

SUMMARY

The indictment relates to allegations of executions of political prisoners in Gohardasht prison in Iran in the summer of 1988. These were executions of sympathisers of the political organisation the People's Mojahedin Organisation of Iran (Mojahedin) between 30 July and 16 August 1988, and executions of sympathisers of various left-wing groups who were considered to have renounced their Islamic faith, between 27 August and 6 September 1988.

The District Court has considered itself competent to rule on the offences for which charges have been brought, i.e. crimes under international law and murder. Crimes under international law fall under so-called universal jurisdiction. This means that Swedish courts are also competent to rule on offences committed abroad and by foreign nationals. As regards the charge of murder, jurisdiction is based on the high penal value of the crime. In this context, it should be added that the accused had voluntarily travelled to Sweden and was on Swedish territory when he was arrested.

The incidents in question involve major and complex events, in which several people were involved and collaborated to commit the acts. In the case at hand, the District Court has only examined criminal liability for the accused's participation in the commission of the acts.

The evidence in the case was extensive and, taken as a whole, considered robust. In addition to key evidence, such as interviews with claimants and witnesses, corroborating evidence has been presented, including contemporaneous reports from independent international human rights organisations, and articles and memoirs from former detainees at the prison. Having regard to the fact that the interviewees recalled images from 1988, the District Court has attached particular importance to information about the core aspects of their experience, since more peripheral details quickly fade from memory. This also involved the recounting of unique events that were emotionally

significant to the interviewees, which is important for people to be able to remember an event accurately over time. As regards the identification of the accused as the perpetrator, the District Court has taken particular account of identifications made by persons who very already very familiar with him at the time of the offences.

The targeting of Mojahedin sympathisers was rooted in the power struggle that followed the 1979 Iranian Revolution and, in particular, the group's involvement in the Iran-Iraq armed conflict. The acts were justified by the investigation determining that the Mojahedin's attacks on Iran in the period prior to the periods of execution at issue in the main proceedings emanated from Iraqi territory and that those attacks, including Operation Eternal Light on 26 July 1988, were supported by and in collaboration with the Iraqi army. The District Court has therefore concluded that the Mojahedin became part of the international armed conflict between Iran and Iraq. This means that the provisions of international humanitarian law are applicable to the acts directed against the Mojahedin detainees in the prison. The detainees, as civilians in the custody of a party to the conflict, were considered to be protected persons under the regulations, and were therefore safeguarded.

The investigation revealed that the supreme religious leader of Iran, mainly in response to the Mojahedin's Operation Eternal Light attack of 26 July 1988, issued an order (fatwa) that Mojahedin sympathisers in Iranian prisons who were faithful in their beliefs should be executed. The fatwa presents evidence that there was a direct link between the death sentences issued to Mojahedin sympathisers in prisons and the international armed conflict.

As the investigation demonstrated, the execution of the fatwa required planning, organisation and cooperation between several people in different roles in the commission of the act. With regard to the acts as a whole in Gohardasht prison, it is proven that a committee, in accordance with the fatwa, examined prisoners' views on the Mojahedin and sentenced them to death after a procedure that did not meet the basic requirements of a fair trial. The death sentence was carried out immediately by hanging. A very large number of prisoners thus lost their lives. Prisoners were also

subjected to severe agony during the procedure. The District Court has found that the conduct involved serious violations of international humanitarian law.

The investigation revealed that the accused participated in the execution of the fatwa by, inter alia, picking up prisoners and bringing them to the committee and escorting prisoners to the place of execution, under an alias and in the role of assistant to the deputy prosecutor at the prison, together and in agreement or consultation with others. The circumstances were such that the accused is to be regarded as a perpetrator. In view of the link to the international conflict, the acts are considered to be crimes under international law, i.e. serious crimes.

It is further proven that the committee returned to Gohardasht prison on 27 August 1988, and that this time the committee's trial focused on left-wing sympathisers who were deemed to have renounced their Islamic faith. They were prisoners detained because of their links to various left-wing groups critical of the regime after the revolution. The trial 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. Death sentences imposed were again carried out following a procedure that did not meet the basic requirements of a fair trial; the action as such was in violation of, inter alia, the UN International Covenant on Civil and Political Rights, by which Iran was bound in 1988.

Given the political system in Iran and the distribution of decision-making power after the revolution, it is considered likely that the executions were preceded by a decision of the religious and political leadership in Iran.

It is proven that the accused, under the same alias and in the same role, together and in agreement or consultation with others, also participated in carrying out the executions of left-wing sympathisers by, inter alia, selecting prisoners to be brought before the committee, reading out the names of prisoners and bringing them to the committee. The active involvement of the accused in the commission of the offences means that he

is to be regarded as a perpetrator. The acts are considered to constitute several cases of murder.

The accused's statements that he was on duty at Evin prison and not at Gohardasht, that he was on holiday during the time of the crime, and that he was the victim of a conspiracy or was confused with another offender, were not deemed to affect the probative value of the prosecution's investigation. The indictment is considered to have been substantiated.

The sentence is set at life imprisonment. The reason for this is that the accused participated in criminal acts in which a very large number of persons were executed on the grounds of their political or religious beliefs, following a procedure that did not meet the requirements of a fair trial.

Furthermore, the District Court has assessed the damages against Iranian law but applied Swedish practice in assessing fairness in the absence of clarification from the parties as to the content of Iranian law. During the trial, compensation for mental suffering was awarded to survivors whose close relatives were found to have been executed, as well as to surviving prisoners who experienced mental suffering.