadegh Larijani, stated that, by releasing the audio recording, "some have provided the Western media with a subterfuge". He threatened that "the judiciary will act forcefully as always and any disturbance in public opinion with respect to these security issues will for sure lead to judicial investigation and prosecution".

On 13 August 2016, just several days after Hossein Ali Montazeri's son, Ahmad Montazeri, released the audio recording, he was summoned for interrogation by the Special Court for the Clergy and accused of "acting against national security" through "revealing state secrets".

In November 2016, he was sentenced to 21 years' imprisonment after the Special Court for the Clergy convicted him of "spreading propaganda against the system", "forming or running a group composed of more than two people... with the purpose of disrupting national security" and "deliberately and knowingly

providing unauthorized individuals with access to or information about plans, secrets, documents and decisions regarding the state's domestic or foreign policies... in a manner amounting to espionage." The sentence was subsequently reduced to six years and suspended.

TIME FOR ACTION

The enforced disappearance and extrajudicial killing of thousands of prisoners in 1988 have serious repercussions to this day. Victims and their families are anguished at the lack of justice, truth and reparation. Impunity for these crimes has become ingrained into the country's institutional framework, and former and current senior officials have vested interests in concealing and denying the killings.

The authorities have for decades suppressed freedoms of belief, expression, association and peaceful assembly; conducted unfair and predominantly secret trials; committed widespread torture; executed hundreds of people every year; and kept thousands more on death row.

Today, Iran is in the grip of a multifaceted crisis that is rooted in a confluence of severe political, economic, environmental and human rights problems. Protests against poverty, inflation, corruption and political authoritarianism have been on the rise, and intensified expressions of anger and dissatisfaction against the establishment abound on social media. In response, the Iranian authorities have been widening the net of repression. Hundreds of human rights defenders, lawyers, women's rights activists, trade unionists, journalists, students, political activists, environmental activists, and religious and ethnic minorities have been targeted for harassment, interrogation, arbitrary arrests and detention, and prosecution. Many are languishing in jail.

Crimes against humanity are so serious that they are of concern not only to the victims and their families, the survivors and the state in question, but also humanity as a whole. Accountability for such crimes is essential, not only to ensure truth and justice for victims and their families, but also to provide a vital safeguard against the recurrence of such crimes.

Three decades on, the authorities that at all levels committed these crimes under international law are continuing to conceal, condone and even celebrate them today. As a result, there is no immediate domestic possibility for victims to access justice, truth and reparation in Iran and independent, impartial and effective international mechanism(s) to address impunity must be pursued.

RECOMMENDATIONS

In line with these findings, Amnesty International is calling on the Iranian authorities to, among things, take the following actions:

- Publicly acknowledge that thousands of imprisoned political dissidents were subjected to enforced disappearances and extrajudicial executions in prisons across Iran in July-September 1988 and make public all available information and records regarding the number of those killed; their identities; the location, cause and circumstances of their disappearance and extrajudicial execution; and the location of their remains.
- Establish a competent, independent and impartial truth commission, commission of inquiry or other appropriate mechanism to establish fully the truth regarding the mass enforced disappearances and extrajudicial executions of July-September 1988 and facilitate the return of the remains of deceased victims to family members.
- Protect survivors, the families of victims and others seeking truth, justice and reparations on behalf of the victims of the mass enforced disappearances and extrajudicial executions of July-September 1988 against threats, harassment, intimidation, arbitrary arrests and detentions, and other reprisal by state authorities or other actors.
- Ensure that prompt, thorough, independent and impartial criminal investigations are conducted into all allegations of enforced disappearances, extrajudicial executions, torture and crimes against humanity related to the mass killings carried out in July-September 1988. Where sufficient admissible evidence exists, prosecute those suspected of criminal responsibility before civilian courts in proceedings that conform to international fair trial standards and do not involve seeking or imposing the death penalty.

Amnesty International is also calling on UN political bodies and the international community as a whole to:

- Establish an independent, impartial and effective international mechanism(s) to address impunity for the crimes against humanity and other crimes under international law committed including by:

documenting and investigating the crimes, including the extrajudicial executions carried out in 1988, as well as the ongoing enforced disappearance of the victims and the torture and other ill-treatment of victims' families; gathering and preserving evidence; and identifying effective pathways to justice, truth and reparation with a view to ensuring that, where sufficient evidence exists, those suspected of responsibility are prosecuted in fair trials without seeking or imposing the death penalty, including before national courts of states exercising universal jurisdiction, and survivors and victims' families are provided with effective remedies including truth and reparation.

Exhibit 2

Which language would you like to use this site in?

CLOSE

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العربية

June 19, 2021

Iran: Ebrahim Raisi must be investigated for crimes against humanity

Responding to today's announcement declaring Ebrahim Raisi as Iran's next president, Amnesty International's Secretary General Agnès Callamard said:

“That Ebrahim Raisi has risen to the presidency instead of being investigated for the crimes against humanity of murder, enforced disappearance and torture, is a grim reminder that impunity reigns supreme in Iran. In 2018, our organization documented how Ebrahim Raisi had been a member of the ‘death commission’ which forcibly disappeared and extrajudicially executed in secret thousands of political dissidents in Evin and Gohardasht prisons near Tehran in 1988. The circumstances surrounding the fate of the victims and the whereabouts of their bodies are, to this day, systematically concealed by the Iranian authorities, **amounting to ongoing crimes against humanity.**

‘As Head of the Iranian Judiciary, Ebrahim Raisi has presided over a spiralling crackdown on human rights which has seen hundreds of peaceful dissidents, human rights defenders and members of persecuted minority groups arbitrarily detained. Under his watch, the judiciary has also granted blanket impunity to government officials and security forces responsible for **unlawfully killing hundreds of men, women and children** and subjecting thousands of protesters to **mass arrests and at least hundreds to enforced disappearance, and torture and other ill-treatment** during and in the aftermath of the nationwide protests of November 2019.

“Ebrahim Raisi's rise to the presidency follows an electoral process that was conducted in a highly repressive environment and barred women, members of religious minorities and candidates with opposing views from running for office.

“We continue to call for Ebrahim Raisi to be investigated for his involvement in past and ongoing crimes under international law, including by states that exercise

universal jurisdiction.

“It is now more urgent than ever for member states of the UN Human Rights Council to take concrete steps to address the crisis of systematic impunity in Iran including by establishing an impartial mechanism to collect and analyse evidence of the most serious crimes under international law committed in Iran to facilitate fair and independent criminal proceedings.”

For more information see:

Iran: Presidency of Ebrahim Raisi a grim reminder of the crisis of impunity

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