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THE REVOLUTIONARY COURTS IN IRAN: LEGALITY AND POLITICAL MANIPULATION

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Following the victory of the French Revolution, the revolutionaries established special courts, the Revolutionary Tribunal. The Tribunal tried and criminalized political offenders and anyone that defied the revolution, preventing its objectives and pillars from being consolidated. Many countries have followed France to consolidate their revolutions and coups by introducing a plethora of courts such as security courts, revolutionary courts, emergency courts, Islamic courts, people's courts, exceptional courts, extraordinary courts, and others that have the same objective. These names came to distinguish them from specialized courts, that are assigned to handle certain crimes or prosecute certain categories of the accused.⁽¹⁾

A majority of revolutionary courts have a number of similarities. They lack basic legal rules for a fair trial. They do not grant the accused the right to defend himself or to appoint a lawyer to defend him. The trials are speedy and there is no detailed hearing of the offense nor the charge. The revolutionary courts aim to hasten trials for attaining two goals: first, to satisfy the thirst for revolutionary revenge, and second, to purge symbols, as well as, loyalists of the former regime who could resist the trajectory of the revolution.⁽²⁾ This is the case with Iran's revolutionary courts, that executed hundreds, particularly targeting former Shah officials, mostly senior officials, officers and soldiers of the army and intelligence services.

Jurists are almost unanimous that specialized courts have a specific jurisdiction, in respect to their focus and the special legal rules that justify their establishment. This is in contrast to judges in general jurisdiction courts, whose caseloads span broad areas of the law and are considered as generalists. Jurists believe that a country's constitution should stipulate that specialised courts fall within the scope of general jurisdiction.⁽³⁾

For example a Children's Court, specializes in child crimes but is essentially a branch of a country's general courts. On the contrary, special criminal tribunals such as Iran's revolutionary courts do not fall within the remit of general courts, and they have the power to decide all crimes, even those that are not expressed by law and do not fall into their jurisdiction.⁽⁴⁾ Special courts are temporary and arise due to certain circumstances to try a special category of the accused.⁽⁵⁾

This study, deals with Iran's revolutionary courts, and will attempt to provide answers to a range of questions concerning the causes that led to them, their nature and legitimacy (not provided for in Iran's constitution), as well as, their broad powers, and the most significant trials and executions carried out since 1979 until 2017. Also, the criticisms leveled at them will be discussed.

The study's hypothesis is that these courts have evolved from a tool to try those who committed crimes (before and during the 1979 revolution), as well as, those who threatened Iran's national to a tool used to consolidate the power of the Iranian regime and to purge its opponents. The study is based on the continuation of these courts, despite the Islamic Revolution Council, founded by Ayatollah Khomeini a few days before the 1979 revolution asserting, that the revolutionary courts were exceptional and temporary.

First: the revolutionary courts- their origins, structure and jurisdiction

The origins, structure and jurisdiction of special courts vary from one country to another. For example, the Japanese Constitution, Article 76, categorically prohibits these type of courts. Whereas, other countries such as China set up these type of courts as part of the government's power. But most countries in the world, such as France, require their respective constitutions to legally justify such courts. The Iranian constitution does not address revolutionary courts nor their jurisdiction.⁽⁶⁾

1- Origins and structure

The Islamic Revolutionary Courts were established by the Iranian regime in February 1979, days after the revolution on the directive of Ayatollah Khomeini. They aimed to try the Shah's officials and purge the system of those responsible for looting the nation's resources and destroying its economy.

Khomeini, assigned Sadeq Khalkhali to establish the courts and he was appointed as their head. He became known as the Red Judge or the butcher of the revolution because of the large number of death sentences he issued against opponents of the revolutionary regime.

The law concerning these courts, adopted by the Revolutionary Council in early April 1979, stipulated that they should be dissolved after a temporary period. However, they turned into permanent courts and became an integral part of the judiciary, after the Supreme Judicial Council

passed the Law on Limits of Choices and Powers of Revolutionary Courts and Their Prosecutions in 1983.⁽⁷⁾

As to their structure, the revolutionary courts have their own powers and do not operate with a panel of judges, as is found in general courts. Each court has only one judge to rule on all cases brought before him⁽⁸⁾ despite the gravity and sensitivity of the charge that could warrant a capital punishment. The evidence is not disclosed, and its rulings cannot be appealed.⁽⁹⁾

However, the head of the Supreme Court or top prosecutor may revoke the decisions of the Revolutionary Court judges if they are contrary to Iran's law and Sharia or if the judge who rendered the judgment is deemed not to be appropriately qualified. The Revolutionary Court's ruling on drug offenses shall be final and binding if it is approved by the head of the Supreme Court or the Attorney General of the State.⁽¹⁰⁾

Unlike general courts that can arise in all cities, Revolutionary Courts exist only in provincial districts, in addition to some cities that the judiciary deems important for such courts. If the crime is in an area far from the provincial capital, then the accused must be sent to the nearest Revolutionary Court.⁽¹¹⁾

2- The constitutional dilemma

The Revolutionary Courts were established beyond the remit of Iran's constitution surpassing the power of general courts. They evolved from a tool to try the Shah's officials, who were accused of crimes before and during the 1979 revolution, to a tool to try all those who threatened Iran's national security and opposed the revolutionary regime and its policies.

The Revolutionary Courts longevity, and their expanding powers, have raised a number of questions, such as: What is the philosophy allowing these courts to persist to this day? Why does the constitution not cater for them? and Do these courts require the constitution to legally justify them?

The Revolutionary Islamic Council, classified the Revolutionary Courts as exceptional courts with the aim of considering crimes and counter-revolutionary practices.⁽¹²⁾ Article 16 of the Extraordinary Courts Law and Article 3 of the General Rules of Revolutionary Courts and Affiliated Prosecutions Law, issued in 1989, expressed that the revolutionary courts were temporary and not permanent. The revolutionary courts were believed to be temporary until 1983 when a list defining the powers of the revolutionary courts and the public prosecutors' offices was issued. It did not mention the permanent or temporary nature of the revolutionary courts, rather the regulations stipulated considered them to be part of the judicial system.⁽¹³⁾ The Revolutionary Courts remained exceptional and temporary until issuing the 1994 Law known as the Law on the Formation of General and Revolutionary Courts.⁽¹⁴⁾ Under this law, the structure of these courts was changed, for them to become part of the judicial system. The remit of the general courts was also determined. They shall hear all cases except those that fall in the jurisdiction of the revolutionary courts.

The regulation of the revolutionary courts disclosed the regime's intention to keep them in place. The aim is to guard the revolution, protect its men, maintain its principles and values.⁽¹⁵⁾ This is confirmed by the Supreme Leaders belief that the revolution is perpetual, with the regime being consistently exposed to many dangers. Revolutionary courts are permanent and they will continue as long as the regime is in power.⁽¹⁶⁾

3- Jurisdiction and powers

Following the trial and prosecution of the Shah's officials, the jurisdiction and powers of the revolutionary courts expanded to include the following:

A- Insulting the founder of the revolution Ayatollah Khomeini and any Supreme Leader that may follow;

- B- conspiring against the regime, staging armed attacks or assassinating officials;
- C- espionage against the regime;
- D- all smuggling and drug crimes;
- E- all crimes threatening national security and inciting sedition.

F- and all the aforementioned are stipulated in Article 49 of the constitution, that states, "The government has the responsibility of confiscating all wealth accumulated through usury, usurpation, bribery, embezzlement, theft, gambling, misuse of endowments, misuse of government contracts and transactions, the sale of uncultivated lands and other resources subject to public ownership, the operation of centres of corruption, and other illicit means and sources, and restoring it to its legitimate owner; and if no such owner can be identified, it must be entrusted to the public treasury. This rule must be executed by the government with due care, after investigation and furnishing necessary evidence in accordance with the law of Islam."⁽¹⁷⁾

In addition to the above-mentioned cases, the revolutionary courts can rule on other matters such as:⁽¹⁸⁾

- Crimes committed by those spreading mischief on the earth. These crimes are stipulated in Article 526 of the Islamic Penal Code, such as forging local and foreign currencies, as well as, bank documents to harm the country's economic, political or social security.
- Another type of crime that falls in the jurisdiction of general courts, but if proved the accused would be tried in revolutionary courts. Such crimes include enmity against God, attempts to assassinate the Supreme Leader and the heads of the three branches of government, as well as, senior Shiite clerics. The Supreme Court's panel added other offenses to the jurisdiction of revolutionary courts, namely armed robbers breaking into private houses at night, and the use of violence and threats to steal a person's money.⁽¹⁹⁾

4- Conflicting powers and overlapping jurisdictions

Many jurisdictions and powers of courts overlap with one another, because of the multiplicity of courts and some of their powers being granted to other courts, as well as, special courts, being bestowed with broad powers. The powers and jurisdictions of Revolutionary Courts overlap with other courts such as the Children's Court and the Clerics Court.

A- The Clerics Court

The rules and laws regulating them were approved in 1990. They were dedicated to preserving the position and stature of clerics, as well as, punishing clerics who committed certain crimes, especially those opposing the regime. Since their approval, these courts have sentenced more than 600 clerics to death, stripped 2,000 of them of their religious rank, and issued various other rulings against approximately 4,000 clerics, as well as, confiscated and banned the publication of books by leading Shiite religious clerics such as Hussein Ali Montazeri, Salehi Najafabadi and Azari Qomi.⁽²⁰⁾

This court – like the Revolutionary Courts - was not approved by Iran's Constitution, but by analyzing its powers and jurisdictions it becomes clear that some of the powers granted to them fall within the jurisdiction of the revolutionary courts. For example, a question that has always popped in the minds of many is if a cleric commits one of the offenses set forth in article 5 of the Law on the Establishment of Public and Revolutionary Courts issued in 1994, which court will try him? the Clerics Court or the revolutionary courts?

On the one hand, the Clerics Court has the right to try the clergy who are accused of committing certain crimes. On the other hand, these crimes may fall in the jurisdiction of the revolutionary courts. However, all the crimes committed by the clergy and even the crimes that fall in the jurisdiction of the Revolutionary Courts will appear to be adjudicated in the Clerics' Court. As long as the accused is a cleric with special sanctity under the Iranian regime, the revolutionary courts will not be allowed to try him.⁽²¹⁾

B- Child Courts

Article 304 of the Code of Criminal Procedure, ratified in 2013, affirms that the Children's Court is entitled to adjudicate all crimes committed by individuals under the age of 18 years. On the other hand, article 303 of the Code of Criminal Procedure states that revolutionary courts are responsible for issuing the necessary sentences for crimes threatening domestic and external security such as enmity against God, spreading mischief on the earth, conspiring against the country, using weapons, vandalizing properties with the aim of destabilizing the regime, defaming the founder of the regime Ayatollah Khomeini and the incumbent Supreme Leader Ali Khamenei, as well as, all the crimes pertaining to smuggling drugs and weapons. Referring to articles 303 and 304, the following question arises: If a child commits an offense that threatens the national security of the country, in which court will he be tried? The Children's Court or the Revolutionary Court?⁽²²⁾

Second: the role of revolutionary courts in Iran

Revolutionary courts have been playing a prominent role in Iran since the revolution. This role can be seen by looking back at its trials:

1- Executing and hunting down the Shah regime's figures

Following the victory of the revolution in 1979, the Revolutionary Courts arose and spread across the country. In cooperation with revolutionary institutions such as the Revolutionary Guard and the Revolutionary Committees, they took the task of tracking, arresting and prosecuting officials of the former regime.⁽²³⁾ They executed hundreds of former officials of the Shah's regime, most of them were senior officials, including the former Prime Minister Amir Abbas Hwaida. He was executed in April 1979 on multiple charges, including spreading corruption on the earth, betraying the people and involvement in spying for Western countries.⁽²⁴⁾ They also tried senior generals of the Iranian army under the Shah, accused of participating in the killing and suppression of citizens who participated in pro-revolutionary demonstrations, namely Maj. Gen. Mahdi Rahimi, former military commander of the capital Tehran, General Reza Naji, former commander of the Air Force, General Manuchehr Khosrodad, the military commander of the city of Isfahan, Reza Naji, and General Nematollah Nassiri, former commander of the Iranian Security and Intelligence Service (SAVAK).⁽²⁵⁾

Only one month after the victory of the revolution, the number of generals executed exceeded 30 generals, and the total number of people who were punished during the first year of the revolution, through execution, forced retirement or by fleeing the country, neared 10,000 people.⁽²⁶⁾

The total number of executions ordered by the head of the courts, Sadeq Khalkhali, from February 1979 to November of the same year, was approximately 550. These executions were carried out with the defendants not having the right to appoint defense lawyers.⁽²⁷⁾

The Revolutionary Court issued death sentences in absentia against Shah Mohammad Reza Pahlavi and a number of his ministers and senior commanders of SAVAK who managed to flee the country.⁽²⁸⁾

2- Shiraz executions

On 3 July 1979, Khalkhali issued a decree in the city of Shiraz to execute 14 drug traffickers and a number of those accused of committing crimes under the Shah and during the revolution. They were 24 people, 16 of whom were sentenced to death, but the sentences of two of them were commuted to life imprisonment. Among those executed was a woman arrested on the same day of the trials and did not have a file in court, but Khalkhali ordered her arrest and she was sentenced to death within an hour.⁽²⁹⁾

3- Kurdistan executions

After the victory of the revolution and the fall of the Shah in 1979, the areas inhabited by ethnic minorities in the regions of Kurdistan, Ahvaz, Sistan and Baluchistan, saw uprisings demanding autonomy, such as in Kurdistan and Ahvaz.

Immediately after the revolution, leaders of a number of Kurdish parties, such as the Kurdistan Democratic Party (KDP) led by Abdul Rahman Ghassemlou and the Komala party (Iranian Kurdistan Organisation of the Communist Party), demanded autonomy for the Kurds in Iran, but the leaders of the new regime strongly rejected their request. This forced the Kurds to seize the camps of the Iranian army in the city of Mahabad, and Sanandaj. These cities witnessed violent clashes with the army, where hundreds were killed and wounded.

Fighting continued between the Kurds and the government's forces until the Islamic Revolutionary Guards Corps (IRGC) and the government's forces were besieged in the Paveh area. This angered Khomeini and he issued a fatwa against the Kurds ordering the government's forces to move towards Paveh with all their equipment to end what he called a Kurdish plot.⁽³⁰⁾

After the mutiny was quelled in Paveh, the government's forces backed by the Revolutionary Guards managed to gain control of Mahabad and the rest of the Kurdish areas.

After that, the head of the Revolutionary Courts Khalkhali traveled to Paveh to investigate what had happened in this region and then he ordered a series of arrests against those accused of participating in uprising, as well as, those sympathizing with them. Shortly afterwards, he issued speedy death verdicts against dozens of those who partook in the uprising.

4- Ahvaz executions

The Ahvaz organizations and parties that have demanded autonomy date back to the pre-Iranian revolution period. These organizations were secretly active during the era of Shah Reza Pahlavi and then the era of his son Mohammad Reza Pahlavi. After the victory of the revolution in 1979, these organizations demanded autonomy in the Arab-dominated region of Ahwaz. However, the Revolutionary Council issued a decree ordering the dissolution of all Arab organizations and parties. After clashes arose between the IRGC and armed Arab groups in the Ahwaz regions, the Revolutionary Council ordered the disarming of these groups. However, the armed groups refused to hand over their weapons. This led to bloody clashes between them and the IRGC on May 19, 1979, known as Black Wednesday, which claimed the lives of hundreds of Ahwazi people. Some of the sources estimated that 700 people⁽³¹⁾ were killed by mass executions in the city of Muhammara after Khalkhali and General Ahmad Madani ordered the popular liberation revolution to be suppressed. About three months after, the stadium of Khafaji witnessed the execution of approximately 300 members of the Ahwaz Liberation Army and some Arab tribal sheikhs who supported the rebels demanding autonomy.⁽³²⁾

5- Executions against dissidents in 1988

In the early 1980s, the Iranian regime faced strong opposition and armed resistance from the People's Mojahedin Organisation of Iran (PMOI) and left-wing anti-regime organizations, but the regime's response was strong. Thousands were arrested and imprisoned. In the summer of 1981, the PMOI engaged in armed insurgency against the police force and supporters of the regime. It was accused of carrying out several bombings, including the bombing of the headquarters of the Islamic Republic Party on 28 June 1981, famously known as the Haft-e Tir bombing, the seventh of the month of Tir in the Iranian calendar. It killed 72 people who were senior leaders and officials of the regime, including the head of the judiciary, Mohammad Beheshti.⁽³³⁾

A day before the Islamic Republic party headquarters was bombed, on June 27, 1981, Ali Khamenei survived an assassination attempt after a bomb exploded during his sermon at the

Abuzar Mosque in Tehran. As a result of this explosion Khomeini, who was then Khomeini's representative in the Supreme Council of Defense was seriously injured and his right hand was paralyzed.⁽³⁴⁾ The Furqan Group was blamed for the blast.⁽³⁵⁾

Assassinations targeting senior officials continued. About two months after the bombings of in the month of Tir, another explosion occurred in the Prime Minister's Office that killed President Mohammad-Ali Rajai and Prime Minister Mohammad Javad Bahonar. One of the members of PMOI, named Masoud Kashmiri, was accused of carrying out the attack.⁽³⁶⁾ The Iranian regime responded to these bombings and string of assassinations. Many members of the PMOI and other left-wing groups were arrested and faced trial.

The PMOI continued to oppose the Iranian regime after it had been banned in Iran and thousands of its leaders fled to Iraq. While in Iraq, the group carried out armed attacks on the northern, southern and western borders of Iran. The operation was dubbed 'Dawn of the Immortals'. During that operation, the group took control of two border areas. But the Iranian regime's forces managed to stop the group's advances, arresting many of its members. After group's seizure of some border areas increased, some parties supportive of the group declared disobedience, engaging in clashes with the government forces. Many were killed and others arrested.⁽³⁷⁾

After the end of the operation, Khomeini issued a secret fatwa saying,

The hypocrites (PMOI) are traitors, they do not believe in Islam at all, and all they propose stems from slyness and hypocrisy. He added their leaders and masters admitted that they are apostates. As the organization waged a military war against the regime in the northern, western and southern borders of the country, in addition to their cooperation with the Baath Party and Saddam Hussein, and spying on Iran and their connection with the arrogant countries, all the members of this organization who are imprisoned and still insist on their principles are committing enmity against God and must be executed. The decree will be issued through the majority of the opinions of the judge of Sharia, Hussein Ali Neri and the Prosecutor General Morteza Eshraghi in addition to a representative from the Ministry of Security. It will be more prudent if consensus on these decrees is secured. Thus, for the prisons of the provinces, opinion is considered in this regard through the majority of the votes of the judge, the prosecutor of Tehran and the representative of the Ministry of Security. The Islamic firmness towards the enemies of God is one of the issues in which there is no room for hesitation. I hope that you will receive the satisfaction of Allah by demonstrating (your revolutionary anger and hatred towards enemies of Islam. And the officials should not hesitate to uphold rulings and to be tough towards the disbeliever since hesitating in the issues related to the revolutionary Islam is disregard for the blood of the martyrs.⁽³⁸⁾

This fatwa provided a legal cover and conferred legitimacy on the execution of political prisoners. As soon as the fatwa was issued, the committee known as the death committee began forming committees to carry out trials and executions in Tehran and other governorates.

The death squad began its executions on 19 July 1988 and lasted for five months, during which thousands of political prisoners were executed throughout Iran. Most of those executed were members of the PMOI classified by the regime as a terrorist organization. Its members were accused of carrying out a number of assassinations and planning others. A number of members of other movements, such as the Fedayeen and the Tudeh Party of Iran, were executed.

Amnesty International has registered the names of more than 4,482 prisoners who disappeared during that period, while the exact number of those sentenced to death remains controversial.⁽³⁹⁾ But the Iranian opposition continues to report that those who were killed are far more than what has been reported.

In 1999 the PMOI issued a book containing the names of 20,000 who were executed in 1988.⁽⁴⁰⁾ But in 2016 the leaks of the Shiite cleric Hussein Ali Montazeri indicated they were more than 20,000. Later, the organization announced that the executions amounted to approximately 30,000 people.⁽⁴¹⁾

The extent of the executions, which are still continuing to this day, led Hussein Ali Montazeri, to send a letter to Khomeini in which he criticized the executions and the way they were upheld. The letter led to the ouster of Hussein Ali Montazeri as Khomeini's deputy. He was locked up in his house under house arrest until his death in December 2009.

In 2016, the issue of the 1988 executions took on new dimensions in Iran when the son of Hussein Montazeri (Ahmed) published an audio recording of his father on his meeting with members of Khomeini's death committee tasked with trying political opponents. The meeting included Hussain Ali Neri, who was then the legal governor of Evin Prison. In addition, Iran's prosecutor general, Morteza Eshraghi, his deputy Ebrahim Raisi and the representative of the Ministry of Security Mostafa Pourmohammadi were present at the meeting.⁽⁴²⁾

This recording, which revealed new aspects of the political executions in 1988, stirred up widespread controversy in Iranian circles, to the extent that the Ministry of Intelligence pressured Montazeri's office to remove the file from its website.⁽⁴³⁾

The Clerics Court sentenced the son of Montazeri, Ahmed, to six years in prison for conspiring against national security, weakening the revolution, defending hypocrites (referring to PMOI), inciting against the regime and publishing secret documents. He was released after mediation from one of Iran's clerics and the approval of the Supreme Leader Ali Khamenei and under a written pledge by Ahmed Montazeri not to carry out any practices that threaten the national security of the country.⁽⁴⁴⁾

6- Trials following the Green Movement episode in 2009

The announcement that Mahmoud Ahmadinejad won a second term in the June 2009 elections sparked a major controversy in the Iranian arena after the regime had been accused of rigging those elections in favor of Ahmadinejad. The announcement came after he contested a runoff round against the reformist candidate Mir-Hossein Mousavi who rejected the results and accused the regime of manipulating them. The charges were followed by mass protests in a number of major cities such as Tehran, Isfahan and Shiraz, denouncing the election results. The security forces, the Revolutionary Guards and the Basij faced these protests by force and arrested hundreds of reformists and journalists. They were accused of collaborating with the Western powers and the enemies of the revolution, as well as, planning a velvet revolution against the Iranian regime. During the clashes, a number of people were killed and wounded.

In August and September 2009, the Revolutionary Courts conducted a series of televised show trials of more than 250 prominent demonstrators, journalists, human rights defenders and a number of reformist politicians.⁽⁴⁵⁾ Some of these trials were broadcast on state television, particularly those of key reformist figures who had occupied senior positions within the regime such as Behzad Nabawi, a senior member of the Mujahideen of the Islamic Revolution, who had served as the minister of heavy industries in the government of Mir-Hossein Mousavi.⁽⁴⁶⁾ This is in addition to Ramadan Abdullah, the former spokesman for the government of Mohammad Khatami; Mohammad Ali Abtahi, the former vice president under Mohammad Khatami; Saeed Hajjarian, a member of the Central Council of the Association of Combatant Clerics, a reformist theoretician and a member of the Reformist Participation Front; Mohsen Mirdamadi, the Chairman of the National Security and Foreign Policy Committee of the Iranian Parliament; Mohsen Safaei Farahani and Mostafa Tajzadeh, two prominent members of the Reformist Participation Front Mohsen, as well as prominent reformists Fayadhallah Arab Sarkhi, Mohammad Atrianfar and Mohsen Aminzadeh.⁽⁴⁷⁾

However, the real trials were secret and were held behind the closed doors of the revolutionary courts. The majority of the defendants were sentenced to four to five and six years in jail.⁽⁴⁸⁾ In the period between November 2009 and May 2010, nine political prisoners were executed, while four detainees died after being tortured at the Kahrizak detention center for political prisoners.⁽⁴⁹⁾

However, the judiciary confirmed that a number of executions in that period were connected with the events that followed the controversial 2009 presidential elections.⁽⁵⁰⁾

These trials witnessed confessions from a number of defendants, the most important of which was the confessions of Mohammad Abtahi, the former vice-president under Mohammad Khatami, in which he said that the subject of election fraud was a lie to provoke the Iranian street. He accused Rafsanjani of seeking to settle old scores with Mahmoud Ahmadinejad. He blasted Khatami for picking Moussavi as a candidate for the reformists in the elections.⁽⁵¹⁾ However, Mohammad Khatami responded to these confessions by stating that they were illegal and described the trials as a charade.⁽⁵²⁾

Iranian lawyers have repeatedly criticized these trials, as defense lawyers were not informed, and defendants were required to wear prisoners' clothes, which is contrary to international laws and norms when it comes to the trial of political prisoners. Also, despite the announcement that the trials would be public, journalists, families of the accused, and the jury were absent.⁽⁵³⁾

7- Executions from 2010 to 2017

According to the statistics of the Iranian Human Rights Organization, the revolutionary courts are responsible for most of the executions in Iran from 2010 to 2016. The last comprehensive report prepared by the organization showed that the revolutionary courts carried out 3210 executions out of a total of 4741 executions, or 68% of all executions carried out between 2010 and 2016.⁽⁵⁴⁾ In 2017, executions by revolutionary courts amounted to 254 out of a total of 517, or 49 per cent of the total of 2017, the only time in which the executions of the revolutionary courts had declined, albeit slightly.⁽⁵⁵⁾

The following table shows that the executions carried out by the revolutionary courts during the period 2010 to 2017 were more than the executions carried out by the rest of the criminal courts.⁽⁵⁶⁾

Year	Executions by revolutionary courts	Executions by criminal courts
2010	346	110
2011	520	156
2012	474	106
2013	364	323
2014	397	356
2015	679	290
2016	340	190
2017	254	263

Executions in Iran from 2010 to 2017

Amnesty International's 2017-2018 report on Iran states that all trials in revolutionary courts, including those leading to death, remain unfair and lack independent mechanisms to ensure accountability within these courts. Concerns about the functioning of the revolutionary court judges still exist, as these judges lack legal qualifications and are appointed in these courts on the basis of their political affiliations and pro-Iranian positions. The trials carried out by revolutionary courts are still very brief and of a clandestine nature.⁽⁵⁷⁾



The revolutionary courts also played a major role in quelling protests in Iranian cities over the last year. Protests were held in more than 70 Iranian cities at the end of December 2017 and continued until mid-January 2018, when the Revolutionary Court President, Moussa Ghadanfar Abadi threatened protesters with trial and execution.⁽⁵⁸⁾

Third: Criticisms leveled at revolutionary courts

Those, who support revolutionary courts, justify their creation because of the urgent need at the time to prosecute the Shah's officials and those who were believed to be enemies of the revolution. Others believe that the consolidation of the Iranian regime following the 1979 revolution required a quick, decisive and swift response to those who threatened the revolution. This could only have happened via speedy trials in special courts. In light of the difficulty in hastening trials in general courts, the Revolutionary Council, that was entrusted with the temporary task of issuing laws at that time, decided to form special courts to try officials of the Shah's regime and those who were believed to be enemies of the revolution.⁽⁵⁹⁾

On the other hand, the Revolutionary Courts especially when it comes to their practices and the laws that govern them, are not sanctioned by Iran's constitution and the reason for their continuity is not approved especially as they are temporary courts. These criticisms and more are presented below:

1. Some believe that the crises that the country faced during the first years of the revolution have ended, and therefore there is no need for the continuation of these temporary courts. And keeping these courts in place is contrary to international law, and the only solution is to designate a chamber within Iran's general courts for crimes relating to national security to be dealt with.⁽⁶⁰⁾
2. The purpose of judicial justice is for the judge to hear cases with a free heart and mind away from religious and political affiliations, as well as, away from his or her own personal convictions. A judge's impartiality and independence requires that no other party be allowed to arrest, detain and interrogate the accused in special detention centers. However, one of the clear points of all the judgments issued by Revolutionary Courts is that the Ministry of Intelligence and Security is the body that submits complaints and lawsuits. It also arrests and refers the accused to the court.

According to the Code of Criminal Procedure, the prosecutor is not entitled to interfere in the manner in which the accused is detained, investigated or interrogated, and judges are prevented from holding meetings and conventions with the plaintiff behind closed doors in the absence

of the defendant. It was noticed that during the period in which the cases were being heard, whether during prosecution, investigation or sentencing, the Ministry of Intelligence held private and confidential meetings with investigators and judges and did not allow anyone to enter the revolutionary courts. It also prevented lawyers from entering the courtrooms.⁽⁶¹⁾ Over the past years, human rights organizations have criticized security institutions for meddling in the affairs of the revolutionary courts and that they have sentenced the accused because of political motives and pressures.⁽⁶²⁾

3. Among the criticisms leveled at these courts is that judges exploit the powers granted to them to issue unfair sentences against journalists and politicians, although Article 168 of the Iranian Constitution stipulates that political and journalistic crimes must be dealt with in the presence of a jury, and that these crimes should be identified and determined according to Islamic standards.⁽⁶³⁾

4. One of the most important criticisms levelled by Iranian rights activists towards the revolutionary courts is that they fall short of international standards and they demand that their powers are granted to regular courts. They believe that in practice the revolutionary courts are no longer special courts because, in the present situation, they are a branch of the criminal courts and only hear certain crimes.⁽⁶⁴⁾

5. Critics have reiterated that these courts lack transparency compared to the general courts and the trials are held in secrecy.⁽⁶⁵⁾

6. Other observers went on to say that they were less organized than the general courts and that the rulings issued by judges of those courts were more rigid and unpredictable than the general courts, and that the lack of evidence was the reason as to why the trials were shrouded with secrecy.⁽⁶⁶⁾

7. Other criticisms leveled at the revolutionary courts include the issuing of trials within a few minutes of arrest, detaining defendants for long terms, preventing defendants from appointing defense lawyers, mass executions, suppressing protests and the arrest of political activists.⁽⁶⁷⁾

8. These tribunals were established temporarily in 1979 to try officials of the former regime. Despite the end of the special circumstances that led to their establishment, they not only remained in place but also have had their powers and functions expanded. This situation led to the regime being severely criticized. Some demanded these courts be abolished. Others argued that the courts were set up to prosecute all those who spoke out against the regime. A third party saw that these courts clearly went against the principles of the Iranian constitution, with article 159 stipulating, "The courts of justice are the official bodies to which all grievances and complaints are to be referred."⁽⁶⁸⁾ After increasing criticism towards the revolutionary courts, there was speculation that the regime might revoke them, but the Iranian street was surprised to know that their work was regulated after issuing law No. 1994, that confirmed that these courts would remain as long as the regime was in power.

9. In this context, the president of the International Federation for Human Rights and the first lawyer to defend political defendants before the revolutionary courts, Abdul Karim Lahiji, said that the philosophy of these courts is bas

10. ed on suppressing dissent and he confirmed that they are illegal because they are not approved by Iran's Constitution.

11. The university professor and jurist Shaali Saadi believes that the continuation of the revolutionary courts at the current time in Iran is not in favor of the regime. As for how to abolish these courts, Saadi sees that the Iranian parliament is the authority that can be tasked with preparing a law to dissolve them. But it will face resistance from the Guardian Council, which monitors decisions issued by parliament to ensure that they are consistent with constitutional and legal standards. Then, if parliament passes any legislation or law that is not approved by the Supreme Leader, the Guardian Council has the power to veto it.⁽⁶⁹⁾

Conclusion

For 40 years, revolutionary courts have been playing a major role in protecting the Iranian regime by a policy of exclusion, prosecution, repression and elimination of anyone who threatens the regime, intellectually, politically or legally. To maintain the revolution and its gains, these courts have claimed the lives of tens of thousands of opponents and political dissidents, on flimsy charges without substantial proofs.

In light of the challenges and dangers that the Iranian regime has been facing recently, it appears that these courts will continue to be in place as long as the regime requires. The regime will not respond to criticism and pressure to dissolve them, because they serve its interests and gains by purging society of its critics and opponents. In addition, abolition or reduction of the role of these courts in the near future is still out of the question, given increasing popular discontent and protests in the country denouncing the whole Iranian government and its leaders.

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