

# THE USE OF IRANIAN STATE VIOLENCE AND COERCION IN 1979-1989



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How the Iranian state tried to control its political opponents with violence and coercion through the prisons, the judiciary system and the (para)military forces

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# Introduction

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The Revolutionary Guards had a bad reputation. During the previous months they had arrested hundreds of people, many of whom were never heard from again. Their crime had been being anti-revolution, anti-Islam or anti-Khomeini. [...] The guards were not the only ones to worry about; there was also the Hezbollah, groups of fanatical civilians armed with knives and clubs, who attacked any kind of public protest. They were everywhere and could become organized in a matter of minutes.<sup>1</sup>

## Defining the state

At some points in our lives, we cannot escape being confronted with the power of the state. It is important to know what exactly we are talking about when we discuss the state. One of the most well-known definitions of state is formulated by the German sociologist Max Weber (1864-1920). In his lecture *Politics as a Vocation*, Weber describes the state as a ‘human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.’<sup>2</sup> This definition is used as a reference point in many works on the state.

In the first half of the twentieth century the most outstanding contributions to the study of state formation within the historical sociology were made by the German-British sociologist Norbert Elias (1897-1990) and the Prussian-German historian Otto Hintze (1861-1940). Both built further on the legacy of Weber, but neither of them came up with a coherent theory of state formation. While Hintze mainly studied the relationship between kingdom and nobility in Prussia, Elias focused on the period of feudalism in Western Europe. According to Hintze, state formation is about creating a more or less stable and sustainable central government apparatus, to gain control over the exercise of violence within a certain territory and gain effective control over tax collection and spending. This is comparable to the methodical approach of Elias, who states that in the process of state formation a certain level of functional differentiation is needed, led by a differentiated and centralized government apparatus with a monopoly of violence and taxation.<sup>3</sup>

Another example of state formation theory based on Weber’s definition is the more recent work of the American sociologist and historian Charles Tilly (1929-2008). He defines

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<sup>1</sup>Marina Nemat, *Prisoner of Tehran* (London 2008) 124.

<sup>2</sup>Max Weber, *Politics as a Vocation*(1918).

<sup>3</sup>A.C.L. Zwaan, *Civilisering en decivilisering : studies over staatsvorming en geweld, nationalisme en vervolging* (2001) 68-70.

national states as ‘relatively centralized, differentiated organizations the officials of which more or less successfully claim control over the chief concentrated means of violence within a population inhabiting a large, contiguous territory.’<sup>4</sup> The American sociologist and political scientist Theda Skocpol (1947) on the other hand, addresses the state from a Marxist perspective. However, she does not agree with the common Marxist idea of the state as determined by modes of production and class relations. Many Marxist scholars see the state only as an expression of the power of the ruling class and as a means of continuing their domination.<sup>5</sup> Skocpol identifies this as a shortcoming of the general Marxist idea of state and argues for the state as a potential autonomous macro-structure. She sees the state as a collection of governmental, police and military organizations; led and coordinated by an executive authority. The state has two main functions: the enforcement of internal order and guaranteeing its own existence in interaction with other existing or potential states.<sup>6</sup>

All these definitions have one thing in common; they all refer in one way or another to the monopoly of the use of violence. The sociologist Ton Zwaan (1946) criticizes these definitions as being too static. Instead of looking at state structures as being stable over time, he proposes to look at the state as a continuous process. To a certain extent, all of the above mentioned scholars try to deal with this problem. Weber formulates an ideal-type of state which will never completely exist in reality. Tilly describes a kind of continuum of state-being. Zwaan takes it one step further and emphasizes that states vary from place to place and time to time and every state and group of states is on a regional and global level in constant development. According to him, when dealing with the state, we should problematize the above mentioned characteristics by determining in every single case whether and how these characteristics are occurring. How did these elements come into existence, and how did they develop over time? This thesis will approach the state as a process, not (only) as a structure.<sup>7</sup>

## An Islamic Republic

Revolutions are moments of rapid change in the organization of a state. Not all revolutionists succeed in consolidating their power after the outbreak of a revolution. This was also the conventional way of thinking about the Iranian Revolution<sup>8</sup> once the clergy took a leading

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<sup>4</sup>C. Tilly, ‘War making and state making as organized crime’, in: B Evans, *Bringing the state back in* (Cambridge 1985) 169-191,

<sup>5</sup>Zwaan, *Civilisering en decivilisering*, 71.

<sup>6</sup>Zwaan, *Civilisering en decivilisering*, 72.

<sup>7</sup>*Ibidem*, 73.

<sup>8</sup>The term Iranian Revolution is used for the period 1977-1979 instead of the Islamic Revolution, because during the revolution, many different groups were involved in the protests, including left-wing and liberal

position in shaping the new political order. Iran's political order changed in 1979 from an autocratic to a theocratic regime with Ayatollah Ruhollah Musavi Khomeini (1902-1989) replacing Shah Mohammad Reza Pahlavi (1919-1980). Many lay people thought the Iranian clergy would not be able to run a modern state, and expected that the Islamic Republic of Iran would not survive.<sup>9</sup> Notwithstanding these expectations, the new state did survive and even consolidated its power.<sup>10</sup> Ervand Abrahamian (1940), one of the main historians on Iran in the twentieth century, states that the clergy took over the previous state intact. Mainly the top echelons were removed and it gradually expanded the existing bureaucracy by creating new ministries including the Ministry of Intelligence and the Revolutionary Guards.<sup>11</sup> According to the historian Fakhreddin Azimi, creating political order was the greatest challenge for the new regime in post-revolutionary Iran.<sup>12</sup> He points out that the high scale of resistance to the clerical rule led to 'suppression, brutalization, a spiral of violence and revenge, a dehumanizing atmosphere of terror fuelled by religious or ideological zeal.'<sup>13</sup>

The historian Michael Axworthy (1962) points out that the first months after the revolution were a period of mixed feelings. Many people were euphoric about the end of the Pahlavi dynasty, but at the same time there was still a lot of chaos in the country, which caused feelings of fear. Just like Azimi, Axworthy discusses the multiple centres of independent and semi-independent authority. As an example he mentions the local *Komiteh*, appearing in many neighbourhoods as a kind of local defence units. They were mostly loyal to Khomeini, but especially in the early phase they were ideologically diverse, including leftists and liberals. Sometimes they acted on their own initiative and it was hard for Khomeini and his supporters to bring them under control. In order to do so, Khomeini concentrated on strengthening his own faction and neutralizing the threats where possible.<sup>14</sup>

In the period during the establishment of the new, Islamic regime, the use of violence and coercion was thus not concentrated in the hands of one party or authority. According to Axworthy, Khomeini succeeded to a large extent in controlling the different factions, due to his powerful charisma and the strategic way of using certain events like the hostage crisis and

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groups. Calling it an Islamic Revolution would ignore the involvement of other, non-Islamic groups and would give a distorted image of the events taking place in this period.

<sup>9</sup>Ervand Abrahamian, *A history of Modern Iran* (Cambridge 2012) 169.

<sup>10</sup>Abrahamian, *A history of Modern Iran*, 169.

<sup>11</sup>*Ibidem*, 169.

<sup>12</sup>Fakhreddin Azimi, *The quest for democracy in Iran, a century of struggle against authoritarian rule* (Cambridge, London 2010) 364-365.

<sup>13</sup>Azimi, *The quest for democracy in Iran*, 364-365.

<sup>14</sup>Michael Axworthy, *Revolutionary Iran, A History of the Islamic Republic* (Oxford 2013) 145-146.

the Iran-Iraq war in his own advantage.<sup>15</sup> But in what manner exactly did Khomeini try to monopolize the coercive force? How did the institutions of control and repression change and develop under his leadership?

### **Monopoly of coercion?**

Within this research, I will follow the approach of Zwaan, and look at the Iranian state as a process. I will focus on a specific aspect of state, namely the monopoly of violence. This aspect is an important element and reappearing in every definition of the authors who approach the state in a static sense. I will problematize this monopoly of violence by the Iranian state in this research by posing the central question:

*How did the use of Iranian state violence and coercion change in the period 1979-1989?*

Studying the change of the use of violence by the Iranian state in the period 1979-1989 will give more insight in how state structures changed with the establishment of the Islamic Republic in Iran, and in this case specifically related to the violence apparatus. This will contribute to the understanding of state formation in general and Islamic state formation in particular. I have chosen for the period 1979-1989 because 1979 was the founding year of the Islamic Republic of Iran. The head of the Islamic Republic was the Supreme Leader Ayatollah Ruhollah Khomeini, the driving force behind the Islamization of the Iranian Revolution. He was in control of the political leadership until his death on 3 June 1989.

Weber writes about a monopoly on the use of legitimate physical violence. Instead of only focusing on the actual violence used internally by the state, this research will also concentrate on state repression, which also included the threat of use of physical sanctions. Examples are occasional police visits at work or at home, arrests, detention and in extremer forms torture, disappearance and execution.<sup>16</sup> The definition of state repression introduced by Robert Justin Goldstein will apply partly. According to him, state repression is ‘the actual or threatened use of physical sanctions against an individual or organization within the territorial jurisdiction of the state, for the purpose of imposing a cost on the target as well as deterring specific activities and/ or beliefs perceived to be challenging to government, personnel, practices or institutions.’<sup>17</sup> Besides the actual or threatened use of physical sanctions, I will also look at the use of psychological coercion. This includes coercive methods such as the

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<sup>15</sup>Axworthy, *Revolutionary Iran*, 416.

<sup>16</sup>Saeid Golkar, *Captive Society – the Basij Militia and Social Control in Iran* (Washington/New York 2015) 7.

<sup>17</sup>Davenport, C., ‘State repression and political order’, *Annual Review of Political Science* (2007) 1-23, 2.

social control of citizens by surveillance and espionage.<sup>18</sup> I will take the concept of state in the broadest sense, including state-sponsored violence and repression of the political opposition, for example by militias and state-affiliated groups. This broad definition is applied in this thesis because the division between state and non-state is not so clear in Iran in some periods. The same is true for the division between external warfare by the military and internal control by the police, the tasks of the two can overlap. The military sometimes also act internally in order to control the Iranian citizens, especially in the period right after the Revolution. Excluding state-sponsored and state-affiliated groups, would lead to missing some of the essential elements of the functioning of the Iranian state. As is mentioned by the historian Michael Axworthy, even today Iran has, to a significant degree, a multi-polar political system with events of extra-judicial violence.<sup>19</sup>

## Method

This thesis is divided into two parts. The first part will describe the changing state structures of violence and coercion during the period of the Shah Mohammed Reza Pahlavi, especially the last ten years of his reign. The second, most comprehensive part analyses the state (and state affiliated) transformation of coercive structures of the first ten years of the Islamic Republic. This enables me to put the transformation of the coercion structures in a broader perspective by making a comparison between the different periods.

To get a better idea of the state structure of violence in the period 1979-1989, this research will delve into the organization and functioning of the prisons, the judicial system; and the Iranian (para-)military groups, including the Islamic Revolutionary Guard Corps (IRGC) and the paramilitary Basij and their transformation over time. To analyse the transformation of these structures I will use the framework of sociologist Lizabeth Zack, who examined the degree to which the French state had monopolized the police in the nineteenth and twentieth century. She conceptualizes the police as a 'set of institutions authorized by the state to use force to regulate social relations'.<sup>20</sup> According to her, the police system developed through ongoing negotiations between parties over these institutions, relations and practices. To investigate this development she looks at the chain of command; the capacity to act; the

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<sup>18</sup> Saeid Golkar, *Captive Society*, 7.

<sup>19</sup> Axworthy, *Revolutionary Iran*, 145.

<sup>20</sup> L. Zack, 'The Police Municipale and the Formation of the French State', in eds. Davis, D.E. and Pereira, A.W., *Irregular Armed Forces and Their Role in Politics and State Formation* (Cambridge 2003) 282.

division of tasks and delegation of responsibilities, techniques and procedures; everyday behaviour, image and reputation.<sup>21</sup>

I will not only look into the organization of these three different structures, but also into the ways these different institutions interacted and possibly competed with each other. Moreover, I will investigate how the state dealt with the challenges to the monopoly of violence and coercion. How did Khomeini try to accumulate this monopoly and what kind of resistance did he face? How did he deal with these challenges? Which events stimulated or reduced this accumulation of the use of violence and coercion by the state?

### Political repression and prisons

One of the most well-known works on prisons is *Discipline and Punish: The Birth of the Prison* by the French philosopher Michel Foucault's (1926-1984). In an interview for *Le Monde* in 1975, Foucault describes how punishment changed during the period between the late eighteenth and the start of the nineteenth century. Until the second half of the eighteenth century capital punishments were executed in public to function as an example for all. This changed in the period thereafter, when the offender's body became 'concealed rather than being placed on exhibition'. Prisons were now more commonly used with the idea of putting a criminal aside in order to re-educate him, to reform his thinking by regulating his life. A prison gives the possibility of regulating space, the use of time and bodily movements in a very precise manner. Foucault places this new form of punishment in the broader context of societal developments. A more centralized decision-making apparatus came into being which made the exercise of power on the individual a more continuous process. The age of discipline came into being with a society of generalized surveillance.<sup>22</sup>

The only recently published academic books in English focusing on Iranian political prisoners are *Tortured Confessions - Prisons and Public Recantations in Modern Iran* (1999) by Ervand Abrahamian and *Human Rights in Iran: the abuse of cultural relativism* (2001) by Reza Afshari. The Iranian Left emerges as the main political target of state repression throughout the twentieth century in the work of Abrahamian. Another perspective is taken by Afshari. He uses the discourse of human rights to study the Iranian political prisoners the 1980s and 1990s. Both use three decades of human rights reports and the memoirs and testimonials of former prisoners as primary sources. The article 'Twentieth century Iran's

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<sup>21</sup>Zack, 'The Police Municipale and the Formation of the French State', 282.

<sup>22</sup>Roger-Pol Droit, 'Michel Foucault, on the Role of Prisons', *Le Monde* (1975) translated to English by Leonard Mayhew and published in *The New York Times* (version 5 August 1975).  
<http://www.nytimes.com/books/00/12/17/specials/foucault-prisons.html> (12 November 2016).



political prisoners' (2006) by Afshin Matin-Asgari is based on these two major works while he uses some new primary source material. He takes a neo Marxist perspective as he uses Gramsci's theory of hegemony to analyze the imprisonment of political opposition. According to him, the Pahlavi monarchy was an unstable 'hegemony', threatened by the rival hegemony of the Tudeh Party. He places the Islamic Republic's treatment of the leftist opponents in the same light, characterizing it as a clerical fear for leftist counter-hegemonic mobilization.<sup>23</sup>

Darius Rejali's work *Torture And Modernity: Self, Society, And State In Modern Iran* (1993) is focusing specifically on torture in Iran in the twentieth century. He follows in the footsteps of Foucault by analyzing Iranian torture and imprisonment as part of the general disciplinary practices of modernity. This approach is criticized by Matin-Asgari because there is less room for the specific political context and the politics of torture and imprisonment.<sup>24</sup>

## Interviews

To examine the everyday behaviour, the image and the reputation of the prisons, the judiciary system and the military including the Islamic Revolutionary Guard Corps and the Basij, I have interviewed Iranian (former) refugees and migrants who came to the Netherlands in the period between 1980-2010. By approaching Iranians in my own network, and by bringing in their networks, I found seven interviewees for my thesis. All of them were higher educated males. The participants were not randomly selected. Nonetheless, I have chosen for this approach because it is a sensitive topic and the willingness to cooperate with this research is higher when other people vouch for you. It was not possible within my budget to interview Iranians outside the Netherlands. Moreover, it was too dangerous to interview people inside Iran, risking arrest by the Iranian state. This has created a bias in the selection of interviewees, because I only interviewed people who had a reason and the means to flee the country.

The answers of the respondents suffer from several biases. First, there could be a cultural difference in communication. Moreover, the interviews were not conducted in Farsi, the native language of most Iranians. Three of the interviews were conducted in English and four were conducted in Dutch. Due to language difficulties the interviewees might not always have been able to express themselves fully. Secondly, the interviewed Iranians might have been traumatized by experiences they had inside Iran or the challenges they had to face in the period thereafter. Research suggests that traumatic experiences can have an impact on the way

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<sup>23</sup> Afshin Matin-Asgari, 'Twentieth century political prisoners', *Middle Eastern Studies* 42 (2006) 5, 689-707, 690-691.

<sup>24</sup> Afshin Matin-Asgari, 'Twentieth century political prisoners', 689.

people remember events. They might remember themselves being safer than they actually were at the time of the traumatic event. It can be expected that the core of the experience is well remembered but the peripheral details might not be remembered accurately due to the traumatic experience.<sup>25</sup> In the third place, the interviews are about the respondents' experiences of sometimes more than thirty years ago; they might not be able to recall everything that accurately. However, research shows that much is forgotten in the first twenty-four hours and even more during the following three to five years. After that, memories may remain intact for more than fifty years.<sup>26</sup> To test the reliability of the answers of the interviewees, I have compared their information with secondary literature while taking into account the author of the secondary literature. Moreover, the Iranian calendar is different from the Dutch calendar, which made it sometimes difficult to determine the exact date of an event.

I tried to create a private setting in which the interviewees felt comfortable to speak openly. I preferred to interview them in their own house, because people usually feel most safe at home. The interview was semi-structured, which means open questions were asked while there was room for spontaneous questions too. This format allowed me to structure the interview to make sure I get answers to my research questions, while at the same time each respondent was able to tell his or her own story. I started the interview with explaining the purpose of my research and why I needed their personal stories, in order to obtain their informed consent. I told them they were free to refuse to answer any question and to interrupt or finish the interview at any moment.

## Witness reports

Another important primary source I have used are the reports by the Truth Commission and the judgement of the Iran Tribunal. The Iran Tribunal was established by a group of survivors and relatives of victims of torture who managed to emigrate of the Islamic Republic of Iran started a non-political, all-inclusive grassroots campaign in 2007 to establish an Iran Tribunal. Their aim was to show the Iranian people and the world at large what the conditions were of the Iranian prisons in the 1980s, especially concerning torture. In February 2011, the Steering Committee came into being, mandated with the role to establish the actual Tribunal, to appoint its members and to determine the procedure. It prescribed two stages; a first stage whereby a Truth Commission formed by international human right figures was assigned with

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<sup>25</sup> Valerie Raleigh Yow, *Recording Oral History, A guide for the humanities and social sciences* (Oxford 2005) 45-47.

<sup>26</sup> Yow, *Recording Oral History*, 38.

the task to receive evidence of witnesses and to prepare a report with their findings. The second stage was shaped by a Tribunal of international jurists who had to determine the responsibility of the violation of the human rights according to international law.<sup>27</sup> The hearing of the witnesses by the Truth Commission took place in June 2012 in the Amnesty International's Human Rights Action Centre. Some of the 75 appeared in person before the Commission, others through Skype.

The effective starting date of the mandate of inquiry is 20 June 1981, the moment mass demonstrations against the new Islamic regime started. The regime responded by turning their guns on the political groups who initially fought on the same side during the revolution as the group of people who gained the actual power after the revolution.<sup>28</sup> This date deviates from the starting point of this research. This gap was closed by using other sources to cover the period between 1979 and June 1981. The Truth Commission report was published 28 July 2012 and includes the witness statements and summary of the oral testimonies.<sup>29</sup> Mainly this part was used to answer the question how the chain of command; the capacity to act; the division of tasks and delegation of responsibilities, techniques and procedures; everyday behaviour, image and reputation changed in the Iranian prisons during the period 1979-1989.

Not only did I use the witness reports recorded by the Iran Tribunal, but also witness testimonies documented by the Abdorrahman Boroumand Foundation. This is 'a non-governmental, non-profit organization dedicated to the promotion of human rights and democracy in Iran.'<sup>30</sup> In thirty interviews, survivors of the massacre in 1988, former political prisoners and their relatives were interviewed about their time in prison with a special focus on the events in 1988. The interviews took place in person in London, Amsterdam, Paris, Frankfurt, Berlin and Washington D.C. and also over Skype or by telephone in various countries in Europe and the United States. The witness statements are edited and sometimes abbreviated versions of statements the researcher had explored during his investigation. He was provided with interpreters and translation services. I mainly used these interviews to answer the question how the capacity to act; the division of tasks and delegation of responsibilities, techniques and procedures; everyday behaviour, image and reputation changed in the Iranian courts.

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<sup>27</sup> 'Iran Tribunal, an international people's tribunal judgment', *Iran Tribunal Judgment* (2013) 4-5.

<sup>28</sup> 'Iran Tribunal', *Judgment*, 10.

<sup>29</sup> 'The Iran Tribunal, On the abuse and mass killings of political prisoners in Iran, 1981-1988, Findings of the Truth Commission', *The Iran Tribunal Commission Report* (2012).

<sup>30</sup> 'The massacre of political prisoners in Iran, 1988: an addendum, witness testimonies and official statements', *Abdorrahman Boroumand Foundation* (2013).

# Chapter 1 – Before the Revolution

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The central question in this chapter is: how did the Iranian state violence change in the period during the reign of the Pahlavi dynasty? I will discuss the whole period of the dynasty, but the focus will be on the period of Shah Mohammed Reza Pahlavi between 1941-1979. The organization of the courts, the prisons and the army will be analyzed. The courts usually make decisions whether and how the accused will be punished, with capital punishment as the ultimate decision. These decisions are in most cases based on the laws of the state (but these laws might not be followed in every trial). Courts are thus an important spill in the process of state violence since this is the place determining whether and what kind of coercion or violence will be used. The actual power of the courts to make these decisions depends on their organization and the degree to operate independently. Prisons are the place where accused have to wait for trial. Within a cell, time and space are regulated. During the Pahlavi dynasty, prisons also become a place where people are put after trial as a sentence. The bodily limitations can be seen as a form of violence. The state did not only use violence against its own citizens inside the prisons, it sometimes deemed it necessary to use the coercive power of its own army to control its citizens. Therefore I will also discuss the development of the army and its use of internal violence in this chapter. I will analyze the changing scope and intensity of internal control by the state over its subjects in this period. By scope of internal control I mean the extent to which the state was able to control the different areas of activities of the lives of the subjects. The intensity of control refers to the sanctions that can be imposed on the subjects to secure indulgence. This includes the use of violence, and even more extreme, decisions over life and death.<sup>31</sup> This historical overview of the development of the prisons, the courts and the army enable me to make a comparison between the use of internal coercion and violence before and after the Iranian Revolution.

For centuries, Iran<sup>32</sup> has been ruled by shahs of different dynasties. The Qajar dynasty, founded in 1796, was overthrown in 1921 by the young General Reza Khan (1878-1944) after more than a century of Qajari reign.<sup>33</sup> Reza Khan became the military dictator of Iran after a coup d'état. This was in the period that Britain reflected on its presence in Iran as a failure and decided to withdraw its troops. Although Reza Khan thanked his military position to the

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<sup>31</sup> Anthony Giddens, *The Nation-state and violence* (California 1985) 10.

<sup>32</sup> Until 1935, Iran was known as Persia in the Western world, but I will use the name Iran for every time period in order not to cause any confusion.

<sup>33</sup> Abrahamian, *A History of Modern Iran*, 9.

British, he was under no pressure to follow a pro-British line in his politics.<sup>34</sup> This was unlike his son who succeeded him in the 1940s. Reza Khan crowned himself Shah in 1926 and founded the Pahlavi dynasty.<sup>35</sup> State building became the central objective of the new Shah with the military and bureaucracy as its two main pillars. Before Reza Shah, the Iranian rulers had little power outside the capital. However, now Iran was turned into a centralized state with an extensive state structure.<sup>36</sup> Reza Shah was in power until the Anglo-Soviet invasion in 1941. In order to preserve the British control over oil and establish a land corridor to the Soviet Union to enable supplies, the two Allies deemed it necessary to remove the Shah but preserve the state he had built.<sup>37</sup> He was replaced by his twenty-one-year-old son Muhammad Reza. The Allies split up the country in two parts, the Soviets taking the north and the British taking the south- including the oil regions. Muhammad Reza Shah lost most of the power over the country. However, the Shah was allowed to keep control over the armed forces in return for cooperating with Britain and the Soviet Union.<sup>38</sup>

The early 1950's were marked by a nationalist movement, led by Mohammad Mossadeq (1882-1967).<sup>39</sup> The appointment of Mossadeq as prime-minister in April 1951, led to a new policy including land reforms and more social security. He was also able to mobilize a mass movement calling for the nationalization of the oil industry, which had been under British control since 1913. Moreover, Mossadeq aspired to limit the power of the Shah and establish a country on a permanent basis as a modern, constitutional monarchy.<sup>40</sup> This was an enormous threat to the interests of the British and Americans in Iran, and they decided to set up a coup against Mossadeq by the intelligence services CIA and M16. The removal of Mossadeq meant the end of a democratic period which had started during the Second World War. It was also the start of a new period characterized by imperialism, corporate capitalism and a close alignment with the West. Muhammad Reza Shah continued his father's project of state building, concentrating on the military, the bureaucracy and the court patronage system.<sup>41</sup>

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<sup>34</sup> Michael Axworthy, *Iran, een cultuurgeschiedenis* (2015) 262.

<sup>35</sup> Ariel I. Ahram, *Proxy Warriors: The Rise and Fall of State-sponsored Militias* (Stanford 2011) 99. ; Abrahamian, *A History of Modern Iran*, 63-65.

<sup>36</sup> Abrahamian, *A History of Modern Iran*, 65-66.

<sup>37</sup> Abrahamian, *A History of Modern Iran*, 97.

<sup>38</sup> *Ibidem*, 98.

<sup>39</sup> *Ibidem*, 113-114.

<sup>40</sup> Axworthy, *Revolutionary Iran*, 51.

Abrahamian, *A History of Modern Iran*, 116.

<sup>41</sup> *Ibidem*, 122-123.

## Organization of the prisons

The whole concept of punishment changed dramatically in the twentieth century in Iran, and with it the organization of prisons. During the nineteenth century proper prisons for long-term imprisonment were non-existent, because the common way of punishment was physical torment and violent death including hanging and burying alive. There were only small jails and dungeons, as the function of it was to keep people awaiting for trial. The *Shari'ah* (religious) as well as the *urf* (state) courts inflicted corporal sentences such as amputating ears, feet and fingers. Some of them were prescribed by the Quran. The most common used punishment was the flogging of the soles of the feet, also known as *bastinado*.<sup>42</sup> The origins of the *bastinado* (which is a European term, named after the beating sticks *baston*, *bastóne*) lay in the Chinese Sung dynasty (960-1279). Around eight hundred years ago, the technique arrived together with the Mongols in Iran. It was used in all different layers of Iranian society, which makes it a widespread method.<sup>43</sup> In the twentieth century, corporal punishment was replaced by long-term confinement. With it, the organization of the police changed. In the early twentieth century, under the Qajar dynasty, a special modern political police and surveillance organization was established as part of the Ministry of Interior. It was called the Bureau of Security (*Edareh-e ta'minat*) and operated separately from the regular police. Under Reza Shah it was renamed as the Political Bureau (*Edareh-e siyasi*) and placed under the Ministry of War. Its powers and activities were rapidly expanded in the following decades and became part of the national police.<sup>44</sup> In the 1920s, Reza Shah dealt with political opponents in a more traditional way by assassinating them or sending them into exile. From the 1930s onwards, long-term imprisonment became more common.<sup>45</sup> This created the need for more prisons. In this period, plans were developed to build five large prisons, fifty medium-sized ones (housing more than 50 prisoners) and thirty smaller (housing less than 30) ones. The largest prison that was completed in the 1930s was the Qasr-e Qajar (Qajar Palace) prison, located in the northern hills of Tehran. The modernized prison found its way to Iran via the more humanitarian prison systems developed in Western Europe.<sup>46</sup>

The political prisoners in the 1930s were mainly leftists, mostly of the small Communist Party. Around two hundred members were arrested after countrywide labour strikes, but most

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<sup>42</sup> Ervand Abrahamian, *Tortured Confessions: Prisons and Public Recantations in Modern Iran* (Oxford 1999) 17-18.

<sup>43</sup> Darius Rejali, *Torture and Democracy* (2009 Princeton) 274.

<sup>44</sup> Afshin Matin-Asgari, 'Twentieth century Iran's political prisoners', *Middle Eastern Studies* (2006) 689-707, 692.

<sup>45</sup> Matin-Asgari, 'Twentieth century Iran's political prisoners', 693.

<sup>46</sup> Abrahamian, *Tortured Confessions*, 27. ; Abrahamian, *A History of Modern Iran*, 89.

of them were released quickly or sent into internal exile. A small group was confined for a longer period. The physical torture inflicted upon these prisoners was the bastinado. It was used as a form of punishment or as a way to extract confessions. Another often applied method was *dastband-i qapani* (cross-cuffs) whereby the prisoners was hanged on the ceiling by the wrists that were crossed behind the back. They were sometimes denied food and medicines. Psychological torture was not uncommon in this period either. Prisoners were put in solitary confinement or forced to watch executions of other prisoners.<sup>47</sup> Confessions were not made public, neither there were show trials, unlike in later periods.

Despite reports about physical and psychological torture, Matin-Asgari and Abrahamian agree that political prisoners were treated quite well under Reza Shah. Matin-Asgari thinks the reason for this lays in the lack of immediate danger of the opposition to the regime.<sup>48</sup> Abrahamian even states that the main concern of the political prisoners was not torture but the lack of privacy and getting ultimately bored.<sup>49</sup> With the replacement of Reza Shah by his son in 1941, a period of less political prisoners and torture began that lasted until 1949. In this year, the Tudeh Party was blamed of an attempted attack on the life of the Shah.<sup>50</sup> This was used as a legitimization to crush down the Tudeh Party, that was founded in September 1941 with the intention to bring together Marxists with the *melli* (nationalists) and the *melliyun* (patriots) to create a broadly based movement, not purely communist. The full name of the movement was Hezb-e Tudeh-e Iran, meaning the Party of the Iranian Masses.<sup>51</sup>

## War against the left

Political developments in the 1950s influenced the further development of the prison system and culture in Iran. The following decades Iran became more and more autocratic. Mossadeq had an apparently close relationship with the Tudeh Party, which made it even more threatening in the eyes of the regime.<sup>52</sup> After the British-American coup against Mossadeq, Shah Muhammed Reza was in firm control of the country. For most part, the opposition was crushed and the Shah could count on the support of the United States.<sup>53</sup> The Shah tried to strengthen his power by creating an intelligence service with the help of the American CIA,

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<sup>47</sup> Matin-Asgari, 'Twentieth century Iran's political prisoners', 693.

<sup>48</sup> *Ibidem*, 694.

<sup>49</sup> Abrahamian, *Tortured Confessions*, 41.

<sup>50</sup> Matin-Asgari, 'Twentieth century Iran's political prisoners', 696.

<sup>51</sup> Abrahamian, *Tortured Confessions*, 75-77.

<sup>52</sup> *Ibidem*, 51.

<sup>53</sup> Axworthy, *Revolutionary Iran*, 58.

who gave training on spycraft, counterintelligence and analysis.<sup>54</sup> This intelligence service tracked down 4121 Tudeh Party members between 1953-1957. A new intelligence agency was founded in 1957 with the help of the United States FBI and the Israeli Mossad. The new secret police became known by its Persian acronym for State Organisation for Security and Intelligence: SAVAK. The SAVAK selectively used torture on Tudeh activists.<sup>55</sup> They used torture mostly during the initial interrogation with the purpose of obtaining organizational information; for example about members or safe houses. The torture methods used by the intelligence were 'indiscriminate beatings, whippings of backs and limbs (but rarely of the feet), smashing of chains on heads, breaking of fingers, slapping of eardrums'.<sup>56</sup>

The high number of arrests forced the regime to overcrowd the Qasr prison and the Central Jail as well as the main provincial prisons. They used other locations as improvised jails, including the Qezel Qal'eh (Red Fort). This was a Qajar armory in western Tehran, where the regime locked up 200 prisoners. Also the Falak al-Falak fortress in Khorramabad and the Zarhi barracks were used for this purpose. Many torture casualties took place in the latter one. The Island of Khark in the Persian Gulf, before reserved for highly dangerous common criminals, became the place of detention for 120 political prisoners.<sup>57</sup> In these four years of this extreme persecution of Tudeh members, 31 were executed. They were all either military personnel or their close civilian associates. More than three hundred other military officers got a prison sentence, of whom 144 life imprisonment. In the trials the regime portrayed their crimes as one of reason and espionage for the communist bloc.<sup>58</sup> However, of the 4121 arrested, many were granted amnesty after signing short announcements expressing their regret, disgust or revulsion. In total 2844 detainees signed such letters, although the content of the letters was not taken seriously by most of the signers. Even the public and the authorities themselves had their doubts about the sincerity of the letters.<sup>59</sup> After the release of most of the Tudeh prisoners, the improvised jails started to close down and the provincial prisons ceased to house political prisoners.<sup>60</sup>

Abrahamian is surprised that the regime did not demand more from its prisoners, especially in relation to circumstances in other parts of the world. The 1953 coup coincided with the Second Red Scare in the United States, a period in which supposed communists were

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<sup>54</sup> Steven Ward, *Immortal: A Military History of Iran and its Armed Forces* (Washington 2009) 191.

<sup>55</sup> Abrahamian, *A History of Modern Iran*, 126. ; Abrahamian, *Tortured Confessions*, 84, 88-89.

<sup>56</sup> Abrahamian, *Tortured Confessions*, 88-89.

<sup>57</sup> *Ibidem*, 90.

<sup>58</sup> *Ibidem*, 92-93.

<sup>59</sup> *Ibidem*, 95-97.

<sup>60</sup> *Ibidem*, 99.



politically repressed; and the Slansky trials in Eastern Europe, a show trial against anti-state members of the Communist Party. According to Abrahamian, it was merely a strategy to forget the Tudeh past as soon as possible. Too much attention would have only contributed to keeping the memory alive of the Tudeh as a mass movement.<sup>61</sup> Matin-Asgari gives the same explanation as Abrahamian, there were no show trials and leaders were preferably sent into exile or get short prison sentences in order to forget them.<sup>62</sup>

## 1971-1979

A turning point in the way the regime dealt with political opponents came in February 1971, this changed the way in which torture was used inside the prisons. The Marxist Fedayi (Self-Sacrificers) launched an assault on the gendarmerie post in an Caspian village called Siahkal. This event served as the inspiration of an armed struggle against the regime. Especially the younger generation had the feeling that political means were not enough to force political change and the only way out of the impasse was actual violence. It did not only trigger Marxists to take up the arms, but also young Muslims. Two other main organizations apart from the Marxist Fedayi were the Muslim Mojahedin (Holy Warriors), inspired by both Islam and Marxism; and the Peykar (Struggle), an offshoot of the Mojahedin. There were also some smaller groups who had a link with the Tudeh, including some former members of the Party.

The response of the regime was as brutal as the behaviour of these groups. Ninety-three members of these groups were executed by firing squads after they were convicted by military tribunals in the period 1971-1977.<sup>63</sup> The Shah expanded the SAVAK to over 5.000 full-time employees and an unknown number of part-time informers. Some even claim one out 450 males worked somehow for the SAVAK.<sup>64</sup> Moreover, the Shah set up a Komiteh (committee) against Terrorism to coordinate the military intelligence, SAVAK and the urban police. This Komiteh was located in the old Central Jail of Tehran and became known for its use of extreme violence during the interrogation of prisoners. Another change was the modernization of the prisons. Some prisons were extended and got a special block for women and political prisoners. Some prisons in the Tehran region were equipped with maximum security units, including the Qezel Hesar prison (Red Fort) and the Gohar Dasht (Jeweled Field). Exclusive maximum security prisons were built in the cities Shiraz, Tabriz, Isfahan, Mashed and Khorramabad. Of all the prisons, the Evin Prison in Tehran city transformed the

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<sup>61</sup> *Ibidem*, 98-99.

<sup>62</sup> Matin-Asgari, 'Twentieth century Iran's political prisoners', 698.

<sup>63</sup> Abrahamian, *Tortured Confessions*, 102.

<sup>64</sup> Abrahamian, *A History of Modern Iran*, 126.

most. After some expansions in 1977 it could house more than 1500 prisoners (instead of 620 before) this was including the 100 solitary cells. There was an execution yard, a courtroom and separate blocks for women. The most important political detainees were kept in the now famous cellblock 209. The basement of this block contained six interrogation rooms where many experienced torture.<sup>65</sup> The extra cells turned out to be essential, because the number of political prisoners reached a peak in mid-1970s with 7.500 in jail.<sup>66</sup>

After the attack in Siakhel in 1971, the SAVAK obtained a lot of freedom from the regime to torture suspected guerrillas. After this event, torture indeed increased immensely in scope, intensity, variety and sophistication. Physical torture is denied by the Shah in a television interview with the CBS, he only admits psychological torture.<sup>67</sup> One of the often applied methods was the bastinado, lashing the soles of the feet with an electric cable until they are swollen. This was by far the most painful form of torture because the pain goes through your whole nervous system including the brain. Overuse could even cause permanent damage to the kidneys and the central nervous system.<sup>68</sup> In the 1970s in Iran, the practice was combined with electro torture, hitting people with electric cables.<sup>69</sup> Other forms of torture used by the SAVAK were: 'sleep deprivation; extensive solitary confinement; glaring searchlights; standing in one place for hours on end; nail extractions; snakes (favored for use with women); electrical shocks with cattle prods, often into the rectum; cigarette burns; sitting on hot grills; acid dripped into nostrils; near-drownings; mock executions; and an electric chair with a large metal mask to muffle screams while amplifying them for the victim.'<sup>70</sup> In previous periods, social connections could have protected you from extreme violence, but from these days onwards this could not save one anymore. The torturers did not stay clear from humiliating the prisoners by forcing them to stand naked, urinating on them, or even raping them, especially women. The story goes that some religious leaders were forced to watch the striptease act of prostitutes as a means of humiliating them.<sup>71</sup>

It is not uncommon that perpetrators of extreme violence use euphemisms to describe their behaviour and related subjects and objects. This also happened in the Iranian prisons. Interrogators often referred to each other as 'doctors' or 'engineers'. The bastinado was

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<sup>65</sup> Abrahamian, *Tortured Confessions*, 105-106.

<sup>66</sup> *Ibidem*, 108.

<sup>67</sup> Documentary *These walls will talk, 0'01"-0'32"*, <https://www.youtube.com/watch?v=fpCZuTt-K8A> (03-02-2017).

<sup>68</sup> Abrahamian, *Tortured Confessions*, 106-107.

<sup>69</sup> Rejali, *Torture and Democracy*, 274.

<sup>70</sup> Abrahamian, *Tortured Confessions*, 106.

<sup>71</sup> *Ibidem*, 105-106.

called *tamshiyat* which has the double meaning ‘raising awareness’ and ‘making one walk farther’. The torture room became the *tamshiyat* room. The conditions for the prisoners in Evin were the worst compared to other jails and also compared to the period before the 1970s. Most political prisoners were locked up in Evin. This prison had a strict policy towards its personnel. It was supervised by the SAVAK and had only military people in operation, who had to change from position every month to avoid social relationships between the prisoners and guards. Hardly any visitors were admitted to the prison, with the exception of direct family on special occasions. The only way they could meet was with a glass wall separating them, talking through a phone. The inmates were blindfolded outside their cells, even when they were taken to the interrogation rooms.<sup>72</sup> During the first five years of the 1970s, torture was not only used to attain information, but also as a way to induce conversions. Political prisoners would make statements in interviews about their changed and now positive views on the Iranian state, which would be made public on television, radio and in newspapers. This reason to torture made it indefinitely worse, because torturing to gain information would stop at the moment the information was released or lost its value (usually after 24 hours), but torture for recantation would continue beyond this point until an interview was accepted.<sup>73</sup> Under international pressure of several international newspapers and international organizations including Amnesty International and the Red Cross, the Shah started to do something about the poor human rights record of Iran in 1975-1976. This became of even greater importance when Jimmy Carter, running for president of the US, started to draw attention to human rights in Iran. As a consequence, the Shah forbade SAVAK to use any physical torture. Prison conditions improved significantly in the last few years of the monarchy.<sup>74</sup>

### Organization of the courts

Nineteenth century Iran had two separate courts, the *shari'a* court, led by clerical *gazis* and *shaykh al-islams*; and the *urf* court, headed by the Shah and his governors. The Iranian Constitutional Revolution of 1906-1907 had a great impact on the existing legal system. Iran developed a codified legal system heavily influenced by the French penal code and to a lesser extent by some other European penal codes. The two-tiered structure of the *shari'a* court and the *urf* court was maintained and the clerics were allowed to keep exclusive control over

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<sup>72</sup> *Ibidem*, 108.

<sup>73</sup> *Ibidem*, 114-115.

<sup>74</sup> *Ibidem*, 119.

family law. In other legal areas the *urf* court became more powerful.<sup>75</sup> The state judicial system became further secularized, centralized and expanded under Reza Shah in the 1920's. The traditional courts, such as the *shari'a* court and the more informal tribal and guild courts were replaced by a new more hierarchical system of local, county, municipal and provincial courts and a supreme court.<sup>76</sup> New laws were introduced modelled on the Napoleonic, Swiss and Italian codes. The system became more secularized because of the abolishment of the legal distinction between Muslims and non-Muslims. Moreover, capital punishment became restricted to murder, treason and armed rebellion. Also, the concept of punishment changed and instead of public corporal punishments based on the traditional notion of retribution of an eye for an eye, long-term imprisonment became the norm.<sup>77</sup>

In December 1946, a new law was introduced which required new judges to hold a degree from the Faculty of Law at Tehran University or an equivalent foreign university. As a consequence, most clerics were excluded from becoming a judge, because the *ulema* received their legal training in religious seminaries. Even the judges already in service without this specific legal education needed to pass an examination in both Iranian and international law in order to stay in function as judge for the Ministry of Justice.<sup>78</sup> In theory, the *Shari'ah* court enforced religious law on criminal, moral and civil matters and the *urf* court adjudicated on all cases concerning the state, their verdicts based on unwritten traditions and opportunism. Things were slightly different in practice though, because the Shah claimed the supreme authority over death penalties. Moreover, he appointed the judges of the *shari'ah* courts, making the court unable to act fully independently. On top of that, there was no clear distinction of offenses against the state or offenses against the religious community, especially with most capital crimes.<sup>79</sup>

Death sentence was a common punishment under the Shah Mohammed Reza. Article 1-7 of the Iranian Penal Code (1931) on the Act for the punishment of persons acting against the security and independence of the state could be sentenced ranging from three years prison to capital punishment. Being a direct threat to the existence of the monarchy fell under the articles 316-320 of the Military Penal Code and Procedures and was punishable by a mandatory death sentence. More specifically 'participating in, or plotting the assassination of the Shah or Crown Prince'; causing or intending to cause any overthrow of the established

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<sup>75</sup> Nader Entessar, 'Criminal law and the legal system in revolutionary Iran', (1988) 93.

<sup>76</sup> Abrahamian, *A History of Modern Iran*, 87.

<sup>77</sup> Abrahamian, *A History of Modern Iran*, 88.

<sup>78</sup> Entessar, 'Criminal law and the legal system in revolutionary Iran', 94-95.

<sup>79</sup> Abrahamian, *Tortured Confessions*, 18.

government, or disturbance of the hereditary throne, or provoking people to take up arms against the authority of the state' were seen as capital crimes.<sup>80</sup> This new Penal Code of 1931 was a turning point because it made membership of an organization with a collectivist ideology a punishable crime (punished by three to ten years solitary confinement).<sup>81</sup>

According to the 1976 Amnesty International Briefing on Iran, based on reports of former prisoners and the families of prisoners, many suspected political opponents were arrested arbitrary.<sup>82</sup> They were held incommunicado for long periods before being charged or tried by military tribunals.<sup>83</sup> The SAVAK was the only one empowered to investigate suspected political crimes. They were the sole ones who could initiate the bringing of charges against the involved persons. Officially, they had to secure an agreement with the arrest within 24 hours with the Office of the Military Prosecutor, which was operating independently from the SAVAK. Article 10 of the Supplementary Constitutional Law of 8 October 1907 provided that within these 24 hours the suspect should be informed about the charges against him. In practice, according to the 1976 briefing of Amnesty International, in no cases known to them, SAVAK actually followed these procedures. Only just before cases came to court, suspects were informed about the charges against them. Also, they had no access to a lawyer in any stage. The prisoners were held incommunicado until ten days before trial when access was allowed to the defence council.

The trials itself were held before military tribunals with attendant military council for the prosecution and defence. The accused could not appeal to witnesses and had no right of cross-examination of the witnesses of the prosecutors. There were two options to appeal, in the first place the Military Court of Appeal, the highest institution with the power to confirm, reduce or increase sentences and even imposing the death penalty. The last resort to reduce a sentence was to appeal to the Shah for clemency, which sometimes resulted in the reduction of capital punishment to life imprisonment.<sup>84</sup> The two most common prisons used for prisoners accused of political crimes were the Committee Prison (which name derives from the Joint Committee of SAVAK and Police) or Evin Prison in Tehran. But also every provincial capital and large city had Committee Prisons which were used for interrogations. After the trial the political prisoners were transferred to other prisons all over the country.

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<sup>80</sup> Amnesty International Briefing Iran, November 1976, 3.

<sup>81</sup> Matin-Asgari, 'Twentieth century Iran's political prisoners', 694.

<sup>82</sup> Amnesty International Briefing Iran, 1, 7.

<sup>83</sup> *Ibidem*, 4.

<sup>84</sup> *Ibidem*, 4.

Sometimes torture continued after trial and prisoners regarded as being difficult were sent back to Committee Prisons or Evin Prison.<sup>85</sup>

### Organization of the army

From the 1920s onwards, a period of centralization of the army took place. During the two decades of Reza Shah Pahlavi's reign, he was able to establish a centralized military force. Before he came in power, the government had no effectively functioning army and was forced to rely on village guards, urban gangs and tribal militias for domestic security.<sup>86</sup> At first, Reza Shah used the same strategy of divide-and-rule as his predecessors to control the tribal militias. But step by step, he was able to arrest or execute the militia leaders and disarm the groups until the independent military units were defeated. He reorganized the already existing troops; the Gendarmerie and the Cossack brigades.<sup>87</sup> The Shah transferred the Gendarmerie from the interior ministry to the war ministry. This reliable and effective domestic security service, was established in 1910 and trained by Swedish officers.<sup>88</sup> The Gendarmerie was merged with the Cossack brigades. These brigades were set up by Russian officers in the late nineteenth century for the personal protection of the shah.<sup>89</sup> Together the Gendarmerie and the Cossack brigades formed a unified five-division army.

The Shah used military training as a way of creating a new Iranian citizen and loosening the connection to clans or ethnic groups. In 1925 he introduced a new conscription system, requiring two years in active duty and four years in the reserves. Reza also introduced new technologies. He bought planes built in the Soviet-Union and European countries. He established new military academies and Junior officers were sent to France to get training in the modern technology.<sup>90</sup> With his centralized army, the Shah was able to suppress tribal revolts in the southwest. The centralization and modernization of the army resulted in the state's monopoly over violence within the Iranian territory. Moreover, it enabled the state to extract economic resources from within it.<sup>91</sup> Axworthy nuances this image created by Ahram of a strong, modern Iranian army. He states that the conscription system only started to work efficiently in the 1930s and for tribes only at the end of that decade. Moreover, except the division stationed in Tehran, the army was not really effective. Conscripted soldiers were

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<sup>85</sup> Amnesty International Briefing Iran, 6-7.

<sup>86</sup> Ahram, *Proxy Warriors*, 98.

<sup>87</sup> *Ibidem*, 100.

<sup>88</sup> *Ibidem*, 99.

<sup>89</sup> *Ibidem*, 98.

<sup>90</sup> *Ibidem*, 100-101.

<sup>91</sup> *Ibidem*, 101-102.

badly paid and the morale amongst them was low. To suppress tribal revolt, men were still recruited on ad-hoc basis by local commanders, as was the practice in the centuries before.<sup>92</sup>

The established state authority was crushed during the Second World War, when the Soviets joined the Allies in 1941. The Soviet troops entered Iran from the north and the British army via the south. Despite the military improvements, the Iranian army was not prepared to withstand these powerful enemies. Reza Shah was removed from the throne and replaced by his minor son Mohammed Reza Pahlavi. The tribesmen saw an opportunity in the breakdown of state authority to try to regain some of their former power, sometimes supported by external powers. German agents supported an uprising in the southeast by the Qashqai, Arab and Lur; and the Soviets backed the Kurds and Azeris in the northeast.<sup>93</sup>

In the 1950s, Iran became part of the Cold War strategy. The Shah's army received training and assistance from the United States. The United States Military Assistance Advisory Group (MAAG) helped the Iranian army in using the new and modern American equipment. This was part of the American policy of making a strong power of Iran, able to defend itself against Communist subversion and invasion. This was part of the Eisenhower Doctrine, which made it possible for a Middle Eastern country to ask the U.S. for economic and military assistance if it felt threatened by international communism.<sup>94</sup> The Iranian Imperial Armed Forces were structured according to the Western Model, specifically based on the U.S. and British armed forces. In Iran, these Forces were better known as the Artesh. The Artesh was divided in a Ground Force, Air Force and Naval Force. The latter was the least developed. It turned out to be easier to adopt the Western structure compared to the leadership and management styles of the model armies. The establishment of the SAVAK in 1957 resulted in a new division of labor. SAVAK's main occupation was to uncover domestic and foreign threat, while the Gendarmerie and the national police were also assigned with the internal security. The focus of the army now shifted to external threats and was freed from most internal duties.<sup>95</sup>

While the Shah gave the military a non-political appearance, for example by the prohibition of voting or joining political parties by military personnel, the armed forces actually played an important role in the shah's domestic and foreign policies.<sup>96</sup> The largest internal challenge for the army took place in 1963, as a response to the attempted land

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<sup>92</sup> Axworthy, *Iran, een cultuurgeschiedenis*, 265.

<sup>93</sup> *Ibidem*, 102-103.

<sup>94</sup> Ward, *Immortal: A Military History of Iran and its Armed Forces*, 191-192.

<sup>95</sup> *Ibidem*, 191.

<sup>96</sup> 'The Iranian Military Under the Islamic Republic, March 1987, the RAND cooperation, 13.

reforms. Rebellions of the Qashqai, Bakhtiari and other southern tribes started in February. The army reacted by sending in a Southern Expeditionary Army to restore order in March. The Artesh suffered many losses due to ambushes by the rebels, but the army persisted and succeeded in arresting or killing many of the tribal chiefs and forcing back the rebels to their mountain strongholds. The Artesh did not face any large-scale rebellion anymore, except some sporadic minor unrest.<sup>97</sup> The worldwide increasing demand for oil in the 1970s, in combination with a propitious geostrategic environment contributed to the development of an army of Western format, able to centralize coercive control and to eliminate domestic enemies.<sup>98</sup> The Iranian defence budget increased ten-fold between 1970 and 1977. In this period, the US government applied the Nixon Doctrine, expecting its allies in the Middle East to bear responsibility for their own defence and well-being, supported by the United States when needed. This led to a greater access to weapons the Shah wanted to purchase.<sup>99</sup>

The military became active in the administration of justice in the 1970's, a period in which the armed resistance against the regime increased. In times of serious opposition, the Shah imposed martial law, which meant that political enemies were tried in military courts. But even when civilian authority was restored, many political offenses continued to be brought before these military courts. During the mid-1970s the Shah even increased the judicial power of the military to the extent that smugglers and drug dealers could also be tried in military courts. The Shah gave the top echelons of the military also access to civilian life by appointing them to positions in internal security and law enforcement organisations and ambassadorial and cabinet posts.<sup>100</sup> To secure his position, the Shah played a difficult power game with the high ranking military. On the one hand he tried to bind the senior officers to him and on the other hand he tried to prevent them from creating their own power base. He offered them material privileges and gave some of them promotions to ranks otherwise inaccessible for their position to create loyalty. The highest ranks were only accessible at royal pleasure. At the same time the Shah made them aware of their dependence on him by frequently sacking officers who acted too independently in his eyes. He encouraged trusted army officials to report on their fellow generals. To prevent them from creating their own power bases, senior officers were often relocated. This policy had its consequences; it undermined the internal solidarity of the armed forces because of the created distrust towards

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<sup>97</sup> Ward, *Immortal: A Military History of Iran and its Armed Forces*, 202.

<sup>98</sup> Ahram, *Proxy Warriors*, 106.

<sup>99</sup> Ward, *Immortal: A Military History of Iran and its Armed Forces*, 193-194.

<sup>100</sup> 'The Iranian Military', the RAND cooperation, 13.



each other and it demoralized large numbers of middle-level and junior officers since promotion depended largely on your connectedness to the Shah.<sup>101</sup>

## Conclusion

The period of the Pahlavi dynasty is characterized by a centralization of the prison system, the legal system and the army. Especially from the 1930s onwards these three systems were modernized. However, this modernization should not be exaggerated, because Reza Shah also continued to rely on more traditional practices such as using local warlords to recruit soldiers on an ad-hoc basis in the provinces to suppress revolts. The concept of punishment changed dramatically and prisons became more and more important to the coercive structures of the state. Especially the prison system seems to be sensitive to changing political situations. This was less the case with the court system, most likely because the processes to change law are usually slower. Until the 1950s the number of political prisoners was very low. The elimination of the Tudeh Party in the 1950s led to overcrowded prisons and an increase in the use of violence, the regime was not prepared for this huge increase which led to ad-hoc solutions. On the longer term it led to the construction of new prisons. Violent opposition in the 1970s again resulted in crammed prisons.

Public punishments had an important public role in the late nineteenth and early twentieth century in discouraging others to commit the same crimes. During the Pahlavi dynasty, political prisoners were not publicly punished but imprisoned, separated from society. Torture took place out of the sight of society. The bastinado was a torture method used during the whole nineteenth and twentieth century. A new development came with the violent opposition in the 1970s. The aim of torturing changed fundamentally in these years because the regime now wanted public recantations instead of just information. These statements were used in the regime's ideological warfare. As a consequence, torture did not stop after the gathering of information. Long-term societal developments such as modernization and centralization had its impact on the use of violence, but also immediate internal political situations.

Other countries also left a mark on the use of coercion and violence by the Iranian state. British control in Iran reduced with the arrival of Reza Shah, although it should be noted that it was a voluntary step taken back by Britain. This did not mean the end of western influence. The new legal system in the 1920s was greatly inspired by European legal codes and mixed with shari'a law. A renewed western interest in Iran arose during the Second

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<sup>101</sup> 'The Iranian Military', the RAND cooperation, 14.

World War. This resulted in the removal of Reza Shah. Their influence in internal developments continued until the establishment of the Islamic Republic. When a nationalistic movement emerged led by Mossadeq, the western powers intervened to protect their position in Iran.

The Cold War also had an enormous impact on the internal use of violence. It led to British and American financial support for the development of a strong army and the establishment and training of the SAVAK. The Cold War is also reflected in the political groups that were imprisoned and tortured, which were mainly leftist groups. The regime dealt differently with rebellions of tribal groups, using its army to crush it down. This could be explained by the regime not seeing these groups as an ideological threat to its power. Developments inside Iran can thus not be seen separately from global developments.

## Chapter 2 – Prisons

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Torture was so intense that I came close to death a number of times. Once, while I was being lashed on my back, the cable twisted around my neck and caused me to pass out. When I woke up, I found myself between two corpses. The torturer must have thought that I had died and left me among the dead. A little while later, I heard the voice of a guard telling others that I was alive and that I should be taken away.<sup>102</sup>

Some major events during the reign of Reza Shah changed the prison system and the use of violence between the prison walls. After the 1953 coup, the shah tried to increase his power by crushing down the Tudeh Party. In 1957 he also established the notorious SAVAK. So many political opponents were arrested that the regime started to use improvised prisons. A similar situation arose after the outburst of violent opposition in 1971. The regime responded in an aggressive way and many people were arrested and a part of them executed. The prisons were again overcrowded which led to the extension of existing prisons and the establishment of new ones. SAVAK got more freedom from the regime to operate independently. A major change was the way in which torture was used. Before, it was only used as a means to attain information, but in the first half of the 1970s it became also a manner to force conversions. This made the torture worse. The situation got slightly better under international pressure for the enforcement of human rights. It is clear that political events had their impact on the prison system and use of violence. We can assume that the Iranian Revolution and regime change in 1979 had an even larger effect. In this chapter I will research how the use of violence in the Iranian prisons by state officials changed in the period 1979-1989. In the first part I will look how the prisons were organized: which prisons were used to lock up political prisoners, what was the chain of command in these prisons and how was the division of tasks and delegation of responsibilities. Special attention will be paid to the major political prisons Evin and Ghesel Hesar to get an idea of the everyday behaviour inside the prison. In the second part I will describe who was imprisoned, tortured and executed by the government. The third part describes the techniques and procedures of torture and special attention will be paid to the treatment of women. In every part I will discuss which events in Iranian domestic and international politics had influence on the prison system and prison culture.

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<sup>102</sup> Statement of Witness 5, Commission Report Iran Tribunal, 97.

## Political prisons

Under Khomeini, the prison system became more centralized and was drastically expanded. When the Shah was still in power, the prisons were administered by different institutions, the SAVAK, the gendarmerie and the urban police. There was no centrally organized system that oversaw all the prisons in the first few years after the revolution.<sup>103</sup> After the revolutionary years, the main prisons were administered by a council of three clerics – with the help of wardens, Revolutionary Guards (*Pasdaran*) and clerical magistrates.<sup>104</sup> Many of the wardens had been political prisoners during the regime of the Shah. The prison guards were mainly *Pasdaran*, attached to local *Komitehs* (committees) and Revolutionary Tribunals. The interrogators were mostly quite young men with backgrounds in Islamic education. Most of them did not get any professional training but did some crash courses before becoming an interrogator.<sup>105</sup>

Thirty-two different prisons were mentioned during the Iran Tribunal where political prisoners were kept during the 1980s (see image 1). In all of these confinements torture and executions were taking place. The prisons are located in all the major cities of Iran, spread over the whole country but with the highest density in the northwest and northern part of the country.<sup>106</sup> The seven major prisons were Adelabad Prison in Shiraz; Evin Prison in Tehran, which was one of the largest prisons in the 1980s where most political prisoners were kept; Qesel Hesar Prison in Karaj; Gohar Dasht Prison in Karaj, Tabriz Prison in Tabriz; Urumiyyeh Prison nearby the Turkish and Iraqi border; and Vakilabad Prison in Mashhad.<sup>107</sup> It was common that prisoners during their detention were moved around the country from prison to prison. The reasons for this were most of the time unclear.

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<sup>103</sup> Maziar Behrooz, 'Reflections on Iran's prison system during the Montazeri years (1985-1988)', *Iran Analysis Quarterly* 2 (2005) 3, 11-23, 16.

<sup>104</sup> Abrahamian, *Tortured Confessions*, 134.

<sup>105</sup> Abrahamian, *Tortured Confessions*, 136.

<sup>106</sup> Iran Tribunal Commission Report, 32.

<sup>107</sup> Iran Tribunal Commission Report, 32-34.



**Image 1. Map of prisons in Iran**

In the first months of the newborn Islamic Republic of Iran, Khomeini established Revolutionary Tribunals to punish the prominent members and supporters of the old regime. In the period between February 1979 and June 1981 many of them were arrested.<sup>108</sup> Prisoners were usually directly taken to prisons after being arrested, but in several occasions they were first put in temporary detention facilities before they were transferred to an official institution.<sup>109</sup> These temporary locations were known as *komitehs*. The one most frequently reported about during the Iran Tribunal is the *komiteh* Moshtarak, a component of the Evin

<sup>108</sup> Abrahamian, *Tortured Confessions*, 124.

<sup>109</sup> Iran Tribunal Commission Report, 32-33.

prison.<sup>110</sup> Many of these temporary detention centres were run by the Revolutionary Guards. They were located in city centres all over the country. Sometimes civilian buildings were converted for the use by the internal security force. Also military bases were used to temporarily detain military as well as civilians.<sup>111</sup> In these first twenty-seven months 757 people were executed. Some of them were non-political victims (260) including drug dealers, pimps, homosexuals, prostitutes and rapists. But the largest group were political victims (497) including prominent supporters of the Shah, SAVAK officials and high-ranking military personnel.<sup>112</sup> This turned out to be just a foretaste for what would come in the next eight years.

1981 can be seen as a turning point in Iranian politics. In this year, Khomeini tried to eliminate the opposition inside as well as outside the state apparatus. The factional opposition of Islamic liberals was led by Bani-Sadr. In 1981 a battle was fought between Bani-Sadr and Khomeini over the division of power between the President and the Supreme Leader. Bani-Sadr demanded to be allowed to exercise proper presidential authority. This made Khomeini point out on the Iranian radio that the President had to obey the parliament and the supreme court, which are the Islamic organs of the state. He threatened to give him the same treatment as the Shah. Khomeini went a step further and stripped Bani-Sadr of his powers as commander in chief on 10 June 1981. Bani-Sadr decided to go into hiding together with some of his close followers. On the same day of this decree, the MKO and other leftist groups held a large demonstration, supporting Bani-Sadr. It led to clashes with the Hezbollah, leaving several dead. On 17 June, Fafsanjani allowed a debate in the Parliament on the competence of Bani-Sadr to be held on 20 and 21 June. The debate caused more demonstrations of pro-Khomeini (IRP) mainly of the workers-class and mainly leftist Bani-Sadr supporters. A motion to declare him incompetent was supported by 177 delegates, with thirteen abstaining and only one vote against. As a consequence, Bani-Sadr was removed from office by Khomeini.<sup>113</sup>

Only one week after this, the headquarters of the IRP were severely damaged by a bomb-attack when almost the entire leadership were there to discuss how to continue after the departure of Bani-Sadr. The attack seemed to be part of an MKO campaign that included the (attempted) murder of more prominent persons in Iranian politics, including the wounding of

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<sup>110</sup> Iran Tribunal Commission Report, 34.

<sup>111</sup> Iran Tribunal Commission Report, 35.

<sup>112</sup> Abrahamian, *Tortured Confessions*, 124-125.

<sup>113</sup> Axworthy, *Revolutionary Iran*, 210-211.

Ali Khamenei.<sup>114</sup> A harsh repression of the oppositional forces followed. The violence had its effect on the prison regime. It led to the use of brute force and torture by the authorities in order to extract information about safe houses, hidden weapons and identities of party leaders, members and sympathisers. In first instance, the increase was to track down and destroy underground organizations, but the regime continued after the tumult of 1981.<sup>115</sup> The huge repression of oppositional forces caused an overload of detainees inside the Iranian prisons.

But not only domestic events influenced the situation inside the prisons, also the Iran-Iraq war had its impact. In the summer of 1980 (border) tensions between Iran and neighbouring Iraq escalated to a full-scale war in September.<sup>116</sup> Most likely Saddam Hussein believed the war would only last a few days or weeks because of his greater military power, the surprise effect of his attack and the unpreparedness of Iran – being occupied by internal control right after the revolution. He expected an early peace to avoid further defeat and damage on the Iranian side. This expectation was also based on the experience of the most recent wars in the Middle East, but in this case it was a huge miscalculation.<sup>117</sup> The Iran-Iraq war ended eight years later. This long war had of course an impact on the internal situation of Iran. It created an atmosphere of fear and seem to make harsh measures against enemies of the state more acceptable, especially after the terroristic attacks in June 1981 by the MKO.<sup>118</sup> All these events had a negative effect on the prison conditions, but there was also an important cleric who made the circumstances inside the prisons slightly better.

## Montazeri

Grand Ayatollah Hossein Ali Montazeri (1922-2009) was a student and a close ally of Khomeini already before the Revolution. He became one of the architects of the Islamic Republic and in November 1985 he was even appointed as the successor of Khomeini, until his removal of this position in March 1989 after a worsening conflict with Khomeini over several topics.<sup>119</sup> One of these topics were the human rights violations in the Iranian prisons. In 1985 the general conditions of the prisons started to improve under the influence of Montazeri. He appointed a Council of Amnesty to look into cases of prisoners qualified for release. He was also responsible for the creation of the Organization of Prisons. He started to appoint his people to oversee the administration of the prisons. Montazeri's aim was not to

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<sup>114</sup> Axworthy, *Revolutionary Iran*, 214.

<sup>115</sup> Abrahamian, *Tortured Confessions*, 136-137.

<sup>116</sup> Jerome Donovan, *The Iran-Iraq War; Antecedents and conflict escalation* (New York 2011) 90.

<sup>117</sup> Axworthy, *Revolutionary Iran*, 197.

<sup>118</sup> Axworthy, *Revolutionary Iran*, 215.

<sup>119</sup> Behrooz, 'Reflections on Iran's prison system during the Montazeri years (1985-1988)', 12-13.

stop political opponents from being imprisoned in general, but to create a legal context in which Islamic justice was observed and in which the achievements of the revolution were protected. Measures taken by Montazeri and his followers were the granting of amnesty to many prisoners, a reduction in execution and other forms of extreme violence including torture. Also the general conditions of the prison life improved because books, televisions, pencils and paper became available and prisoners were allowed to receive visitors and move more freely inside the prison. Also the compulsory ideological classes were abolished just like praying.<sup>120</sup>

The transformation of prison conditions did not set in at the same time in every prison. While in Gohar Dasht and Evin Prison Montazeri's delegations took over the administration in early 1986, prisoners of Adelabad Prison had to wait until 1987 before they noticed any improvements. The appointment of Hojjat ol-islam Samadi as head of this prison led to an internal crisis inside the prisons. Some Revolutionary Guards did not agree with the newly taken measures and left the prison in protest.<sup>121</sup> The prisoners themselves embraced the new conditions, which made their living conditions considerably better; for some it even meant their release.

I was then taken to Qezel Hesar again. A year after I got my ten-year sentence, in 1985, I was pardoned by the Montazeri committee. Many people were released at that time. The first group was the repenters and also people in prison who were passive—they were not really politically active. I was very surprised that I was pardoned after all the punishment and additional sentencing I had received while in prison.<sup>122</sup>

In most prisons books and other forms of recreation became available and in Evin a small shop opened where prisoners could buy basic items with money provided by their families.<sup>123</sup> Unfortunately for the prisoners, the improvements were short-lived, in most prisons Montazeri's representatives were removed from the administration after a year or less. Conditions became again much worse with a climax in the summer of 1988.<sup>124</sup>

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<sup>120</sup> Behrooz, 'Reflections on Iran's prison system', 19.

<sup>121</sup> Witness Jahangir Esmailpur, Massacre of political prisoners, 93.

<sup>122</sup> Witness Monireh Baradaran, Massacre of political prisoners, 65.

<sup>123</sup> Witness Shahab Shokoohi, Massacre of political prisoners, 321.

<sup>124</sup> Massacre of political prisoners, 82, 32.



## Evin Prison

The original function of Evin Prison was a detention place for people awaiting their trial. After trial prisoners with long sentences were sent to Qesel Hesar and with short sentences to Gohar Dasht. However, in practice many people had to wait for years in Evin before their trial. Moreover, prominent prisoners In 1979, Mohammad Kachouyi became warden of Evin until the moment he got assassinated in June 1981. Sayyed Assadollah Ladjevardi, who was already chief prosecutor of Tehran, replaced him. This man had been a political prisoner himself during the time of the Shah, because he had tried to blow up the offices of El Al, the Israeli airlines.<sup>125</sup> The new warden liked to be called Hajj Aqa. By others he was also known as “the butcher of Evin” because of his brutal regime inside the prison. Together with his family he lived inside the prison. Even when he was temporally removed from his position in 1984 due to political pressure, he still resided in Evin to avoid the same fate as his predecessor.<sup>126</sup>

The prison was divided in different wards. Ward 1 was also known as ‘*Melikesh*’. It was mainly used to detain prisoners who already served their sentences but refused to comply with certain conditions for their release. Ward 3 was reported as being reserved for political prisoners in the Iran Tribunal with Cell two specifically reserved to detain under-eighteens.<sup>127</sup> Other sources suggest that many more wards in Evin were used for political prisoners. The most infamous ward of Evin was Ward 209. It was run by the *Pasdaran* and used for torture, interrogation and solitary confinement.<sup>128</sup> Ward 246 was the female department of the prison where around 500 to 600 women were locked up in seven rooms of different sizes. They had to share six toilets and four showers between all these women. According to a female prisoner, one could hardly speak of a prison regime in 1982 in this department. Total chaos reigned. It was overcrowded, names were mixed up and people were taken for execution without anybody knowing who they actually were. According to this woman, this was due to the focus of the government on the war with Iraq.<sup>129</sup> This image of a chaotic prison is supported and extended to the organization of other prisons by the statements of Hosein Musavi-Tabrizi, the Revolutionary Prosecutor-General in Iran in 1981-1983. There were no adequate facilities in this period to house all the people taken into custody, which resulted in overcrowded prisons. Some were not registered and others were even sent for execution

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<sup>125</sup> Abrahamian, *Tortured Confessions*, 136.

<sup>126</sup> Abrahamian, *Tortured Confessions*, 136.

<sup>127</sup> Iran Tribunal Commission report, 32-33.

<sup>128</sup> Iran Tribunal Commission report, 33.

<sup>129</sup> Yalda, *De langste nacht* (Amsterdam 2007) 57.

before any court hearing. Many were in captivity for months or even years without any judicial process and were facing severe torture.<sup>130</sup> The situation in Evin under Ladjevardi was so bad that reports even reached Khomeini personally. He responded by appointing three members of the *majlis* on a fact-finding mission. After their research they advised – in conformity with Musavi Tabrizi – to remove the warden of Evin from his position. Khomeini was convinced by others to act differently and Ladjevardi could stay for the time being, although he asked the Prosecutor-General to watch over the warden.<sup>131</sup> Conditions Evin changed after Ladjevardi left in 1984, this created room for supporters ayatollah Hussein-Ali Montazeri to gain more influence inside the prison.<sup>132</sup>

### Ghesel Hesar Prison

The head of the Ghesel Hesar Prison in Karaj was Rahmani Haji Davoud, who was appointed by Ladjevardi in the summer of 1981. Before the revolution, he had worked as a cook in this prison.<sup>133</sup> After the revolution, he became known as the most cruel man of Iran who developed its own torture methods and even enjoyed testing them personally.<sup>134</sup> In 1985, Haji Davoud killed the twenty-four year old prisoner Jamil Shariati, by hitting him over the head with a big iron lock.<sup>135</sup>

The Ghesel Hesar Prison had a clear political slogan displayed at the entrance road: ‘the Prison for Counterrevolutionaries – History’s Garbage Dump’.<sup>136</sup> A large number of political prisoners were kept in this prison. They were facing violent torture and other forms of mistreatment. Capital punishment was not executed in this prison, prisoners were transferred to Evin for execution. However, witnesses reported about deaths under torture and suicides in Ghesel Hesar.<sup>137</sup> The harsh policy of the government towards political opponents led to an overcrowded Ghesel Hesar Prison, that was built for 10.000 prisoners, but had over 15.000 prisoners by 1983.<sup>138</sup> Like Evin, Ghesel Hesar was divided in different sections. For example, section 8 was known as the ‘Infidels Section’, where all the communists were packed together.<sup>139</sup> One witness reports that the cells were so overcrowded that at least 30

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<sup>130</sup> Behrooz, ‘Reflections on Iran’s prison system during the Montazeri years (1985-1988)’, 16.

<sup>131</sup> Behrooz, ‘Reflections on Iran’s prison’, 17.

<sup>132</sup> Abrahamian, *Tortured confessions*, 136. Yalda, *De langste nacht*, 87.

<sup>133</sup> Abrahamian, *Tortured confessions*, 135.

<sup>134</sup> Yalda, *De langste nacht*, 78.

<sup>135</sup> Statement of Witness 22, Siavash Daneshvar, Iran Tribunal Commission Report, 163.

<sup>136</sup> Abrahamian, *Tortured confessions* 135.

<sup>137</sup> Iran Tribunal Commission report, 33.

<sup>138</sup> Abrahamian, *Tortured confessions* 135.

<sup>139</sup> Iran Tribunal Commission report, 33.

people were locked up in a cell of 1 by 2 metres and were unable to sit down on the ground.<sup>140</sup> The prisoners in Ghesel Hesar were constantly watched and controlled. They were never left alone for more than a minute.<sup>141</sup>

There are many reports about the inhuman treatment in the Ghesel Hesar Prison. One prisoner witnessed a ballpoint pen being shoved up in the nose of another inmate. He was hit so hard that the pen smashed into his head.<sup>142</sup> He also describes how the head of the judicial section Ayatollah Mousavi Ardebil permitted guards to do anything they wanted to do with the female prisoners.<sup>143</sup> Another incident in Ghesel Hesar about which several female prisoners report is the decision of the management of the prison to replace the coloured chador of the leftwing women (to make a distinction between the believers and non-believers) with black ones.<sup>144</sup> The women started to protest. For Yalda the matter was not so important because she was used to wear a black chador in Evin Prison. However, the resistance gave the females new energy. The management dealt with the resistance by sending all the involved women back to Evin Prison, to Ward 209, normally used to torture new detainees. They were all put together in one cell which they were only allowed to leave when they would accept the black chador. Accepting it would also give them the opportunity to meet again with direct family members. Yalda gave up her resistance after nine months.<sup>145</sup> Some of the harsh regulations were lifted when Haji Davoud was moved from his position in Ghesel Hesar to the 'Freedom Section' in Evin in July 1984, following the removal of Ladjevardi as warden of Evin.<sup>146</sup> A new, reform-minded staff was appointed. From now on, prisoners were allowed to go outside their cells, get some fresh air and exercise.

## Political opposition

During the revolution, various bigger and smaller political organizations worked together to dethrone the Shah. Some of these parties existed already for decades under the Shah, but because of their socialist, communist or Islamist ideology they were forced to operate underground. Other parties were established during the 1970s and were affiliated with or split from these larger organizations. They included Maoist groups such as the Toufan Marxists-Leninist Organization, the Toilers Party (Ranjbaran), the Union of Iranian Communists (Sarbedaran), Rah-e Kargar (Kargar) and the Combatant Organization on the Road for the

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<sup>140</sup> Ebrahim Mohammad Rahimi, witness 38, Iran Tribunal Commission Report, 218.

<sup>141</sup> Iran Tribunal Commission Report, 286.

<sup>142</sup> Manoochehr Safarali, witness 11, Iran Tribunal Commission Report, 122.

<sup>143</sup> Manoochehr Safarali, witness 11, Iran Tribunal Commission Report, 123.

<sup>144</sup> Akram Biram Vand, witness 52, Iran Tribunal Commission Report, 270. Yalda, *De langste nacht*, 79-83.

<sup>145</sup> Yalda, *De langste nacht*, 79-83.

<sup>146</sup> <http://justice4iran.org/human-rights-violator-s-profiles/10028/> Iran Tribunal Commission report, 45.

Emancipation of the Working Class (Paykar). They were all united in their aim of overthrowing the Shah.<sup>147</sup> Some continued to cooperate with some factions of the new Islamic regime in its early years such as the Mojahedin-e-Khalq and the Tudeh Party. Other parties immediately went in opposition once the Islamic Republic of Iran was established. Sooner or later, almost all the oppositional secular parties were abolished and their leaders were arrested. Many political prisoners were leaders or members of these parties. Others were (accused of being) sympathisers. I will shortly discuss the history of some of the larger political organizations that became opposed to the Islamic regime. This overview is incomplete; many more smaller political organizations existed in the 1980s in Iran, but the main group of political prisoners was accused of affiliation with one of these larger organizations.

### **Mojahedin-e-Khalq**

This organisation was founded in the 1960's and was the first group who developed a modern revolutionary socialist interpretation of Islam.<sup>148</sup> The literal translation of Mojahedin-e-Khalq is People's strugglers or People's crusaders, but the group refers to itself in English publications as the People's Mojahedin Organisation of Iran. In its first years it was a city-based organisation dominated by students. It was opposed to the government of the Shah, which was seen as a supporter of the U.S. imperialism and Zionism. The *Mojahedin* developed links with the Palestine Liberation Organisation since its early years, who trained and supplied them. The use of violence was legitimated by the Mojahedin since their inception in order to reach their goals.<sup>149</sup> The Iranian Revolution caused a rapid grow of the organisation and it became a major political force in Iran. At first, the organization was supportive of Khomeini and the Islamic republic. It was also backing the occupation of the U.S. Embassy. But in 1980 the Mojahedin decided to boycott the referendum on a new Constitution. This was the start of a deteriorating relationship between the Islamic regime and the Mojahedin-e-Khalq.<sup>150</sup> Things escalated when Khomeini tried to remove Bani-Sadr from his position as first president of the Islamic Republic of Iran. He was against the clerical establishment and could therefore count on support of more radical and leftist groups, including the Mojahedin. In June 1981, the Mojahedin were able to mobilize over a half million supporters into the streets of Tehran.

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<sup>147</sup> 'Deadly Fatwa: Iran's 1988 prison massacre' *Iran Human Rights Documentation Center* (2009) 6.

<sup>148</sup> Ervand Abrahamian, *Radical Islam: The Iranian Mojahedin* (1989) 1.

<sup>149</sup> Siagzar Berelian Library Collection, inventory number 13, International Institute of Social History, Amsterdam.

<sup>150</sup> 'Deadly fatwa', 4.

The strategy of the MKO became one of armed resistance and confrontation with the government.<sup>151</sup> The results of the violent struggle are cheered on by the People's Mojahedin Organization of Iran office in Paris. In July 1982 it reports of 'successful resistance operations' by the MKO in Iran that put pressure on Khomeini. The operations in Tehran and Shiraz included the killing of important political figures, attacks on *Pasdaran* headquarters and an assault on a financial centre of Khomeini.<sup>152</sup> The government wanted to keep her position and tried to repress and disarm all the guerrilla organisations, including the MKO. The government used intimidation and violence to accomplish this. The regime responded extremely harsh on the MKO attacks of the IRP headquarters in June 1981. Between June and November of that year, 7943 people were executed, including 6472 Mojahedin.<sup>153</sup>

### Tudeh Party

The Tudeh Party is one of the oldest leftwing political parties in Iran, founded in 1941. It was fighting the secular, pro-western monarchy and its liberal tendencies. This was threatening the Shah's position and therefore he suppressed the Tudeh Party in the 1950s. The Party went underground until the Iranian Revolution. It started to collaborate with the new Islamic regime which came in power in 1979. It constantly showed its goodwill and support, including on the occupation of the U.S. Embassy. This led to enormous frustration of other leftwing revolutionary parties who interpreted the Tudeh Party's choice as hypocritical, betraying their values. However, the Tudeh sometimes also criticized the regime's policy, such as the decision to continue the war with Iraq after 1982.<sup>154</sup> The Islamic government ended the collaboration with the Tudeh Party in the period February – May 1983 and started to suppress it. On 4 May 1983, the Tudeh Party was outlawed by the regime and the members were ordered to report themselves to the authorities.<sup>155</sup> According to a secret governmental document disclosed by the Organisation of Iranian People's Fedai Guerrillas (OIPFG) in their newspaper KAR No. 112 in June 1981, this was already coordinated and planned in the first years of the Islamic Republic. The document uncovered a two-phased plan to first suppress the revolutionary organizations such as the Mojahedin-e-Khalq and second to eliminate the

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<sup>151</sup> Ahmad Ashraf, Ali Banuazizi, 'Iran's Tortuous Path Toward "Islamic Liberalism"', *International Journal of Politics, Culture and Society* (2001) 237-256, 242.

<sup>152</sup> Union of Moslem Iranian Students Societies Outside Iran, *Iran Liberation*, 26 July 1982. Siagzar Berelian Library Collection, inventory number 13, International Institute of Social History, Amsterdam.

<sup>153</sup> Abrahamian, *Tortured Confessions*, 129.

<sup>154</sup> 'Deadly fatwa', 5.

<sup>155</sup> Fakhreddin Azimi, *The Quest for Democracy in Iran, A century of struggle against authoritarian rule* (2008) 365.

non-jeopardizing groups including the Tudeh Party.<sup>156</sup> The regime announced the end of the Tudeh in 1985 and with it the end of Marxism in Iran.<sup>157</sup>

### **Organisation of Iranian People's Fedai Guerrillas**

This organisation came into existence in the 1970's, rooted in secret reading groups. Many of its members are former young members of the National Front and Tudeh Party. Some of the people in the secret reading groups came to the conclusion that armed struggle was the only way to go to make a connection with the masses. Many members were arrested and imprisoned, tortured and some also executed. Others managed to flee the country to fight in Palestine together with the PLO and PLFP. With war experience they returned to Iran in 1970 and fused with several groups, including one group around Massoud Ahmadzadeh. They formed the Sazman-Cherikhaye Fedayeen-e-Khalq (Organisation of Iranian People's Fedai Guerillas). Together with the Mojahedin-e-Khalq they took up the arms against the Shah. Their aim was to give the suppressed workers the opportunity to press forward their political demands. Their struggle was focused on the Iranian workers in the first place, but it had also an international outlook. They distinguished themselves from the Tudeh Party in their preparedness to take up armed struggle and individual sacrifices.<sup>158</sup> They played an important role in the revolution by raiding weapon depots and taking over police stations. The party split up after the revolution into a Majority and a Minority faction. The former joined the Tudeh Party in supporting the regime and trying to bring forth change by political means, while the latter continued their armed struggle. Nevertheless, the Majority faction was also forbidden to pursue its agenda in 1981 and many of its members were imprisoned or executed. The Fedai Majority was forced into exile in 1983.<sup>159</sup>

### **Democratic Party of Iranian Kurdistan**

The Democratic Party of Iranian Kurdistan (PDKI or KDPI) was founded in Mahabad on August 16, 1945 under the name Kurdish Democratic Party. The party can be considered as a moderate left-wing party which strived for the establishment for an autonomous Kurdish state within a democratic Iran. However, in their first year after their establishment the party was striving for their own republic. In January 1946, they managed to establish the short-lived 'Republic of Kurdistan' in Mahabad, with the help of the Soviet Union which controlled that

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<sup>156</sup> Iranian Students Association, May 1983. Siagzar Berelian Library Collection, inventory number 13, International Institute of Social History, Amsterdam.

<sup>157</sup> Deadly Fatwa, 6.

<sup>158</sup> Theoretical Journal of the Revolutionary Communist Tendency, No. 6, June 1980, 24. Siagzar Berelian Library Collection, inventory number 13, International Institute of Social History, Amsterdam.

<sup>159</sup> Deadly Fatwa, 6.

part of Iran at the time. The Iranian army invaded the newly established republic 11 months later and dissolved it. The Soviet Union responded by withdrawing its troops from the region. The party was forced to go underground because the Shah did not accept the demand for autonomy. In 1979, the KDPI acted quickly to support the revolution against the Shah and again vocalize their demands for some form of local secular autonomy.<sup>160</sup> The negotiations with the newly established Islamic Republic were fruitless and at the same time battles took place between the Kurds and the government forces and the *Pasdaran*. The situation escalated and in August 1979, and Khomeini issued a *fatwa* against the Kurds. Hundreds of people were killed and Khomeini banned the KDPI. In the following weeks, the *Pasdaran* took over the Kurdish cities and the religious judge Khalkhali was sent in to hold summary trials and issue immediate executions.<sup>161</sup>

### Organization of Revolutionary Toilers of Iranian Kurdistan (Komala)

The Organization of Revolutionary Toilers of Iranian Kurdistan (*Sazman-i Inqilabiyeh Zahmatkishan-i Kurdistan-i Iran*) or *Komala* is a left-wing secular Kurdish party which announced its existence in 1979 after the revolution. The party was lead by Kurdish activists including Foad Mostafa Soltani, Abdullah Mohtadi and Sediq Kamangar. Together with the KDPI it fought for an autonomous Kurdish region in Iran. *Komala* responded to the state repression of the Kurdish rebellion by setting up operations in the mountains between Iran and Iraq. In September 1983, the party merged with other smaller leftist parties into the Communist Party of Iran (CPI).<sup>162</sup>

### Torture

‘Nobody was cuddled in prison – everybody was tortured.’ - Siavash Daneshvar<sup>163</sup>

According to Iranian state officials, torture (*shekanjeh*) did not take place in the Islamic Republic of Iran. The new Constitution which was implemented in 1979 explicitly forbids torture in Article 38.

All forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of

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<sup>160</sup> ‘Haunted Memories: The Islamic Republic’s Executions of Kurds in 1979’, *Iran Human Rights Documentation Center* (2011) 4-5.

<sup>161</sup> ‘Haunted Memories: The Islamic Republic’s Executions of Kurds in 1979’, (2011) 5-12.

<sup>162</sup> *Ibidem*, 4.

<sup>163</sup> Statement of Witness 22, Siavash Daneshvar, Iran Tribunal Commission Report, 163.

value and credence. Violation of this article is liable to punishment in accordance with the law.<sup>164</sup>

A differentiation is made between torture and corporal punishment. The first is forbidden but the latter is allowed according to the *Ta'zir* Law, which is sanctioned by *shari'ah* law. This law is administered by qualified magistrates.<sup>165</sup> The prisoner Houshang Asadi reports that the lashes he is getting are most likely ordered by a magistrate and in line with *shari'ah* law. He is convinced that his torturer will not exceed the lawful number of allocated lashes.<sup>166</sup> Article 38 also forbids forced confessions. However, voluntary confessions are encouraged because an honest repentance can lessen the punishment in this world and the next.<sup>167</sup> Houshang's interrogator told him that: 'the door to repentance is open to everyone in Islam.'<sup>168</sup>

Evidence for the denial of torture can be found in the letter of an Iranian diplomat. The chargé d'affaires Seyed Jalal Sadatian denied all the torture accusations made in the British programme *World in Action: The Dead End* of 10 November 1986 in a letter to the Chair of the Independent Broadcasting Authority of Britain. The MKO members interviewed in the programme make statements about the torture they faced under Khomeini. Sadatian discards these statements. Instead, he insinuates that it is the MKO who uses violent means including torture. Moreover, he negates the dehumanizing treatment of political prisoners in Evin. According to him, political opposition is actually allowed in Iran, the only thing that is not allowed is armed opposition.<sup>169</sup> The physical evidence of bullets is portrayed as the result of an armed conflict between terrorists and the security guards by Sadatian. He argues that it is not possible that the security guards opened fire on civilians. 'No sane security man opens fire on an unarmed individual.'<sup>170</sup>

## Physical torture

Although this diplomat argues that the Islamic Republic of Iran did not apply any physical torture, many witness statements and prison biographies prove differently. However, in the

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<sup>164</sup> Iran (Islamic Republic of)'s Constitution of 1979 with Amendments through 1989, [https://www.constituteproject.org/constitution/Iran\\_1989.pdf?lang=en](https://www.constituteproject.org/constitution/Iran_1989.pdf?lang=en)

<sup>165</sup> Abrahamian, *Tortured confessions* 135.

<sup>166</sup> Houshang Asadi, *Letters to my Torturer; Love, Revolution & Imprisonment in Iran* (2012) 157.

<sup>167</sup> Abrahamian, *Tortured confessions* 135.

<sup>168</sup> Houshang Asadi, *Letters to my Torturer; Love, Revolution & Imprisonment in Iran* (2012) 170.

<sup>169</sup> Letter from the Embassy of the Islamic Republic of Iran written by chargé d'affaires Seyed Jalal Sadatian, addressed to Lord Thomson of Monifieth, Chairman of IBA, 18 November 1986. Siagzar Berelian Library Collection, inventory number 13, International Institute of Social History, Amsterdam.

<sup>170</sup> Letter from the Embassy of the Islamic Republic of Iran written by chargé d'affaires Seyed Jalal Sadatian, addressed to Lord Thomson of Monifieth, Chairman of IBA, 18 November 1986. Siagzar Berelian Library Collection, inventory number 13, International Institute of Social History, Amsterdam.



first months after the revolution, physical torture was not widespread. The prisoners were mainly put in solitary cells, threatened with execution and mistreated in other ways, such as imprisonment without formal charges and summary trials.<sup>171</sup> One of the interviewees who was in prison in this period was not tortured either, which supports this image. He had been in prison during the Shah after being accused of collaboration with a leftist organization. He received amnesty in 1979 under the interim regime of Bakhtiar and got free from prison. Because he wrote an article against Khomeini, he was arrested again in the summer of 1980 by the *Pasdaran* and imprisoned in a former school building. Under pressure of the writers association and intellectuals he was released after one month. He states that he was not tortured in this period.<sup>172</sup>

This does not mean the arrests and detention were completely without any physical violence in the early period of the Islamic Republic. But torture definitely increased after the Mujahedeen attack in June 1981. Violence usually already started during the arrest. The *Pasdaran* was responsible for the arrest of assumed political threats to the state. Arrests took mainly place in the streets, or at the private houses of the accused during the evening or night. Salah Bakhtiar, survivor of the Iranian prisons, was arrested in his own family residence during the late evening when he was already asleep. While being arrested, Salah was beaten severely in front of his family.<sup>173</sup> This was a way to put psychological pressure on the family members. One witness in the Iran Tribunal mentions that the Sepah *Pasdaran* arrested her in the streets nearby her house. The Sepah immediately started beating and swearing. She was taken to Komiteh 3000 where she was body-searched and got a number around her neck and was photographed before they took her for interrogation.<sup>174</sup>

The intensity of torture was very high. Torturers were trained to know exactly when to stop to keep the prisoner alive. They interrupted the torture to give the body just enough rest to recover for the next round. This also prevents the nerve cells from dying so people keep the sensation in their body parts in order to keep feeling the pain.<sup>175</sup> Still, some prisoners died under torture. Salah reveals that he came close to death a number of times. One time he passed out when a cable twisted around his neck. He was left between two corpses who most likely had not survived the torture. Later a guard found out he was still alive and was taken

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<sup>171</sup> Abrahamian, *Tortured confessions*, 127-128.

<sup>172</sup> Interview 6, 22-02-2017.

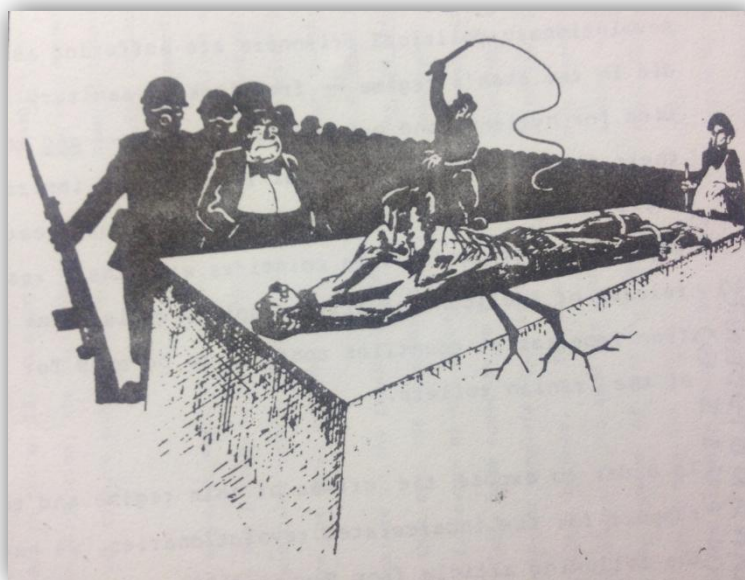
<sup>173</sup> Statement of Witness 5, Salah Bakhtiar, Iran Tribunal Commission Report, 97.

<sup>174</sup> Statement of Witness 20, Mersedeh Ghayedi, Iran Tribuna Commission Report, 151.

<sup>175</sup> Houshang Asadi, *Letters to my Torturer* (2012) 158, 163.

away.<sup>176</sup> The torturers under the Islamic Republic of Iran used a wide arsenal of torture methods, some of them were copied from the methods of the former regime, some of them were invented in this period.

### Bastinado



**Image 2, torture by the Iranian state portrayed by the political organization of Peykar**

The most common method of torture under Khomeini was the bastinado. It was also the most used method by the SAVAK under the Shah. It was an extremely painful method, but it hardly ever led to death.<sup>177</sup> Bastinado was inflicted on virtually all the prisoners. It was used in a systematic way. At arrival, prisoners would get slippers a few sizes too big so their swollen feet would fit in it after this treatment. They would first be taken to confinement and interrogation before bastinado was used on them. The prisoner would be tied to a metal bed on the front or the back. In many cases they would cover the head with a blanket or use a dirty sock or rag to stuff the mouth. The torturers used electric cables of different thickness to lash the feet. The cables were sometimes also used to beat the head. When the feet would get numb, the torture would briefly be suspended to get the sensation back. To accomplish this, the torturers would sometimes use cold water or pierce the skin of the soles of the feet with nails or by making the prisoner walk on sharp stones. At other times the prisoners were forced to jump to make the blood circulate through the feet again. Bastinado left the feet swollen and the wounds could get severely infected. In some cases it also led to kidney malfunction and

<sup>176</sup> Statement of Witness 5, Salah Bakhtiar, Iran Tribunal Commission Report, 97.

<sup>177</sup> Abrahamian, *Tortured Confessions*, 106-107.

other problems of the nervous system. The woman Roya Sadeghi describes how she lost control over her bladder as a result of the bastinado. Whenever she asked the guards to use the bathroom, they told her to urinate on her friends.<sup>178</sup> Survivor Manoochehr Safarali reports about his detainment in Ward 3000, where he was firstly taken after arrest, that: ‘throughout the interrogation, I was blindfolded and would be on the floor of the hallway. The first week of my arrest, I was tortured day and night. During this week, sometimes three and sometimes four people would torture me. For two years, my feet were still wounded.’<sup>179</sup> In Moshtarak prison, people would usually spend one week in the ‘punishment room’, where they underwent the bastinado.

### Apollo

This torture method was developed by SAVAK, but continued to be widely used under Khomeini according to Amnesty International. The prison gets electric shocks while a helmet is placed over his head so his cries are magnified and echoed inside the helmet.<sup>180</sup> By contrast, Abrahamian argues that this torture method was not used anymore in the Islamic Republic, because the method was deemed too Western.<sup>181</sup> In the witness statements of the Iran Tribunal, this torture method is never mentioned either, but in the witness reports documented by the Abdorrahman Boroumand Foundation it is mentioned only once. Aziz Zare’i describes that his daughter told him she was put in a capsule dubbed the Apollo while she was imprisoned in Ward 3000.<sup>182</sup> This creates the impression the Apollo was used only in exceptional cases instead of being widely used as is suggested by Amnesty International.

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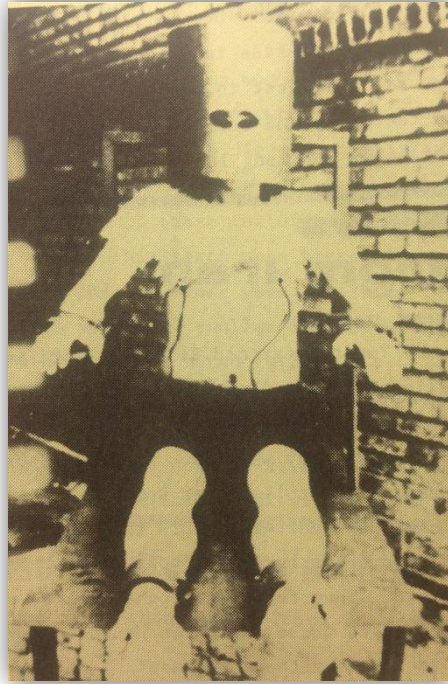
<sup>178</sup> Statement of Witness 28, Roya Sadeghi, Iran Tribunal Commission Report, 187.

<sup>179</sup> Statement of Witness 11, Manoochehr Safarali, Iran Tribunal Commission Report, 119.

<sup>180</sup> ‘Amnesty urges Iran to end torture’, Iran Solidarity Newsletter, April 1982, nr. 4. Siagzar Berelian Library Collection, inventory number 13, International Institute of Social History, Amsterdam.

<sup>181</sup> Abrahamian, *Tortured Confessions*, 139.

<sup>182</sup> *The massacre of political prisoners*, 357.



**Image 3, A smuggled photograph of the ‘Apollo’, a torture machine in action.**

### **Ghapani**

Another torture method that appears in several witness reports and prison memoirs is *ghapani*, whereby the arms are tied on the back of the body with a rope or handcuffs and then they hang you by your arms.<sup>183</sup> While they were hanging, most prisoners also tortured in another way. Some were beaten, flogged, bastinadoed or poled with pens.<sup>184</sup> Survivor Mohammad Khoshzough describes that this was done to him in *Komiteh* Moshtarek in Tehran. His torturers left him hanging for about sixteen hours. When they put him down and untied the rope, Mohammad’s hands and shoulders were completely numb.<sup>185</sup> Around thirty years after the torture, prisoner Manoochehr is still facing problems with his hands because he was hang by steelyard handcuffs and with his shoulders due to the severe pressure put on them.<sup>186</sup> Many times this method led to the dislocation of breaking of the shoulders and some got injured for life. Although the torturers took care of giving the prisoners enough rest to prepare for the next round of torture, some suffered from heart attacks caused by this method.<sup>187</sup>

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<sup>183</sup> Witness 7, 11, 12 in the Iran Tribunal all mention this torture method.

<sup>184</sup> Iran Tribunal Commission Report, 19.

<sup>185</sup> Statement of Witness 7, Mohammad Khoshzough, Iran Tribunal Commission Report, 104.

<sup>186</sup> Statement of Witness 11, Manoochehr Safarali, Iran Tribunal Commission Report, 119.

<sup>187</sup> Iran Tribunal Commission Report, 19.

## Coffins – the Grave

A new torture technique invented during the Islamic Republic was the ‘coffin’ also known as the ‘grave’ or the ‘resurrection’. Prisoners were put in a small box (50 x 80 x 140 cm) for days or months. Sometimes they were blindfolded and left either in total silence or with Quranic incantations played loudly. They were allowed to use the toilet only three times a day for one minute. All the other movement was punished. This method was used in several prisons, including Moshtarek Prison and Ghesel Hesar Prison. In the latter one, Haji Davoud would visit these prisoners personally to give them a treatment with the whip. Many prisoners went insane after exposure to this torture method.<sup>188</sup> When the prisoner Houshang was exposed to the coffins in the courtyard of Moshtarek Prison, he sank to his knees and had to throw up.<sup>189</sup> He was forced to look at a man he knows as the former editor-in-chief of a newspaper. In a mental dialogue with his torturer he thinks ‘Now you have forced him to sleep for days on end, inside a narrow wooden box, one of the most ingenious devices in the service of the Islamic Republic where, apparently, there’s no torture.’<sup>190</sup> This method was used for men as well as women.

## Standing up

Letting prisoners stand up for hours was also a way to torture prisoners.. There are different variations of this method. The witness Saleh Sharafi reported that he was forced to stand on one leg for a long period of time.<sup>191</sup> Another witness describes how he was taken from his cell in Urumiyyeh Prison barefooted and blindfolded to stand on ice against the wall during the night. At other moments he was taken into the yard together with his inmates to stand there for hours facing the wall. While standing there, the guards would take a few prisoners from the line of whom they heard nothing afterwards.<sup>192</sup> Making them stand for hours straight while being blindfolded could make prisoners hallucinate or even lose their minds. The female prisoner M.M. described this during her time in Qezel Hesar Prison:

If we moved even a little bit, they beat us. In the beginning, we had lots of energy and thought we would be able to last. But after several hours, our legs began to swell. I felt as if my body was being cut in two, and a sharp pain started shooting up from my waist. It is as if they were stabbing me in the back with a butcher’s knife. After about eight hours, I thought my brain would explode. A few of the others began to hallucinate. They kept us

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<sup>188</sup> Yalda, , *De langste nacht*, 78. Abrahamian, *Tortured Confessions*, 140. Iran Tribunal Commission Report, 20.

<sup>189</sup> Asadi, *Letters to my torturer*, 143-144.

<sup>190</sup> Asadi, *Letters to my torturer*, 144.

<sup>191</sup> Statement of Witness 12, Saleh Sharafi, Iran Tribunal Commission Report, 126.

<sup>192</sup> Statement of Witness 70, Amir Poorzeynel, Iran Tribunal Commission Report, 328-329.

there for forty-eight hours. During this time, they only allowed us to sit down when they brought us food. I was familiar with this method of torture, and knew the best way to resist was to refuse eating. Eating only increased the pressure on our bodies, because we would eventually be forced to go to the bathroom. I tried to inconspicuously tell the others not to eat as well, but the guard found out and hit me hard.<sup>193</sup>

This statement shows the physical effects of standing up for hours. Moreover, it shows this was probably a quite commonly used method since the woman states that she was familiar with this method. One way to make this form of torture worse was the deprivation of use of the bathroom. Some had to stand for more than seventy-two hours and were allowed to use the toilet only two or three times a day.<sup>194</sup>

### **Beatings**

Beatings were also a common practice during interrogation, but also at other moments. One prisoner was beaten so badly during the interrogations that his whole face became disfigured to an extent that his own family could not recognize him anymore.<sup>195</sup> Prisoners were at times beaten in the courtroom, either on the order of the judge or by the judge himself.<sup>196</sup>

### **Psychological torture**

#### **Mock executions**

Another new method to torture the prisoners was by letting them experience a mock execution. They were told to prepare for their deaths by saying their goodbyes and writing down their wills. Thereafter they were blindfolded and taken to an execution place where they were lined or tied up. Guards opened live fire to make the experience real. Sometimes it actually were real executions, but some people who were marked were spared from death. Nabaz Alidoost had such an experience. He was told to gather his belongings and write down his will and was taken to the yard of Saghez where he and some of his cellmates were tied to popular trees. The guards opened fire and he thought he had been shot too. He survived but the others were indeed killed. He was told he would be executed the following day.<sup>197</sup> Mock executions put an enormous psychological pressure on the prisoners. As stated by a political prisoner, threatening with execution was a way to mentally ‘ torture me, they would

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<sup>193</sup> Statement of witness M.M., speaking for the death, 5.

<sup>194</sup> Iran Tribunal Commission Report, 163, 224.

<sup>195</sup> Statement of Witness 4, Iran Tribunal Commission Report, 96.

<sup>196</sup> Iran Tribunal Commission Report, 26.

<sup>197</sup> Statement of Witness 24, Nabaz Alidoost, Iran Tribunal Commission Report, 172.

constantly remind me that I was to be executed soon just like those executed earlier.’<sup>198</sup> A MKO member who was imprisoned in UNESCO Prison of Dezful went through two mock executions and was under constant threat of execution. After his transfer to Karoon Prison of Ahwas he was able to escape from prison and leave Iran.<sup>199</sup> He was lucky to be able to escape, because participation in mock executions was not a guarantee not being executed at all. Some prisoners were first subjected to many mock executions before being actually executed.<sup>200</sup>

## Tawabs

One way the regime tried to put prisoners under pressure was finding people who wanted to collaborate with the government. In a public statement they had to distance themselves from their former beliefs, show regret and state to support the ideology of the state. These people expected to be released, but instead many of them had to stay inside the prison to spy on the other inmates. These people were called *tawabs*. Some tried to limit their collaboration to a level that was expected to be essential, but other *tawabs* even helped the prison guards in the preparation of the interrogations and executions. Others were actually released, but had to work for the government for years explaining their mistakes in front of cameras and in schools. Sometimes they had to go into the streets to point out to the security forces who was part of the opposition. All this had an enormous impact on the climate inside the prison, but also on the outside world. In this manner, the government created a false image of what was happening inside the prisons. They tried to make all Iranians believe that almost all prisoners surrendered and converted to Islam.<sup>201</sup>

## Gender

### Rape

Abrahamian states that contrary to the common belief, interrogators avoided the sexual organs during torture. In his whole book *Tortured Confessions: Prisons and Public Recantations in Modern Iran* he never mentions the occurrence of cases of rape or other forms of sexual abuse of women. This does not mean it was not present in the Iranian prisons in the 1980s, as other research points out. In the Commission Report of the Iranian Tribunal, a few women describe how they have heard of cases of rape, especially in Evin Prison.<sup>202</sup> On the other hand, the Commission Report also mentions that certain interrogators did not want to touch women

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<sup>198</sup> Statement of Witness 12, Saleh Sharafi, Iran Tribunal Commission Report, 125.

<sup>199</sup> Statement of Witness 45, Mahmoodreza Khademi, Iran Tribunal Commission Report, 243.

<sup>200</sup> Iran Tribunal Commission Report, 253.

<sup>201</sup> Yalda, *De langste nacht*, 86-87.

<sup>202</sup> Iran Tribunal Commission Report, 37, 99, 288-289.

because they considered them ‘unclean’. They put a sack around the women in order to avoid any physical contact.<sup>203</sup> A more recent research of Justice for Iran, *Crime and impunity, sexual torture of women in Islamic Prisons* (2012) is fully dedicated to the topic of sexual torture.<sup>204</sup> It describes how many women did not articulate the rape and sexual abuse inside the prisons because of the social taboo. This taboo can explain the absence of this topic in the work of Abrahamian.

Already during the 1980s some rumours circulated inside and outside the prison walls about the rape of virgin girls prior to their execution. But because all these victims found death a few days after the sexual abuse makes it difficult to find concrete evidence. Shadi Sadr and Shadi Amin analysed publically published records, interviews with seventy-seven political prisoners during the 1980s and 18 informed individuals to prove the rape and other sexual abuse inside the Iranian prisons. They found evidence that the rape of virgin girls took place systematically and was based on a misinterpretation of one of Khomeini’s *fatwas*.<sup>205</sup> According to *Shari’ah*, a virgin girl is considered to be innocent, and therefore if she dies she will directly go to heaven. The security officials wanted to prevent political prisoners from entering heaven after their execution and therefore they forcibly ‘married’ these girls to a *pasdar* or other prison employee. This temporary marriage gave rape a legal character. The girls could be executed the next day.<sup>206</sup> In his memoir, Ayatollah Montazeri makes clear that he convinced Khomeini to prevent virgin women to be executed. Instead he argued that they should be sentenced with imprisonment as is prescribed for female apostates.

...So, on behalf of Imam, I told the judicial officials and officials of Evin prison and other locations not to execute *munafiqin* girls. I also told the judges that they are no longer permitted to issue execution sentences for girls. This is what I said to them. Later on, here and there, they pretended like I had said that girls should not be executed but instead first married off and then executed. The *munafiqin* outside of the country were using this [story] as well. But the real story was what I told you. I was trying to prevent the execution of women and girls, other than those who had committed murder... over all, my opinion was that women should not be executed, but because most of the female Mojahedin imprisoned were girls

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<sup>203</sup> Iran Tribunal Commission Report, 37.

<sup>204</sup> Shadi Sadr and Shadi Amin, *Crime and impunity, sexual torture of women in Islamic Prisons* (2012).

<sup>205</sup> Sadr and Amin, , *Crime and impunity*, 92-93.

<sup>206</sup> Sadr and Amin, , *Crime and impunity*, 66-67.



[unmarried young girls], I refer to them as such, but the devils at play misinterpreted my words.<sup>207</sup>

This statement shows that Montazeri and the other high-ranking officials were well aware of the marrying, raping and execution of these girls. Nevertheless, no concerted action was taken by these officials to prevent this from happening. Moreover, the judicial and security officials had no good reason to stop the executions since they interpreted Khomeini's *fatwa* as an order to kill as long as the girls were not virgins during their execution.<sup>208</sup> Other forms of rape besides the rape of virgins did also occur inside the prisons in the 1980s, but unlike the rape of girls sentenced for execution, other forms of rape were not widespread nor did systematically take place.<sup>209</sup>

### **Pregnant women**

Torturers did not seem to respect the unborn life inside a woman. There are several examples of women who faced torture although they were pregnant. Fatameh Jokar Chouchani was four months pregnant at her arrest. She was supposed to be hanged a few months after giving birth to her baby. Although she was pregnant, she was still tortured inside the prison. This stopped at the moment her tummy really began to bulge. Her sentence was changed from execution into lifetime imprisonment.<sup>210</sup> Another pregnant woman was tied to a chair and threatened that she would be made to miscarry if she would not accept to cooperate. They tortured her but the unborn child managed to survive. The baby turned out to be 'not normal' by birth as a consequence of the suffering caused by the violence.<sup>211</sup> One woman observed how a prisoner called Fakhri, who was showing pregnancy symptoms for a while, was taken for execution.<sup>212</sup>

### **Religion and ideology**

For the regime of the Islamic Republic of Iran, the ideology and religion the prisoners were supporting was of great importance. During the first interrogations the political prisoners were questioned about their political affiliations and their religion. In many prisons, they were divided over different wards based on their political ideas and religious beliefs. For example, in Evin Prison cell 63 in Ward 3 was a special department where leftists were placed.<sup>213</sup> The prisoners were put under pressure to confess their crimes, recanting their political past and

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<sup>207</sup> Memoir of Ayatollah Hossein Ali Montazeri (2000) in Sadr and Amin, , *Crime and impunity*, 68.

<sup>208</sup> Sadr and Amin, , *Crime and impunity*, 92-93.

<sup>209</sup> Sadr and Amin, , *Crime and impunity*, 131.

<sup>210</sup> Statement of Witness 13, Fatemeh Jokar Chouchani, Iran Tribunal Commission Report, 128.

<sup>211</sup> Statement of Witness 20, Mersedeh Ghayedi, Iran Tribunal Commission Report, 155.

<sup>212</sup> Statement of Witness 52, Akram Biram Vand, Iran Tribunal Commission Report, 269.

<sup>213</sup> Statement of Witness 16, Bijan Bahadori, Iran Tribunal Commission Report, 139.

accept Islam as their ideology. The prison regime used different methods to make prisoners convert to Islam. During a press conference on 14 December 1981, prosecutor-general Mousavi Tabrizi stated that the regime distributed audio-visual programs under the prisoners with lessons in the interpretation of the Quran and the writings of the first Shi'a imam Ali. Prisoners were also provided with tape recordings to listen to religious speeches and were exposed to books, ideological newspapers and pamphlets.<sup>214</sup> Prisoners were forced to perform their prayers during collective gatherings and individually. Another widespread method was the forced attendance of religious ceremonies and 'Islamic Guidance' classes, often referred to as indoctrination classes by the prisoners. The cleric mostly discussed Khomeini's treatises and the principles of Islam during these classes. The prisoners were not given any opportunity for discussion, they were expected to just listen. Some prisoners tried to skip the classes. This resulted in punishment such as stopping visits and decreasing the already frugal food rations.<sup>215</sup>

### Why torturing?

There is an ongoing discussion between different authors specialized in torture in Iran what the reasons were to use torture in Iran's prisons. Afshari gives three different motivations: to extract confessions, as a form of disciplinary punishment, and out of sadism.<sup>216</sup> He points out the importance of the link between torture and extracting confessions. In many cases, interrogators would give the prisoners pencil and paper before starting the beating.<sup>217</sup> Abrahamian sees the public confessions and political recantations as the most significant reason for torture. The interrogators saw it as their duty to protect the newborn Islamic Republic and with it Islam in general. This led to another aim in the use of torture; ideological conversion.<sup>218</sup> This same purpose is mentioned by Matin-Asgari, seeing it as a modern and rational project to either isolate, contain and destroy the citizens or politically remake them.<sup>219</sup>

In the first year, torture did not take place on a systematic scale, but this changed after the Mojehedin attack in June 1981. From this point onwards, they started to use extreme violence to extract information about party leaders, members and sympathisers, hidden weapons, safe houses and printing presses. Still, even after the arrest of most of the

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<sup>214</sup> 'On dispensing justice in Islam and the spiritual guidance of prisoners', press conference of Mousavi Tabrizi on 14 December 1981, first published in *Jomhuri Eslami* on 15 December 1981, in 'Massacre of political prisoners' 197.

<sup>215</sup> Statement of Witness 61, Reza Poor Karima Darya Kenari, Iran Tribunal Commission Report, 304.

<sup>216</sup> Afshari, *Human Rights in Iran*, 46.

<sup>217</sup> Afshari, *Human Rights in Iran*, 47.

<sup>218</sup> Abrahamian, *Tortured Confessions*, 137.

<sup>219</sup> Matin-Asgari, 689.

*Mojahedin*, the torture continued on a more systematic scale, but the motivation behind it changed. Prisoners were tortured more and more to ‘obtain public confessions, political recantations and even ideological conversions’.<sup>220</sup> By late 1981 there was a routine procedure for the interrogation of incoming political prisoners. At first they would be placed in solitary cells with ballpoint and paper. The prisoners were asked whether they wanted to cooperate with an interview (*mosahebeh*). Following this initial interrogation, the prisoners were taken to special rooms, called the *Ta’zir* chambers, where they were tortured in order to obtain fuller confessions of their crimes.<sup>221</sup>

These recantations had an important propaganda function in the Islamic Republic. Recantations were published in newspapers controlled by the state and they were broadcasted in weekly recantation shows on prime-time television. The text of a recantation had to be personalized and believable in order to be effective for this purpose of propaganda, therefore it was usually written by the prisoners themselves. Only the introduction and conclusion were provided by the interrogators. While the beginning and end of the recantation were to confirm the legitimacy of the Islamic Republic and a positive appraisal of its authorities, the central part was a personal account of rejection of the political party of the prisoner and the opposition of the IRI in general. Because of this content, the recantations functioned at the same time as positive propaganda for the regime and negative propaganda for the opposition.<sup>222</sup>

This purpose of protecting Islam and the Islamic Republic is supported by the description of witnesses the situation in the prisons during Khomeini. One of the interviewees who was imprisoned during Khomeini, makes a comparison with the Islamic State (*Daesh*) in Iraq and Syria, who also act in name of religion. According to him, this religious motivation makes the situation inside the prisons in no way comparable to the situation during the Shah. The torturers saw it as a good deed to torture in order to redeem the prisoners from their sins. Every beating would diminish your sins. The interviewee thinks this made it easier for the perpetrators to shut themselves off any feeling.<sup>223</sup> But this interviewee is not the only one stating the situation for the prisoners got worse under Khomeini. All of them confirm this view. Although not all of them have been imprisoned themselves in this period, they heard about it from their family members and friends who have been in jail in both periods.<sup>224</sup>

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<sup>220</sup> Abrahamian, *Tortured Confessions*, 137-138.

<sup>221</sup> Abrahamian, *Tortured Confessions*, 137-138.

<sup>222</sup> Abrahamian, *Tortured Confessions*, 141-143.

<sup>223</sup> Interview 2, 26-01-2017.

<sup>224</sup> Interview 3, 02-02-2017.

Another difference between the two periods mentioned by one of the interviewees is the divine justification needed under Khomeini.<sup>225</sup> During the Shah there was no such thing as legal approval of whipping, but during the reign of Khomeini a layman interrogator had to consult a clerical magistrate who was authorized to mete out discretionary punishments prior to the interrogation.<sup>226</sup>

## Conclusion

The first few years of the Islamic republic developed chaotically, which is also reflected in the prison system. In this period, several authorities were responsible for the arrest of the political opponents, there was no centralized management of the prisons and many of the arrests and executions were arbitrarily. The new regime used the official prisons from the time of the Shah to detain political prisoners, but due to lack of space for all the (perceived) enemies of the Islamic republic, other buildings such as schools were used as well. While the SAVAK interrogators under the Shah were professionals trained by the American CIA, interrogators under Khomeini were not professionals, most of the time they had an Islamic background and only received a very short training. However, over time the interrogators of the Islamic republic became more skilful in their job.

Different phases can be distinguished in the arrest and detention of the political opposition. Most of the oppositional organizations who came into existence under the Shah took part in the revolution to overthrow the monarchical regime. The first phase covers the first two years of the Islamic Republic. In the first year, mainly the members and supporters of the former regime were imprisoned or executed. The regime also tried to impose silence on many leftist and Kurdish organizations who opposed the new regime. The outbreak of the Iran-Iraq war in 1980 formed a source of legitimisation of acting firmly against the domestic opposition; internal stability was necessary to defeat the external enemy. In this phase, the Tudeh Party and the Mojahedin-e Khalq were still supportive of Khomeini's regime. The year 1981 can be seen as the start of a new phase, because in this year the liberal Islamic opposition within the regime was put out of action with the removal of Bani-Sadr through democratic political means. Moreover, the regime took violent measures against the *Mojahedin*, after their attack on the IRP headquarters. The members of the Mojahedin were imprisoned and executed in large numbers. The disbandment of the Mojahedin led to overcrowded prisons and the systematic use of torture. A third phase started in 1985, when the

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<sup>225</sup> Interview 4, 14-02-2017.

<sup>226</sup> Abrahamian, *Tortured Confessions*, 138.

prison conditions improved under the supervision of the cleric Montazeri. Many prisoners were granted amnesty and less torture was used in this phase. The period came to an end with the upcoming peace with Iraq in 1988 and the invasion of the Mojahedin. The regime responded by a wave of executions in which almost all the Mojahedin members in prison were killed together with many other leftists. No substantial domestic opposition was left at the moment of Khomeini's death.

During both the monarchy and the theocracy the regime responded with extreme violence when its existence was under physical threat of armed opposition. They intended to fully eliminate and destroy the organizations, in which the Islamic regime more or less succeeded but in which the Shah's regime immensely failed. This can be possibly be explained by the weakness and dependence of the Shah on the support of the west, and especially his reliance on the U.S. for the maintenance of his regime. With the international community harshly criticizing the human rights policy of the Shah, he was unable to act firmly against the regime's opposition. Khomeini was able to break away from the western influence in Iran and by 1981 his position was consolidated in such a way that he was strong enough to crush the violent opposition of the Mojahedin inside Iran. By 1983 also the non-violent domestic leftist opposition was mostly defeated.

Both the regime of the Shah and Khomeini denied the use of torture, but the reasoning behind it differed. While the Shah tried to create a positive image of Iran towards the western world, the argumentation of Khomeini's regime originated in the Islamic ideology. Torture methods were quite similar under both regimes, bastinado (the whipping of the foot soles) continued to be the most popular method under the interrogators. But also techniques such as *ghapani*, standing up for hours, mock executions and beatings. However, some new methods were developed too. One of them is the 'coffin', a small box in which the prisoner was put for days or even months, unable to move. Another subtle difference were the Islamic rituals the interrogators performed before starting the interrogation session. Consultation of a clerical magistrate was needed to determine the correct physical punishment. Apart from this, the prevalence of torture was significantly higher under Khomeini than under the Shah, specifically after the events of June 1981. Another major difference with the former regime was the introduction of prisons as 'universities'. Political prisoners were educated in (or according to the prisoners indoctrinated with) the Islamic ideology aiming to bring about ideological conversion. This gives a whole new dimension to the prison system; not only by controlling the time, space and body of the prisoner he was re-socialized, but also by directly influencing the mind with the state ideology.

In the first period under the Shah, torture was mainly used as a tool to obtain information. Between 1970-1975 it transformed in a means to extort public recantations. Under Khomeini, torture was not used systematically in the first two years. But in the first months after the attack on the headquarters of the IRP, it started to become systematically used to extract information about hiding-place of party members and weapons. This led to the arrest of almost all prominent party members, with some exceptions including those who went into exile. Nevertheless, the systematic use of torture endured. More and more it became a way to enforce the prisoner to write a recantation, which could be used as positive propaganda for the regime and at the same time to discredit the opposition.

## Chapter 3 – Judiciary system

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For the first time, we heard about the Death Commission from this group (via Morse code, of course). The news was horrifying. They explained that a special commission—which was later dubbed the Death or Inquisition Commission—had come to the prisons. In addition to being asked to identify themselves and explain their charges, they were also asked whether they prayed or considered themselves Muslims.<sup>227</sup>

In the nineteenth century, two separate courts existed, a *Shari'ah* court and one led by the Shah and his governors. After the Constitutional Revolution in 1906-1907 the Constitution was based on European penal codes, which made the legal system more secular. The secularization only increased in the following decades. A new law introduced in 1946 made it very hard for clerics, legally educated in religious institutes to become a judge. The new law required a degree of the Faculty of Law to become a judge. This made it easier for the Shah to exercise judicial power without the involvement of the clergy. Other ways to increase his power were claiming supreme authority over death sentences and disabling the *Shari'ah* courts to operate independently by appointing their judges independently. Especially in the 1970s, when the Pahlavi regime was threatened by armed oppositional forces, arbitrary arrests of political opponents increased, facing unfair trials in the courts. Cases related to threats of the security and independence of the country were referred to Military Courts. There was no possibility to bring in a lawyer for defence and the trials were not open for public. This led to huge critique from some non-governmental organizations including Amnesty International and several western regimes in which the American President Jimmy Carter was taking the lead with his human rights policy. Under this pressure, the Shah gave international human right organisation access to some trials to create the impression of transparency and fair trial.

With the establishment of the Islamic Republic of Iran, the legal system changed fundamentally and went through a process of Islamization. A new Constitution came into force in December 1979, creating the legal grounds for the establishment of several new Councils and Courts. In this chapter I will analyze how the judicial structure changed after the fall of the Pahlavi regime. After examining the effects of the new Constitution on the judicial

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<sup>227</sup> Shokoufeh Sakhi, witness statement, 'Speaking for the Death: survivor accounts of Iran's 1988 massacre', *Iran Human Rights Documentation Center* (2010) 34.

structure, I will explore how these different (newly created) organs competed with each other and how they transformed over time. Thereafter I will look at the techniques and procedures of the Islamic Revolutionary Court. This is the court in which most of the political opponents of the regime were tried. The following part will cover the image and reputation of the legal system under Khomeini. Finally, I will examine how Khomeini used the judicial system to exercise control.

### **Judicial Institutionalization**

The structure of and the division of power changed a lot with the implementation of the new Constitution in 1979. However, the process to a new constitution was not a straightforward one. A struggle between the liberal nationalist and the Islamist forces preceded the implementation of a new Constitution. The Provisional Government was responsible for the first draft of the Constitution. Bazargan appointed one of his ministers, Yadollah Sahabi, to fulfil this task. Before presenting it to the Provisional Government and the Council of the Islamic Revolution for approval, Sahabi consulted several politicians informally over the draft. It resulted in a text that would establish a republican state. It was partly based on the Constitution of 1906-1907, but the monarchical elements were left out. Some elements of the French Constitution of the Fifth Republic were used, which give the President of the new regime a strong position.<sup>228</sup> In this draft, the judicial power would be an independent entity. This independence had to be facilitated and guaranteed by the President in cooperation with the Supreme Judicial Council.<sup>229</sup> The text was approved by the Provisional Government and the Council of the Islamic Revolution. The Council of the Islamic Revolution had been set up in secret by Khomeini in November 1978, but was officially announced in January 1979. It consisted of members of the Freedom Movement and the National Front, but was dominated by clerics related to Khomeini.<sup>230</sup> In the first draft of the Constitution, there were some Islamic elements, including a council to make sure the legislation was compatible with Islam, but the religion did not take such a prominent place in this first draft as in the final draft. With this draft the Iranian Republic had been democratic and fairly secular. Khomeini was quite content with this first draft. He only made two amendments which had to do with the position

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<sup>228</sup> Axworthy, *Revolutionary Iran*, 157.

<sup>229</sup> Karim Lahidji, 'The history of the judiciary in Iran', *The Future of Iran: Transitional Justice and Judicial Reform*, Legatum Institute (version 2012), <https://lif.blob.core.windows.net/lif/docs/default-source/future-of-iran/2012-future-of-iran-by-karim-lahidji-the-history-of-the-judiciary-in-iran.pdf?sfvrsn=0> (30 March 2017) 5.

<sup>230</sup> Axworthy, *Revolutionary Iran*, 124.



of women. One prevented women to be appointed as President and the other forbid women to become a judge.<sup>231</sup>

However, objections to implement this draft came from Bazargan and Bani-Sadr. Together with some other politicians, they argued that an elected assembly should be established which would debate and amend the draft before the Constitution would enter into effect in order to make the process more democratic. Some preferred a more leftist constitution while others wanted a more Islamic one. They agreed on electing seventy-three men to form the Assembly of Experts to review the draft for the constitution. In the elections were held on 3 August, and resulted in the selection an overly majority of fifty-five clerics. This outcome would have huge consequences for the new legal structure that came into being with the new constitution. Instead of the moderate first draft, the Constitution became fully Islamic.<sup>232</sup>

The Assembly of Experts came together for the first time on 18 August 1979, when Khomeini stated in an inaugural speech that the Constitution should be fully in accordance with the laws of Islam. Besides this, non-clerical members of the Assembly were excluded from discussing the articles of the constitution related to Islam.<sup>233</sup> The concept of *velayat-e faqih* was discussed and with the clerical dominance, it gained more and more ground. According to this concept, in the absence of the Twelfth Imam all the political and legal power emanates from the *velayat-e faqih*.<sup>234</sup> *Velayat* means guardianship or deputyship, or in this context it could also mean the authority of the guardian.<sup>235</sup> *Faqih* refers to a jurist or an expert in Islamic law. According to this principle of the *velayat-e faqih* or rightful jurist, the rule of God, as expressed through divine law could be seen as the only legitimate form of government. All other ways of secular government were understand as illegitimate.<sup>236</sup> All political and legal power originates from the rightful jurist. Most of the moderate and liberal politicians in the Assembly strongly disapproved the adoption of this concept in the Constitution. But they were not on the winning side. Nonetheless, the text was still based on the original draft, and the principle of democratic sovereignty remained.<sup>237</sup> There was also a separation of the executive, legislature and judiciary. But these principle were at odds with the principle of divine sovereignty, which would place the Supreme Leader above and beyond

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<sup>231</sup> *Ibidem*, 157-158.

<sup>232</sup> *Ibidem*, 158.

<sup>233</sup> *Ibidem*, 158-159.

<sup>234</sup> Entessar, 'Criminal law and the legal system in revolutionary Iran', 93.

<sup>235</sup> Axworthy, *Revolutionary Iran*, 137.

<sup>236</sup> *Ibidem*, 139.

<sup>237</sup> Axworthy, *Revolutionary Iran*, 160.

this structure to make sure all the acts were in accordance with Islam.<sup>238</sup> The critique on the principle of divine sovereignty was not limited to the moderate politicians in the Assembly. Also outside this official organ the critique elevated in the press and from organisations such as the MKO, the Fedayan, the Kurds and other regionally active groups.<sup>239</sup>

The struggle over the constitution took a new turn with the outbreak of the American hostage crisis. On 4 November, radical students broke in the US embassy and took the diplomats and other personnel as hostages. It was an action of the students against a perceived US conspiracy to regain influence in Iran. Some moderates tried to negotiate with the students and the US to resolve the situation. Again there was a revolutionary atmosphere in the country which fuelled anti-American feelings. Khomeini smartly used the momentum to support the students and accuse his moderates being allies of the Americans. They should be therefore seen as a threat to the accomplishments of the revolution. While at the background the hostage crisis continued, the referendum for the Constitution was held on 2 and 3 December. Khomeini had manipulated the situation in a way that the outcome of the referendum was decisively in favour of the Constitution.<sup>240</sup> Ayatollah Khomeini gained the position as supreme *faqih* or jurist with the approval of a majority of the population. This enabled him to issue *fatwas* (juridical declarations). He declared all the pre-revolutionary laws null and void in such a *fatwa*.<sup>241</sup>

### Islamization of the legal system

The establishment of the Islamic Republic of Iran meant an Islamization of the legal system. There are two important elements in this Islamization process. The first element is the Islamization of the law and the second element is the replacement of all the non-clerical judges with Islamic scholars. The new Constitution made *Shari'ah* the ruling law in Iran. Every regulation that conflicted with the Islamic law had to be removed. However, in the first years after the revolution there was no coherent and uniform system in place. The regime tried to get rid of the Western influence in the judicial system and replace them with *Shari'ah*-based laws, but it took time to do so. The *Shari'ah* is not a clear law system that can be directly applied, but needs to be interpreted by Islamic scholars. The interpretation of the *Shari'ah* often differed between the judges of the courts under the IRI. This caused a conflict between the necessity to create a modern state with a uniform legal code and the divergence

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<sup>238</sup> *Ibidem*, 162.

<sup>239</sup> *Ibidem*, 165-166.

<sup>240</sup> *Ibidem*, 168-170.

<sup>241</sup> Nader Entessar, 'Criminal law and the legal system in revolutionary Iran', 95.

in interpretations of the *Shari'ah* among the Islamic scholars. Although nothing was set out about this tension in the Constitution, in practice the priority was given to the opinion of the Islamic scholar. In the following years Khomeini succeeded in further consolidating his power. This made it possible to issue an order in July 1982 which made all the laws contradictory to the *Shari'ah* void. Following this order, the Supreme Judicial Council ordered all courts to use authentic Islamic texts and reliable *fatwas*, most of them issued by Khomeini. Also his main jurisprudential book *Tahrir al-Wasila* (Drafting the means) became an important source in the making and execution of law. This was a way to exclude the representatives of the citizens from the law enforcement process and to further establish Khomeini's leadership.<sup>242</sup>

The second element in the Islamization process was the replacement of the old judiciary with thousands of clerics and other revolutionaries. The government was in need of clerics who were specifically educated in the enforcement of *Shari'ah* law. Yet there was an acute lack of these competent judges and therefore also many non-*mujtaheds* were recruited to run the courts. Together with the absence of a uniform legal code this resulted in arbitrary rulings because judges started to act on their own discretion. Judges had a lot of individual power. Accused got divergent sentences for the same criminal offence, large numbers were executed and other human rights violations took place.<sup>243</sup> The outcome of the trial therefore depended substantially on the judge.

### **The Supreme Judicial Council and the Council of Guardians**

The new Constitution also officially established the twelve-man Council of Guardians 'in order to protect the commands of Islam and the constitution from disaccord with the legislation of the National Consultative Assembly.'<sup>244</sup> Six of them have to be just Islamic jurists, appointed by the Supreme Leader. The other six jurists are not necessarily clerics, but have to be specialized in different fields of law. The Council has the power to veto laws passed by the Parliament if they consider them contrary to the spirit of the constitution or the *Shari'ah*.<sup>245</sup> In the first few years of the Islamic Republic, there was a conflict of authority between the Council of Guardians and the Supreme Judicial Council, which was also established shortly after the end of the Revolution. Its existence was officially

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<sup>242</sup> Majid Mohammadi, *Judicial reform and reorganization in 20<sup>th</sup> century Iran: State-building, modernization and Islamicization* (New York 2008) 130.

<sup>243</sup> Behrooz, 'Reflections on Iran's prison system', 14-15.

<sup>244</sup> Article 91 (1979 Edition) in Constitution of the Islamic Republic of Iran (1989 Edition) is published in *Iranian Studies*, 47:1, 159-200 (2014).

<sup>245</sup> Abrahamian, *A History of Modern Iran*, 164.

confirmed in the 1979 Constitution. The Judicial Council has five members who are all *mujtahids*, learned scholars of the Islamic law. Moreover, their authority has to be confirmed by the Supreme leader. They are appointed for five years and their position is renewable.<sup>246</sup> The Council of Guardians and the Supreme Judicial Council clashed about who the final judgment on the approval of new laws had. This issue was solved on 16 April 1981 when the Council of Guardians informed the Supreme Judicial Council of its authority to pass final judgments.<sup>247</sup> This was a small step in creating some kind of order in the judicial chaos.

## Supreme Court

The laws under which the Supreme Court has to operate, are defined by the Supreme Judicial Council. The function of the highest court in Iran is to supervise the proper application of the laws in the lower courts. Besides this, it had to create unity in the judicial policy of Iran.<sup>248</sup> However, the Supreme Court totally failed in this mission. Courts continued to operate independently and sentences for the same crime could differ enormously from one region to another. This can be explained by the priority that was given to the opinion of the ruling jurist. Especially the Islamic Revolutionary Courts operated independently since their procedure was not legalized and unified.<sup>249</sup>

## Islamic Revolutionary Courts

The Islamic Revolutionary Courts were established on an ad hoc basis a few days after the establishment of the interim government. It was an emergency measure in order to speed up the process of trial of people who were connected to the Pahlavi regime or took an anti-revolutionary stance. The Revolutionary Courts replaced the function the Military Courts had under the Shah. Everybody that would somehow threaten the internal security of the newly established regime would be tried in this court. The head of the Islamic Revolutionary Courts was a Shari'ah judge assigned to his position by Khomeini.<sup>250</sup> He also appointed the clerics at the lower levels of the courts which were set up in all the major cities. Tehran had two Revolutionary Courts; one in Qasr Prison and one in Evin. Moreover, there was a travelling court headed by Hojjat al-Islam Khalkhali, also known as the 'hanging ayatollah'.<sup>251</sup> The Revolutionary Court was under the authority of the Islamic Revolutionary Council. In the first

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<sup>246</sup> Entessar, 'Criminal law and the legal system in revolutionary Iran', 98. ; Mohammadi, *Judicial reform and reorganization in 20<sup>th</sup> century Iran*, 173.

<sup>247</sup> Entessar, 'Criminal law and the legal system in revolutionary Iran', 95.

<sup>248</sup> Entessar, 'Criminal law and the legal system in revolutionary Iran', 99.

<sup>249</sup> Mohammadi, *Judicial reform and reorganization in 20<sup>th</sup> century Iran*, 142.

<sup>250</sup> Karim Lahidji, 'The history of the judiciary in Iran', *The Future of Iran: Transitional Justice and Judicial Reform*. ; 'Iran: Violations of human rights 1987-1990', *Amnesty International*, MDE 13/21/90, 23.

<sup>251</sup> Abrahamian, *Tortured Confessions*, 125.

months after its establishment, the Revolutionary Court operated independently from the interim government. The Court became responsible for most of the executions during the reign of Khomeini by often giving the verdict of capital punishment.<sup>252</sup> For the first time since 1909 prisoners were accused of, ‘sowing corruption on earth’ (*Mofsed fel-Arz*). This unlawful act could vary from insulting Islam and the clergy, opposing the Revolution, supporting the Pahlavi family to undermining Iran’s independence by supporting imperial powers. This crime could be punished with life imprisonment or execution. Another accusation of this court was being ‘counterrevolutionary’; it was used in reaction to the outbreak of unrest in Iranian Kurdistan, Baluchistan and the Turkmen regions. Death followed for many accused of this crime; in 1980 already more than fifty prisoners were executed.<sup>253</sup>

Mehdi Bazargan, the prime minister of the interim government, repeatedly protested against this court functioning parallel to his government. The Islamic Revolutionary Council was forced to confirm the first Codes of Procedure for the Revolutionary Courts and the Public Prosecutor’s Officers on 17 June 1979.<sup>254</sup> This did not help to bring the Revolutionary Courts under control of the interim government. Military, police and SAVAK officials, cabinet ministers and others with a high position in the Pahlavi regime, but also opposition groups of ethnic minorities were sentenced to death on an almost daily basis. Bazargan resigned in November 1979. By this time, around 550 people were executed ordered by the Revolutionary Courts.<sup>255</sup>

The jurisdiction of the court was expanded in 1983 with the adoption of a new Act of Jurisdiction. It now included all crimes against Iran’s security; waging war on God (*Moharabeh*) and corruption on earth (*Mofsed fel-Arz*); all crimes related to narcotics and smuggling; attempts on the lives of the country’s political and religious authorities; plunder of the public treasury; hoarding and profiteering of general provisions; and acts that are designed to consolidate the remnants of the Pahlavi monarchy and/or help other opponents of the Islamic Republic.<sup>256</sup> Although the Revolutionary Court was contradictory to the Constitution (1979), it officially became part of the Judiciary and subjected to its laws with the act of 1983.<sup>257</sup> The Revolutionary Courts were subdivided in an Anti-Drug Islamic Revolutionary

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<sup>252</sup> Lahidji, ‘The history of the judiciary in Iran’, 4.

<sup>253</sup> Abrahamian, *Tortured Confessions*, 125.

<sup>254</sup> Lahidji, ‘The history of the judiciary in Iran’, 4.

<sup>255</sup> Mohammadi, *Judicial reform and reorganization in 20<sup>th</sup> century Iran*, 138.

<sup>256</sup> Entessar, ‘Criminal law and the legal system in revolutionary Iran’, 100. ; ‘Iran: Violations of human rights 1987-1990’, *Amnesty International*, MDE 13/21/90.

<sup>257</sup> Mehran Tamadonfar, ‘Islam, law and political control in contemporary Iran’, *Journal for the Scientific Study of Religion* 40 (2001) 2, 205-219, 217.

Court, Islamic Revolutionary Courts for Economic Offences and Islamic Revolutionary Courts for Political Affairs.<sup>258</sup> According to the procedures, the Revolutionary Courts had to consist of three members; the court should be presided over by a Shari'ah judge, the other had to be an individual with a trustworthy reputation and one of the members had to be a judge from the Ministry of Justice.<sup>259</sup> These procedures were not observed in practice. Most of the time there was only one judge present during the trials, which lasted only a few minutes.

### Special Court for the Clergy

When the 1979 Constitution was drafted, there was no article included for the establishment of a court for the clergy. The Special Court for the Clergy was created outside the fundamental law by Khomeini's order on 24 May 1979.<sup>260</sup> Moreover, it was not part of the Judiciary and therefore not subject to its procedures, neither was it supervised by any other institution.<sup>261</sup> Until 1990, there were no separate procedural rules and regulations put in legislation for this court.<sup>262</sup> Its mission was 'guarding the supreme status of the mullahs'.<sup>263</sup> In practice, the court became a means in the hands of Khomeini and his closest allies to politically and socially control the clergy. Clerics with an ideological view divergent of Khomeini's state ideology were purged from the clergy by this court. Khomeini publically argued that the aim of the court was not giving the clergy a special protected status but to keep the clergy "'pure'". 'God Almighty knows that if this special court is founded, it is not for protecting [clerics]; it is for [prosecuting] the corrupt persons who wish to destroy respectable persons.'<sup>264</sup> There was no clear definition of being corrupt and this could thus be defined by the judges of the court themselves. In theory, everybody could be indicated as a corrupt person.

The functions of the court transformed over time. There are three periods of special importance of the Special Court for the Clergy in the ten years of Khomeini's reign. The first period is the establishment of the Islamic Republic of Iran in 1979-1980. Khomeini wanted to get rid of the clerics supportive of the Pahlavi regime. He used the Special Court to prosecute

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<sup>258</sup> Tamadonfar, 'Islam, law and political control in contemporary Iran', 217.

<sup>259</sup> 'Iran: Violations of human rights 1987-1990', *Amnesty International*, MDE 13/21/90, 24.

<sup>260</sup> Mohammadi, 'Special Court for the Clergy: Raison d'être, development, structure and function', *Iran Human Rights Documentation Center* (2010) 4. ; Lahidji, 'The history of the judiciary in Iran', 10.

<sup>261</sup> Mohammadi, 'Special Court for the Clergy: Raison d'être, development, structure and function', 15.

<sup>262</sup> Lahidji, 'The history of the judiciary in Iran', 11.

<sup>263</sup> *Ibidem*, 10.

<sup>264</sup> Quoted in: Mohammadi, 'Special Court for the Clergy: Raison d'être, development, structure and function', 5.

and defrock them. In this period the main accusations against the clerics were ‘counterrevolutionary actions’ and ‘collaboration with the Pahlavi regime’.<sup>265</sup>

The second period concerns the consolidation of the new Islamic Republic (1979-1982) in which Khomeini eliminated clerics critical of the rule by the Supreme Leader. On the long term, Khomeini thought he had to rely more on the support of the conservative clerics to consolidate his power. He was mainly concerned about the revolutionary clerics and the Islamic revolutionaries. Especially the clerics associated with Dr. Ali Shariati and the MKO were a threat to the new regime according to Khomeini.<sup>266</sup> Shariati had introduced a new idea of Islam in Iran. He believed that this religion was revolutionary in essence. In the 1960s and 1970s he campaigned that the existing system was corrupt and should be replaced by one based on justice. According to Shariati, the clergy could be partly held responsible for this corruption of Shiism. Because of this opinion, many Iranian clerics saw Shariati as an opponent of the Shia clergy. They accused him of advocating an Islamic regime without the clerical rule; Islam minus the clergy. This revolutionary idea found resonance in the MKO. A symbiotic relationship developed between Shariati and the mujahedeen in the two decades before the revolution. Shariati helped to expand the influence of these Islamists.<sup>267</sup> This ideology directly threatened the idea of Khomeini to establish a theocracy led by the clergy. As a counterforce to these clerics supportive of the revolutionary ideology of Shariati, Khomeini needed the backing of all the conservative clerics who were already politically active during the Pahlavi regime and the ones that became involved in politics after the Revolution.<sup>268</sup> He used the Special Court for the Clergy to defrock these clerics on the basis of indictments such as withholding information on an attempted coup d’état.<sup>269</sup>

In the period that followed on the consolidation of the clerical regime, the Special Court for the Clergy was only of minor importance. Its activity was limited and therefore there was no need of expansion of the court. This changed when Khomeini needed a body to legitimately remove Ayatollah Montazeri from his position as successor to the Supreme Leader in 1987. The dismissal of Montazeri marks the third period in which the court played a decisive role. It led to the expansion and the reshaping of the structure of the court. Clerics who were closely associated to Montazeri were prosecuted and many had to serve a prison

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<sup>265</sup> Mohammadi, ‘Special Court for the Clergy’, 8.

<sup>266</sup> Mohammadi, ‘Special Court for the Clergy’, 4.

<sup>267</sup> Shireen Hunter, *Iran Divided: The Historical Roots of Iranian Debates on Identity, Culture, and Governance in the Twenty-first Century* (2014) 75.

<sup>268</sup> Mohammadi, ‘Special Court for the Clergy’, 4.

<sup>269</sup> *Ibidem*, 8.

sentence. Montazeri was very popular under a large group of revolutionaries, which made the accusation of ‘acts against the national security’ implausible. Most clerics were therefore charged with legal and ethical charges such as sodomy and murder.<sup>270</sup> In short, the court functioned as a mechanism in the hands of the Supreme Leader to exercise power over seminaries and other religious institutions with a dash of judicial legitimacy.<sup>271</sup>

## **Trials**

Under Khomeini’s reign, the trials of virtually all political prisoners took place in special courtrooms inside the prisons. There are a few exceptions in which trials took place in a makeshift court in an office, a residential house and inside a mosque. Only in exceptional cases the defendants had access to legal representation, but usually a defence lawyer was not present before or during the trial. In some cases there was not even a prosecutor present in the courtroom. The procedure the judges normally followed started with the judge reading the charges, followed by asking the prisoner some questions. The aim of these questions was to confirm their identity and find out whether they were prepared to recant their ideology and to accept the Islam of the Iranian state. Within Islam, a distinction is made between two types of heretics. The first type is called an innate heretic. This is someone who was once a Muslim or was born as a Muslim and turned his back on the faith. Within the Islamic Republic of Iran, this was sentenced with capital punishment. The other type is called a public heretic. This is someone who has never been a Muslim and of whom the father was never a Muslim either, or died at a very young age and therefore unable to raise the child as a Muslim. This type of heretic was given the opportunity to convert to Islam. The decision not to convert would lead to execution. In practice, some prisoners were not executed because they were declared public heretics. Rahman Darkeshideh is one of them. They took Rahman to court and asked him what his religion was. He responded by telling that he was not a Muslim and had never been one. His father had never performed prayers either. On this basis, he was declared a public heretic. This prevented him from being executed. However, he was forced to convert. Every missed prayer session was punished by five lashes.<sup>272</sup>

Often they were also asked to make a plea of being guilty or not. However, this had no effect on the decision made by the judge. Only one judge actually depended his decision on the plea of the defendant; those who denied the charges were sentenced with life imprisonment, those who accepted the charged were executed. The whole trial lasted only ten

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<sup>270</sup> *Ibidem*, 8-9.

<sup>271</sup> *Ibidem*, 15.

<sup>272</sup> Statement of Witness 23, Rahman Darkeshideh, Iran Tribunal Commission Report, 167.



minutes or even less and some prisoners were blindfolded during the whole process. The charges were only communicated verbally, just like the sentences. Some were not even informed about their punishment until they were led to execution.<sup>273</sup>

## Executions

In the first months after the revolution, mainly state officials loyal to the Pahlavi regime were executed, this included army officers, police and former SAVAK members. Usually, there was not much time between the trial and the execution of the prisoners. In most cases, the trials were held in secret and lasted only a few minutes. Convincing evidence was frequently lacking and there was hardly an opportunity for defence. The first four executions of the new regime took place on 14 February 1979. The killings by fire squad took place on the rooftop of the Refa girls' school in Tehran where Khomeini resided. In the first months, most of the executions of political prisoners were by firing squad, often carried out in public. Non-political crimes such as drug smuggling were punished with public hanging. In some provincial towns more traditional forms of execution such as stoning were reintroduced. In the first months, the newspapers reported about the executions. The objective of the publication of pictures in which the officials were killed by fire squad was twofold. The regime wanted to create anxiety under the population, and at the same time satisfy the widespread call for revenge of the people who had suffered under the Pahlavi regime. After a while, the political executions took place in secrecy, inside Qasr and Evin and in the mountains surrounding the prison.<sup>274</sup>

The attack of the *Mojahedin* on the headquarters of the IRP in June 1981 led to a huge spike of executions. Between June and November 1981, more than 2,600 political opponents of the regime were executed, around 2,200 of them *Mojahedin*. Many of the others belonged to leftist and Marxist groups including Peykar and the Minority Fedayi. Also Kurdish groups including the Kurdish Democratic Party and the Komala lost some of their members this way. Most of those executed were youngsters were high school and university students and recent graduates. To get an idea of the magnitude of these killings; this was seven times the number of Pahlavi supporters killed in the first sixteen months after the revolution.<sup>275</sup> But not only the political opponents of the regime were killed. Also minorities who were not necessarily

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<sup>273</sup> Iran Tribunal Commission Report, 24-25.

<sup>274</sup> Abrahamian, *Tortured Confessions*, 126. ; Axworthy, *Revolutionary Iran*, 148.

<sup>275</sup> Abrahamian, *Tortured Confessions*, 129-130.

political active, yet formed a threat to the religious ideology of the state were executed. These included more than hundred Bahais, and a few Jews.<sup>276</sup>



**Image 4, Execution of Kurdish revolutionaries by the *Pasdaran*, September 1979**

It seems that the regime actually tried to stop outlaw executions after 1982. In the first years of the Islamic Republic many prisoners were executed without any proven crime. To stop this, the High Judicial Council had to approve the legality of all the judgments from the courts that were longer than ten years. The prisoner Manoochehr Safarali, who was arrested in March 1982 and charged with being a supporter of the Minority Fedayi. He was kept under death sentence for about a year in order to prove the charges. The court failed to prove the charges and his punishment was changed to ten years.<sup>277</sup> Another measure taken to make the executions more in line with the law, was the passing of two important bills by the Majles and the Guardian Council in July 1982. The first one is the *Qanon-e Ta'zir* (Discretionary Punishment Law), giving judges the authority to imprison and execute people who were found guilty of ‘sowing corruption on earth’ (*Mofsed fel-Arz*) or being ‘counterrevolutionary’. The bill also gives judges the power to authorize lashing, up to a maximum of seventy-four lashes for multiple offences. This could be the punishment for insulting government officials, convening unlawful meetings, selling alcoholic beverages, fixing prices, hoarding government

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<sup>276</sup> *Ibidem*, 132.

<sup>277</sup> Statement of Witness 11, Manoochehr Safarali, Iran Tribunal Commission Report, 120.

supplied goods, kissing illicitly, failing to wear the proper *hejab* (headgear) and lying to the authorities. This had a devastating effect on the interrogation process; with clerical permission, interrogators could now give limitless series of seventy-four lashings until a true answer would be obtained. The second bill is the *Qanon-e Qesas* (Retribution Law). This law makes a differentiation between crimes against God (*hadd*) and crimes against other human beings and especially against other families. In both kind of crimes capital punishment is possible. In the case of a crime against another fellow being, it is based on the principle an ‘eye for an eye’. The family of a murdered victim can decide to forgive, to get a financial compensation from the family of the perpetrator, or to punish the perpetrator equivalent to the committed crime.<sup>278</sup>

A new climax in the execution of political prisoners was reached in the summer of 1988. Unlike the executions in the first two years of the Islamic regime, this execution round was thoroughly planned. It should be seen in the context of the United Nations brokered peace agreement with Iraq. By mid-1988 the Iranian regime came to the conclusion that it would be imprudent to continue the war until an Iranian victory was reached. The economy stagnated, the losses of veteran troops on the Iranian side were high, there were new successful Iraqi offensives and the pressure against Iran in the Persian Gulf increased. Probably already in June, Khomeini had made his decision to end the war, when he appointed Rafsanjani as commander-in-chief with the mission to make a general re-evaluation of the war situation. In this function, Rafsanjani also had to neutralize those within the *Pasdaran* who opposed ending the war. With approval of the Majles and the Assembly of Experts and Khomeini the UN secretary was informed of this decision by a letter on 17 July. The Iranian government accepted the UN Security Council Resolution 598 calling for an armistice. Saddam Hussein delivered his conditions for a ceasefire agreement to the UN on 20 July. As a consequence of these demands, the actual ceasefire was postponed.<sup>279</sup>

While the peace process continued, the Iranian regime started unannounced to isolate the main prisons by removing radios and televisions, cancelling all visits and preventing newspapers and other written documents from entering through the prison gate. In the women’s section of Evin Prison, a loudspeaker broadcasted the news that the government had accepted the UN Resolution on 25 or 26 July. On the same day the television was taken away

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<sup>278</sup> Abrahamian, *Tortured Confessions*, 133.

<sup>279</sup> Axworthy, *Revolutionary Iran*, 278-282.

and all books and newspapers were confiscated.<sup>280</sup> Normal courts were closed to prevent family members from starting cases to allow family visits. Moreover, inside the prisons, the non-political detainees were separated from the political ones. The political prisoners were further subdivided and isolated. The leftists were put separate from the *Mojahedin*, the ones who had already served a long sentence apart from the ones who just arrived and the repenters apart from the nonrepenters. In Adelabad Prison in Shiraz ‘in late June / early July [before the MKO attack on Iran], the first group of prisoners was taken out of the ward; there were 40 or 45 MKO members. They were each given a form to fill out. On this form they were asked questions such as: If you were released, what would you do?; Are you still loyal to the MKO?; Do you believe in the Islamic Republic? Have you already been pardoned?’<sup>281</sup> After they filled out the forms they were taken back to the ward. This isolation process took place at approximately the same time in every main prison which makes it highly plausible it was organized on a higher level. None of the prisoners knew exactly what was going on, but some suspected that certain prisoners would be granted amnesty as a response to the peace with Iraq.<sup>282</sup> The opposite was true.

On 26 July, just before the trials began, an offensive from Iraq started to push into the Iranian territory. Most of the fighters were part of the 7,000-strong armed wing of the MKO. Many of them had resided in Iraq for several years. With the support of the Iraqi government, they attempted to liberate Iran from the Islamic regime. However, the Iranian army was able to stop them before they could reach Tehran. They responded in a brutal way to the attack, by executing thousands of MKO fighters, also the ones who had already been captured.<sup>283</sup> This was a prelude to the violence which had yet to come. Just before the executions started, Khomeini issued a secret *fatwa* to establish Special Commissions. These commissions had to investigate whether the Mojehedin could be convicted of *moharabe*, ‘war against God’ and whether the leftists could be charged as ‘apostates from Islam’. The commissions were set up in all provinces, with a special one in the capital, the Tehran Commission. This commission was responsible for the interrogation of prisoners in Evin and Gohar Dasht. In the months following the decree, the commission was constantly travelling between the two prisons. There was one exception; in the Isfahan prison there was no Special Commission active. This

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<sup>280</sup> Fariba Sabet, witness testimony, *The Massacre of political prisoners in Iran, 1988: an Addendum* (2013) 291-293.

<sup>281</sup> Jahangir Esmā'il, witness testimony, *The Massacre of political prisoners in Iran, 1988: an Addendum* (2013) 93-94.

<sup>282</sup> Abrahamian, *Tortured Confessions*, 210.

<sup>283</sup> Axworthy, *Revolutionary Iran*, 283.

has probably to do with the fact that Montazeri supporters were still dominant in the management of the prison.<sup>284</sup> The trials which were held in this period differed substantially from the ones in the years before. Or in the words of Axworthy, ‘the hearings began – to call them trials would be an exaggeration.’<sup>285</sup>



In the name of God, the Compassionate, the Merciful,

Since the treacherous *monafeqin* do not believe in Islam and whatever they say stems from their deception and hypocrisy, and since according to the claims of their leaders they have become renegades, and since they wage war on God and are engaging in classical warfare on the western, northern, and southern fronts with the collaboration of the Baathist Party of Iraq, and also they are spying for Saddam against our Muslim nation, and since they are tied to the World Arrogance and have inflicted foul blows on the Islamic Republic since its inception, it is decreed that those who are in prisons throughout the country who remain steadfast in their support for the *monafeqin* are considered to be *mohareb* (waging war on God) and are condemned to execution. The task of implementing the decree in Tehran is entrusted to Hojjat ol-islam Nayyeri, the religious judge; Mr. Eshraqi, the Tehran prosecutor; and a representative of the Intelligence Ministry. Even though a unanimous decision is better, the view of a majority of the three must prevail. In prisons in the provinces, the views of a majority of a trio consisting of the religious judge, the revolutionary prosecutor, and the Intelligence Ministry representative must be obeyed. It is naïve to show mercy to *moharebs*. The decisiveness of Islam before the enemies of God is among the unquestionable tenets of the Islamic regime. I hope that you satisfy almighty God with your revolutionary rage and rancor against the enemies of Islam. The gentlemen who are responsible for making the decisions must not hesitate, nor show any doubt or concerns with detail. . . .To hesitate in the judicial process of revolutionary Islam is to ignore the pure and holy blood of the martyrs.

Ruhollah Moussavi Khomeini

**Image 5, Khomeini’s fatwa ordering the execution of all Mojahedin prisoners, probably on 28 July 1988.**

<sup>284</sup> Abrahamian, *Tortured Confessions*, 210-211.  
<sup>285</sup> Axworthy, *Revolutionary Iran*, 286.

The first group facing trial were the people who were accused of being sympathisers of the MKO. The group of MKO supporters who had filled out the forms in Shiraz Adelabad Prison was transferred to the Revolutionary Guards Detention Center, an interrogation Center in Shiraz. Only one prisoner returned to Adelabad Prison, most likely to see what the effect on the other prisoners would be. This first group did not know it was an actual trial and they responded frankly to the questions of the so called 'Death Committee'.<sup>286</sup> The prisoners were told it was an investigation for general amnesty and to separate the Muslims from the non-Muslims. The Committee asked about their political affiliation. If a prisoner answered with MKO, the judge would immediately issue the death sentence. If he denied, the judges would test his sincerity by asking for example whether he was prepared to denounce his former colleagues and help to hunt them down. Only very few MKO members survived the trial, especially of the ones who belonged to the first group facing trial.<sup>287</sup>

The succeeding groups did understand their lives were in danger and they discussed how they should answer the questions to escape death. They were giving clever and equivocal responses to the Committee. The eye witness Jahangir Esma'ilpur explains how some of the MKO sympathisers were taken to the Sepah Detention Center and were brought back to Adelabad Prison. 'Some never did come back, while still others came back twice and were executed the third time they were taken there. And some of them were spared.'<sup>288</sup> The *Mojahedin* were taken to a room where they could write down their last will and testimony. While Abrahamian describes how the *Mojahedin* were taken to the gallows to be hanged in Evin and Gohar Dasht, even after overworked executioners requested fire squads. Their request was refused on the claim that hanging was the appropriate punishment for enemies of God and apostates according to the *Shari'ah*. Abrahamian claims that the real reason behind it was to act in complete silence and secrecy. The witness testimony of Fariba Sabet contradicts these claims. She states that from late July until the last week of August guards would come to the female section in Evin Prison every day to call the names of MKO prisoners from a list. 'Then at night we would first hear voices chanting, 'Allaho Akbar [God is great]' and 'death to the *monafegin*' and then we would hear shooting.'<sup>289</sup> A similar statement is given by the witness Shahla Azad, who was also imprisoned in the women section of Evin. 'The *pasdars*

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<sup>286</sup> Jahangir Esma'ilpur, , witness testimony, *The Massacre of political prisoners in Iran, 1988: an Addendum* (2013) 93-94.

<sup>287</sup> Abrahamian, *Tortured Confessions*, 210-211.

<sup>288</sup> Jahangir Esma'ilpur, witness testimony, *The Massacre of political prisoners in Iran* (2013) 93-94.

<sup>289</sup> Fariba Sabet, witness testimony, *The Massacre of political prisoners in Iran, 1988: an Addendum* (2013) 293.

were chanting violent slogans. At 9:30 p.m. we heard gun shots. It had been a long time since we had heard gunshots inside the prison because they no longer executed prisoners outdoors.’<sup>290</sup> The statement of Ebrahim Rastak, also a prisoner of Evin in 1988 confirms Abrahamian’s statement of execution by hanging instead of firing squad. Rastak points out that he heard through morse code that people were being executed en masse by hanging in the Hosseingeh or the auditorium.<sup>291</sup> However, the reliability of these witness reports is limited, since they base their statements on what they have heard, not what they have actually seen.

After the completion of the trials for MKO sympathisers, the Committee started to call the leftists. The process was slightly different from that of the MKO supporters. The political prisoners would get a few questions, starting with whether they believed in God or not. Followed by other questions related to their religious beliefs and practices, such as whether they read the Holy Quran, fast during Ramadan and pray five times a day.<sup>292</sup> The Committee tried to determine whether the leftists could be charged with apostasy. Apostasy would also be punished with death. The leftist women were treated different from leftist men. Instead of being immediately executed after admitting they were not Muslims although they were raised by Muslim parents, the women were flogged until they started praying. The women were informed of this rule. ‘Right away they would issue a sentence of flogging five times a day, each time with five lashes.’<sup>293</sup> Either they had to start praying or they were lashed until death would follow.

### **Everyday behaviour, image and reputation of the courts**

Most of the Iranian citizens had no insight in how the court system was organized precisely. In my interviews, they found it hard to answer the question how they thought the court system was organized under Khomeini. The main point they made was the Islamization of the courts. Nonetheless, all of the interviewees agree on the deterioration of the legal system. With the introduction of clerics heading the courts, the professionalism of the judges disappeared. Most of the mullahs had only studied Islamic Law and lacked knowledge of the legal procedures in the courts. The only matter of importance was to act in accordance with the *Shari’ah*. There

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<sup>290</sup> Shahla Azad, witness testimony, ‘Speaking for the Death: survivor accounts of Iran’s 1988 massacre’, *Iran Human Rights Documentation Center* (2010) 65.

<sup>291</sup> Ebrahim Rastak, witness testimony, *The Massacre of political prisoners in Iran* (2013) 255.

<sup>292</sup> Abrahamian, *Tortured Confessions*, 210-211.

<sup>293</sup> Fariba Sabet, witness testimony, *The Massacre of political prisoners in Iran, 1988: an Addendum* (2013) 291-293.

was no respect for international rules.<sup>294</sup> ‘We were told that the Revolutionary Courts were temporary and would be dissolved after two to five years. However, the courts continue to exist even today.’<sup>295</sup> While the Shah at least made it seem to act in accordance with international law, the clerical regime did not care at all to create such an image.<sup>296</sup> They argued that Islamic human rights were fundamentally different from the international human rights, which were seen as a weapon of imperialism.

Every neighbourhood and every mosque had its own court. The imam had a powerful position, there was no other option than accepting his authority. Objecting his pronouncements would result in accusations of insulting Khomeini or another pious person, which would make your situation even worse.<sup>297</sup> The trials were considered very unfair. According to one of the interviewees who was tried in a Revolutionary Court, you would be adjudged for having a view different from the state ideology. Not for having done something wrong, but only for having certain ideas. He was told he would not be sent to prison, but to a place to ‘rehabilitate’ from the ideas he had and to learn to appreciate *Shari’ah*. He and his friends would call it ‘university’.<sup>298</sup>

Whether you had to deal with the courts in daily life depended on whether you were supportive of the clerical regime or not, and whether you vocalized this opinion. Many students and journalists who were critical towards the regime in spoken or written word, were arrested and brought to court. However, not all students were sent to court, sometimes a special organization at the university would ban them from university after being arrested. The same happened to one of the interviewees, he was banned from university for six months after his arrest.<sup>299</sup>

## Conclusion

With Khomeini’s consolidation of power in Iran, a whole new legal system was introduced based on the *Shari’ah*. While the law system was mostly secularized under the Pahlavis, this was totally reversed under Khomeini. Under the Pahlavis, long-term imprisonment became the norm instead of the public corporal punishment and retribution law. These traditional laws was reintroduced by Khomeini, but long-term imprisonment continued to exist as well, and

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<sup>294</sup> Interview 2, 26-01-2017.; interview 5, 21-02-2017.

<sup>295</sup> Interview 2, 26-01-2017.

<sup>296</sup> Interview 4, 14-02-2017.

<sup>297</sup> Interview 2, 26-01-2017.

<sup>298</sup> Interview 2, 26-01-2017.

<sup>299</sup> Interview 5, 21-02-2017.



was introduced as a legitimate form of punishment. Another major adjustment made by Khomeini resulting in further Islamizing the law system, was the reintroduction of Islamic scholars as judges of the courts. Under the Shah a law was introduced that made it compulsory to have a law degree from university to become a judge, basically excluding the clerics from this function. The roles were reversed when it became obligatory to be a religious scholar to become a judge in the Islamic Republic. The former judges were purged or became assistants of the newly appointed clerical judges.

Both the Shah and Khomeini had extensive influence on the execution and enforcement of law. The Shah decided over the passing of judgment, the appointment of judges and the enforcement of capital punishments. In his position as Supreme Leader of the Islamic Republic, Khomeini had the final say over all legal and political decisions. The main difference is that Khomeini's supreme position was codified in the Constitution, which made his involvement legal, unlike the Shah, who was often acting outside the law.

Under the monarchy and the Islamic Republic, capital punishment was common, but many more prisoners were executed during Khomeini's reign. Especially in the first two years after the revolution and in 1988 a wave of executions took place. The charges punishable with execution were slightly different under both leaders. Before the revolution, 'acting against the security and independence of the state' and 'being a direct threat to the monarchy' could be sentenced with death. Under Khomeini, 'sowing corruption on earth' (*Mofsed fel-Arz*) was reintroduced as a capital crime, also being 'counterrevolutionary' or being an apostate (in case of men) could mean the end of your life. Not only being an enemy of the state but also being an enemy of God became reason enough to be eliminated. All these charges were multi-interpretable which made it easy to convict someone of this crime. This made it possible for both rulers to use capital punishment as a mechanism to eliminate political opponents. The SAVAK was the only institution under the Shah empowered to investigate political crimes. When somebody became a suspect of a political crime, he had to appear for Military Court. This changed under Khomeini. Clerics became responsible for the prosecution as well as the judgment. Political opponents now had to appear for a Revolutionary Court.

But not all Khomeini's political opponents were tried in the Revolutionary Court. A Special Court for the Clergy under Khomeini's control was established outside the fundamental law. This court functions as a means to purge clerics with a different political opinion from the clergy. Similar to the Revolutionary Courts there was a lack of clear definitions of crimes, which made it easy for the judge to declare a cleric guilty. The court was mainly active in phases of strong clerical opposition, in other times the role of the court

was only minor. This special court enabled Khomeini to eliminate the most important clerical opposition, including Ayatollah Montazeri.

The trials did not proceed according to the law neither under the Shah nor under Khomeini. During the Pahlavi regime, political prisoners had no access to a lawyer and were informed with their charge only just before their trial. Access to the defence council was allowed only in the last stage. There were only two options to appeal to the sentence; the Military Court of Appeal and the Shah. In the Islamic Republic appeal was officially part of the legislation, but it was never enforced. The decision of the court became final. Political prisoners were often only in court informed about the charges made against them. Usually, the trial lasted only a few minutes and they had no access to a lawyer. In many cases they were not even allowed to defend themselves. In the summer of 1988 the trials were substantially different. There was a Special Commission inside the prisons interrogating the prisoners and the accused ones were not even aware they were in a trial at that very moment. Directly after the judgment, those convicted of sowing corruption on earth or apostasy were hanged.

Citizens lost all trust in a rightful legal system. At least under the Shah the judges were legal professionals, unlike the clerical judges in Khomeini's courts. The religious judges did not even try to act in accordance with the international human rights because they saw the *Shari'ah* as fundamentally different and supreme since it was the law derived from God. While the pressure of foreign governments and international organizations had some sort effect on the execution of law under the Shah, Khomeini was totally indifferent to those international demands. Rule of law became a farce. With the reform of the whole legal system, Khomeini gained supremacy over at least the legal application of violence. However, some elements could be described as shady, such as the Special Court for Clergy which is operating outside the Constitution and the lack of respect for the proceedings of the trials as fixed in law. It was clear that the protection of the Islamic Republic Iran was of more importance than the exact execution of the laws created under the Islamic Republic.

## Chapter 4 – The (para)military

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One of the most important factors in gaining and maintaining the monopoly of violence in a state is controlling the military and other armed groups. This is not only necessary to control the borders from invaders but also as a means to control oppositional groups within the state by the threat or the use of violence. The central question in this chapter is how and to what extent Khomeini succeeded in controlling the different armed forces inside Iran. Before the revolution, the most important armed force in the hands of the Shah was the professional army. In the 1970s, the high ranking officers of the military were personally bound to the Shah. The reliability of these commanders immediately became an issue once the Shah left the country, because of their loyalty to the royalty. In order to rule in Iran, Khomeini had to bring the military under his command. In this chapter I will analyze how the different political groups strove for influence in the reformation of the professional military, how a new chain of command developed in the first years after the revolution, the army's capacity to act and the division of tasks and the everyday behaviour, image and reputation. Moreover, I will analyze how the Islamic Revolutionary Guard Corps, a new religious military force as a defender of the achievements of the revolution came into existence under Khomeini. The Basij, a voluntary paramilitary organization was also created by Khomeini in the first place for mainly internal control. The development of these (para)military groups will be analyzed in the context of the Iran-Iraq war, which began in September 1980 when Iraq invaded Iran. In the following part, I will discuss how these government-controlled forces dealt with armed opposition groups in Iran.

### **Professional army**

The Iranian Revolution had a devastating effect on the functioning of the professional army of the Shah. The protests destabilized Iran and the head of state saw no other solution than using violent coercion in an attempt to bring the population under control. After two days of anti-government riots in February 1978 in Tabriz, the Shah was sending the military in to restore order.<sup>300</sup> The relationship between the civilians and the military was already distorted, because many citizens were against the Shah and saw the army as a weapon keeping him in

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<sup>300</sup> 'The Iranian Military Under the Islamic Republic', (1987) the RAND cooperation, 15.

power.<sup>301</sup> A fundamental change in the relationship between the army and protestors took place on 11 August 1978, after the Shah imposed martial law and a dusk-to-dawn curfew on Esfahan after protests. For the first time, demonstrators opened fire on the military.<sup>302</sup> The tension between the government and opposition groups increased and more and more civilians and army personnel were killed. The situation deteriorated when the Shah imposed martial laws in Tehran and most other major cities. The power of the military increased when the Shah decided to establish a military government in the country on 6 November 1978. This led to widespread protests.<sup>303</sup> When the Shah left the country on 16 January 1979, the army dissolved. A group of senior commanders loyal to the Shah went abroad like their leader. Some soldiers started to shoot at the opposition. Other soldiers turned their back on the Shah and joined the revolutionary forces, but most of the soldiers deserted and went home out of fear what would happen to them otherwise.<sup>304</sup>

The Provisional Islamic Revolutionary Government with Mehdi Bazargan as its Prime Minister was created in February on the order of Khomeini. The interim government decided in March to take measures to limit the power the army had gained under the Shah. To end the Western influence in the country, foreign military advisers and technicians were expelled and US surveillance stations were closed down. The existing contracts of the newest weaponry and equipment with other countries were frozen or cancelled. These measures were not enough, all revolutionaries agreed that the organisation of the army had to change including the relationship between the military and the civilians. But the unity that seemed to exist between the revolutionaries during the revolution evaporated once decisions had to be made on the design of a new state structure. There was much disagreement about how the structure of the military should change. Everyone agreed a purge was needed, but the factions had different opinions about the limits and means to accomplish this. The radical leftists, including the Islamic Marxists, wanted a horizontal army for and of the people, without a hierarchal structure. In their eyes, the army should be controlled by decentralized soldiers committees. Moreover, they argued for the physical elimination of various of groups in the security apparatus. The leftists wanted to get rid of the military personnel of SAVAK and other intelligence services, the senior commanders, the rightists and all pro-Western officers. The position of the Tudeh Party was less radical. They did not demand a total dissolution but

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<sup>301</sup> Interview 5, 21-02-2017.

<sup>302</sup> 'The Iranian Military Under the Islamic Republic', 15.

<sup>303</sup> *Ibidem*, 16.

<sup>304</sup> Interview 1, Saeid, 22-01-2017.

'The Iranian Military Under the Islamic Republic', 16.

were supporting a thorough purge of the army officers.<sup>305</sup> Khomeini and his supporters held a less coherent and consistent view on the professional military. Their aim was to purify the professional army and to control the revolutionary armies. One of their ideas to accomplish this, was to purify the professional army and integrate the revolutionary fighters with the professionals. A nationalist faction of Khomeini supporters thought it would be better to only remove the top echelons of the army and leave the rest intact.<sup>306</sup> In the first year after the revolution, power was still in the hands of several political groups with conflicting attitudes towards the organisation of the professional army. This led to an incoherent policy in which the position of the leftists groups often prevailed.

### **Purification of the army**

The alteration of the structure and organisation of the professional army is interwoven with the political developments in Iran. The first year after the revolution was a very chaotic period, in which several political groups were striving for power. In the first months all the important figures under the Shah were removed from their position. Some were executed, others fled the country. The expulsion of top ranking officials of the professional army started on 14 February 1979, when four men, who were important generals under the Shah, were executed. One of them, General Nasiri, was the former head of SAVAK.<sup>307</sup> Based on the official records, around 250 members of the armed forces were executed in the first eight months of the Islamic Republic. Most of them were sentenced to death by Islamic Revolutionary Tribunals.<sup>308</sup> Probably many more military officials were killed, but their deaths were not officially reported. Other casualties were not murders commissioned by the new regime, but were the result of actions by radical leftist groups.<sup>309</sup>

A second phase in the ‘purification’ of the army began in 1980 when all the high ranking officers disloyal to the new regime were already removed or executed. The process was now extended to the lower ranking military. In this period, the power of the Islamic Republic Party, the political party loyal to Khomeini, increased. As a consequence, the IRP was less dependent on other political parties, including the leftists and liberal nationalist forces, to implement its policies. This phase is marked by a centralization and systematization of the expulsion process. To centralize and professionalize the purging process, the old Shah’s military intelligence organization was reshaped into the Political-Ideological Bureau, which

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<sup>305</sup> ‘The Iranian Military Under the Islamic Republic’, 18-19.

<sup>306</sup> *Ibidem*, 19.

<sup>307</sup> Axworthy, *Revolutionary Iran*, 14.

<sup>308</sup> <http://www.iranrights.org/library/document/338>

<sup>309</sup> ‘The Iranian Military Under the Islamic Republic’, 19-20.

became part of the Ministry of Defense. The grounds on which you could be declared an oppositional element to the new regime grew wider. Imperialism and Zionism became valid reasons to be purged from the army. But also membership of any political party not supportive of the new Islamic Republic or sympathy for imported ideologies became grounds for elimination.<sup>310</sup> Some factors reinforced expulsion of army officials, for example averted or rumoured coups by oppositional groups.

Already before the Iraqi invasion, during the hostage taking of Americans in the American embassy in Tehran in November 1979, the new regime realized the necessity of the professional army. The hostage crisis caused the threat of a US attack and the *Pasdaran* alone was not ready to offer the needed resistance. The experience and knowledge within the professional army was needed. This need became even more apparent during the outbreak of the war with Iraq on 22 September 1980.<sup>311</sup> The expulsion of the army personnel was not a linear process, it was sometimes reversed when qualified military was necessary in the war with Iraq. Previously retired army officers were called to return in service. In 1981 and 1982, there was a great lack of air force pilots, causing the release from prison of many pilots enabling them to serve their country.<sup>312</sup> However, the men who were called back to the army were mainly the ones with a technical position, since this was the kind of specific knowledge the new soldiers were lacking. The regime was not willing to take every kind of soldier back. By 1981 the leftist revolutionaries and collaborators of the clerical regime were banned. Already in January 1981, the government-controlled press called the leftists, especially the Fedayin, a threat for the new regime. In February the position of the leftists became even more perilous when Khomeini openly warned the professional military for their influence within the military ranks. This statement was the start of the expulsion of the leftists from the professional army. After the bombings of the IRP headquarters by the *Mojahedin*, members and sympathisers of this group were cleansed from the army ranks too. Ultimately, the sympathisers of the Tudeh Party, had to face the same fate.<sup>313</sup>

The expulsion process had an enormous effect on the composition of the army. In the first year Khomeini was in power, over 10,000 men were eliminated from the professional army. In early 1986, the amount increased to approximately 23,000, of which almost 17,000 held an officer rank. If we include the national police and gendarmerie officers, this is around

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<sup>310</sup> 'The Iranian Military Under the Islamic Republic', 22.

<sup>311</sup> *Ibidem*, 42.

<sup>312</sup> *Ibidem*, 25.

<sup>313</sup> *Ibidem*, 24.

45 percent of the officer corps.<sup>314</sup> This loss of experience and knowledge had a negative effect on the military's ability to fight the Iraqis. Especially in combat operations the lack of technicians was tangible. Nonetheless, from another perspective the cleanse also had a positive effect for the new government. It created a consciousness and feelings of fear by the residual soldiers and officers to end up the same way as their purged colleagues. Moreover, the expulsion enlarged the possibilities for young, lower-ranking officers to make quick progression in their careers. This increased the loyalty and sympathy of these young men for the new regime.<sup>315</sup>

### **The everyday behaviour, image and reputation of the army**

Military service was compulsory and men were not able to get jobs or leave the country until they had served their country.<sup>316</sup> There were a few exceptions to conscription, for example if you were a medical practitioner.<sup>317</sup> This is how one of the interviewees, being an internist, could escape from military service. Nevertheless, many men went voluntarily to the front. The war evoked strong nationalistic feelings under a large part of the population. Whether you were a Khomeini supporter or not, people felt the urge to defend their own country. This feeling was in many cases mixed with feelings of hatred towards Arabic people and strong identifications with Shia Islam.<sup>318</sup>

The everyday behaviour within the professional army under Khomeini changed in comparison with the period before the revolution. While soldiers were forced to shave their beards two times a day under the Shah, having a beard was encouraged under Khomeini. During the Shah, the army officers had to wear a necktie. However, in Islamic Republic this became a symbol associated with the Western world and was abolished. Religion got a more prominent position after 1979 in the army and soldiers had to pray on the settled times and had to fast during Ramadan. Soldiers were told they would not find death in battle, but instead become martyrs and reach heaven immediately.<sup>319</sup>

The reputation of the professional army gradually improved under Khomeini. In the time of the Shah, the professional army was not only mobilized as a force to protect the Iranian borders from intruders, but also as a weapon to control the Iranian citizens, which gave it its negative image. This function was coming to a stop under Khomeini. The emerging

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<sup>314</sup> 'The Iranian Military Under the Islamic Republic', 26.

<sup>315</sup> *Ibidem*, 27.

<sup>316</sup> Interview 2, 26-01-2017.

<sup>317</sup> Interview 3, 02-02-2017.

<sup>318</sup> Interview 1, Saeid, 22-01-2017.

<sup>319</sup> Interview 2, 26-01-2017.

void was filled with the creation of other armed forces, more loyal to the ideology and politics of Khomeini.

## Islamic Revolutionary Guard Corps

After the revolution, the professional army was not the only state-controlled active armed group in Iran. Another organization based on the new religious ideology was created shortly after Khomeini took over power in Iran. The mission of the newly established organization was guarding the Revolution and its achievements.<sup>320</sup> Officially, the Islamic Revolutionary Guard Corps (IRGC) was established after a decree issued by Khomeini on 5 May 1979. However, the foundation of this new organization, known by the larger public as *Pasdaran* (in Farsi, *pasdar* means guard), lays further in the past. During the last years of the monarchy, some oppositional groups were in an armed struggle with the government. These were groups with a radical left ideology and radical Islamic groups. They became better equipped in February 1979 when the Shah's military fell apart and the army's weapon depots in Tehran were ambushed by these enemies of the Shah. These oppositional groups mainly supported the Islamic authorities when Iran had a provisional government under the leadership of Mehdi Bazargan in the period between February and November 1979.

These armed men were generally known as *pasdars* or guards and covered a broad spectrum of political backgrounds, including members of the Mojahedin-e Khalq, Fedayin and Tudeh party. In these months of tumult, the *pasdars* took over mosques, prisons, government buildings, police stations and army barracks and confiscated property together with local revolutionary *Komitehs*. These local committees claimed the power of justice and administration over their district. They arose in neighbourhoods in all major cities in the months after the fall of the Shah. In Tehran alone there were roughly 1000 *komitehs* in the first year after the revolution.<sup>321</sup> The *pasdars* as well as the *komitehs* were arresting people opposed to the revolution including royalists and high ranking army officials.<sup>322</sup> Sometimes, the *pasdars* operated as the personal protectors of high-ranking officials including powerful clerics, judges and parliament members. These officials were personally responsible for their recruitment and financing. This created a direct loyalty of the *pasdars* to their boss, but the guards recognized little authority beyond this, with an exception of their loyalty to Khomeini.

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<sup>320</sup> Article 150, Constitution of the Islamic Republic of Iran.

<sup>321</sup> 'The rise of the *Pasdaran*. Assessing the domestic roles of Iran's Islamic Revolutionary Guard Corps' (2009) the RAND cooperation, 23.

<sup>322</sup> 'The Iranian Military Under the Islamic Republic', 64-66.



This caused an enormous fragmentation and resulted in many local power centres. This was a potential threat to the power of Khomeini. Therefore, the ayatollah decided to do something about the existing situation and he issued a decree to establish the *Pasdaran* in May 1979.

To limit rivalries and to enforce different local groups to cooperate with each other was not the only aim of the creation of the IRGC. It was also a way for Khomeini to build up a force of loyal and committed Islamic followers. He thought this was needed to implement fundamental political and social change. He could not trust the regular army which was built up by the Shah to carry out his policies. In this army there were still leftist elements holding an anticlerical stance. The *Pasdaran* could function as a counterweight for these potentially dangerous allies. One of the men I interviewed, who served in the regular army in the 1980s stated that Khomeini was aiming for the *Pasdaran* as a total replacement of the regular army over time.<sup>323</sup> Khomeini's distrust of the regular army did not come out of the blue. In the summer of 1980, right before the outbreak of the war, the professional military had initiated several coup attempts including the Nojeh coup plot.<sup>324</sup> This was an attempt to topple the Islamic regime and restore Shapour Bakhtiar, the last Prime Minister under the Shah. It is generally assumed that the overtake was orchestrated by civilian opposition leaders in exile, including Bakhtiar himself. Inside Iran, the air force was involved, together with senior and junior officers of the ground forces and a group of purged officers from the Imperial Guard.<sup>325</sup> These uncovered coup attempts created more room for Khomeini to take a firm stand and act resolutely against his opponents.

Another reason to create the *Pasdaran* was Khomeini's aim to extend his power on a local level. The *komitehs* were operating independently and were strongly connected with the neighbourhood since they had organically evolved out of them. They were sometimes ideologically diverse and therefore a threat to the ideology of Khomeini. The IRGC could limit the power of these local committees. Moreover, with an official organization, the behaviour of the *pasdars* could be controlled and legitimized. The arbitrary and lawless behaviour of all the different local groups had created a feeling of alienation under the general public.<sup>326</sup> Prior to the war with Iraq, the *Pasdaran* was a lightly armed force which was mainly focussed on internal security.

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<sup>323</sup> Interview 2, 26-01-2017.

<sup>324</sup> 'The rise of the *Pasdaran*. Assessing the domestic roles of Iran's Islamic Revolutionary Guard Corps', 25.

<sup>325</sup> 'The Iranian Military Under the Islamic Republic', 23.

<sup>326</sup> *Ibidem*, 67.

### Reorganization of the *Pasdaran*

The internal political developments as well as the outbreak of the war with Iraq were of major importance for the further development of the IRGC. From its creation onwards, debates were going on between different groups within the government whether the IRGC should become a heavy armed conventional military able to replace the professional army which had its roots in the monarchy.<sup>327</sup> The President Bani-Sadr was opposed to this idea. Together with his allies he blocked the expansion of the IRGC with heavy weaponry and denied any independent budget for equipment and operations. This made the IRGC dependent on donations from other ministries, the community and clerics.<sup>328</sup> One policy the whole new Islamic regime agreed on was getting a tighter control over the military command and control structures.<sup>329</sup> This was accomplished by creating a seven-headed Supreme Command, appointed by Khomeini and the Revolutionary Council. Other adjustments followed to centralize the authority of the Central Command. The lines of authority were made clearer and the responsibilities of different units became more specified. Influential clerics were appointed to different positions within the *Pasdaran* to strengthen their supervision. Another measure taken was the improvement of the communication system within the organization. Besides, the training of the new recruits became more systematic. First with assistance of the Palestine Liberation Organization (PLO) and from August 1980 the professional military took over the task of the PLO of training the *Pasdaran*.<sup>330</sup>

However, the reorganization of the *Pasdaran* did not lead to the end of internal rivalry and conflicting interests within the organization. Clerics as well as civilians were still trying to gain more influence within the IRGC. The political role of the *Pasdaran* grew in the first half of 1980 when the Islamic Republic Party (IRP) gained control over the IRGC. This clerical party was established by Ayatollah Mohammad Beheshti in the spring of 1979. This increased political influence led to new, more political functions, including the organization of a demonstration against the supporters of President Bani-Sadr in June 1981. In 1980, Khomeini had delegated his power as the commander-in-chief of the armed forces to Bani-Sadr. Bani-Sadr intended to expand the role of the professional army in the war with Iraq at the expense of the IRGC. Therefore the President obstructed decisions that would increase the

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<sup>327</sup> Keneth Katzman, 'The *Pasdaran*: Institutionalization of Revolutionary Armed Force', *Iranian Studies* 26 (1993) 3/4, 389-402, 391.

<sup>328</sup> Katzman, 'The *Pasdaran*: Institutionalization of Revolutionary Armed Force', *Iranian Studies* 26 (1993) 3/4, 389-402, 392.

<sup>329</sup> 'The Iranian Military Under the Islamic Republic', 28.

<sup>330</sup> *Ibidem*, 68.

power of the *Pasdaran*. With the removal of Bani-Sadr from his position as President in June 1981, the resource problems of the IRGC largely vanished.<sup>331</sup> Not only the more liberal democratic movement, but also the clerical opposition became a target of the *Pasdaran*. On a higher level, the IRGC was moulded into a weapon to secure the position of Khomeini and his close allies. But local power centres continued to exist and on this level the units were also used for personal interests. They tried to increase their influence by locally recruiting new members.<sup>332</sup> The clerics in high positions perceived the local recruitment as a threat to their power and although they could not influence the recruitment process, they could affect the religious and civic education the new recruits would get. In this manner, the *Pasdaran* was shaped according to their ideological view. To spread their ideas, they used pamphlets, books, periodicals and radio and television programs. Moreover, special religious training departments were created within the different *Pasdaran* units to preach their message.<sup>333</sup>

To increase the top-down power, the clerics made the internal disciplinary measures stricter in the first half of 1982. In March of that year, Khomeini issued a decree forbidding the IRGC members to become a member of a political party or to get involved in politics in other ways. A special IRGC Ministry was established in 1982 in order to improve the coordination between the government and the IRGC. The aim of the government was again to increase the control over the Revolutionary Guards, but instead, the establishment of the Ministry resulted in increased political influence for the *Pasdaran*. It also made it easier for high-ranking IRGC members to get important positions within the government.<sup>334</sup> An attempt was made in 1982 to improve the direct contact and coordination between the IRGC and the regular army staff by creating a Operational Area Command and a joint Command Council.<sup>335</sup> Despite all these measures that were taken, the Islamic regime did still not succeed to end the internal rivalries by 1987, according to a RAND report.<sup>336</sup> Katzman also states that the government was not able to properly establish a firm political penetration of the *Pasdaran*. Although clerics, including Rafsanjani and Khamenei were directly appointed by Khomeini as supervisors of the IRGC, their actual control was limited. They were not part of the core members of the *Pasdaran* who dominated the organization. Moreover, although officially the commander-in-chief of the armed forces had the power to appoint the high ranking officers

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<sup>331</sup> Katzman, 'The *Pasdaran*: Institutionalization of Revolutionary Armed Force', 392.

<sup>332</sup> 'The Iranian Military Under the Islamic Republic', 69-71.

<sup>333</sup> *Ibidem*, 72.

<sup>334</sup> *Ibidem*, 80-81.

<sup>335</sup> 'Iran's security policy in the post-revolutionary era' (2001) the RAND Cooperation, 34.

<sup>336</sup> 'The Iranian Military Under the Islamic Republic', 73.

within the IRGC, in practice it was mainly the *Pasdaran* commander Mohsen Reza'i together with fellow seniors who made the decisions in the assignment of positions at all levels in the IRGC.<sup>337</sup> While the ruling clerics continued their attempts to gain more power over the *Pasdaran*, in reality the IRGC kept a fair amount of power to act independently.

The behaviour of the *Pasdaran* acting autonomously led to conflicts with the regular army in the first half of 1988, when Iraq regained all the Iraqi territory it lost in the years before and even conquered some Iranian territory.<sup>338</sup> It was in the advantage of the IRGC to continue the war in order to consolidate its power. With their strategy, they attempted to marginalize the position of the regular army, to legitimize the elimination of real and perceived opposition to the Islamic regime and to consolidate and institutionalize the achievements of the revolution.<sup>339</sup> Rafsanjani was aware of this strategy of the *Pasdaran* and tried to take some measures to weaken the power of the IRGC. He was able to convince Khomeini to name him the commander-in-chief of the armed forces. In this position, he set up a unified military command headquarters, supervising the tasks of both the professional army and the IRGC. The new commander-in-chief was even aiming for a total merging of the two armed forces, but the political position of the IRGC was too strong to realize this. However, Rafsanjani did succeed in allowing the Majles to pass a no-confidence motion against the Minister of the IRGC.<sup>340</sup>

### Functions of the IRGC

The *Pasdaran* started as a mainly internally focused organization with the mission to 'defend the revolution and safeguard its achievements' as it was written down in Article 150 of the Islamic Constitution. But already under Khomeini it developed as a strong military force. This was set in motion during the second half of 1979, when several thousand IRGC members were sent to Iranian Kurdistan, where they had to fight against the Kurdish rebels. The war with Iraq made an Islamic, devoted army even more important. The *Pasdaran* played an important role at the frontline. It obtained heavy weaponry and the organisation developed into a classic hierarchical command structure comparable to the professional military. In 1983, a special naval and air force were added to the *Pasdaran*. These different *Pasdaran*

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<sup>337</sup> Katzman, 'The *Pasdaran*: Institutionalization of Revolutionary Armed Force', 393.

<sup>338</sup> *Ibidem*, 392.

<sup>339</sup> 'The rise of the *Pasdaran*. Assessing the domestic roles of Iran's Islamic Revolutionary Guard Corps', 24-25.

<sup>340</sup> Katzman, 'The *Pasdaran*: Institutionalization of Revolutionary Armed Force', 392-393.

units functioned separately from the professional army.<sup>341</sup> The command structure of the IRGC became more complex when their central headquarters were set up in 1984.

The functions of the IRGC were formulated broadly and the specific duties and responsibilities of the different units remained vague. As a consequence, they were vulnerable to political change.<sup>342</sup> Some functions the *pasdars* had fulfilled before Khomeini came to power continued to exist after the formal establishment of the IRGC, including the personal protection of important regime figures. A function not relevant for the internal control of Iran, but an important element of the organization is the export of the revolution to other states. This function is fulfilled by the Qods unit, commanded by the most radical elements within the IRGC. The Qods unit became operational in 1982 in Lebanon, responding to the Israeli invasion of the state. Today this unit is still very active, for example in Syria and Yemen.<sup>343</sup> Another function of the *Pasdaran* is the security of important state buildings such as prisons, ministries, airports and TV and Radio stations. This also has an intelligence service component, since the security function includes the careful supervision of its personnel. The IRGC did not always operate alone. For some special internal and external intelligence operations it cooperated with the Ministries of Intelligence, Interior and Defence. Moreover, the IRGC controlled several paramilitary organizations. Those paramilitary groups were part of the Basij. Some of them functioned as a kind of moral police.<sup>344</sup>

### **The behaviour, image and reputation of the *Pasdaran***

In basically all the interviews I conducted, the image of the *Pasdaran* is negative. This could be partly explained by the fact that all the interviewees were opposed to the Islamic regime.<sup>345</sup> While the professional military was mainly seen as the protector of the state's borders, the IRGC was mainly viewed as an organization that controlled Iran internally. The *Pasdaran* has a wide variety of duties, including the control of alcohol, clothing, and opposition. This makes the IRGC very visible in the society. One of the men I interviewed considers the *Pasdaran* as the real enemy of the Iranian people. He describes their behaviour as very aggressive towards the Iranian citizens. They were for the greater part operating in secret and possessed their own hidden prisons and secret and intelligence service. The interviewee also declared that the *Pasdaran* is responsible for deadly attacks on political opposition living in

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<sup>341</sup> 'The Iranian Military Under the Islamic Republic', 73.

<sup>342</sup> *Ibidem*, 69-71.

<sup>343</sup> Katzman, 'The *Pasdaran*: Institutionalization of Revolutionary Armed Force', 397.

<sup>344</sup> 'The Iranian Military Under the Islamic Republic', 80-81.

<sup>345</sup> Interview 1, 22-01-2017; Interview 2, 26-01-2017; Interview 3, 02-02-2017 ; interview 5, 21-02-2017

exile. The unpredictability and the lack of clarity about the tasks and operations of the *Pasdaran* increased the feeling of fear for this organization under the people.<sup>346</sup>

Some interviewees mentioned that it was hard to distinguish the *Pasdaran* from the voluntary Basij, because they often were in civilian clothes. Therefore it is not always clear whether they were actually talking about the paid employees or the Basiji, who became officially a part of the IRGC at the second half of 1980.<sup>347</sup> According to one interviewee, this is characteristic for the structure of the Iranian society in general, which is chaotic and things often seem to be intertwined. Different organizations are burdened with the same tasks.<sup>348</sup> However, in case the religious militants were wearing a uniform, citizens could generally make a distinction between the regular police and the *Pasdaran* in the streets. The tasks of the two organizations were also different; the normal police was responsible for the enforcement of criminal law, while the IRGC was only concerned with ideological and political opponents.

## The Basij

To ensure his political position, Khomeini decided to invest in the creation of loyal volunteer forces on top of the establishment of the IRGC. The outcome was the establishment of the Sazeman-e Basij-e Mostazafan, which means ‘Organization for the Mobilization of the Oppressed’. Iranians commonly refer to it as the Basij, in English mobilization.<sup>349</sup> Khomeini decreed the establishment of the citizen-militant force on 26 November 1979 in a response to the American embassy hostage crisis. He stated that the creation of a ‘people’s army of 20 million’ was necessary to protect the achievements of the Iranian people from internal and external threats, including America. Khomeini aimed to establish a popular force that was religiously and political loyal to his authority.<sup>350</sup> The Basij became one of the most important mass organizations in Iran, although it never got the envisioned 20 million members. In the first months of its existence, the organization was under the supervision of the Ministry of the Interior.<sup>351</sup>

At the moment of the Basij’ establishment, there was an instable political situation in Iran. In the Kurdish, Turkoman and Baluchi provinces (armed) opposition groups were active and the government was afraid it could not hold its position. Different political forces ranging from leftists, moderates to Islamic hardliners were in favour of the creation of a people’s army

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<sup>346</sup> Interview 5, 21-02-2017

<sup>347</sup> Interview 2, 26-01-2017

<sup>348</sup> interview 5, 21-02-2017

<sup>349</sup> Saeid Golkar, *Captive Society – the Basij Militia and Social Control in Iran* (Washington/New York 2015) xiii.

<sup>350</sup> ‘The Iranian Military Under the Islamic Republic’, 87. ; Afshon Ostovar, ‘Iran’s Basij: Membership in a Militant Islamist Organization’, *The Middle East Journal* 67 (2013) 3, 345-361, 348.

<sup>351</sup> Golkar, *Captive Society*, 13-14.

to ensure their position. But their vision on how this people's army should be structured differed. The IRP and IRGC envisioned a highly centralized organization with clerical supervision to tightly control it, that would be only concerned with internal security during peace-time. This should include the prevention of the infiltration of foreign opponents and the dismantling of anti-regime societal forces. In war-time it should be employable as a decentralized resistance force.<sup>352</sup> The Mojahedin-e Khalq and some sympathetic clerics had a force in mind that was politically and ideologically motivated to struggle against American imperialism. Based on their experience during the revolution fighting the US involvement in Iranian politics and economy, the MKO demanded the control over the training of the newly established voluntary force. This view collided with the IRP and *Pasdaran* who preferred to have the control in their own hands. Some secular Islamic political groups including the Liberation movement of Bazargan had yet another opinion. They did not want to create a kind of guerrilla force like the MKO, but saw a role for the Basij as an urban-based defence organization composed of civilian volunteers.<sup>353</sup> As a consequence of this political struggle within the government, the Basij organization only developed slowly and had no budget of its own. It therefore had to rely on other organs, mostly unwilling to invest in the newly established para-military group.<sup>354</sup> Although the organization had budgetary problems at the start, the government tried to establish Basij bases in every mosque to enable it to fulfil its tasks in controlling the society.<sup>355</sup>

The importance of the Basij highly increased with the outbreak of the war in September 1980. There was a shortage of men and the Basij formed a willing pool of highly motivated people to deploy at the front. The Basij continued to operate as an independent organization until the end of 1980 when it became an autonomous department under the IRGC. The structure of the Basij was adjusted and became more hierarchical. A Central Basij Council with headquarters in Tehran was created to head the organization. The Council was chaired by the Basij Commander, who was appointed by the Commander-in-Chief of the IRGC. This Council was subordinate to the IRGC Central Staff. The Basij Commander was responsible for the assignment of the field commanders in the operational Basij areas, but besides that, his power was quite limited. Similar to the IRGC, Khomeini designated a high ranking cleric as Supervisor to oversee all the activities of the Basij and to make sure these were in line with the politics and ideology of the government. The Supervisor was given the

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<sup>352</sup> 'The Iranian Military Under the Islamic Republic', 88-89.

<sup>353</sup> *Ibidem*, 89-90.

<sup>354</sup> *Ibidem*, 90.

<sup>355</sup> Golkar, *Captive Society*, 14.

authority to appoint clerics at lower levels to fulfil the same function.<sup>356</sup> To recruit new volunteers with an age ranging from 16 to 60 to fight in the war, special offices were established in different sectors of society, including the high-schools, universities, nomadic tribes and government organs. The students were the largest group sent to the frontlines.<sup>357</sup>

The end of the war had yet another great impact on the role of the Basij in Iran. Around 2 million volunteers fought in the war, which is more than 75 percent of all the Iranian soldiers that were deployed at the front. Suddenly all these men returned to Iranian society and expected material compensation for their dedicated struggle and personal sacrifices at the front.<sup>358</sup> Moreover, they demanded to have a voice in state affairs. The financial compensation only came in 1990 when the Basij was upgraded to an official military force.<sup>359</sup> The role of the Basij in the Iranian society started to gain significance directly after the war and it transformed into a broad-based social organization.<sup>360</sup> The cultural function became more important under Khamenei in 1989, who fought a new war against the Western values in order to uphold Islamic norms and values.<sup>361</sup> In the first eight years the Basij worked together with the revolutionary *komitehs* to reinforce moral behaviour, but these committees were dissolved in 1989 and a new police force was created to work together with the Basij.<sup>362</sup>

### Functions of the Basij

The tasks of the Basij were very much expanded in order to control Iran's society. The volunteer organization was engaged in local defence and controlling the borders, conducting surveillance, policing the society and suppressing dissidents.<sup>363</sup> It had also an educational branch to develop the materials to educate the Islamic state ideology to its members.<sup>364</sup> Basij collaborated with the Islamic revolutionary committees to exert moral control over society. The Basij was deeply penetrated in society and active in basically every neighbourhood. In the first years after the revolution, the government experimented with a totalitarian approach of control and surveillance. Khomeini encouraged ordinary people to act as the eyes and ears of the state and asked them to report dissident behaviour to the intelligence forces. The Basij

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<sup>356</sup> 'The Iranian Military Under the Islamic Republic', 87, 91-92.

<sup>357</sup> Golkar, *Captive Society*, 15-16.

<sup>358</sup> *Ibidem*, 16-17.

<sup>359</sup> *Ibidem*, 88.

<sup>360</sup> Ostovar, 'Iran's Basij: Membership in a Militant Islamist Organization', 349.

<sup>361</sup> Golkar, *Captive Society*, 77.

<sup>362</sup> *Ibidem*, 76.

<sup>363</sup> Golkar, 'Organization of the Oppressed or Organization for Oppressing: Analysing the Role of the Basij Militia of Iran', *Politics, Religion & Ideology* 13 (2012) 4, 455-471, 455.

<sup>364</sup> 'The Iranian Military Under the Islamic Republic', 93.



made up the most important part of this army of informers.<sup>365</sup> When the volunteers noticed something suspicious, this was directly reported to the local *komiteh*. However, according to one of the interviewees, this totalitarian system did not work sufficiently. The system asked from citizens to be loyal to the regime beyond family relationships, but Iran was still a traditional society in which family bonds and regional bonds were of higher importance.<sup>366</sup>

Special units were created to enforce moral control. Two of those are Sharollah and Ghalollah which are mainly based in urban centers and are further divided in subunits. One of them is Kharharan-e Zeynab, a completely female moral police unit. It was a strategically smart decision of the government to delegate the moral control and the suppression of dissidents to a paramilitary force. This way, the government could partly deny its responsibility and blame the Basij for operating independently. Of course this was merely a facade, because the Basij was controlled by the government on a higher level and supervised on the lower levels by clerical delegates.<sup>367</sup> During the Iran-Iraq War, the main role of the Basij was recruiting, organizing and deploying volunteers to the war front.<sup>368</sup> These bearded men would get a two-day training before being sent to the frontlines. One of the interviewees was terrified by the fanaticism of the soldiers. He found them unpredictable and capable of anything. Sometimes they were sent to the front without any weapons which they would confiscate from their enemies.<sup>369</sup> While the Basij thus started as a more local operating organization, its tasks were further expanded in order to better control the society. Also the war led to an expansion of tasks, making it an important party at the war front.

### **Everyday behaviour, image and reputation of the Basij**

The Basij had a very bad reputation under the Iranian citizens not supportive of the Khomeini regime. None of the interviewees were members of the Basij themselves, but some of them knew people who joined these forces. It were mainly fellow students in university who suddenly started to grow a beard. According to one of the interviewees, almost ninety percent of the people in university with a long beard were Basij. Another way to recognize them was by their dress, they would always fully button up their shirts.<sup>370</sup> After its establishment, the Basij created a special Students' Basij Organization. This smoothened the recruitment and training process of students. The culture of martyrdom and jihad became very important to

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<sup>365</sup> Golkar, *Captive Society*, 87.

<sup>366</sup> Interview 4, 14-02-2017.

<sup>367</sup> Golkar, 'Organization of the Oppressed or Organization for Oppressing', 456.

<sup>368</sup> Golkar, *Captive Society*, 76.

<sup>369</sup> Interview 1, 22-01-2017..

<sup>370</sup> Interview 122-01-2017. ; Interview 2, 26-01-2017..

motivate the students to join the forces. The organization profited from this investment during the start of the Iran-Iraq war, when many Basiji students were sent to the frontlines. About 550.000 students fought in the eight years of war with Iraq, of those, approximately 36.000 have died on the battlefield.<sup>371</sup>

The Basij who were functioning as a kind of moral police on the streets of the cities and towns were most of the time hard to recognize. They usually did not wear any uniforms. The only way to identify themselves was by their Basij-cards held in their pockets, which they only showed when needed.<sup>372</sup> Several interviewees describe being arrested out of the blue on the streets. This increased the aversion of the Iranian citizens who had no (family) relations with the Basij.

The degree to which people had contact with the Basij in daily life on a regular basis depends on several factors. In the first place it was determined by your societal position. One interviewee described how he was hardly ever stopped in the streets between 1979 and 1989. This was probably due to the special number plate he had on his car because of his job as a medical specialist.<sup>373</sup> Doctors and other medical specialists held a special and protected position within the Iranian society. In the second place, it depended on the people in your company. If a man would be seen together with a woman in the streets, there was a higher possibility of being stopped. They should prove how they were related to each other. If they were married they had to show their certificate of marriage. Men and women could only be in the public space together if they were family or married.<sup>374</sup> In the third place, what happened to you when you were stopped also depended on where you were living. One interviewee mentions that he was renting a house in a street where an important Islamic leader lived. When the *Pasdaran* came to his house, they only checked his identity papers instead of bringing him to the police station, which was the regular procedure. The *Pasdaran* most likely assumed that all the people in this specific street were already thoroughly checked by the secret services in order to guarantee the safety of this Islamic leader.<sup>375</sup> Moreover, in some cities where Khomeini held a powerful position with many supporters and a strong network of religious men, the *Pasdaran* and Basij tended to act more aggressively, such as in the city of

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<sup>371</sup> Golkar, *Captive Society*, 124.

<sup>372</sup> Interview 1, 22-01-2017.

<sup>373</sup> Interview 3, 02-02-2017.

<sup>374</sup> Interview 5, 21-02-2017.

<sup>375</sup> Interview 5, 21-02-2017.

Isfahan. But in general, in smaller towns and villages the moral police acted more strictly towards indecent dress than in the big cities.<sup>376</sup>

## Conclusion

In this chapter, the existing and created armed groups in hands of the Islamic government were analyzed in order to answer the question how and to which extent Khomeini succeeded in controlling the armed forces. In the first two years of Khomeini's reign his political power was precarious. There were many different armed groups active who often operated on a provincial level such as the leftwing Kurdish rebels, but also Islamist militant groups who fought for more local influence or even independence. Also in the government, Khomeini had to share power with a more liberal democratic wing first during the interim government and later under the leadership of President Bani-Sadr. In these formative years of the Islamic Republic of Iran there was definitely no monopoly of violence in the hands of Khomeini. Directly from February 1979 onwards, the professional army was purged from opponents of the revolutionaries in order to enlarge the control over these forces. But even in the last months before the Revolution the professional army turned out to be involved in attempted coups against the new government. A new organization of loyal Islamic forces was established which took over the function of the professional army to control the Iranian state internally together with another created organization of volunteers supportive of the Islamic ideology.

The two main factors that influenced the extension of influence over all three of these forces can be divided into an internal factor and an external factor: Khomeini's political power within the government, which largely increased in June 1981 with the deposing of Bani-Sadr and the outbreak of the war with Iraq.

After the outbreak of the war with Iraq, the professional army was sent to the border areas to defend the Iranian state, which left little time to organize a coup against the new government. In addition, Khomeini used the increasing nationalistic feelings in response to the war smartly to get his policies through. On the one hand the establishment of the *Pasdaran* contributed to establishing a greater control over the armed forces within the Iranian state, because the locally operating armed forces were brought together under a central staff linked to the government, which diminished the power of the local leaders in charge of those forces. But on the other hand, in some cases, the IRGC continued to operate independently from the clerical rule and sometimes not in line with a strategy beneficial for

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<sup>376</sup> Interview 5, 21-02-2017

the Iranian state as a whole, but in a way to strengthen its own power. The establishment of a Ministry of IRGC had an undesired effect, instead of increasing the influence over the *Pasdaran*, it increased the influence of the *Pasdaran* over the government.

Centralization and professionalization are the key words in all three organizations in the first few years of Khomeini's reign. A centralization and extension of the purging process took place from 1980 onwards when the power of the IRP and therefore the power of Khomeini increased. Especially in light of the Iraqi invasion the importance of the *Pasdaran* and Basij enormously increased to provide in men at the front. This changed the function of both organizations somewhat, because for the duration of the war, the function of external security became more important than internal security. The structure of both organizations became more complex and the *Pasdaran* started to show similarities with the professional army, especially after 1984 when the IRGC navy and air force were established.

Another strategy used to increase his influence on a local level was the indoctrination of the citizens with the Islamic state ideology. The Basij was the main instrument which definitely contributed in the deep penetration of Khomeini's power in society. The Basij partly used a soft form of coercion with educating and training the volunteers in the Islamic norms and values and the new Islamic state structure.

It can be concluded that Khomeini did not succeed fully in creating a monopoly of violence in his function as Supreme Leader of Iran. The power over the forces increased over the years, but this was definitely not a linear process. Especially the IRGC turned out to be an organization that was hard to control. The *Pasdaran* extended its power over the government after the death of Khomeini and became the strongest organization in the Iranian society.

# Conclusion

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An important discussion within the fields of history and sociology is how we should define the state. While several authors including Weber, Elias, Hintze, Tilly and Skocpol analyze the state as a more or less static phenomenon, Zwaan argues that the state should be analyzed as a continuous process. This latter approach was chosen in this thesis to investigate a certain aspect of the state, the monopoly of legitimized use of violence and coercion. The main question in this thesis was how the use of Iranian state violence and coercion changed in the period 1979-1989. I looked at the functioning of the prisons, the judicial system and the military, including the Islamic Revolutionary Guard Corps and the Basij, and made a comparison with the functioning of these systems under the Shah, in order to answer this question. I analyzed how Khomeini tried to accumulate a monopoly of violence and which resistance he faced in this process. Moreover, I looked at which events stimulated or reduced this accumulation of the use of violence and coercion by the state.

In the first two decades of his reign, the Shah dealt with political opponents by giving them long-term prison sentences. Until the 1950s the number of political prisoners was very low. Under influence of the Cold War, the leftist opposition became the main target of the Shah. When the nationalization policy of Mossadeq, in 1951 elected as prime-minister, started to threaten the position of Britain and the U.S., these western powers decided to intervene and remove Mossadeq from his position. The Iranian government received financial support from Britain and the U.S. to develop a strong army and police to eliminate the 'Reds'. The U.S. also helped in the establishment and training of the SAVAK, which became the main organization in arresting and detaining the political opposition. Under influence of Jimmy Carter and several international organizations, human rights became an important item on the agenda of the Shah and the use of torture significantly decreased in the late 1970s. The Shah failed to control the political opposition and for months in a row several different political organizations organized demonstrations in the streets demanding the fall of the Shah. Things escalated when the Shah's army started to use violence against the citizens in an attempt to control the situation. During the rule of the Shah, the support of western powers was thus very important to enable him to exercise coercion and violence and keep the opposition in check. He probably overestimated his ability to do so, and he had to pay for this miscalculation with the extermination of the Pahlavi regime.

In the first years after the revolution, there was no real centralized use of violence and coercion. The professional military dissolved during the revolution and many different armed groups took up the weapons which resulted in multiple centres of authority including local *komitehs* and independently operating groups of militia. The same was true for the organization of the prisons, several different groups controlled the detainment of political prisoners. Many after them were locked up arbitrarily because there was no central legal system in place either in the first years after Khomeini had declared the pre-revolutionary laws null and void. This gave individual jurists a lot of power to decide over the lives of political opponents. As a consequence, the same crimes were punished with totally different sentences and many prisoners were executed without a real process. This period is especially known for a lack of centralization of coercion and violence structures.

In the first months after the revolution all these different political organizations tried to establish a regime according to their own political ideology. At first it seemed that Iran would get a democratic and fairly secular form of government headed by a strong president. However, Khomeini was able to introduce a new Constitution with a more prominent place for Islam, which was adopted by a referendum in December 1979. This gave Khomeini in a legitimate way the ultimate and divine power in Iran as *velayat-e faqih*. This enabled him to issue decrees. He used this power in many instances, which made it possible to adjust the political structures to a great extent according to his Islamic ideology and limit the power of the pre-revolutionary and leftist forces. He tried to centralize the coordination of the different militias with the establishment of the Islamic Revolutionary Guard Corps in May 1979. This diminished the power over violence of the local militia leaders. But as an undesired side effect the IRGC gained a strong position in relation to the government as it became a large organization with extensive functions under influence of the Iran-Iraq war. This Islamic force continued to exist next to the professional army.

In the first months after the revolution, the professional army, the courts and prison wardens were purged from royalists. After these initial months of ‘purification’, the concept of enemies of the state became broader and other groups were purged from these state institutions too, especially supporters and members of leftist organizations and the Kurds. In 1981, Khomeini made significant progress in consolidating his power, which enabled him to further eliminate the opposition. In this year, the *Mojahedin*, who had been supportive of the regime in first instance, became the new target of the clergy. The Tudeh Party was the last major organization outlawed by the regime in 1983. By this time, most of the royal and leftist political opposition was imprisoned, killed or had left Iran. The life of these political prisoners

became slightly better from 1985 onwards, under the supervision of Ayatollah Montazeri. Their situation deteriorated already in 1987 when the power of the Montazeri supporters inside the prisons decreased.

Khomeini used several mechanisms to control the opposition. The political opposition within the regime was mainly controlled by non-violent means. To take away power from the liberal faction headed by Bani-Sadr, he stripped the president from his powers as Commander in Chief. Besides that, Khomeini convinced the more conservative faction in the parliament to vote for the incompetency of Bani-Sadr in order to remove him from his position as president. Moreover, Khomeini established a Special Court for the Clergy acting outside the fundamental law. This court was mainly used in periods of strong clerical opposition and functioned as a mechanism to purge disobedient clerics from the clergy.

The Islamic regime had a whole arsenal of means to control the rest of the population, including the political opposition outside the government. One of the more subtle methods was the establishment of the Basij, a paramilitary organization of volunteers. Its members were thoroughly educated in the Islamic state ideology in order to make them very loyal defenders of the regime; a force that could be mobilized against the opposition. One of the functions of the Basij was to act as a kind of moral police, controlling the behaviour of the whole society. In the first years the regime also experimented with a form of surveillance in which everybody had to spy on everybody, which can be seen as psychological coercion to behave in a certain way.

One of the more obvious forms of repression were the arrests of dissidents. Sometimes arrestees were taken to a police station to be released within a few hours, but at other times they were taken from a temporary detention centre to one of the many known or secret prisons in Iran. This ambiguity and uncertainty in the arrest and release of dissidents caused feelings of fear under the population. An even extremer form of controlling the opposition was torture, which became systematically used by the Islamic regime from 1981 onwards. At first it was mainly a way to obtain information about the hiding places of weapons and members of the organizations, but the torture turned into a mechanism to extort public recantations. These statements were used as a form of positive propaganda for the regime and at the same time negative propaganda for the opposition.

Another method the regime did definitely not shy away from, was the execution of political prisoners. In the first two years after the revolution and in 1988, the regime especially relied on outlaw executions, which in the latter case took place in complete secrecy. In contrast to the first round of executions, these ones were carefully planned in the

context of a peace agreement with Iraq. Prisoners were isolated according to their ideological stance. The invasion of the *Mojahedin* who were based in Iraq in this period probably worsened the situation of their fellow members and supporters inside the Iranian prisons. Basically all the imprisoned *Mojahedin* were killed during this massacre, besides many leftist prisoners. No serious opposition was left once the regime finished this execution round.

The Supreme Leader smartly used political crises to manipulate the situation in his advantage to extend his power. This is true for the American hostage crisis, which he exploited to make people vote in favour of the new Constitution during the referendum. The Iran-Iraq war was used as an argument to tightly control the Iranian society. A stable domestic situation was needed to crush the external enemy. Moreover, he used the Mojahedin attack on the headquarters of the IRP as a legitimisation to forcefully suppress all the oppositional forces that were still active after the initial purges.

Khomeini was never fully able to establish a monopoly of legitimized use of violence. He closed his eyes for the use of violence outside the rule of law and even contributed to it by ordering vague decrees which left a lot of room to the interpretation of the organizations such as the IRGC and the Basij. In addition to this, the functions of these organizations were only formulated vaguely which gave them a wide mandate to act on their own discretion. It might not always be necessary to be in full control of the legitimate use of violence. It could even be used as a strategy to give the power of the use of violence to different organizations, so they can keep each other in check. This works as long as their power is relatively in balance. Khomeini did his uttermost best to keep this power balance between the different security organizations and he was able to establish a strong clerical regime until at least the end of his life. However, already during his lifetime, the Islamic Revolutionary Guard Corps operated sometimes independently from the clerical power. After his death, more and more power shifted towards the IRGC, who also started to control an increasing part of the Iranian economy at the cost of the power of the clergy. On the long run, this strategy of maintaining several power centres could threaten the survival of the regime in place.

There are a few limitations in this research, related to the consultation primary and secondary sources. In the first place, the possibilities to use primary sources was limited due to a language barrier. Because I cannot read Farsi, it was not possible for me to use materials only publicised in this language. However, some important decrees and statements of Khomeini and other high officials were translated to English so I was able to use these in my argumentation. Another limitation is the fact that I mainly used witness reports and interviews with people who were opposed, or became opposed to the Islamic regime in 1979-1989. This



could possibly give a slightly biased image of the experienced everyday coercion and violence, because the regime has treated the supporters of the regime most likely in a different way compared to the opposition. Another problem is that a significant part of the opposition was executed by the Islamic regime, which made it difficult to collect convincing evidence on certain topics, such as the rape of virgins right before their execution.

It would be interesting in a follow-up research to interview people inside Iran who were supporters of the Islamic regime in the covered period. In this way, a more complete view could be obtained on whether and how coercion and violence was used by the state on advocates of the Islamic regime. It would also be useful to investigate the development of the state structures in Iran in the period after Khomeini, to see how they change in a period when the power of the regime is already better consolidated than right after a revolution. To expand the knowledge about state structures from a 'continuous process' perspective, it would be useful to study the development of other state structures in this period in Iran, such as the tax system. Also a comparative study of the development of violence and coercion structures in several states could be useful to get a better understanding of the factors that play a role in the degree to which a monopoly of violence and coercion can be established in a state in a certain period of time. Based on this research, I can conclude that under Khomeini, there was at no point in time a monopoly of the legitimate use of coercion and violence in the hands of the regime. The regime had to share this power with different organizations, especially the IRGC. The degree to which Khomeini had to share this power depended on how successful these other groups and organizations were in operating independently from the government. This division of power fluctuated over time and was influenced by internal and external events. The state can thus not be seen as a stable structure, but it should be analyzed as a continuing process in order to get a fuller picture.

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**Image 1**, Map of Iranian prisons. Source: ‘The Iran Tribunal, On the abuse and mass killings of political prisoners in Iran, 1981-1988, Findings of the Truth Commission’, *The Iran Tribunal Commission Report* (2012) 56.

**Image 2**, torture by the Iranian state portrayed by the political organization of Peykar. Source: ‘torture of revolutionaries: pride of the Islamic Republic’, Union of Iranian Students in US, symphathizer of the organization of Peykar. Siagzar Berelian Library Collection, inventory number 13, International Institute of Social History, Amsterdam.

**Image 3**, A smuggled photograph of the ‘Apollo’, a torture machine in action. Source: ‘Amnesty urges Iran to end torture’, Iran Solidarity Newsletter, April 1982, nr. 4. Siagzar Berelian Library Collection, inventory number 13, International Institute of Social History, Amsterdam.

**Image 4**, Execution of Kurdish revolutionaries by the *Pasdaran*, September 1979. Source: ‘Khomeini’s Regime, the regime of reaction, terror, torture and execution’, *Iran Struggle*, 1, November 1982, published by the Iranian Students Society in Britain. Siagzar Berelian Library Collection, inventory number 13, International Institute of Social History, Amsterdam.

**Image 5**, Khomeini’s fatwa ordering the execution of all Mojahedin prisoners, probably on 28 July 1988. Source: ‘The massacre of political prisoners in Iran, 1988: an addendum, witness testimonies and official statements’, *Abdorrahman Boroumand Foundation* (2013) 28.

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