

Dear President Ambar,

On behalf of Justice for Iran, and as an international human rights lawyer, I am writing to you to raise serious concerns regarding your non-action about the involvement of Mr Jafar Mahallati despite being notified by a large group of survivors and families of the victims of Iran's 1988 massacre.

Justice for Iran is a London-based human rights organisation and a member of International Federation of Human Rights (FIDH). Established 11 years ago, Justice for Iran aims to hold the perpetrators of serious human rights violations, including but not limited to crimes against humanity, torture, enforced disappearances, war crime and genocide which have been committed in Iran or by the Iranian officials, accountable.

In 2016-18, Justice for Iran conducted a joint research project with Amnesty International on the extra-judicial killings and enforced disappearances of thousands of political prisoners in the summer of 1988. In our joint report, *Criminal Cover Up*, we demonstrated evidence of the government campaign to destroy the mass graves of the 1988 massacre across the country, aiming to cover up a crime that amounts to crime against humanity according to the UN experts.

As Amnesty International's ground-breaking record has established, the cover up campaign began right after the massacre had been taken place, at both domestic and international level. One of the most vital figures in the international coverup campaign was the then Iran's permanent representative to the UN in New York, Mohammad Jafar Mahallati. According to the evidence demonstrated in Amnesty International's report, he, on multiple occasions, has denied the extra judicial executions and enforced disappearances, calling the UN reports "nothing but propaganda", misleading the international community by false and fabricated statements such as "many killings had in fact occurred on the battlefield" (29 November 1988). He also called the UN resolution on this issue "unjust" and said, "a terrorist organization based in Iraq" was the main source of the "fake information" (3 December 1988).

Enforced disappearance is a crime under international law. According to the UN Working Group on Enforced or Involuntary Disappearances (WGEID), "a detention, followed by an extrajudicial execution, is an enforced disappearance proper, as long as such detention or deprivation of liberty was carried out by governmental agents of whatever branch or level, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the government, and, subsequent to the detention, or even after the execution was carried out, state officials refuse to disclose the fate or whereabouts of the persons concerned or refuse to acknowledge the act having been perpetrated at all." The Working Group has recognised Iranian political prisoners who were subjected to the mass executions in the summer of 1988 as forcibly disappeared persons.

If enforced disappearance takes place in a systematic or widespread manner and as a part of an attack to a civilian group, it amounts to a crime against humanity. As a group of UN human rights experts reiterated in a 18-page communication calling for an international investigation, the past

and ongoing violations related to prison massacres in 1988 may amount to crimes against humanity if these violations persist.<sup>1</sup> The communication underlines that these enforced disappearances continue in effect “until the fate and whereabouts of the individuals concerned are established”.<sup>2</sup>

As the ‘concealment of fate and whereabouts’ is a fundamental element of the crime of enforced disappearance, anyone who has aided and abetted can be complicit in the crime. That includes Mr Mahallati, who not only participated in the state campaign to cover up the crime of forcibly disappearing thousands of political prisoners while in his position as Iran’s permanent representative to the UN in New York, but has also continued to be an accomplice by not telling the truths and taking actions that anyone who genuinely wants to distance themselves from an international crime might do.

The families have been demanding their right to know the truth and even a shred of information shared by people like Mr Mahallati would be important in advancing the right of the families to truth and justice. However, simple questions such as how the official line of denial was communicated with him and by whom, what it was raised in the meetings with Tehran and in the Ministry of Foreign Affairs during his visit in December 1988, etc., have remained unanswered by Mr Mahallati. He has not even made a public apology for his own statements at the international fora when and since he found them ‘unjust’ and ‘fake’. Last but not least, even if his recent statement in response to the public outcry that “he had no knowledge of mass killings” is true, exactly when did he become aware of the killings, and what actions he has taken since then?

From the perspective of international law, if any criminal proceeding to investigate the 1988 massacre, whether in Iran or abroad, takes place, Mr Mahallati would be considered as an accomplice in that. However, holding the perpetrators of this heinous crime does not only take place in court rooms and in the forms of trial and punishment, but can also be exercised by the conscience of liberal institutions such as Oberlin College. We have yet to see your appropriate action that is not less than expelling him and making an apology to the survivors and the victims’ families for not conducting a thorough due diligence in the process of hiring and promoting Mr Mahallati.

I look forward to hearing from you.

Sincerely,

Shadi Sadr

Co-Director

Justice for Iran

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<sup>1</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25503>

<sup>2</sup> Ibid.