

# Disenfranchising the Parliament by the Supreme Leader

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## **Introduction**

Without a doubt, the supreme leader's intervention in the legal activities of the three branches of power, both through government orders and through his own directives and office, has deviated these institutions from their natural characteristics and caused dysfunction and inefficiency. When, after the approval of laws by the parliament, there is a body called the Guardian Council, which is also under the control of the leader, they can implement his wishes. So, what is the need for the leader's further intervention?

The leader's interventions are not limited to the parliament alone, and it has become a strange practice regarding other branches of power, especially the executive branch. Some people suggest the idea of merging the presidency with the leadership, where the leader directly takes charge of the executive administration while being accountable. However, the leader in Iran is only interested in having a superficial figurehead of the republican institution and executive authority under their command, without being accountable and escaping responsibility when necessary.

Of course, the numerous interventions by the leader have highlighted the inefficiency of this system and structure, and it can confidently be said that the majority of the people in the country would vote YES for a change and reform of this structure if there were a free referendum. This article was published in 6 parts at Iranwire in 2020.





Part One:

**Institutionalizing  
supervisory oversight**

*How much power does the parliament wield within the Islamic Republic of Iran? Are the MPs true representatives of the people and their wishes, or they owe their seats to the endorsement of the Supreme Leader and his acolytes? In this series of articles on the relationship between parliament and Ali Khamenei, we explore the answers to these questions.*

“Under the previous regime [the Pahlavi dynasty], all the power in the country was concentrated in one place and ‘legislature’ was an empty word. Under that regime, the national parliament did nothing. Was it independent? Did it pass any legislation out of wisdom or good intent? Did it do anything worthwhile? No! They were a bunch of people who got into parliament on the the whim of the government and the [royal] court. They did whatever the court wanted and it wanted absolute power. We went through this and paid the cost.”

This is how Ali Khamenei **described** the parliament under the Shah, during one his Friday sermons in Tehran some years ago. But it’s also a most accurate description of parliament under the Islamic Republic. The institution today is directed and molded by approbative supervision and rigged elections, under the leadership of none other than Ali Khamenei himself.

In this system, parliamentary elections have been reduced to a mere formality. Ever since the Guardian Council began to follow Khamenei's recommendations in qualifying candidates, the Iranian legislature has in practice been nothing more than an obedient subject of the Supreme Leader.

In democratic societies, the prestige of parliament flows from the fact that its members are elected by direct vote in free and fair elections. In the Islamic Republic, members of parliament represent not the people but the Guardian Council, which approves or vetoes them as candidates.

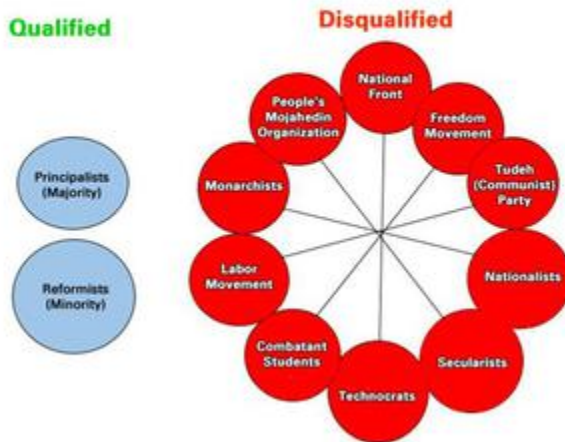
The two diagrams below helpfully illustrate the 40-year journey of the Islamic Republic's parliament toward complete irrelevance. In the first parliamentary elections in 1980, all parties and political movements were still allowed to compete, with the exception of monarchists and the Tudeh (Communist) Party. During the mid-term elections, the People's Mojahedin Organization (MEK) was also banned from fielding candidates.

### **Elections for the 1st Islamic Republic Parliament (1980)**



Forty years on in February 2020, in the elections for the eleventh parliament of the Islamic Republic, only two groups were allowed to compete – and even then, it was preordained which would win the majority.

### **Elections for the 11th Islamic Republic Parliament (2020)**



This exclusion of a constellation of alternative parties did not happen overnight. Policies set by for the Guardian Council gradually made its supervisory role so stringent that nobody but a majority comprising the regime’s right wing, known as hardliners or principalists, and a minority of leftists, now known as the “reformists”, were able to stand for election. Even these two wings are restricted in which candidates they can field.

Khamenei was the main architect of this slow transformation. The first parliamentary elections under his leadership were for

the 4th parliament, in 1992. In those elections the Guardian Council used its powers of disqualification to cut off the leftist wing of the regime which, under Ayatollah Khomeini, had enjoyed the bigger share of the parliamentary seats.

In his memoirs, then-President Akbar Hashemi Rafsanjani writes that he **tried to convince** Khamenei to return some of the disqualified candidate to the 1992 ballot. *“Mr. [Abdollah] Nouri, the interior minister, came and said that he was worried that radical figures had been eliminated by the Guardian Council,”* he writes. *“I told him to talk with the leaders of the Association of Combatant Clerics [a center-left, reformist clerical party] and ask them to suggest a number of more moderate people so that we can ask the Supreme Leader to approve them [as candidates]. They sent me a list of 29 people and I read the list, over the phone, to the Leader... Today, I had many calls from individuals who had been disqualified and were asking for redress. Close to midday I called Ayatollah Khamenei on the phone. He does not want to take the list as a whole but is willing to accept some of them. I told this to the interior minister.”*

### **Khamenei's Prescription for Qualifying Candidates**

According to the Constitution of the Islamic Republic, the Guardian Council is composed of twelve members. Six are faqihs, experts in Islamic law, who are directly appointed by the Supreme Leader, while the other six are jurists formally elected by the parliament, but who are nominated by the head of the judiciary, who himself is appointed by the Supreme Leader. In other words, Khamenei is the final arbiter for

membership in the Guardian Council, which is entrusted with overseeing parliamentary elections and qualifying or disqualifying candidates.

In many of his speeches over the years, Khamenei has explained to the Guardian Council what he expects from parliamentary candidates:

**1. They must be “righteous”**

“The representative who enters parliament must be righteous. God forbid, you, as guarantors, must not allow this rule to be breached.” (Stated in a meeting with the members of Central Council to Oversee Parliamentary Elections on February 23, 1992)

**2. They must not be “corrupt” or “seditious”**

“If somebody is corrupt – financially, morally, ideologically or politically – or if somebody is seditious, weakens the system and undermines the effectiveness of the institutions – or, as people aptly say, he throws a spanner in the works – he really cannot stand on that glorious podium and must not enter the parliament.” (Stated in a meeting with members of Central Council to Oversee Parliamentary Elections on February 23, 1992)

**3. They must not oppose the regime**

“Those whose words, behavior and acts show that that they oppose the system for whatever reason, political or personal, or because of their character, must not enter the parliament.” (Stated in a meeting with members of Central Council to Oversee Parliamentary Elections on February 23, 1992)

#### **4. They must believe in Islam, in the Islamic Revolution and in the regime**

“The most important thing in a representative is belief in this regime, in Islam and in the revolution, and his striving to meet his responsibilities and his commitment. If a person has this quality the rest can be tolerated unless there is something that violates the law.” (Stated in a meeting with members of the Guardian Council’s supervisory committees on February 3, 1996)

#### **5. They must not be “grafters”**

“We must be careful that grafters and those who do not believe in the mission of the revolution and who only want to get into parliament for gain through graft and, God forbid, sabotage cannot enter.” (Stated in a meeting with members of the Guardian Council’s supervisory committees on February 3, 1996)

#### **6. They must not have ill will toward the people or the Imam**

“It is the right of the people not to want those with ill will toward this nation to get into parliament. The Guardian Council must recognize people’s desires and prevent those with ill will towards this nation and toward the Imam from entering the legislative branch.” (Stated in a meeting with various representatives of the people on February 2, 2000)

#### **7. They must be devoted to the regime and the Constitution**



“Those who step into this arena must be people who can carry the weight... They must really be devoted to the regime, and must want to carry out the Constitution.” (Stated in a meeting with people of Qom on January 8, 2013).

The end result of the Supreme Leader’s advice to the Guardian Council is that in every parliamentary election, hundreds if not thousands of candidates are disqualified and pushed out from the field of competition, resulting in unfair, unjust and distorted elections.

Why this state of affairs continues can be summarized in few words: the Supreme Leader’s control of the Guardian Council, and his thus-unconditional support of its decisions.

Ali Khamenei does not tolerate any criticism of the Guardian Council. He treats any such criticism as a serious transgression. “Elections in Iran are **among the healthiest in the world**,” he said in February 2020, shortly before the most recent parliamentary election. “When you lie and say that these elections have been vetted, or that they are not elections but appointments, you dishearten the people. Those who have a platform, or who because of their position can say things in the media or in cyberspace, must not talk in such a way that the enemy could magnify their words or use them as a means to discourage people.”

A candidate who qualifies for the parliament, Khamenei went on, “must be devout, revolutionary, brave, efficient and be on the side of justice in the true sense of the word.” In reality, what Khamenei’s leadership has brought about is a compliant and submissive, and simultaneously corrupt and ready-for-graft parliament.

## Parting Words

In the summer of 2001, Ayatollah Jalal Al-Din Taheri Isfahani, the Friday Imam of Isfahan, announced his **resignation** from a post he had held for more than three decades. In his letter of resignation he condemned the Islamic Republic regime in no uncertain terms, writing: *“The great catastrophe of the flight from religion, disillusionment, unemployment, inflation, poverty, the deepening of the disparities between the classes, [economic] stagnation, the drop in state revenue, the sick economy, administrative corruption... the embezzlement and bribery, and the absence of an effective solution [to these problems]... have tragic consequences, and each moment they threaten the state and the life of the nation.*

*“We have failed to solve the state’s many problems through boasting, lies, violating human rights, chasing after factional interests and spreading empty slogans. Our main failures are neglect of the rule of law, the activity of irresponsible non-civilian institutions, the presence of mafiosi groups in the [political] arena, the restrictions placed on the parliament, and more.”*

These words came from a devout scholar and a respected Islamic theologian and philosopher. More than two decades later, they still provide a succinct summary of the situation under the leadership of Khamenei.



Part Two:

**Illegal governmental  
orders**

*How much power does the parliament wield within the Islamic Republic of Iran? Are the MPs true representatives of the people and their wishes, or they owe their seats to the endorsement of the Supreme Leader and his acolytes? In this series of articles on the relationship between parliament and Ali Khamenei, we explore the answers to these questions.*

“That is what a leader’s decree means.”

These were the words of Mehdi Karroubi, Iran’s sixth Speaker of Parliament, in his rebuttal to MPs who sharply objected to the removal of a press law reform bill from its agenda in the summer of 2000. With this choice of phrasing, Karroubi was implicitly encouraging those present to accept the Supreme Leader’s point of view.

Reforming the press law was an important promise the reformists had made in their electoral manifesto. But a single letter from Khamenei had been enough to remove it from the agenda. Protests by the MPs went nowhere, but they were instructive: we learned that an unwritten law in the Islamic Republic known as the “leader’s decree” can overrule any other would-be Act of Parliament, and nobody, not even elected representatives of the people, can object to it.

Until this moment in 2000, when Karroubi first cited the “leader’s decree” in an open session of parliament, the term

had been an unfamiliar one to most Iranians. It was used in discussions between faqihs (Islamic jurists) and in closed sessions of parliament, but not in public. From that day on, however, it became commonplace and was used more and more frequently to bypass the will of the legislature.

Prior to this, the views of the Supreme Leader were also seldom brought up in public agenda-setting sessions of parliament. In the few, sensitive cases in which Khamenei's name had been cited in such discussions, other MPs would typically warn the speaker not to put their colleagues in a tight spot or deny them freedom of action by doing so. The 4th Iranian parliament from 1992 to 1996 had been completely dominated by conservatives, so there had also been little need to resort to citing the "leader's decree" to make them behave.

Members of the 6th parliament did not usually bring up the Supreme Leader's views either, but for more pragmatic reasons. The reformists often held views that differed from those of Khamenei, so they preferred not to mention his name. But for this exact reason, the Guardian Council also vetoed most of their more problematic and important decisions, preventing them from becoming the laws of the land.

But from the 7th parliament (2004-2008) onward, when principalists again took over the legislature, it became standard procedure to defer to the Supreme Leader's views to argue one's case and draw up bills. Today, anyone listening to the radio broadcast of a full session of parliament will hear dozens of references to the Supreme Leader in different

contexts: almost as though the MPs represent Khamenei, rather than the Iranian people.

### **Leader's Decrees vs. an Independent Legislature**

From the point of view of Ayatollah Khomeini, the founder of the Islamic Republic, the leader's decree was one of the rights granted to him by the principle of Velayat-e Faqih, or guardianship of the Islamic jurist, and therefore knew no boundaries.

“Imam or the guardian of Muslims can take any action if it is in the interest of the Muslims,” he wrote in his book Tahrir al-Wasilah (Vol. 2, P.626), “including stabilizing the price of goods or restricting specific trades and industries – provided it plays a role in protecting the system, and benefits the Muslim.”

But when such decrees turn into a tool for day-to-day governance of the country, they invalidate the people's vote and can be used to revoke their rights. In his campaign for the 2009 presidential election, Mehdi Karroubi was asked to what degree he would defer to leader's decrees to run the affairs of the country if he won the presidency.

“You cannot run the country through leader's decrees,” he answered. “Were I at the head of the government I would adhere to the law and, as much as possible, I would try not to resort to leader's decrees. But if I have to use them to protect people's rights I would definitely do so, and I would thoroughly explain my reasons to the people.”

In other words, senior figures in the Islamic Republic then believed that leader's decrees were the exclusive preserve of a situation in which there was no other lawful way to solve the

problem. But are such decrees compatible with people's rights and the law when it comes to MPs performing their duties?

The entrenched concepts of the rule of law and the people's right to decide their own destiny require that the country be run based on laws passed by elected representatives. A legislature dominated by so-called leader's decrees, in which MPs support their arguments, introduce bills and vote for or against them according to the views of the Supreme Leader rather than their constituents, violates both of these basic principles.

### **Is There a Need for Leader's Decrees?**

Even if we agree that the leader's decree might sometimes be needed in extraordinary circumstances, to resolve issues that fall outside the existing laws, the question remains: is it needed in the day-to-day operation of parliament, according to the Iranian constitution?

The answer is no, for two reasons. Firstly, because the legislation passed by parliament must be vetted by the Guardian Council before it becomes law. Members of the Guardian Council represent the Supreme Leader and are appointed by him. This already makes it impossible to pass laws that might contradict the interests of the regime or the ruling caste's interpretation of Islamic law.

Secondly, because any problems that need to be addressed without legal precedent or an existing legal remedy can be dealt with by parliament through the mechanism of emergency bills. As such, in all but the rarest of



circumstances, there is no need for extralegal resolution involving anyone from outside.

After his appointment as the Chief Justice of the Islamic Republic in 2019, Ebrahim Raeesi **asked** the Supreme Leader to give him the authority to take special action against “financial disruptors” who were then engaged in a range of criminal activities in Iran, including currency smuggling, hoarding, and other financial swindles following the return of US sanctions.

But Ali Motahari, deputy Speaker of Parliament at time, **wrote a letter to Raeesi** in which he rightly pointed out that he could have gained this authority through an emergency bill.

“It would have been better for the Judiciary Chief to enact the laws that he wanted through parliament,” Motahari wrote. “The judiciary could have achieved its goal through an [emergency bill] and should not have bypassed parliament.

“Parliament could have granted the necessary powers to the judiciary to fight financial crimes for a certain limited period, under the present conditions, and the problem would have been solved. We must not use every excuse to resort to leader’s decrees. The leader’s decree is needed when there is no legal route.

“They might say that time would have been wasted. The answer is that the difference [between a leader’s decree] and an emergency bill that must be approved by the Guardian Council would have been five to seven days. This was not worth resorting to the leader’s decree. The principle is that everything must done according to the law.”

The same could have been said about the government's budget for this year. After the coronavirus outbreak, which temporarily closed the Iranian parliament, then-Speaker Ali Larijani wrote a letter to the Supreme Leader requesting a decree that would allow the parliamentary Reconciliation Committee to pass the budget, instead of the legislature as a whole.

Khamenei agreed, and the budget was sent to the Guardian Council after gaining approval by the committee. The problem could equally have been resolved in a full, open session of parliament through videoconferencing, by means of an emergency bill.

"There can be no doubt," Ali-Akbar Mousavi Khoeini, a member of the 6th parliament, told IranWire, "that the interference of the Supreme Leader in the lawful activities of the three branches of government – whether through leader's decrees, or through orders from him and his office – has undermined these institutions, distorted them, and made them incompetent. After the parliament passes a law it goes to the Guardian Council, which is controlled by the Supreme Leader. So why is it necessary for him to interfere again?"

### **Parliament is Not the Only Compromised Body**

Excessive interference by the Leader, Mousavi Khoeini adds, has not been limited to the ordinary activities of parliament. "His interference in other branches," he says, "especially the executive branch, has turned into a weird behavior pattern.

"This is why some have put forward the idea that the presidency and the leadership ought to be combined. The

leader would then directly take over the executive and, of course, would be held accountable for the executive branch as well.

“But the Supreme Leader wants an outward appearance of a republican system, which is [in fact] under his command, so that when it is necessary, he can escape responsibility. Of course, the Leadership’s countless interventions have laid bare the true nature of this system. We can say with confidence that were a referendum to be held today, the overwhelming majority of the Iranian people would vote for changing the existing system.”

Given the past, explicit public pronouncements by the Supreme Leader, does the Iranian parliament have any independence left in how it votes? “No,” says Mousavi Khoeini. “Unfortunately, with the repeated and direct or indirect interventions of the Leadership, parliamentary independence has vanished and its effectiveness has become extremely limited. Previously, the parliament could at least play a role in deciding part of the budget. But now, it frequently has no say in the decisions whatsoever, as we saw in the [2019] increase in gas prices, which led to disaster.”

In Iran, leader’s decrees have demonstrably come to be used not to solve otherwise-unsolvable problems in running the country, but to disfranchise the parliament and impose the will of the Supreme Leader on the legislative process. Back in 2015, it took the Iranian parliament just 20 minutes to approve the Joint Comprehensive Plan of Action (JCPOA), one of Iran’s most important foreign policy bills for decades, without it

being opened to scrutiny by MPs and without members of the government having to answer any questions on the content.

## **Oral Statements as Leader's Decrees**

In the past, only written orders by the Supreme Leader to government institutions were considered leader's decrees. But more recently, unabridged records of discussions in parliament reveal that MPs now consider even Khamenei's oral statements to be instances of the same – and believe they are duty-bound to turn them into legislation.

On August 9, while Iran was in the grip of coronavirus pandemic and economic meltdown, the same parliament that could not have a full session to pass the budget scrambled to pass a bill called “increasing the rate of pregnancy and preventing the fall in population growth”, **outlawing surgeries** to sterilize men and women and enacting punishments for doctors who violate this law, up to and including a ban on practicing medicine for life.

Why? Because Khamenei had repeatedly stated in speeches that he **wanted the population of Iran to double** and that having many children should become part of the country's “culture”. More explicitly, on June 4, he had **ordered** the Interior Ministry to create a workgroup to encourage Iranians to procreate.

Leader's decrees, and elevating the Supreme Leaders' views over those of the people in the legislature, contravenes the idea of a republican system of government, democracy and people's rights. Nevertheless, those who believe that leader's decrees are above the law now occupy almost all the seats in

parliament, and unabashedly play their ascribed roles in the circus called “guardianship of the Islamic jurist”.

Part Three:

**Empowering  
nondemocratic  
institutions over the  
parliament**

*How much power does the parliament wield within the Islamic Republic of Iran? Are the MPs true representatives of the people and their wishes, or they owe their seats to the endorsement of the Supreme Leader and his acolytes? In this series of articles on the relationship between parliament and Ali Khamenei, we explore the answers to these questions.*

Iran's current parliament "is **one of the strongest** and most revolutionary parliaments in the post-revolutionary era," Supreme Leader Ayatollah Khamenei told the country's elected officials in an online meeting on July 12.

This statement only makes sense if one understands what Khamenei means by "strong." Because for him, a strong lion is one that has been defanged. In other words, parliament is solid because it is under his control and obeys his orders, endorsing his views without questioning them.

Elections for the 11th parliament of the Islamic Republic took place in February 2020, and were inaugurated in May. But run-off elections were required in 10 constituencies, and because of the coronavirus pandemic, these elections were postponed until September.

How can a parliament that has barely convened and has yet to even form committees, let alone pass laws and start its

supervision of government institutions, be “one of the strongest” in the last 40 years? This seems impossible, apart from when applied to Khamenei’s concept of success and strength. So how is the Iranian parliament disenfranchised under his rule?

When it comes to the legislative branch, the constitution of the Islamic Republic is a contradiction in terms. On the one hand, it designates the parliament as the only legislative body in the system but, on the other hand, **Article 110** grants the Supreme Leader the power to set “the general policies of the Islamic Republic of Iran,” to supervise “over the proper execution of the general policies of the system” and to resolve “the problems that cannot be solved by conventional methods.”

The constitution has tried to strike a balance between the “divine rights” of the Supreme Leader and the rights of the people by recognizing both Velayat-e Faqih, or the “Guardianship of the Islamic Jurist,” which gives the clergy overarching authority, and democratic principles and the people’s vote. In practice, however, this duality has proved impossible to maintain. As a result, the one who has the most power (the Supreme Leader) has persistently sought and acted to undermine the power of the other side (the people’s vote) by subjugating the parliament to unelected institutions whose members are appointed by him.

### **Giving Power to Appointed Bodies over the Elected Parliament**



From the very beginning, the constitution of the Islamic Republic imposed the power of an appointed body over the legislative branch. The parliament can approve any bill it likes, but this bill will not become the law of the land unless it is approved by the Guardian Council, and it is the Supreme Leader that directly appoints half of the council's members (the faqihs or the Islamic jurists) and indirectly appoints the other half (the lawyers).

Regardless of the obvious control the leader had, up to this point, the procedure was at least constitutional. But for Khamenei this appeared not be enough, and it remains so. So he set out to give other appointed bodies power over the parliament, including the Supreme Cultural Revolution Council. Some of these bodies are not even mentioned in the constitution and their very existence is unconstitutional.

Creating these so-called “supreme councils” and giving them power over parliament has become a regular feature of the regime's conduct. First, decisions by the Supreme Cultural Revolution Council and the Supreme National Security Council were given preference over bills passed by the parliament. Then, other supreme councils were added to this list. But what completed the disfranchisement of parliament was the formation of the **Expediency Discernment Council** and the **Supreme Economic Coordination Council** that completely undermined parliament and its exclusive authority to pass laws.

#### Expediency Discernment Council

Officially, the Expediency Discernment Council (or Expediency Council for short) is an advisory council to the Supreme

Leader and, according to **Article 112** of the constitution, is responsible for resolving disagreements between the parliament and the Guardian Council. But in 2000 Khamenei invested it with the power to supervise how the macro-policies of the regime are carried out and this is **clearly stated in the statute** for the council, which was issued by Ayatollah Khamenei.

From October 1989 until his death in January 2017, Akbar Hashemi Rafsanjani served as the chairman of the council. With his death and after the election of the 10th parliament in 2016, Khamenei grabbed the chance to use the Expediency Council to further limit the authority of parliament. He gave the council the authority to form a “Supreme Board of Supervision” to review bills passed by parliament and then approve or reject them if they were not compatible with the regime’s macro-policies. The creation of this authority, which neither appears in the constitution nor in the council’s statute, **was announced** in 2017 by Mohsen Rezaei, secretary of the Expediency Council, at a press conference.

What this means is that, today, Iran’s parliament cannot simply pass laws that the majority of the representatives votes for, it must follow the guidelines set by the expediency council.

### **Supreme Economic Coordination Council**

The long, full name of this body is the “Supreme Economic Coordination among Chiefs of the Three Branches of Government” — the executive, the judiciary and the legislative. Heads of the three branches have always met to

coordinate their actions and exchange views. The heads are also members of all the “supreme” councils, but the meetings of these councils has never had a legal framework. However, after the Iranian economy went into a nosedive and nationwide protests broke out in late 2017 and early 2018 following the return of devastating United States sanctions, President Rouhani announced that an “economic war” had been declared against Iran, so in April 2018 Khamenei ordered the formation of this council with the president as its chairman. According to Khamenei’s decree, decisions by the council are to be submitted to him for his approval, after which they will become the law.

Early on it did not seem as though this council would further erode parliament’s legislative power and it appeared to only be concerned with solving those economic problems that needed immediate action. But, as time passed, it became clear the council is also engaged in legislation, usurping the power invested in the parliament by the constitution.

But, if parliament is obedient and submissive to the Supreme Leader, it followed that Khamenei’s need for bodies such as the Expediency Discernment Council and the Supreme Economic Coordination Council to advance his policies would become greatly diminished. With the 11th parliament that was elected in February 2020, this is exactly what has happened. The process of eliminating disagreeable voices started with the 6th parliament (2000-2004) and has by now reached a point where Khamenei might not need to rely much on appointed bodies. So, with this in mind, and given Khamenei’s idea of what makes a “good” parliament, it is not surprising he

declared the new parliament to be “one of the strongest and most revolutionary parliaments in the post-revolutionary era.” For him, this is the parliament he has always wanted.

Part Four:

**Violating the legal  
immunity of  
parliamentary  
representatives**

*How much power does the parliament wield within the Islamic Republic of Iran? Are the MPs true representatives of the people and their wishes, or they owe their seats to the endorsement of the Supreme Leader and his acolytes? In this series of articles on the relationship between parliament and Ali Khamenei, we explore the answers to these questions.*

Exploiting unelected institutions to advance his policies has become normal for Supreme Leader Ali Khamenei. One of the institutions that has done the most to advance his plans, and those of Iran's security establishment, is the country's judiciary; which, in a functioning democracy, would have to be independent if the democracy were to work.

**Article 86** of the Islamic Republic constitution, meanwhile, makes clear the principle of immunity for parliamentary representatives: "Members of parliament are completely free in expressing their views and casting their votes in the course of performing their duties as representatives, and they cannot be prosecuted or arrested for opinions expressed in parliament or votes cast in the course of performing their duties as representatives."

But there have been quite a few members of parliament who have been arrested or summoned to court because of views

they expressed in the chamber. The courts which summoned these parliamentarians could not have taken such unconstitutional actions without the approval and the support of the Supreme Leader.

Getting elected to Iran's parliament is like surviving the seven labors of Hercules. The Guardian Council, an appointed body that vets parliamentary candidates, readily disqualifies any candidate that differs even slightly with the regime. But there have always been representatives who have not stayed silent in the face of corruption – “conscientious objectors” who have caused pain to the regime. The regime has always violated their parliamentary immunity in retaliation.

Below are some better-known examples of violations of parliamentary immunity in the Islamic Republic under Khamenei's leadership.

### **1. Hossein Loghmanian**

Hossein Loghmanian, the reformist representatives from Hamedan between 2000 and 2004, is one the most well-known victims of the violation of his parliamentary immunity. After a speech on the floor of parliament to protest the arrest of activists associated with the Coalition of National-Religious Forces of Iran, he was arrested while he was still a member of parliament, sentenced to 13 months imprisonment and sent to Evin Prison.

In his speech, Loghmanian criticized the judiciary for “decapitating freedom of expression” and “attempting to threaten and intimidate parliament” by closing many pro-reform newspapers.

If it were not for Mehdi Karroubi, then the speaker of parliament, perhaps Loghmanian would have remained in prison for the rest of his sentence. But in a public session of parliament, Karroubi threatened to resign as speaker if Loghmanian were not released. He left, went home and said he would not return until the parliamentary immunity of Loghmanian and other representatives was respected. Karroubi's threat worked at the time and Loghmanian was released after 20 days – but this did not stop the violation of parliamentary immunity of other representatives.

## **2. Fatemeh Haghighatjoo**

Fatemeh Haghighatjoo was another reformist member of parliament, between 2000 and 2004, whose immunity was violated. In 2001, after giving speeches in parliament and elsewhere in support of democracy and human rights, she was sentenced to 20 months in prison which was reduced to 17 months on appeal. The sentence was not carried out; but it hung over her head like the sword of Damocles. She was banned from leaving Iran for a year and she resigned from parliament in 2004 saying she was no longer able to keep her oath of office and as a sign of protest to "the incorrect, illegal and non-religious conduct of the appointed bodies," i.e. the Guardian Council and the judiciary.

Haghighatjoo holds a degree in psychology and a PhD in family counseling. She had been a lecturer at the University of Tehran and Shahid Beheshti University before entering parliament but, after her resignation, she could not return to her previous jobs. With no way to make a living, and living under the threat of imprisonment, she was forced to leave Iran



and take up residence in the United States. Haghighatjoo has been a faculty member at the University of Massachusetts, Boston, and the University of Connecticut, and has held fellowship positions at the Kennedy School of Harvard University and the Massachusetts Institute of Technology's Center for International Studies.

### **3. Nouredine Pirmoazzen**

Dr. Nouredine Pirmoazzen, a representative from Ardebil and a lung and breast surgeon, was a spokesman for the minority reformists grouping in the 2004-2008 parliament. He was not charged with any crimes by the judiciary while in parliament; but he was constantly threatened and was disqualified by the Guardian Council from running for a second term. After an interview with the Voice of America in which he criticized many policies of the Islamic Republic, the Intelligence Ministry threatened to take action against him for “treason” and he was forced to leave Iran before his term expired. Pirmoazzen now lives in the United States.

### **4. Mahmoud Sadeghi**

Mahmoud Sadeghi, a representative from Tehran at the 2016-2020 parliament, was repeatedly summoned to court, tried on several occasions and eventually sentenced to 21 months in prison in May 2020. He was tried for statements in parliament including an attack on Ayatollah Sadegh Amoli Larijani, the former chief justice of the judiciary and the current Chairman of the Expediency Discernment Council, asking why Ayatollah Larijani could hold high public office while during his tenure there were so much corruption in the judiciary.

Furthermore, in an open letter in 2016, Sadeghi demanded that Larijani offer a public explanation regarding his bank accounts. According to some reports at the time, huge sums of money had been deposited in dozens of bank accounts in Larijani's name instead of to judiciary accounts. The judiciary later claimed that Sadeghi was not convicted for his allegations about Larijani's accounts but on other unspecified charges raised by private plaintiffs and public prosecutors.

The public prosecutor also moved to arrest Sadeghi but parliament's board of directors prevented the arrest. And yet his parliamentary immunity was never respected and he was disqualified from running in the February 2020 parliamentary elections.

## **5. Parvaneh Salahshouri**

Parvaneh Salahshouri, a representative from Tehran to the 2016-2020 parliament, was summoned to court many times. In December 2019, she criticized the Islamic Republic for "grim despotism" and for the ever-increasing power held by unelected centers of power. Salahshouri said the concentration of power in unelected bodies was destroying the "republican nature of the system".

The judiciary opened several cases against her and these are ongoing. Salahshouri was indicted on charges of "spreading lies intended to disturb public opinion" and "propaganda against the Islamic Republic regime." In February 2020 she was summoned to the prosecutor's office and was released on bail. Salahshouri was elected to parliament in 2016 with almost two million votes; but after experiencing judicial

harassment and threats, she announced that she would not seek reelection. "Given the structures that restrict parliament's authority, ignoring the people's demands and wishes, improper supervision of the Guardian Council over elections ... and despite what I owe to the people, I have decided not to run in the next election," Salahshouri said.

Violations of parliamentary immunity are not limited to these five representatives. Many more members of parliament have been summoned to court because of what they have said while in parliament. And a greater number have been harassed and threatened but have preferred to keep silent. Some have been sent to prison after their parliamentary terms on trumped-up charges, including:

- **Mohsen Mirdamadi**, representative from Tehran, was arrested in June 2009 in the aftermath of the disputed 2009 presidential election, and was held in solitary confinement at Evin Prison for 110 days. He was released in 2015 after serving a six-year prison sentence.

- **Mohsen Armin**, representative from Tehran, was arrested in 2010 and sentenced to six years in prison in 2012, on charges including acting against national security and propaganda against the regime.

- **Behzad Nabavi**, representative from Tehran and deputy speaker of parliament, was arrested in the aftermath of the 2009 presidential election and sentenced to six years in prison. In 2014 he was released but was then sentenced to one year more in prison for "propaganda." The judge reduced

the sentence to a fine because Nabavi was in extremely poor health.

- **Mohammad Hossein Naeimipour**, representative from Tehran, was arrested following the disputed 2009 presidential election, sentenced to four years in prison and was released in 2015 after serving his sentence. While under arrest, he was pressured to condemn the reformist Green Movement in front of TV cameras.

- **Ali Akbar Mousavi Khoeini**, representative from Tehran and a defender of the rights of political prisoners, was arrested during protests in support of women's rights in Iran on June 12, 2006, and was put in solitary confinement at Evin Prison for four months. Other detainees arrested at the same time were released much earlier. He currently resided in the United States.

- **Ali Tajernia**, representative from Mashhad, was arrested in the aftermath of the 2009 presidential election and was sentenced to six years in prison for activities against national security, and to 74 lashes for insulting then-president Mahmoud Ahmadinejad.

- **Mohammad Dadfar**, representative from Bushehr, was sentenced to seven months in prison in 2001 for criticizing the judiciary. "We simply cannot give in to illegal actions by a judiciary that is determined to trample the legal rights of the nation and their elected lawmakers," he had said. Dadfar served his sentence in 2006.

- **Esmail Gerami Moghaddam**, representative from North Khorasan, was arrested in July 2015, at Imam Khomeini airport, after returning to Iran on the completion of his doctoral studies abroad. He had left Iran in 2009 following the state crackdown on political activists following the disputed presidential election. In September 2015, Moghaddam was sentenced by the Revolutionary Court to six years in prison for “collusion against the state.” He is a veteran of the 1980-88 Iran-Iraq war and still has shrapnel in his body from injuries sustained during the conflict.

### **How Complicit Was Khamenei?**

Can the judiciary violate the constitutional immunity of members of parliament so easily without the consent of the Supreme Leader? Ali Akbar Mousavi Khoeini, himself a victim, says that “in my view, the violation of parliamentary immunity is such a significant step that it could not be taken without the endorsement of the Supreme Leader. He has never taken a stand against this obvious violation of the constitution, whereas he has taken clear positions on much simpler issues. His failure to stand up to the judiciary despite intense protests by members of parliament is evidence that he supports these violations and even directs some of them from behind the scenes.”

Mousavi Khoeini believes that Khamenei’s behavior, when taken as a whole, shows that he does not favor a strong and independent parliament. “He wants obedient and submissive representatives, and that is why since the 6th parliament [2000-2004, when reformists had an absolute majority] he has given his full support to securing a rubber-stamp parliament

through manipulated elections, and he does not mind if few [people] participate and it is a useless parliament.”

The indicators are that the parliamentary immunity of members is not violate, and no representatives are sent to jail, without Khamenei’s consent and permission. Despite the constitution guaranteeing immunity to parliamentarians, as they express their views on domestic or foreign affairs, violating this immunity has been a favorite tactic of Khamenei’s so as to disenfranchise the body. Khamenei’s lackeys in the judiciary have been only too ready to carry out his wishes.

Part Five:

**Restricting the  
actions of  
representatives  
through the  
formation of a  
supervisory body to  
monitor their  
behavior**

*How much power does the parliament wield within the Islamic Republic of Iran? Are the MPs true representatives of the people and their wishes, or do they owe their seats to the endorsement of the Supreme Leader and his acolytes? In this series of articles on the relationship between parliament and Ali Khamenei, we explore the answers to these questions.*

Ayatollah Khamenei's efforts to clip the wings of the legislature went to new lengths in 2010, during the tenure of the eighth Iranian parliament. In this period, the Supreme Leader succeeded in laying the groundwork for yet another body to temper the actions of people's representatives. In time, this body came to be known as the Supervisory Board on the Conduct of Representatives.

In 2010, a year after the disputed 2009 presidential election, Khamenei called on MPs to "fully cooperate" with the administration of President Mahmoud Ahmadinejad. He also implicitly criticized them for making changes to bills introduced by Ahmadinejad's administration.

In a **speech** to MPs a year later on May 29, 2011, he also castigated representatives for not following his advice – and ushered in a new organization to force them to do so. "Last



year,” he said, “I suggested that you should establish self-regulation mechanisms in parliament. You should watch your own organization. Certain criticisms were voiced here and there, saying that MPs must be free. Nobody disagrees that MPs should have freedom. It is only deviant behavior that we are opposed to. MPs who display deviant behavior might tarnish the reputation of the parliament. Is it not a shame to see the reputation of such a great legislature being damaged?”

He went on: “In previous decades, we had a political current in the country which was called ‘leftist’. They chanted good slogans, but they failed to watch themselves and exercise communal piety. There were people among them who had individual piety, but the lack of communal piety ultimately made the situation so bad that seditionists who were opposed to Imam Hussein, to Islam, to Imam Khomeini and to the Revolution, could also rely on them. They did not shout out slogans against the Imam or the Revolution, but those who were shouting slogans against the Imam and the Revolution counted on them for support. This is a very serious danger... As such, communal piety is necessary.”

What was this “communal piety” that the Supreme Leader cited several times over in his speech? “Last year,” Khamenei clarified, “I suggested that you should establish self-regulation mechanisms in parliament. This is an example of communal piety.”

Finally, the Supreme Leader made it abundantly clear that what he really wanted was to silence those representatives who might dare to swim against the current. He did so in

typical fashion: by issuing one apparently reasonable statement, then contradicting it moments later.

“I do not at all insist that different political tendencies should come together and unite as one,” he said. “Differences of taste, differences of opinion, different political viewpoints are natural. Such differences are beneficial in many cases, though they may have certain unwanted consequences in certain situations. There is no emphasis on eliminating these differences. The emphasis is on what I explained earlier: MPs must not attack each other, and these differences must not result in personal hostility and in ignoring America. They must have self-regulation mechanisms between themselves. They must watch themselves. They must not let their party be derailed.”

### **Another Sword of Damocles Over the Heads of MPs**

For four decades now the Guardian Council has pruned and filtered parliamentary candidates and preventing apparent undesirables from getting into the legislature. The judiciary has also shown that it has no qualms about **violating parliamentary privilege**. Why, then, was Khamenei keen to create yet another organization, this time within parliament itself, to increase his control over the people’s representatives?

There were two key reasons for this decision:

1. Despite the extensive and rigorous control of the Guardian Council over the eligibility of candidates, and its power of veto over Acts of Parliament, some MPs invariably enter the

legislature and go on to voice criticism against the regime unexpectedly.

2. The constitution of the Islamic Republic is very clear on parliamentary privilege, the immunity of MPs to reprisal for remarks made in session. This makes it costly for the judiciary to take action against MPs for perceived “deviation” in the course of their duties. On the other hand, a body within parliament confirms that a certain action or statement fell outside the sphere of parliamentary privilege, the judiciary has an easier time punishing them.

### **The Board to “Supervise” the Conduct of the Representatives**

The eighth parliament was dominated by principalists and hardliners. On Khamenei’s orders, it duly approved the bill for the “Law on Parliamentary Supervision of the Conduct of Representatives”. At first the Guardian Council objected to certain provisions but in the end it rubber-stamped the bill and it formally became law on April 21, 2012.

According to [this law](#), each new parliament must form its own Supervisory Board on the Conduct of Representatives within three months after its term starts. The board has the following responsibilities:

1. Deal with reports on alleged financial or moral offenses by representatives, including on unconventional income and expenses;
2. Examine reports of unethical behavior by representatives;

3. Investigate reports of acts by representatives against the “national security” of the country and other alleged criminal acts, from a disciplinary perspective.

If and when the board comes to the conclusion that the a representative is guilty of any of these offenses, it can send the case to the judiciary. In other words, the board can bypass the constitutional immunity of members of parliament.

### **Coup de Grâce**

As if this was not enough to undermine MPs’ independence, eight years later, the new principalists elected to the 11th parliament in February 2020, right before the outbreak of coronavirus was officially acknowledged in Iran, sent a bill almost immediately to the parliament’s steering board that sought to amend the conduct law.

Among other things, the bill proposed that representatives from the judiciary and the General Inspection Office, and a jurist from the Guardian Council, be added to the Supervisory Board. In other words, it would allow non-parliamentarians to judge the conduct of representatives.

Furthermore, the new bill sought to allow the Supervisory Board to independently summon and investigate any representative of its choosing, with or without a prior report. These amendments would constitute yet another step toward completely stripping MPs of their independence, destroying the separation of powers in the Islamic Republic for good and taking away MPs’ freedom to perform their duties as representatives of the Iranian people.



Part Six:

**Undermining the  
parliament by limiting  
and threatening  
political parties**

*How much power does parliament wield within the Islamic Republic of Iran? Are MPs true representatives of the people and their wishes, or do they owe their seats to the endorsement of the Supreme Leader and his acolytes? In this series of articles on the relationship between parliament and Ali Khamenei, we explore the answers to these questions.*

Supreme Leader Ali Khamenei's interventions in Iran's legislative processes are not limited to issuing decrees or sending written and oral messages to parliament. He systematically monitors all bills passed by the legislative branch through the Guardian Council, and orders this body to either approve or reject them. Along with so-called "government decrees" and the Expediency Discernment Council, the Guardian Council is one of the Supreme Leader's three principal tools to ensure only the laws that he wants are enacted.

What is the Guardian Council, and how was it transformed into a tool with which the Supreme Leader could veto legislation?

## **A Tool of the Supreme Leader**

**Article 94 of the Iranian constitution** states that all legislation passed by the parliament must be sent to the Guardian Council, which should review it within a maximum of 10 days

to ensure its compatibility with Islamic law and the constitution. If the council finds the legislation incompatible, it returns it to parliament for review. Otherwise the legislation is passed.

Two key instances clearly illustrate how the Guardian Council has followed the views of Khamenei in approving or rejecting bills passed by parliament: the bill to amend the Press Law, and the rejection of parliament's demand to investigate the vast military, economic and social empire under the supervision of the Supreme Leader.

On August 6, 2000, when parliament was close to finalizing a revision to Iran's Press Law, Khamenei sent a letter to parliament and ordered that the amended law be discarded. Since then the Guardian Council has cited this "government decree" to block any attempt in parliament to reform the law.

The Guardian Council has 12 members: six *faqih*s, experts in Islamic law who are appointed by the Supreme Leader, and six jurists chosen by parliament from among those nominated by the head of the judiciary, who himself is appointed by the Supreme Leader.

Shia Islam, however, does not have a central authority like the Vatican, and neither Article 94 of the constitution nor any other article in it makes it clear whose interpretation of Islamic law is to be the basis of a judgement by the *faqih*s in the Guardian Council.

Nevertheless, Article 96 says the "determination that the legislation passed by parliament is not incompatible with the laws of Islam rests with a majority vote of the *faqih*s on the



Guardian Council, and the determination that it is not incompatible with the constitution rests with the majority of all members of the Guardian Council.” We would assume that the “the majority of the *faqih*s” on the council would take the consensus of Shia religious authorities as their benchmark for making decisions, as is the Shia tradition.

### **“Compatible” or “Not Incompatible”?**

In an article entitled “The Guardian Council’s Sharia vs. Parliament’s Law,” **Mohsen Kadivar**, a philosopher and professor of Islamic studies, writes about the inconsistencies in these two articles and others in the constitution.

Kadivar points out that according to Article 94, the duty of the Guardian Council is to determine whether legislation passed by parliament is “compatible with Islamic criteria,” while in Article 96 the requirement is that the legislation must “not be incompatible with the laws of Islam.”

“Not incompatible” with what, asks Kadivar, because if parliament passes a law and the law is endorsed by even one *faqih*, no other *faqih* would dare to call it incompatible with Sharia, even if they have a different interpretation.

Kadivar writes that a number of *faqih*s have issued fatwas concerning the validity of women’s evidence in court, and in support of joining UN’s Convention against Torture, but, startlingly, the Guardian Council declared them to be incompatible with the laws of Islam even though they came from recognized religious authorities. In other words, “recognized religious authorities do not get it, but the six *faqih*s of the Guardian Council do, even though these religious

authorities have been teaching for twice as long as some of these gentlemen have been alive.”

Also, Kadivar notes, Article 96 uses the term “determination,” which in a legal context is not the same as “issuing fatwas” or “deduction” or “expressing opinions,” and consequently the *faqih*s’ duty, according to the constitution, is not to express their own opinions. However, the performance of the Guardian Council shows that the *faqih*s who are members of the council have not followed the letter or the intent of the law and, instead, have only acted according to the wishes of Ayatollah Khamenei and his interpretation of Sharia.

### **Blocking Oversight**

Khamenei has spoken several times about the ban on investigating entities under the supervision of the Supreme Leader. One of the most famous cases was recounted about six years ago in a speech by the late Akbar Hashemi Rafsanjani, the former Iranian president and chairman of the Expediency Council, which legally is the final arbiter in disputes between parliament and the Guardian Council. According to him, the Assembly of Experts once invited officials of the entities under the Supreme Leader’s supervision to testify before the assembly and they accepted, but then they said they could not come because Khamenei’s office refused to allow them to.

When Rafsanjani personally asked Khamenei about it he confirmed that he had ordered them not to report to the assembly. “‘This is the law of the Assembly of Experts,’ I told him,” Rafsanjani later wrote. “He said ‘I was against the

passage of this law but I didn't want to say it then. But now that it is about to be carried out I am expressing my opinion.'"

In recent years the Guardian Council has consistently rejected any legislation to investigate entities under the supervision of the Supreme Leader as "contrary to Sharia".

Ayatollah Ahmad Jannati, who has been secretary of the Guardian Council for more than 30 years, has confirmed this conclusion himself. He **said** in an interview: "I always carried out the views of the Supreme Leader and if I didn't know his views I asked for them... In other words, I followed the Imam [the late Ayatollah Ruhollah Khomeini] and the Supreme Leader."

His statements leave no doubt that the Guardian Council acts according to the wishes of the Supreme Leader and pays no attention to the views of other religious authorities. In any case, since the *faqih*s in the Guardian Council are directly appointed by the Supreme Leader himself, there is no chance that any *faqih* with different views would find his way onto the council in the first place.

The constitution's requirement that the Guardian Council ensures legislation passed by parliament conforms to Islamic laws has been transformed into a requirement that such legislation conforms to the Supreme Leader's views. In other words, parliament cannot pass any law that Khamenei opposes. This, perhaps, has been the most effective tool used by Khamenei to disenfranchise the Iranian parliament.



## **Conclusion**

Does the parliament have any independence despite the explicit statements of the leader? No - Unfortunately, the independence of the parliament has been diminished multiple times with the direct and indirect involvement of the leader, and its influence has become very, very limited. Previously, at least the parliament had the possibility of involvement in some budgetary matters, but now even that has been taken away from the parliament in certain situations. In the case of setting gasoline prices in 2019, the parliament's authority was also revoked, leading to a disaster.

The institution of parliament in the Islamic Republic system has effectively been transformed into a ceremonial institution through the interventions of the leadership. The right to legislation, which is constitutionally exclusive to the Islamic Consultative Assembly (parliament), has been handed over to non-democratic institutions through the directives of the leadership, leaving the parliament as nothing more than an empty shell.





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