

National Jurisprudence summary

Swedish case no. B 15255-19, 14 July 2022

Summary

The case regards mass executions of political prisoners in the Gohardasht prison in Iran in the summer of 1988. It concerns, on the one hand, executions of sympathisers of the political organisation Iranian People's Mujahedin (Mujahedin) in the period from July 30 to August 16 1988, and on the other hand executions of sympathisers to various left-wing groups, who were considered to have renounced their Islamic faith, in the time period of August 27 to September 6 1988.

These acts stem from the power struggle that followed the Iranian revolution in 1979 and the Mujahedin's participation in the armed conflict between Iran and Iraq. The district court concluded that the Mujahedin became part of an international armed conflict between Iran and Iraq.

In 1988, the highest religious leader in Iran issued an order (fatwa) for the execution of sympathisers of the Mujahedin in Iranian prisons. At Gohardasht prison, the Court established that a "death committee", in accordance with the fatwa, examined the political affiliation of prisoners and sentenced them to death without respecting any basic requirements of a fair trial. The death penalty was carried out immediately by hanging. The district court assessed that the acts qualify as serious violations of international humanitarian law.

The defendant participated in the execution of the fatwa in the role of assistant to the deputy prosecutor at the prison. Together and in agreement or consultation with others, he notably picked up prisoners and brought them to the death committee, and escorted prisoners to the place of execution. The accused is therefore to be considered the perpetrator of the crimes. Due to the nexus of the Mujahedin's executions to the international armed conflict, these acts have been assessed by the Court as war crimes (serious crimes against international law).

On and after 27 August 1988, the death committee's examination was directed at left-wing sympathisers who were considered to have renounced their Islamic faith. The examination led to the execution of a very large number of prisoners whose ideological and religious beliefs were found to be in conflict with the theocratic state of Iran. Once again, death sentences imposed were carried out following a procedure that did not meet basic requirements for a fair trial; the action as such was in violation of, among other things, the UN International Convention on Civil and Political Rights to which Iran was bound in 1988.

The accused, in the same role together and in agreement or consultation with others, also participated in the executions of left-wing sympathisers by selecting prisoners to be brought before the committee, reading the names of prisoners and submitting them to the committee. Due to the accused's active involvement in the execution of the acts, he was found by the court to be a perpetrator of several cases of murder.

Sentence:

Life imprisonment