



**Middle
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Ayatollah Ali Khamenei
Supreme Leader of the Islamic Republic of Iran
c/o H.E. Javad Zarif
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of the Islamic Republic of Iran to the United Nations

Your Excellency:

We are contacting you to express grave concern about the recent trial and sentencing to prison of Maliheh Maghazei, translator; Jafar Homaei, publisher; Banafsheh Samgis, literary critic; and Majid Sayadi, Cultural Director for the Ministry of Culture and Islamic Guidance.

These individuals were accused, according to the court verdict, of “insulting and undermining the holy tenets of Islam,” “sullyng the person of the Prophet Muhammad,” and “distorting Islamic history” by “publishing false, slanderous, and fabricated texts.” Following our examination of the cases against the accused we find these charges to be baseless. We call for an immediate end to their persecution and their unconditional exoneration.

The Middle East Studies Association of North America (MESA) comprises 2700 academics worldwide who teach and conduct research on the Middle East and North Africa, and is the preeminent professional association in the field. The association publishes the *International Journal of Middle East Studies*, and is committed to ensuring respect for the principles of academic freedom and freedom of expression in the region and in connection with the study of the Middle East and North Africa in North America and elsewhere.

The criminal case against Banafsheh Samgis stems from a favorable review she published in the official *Iran Daily* of a book entitled *Iranian Women Musicians: from the epic age to the present*. The criminal court of Tehran charged that Ms. Samgis used “unscientific and discredited sources,” which caused “serious displeasure and stress among the senior ulama and the population.” Ms. Samgis was faulted for observing that the Prophet of Islam liked to listen to music performed by women artists, and that women artists have practiced their craft throughout Islamic history. She was sentenced to one year in prison.

The charges against Maliheh Maghazei, Jafar Homaei, and Majid Sayadi pertain to the translation and publication of *The Veil and the Male Elite* by Moroccan sociologist Fatima Mernissi. The Criminal Court of Tehran found Ms. Maghazei guilty of “deliberately distorting the history and undermining the basic tenets of Islam” by translating a work “most of which content is a misrepresentation of Quranic verses... a work imbued with feminist opinions and infatuation with the West... a work which shamelessly assigns certain positions to the Prophet and to Islam which will undermine the very bases of Islamic beliefs.” Ms. Maghazei and Mr. Sayadi were sentenced to one year in prison, and Mr. Homaei to eighteen months. The court also ordered the copies of Mernissi’s book to be shredded.

These cases were tried in a branch of the General Court in Tehran. Judge Saeed Mortazavi, Tehran’s prosecutor general, presided. The court ruled that four-fifths of the sentences of Samgis, Maghazei and Sayadi would be suspended, but that Sayadi would have to serve his full sentence.

Your Excellency, we find these charges and judicial proceedings reminiscent of the darkest moments of the 15th and 16th century Inquisitions that permanently damaged the reputation of the Roman Catholic Church. We strongly condemn the persecution of scholarly and social scientific inquiry on the basis of their critical analysis of history and of sacred texts. As the head of the Islamic Republic, and as the only official to whom the Judiciary is answerable, we urge you to request in the strongest terms that the Judiciary dismiss these cases and the verdicts with immediate effect.

Your Excellency, the very nature of scholarly and scientific inquiry demands a critical and dispassionate approach to history, as well as all texts, intellectual traditions and belief systems. Professor Mernissi's book is widely recognized as a text of high professional and academic standard. It is widely translated and taught in many countries and universities, including Middle Eastern and Muslim countries, and by many members of this association. Nowhere to our knowledge is Professor Mernissi's book considered to be an "anti-Islamic" text, or disrespectful of Islam and the Prophet. In fact, Professor Mernissi's book emphasizes, in a scholarly and well-researched manner, the inherently egalitarian and anti-discriminatory history of early Islam.

Jafar Homayei, the Iranian publisher of the book and one of the accused, included a 43-page critical introduction by a prominent religious scholar, Hojatoleslam Mohammad Karimi Zanjani-Asl, in order to ensure that opposing and clerical opinions were represented. Furthermore, he published the book only after receiving official permission from the official censor of the Ministry of Culture and Islamic Guidance, Majid Sayadi. While in no way condoning the highly objectionable practice of censoring books before publication, we deplore the fact that the above individuals were brought to court and condemned to prison even after the publisher had secured the required permissions from the appropriate authorities.

Your Excellency, the rights of individuals to freedom of thought, opinion, and speech are explicitly protected under the Constitution of the Islamic Republic of Iran (Article 23), as well as the International Covenant on Civil and Political Rights (Articles 18, 19, 21), to which the Islamic Republic of Iran is also a state party.

Your Excellency, we feel the necessity of reminding you of the serious harm caused by these criminal cases to the reputation of Iran as a country where scientific and scholarly research and inquiry are highly valued. The prison sentences of one year each for Ms Samgis, Ms Maghazei, and Mr Sayadi, and 18 months for Mr Homayei, blatantly violate not only the individual and legal rights of these individuals, but send an intimidating signal to all scholars, researchers, and publishers in Iran. These court cases can only be conceived as a direct violation and attack upon academic scholarship and critical intellectual inquiry.

Having reviewed the Prosecutor's case and the Judge's verdict against the accused, we note that it would have been entirely appropriate for them to publish their objections to Ms Samgis' review and to Professor Mernissi's book in the format of critical reviews. However, these gentlemen used the punitive power of the State to persecute scholars, writers, and publishers for expressing their opinion, a blatant abuse of the public office entrusted to them.

Your Excellency, we urge you again to communicate to the Judiciary the need to remedy this travesty of justice without delay. These steps are critical to help prevent further deterioration of Iran's reputation as a country with a great tradition of learning and scholarly inquiry.

We thank you in advance for your attention to this matter and look forward to your reply.

Yours respectfully,



Amy W. Newhall
Executive Director

cc. HE Mohammad Khatami, President of the IRI
HE Kamal Kharrazi, Minister of Foreign Affairs, IRI
HE Mahmoud Hashemi Shahroudi, Head of the Judiciary, IRI
HE Mehdi Karroubi, Speaker of the Majlis, IRI