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Iran: Justice is a hands-on struggle

The botched Kazemi murder trial and new tensions with Iraq are signs of desperation among Iran's hard-liners, says political scientist NADER HASHEMI

Two weeks ago, an Iranian court acquitted the man charged in the murder of Zahra Kazemi, the Iranian-Canadian photojournalist who died in a Tehran prison last summer. The verdict drew outrage in Canada and abroad. "This trial has done nothing to answer the real questions about how Zahra Kazemi died or to bring the perpetrators of her murder to justice," said Foreign Affairs Minister Pierre Pettigrew. And yet, when the affair is examined through the lens of Iranian domestic politics, there is some cause for optimism.

Ms. Kazemi was detained on June 23, 2003, by guards outside Tehran's notorious Evin prison. She'd been taking photographs of people who had lined up to visit family members arrested in pro-democracy student demonstrations. For the next three days, she was interrogated by three branches of the Iranian government: the hard-line judiciary, the local police and the reformist intelligence ministry.

Iran's government is split between a hard-line Islamist faction, dominated by conservative clerics, that wields most of the power and a beleaguered reformist coalition (made up of liberal Islamists, lay and clerical) that is trying to democratize politics.

Seventeen days after Ms. Kazemi's arrest, the Iranian information ministry issued a statement that she had died from a stroke. Had her death occurred in the Islamic Republic of Iran 10 years ago, this would have been the end of the story. But Iran has changed, and the internal Iranian reaction to Ms. Kazemi's death is one barometer of this change.

Immediately after her death, Iranian President Mohammed Khatami, a cautious reformer, ordered an investigation. Preliminary findings revealed that, contrary to initial reports, Ms. Kazemi had died as a result of a "brain hemorrhage caused by a beating." A public row then broke out between rival factions of the government.

The reformists who controlled Iran's parliament jumped at the opportunity to discredit their conservative rivals. They launched a blistering attack on the judiciary, which was deeply implicated in the murder. Those believed to be responsible for Ms. Kazemi's death were the same individuals who had ruthlessly suppressed Iran's pro-democracy movement; her suspicious death became a rallying point for the reformers.

They targeted Saeed Mortazavi, Tehran's prosecutor-general. Despised inside Iran, he is religious tyranny's public face. Operating within the court system with solid backing from

Iran's clerical oligarchy, he has jailed scores of democracy and human-rights activists. When a government inquiry implicated Mr. Mortazavi in the death of Ms. Kazemi, emboldened reformist politicians were determined to expose his complicity.

A parliamentary investigation revealed that Mr. Mortazavi not only played a critical role in Ms. Kazemi's interrogation, he also engaged in a systematic cover-up. Mohammed Hussein Khoshvaqt, head of the foreign press department at Iran's Culture Ministry, confirmed this in a letter to the speaker of the parliament, accusing Mr. Mortazavi of detaining him and forcing him to issue a false press release about Ms. Kazemi's death.

As the domestic and international outcry over the Kazemi murder intensified, conservatives in the judiciary were forced to shift gears. They charged a Ministry of Intelligence official (from the reformist bloc of the government) with "semi-premeditated murder." The accusation was denied both by the accused and by his reformist allies.

Fast forward to July 24, 2004. After a year of judicial delay and obfuscation, the official charged with Ms. Kazemi's death was acquitted. There was insufficient evidence to convict him of the crime even by the abysmal standards of Iran's justice system. Failing to convict the scapegoat, the Iranian judiciary declared the matter closed.

Pressure -- from Canada, the international community, and, most significantly, from within Iran -- has kept this issue alive. Both the reformist presidency and the Kazemi family's legal team (headed by Nobel laureate Shireen Ebadi) are calling for a new trial and say they have solid evidence pointing to the real culprits -- affiliates of Saeed Mortazavi and his allies in the judiciary.

Two days after the acquittal, with international scrutiny unrelenting, the Iranian judiciary shifted strategy for the third time, saying Ms. Kazemi had indeed died of natural causes -- not from a stroke (as initially claimed) but from low blood pressure brought on by a hunger strike that caused her to fall and strike her head.

The statement, ridiculed by the international community, is a clear sign of the hard-liners' desperation. Iran won't offer the Kazemi family a fair and open trial any time soon. To ask the Iranian judiciary to investigate itself, as Canada is doing, is like asking the fox to investigate disappearances in the hen house.

But we would know little about her death had not reformist politicians successfully exposed the hard-liners' machinations. The Kazemi trial at the end of July coincided with the closure of two reformist newspapers, both of which had been reporting the case.

Since then, journalists have come forward claiming that Mr. Mortazavi personally threatened them with prosecution if they reported on the trial proceedings. The judiciary's failure to cover

up its involvement in Ms. Kazemi's death shows that the reach

of clerical hard-liners is limited, and vulnerable to international scrutiny.

The hard-liners, meanwhile, are under pressure on other fronts, thanks to growing international concern over Iran's nuclear energy program and its deteriorating relations with Iraq.

Last week, the Iraqi Defence Minister accused Iran of "blatant interference" in Iraqi affairs; on Sunday, an Iranian diplomat in Iraq was kidnapped. International scrutiny of Iranian foreign policy could have consequences for Iranian domestic politics.

By keeping up its own diplomatic pressure, Canada may help force the hard-liners to ease internal repression.

Yes, conservatives have won the most recent battles. But Iran is nevertheless seeing the emergence of an indigenous Iranian Islamic movement for democratic secularism, based not on a foreign model but rather on Iran's own experience under Islamist rule. This bodes well for Iran's possible transition to liberal democracy in the future.

And so the courage of an Iranian Canadian who paid the ultimate price could affect Iran's domestic power struggle. As Ottawa contemplates its next step, it should pursue policies that support the struggle for Iranian democracy. This remains the best hope for mitigating human-rights abuses and ensuring that Zahra Kazemi did not die in vain.

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