

The West's Next Test:

The Verdict of the Thirteen Jews

Jun 30, 2000



Brief Analysis

On July 1, Satiq Nurani, judge and prosecutor for thirteen Iranian Jews accused of espionage, reportedly will announce his verdict. The case, troubling for both procedural reasons and the dubious nature of the charges, has for more than a year been an obstacle in Iran's relations with the West. The impact of the verdict will go far beyond the Shiraz courtroom: In addition to being an indicator of how powerful the hardliners remain in Iran—despite their drubbing in recent polls—the verdict will influence decisions in Western policy circles about the extent to which rapprochement with Iran is appropriate.

The Trial. Despite massive emigration following the 1979 Islamic Revolution, Iran's Jewish community today numbers about 25,000. Centered in Tehran, Shiraz, and Isfahan, it remains the largest in the Middle East (next to Israel). Iran's Jews enjoy relative freedom in daily life, although they are largely barred from government employment. Jews still serve as low-level conscripts in the army, though, and have an elected representative in the Majlis (parliament). Since the Revolution, the government has officially executed seventeen Iranian Jews. Among them, according to State Department human rights reports, Iran hanged Jewish businessman Hidayatullah Zindehdil in 1997 for alleged espionage during the Iran-Iraq war; and in May 1998, authorities hanged another Jew, Ruhollah Kakhudehzadeh, without public charge or due process.

Beginning in January 1999, Iranian authorities arrested thirteen more Iranian Jews. Held without charge until June 7, 1999, the Revolutionary Court charged all thirteen with espionage. Two days later, the intelligence branch in Fars province (of which Shiraz is the capital) issued a statement announcing that "thirteen spies who have been working for the Zionists have been arrested." In September 1999, the Iranian press reported that the Jews, still imprisoned without legal representation, had confessed to espionage. The trial began on April 13, 2000, but Nurani quickly adjourned the proceedings until May 1, 2000, in order to allow defense counsel Nasir Saddiqi and Ismail Nassiri, a former Revolutionary Court judge, time to interview their clients and prepare a defense. According to relatives of the accused, Nurani pressured some of the imprisoned Jews to accept Nassiri as counsel. Since the trial began, eight of the thirteen Jews have confessed to espionage on Iranian television, although relatives claim the confessions came under duress.

On May 15, the director of the Fars judiciary, Husayn 'Ali Amiri, accused the incarcerated Jewish shopkeepers, butchers, teachers, and religious leaders of photographing military sights and passing to Israel information about Iranian military and industry. On May 21, Pierre Dunac and Stephane Zerbib, lawyers with the French group *Avocats Sans Frontieres*, reported that four of the Jews were also charged with spying for Iraq, a statement both Amiri and the Iraqi government denied. Western officials have cast doubt on these charges since the accused had no access to classified material, and information about the military sites could have come from satellite photographs. During 1999 interviews in Tehran, Jewish residents speculated that the Iranian government may have singled out the thirteen because of their previous travels to Israel (via Europe), not an uncommon practice among Iranian Jews—many of whom have family members in Israel. Amiri also accused the Jews of planning to sow discord by both

disrupting the Fars medical system and contaminating the city's water supply.

All of these charges are serious. At a June 25 press conference, Iran's public prosecutor Ayatollah Murteza Muqtada'i stated, "They [the Jews] have been found culpable of spying for the Zionist regime and according to law, they are eligible to be sentenced to both death or prison terms." Amiri denied the next day that the Jews would face a death sentence because "the defendants are only accused of 'acts against the national security,' and the charge of muharibeh [waging war against God] has been dropped. Hence they would not face capital punishment." A 1996 alteration in the penal code, however, does permit execution for anyone convicted of spying for Israel or the United States.

Why Now? The arrest and trial of the thirteen Jews cannot be separated from the ongoing power struggle in Iran. The reformist tide threatens many hardliners who find the status quo lucrative and see little reason to voluntarily relinquish power, despite the popular reformist mandate reinforced by this year's Majlis elections. The closure of nineteen newspapers and this month's arrests of student leaders have demonstrated the continued power of the old guard to both Khatami and the Majlis. Internationally, the trial of the thirteen Jews has had the same effect (the 1998 murders of several Iranian Christians and the hanging of a Baha'i received little Western attention). Hardline efforts to sabotage Iranian outreach is not new. For example, the day after Khatami's December 14, 1997 "Dialogue of Civilizations" speech, U.S. satellite reconnaissance detected a test for a new Iranian missile capable of striking Israel, Saudi Arabia, and Turkey.

Interpreting the Verdict. Whatever the judge-prosecutor's decision, the verdict will have repercussions far beyond the trial. Indeed, the trial verdict will demonstrate whether Khatami controls enough of his government to put substance behind rapprochement.

The best case. It is unlikely that there will be an outcome of unequivocal innocence. But while reformers have not spoken out publicly against the trial, such a result would indicate that they have worked behind the scenes and are making more than cosmetic progress in extending their control over other traditional hardline bastions. Dismissal of all charges would also indicate that international pressure works: When Washington and Europe present a common front, Iran will back down from pariah activities.

The worst case. Several Jews may receive death sentences or life terms. Even in the worst case, however, there will be both appeals and perhaps clemency from Supreme Leader 'Ali Khamene'i. Although hardliners wish to slow down rapprochement with the West, they will not want to force European governments to cease economic outreach. For example, Iran sentenced German citizen Helmut Hofer to death in 1998 for having sex with a Muslim woman, but freed him after two years of appeals and diplomatic bargaining. But even one death penalty may spur emigration and hasten the end of a 2,500-year Jewish community.

A mixed verdict. In the most likely scenario, the court may acquit some Jews and find others guilty of less severe crimes. Given the dubious nature of the charges, the closed nature of all sessions, and the use of coerced confessions, however, any prison sentence will challenge U.S. policymakers. Any guilty verdict in a trial repeatedly condemned by President Bill Clinton and Secretary of State Madeleine Albright will force Washington to decide if rapprochement is possible while this issue remains unresolved.

The verdict will also reflect on Europe's policy of "critical engagement." To date, this policy's dividends are unclear. Over the eight years of Europe's attempts to moderate Iranian behavior through dialogue, high-ranking Iranian operatives have conducted assassinations in Europe, supported terrorist operations in the Middle East, pursued a program to develop weapons of mass destruction, and executed dozens of internal dissidents.

Khatami's rhetoric may be sincere, but Iran must be judged by its actions rather than by its words. The verdict in the trial of the thirteen Jews will be an important indicator of whether Iran has turned away from its radical past.

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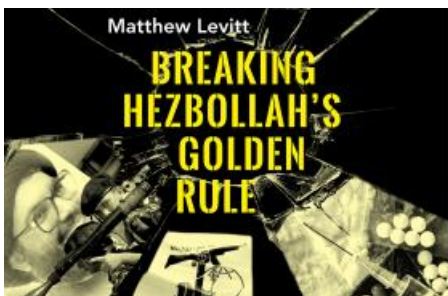
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