

Mandates of the Special Rapporteur in the field of cultural rights; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Ref.: AL IRN 15/2025
(Please use this reference in your reply)

29 September 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 55/5, 54/14, 53/4, 55/19 and 54/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the destruction and desecration of the mass grave site in Section 41 of Behesht-e Zahra Cemetery in Tehran. This grave site holds the remains of thousands of political prisoners executed during the 1980s, most likely including those of many individuals still registered as missing and subjected to enforced disappearance.

Concerns about the desecration of mass grave sites along with allegations of human rights violations were raised by several Special Procedures mandate holders in a communication IRN 21/2017 sent on 14 June 2017. We acknowledge the responses of your Excellency's Government from 11 August and 11 September 2017. However, we note that these responses were silent on the issue of desecration of mass grave sites.

According to the information received:

On 11 August 2025, the authorities deployed bulldozers, heavy machinery and security personnel to flatten Section 41 of Tehran's Behesht-e Zahra Cemetery. Trees were reportedly cut down, vegetation burned, and the area sealed off from public access under armed guard. A week later, on 19 August 2025, Tehran's Deputy Mayor confirmed that the area is in the process of being converted into a parking lot. He explained that Section 41 was "abandoned" and that permission had been granted to level the site and repurpose it for parking; a point disputed by families of individuals buried in Section 41.

Section 41 of Behesht-e Zahra Cemetery contains thousands of individual graves of individuals executed in the post-revolutionary period, including political dissidents from various groups such as the People's Mojahedin Organization (MEK), communist parties, and socialist groups, as well as individuals with ties to the pre-revolutionary State, including army officers. This section has an estimated capacity of at least 5,000-7,000 graves.

Since the early 1980s, the authorities have maintained strict control over the area with restrictions on families planting flowers or fixing desecrated gravestones. Vegetation there was periodically burnt, leaving the ground barren. In the last four decades, the authorities have reportedly systematically demolished individual and mass graves of executed dissidents across the country, leading to concerns about possible obstruction of evidence and jeopardising the possibility to identify the remains and uphold the right to know the truth of relatives of disappeared persons.

In addition to the graves of executed political dissidents, there are reports that individual and mass graves of religious minorities in particular the Bahá'ís and dissident artists have been destroyed over decades, allegedly by state-linked security forces. In recent years, the graves of people killed during social movements, including the 2022 protests, have also reportedly been destroyed. The destruction of graves of victims of Flight PS752 have also been reported. Furthermore, families' access to cemeteries have reportedly been banned. For example, in March 2025, families of those executed in the 1980s reported being barred from entering Khavaran Cemetery, a mass grave location, in Tehran Province. Beyond evidence preservation concerns, such practices raise concerns about respect for the deceased and compound the trauma experienced by bereaved families.

Without wishing to prejudge the accuracy of the information received, we express our most serious concerns at reports alleging the destruction and desecration of Section 41 of Behesht Zahra. By destroying the site, the authorities would not only eliminate physical traces of political executions but also obstruct mourning of the family, block efforts aimed at truth and accountability and suppress public memory. Further, the impossibility to obtain the mortal remains of a family member and to perform related rituals amounts to a violation of the right to privacy and family life and of the right to exercise cultural practices. We are particularly concerned that these reported actions appear to be a deliberate effort to obstruct the right to truth, justice and reparation for gross human rights violations and the right to access and enjoy cultural heritage, which includes historical narratives. States are obliged to ensure families' meaningful participation in decisions about their management and memorialization, right to contribute in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of their cultural rights (E/C.12/GC/21, para. 15.c) and they must not criminalize those who seek to locate or speak about mass graves (A/75/384, paras. 58, 62, 88-90).

We are further concerned that individual and mass graves from the 1980s mass executions are crime scenes requiring forensic expertise for exhumation and evidence preservation, pursuant to the duty to investigate every potentially unlawful death in accordance with the Minnesota Protocol (2016). We underline that an enforced disappearance continues until the fate and whereabouts of the individual concerned are established with certainty, irrespective of the time that has elapsed since the beginning of the disappearance. In this regard, we also highlight the Guiding Principles for the search for disappeared persons, in particular principle 7 that notes that the search for a disappeared persons is a continuing obligation and should not stop until fate and whereabouts is determined with certainty. Family members have a right to truth, which encompasses the right to know about the progress and results of an investigation, the

fate and the whereabouts of the disappeared persons, and the circumstances of the disappearances, and the identity of the perpetrator(s) (A/HRC/16/48). The failure to provide information on the fate and whereabouts of disappeared persons and the attitude of official indifference of authorities in the face of the relatives' suffering amount to a form of ill-treatment.¹

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain how the conversion of Section 41 of Behesht-e Zahra Cemetery was authorized, the approving authorities and what steps were taken to obtain consent from the families of those buried there?
3. Please provide information about the measures taken to protect from undue interference or degradation, and to preserve, all sites where disappeared people may have been buried, individually or in groups, and to identify, respect and return the remains contained therein to the respective families.
4. Please provide any information on steps taken to immediately bring to end, investigate and prevent any acts of retaliation against family members seeking information on the fate and whereabouts of forcibly disappeared persons.
5. Please provide information about measures and policies aiming at ensuring the rights of all to access and enjoy cultural heritage, including access to multiple historical narratives about the past, and to exercise cultural practices related to those who have passed, including by accessing their place of burial.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

¹ See Human Rights Committee, *Schedko v. Belarus*, No. 886/1999, 1999

Please accept, Excellency, the assurances of our highest consideration.

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Mai Sato
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Bernard Duhaime
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of
non-recurrence

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards.

We would like to refer to the obligation to investigate and punish gross human rights violations and to provide redress to victims. Article 2 of the of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, establishes that States must adopt measures to ensure that persons whose rights or freedoms are violated have an effective remedy, and that the competent authorities enforce such remedies when granted. We also wish to recall that the failure to return the bodily remains of an individual amounts to a violation of article 7 of the ICCPR.

We recall that under article 6 ICCPR and as clarified in the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/56/56), States have a duty to conduct prompt, effective, thorough, independent, impartial and transparent inquiries in line with international standards, including the Minnesota Protocol. In this regard, the search for the deceased, the identification of human remains and their return to relatives for dignified burials form part of the State's obligations and advance the right to an effective remedy; disrespectful treatment of remains may also cause ill-treatment to relatives (A/HRC/56/56, paras. 10, 23). In this connection, "the concealment, destruction or despoliation of the bodies of the victims of unlawful killings, which impede investigations and foster impunity for perpetrators, are incompatible with this obligation. These practices also violate the right of the families of victims to full and effective remedy and may amount to a violation of their right to be free from torture and ill-treatment as a result of the suffering caused. Therefore, States have a duty to protect the bodies, and human remains of victims of potentially unlawful death and to ensure investigations as required under international standards, including the Minnesota Protocol 103 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions" (A/HRC/56/56, para. 61).

We would also like to refer your Excellency's Government to article 15 paragraph 1(a) of International Covenant on Economic, Social and Cultural Rights (ICESCR), which Iran has ratified on 24 June 1975, recognizing the right of everyone to take part in cultural life. The Committee on Economic, Social and Cultural Rights, in its 2009 general comment 21 on that right stressed that States must refrain from interfering with the exercise of and the access to cultural practices, goods and services and recalled that the right included the right of everyone to access to their own cultural and linguistic heritage and to that of others (E/C.12/GC/21, para. 44, 48, 49). The Committee noted the obligation of States to respect and protect cultural heritage in all its forms. Cultural heritage must be preserved, developed, enriched and transmitted to future generations as a record of human experience and aspirations, in order to encourage creativity in all its diversity and to inspire a genuine dialogue between cultures (paragraph 50.a). Cultural and religious sites are also critical resources for safeguarding, questioning and transmitting historical knowledge and narratives of the past. The Special Rapporteur in the field of cultural rights warns against the fact that

“dominant homogenizing narrative blanches out diversity, ignoring the cultural heritage of everyone outside the group in power, simultaneously depriving the majority of the opportunity to understand the complexity of their country.” (A/68/296, para. 31).

States have a duty not to destroy, damage or alter cultural heritage, at least not without the free, prior and informed consent of concerned communities, as well as “to take measures to preserve/safeguard cultural heritage from destruction or damage by third parties” (A/HRC/17/38, paras. 78 and 80 a) and b). Furthermore, the 2003 UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage stresses the responsibility of States to take all appropriate measures to protect cultural heritage in conformity with the principles and objectives of, inter alia, the 1972 Convention for the Protection of the World Cultural and Natural Heritage, acceded by your Excellency’s Government on 26 February 1975, the 1968 Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works, the 1972 Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage and the 1976 Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (section IV), as well as not to intentionally destroy their own heritage, “whether or not it is inscribed on a list maintained by UNESCO or another international organization” (section VI).

In its resolutions 33/20, 37/17, 49/7 and 58/4 on cultural rights and the protection of cultural heritage, the Human Rights Council noted that “the destruction of or damage to cultural heritage may have a detrimental and irreversible impact on the enjoyment of cultural rights.” Cultural heritage is also a critical resource for safeguarding, questioning and transmitting historical knowledge and narratives of the past, and as such, are resources to ensure the right to education and training without any discrimination, as recognized in article 13 of the ICESCR.

The Committee also stressed the right to take part in the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person’s cultural rights (para. 15.c). In view of this, the mandate holders in the field of cultural rights have recommended that States parties obtain the free and informed prior consent when the preservation of the cultural resources of concerned individuals or communities, especially those associated with their way of life and cultural expression, are at risk (E/C.12/GC/21, paragraphs 49(a), 52(f) and 55(e)). Concerned communities and relevant individuals should be consulted and invited to actively participate in the whole process of identification, selection, classification, interpretation, preservation/safeguard, stewardship and development of cultural heritage (A/HRC/17/38, para. 80c).

We would further like to refer to the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes, as established in the updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity of February 2005 (principle 2). Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations (principle 5). In this context, we recall the General Comment issued by the Working Group on Enforced or Involuntary Disappearances on the right to the truth in relation to enforced disappearance

(A/HRC/16/48, para. 39) which indicates that the failure to respect the relatives right to know the truth on the fate and whereabouts of the disappeared person causes anguish and sorrow which may amount to torture. The family of deceased individuals have the right to have the remains of their loved one returned to them, and to dispose of the remains according to their own tradition, religion or culture. The General Comment highlights that the right of the relatives to know the truth of the fate and whereabouts of the disappeared persons is an absolute right, not subject to any limitation or derogation. The State has the obligation to let any interested person know the concrete steps taken to clarify the fate and the whereabouts of the person. Such information must include the steps taken on the basis of the evidence provided by the relatives or other witnesses. The relatives of the victims should be closely associated with an investigation into a case of enforced disappearance. The failure to provide information on the fate and whereabouts of disappeared persons may amount to a form of ill-treatment, in breach of article 7, read alone and in conjunction, with article 2(3) of the ICCPR.²

We draw your Excellency's Government's attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, in particular article 13, which stipulates that steps shall be taken to ensure that all involved in the investigation, including the complainant, relatives, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. We recall the 2019 Guiding Principles for the Search for Disappeared Persons and, in particular, principles 2(4), 7 (especially para. 3) and 14. Highlighting that, the body or remains of a disappeared person should be handed over to the family members under decent conditions, if the disappeared person is found dead, the search may be considered as completed when the person has been fully identified and lastly that the search should be carried out safely.

² See Human Rights Committee, Communication *María del Carmen Almeida de Quinteros et al. v. Uruguay*, No. 107/1981, 1983