



Haunted Memories: The Islamic Republic's Executions of Kurds in 1979

Iran Human Rights Documentation Center

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- Promote accountability, respect for human rights and the rule of law in Iran; and
- Encourage an informed dialogue on the human rights situation in Iran among scholars and the general public in Iran and abroad.

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The photograph on the front cover shows the executions of nine men at Sanandaj Airport on August 27, 1979. Taken by Jahangir Razmi, the photograph was published by *Ettelaat* newspaper at the time, and won a Pulitzer Prize in 1980.

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1. Introduction

On August 12, 1979, only months after establishment of the Islamic Republic of Iran, its leader Ayatollah Ruhollah Khomeini cautioned a group of Muslim teachers about a common enemy:

They fear Islam. They fear Islamic law. They want for Islam to not exist, no matter what the alternative is. This is conspiracy! Now that conspiracy has happened, we cannot see it through until the end and accept the conspiracies. The issue is that of Islam and the interest of Muslims. We cannot neglect it.¹

While he could have been referring to supporters of the recently exiled Shah or members of opposition leftist groups, he was commenting on Iranian Kurds—one of the largest ethnic minority in the country. The Kurds, almost all Muslims, had supported the revolution and sought some form of autonomy in post-revolution Iran. Khomeini deemed any form of self-rule—by the Kurds as well as by other Iranian ethnic minority peoples—as non-Islamic and therefore unacceptable.

Days after his speech, Khomeini issued a *fatwa*, or religious edict, ordering the military and the newly created Islamic Revolutionary Guards Corps (*Sepah-e Pasdaran*) to crush the Kurds and take control of the Kurdish regions in Northwestern Iran. For three weeks, government forces waged a brutal campaign, surrounding towns with artillery and tanks, and bombing from the air. By the beginning of September, they controlled the major towns, and the Kurdish fighters (*peshmerga*) had fled into the mountains from where they continued to wage a guerilla campaign.

But Khomeini did not only send the military and members of the Revolutionary Guards. As an added measure of terror, he dispatched his long-time comrade Ayatollah Sadegh Khalkhali to summarily try and order the execution of the so-called rebels. Khalkhali, as the head of the newly formed Islamic Revolutionary Court, was already known as “The Hanging Judge” due to his enthusiasm for holding summary trials and issuing execution orders, including one to the exiled Shah.

For several weeks in August and September, as government troops took control of towns in the Kurdish regions, Khalkhali and his deputies conducted trials of men, women and boys who had been arrested without warrants or charges. He and his deputies briefly questioned the prisoners before convicting them of crimes such as “corrupter on earth and at war with God and his prophet,” and expressing support for Kurdish political parties, “direct participation in Mariwan’s events” and “gathering armed individuals” before sending them to the firing squad. The entire process usually took only a day and sometimes was completed in a matter of hours. Families were given no advance notice of the impending executions. Many were told that their loved ones would be released, only to discover that they had been executed. Some were forced to search for bodies in piles of corpses covered in ice. In some cases, families never recovered the bodies. While the total number of executions is unknown, it was reported at the time that as many as 80 people were executed in three weeks.²

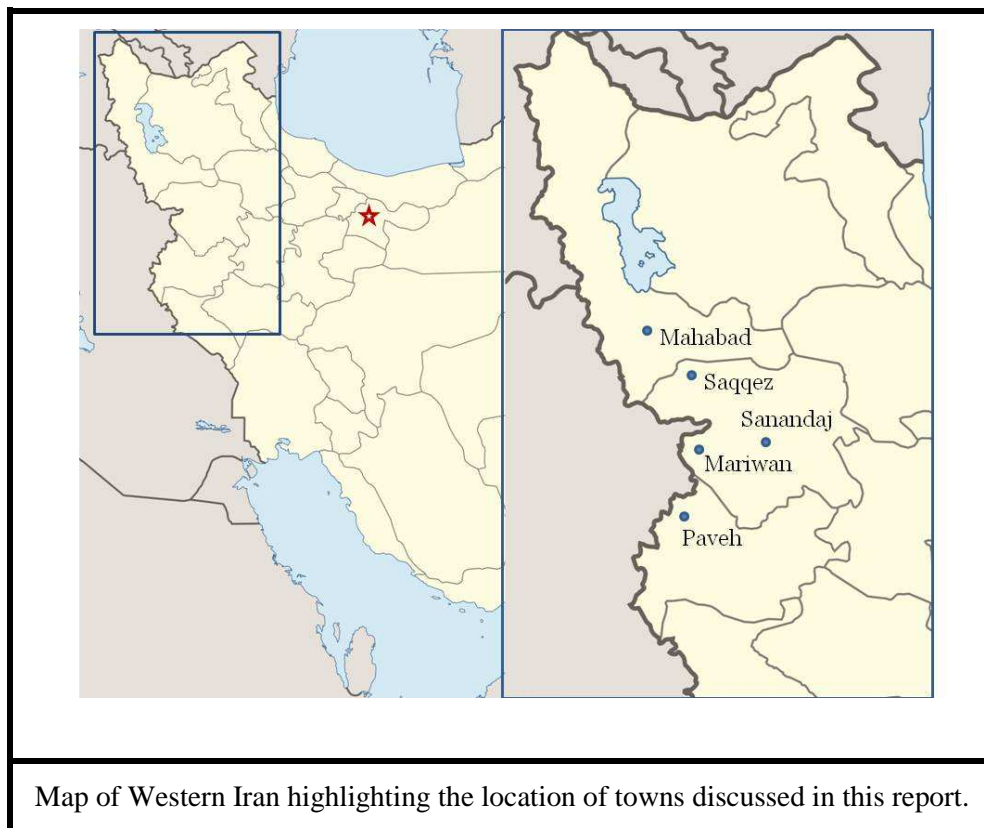
¹ *Imam dar Didar ba A'zayih Anjuman-i Islamiyih Mu'aliman: Arzihiyih Maktab Qayr az Suzandan-i Kharman Ast* [Imam meeting with the Islamic Society of the Teachers: Offering an Ideology is Separate and Apart from Burning (Farmer's) Harvest], KAYHAN, [Aug. 19, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

² See Thurgood, *Iranian Forces Pursue Retreating Kurds*, GUARDIAN, Sept. 6, 1979, at 7 (reporting 80 executions); *Death in the Afternoon*, ECONOMIST, Sept. 1, 1979 (reporting 68 executions), available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

Iranian newspapers reported on Khalkhali's brutality and the news of the executions eventually spread around the world. A photograph of the executions of 11 men taken in the town of Sanandaj (on the cover of this report) won a Pulitzer Prize in 1980, and was a dramatic illustration of the new regime's brutality and lack of respect for human life. The U.N. Subcommission on Human Rights condemned the executions. While Khalkhali was ultimately removed from his post as head of the Revolutionary Court—after having ordered the executions of hundreds of perceived political opponents—he remained an Islamic Republic insider. The Islamic Republic never launched an inquiry or investigation into the human rights violations and crimes Khalkhali committed in the Kurdish regions under the direction of Khomeini.

This report provides a detailed account of Khalkhali's unlawful summary trials and executions in the Kurdish regions of Iran during August and September of 1979. The report begins with a brief description of the history and rich culture of Iranian Kurds. The second section examines the post-revolutionary period during which escalating tensions cumulated in Khomeini's desperate *fatwa* that led to the military campaign and executions. This section describes Khalkhali's visits to five towns—Paveh, Mariwan, Sanandaj, Saqqez, and Mahabad — and includes extensive witness testimony as well as contemporaneous press accounts. This is followed by a brief section analyzing the regime's violations of its responsibilities under international and Iranian law to respect every person's right to life, to a fair trial, to freedoms of expression and association, and to redress.

This report captures only one brutal episode among many that the Islamic Republic perpetrated in the Kurdish regions, as well as the rest of Iran. The battles and killings continued in the Kurdish regions, and eventually blossomed into a full-scale war that lasted for years. Iranian Kurds, as well as other ethnic minorities, continued to work to preserve their cultural and political rights, and the Islamic Republic continued to arrest, torture and imprison Kurds.



2. The Iranian Kurds

Since the end of World War I, the territory of what is known as Kurdistan—“land of the Kurds”—has been divided among Turkey, Iran, Iraq, Syria, and the former Soviet Union. It is famously rugged and beautiful mountainous terrain. The Iranian Kurdish regions are located in Northwest Iran on the borders with Iraq and Turkey, and are comprised of Kurdistan, Kermanshah, and parts of Ilam and West Azerbaijan provinces.

While it is difficult to know exactly how many Kurds live in Iran, during the 20th and beginning of the 21st centuries, Kurds have represented about 12% of Iran’s population.³ About seventy-five percent of Kurds are Sunni Muslims,⁴ though the percentage decreases in Iran. It has been reported that about half of Iranian Kurds are Sunni Muslims. The vast majority of the other half are Shi’a Muslims, the official religion of the Islamic Republic of Iran.⁵

Kurds have been living in the Persian state for at least 400 years, as the Western border of what is now the Islamic Republic of Iran that was created in 1639 has not changed much. During the Pahlavi regime, overthrown in the 1979 revolution, the central government in Tehran insisted that the Kurds are an Iranian people, like the Persians. Kurdish languages are subdivisions of the Iranian branch of the Indo-European family of languages, making Persian the closest major language.⁶ The main language in the Kurdish regions of Iran is South Kurmanji, or Sorani, although a few Kurds speak North Kurmanji, or Bahdinani.⁷ For the last hundred years, Kurds, like other ethnic minorities in Iran, have experienced high levels of poverty that include lack of education and medical care. In the mid-1970s, about 30% of Kurdish families lived below the poverty line, compared to about 21% of families in the central provinces of Iran.⁸

Iranian Kurds share a long, complex history with the Kurds in other countries that is defined by the use of their lands as battle grounds for territorial, cultural, and resource wars between empires. Much of the early history is unknown and sometimes disputed. However, there is evidence that agriculture was invented in the Kurdish mountains in 10,000 BC, and that the first city-states existed by 8,000 BC. The Indo-European, Iranian culture that defines the Kurds today began with the integration of the first of many invading groups: the Aryans—mostly Medes and Scythians—who invaded in waves between 1500 BC and 300 AD, and used their numerical and martial strength to overwhelm the old Kurdish culture. Invasions continued until the 10th century, when Kurds began emigrating from the Kurdish regions and founded powerful, culturally rich kingdoms throughout the Middle East. However, by the beginning of the 13th century, Turkic nomads were using Kurdistan as a corridor to reach and destroy the Byzantine Empire, and, in the process, decimating Kurdish culture. Kurdish culture steadily declined until the beginning of the 20th century.⁹

The decline can be attributed to at least two major factors: (1) the century of war, beginning in 1514, between the revived Persian Empire, under the Safavids, and the Ottomans; and (2) the initiation of sea transport at the beginning of the 15th century. The Safavids established a new Persian empire in 1501. Its expansion was challenged by the Ottoman Empire, which resulted in a century of war until the Treaty of Zohab was signed in 1639. The Kurdish regions were in the middle of the two warring sides. The Safavids used a “scorched earth” policy in the Kurdish areas, destroying homes and agricultural

³ MEHRDAD R. IZADY, *THE KURDS: A CONCISE HANDBOOK* 117, 119 (1992).

⁴ DAVID MCDOWALL, *A MODERN HISTORY OF THE KURDS* 10 (2005).

⁵ IZADY, *supra* note 3, at 132-33.

⁶ *Id.* at 167, 198; NADER ENTESSAR, *KURDISH ETHNONATIONALISM* 4 (1992).

⁷ IZADY, *supra* note 3, at 172.

⁸ ENTESSAR, *supra* note 6, at 6-7 (citing Akbar Aghajanian, *Ethnic Inequality in Iran: An Overview*, *INT’L J. OF MIDDLE EAST STUD.* 15 (May 1983)).

⁹ IZADY, *supra* note 3, at 23-24, 32-34, 41-46.

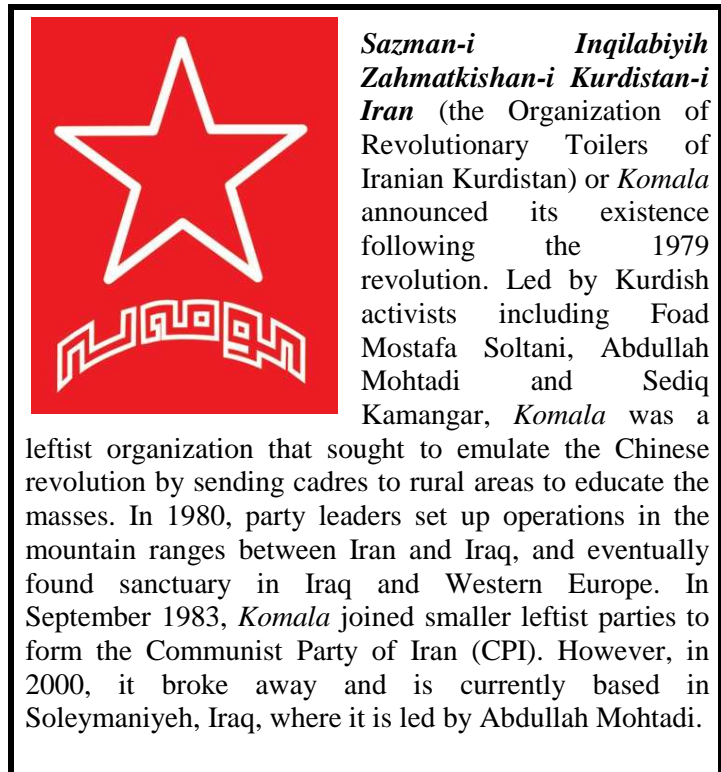
livelihoods. Both empires forcibly deported huge numbers of Kurds, often to their borders to act as buffers against invasion.¹⁰

In addition, once Vasco da Gama sailed across the Cape of Good Hope in 1497, international commerce shifted to the sea, rendering long-standing Kurdish trade routes and markets irrelevant. This shift caused severe economic decline, not only due to the collapse of markets for Kurdish goods but also to the disintegration of the infrastructure that supported trade including roads and educated bureaucrats. A power vacuum in Persia enabled the Ottomans to annex all of the Kurdish regions in the mid-18th century. Nadir Shah's challenge to the Ottomans resulted in the further deportation of tribes and destruction of cities and towns.¹¹

In 1920, Ismail Agha Simko, a tribal chief, called for an independent Kurdistan and took control, to varying degrees, of much of the Iranian Kurdish areas. He surrendered to the army of Reza Khan in 1924 and pledged his allegiance to the man when he became Reza Shah in 1925. Reza Shah's policy of uniting all the peoples in Iran under a Persian identity led to repression of Kurdish culture, as well as that of other ethnic minorities. The central government did not allow Kurdish languages to be used in education, public speech or publications, closed many Kurdish schools, and imposed European-style dress codes on Kurds (as well as all Iranians). Reza Shah also failed to modernize the Kurdish regions: no new roads or factories were built in the Kurdish regions during his reign.¹²

In 1945, Qazi Muhammad transformed the *Komala-e Zhian-e Kurdistan* (Society for the Resurrection of Kurdistan) known as *Komala* that had been established in 1942 into the Kurdish Democratic Party (KDP).¹³ A new *Komala* party was created, this time with a strong Marxist-Leninist stance.¹⁴ A few months later, in January 1946, KDP (with the support of the Soviet Union, which occupied that part of Iran at the time) established a Kurdish Republic in Mahabad, a city in West Azerbaijan Province. Known as the Mahabad Republic, the Republic was disbanded by Iranian troops 11 months later in December 1946. They hung President Qazi Muhammad and many of his aides in Mahabad's public square. Although short-lived, the Mahabad Republic established a government bureaucracy, restored Kurdish as the official language, and replaced the police with Kurdish fighters (*peshmerga*).¹⁵

The KDP party was forced underground. In the 1950s, it experienced a resurgence and changed its name to the Democratic Party of Iranian Kurdistan (PDKI or KDPI) in an effort to distinguish itself from the



¹⁰ *Id.* at 49-51.

¹¹ *Id.* at 49-50, 54.

¹² ENTESSAR, *supra* note 6, at 12-14.

¹³ *Id.* at 16-23.

¹⁴ IZADY, *supra* note 3, at 211.

¹⁵ *Id.* at 65; ENTESSAR, *supra* note 6, at 23. Kurds and others use the term *peshmerga* to refer to Kurdish fighters.

party Mustafa Barzani established in Iraq. The KDPI was considered moderately left-wing and, except for the year when the Mahabad Republic existed, advocated autonomy for Kurdistan “within a democratic Iran.”¹⁶

Shah Mohammad Reza Pahlavi, Reza Shah’s son who took power in 1941 upon his father’s abdication, continued his father’s efforts to rule the country from Tehran. Persian was the official language in all government matters and all printed media and books.¹⁷ Iranian Kurds report being denied the right to wear traditional Kurdish clothes, speak Kurdish, or write and publish Kurdish language literature. The Shah’s government imprisoned many Kurds for their political activities.¹⁸

Democratic Party of Iranian Kurdistan (PDKI or KDPI) was founded in Mahabad on August 16, 1945. Four months later, in January 1946, the Party established the short-lived “Republic of Kurdistan,” also known as the “Republic of Mahabad.” The Iranian army destroyed the Republic 11 months later, after the Soviet army withdrew from the region.

The PDKI supported the 1979 revolution against the Shah, and declared its presence in February 1979, but soon ran afoul of the Islamic Republic. Led by Dr. Abdul Rahman Ghassemlou, the party unsuccessfully sought some form of autonomy within the Islamic state. Its leaders eventually fled the country to Iraq and Western Europe.



3. After the February 1979 Islamic Revolution

Iranian Kurds largely supported the Islamic Revolution. Upon the victorious return to Iran of Ayatollah Ruhollah Khomeini in February 1979, many ethnic minorities throughout the country, to varying degrees, armed and unarmed, struggled for some form of autonomy.¹⁹ There were between three and five million Iranian Kurds; a third lived in Kurdistan Province and most of the remaining two thirds lived in West Azerbaijan and Kermanshah Provinces.²⁰

In the Kurdish regions, the long-suppressed political parties, including *Komala* and KDPI, moved quickly to advocate for some form of local secular autonomy. In mid-February, newly appointed Prime Minister Mehdi Bazargan sent a delegation to Mahabad, the site of the old Mahabad Republic, to discuss the demands of Kurdish leaders. Headed by Dariush Forouhar, the delegation met with a delegation of five Kurds, including Dr. Abdul Rahman Ghassemlou, a KDPI leader. The two sides reportedly signed an eight-point agreement that included the creation of a regional Kurdish government that would have

¹⁶ IZADY, *supra* note 3, at 209-11.

¹⁷ ENTESSAR, *supra* note 6, at 28.

¹⁸ See, e.g., IHRDC Interview with Azad Saqqezi (Feb. 1, 2011) (on file with IHRDC) [hereinafter Saqqezi Interview] (explaining how he was expelled from high school for wearing traditional Kurdish dress and relating that at the time of the Islamic Revolution, two of his brothers were political prisoners in Qasr and Evin prisons [one was sentenced to death and the other to eight years in prison], and that he and his sister had case files pending due to their political associations).

¹⁹ DAVID MENASHRI, IRAN: A DECADE OF WAR AND REVOLUTION 89-92 (1990).

²⁰ *Id.* at 89; DILIP HIRO, IRAN UNDER THE AYATOLLAHS 111 (1987).



Abdul Rahman Ghassemlou (1930-1989) was the Secretary General of the Democratic Party of Iranian Kurdistan (PDKI) for 16 years until his assassination in 1989. He had a Ph.D. in Economics and was an Associate Professor in Paris and Prague. Under his leadership, the secular PDKI supported

the 1979 revolution. However, the party urged its followers not to take part in the referendum on whether an “Islamic Republic” should be established in Iran. Ghassemlou was elected to the Assembly of the Experts but was not permitted to take his seat. In the early 1980s, Ghassemlou moved to the mountains shared by Iran and Iraq that were under Kurdish control and eventually fled to Europe.

In 1989, he agreed to negotiate with representatives of the Islamic Republic in Vienna. The Kurdish delegation also included Abdullah Ghaderi-Azar (a member of the PDKI Central Committee) and Fazel Rassoul (an Iraqi professor who had acted as mediator). Tehran’s delegation included Mohammed Jafar Sahraroudi, Hadji Moustafawi, and Amir Mansur Bozorgian. On the second day of negotiations, the three members of the Kurdish delegation were shot to death. Among the Islamic Republic representatives, only Sahraroudi was slightly injured. The killers have never been prosecuted.

control over local matters, and use of Kurdish *peshmerga* as the local security force.²¹ But, in response to Forouhar’s report, the central government in Tehran/Qom indicated that it would not make any decisions regarding the Kurds until a constituent assembly was created.²² It reportedly later said that an independent Kurdistan was “out of the question.”²³ Kurds took control of the Mahabad military base and skirmishes between government forces and Kurds broke out in Mahabad and Sanandaj, the capital of Kurdistan Province.²⁴

On March 18, during the Persian New Year, *Nowruz*, a fierce battle broke out in Sanandaj between *peshmerga* and government forces, which used helicopter gunships.²⁵ It was reported that at least 200 people were killed and many more injured.²⁶ Kurds throughout Kurdistan demonstrated their support of the people in Sanandaj by participating in public protests. After the Sanandaj battle, known as Bloody *Nowruz*, few Kurds who supported Khomeini before the Revolution remained supporters of his new regime.²⁷

A ceasefire was declared on March 22.²⁸ Tehran government representatives, including Mohamed Hossein Beheshti and Abolhassan Bani Sadr, met with Kurdish leaders, including Sheikh Ezzedin Hosseini, a charismatic spiritual and political Kurdish Sunni leader.²⁹ The two sides agreed that Kurdish and Persian would be taught in schools in the Kurdish regions, local government would be administered by elected Kurdish representatives, and Kurds would participate in drafting the new constitution. Ibrahim Younesi, a

²¹ ENTESSAR, *supra* note 6, at 35; CAROL PRUNHUBER, THE PASSION AND DEATH OF RAHMAN THE KURD, DREAMING KURDISTAN 50-51 (2009).

²² PRUNHUBER, *supra* note 21, at 54 (citing *Le Monde*, Mar. 23, 1979).

²³ Thurgood, *Four Die as Iran Purge Continues*, GUARDIAN, Feb. 21, 1979, at 8, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

²⁴ ENTESSAR, *supra* note 6, at 35; PRUNHUBER, *supra* note 21, at 51-54.

²⁵ HIRO, *supra* note 20, at 111; PRUNHUBER, *supra* note 21, at 54-55.

²⁶ *Kurdish Rebels Tighten Hold on Iranian City*, BALTIMORE SUN, Mar. 22, 1979, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

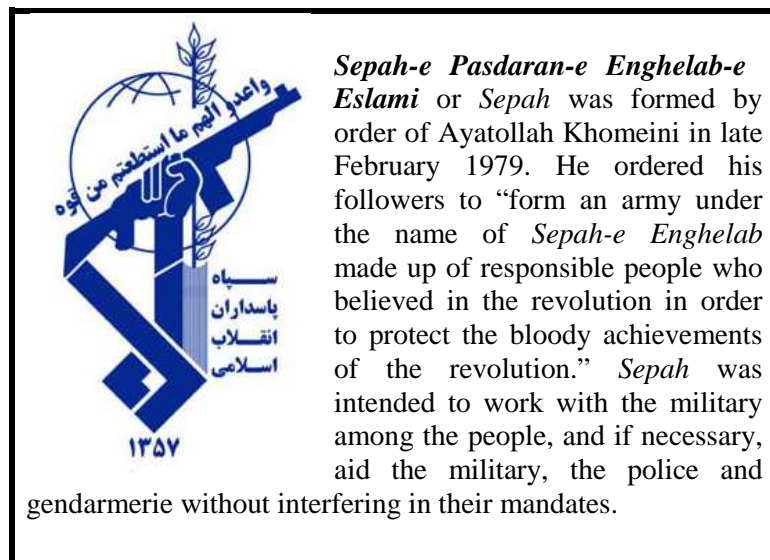
²⁷ IHRDC Interview with Rauf Kaabi (Feb. 21, 2011) (on file with IHRDC) [hereinafter Kaabi Interview].

²⁸ *Kurdish Rebel Fighting Halted*, GUARDIAN, Mar. 23, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

²⁹ IZADY, *supra* note 3, at 69, 212; *Sanandaj Bihvasilihyih Shawrayih 11 Nafari Idarih Mishavad* [Sanandaj Will Be Governed by an 11-Member Council], KAYHAN, [Mar. 26, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

Kurd, was appointed governor general of Kurdistan Province.³⁰ The central government also decided formally to not use army troops to quell internal ethnic rebellions. The Islamic Revolutionary Guard Corps (*Sepah-e Pasdaran-e Enghelab-e Eslami*), commonly known as *Sepah*, and its members as *pasdaran*, was to take care of internal security.³¹

Despite the apparent agreement, skirmishes continued, and at the urging of the KDPI, the majority of Kurds boycotted the national referendum on the form of government that was held on March 30 and 31. The overwhelming majority of people who voted throughout Iran voted to form an Islamic republic, and the Islamic Republic of Iran was declared on April 1.³²



Sepah-e Pasdaran-e Enghelab-e Eslami or *Sepah* was formed by order of Ayatollah Khomeini in late February 1979. He ordered his followers to “form an army under the name of *Sepah-e Enghelab* made up of responsible people who believed in the revolution in order to protect the bloody achievements of the revolution.” *Sepah* was intended to work with the military among the people, and if necessary, aid the military, the police and gendarmerie without interfering in their mandates.

Sheikh Hosseini met with Khomeini in April and again asked for autonomy in the Kurdish regions. Khomeini countered that he asked for “security of Kurdistan.”³³ On or about April 9, Khomeini sent a delegation headed by Ayatollah Kermani to negotiate with military officers who were staging a sit-in at the military base in Saqqez—a town in Iran’s Kurdistan Province—to protest the violence against the Kurds.³⁴ *Ettelaat* newspaper, a national daily, reported that the matter was resolved.³⁵

The cycle of battles and fruitless negotiations continued, however. In

late June 1979, Kurds fought with *pasdaran* in three Kurdish cities, leaving 12 dead.³⁶ In early July, Khomeini sent a delegation headed by Ayatollahs Jannati and Kermani to Sanandaj in an effort to garner support from Sunni clerics, including Ahmad Moftizadeh, the leader of the *Maktab-e Koran*.³⁷ Established in 1977, the *Maktab-e Koran* was a Sunni Islamic *maktab* (school) established by Moftizadeh (also known as Allameh Moftizadeh) in Mariwan and Sanandaj that later spread across Iranian Kurdistan. The *Maktab* promoted Islam based on the Koran and the Prophet’s *Sunna* in order to better familiarize the

³⁰ ENTESSAR, *supra* note 6, at 36; *Iran Bows to Kurd Demands*, GUARDIAN, Mar. 26, 1979, at 4; *Kurdish-Iranian Truce Brings Peace to Western City*, BALT. SUN, Mar. 24, 1979, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

³¹ HIRO, *supra* note 20, at 127. Khomeini created *Sepah* in April 1979 with the following mission: “Keeping order in cities and provinces, preventing instigations and conspiracies, preventing sabotages in the government and national offices, public places, and embassies, preventing the penetration of opportunist and anti-revolutionary elements in the society, executing the interim government’s orders and the verdicts of the Special Islamic Courts.” *Az Viranihayih Savak Ta Shabakiyih Artishiyih Azim, Bakhsh-i Avval* [From SAVAK’s Ruins to a Massive Military Network – Part I], Radio Farda, Aug. 16, 2007, quoted in IRAN HUMAN RIGHTS DOCUMENTATION CENTER (IHRDC), *NO SAFE HAVEN: IRAN’S GLOBAL ASSASSINATION CAMPAIGN 11-12* (2008), available at <http://www.iranhrdc.org/english/publications/reports/3152-no-safe-haven-iran-s-global-assassination-campaign.html>.

³² ENTESSAR, *supra* note 6, at 30; NIKKI R. KEDDIE, *MODERN IRAN: ROOTS AND RESULTS OF REVOLUTION* 247 (2003).

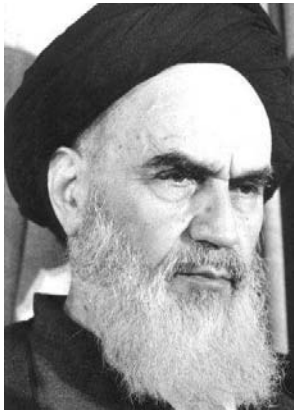
³³ ENTESSAR, *supra* note 6, at 33.

³⁴ *Muzakirat-i Hiya’t-i Izamiyih Imam Khomeini ba Nizamiyan-i Mutahasin Hamchinan Idamih Darad* [Negotiations Between Imam Khomeini’s Delegation and the Military Men Staging a Sit-in Continues], ETTELAAT, [Apr. 9, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

³⁵ *Ashrar-i Khuy Sarkub Shudand* [The Thugs of Khuy Were Crushed], ETTELAAT, [Apr. 12, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

³⁶ HIRO, *supra* note 20, at 127.

³⁷ *Az Suyih Hiy’at-i Izamiyih Imam Khomeini bih Sanandaj, Vaz’-i Rihaniyan-i Kurdistan Barrisi Shud* [The Situation of the Clerics of Kurdistan was Assessed by the Delegation Sent by Imam Khomeini], ETTELAAT, [July 9, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.



Ayatollah Ruhollah Khomeini (1902-1989)

was the leader of the Islamic Revolution and the first Supreme Leader of the Islamic Republic of Iran. He was born into a family of Shi'a scholars, and like his father, became an Islamic jurist and leading Shi'a scholar. The Shah's government sent

him into exile in the mid-1960s, and he lived in Turkey, Iraq and France until his triumphant return to Iran in February 1979. He won the national referendum in a landslide and became the Supreme Leader, the highest political position in Iran, which he held for the rest of his life. In August 1979, he issued a *fatwa* ordering the military to crush the Kurds who were advocating for some form of secular autonomy within the Islamic state that Khomeini was in the process of creating.

masses with the faith.³⁸ Ahmad Moftizadeh and *Maktab-e Koran* supported Khomeini's Islamic regime after the revolution.³⁹

On July 16, about 30 people died (including apparently 13 *pasdaran*) during a skirmish in Mariwan that ended with the Kurds in control of the town. On July 21, Khomeini lifted the ban on the use of military troops against what he termed rebels.⁴⁰ In July, the central government began sending an increasing number of troops to Kurdistan to take back territory held by Kurds, including the Mahabad military base.⁴¹

National elections for the Assembly of Experts of the Constitution, charged with drafting a constitution for the new Islamic Republic, took place at the beginning of August.⁴² Dr. Ghassemlou, leader of the KDPI, was elected to the Assembly but Khomeini did not allow him to take his seat.⁴³

In mid-August, Kurds staged a sit-in in Ghuri-Galeh—a village near Paveh, a small town in Kermanshah Province near the Iran-Iraq border

—and demanded local control over security and governance.⁴⁴ The sit-in ended in battle. *Ettelaat* newspaper reported that in the early morning of August 13, “a group of people attacked Paveh and set siege to the city” and that the fighting between the *pasdaran* and “invaders” continued. The *pasdaran* requested assistance from their office in the city of Kermanshah.⁴⁵

³⁸ *Darbarih* [About], MAKTAB-E KORAN, available at <http://maktabquran7.com/در باره>.

³⁹ MOHAMMAD SAYAR, *TANHA SANGAR-I BAZMANDIH AZ QIYAM* [THE ONLY STRONGHOLD LEFT FROM THE UPRISING] 3 (2010).

⁴⁰ Thurgood, *Kurds Seize Border Town in Renewed Iran Fighting*, GUARDIAN, July 16, 1979, at 5, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>; HIRO, *supra* note 20, at 127.

⁴¹ Thurgood, *Kurdish Leader Fears Reprisal*, GUARDIAN, July 30, 1979, at 5, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁴² PRUNHUBER, *supra* note 21, at 70, 77.

⁴³ KEDDIE, *supra* note 32, at 247.

⁴⁴ *Mutihasinin dar Farmandariyeh Paveh Khastar-i Taqviyat-i Artish Shudand* [Those Staging a Sit-in at Paveh's Governor Office Demanded Strengthening of the Military], ETTELAAT, [Aug. 14, 1979]; *Shurish dar Karand* [Uprising in Karand], ETTELAAT, [Aug. 16, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁴⁵ *Buهران-i Paveh Uj Girift* [Crisis in Paveh Escalated], ETTELAAT, [Aug. 16, 1979]. The Kurds were not alone in forcefully seeking some form of autonomy. In August, Ayatollah Khomeini sent Hassan Lahuti to Ahvaz to deal with the demands of Khuzestan's Arab minority, Seyyed Mahmoud Taleghani to Turkmen Sahra to address the Turkmen minority, and other clerics to Tabriz and Orumiyeh to calm the Azeri minority, and send reports back to Khomeini. See *Ayatollah Lahuti dar Ahvaz: Bayn-i Arab va Ajam Fasilih Nist* [Ayatollah Lahuti in Ahvaz: There Are No Differences Between the Arabs and Persians], ETTELAAT, [May 15, 1979]; *Ikhtar-i Ayatollah Taleghani Darbarihyeh Amilan-i Vaqayi'i Turkmen Sahra, Kurdistan va Junub* [Warning by Ayatollah Taleghani about the Actors of the Incidents in Turkmen Sahra, Kurdistan and the South], ETTELAAT, [Aug. 4, 1979]; *Hay'ati az Suyih Dadgah-i Inqilab VarId-i Orumiyeh Shud* [A Delegation Sent by the Revolutionary Court Entered Orumiyeh], ETTELAAT, [Aug. 11, 1979]; *Ittila'iyeh Dadsitan-i Inqilab: Haqayiqi darbarihyeh Vaqayi'i Orumiyeh* [Announcement of the Revolutionary Prosecutor: Truths about the Incidents in Orumiyeh], ETTELAAT, [Aug. 11, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

On August 16, following a 48-hour battle, Kurd fighters took control of Paveh.⁴⁶ The following day, August 17, it was reported that government forces were still under siege. Khomeini angrily condemned what he deemed the government forces' lack of "revolutionary enthusiasm" in the Kurdish regions. On national radio and television, he angrily designated himself Commander-in-Chief and ordered the armed forces to take action against the "Kurdish conspirators" within 24 hours.⁴⁷

The next day, Saturday, Ayatollah Khomeini's *fatwa* against the Kurds was published in *Kayhan* newspaper, a paper with national circulation. The *fatwa* ordered the armed forces to advance toward Paveh with canons, tanks, and fully armed ground forces within 24 hours. Khomeini further ominously warned that if anyone were to disobey his order he would "deal with them in a revolutionary way."⁴⁸ The *fatwa*, dated August 18, read in full:

In the name of God, the compassionate the merciful,

Requests have been made on behalf of different groups in the armed forces and the *Pasdaran* and honorable people for me to order [the forces] to go towards Paveh and end the clashes. I thank them and warn the government, the armed forces and the Police that, if within the next 24 hours, a move towards Paveh is not made with canons, tanks, and equipped forces, I consider all responsible.

As the head of the armed forces, I order the head of the army headquarters to dispatch to the region immediately, fully equipped, and I order all the bases of the military and Police to not waste time and not wait for another order and dispatch to Paveh with full equipment. I order the government to immediately provide for the dispatching of the *pasdaran*. Until further notice, I consider the armed forces responsible for this violent killing, and if they disobey my order, I will deal with them in a revolutionary manner. Repeated messages from the region say that the government and the armed forces are not taking any actions so [I announce] that if a positive action does not take place within the next 24 hours, I will hold the heads of the military and police responsible.⁴⁹

The *fatwa* shocked many in Iran's Kurdish regions. A Kurdish resident of Mariwan recalls: "Khomeini did not issue a *fatwa* for *Jihad* (Holy War) against the monarchist government. Nor did he issue one during the eight long years his regime fought Saddam's Ba'athist regime. But he issued a *fatwa* for *Jihad* against his own Kurdish, Muslim countrymen."⁵⁰

There was reliable evidence that reports of unrest in Sanandaj were false⁵¹ but Khomeini's *fatwa* initiated three weeks of an intense government campaign to take control of the Kurdish regions. Defense Minister

⁴⁶ HIRO, *supra* note 20, at 130; PRUNHUBER, *supra* note 21, at 77; *Dustbin of Death Awaits Left, Warns Khomeini*, GUARDIAN, Aug. 17, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁴⁷ PRUNHUBER, *supra* note 21, at 77-78.

⁴⁸ *Iran Troops Sweep into Kurd Town*, BALT. SUN, Aug 19, 1979, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁴⁹ *Farman-i Imam bih Unvan-i Ra'is-i Kull-i Quwa darbarihiyh Havadis-i Paveh* [Order of Imam as Commander in Chief Regarding the Events in Paveh], KAYHAN, [Aug. 18, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁵⁰ IHRDC Interview with Abdullah Mostafa Soltani (Feb. 10, 2011) (on file with IHRDC) [hereinafter Abdullah Mostafa Soltani Interview].

⁵¹ MENASHRI, *supra* note 19, at 90 (citing newspaper reports). Then-Prime Minister Mir-Hossein Mousavi reportedly later admitted that the campaign was based on false reports. *Id.* (citing KAYHAN, [May 7, 1983]), available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

The Revolutionary Court was created by Khomeini in February 1979 to try “such acts that benefit foreign agents and the detested Pahlavi regime, ... having a major role in looting and wasting the public fund and disrupting the economy of the country, and attempting an armed attack or murdering or injuring or imprisoning the people as of late, or having relations against national interest with foreigners or any form of forced assault on the virtue of the people.” He appointed Ayatollah Khalkhali as the head of the Court. The Initial code of Formation and Procedure of the Revolutionary Court, ratified by the Islamic Revolutionary Council on April 1, 1979, anticipated that the Court would be dissolved once it performed its duties.

However, the Court became permanent on May 1, 1983 (the Law to Determine the Jurisdiction of the Revolutionary Prosecutor Offices and Courts) under the supervision of the Judiciary. Its jurisdiction was expanded to include crimes related to “internal and external security, *muharibih* and sowing corruption on earth,” “assassination attempts on political officials,” “all crimes pertaining to narcotics and smuggling,” “murder, imprisonment, and torture with the intention of strengthening the Pahlavi regime and crushing the combating of the Iranian masses,” and “stealing from the coffers.” The Revolutionary Court continues to crush dissent in Iran.

Mustafa Chamran led the assault.⁵² The military, under the command of General Valiollah Falahi, and the *pasdaran*, immediately surrounded Paveh and attacked it with heavy artillery, fighter jets and helicopters. They took control of the town on Sunday, August 19. Hundreds of people were killed, and the victorious troops systematically seized houses and arrested people.⁵³ Khomeini banned the KDPI and declared that Dr. Ghassemlou and Sheik Ezzedin Hosseini were corrupters on earth.⁵⁴

In a radio broadcast on August 20, Khomeini urged Kurds to hunt down and turn in members of the KDPI. The radio also broadcast the sounds of demonstrators shouting for the executions of Dr. Ghassemlou and Sheikh Hosseini at Tehran funerals for *pasdaran* killed in Kurdistan.⁵⁵ Khomeini’s worried government expelled three foreign correspondents the following day and expelled many more foreign journalists over the course of the next month, closing the Associated Press office on September 5.⁵⁶ Demonstrators in the Kurdish regions called for the release of all prisoners.⁵⁷

On August 22, Khomeini offered a pardon to members of the KDPI who agreed to “follow the path of Islam” and give up their weapons, and included in the offer one day of oil

revenue (about US \$70 million) to the Kurds for development.⁵⁸ The Kurds declined and government forces continued to pour into the region. They took control of the towns of Sanandaj and Saqqez by the end of August, and Mahabad and Sardasht (a city on the Iran-Iraq border) by early September.⁵⁹ There were reportedly 110,000 troops in the Kurdish regions at that point.⁶⁰ National newspapers, including

⁵² *Chamran Juziyat-i Havadis-i Paveh ra Tashrih Kard* [Chamran Explained the Details of Paveh Incident], KAYHAN, [Aug. 20, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁵³ PRUNHUBER, *supra* note 21, at 77-79; See JOMHOURI-E ESLAMI, [Aug. 19, 1979] (reporting that about 180 soldiers were deployed from Tehran and Isfahan, and that 150 people were injured, killed or captured).

⁵⁴ ENTESSAR, *supra* note 6, at 34; PRUNHUBER *supra* note 21, at 80.

⁵⁵ *Iran's Leaders Move in to Crush Opposition Press and Parties*, GUARDIAN, Aug. 21, 1979 (reporting that authorities shut down opposition newspapers and ordered opposition parties to turn in weapons seized during February), available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁵⁶ Thurgood, *Iranian Forces Pursue Retreating Kurds*, GUARDIAN, Sept. 6, 1979, at 7; *Iranians Expel Three Journalists*, GUARDIAN, Aug. 22, 1979, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁵⁷ PRUNHUBER, *supra* note 21, at 80; *Khomeini Offers Oil Revenue to Kurds*, GUARDIAN, Aug. 23, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁵⁸ PRUNHUBER, *supra* note 21, at 81.

⁵⁹ ENTESSAR, *supra* note 6, at 37.

⁶⁰ HIRO, *supra* note 20, at 130.

Kayhan and *Ettelaat*, reported on an almost daily basis on the bombings of Kurdish towns, killing of civilians, and executions. Foreign journalists were banned from the area.⁶¹

The army reported on August 24 that it had taken control of the town of Saqqez.⁶² In Tehran, Ayatollah Taleghani, generally considered moderate, in a speech to mark the end of Ramadan, announced the central government's position that the Kurds must be punished, that there was no place for them as "the revolution is an Islamic one and everybody who chooses another path must be suppressed." At that point, it was estimated that 600 people had been killed and 80 executed in the Kurdish regions.⁶³

On August 26, a Kurdish delegation met Khomeini representatives and offered a five-point plan: (1) immediate removal of Ayatollah Khalkhali from the Kurdish regions; (2) an end to executions of Kurdish militants and activists; (3) replacement of non-Kurdish *pasdaran* with Kurds; (4) a ceasefire; and (5) a conference to discuss Kurdish autonomy within the Islamic state. Khomeini rejected the demands, refused to negotiate and sent Hojjatoleslam Hosseini Kermani to lead the crushing of the Kurds.⁶⁴ He was quoted as warning the Kurdish leaders that "We will bury you if you do not disappear." He proclaimed that "[T]he criminal rebels of Kurdistan must be annihilated. If the enemy is not crushed soon, I will personally go to Kurdistan and end the rebellion."⁶⁵

On August 25, it was reported that Kurdish forces were dug in and controlled the roads into Mahabad. Fighting was reported about 20 miles outside the city.⁶⁶ The army kept moving closer until on August 30, it was reported that it surrounded the city and that fighting had died down for three days while negotiations took place. The government reported that it had reached an agreement with the Kurds that would allow it to enter Mahabad.⁶⁷ The Kurds denied that any such agreement had been reached and vowed to fight to the end.⁶⁸

During Friday prayers on August 31, Ayatollah Taleghani reiterated Khomeini's call to the seemingly-reluctant army to crush the Kurds. He warned that "if the army is unable to intervene because of weakness, the entire nation will march to Mahabad."⁶⁹ The military attacked Mahabad on Monday,



Sheikh Ezzedin Hosseini (1922-2011) was a Kurdish spiritual leader and the Friday Prayer leader in Mahabad. Before the 1979 revolution, he led protests against the Shah's government. In the early years after the revolution, Sheikh Ezzedin was a principal Kurdish negotiator and enjoyed the support of *Komala*. He died in February 2011 in Sweden, where he had spent the prior 20 years living in exile.

⁶¹ PRUNHUBER, *supra* note 21, at 75.

⁶² *Kurds Lose Mountain Stronghold*, GUARDIAN, Aug. 25, 1979, at 5, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁶³ Nassir Shirkhanl, *Iran Pounds Rebel Stronghold in Air Attack*, GUARDIAN, Aug. 24, 1979, at 4, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁶⁴ ENTESAR, *supra* note 6, at 37; PRUNHUBER, *supra* note 21, at 82; *Khomeini Kills Hopes for Peace in Kurdistan*, GUARDIAN, Aug. 29, 1979, at 8, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁶⁵ PRUNHUBER, *supra* note 21, at 82 (quoting *Le Monde*, Aug. 30, 1979). See also *Khomeini Kills Hopes for Peace in Kurdistan*, GUARDIAN, Aug. 29, 1979, at 8, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁶⁶ *Kurds Lose Mountain Stronghold*, GUARDIAN, Aug. 25, 1979, at 5, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

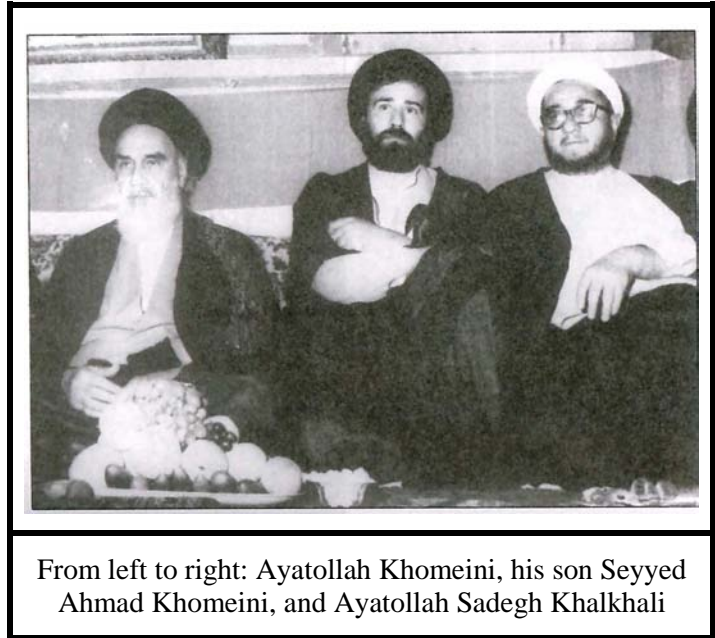
⁶⁷ Thurgood, *Tehran Offers Peace to Kurds*, GUARDIAN, Aug. 30, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁶⁸ Thurgood, *Iran Brings in Tanks to Force Kurdish Surrender*, GUARDIAN, Aug. 31, 1979, at 8, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁶⁹ Thurgood, *Khomeini "will bury" Kurd Rebels*, GUARDIAN, Sept. 1, 1979, at, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

September 3, after two weeks of besieging the city. With heavy artillery and air power, it took control after only several hours.⁷⁰ The fall of Mahabad, the stronghold of Kurdish nationalism, was a major blow to the Kurdish fighters, who fled into the mountains. The army left Mahabad to take control of the small mountain town of Baneh.⁷¹

A vital component of Khomeini's campaign to "crush" the Kurds was Ayatollah Sadegh Khalkhali, head of the newly created Revolutionary Court.⁷² Pars News Agency reported on August 20 that Khomeini dispatched Khalkhali from the religious city of Qom to Kermanshah to investigate the tensions in Paveh and the rest of the Kurdish regions.⁷³ For the next several weeks, Khalkhali followed the military and *pasdaran* as they took control of Kurdish towns, holding summary trials and ordering immediate executions. He sentenced men and boys to execution without fair trials, within days and sometimes only hours after their arrests—for alleged anti-revolutionary activities.⁷⁴ Mark Kravitz, a French journalist who was in the region at the time, has no doubt that "[t]he military phase was carried out with the terror provoked by Khalkhali and his assassins, and by the massive use of the air force and helicopters."⁷⁵



From left to right: Ayatollah Khomeini, his son Seyyed Ahmad Khomeini, and Ayatollah Sadegh Khalkhali

3.1. Ayatollah Sadegh Khalkhali

Ayatollah Sadegh Khalkhali was the son of a farmer, born in 1926 in the village of Givi on the outskirts of Khalkhal in the Northwestern part of Iran. When he was young, he was sent to the holy city of Qom for a religious education.⁷⁶ A former seminary schoolmate and long time supporter of Ayatollah Khomeini,

⁷⁰ PRUNHUBER, *supra* note 21, at 83; Thurgood, *Iranians Take Rebel Kurdish Town*, GUARDIAN, Sept. 4, 1979, at 6; *Iran Says Battle is on for Kurd Rebel Stronghold of Mahabad*, GUARDIAN, Sept. 3, 1979, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁷¹ Thurgood, *Iranians Take Rebel Kurdish Town*, GUARDIAN, Sept. 4, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁷² AYYAM-I INZIVA, KHATIRAT-I AYATOLLAH KHALKHALI [YEARS OF SECLUSION, MEMOIRS OF AYATOLLAH KHALKHALI] 29 (2004); *Bih Unvan-i Hakim-i Shar' Khalkhali bih Kurdistan Raft* [Khalkhali Travelled to Kurdistan as Religious Magistrate], ETTELAAT, [Aug. 20, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁷³ *Bih Unvan-i Hakim-i Shahr' Khalkhali bih Kurdistan Raft* [Khalkhali travelled to Kurdistan as Religious Magistrate], ETTELAAT, [Aug. 20, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁷⁴ *Guzarish-i Khalkhali az Vaqayi'i Paveh* [Report of Khalkhali from the Incidents of Paveh], ETTELAAT, [Aug. 23, 1979]; *Khalkhali Dalayil-i Idam-i Doctor Rashvand ra Ilam Kard* [Khalkhali Announced Reasons for Executing Dr. Rashvand], ETTELAAT, [Aug. 25, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁷⁵ MARK KRAVITZ, *IRANO NOX* (1983), quoted in PRUNHUBER, *supra* note 21, at 79. Although foreign journalists were banned from the area, Kravitz, took a bus to Mahabad and reported on events until Sept. 3. *Id.* at 75.

⁷⁶ Haleh Afshar, *Obituary: Ayatollah Sadeq Khalkhali*, GUARDIAN, Dec. 1, 2003, available at <http://www.guardian.co.uk/news/2003/dec/01/guardianobituaries.iran>. Khalkhali has been described as having little education and as follows: "his round face, fleshy cheekbones, low brow overhanging small, shifty eyes, thin beard jutting from his jaws, and oversized turban all created an eerie image of the marauding Mongol horseman who haunts so may Persian miniatures." ABBAS MILANI, *THE PERSIAN SPHINX: AMIR ABBAS HOVEYDA AND THE RIDDLE OF THE IRANIAN REVOLUTION* 309 (2004).

Khalkhali had been banished by the Shah's government to remote parts of Iran. He was sent to Anarak, Bandar Lengeh, Lar, Baneh, Rafsanjan, Roudbar, and other far-flung towns before he eventually joined Khomeini in exile in Paris.⁷⁷ Khalkhali has been described as "an ardent advocate of the omelet theory of revolution, glamorizing the cruelties of terror and executions as the necessary ingredients of a successful social transformation."⁷⁸

Ayatollah Khomeini appointed Khalkhali as head of the Revolutionary Court soon after his return to Iran in February 1979. Khomeini created the Revolutionary Court to try supporters of the former regime for the crimes of "intervention leading to such acts that benefit foreign agents and the detested Pahlavi regime, ... having a major role in looting and wasting the public fund and disrupting the economy of the country, and attempting an armed attack or murdering or injuring or imprisoning the people as of late, or having relations against national interest with foreigners or any form of forced assault on the virtue of the people."⁷⁹ He ordered that Khalkhali be "present at the trial of the accused and imprisoned and, after completing the necessary trial procedure in accordance with *Shari'a*, issue sentences in accordance with *Sahri'a*."⁸⁰

Khalkhali was merciless and reveled in his power. In March and April of 1979, he presided over the summary trial of former Prime Minister Amir Abbas Hoveyda and ordered that he be shot to death. While Khalkhali did not apparently pull the trigger, he was proud to have been present at the execution and kept the pistol as a memento. He soon boasted to a journalist that he had ordered 400 executions, earning the soubriquet "The Hanging Judge."⁸¹ While he was often dressed in religious robes, he was proud to be photographed wearing military fatigues.⁸²



Khalkhali claimed that he had the blessing of Khomeini, and there is no reason to believe otherwise. In May, he introduced himself as head of the Revolutionary Court at a press conference, and ordered the execution of the deposed (and exiled) Shah, and some of his family members.⁸³ Ebrahim Yazdi—at the time, a minister in the interim government—disputed Khalkhali's claim that he was head of the Revolutionary Court, precipitating a very public power struggle that resulted in Khalkhali's initial resignation but swift reinstatement, almost assuredly at the behest of Khomeini.⁸⁴ On June 22, Khalkhali announced a prize of US \$131,000 for the assassination of the former Shah.⁸⁵

⁷⁷ AYYAM-I INZIVA, *supra* note 72, at 28; MILANI, *supra* note 76, at 309-310.

⁷⁸ MILANI, *supra* note 76, at 310.

⁷⁹ *Ayin-namihyih Tashkil va Nahvihih Risidigihih Dadgahyih Inqilab-i Islami* [Code of Formation and Procedure for Revolutionary Courts], ETTELAAT, [Apr. 5, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁸⁰ KHATIRAT-I AYATOLLAH KHALKHALI AVVALIN HAKIM-I SHAR' DADGAH-I INQILAB [MEMOIR OF AYATOLLAH KHALKHALI, THE FIRST RELIGIOUS MAGISTRATE OF THE REVOLUTIONARY COURT] 19 (2005), reproduced in Appendix 2.

⁸¹ MILANI, *supra* note 76, at 311, 337-339.

⁸² AYYAM-I INZIVA, *supra* note 72, at 19.

⁸³ MILANI, *supra* note 76, at 331.

⁸⁴ *Ayatollah Khalkhali Isti'fa Kard* [Ayatollah Khalkhali Resigned], ETTELAAT, [May 23, 1979] (quoting resignation letter), <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

In May, Khalkhali became the head of the reconstituted *Fedaian Islam*, a group that had committed a series of political assassinations of people it deemed un-Islamic in the 1940s and 1950s.⁸⁶ Following Khomeini's return, the reconstituted group adopted a "shoot on sight" policy toward members of the former Shah's government and orchestrated extra judicial killings.⁸⁷

While other Revolutionary Court judges sought to maintain their anonymity, Khalkhali openly courted the media.⁸⁸ For example, in June, he traveled to Khuzestan, a province in the Southwestern part of Iran whose population was mostly Arab. He told *Ettelaat* newspaper that Khomeini had ordered him to travel in order to "relieve the load of work" faced by the local Revolutionary Court.⁸⁹ While in Ahvaz, he sentenced tens of individuals to death for creating unrest. Family members of those killed were so incensed that they gathered at the Ahvaz court and chanted anti-Khalkhali slogans.⁹⁰ In his memoirs, Khalkhali boasted:

I was the religious magistrate and ordered the execution of five hundred and some criminals and loyalists to the Shah, as well as hundreds of actors in the Kurdistan and Gonbad and Khuzestan incidents, and a number of thugs and drug dealers. About these executions I have no regrets; I am not complaining and my conscience is clear. In fact, I believe that I didn't kill enough! Many were deserving of execution who I didn't manage to catch. People such as: the Shah, Farah [the Queen], Ashraf Pahlavi [the Shah's sister], Ja'far Sharif Emami [former Prime Minister], Lieutenant General Gharebaghi, Lieutenant General Fardoost.⁹¹

3.2. Paveh

Ayatollah Khalkhali and his entourage arrived in Paveh on August 20, the day after government forces brutally took control pursuant to Khomeini's orders. Paveh is a small, picturesque town built on mountainsides in Kermanshah Province that sits along the Iran-Iraq border. In 1979, it had a population of about 6,000 and there was a military base outside of town.⁹²

⁸⁵ Thurgood, *Kurds Threaten to Abandon Iranian Citizenship Unless Demands Are Met*, GUARDIAN, June 22, 1979, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁸⁶ See *Ayatollah Khalkhali Rahbar-i Fedaian-i Islam Shud* [Ayatollah Khalkhali Became the Leader of the *Fedaian Islam*], ETTELAAT, [May 26, 1979], <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>. See generally YADVARIHYIH SHAHID NAVVAB-I SAFAVI [IN MEMORIAM OF MARTYR NAVVAB SAFAVI] (2005) (describing assassination campaign of *Fedaian Islam* under its founder and leader Seyyed Mojtaba Navvab Safavi who was arrested and executed on December 26, 1955).

⁸⁷ *Rahbar-i Fedaian Islam: Fedaian Islam bih Mexico Raftihand ta Shah-i Makhlu' ra Terror Kunand* [Leader of the *Fedaian Islam*: The *Fedaian Islam* have travelled to Mexico to Assassinate the deposed Shah], ETTELAAT, [June 16, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁸⁸ *Ayatollah Khalkhali Isti'fa Kard* [Ayatollah Khalkhali Resigned], ETTELAAT, [May 23, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁸⁹ *Ayatollah Khalkhali: Barayih Pust-i Riyasat-i Jumhuri Hich Mani'i dar Khud Nimbinam* [Ayatollah Khalkhali: I Do Not See Any Reasons Why I Would Not Be Qualified to Be President], ETTELAAT, [June 3, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

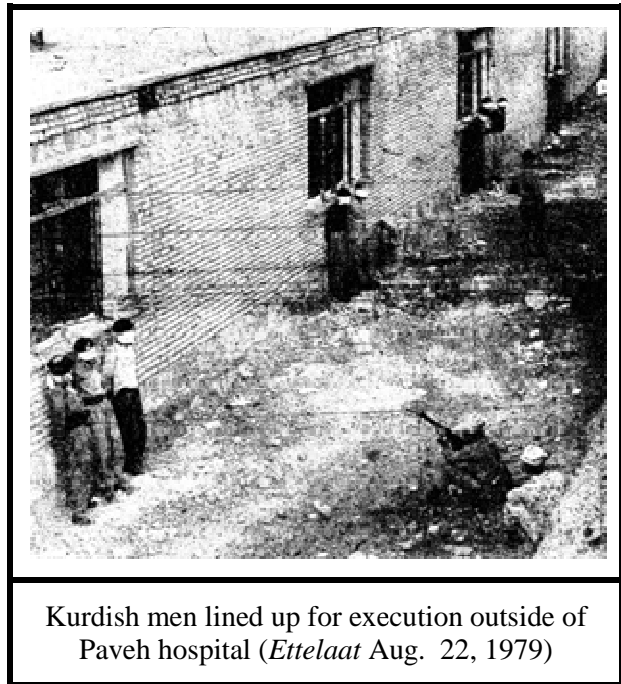
⁹⁰ *Pasukh-i Ayatollah Khalkhali bih Muddarisin-i Qom* [Response of Ayatollah Khalkhali to the Teachers of Qom], ETTELAAT, [June 6, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁹¹ AYYAM-I INZIVA, *supra* note 72, at 12.

⁹² *Ashayir-i Musallah Control-i Rahhayih Kermanshah bih Paveh ra dar Dast Giriftand* [Armed Nomadic Tribes Took Control of the Roadway between Kermanshah and Paveh], ETTELAAT, [Aug. 12, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

Khalkhali immediately set about deciding who bore responsibility for the unrest and who accordingly would be executed.⁹³ *Ettelaat* newspaper reported that he visited “damaged areas of town including a hospital that was tragically damaged by the invaders,” and after 14 hours of “counseling and processing” sentenced nine alleged members of the KDPI to death for “corruption on earth and being at war with God and his prophet.”⁹⁴ Khalkhali admitted that local clerics suggested that due to the highly tribal and clan-like nature of the region, it would be prudent to issue a blanket order of amnesty. But, he explained, he refused because only the leader of the revolution and the Commander-in-Chief (Ayatollah Khomeini) had the power to bestow amnesty.⁹⁵

The nine men were executed by firing squad before noon on August 21 against the outside wall of the hospital, which the newspapers described as “the location where the *mujahed* (fighting) brothers and *pasdaran* were massacred in a violent manner.” A major battle had taken place at the hospital. The executed men were Bahman Ezzati, Abulghasem Rashvand Sardari, Hamed Amini, Abbas Karimi, Abdollah Zare’i, Mohammad Heydari, Ali Shahbaz Behdin Shirin, Habib Cheraghi, and Fayzeddin Ziya’i.⁹⁶ The widow of Habib Cheraghi recalls that “[w]e discovered they were executed when government forces went through town and ordered over a loudspeaker that we retrieve the bodies.”⁹⁷



Kurdish men lined up for execution outside of Paveh hospital (*Ettelaat* Aug. 22, 1979)

Ettelaat newspaper reported Khalkhali’s claim that his investigations showed that two of the victims, Bahman Ezzati (a high school teacher and alleged separatist), and Dr. Rashvand Sardari, were involved in the attack on Paveh hospital, and that the two worked with sixteen people from “Talabani’s gang.” He explained that they had been “court marshaled and sentenced to death.”⁹⁸ Jalal Talabani is the founder and leader of Patriotic Union of Kurdistan or *Ittihadiyih Mihaniyih Kurdistan*, and current President of Iraq.⁹⁹ Bahman Ezzati was a teacher from the city of Kermanshah who voluntarily brought medicine to Paveh. Fayzeddin Ziya’i worked as a lab technician in Paveh.¹⁰⁰ Dr. Qasem Rashvand Sardari

⁹³ 9 *Nafar-i digar Imruz Tirbaran Shudand* [Nine More People Were Executed By Firing Squad Today], KAYHAN, [Aug. 21, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>; IHRDC interview with Gelawij Heidari (Jan. 29, 2011) (on file with IHRDC) [hereinafter Heidari Interview].

⁹⁴ *Id.*; 9 *Nafar-i Digar Imruz Tirbaran Shudand* [Nine More People Were Executed Today], ETTELAAT, [Aug. 21, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁹⁵ *Guzarish-i Khalkhali az Vaqayi’i Paveh* [Report of Khalkhali from the Incidents of Paveh], ETTELAAT, [Aug. 23, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁹⁶ *Nuh Nafar-i digar Imruz Tirbaran Shudand* [Nine More People Were Executed by Firing Squad Today], KAYHAN, [Aug. 21, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>; Heidari Interview, *supra* note 93.

⁹⁷ Heidari Interview, *supra* note 93.

⁹⁸ *Guzarish-i Khalkhali az Vaqayi’i Paveh* [Report of Khalkhali From the Incidents of Paveh], ETTELAAT, [Aug. 23, 1979]. See *Khalkhali Ilam Kard: Shuravi va Jalal Talabani hich Naghshi dar Havadis-i Kurdistan Nadashtihand* [Khalkhali Announced: the Soviets and Jalal Talabani Had No Role in the Events of Kurdistan], ETTELAAT, [Sept. 20, 1979] (reporting that Khalkhali later retracted this accusation and said that Talabani was not involved), available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

⁹⁹ *Ba Ittihadiyih Mihaniyih Kurdistan Ashena Shavid* [Get Familiar with Patriotic Union of Kurdistan], Khabaronline, [Dec. 10, 2008], available at <http://www.khabaronline.ir/news-809.aspx>.

¹⁰⁰ Heidari Interview, *supra* note 93.

was a surgeon at Loqmanoddowleh Hospital in Tehran who had voluntarily traveled to Paveh to treat the wounded.¹⁰¹



Paveh – circa 2010

Coverage in the national newspapers bolstered the government’s claim that the Kurds were anti-revolutionary and therefore deserved to be executed. On August 21, *Kayhan* newspaper (on next page) ran large, low-quality black-and-white photos on its front page below the headline “The *pasdaran* were beheaded,” and with the caption “The *pasdaran* were beheaded in Paveh.” A small photo of Khalkhali is below a smaller headline that proclaims “Khalkhali began the trials today.” The *pasdaran* featured in these photographs still have their heads intact.¹⁰² The news spread rapidly throughout Iran that anti-revolutionary Kurds were allegedly beheading *pasdaran* in Iran’s Kurdish region.¹⁰³

A few days later, in a radio interview, Ayatollah Khalkhali defended his decision to order the execution of Dr. Sardari—the Tehran doctor who provided aid to wounded civilians. He claimed that the authorities arrested Dr. Sardari—who was allegedly clad in Kurdish dress—in trenches dug around Paveh’s hospital. Khalkhali claimed that Dr. Sardari had confessed to being a Communist, espoused support for the KDPI and the separation of Kurdistan, and admitted to using arms against government forces in Paveh. Khalkhali further accused Dr. Sardari of ordering the beheading of *pasdaran* in Ghuri Ghaleh—the village near Paveh.¹⁰⁴

Dr. Sardari’s colleagues at Logmanoddowleh Hospital, as well as medical professionals from other hospitals in Tehran, issued a statement calling for a government inquiry as to what had transpired in Paveh. The statement was published in newspapers:

Dr. Qasem Rashvand Sardari, born in Tehran, was executed on account of being a *Muharib* [at war with God]... On Friday, 26/5/1358 [August 17, 1979], he went to Paveh from Tehran to help the injured of the Paveh battle—so any accusation related to his involvement in the unwanted battle of Paveh is unmerited... We urge... condemnation of the agents who are in charge of these executions.¹⁰⁵

¹⁰¹ *Id.*; SAYAR, *supra* note 39, at 101.

¹⁰² *Pasdarani ra kih Sar Buridand* [The Revolutionary Guards Who Were Beheaded], KAYHAN, [Aug. 21, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁰³ See, e.g., IHRDC Interview with Bijan [pseudonym] (Feb. 18, 2011) (on file with IHRDC) [hereinafter Bijan Interview] (stating that while being interrogated in prison, he was asked multiple times about the number of *pasdaran* he had beheaded).

¹⁰⁴ *Khalkhali Dalayil-i Idam-i Doctor Rashvand ra Ilam Kard* [Khalkhali Announced Reasons for Executing Dr. Rashvand], ETELAAT, [Aug. 25, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>. See also IZADY, *supra* note 3, at 259 (explaining that “Kurdish dress” for men generally refers to baggy pants tied at the ankles and with a wide belt at the waist).

¹⁰⁵ *Chih Kasani Mashmul-i I’damhayih Fascisti Mishavand az taraf-i Guruhi az Pizishkan va Resident-hayih Bimaristanhayih Tehran* [What Kinds of People Are Subject to Fascistic Executions by a Group of Doctors and Residents from Hospitals Around Tehran], A GROUP OF DOCTORS AND RESIDENTS OF TEHRAN’S HOSPITALS, reprinted in SAYAR, *supra* note 39, at 102.

Dr. Sardari's fiancée further reported that she had ticket stubs proving that he left Tehran on Sunday, August 19—and that he only arrived in Paveh following the alleged massacre of the *pasdaran*.¹⁰⁶ When Khalkhali was later asked to provide further justification for his execution order, he alleged that Dr. Sardari burned all his records when he was arrested, but that the *pasdaran* who arrested him could testify

to the veracity of his claims. For added measure, he also claimed that Dr. Sardari ordered that the genitals of the dead *pasdaran* be cut off and put in their mouths.¹⁰⁷

On August 21, it was reported that the Revolutionary Court in the City of Kermanshah had also ordered the execution of seven men who allegedly instigated the violence in Paveh, and committed armed robberies. The seven men were Haji Afrasiab, Abdolvahhab Mobarak Shahi, Mohammad Ali Nagshbandi, Abdolkarim Karimi, Emadedin Naseri, Aziz Morad, and Morad Zolfaghari. The execution order was carried out in Dizel Abad Prison in Kermanshah.¹⁰⁸



A photograph sent from Paveh of Khalkhali interrogating a Kurdish man (*Ettelaat* Aug. 23, 1979)

3.3. Mariwan

Khalkhali and his entourage arrived in the town of Mariwan on August 25. The small Kurdish town is in Kurdistan Province near the Iran-Iraq border. It had been a center of resistance against the Shah.¹⁰⁹ Tensions between the Kurds of Mariwan and pro-Khomeini forces escalated throughout the spring and summer of 1979, finally culminating in a shootout between *pasdaran* and Kurds on July 14 that resulted in 26 deaths and over 60 injuries on both sides.¹¹⁰

A delegation was sent from Sanandaj to help negotiate peace between the various political groups in the town. The negotiations resulted in a resolution by the people of Mariwan demanding, among other things, that *pasdaran* leave the town and that local law enforcement ensure that people not be randomly searched

¹⁰⁶ *Khalkhali Dalayil-i Idam-i Doctor Rashvand ra Ilam Kard* [Khalkhali Announced Reasons for Executing Dr. Rashvand] ETTALAAT, [Aug 25, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁰⁷ *Guftugu ba Ayatollah Khalkhali: Dar Kurdistan Chih Miguzarad* [Interview with Ayatollah Khalkhali: What is Happening in Kurdistan], ETTALAAT, [Aug. 28, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁰⁸ *7 Tan az Amilan-i Havadis-i Khunin-i Paveh Tirbaran Shudand* [Seven Instigators of the Bloody Incidents of Paveh Were Executed by a Firing Squad], KAYHAN, [Aug. 21, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

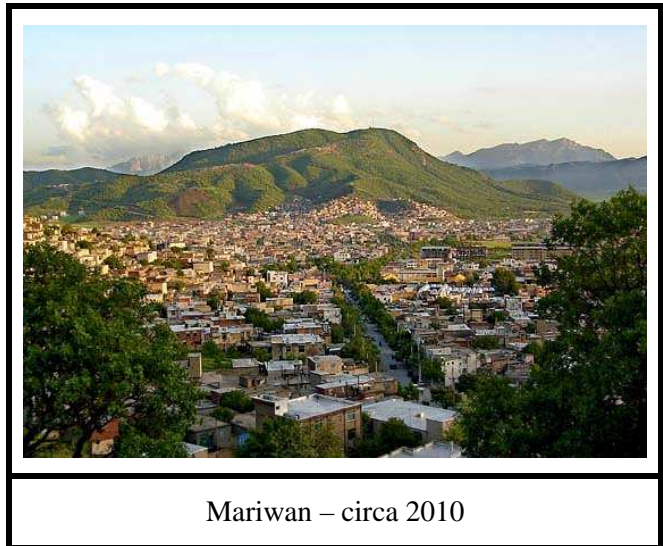
¹⁰⁹ MCDOWALL, *supra* note 4, at 258.

¹¹⁰ *Mariwan bih Atash va Khun Kishidih Shud* [Mariwan in Fire and Blood], ETTALAAT, [July 15, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>; SAYAR, *supra* note 39, at 91; IHRDC Interview with Malakeh Mostafa Soltani (Feb. 10, 2011) (on file with IHRDC) [hereinafter Malakeh Mostafa Soltani Interview].

or arrested.¹¹¹ However, the residents of Mariwan fled into the mountains outside the city on the eve of July 20.¹¹² Malekeh Mostafa Soltani—a Mariwan resident—explains:

[After the shootout] the government threatened that the *pasdaran* would enter the town and take control. People worried that if that were to happen, a situation like that of Naghadeh¹¹³ would be created. Finally, my brother [*Komala* leader Foad Mostafa Soltani] helped come up with a plan. One day in the mosque, as people expressed their concerns, my brother proposed that in order to prevent a war from happening in town—and in protest to the government’s desire to have *Sepah* take control of the town—we would migrate, en masse. That night almost the entire town migrated to a location near the woods, about 10-15 kilometers out of the city. We remained there for around 2 weeks.¹¹⁴

On July 23, a delegation comprised of representatives of Ayatollah Khomeini, the Interior Ministry, the *Sepah-e Pasdaran* and the military led by Ayatollah Lahuti arrived in Mariwan to negotiate the return of Mariwan’s residents. The delegation returned to Tehran the next day without reaching a resolution.¹¹⁵ Negotiations continued between the Mariwan city council, the provincial governor of Kurdistan Province, and a central government delegation headed by Dr. Chamran, while roughly 7,000 men, women, and children remained in the makeshift camp set up between the villages of Kani Miran and Bardeh Reh Sheh.¹¹⁶ Finally, on August 13, after agreement was reached, the residents began returning to town. One critical point of the agreement was that *pasdaran* did not have the authority to arrest individuals.¹¹⁷ However, pursuant to Khomeini’s *fatwa*, the central government dispatched additional forces to Mariwan and began arresting all suspects.¹¹⁸



¹¹¹ *Mariwan Aram Shud* [Calm Restored in Mariwan], ETTELAAT, [July 16, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹¹² *Angizihyih Kuch-i Mardum-i Mariwan Hanuz Ma'lum Nashudih Ast* [The Motivation Behind the Migration of the People of Mariwan Still Unclear], ETTELAAT, [July 22, 1979]; *Buhran-i Mariwan Idamih Darad* [Mariwan Crisis Continues], ETTELAAT, [July 24, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹¹³ Naghadeh is a town in the province of West Azerbaijan. In April 1979, fierce fighting amongst ethnic Azeris and Kurds lasted for several days and resulted in about 30 casualties. See *Artish bih Suyih Naghadeh Harikat Kard* [Army Deployed Toward Naghadeh], ETTELAAT, [Apr. 22, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹¹⁴ Malakeh Mostafa Soltani Interview, *supra* note 110.

¹¹⁵ *Buhran-i Mariwan Idamih Darad* [Mariwan Crisis Continues], ETTELAAT, [July 24, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹¹⁶ *7000 Kudak va Zan va Mard-i Mariwani dar Sharayit-i Dushvar Zindigi Mikunand* [7000 Child and Woman and Men From Mariwan Live Under Harsh Conditions], ETTELAAT, [July 30, 1979]; *Avarigan-i Mariwan Pishnivis-i Qat'namihyih Bazgasht bih Shahr ra Rad Kardand* [The Mariwan Displaced Citizens Rejected the Draft of the Resolution for Returning to the City], ETTELAAT, [July 30, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹¹⁷ *Avarigan-i Mariwan bih Shahr Bazgashtand* [Mariwan Displaced Citizens Returned to the City], ETTELAAT, [Aug. 6, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹¹⁸ Abdullah Mostafa Soltani Interview, *supra* note 50.

Khalkhali arrived shortly thereafter on August 25 and promptly dealt with those he decided were responsible for the violence of July 14—deeming that insubordination to the regime would be met with nothing less than death. The day after his arrival, August 26, Khalkhali ordered the execution of nine men.¹¹⁹ *Ettelaat* newspaper reported that the executed men were Hossein Mostafa Soltani, Amin Mostafa Soltani, Seyyed Hossein Pirkhezranian, Seyyed Ahman Pirkhezranian, Fa’egh Azimi, Ali Dadsetani, Bahman Ahzari, Jalal Nasimi and Ahmad Ghaderzadeh. They were executed by firing squad the same day.¹²⁰

Fa’egh Azimi (Azizi) was reportedly a member of the City Council.¹²¹ Ali Dadsetani, Jalal Nasimi and Ahmad Ghaderzadeh were also apparently local Kurds.¹²² The Mostafa Soltani family had long been targeted by central government forces—first by the Shah’s government and later by the new regime—on account of the activities of an elder brother Foad Mostafa Soltani, a leader of *Komala*. Amin and Hossein Mostafa Soltani were teachers and worked in the civilian branches of the organization. Amin was a member.¹²³

The two younger Mostafa Soltani brothers were arrested as they were driving out of Mariwan on the night of August 17-18. Both were unarmed at the time of their arrests.¹²⁴ They were with two other Kurdish brothers from Mariwan—Hossein Pirkhezri and Ahmad Pirkhezri—as well as a doctor named Bahman Akhzari. Akhzari had arrived in Mariwan earlier to provide voluntary medical services.¹²⁵ The men had heard that *pasdaran* were coming to take control of Mariwan and hoped to leave ahead of their arrival. However, all five men were arrested and executed within 72 hours.¹²⁶

They were arrested by local Kurdish members of the *Maktab-e Koran* who recognized them as *Komala* supporters.¹²⁷ The men were held in the military base in Mariwan to await Khalkhali’s arrival. When Khalkhali arrived several days later, their father immediately went to the military base and confronted the cleric about the arrest of his two sons. Another brother, Abdullah Mostafa Soltani, recalled:

Khalkhali threatened my father—he said his sons are infidels and did not know the Koran. My father said that his children have gone to the university and have become engineers, doctors and teachers, but after 50 years of monarchical rule the kids at school

Maktab-e Koran is a Sunni Islamic *maktab* (school) that was established by Molla Ahmad Moftizadeh (also known as Allameh Moftizadeh) in Mariwan and Sanandaj, and that later spread across Iranian Kurdistan. The *Maktab* sought to promote Islam based on the Koran and the Prophet’s *Sunna*. Moftizadeh and the *Maktab* supported creation of an Islamic regime following the 1979 revolution. However, Moftizadeh was arrested in 1983 and imprisoned for ten years. He died shortly after his release in 1993. The *Maktab* continues its activities but is now severely marginalized.

¹¹⁹ *Iran Tells Kurds to Surrender or Be Crushed*, GUARDIAN, Aug. 27, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹²⁰ *40 Nafar dar Sanandaj, Mariwan va Saqqez Tirbaran Shudand* [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez], ETTELAAT, [Aug. 28, 1979] available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>; Malakeh Mostafa Soltani Interview, *supra* note 110 (stating that the names of the other two brothers were “Pirkhezri” and not “Pirkhezrian,” and that three of those killed were named Faegh Azizi, Ali Dastani and Bahman Asghari).

¹²¹ Abdullah Mostafa Soltani Interview, *supra* note 50.

¹²² *Id.*; Malakeh Mostafa Soltani Interview, *supra* note 110.

¹²³ Malakeh Mostafa Soltani Interview, *supra* note 50. IHRDC Interview with Heshmat Mostafa Soltani (Feb. 10, 2011) (on file with IHRDC) [hereinafter Heshmat Mostafa Soltani Interview].

¹²⁴ Malakeh Mostafa Soltani Interview, *supra* note 110; Abdullah Mostafa Soltani Interview, *supra* note 50; Heshmat Mostafa Soltani Interview, *supra* note 123.

¹²⁵ Abdullah Mostafa Soltani Interview, *supra* note 50.

¹²⁶ *Id.*; Malakeh Mostafa Soltani Interview, *supra* note 110; Heshmat Mostafa Soltani Interview, *supra* note 123.

¹²⁷ Abdullah Mostafa Soltani Interview, *supra* note 50; Heshmat Mostafa Soltani Interview, *supra* note 123.

did not learn the Koran and prayers, and that the new regime must give them time to learn. My father could argue with Khalkhali because he was a learned man who knew the Koran. Khalkhali was stuck—he finally told my father to bring the deed to his house the next day at 5 p.m. in exchange for his sons’ release.

Although Hossein and Amin Mostafa Soltani’s father did as instructed, Khalkhali failed to keep his side of the bargain. When their father returned the next day with the documents, he was told that his sons had been executed. He found Khalkhali and told him that his sons had fought the Shah’s regime for democracy and freedom, and demanded an explanation. According to Abdullah Mostafa Soltani:

He found Khalkhali and fought with him, he said: “I brought the deed but you handed me corpses?” Khalkhali said, “Well this is Islam, the verdict of the Koran. If your kids were guilty then they will go to hell, and if they were innocent they will go to heaven.” Incidentally, [at the time of the execution] it was the month of Ramadan.¹²⁸

Malekeh Mostafa Soltani—a sister of Hossein and Amin Mostafa Soltani—recalls that she and her mother tried to visit her brothers on August 25, the day before their executions. However, when they arrived at the base, there was a crowd of central government supporters. Her mother sent her home and tried to visit her brothers but was denied. Malakeh joined a demonstration. A prison guard asked who among the demonstrators was related to the prisoners and told them that a group of people would soon be executed. She went home with her cousin and soon heard “very loud and prolonged gunshots.” After hearing the gunshots, she recalls:

One of Heshmat’s close friends came and said that nine people had been executed and their bodies were taken to the hospital. I kept telling him to stop saying such things and scaring my parents.¹²⁹

Ahmed Pirkhezri was initially released from detention, but then re-arrested for the ostensible purpose of completing some paperwork.¹³⁰ When the father of the Pirkhezri brothers arrived at the base, asking to visit his sons, he was told to bring fruit for his sons as they had requested. He did as he was told and went shopping. On his way back to the base, he saw blood stains on the road but thought nothing of it. At the base, he was told that his sons had been executed and that their bodies were at the hospital.¹³¹

Khalkhali deceived other executed men and their families as well.¹³² For example, Jalal Nasimi—a Kurdish teacher from Mariwan— had played an active role in the residents’ exodus into the mountains. Central government forces arrested him on the evening of August 25, but released him three to four hours later around 9 p.m. Nasimi



سنگ و بوته نعنا
 شهرزاد الخالکالی: در این روزها در اردوگاه کربلا، مردان کرد، ایرانشهری و ترکمن با سنگ و بوته نعنا برای آنکه برادران خود را از زندان نجات دهند و بوته نعنا برای آن بویان نفس مطبوع را تحمل کنند.

Kurdish men and women carrying mint and stones in order to bury the dead (*Ettelaat* Aug. 20, 1979)

¹²⁸ Abdullah Mostafa Soltani Interview, *supra* note 50.

¹²⁹ Malakeh Mostafa Soltani Interview, *supra* note 110.

¹³⁰ Abdullah Mostafa Soltani Interview, *supra* note 50.

¹³¹ Malakeh Mostafa Soltani Interview, *supra* note 110.

¹³² Abdullah Mostafa Soltani Interview, *supra* note 50.

reported that during his short time in detention, his captors had burned him with lit cigarettes that left marks all over his body—he showed the wounds to his brothers. Around 10 p.m., a car with six or seven *pasdaran* and local mercenaries came to the house and demanded that he come with them to sign a form. Instead, without notice to his family, Khalkhali ordered his execution.¹³³

Ettelaat newspaper reported that Ayatollah Khalkhali claimed the nine men were executed on account of “direct participation in Mariwan’s events” and “gathering armed individuals.”¹³⁴ However, witnesses report that they were executed within hours of his arrival, belying any claim that the sentences were handed down after fair trials. It is unclear whether they were even told the charges against them.¹³⁵ Additional evidence that the executions were a foregone conclusion comes from family members. Nasimi’s sister worked in Mariwan Hospital as a nurse. On the day of the executions, August 26, she was told that a doctor had been taken to the military base to medically examine the detainees because they were to be executed.¹³⁶

The bodies of the executed men were piled into a dump truck and deposited in front of Mariwan hospital—witnesses report that the bodies were piled on top of one another. Gunshot wounds punctured the bodies.¹³⁷ Malakeh Mostafa Soltani recalls:

I was with Hossein’s wife. When we got to the hospital, I saw a Toyota truck. In the back of the truck, I saw the face of Hossein Pirkhezri. We ran towards the truck. My sister-in-law’s father asked where we were going. My sister-in-law screamed: “Can’t you see the body of my husband’s friend Hossein Pirkhezri is there!” She wanted to go with it. He said: Don’t do that, our own dead are somewhere else.”

I saw a pool of blood and Amin’s body. His eyes were open; his mouth looked as if he was smiling. I screamed in Kurdish: “We need medicine, we need a doctor!” Rasa, my brother Hossein’s wife, screamed at me saying, “What do we need a doctor for? He has been executed.” His internal organs were poking out of lacerations on his body. Someone lifted me up and put me and Amin’s body in the back of a Toyota. By the time we arrived at our village on the outskirts of Mariwan, the skirt of my Kurdish dress was soaked with blood and brain matter. How savagely he was killed!¹³⁸

The Mostafa Soltanis took the bodies of Hossein and Amin back to their village on the outskirts of Mariwan for burial.¹³⁹ However, the military presence was so intense that the clan could not conduct a traditional funeral and memorial service.¹⁴⁰ Jalal Nasimi’s family buried their son in Mariwan’s cemetery. The family also accepted the body of Bahman Akhzary, the doctor from Tehran who had been arrested in the car with the Mostafa Soltani brothers, and buried him next to their son.¹⁴¹

¹³³ IHRDC Interview with Hajir [pseudonym] (Feb. 16, 2011) (on file with IHRDC) [hereinafter Hajir Interview].

¹³⁴ *40 Nafar dar Sanandaj, Mariwan va Saqqez Tirbaran Shudand* [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez], ETTELAAT, [Aug. 28, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹³⁵ Heshmat Mostafa Soltani Interview, *supra* note 123.

¹³⁶ Malakeh Mostafa Soltani Interview, *supra* note 110.

¹³⁷ *Id.*; Hajir Interview, *supra* note 133; Abdullah Mostafa Soltani Interview, *supra* note 50.

¹³⁸ Malakeh Mostafa Soltani Interview, *supra* note 110.

¹³⁹ *Id.*; Abdullah Mostafa Soltani Interview, *supra* note 50.

¹⁴⁰ Malakeh Mostafa Soltani Interview, *supra* note 110.

¹⁴¹ *Id.*; Hajir Interview, *supra* note 133.

3.4. Sanandaj

Khalkhali's next destination was Sanandaj, the capital of Kurdistan Province and a center of social and economic activity in the region.¹⁴² Although it is not clear whether he arrived on August 26 or 27, it was reported that he issued execution orders on August 27 and that they were carried out the same day.¹⁴³ As he had in Paveh and Mariwan, Khalkhali questioned men and boys who had been arrested without warrants and sentenced them, without any semblance of fair trials, to death by firing squad.

On August 28, *Ettelaat* newspaper reported that the Islamic Revolutionary Court had met the day before and "after a few hours of investigation and council," found eleven people deserving of execution but acquitted twelve others. It reported that the eleven people had been executed at 4:30 that afternoon. The paper listed the names, evidence and charges of the eleven as follows:

- Brigadier General Mozaffar Niazmand, former commander of Kurdistan Gendarmerie, charged with crushing the freedom-fighting people of Sanandaj during the liberating struggle of the people of Iran (before the victory of the revolution). The Court also sentenced that all his property should be seized;¹⁴⁴
- Sirous Manouchehri, head of the internal security of Sanandaj SAVAK, charged with participation in club wielding in Sanandaj surroundings, and direct participation in crushing people, and issuing orders for killing and massacre of the innocent and liberated people of Sanandaj;¹⁴⁵

Aside from the aforementioned two who were arrested after the victory of the revolution and had so far been in prison, the other nine were executed in connection with the events in Kurdistan after the victory of the revolution. The nine were:

- Ataollah Zandi, charged with carrying explosive and mortar shell on the night of August 19, 1979. He was arrested when attempting to blow up Sanandaj airport;¹⁴⁶
- Ali Asghar Mobasseri, charged with armed activity and inviting people to riot and uprising against the Islamic government (was arrested while carrying mortar shells near Sanandaj airport);¹⁴⁷
- Jamil Yakhchali, student at the Military Technical School in Masjed Soleiman and a believer in Kurdistan's separation; he had traveled from Masjed Soleiman to Sanandaj

¹⁴² ENTESSAR, *supra* note 6, at 36.

¹⁴³ See *40 Nafar dar Sanandaj Mariwan va Saqqez Tirbaran Shudand* [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez], ETTELAAT, [Aug. 28, 1979] (reporting that Khalkhali concluded his business in Mariwan on Aug. 26 and was in Sanandaj the next day), available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁴⁴ See also, HUMAN RIGHTS & DEMOCRACY LIBRARY, Boroumand Foundation [hereinafter Boroumand], "One Person's Story Mr. Mozaffar Niazmand, available at <http://www.iranrights.org/english/memorial-case--4837.php>.

¹⁴⁵ See also, Boroumand Foundation, "One Person's Story Mr. Sirous Manouchehri, available at <http://www.iranrights.org/english/memorial-case--4838.php>.

¹⁴⁶ Jamil Navareh remembers that Zandi was not affiliated with any Kurdish political party. IHRDC Interview with (May 29, 2011) (on file with IHRDC) [hereinafter Navareh Interview].

¹⁴⁷ According to a friend, Mobasseri had a mortar shell in his car that was left over from when the Kurds took over the military base in March. He had nothing to launch it with and was driving through town, not near the airport. IHRDC Interview with Amir Kolahghuchi (Feb. 15, 2011) (on file with IHRDC) [hereinafter Kolahghuchi Interview].

and participated in armed activities, charged with uprising against the Islamic government;¹⁴⁸

- Shahrar Nahid, son of Mohsen, resident of Tehran's Majidiyeh neighborhood, had traveled to Baneh, Mariwan, Saqqez and Sanandaj due to armed activity and participated in the armed activities of these cities; he was arrested and disarmed during armed combating in Sanandaj and was a member of the *Fedaian* Guerillas of Tehran;
- Mozaffar Rahimi Mohieddin, charged with carrying arms and explosives, was arrested and disarmed by the *pasdaran* while armed and combating in the trenches;¹⁴⁹
- Naser Salimi, charged with acting to separate Kurdistan from Iran and participating in the bloody massacre of Paveh. While combating in Paveh, he was shot in the hand;¹⁵⁰
- Ali Ahsan Nahid, charged with participating in all the bloody events of Kurdistan, was directly involved in the events at Ghotour, Naghadeh, Mahabad, Saqqez and Mariwan, and was a commander of the invading forces;
- Issa Pirvali, charged with Killing Shater Mohamamd and his son in the events transpiring in April in Sanandaj; and
- Abdullah Fouladi, son of Mohammad, charged with opening fire on a *pasdar* car and participating in disarming the military base in the recent events of Kurdistan. He has a reputation and was a supporter of communism governments.¹⁵¹

The paper included a photograph of the execution on the front page in editions around the country (copy reproduced in Appendix 3). The picture editor later explained that he did not publish it in the Kurdish region edition, as he believed that “would be tantamount to a call to arms.”¹⁵² To protect the photographer, he published it under “anonymous.” The photograph soon appeared in newspapers around the world and became the first widely publicized window into the regime's executions, winning the Pulitzer Prize in the spring of 1980. The photographer—Jahangir Razmi—remained anonymous for nearly three decades out of fear.¹⁵³

Many years later, he and Khalil Bahrami, the reporter he accompanied to the Kurdish regions, described what they witnessed. They had followed the government troops to the Kurdish regions when they heard

¹⁴⁸ Yakhchali is believed to have been a sympathizer of the *Fedaian-e Khalq*. See Boroumand Foundation, “One Person's Story” Mr. Jamil Yakhchali, available at <http://www.iranrights.org/english/memorial-case--4836.php>. The *Fedaian-e Khalq* was created in 1971 through the merger of two armed Marxist-Leninist groups. See IHRDC, DEADLY FATWA: IRAN'S 1988 PRISON MASSACRE 6 (2009), available at <http://www.iranhrdc.org/english/publications/reports/3158-deadly-fatwa-iran-s-1988-prison-massacre.html>.

¹⁴⁹ Jamil Navareh remembers that “Mozaffar was arrested when the driver of the taxi he was in—who was a *jash* [Kurdish collaborator]—saw that Mozaffar had a gun and took him to his house and reported that Mozaffar had a gun. So the *pasdaran* came to Mozaffar's house and arrested him. They accused him of having shot at Islamic Republic forces from a mountain that is in between Ghareh Yan and the airport. This was untrue.” Navareh Interview, *supra* note, 146.

¹⁵⁰ See also, Boroumand Foundation, “One Person's Story” Mr. Naser Salimi, available at <http://www.iranrights.org/english/memorial-case--4840.php>.

¹⁵¹ *40 Nafar dar Sanandaj, Mariwan va Saqqez Tirbaran Shudand* [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez], ETTELAAT, [Aug. 28, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁵² Joshua Prager, *A Chilling Photograph's Hidden History*, WALL ST. J., Dec. 2, 2006, available at http://online.wsj.com/public/article/SB116499510215538266-w6oLiTyb6LO2gIORvqxTV1PwiTM_20061211.html?mod=blogs.

¹⁵³ *Id.*; Thurgood, *Iranian Clergy Calls Kurdish Ceasefire*, GUARDIAN, Aug. 28, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

that Khalkhali was going to try Kurds at the Sanandaj municipal airport. There, they stood outside an antechamber and watched ten handcuffed men enter the makeshift courtroom and stand before Khalkhali. An injured prisoner lay on a stretcher. Bahrami explained:

The judge removed his turban . . . He removed his shoes. He put his feet on a chair. Scanning the prisoners through thick eyeglasses, he asked their names. Officers of the court told of the defendants' alleged crimes—of trafficking arms, inciting riots and murder. The prisoners, some with leftward or nationalist leanings, denied these accusations.¹⁵⁴

No evidence was presented, but after about 30 minutes, Khalkhali ruled that the men were “corrupt on earth.” Bahrami remembers that some of the men cried. The blindfolded and handcuffed prisoners each put a hand on the shoulder of the man in front of him and they were led “through the airport’s concrete lobby, through a metal doorframe and toward an open airfield.” One of Khalkhali’s bodyguards, Ali Karimi, dressed in white pants, sunglasses and twin hip holsters, followed the column. They passed about 30 airport workers and stopped after about 100 yards on a “plain of dry dirt.” The prisoners were in plain clothes and the executioners wore camouflage. All but one of the 11 executioners covered their faces. Nobody seemed to care that Razmi was taking photographs.

Razmi stood a few feet behind the only unmasked executioner. At 4:30, the executioners fired and the 11 men fell. Razmi later recalled that not all the men were dead. Karimi took a pistol off his hip, leaned over Ahsan Nahid who was on the stretcher, and fired a bullet into his head. He proceeded to shoot each man in the head. Ambulances soon arrived and took the bodies away.¹⁵⁵

The Pulitzer Prize-winning photo (on the cover and below) shows prisoners in mid-fall as the executioners fire. Twenty-six of the approximately 70 photographs taken by Razmi were later made public and are reproduced in Appendix 1 to this report. They confirm Bahrami and Razmi’s recollections. In the first of the series, the prisoners stand in line before their crouched executioners who are aiming automatic rifles at them. Some of the prisoners wear traditional Kurdish dress of baggy pants and wide cloth belts. All are blindfolded. In one photograph, a man lies prostrate before the firing squad on a stretcher.



Pulitzer Prize-winning photo of executions at Sanandaj airport

Subsequent photos capture some of the men in mid-fall as the executioners’ shots drop them to the ground. One man futilely raises his hands in defense as bullets hit those around him. In later photos, the victims lie in crumpled heaps on the ground while a man dressed in white shirt, white bell-bottoms and white shoes surveys the scene, gun in hand. A plume of white smoke envelops the barrel of his pistol as he leans over the prostrate bodies, shooting them one by one, either to ensure the job is complete or perhaps simply for his own sadistic pleasure.

¹⁵⁴ Prager, *supra* note 152.

¹⁵⁵ *Id.*

Jamil Navareh—a Kurd from Sanandaj—was fortunate to have not been on the field that day. However, he shared a room in the makeshift detention center at the Sanandaj airport with eight of the Kurdish victims and remembers what happened before their executions.¹⁵⁶



Ali Karimi, one of Khalkhali's bodyguards, executing Kurds (Jahangir Razmi, Aug. 27, 1979)

At the time of the Islamic Revolution, Navareh worked as a school teacher in the small village of Dardaneh, where he taught sixth grade. Like many other Iranians, during the Revolution, he became increasingly engaged in politics. He joined the Society for the Protection of the Freedoms of the Revolution (“Society”)—a leftist organization created by *Komala* dedicated to supporting the Kurdish working people. During the three-month summer school holiday, Navareh lived in Sanandaj and worked with members of the Society.

On August 19, Navareh and other members of the Society were in the village of Bagh Cheleh participating in the distribution of former feudal lands among local farmers. The radio

suddenly reported that Democrats in Sanandaj had taken women hostage at the local mosque. Navareh knew that “Democrat” meant “Kurd.” Although he and his friends did not believe the reports, he feared that as a young Kurdish man, he could become a government target. He and other Society members returned to Sanandaj, and shortly thereafter, Navareh went to the village of Kilaneh, near the village where he taught. There, he met a friend named Ashraf and they hid in a garden shed.

After a few hours, two minibuses pulled up. Navareh mistakenly believed they had arrived to transport some fresh vegetables. Men dressed in black attire got out of the bus when it was roughly 100 meters away. Navareh later learned that the men were the *Siyah Jamegan*, or the “black clad” men, a *pasdaran* militia. Ashraf successfully escaped, but Navareh was not so lucky:

They shot at us and we escaped through a stream surrounded by trees. [...] We were at a turn when my hand flew up in the air and I felt a sharp pain. I couldn't move my hand anymore. Then I realized my hand had been shot and a bullet had lodged in my bone. I fell and my pursuers crowded above me. One of them had an Uzi in his hand and put it in my mouth and said, “You communist SOB!” I said: “I am not a communist—I am just a village teacher.” They asked me where my friend was and I said I did not know. When we were attacked, my friend escaped into a valley, away from the shooting. I was happy he managed to escape.

The *pasdaran* put him in a minibus and stopped at several villages before finally arriving at Sanandaj. During the ride, the *pasdaran* frequently stopped and searched people they saw on the road. Navareh recalls how they shot at Jamal—a young welder from the village of Kareh Si whom Navareh knew:

When [Jamal] was riding his motorbike our way, they shot at him. I could see this from the minibus. He had not done anything. Without giving him notice or telling him to halt,

¹⁵⁶ Navareh Interview, *supra* note 146 (stating that the ninth victim was Mr. Fouladi). The text that follows is from Navareh's Interview.

they just shot at him. He escaped on his bike that time, but was later martyred in the 24-day war on Sanandaj.

When the minibus finally arrived in Sanandaj, the *pasdaran* took Navareh to a large hall that had been the Gendarmerie's Club before the Revolution. They sat him on a couch and taunted him about Kurdish political aspirations. They recorded his personal information and then drove him to the Sanandaj military base hospital for medical treatment. Navareh was in extreme pain, as several hours had passed since he had been shot. In the hospital bed next to him laid a young man with a wounded leg who spoke to him in Kurdish. He was Ahsan Nahid—the man who would later be photographed by Jahangir Razmi as he lay on a stretcher in front of Khalkhali's firing squad.

Sazman-e Cherikhayeh Fedaiyan-e Khalq (The Organization of the Iranian People's Fedai Guerillas) was created in 1971 through the merger of two armed Marxist-Leninist groups. In the 1970s, the organization violently opposed the Shah's rule and following his ouster in February 1979 was instrumental in opening prisons, taking over police stations and raiding armories. The *Fedaiyan* later split into the Majority faction, which opposed violence, and the Minority faction, which continued to advocate for armed struggle.

Nahid told Navareh how he had been arrested. Nahid was a university student, originally from Sanandaj, whose family had moved to Tehran ten years before. Nahid was politically active and worked in the village of Bukan, a small village in West Azerbaijan Province, assisting the farmers in disputes with feudal land owners. His younger brother Shahriar Nahid—a medical student in Tehran—was visiting him during his summer vacation. The Nahid brothers, along with two other men—Jamil Yakhchali from Sanandaj and a man from Kermanshah—were arrested when their car was stopped at a checkpoint by *pasdaran* on the road between Mariwan and Sanandaj. There were *Fedaiyan* pamphlets in the car. The man from Kermanshah was somehow able to escape. The Nahids and Yakhchali also attempted to escape, but the *pasdaran* shot Ahsan Nahid in the thigh and arrested him. When his brother and Yakhchali realized that Ahsan was not with them, they returned to find him and were arrested by the waiting *pasdaran*. Ahsan was taken to the hospital, while Shahriar and Yakhchali were detained at the Gendarmerie building in Sanandaj.

The bullet had shattered a bone in Navareh's hand into five pieces. He recognized one of the nurses and asked her to tell his family that he was in the hospital. The next day, August 21, two of his aunts managed visit him. Navareh asked his aunts to let his family know about what had happened to him and to let Ahsan Nahid's family know that he was in the hospital.

Around 10 or 11 a.m. the following morning, August 22, Navareh and Nahid were taken to an ambulance. Navareh could walk, but Nahid was carried out on a stretcher. Soldiers accompanied them. They were driven to the old Gendarmerie Club that had been taken over by the "black clad" *pasdaran*. The *pasdaran* blindfolded them with handkerchiefs and cotton, and drove them to the Sanandaj airport. They instructed the young men to head upstairs to a 2.5 x 3 meter room. Nahid was still on a stretcher. Shahriar Nahid and Yakhchali were brought in a few hours later.

A couple of days passed before the men were taken to a room on the first floor of the building for interrogation. There was a gun hanging from the wall and a guard was posted at the door. The Nahid brothers were taken to a separate room for interrogation and then returned. They were questioned by a man named Dr. Hashtroudi. When it was Navareh's turn, the corridor all of a sudden became very crowded and the guards hastily took the prisoners upstairs. The guards told them that there was a protest in Sanandaj and the demonstrators wanted to attack the airport. As a result of the chaos, Navareh was never questioned by Hashtroudi.



Sanandaj – circa 2010

In the evening, it was not completely dark when Navareh, the Nahids and Yakhchali were taken to another room. There were already some prisoners there—including Naser Salimi, a government employee from Mariwan whose hand was injured, and Ata Zandi, a man who was knowledgeable about Kurdish history. Navareh remembers that neither man was affiliated with any Kurdish political party or involved in politics at all. Also in the room were Sasan Partowee, (a young Kurdish man from Sanandaj), Amjad Mobseri, and a father and his twelve year old son. The twelve-year-old had been arrested for having political flyers in his possession and his father had come with him so he would not face jail alone.

The prisoners were scared, and tried to lighten the tense atmosphere by reciting poetry and singing songs. Then, around 9 or 9:30 p.m., interrogations resumed. The prisoners were taken one-by-one to interrogation. Navareh recalls:

I asked Ata what was happening. He said a [religious cleric or mullah] had arrived. He said that the *akhoond* (religious clergyman) was reputed to be strict—and a brute. Whoever went for interrogation would return upset—gloomy and sad—and sit down pensively in a corner.

Navareh was taken to the interrogation room at about 1 a.m. the following morning. A man dressed head to toe in white—whom Navareh later learned was Ali Karimi, the shooter captured in the photographs taken by Jahangir Razmi—told Navareh to identify himself. Navareh recalls:

The white-clad man asked me who I was. He was *Fars* and very tall.¹⁵⁷ He wore sunglasses, and I later heard he wore them because he was cross-eyed. He told me I did not have a case file. Hashtroudi created a case file for everyone else, but since I did not see him, I did not have one.

I told the man I was a teacher from a village. He told me: “When you were on the tarmac at the airport you defended the Kurdish people, why did you do that?” I said: “The person who told you this insulted and degraded us [Kurds] and I responded.” I told him: “We [Kurds] are a nation with rights and we should have the right to speak our own tongue.”

After Navareh’s aunts had visited him, they had obtained a document signed by the village council stating the Navareh had gone to the village to administer a test to students who failed their finals at the end of the school year. They had given the document to the *pasdaran*. The man asked Navareh where his friend and gun were. Navareh told him he did not have either.

Navareh noticed Sasan Partowee being interrogated by a cleric in another room. Navareh could not hear what they were saying. He later discovered that the cleric was Khalkhali—who had just arrived in Sanandaj. Navareh never met with Khalkhali and was returned to the holding room.

¹⁵⁷ *Fars* is a term used to describe individuals of Persian ethnic majority by the other minorities in Iran.

At about 3 a.m. in the morning, two new people were brought into the holding room—Issa Pirvali and H.B.¹⁵⁸ Navareh knew both of them—Pirvali was the keeper of a *halim* (meat porridge) and liver shop in Navareh’s neighborhood. Navareh recalls:

None of us slept that night. All night long, the door opened and closed as people went in and out. The next day, *Darwish* Issa [Pirvali], Naser Salimi and H.B. were taken before Khalkhali, the “judge.” These trials were just formalities and only lasted a few minutes. There was no court manager, defense attorney or even a secretary! Whoever came out of that room said that the only person they spoke to was the *akhoond*.

According to *Ettelaat* newspaper, Naser Salimi was charged with “acting to separate Kurdistan from Iran and participating in the bloody massacre of Paveh.” The paper further claimed that Salimi was shot in the hand while fighting in Paveh.¹⁵⁹ However, Salimi strongly disputed this version of events. According to Navareh:

Naser Salimi—the man in the [Pulitzer Prize winning] photo whose hand is injured—came out [from meeting with Khalkhali] and told us: “These jerks are accusing me of being injured in combat with them, but my hand was injured at home and this cut was the result of a knife.” He told me that he was at home when the *jash* working for Moftizadeh arrested him. The *jash* were the ones who reported that his hand was injured in combat. They made a case for him.¹⁶⁰

The authorities nonetheless arrested him and took him to Sanandaj airport.¹⁶¹ In Razmi’s Pulitzer Prize-winning photograph, Salimi is the blindfolded man with the heavily bandaged hand in the foreground.¹⁶²

Similarly, Issa Pirvali denied the accusations against him. As reported in *Ettelaat* newspaper, Khalkhali accused Pirvali of killing Shater Mohammad and his son in Sanandaj the previous April.¹⁶³ About Pirvali’s meeting with Khalkhali, Navareh recounts:

Darwish Issa [Pirvali] was taken, and when he came back he was really upset. He said that he was accused of having killed Shater Mohammad, but he knew nothing of that affair. He was crying and saying that he doesn’t even know Shater Mohammad [...] Issa told us: “These jerks have asked me to spy on you for them and report to them. I won’t turn my back on you and will never do such a thing. They have said if I spy for them they will release me—but my honor cannot accept such action.”¹⁶⁴

¹⁵⁸ H.B. is a pseudonym.

¹⁵⁹ *40 Nafar dar Sanandaj, Mariwan va Saqqez Tirbaran Shudand* [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez], ETTELAAT, [Aug. 28, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁶⁰ Navareh Interview, *supra* note 146. The term *jash* refers to Kurdish collaborators. See IHRDC, SURVIVING RAPE IN IRAN’S PRISONS 38 (2011), available at <http://www.iranhrdc.org/english/publications/reports/3401-surviving-rape-in-iran-s-prisons.html?p=7> (defining *jash*).

¹⁶¹ Navareh Interview, *supra* note 146.

¹⁶² Joshua Prager, *supra* note 152.

¹⁶³ *40 Nafar dar Sanandaj, Mariwan va Saqqez Tirbaran Shudand* [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez], ETTELAAT, [Aug. 28, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁶⁴ Shater Mohammad (Mohammad Rahmanpour) was in charge of the military office of Hojjatolislam Safdari (Supervisor of Corps 28 in Sanandaj). He was fatally wounded by demonstrators reportedly because he shot and killed unarmed civilians during Bloody Nowruz in March. See SAYAR, *supra* note 39, at 3; *Talash Barayih Payan-i Nabardha dar Sanandaj* [Efforts to End the Fighting in Sanandaj], KAYHAN, [Mar. 20, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

When H.B. returned from meeting with Khalkhali, Navareh remembered that “he was very quiet when he returned. He wouldn’t say anything. It was clear they had been hard on him.”

Later that day around 2 or 3 p.m., after the meetings with Khalkhali had finished, guards came to the room and called out eight names: Ahsan Nahid, Shahriar Nahid, Jamil Yakhchali, Naser Salimi, Issa Pirvali, Ata Zandi, Amjad Mobasseri, and Mozaffar Rahimi—a 17-year-old from the village of Ghareyan, near Sanandaj. The guards told the eight men to put on their shoes and follow them. Jamil Yakhchali and Shahriar Nahid carried Ahsan Nahid out of the room on the stretcher. Only Jamil Navareh, Sasan Partowee, H.B., and the father and son remained in the room. Navareh recalls:

When I asked the guard where they were taking [the eight men], they replied: “We are taking them to Kermanshah.” I was surprised because *Darwish* Issa [Pirvali] had just been brought from Kermanshah the night before. So why were they taking them back to Kermanshah? [...] Half an hour after they took them out of the room, we heard the sound of a helicopter taking off. The sound was very loud, so loud that the vibrations shook our window. I did not hear any shots. I think the helicopter noise blocked it so we couldn’t hear it.

Navareh and the others had no idea what happened to the eight men. Finally, around 6 p.m. that day, the guards told Navareh he had visitors. Navareh went outside and met his father, who was crying and very upset. Navareh suspected something must have happened around the airport for his father to be so visibly shaken. However, a guard was monitoring the meeting so they could not speak openly. Navareh stayed at Sanandaj airport for another night or two before a family member came with a house deed in exchange for his release. Only when he got home did Navareh learn that the eight men had been executed by firing squad. A few days later, Navareh left for Tehran to obtain medical attention for his injured hand.¹⁶⁵

On August 29, people in Sanandaj protested the executions. Security forces attacked the protesters and one protester, Mansour Alaghemand Bahrami, was injured. He later died in hospital from his injuries.¹⁶⁶

3.4. Saqqez

On August 27, it was reported that 45 men had been executed in the Western regions of Kurdistan since Khalkhali’s arrival.¹⁶⁷ That day, Khalkhali and his entourage traveled about 80 miles northwest to Saqqez, a small town in Kurdistan Province. Khalkhali immediately organized trials at the Saqqez military base to deal with those allegedly responsible for the battles of the previous days.¹⁶⁸

Prior to Khalkhali’s arrival, the fighting in Iran’s Kurdish region had spread to Saqqez.¹⁶⁹ Kurds had seized weapons from the military base and bases in nearby towns immediately following Khomeni’s

¹⁶⁵ Navareh Interview, *supra* note 146.

¹⁶⁶ Navareh Interview, *supra* note 146, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁶⁷ *Iran Tells Kurds to Surrender or Be Crushed*, GUARDIAN, Aug. 27, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁶⁸ *40 Nafar dar Sanandaj, Mariwan va Saqqez Tirbaran Shudand* [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez], ETTELAAT, [Aug. 28, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁶⁹ *See Payam-i Nukhust Vazir bih Padigan-i Saqqez* [Message of the Prime Minister to Saqqez Military Base], ETTELAAT, [Aug. 28, 1979] (reporting Interim Prime Minister Bazargan declaring that the men in Saqqez “bravely protected their base, city of Saqqez, their country and their revolution since August 22”), available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

return to Iran in February.¹⁷⁰ Hostilities between the military and *pasdaran* stationed at Saqqez military base and the local Kurds intensified to the point that on August 22, the central government dispatched forces from the military base in Sanandaj to Saqqez.¹⁷¹ Khomeini ordered the *pasdaran* and the army to coordinate their activities and warned that any signs of insubordination in the army would lead to execution.¹⁷²

While government forces met with some initial resistance, they quickly retook the town using air attacks and heavy artillery. For two days, helicopters shot people on the streets of Saqqez and Phantom jets strafed the town.¹⁷³ It was reported that by Friday, August 24, the military blocked all roads leading to Saqqez and effectively quarantined the town, but that battles continued.¹⁷⁴ On Sunday, August 26, *Ettelaat* newspaper reported that the military had complete control of Saqqez. Kurdish fighters escaped to the mountains, but the military and *pasdaran* set up checkpoints all over town to stop and search townspeople and they arrested close to 150 people. Despite the security controls and the fact that businesses remained closed, *Ettelaat* reported that people had resumed daily activities. However, the town was destroyed. On August 27, it was reported that 200 Kurds had been captured and were awaiting the arrival of Khalkhali.¹⁷⁵



Ayatollah Khalkhali arrived that day. The next morning, August 28, he made good on the promise of the central government to execute any military officers who disobeyed orders, and he sentenced to death

¹⁷⁰ Kaabi Interview, *supra* note 27.

¹⁷¹ *Dargiriyih Niruhayih Artish va Muhajiman dar Humihyih Saqqez* [Clashes Between the Military Forces and the Invaders in the Outskirts of Saqqez], ETTELAAT, [Aug. 23, 1979] (quoting statement by Commander of corps 28 of Kurdistan, staff colonel, Iraj Sepehr:

In the name of God, the compassionate the Merciful

Respectful, Muslim and informed residents of Saqqez, a number of mercenary and godless elements, who are undoubtedly not from amongst the Muslim and committed people of Saqqez and pursue nothing other than destruction of the country and animosity with the Muslim people of Kurdistan, opened fire near Saqqez bridge on your military brothers and are preventing them from entering the city.

Your soldier brethrens have dispatched to the city of Saqqez to support you and provide you with security. Therefore, we expect that you extend you warm palms to squeeze their manly hands and warmly welcome them so that they can, alongside you, protect the calm and comfort of the people. This is the reason for which the Islamic Republic of Iran's military, including Corps 28 of Kurdistan, with the help of you, the Muslim people of Saqqez, and having a steadfast belief in the holy revolution as well as respect to the blood of the martyrs of the path of right and truth and the orders of the leader of the revolution, crushes the anti-revolutionaries.

¹⁷² Nassir Shirkhanl, *Iran Pounds Rebel Stronghold in Air Attack*, GUARDIAN, Aug. 24, 1979, at 4, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁷³ *150 Muhajim dar Saqqez Dastgir Shudand* [150 Invaders Were Arrested in Saqqez], ETTELAAT, [Aug. 26, 1979]; *Juz'iyat-i Nabard-i Shahr-i Saqqez* [The Details of the Battle of the City of Saqqez], ETTELAAT, [Aug. 25, 1979]; Nassir Shirkhanl, *Iran Pounds Rebel Stronghold in Air Attack*, GUARDIAN, Aug. 24, 1979, at 4, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>; Kaabi Interview, *supra* note 27.

¹⁷⁴ *Juz'iyat-i Nabard-i Shahr-i Saqqez* [The Details of the Battle of the City of Saqqez], ETTELAAT, [Aug. 25, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁷⁵ PRUNHUBER, *supra* note 21, at 81; *Iran Tells Kurds to Surrender or Be Crushed*, GUARDIAN, Aug. 27, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

without trial nine army officers accused of collaborating with the Kurds. The executed were Second Lieutenant Ahmad Saeedi, Second Lieutenant Ghader Bahador, Second Lieutenant Taher Khatibi, Sergeant Mohammad Babamiri, (Third) Sergeant Naser Hadadi, (First) Sergeant Rasoul Amini, (Third) Sergeant Mohammad Ghafari, (Third) Sergeant Naji Khorshidi, and (Second) Sergeant of the Gendarmerie Karim Rezaei.¹⁷⁶

In addition to the nine officers, Khalkhali ordered the execution of eleven Kurds. The eleven were Seifollah Feizi (15 years old), Anvar Ardalani, Ali Fakhraee, Abdullah Bahrami, Seyyed-Hassan Ahadi, Mohammad Darvish-Noghrei, Karim Shiriaee, Abobakr Samadi, Ahmad Moghadam, Jamil Jamalzadeh and Azar Kashb-Daraei (12 years old). They were executed by firing squad that day.¹⁷⁷

Seifollah Feizi was a 15-year-old boy from the nearby town of Bukan who had been arrested during the fighting in Saqqez. His sister, Gowhar Feizi, remembers that her brother, like many Kurdish youth, helped bring food and other supplies to Kurdish fighters. She was told that, while Feizi was with a group of 20-30 people delivering food to fighters, a military helicopter circled overhead and dropped a hook that snagged the boy. The helicopter then dragged him for about ten miles over rough terrain away from the battle frontlines to the military base in Saqqez. Rocks and thorns lined the path and Feizi broke his arm on a boulder during the terrifying journey.¹⁷⁸

There was no medical equipment at the base to treat Feizi and he was transported to the hospital in Sanandaj. During the helicopter ride to the hospital, one of the *pasdaran* threatened to throw him from the helicopter in mid-flight. However, the pilot adamantly objected and succeeded in taking Feizi to Sanandaj hospital. Feizi was treated and later returned to Saqqez.

Gowhar Feizi remembers that her brother was questioned a few days after his return:

Khalkhali, appointed as judge, came to Saqqez. My brother was called before him. There was no formal court proceeding and nobody bothered to ask about the circumstances of his arrest, or his psychological and physical health. Instead, they asked him what he did. He responded: "I supported my people and distributed food and medicine." They asked him who the leader of his people was. He answered "Dr. Ghassemlou." Then, with a thin wooden stick, Khalkhali pointed my brother in one direction and instructed him to stand there. That comprised the entirety of the questions and answers my brother was subjected to.

Feizi's family was told to visit him in detention, so they packed clean clothes and food for him and set off for Saqqez by bus. Gowhar remembers that on the way, she saw many women dressed in black chadors. As they approach Saqqez, they saw a group of about 300-400 men and women walking. The bus stopped and the driver asked them whether the bus could enter the city. They said that the bus could, but that the city was under martial law and advised that they stay off main streets. When the bus passengers asked why, they said that Ayatollah Khalkhali had executed about twenty people that day, including a boy who was not yet 16 years old. They also said that a group had not been executed.

¹⁷⁶ 40 Nafar dar Sanandaj, Mariwan va Saqqez Tirbaran Shudand [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez], ETTELAAT, [Aug. 28, 1979]; *What's News: Business and Finance World-Wide*, WALL ST. J., Aug. 29, 1979; *Khomeini Kills Hopes for Peace in Kurdistan*, GUARDIAN, Aug. 29, 1979, at 8, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁷⁷ 40 Nafar dar Sanandaj, Mariwan va Saqqez Tirbaran Shudand [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez], ETTELAAT, [Aug. 28, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁷⁸ IHRDC Interview with Gowhar Feizi (Feb. 2, 2011) (on file with IHRDC) [hereinafter Feizi Interview]. The text that follows is from Gowhar Feizi's interview.



Photograph of men killed in Kurdistan in 1979
(*The Economist*, Sept. 1, 1979, p. 48)

Gowhar Feizi felt a strong sense of foreboding and hoped her brother was not the teenage victim. Once their bus reached its destination, she, her mother and her sisters disembarked and walked with a group of mostly women toward the military base in Saqqez. Soldiers at the base started shooting in their general direction. The women fell to the ground and took cover. From the watch tower, someone with a loudspeaker warned the group to not come any closer or they would be shot and killed. A guard came out and asked why they had come to the base. When the group replied that they wanted to see their imprisoned relatives, the guard instructed them to go to the central mosque in town. He said all the prisoners were released and waiting there.

Feizi's family anxiously headed to the mosque. The mosque was extremely crowded, but they were told that people had been executed and that they should

help identify bodies. Gowhar saw a pile of corpses with ice on top of them. Throngs of people, many crying and wailing in distress, clustered around the bodies in frantic attempts to identify their relatives. Gowhar recalls:

I was scared, and shocked yet pulled uncontrollably toward the bodies. My brother and I were very close and he often came to pick me up from school. On the walks home, he wrapped his arms around my shoulders and so his hands, and his fingers, were very familiar to me. As soon as I saw his hands—there in that heap of bodies—I recognized him. I kissed his hands. His chest was riddled with holes—it looked like he had been shot 10-20 times. There was also a mark left by ropes around his neck. His arm was still in plaster and I screamed: “That is my beloved brother!” My sisters outside the mosque heard me and ran inside. They beat their chests in mourning. The damage was done.

The ligature marks and bullet wounds are clear evidence of how Feizi was executed. However, his family does not know the details. The city was under martial law and the Imam of the mosque said he could not do anything to help them bring the body back to Bukan. The family eventually obtained permission from the military authorities to take the body home in an ambulance.

In 1980, Seifollah Feizi's brother Abdullah Feizi was executed as well. Gowhar Feizi recalls his humiliating treatment and brutal death:

Without interrogation or trial, the *pasdaran* wrote “anti-revolutionary” and “infidel” on placards, placed them around [the prisoners'] necks, and paraded them in the streets. Bystanders were encouraged to throw rotten tomatoes, eggs, stones, pieces of wood and other objects at my brother and his friend. In this way, the government exploited the emotions of innocent people—they made brothers enemies of one another. After my brother and the others received this humiliating treatment, I do not know how they were killed. But when the bodies were returned to Bukan, I saw that my brother's entire neck was cut open and the insides exposed. It was so gruesome that I passed out at the sight.

While Khalkhali ordered the execution of twenty people on August 28, he cleared another 25 people of their alleged crimes and released them from custody following the cessation of active hostilities in

Saqqez.¹⁷⁹ But despite the release of these people, he continued to order others alleged to have aided and assisted the Kurdish forces—including teachers and medical professionals—to be executed, jailed or exiled.¹⁸⁰

Charges against medical professionals arose from government claims that personnel at Saqqez hospital refused treatment to injured soldiers and *pasdaran*.¹⁸¹ *Ettelaat* newspaper reported that on August 28, Khalkhali sentenced Dr. Niloufari—the head of Saqqez hospital—to exile in the city of Rafsanjan for refusing medical care to *pasdaran* and soldiers.¹⁸²

However, there is evidence that *pasdaran* were treated at the hospital.¹⁸³ Two Kurdish nurses at Saqqez hospital, Shahla and Nasrin Kaabi, were insistent that all persons wounded in battle be treated—regardless of affiliation. Their brother, Rauf Kaabi, a former member of the *Fedaian-e Khalq*, recalls that his sisters were even impervious to pressure from him:

During the conflicts, a captured *pasdar* was sent to Saqqez—where my sisters worked in the town hospital. I was at the operational office of the Fedaian when a couple of people came to see me. They said: “We need you because your sisters won’t allow us to see the *pasdar*.” Everyone was curious to see what a *pasdar* looked like—this was novel to us. So I went to the hospital. The first thing my sister Nasrin said to me when she saw me was: “So, what is it? You too are here to see a *pasdar*?” I answered in the affirmative. She said: “Don’t even entertain the idea! This is a hospital and the *pasdar* is our patient. We have an obligation to care for him [...]” In any event, she did not let me, her brother, meet with the *pasdar*. My sisters were nurses and committed to providing care to their patients, no matter who it was. Yet still the verdict handed down by Khalkhali was that they had collaborated with anti-revolutionaries.

Khalkhali ordered that Nasrin be exiled to Mahan—in the southeast of Iran—and that Shahla be exiled in Qazvin. After they returned to Saqqez, war broke out in the spring of 1980 and the Kaabi sisters were arrested. They were taken to Sanandaj prison but soon transferred to Evin prison in Tehran where they remained for a month and a half before being transferred back to Sanandaj. Government authorities never told the family the reason for the temporary transfer to Evin. Prior to the sisters’ transfer back to Sanandaj, they were only granted one or two family visits.¹⁸⁴

In Sanandaj, visitation was completely denied. While their family remained in the dark, on Friday, August 29, 1980, a firing squad executed the Kaabi sisters at Sanandaj prison. No notice was given to the Kaabi

¹⁷⁹ *40 Nafar dar Sanandaj, Mariwan va Saqqez Tirbaran Shudand* [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez], ETTELAAT, [Aug. 28, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁸⁰ Kaabi Interview, *supra* note 27. On August 31, it was reported that two Kurds had been executed in Zanjan. Thurgood, *Iran Brings in Tanks to Force Kurdish Surrender*, GUARDIAN, Aug. 31, 1979, at 8, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁸¹ *Juz’iyat-i Nabard-i Shahr-i Saqqez* [The Details of the Battle of the City of Saqqez], ETTELAAT, [Aug. 25, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁸² *Chigunigiyih Sudur-i Dastur-i Hamlih bih Saqqez Ilam Shud* [The Manner of Issuance of Order of Attack on Saqqez was Announced], ETTELAAT, [Aug. 29, 1979]. See also *Chigunigiyih Girugangiriyih Majruhan dar Saqqez* [How the Injured Were Taken Hostage in Saqqez], ETTELAAT, [Aug. 30, 1979] (reporting that on August 30, Dr. Niloufari sent injured *pasdaran* and soldiers to Mahabad and Bukan as hostages of the KDPI, and that, as a result, Khalkhali released Dr. Niloufari upon a guarantee by a third party and a promise that he would retrieve the hostages from Mahabad); *Khalkhali Doctor Niloufari ra Azad Kard* [Khalkhali Released Dr. Niloufari], ETTELAAT, [Sept. 2, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁸³ Kaabi Interview, *supra* note 27; IHRDC interview with Maruf Kaabi (Feb. 2, 2011) (on file with IHRDC) [hereinafter Maruf Kaabi Interview].

¹⁸⁴ Kaabi Interview, *supra* note 27.

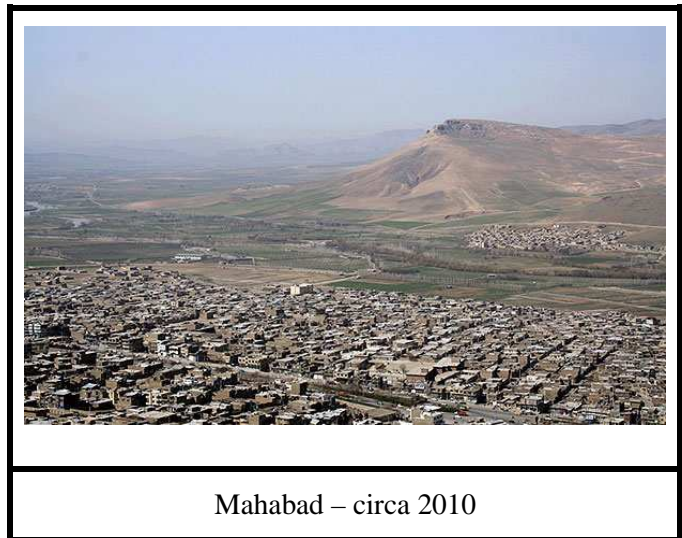
family about the impending executions. Instead, in a remarkable act of gratuitous cruelty, the authorities told the daughters' father that his daughters would be freed from prison on Friday and that he could come pick them up. But when the parents arrived at Sanandaj prison, guards threw the sisters' clothing at them and told them they had been executed that day. The Kaabi family still does not know what crimes Nasrin and Shahla were formally charged with and convicted of, or whether they were ever charged at all.¹⁸⁵

3.5. Mahabad

Mahabad, of course, held special significance for Kurds, having been the site of the only independent Kurdish republic. Located in a fertile valley in West Azerbaijan Province, it had traditionally been an agricultural market. The KDPI had its headquarters there and set up a local government following the Revolution.¹⁸⁶

After government forces entered Mahabad on September 3 following the three-week siege, the residents sent a telegram to Khomeini begging that Mahabad be spared summary trials and executions. However, on September 6, it was reported that Khalkhali had ordered the execution of 80 Kurds and that he was planning to travel to Mahabad despite Tehran's orders to return to the capital.¹⁸⁷ He arrived in Mahabad on Friday, September 7.¹⁸⁸

He reportedly met with a group of local citizens, neighborhood trustees and clerics from the city. *Ettelaat* newspaper reported that he explained "as the religious magistrate, I announce that by order of Imam Khomeini,



whoever hands over his arms, even if he is a member of the [Kurdish] Democratic Party, and stops his support of the anti-revolutionaries, then he will be subject to Imam's amnesty." He forbade any form of anti-national and anti-religious demonstration and warned that "if a person acts against the laws of the military and *pasdaran*, he will be dealt with in accordance to the laws." However, in another part of his speech, Khalkhali added that leaders of the "Democrats" were not subject to amnesty.¹⁸⁹

Khalkhali apparently also took the opportunity to again explain some of the executions. He said he ordered that Dr. Rashvand [the doctor in Paveh] be executed because Rashvand had ordered the beheading of Sunni Muslims. He is reported to have explained that:

Under such conditions, we could not merely watch and stand away from the action and say people of Kurdistan should be left to their own devices. Particularly considering that

¹⁸⁵ *Id.*; Maruf Kaabi Interview, *supra* note 183.

¹⁸⁶ PRUNHUBER, *supra* note 21, at 57-58.

¹⁸⁷ Thurgood, *Iranian Forces Pursue Retreating Kurds*, GUARDIAN, Sept. 6, 1979, at 7, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁸⁸ Thurgood, *Kurds May Wage Mountain Warfare*, GUARDIAN, Sept. 8, 1979, at 7, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁸⁹ *Ikhtar-i Shadid-i Khalkhali dar Mahabad* [Serious Warning of Khalkhali in Mahabad], ETTELAAT [Sept. 9, 1979]; Thurgood, *Kurds May Wage Mountain Warfare*, GUARDIAN, Sept. 8, 1979, at 7, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

98% of the Kurdish people, with the exception of some *nuevo riche* kids, are Muslims who participate in Friday prayers. In this midst, feeling responsible as the commander-in-chief, Imam felt that the government may act in an un-revolutionary, manner so he ordered the military to crush the Democrats.¹⁹⁰

Regarding his activities in Saqqez, he claimed that “70 of our military men and *pasdaran* disappeared” and that they were “handed over by Dr. Niloufari and his buddies to the Democrats and they in turn took the hostages to Iraq.” He complained that if he were to sentence Dr. Niloufari to death, “international rights and human rights supporters would make a move stating that I intend to uproot physicians in this country.” Addressing rumors that he had sentenced a 12-year-old boy to death in Mahabad, Khalkhali said

These people were present. They saw that we only sentenced people to execution who were either present in the trenches or had come from outside of the country. We arrested people in Paveh who were Christians. What was a Christian doing there?

Khalkhali also claimed that Sheikh Hosseini had previously received money from SAVAK. One of the clerics at the meeting opined that they did not want to be dealt with the way the Westerners said and wrote about. Khalkhali responded that:

Americans can write what they want and the Europeans can say what they like. We don't pay any attention to them. They had written in their newspapers that the military can't reach Mahabad for another three years. We are the Islamic Republic and this is a pattern to follow. You should not pay any attention to these writings. Has the military and *pasdaran* killed anyone so far since they entered Mahabad? Or have they looted a house? You should not repeat these rumors.

Ettelaat newspaper reported that *pasdaran* wanted to arrest a member of the city council attending the meeting, but Khalkhali instructed that nobody was to be detained. The local clerics promised that there would be no more demonstrations in the city. But a young man stood and said that a resolution had been issued by the people of Mahabad and its surroundings. Khalkhali asked how many people had signed the resolution. The man admitted that it was not signed, but Khalkhali asked him to read the resolution. The paper quoted the reading of the resolution:

Article one—The religious and political leaders of the Kurds whose blood is one and the same with the blood of the Kurdish people should not be insulted in any way at all.

Article two—The *Mojahedin* should not be given permission to enter the city and the surrounding villages of Kurdistan and the Kurdish residing areas.

Article three—General amnesty for all the Kurdish people including the leaders of the Kurdish parties.

Khalkhali interrupted to say “We don't accept Ezzedin Hosseini and Ghassemlou as the leaders of the Kurds and the *Mojahedin* will go everywhere.” The young man continued reading the resolution:

Article four—Revolutionary courts will not be held in Mahabad.

¹⁹⁰ *Ikhtar-i Shadid-i Khalkhali dar Mahabad* [Serious Warning of Khalkhali in Mahabad], ETTELAAT, [Sept. 9, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

Khalkhali responded: “It is not possible. The court has to do its job.” The young man continued:

Article five—Release of the Kurdish brothers arrested in Mahabad.

Khalkhali said: “Those who are against the masses, if they repent, they will be subject to the amnesty and those of them who are leaders are a different story.” The young man continued reading:

Article six—Forgiving of a group of military brothers who were serving in Mahabad and are presently held imprisoned in Orumiyeh military base.

Khalkhali exclaimed that he did accept the demands and that they would be dealt with in accordance with military law so that the military men understand that when they get paid by the people, they have to act in their interests. The young man read Article 7:

Article 7—Prevent the execution of Kurdish brothers who are military men in Sanandaj.

Khalkhali said that this was not possible either and that he should not say such things because scholars were sitting there, and if there was a problem, they would discuss it. The young man directed Khalkhali to issue a response to the resolution within 48 hours on television and radio. Khalkhali dismissed him, saying that he had given his responses already. He added that “Demonstrations are forbidden and the military and *pasdaran* are everywhere.”¹⁹¹

On September 9, the central government took control of *Kayhan* and *Ettelaat* newspapers and handed them over to the *Bonyad-e Mostazafan* (Foundation for the Dispossessed).¹⁹² Khomeini ordered the establishment of the Foundation in March 1979 to confiscate for the benefit of the weak and needy laborers, employees and others, all movable and immovable property of the Pahlavi dynasty and their branches and agents and others connected to them that had been accumulated illegally through embezzlement from the national coffers over the years of their dominance.

A not-for-profit that operates under the authority of the Supreme Leader, the Foundation nationalized thousands of workshops, factories, hotels and other properties during the post-revolution period and remains one of the most powerful of the state-run foundations today.¹⁹³

4. Executions and Battles Continue

Neither the executions nor the fighting ended. On September 2, government forces brutally took control of the small village of Gharna.¹⁹⁴ On September 11, it was reported that Khalkhali, still in Kurdistan, had ordered his men to gouge out the eyes and smash the teeth of a man deemed guilty of using torture under the Shah’s regime. After three teeth had been extracted, relatives of the man he allegedly tortured came forward and prevented further punishment.¹⁹⁵ Khalkhali left Kurdistan on or about September 13 to give

¹⁹¹ *Id.*

¹⁹² Thurgood, *Government Admits to Massacre of Kurds*, GUARDIAN, Sept. 10, 1979, at 7, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁹³ IHRDC, A FAITH DENIED: PERSECUTION OF THE BAHÁ'Í'S 39 (2006), available at <http://www.iranhrdc.org/english/publications/reports/3149-a-faith-denied-the-persecution-of-the-baha-is-of-iran.html>; *Tarikhchih [History]*, ISLAMIC REVOLUTION MOSTAZAFAN FOUNDATION, available at <http://www.irmf.ir/About-Us/History.aspx>.

¹⁹⁴ See COMMITTEE OF HUMAN RIGHTS REPORTERS, *Guftugu ba Yik Shahid-i Ayni, Kushtar dar Gharna* [Interview with an Eyewitness, Massacre in Gharna] [Sept. 16, 2010], available at <http://www.chrr.biz/spip.php?article11124>.

¹⁹⁵ Thurgood, *Tehran Mourns the Ayatollah of Moderation*, GUARDIAN, Sept. 11, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

Khomeini a report about his activities in the region.¹⁹⁶ He recommended that the government rebuild houses for those whose homes had been destroyed during the fighting, pave the main roads, and fire all the “Democrat” affiliates from the government offices.¹⁹⁷ Reports of executions in Kurdistan and elsewhere continued.¹⁹⁸

Khalkhali returned to Mahabad by plane later in September. Before leaving, he issued a statement banning all demonstrations in support of the KDPI and warning that “once again, counterrevolutionaries were stirring up trouble to ‘color Kurdistan with the blood of our country’s children.’”¹⁹⁹ *Ettelaat* newspaper reported his complaints that Iranian newspapers were publishing news in a manner that made him look like a villain and glorified the executed, and that the international press was focused on the executions of a few criminals. He was quoted as grumbling that:

Such oppression and murders and tortures take place in Rhodesia, Angola, Mozambique, South Africa and other parts of the world by the cronies of the United States, but the published press in USA and Western Europe remain silent about those killings and ruthless massacres. However, when a few blood-sucking criminals are executed in Kurdistan and other parts of Iran, stories begin to spin and newspapers start to fill, and the televisions boldly display a montage photo. This is while everyone knows that no one was tried while on a stretcher in the revolutionary courts of Kurdistan. All of those tried were healthy and walked on their own feet to the trial chamber and walked out, on their own feet, to the gallows. All such propaganda is meant for disturbing the minds of the masses and the simpletons.

He then continued to defend his execution record and addressed the cases of fourteen of the people he had ordered executed. Among them was Issa Pirvali who was executed in Sanandaj for allegedly killing Shater Mohammad. Khalkhali explained that “When carrying out his criminal deed, this man was holding a cleaving butcher knife, spinning it around and flagrantly saying ‘The meat from Khomeini’s followers just dipped in price!’ and other statements that I am ashamed of repeating.” He also continued his defense of Dr. Sardari’s execution in Paveh. This time, he told *Ettelaat* that Dr. Sardari had been arrested armed in the trenches and was one of the leaders of the outlawed KDPI.²⁰⁰

On September 29, it was reported that he had summarily ordered four more men executed in Mahabad. Three were condemned for “contacts with counterrevolutionaries” and the fourth of “moral offenses.”²⁰¹ On October 18, perhaps in light of the upcoming vote on the draft Constitution, Khomeini announced a halt to executions.²⁰² However, by November 1979, at least 550 people had been executed in Iran, many of them at the behest of Khalkhali. He was removed from his position as head of the Revolutionary Court,

¹⁹⁶ *Guzarish-i Khalkhali darbarihyih Qarb-i Kishvar bih Imam* [Report of Khalkhali about the Western Parts of the Country to Imam], *ETTELAAT*, [Sept. 13, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁹⁷ *Khalkhali: Dawlat Harchih Zudtar Bayad dar Kurdistan Dast bih Sazandigi Bizanad* [Khalkhali: the Government Must Sooner Rather than Later Start Construction Projects in Kurdistan], *ETTELAAT*, [Sept. 15, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

¹⁹⁸ See Thurgood, *Iran Takes Further Step to Theocracy; 9 Kurds Executed*, *GUARDIAN*, Sept. 14, 1979, at 8 (reporting nine executions in central Hamadan province and the towns of Gonbad-e Kavus, Sanandaj and Baneh), available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

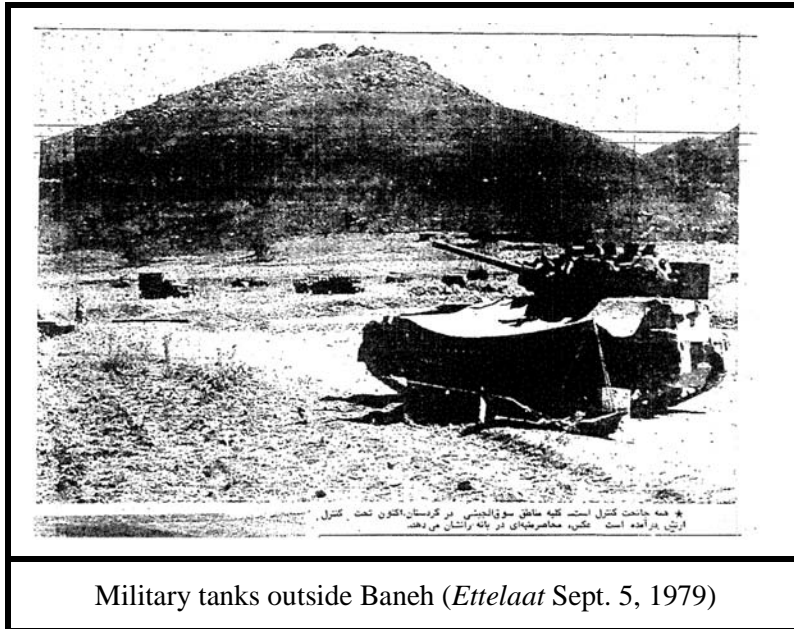
¹⁹⁹ *Iran Oil Chief Replaced After “Treason” Charges*, *GUARDIAN*, Sept. 29, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

²⁰⁰ *Khalkhali: Chira Dar Kurdistan Hukm-i Idam Sadir Kardam* [Khalkhali: Why I Issued Execution Sentences in Kurdistan], *ETTELAAT*, [Sept. 23, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

²⁰¹ *9 Nafar Tirbaran Shudand* [9 People Were Executed by Firing Squad], *ETTELAAT*, [Sept. 7, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

²⁰² Thurgood, *Minister “Stirred Up Kurds’ Hostility,”* *GUARDIAN*, Oct. 19, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

but was made head of a narcotics taskforce in May 1980, from where he continued to order executions. He was removed from that position in December 1980, reportedly by then-President Bani Sadr who himself fled the country in June 1981. However, Khalkhali continued to wield power and influence in the Islamic Republic until his death in 2003.²⁰³



Military tanks outside Baneh (*Ettelaat* Sept. 5, 1979)

On October 24, a referendum was held on the draft Constitution presented by the Assembly of Experts. It was approved by the electorate and became effective on December 3. The Constitution created a centrally controlled system similar to that under the Shah but within an Islamic framework. Article 15 provides that Persian is the official language of the Islamic Republic and that “[o]fficial documents, correspondence, and texts, as well as textbooks, must be in [Persian]. “However, the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in

schools, is allowed in addition to Persian.” While the rights of three religious minorities are recognized, there is no recognition of ethnic minority rights.²⁰⁴

Widespread fighting in the Kurdish regions continued into October.²⁰⁵ On October 31, Kurdish fighters retook Mahabad and negotiations with the central government resumed.²⁰⁶ However, Khomeini consistently rejected any plan involving local control, and the fighting eventually blossomed into a full-scale war that lasted for years. The KDPI split in 1980 when a small group sided with the Tudeh Party, the largest Communist Party in Iran. The main part of KDPI remained loyal to its chairman Dr. Ghassemlou and continued to battle Tehran/Qom until many leaders and members were forced into exile. Dr. Ghassemlou was assassinated in Vienna in 1989 as he was preparing to enter into yet another negotiation session with the Islamic Republic.²⁰⁷

5. Violations of International and Iranian Law

The executions, without fair trials, that the Revolutionary Court under the authority of Ayatollahs Khalkhali and Khomeini ordered in Iran’s Kurdish regions violated Iranian law and the Islamic Republic’s obligations under international human rights law. The arrests and executions based on the political beliefs of the victims also violated the victims’ rights of expression and association, and to redress.

²⁰³ Afshar, *Obituary: Ayatollah Sadeq Khalkhali*, *supra* note 76.

²⁰⁴ Qanun-i Assasiyih Jumhuriyih Islamiyih Iran [CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [adopted 1979, amended 1989] art. 15 [hereinafter IRANIAN CONST.], available at <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/3017-the-constitution-of-the-islamic-republic-of-iran.html>

²⁰⁵ HIRO, *supra* note 20, at 112.

²⁰⁶ PRUNHUBER, *supra* note 21, at 84.

²⁰⁷ IZADY, *supra* note 3, at 210.

5.1. Executions without Fair Trials

Article 6 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran was a party in 1979 (and still is), codifies the supreme right to life held by every human being.²⁰⁸ Even in countries that still use the death penalty as a form of punishment, it must be considered a “quite exceptional measure.”²⁰⁹ Article 6 provides that “a sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime.” The death penalty may only be carried out pursuant to a “final judgment rendered by a competent court.”²¹⁰ Executing persons under 18 years of age at the time of the offense is forbidden. A person sentenced to death also has the right to appeal or request a pardon.²¹¹

Moreover, under international law, every accused person has the right to a fair trial. Article 14 of the ICCPR guarantees that:

All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.²¹²

Article 14 also provides that the accused shall “have the right to be presumed innocent until proven guilty,” “be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him,” “have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing,” and be “tried without undue delay.”²¹³

While countries are permitted to derogate from some of their international human rights obligations in a “public emergency which threatens the life of the nation,” and then, only to the extent strictly necessary under the circumstances,²¹⁴ they never have a right to derogate from their duty to protect the lives of their citizens. In addition, the Human Rights Committee has firmly established that the “guarantees of fair trial may never be made subject to measures of derogation that would circumvent the protection of non-derogable rights.”²¹⁵

During the summer of 1979, Iran was in the midst of a transition from a constitutional monarchy to the Islamic Republic. While the Islamic Republic was formally declared in April 1979, the Constitution of the Islamic Republic was not adopted until December 3, 1979, and the laws during the interim were not always clear. However, even during this post-revolution period, Ayatollah Khomeini recognized the

²⁰⁸ International Covenant on Civil and Political Rights, art. 6(2), Mar. 23, 1976, 999 U.N.T.S. 171 [hereinafter ICCPR], available at <http://www.iranhrdc.org/english/human-rights-documents/international-conventions/3197-international-convention-on-civil-and-political-rights.html>. Iran signed the ICCPR on Apr. 4, 1968 and ratified the agreement on June 24, 1975 without reservations. Article 6 provides: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” *Id.* art. 6(1).

²⁰⁹ U.N. Human Rights Comm., General Comment No. 6: Right to Life (Art. 6), ¶ 1, U.N. Doc. HRI/GEN/1/Rev.1 at 6 (Apr. 30, 1982), available at <http://www.unhcr.org/refworld/docid/45388400a.html> [hereinafter General Comment No. 6].

²¹⁰ ICCPR, *supra* note 208, art. 6(2).

²¹¹ *Id.* art. 6(4).

²¹² *Id.* art. 14(1).

²¹³ *Id.* art. 14(2), (3).

²¹⁴ State parties are permitted to derogate from some international obligations “in [a] time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed.” U.N. Human Rights Comm., General Comment No. 29: States of Emergency (Art. 4), ¶ 3, U.N. Doc. CCPR/C/21/Rev.1/Add.11 at 2 (Aug. 31, 2001), available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/71eba4be3974b4f7c1256ae200517361](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/71eba4be3974b4f7c1256ae200517361). Thus, even if the right to life were a derogable obligation, the insistence of Kurds and other ethnic minorities for some measure of secular autonomy did not justify summary trials and executions, as the authorities did not declare a public emergency that threatened the life of Iran.

²¹⁵ U.N. Human Rights Comm., General Comment No. 32, Article 14: Right to Equality Before Courts and Tribunals and to Fair Trial, ¶ 6, U.N. Doc. CCPR/C/GC/32, at 2 (Aug. 23, 2007), available at <http://www.unhcr.org/refworld/type.GENERAL.HRC.,478b2b2f2.0.html>.

universal right of all human beings to not be executed for non-serious crimes or political beliefs. On May 14, 1979, he issued the following decree:

Mr. Prosecutor of the Islamic Revolutionary Court, other than the 2 cases of (1) someone who is proven to have killed a man and (2) someone who has ordered mass killings or has committed an act of torture that led to death, no court has the authority to issue an execution order and people should not be executed other than in the two cases mentioned. Transgressing this order is a crime and will be proof of manslaughter.²¹⁶

Certainly the executions ordered by Ayatollah Khalkhali, as authorized by Ayatollah Khomeini, violated both international and Iranian law for several reasons. While the exact number of executions is not known, it was reported at the time that as many as 80 people were executed in the Kurdish regions. They were executed for such crimes as “corruption on earth and at war with God and his prophet,” and expressing support for the KDPI, as well as vague offenses such as “direct participation in Mariwan’s events” and “gathering armed individuals.” These offenses, most of which are political crimes, do not rise to the level of seriousness set forth in Khomeini’s order or required under international law. Moreover, at least three of the people executed were under the age of 18. Mozaffar Rahimi, a 17-year-old, was executed in Sanandaj. Seifollah Feizi was 15 years old, and Azar Kashb-Daraei was 12 years old when they were executed in Saqqez.²¹⁷

In addition, the executions were not ordered by competent courts and or after procedures that even approached fair trials. Khalkhali was swift and brutal. He or his deputies briefly questioned the detainees—most of whom had been arrested without warrants—and summarily announced whether they would live or die. In many cases, it was sufficient that the detainee admitted he supported the KDPI. Khalkhali made no allowance for assistance of counsel, production of evidence, or appeal. Men were executed within hours, sometimes minutes, of the pronouncement of the death sentence.²¹⁸

Last, the regime intentionally used these executions, and the threat of such executions, to terrorize Iranian Kurds and their supporters. Khomeini sent Khalkhali, “The Hanging Judge,” to the Kurdish regions and supported Khalkhali’s methods. Khalkhali publicized his execution orders and welcomed interviews. His deputies were not concerned as Jahangir Razmi photographed them killing eleven men in Sanandaj. Khomeini’s method was effective—Kurds were terrorized by the threat of executions. It was reported that after government troops took control of Mahabad in early September, the city was strewn with posters urging people to be “prepared for battle or ‘face Khalkhali!’”²¹⁹ Terrified citizens of the town wrote Khomeini begging him to not allow Khalkhali to travel to Mahabad as he had to other towns in the Kurdish regions.

5.2. Rights to Freedom of Expression and Association

Fundamental human rights to freedom of expression and association are codified in the ICCPR. Article 19 provides that “[e]veryone shall have the right to hold opinions without interference.”²²⁰ Article 22

²¹⁶ *Bih Dastur-i Imam Khomeini: Mujazat-i Idam Mahdud Shud* [By Order of Imam Khomeini: Limitations Were Placed on Execution Orders], ETTALAAT, [May 14, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

²¹⁷ Feizi Interview, *supra* note 178; Navareh Interview, *supra* note 146.

²¹⁸ Feizi Interview, *supra* note 178.

²¹⁹ Thurgood, *Iranians Take Rebel Kurdish Town*, GUARDIAN, Sept. 4, 1979, at 6, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

²²⁰ ICCPR, *supra* note 208 art. 19(1). Article 19(2) provides that “[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” *Id.* art. 19(2).

provides that “[e]veryone shall have the right to freedom of association with others.”²²¹ Similar to the right to life, there is no permitted derogation from the international protections of freedom of thought, conscience or religious belief.²²²

Ayatollah Khomeini, recognizing the legitimacy of these basic freedoms, promised before the creation of the Islamic Republic that “in an Islamic government, all people have freedom to express any opinion.”²²³ The Constitution of the Islamic Republic eventually codified these rights. Article 24 sets forth the right to freedom of expression,²²⁴ and Article 26 sets forth the right to freedom of association.²²⁵ Article 9 provides that:

No authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.²²⁶

The regime, led by Ayatollah Khomeini violated the rights of the executed men and boys to freedom of expression and association. Hundreds of people—men women and children—were arrested for belonging to or supporting secular political parties. A 12-year-old was arrested because he had some KDPI literature. Many of the executed were convicted by Khalkhali and his deputies for belonging to political parties and opposition groups, or supporting such groups.

5.3. Right to Redress

The Islamic regime violated its obligations to bring those responsible for violations of the ICCPR and Iranian law to justice. It is required “to ensure that any person whose rights or freedoms ... are violated shall have an effective remedy.”²²⁷ The U.N. Human Rights Committee has affirmed that state parties must ensure that individuals responsible for violations of the ICCPR are brought to justice. Failure to do so is itself a violation of the agreement. The Committee maintains that “reparation can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations.”²²⁸

²²¹ *Id.* art. 22. Article 22 further provides that:

No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. *Id.* art. 22(2).

²²² U.N. Human Rights Comm., General Comment No. 22, Article 18: Freedom of Thought, Conscience or Religion, ¶¶ 1, 3, U.N. Doc. CCPR/C/21/Rev.1/Add.4, at 1-2 (July 30, 1993), available at <http://www.unhcr.org/refworld/docId/453883fb22.html>.

²²³ RUHOLLAH KHOMEINI, SAHIFIH YIH NUR [Vessel of Light], Vol. 3 (1983).

²²⁴ IRANIAN CONST., *supra* note 204 art. 24. Article 24 states: “Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public.”

²²⁵ *Id.* art. 26. Article 26 states: “The formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them.”

²²⁶ *Id.* art. 9. Article 9 encourages Iranian citizens to broadly and actively participate in society and thereby guarantee the rejection of “tyranny” and “economic monopoly.”

²²⁷ ICCPR, *supra* note 208, art. 2(3)(a).

²²⁸ U.N. Human Rights Comm., General Comment No. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant: International Covenant on Civil and Political Rights, ¶ 18, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (May 26, 2004), available at <http://www.unhcr.org/refworld/docid/478b26ae2.html>. [hereinafter General Comment No. 31]. General Comment No. 31 also provides that “all branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level—national, regional or local—are in a position to engage the responsibility” of each state party. *Id.* ¶ 4.

Khomeini recognized that perpetrators of human rights violations should be punished. He decreed that executions carried out for reasons other than serious crimes would constitute manslaughter. Similarly, Khalkhali knew that what he was doing violated the law. At the time, the U.N. Sub-commission on Human Rights condemned his execution orders.²²⁹ In at least one interview, he defended himself and attempted to justify his actions by linking the accused to national security concerns.²³⁰ However, the regime not only failed to prosecute him for manslaughter, it rewarded him with other positions of power and privileged status until his death in 2003.

6. Conclusion

Khomeini's brutal campaign to crush the Kurds in the summer of 1979 was shocking to Iranians as well as the rest of the world. Feeling his grip on power threatened by calls for a secular government that recognized the rights of ethnic minorities, he struck back with violence. He ordered the military and *pasdaran* to crush the so-called rebels and sent "The Hanging Judge" to further terrorize the population with summary trials and immediate executions.

While these events took place over 30 years ago, they are still relevant today, as they turned out to be only a prelude to the Islamic Republic's regular and persistent suppression of minority voices. The regime continues to violate the human, political and cultural rights of Kurds.²³¹ Use of Kurdish languages in print and education is discouraged,²³² and Kurdish student, political and civil activists are regularly arrested, detained and imprisoned.²³³ It has been reported that there are currently at least 15 Kurds on death row for political offenses in the Islamic Republic.²³⁴

²²⁹ Thurgood, *Government Admits to Massacre of Kurds*, GUARDIAN, Sept. 10, 1979, at 7, available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

²³⁰ *40 Nafar dar Sanandaj, Mariwan va Saqqez Tirbaran Shudand [40 People Were Executed by a Firing Squad in Sanandaj, Mariwan and Saqqez]*, ETTELAAT, [Aug. 28, 1979], available at <http://www.iranhrdc.org/english/human-rights-documents/3507-1979-newspapers.html>.

²³¹ See HUMAN RIGHTS WATCH, IRAN: FREEDOM OF EXPRESSION AND ASSOCIATION IN THE KURDISH REGIONS (2009), available at <http://www.hrw.org/en/reports/2009/01/08/iran-freedom-expression-and-association-kurdish-regions>.

²³² See, e.g., *Tawiyih Mabni bar Istifadih az Zaban-i Milli [Recommendation for Using the National Language]* Komitihyih Aqvam va Millal-i Irani [Committee for the Ethnicity and Nations of Iran], [Nov. 24, 2010], available at <http://komiteaghvam.blogsky.com/1389/09/03/post-1180> (reporting that Saqqez Education Office issued a circular recommending that Farsi instead of Kurdish languages be used in schools).

²³³ See, e.g., *Tawqif-i Mujadad-i Duhaftih Namihyih Kurdi-Farsi Rojhelat, Ajans-i Khabariyih Mukiriyan [Mukiriyan News Agency: Kurdish Bi-Weekly Journal Rojhelat Shut Down Again]*, GOOYA NEWS (Jan. 12, 2009), available at <http://news.gooya.com/politics/archives/2009/01/082223.php>; *Tawqif-i Du Nashriyihyih Kurdiyih Danishgah-i Orumiyeh [Two Kurdish Publications Shut Down at Orumiyeh University]*, DANESHJOO NEWS, (June 10, 2011), available at <http://www.daneshjoonews.com/news/university/7750-1390-03-20-10-59-44.html>; *Kahish-i Hukm-i Mokhtar Houshmand az 16 be 7 Sal Zindan [Reducing The Prison Sentence of Mokhtar Houshmand from 16 to 7 Years']*, RAHANA, (Dec. 8, 2010), available at <http://www.rahana.org/archives/31535> and <http://www.rahana.org/archives/25902> (reporting that Kurdish civil activist and painter, Mokhtar Houshmand was arrested on May 23, 2010, and initially sentenced to 16 years in prison for spying, propaganda against system, and cooperation with the opposition, and that his sentence was reduced to seven years in December 2010); *Mohammad Sadegh Kaboudvand; 1475 Ruz Habs Bidun-i Murakhasi va Mulaqat-i Huzuri [Mohammad Sadegh Kaboudvand; 1475 Days of Imprisonment Without Leave or Visitations]*, JARAS, (Aug. 8, 2011), available at <http://www.rahabsabz.net/story/40905/> (reporting that Kurdish human rights activist Mohammad Sadegh Kaboudvand was arrested on July 1, 2007 and condemned to 10 years imprisonment for establishing the Human Rights Organization of Kurdistan).

²³⁴ See AKHBAR-ROOZ, *Sudur-i Hukm-i Idam barayih Du Zindaniyih Siyasiyih Kurd [Issuance of Execution Order for Two Kurdish Political Prisoners]*, [Aug. 14, 2011], available at <http://akhbar-rooz.com/article.jsp?essayId=39824> (reporting the names: T Zeinab Jalalian, Habibollah Latifi, Habibollah Golpari Pour, Rashid Aghkandi, Shirkoo Ma'arefi, Mostafa Salimi, Anvar Rostami, Seyyed Jamal Mohammadi, Seyyed Sami Hosseini, Aziz Mohammad Zadeh, Abdollah Sarvarian, Zaniar Moradi, Loghman Moradi, Ali Afshari, and Mohammad Abdollahi).

Appendix 1

Collection of 27 photographs taken by
Jahangir Razmi at Sanandaj airport,
Kurdistan Province, August 27, 1979, for
Ettelaat newspaper as published by *The
Wall Street Journal* on December 2, 2006

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Appendix 2

Handwritten note by Ayatollah Khomeini
to Ayatollah Khalkhali regarding the
Revolutionary Courts, Feb. 24, 1979
(followed by English translation)

۹۹، ۱، ۴۲۶

بِسْمِ

جانب جہاد اسلام و خارج شیعہ و رقی غنی لے در

بجانب لے ناموریت دانه میورد تا به داد لگا ہی کہ بار ما کہ تہین وزیر شاہ

تشکیر میورد حتمہ بہر ساند و سپر از تہایت سعادت ما کہ با بوزاری

نزد حکم شروع می کنند مدد بہر بوزاری

In the Name of the Exalted

26 Rabi' al-Awwal 1399

Honorable Hojratolislam Haj Sheikh Sadegh Khalkhali (May your knowledge extend)

You are given the mission to be present at the trial of the accused and imprisoned and, after completing the necessary trial procedure in accordance with *Shari'a*, issue sentences in accordance with *Shari'a*.

Ruhollah al-Mousavi al-Khomeini

Appendix 3
Front page of *Ettelaat* newspaper
August 28, 1979

Look for the following forthcoming IHRDC Report:

A detailed account by witnesses about the human rights abuses perpetrated by the Islamic Republic of Iran against Iranian Kurds.

Back Cover

The photograph on the back cover was taken from the Nawxo News Agency website, available at <http://radionawxo.org/>.



On July 13, 1989, Dr. Abdol-Rahman Ghassemlou (shown above on the left), Secretary General of the Kurdish Democratic Party of Iran (PDKI), Abdollah Ghaderi- Azar, the PDKI's representative in Europe, and Fazil Rassoul, serving as a mediator, were murdered in a Vienna apartment during a negotiation meeting with delegates from the Islamic Republic of Iran. Dr. Ghassemlou was shot in the forehead, temple and throat. Two automatic pistols equipped with silencers, a bloodstained windbreaker and a key to a Suzuki motorcycle were later discovered in a garbage dump. A bill of sale found with the key led the police to a salesman who identified Mohammad Jafari Sahraroudi - head of the Kurdish Affairs Section of the Iranian Ministry of Intelligence and present at the meeting - as the purchaser of the motorcycle. No charges have ever been filed.