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Call for Articles

The Iran Analysis Quarterly is currently accepting articles for its next issue. Articles should focus on the analysis of the social, political, cultural or economic trends of contemporary Iranian society.

The editorial board reserves the right to accept or reject submitted articles. Articles may be edited and will be returned to the authors for final revision if corrections take place.

Please submit abstracts to amostash@mit.edu by June 1, 2005 and full manuscripts in Microsoft Word format by June 15, 2005

Manuscripts should be in English, not less than 2 pages single-spaced, not exceeding 14 pages single-spaced and should be consistent with the Chicago Manual of Style.

**REFLECTIONS ON IRAN'S PRISON SYSTEM DURING THE MONTAZERI
YEARS (1985-1988)²**

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Introduction

Events of June 1981 were a turning point in the history of the Islamic Republic of Iran (IRI). It was during this period that the cleric-dominated faction within the ruling elite of the IRI moved to eliminate both its opposition outside the state apparatus and its factional opposition, commonly called the "Islamic liberals" (led by President Abol Hasan Bani-sadr in 1981). The period immediately following June 1981 was both one of consolidation for the IRI under a more homogeneous cleric-dominated leadership and one of the harshest and most violent periods in recent Iranian history. While at war with Iraq and in a continuing confrontational mode with the U.S., the IRI under the leadership of Grand Ayatollah Ruhollah Khomeini was, in effect, attempting to bring about uniformity in its leadership and to consolidate power by eliminating all opposition.

In this context, almost the entire political opposition (be they leftist communists, Moslem radicals, or Islamic liberals) were taken on in an often violent, sometimes civil-war-like, confrontation. The violence of 1981-1988 is best reflected in the IRI prison system, where thousands, if not tens of thousands, of men and women perished. The end of this period saw the general massacre of prisoners in the summer of 1988 as the Iran-Iraq war came to an end, a year before Khomeini's demise.

During 1981-1988, a reemergence of factionalism and the role played by Khomeini's heir apparent, Grand Ayatollah Hossein Ali Montazeri, had a significant consequence for the lives of thousands of prisoners. This paper discusses the role of factionalism and that of Montazeri during this period and examines improvements, if any, in prison conditions during Montazeri's tenure, as well as the calamities prisoners faced after his removal.

² The original draft of this paper, titled "Perspectives on Iran's Political Prisoners during the Montazeri Years (1985-88)," was presented at the Middle East Studies Association (MESA) panel, "Responses to State Terror: Twentieth-Century Iran's Political Prisoners," San Francisco, November 20-23, 2004.

Factionalism in IRI

While the attempt to consolidate the IRI was, for the most part, realized, the hope of establishing a more homogeneous leadership proved to be more challenging and ultimately elusive. Shortly after 1981, and as soon as it became clear that the opposition was effectively neutralized, the cleric-dominated coalition which had closed ranks behind Khomeini began to polarize. By the time Khomeini died in 1989, three distinguishable factions had fully developed. The three differed on a range of domestic and foreign policy issues.

In brief, the first was the radical/left faction, which advocated a stronger role for the state in domestic policies and a more radical, confrontational foreign policy, especially when it came to the U.S. This faction generally had the upper hand as long as the Iran-Iraq war was going on. Second was the pragmatic/moderate faction, which advocated a lessening of the state role in domestic matters and normalizing Iran's foreign relations so as to achieve domestic growth, particularly as the war years came to an end. The reform movement of the late 1990s emerged from elements belonging to these two factions. Third was the right/conservative faction, which advocated a limited state role in regulating domestic economic matters, represented the bazaar merchant class interest, advocated a strong state role in imposing Islamic moral codes, and envisioned a more isolationist foreign policy.

The three factions also shared a clear contempt for political democracy and were in accord when it came to eliminating the opposition. Khomeini was fully aware of the factions and played them against each other to maintain balance. However, toward the end of his life he clearly sided with the left faction on most issues (1).

Montazeri

By the 1980s, Grand Ayatollah Hossein Ali Montazeri was already considered an old hand revolutionary, a student and confidant of Khomeini from before the revolution, and one of the architects of the IRI after 1979. Because of his age, his seminary education

and status as a *mujtahed* (learned religious scholar able to issue independent judgments on religious subjects), and his revolutionary credentials, Montazeri soon found a prominent place in the hierarchy of the IRI. He was designated to become the successor to Khomeini in November 1985, a status he held until his dismissal in March 1989.

Montazeri's selection as heir apparent posed some problems and was clearly a political step. Although a *mujtahed* with impeccable revolutionary credentials, he was not considered a *marja'* (source of imitation/grand ayatollah) at the time of his selection, which was a constitutional prerequisite for becoming the leader of the IRI (this constitutional prerequisite was removed in the summer of 1989 after Khomeini's death). Hence, in the months leading to his selection, a considerable effort was made to elevate his position to an acceptable level.

Montazeri was viewed as a person who would follow Khomeini's path and ensure clerical continuity in the IRI's leadership. But between 1985 and 1989 he came into open conflict with his former teacher and leader, resulting in his removal.

Like Khomeini, Montazeri attempted to stay above factional politics, but even more than Khomeini, and much earlier, he tended to lean toward the left faction, especially on foreign policy matters. On other issues, he maintained his own independent line and was quite vocal about it. As a no-nonsense straight-shooter, Montazeri often offended IRI officials, including Khomeini, with his criticism. His dismissal was due to a number of interconnected issues ranging from his opposition to the 1986 Iran-Contra affair, aspects of the IRI's foreign policy, the conduct of the war with Iraq, constitutional changes put forward by Khomeini in 1988-89, and power struggle with Khomeini's son and the head of his household, Ahmad, who led a power center by virtue of his access to his father.

Another area where Montazeri came into conflict with Khomeini was the IRI's human rights record and the issue of freedom of expression. Indeed, on the former he was accused of paying too much attention to reports of Amnesty International, and on the

latter issue, of getting too close to Islamic liberals (led by Mehdi Bazargan and considered a semi-legal opposition group in 1989).

The IRI Judiciary

Following the repression of June 1981, the IRI's judiciary was faced with an overwhelming number of detainees belonging to a variety of political oppositional groups. To put the problem simply, the judiciary was overloaded, and immediate relief or improvisation was required.

The 1981 crackdown occurred little more than two years after the victory of the revolution and at a time when the IRI was just beginning to reorganize the state system. If one takes into consideration that even today, some twenty-five years after the revolution, the IRI judicial system is still chaotic and leaves much to be desired, one can imagine how bad the conditions were at this infantile stage.

There were two core problems. First, as an Islamic republic, the IRI claimed to seek to bring about Islamic justice. Naturally, here the judiciary played a central role in administering "judicial" justice. Islamic justice meant, in part, purging the Iranian law code of its Western influence and secular past and replacing it with Shari'a-based laws. This process was at an early stage and no coherent and uniform system was yet in place. By the middle of 1981, the fact that the country was in the middle of both a civil and a foreign war, as well as the usual post-revolution disorder, only compounded the problem.

The second problem, closely associated with the above, was an acute lack of competent judges to administer justice. Ideally, in a Shari'a-based legal system, competent clerics would be in charge of courts and administration of justice. In reality, it had been a long time since Shi'a clerics had played any role in Iran's judiciary, a function they were in charge of until the early 1930s. Hence, while Shi'a seminaries in Iran had been training competent clerics during the fifty years before the revolution, they had not been producing enough judges for the task at hand. Ideally, Shi'a clerics who had become mujtaheds would be in charge of judicial and other duties such as teaching. Those among

the clerics who were not mujtaheds would attend to less intellectually oriented occupations such as preaching, notarizing, managing village mosques, etc. Since no judges were needed during fifty years of secularizing reforms by Pahlavi shahs, fewer graduates had been produced and they attended to other tasks.

In 1981, with an acute shortage of competent judges, many non-mujtaheds were recruited to run the courts, and in the absence of uniform legal codes, they began to issue rulings as they saw fit. The incompetence of most judges and their revolutionary/religious zeal resulted in catastrophe. Chaos, arbitrariness, and large numbers of executions and numerous other human rights violations followed. The situation got so bad that the ruling clerics took notice.

In his memoirs Montazeri mentions the problem and steps taken to remedy the situation (2). It seems that sometime after 1983 Khomeini was approached and asked to take action regarding arbitrary executions going on in the prisons. Khomeini in turn asked Montazeri to look into the problem. According to Montazeri, the problem was twofold. First, because of general disorganization and localism of the courts, not only were arbitrary death sentences issued, but on many occasions people who had committed similar crimes received such different sentences as short prison terms and capital punishment, depending on the judge (3). The second problem was more technical in nature and centered around who would be liable to capital punishment. The key concepts in dispute were “war

against God” (*harb*) and “corrupter on earth” (*mufsed-e fi al-arz*) (4). Many judges

interpreted any act of “war against God” as well as any “corrupting act” as being those of a “corrupter on earth” and issued death sentences.

It is worth noting that by the time Montazeri got involved in this process, thousands of people had already been “administered justice” under the above circumstances. Montazeri’s reforms in this regard were simple and swift. He issued a legal ruling stating that not all “corrupters” are to be considered “corrupters on earth,” thus making them ineligible for capital punishment. He also argued, as will be explained below, that only

male, not female, prisoners found to be in a state of “war with God” were subject to capital punishment.

Furthermore, in 1983 Montazeri suggested and led the way to establish a central court in Qum called the Sublime Court (*dadgah-e ali*) to review most capital punishment cases. This process resulted in a decrease in capital cases as the Qum court was under Montazeri’s influence and did not issue execution sentences for many women prisoners, the youth, and those who did not have a direct hand in assassinations (5).

IRI Security and Prison System

The IRI’s prison system faced overload problems similar to those mentioned above, only here the situation was much worse. According to Hosein Musavi-tabrizi, the Revolutionary Prosecutor-General 1981-83, not only were there not adequate facilities to house thousands of newly arriving prisoners, but many prisoners disappeared and were killed even before court hearings, some not even being registered. In addition, torture and long captivity without any judicial process, or continued captivity after serving one’s sentence, had now become the norm. (6)

According to Tabrizi, in September 1981 when he took office, following the assassination of his predecessor, both the security forces and the prison system were in a dire condition. As far as the security forces were concerned, the problem proved easier to solve. Apparently, according to Tabrizi, various security forces (including the IRGC, police, revolutionary Komitehs, security forces associated with the Prosecutor General’s Office, and other branches) acted independently of each other, at times competing with each other or even shooting each other mistakenly during street patrols. This problem was solved by establishing a central command for coordination, as well as taking other steps. This process eventually led to the 1984 establishment of the Intelligence Ministry of the IRI and consolidation of all police forces in one national organization under the State Ministry (sometimes interpreted as Interior Ministry) in the 1990s.

A solution to the problem of prisons proved to be more elusive. As with the security forces, there was no central coordinating organization in 1981. What existed was a collection of prisons left from the shah's time, each controlled by a different security organization. The person in charge until 1985 of the IRI's largest prison, Evin in Tehran, was Asadollah Lajevardi, by any measure a brutal administrator with a special security squad under his command operating out of Evin. Lajevardious["notorious" implies well-known] was himself an ex-political prisoner and a person closely associated with the right/conservative faction. His control over the most important and largest prison facility pointed to the right faction's dominance over the fate of most political prisoners.

Tabrizi notes that in the midst of near-civil war conditions, the problem of dealing with the opposition was compounded by arbitrary arrests and killings done on Lajevardi's watch. The situation got so bad that reports reached Khomeini, who appointed three parliament members to look into the problem. Their advice and that of Tabrizi was to remove Lajevardi. Apparently the right faction managed to convince Khomeini not to go ahead with the dismissal, but he did ask Tabrizi to watch over Lajevardi (7).

Montazeri and the Prison System:

This was the general situation in which Montazeri took on overall management of IRI's prison system by appointing his people to run it, a process that in part led to his confrontation with Khomeini. The office of Montazeri, the heir apparent, soon became a place which people who were not otherwise able to reach authorities and seek justice, flooded with complaints. Even many officials who were unable to approach Khomeini for a variety of reasons sought Montazeri's intervention. Montazeri intervened on many occasions by writing letters to officials, by appointing his people to oversee duties, and by directly approaching Khomeini and discussing the problem in a no-nonsense manner.

According to Montazeri, he approached Khomeini with the complaint that many excesses were going on in the prisons even years after the opposition had been effectively neutralized. These included continued summary executions, torture (in the guise of Shari'a punishment or *ta'zir*) for information, but more commonly as a form of

punishment and for repentance, long unnecessary sentences, and refusal to release prisoners after the end of their terms (8).

Another topic the two men discussed was execution of female prisoners. Montazeri believed that according to the Shari'a only those women who had been directly involved in killing were liable to capital punishment. He proposed reducing sentences, and not implementing capital punishment, for those women who were deemed to be in a "state of war with God" but had not been directly involved in any killing. (9)

Interestingly, Khomeini, who would order the general killing of prisoners in the summer of 1988, apparently agreed with all of Montazeri's suggestions and asked him to take charge. Montazeri had been paying attention to prison conditions years before he became heir apparent. It appears he had been collecting information on prison conditions and trying to restrain brutalization of prisoners even in the heat of conflict with the opposition. The following episode is telling: after the fall 1981 assassination of a top cleric named Ayatollah Dastghaib in Shiraz, prison guards stormed the prison quarters of Evin. Their presence was unusual in that they all looked angry, were in large numbers, and carried their weapons with them. Prison guards apparently did not normally carry their weapons among the prison population for fear of being disarmed. The above circumstance gave the appearance that prisoners were going to be shot *en masse* at any moment. But then a live broadcast from Montazeri over radio pleaded for restraint, after which things began to calm down (10).

On another occasion, a political prisoner on a hospital bed in Evin was surprised when a member of the Revolutionary Guards approached him in late 1985 asking him about prison conditions. When asked who he was and why he was asking a prisoner such questions, he said that he worked with the office of Montazeri and that they had no access to the prisons and did not know what went on.

In 1985 Montazeri took charge by ordering a halt to execution of women prisoners who had not been directly involved in any killing, and appointed a council of amnesty to look

into cases which were eligible for release. He also initiated the creation of the IRI Organization of Prisons and began to appoint his people to oversee running of the prisons, starting with the dismissal of Lajevardi. The latter apparently left his post after executing close to twenty-five hundred prisoners who had already repented and were cooperating with him (11).

According to most accounts, the general condition of prisons began to improve from 1985 to the summer of 1988. Among measures taken were: sharp reduction in executions; release of many prisoners; general improvement of prison conditions (recreation, availability of books, family visits), and reduction in solitary confinement; lessening of torture as a form of punishment; abolition of compulsory ideological classes.

A positive change in the condition of prisons throughout Iran had begun to take shape. More than a few ex-political prisoners have suggested that their lives were saved after Montazeri took over (12). There have been over a dozen memoirs written by former political prisoners of these years. While some authors either do not mention the changes in prison conditions or dismiss them as cosmetic, others have taken notice. After acknowledging the changes, Shahrnush Parsipur, a prominent woman novelist and ex-prisoner, wrote: "Hence, it became clear that recent [prison] reforms had occurred under the supervision of Ayatollah Montazeri's office. I am not well versed in factional infighting among these gentlemen, but during the last year to year-and-a-half of prison, when these people took over, the conditions of prison changed one hundred eighty degrees" (13). Another female prisoner, Monireh Baradaran, also acknowledges the difference Montazeri made (14).

Thus, Montazeri's domination of the IRI judiciary and prison system signaled a period of visible and significant relaxation of, but not a complete end to, terror in IRI prisons. His attempt was to set the stage for creating institutions, cultural imperatives, and a legal context to serve Islamic justice and protect the revolution at the same time. Those who were guilty were to be punished and then be sent on their way. This period ended when he lost his control over these institutions, resulting in a swift return of terror.

By the summer of 1988, Montazeri was out of the picture as far as the prison system was concerned. Following the end of the Iran-Iraq war, in the summer of 1988, orders were issued to execute those prisoners who were guilty and beyond redemption and to free others. In the coming months, more than 4,500 prisoners were killed. A majority of these had already received prison sentences and/or had served their sentence and were eligible for release. Probably another 15,000 prisoners were eventually released (15).

Different people in Iran began to actively oppose the executions and voice their concern. One such group was the Liberation Movement of former Prime Minister Mehdi Bazargan, who had been out of favor and marginalized by Khomeini. Montazeri joined these voices by sending messages and writing letters to Khomeini. He was accused of being naïve, of collaboration with Bazargan, and of being too impressionable and under the influence of foreign human rights groups. In one of Khomeini's last speeches in March 1989, he attacked those who have been fooled by the liberals and the hypocrites (the latter a standard IRI reference to the Mojahedin), a clear reference to Montazeri and a popular line of attack on him from this point on (16). Without Montazeri's intervention and objections, the extent of the terror going on in the prisons probably would not have become internationally known. The end result of this process was the March 1989 "resignation" (or removal) of Montazeri and the beginning of his marginalization and house arrests.

Conclusion:

Why did Montazeri act the way he did? After all, he was a staunch supporter of the revolution and an architect of the IRI constitution, a defender of the repression in 1981, a father who had lost a son to assassins, and a close confidant and student of Khomeini. In his last letter to Montazeri accepting his "resignation," Khomeini referred to his former protégé as "the fruit of my life," pointing to the painful rift between the two men (17).

At the point of his dismissal Montazeri was one of the most powerful men in Iran, with impeccable political and religious credentials. As Khomeini's heir apparent he could have kept quiet until he had become the all-powerful leader of the IRI.

The answer seems to be in his personality, the place he envisioned for himself in the revolution, and his perception of what an Islamic society should look like and how an Islamic state should behave.

Montazeri was not a power-hungry political activist who would sacrifice all else for the sake of holding on to power. That is a malady that has gripped many revolutionaries, and the Iranian revolutionaries were no exception. Montazeri was and is an idealist for whom power is for the sake of justice, fairness, and morality in an Islamic context, as he envisions it. If the reality of the revolution was telling him otherwise, then it was the revolution, and not his perception of Islam -- his principles -- that had to give way.

It is true that he supported the repression of the early 1980s, but he also began to oppose what he considered the excesses of the revolution from an early stage. Perhaps only a few revolutionaries in history, or perhaps many, reach this pivotal crossroad. Hunger for power or the old craving for your principles -- which one would it be?

As a well-placed and important pillar of the revolution, Montazeri's office was soon flooded with complaints from all those who had nowhere else to turn. Montazeri in effect became a path through which these excesses were brought under a degree of control. His removal reinstated terror and nowhere can this be seen more clearly than in the prison system.

His perception of Islamic justice ran counter to those who insisted on deepening the repression. His tenure represented a relative pause in the terror. To Montazeri, terror was permissible not to seek revenge but only to save the system, administer justice, clear the innocent, and move on. Mass killing of prisoners, killing those who had been given

light sentences, use of torture and demands for repentance, and making life miserable for prisoners were not part of his vision of Islamic justice.

Perhaps there is another aspect to this problem. Institutionalization of illegality, of arbitrariness, and of terror can ultimately serve to damage revolutionary ideals. Under such circumstances, the prison wardens of today could easily become the prisoners of tomorrow. To prevent this, institutionalization of legality is an imperative. One can clearly sense an attempt by Montazeri to establish the rule of law (based on Shari'a) as he tried to prevent excesses.

Finally, it is not surprising that Iran's reform movement today is closely identified with Montazeri. It is true that none of the factions of the 1980s within the IRI even mentioned civil society, individual freedom, freedom of expression, and democracy as they are known in the West. But it is also true that faint voices from among the ruling factions, demanding and insisting on the rule of law and an end to arbitrariness and terror, began at this point.

Notes

- 1) For more on factional politics in the IRI see Mehdi Moslem, *Factional Politics in Post-Khomeini Iran* (Syracuse, NY, 2002).
- 2) Hosein Ali Montazeri, *Khaterat* [Memoirs] (Tehran, 2000), 311.
- 3) *Ibid.*, 308.
- 4) *Ibid.*, 298.
- 5) This was the assessment of a former political prisoner, Reza Fani-yazdi (interview with author, Berkeley, CA, November 13, 2004).
- 6) Interview with Ayatollah Sayyed Hosein Musavi-tabrizi, *Chashmandaz* (Tehran), No. 22 (September-October 2003), 41.

- 7) Ibid.
- 8) One former political prisoner, who has to remain anonymous, told this author that when he asked his captors what were the criteria for implementation of *ta'zir* (i.e., beating prisoners), the answer was that it was implemented when a prisoner lied about a certain question; of course, as I was told, that was only one criterion among many (anonymous, telephone interview with author, Berkeley, CA, March 29, 2005).
- 9) Montazeri, *Khaterat* [Memoirs] (Tehran, 2000), 309, 378.
- 10) Anonymous former political prisoner.
- 11) Ibid. This is the source for both the account of the encounter with the guard in Evin hospital and the rough estimate of those executed by Lajevardi.
- 12) Both the anonymous former political prisoner and Reza Fani-yazdi, as well as another former prisoner, Hamid Karamyar (interview with author, Berkeley, CA, January 29, 2005), attested to this observation.
- 13) Shahrnush Parsipur, *Khaterat-e Zendan* [Prison Memoirs] (Sweden, 1996), 355.
- 14) Monireh Baradaran (M. Raha), *Haqiqat-e Sadeh* [Simple Truth] (Hannover, Germany, 1997), 163.
- 15) The number of executed prisoners is based on a list provided by a number of exiled political opposition organizations. See *Anan keh Goftand Na* [Those Who Said No] (Paris, 1999); the number of freed prisoners is a rough estimate based on interviews conducted.
- 16) The text of Khomeini's speech can be found in the following: Mohammad Mohammadi-reyshahri, *Khaterat-e Siyasi 1365-66* [Political Memoir 1986-87] (Tehran, 1990), 289.
- 17) Ibid., 292.