

The Superior Jihad Series (1)

# **Impeaching Iran's Supreme Leader**

**Assessing the Supreme Leader's 21 Years in the Office  
An Open Letter to the Head of the Assembly of Experts**

And the Responses to the Letter

**Mohsen Kadivar**

2014

---

**Impeaching Iran's Supreme Leader**  
(*Estizah-e Rahbari*)

**Assessing the Supreme Leader's 21 Years in the Office**  
(*Arzyabi-e Karname-ye Maqam-e Rahbari-e Jomhuri-e Eslami-e Iran*)

**An Open Letter to the Head of the Assembly of Experts**  
(*Dar Name-ye Sarhgoshadeh be Re'is-e Majles-e Khobregan-e Rahbari*)

**& The Responses to the Letter**  
(*Hamrah ba vakoneshha-ye an*)

**The Superior Jihad Series (1)**  
(*Majmou'e-ye Afzal al-Jahad- 1*)

**Mohsen Kadivar (1959- )**

First Edition: July 2010, Published on JARAS

Second Edition (as web-book): May 2014

418 pages

Official Website of Mohsen Kadivar



**kadivar@kadivar.com**  
**http://kadivar.com**

## Table of Contents

Preface.....	7
<b>Part One: The text of Impeachment.....</b>	<b>15</b>
Introduction.....	17
<b>Section One: Criticizing the Assembly of Experts’</b>	
<b>Performance.....</b>	<b>27</b>
Chapter One: Lack of informing the people.....	28
Chapter Two: Lack of usage of the legal capacity of the article 109 of the Constitution.....	29
Chapter Three: Lack of supervision on the continuity of the qualifications and function of the leader.....	37
Chapter Four: Experts' big mistake in their selection of June 1989.....	47
<b>Section Two: Tyranny and Dictatorship.....</b>	<b>51</b>
Chapter Five: The indicators of tyranny and the evidence for dictatorship.....	53
Chapter Six: Violations of public freedom.....	61
<b>Section Three: Injustice and Oppression.....</b>	<b>75</b>
Chapter Seven: The signs of the oppressive ruler.....	76
Chapter Eight: The signs of the violation of juridical justice in the Constitution.....	79
<b>Section Four: Violence of Law and Subverting the         Regime.....</b>	<b>95</b>
Chapter Nine: subverting the Islamic Republic and the sabotaging the Constitution.....	96

## 4 Introduction

Chapter Ten: Violation of law through illegal law-making and Interpreting law in a wrong manner	101
<b>Section five: Enfeebling Islam</b>	133
Chapter Eleven: Against Islam in the Name of Islam	134
Chapter Twelve: Violating the Principles of Islam in the Constitution	141
<b>Conclusion</b>	145
<b>Part Two: The Reactions to Impeachment</b>	149
Chapter one: The criticisms	150
Chapter Two: The reviews	340
Chapter Three: The responses	366
<b>Epilogue: The Removal of the Last Dissident</b>	<b>387</b>
Annotated table of contents	393
From this author	399
English Abstract	403

## **Introduction**

To the Head of the Assembly of Experts  
His Excellency Ayatollah Hashemi Rafsanjani

Greetings and Salutations,

This open letter (consisting of an introduction, five sections, a conclusion and some footnotes) is presented to you and the members of the Assembly of Experts in defense of the impeachment of the Supreme Leader of the Islamic Republic of Iran.

### **1**

This letter is addressed to the citizenry, the head of the Assembly of Experts and its members. I send this letter in open format, so that the Iranian People—my real intended audience—can also be witness to this petition. I wish to address you in two capacities; the first is as the head of the Assembly of Experts, the only organization in the country that was supposed to be independent of Supreme Leader's authority and was charged with the responsibility of acting as the checks and balances against the leader's political power. And the second is that of a person who has consistently been one of the pillars of the Islamic Republic, and as a result, is at least partially responsible for all the good and bad produced by the system. This person has steadily been the second most effective political force in the country. He has put himself at the

## 6 Introduction

mercy of the voting cycle, has been elected eight times. The time before last, upon becoming a candidate, he found solace in God's grace because the only recourse he could find was the Almighty's promise of justice. In the last two years, given your open letter dated (June 9, 2009), your Friday prayer sermons on (July 17, 2009) and your note on (June 27, 2010), it is clear that you award the citizenry's demands, at least a cursory amount of attention.

Your record, with all its highs and lows, shows that you simultaneously accept as necessary, the two foundational principles of public consent, and oversight and control over the power of the Supreme Leader. You are also the only member of the Islamic Republic's ruling elite that has acquiesced to the fact that the state, in the very least, has been facing a "crisis of legitimacy" in the last 14 months and that the protesting Green Iranians are not "seditious and incendiary". They are in search of their vote, nay, their "hijacked" rights. An exit strategy out of this crisis is not suppression and silencing but submitting to the sovereignty of the rule of law and the execution of the neglected articles of the constitution.

This author is not unaware of the limitations and restrictions which are currently place on you but believes that if you and those few members of the Assembly of Experts—who have not broken your oath—like Ayatollah S.A.M. Dastgheyb Shirazi, not rush to act in accordance to your legal duties, you will then be held accountable in the public arena. Negligence in such an important matter, on which the sovereignty of regime and the country depend upon, will not be considered a minor error based on delinquency, but an egregious offense with due culpability.

## 2

Why is this text being presented to you as an open letter? The actual place for presenting such an issue would be the Assembly of Experts, but when the Assembly does not perform its legal duties; the opposing political parties are illegally disbanded; independent and critical media illegally suppressed and shut down; dissenting political activists illegally detained and charged with extended sentences; when the offices of the clerical establishment and the source of imitation (*Marja`-e Taqlid*), get destroyed and plundered by plain clothed officials and the *Basij*, the only possible alternative is to write an open letter from exile – a letter, the publication of which is only possible through internet outside of Iran!

This letter is not being written in order to record a grievance for posterity's sake, but in order to leave an actual imprint, however insignificant, on the country's current condition. The writer is not an idealist nor is he trying to start an abstract discussion in order to stroke his ego. With an eye to what is actually possible, he is searching for a way out of a crisis that is extremely harmful to the Iranian society. Discovering a way out of the current troubles, with which the country is afflicted, is in fact the immediate duty of all those who dream of Iran's exaltation. If you, as the head of the Assembly of Experts, are unable to find the means by which to use the provided levers in the constitution to extricate the country from this crisis, then you might as well be saying that "it is not possible to reform The Islamic Republic using its constitution."

3

Allow me to be frank: I still defend the goals of the 1979 Islamic revolution (independence, freedom, justice and compassionate Islam). Even though my response to the referendum which asked for an endorsement of a constitutional model--roughly similar to the constitutional draft, held in April 1980--was a resounding yes, I have expressed serious criticism of the Islam Republic in the 25 years since. Although I accepted the 1980 constitution, I nevertheless, rejected the December 1989 revisions based on the entrance of the concept of the absolute guardianship of the jurist (*velayat-e motlaqeh-ye faqih*). In fact, I essentially argue against the concept of the political guardianship of a Muslim jurist, in all its forms, on the basis of argumentative jurisprudence (*feqh-e estedlali*). In spite of all this, I engage you in this debate against the backdrop of this same 1989 constitution, a constitution that for the time being remains the foundation of public order in Iran.

Despite all the injustices imparted onto the author by the system which is controlled by Mr. Khamenei, I feel no personal animosity towards him. In fact, I voted to make him president twice, once in 1981 and another in 1985. I criticize Mr. Khamenei solely on basis of the detrimental effects his behavior has had on the lives of the Iranian people while occupying the position of the Supreme Leader.

4

Presenting a letter addressing the impeachment of the Supreme Leader is a religious, ethical and national duty. It



is a religious duty because it falls under the purview of enjoining the good and forbidding the evil (*amr-e be ma`ruf va nahy-e az munkar*), the religious duty of counseling imams and the oversight by an individual citizen with legal rights of one who has power in the public sphere. It is an ethical duty because human beings are ethically bound to stand up to injustice and oppression. It is a national duty because the citizenry feels responsible to correct for the negligence of those in power in defending the interests of the state, especially when the neglect and lack of prudence has led to crises in the international arena and has caused economic and cultural problems at home.

Although impeachment of the Supreme Leader is a religious and ethical entitlement due to the author, nevertheless for those who consider the leader a hallowed authority figure beyond question, culpability and impeachment, I marshal below, not only as permission but a need for impeachment, sayings of Mohammad the Prophet of Islam and Imam `Ali:

**A.** When the Prophet Muhammad Ibn Abdullah sent Ma`adh Ibn Jabal as governor to Yemen, he advised him that: "Execute God's will among them. Given that neither the authority nor the wealth is yours, fear no one, when distributing His wealth and enforcing his command. When you think an instance might present itself where you could become subject to criticism, explain your actions to the people so that they might consider those actions justifiable and not accuse you of wrong doing." (Tuhf al-`Uqul, 25).

**B.** Imam `Ali in a treaty letter cautions Malik Ashtar that: "people reflect on your actions the same way you reflect on the actions of leaders that have come before you. They say about you what you say about those very

## 10 Introduction

same leaders.” Imam `Ali then asks that Malik Ashtar take the business of “being responsive” to the citizenry’s questions and objections seriously and to not dismiss their complaints: “If the people suspect you of oppression defend yourself with a clear justification and in being transparent, deflect their distrust. In choosing such a method you will no doubt build yourself (in the ability to withstand criticism while maintaining justice). It also ensures that you have acted cautiously with your people. You will also have an excuse for when you meet your maker. If your goal is to justly honor and advance your people, God will make it happen.” (*Nahj al-Balagha*, Letter 53).

C. Imam `Ali felt responsible towards keeping the citizenry informed and knew that only by giving updates (in all non-military issues) could he expect obedience: “Know that the responsibility I owe you is to not keep anything hidden from your attention, with the exception of war-related issues, and to not take action without consulting you unless it’s God’s will and to be vigilant in not delaying or relinquishing in my efforts to make sure your rights are awarded and that they are awarded in equal manner. If I act according to this standard, God is responsible to you for provisions and it is incumbent upon you to obey me.” (*Nahj al-Balaghah*, Letter 50)

My intent in calling for an impeachment is in earnest, a plea for greater clarity and elucidation. The impeachment of the ministers and the president has been deliberated upon in the 89<sup>th</sup> article of the constitution. Correspondingly, The Assembly of Experts has the right to impeach the supreme leader based on the jurisdiction inferred upon them in the 108<sup>th</sup> article used in executing the content of article 111. If the Assembly of Experts does

not honor their responsibility in impeaching the Leader, each citizen in turn acquires the right to do so. In this letter, I have admonished and censured the ethical, juridical, civil and criminal offenses of the Supreme Leader. Islam has taught us that although it is customary for governments to infer chimerical grandeur onto their leaders and consider their populace as insignificant, neither position can bar advice from being given and impede the truth from being spoken:

“And therefore it is incumbent upon you to counsel each other in fulfilling your responsibilities (towards each other and the government) and to cooperate well in doing so. Verily, one of the divine responsibilities entrusted to humanity is to assiduously give counsel and act with charity, to the utmost of one’s abilities, when dealing with other. Note that it is not possible to find someone - no matter how elevated in status and long-established in religious practice – who doesn’t need help in fulfilling his obligations towards others. Note also that it is impossible to find someone who – no matter how disparaged and belittled by others – is not needed in the prospect of realizing justice or helping the leader carry out what is honorable.” (*Nahj al-Balaghah*, Sermon 216)

## 5

Assessment and criticism of the Supreme Leader’s 21 years in office does not mean that the Islamic Republic’s first decade had no shortcomings. The root cause of some of these shortcomings (not all of them) can be traced back to the leadership methods of the founder of the Islamic Republic. The differences in leadership between the two supreme leaders of the Islamic Republic have been

## 12 Introduction

analyzed in detail in the fourth section of this letter. My criticism is limited to the present day in the hopes that it can be of use in solving the current crises. A criticism of the past can be pursued at a more opportune moment.

The responsibility of what is said in this open letter lies squarely on my shoulders. If there are still some dear friends out there who are pondering whether or not the limit of the public's patience has reached the farfetchedness of an act as drastic as impeachment, and still believe that this fruit is yet to ripen and consider criticism of the Supreme Leader a type of extravagance, or if there are others who deem such activity as a last-ditch effort in preserving the regime and a means in delaying the complete overthrow of religious absolutism, then we have differing views and of course to each his own opinion. I have tried to show the extent to which the Supreme Leader has violated the constitution and the extent to which he is responsible for the current deep crisis with which Iran is facing. I also accept all responsibility for the contents of this letter. No one is allowed to apply pressure on the honorable leaders of the Green Movement or the reformist activists still within the country. I represent no one other than myself.

## 6

The Abstract of the Letter of Impeachment of the Supreme Leader is as follows:

Speaking as an Iranian citizen, I accuse the leader of the Islamic Republic of Iran, his holiness Ayatollah Mr. Seyyed Ali Hosseini Khamenei, of oppression, injustice, violating the laws of the land, the dismantlement of the Islamic Republic and of enfeebling Islam.

**First**, I believe that by systemically abusing the rights of the citizenry, the Supreme Leader has stepped into the role of consummate tyrant and successfully recreated an absolute monarchy. What is different about the current system is that Mr. Khamenie has adorned the monarchy with an Islamic veneer.

**Second**, I believe that by violating the independence due to judges and the judiciary, politicizing adjudication and committing indisputable injustice towards his critics and the citizenry, he has brought “despotic rule (*velayat-e ja' er*)” to life.

**Thirdly**, I believe that he has committed the worst kind of lawlessness in the last two decades, by repeatedly violating tenets of the constitution, especially in the areas of legislation and implementation. By causing the transmutation and disintegration of the constitution, he has, in fact, been the greatest saboteur of the goals of the Islamic Republic.

**Fourthly**, in so much as this absolutism, injustice, lawlessness and subversion is enacted in the name of Islam and the faith of the Prophet's Household and as a substitute for the authority of the Prophet himself and the Imams and as a form of Islamic Rule, he has struck the biggest blow against Islam, Shi'ism, God, The Prophet and the Imams. By politicizing religion, he has enfeebled Islam and Shi'ism.

And **finally**, considering that he has lost the prerequisites implied at the time when his tenure as supreme leader began; Mr. Khamenei's authority has become invalid.

This letter begins with a criticism of the Assembly of Experts' performance. The second part of the letter is dedicated to making a persuasive case in support of the

accusation of absolutism and tyranny against the Supreme Leader. The third part is responsible in bringing to light issues and evidence related to the topic of injustice and oppression committed by the Supreme Leader and a description of how he became the embodiment of a despotic ruler. In the fourth section, I illustrate instances of the Leader's contentious relationship with the rule of law and explain what I mean when I accuse him of subverting and sabotaging the regime. In the fifth section, I elaborate on what I mean by "enfeebling Islam" and describe the blows the Leader's transgressions have struck upon Islam and Shi'ism. And finally, considering that he has lost the prerequisites implied at the time of his engagement as Supreme Leader, Mr Khamenei's authority as leader, has, in turn, become invalid.

7

The Supreme Leader and his attorneys undoubtedly reserve the right of defense against these purported charges. If upon reviewing their response, the truth of their defense is demonstrated upon me, if I have mistakenly accused the Supreme Leader of an offense, or if I have been misguided in any of my four accusations, I will publically retract my statement and officially apologize to him. If the contents of this letter get discussed by the Assembly of Experts or the Assembly's Research Committee – and I hope that it does – I will thank the Lord for the remaining few open ears that still exist in the regime. If the Assembly of Experts does not respond appropriately to this letter—all indications point to this being the most probable result—I will carry on my plea for justice by continuing the discussion in the public arena.

No doubt this letter has the capacity to present an even more extensive case against the Supreme Leader. This is however my first attempt and later iterations, if I am given the opportunity to write them, will expand upon this first step. I hope that my lawyer compatriots aid me in pointing out the mistakes and deficiencies of this brief. I hereby officially invite expert criticism.

**Mohsen kadivar**

May 2014