

Judiciary the arm of a secret government

Tehran Goonagoon in Persian 13 Jul 00 1, Goonagoon, No 4

[Hamid Reza Jala'ipur: A secret government: What is the significance of changing "street violence" to "legal punishment"?)

After the end of the [Iran-Iraq] war, one of the methods used by the [government] opponents to block reforms was to support violence-seeking individuals or cabals that attacked bookshops, cinemas, lectures and legal gatherings in the name of supporting Islam, the revolution and the blood of the martyrs. These violent acts reached a level that at times they resulted in the killing of those who had different views or the assassination of reformist figures.

Nevertheless, it seems that apparently after the attack on the university dormitory, and especially after the assassination attempt on the life of [Sa'id] Hajjarian, the pressure groups are not as active in the streets as they were in the past. However, instead of street violence, we are seeing the use of legal power by a small number of people inside the judiciary against the reformers. For instance, 19 newspapers and weeklies with a circulation of more than one million were banned at a blow. Second Khordad activists are being arrested one after another, or are awaiting arrest. In the case of the investigation of the attack on the university dormitory, after a whole year, it is still not clear who was responsible for that "crime", and most of the accused have been found not guilty.

Therefore, if we accept that the violence-seeking street rioters and those who support them have been brought under control (of course there is still no guarantee that these groups will not be reactivated again), and if we accept that from now on all the measures [against the reformers] will be taken by the judiciary, in that case what will be the significance of this change of tactics from "street violence" to "legal punishments" (or in the words of Max Weber legal or state violence)?

Investigating this question is the aim of this article.

It could be said that changing "street violence" to "legal punishments" is a sign of the strengthening of the role of "modern government" in Iran. One of the characteristics of a modern government is that the government must be the only legitimate organization for exercising power (or legal violence) in the society, and that no individual or group will be entitled to directly exercise power (or violence). Therefore, under the present circumstances when it has been decided to deal with the newspapers and reformist activists and to put them in their place through the judiciary, which is one of the pillars of the government (in its more general meaning), there is no room left for complaint or anxiety, because these actions have been taken by a government organization, and not by street gangs. In other words, these actions represent the implementation of government rule that is being exercised through the judiciary. Therefore, these measures represent the exercise of legal power, not illegal violence.

As a critique of the above view, it should be said that the fact that "street violence" has been stopped for the time being for whatever reason is a positive development. However, the way that the judiciary is dealing with the newspapers and the reformist activists is not the sign of strengthening

the characteristics of a "modern government". Here we put forward only one argument, namely that in a modern government, the judiciary implements government sovereignty (or punishment) in an "impersonal" manner.

The fact that a "small clique" inside the judiciary gets together and analyzes the situation according to its own ideas and whims, and decides that the government and the system are endangered, and then makes use of legal means, sends some people to jail and closes down the newspapers, such behavior is not an "impersonal" behavior. An "impersonal" judicial behavior would mean that the process of making a complaint, and passing judgement on all individuals, groups and organizations would not be subjected to the wishes of an individual or a small group.

Under the circumstances when a group of people can complain more easily than others, and when the judges deal with their complaints faster and better than with other complaints, all these indicate a personal judicial process. Under an impersonal judicial process, everyone -- even a murderer and a criminal -- will be allowed to demand his or her rights, and the judiciary will also be answerable. However, at present, the situation is quite different. For instance, for more than two months about 2,000 staff of the newspapers that have been closed down -- and not the murderers -- have lost their jobs. More than one million people have been denied their basic right, which is to read the newspaper of their choice. However, the judiciary does not provide any answers to these complaints. Therefore, it cannot be claimed that these judicial measures and punishments are the signs of the strengthening of the characteristics of a "modern government". In a modern government, the process of government activities and behavior is a two-way process, not a one-way traffic.

Now, if we cannot attribute such "measures" to a modern government, to what organization can they be attributed? These activities can be attributed to an organization called "secret government". The term secret government can be applied to a section of the government whose behavior is one-sided (dictatorial), that is not responsive and that hides itself behind the official government (in this case behind the judiciary), and carries out its activities under that cover. In other words, secret government implies the activities of a "small group" that "takes action" on the basis of its own analysis and its own whims, by making use of government means and tools.

Of course, in the current literature of the Second Khordad reformers, such groups are described as "power Mafia" or "extremist right", but these two terms are not very accurate. The term "power Mafia" is not accurate because it indicates the dictatorial, secret and one-sided activities of a small group of people who have no access to governmental facilities, but receive their support from economic and social networks outside government circles. Also the term "extremist right" is not very accurate, because although these groups act in an irresponsible manner, they do not enjoy governmental support either. They normally act as the foot soldiers of some power-seeking groups that do not believe in the rules and principles of civil society. Consequently, it would be more accurate to attribute recent events to a "small secret

government".

The fact that a "secret government" can still be active in our society means that there is still a big gap between the behavior of our government and a modern government. (Of course, the existence of a secret government alongside the open government has been one of the negative characteristics of the structure of government in contemporary Iran. This is why it has been said that during the past one hundred years Iran has been suffering from the "crisis of a modern government").

This is due to the fact that, as we pointed out, a small but powerful and irresponsible group can exercise power alongside the official government, and it can distort the principle of "the sole power of a modern government".

The existence of this "government within a

government", and the unanswerable nature of the secret government, reveals the importance and the serious nature of one of the goals of the Second Khordad Movement to make the entire governmental apparatus answerable [to the people]. If we did not have such difficulties in our country, there would have been no need for the Second Khordad Movement with its aim of making the government answerable to come into being. (In the modern society whose main characteristic is the "transparency" of relationships, it is in the collective interest of all those who are in some way involved in the secret government to try to act within the context of the open government. They must be answerable and must not swim against the tide, because if they continue to do so one day they will be very tired).

Confessions on Conservative Conspiracy

London Al-Sharq al-Awsat in Arabic 16 Jun 00 P 2

[Report by Ali Nuri Zadeh on Confessions Pertaining to the Anti-Khatami Conspiracy by the Conservatives]

[FBIS Translated Text] It is not important whether the newspaper you read in Tehran these days is a reformist or conservative newspaper, liberal or extremist. What is important is that all Iranian newspapers have become an instrument of propaganda for the Al-Sharq al-Awsat. Whatever the Al-Sharq al-Awsat publishes about Iran quickly finds its place on the front pages of the Iranian newspapers, not in Tehran only, but also in Mashhad, Asfahan, Shiraz, Zaghban and other cities where local newspapers are published alongside the major national newspapers.

Last week, the Al-Sharq al-Awsat published the confessions of Amir Firshad Ibrahim, one of the leaders of the "Ansar Hizbollah" organization and leader of the Islamic Union of Hizbollah Students in the Middle East. The confessions included serious information about the role of Ali Akbar Hashemi Rafsanjani, head of the Expediency Discernment Council and former president, in the creation and funding of the Ansar Hizbollah organization at the beginning of its activities. The confessions also revealed the collaboration of conservative religious and political figures against the regime of President Mohammed Khatami and his program to reform the regime and to promote liberties. According to the confessions, secret plans have been formulated to end the role of Khatami and to stop the democratic process one day after these confessions were published by the Al-Sharq al-Awsat.

The independent news agency of the students in Tehran [ISNA] carried a translation from Persian of the confessions made by Ibrahim. Meanwhile, the reformist newspaper Bayan published the ISNA report along with excerpts of the report published by the Al-Sharq al-Awsat. The conservative newspapers that are close to the leaders of the anti-Khatami and anti-reformist front viewed the report published by the Al-Sharq al-Awsat from a different perspective.

Ibrahim disclosed in his confession the role played by Hoseyn Sheykhholeslam Shari'atmadari, manager of Kayhan newspaper in the operations and activities carried out against President Khatami and his supporters. Shari'atmadari accused the Al-Sharq al-Awsat that it has become a base of anti-revolutionary propaganda and an instrument seeking to undermine the sacred principles of the Velayat e-Faqih.

Ibrahim said in his confessions that Askar Awladi was the chief editor, manager and main financier of the newspaper Resalat. Askar is the leader of the anti-Khatami Islamic Mu'talafah Society. The society is part of the group of conspirators against President Khatami. Resalat newspaper launched a strong attack on the Al-

Sharq al-Awsat and the circles close to President Khatami accusing these circles of leaking sensitive information involving government secrets to the Al-Sharq al-Awsat.

Resalat also published interviews with men referred to in Ibrahim's confessions, such as Askar Awladi, Badametsian, Mar'ashi, Bahoner, and others. The interviews included attacks on the reformists and accused them of fabricating the tape about Ibrahim's confessions and leaking it to the Al-Sharq al-Awsat. Resalat newspaper requested that the government open investigation by the judiciary to determine the "traitors" who leaked government secrets to the Al-Sharq al-Awsat.

Ibrahim disappeared after he had learned that his confessions were published by the Al-Sharq al-Awsat. It has been learned that he was given guarantees by the judiciary authorities and the security service that he would not be pursued. Nevertheless, a group of security service men stormed his hideout last weekend and arrested him after midnight.

According to the Tehran sources of the Al-Sharq al-Awsat, Ibrahim was expecting his arrest sooner or later. Ibrahim managed through one of the activists of the student movement in Iran, who recently left Iran, to send an extensive file containing confirmed documents and papers supporting his confessions concerning the relations between former Intelligence Minister Ali Fallahian-Kuzestani, his deputy Saeed Imami and Mustafa Bur Mohammadi on the one hand, and conservative anti-Khatami, anti-reformist clerics, such as Ahmad Janti, Misbah Yezdi and Mohammed Yezdi, on the other. According to the confessions, these two parties cooperated to finance and encourage Hizbollah to carry out acts of disturbances and to foment public disorder during the student meetings. The file also contained documents revealing the secrets and circumstances of the political assassinations that claimed the lives of a number of the most prominent writers and intellectuals, including the attempt on the life of former Interior Minister Abdollah Nur and Dr. Saeed Hajjarian, counsel to President Khatami and member of the Municipal Council of the city of Tehran.

Ali Zadeh, the Chief of the Judiciary Department at Tehran, confirmed in a news conference that Ibrahim had been arrested. He said that he had listened to the video tape which includes his confessions. He explained that since Ibrahim accuses in the video tape some figures and circles of conspiring against the government, he has ordered a thorough and delicate investigation of the matter. He asserted that if the claims by Ibrahim were proven to be true, then the matter would be looked into officially and the defendants would be tried. He said this, of course, would entail that Ibrahim also be referred to court for trial.

[Description of Source: Influential Saudi-owned London daily providing independent coverage of Arab and international issues; editorials reflect official Saudi views on foreign policy]

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