

My Changing Idea of Justice

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I came to know about the concept of justice at the age of eight, when my teacher, a religious gentleman, reiterated the following maxim: “God is just”. I doubted this message when I witnessed a bereaved father in our neighbourhood stretching both his hands towards the sky, shouting at God: “Oh God, where is your justice?” Twelve years later, at the age of twenty, I was acquainted with a theory of the Iranian poet Omar Khayyam who cast doubt on heavenly justice:

Ah love! Could you and I with Him conspire,
To grasp this sorry Scheme of Things entire,
Would not we shatter it to bits – and then
Re-mould it nearer to the Heart’s Desire!

(Fitzgerald, 1879, p. 193).

I shared my doubt with my father who told me that divine justice should not be gauged by the petty problems of the individual members of the mortal race.

In my young age, I was fascinated by the idea of retributive justice through reading a novel by Alexander Dumas (1996) the Father called *Comte de Monte Cristo*. It is the story of Edmond Dante, a man imprisoned under false pretences. Dante, who was supposed to marry a wealthy woman, was falsely accused by his friends of being a spy, and was sentenced to seven years in prison. There, he plotted his revenge against the friends who had betrayed him. Upon his release, he exterminated his treacherous enemies one by one and rewarded those who had helped him.

In those days, with all my passion, I advocated the theory of retribution: “Eye for an eye, tooth for a tooth, nose for a nose”, and so on. I believed that leaving criminals with impunity would provoke them to commit more crimes. Punishment should be proportionate to the crime committed by the criminal. It took me a few years to abandon this theory in favour of restorative and reformatory justice. The aim of Restorative Justice is to bring new awareness to the victim, the community and the perpetrator. It is based on the fact that the damage of a crime is primarily harm to peaceful human interaction. I prefer Reformatory Justice because it is normally not possible to restore a broken state of life. The aim of both is making perpetrators aware of their injustice and persuading them to compensate for their actions. I came to this understanding long after my imprisonment and torture.

At the age of twenty-one, I began my compulsory military service. We were forced to go through a military course in the infantry battalion of the military academy. In the army, we were taught that justice would come with obedience. Our superiors considered God as the source of absolute justice and the king as the shadow of God. Justice, according to them, had no meaning but to be obedient to the army as the king's arm. We were expected to obey the rules and commands unquestionably: "There is no 'why' in the army", we were told. In this period, I repeatedly asked myself: "What about a condition in which the law itself is unjust?" I found it to be gross injustice when, for example, our commanders expected the same performance from each and every soldier without considering their different physical capabilities. I also found it unfair when somebody in our battalion committed an offence and the commander punished us all indiscriminately despite our innocence. This reminded me of a Persian poem:

A blacksmith committed murder in the city of Balkh [Northern Afghanistan].

The judge beheaded a coppersmith in the city of Shoshtar [West of Iran].

Of course, in some cases, I experienced fair treatment in the army. In the early morning, they called sick people for referral to the hospital. I found this attention to vulnerable people a just and humanitarian gesture on the part of the army. It was unfortunate that many soldiers pretended to be sick as a means of getting exempted from the hard work. I found it to be a misuse of a just treatment. To this day, I believe that each and every citizen has the responsibility to appreciate justice and promote it by her or his appropriate behaviour. Seeking social justice is meaningless if we are not just in our individual lives. We need to fulfil our duties to our neighbours, colleagues and family members with good faith and temper.

At the age of twenty-two, I was admitted to the post graduate program of the Centre for Advanced International Studies, University of Tehran. At the Centre, I learned about the concepts of natural law and natural rights. I was very much fascinated by philosophers of Enlightenment, especially John Locke. I came to know that a just government represented such natural rights as life, liberty and the pursuit of happiness. I agree with Locke that "to understand political power... we must consider what state all men are naturally in and that is a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit within the bounds of the law of nature" (Burt, 1939, p. 404).

I appreciated natural law as the origin of justice at the individual, social and global levels. There are certain laws inherent in human nature that no authority can take away from us. Freedom and equality are the main components of natural law. Human rights are nothing but the understanding and implementation of these indivisible, inherent, natural properties of humankind.

It was also at the Centre that I learned that poverty was unjust, and that wealth and income should be distributed in a just way. It is not fair that a tiny minority live in total abundance at the cost of the starvation of millions of poor people. I was very much fascinated by the Iranian Marxists' slogan of, "from each according to his abilities and to each according to his labour". At this time, Iran was ruled by a tyrannical government. All power was concentrated at the hands of a monarch – the Shah – who ruled the country by an iron fist. Any kind of opposition was brutally suppressed by a notorious secret police called SAVAK. The country's wealth from oil and other natural resources was plundered by the international oil monopolies in collaboration with a tiny, ultra-rich family, with the Shah at the top. The majority of the people were extremely poor and malnourished. In Shiraz, the Nomads were selling their elder children to save other members of the family. In the eastern province of Baluchistan, people ate grass due to the lack of food. All these seemed to me as symptoms of deep injustice rooted in the political system. I decided to struggle against tyranny.

I involved myself in civil and human rights movements. I chose to write about human rights. I also joined small groups of like-minded intellectuals to raise our voices against economic inequality and autocracy.

It was on a beautiful April day in 1973, when two well-dressed and quite nice-looking men entered my office, wearing civilian clothes. At that time, I was working as the Deputy General Manager of Organization, Education, and Methods in the Ministry of Water and Power. They handcuffed me from behind, blindfolded and took me away in a car. Soon after reaching the destination, I found myself in a dungeon.

They tied me to a metal bed, spread-eagled, and a large, burly man who looked like a gorilla, began beating me with a wooden stick. He struck me so hard that the stick broke in half after four blows. After a few more blows, the remaining stick broke into two pieces. He beat me another twenty times with the thickest part and then exchanged his stick for a thick, black electrical cable. Over the next several hours, I was beaten with a variety of instruments. I was beaten on the soles of my feet and forced to run around the room while being pushed from one man to another.

The object of this beating was to extract information about my friends

and associates. I was supposed to give the names of guerrillas and their safe houses, despite the fact that I was not involved with any violent faction and had no idea about things like that.

At some point, they took me back to my house and searched it in front of me. I remember one of the torturers, the Gorilla that had beaten me on the soles of the feet, whispering that I should not be limping because it was shameful; my neighbours would feel that I was ridiculing them. Yet I could not walk normally because my feet were badly injured. They did not find anything in my house except a single pair of hiking boots, which they made a fuss over, insisting they must belong to a guerilla, and quite a few fresh dates, which they also said were there to feed my guerilla friends.

After I was taken back to jail, they blindfolded me again and ordered me to stand facing the wall in front of the torture chamber. I could hear the sound of lashes followed by torturers' shouting and insults mixed with the pleading, weeping, and screaming of the victims. I waited for half an hour or so – that seemed like an eternity to me – until my turn came again.

A boy I knew, a second year law student to whom I had given two pamphlets on human rights, was brought in and I was asked to identify him. It was then I learned that he had been arrested and had given my name along with some others to SAVAK, implicating me in guerilla activities. All the information he had given them was false; he must have simply told them anything he could think of in order to end his own torture. This is the blatant example of a sickening injustice inherent in the crime of torture. Under intolerable pain, victims may give false information in order to stop their agony. Such information can lead to the arrest, torture and execution of innocent people. I had a terrible feeling when I found that all my pain was over a false confession extracted under torture from someone else. Here, it is pain that speaks and provides right or wrong information.

When I contradicted the boy and asked whether he was not ashamed of himself, my torturers immediately took him away and intensified my torture. It was so difficult to stand the pain. With every blow I felt an intolerable pain running through my body. After some time, the man who had arrested me – he was, in fact, the chief interrogator – entered, and said my interrogators had permission to torture me to death, and that they should not worry about the consequences.

The beating continued until I could not feel any more pain, only a vague tingling sensation each time I was hit. It was at that point that the Gorilla decided to stop, since there was no point in continuing. All the

torturers went away and left me in an agonizing limbo in the middle of the night in the dark torture chamber. After some time, two soldiers entered. They took me by the arms and helped me towards a large brightly-lit room. There are moments in life that one never forgets: when I glanced back I saw the trail of my footprints in the bright mosaic of the floor. They were made by blood dripping from the soles of my feet.

I found myself among human butchers who were ready to tear my body apart. The terrible feeling of helplessness and haplessness engulfed me. I resisted their threats, but it was spontaneous and instinctive. In that room I found the Gorilla and three of my torturers, including the person who had arrested me. He told me: "I am Dr. Hosseinzadeh. I am the inventor of torture. I will design a torture suited to your nature and character. We'll extract all the information you have".

In SAVAK, all torturers called themselves doctors. Later, I found out that his real name was Reza Attarpour, the most notorious torturer and the chief of all interrogators in Iran. He threatened me with burning and said that he would pump boiling water into my rectum. Thankfully, neither threat was carried out.

The moment when I saw my cell was one of the happiest in my life. It was a small room, but it had a mattress on the floor and four pillows, and I knew I would have at least a small reprieve from the torture. Yet, paradoxically, as soon as the door closed behind me, I felt everything that had happened wash over me and I became desperate. If I could have died then, I would have. Every single person I have spoken to who has been tortured has confirmed that there always comes a point when you wish to die.

In the morning, all four pillows on which I had rested my legs were stained with blood. Since I was unable to walk, one of the guards carried me to the prison doctor. When the doctor unwrapped the bandages from my legs I saw that strips of flesh were hanging off the bottoms of my feet. The doctor said to me: "You must be an extremely dangerous man, one of the guerrilla leaders, to have been tortured so badly".

I was highly disturbed when I found that the doctor was playing the role of an interrogator in a different way. Initially, he used the softest possible language to assure me that he had nothing to do with torturers and interrogators. He, then, asked me to reveal my information to him in total confidence. "They will", he said, "extract all your information under more severe torture; as a doctor, I do not want you to be tortured; give me your information; I will act as an intermediary and ask them to be nice to you". I found this absolutely unjust. It was nothing but an inversion of the right order of things. Medical science and practices are for healing,

not for killing. According to the UN principles of Medical Ethics (1982), medical personnel should put all their emphasis on treating their patients without causing them any physical or psychological harm.

I told him that I was merely a human rights activist and had been falsely accused. After that the doctor apologized for having to cause me more pain. He said that he had no anaesthetics, but in order to prevent gangrene he would have to trim the flesh off my legs and feet before dressing the wounds. It hurt, but not as much as the beatings had.

Both of my legs, especially the left one, were completely black right up to the knees. I passed blood instead of urine for twenty-four hours. For one week I could not walk at all. A guard had to carry me to the bathroom in his arms. For fifty days, I walked with great difficulty. Over the next four years, I spent time in many prisons and was beaten on numerous occasions, but I was never tortured as badly as that first time.

They kept me in the limbo of torture and interrogation for more than a year until they sent me to a military tribunal. It was against the fundamental principle of justice that calls for non-discrimination and equality before the law. I was a civilian and a civil rights activist. The country's two-tier judicial system was used unjustly to try me in a military court that was obedient to the secret police and lacked independent judges, prosecutors and counsellors. Their job was to put a rubber stamp on the sentences pre-determined by the Intelligence. When I go back to those days, I feel that the goal of mock trials as such was to give a level of legitimacy to the process. The audience was primarily torturers and others who were involved with the Intelligence. It was an attempt to justify their ghoulish actions to themselves. The secondary audience was the victims and their families. The torturers frequently boasted that they had the best system of justice in the world.

The military court sentenced me to three years of imprisonment. Just before the end of my sentence, the Shah had established his one-party system and ordered SAVAK not to release any political prisoners. This was a total mockery of legal justice. The tyrannical regime of the Shah had not bothered to respect its own rules. Thus, people like me, who had served their sentence, were transferred to a new prison and kept in indefinite limbo.

In time, I learned that they had arrested me because the boy who broke under torture told them I was a liaison between the Marxist guerillas and the fundamentalists, which would have made me extremely dangerous. SAVAK must have realized their mistake soon enough, certainly within a short time of the arrest. Yet, without bothering about a semblance of justice, they kept me in prison for another four years. At first because they

feared that if I were released before my wounds had healed the story of the torture would get out and later because they hoped I would eventually give them some excuse that would allow them to justify the initial arrest. I came to know that tyranny and injustice are twin brothers. Tyrannical regimes do not bother about individual rights and are indifferent to the need for due process. They justify all their unjust activities in the name of defending national security or public interests.

I spent two years and four months in horrible detention centres run by SAVAK (secret police). Prisoners were left incommunicado there. The spectre of torture was hanging over everyone's head. At any time, they could take us to the torture chamber. I found a great deal of empathy among our jail mates. We used to forget about our political differences and discuss issues of common interest. Food was adequate but of poor quality. As prisoners had no choice of their diet, sick prisoners suffered most. Although some guards assisted torturers, quite a few of them abstained from torturing us. A tiny number of guards went so far as to express their empathy for prisoners. We had been denied books, pens and papers. There was no option but to share our knowledge verbally, on a one to one basis, in an attempt to protect ourselves from possible informers.

Out of the twenty-eight months in SAVAK jails, I spent five months in a jail that was jointly run by police and SAVAK. The condition of the prison was extremely difficult. Both the public and solitary cells were unhygienic and reeking. The overwhelming majority of guards were cruel, competing in collaboration with professional torturers. Public cells were overcrowded to the extent that they sometimes had no available spaces to sleep. In public cells, we were not permitted to speak loudly. We passed time by sharing poetry and fairy tales with one another through whispers. In solitary cells, I made life tolerable by walking back and forth, and doing exercises. The torture chamber was in the same ward. We could hear screams all the time.

The situation was different in the central jail. Up to 400 prisoners used to live in three wards. The prison yard was open to all from 6:00 a.m. to 6:00 p.m., where guards moved among us controlling our actions. They were trained to be extremely cruel with prisoners. We were prohibited any kind of natural human interaction: shaking hands, embracing each other, singing, dancing, and the like. A simple disregard of these rules invited corporal punishment from prison authorities.

Despite ideological differences, political prisoners maintained a high level of unity vis-à-vis police. We shared money, food and clothes brought by families in their weekly visits. We could purchase items from the

prison's small store and cook supplementary food. We were allowed to read certain books individually or with another jail-mate. While learning French, I used to teach English, political economy, history and philosophy. Throughout these years, I boosted my morale by doing regular exercises and maintaining a very friendly relationship with my jail-mates.

I found it highly unjust that the regime kept a large number of helpless prisoners in a state of uncertainty, instability or being taken for granted. It is "the most tormenting state of human life in which the victims lose themselves and suffer endlessly" (Mossallanejad, 2005, p. 193). For sixteen months, the regime used its fortified prison to keep me and hundreds of other prisoners with no communication with the outside world. This was a tactic to make the whole world forget about us. Every now and then, we moved from one extreme to the other – from hope to absolute hopelessness. With any noise, I used to jump and get ready for going under torture. I still suffer from the impact of this gross injustice.

While under torture in a public cell in the notorious Evin jail, I raised the following question to my cell mates who were also under torture and interrogation: "what kind of justice should we impose on our torturers if we ascend to political power?" Unfortunately, the majority of my friends prescribed torture as a means of defending the revolution against counter-revolutionary thugs. The memory of this conversation remained with me for years that followed and provided me with food for thought.

Eventually, President Carter came to power in the United States of America and put pressure on the Shah of Iran to release certain political prisoners. I fell into this category and was allowed to go free. But my troubles did not end with my release. I felt as if I had been transferred from the small prison of a cell to the larger prison of a police state. I was terrified of being arrested again and felt as if a shadow followed me everywhere. Finding work was impossible, as any kind of job required a security clearance, which was routinely denied to former political prisoners. For all of these reasons I decided to escape to India, where I registered for a doctoral program. It was not until after the Shah was overthrown that I returned to Iran.

The society I found when I returned home was very different from the one I had left behind. There was much upheaval and the religious fundamentalists had by that point gained a near monopoly on political power. They did not believe in the democratic process and I suddenly found myself persecuted by my former friends from prison who now occupied important positions in government. Often I had to change locations four or five times each day to evade capture and once spent a night hiding out on a battlefield with bullets flying all around.

Life was impossible in such circumstances and I fled Iran again, this time seeking refuge in Turkey. If things were difficult back home, they were certainly not easy in Turkey either, particularly for an alien with no residence permit. This feeling of living under constant threat became part of my experience and followed me for many years to come. Soon I left Turkey and sought refuge in various European countries, eventually returning to India, where I continued my studies.

The situation in India was far from stable, however. I discovered that the Iranian *Hezbollah* had organized in the country and were busy persecuting political refugees such as myself. Many of my friends were beaten and two were killed when they were attacked by an angry mob. While all this was going on, my son was killed in an accident. Still grieving and in shock, my wife and I decided to leave for Canada. We arrived in Montreal on February 12, 1985 and applied for refugee status.

It was at this stage that I felt the injustice of forced migration. I found exile to be one of the bitterest experiences in human life. It is a permanent separation between you and your native place. It is a cruel parting between human persons and their loved ones. It is the paralyzing sadness of estrangement. It is not an exaggeration if we compare exile to death that deprives the victim of the support of culture, family and homeland. The bitterness of permanent homelessness inspired me to explore other components of global justice: the right to asylum and the right to return to one's homeland.

Let me admit that as a devastated refugee in Canada, I experienced tremendous hardship on the one hand and unbelievable grassroots generosity on the other. After several years of marginalizing and discrimination-laden work experiences, I finally found employment where I can work for and with refugees and traumatized people. I am delighted that at the Canadian Centre for Victims of Torture (CCVT), I have found my full identity as a human rights activist, a refugee, a survivor of torture, an educator and a social justice worker. My long odyssey has taught me to have a holistic approach to the ideal of justice that covers both individuals and society. Justice, in my opinion, should be combined with the empowerment of victims on the one hand and reforming perpetrators on the other. Today, I reject the concept of retributive justice. I agree with Dr. Martin Luther King, Jr. that the "old law about an eye for an eye leaves everybody blind" (Allen, 2003). I do not attach any merit to human suffering, even if it is a means of God's trial. Life is an end to itself. We must take the moment and enjoy life as much as possible and make it enjoyable for our fellow human beings.

For me, justice means human rights in all its facets. Despite many

achievements through international conventions, there are still many challenges to be faced before succeeding to bring about justice to today's disarrayed world. There is a gap between ratification and implementation. Human rights are being violated in almost all countries of the world to varying degrees. All kinds of torture continue to be perpetrated around the globe. The right to freedom of movement internationally is not even being discussed at the UN. Aboriginal rights are under threat and there is no effective international action to counter this. Since the destruction of the Berlin Wall, western countries have built new "walls" against refugees and uprooted people. Millions remain oppressed and enslaved. The problem of impunity of torturers and war criminals has remained unaddressed. Children suffer from abject poverty and a myriad of man-made evils. There is hardly any link between civil and political rights on the one hand and economic, social and cultural rights on the other. There is inadequate attention to the right for development. Exploitation remains a grave injustice at the global level. Transnational corporations continue to plunder the human and natural resources of all countries. Inequality of wealth and well-being has never been as high as today. Unbridled global capitalism has reduced our once beautiful planet to an inferno. We are heading towards an impending environmental catastrophe. The UN human rights system has failed to prevent war and genocide. Human rights workers have remained unprotected.

The prevalence of injustice and human rights violations in today's world speaks to the need for indefatigable endeavours to achieve justice. Justice, however, is an open-ended ideal. Achievement in one area will accentuate the need for progress in another area. The UN human rights system and other intergovernmental mechanisms have their own limitations. There is an urgent need for the creation of a global movement for justice and peace with direct involvement of the peoples and grassroots' organizations in countries of the South. I hope a day will come when we all raise our voices in a battle-cry of global solidarity to ensure the implementation of the natural, indivisible and universal rights of humankind.

I would like to end by making a few remarks about the idea of forgiveness that is a part of any discourse about justice. In my opinion, justice should consider correction, deterrence, rehabilitation, reformation, reparation and cure as its ultimate objectives. These objectives are accompanied with the ultimate idea of forgiveness, extended even to the perpetrators of heinous crimes, both at the individual and social levels. Forgiveness, however, should come from survivors and must be attached to certain conditions. The perpetrators should show their sincere efforts

to overcome their normal sense of denial and expose their past vices in all dimensions. This is the main purpose of many truth and reconciliation commissions that are active in some countries in the course of transitional justice. Perpetrators must also show that they are willing to pay their debt to their victims and to the society as a whole.

Finally, I would like to reiterate my full agreement with the Nobel Prize Laureate, Wole Soyinka (1999, p. 98), that “*capacity to forgive [an] enemy is based on love, at least a certain doctrine of love*”. Loving the enemy has a powerful healing impact both on victims and on the entire society. Love is of universal power.

ENDNOTES

- * This article is prepared with a special contribution from my daughter, Dorna Mossallanejad.

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