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Iran: The end of the Republic?

By Bernd Kaussler
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Thirty years after the Islamic Revolution, the Islamic Republic of Iran - if one can still call it a republic - is at a crossroads.

What has been manifesting itself on Iran's streets since the disputed presidential elections is not only the electorate's collective feeling of injustice and rage, but also the religious-political elite's underlying divide over the future of the velayat-e faqih and its entire political system.

When Mohammad Khatami was president of Iran from 1997 to 2005, reformist hermeneutics largely centered on the notion of justice - a fundamental tenet of Shia jurisprudence - civil society and human rights.

During his tenure, demands for the democratic elements of Iran's constitution to be realised and safeguarded, as well as for new human rights legislation to be passed, were impeded both by violence and by Supreme Leader Ayatollah Ali Khamenei's various constitutional prerogatives and bodies.

Between 1997 and 2004, when reformists lost control of the parliament, the Guardian Council vetoed a total of 111 of Khatami's legislative initiatives. However, Khatami's presidency was vital within the discourse of human rights in Islam for it attempted to emphasise accountability and the rule of law within Shia jurisprudence.

Overall, Khatami bound his government, the judiciary as well as the legislative, to the concept of legality (qanounmndi) and highlighted the arbitrary use of power by political leaders and unelected state bodies.

Unfortunately, by committing itself to the rule of law and playing by the rules, the reformist movement never questioned the very foundations of Iran's ambiguous political system and ultimately failed to change what one could call power-based law into rights-based law.

When Mahmoud Ahmadinejad was elected president in 2005, the extent of human rights violations in Iran intensified dramatically.

Iranians had not only lost an advocate of liberties and democracy, but were now faced with a government which aimed to achieve the very opposite by implementing the original radical Islamist tenets of the Revolution.

Militarisation of politics

The chief architect of Ahmadinejad's ideology is the hardliner cleric Ayatollah Mesbah Yazdi.

Time and again, Yazdi has questioned the legitimacy of the concept of republic within an Islamic system and he continues to advocate totalitarian rule of the jurist consult over the people, who he considers unable to form any social contract with the state.

For most of his tenure, journalists, human rights activists and academics have been the target of arbitrary arrests, violence and, in the case of the Baha'is, outright persecution.

Judging by its appalling human rights record, which appears to have culminated with the current level of state sponsored violence against its own citizens, Ahmadinejad's government seems close to perfecting the hardliners' vision of Iran: the militarisation of politics and securitisation of society.



Iran's Revolutionary Guard has become increasingly powerful [GALLO/GETTY]

Under Ahmadinejad the Basij and the Iranian Revolutionary Guards (IRG) have gained tremendous momentum.

Over the course of the last four years, numerous government contracts and senior government appointments have provided the Guards with ever-increasing economic and political clout at the expense of an increasingly irate clergy.

On several occasions, Guards commanders have openly challenged the clergy and called on them to leave governance to the military and politicians.

Ahmadinejad's penchant for Shia eschatology, particularly his repeated claims to be personally guided by the Mahdi, the prophesised messiah of Islam, infuriated the elite in Qom as much as it revealed his disconnection from the majority of society.

When, in November 2007, Major General Jafari, the commander of the Guards, stated that "the main mission of the Basij and the IRG is to fight internal enemies" the new fault lines of Iranian politics were laid open. They would eventually manifest themselves on a large scale in the aftermath of the June 2009 elections.

State-sponsored violence

As far as the post-election violence on the streets is concerned, Basij and Hezbollah employed their usual tactic of driving into crowds with motorbikes armed with chains and batons.

Following extensive amateur coverage of these incidents in international news outlets, the militia units, as well as plainclothes policemen, changed their tactics.

Abstaining from intervening during demonstrations, they instead began following groups of demonstrators to their neighbourhoods where apartments would be raided and demonstrators beaten up.

In addition, numerous Iranian households have reported receiving intimidating robocalls from government agencies, warning them that the security services are aware of their activities and those of their children.

During the most recent gatherings and demonstrations mourning the death of Neda Agha-Soltan at Tehran's main cemetery, it is reported that Basij units used taser guns against protesters as well as marking them with paintballs in order to identify them at a later point.

The Basij have always substituted their lack of military training with their unconditional zeal and commitment to enforce what they consider to be the tenets of the Islamic Revolution and in recent weeks they have again proven themselves to be the regime's most efficient line of defence.

Prisoner abuse

On July 29, following mounting pressure, Qorban-Ali Dorri-Najafabadi, Iran's prosecutor-general, said that a large number of those arrested during the demonstrations will be released within the next few days and that a decision will be made on all of the remaining prisoners by August 7, the anniversary of Shia Islam's 12th Imam.

The day before, Khamenei ordered the closure of the detention centre at Kahrizak for "failing to be up to the required standards" and released 140 detainees.

According to Iran's judiciary, this leaves 500 in detention.

On July 30, a special parliamentary committee met with several detainees and judicial officials in Tehran's Evin prison to investigate alleged prisoner abuse, but an objective probe into alleged human rights violations has not yet been forthcoming.

The judiciary continues to say that there is sufficient evidence about the involvement of 200 individuals in the post-election disturbances and that some of those are members of the People's Mujahedin of Iran, a militant organisation that advocates overthrowing the government.

In unusual candor, Khatami criticised the violence and arrests, saying: "Even if a drop of blood is shed, it is a tragedy, let alone what has happened [in prisons]. Anyone who has acted barbarically should be dealt with.

"But the most important thing is that public trust has been damaged and that should be addressed."

The current waves of arrests and subsequent detentions largely reflect the modus operandi of the judiciary and intelligence services.

Violating not only human rights but also its own code of criminal procedure, virtually all of the arrests were carried out contrary to Article 31 of the constitution, which stipulates that "charges with the reasons of the accusation, must without delay, be communicated to the accused in writing [...] within a maximum of 24 hours to that the preliminaries to the trial can be completed as swiftly as possible".

Whereabouts unknown

Most of the detainees' families have not been notified about their whereabouts nor presented with any charges since the arrests.

As far as the due process of law is concerned, in cases relating to national security (under which the detainees allegedly fall), the judge has the discretionary authority to exclude counsel from the hearing for sentencing (Code of Criminal Procedure, Article 128).

Furthermore, should the detainees be brought to trial, it will most certainly not be a public trial (Code of Criminal Procedure, Article 188).

Even though rules of evidence are based on the principle of the presumption of innocence (Article 37 of the constitution), past trials indicate, as noted by the UN Working Group on Arbitrary Detention, that it is at the "satisfaction of the judge" as opposed to "reasonable certainty".



The panacea of 'national security' has been used to silence dissent [GALLO/GETTY]

The case of Iason Athanasiadis, a Greek journalist who was arrested on June 23, illustrates the kind of 'evidence' Iranian authorities regard as sufficient to charge people with espionage: Two surveillance photographs of the journalist talking to a British diplomat in a crowd at a 2005 conference in Qom.

The panacea of 'national security' has always been effectively used by the regime to remove dissidents and silence opponents.

Recently released detainees have reported appalling standards of hygiene in detention facilities and the repeated use of torture and intimidation tactics.

Even though the use of torture for the purpose of extracting confessions is forbidden by Article 38 of the constitution, confession under duress is not only commonly practiced by judicial and intelligence officials, but, time and again, judges have reportedly accepted videotaped coerced confessions.

Weighing in on the current political crisis, Ayatollah Ali Montazeri, Iran's most senior cleric, stated in an open letter that these types of confession had no religious or legal basis and in fact constituted a crime.

Limits of political violence

Montazeri's is just one of many interventions from high-profile political and religious figures which highlight the government's almost complete lack of legitimacy.

Popular acquiescence has always been a vital element in maintaining the status quo in Iran, but this is no longer the case.

Political defiance continues to manifest itself in public statements by members of the opposition, in parliament, amongst the armed forces and the religious elite in Qom, and most vehemently on the streets of Iran.

Far from actually governing, Ahmadinejad feels forced to address the public's concern over the extent of detentions and prisoner abuse.

Most significantly, his defiance of the Supreme Leader's refusal to acknowledge his choice over the first vice president (a relative by marriage to Ahmadinejad) and the ongoing waves of fatwas questioning the legitimacy of the election and condemning state-sponsored violence against citizens, indicate that the president is now fighting on three fronts: against conservatives, doubtful over his competence and wary of his agenda, against reformists, who are essentially fighting for their political survival, and against his own people in the streets.

By all accounts, it seems Ahmadinejad started a fight he cannot win in the end. If, however, he does, it truly would be the end of the Republic.