

Extrajudicial killings supported by law and Islamic jurisprudence
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Perhaps when Mirza Mohammad Reza Kermani shot the Qajar king, Naser al-Din Shah, on 30 April 1896, Iran's contemporary history entered a different era. Mirza Reza Kermani was first attracted to the teachings of the 19th Century anti-Western political activist, Seyyed Jamaledin Asadabadi and after a period of delivering sermons against the Qajar dynasty took up arms? and assassinated the shah who had, a few years earlier, arrested and humiliated Seyyed Jamaledin Asadabadi. So on that day Mirza Reza sought revenge for his sufferings as well as those of his master.'

It was after this incident that assassination entered Iran's modern political practice. However assassination in the political-ideological system goes much further back. In Islam the first signs of assassination are seen after the death of the Prophet and over his succession (although some cases took place during the lifetime of the Prophet). It is important to note that there are three different phrases in Arabic literature that refer to assassination; and the meaning and connotations of which have evolved through the years. *Fataka* means elimination and murder of an individual due to neglect. *Arhab* refer to intimidation, however over time it has evolved into the concept of causing fright in order to overcome or prevent an act. *Ightiyal* refer to the covert murder of an individual or a group of people. It is important to note these differences, as assassinations over the years can be categorised according to these definitions.

According to verse 33 of the Chapter of Food in the Quran "*The recompense of those who wage war against Allah and His Messenger and strive to make mischief on the earth is to be murdered or hanged, or their hands and their feet to be cut off on opposite sides or to be exiled from where they are. This is their disgrace in this world. And for them there is in the Hereafter a great torment.*" This same verse was used over the years to pave the way for religious powers to issue sentences of 'waging war' or 'corruption on earth', and without a court hearing conduct "state-sponsored murder" (execution) through extrajudicial killings. This concept is also applicable whereby through *arhab* impact on the ruling government or the murder of the opponents as a means of strengthening the foundation of the state is pursued.

In reality, issuing death sentences without conducting a court session is possible based on the 'permission' of the Imam or his special representation or the leader and Islamic ruler. Here, the Islamic jurist or ruler who believes he is carrying out 'God's order' elevates 'murder' to a 'holy' act above and beyond murder and assassination.

Assassinations during the Pahlavi Era

During the early part of the Pahlavi era, after its founding in 1925, the definition of assassinations acquired new meaning - when government opponents are murdered at the hands of forces suspected to be organised by the government or by forces with close government ties.

Mirzadeh Eshqi, poet and journalist, and one of the strong opponents of then Prime Minister (later Shah) Reza Khan. His critiques were met with bullets shot at him on 5 July 1924. However, it was never determined as to whose orders and agents carried out his murder.

Abdol-Hosseini Taymourtash, Sheykh Khazal, Firouz Mirza Nosratoddoleh (the son of Abdol-Hosseini Farmanfarma), Hassan Modarres, Abdol-Hosseini Diba, Mohammad Farkhi Yazdi and Taqi Arani (who contracted typhus while in custody), are all among those who met their death during the reign of the first Pahlavi king. They were all subjected to the wrath of the establishment and so no steps were taken to find their assassins.

However, during the reign of the second Pahlavi king, political assassinations assumed a different form. The administration under Mohammad Reza Shah Pahlavi approached his critics in a different manner. This era resulted in a new form of political assassinations in Iranian society. Ahmad Kasravi was the first victim of this new form of assassination. His criticisms of Shia history did not appeal to the right wing clerics and so on 11 March 1940 the Muslim group, 'Fadaiyan-e Islam' put an end to his life.

¹Maryam Shabani, Tarikh Irani, The Revenge Bullet in the Heart of the Qajar Shah, May 2011 <http://www.tarikhirani.ir/fa/files/16/bodyView/159/>

² Encyclopaedia of Intelligence and Security in Islamic Works and Texts, Imam Hossein University publications, available on-line at: <http://icnc.ir/index.aspx?pid=289&metadatald=545f3a99-bcdf-4331-abf6-21172d98657c>

³ Quran, 5:33, <https://quran.com/5>

With regards to the assassination of author and journalist, Mohammad Massoud in 1948 there are a range of theories and assumptions. Some see his death as another case of assassinated critics and dissents, while others view it as a case of change involving the inner circle.

Following the case of Kasravi, the Fadaiyan-e Islam were responsible for the assassination of two of Iran's Prime Ministers, Abdol-Hossein Hajir in 1949 and Haj Ali Razmara in 1951. During that period 'revolutionary executions' at the hands of this group were plotted and years later, despite the fact that this group was dismantled, laid the foundation for the assassination in 1965 of Hassan-Ali Mansour, another Iranian Prime Minister at the hands of the members of the related group the 'Islamic Coalition'. Although the administration was not behind these acts, they can be considered as influential in the assassinations that took place following the 1979 Islamic revolution.

Post-revolutionary assassinations

Although the judicial system after the revolution did not provide for due process of the law - resulting in the execution of thousands of people, it also led to assassinations beyond Iran's borders. Perhaps the assassination of Shapour Bakhtiar, the last Prime Minister during the Pahlavi era, and the Mykonos group attack are among the most important. The similarities between their cases and the assassinations carried out the generation before by members of the Fadaiyan-e Islam lie in the lack of formal a death sentence or sentence in absentia by the Iranian legal system but which were instead carried out as extra judicial 'revolutionary assassinations'. Since these acts are deemed as 'religious duty', the assassins are venerated by the Islamic Republic administration.

It was during this same era that other terrorist groups opposed to the new regime murdered Islamic Republic officials. However, since the revolution and formation of groups such as the Marxist-Islamic group 'Forqan' and the 'People's Mojahedin-e Khalq (MEK)' claim to be Islamic and accordingly pursued their opposition to the revolutionary and religious authorities in the new administration.

It could be argued that death sentences issued by authorities based on the Islamic charge of 'combatting against God' have often resulted in the demise of the authorities that issue such sentences. Instances include cases as far back as that of the first Shia Imam and as recent as Forqan in relation to the Islamic Republic.

In reality the two sides of the coin are based on the construction of 'the other', a justification of the interpretation used to issue the sentence. Since the basis of the sentence is not 'the law of the land' but religious interpretation and beliefs, the issuing judge does not view himself as a representative of the administration but that of God. Therefore, as seen over the recent years, anyone can place one's self in such position of judgment and call for death in the name of God and Islam.

Assassinations abroad and of dissidents in Iran

As the revolutionary government consolidated its hold on power over time the assassinations carried out abroad came to a halt, leading to new forms of handling the opposition abroad. Assassinations that later became known as 'chain murders, were among these. It is difficult to determine the exact date these murders began to take place but perhaps the 1988 murder of Dr Kazem Sami, the Minister of Health under the leadership of Prime Minister Bazargan was the starting point of the 'chain murder' of dissidents and critics of the Islamic Republic.

It is important to note since the beginning of the IRI the murders were blamed on forces outside the circle forming the state. During his address Akbar Hashemi Rafsanjani, the Chair of the Parliament at the time, stated: 'We strongly ask the intelligence and security forces to investigate this suspicious death, as it appears to stem from evil causes'.

In later years, cultural figures and thinkers became targets, including the case of Ali Akbar Saeidi Sirjani. He was known for his prose and poetry, however, his famous letter to Seyyed Ali Khamenei, the Supreme Leader

⁴ Babak Amir Khosravi, Did the Tudeh Party of Iran play a role in the assassination of Mohammad Massoud Naqshi' by B Rah Avard Monthly, <http://www.rahavard.com/Articles/98-Amirkhosravi.pdf>

⁵ To learn more, please see report on the assassination of the Kurdish dissidents at: Iran Human Rights Documentation Centre, Murder at Mykonos: Anatomy of a Political Assassination, 2007, <http://www.iranhrdc.org/english/publications/reports/3150-murder-at-mykonos-anatomy-of-a-political-assassination.html>

⁶ Official reception for the "champion" in Tehran, and conflict over Bakhtiar's assassin in Paris, Radio Farda, April 2010, http://www.radiofarda.com/a/f2_Iran_received_Vakili_Rad_Bakhtiar_assassin_France_opposition_transparency/2046511.html

⁷ 'Origins of Forqan Group' by Sadigheh Bali Lashke, Tarikh Irani, available online at: <http://tarikhirani.ir/fa/news/17/bodyView/715/>

⁸ Soregh Barasqian, Unlocking Hashemi's Memoirs, , May 2011, <http://tarikhirani.ir/fa/files/3/bodyView/186/>

of the Islamic Republic, began a new chapter in his public popularity.⁹ In his second letter to the Supreme Leader he writes: 'Mr Khamenei, I was saddened to hear your chiding communication read by Mr Saberi¹⁰. Not because I am the subject of the anger of that esteemed authority and his imminent punishment at the hands of the people of Hezbollah, as death in the path of defence of truth is martyrdom and we pray for martyrdom.'

Sirjani was arrested some time later and died in custody within months with no rights to communication or visitation. However, years later, his forced confessions were broadcast as part of the television programme called 'Identity'.

Similar assassinations involving Mohammad Jafar Pooyandeh, Mohammad Mokhtari, Parvaneh Eskandari, Darioush Forouhar and a number of other cultural and political figures continued. Eventually, in a statement issued by the Ministry of Intelligence on 6 January 1999, during the presidency of Seyyed¹¹ Mohammad Khatami, these acts were blamed on a number of 'unknown, deceitful and independent'¹² colleagues in the Ministry.

In addition to their numbers, an important factor regarding the 'chain murders' revolved around their religious nature. In reality, none of the victims were tried in a court of any kind. Based on some of the documents¹³ and admissions of the main culprit in this case - Saeed Emami - all the deaths were carried out following the judgement of apostasy issued by certain Shia clerics. Emami emphasises: 'Although Fallahian was an Islamic jurist, often in sensitive cases he would not personally issue the death sentence against apostates. Instead, he would obtain them from Ayatollahs¹⁴ Khoshvaght, Mesbah, Khazali, Jannati and at times from Hojjatol Islam Mohseni Ejei and hand them to us'.

What happened during this era was an amalgamation of politics, religion and state-sponsored terrorism, where in previous years these would have acted separately and in contradiction of the other. In effect, the Islamic Republic carried out these murders as either execution without due process of law, or an assassination based on religious edict alone.

On the other hand, four decades after the 1979 revolution, the Islamic Revolutionary Courts bear no signs of departure from a political system that stems from revolutionary and illegal processes, and through both obvious and covert manners advances its agenda of extrajudicial killings.

If we look at the definition of execution or extrajudicial killings, as acts 'carried out by or on behalf of government officials in an illegal or independent manner without court order' then we reach a conclusion that resonates with the Islamic Republic's record over the recent years. This includes execution orders issued in unfair trials based on charges of 'apostasy' or assassinations carried out on the grounds of a religious judgement.

Murder of non-Muslims according to Islamic teachings

Ka'ab bin Ashraf was a Jewish poet who wrote critically of the Prophet Mohammad during his early years in Medina, and called on the masses to rise against Islam. In a gathering among his supporters, Mohammad said: 'O Providence, in return for the verses he has written and the troubles he has caused, deal with him as you deem¹⁵ appropriate' and he re-emphasises 'who will rid me of the evil of Ka'ab bin Ashraf who has caused me grief'¹⁶ and so a few days later Mohammad bin Maslama murdered Ka'ab bin Ashraf. In this manner, those who consider themselves as 'representatives of the Hidden Imam' and Islamic rulers see it as their right to issue such calls for murder.

Long after the inception of Islam, based on Khomeini's religious judgment, 'if a Muslim murders a non-believer who does not follow one of the holy books, the Muslim will face¹⁶ no retribution nor is he obliged to pay blood money, either in a Muslim country or in lands of the infidel'. Therefore, following the Islamic

⁹ Saeed Sirjani's letters to Khamenei, : <http://rowshanai.org/articles/nameh.html>

¹⁰ It is believed that the Supreme Leader had contacted Sirjani, using satirist Kiumars Saberi as an intermediary, calling on Sirjani to stop all writing.

¹¹ Hamshahri Newspaper No. 1736, Wednesday 16 Diy 1377/6 January 1996

¹² Patrick Cockburn, Death riddle over Iran's spymaster, June 1999, <http://www.independent.co.uk/news/world/death-riddle-over-irans-spy-master-1101895.html>

¹³ Fallahian served as Minister of Intelligence during the presidency of Akbar Rafsanjani between 1989 and 1997.

¹⁴ A page from a shocking interrogation, Saeed Emami, May 2012, <http://www.rahesabz.net/story/52633/>

¹⁵ The assassination of Kaab bin Ashraf, by Hadi Akbari, Bagherol Oloum Institute Publications available online at: <http://pajoohe.ir/>

¹⁶ Tahrir'ul Vasileh, by Ayatollah Rouhollah Khomeini, Vol. 2, Chapter on Retribution, A discussion on important considerations for retribution, issue 1, <http://ghbook.ir/index.php?name=>

revolution and the new constitution, according to Article 310 the murder of all those who are considered infidels bear no retribution but may incur a fine and blood money.”

In addition, some Shia clerics’s interpretation of verse 89 of the Nisa Surih¹⁸ of the Quran accommodates murder in cases where the victim is deemed as an apostate. However, as previously mentioned, this is not done through legal channels. Nasser Makarem Shirazi’s interpretation clarifies:

...this holy verse following its previous verse refers to those apostates whom some naïve Muslims supported and interceded for, whereas the Quran separates them from Islam ... do not befriend them unless they reconsider their position and stop destruction and discord, and that will manifest itself in their decision to part with the heart of corruption and accept the heart of Islam. However, if they decide not to depart, then know that they have not parted ways with corruption and discord and their adherence to Islam is a means of espionage, and so wherever you may find them, capture them and where necessary, kill them’.

Based on such interpretation, following the murder of Farhang Amiri, an Iranian Baha’i resident of Yazd ‘the murderers admitted that solely based on religious beliefs they committed such a violent act, as Mr Amiri was a Baha’i and Baha’is are deemed as unbelievers. They referred to a verse of the Quran, without the ability to identify which verse, committed this act based on their aim to kill a Baha’i, no matter who it may be.’²⁰

Under such circumstances, the body of Islamic jurisprudence laws and the Islamic Republic Penal Code (approved by the Islamic Republic of Iran) accommodates those who, even without an official sentence issued by a judge, and solely based on personal judgement commit murder against those whom they believe to be an unbeliever, by allocating a fine.²¹ Such laws not only lay the ground for extrajudicial killings but also provides legal protection for the murderer.

¹⁷ Article 310, exemptions 1 and 2 in the Islamic Republic Penal Code, approved in April 2013 ,<http://www.ekhtebare.com/>

¹⁸ Quran, 4:89, <https://quran.com/4/89>

¹⁹ Exemplary Interpretation (Tafsir-e Nemouneh), by Makarem Shirazi, Dar’ul Kotub Al-Eslamiyeh Publications, Vol. 4, Tehran, P. 77

²⁰ Full Details of the Grounds for the Religiously-motivated Murder of Farhang Amiri, Baha’I News, October 2016, <http://www.bahainews.today/index.php/news-1/featured/item/906-farhang-amiri-bahai-yazd>

²¹ For further details refer to Dr Kiumars Kalantary, First Degree Murder of a Non-Muslim in Iranian and Islamic Penal Laws, Journal of Rights, Vol. 13, No. 32