

The Senate

Foreign Affairs, Defence and
Trade References Committee

Human rights implications of recent
violence in Iran

February 2023

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Abbreviations

| | |
|---------------|---|
| ABC | Australian Broadcasting Corporation |
| ACSC | Australian Cyber Security Centre |
| AFP | Australian Federal Police |
| AIJAC | Australia/Israel & Jewish Affairs Council |
| AML | anti-money laundering |
| Amnesty | Amnesty International Australia |
| ASIO | Australian Security Intelligence Organisation |
| AUSTRAC | Australian Transaction Reports and Analysis Centre |
| CBC | Canadian Broadcasting Corporation |
| Chatham House | Royal Institute of International Affairs |
| CHRI | Centre for Human Rights in Iran |
| CFI | Counter Foreign Interference |
| CLO | Community Liaison Officer |
| CLTs | community liaison teams |
| CNN | Cable News Network |
| CSIS | Canadian Security Intelligence Service |
| CSW | Commission on the Status of Women |
| CTF | counter-terrorism financing |
| DFAT | Department of Foreign Affairs and Trade |
| ECOSOC | UN Economic and Social Council |
| ECAJ | Executive Council of Australian Jewry |
| EU | European Union |
| FTO | Foreign Terrorist Organisation |
| Home Affairs | Department of Home Affairs |
| HRW | Human Rights Watch |
| IAEA | International Atomic Energy Agency |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICCPR | International Covenant on Civil and Political Rights |
| IKO | Imam Khomeini's Order |
| IPC | Islamic Penal Code |
| IRI | Islamic Republic of Iran |
| IRGC | Islamic Revolutionary Guard Corps |
| IWAA | Iranian Women's Association of Australia |
| JCPOA | Joint Comprehensive Plan of Action |
| KLA | Kurdish Lobby of Australia |
| LGBTQIA+ | Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, and Asexual + |
| MCFWH | Multicultural Centre for Women's Health |

| | |
|------------|--|
| MEAA | Media Entertainment & Arts Alliance |
| MI5 | United Kingdom's Security Service |
| MUGPSC | Monash University Gender Peace and Security Centre |
| NAJ | National Assembly of Iranian Jurists |
| NEMA | National Emergency Management Agency |
| NSH | National Security Hotline |
| NSW | New South Wales |
| PEP | politically exposed person |
| SHEV | Safe Haven Enterprise Visa |
| SMR | suspicious matter report |
| STARTTS | NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors |
| STEM | Science, Technology, Engineering, and Mathematics |
| The Regime | Iranian Regime |
| TPV | Temporary Protection Visa |
| UK | United Kingdom |
| UN | United Nations |
| UNHRC | United Nations Human Rights Council |
| UN Watch | United Nations Watch |
| UNSC | United Nations Security Council |
| US | United States |
| ZFA | Zionist Federation of Australia |

Foreword

Bani Adam

*Human beings are members of a whole
In creation of one essence and soul
If one member is inflicted with pain
Other members uneasy will remain
If you have no sympathy for human pain
The name of human you cannot pertain.¹*

Across Iran, people are rising up against a government responsible for their suffering. The death of a young Kurdish-Iranian woman who was detained by authorities in September 2022 sparked protests against the institutionalised oppression of women. The Islamic Republic of Iran's (IRI) brutal response has not only failed to quell the uprising, but caused further protests against the IRI both in Iran and around the world.

State security forces have used live ammunition and seemingly indiscriminate force against civilians. Hundreds have been killed and many thousands wounded. Tens of thousands have been arrested. A number have been sentenced to death—some already executed—without access to a fair trial. Confessions are extracted through torture. Adults and children are subjected to horrific physical and sexual abuse in prison. The evidence presented to the committee painfully illustrates the wholesale maltreatment of a nation by the very authorities whose job it is supposed to be to safeguard and protect the Iranian population.

Inspired by the courage and resilience of the protest movement—led by Iranian women and girls—protests and rallies in support of the human rights of Iranians have been held all over the globe. These rallies have turned attention to what other nations, including Australia, can (and should) do in response to clear evidence of violence and the systematic suppression of human rights.

What began as a protest in response to one young woman's tragic death, has taken on the character and momentum of a much broader call for action in Iran. It is not for this committee, or for Australia, to determine what the aims of the protest movement should be. That is a matter squarely for the Iranian people. It is clear though that this is not a movement seeking just limited reforms. The almost

¹ Saadi Shirāzī (Persian poet), *Bani Adam* (means "Sons of Adam" or "Human Beings") part of the *Gulistan* (The Flower Garden) completed in AD 1258, chapter 1, story 10. The poem is inscribed on a large Persian carpet at the United Nations headquarters in New York.

unanimous view of Iranians and Iranian Australians who have engaged with this inquiry is that the IRI regime will not listen to its people and will not reform. Iranians from all walks of life remain steadfast in their call for political change, and they do so in full knowledge of the existential threat that challenging the authority of the IRI represents. Many have already lost their lives simply for protesting and asking for the same human rights that all of us should enjoy. Protestors are laying down their lives so that Iran's future can be different from its present. Their courage is moving, and inspirational. They have had enough.

The committee is extremely grateful to those who provided submissions and gave evidence to inform this inquiry. A very large number of submitters were fearful—concerned that they or their families in Iran could be identified and persecuted for speaking out—and yet were determined to do so. To protect witnesses and the integrity of the committee system, the committee decided to withhold many names from publication. This allowed people to share their personal experiences and contribute to the inquiry process freely, with their evidence protected by parliamentary privilege.

The committee was deeply moved by the stories shared by witnesses and submitters. In response to the evidence received, this report makes a series of recommendations designed to hold accountable a regime which abuses its own people, and reduce the IRI's ability to violate human rights without consequence. Implementing the committee's recommendations would place Australia more firmly in the community of nations which have heard the Iranian people cry: Enough.

The need for Australia to take a strong stance is not just a moral one. The IRI regime and affiliated entities have a long track record of threatening, intimidating and violent behaviour targeted at other nations and its critics. It is not in Australia's interests for the IRI to be able to continue such behaviour with impunity.

This inquiry commenced when Australia lagged well behind many of our partner Western democracies in taking action to send a clear unambiguous message to the Iranian regime that what they are doing is grossly unacceptable. Unfortunately, at the time of writing Australia continues to lag behind other nations in responding with action.

The committee urges the Australian Government to be unequivocal in its response to violence and human rights abuses in Iran. Whilst 'Iran's future must ultimately be written by the people of Iran in its own streets',² the protection of human rights is a moral obligation and a practical necessity for us all.

² Ms Sara Rafiee, United Action for Iran, *Committee Hansard*, 28 November 2022, p. 17.

List of Recommendations

Recommendation 1

4.42 The committee recommends that the Australian Government oppose the election of the Islamic Republic of Iran to any United Nations' bodies in light of the regime's clear disregard for human rights, particularly the rights of women and girls.

Recommendation 2

5.56 The committee is deeply concerned about credible allegations of intimidation and threats against Australian citizens, residents and their families. It recommends that the responsible Ministers provide an update to the Parliament and the Australian public on the government's current assessment of whether persons connected to the IRI regime are undertaking such behaviour in Australia.

Recommendation 3

5.57 The committee recommends that the Australian Government ensure there is an appropriate level of expertise and resourcing in the relevant government departments and agencies, including foreign language speakers and community liaison officers, available to quickly investigate and assess threats against Australians.

Recommendation 4

5.58 The committee recommends that all reports of threats, intimidation, monitoring or surveillance by the Iranian community in Australia are followed up, recorded, assessed and reported to the lead coordination agency (regardless of whether individual reports result in a criminal investigation) to ensure that the government has a complete picture of foreign interference efforts by the IRI in Australia. The committee further recommends that the relevant agencies report to Parliament through the Joint Committee for Intelligence and Security on such activities.

Recommendation 5

5.68 The committee recommends that the Australian Government, in consultation with its allies and through international forums, seek to improve its policy framework to deter the practice of hostage diplomacy and increase transparency and public awareness of the regimes which engage in hostage diplomacy.

Recommendation 6

6.52 The committee recommends that the Australian Government use the available Magnitsky legislation to expand the list of individuals and entities subject to sanctions in response to human rights abuses in Iran, with particular focus on senior officials responsible for violence, human rights abuses, arbitrary detention and executions without due process.

Recommendation 7

6.53 The committee recommends the use of sanctions to target Islamic Republic of Iran and Islamic Revolutionary Guard Corps-affiliated individuals and entities responsible for malicious cyber activity against Australia.

Recommendation 8

6.89 The committee recommends that the Australian Government take the necessary steps to formally categorise the Islamic Revolutionary Guard Corps as an organisation involved in supporting and facilitating terrorism.

Recommendation 9

6.102 The committee recommends that Australia should minimise relations with the Islamic Republic of Iran to the greatest extent possible in recognition of the appalling behaviour of the regime.

Recommendation 10

6.103 The committee recommends that the Australian Government increase transparency and better inform the Australian public about the status of our diplomatic relations with the Islamic Republic of Iran regime, as well as our security concerns in relation to the regime's behaviour relating to cybercrime, hostage diplomacy and threats to, and intimidation of, Australian residents.

Recommendation 11

6.104 The committee recommends that any Iranian officials in Australia considered to be involved in intimidation, threats, or monitoring of Australians be expelled.

Recommendation 12

6.120 The committee recommends that the Australian Government increase the intake of Iranians under various visa programs, with a particular focus on women, girls and persecuted minorities seeking to escape the IRI regime. Iranians in Australia on temporary visas who cannot safely return to Iran due to the current crisis and policies of the IRI should not be required to do so.

Chapter 1

Introduction

Referral of the inquiry

1.1 On 27 October 2022, the Senate referred an inquiry into the human rights implications of recent violence in Iran to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 1 February 2023. The inquiry's terms of reference are as follows:

The human rights implications of recent violence in Iran, with particular reference to:

- (a) the recent violence against women and girls by Iranian authorities;
- (b) opportunities for nations that value human rights to support those being persecuted and oppressed in Iran;
- (c) the potential application of sanctions on those responsible for the widespread violence and killing of women, girls and protesters in Iran;
- (d) the appropriateness of Iran's ongoing status on the UN Commission on the Status of Women;
- (e) other actions available to the Australian Government and other like-minded nations to respond to human rights abuses in Iran; and
- (f) any other related matters.¹

Conduct of the inquiry

1.2 Details of the inquiry were placed on the committee website at www.aph.gov.au/senate_fadt. The committee also contacted a number of relevant individuals and groups to notify them of the inquiry and invite submissions. The committee received over 1000 submissions, many of which were received as 'name withheld'. At the time of writing, 486 submissions were published on the committee's website. These are listed at Appendix 1. The remaining submissions will continue to be processed and published following the tabling of the report.

- 1.3 The committee held two public hearings in Canberra on 28 November and 21 December 2022. A list of witnesses who gave evidence at the public hearings are available at Appendix 2.
- 1.4 Submissions and the *Hansard* transcripts may be accessed via the committee website. References to the *Committee Hansard* in footnotes may refer to the proof transcript. Page numbers may vary between the proof and official transcripts.

¹ *Journals of the Senate*, No. 18—27 October 2022, p. 531.

Acknowledgement

1.5 The committee thanks all individuals and organisations who assisted with the inquiry, especially those who made written submissions and participated at the public hearings.

Structure of this report

1.6 This report consists of five chapters, including:

- Chapter 1 contains information about the referral and conduct of the inquiry;
- Chapter 2 provides a background to the most recent uprising in Iran;
- Chapter 3 discusses the systemic violence against women and minorities;
- Chapter 4 outlines some of the international actions against the Islamic Republic of Iran (IRI);
- Chapter 5 details reports of intimidation and harassment of the Iranian diaspora in Australia by the IRI, as well as its use of hostage diplomacy; and
- Chapter 6 discusses and recommends actions that Australia could undertake in response to the atrocities taking place in Iran.

Chapter 2

Jin, Jiyān, Azadi: Woman, Life, Freedom

We are both women and Kurds, so in the Islamic Republic of Iran we are doubly accused.¹

Mahsa (Jina) Amini

- 2.1 On 16 September 2022, a young Kurdish-Iranian woman was detained in Tehran, the capital of Iran, for failing to adhere to the strict dress code for women enforced by the Islamic Republic of Iran (IRI).² The arrest was far from the first such instance in a country where “morality police”³ regularly use force against women not complying with the nation’s mandatory headscarf (hijab) law.⁴ Within days of her arrest, the young woman was admitted to hospital, still in the custody of authorities. This is where she died.⁵
- 2.2 Official government reports attribute her death to a pre-existing heart condition, while other reports, from credible sources, suggest she died directly as a result of injuries sustained in custody.⁶
- 2.3 The world knows this young woman as Mahsa Amini, her name etched in history. The committee heard that “Mahsa” was the Persian name Ms Amini used for official purposes, “Jina” being the Kurdish name given to her at birth but not permitted to be used in Iran.⁷ Some submitters asked the committee to not use the name Mahsa at all, calling it a symbol of state violence against Kurdish people in Iran.⁸ Others referred to her as Mahsa (Jina) Amini. The complexity surrounding her name bears testimony to the existential threat she, and countless others like her, spent her young life navigating.

¹ Phrase often quoted by human rights defenders in Iran’s Kurdish communities, cited in Roonak Rad – Perth Kurdish Youth Society, *Submission 153*, p. 1. See, also: Amnesty International, [Iran: Human rights abuses against the Kurdish minority](#), 2008, p. 14 (accessed 24 January 2023).

² See: Iranian Scholars for Liberty, *Submission 367*; Kurdish Lobby of Australia (KLA), *Submission 6*, p. 1.

³ See: Iranian Women’s Association, *Submission 360*, p. 1.

⁴ United Nations Watch (UN Watch), *Submission 36*, p. 1. In 2019, the head of the Tehran Revolutionary Court announced that women who make and publicise videos of themselves without a hijab would be punished under the Islamic Penal code pertaining to prostitution and causing corruption, see p. 5.

⁵ Roonak Rad – Perth Kurdish Youth Society, *Submission 153*, p. 1.

⁶ Department of Foreign Affairs and Trade (DFAT), *Submission 27*, p. 1.

⁷ Federation of Democratic Kurdish Society-Australia, *Submission 118*, p. 2. See, also: Sharleen Kabiri, *Submission 145*, Ms Tara Fatehi, *Submission 34*, p. 1.

⁸ See, for example: Federation of Democratic Kurdish Society-Australia, *Submission 118*, p. 2.

2.4 The committee will, in this report, refer to her as Mahsa (Jina) Amini, acknowledging her Kurdish heritage, the circumstances of her death, and the global recognition of her name and her role in the current protest movement.

The uprising

2.5 Protests began in her hometown, Saqqez, shortly after Ms Amini's death, then swelled across Iran as an outcry against state brutality and oppressive government policies targeting women, with the rally call 'summarised in three words—woman, life, freedom'.⁹

2.6 Women and girls removed their hijabs and cut off their hair, and strikes were held in schools and universities.¹⁰

School girls have resisted calls by their schools to sing the Iranian National Anthem and pro-Regime songs at school. They have instead openly defied the Regime's draconian dress code by removing their compulsory head scarves, destroying/burning photographs of Supreme Leader Ali Khamenei, chanting anti-Regime slogans and ejecting their school principals from the school grounds.¹¹

2.7 Support grew, with employees across multiple sectors, as well as private business owners, participating in strikes in solidarity with protestors.¹² Women's rights activists around the world have symbolically cut off their hair in solidarity with the protestors.¹³

2.8 Mahsa (Jina) Amini's untimely death in custody lit a fuse in Iran. Her tragic death appears to have been the trigger for an eruption of widespread, pre-existing anger and unrest in the country:

What started out as widespread condemnation of Mahsa/Jina's murder has erupted into a nation-wide revolution calling for the complete overthrow of the Iranian Regime (the "Regime") in its entirety. The movement is not a protest against Islam or religion – it is a nation-wide struggle for gender equality, freedom, human rights and secularism.¹⁴

2.9 As put by Dr Saba Vasefi, a scholar journalist, the young woman's death was a physical manifestation of a deep, national, decades-long pain:

Mahsa [Jina] Amini's murder burst open this four decades of problems in the throats of thousands of Iranians traumatised by the ruthlessness and the authoritarianism of the Islamic Republic.¹⁵

⁹ Ms Sara Rafiee, Member, United Action for Iran, *Committee Hansard*, 28 November 2022, p. 12.

¹⁰ UN Watch, *Submission 36*, p. 1.

¹¹ Iranian Women's Association, *Submission 360*, pp. 1–2.

¹² DFAT, *Submission 27*, p. 1.

¹³ UN Watch, *Submission 36*, p. 1.

¹⁴ Iranian Women's Association, *Submission 360*, p. 1.

¹⁵ Dr Saba Vasefi, University of Sydney, *Committee Hansard*, 28 November 2022, p. 19.

2.10 This view was echoed many times. The Multicultural Centre for Women's Health, a Victorian women's health service working with refugee women and people across Australia, described the female-led revolution currently unfolding in Iran as:

... a result of over 43 years of systemic oppression, gender-based violence and discrimination perpetrated by the Islamic Republic against the people of Iran¹⁶

2.11 Many submitters were of the opinion that, this time, the people of Iran are determined to prevail:

This rage has all the hallmarks of a revolution that will topple the regime. Voices on the street are shouting, 'For every one that falls, a thousand will stand.'¹⁷

2.12 As put by the Iranian Women's Association, a Melbourne-based Iranian advocacy group:

The people's revolution shows no signs of abating and although initially led by women and youth, has garnered widespread support amongst Iranians across all 31 provinces in Iran. Iranians are standing shoulder to shoulder, united in their calls for regime change and a secular system of governance.¹⁸

2.13 The people of Iran 'are resolute in their cries for regime change'¹⁹ and face an unprecedented response from the IRI, a regime determined to crush the uprising.

The crackdown

2.14 Media access is constrained in the country, and reports on events rely heavily on interviews with witnesses and survivors.²⁰ It is therefore difficult to establish the accuracy of accounts with certainty.²¹ The available evidence is both confronting in content and resounding in consistency: Iran's response to

¹⁶ Multicultural Centre for Women's Health (MCFWH), *Submission 378*, p. 3.

¹⁷ Ms Setareh Vaziri, *Committee Hansard*, 21 December 2022, p. 2.

¹⁸ Iranian Women's Association, *Submission 360*, p. 2.

¹⁹ Iranian Women's Association, *Submission 360*, p. 2.

²⁰ Organisations such as Human Rights Watch have documented numerous incidents involving IRI authorities using unlawful, excessive, and sometimes lethal force. See: Human Rights Watch (HRW), *Submission 61*, p. 2.

²¹ Iranian Women's Association, *Submission 360*, p. 2. On the difficulty of accessing information from the ground in the absence of a free press, see, also: Ms Sara Zahedi, Women Life Freedom Australia, *Committee Hansard*, 21 December 2022, p. 6.

the protests since September 2022 has been nothing short of brutal, violent and deadly.²²

- 2.15 Hundreds of members of the Iranian diaspora in Australia provided submissions to the inquiry. There is a great deal of consistency both in tone and content, describing in often harrowing detail the IRI regime's excessive, violent attempt to crush the uprising.²³ Security forces have used lethal, seemingly indiscriminate force against protestors, leading to the death of over 500 people to date, reportedly including 64 minors, and arrested over 18,000 people in 134 cities and 132 universities.²⁴
- 2.16 The examples below are representative of countless other submissions received.
- 2.17 A combined submission from an Iranian-Australian academic researcher and a human rights lawyer reported that hundreds of protestors have been subject to violence by IRI security forces:

... several hundred protestors have been injured by kicking, punching, batons, tasers, tear gas, pellets, shotguns, handguns, military assault rifles, and snipers.²⁵
- 2.18 The submitters pointed out that the IRI arbitrarily depriving protestors of life is a violation of Article 6 of the International Covenant on Civil and Political Rights (ICCPR).²⁶
- 2.19 The Kurdish Lobby of Australia (KLA), a Kurdish advocacy group, for example, cited the personal stories of several victims of IRI brutality:

[H]orrific cases include 16-year-old Sarina Esmailzadeh who was beaten to death by security forces in a protest at Gohardasht in Alborz province on 23 September. Later, the chief justice of Alborz claimed she committed suicide by jumping off a building. Then there is 17-year-old Nika Shakarami, who went missing on September 20. Iranian security forces allegedly tortured, raped, killed, and quickly buried her. Again, authorities claimed she had committed suicide. On November 3, a massive protest commemorated the death of 23-year-old Hadis Najafi, who was shot by security forces whilst protesting on September 23. On November 4, 22-year-old Nasim Sedghi from Sanandaj died from being shot twice when

²² See, for example: Ms Setareh Vaziri, *Submission 388*; Name withheld, *Submission 371*; Name withheld, *Submission 392*; Mrs Firouzeh Sarbanha, *Submission 380*; M.V., *Submission 152*, Mr Milad FaghihiKashani, *Submission 140*, Federation of Democratic Kurdish Society-Australia, *Submission 118*; Irane Kiani Association, *Submission 46*, Justice for Iran, *Submission 21*.

²³ See: Mr Milad FaghihiKashani, *Submission 140*; Justice for Iran, *Submission 21*; Association to Defend Freedom & Human Rights in Iran-Australia, *Submission 120*.

²⁴ Ms Vaziri, *Submission 388*, p. 2. See, also: Ms Zahedi, Women Life Freedom Australia, *Committee Hansard*, 21 December 2022, p. 5.

²⁵ Mr Sam Loni and Anonymous, *Submission 383*, p. 4.

²⁶ Mr Sam Loni and Anonymous, *Submission 383*, p. 4.

taking part in a protest in Urmia. Her father was the only person allowed to attend her burial. The Iranian authorities are coercing her family to say she died in a car accident.²⁷

2.20 Multicultural Centre for Women's Health (MCWH), a national women's organisation led by migrant and refugee women and gender diverse people, quoted an article in *The Guardian*:

[T]he Islamic Republic's security forces are specifically 'targeting women at anti-regime protests with shotgun fire to their faces, breasts and genitals'.²⁸

2.21 Media reports cited by submitters suggest that injuries are often so severe they may leave individuals with permanent damage, and that security forces are deliberately blinding protestors by shooting them at close range.²⁹ Even getting medical treatment following an injury inflicted by security forces places people at risk:

As the demand for medical treatment has been increasing among injured protestors, authorities have simultaneously ramped up surveillance at hospitals and monitoring of any persons entering and exiting emergency departments. Fearing arrest, many injured protestors have refrained from seeking treatment at hospital. This violates the right to security according to article 9(1) of ICCPR, and the right of enjoyment of the highest attainable standard of physical and mental health according to article 9(1) of ICESCR [International Covenant on Economic, Social and Cultural Rights].³⁰

2.22 The committee notes that the Embassy of the Republic of Iran provided a submission to the inquiry which runs counter to the large body of evidence provided by other submitters. The submission describes the protests as "riots", and states that the government has:

... exercised utmost restraint and tolerance and tried to calm the situation through the use of non-coercive methods with the aim to protect citizens and public and private properties. The martyrdom of tens of law enforcement officers and the injury of more than 5,000, bear witness to the intensity of violence perpetrated by the rioters and the presence of violent elements in the non-peaceful gatherings who disturbed the public security and order.³¹

2.23 This perspective is not shared by others, including international human rights organisations, which do not describe the regime's response to the uprising as in any way "restrained". To the contrary, human rights organisations explained that Iran has a history of quelling political unrest with violence.

²⁷ KLA, *Submission 6*, pp. 1-2.

²⁸ MCWH, *Submission 378*, p. 4.

²⁹ Mr Sam Loni and Anonymous, *Submission 383*, p. 4.

³⁰ Mr Sam Loni and Anonymous, *Submission 383*, p. 4.

³¹ Embassy of the Islamic Republic of Iran, *Submission 19*, p. 5.

Amnesty International Australia (Amnesty), for example, described this historical *modus operandi*:

Iranian authorities have a long track-record of promising investigations on occasions that evidence of serious human rights violations have triggered massive public outcries. They have generally made such promises while simultaneously issuing public statements denying any wrongdoing by their agents. In this context, any such announcements about prospective investigations by the Iranian authorities are not aimed at ensuring truth and justice. Rather, they deliberately pursue the objective of deflecting criticism and preventing robust international action.³²

2.24 The IRI's response to current protests is "characteristic", Amnesty added:

The violent crackdown on protests is leading to the deaths of people who are simply exercising their rights to freedom of expression and freedom of assembly... Unfortunately, this path is characteristic—the use of unlawful force, particularly of live ammunition; the arrest and detention of thousands of people; and the torture and ill-treatment of people in detention.³³

2.25 The NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) described the effects of the IRI's history of human rights abuses against the country's population. STARTTS is familiar with the repercussions of these abuses due to its work and long-standing relationship with the Iranian diaspora in NSW.³⁴

2.26 United Action for Iran similarly rejected the regime's position and attempt to attribute the blame for violence to civilians:

In seeking to downplay the atrocities of the regime against its own people, it labels peaceful protesters as violent rioters, as if that excuses the extra judicial killings on the streets of Iran and the denial of the most basic rights to Iranians by the regime.³⁵

2.27 The Embassy's submission clearly runs counter to the large volume of evidence presented to this committee.

Executions

2.28 Evidence received from Amnesty suggests that the IRI uses the death penalty 'as a weapon of repression against protestors, dissents and ethnic minorities'.³⁶ Figures show that in 2021 Iran had the second highest rate of executions

³² Amnesty International Australia (Amnesty), *Submission 22*, p. 11.

³³ Ms Nikita White, International Campaigner, Amnesty International Australia (Amnesty), *Committee Hansard*, 28 November 2022, p. 7.

³⁴ NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS), *Submission 375*, p. 3.

³⁵ Ms Rafiee, Member, United Action for Iran, *Committee Hansard*, 28 November 2022, p. 12.

³⁶ Amnesty, *Submission 22*, p. 10.

worldwide after China.³⁷ The committee received a breakdown of the number of executions in 2022:

Reportedly, Iran has executed at least 251 people in the first half of 2022, including women defending themselves against domestic violence. Until 19 November, at least 448 people, including 63 children, have been killed by the regime. Out of the 290 members of the Iranian republic, 227 called on the country's judiciary to extend the punishment of regime dissidents, including issuing the death sentence.³⁸

2.29 A joint submission from an academic researcher and human rights lawyer explained the basis of the IRI's use of capital punishment to quell dissent:

After the Islamic revolution in 1979, officials of the new state abolished all penal codes, claiming those draw too heavily from European models, instead replacing them with new Islamic penal codes (IPC), which are derived from interpretation of religious texts ... In the new penal framework, dissent is criminalised, and the death penalty is applied to multiple offences including, but not limited to, blasphemy, actions undermining the security of the state, outrage against high-ranking officials, insults directed against the Supreme Leader of IRI, "enmity against God" (moharebeh), and "corruption on Earth" (efsad-fil-arz), which are frequently used against political dissidents.³⁹

2.30 There are now fears that the IRI's recent actions signal a significant escalation of violence. The IRI's courts 'have been seeking particularly harsh punishments for detainees to deter individuals from participating in future protests':

This is clear from statements made and otherwise inferred from the recent actions of both the head of the IRI judiciary as well as the members of parliament. For instance, on 6 November, 227 members of parliament called on the judiciary for the speedy trial of some detainees, effectively calling for their execution, in order to "serve as a lesson" to others ... The next day, on 7 November, the Head of the judiciary, Gholamhossein Mohseni-Ejei, also called for speedy trials and punishments, including executions.⁴⁰

2.31 Amnesty provided the committee with a list of individuals considered to be at risk of execution as at 15 December 2022.⁴¹

2.32 At the time of writing, the IRI regime has already carried out the death sentences of four young men charged and sentenced to death for alleged

³⁷ See: Amnesty, [Death Penalty 2021: Facts and Figures](#), 24 May 2022 (accessed 16 January 2022).

³⁸ Dr Vasefi, scholar journalist, University of Sydney, *Committee Hansard*, 28 November 2022, p. 19.

³⁹ Mr Sam Loni and Anonymous, *Submission 383*, p. 8.

⁴⁰ Mr Sam Loni and Anonymous, *Submission 383*, p. 8.

⁴¹ Amnesty, *Submission 22.1*.

violence towards members of the IRI paramilitary forces during recent anti-regime protests.⁴² These include:

- Mohsen Shekari, executed on 8 December 2022.⁴³
- Majidreza Rahnavard, executed on 12 December 2022.⁴⁴
- Mohammad Mehdi Karami, executed on 7 January 2023.⁴⁵
- Seyed Mohammad Hosseini, executed on 7 January 2023.⁴⁶

2.33 There is significant concern all around the world, shared by this committee, about the IRI's intentions to carry out further executions.⁴⁷

2.34 The committee is also aware of the recent execution of a British-Iranian national, former Iranian deputy defence minister Alireza Akbari, who was convicted of espionage. UK Prime Minister Rishi Sunak has described the execution as 'a callous and cowardly act carried out by a barbaric regime with no respect for the human rights of their own people'.⁴⁸

Sham trials

2.35 Submissions pointed out that political dissidents may receive the death penalty following unfair trials, at times for offences which do not meet 'the threshold of the "most serious crimes"'.⁴⁹ Lawyers are reportedly appointed by the state and do little to defend the accused.⁵⁰

2.36 The men already executed by the IRI in connection with their alleged offences were reportedly denied the right to adequate legal defence and access to legal representation of their choosing.⁵¹ The committee noted that:

Mohsen Shakari's trial was devoid of all due process: the summary trial principally relied on evidence obtained through a forced confession

⁴² Amnesty, *Submission 22*, p. 11.

⁴³ David Gritten, '[Mohsen Shekari: Iran carries out first execution over protests](#)', BBC online, 8 December 2022 (accessed 10 January 2023).

⁴⁴ David Gritten and Sam Hancock, '[Majidreza Rahnavard: Iran carries out second execution over protests](#)', BBC online, 12 December 2022 (accessed 10 January 2023).

⁴⁵ '[Iran hangs two men accused of killing security agent during protests](#)', Reuters, 7 January 2023 (accessed 10 January 2023).

⁴⁶ '[Iran hangs two men accused of killing security agent during protests](#)', Reuters, 7 January 2023 (accessed 10 January 2023).

⁴⁷ Ms White, International Campaigner, Amnesty, *Committee Hansard*, 28 November 2022, p. 7.

⁴⁸ '[UK condemns "barbaric" execution of British-Iranian national](#)', *Sydney Morning Herald*, 14 January 2023 (accessed 16 January 2023).

⁴⁹ Amnesty, *Submission 22*, p. 10.

⁵⁰ '[Iran hangs two men accused of killing security agent during protests](#)', Reuters, 7 January 2023 (accessed 10 January 2023).

⁵¹ Mr Sam Loni and Anonymous, *Submission 383*, pp. 9–10.

(Mohsen's right cheek was injured in the forced confession video, indicating torture) and was conducted in the absence of independent legal counsel.⁵²

2.37 The trial of Majidreza Rahnavard before his execution was similarly devoid of due process:

Whereas Mohsen Shekari was executed 75 days after his arrest, Majidreza was executed 23 days after his arrest and 13 days after being convicted. This speedy process is in direct violation of article 14(3)(b) of ICCPR given both were not granted adequate time for the preparation of their defence. They also did not have the chance to defend themselves with independent legal representation of their own choosing, which violates article 14(3)(d) of ICCPR. Like Mohsen, Majidreza's trial principally relied on a forced confession, as inferred from the visible signs of torture in his photos and video in custody, in violation of article 14(3)(g) of ICCPR as no one should be compelled to testify against himself or to confess guilt.⁵³

2.38 The committee considers these men's deaths to be an egregious abuse of human rights.

2.39 The committee also notes with concern that two minors, aged 15 and 17, were sentenced to death for 'insulting the Prophet [Mohammad]' and executed in November 2021.⁵⁴ The IRI's precedent of executing minors is particularly grave in light of the young age of many protestors participating in the current uprising.

Torture

2.40 A 2022 report from the UN Special Rapporteur on the human rights situation in Iran indicates that IRI security forces regularly use torture to obtain confessions, and to intimidate, punish and silence dissidents.⁵⁵

2.41 Submitters concurred, telling the committee that torture is rife in Iran, with squalid prison conditions and forced confessions commonplace:⁵⁶

Torture-tainted "confessions" are broadcast on state television and consistently used to issue convictions.

Prison and prosecution authorities, working under the judiciary, hold prisoners in cruel and inhuman conditions characterized by overcrowding, poor sanitation, inadequate food and water, insufficient beds, poor

⁵² Mr Sam Loni and Anonymous, *Submission 383*, p. 9.

⁵³ Mr Sam Loni and Anonymous, *Submission 383*, p. 10.

⁵⁴ Amnesty, *Submission 22*, p. 11.

⁵⁵ UNHRC, '[Situation of human rights in the Islamic Republic of Iran - Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman](#)', 13 January 2022 (accessed 18 January 2023).

⁵⁶ Amnesty, *Submission 22*, p. 4.

ventilation and insect infestation, and denied many of them adequate medical care.⁵⁷

- 2.42 Amnesty noted that an Australian-Iranian man, Mr Shokrollah Jebeli, died in prison in Tehran in 2022, reportedly following two years of torture eventually resulting in death.⁵⁸
- 2.43 Leaked surveillance from the notorious Evin prison 'showed prison officials beating, sexually harassing and otherwise torturing or ill-treating prisoners'.⁵⁹
- 2.44 The following example is indicative:

Hamed Salahshoor, a 23-year-old taxi driver, was arrested near Izeh on 26 November. Four days later, his father was informed by the security forces that Hamed was dead. His body showed signs of torture after it was exhumed, his skull having been smashed, with his nose, jaw and chin broken. The skin over his torso (from his neck to his navel, and over his kidneys), was stitched up, his kidneys and possibly other organs having been harvested. Under duress, his family declared that he died due to a heart attack.⁶⁰

- 2.45 Furthermore, the committee heard that the torture of detainees in Iran's prisons also involves sexual violence:

A detailed CNN investigation into this issue has revealed that security forces are using rape to quell protests. According to the CNN report, as of late November, at least 11 incidents of sexual violence have been reported, including a 17-year-old boy who was raped, and witnessed another four men being raped. Moreover, Armita Abbasi, a 20-year-old protestor, who was kidnapped in Karaj by IRI security forces, was later taken to the Imam Ali hospital in Karaj for treatment of injuries sustained from violent sexual assault. Shortly after admission, she was once again kidnapped by security forces after doctors raised awareness about her medical condition and circumstances.⁶¹

Crackdown on journalists

- 2.46 The committee heard evidence on the danger faced by journalists reporting on this and previous uprisings:

Journalists and others who report on human rights abuses and who report on the actions of the authorities in Iran for years have faced incredible crackdowns. In particular, they have been charged and sent to prison for reporting on the authorities' actions. What we've witnessed in the last few weeks has been a ramping up of that crackdown. Journalists have been targeted for reporting on the authorities' response to the protests, as have

⁵⁷ Amnesty, *Submission 22*, p. 9.

⁵⁸ Amnesty, *Submission 22*, p. 9.

⁵⁹ Amnesty, *Submission 22*, p. 9.

⁶⁰ Mr Sam Loni and Anonymous, *Submission 383*, p. 7.

⁶¹ Mr Sam Loni and Anonymous, *Submission 383*, p. 7.

their families. If the journalists are overseas, some of their families in Iran have been targeted.⁶²

2.47 The Media Entertainment & Arts Alliance (MEAA), a union representing Australian journalists, reported that whilst it 'is impossible to obtain a complete picture of the number of journalists arrested', international agencies have reported the arrest of up to 61 journalists in Iran since the death of Mahsa Jina Amini, with some of these individuals facing jail time and even the death penalty. MEAA added:

We fear that a systemic crackdown on journalists—to prevent the publicising of atrocities—will only worsen.

...

A free press is essential for human rights. We are seeing consistent, credible reporting about state-sanctioned repression of journalists in Iran and the muzzling of legitimate reporting—including restricting access to the internet—and we cannot stay silent.⁶³

2.48 The harassment of journalists and their families often takes place in an information vacuum the Iranian regime creates by shutting down the internet, preventing reports on events from getting to the outside world.⁶⁴

2.49 Despite this, information does reach the world, often at great cost to the brave men and women risking their safety in the process. As put by United Action for Iran, a cooperative of Iranian-Australian community groups comprising some 700 individuals:

[T]he internet is restricted and information is disseminated on a piecemeal basis. Despite this, through the bravery of Iranians, we are seeing images get out via mobile phone networks, where possible, and usually days late. These videos come out at a very high price. On 22 September, a young woman was shot by the regime forces when she was recording gunfire crackdown on protesters. The images that come out of Iran show unlawful and unjustified use of firearms, including live ammunition causing death and serious injuries, including blindness and paralysis. The number of protesters injured in this way is currently unknown due to the absence of free press.⁶⁵

2.50 By shutting down the country's internet, the IRI also prevents citizens from speaking to family members living abroad. Iranian-Australians live in a near-constant state of worry, unable to contact family and friends in Iran to know that they are safe.⁶⁶

⁶² Ms White, International Campaigner, Amnesty, *Committee Hansard*, 28 November 2022, p. 7.

⁶³ Media Entertainment & Arts Alliance (MEAA), *Submission 325*, pp. 3, 5.

⁶⁴ Ms White, International Campaigner, Amnesty, *Committee Hansard*, 28 November 2022, p. 7.

⁶⁵ Ms Rafiee, Member, United Action for Iran, *Committee Hansard*, 28 November 2022, p. 12.

⁶⁶ Ms White, International Campaigner, Amnesty, *Committee Hansard*, 28 November 2022, p. 7.

Chapter 3

Violence and oppression of women and minority groups

- 3.1 A defining element of this latest chapter of the Islamic Republic of Iran's (IRI) abuse of its citizens has been the systematic violence against and ongoing oppression of women and minority groups.
- 3.2 A submission from the Monash University Gender Peace and Security Centre (MUGPSC), a research centre focused on issues of gender, peace and security, describes the IRI's suppression of women's rights as systemic, motivated by Islamist ideology, and 'diametrically opposed to [women's] self-image and aspirations'.¹ MUGPSC notes that Iran was one of six countries in the world to decline to join the United Nations Convention on the Elimination of Discrimination against Women in 2001, and that the most recent World Economic Forum Global Gender Gap Report ranks Iran 143rd out of 146 countries:

This rank reflects the fact that the violation of women's rights in Iran is institutionalized and state-driven. Currently, women comprise sixty per cent of the university graduates in Iran. These highly educated women aspire to social and professional status and positions that are structurally unattainable for them under the Islamic regime.²

- 3.3 The IRI is, MUGPSC's submission suggests, misogynistic at its very core. This misogyny is entrenched in IRI law, which:
 - allows men to have multiple wives, both permanent and temporary;
 - imposes compulsory hijab wearing on girls from the age of nine;
 - permits marriage for girls from 13 years old, or before the age of puberty if the girl's 'welfare' is taken into account;
 - sets the age of legal accountability for girls at nine lunar years;
 - gives husbands legal guardianship of their wives, who cannot leave their home without the husband's permission;
 - gives husbands the right to prevent their wives' employment in any profession which undermines the welfare of the family, or the husband's, or wife's, dignity;
 - sets women's inheritance share at half of that of men; and
 - defines the testimony of two women as equal to the testimony of one man, and then only considered if accompanied by a male witness.³

¹ Monash University Gender, Peace and Security Centre (MUGPSC), *Submission 16*, p. 4.

² MUGPSC, *Submission 16*, p. 4.

³ MUGPSC, *Submission 16*, p. 5.

3.4 It is noteworthy that the IRI has 25 agencies, in addition to the police, charged with enforcing the “proper” veiling of women in public. Legislation ratified in 2014 allows for extra-judicial enforcement of mandatory hijab wearing, which, the MUGPSC states, in practice allows and even encourages violence against women.⁴ United Nations Watch (UN Watch) noted that this was not a new development, with the hijab being mandatory for women since Iran’s 1979 Islamic revolution:

For years, Iranian women have been risking their lives to defy the compulsory hijab laws. Exiled Iranian journalist and activist Masih Alinejad is a leader of the struggle against Iran’s oppression of women. In 2017, she launched the “White Wednesdays” social media campaign to encourage Iranian women to post pictures of themselves without the headscarf. Activist Shaparak Shajarizadeh fled Iran in 2018 after having been arrested three times and imprisoned twice for participating in the movement to defy the compulsory hijab law. “I was beaten up and brutalized during the investigation, and thrown into solitary confinement. It was the most frightening experience in my life,” she said.

Iranian women have been arrested for eating in a restaurant without their hijab, bicycling without their hijab, and walking on a subway without hijab. In March 2019, Iranian human rights lawyer Nasrin Sotoudeh was sentenced to more than 38 years in prison and 148 lashes on trumped-up charges relating to her work defending women arrested for protesting the compulsory hijab laws.⁵

3.5 Women in Iran, United Action for Iran informed the committee, are prohibited by law ‘from even the simple act of riding a bicycle’:

Plain and simple is that what has been happening in Iran over the past 43 years is the very definition of gender apartheid.⁶

3.6 This systemic violation of women’s human rights, MUGPSC concluded, is the reason the current uprising is led by women and motivated to end decades⁷ of institutionalised misogyny:

The brutal repression and killing of young women and men at the hands of the Islamic Republic that we have witnessed in the streets of Iran since September 16, 2022 is thus the culmination of decades of state subjugation of women and oppression of Iran’s civil society. The leadership of women in the movement against the Islamic Republic is historically understandable, as is the fact that this movement aims to overthrow the regime. Based on their lived experiences of abuse, harassment, imprisonment and witnessing atrocities, Iranian women and men have

⁴ MUGPSC, *Submission 16*, p. 5.

⁵ United Nations Watch (UN Watch), *Submission 36*, p. 2.

⁶ Ms Sara Rafiee, Member, United Action for Iran, *Committee Hansard*, 28 November 2022, p. 12.

⁷ Human Rights Watch reports that Iranian women have been fighting severe, state-imposed discrimination both in law and in practice for decades. See: Human Rights Watch, *Submission 61*, p. 4.

realized that it is only by the removal of this regime that they can attain their rights and have a chance to lead a dignified life.⁸

3.7 While the oppression of women is the focal point in the world's awareness of the recent violence in Iran, witnesses and submitters told the committee that the protests are about the wider context of human rights abuses in the country.

Violence against minorities

3.8 Submitters noted that support for the uprising started by women has been strongest among Iran's heavily persecuted ethnic minorities, such as the Kurdish and Baluch communities in Iran.⁹ While the uprising was triggered by the death of one young woman, the institutionalised oppression extends to and has unified ethnic minorities such as the Kurds and Baluch, as well as religious minorities such as the Bahá'í, and other minority groups:

Jina's death tapped into a collective pain that is known only too well by Iranians inside and outside of Iran. It has galvanised the Iranian nation that is united across all sections of society in their ask for regime change.¹⁰

3.9 The committee heard that ethnic and minority groups face particularly pronounced violence:

The gravity of IRI's atrocities have been more severe in regions where ethnic and religious minorities reside, including the provinces of Kurdistan and Sistan-Baluchistan.¹¹

3.10 Most of the children killed in recent weeks were from the Baluch and Kurdish communities.¹²

3.11 Evidence received from individuals and organisations representing ethnic and religious minorities in Iran attribute the groundswell of support for the uprising in their communities to the disproportionate and vicious persecution these groups have historically suffered under the IRI regime. Examples are highlighted below.

Persecution of the Baluch community

3.12 The Baluchi are an ethnic and religious minority in Iran which has suffered discrimination and persecution under successive governments in Iran. Sistan Baluchistan is the second-largest but least developed province in Iran.¹³

⁸ MUGPSC, *Submission 16*, p. 6.

⁹ Ms Setareh Vaziri, *Submission 388*, p. 1.

¹⁰ Ms Setareh Vaziri, *Submission 388*, p. 1.

¹¹ Mr Sam Loni and Anonymous, *Submission 383*, p. 13.

¹² Mr Sam Loni and Anonymous, *Submission 383*, p. 13.

¹³ Name withheld, *Submission 404*, pp. 1-2.

3.13 Amnesty International Australia (Amnesty) informed the committee that Baluchistan has faced a 'particularly harsh response' from the IRI in recent months.¹⁴

3.14 A submitter described the events of 'Bloody Friday'—30 September 2022—as a grim picture of what minorities face in Iran:

Peaceful members of the Baluch minority in Iran gathered after the Friday (30th September) prayer to chant slogans and demand justice for the 15-year-old Baluch girl, who was raped by the commander of Chabahar's region security forces.

Iranian police forces responded by opening fire directly into the crowd of unarmed protesters, killing 96 people and injuring hundreds in Zahedan.¹⁵

Persecution of the Kurdish community

3.15 The Federation of Democratic Kurdish Society-Australia, an umbrella organisation of grassroots Kurdish community organisations, submitted that state violence in Iran during the recent crisis takes its most extreme form towards the Kurdish population of Iran, whose women have historically led grassroots movements for political and social change:

Repressive state violence in Iran is, at this very moment, taking its most extreme and deadly form in the Kurdish areas in the country's west. This is also Iran's most impoverished and economically underdeveloped region, due to ongoing racist policies, coercively intended to produce assimilation. Understanding this, and its historical roots, is essential for grasping what is really going on. The assault on Kurdish communities in qualitatively more severe than what is occurring elsewhere, and will have a longer term impact overall. Nowhere else in Iran have we seen anything approaching the scale, or the barbarity, of the regime's assaults on the people of the Kurdish regions.¹⁶

3.16 This is supported by evidence received from international organisations such as Human Rights Watch, a non-government organisation that investigates and reports on human rights abuses worldwide:

We've documented the particularly harsh repression of Kurdish people in areas where there are Kurdish majorities. We note that Mahsa [Jina] Amini was a Kurdish woman. In Baluchistan, we've noted a particularly harsh response.¹⁷

3.17 The committee heard that the most recent targeting of the Kurdish community in Iran is 'systematic'. Representatives of the Kurdish National Committee of

¹⁴ Ms Nikita White, International Campaigner, Amnesty International Australia (Amnesty), *Committee Hansard*, 28 November 2022, p. 8.

¹⁵ Name withheld, *Submission 404*, p. 4.

¹⁶ Federation of Democratic Kurdish Society-Australia, *Submission 118*, p. 1.

¹⁷ Ms White, International Campaigner, Amnesty, *Committee Hansard*, 28 November 2022, p. 8.

Australia, a youth led Kurdish organisation, explained that the Kurdish people in Iran have never accepted the IRI regime and have been fighting it for 43 years:

They are today spearheading, under a deliberate and systematic targeting of their people, the jin, jiyān azadi revolution.¹⁸

- 3.18 The details presented in evidence are horrific. The bombing of schools and political opposition groups located in camps outside Iran's borders. The use of lethal, military-grade weapons against civilians—including children—with the youngest victim an unborn child delivered alive only to pass away shortly after his mother. Abductions, raids on people's houses, destruction of property and confiscation of mobile phones so that people cannot communicate their experience to the outside world.¹⁹
- 3.19 For Kurdish refugees from Iran settled in Australia, their communities and families in Iran bearing the brunt of regime brutality re-opens old wounds:

As former Kurdish refugees, our community is retraumatised every single day as we watch the regime deliberately target our families—our brothers, sisters, aunties and uncles. Every day we wake up and scroll through the confirmed names of the dead from the night before, looking for the names of our families and their faces. We watch the media and our representatives and most of the world commentary re-erase us from the discourse on the human rights violations being committed in Iran.²⁰

Persecution of the Bahá'í community

- 3.20 The Bahá'í faith originated in Iran, but has faced persecution for decades. A submission from the Australian Bahá'í Community described the oppression of their community in Iran as 'a matter of official state policy':

Iranian law and official state policy deny Bahá'ís many fundamental human rights including, among others, civil, political, economic, and cultural rights to education, work, freedom of religion, and freedom from arbitrary detention. Bahá'ís are neither allowed to practice their Faith nor can they enjoy the rights to which they are entitled as Iranian citizens.²¹

- 3.21 This discrimination is, the committee heard, rooted in a government memorandum produced in 1991 by the IRI's Supreme Revolutionary Cultural

¹⁸ Ms Tara Fatehi, Executive Member, Kurdish National Committee of Australia, *Committee Hansard*, 28 November 2022, p. 11.

¹⁹ Ms Fatehi, Executive Member, Kurdish National Committee of Australia, *Committee Hansard*, 28 November 2022, p. 11.

²⁰ Ms Fatehi, Executive Member, Kurdish National Committee of Australia, *Committee Hansard*, 28 November 2022, pp. 11–12.

²¹ Australian Bahá'í Community, *Submission 95*, p. 2.

Council, which 'specifically calls for Iran's Bahá'ís to be treated in such a way "that their progress and development shall be blocked.'"²²

3.22 As with other persecuted minorities in Iran, IRI state violence against the Bahá'í community reportedly increases during times of national crisis and upheaval. The Australian Bahá'í Community attributes this to 'authorities seeking a convenient scapegoat to deflect public discontent':

This pattern has repeated, for example, in the aftermath of the 1905 Constitutional Revolution, the 1953 *coup d'état* against the elected Prime Minister, and the 2009 Green Movement. Now in the current climate Bahá'ís remain easy targets and scapegoats, and we see examples of Bahá'ís falsely accused in Iranian media of instigating mass disturbances and committing acts of violence.²³

Persecution of the Jewish community

3.23 Before the Iranian Revolution in 1979, approximately 150,000 Jewish-Iranians lived in Iran. The Australian Jewish Association informed the committee that less than five percent of that number remains in Iran today. The violence which led to that number falling so dramatically is still felt, and feared, by the Jewish community in Australia today:

The Iranian revolution has hanged many Jewish people on trumped up charges. Jewish sites around the world, as we've heard earlier this morning, have been targeted by Iranian terrorist groups directed by the IRGC in Argentina, Bulgaria and in our region in Thailand. This is one of the reasons why, in Australia, Jewish preschools, synagogues and our community centres, you may have noticed, are protected by armed guards. It's from the fear of the Iranian regime sponsored terrorist organisations.²⁴

Persecution of the LGBTQIA+ community

3.24 The committee heard that members of Iran's LGBTQIA+ community face discrimination in every aspect of their lives in Iran:

We've been particularly concerned in recent years with honour killings against members of the LGBTQIA+ community. There has been no investigation from the Iranian authorities into these killings and deaths. We've also followed the case quite recently of some LGBTQIA+ rights defenders who have been imprisoned for being human rights defenders of the LGBTQIA+ community.²⁵

²² Australian Bahá'í Community, *Submission 95*, p. 2.

²³ Australian Bahá'í Community, *Submission 95*, p. 2.

²⁴ Mr Robert Gregory, Public Affairs Director, Australian Jewish Association, *Committee Hansard*, 28 November 2022, p. 13.

²⁵ Ms White, International Campaigner, Amnesty, *Committee Hansard*, 28 November 2022, p. 8.

- 3.25 The prisoners in question have reportedly been sentenced to death on charges of 'corruption on Earth'.²⁶
- 3.26 The pages above provide just a brief snapshot, rather than an exhaustive list, of minorities persecuted by the IRI.

A crisis of impunity

- 3.27 For decades, those responsible for egregious human rights abuses in Iran have not been held responsible. Human Rights Watch described this as 'a crisis of impunity'.²⁷
- 3.28 Although the methods the IRI uses to crack down on protest and political unrest have been a feature of Iranian life since the country's 1979 revolution, the committee heard that the intensity of the crackdown is unprecedented:

Whilst abductions, false charges, show trials, denial of access to legal representation and lifelong sentences, including death penalties, on all trumped up charges are nothing new in Iran since the 1979 revolution, the ferocity and scale of what is happening in Iran right now is above and beyond what any of us have witnessed or experienced over the last almost 44 years.²⁸
- 3.29 The next chapter details steps already taken by the international community in response to human rights abuses and violence in Iran.

²⁶ Ms White, International Campaigner, Amnesty, *Committee Hansard*, 28 November 2022, p. 8.

²⁷ Ms White, International Campaigner, Amnesty, *Committee Hansard*, 28 November 2022, p. 8.

²⁸ Mr Faraz Maghami, Member, United Action for Iran, *Committee Hansard*, 28 November 2022, p. 17.

Chapter 4

International response

- 4.1 Whilst concerns of human rights violations have been raised in Iran historically, the latest uprising, sparked by the death of Mahsa (Jina) Amini, has garnered significant international attention and demands for tangible responses from both international bodies, such as the United Nations (UN), as well as democratic nations, including Australia.
- 4.2 The evidence received throughout the committee's inquiry indicated broad support for strong action by international bodies and nations that value human rights, including Australia.
- 4.3 This chapter will examine the main actions undertaken by the international community in relation to the Islamic Republic of Iran (IRI).

Actions taken by the United Nations

- 4.4 A number of actions have been undertaken from within the UN. Of particular note is the establishment of an independent international fact-finding mission on the IRI through the United Nations Human Rights Council (UNHRC) and the removal of the IRI from the Commission on the Status of Women (CSW) by the UN Economic and Social Council (ECOSOC). These two actions are detailed below.

United Nations Human Rights Council

- 4.5 The UNHRC is an inter-governmental body 'responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention'.¹
- 4.6 According to Amnesty International Australia (Amnesty), in October 2022, ten UN experts, including the Special Rapporteur on the human rights situation in the IRI, called on the UNHRC to urgently take action, including by establishing an international investigative mechanism on the IRI during a special session. It noted that this call was also supported by 42 human rights organisations, including Amnesty, as well as more than 1 million people across 218 countries and territories, including over 10,000 people in Australia.²

¹ United Nations Human Rights Council (UNHRC), [About HRC](#) (accessed 6 January 2023).

² Amnesty International Australia (Amnesty), *Submission 22*, p. 16. See, also: Professor Ben Saul, *Submission 47*, p. 1.

4.7 A large number of submissions and witnesses indicated support for the establishment of an UNHRC fact-finding mission and requested that Australia do what it can to support its establishment.³

4.8 For the first time, on 24 November 2022, the UNHRC scheduled an emergency special session 'to address the deteriorating human rights situation in the Islamic Republic of Iran, especially with respect to women and children'.⁴

4.9 The outcome of the UNHRC's special session was agreement to establish an independent international fact-finding mission with appointments to be made by the President of the UNHRC.⁵ The fact-finding mission was established with the following mandate:

- to thoroughly and independently investigate alleged human rights violations in the IRI related to the protests that began on 16 September 2022, with respect to women and children;
- to establish the facts and circumstances surrounding the alleged violations;
- to collect, consolidate and analyse evidence of such violations and preserve evidence, including in view of cooperation in any legal proceedings; and
- to engage with all relevant stakeholders, including the Government of the IRI, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in Iran, relevant UN entities, human rights organisations and civil society.⁶

³ See, for example: Amnesty, *Submission 22*, pp. 16–18; Iranian Women's Association Australia (IWAA), *Submission 23*, p. 5; Australian Supporters of Democracy in Iran, *Submission 32*, p. 3; Molki Sadegi Nejad, *Submission 38*, p. 2; Association to Defend Freedom & Human Rights in Iran - Australia, *Submission 120*, p. 10; Name withheld, *Submission 374*, p. 2; Professor Ben Saul, Challis Chair of International Law, University of Sydney, *Committee Hansard*, 28 November 2022, p. 27.

⁴ UNHRC, [Human Rights Council to Hold Special Session on the Islamic Republic of Iran on 24 November](#) (accessed 25 November 2022).

⁵ Note: The resolution was adopted by a vote of 25 in favour, six against and 16 abstentions, see: UNHRC, [Human Rights Council Establishes Fact-finding Mission to Investigate Alleged Human Rights Violations in Iran Related to the Protests that Began on 16 September 2022, meeting summary](#), 24 November 2022 (accessed 28 November 2022). Note: On 20 December 2022, the President of the UNHRC appointed Ms Sara Hossain of Bangladesh (Chair), Ms Shaheen Sardar Ali of Pakistan and Ms Viviana Krsticevic of Argentina to serve as the three independent members of the fact-finding mission. See: [President of Human Rights Council appoints members of investigative body on Iran](#) (accessed 5 January 2023).

⁶ UNHRC, [Human Rights Council Establishes Fact-finding Mission to Investigate Alleged Human Rights Violations in Iran Related to the Protests that Began on 16 September 2022, meeting summary](#), 24 November 2022 (accessed 28 November 2022).

- 4.10 Six member states, including the People's Republic of China, voted against the fact-finding mission.⁷
- 4.11 UNHRC called upon the IRI to fully cooperate with the fact-finding mission, to grant unhindered access to the country without any delay, and to provide the members of the fact-finding mission with all information necessary to allow for the proper fulfilment of their mandate.⁸
- 4.12 The Department of Foreign Affairs and Trade (DFAT) indicated that the Australian Government had 'join[ed] others in urging Iran to cooperate fully with the mission and to provide free, full and unhindered access to the country'. However, it noted that it was 'not confident there'll be any sort of open access and cooperation'.⁹
- 4.13 On 28 November 2022, the IRI's foreign ministry spokesperson, Mr Nasser Kanani, stated that there would be 'no form of cooperation with this political committee which has been framed as a fact-finding committee' which was instead 'taking advantage of human rights mechanisms to exert political pressure on independent countries'.¹⁰
- 4.14 The fact-finding mission is due to present an oral update at the UNHRC's fifty-third session in June 2023 and to present a comprehensive report on its findings at its fifth-fifth session in March 2024.¹¹

Views on the establishment of a fact-finding mission into the IRI

- 4.15 As noted, support for a UNHRC fact-finding mission was called for across a number of submissions. Amnesty, in particular, stated that it had been 'working towards the establishment of an international investigative and accountability mechanism on Iran for years' and that 'its establishment sends a clear message to the Iranian authorities that they can no longer commit crimes under international law without fear of consequences'.¹²

⁷ UNHRC, [Human Rights Council Establishes Fact-finding Mission to Investigate Alleged Human Rights Violations in Iran Related to the Protests that Began on 16 September 2022](#), *meeting summary*, 24 November 2022 (accessed 28 November 2022).

⁸ UNHRC, [Human Rights Council Establishes Fact-finding Mission to Investigate Alleged Human Rights Violations in Iran Related to the Protests that Began on 16 September 2022](#), *meeting summary*, 24 November 2022 (accessed 28 November 2022).

⁹ Ms Natasha Smith, First Assistant Secretary, Multilateral Policy and Human Rights Division, Department of Foreign Affairs and Trade (DFAT), *Committee Hansard*, 21 December 2022, pp. 25–26.

¹⁰ Al Jazeera, [Iran rejects UN investigation into protests](#), 28 November 2022 (accessed 5 January 2023).

¹¹ UNHRC, [President of Human Rights Council appoints members of investigative body on Iran](#), *press release*, 20 December 2022 (accessed 5 January 2023).

¹² Amnesty, *Submission 22.1*, p. 23.

4.16 Professor Ben Saul, Challis Chair of International Law at the University of Sydney and an Associate Fellow of Chatham House (the Royal Institute of International Affairs) in London, also supported the establishment of an independent, international investigative mechanism. He explained that:

As UN commissions of inquiry on Ukraine and elsewhere demonstrate, such mechanisms enable independent fact-finding and recording of evidence, which facilitates potential future national or international prosecutions and other accountability mechanisms.¹³

4.17 Professor Saul, however, also called for consistency in Australia's approach to human rights diplomacy.¹⁴

4.18 Amnesty also drew on comparisons with other fact-finding missions as a useful demonstration of their potential to pursue accountability for human rights abuses. Amnesty outlined that:

"The Independent Investigative Mechanism for Myanmar collects, consolidates, preserves and analyses evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011. It prepares case files that can be used in courts or tribunals to hold perpetrators accountable".

Due to the work of the Investigative Mechanism for Myanmar, the International Court of Justice is currently considering allegations that Myanmar has failed to fulfill its obligations to prevent and punish acts of genocide committed against the Rohingya people in Myanmar as required under their international obligations.

Any Independent Investigative Mechanism on Iran could serve a similar purpose and assist with national courts in regards to universal jurisdiction.¹⁵

4.19 Amnesty added that the establishment of the fact-finding mission on the IRI:

... also renews its calls for all states to exercise universal jurisdiction to criminally investigate and prosecute all officials including those in security, intelligence, prosecutorial and judicial positions suspected of ordering or committing crimes under international law and other grave violations of human rights, including the right to life, and issue arrest warrants when there is sufficient evidence. Investigations must include superiors who knew or should have known that a subordinate was committing or about to commit these acts but did not take all the reasonable and necessary measures within their power to prevent, repress or punish them.¹⁶

4.20 Now that the fact-finding mission has been established, the Executive Council of Australian Jewry (ECAJ), the peak organisation for representing Jews in

¹³ Professor Saul, *Submission 47*, p. 1.

¹⁴ Professor Saul, *Submission 47*, p. 1.

¹⁵ Amnesty, *Submission 22*, p. 17.

¹⁶ Amnesty, *Submission 22.1*, p. 23.

Australia, called for Australia to provide '[p]ractical support in the form of law-enforcement and intelligence resources for collecting and sharing evidence', and expressed the view that 'Australia's support for this process should not merely be rhetorical'.¹⁷

4.21 Similarly, the National Assembly of Iranian Jurists (NAJ), a non-profit international organisation promoting democracy and justice in Iran, called on the Australian Government to support the fact-finding mission through the 'provision of subject experts and resources'.¹⁸

Commission on the Status of Women

4.22 The CSW was established by the UN ECOSOC in 1946 and is 'the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women'.¹⁹

4.23 At the time of the committee referral by the Senate, both Iran and Australia were members of the CSW. There had been calls for Iran to be removed from the CSW since its election in 2021, most notably from United Nations Watch (UN Watch), a non-profit organisation dedicated to holding the UN accountable to its founding principles, which gave evidence to this inquiry.²⁰

4.24 In Australia, the federal opposition called for the IRI to be removed from the CSW following the death of Mahsa (Jina) Amini in September 2022.²¹

Views on the appropriateness of the IRI's membership on CSW

4.25 Overwhelmingly, submissions requested that Australia support the removal of the IRI from the CSW.²² In fact, UN Watch noted that it had been calling for the UNHRC to hold a special session on the IRI's human rights violations for over a decade.²³ UN Watch had also prepared a draft resolution that was submitted

¹⁷ Executive Council of Australian Jewry (ECAJ), *Submission 150*, p. 6. See, also: Professor Saul, Challis Chair of International Law, University of Sydney, *Committee Hansard*, 28 November 2022, p. 27.

¹⁸ National Assembly of Iranian Jurists (NAJ), *Submission 370*, p. 1.

¹⁹ UN Women, [Commission on the Status of Women](#) (accessed 4 January 2023).

²⁰ Mr Hillel Neuer, Executive Director, United Nations Watch (UN Watch), *Committee Hansard*, 28 November 2022, p. 1.

²¹ Shadow Assistant Minister for Foreign Affairs, Senator Claire Chandler, '[Iran must be removed from UN Commission on the Status of Women](#)', 20 September 2022 (accessed 24 January 2023).

²² See, for example: Dr Kylie Moore-Gilbert, *Submission 1*, p. 3; United Action for Iran, *Submission 33*, p. 3; Miss Tara Fatehi, *Submission 34*, p. 4; United Nations Watch, *Submission 36*, pp. 3–4; Lance Holden, Hirad Assimi, Omid Alizadeh, Gelareh Holden, and Sahra Saber, *Submission 43*, pp. 5–6; Women of Colour Australia, *Submission 52*, pp. 2–3; Dr Saba Vasefi, *Submission 35*, p. 10; Name withheld, *Submission 110*, p. 3; Wage Peace, *Submission 127*, p. 2; Dr Mediya Rangi, *Submission 147*, p. 5; ECAJ, *Submission 150*, p. 9.

²³ Mr Neuer, Executive Director, UN Watch, *Committee Hansard*, 28 November 2022, p. 1.

to United States (US) Secretary of State Antony Blinken and is included as an Annex to its submission.²⁴

4.26 The ECAJ noted in its submission that 'Iran is one of only six countries in the world which has neither ratified, acceded to nor signed the Convention on the Elimination of All Forms of Discrimination against Women'.²⁵

4.27 Additionally, the authors of submission 43 reported that the IRI ranked 143 of 146 on the World Economic Forum's Global Gender Gap Index 2022 and 'has a long history of suppressing women's rights and avoiding gender equality and empowerment'.²⁶

4.28 Mr Ek Taghdir, a barrister, outlined his position on the IRI's membership on the CSW, stating:

In light of their gross violation of human rights towards Iranian women, girls and their allies, the following points should be overserved:

- (a) any input by [the IRI] is simply nonsensical as their actions clearly do not "accelerate progress and promote women's rights in political, economic, and social fields" and;
- (b) their continued membership undermines the legitimacy of such an important Commission when it is the "principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women."²⁷

4.29 The ECAJ agreed:

The death in custody of Mahsa Amini, and the brutal measures taken by the Iranian regime against protesters, especially women and girl protesters, are the most recent manifestations of decades of systemic repression of women in Iran ... This record is utterly repugnant to the objects for which the CSW was established. Under its current regime, Iran's membership ... has made a mockery of the CSW's mandate of promoting gender equality and women's dignity, and is a standing insult to women everywhere.²⁸

4.30 Professor Saul raised the point that whilst the CSW is dedicated to advancing the rights of women 'it is well understood that it is an inter-governmental diplomatic/political body which is not a "club of the virtuous" – a test many states would fail to meet if the protection of women's rights was a precondition of membership'.²⁹ Despite this, he explained whilst:

²⁴ UN Watch, *Submission 36*, pp. 4–6.

²⁵ ECAJ, *Submission 150*, p. 9.

²⁶ Lance Holden, Hirad Assimi, Omid Alizadeh, Gelareh Holden, and Sahra Saber, *Submission 43*, p. 5.

²⁷ Mr Ek Taghdir, *Submission 10*, p. 3. See, also: Dr Rangi, *Submission 147*, p. 5; Women of Colour Australia, *Submission 52*, pp. 2–3; and Wage Peace, *Submission 127*, p. 2.

²⁸ ECAJ, *Submission 150*, p. 9.

²⁹ Professor Saul, *Submission 47*, p. 2.

There is value in engaging with all states from ‘inside the tent’, to encourage and pressure them to comply with their human rights obligations ... in exceptional situations of grave violations, where a state is not responsive to improving its compliance, the limit of engagement may be reached and more pointed ostracism may be justified, to bring additional pressure to bear. Iran is arguably at this point.³⁰

The election of the IRI to the CSW

4.31 How the IRI came to be a member of the CSW was discussed at the hearings held on 28 November and 21 December 2022.³¹ DFAT explained that:

Iran was elected to the commission in April 2021. It was uncontested and endorsed by the Asia-Pacific group—ECOSOC is, as much of the UN system is, broken into regional groups. They nominated, and it wasn't contested. There weren't more Asia-Pacific states nominating than there were spots. That's how they came to be a member of CSW.³²

4.32 Mr Hillel Neuer, Executive Director of UN Watch, noted that there were 15 Western and European Union (EU) members of ECOSOC, including Australia, at the time that the IRI was elected to the CSW. He explained that ‘[o]nly 11 did not vote for Iran because 43 out of 54 members voted for Iran. That means a minimum of four Western and EU states necessarily voted the Islamic republic into the women's rights commission’.³³ Mr Neuer called for transparency about how Australia voted, stating ‘[w]e trust that Australia did not vote for the Islamic republic, but we call on them to reveal how they voted’.³⁴

4.33 Mr Neuer acknowledged:

Governments typically say, ‘We can't reveal a secret ballot’, but the Canadian ambassador, Bob Rae, a few days after the election revealed that Canada did not vote for Iran. Similarly, when Saudi Arabia was likewise elected several years prior in 2017, the Belgian Prime Minister Charles Michel appeared before the Belgian parliament and revealed that he did vote for Saudi Arabia.³⁵

³⁰ Professor Saul, *Submission 47*, p. 2.

³¹ Mr Hillel Neuer, Executive Director, United Nations Watch (UN Watch), *Committee Hansard*, 28 November 2022, pp. 1, 3; Ms Smith, First Assistant Secretary, Multilateral Policy and Human Rights Division, DFAT, *Committee Hansard*, 21 December 2022, pp. 26–27.

³² Ms Smith, First Assistant Secretary, Multilateral Policy and Human Rights Division, DFAT, *Committee Hansard*, 21 December 2022, p. 26.

³³ Mr Neuer, Executive Director, UN Watch, *Committee Hansard*, 28 November 2022, p. 1.

³⁴ Mr Neuer, Executive Director, UN Watch, *Committee Hansard*, 28 November 2022, p. 1.

³⁵ Mr Neuer, Executive Director, UN Watch, *Committee Hansard*, 28 November 2022, p. 1.

4.34 When asked about the vote, DFAT stated that 'the elections are conducted under a secret ballot, and by convention we don't talk about who we vote for in those fora'.³⁶

The decision to remove the IRI from the CSW

4.35 On 14 December 2022, ECOSOC member states voted on a US-drafted resolution to remove the IRI from the CSW with immediate effect for the remainder of its four-year term ending in 2026, citing its oppression of women and girls. The vote recorded 29 in favour, eight against, and 16 abstentions.³⁷ The vote was the first time in the UN's history that a country was expelled from the CSW.

4.36 In a letter to ECOSOC ahead of the vote, the IRI's UN Ambassador, Mr Amir Saeid Iravani, described the move as illegal and 'based solely on false allegations and fabricated assumptions'.³⁸ Speaking before the vote, the representative of the IRI stated:

... to remove an elected member from the Commission contravenes the spirit of the Charter of the United Nations, notably its basic notion of sovereign equality of States in membership with equal participation in all multilateral forums, which has been recognized as the main pillar of multilateralism ... This illegal conduct might also create a dangerous precedent with far-reaching consequences.³⁹

4.37 DFAT noted that whilst Australia was not able to vote to remove the IRI from the CSW, as it is not currently a member of ECOSOC, it did not stop Australia supporting the US-initiative by:

... co-sponsoring the resolution, conducting outreach to advocate that others vote for the resolution and ... delivering a national statement, when the resolution was passed, condemning Iran's persecution of women and girls.⁴⁰

³⁶ Ms Smith, First Assistant Secretary, Multilateral Policy and Human Rights Division, DFAT, *Committee Hansard*, 21 December 2022, p. 27.

³⁷ Economic and Social Council (ECOSOC), 2023 Session, 5th meeting, [Economic and Social Council Adopts Controversial Draft Resolution to Remove Iran from Commission on Status of Women, Emphasizing Lack of Rights in Country](#), 14 December 2022 (accessed 4 January 2023). Note: Islamic Republic of Iran, Palestine, Syria, Cuba, China, Russia, Eritrea, Belarus, Zimbabwe, and North Korea voted against the resolution.

³⁸ [Letter dated 2 December 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General](#) (accessed 4 January 2023).

³⁹ ECOSOC, 2023 Session, 5th meeting, [Economic and Social Council Adopts Controversial Draft Resolution to Remove Iran from Commission on Status of Women, Emphasizing Lack of Rights in Country](#), 14 December 2022 (accessed 4 January 2023).

⁴⁰ Ms Smith, First Assistant Secretary, Multilateral Policy and Human Rights Division, DFAT, *Committee Hansard*, 21 December 2022, p. 26.

4.38 The response to the removal of the IRI from the CSW has been widely welcomed.⁴¹ This is unsurprising given that a large number of early submissions to the inquiry called for this action to be taken prior to ECOSOC's resolution.⁴²

4.39 On the other hand, Professor Saul noted that he believed Australia should be consistent in its approach in seeking to exclude other states from the CSW on similar grounds, giving the example that both Afghanistan and Somalia are also current members.⁴³

4.40 Some commentators have also noted that whilst it is a positive step, there is more that needs to be done. Mr Louis Charbonneau, UN director at Human Rights Watch, stated:

The removal of Iran from the UN Commission on the Status of Women is a welcome step toward holding the Iranian leadership accountable for its long history of discrimination and cruelty towards women and girls. But today's justified action by U.N. member countries is a far cry from real accountability for those responsible for the security forces' lethal violence against protesters after the death of Mahsa Amini ... What's needed is urgent coordinated pressure on Iran to end its campaign of violence, credible prosecutions of individuals who are directly responsible for these appalling violations of human rights, and an end to the severe discrimination against women.⁴⁴

Committee view

4.41 The committee agrees with the assessment of the majority of members at ECOSOC 14 December 2022, that the IRI regime is not fit to be represented on the CSW. The committee supports the decision to remove the IRI from the CSW. The committee is unconvinced by assumptions that including regimes which systematically and deliberately oppress women and girls, such as the IRI, motivates those regimes to improve their treatment of women and minorities. These assumptions have been proven wrong by recent events in Iran. Clearly, election to the CSW had no positive impact on the IRI's treatment of women.

⁴¹ See, for example: Name withheld, *Submission 257.1*, p. 3; Name withheld, *Submission 313*, p. 3; Name withheld, *Submission 318*, p. 2; Iranian Women's Association, *Submission 360*, p. 11; Name withheld, *Submission 354*, p. 4.

⁴² See, for example: Dr Kylie Moore-Gillbert, *Submission 1*, p. 3; United Action for Iran, *Submission 33*, p. 3; Miss Tara Fatehi, *Submission 34*, p. 4; UN Watch, *Submission 36*, pp. 3–4; Lance Holden, Hirad Assimi, Omid Alizadeh, Gelareh Holden, and Sahra Saber, *Submission 43*, pp. 5–6; Women of Colour Australia, *Submission 52*, pp. 2–3; Dr Saba Vasefi, *Submission 35*, p. 10.

⁴³ Professor Saul, *Submission 47*, p. 2.

⁴⁴ Mr Louis Charbonneau, UN director at Human Rights Watch, [Twitter post](#), 15 December 2022 (accessed 19 December 2022).

Recommendation 1

4.42 The committee recommends that the Australian Government oppose the election of the Islamic Republic of Iran to any United Nations' bodies in light of the regime's clear disregard for human rights, particularly the rights of women and girls.

Targeted sanctions

4.43 There has been discussion internationally about what actions nation states could make in response to the human rights abuses occurring in Iran. In particular, there is broad agreement that targeted, or Magnitsky-style, sanctions aimed at individuals and entities responsible for human rights abuses and violations of international law, is the most appropriate form of sanctions to apply.

4.44 At the same time, there has been limited appetite to pursue broad-based sanctions which could punish the Iranian population for the actions of the IRI regime. The committee shares this view.

4.45 Like-minded countries such as the US, United Kingdom (UK) and Canada have implemented a range of targeted sanctions since September 2022. DFAT summarised these, as at 4 January 2023:

- the US has imposed sanctions on at least 45 Iranian individuals and 5 Iranian entities;
- Canada has sanctioned at least 84 Iranian individuals and 19 Iranian entities; and
- the United Kingdom has sanctioned at least 41 Iranian individuals and 1 Iranian entity.⁴⁵

4.46 Further discussion about the application of Magnitsky-style sanctions in response to the IRI's human rights abuses and Australia's use of targeted sanctions is discussed in Chapter 6.

Joint Comprehensive Plan of Action

4.47 There has been international discussion and speculation about the status of the Joint Comprehensive Plan of Action (JCPOA), as well as the impact that the IRI's recent behaviour may have on future negotiations of any actions taken by the international community in relation to the IRI's nuclear program.

4.48 The JCPOA is a nuclear agreement reached by the IRI and China, France, Germany, Russia, the UK, and the US on 14 July 2015. This nuclear deal was endorsed by UN Security Council Resolution 2231 and adopted on 20 July 2015. The IRI's compliance with the nuclear-related provisions of the JCPOA is

⁴⁵ Department of Foreign Affairs and Trade - answers to questions on notice (QoNs 001, 004, 005, 006, 008) from public hearing held 21 December 2022, Canberra (received 17 January 2023).

verified by the International Atomic Energy Agency (IAEA), according to certain requirements set forth in the agreement.⁴⁶

4.49 Under the terms of the agreement, the IRI agreed to dismantle much of its nuclear program with the aim of ensuring its program is exclusively peaceful and open itself to international compliance mechanisms in exchange for the EU, UN and US lifting their nuclear-related sanctions on the IRI.

4.50 On 8 May 2018, the former President of the United States, Donald J. Trump, announced the withdrawal of the US from the JCPOA and the re-imposing of sanctions lifted under the deal.⁴⁷ Despite the US's withdrawal, the remaining participants of the JCPOA stressed that the UN Security Council resolution 2231 remained fully in force.⁴⁸ Since April 2021, the JCPOA coordinator has been leading diplomatic talks in Vienna to negotiate the return of the US to the JCPOA.⁴⁹

4.51 At the committee's hearing, DFAT noted the ongoing discussions that have been occurring in Vienna about reviving the JCPOA, and Australia's hope, whilst not a signatory to the JCPOA, that some sort of agreement could be reached to restrain the IRI's nuclear program and put it on a path of peaceful energy. DFAT acknowledged, however, that there had not been much progress on those negotiations recently.⁵⁰

4.52 On 17 January 2023, the US made clear that the JCPOA is now off the table:

With regard to the JCPOA, the Iranians killed the opportunity to come back to that agreement swiftly many months ago. There was an opportunity on the table that they rejected, an opportunity that was approved by all who were involved – the Europeans, the United States, Russia and China even at the time. And so the JCPOA has not been on the agenda as a practical matter for many months now. It's not our focus. We're focused on what's happening in Iran. We're focused on what Iran is doing in terms of the provision of weapons to Russia to use against innocent people and the entire energy grid in Ukraine. And of course, we're focused on its other destabilizing activities throughout the region.⁵¹

⁴⁶ Arms Control Association, '[The Joint Comprehensive Plan of Action \(JCPOA\) at a Glance](#)', March 2022 (accessed 24 January 2023).

⁴⁷ See: [President Donald J. Trump is Ending United States Participation in an Unacceptable Iran Deal](#), 8 May 2018 (accessed 24 January 2023).

⁴⁸ European Union External Action, [Joint Ministerial Statement on the Joint Comprehensive Plan of Action](#), 21 December 2020 (accessed 24 January 2023).

⁴⁹ European Union External Action, [The Joint Comprehensive Plan of Action \(JCPOA\) and its implementation, Nuclear Agreement with Iran](#), 18 August 2021 (accessed 24 January 2023).

⁵⁰ Mr Marc Innes-Brown, First Assistant Secretary, Middle East, Africa and Afghanistan Division, DFAT, Committee Hansard, 21 December 2022, p. 24.

⁵¹ [Secretary Antony J. Blinken and UK Foreign Secretary James Cleverly at a Joint Press Availability](#), 17 January 2023 (accessed 24 January 2023).

4.53 Submitters indicated that negotiations on the JCPOA should cease in reflection of the IRI's disregard for human rights, and thus preventing the release of billions of dollars of frozen assets by lifting sanctions through the deal.⁵²

4.54 One submission, for example, recommended that the Australian Government work with the international community to place the Iran nuclear negotiations on hold, stating:

We support calls by the Centre for Human Rights in Iran (CHRI) to place the Iran nuclear negotiations on hold and agree with their position, which argues that the Iran nuclear deal cannot be isolated from recent events and a deal with IRI at this time will likely result in a significant release of funds, thereby increasing the repressive capacity of the state and likely lead to even more egregious human rights violations.⁵³

4.55 Similarly, another submitter noted:

Signing a nuclear deal would result in the release of billions in dollars of seized assets and money being returned to the IR regime, which would directly result in renewed funding for terrorism in the middle-east, cyber-attacks on Australia, surveillance of Australian citizens and brutality against the Iranian people. None of the released money will go to the Iranian people. Noting that "Hezbollah's entire budget ... comes from the Islamic Republic of Iran", estimated at more than US \$700 million annually.⁵⁴

4.56 The Australia/Israel & Jewish Affairs Council (AIJAC) added that:

Coupled with qualitative Iranian nuclear advances, obstruction of International Atomic Energy Agency (IAEA) inspectors and activities and the regime's stonewalling of negotiations to bring it back into compliance with the JCPOA for over a year, these threats and actions should lead to a significant expansion of sanctions on the regime.⁵⁵

4.57 When asked whether Australia's position had changed on the JCPOA given the actions of the IRI over the last few months, DFAT stated that its position to support the objectives of the deal and its contribution to nuclear counterproliferation had not changed.⁵⁶

⁵² See, for example: Dr Sarah Ghavami, *Submission 29*, p. 2; Australia/Israel & Jewish Affairs Council (AIJAC), *Submission 41*, p. 6; Dr Dara Conduit, *Submission 56*, p. 5; Name withheld, *Submission 155*, p. 6; Name withheld, *Submission 217*, p. 2; Name withheld, *Submission 286*, p. 3; Name withheld, *Submission 321*, p. 2; Name withheld, *Submission 345*, p. 2; Name withheld, *Submission 357*, p. 2; Iranian Women's Association, *Submission 360*, p. 9; Dr Gholam Ali Salari, *Submission 377*, p. 4; Name withheld, *Submission 382*, p. 4; Mr Sam Loni and Anonymous, *Submission 383*, p. 19.

⁵³ Mr Sam Loni and Anonymous, *Submission 383*, p. 19.

⁵⁴ Name withheld, *Submission 345*, p. 6.

⁵⁵ AIJAC, *Submission 41*, p. 6.

⁵⁶ Mr Innes-Brown, First Assistant Secretary, Middle East, Africa and Afghanistan Division, DFAT, Committee Hansard, 21 December 2022, p. 24.

Committee view

4.58 The committee notes the frustration evident in a number of submissions at the attempts by segments of the international community to continue negotiations on the JCPOA with the IRI. However, it is evident from the IRI's most recent actions that it cannot be trusted to negotiate or act in good faith, or deliver on any promises it makes.

Chapter 5

Foreign interference and hostage diplomacy

5.1 A central part of the Islamic Republic of Iran's (IRI) efforts to control the narrative in Iran has been to suppress all forms of freedom of expression or dissent including by lethal force, as Amnesty International Australia (Amnesty) noted in its submission to the committee:

In Iran today, freedom of expression, association and assembly is being stifled. Dissidents are routinely arrested and jailed and the internet is frequently shut down as a way to avoid scrutiny and accountability.¹

5.2 It is clear that the IRI's desire to control the narrative by threats, intimidation and coercion does not end at Iran's borders. The committee has heard from submitters that the IRI employs a sophisticated network of surveillance and intimidation of its critics abroad. As a means of attempting to suppress criticism abroad, the IRI often gathers information on Iranian dissidents and intimidates or detains relatives still living in Iran.

5.3 It is understandable that many Iranian Australians fear the reach and the tactics of the IRI and Islamic Revolutionary Guard Corps (IRGC). Internationally, the IRI has gone to extreme lengths to attack and intimidate individuals, organisations and governments that are critical of the regime. This includes the use of hostage diplomacy, the arbitrary detention of foreign nationals to exert pressure and gain leverage over foreign governments:

Dissidents and journalists based abroad faced intensified threats, and their families in Iran were interrogated and/or arbitrarily detained in reprisal for their work. In July, US prosecution authorities charged four Iranian agents for conspiring to abduct Iranian-US journalist Masih Alinejad from US soil. In August, intelligence officials interrogated the relatives of exiled Kurdish human rights defender Arsalan Yarahmadi and threatened him with death. Iranian-Swedish dissident Habib Chaab and Iranian-German dissident Jamshid Sharmahd, who had previously been abducted abroad and returned to Iran, remained at risk of the death penalty.²

5.4 In November 2022, in his annual threat update, the Director-General of the United Kingdom's (UK) MI5, Mr Ken McCallum provided details of the threat from the IRI, which he described as 'the state actor which most frequently crosses into terrorism':

For now, we see the regime resorting to violence to silence critics. An Iran that, with its proxies, remains a profoundly destabilising actor in its region

¹ Amnesty International Australia (Amnesty), *Submission 22*, p. 3.

² Amnesty International, [Amnesty International Report 2021/22: State of the world's human rights](#), p. 198 (accessed 23 January 2023).

and beyond. An Iran providing support to Russia, including by supplying the drones inflicting misery in Ukraine.

Iran projects threat to the UK directly, through its aggressive intelligence services. At its sharpest this includes ambitions to kidnap or even kill British or UK-based individuals perceived as enemies of the regime. We have seen at least ten such potential threats since January alone. We work at pace with domestic and international partners to disrupt this completely unacceptable activity.³

- 5.5 The Canadian Security Intelligence Service has also publicly confirmed that it is aware of state actors affiliated with the IRI 'monitoring and intimidating people inside Canada to silence those who speak out publicly against the regime'.⁴
- 5.6 As expected, the committee received most of its submissions from individuals, who in telling the committee and the world of their horrific experiences, did not wish to be identified because of the constant fear of reprisals against loved ones still in Iran or continual intimidation and harassment of themselves by members of the IRGC in Australia.
- 5.7 This chapter will look at some of the information regarding the IRI's continual intimidation and harassment of Iranian citizens domiciled in Australia, including organisations that have been subject to such intimidation. It will examine which Australian Government agencies are responsible for assisting and protecting Australians from this sort of harassment, what those agencies are actively doing to stop this type of behaviour, and whether these actions have been sufficient to reassure the community and prevent further intimidation and threats.

Intimidation and harassment in Australia by the IRI

- 5.8 Due to the extent of monitoring of protests and other intimidation tactics by officials associated with the IRI in Australia, some submitters have called on the Department of Home Affairs (Home Affairs) and the Australian Federal Police (AFP) to play a greater role in supporting and ensuring the safety of the community.⁵

³ United Kingdom Security Service MI5 Director General Ken McCallum, '[Annual threat update](#)', *speech*, 16 November 2022 (accessed 24 January 2023).

⁴ Ashley Burke and Nahayat Tizhoosh, '[Spy agency investigating 'credible' death threats from Iran against individuals in Canada](#)', *CBC News Online*, 18 November 2022 (accessed 24 January 2023).

⁵ See, for example: Ms Trudy Hairs, *Submission 8*, p. 1; Human Rights Watch, *Submission 61*, p. 5; Dr Nazanin Zadeh-Cummings, *Submission 125*, p. 2; Mr Amirali Shahsavani, *Submission 330*, p. 1; NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS), *Submission 375*, p. 7.

Reports of intimidation and harassment

5.9 Mr Ek Taghdir stated that the IRI ‘continues to escalate its violation of basic human rights against Iranian women and their allies—including threats to Australian citizens in Australia who are supporting the movement’.⁶

5.10 Many submitters expressed fear in speaking out against the IRI due to the intimidation and harassment experienced both in Australia and by family and friends still in Iran.⁷

5.11 Mrs Setareh Vaziri submitted that ‘Australia is not safe from the extraterritorial threat and the tentacles of the IRGC and the Islamic Republic regime more broadly’.⁸ She referred to the ABC’s Background Briefing, broadcast on 22 November 2022, which investigated reports of the harassment of the Iranian diaspora in Australia by the IRI, and provided the following example of intimidation where:

... Ms Sahar Gholizadeh, an Iranian-Australian, who upon voicing opposition to the Iranian regime was faced with anonymous threatening text messages, and whose family (still in Iran) were threatened with violence if she did not remain “silent”.⁹

5.12 On 22 November 2022, Foreign Affairs Minister, Senator Penny Wong was asked in Parliament what the government can say to Australians who are concerned about reports of harassment and foreign interference by the Iranian regime. Senator Wong advised the Senate that the government’s concerns had been relayed to the Iranian charge d’affaires, and that Home Affairs was working with the community on this threat:

I have no doubt that all senators would be, deeply concerned with the reports of Australians, here in Australia, being harassed for their participation in protests and the reported threats made against their families in Iran. Of course, the right to peaceful protest is at the heart of Australia’s democracy. Our concerns were relayed in no uncertain terms to the Iranian charge d’affaires this morning, and the Department of Home Affairs Counter Foreign Interference Coordination Centre is working with the community to conduct targeted engagement on foreign interference.¹⁰

5.13 Mrs Setareh Vaziri, an Iranian Australian woman with Kurdish heritage, added at the hearing that she was also aware of instances of ‘surveillance,

⁶ Mr Ek Taghdir, *Submission 10*, p. 2.

⁷ See, for example: Name withheld, *Submission 12*, p. 2; United Action for Iran, *Submission 33*, p. 3; Name withheld, *Submission 40*, p. 3; Name withheld, *Submission 83*, p. 3; Name withheld, *Submission 84*, p. 3; Name withheld, *Submission 92*, p. 3; Name withheld, *Submission 141*, p. 3; M. V., *Submission 152*, p. 3; Name withheld, *Submission 159*, p. 3; Name withheld, *Submission 166*, p. 3.

⁸ Setareh Vaziri, *Submission 388*, p. 3.

⁹ Setareh Vaziri, *Submission 388*, p. 3.

¹⁰ Senator the Hon Penny Wong, Minister for Foreign Affairs, *Senate Hansard*, 22 November 2022, p. 1962.

email hacking and the creation of duplicate social media accounts to try and manipulate the work of activists'.¹¹

5.14 However, when asked during a public hearing whether Home Affairs had investigated—or was aware of any other branches of government investigating—whether persons connected to the IRI have set up social media pages or groups as a way to discover identities or track comments and statements made by those opposed to the regime, it advised it had not.¹² No further comment or explanation on this lack of follow up to a key concern was provided to the committee.

5.15 Another submitter provided a further example of intimidation, explaining:

There have been several reports that embassy personnel filmed protesters outside Iran, including in Australia during demonstrations, intimidated and harassed Australian citizens here, or their families in Iran. In one case, the consular sector of the IR Embassy in Canberra denied providing service to an Iranian-Australian and threatened him about the consequences he would face for participating in the demonstrations in Canberra.¹³

5.16 Australian Women in STEM, a group of Iranian-Australian professional women working in Science, Technology, Engineering, and Mathematics (STEM) in Australia, referred to a statement made by the Minister of Security Intelligence Service in Iran, Mr Ismail Khatib, as reported by the IRGC news agency (Tasnim), which said: 'Whoever has been involved in protesting against Islamic Regime, wherever they are in the world, they will get punished'.¹⁴

5.17 Dr Nazanin Zadeh-Cummings noted that Iranians and allies have simply been exercising their right to peaceful assembly in Australia through protests and performances around the country to draw attention to the human rights abuses committed by the IRI, and '[w]orryingly, individuals in Australia have reported intimidation and monitoring by the IRI'.¹⁵

5.18 Ms Sophie McNeill, an Australian Researcher at Human Rights Watch, agreed that it 'has been alarming in recent weeks to see these reports coming from the Iranian community':

We have seen the worst consequences reportedly impacting family members back in Iran. For Iranians who speak out at rallies here who are active on social media criticising the regime, their families back home

¹¹ Mrs Setareh Vaziri, Private capacity, *Committee Hansard*, 21 December 2022, p. 4.

¹² Home Affairs - answers to questions on notice from public hearing held 21 December 2022, Canberra (received 9 January 2023).

¹³ Name withheld, *Submission 70*, p. 2.

¹⁴ Australian Women in STEM, *Submission 410*, p. 8.

¹⁵ Dr Nazanin Zadeh-Cummings, *Submission 125*, pp. 1-2.

suffer consequences. In some other communities, we've seen harassment and intimidation directly impact the dissidents themselves here in Australia. We are concerned that could be the next step.¹⁶

5.19 Media reporting indicated that the mother of a prominent Iranian-Australian protestor was jailed in Tehran on 20 December 2022 and interrogated about her Australian relatives. In the same article, Melbourne lawyer and anti-regime activist Ms Nos Hosseini claimed to have direct knowledge of six Australian-Iranians whose relatives had been arrested or interrogated since the recent protest movement began.¹⁷ On 9 January 2023, the IRI also sentenced Majid Kazemi, who is the cousin of a Sydney man, to death. It has been reported that Mr Kazimi was interrogated about his Australian relatives.¹⁸

5.20 Following this news, the Coalition's Shadow Minister for Foreign Affairs, Senator Simon Birmingham, and Shadow Minister for Countering Foreign Interference, Senator James Paterson, issued a joint media release stating:

The Coalition is gravely concerned by media reports detailing the jailing of family of Iranian-Australian protestors by the regime in Tehran. Particularly concerning is the suggestion that this has been enabled by representatives of the regime in Australia.

If these allegations are confirmed, it would constitute serious foreign interference and requires the strongest possible response from the Australian Government to deter this activity and send a clear message to those responsible that it will not be tolerated.¹⁹

5.21 Australian Women in STEM submitted that similar issues have been reported in other countries such as Canada and the UK. For instance:

CBC Canada has reported that an increasing number of Iranians living in Canada have expressed their concern that they are being followed and threatened by regime agents. Based on the report, elements of the Islamic Republic living in Canada have threatened Iranians, monitored them, and even chased them to their homes after demonstrations in Canadian cities.

Canada's spy agency is investigating reports from people who are living in the country who have received "credible" death threats from Iran, the Canadian Security Intelligence Service (CSIS) said in a statement. The

¹⁶ Ms Sophie McNeill, Australian Researcher, Human Rights Watch, *Committee Hansard*, 28 November 2022, p. 22.

¹⁷ Paul Sakkal, '["Silencing dissent by threatening family": Iran cracks down on family of Australian protester](#)', *The Sydney Morning Herald*, 16 January 2023 [accessed 18 January 2023].

¹⁸ Paul Sakkal, '[Campaign to save Iranian man with family in Australia from execution](#)', *The Sydney Morning Herald*, 16 January 2023 [accessed 18 January 2023].

¹⁹ Shadow Minister for Foreign Affairs, Senator Simon Birmingham and Shadow Minister for Countering Foreign Interference, Senator James Paterson, '[Statement on the crackdown on families of Iranian-Australian protestors in Iran](#)', *joint media statement*, 16 January 2023 [accessed 18 January 2023].

threats are "designed to silence those who speak out publicly" against Iran, the statement said.²⁰

Requested action from the Australian Government

5.22 Given ongoing community fears that IRI representatives are harassing or intimidating Iran-born community members in Australia that have spoken out against the IRI, many submitters requested that the government provide a greater level of support and engagement with the community to counter foreign interference, and ensure people feel safe to fully express their opinions in Australia and their right to peaceful assembly.²¹

5.23 Dr Zadeh-Cummings, for example, stated that the Australian Government must protect and support Iranians and their allies from intimidation and monitoring in exercising their right to peaceful assembly in Australia, adding that:

Australia must also investigate cases of intimidation and monitoring, and work to ensure it is actively working to counter the Islamic Regime's attempts to influence activities inside Australia.²²

5.24 Ms McNeill argued that 'it's incredibly important that the government ensures that Home Affairs allocates the necessary resources, particularly to the AFP, to ensure that the embassy knows that this will not be tolerated'.²³

5.25 The NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) recommended:

That the Australian Government engage meaningfully with the Iran-born communities in Australia ... [opening] dialogue with the community [to] jointly develop strategies to allay community fears and concerns, provide reassurance, and safeguard the community from misinformation.

That the Australian Government provide support and information for Iran-born communities in Australia to safely report concerns to the relevant authorities.²⁴

5.26 Human Rights Watch agreed, recommending that Home Affairs and the AFP should be tasked with investigating foreign interference, in particular documenting and investigating the scale of harassment, intimidation, and surveillance of the Iranian diaspora community. Further to this, Human Rights

²⁰ Australian Women in STEM, *Submission 410*, p. 8.

²¹ See, for example: Ms Trudy Hairs, *Submission 8*, p. 1; Human Rights Watch, *Submission 61*, p. 5; Dr Zadeh-Cummings, *Submission 125*, p. 2; Mr Amirali Shahsavani, *Submission 330*, p. 1; STARTTS, *Submission 375*, p. 7.

²² Dr Zadeh-Cummings, *Submission 125*, p. 2.

²³ Ms McNeill, Australian Researcher, Human Rights Watch, *Committee Hansard*, 28 November 2022, p. 22.

²⁴ STARTTS, *Submission 375*, p. 7.

Watch recommended that the government ensure that 'the Commander Counter Foreign Interference and Special Investigations at the AFP and the National Counter Foreign Interference Coordinator strengthen their engagement with Iranian diaspora community'.²⁵

5.27 Additionally, Mrs Vaziri recommended that the government consider extending the National Security Hotline (NSH) or establishing a new hotline to:

... allow the Iranian-Australian community to provide tips on IRI regime operatives and investments. It is recommended that the hotline provide Iranian interpreters, enabling community members to provide more fulsome and detailed information in their native language.²⁶

5.28 At the committee's hearing, Mrs Vaziri described the NSH as 'really an anonymous tipline receiving information and relaying it back for further investigation by the AFP', and clarified that what she is recommending is:

... either the extension of the remit of that hotline or the establishment of a new hotline, in line with creating a more robust initial triage of the information that's coming in ... It is not just about addressing the surveillance issue and the monitoring of the Iranian diaspora by the regime. I was also reflecting on being able to identify these individuals and actually provide those pieces of the puzzles to AUSTRAC [Australian Transaction Reports and Analysis Centre], the AFP and other government agencies so that we can triangulate those insights. To be able to do that, we need a much more robust process around the whole thing.²⁷

5.29 Ms Sara Zahedi, a lawyer and member of Women Life Freedom Australia, agreed, stating:

I think there's a lot of tacit intelligence and invaluable information that is available to the community members that can certainly assist the departments of government and the official channels that we have set up here in Australia for investigating and for deterring these incidents of harassment. The community is certainly open to engaging in a much more meaningful way with the government agencies and the right channels in order to provide that information, working hand in hand to be more effective in our efforts. A dedicated hotline is certainly a great idea, especially if there is one that has a Farsi-speaking interpreter available.

I guess what we would really like to see is these concerns being taken a little bit more seriously by the AFP. Commenting on some of the incidents I'm aware of through other members of the community, we're not getting a lot of follow-up on our questions and our concerns with regard to being

²⁵ Human Rights Watch, *Submission 61*, p. 6.

²⁶ Setareh Vaziri, *Submission 388*, p. 6.

²⁷ Setareh Vaziri, *Submission 388*, p. 6.

harassed and being watched. I don't think we should be waiting for incidents of violence before we see some serious action being taken.²⁸

Response from Home Affairs and the Australian Federal Police

5.30 Home Affairs and the AFP outlined Australia's approach to foreign interference and the strategies that each utilises to counter the threat and support communities at risk. What information Home Affairs and the AFP had on the movements of IRI officials in Australia and their investments was also discussed.

Foreign interference

5.31 According to Home Affairs, it 'is an offence under Australian law to use clandestine or coercive methods to support the intelligence activities of a foreign government or interfere with Australian political or democratic rights on behalf of a foreign government'.²⁹ It affirmed 'that espionage and foreign interference is the No. 1 national security threat in Australia at this point in time' and reports of 'suspicious acts relating to foreign interference is taken extremely seriously'.³⁰

5.32 Home Affairs submitted that it 'is aware of reports that pro-Iranian Government informants are surveilling former Iranian residents protesting against the regime in Australia and threatening their relatives in Iran as a result'.³¹

5.33 The AFP outlined its stance on foreign interference and its role in responding to the threat, and agreed that it is a serious threat:

Harassment and violence against any member of the public or particular community groups must not be tolerated. It is also unacceptable for any foreign government to target members of the Australian community in ways that prevent individuals from exercising their fundamental rights and freedoms ...

Foreign interference represents a serious threat to Australia's sovereignty and security and the integrity of our democracy. In recognition of this threat, a range of new and revised criminal offences were introduced by the *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018*. The AFP is responsible for investigating allegations

²⁸ Ms Sara Zahedi, Member, Woman Life Freedom Australia, *Committee Hansard*, 21 December 2022, p. 7.

²⁹ Department of Home Affairs (Home Affairs), *Submission 328*, p. 2.

³⁰ Mr David Chick, Acting First Assistant Secretary, Counter Foreign Interference Coordination Centre, Department of Home Affairs (Home Affairs), *Committee Hansard*, 21 December 2022, p. 33.

³¹ Home Affairs, *Submission 328*, p. 2.

of criminal activity relating to espionage and foreign interference in Australia.³²

5.34 Home Affairs advised that it is the Counter Foreign Interference (CFI) Taskforce, led by the Australian Security Intelligence Organisation (ASIO), that is responsible for investigating allegations of foreign interference.³³ The AFP noted that it works closely with the ASIO-led CFI and has a number of officers embedded in the CFI whose role is to deliver law-enforcement-led outcomes where appropriate.³⁴

National Security Hotline

5.35 Home Affairs stated that 'alleged foreign interference can be reported to the National Security Hotline or State and Territory police',³⁵ and stated that translation services are available and should be arranged in advance with the Translating and Interpreting Service who can then call the NSH on the person's behalf, noting that this information is available on its website.³⁶

5.36 Home Affairs explained that whilst the NSH is a part of the Home Affairs portfolio, it is not a part of the Department of Home Affairs. Rather, it is administered by the National Emergency Management Agency (NEMA).³⁷ Once a complaint is lodged with NEMA, it is then referred to the relevant law enforcement and intelligence agencies.³⁸

5.37 Responses to calls to the NSH vary depending on how they are triaged and whether the call has been made anonymously, according to the AFP. Once the call is triaged by the NEMA, the AFP makes a decision on whether the complaint reaches a criminal threshold and, 'if it does reach a criminal threshold, we'll investigate it'.³⁹ Once the criminal threshold has been

³² Mrs Krissy Barrett, Assistant Commissioner, Southern Command, Australian Federal Police (AFP), *Committee Hansard*, 21 December 2022, p. 32.

³³ Home Affairs, *Submission 328*, p. 2. See: www.homeaffairs.gov.au/about-us/our-portfolios/national-security/security-coordination/national-security-hotline

³⁴ Mrs Barrett, Assistant Commissioner, Southern Command, AFP, *Committee Hansard*, 21 December 2022, p. 32.

³⁵ Home Affairs, *Submission 328*, p. 2. See: www.homeaffairs.gov.au/about-us/our-portfolios/national-security/security-coordination/national-security-hotline

³⁶ Mr Chick, Acting First Assistant Secretary, Counter Foreign Interference Coordination Centre, Home Affairs, *Committee Hansard*, 21 December 2022, p. 33. See: www.homeaffairs.gov.au/about-us/our-portfolios/national-security/security-coordination/national-security-hotline.

³⁷ Mr Chick, Acting First Assistant Secretary, Counter Foreign Interference Coordination Centre, Home Affairs, *Committee Hansard*, 21 December 2022, p. 33.

³⁸ Mr Chick, Acting First Assistant Secretary, Counter Foreign Interference Coordination Centre, Home Affairs, *Committee Hansard*, 21 December 2022, p. 37.

³⁹ Mr Mark McIntyre, Acting Assistant Commissioner, Counter Terrorism and Special Investigations, AFP, *Committee Hansard*, 21 December 2022, p. 33.

determined, depending on whether it is a potential Commonwealth criminal offence or more appropriately dealt with at a state or territory level, the complaint will be referred to the most appropriate agency.⁴⁰

5.38 The AFP added that where an individual leaves their details and their complaint moves into an investigations phase, the AFP will likely 'contact the complainant with a view to obtaining a statement or further information, provided that individual is willing to provide a statement or provide assistance'.⁴¹

Preventative strategies and community engagement

5.39 Beyond responding to complaints, the AFP also focuses on the prevention of foreign interference through its countering community interference strategy and community liaison teams (CLTs) 'designed to assist in strengthening relationships between law enforcement and the community'.⁴² The CLTs:

... work to ensure police legitimacy and trust through engagements that strengthen social cohesion and community resilience and that build productive, positive, trusting and cohesive relationships with a diverse range of communities. CLTs take a holistic approach and actively engage with communities across all religious, cultural and ethnic backgrounds to establish confidence and trust in law enforcement.

CLTs undertake a range of activities, including participating in school and university programs, engaging with religious leaders and organisations, participating in community events, supporting government funded programs and providing opportunities for the AFP executive team to directly engage with community leaders. CLTs are uniquely placed to identify vulnerabilities in diverse communities and provide support to increase their resilience to threats, which include, but are not limited to, foreign interference. The CLTs' engagement focuses on education, including providing advice on reporting foreign interference and how to seek assistance.⁴³

5.40 However, the AFP acknowledged that its CLTs 'have had limited engagement with the Iranian community within Australia, and our state-based law enforcement partners have had more engagement with Iranian communities to

⁴⁰ Mrs Barrett, Assistant Commissioner, Southern Command, AFP, *Committee Hansard*, 21 December 2022, p. 37.

⁴¹ Mr McIntyre, Acting Assistant Commissioner, Counter Terrorism and Special Investigations, AFP, *Committee Hansard*, 21 December 2022, p. 37.

⁴² Mrs Barrett, Assistant Commissioner, Southern Command, AFP, *Committee Hansard*, 21 December 2022, p. 32.

⁴³ Mrs Barrett, Assistant Commissioner, Southern Command, AFP, *Committee Hansard*, 21 December 2022, pp. 32–33.

date'. The AFP noted that its teams had some engagement with the Iranian Women's Association and the Australian Iranian Society of Victoria.⁴⁴

5.41 Home Affairs also outlined the role of its Community Liaison Officer (CLO) Network which engages with the community to build relationships and facilitate the two-way flow of information. It stated:

The CLO Network continues to engage with Iranian communities across Australia, including in regard to issues arising from the anti-regime protests in Iran.

Between 1 December 2021 and 30 November 2022, the Home Affairs CLO network undertook more than 40 engagements with Iranian Australian communities. Iranian community members raised a range of issues at these engagements, including issues relating to visas, settlement support and community concerns.

Home Affairs' state-based CFI engagement officers work with the CLO network to conduct targeted engagement on foreign interference where community members raise concerns of foreign interference.⁴⁵

Information on IRI officials' movements and investments in Australia

5.42 A number of submissions referred to the presence, or potential presence, of senior officials in the IRI or persons closely connected to the regime and/or the IRGC in Australia. Allegations were also raised about significant financial investments.

5.43 When asked whether Home Affairs was aware of whether there were any senior IRI officials, or their families, in Australia, it advised:

We have data on Iranians in Australia, and obviously anyone in Australia needs to maintain their lawful status. If there are issues raised in relation to individuals that would result in a breach of their visa conditions or would trigger visa cancellation, then we would take action in relation to that.⁴⁶

5.44 In an answer to a question on notice, Home Affairs stated that, as at 23 December 2022, there were 34 Iranian citizens holding a Diplomat (Subclass 995) visa to Australia and, in total, 7,099 Iranian citizens offshore who hold an Australian Temporary visa which allows the person to travel to and enter Australia. However, Home Affairs explained that it 'does not have routine access to data that shows visa applicants or visa holders by occupation. This includes primary visa applicants and their family members' and that it would

⁴⁴ Mrs Barrett, Assistant Commissioner, Southern Command, AFP, *Committee Hansard*, 21 December 2022, p. 33.

⁴⁵ Home Affairs, *Submission 328*, p. 2.

⁴⁶ Mr Andrew Kiley, Acting First Assistant Secretary, Refugee, Humanitarian and Settlement, Home Affairs, *Committee Hansard*, 21 December 2022, p. 34.

be ‘unable to report on their standing within the Iranian Government without a manual interrogation of each visa holder’s individual record’.⁴⁷

5.45 In relation to senior IRI officials holding Australian investments or cash in Australian bank accounts, Home Affairs noted that the Department of Treasury, with the Foreign Investment Review Board, and the Australian Transaction Reports and Analysis Centre (AUSTRAC), in terms of individuals and their financial affairs, would be the agencies with the relevant information. None of these agencies provided submissions to the committee.

5.46 Nonetheless, Home Affairs noted that:

The Government recognises that foreign investment must be in our national interest, and reviews all foreign investment proposals against the national interest on a case-by-case basis. If it is ultimately considered that a proposal is contrary to the national interest, it will not be approved, or conditions will be applied to safeguard the national interest. Further, the Government expects all investors (both foreign and domestically owned) to comply with Australia’s laws and maintain high standards of conduct at all times. This includes following both the spirit and the letter of Australian law, and acting in good faith in complying with any conditions imposed by the Government.⁴⁸

5.47 Furthermore, as part of their anti-money laundering and counter-terrorism financing (AML/CTF) program, banks and other reporting entities must:

... have risk-based procedures in place to identify whether an individual customer or beneficial owner is a politically exposed person (PEP).

For the purposes of the AML/CTF Rules, a PEP is defined as an individual who holds a prominent public position or function in a government body or an international organisation, or who is an immediate family member or close associate of such a person.

Reporting entities must carry out customer identification and verification procedures to identify whether their customer is a PEP before providing them with a designated service, or as soon as possible afterwards. Reporting entities must also closely monitor the transactions of all high-risk PEPs, including foreign PEPs. If the bank suspects a transaction involves funds linked to corruption or other criminal activity, it must submit a suspicious matter report (SMR) to AUSTRAC. AUSTRAC cannot disclose details of such intelligence holdings relating to specific account-holders.⁴⁹

⁴⁷ Home Affairs - answers to questions on notice from public hearing held 21 December 2022, Canberra (received 9 January 2023).

⁴⁸ Home Affairs - answers to questions on notice from public hearing held 21 December 2022, Canberra (received 9 January 2023).

⁴⁹ Home Affairs - answers to questions on notice from public hearing held 21 December 2022, Canberra (received 9 January 2023).

Committee view

5.48 The committee is extremely concerned by reports of threats and intimidation against Australian residents and citizens. There can scarcely be a more concerning form of foreign interference than a hostile foreign government making direct threats to Australian citizens and their families in Australia.

5.49 The committee also notes the high level of concern within the Iranian Australian diaspora about potential monitoring of individuals on social media, as well as at rallies and protests held in Australia. Given that the IRGC and IRI-linked entities have been associated with such activities in other jurisdictions, including being identified by foreign security and intelligence services as attempting to carry out violence against critics of the IRI within their jurisdictions, the committee considers it essential that high priority is placed on investigating reports of intimidation and surveillance in Australia.

5.50 Although the Department of Home Affairs has been named by the government as being a lead agency working with the diaspora community on reports of threats and intimidation, the Department declined to say in a public hearing whether the government has gained an understanding of whether there is a pattern of intimidating or threatening behaviour from IRI-linked entities or individuals. A number of questions relating to this issue were deferred to other agencies.

5.51 As the committee made clear, it did not expect to receive confidential details of specific ongoing investigations. However, there is a clear public interest—particularly for the Iranian diaspora community—in the government communicating its assessment on whether there is a pattern of behaviour emanating from the IRI. Unfortunately, the government and its agencies have declined to provide this inquiry with its assessment of that matter. This is likely to cause continued concern in the diaspora community. It is difficult for the community, or this committee, to have confidence that reports of threats and intimidation are being factored into the government response to the Iran situation in circumstances where the government has not provided its assessment of whether such behaviour is occurring.

5.52 The committee was also concerned about the description provided by agencies of the triaging and responses to reports from the community of threats or intimidation. The advice provided by Home Affairs suggests that reports are being made to various agencies, including the National Emergency Management Agency which operates the National Security Hotline, and to state and territory police. Answers provided by Home Affairs and the AFP indicated that if a report “does reach a criminal threshold, we’ll investigate it”. Of course, incidents which potentially warrant criminal charges should be investigated by police. But it does not follow that reports of potential foreign interference only need to be investigated if they are likely to directly result in a criminal conviction.

5.53 Based on the answers provided, the committee is concerned that not all reports from the community of activities such as being surveilled or photographed at a public protest are necessarily being provided to a central agency to ensure the government has a full picture of foreign interference concerns being raised by the community. This raises the possibility that important information pertaining to foreign interference could be missed through a lack of detail in an initial report, a lack of follow up, or a judgement that a particular report is not worth pursuing because it is unlikely to result in a criminal conviction.

5.54 The committee acknowledges that previous inquiries conducted by the Parliamentary Joint Committee on Intelligence and Security, and the Joint Standing Committee on Foreign Affairs, Defence and Trade have also raised the issue of foreign interference by other nation states with diaspora communities and students within Australia. The committee notes the recommendations of those committees for adequate resourcing for Australian Government agencies to enable effective engagement with diaspora communities, reporting by community of incidents or concerns, a centralised collation of information and investigation where warranted.⁵⁰

5.55 The committee is also concerned by the suggestion in answers to questions by Home Affairs suggesting that the government does not know whether senior IRI officials and their families are living in Australia or have visas allowing them to do so. The committee holds similar concerns with answers provided to the committee regarding alleged investments held in Australia by persons connected to the IRI regime. The answers provided by the government indicate that it either does not have the information to answer these questions, or, if it does have this information, did not wish to provide it to this inquiry.

Recommendation 2

5.56 The committee is deeply concerned about credible allegations of intimidation and threats against Australian citizens, residents and their families. It recommends that the responsible Ministers provide an update to the Parliament and the Australian public on the government's current assessment of whether persons connected to the IRI regime are undertaking such behaviour in Australia.

⁵⁰ See: Parliamentary Joint Committee on Intelligence and Security, '[Inquiry into national security risks affecting the Australian higher education and research sector](#)', parliamentary paper 106/2022, 25 March 2022; Joint Standing Committee on Foreign Affairs, Defence and Trade, '[First periodic report on Human Rights: Final report into certain aspects of the Department of Foreign Affairs and Trade Annual Report 2019–20](#)', parliamentary paper 87/2022, 30 March 2022.

Recommendation 3

5.57 The committee recommends that the Australian Government ensure there is an appropriate level of expertise and resourcing in the relevant government departments and agencies, including foreign language speakers and community liaison officers, available to quickly investigate and assess threats against Australians.

Recommendation 4

5.58 The committee recommends that all reports of threats, intimidation, monitoring or surveillance by the Iranian community in Australia are followed up, recorded, assessed and reported to the lead coordination agency (regardless of whether individual reports result in a criminal investigation) to ensure that the government has a complete picture of foreign interference efforts by the IRI in Australia. The committee further recommends that the relevant agencies report to Parliament through the Joint Committee for Intelligence and Security on such activities.

Hostage diplomacy

5.59 Since the commencement of the IRI in 1979, Iran has undertaken extrajudicial detention of foreign nationals as a means of exerting leverage. This practice has become known as hostage diplomacy and is designed to influence other nations' diplomatic and political response to the IRI's actions.

5.60 In response to questions about hostage diplomacy, DFAT made the following statement regarding the IRI's use of arbitrary detention:

If you look at different cases, they're using it as leverage for political and other purposes. They obviously assess it's in their interest to do so. In particular cases, it's involved other countries, it's involved sums of money and restituting previous arrangements they had under the previous government in Iran—financial arrangements and so forth—or getting back their own people who have been detained for nefarious activities. There's probably a range of calculations, but they obviously see it as a tactic they can benefit from.⁵¹

5.61 Dr Saba Vasefi agreed that hostage taking has been the IRI's strategy since they seized power, and as 'history has demonstrated that negotiation with dictators is not only wrong but also dangerous':

Due to appeasement of the West, they have become so insolent that, for example, Mohsen Rezaee, the vice-president of economic affairs and former commander in chief of the Islamic Revolutionary Guard Corps, has publicly said that he would take 1,000 American hostages to boost Iran's

⁵¹ Mr Marc Innes-Brown, First Assistant Secretary, Middle East, Africa and Afghanistan Division, DFAT, *Committee Hansard*, 21 December 2022, pp. 21–22.

economy. For every hostage, he would ask several million dollars as a solution.⁵²

5.62 Australian Dr Kylie Moore-Gilbert agreed that the IRI has a 'long-established practice of taking foreign citizens hostage, including myself, and using them for diplomatic or financial leverage'.⁵³ Dr Moore-Gilbert was held for 804 days in Iranian jails and eventually released on 25 November 2020 in a prisoner swap deal.⁵⁴ In her case, she noted:

... there seems to have been no negative implications for Iran whatsoever for not only taking me hostage and essentially extorting the Australian government to do something to free me to the benefit of Iran but also taking hostage at least four other Australian citizens that we know of. We have literally just rewarded them. We have given them what they wanted. We have sent home people arrested in Australia for violating sanctions and sending military equipment in violation of the nuclear program sanctions to Iran ... [We are] sending the signal that they should ... do it again and again, because it only benefits them.⁵⁵

5.63 Dr Moore-Gilbert states that she believes Australia is reluctant to apply sanctions due to what she calls "diplomatic blackmail", further stating that 'Iran is known to be currently holding innocent Australian citizens hostage in its prisons, although this fact has not been published in the media'.⁵⁶ At the committee's hearing, Dr Moore-Gilbert reported that:

More than 40 foreigners have been arrested during the past 10 weeks alone in Iran. The government has acknowledged that at least one Australian citizen has been arrested this year as well and is currently in an unknown location without consular access in an Iranian prison.⁵⁷

5.64 Dr Moore-Gilbert asserted that 'Australia should not allow the hostage-taking of our citizens by countries like Iran to influence our decision-making as to the application of sanctions, nor to dictate our foreign or human rights policies more broadly'.⁵⁸ She raised the concern that 'Australia has resisted imposing sanctions on Iran for fear of complicating efforts to free its unjustly detained citizens in these countries' and argued:

⁵² Dr Saba Vasefi, Scholar Journalist, University of Sydney, *Committee Hansard*, 28 November 2022, p. 19.

⁵³ Dr Kylie Moore-Gilbert, Private capacity, *Committee Hansard*, 28 November 2022, p. 20.

⁵⁴ Dr Moore-Gilbert, *Submission 1*, p. 3.

⁵⁵ Dr Moore-Gilbert, Private capacity, *Committee Hansard*, 28 November 2022, pp. 20–21.

⁵⁶ Dr Moore-Gilbert, *Submission 1*, p. 3.

⁵⁷ Dr Moore-Gilbert, Private capacity, *Committee Hansard*, 28 November 2022, p. 20.

⁵⁸ Dr Moore-Gilbert, *Submission 1*, p. 1.

In my view and that of many in the Iranian Australian community, none of these reasons should be sufficient to preclude a more robust Australian response to Iran's human rights abuses.⁵⁹

Committee view

- 5.65 The committee is deeply concerned by the IRI's practice of arbitrary detention of foreign nationals, including Australians. On the basis of evidence, the committee recognises that the IRI regime—and other foreign governments—undertake this practice in an attempt to gain leverage over Australia's government and foreign policy.
- 5.66 The kidnapping and arbitrary detainment of Australian citizens by a foreign government in order to obtain leverage represents an egregious breach of any bilateral relationship. The victims of the IRI's behaviour are innocent Australians and their families.
- 5.67 The Department of Foreign Affairs agrees that the IRI regime engages in this practice, and it appears that the government fully expects the IRI to continue to do so. Indeed, it appears that much of our diplomatic architecture with the IRI is structured around the expectation that more Australians will be held hostage in the future. The committee shares Dr Moore-Gilbert's concerns at the lack of negative consequences for the IRI from engaging in hostage diplomacy.

Recommendation 5

- 5.68 **The committee recommends that the Australian Government, in consultation with its allies and through international forums, seek to improve its policy framework to deter the practice of hostage diplomacy and increase transparency and public awareness of the regimes which engage in hostage diplomacy.**

⁵⁹ Dr Moore-Gilbert, Private capacity, *Committee Hansard*, 28 November 2022, p. 20.

Chapter 6

Strengthening Australia's response

- 6.1 This chapter outlines the practical measures witnesses and submitters sought and sets out the Australian Government's policy response to the human rights crisis unfolding in Iran.
- 6.2 The chapter covers the following matters:
 - Australia's initial response;
 - the application of Magnitsky-style sanctions by democratic nations, including Australia;
 - listing the Islamic Revolutionary Guard Corps (IRGC) as a terrorist organisation;
 - requests to expel the Ambassador of Iran to Australia; and
 - visa pathways to Australia for Iranians.

Calls for concrete action

- 6.3 Submitters and witnesses were largely consistent in calling for the Australian Government to take practical steps to stand up for and protect the universality of human rights. The key measures proposed include, but are not limited to:
 - Making significant use of Australia's Autonomous Sanctions regime (applying Magnitsky sanctions);
 - listing the IRGC as a terrorist organisation;
 - expelling the Islamic Republic of Iran (IRI) Ambassador from Australia;
 - revoking the Australian citizenship of IRI-affiliated individuals, as well as of any family members residing in Australia;
 - cracking down on IRI intimidation of the Iranian diaspora in Australia;¹ and
 - supporting the removal of the IRI from the United Nations (UN) Commission on the Status of Women (CSW).²
- 6.4 Organisations such as Human Rights Watch called for more public support of the Iranian people and their broader social and political rights.³
- 6.5 Similarly, Iranian-Australian community organisations urged the Australian Government to join like-minded nations in sponsoring and passing 'a strong resolution against the criminal actions of the Islamic Republic both in the

¹ See, for example: Dr Dara Conduit, *Submission 56*, p. 5.

² Proposed measures feature across many submissions. See, for example: Dr Kylie Moore-Gilbert, *Submission 1*, p. 1; Mr Ali Hosseini, *Submission 137*, pp. 6–7; Dr Behzad Molavi, *Submission 131*, p. 3; Australia/Israel & Jewish Affairs Council (AIJAC), *Submission 41*, pp. 2–3.

³ Human Rights Watch, *Submission 61*, p. 6.

Australian Parliament and UN General Assembly'.⁴ This echoed calls from international non-profit organisations focused on Iran, which advocate for the international community to 'publicly condemn [the] Islamic Republic's heinous crimes and pursue accountability through international mechanisms'.⁵

- 6.6 While the committee acknowledges steps the Australian Government has already taken in response to the crisis in Iran, outlined below, evidence received suggests that more could be done to support the people of Iran and the Iranian-Australian community alike.
- 6.7 This chapter makes a series of recommendations to bolster the Australian Government's policy response.

Australia's initial response

6.8 In response to the events following the death of Mahsa (Jina) Amini on 16 September 2022, the Australian Government first responded by issuing a joint statement by the Minister for Foreign Affairs and the Minister for Women on 27 September 2022 condemning 'the deadly and disproportionate use of force against protesters in Iran'.⁶ It outlined the following actions and commitments:

- The government has raised its concerns regarding the circumstances surrounding Mahsa (Jina) Amini's death in custody with the Iranian Embassy in Canberra;
- It supports calls led by the Acting UN High Commissioner for Human Rights for a prompt, impartial investigation into Mahsa (Jina) Amini's death by an independent body;
- It supports the right of the Iranian people to protest peacefully and calls on the IRI authorities to exercise restraint in response to ongoing demonstrations;
- The government regularly raises IRI's significant discrimination against women and human rights violations with officials in both Tehran and Canberra, as well as in multilateral fora;
- It stands with Iranian women and girls in their struggle for equality and empowerment, and calls on Iran to cease its oppression of women; and

⁴ United Action for Iran, *Submission 33*, p. 4.

⁵ National Assembly of Iranian Jurists (NAJ), *Submission 370*, p. 2.

⁶ Senator the Hon Penny Wong, Minister for Foreign Affairs and Senator the Hon Katy Gallagher, Minister for Finance, Minister for the Public Service, Minister for Women, [Australia condemns violent crackdown in Iran](#), *joint statement*, 27 September 2022 (accessed 15 November 2022).

- Is committed to promoting gender equality and women's human rights, empowerment and ending violence against women and girls worldwide.⁷

6.9 On 9 November 2022, Prime Minister Anthony Albanese responded to a question in the parliament about the government's response to the situation in Iran, making mention of Australia's economic relationship with the IRI:

I have, as well as the foreign minister, expressed my abhorrence at the actions of the Iranian regime in clamping down on the rights of women—in particular, to wear whatever they want—after the tragic killing of Mahsa Amini ...

The Labor government will continue to work with our allies, including in multilateral forums such as the United Nations ... I acknowledge the enormous hurt that Iranian people, but Iranian women in particular, are feeling at this very difficult time, watching this clampdown on human rights in Iran for things that we in this country take for granted ...

We actually don't have a vast number of economic relations between Australia and Iran. One of the things we have done is make sure ... that, in any action that's taken, we're fully cognisant of the implications for Australian businesses of that.⁸

6.10 The Department of Foreign Affairs and Trade's (DFAT) submission to the inquiry summarised the actions taken by the Australian Government as at 16 November 2022, stating that the government 'has been active and consistent in publicly calling out Iran on its egregious behaviour [and] has also mobilised internationally with partners to hold Iran to account for its violent crackdown'.⁹ DFAT's submission explained:

The Prime Minister and Foreign Minister have made public comments, statements and issued social media messages, while at officials' level, seven statements have been made and supported in multilateral fora. DFAT has also spoken to the Iranian Embassy Charge d'affaires on five occasions.

Australia was also on the core drafting group of the UN General Assembly 3rd Committee resolution on the human rights situation in Iran ...

Under both our UNSC and autonomous sanctions regimes, Australia has already imposed targeted financial sanctions on the Islamic Revolutionary Guard Corps (IRGC) including its overseas arm the Quds Force since 2012. Financial and travel sanctions have been applied to a number of IRGC-linked individuals and financial sanctions against entities.¹⁰

⁷ Senator the Hon Penny Wong, Minister for Foreign Affairs and Senator the Hon Katy Gallagher, Minister for Finance, Minister for the Public Service, Minister for Women, [Australia condemns violent crackdown in Iran, joint statement](#), 27 September 2022 (accessed 15 November 2022).

⁸ The Hon Anthony Albanese MP, Prime Minister, *House of Representatives Hansard*, 9 November 2022, p. 2689.

⁹ Department of Foreign Affairs and Trade (DFAT), *Submission 27*, p. 3.

¹⁰ DFAT, *Submission 27*, pp. 3–5.

6.11 A primary method used by the government to communicate its concerns has been summoning the Iranian Embassy Charge d'affaires. DFAT was asked by the committee to provide the following table highlighting the dates and specific purpose of these meetings with the Iranian Charge d'affaires:

| Meeting date | Issues that precipitated meeting |
|------------------------------|---|
| 26 September 2022 | The death of Mahsa (Jina) Amini and Iran's violent crackdown on the protests. |
| 13 October 2022 | The crackdown on protesters and reports the death toll had risen to the hundreds. |
| 2 November 2022 | Iran's response to the crackdown on protesters, notably live fire being used against protesters in Kurdistan province and in Khorramabad. |
| 7 November 2022 (phone call) | Reports of apparent efforts by Iranian authorities to intimidate the Iranian community in Australia and Iran's response to the crackdown on protesters. |
| 15 November 2022 | Reports of a protester being sentenced to death, the joint letter signed by 277 Iranian members of parliament supporting the death penalty for protesters and Iran's response to the crackdown on protesters. |
| 22 November 2022 | Iran's response to the ongoing protests and the violent crackdown in Kurdistan and Khuzestan provinces. |
| 12 December 2022 | The execution of a protester in Iran on 8 December 2022 and Iran's response to the crackdown on protesters. |
| 14 December 2022 | The execution of a second protester in Iran on 12 December 2022 and Iran's response to the crackdown on protesters. |
| 19 December 2022 | Australia's imposition of sanctions on Iranian persons and entities on 10 December 2022 and Iran's response to the crackdown on protesters. |
| 10 January 2023 | The execution of two protesters on 7 January 2023 and Iran's response to the crackdown on protesters. |

Source: Department of Foreign Affairs and Trade - answer to question on notice (QoN 002) from public hearing held 21 December 2022, Canberra (received 19 January 2023).

6.12 It is not clear what impact or effect these representations from DFAT to the Iranian embassy have had.

6.13 On 10 December 2022, the government designated a number of Magnitsky-style sanctions against IRI officials and associated entities. These sanctions are discussed below.

Magnitsky-style sanctions

6.14 This section will outline Australia's Magnitsky-style sanctions legislation, which sanctions the government has applied to date, and canvass the views expressed in submissions and at hearings regarding the application of sanctions in response to the human rights concerns relating to the IRI.

6.15 Dr Anton Moiseienko, a lecturer at the Australian National University College of Law, explained that Magnitsky sanctions are, 'simply put, asset freezes and travel bans imposed in response to alleged human rights abuses or corruption'.¹¹

6.16 Professor Ben Saul, Challis Chair of International Law at the University of Sydney and an Associate Fellow of Chatham House (the Royal Institute of International Affairs) in London, stated that sanctions are:

... really important in stigmatising and deterring violators, expressing solidarity with victims, ... bringing pressure for accountability and reaffirming Australia's global commitment to human rights. This is true even if those targeted may retaliate. Human rights are fundamental and non-negotiable Australian values.¹²

6.17 In December 2021, the Australian Parliament amended the *Autonomous Sanctions Act 2011* to include Magnitsky-style sanctions powers, enabling the Australian Government to issue thematic sanctions. These types of sanctions target particular issues including serious human rights abuses, threats to international peace and security, and malicious cyber activities.¹³

6.18 Australia first used Magnitsky-style sanctions in March 2022, targeting Russian individuals responsible for the corruption that Russian whistle-blower, Mr Sergei Magnitsky, uncovered and those complicit in his subsequent mistreatment and death in 2009.¹⁴

¹¹ Opening statement by Dr Anton Moiseienko, public hearing, 21 December 2022, Canberra.

¹² Professor Ben Saul, Challis Chair of International Law, University of Sydney, *Committee Hansard*, 28 November 2022, p. 27.

¹³ *Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act 2021*.

¹⁴ Senator the Hon Marise Payne, former Minister for Foreign Affairs, [Australia's first Magnitsky-style sanctions](#), *media statement*, 29 March 2022 (accessed 4 January 2023). Note: Mr Sergei Magnitsky's death prompted the establishment of the original *Magnitsky Act 2012* in the United States.

Sanctions applied by Australia

6.19 On 10 December 2022, timed to coincide with Human Rights Day, the Australian Government announced plans to impose targeted Magnitsky-style sanctions on two entities and six individuals ‘involved in the violent crackdown on protests following the death of Mahsa ‘Jina’ Amini and the continued oppression of the people of Iran’.¹⁵ A further three Iranians were also sanctioned under Russia-related regulations for supplying drones to Russia to fight its war in the Ukraine. These individuals and entities were:

- IRI’s Morality Police;¹⁶
- Basij Resistance Force;¹⁷
- Mohammad Rostami Cheshmeh Gachi;
- Haj Ahmad Mirzaei;
- Gholamreza Soleimani;
- Hassan Karami;
- Hossein Ashtari;
- Sardar Seyed Sadegh Hosseini;
- Mohammad Hossein Bagheri;
- Saeed Aghajani; and
- Amir Ali Hajizadeh.¹⁸

6.20 On 1 February 2023, the day this report is scheduled to be tabled in the Senate, the Minister for Foreign Affairs announced additional Magnitsky-style sanctions:

... on 16 Iranian individuals and one Iranian entity.

Among those subject to Magnitsky-style human rights sanctions are the Basij Cooperative Foundation, and senior law enforcement, political and military figures – including those within the Islamic Revolutionary Guard Corps (IRGC) ...

Additionally, Australia is joining partners to impose additional targeted financial sanctions on four Iranian individuals and four entities involved in the production and supply of drones to Russia.¹⁹

¹⁵ Senator the Hon Penny Wong, Minister for Foreign Affairs, and the Hon Tim Watts MP, Assistant Minister for Foreign Affairs, [Targeted sanctions in response to Iranian and Russian human rights violations and invasion of Ukraine, joint media statement](#), 10 December 2022 (accessed 4 January 2023).

¹⁶ The Morality Police is a religious police squad tasked with overseeing compliance with the IRI’s Islamic dress code.

¹⁷ The Basij Resistance Force, or Niru-ye Moghavemat-e Basij in Persian, is one of five forces of the Islamic Revolutionary Guard Corps (IRGC).

¹⁸ Opening statement by Dr Anton Moiseienko, public hearing, 21 December 2022, Canberra. Note: these sanctions have been added to [Australia’s Consolidated List](#).

Views on the application of Magnitsky-style sanctions

6.21 Largely, submissions and witnesses have called on the Australian Government to apply Magnitsky-style sanctions on those responsible for the violence and killing of women, girls and protestors in Iran.²⁰

6.22 Other issues raised in evidence on Magnitsky-style sanctions covered the following topics and will be discussed in this section:

- timing of the application of sanctions by Australia compared with other countries;
- breadth of sanctions applied by Australia compared to other countries;
- departmental resourcing for sanctions, as well as the lack of information published in relation to sanctions designations, including the rationale for the sanction;
- effectiveness of Magnitsky-style sanctions; and
- proposed amendments to the *Autonomous Sanctions Regulations 2011*.

Timing of the application of sanctions

6.23 The timeframes in which different countries have acted to implement sanctions in response to the human rights concerns in Iran, following the death of Mahsa (Jina) Amini, were raised at the committee's hearing.²¹

6.24 The United States (US) announced its first tranche of sanctions on 22 September 2022,²² Canada on 26 September 2022²³ the United Kingdom

¹⁹ Senator the Hon Penny Wong, Minister for Foreign Affairs, and the Hon Tim Watts MP, Assistant Minister for Foreign Affairs, '[Targeted sanctions in response to human rights violations in Myanmar and Iran](#)', joint media release, 1 February 2023 (accessed 1 February 2023).

²⁰ See, for example: Dr Kylie Moore-Gilbert, *Submission 1*, p. 1; Mr Moezeddin Mousavi Mahyari; *Submission 5*, p. 3; Mr Ek Taghdir, *Submission 10*, p. 3; Monash University Gender, Peace and Security Centre (MUGPSC), *Submission 16*, p. 10; Justice for Iran, *Submission 21*, pp. 3–4; Iranian Women's Association Australia, *Submission 23*, p. 6; AIJAC, *Submission 41*, p. 2; Professor Saul, *Submission 47*, p. 2; Dr Dara Conduit, *Submission 56*, p. 3; Roonak Rad - Perth Kurdish Youth Society, *Submission 153*, p. 4; NSW Service for the Treatment and Rehabilitation of Torture & Trauma Survivors (STARTTS), *Submission 375*, p. 7; Mr Hillel Neuer, Executive Director, United Nations Watch (UN Watch), *Committee Hansard*, 28 November 2022, p. 4.

²¹ See, for example: *Committee Hansard*, 21 December 2022, pp. 14, 23.

²² United States Department of the Treasury, '[Treasury Sanctions Iran's Morality Police and Senior Security Officials for Violence Against Protesters and the Death of Mahsa Amini](#)', press release, 22 September 2022 (accessed 10 January 2023).

²³ Government of Canada, '[Canadian Sanctions Related to Iran](#)' (accessed 10 January 2023).

(UK) on 10 October 2022,²⁴ Council of the European Union (EU) on 17 October 2022,²⁵ and Australia 10 December 2022.²⁶

6.25 Since those dates the US, Canada, the UK and the EU have announced further multiple rounds of sanctions. At the time of writing, Australia's Government is yet to announce a second round of sanctions on Iranian officials or entities.

6.26 When asked why there was a significant delay of more than two months between the first sanctions announcement by Australia's allies and the announcement by the Australian Government of its first sanctions, DFAT explained that there were a range of considerations taken by government, and 'sanctions were only one of our toolkits in responding' to the situation in Iran. DFAT stated that the government carefully evaluates the situation and weighs up a number of complex factors.²⁷ However, DFAT would not discuss those factors in a public forum:

CHAIR: What were those factors?

Mr Innes-Brown: As I said, they're of a nature that I wouldn't divulge in a public forum.

CHAIR: Okay, and would it be fair to say—given there was a two-month gap between the United Kingdom doing what they did and Australia doing what we did—that it took two months to weigh up those factors?

Mr Innes-Brown: I'm not going to go into the nature of them, and whether that impacted on the time frame.²⁸

6.27 DFAT also added that a part of the reason that sanctions differ between countries is because their sanctions regimes differ:

Ms Smith: The [sanctions] regimes are not all exactly the same, and our processes are different. With decisions that the Australian government takes to impose sanctions, the timing of those are considered with regard to our national interest in an Australian context. We're not always going to end up having exactly the same considerations or the same criteria. Even with just that starting point, there will—not always—be differences.

²⁴ United Kingdom Foreign, Commonwealth & Development Office and the Rt Hon James Cleverly MP, '[UK sanctions Iranian 'Morality Police' and senior security officials](#)', *news story*, 10 October 2022 (accessed 07 November 2022).

²⁵ Council of the European Union, '[Iran: EU sanctions perpetrators of serious human rights violations](#)', *press release*, 17 October 2022 (accessed 7 November 2022).

²⁶ Senator the Hon Penny Wong, Minister for Foreign Affairs, and the Hon Tim Watts MP, Assistant Minister for Foreign Affairs, '[Targeted sanctions in response to Iranian and Russian human rights violations and invasion of Ukraine](#)', *joint media statement*, 10 December 2022 (accessed 4 January 2023).

²⁷ Mr Marc Innes-Brown, First Assistant Secretary, Middle East, Africa and Afghanistan Division, DFAT, *Committee Hansard*, 21 December 2022, pp. 23–24.

²⁸ *Committee Hansard*, 21 December 2022, p. 23.

CHAIR: Does that mean that our processes for sanctioning take longer to enact than those of other likeminded nations?

Ms Buckingham: Not necessarily, no. It's just a matter of the factors, as mentioned by Ms Smith, that need to be taken into account in all the circumstances, depending on the nature of the regime. It may be that those need to be weighed up, but the processes themselves are not necessarily significantly different.

CHAIR: So it does go back to that question that I don't think Mr Innes-Brown really wanted to go into in this public forum, of what factors were being considered by Australia in sanctioning Iran over the last couple of months and how long it took to consider those factors. What we're in effect saying is, because of the complexity of those factors, we weren't able to get to a position until well after many of our allies had.

Ms Buckingham: I think that's correct.

Mr Innes-Brown: Yes, Senator.²⁹

Breadth of sanctions applied

6.28 Whilst Australia's application of sanctions to six individuals and two entities has been welcomed, many still argue that additional sanctions are necessary.³⁰

6.29 For example, STARTTS outlined its support for 'considered and targeted use of Magnitsky-style sanctions on Iranian individuals and entities responsible for human rights violations'.³¹ However, it criticised the breadth of sanctions applied by Australia to date, stating:

Since Iranian Government commenced its use of violence to curb the protests in late September 2022, other like-minded countries have used Magnitsky-style sanctions on many Iranian individuals linked to the human rights violations. The United Kingdom have applied Magnitsky-style sanctions to at least 24 individuals; the European Union to at least 29 individuals, and the United States of America to at least 18 individuals. In contrast, the Australian Government, in December 2022, applied Magnitsky-style sanctions to 6 individuals.³²

6.30 In response to a question taken on notice at a public hearing on the difference between the number of individuals and entities sanctioned by Australia and other nations, DFAT advised that, as at 4 January 2023:

²⁹ *Committee Hansard*, 21 December 2022, pp. 23–24.

³⁰ See, for example: Ms Sara Zahedi, Member, Woman Life Freedom Australia, *Committee Hansard*, 21 December 2022, p. 6; Name withheld, *Submission 347*, p. 1; Name withheld, *Submission 351*, p. 2; Name withheld, *Submission 353*, p. 1; Iranian Women's Association, *Submission 360*, p. 10; Zionist Federation of Australia (ZFA), *Submission 365*, p. 3; Name withheld, *Submission 374*, p. 2; STARTTS, *Submission 375*, pp. 6–7; Mr Geoffrey Robertson KC, Private capacity, *Committee Hansard*, 21 December 2022, p. 11; Dr Anton Moiseienko, Private capacity, *Committee Hansard*, 21 December 2022, p. 13.

³¹ STARTTS, *Submission 375*, p. 8.

³² STARTTS, *Submission 375*, p. 7.

- the US has imposed sanctions on at least 45 Iranian individuals and 5 Iranian entities;
- Canada has sanctioned at least 84 Iranian individuals and 19 Iranian entities; and
- the United Kingdom has sanctioned at least 41 Iranian individuals and 1 Iranian entity.³³

6.31 Evidence received by the committee included calls for the IRGC to be more broadly targeted under Australia's Magnitsky-style sanctions.³⁴ For example, Ms Sara Zahedi, a representative of Woman Life Freedom Australia, an Iranian-Australian activist group, stated:

Only one of the six officials [sanctioned] is a member of the IRGC, so it remains unclear what, if any, financial presence these six individuals have on Australian soil ... Given the IRGC's very function and purpose in Iran, and the blood that is on its hands from recent months, it remains a real question in the minds of many Australians why our government has not chosen to sanction the IRGC or its key members and entities, who largely control the Basij and the morality police.³⁵

6.32 UN Watch also suggested sanctioning the three main entities that the IRGC use to fund its activities, as well as the three main entities controlled by Supreme Leader Ayatollah Khamenei, which include:

- Khatam al-Anbiya Construction Headquarters, the largest construction company in Iran;
- The IRGC Cooperative Foundation, a financial holdings company that invests in Iran's economy;
- The Basij Cooperative Foundation, a financial holdings company that invests in Iran's economy;
- Execution of Imam Khomeini's Order (IKO), which oversees dozens of subsidiaries and front companies, including Tadbir Group, Rey Group, and Barkat Foundation;
- Mostazafan Foundation, which was designed to seize and manage assets owned by the deposed Royal Family and its associates; and
- Astan Quds Razavi, which tightly controls the economy of the three Southern provinces of Iran where it owns companies in energy and agriculture.³⁶

³³ Department of Foreign Affairs and Trade - answers to questions on notice (QoNs 001, 004, 005, 006, 008) from public hearing held 21 December 2022, Canberra (received 17 January 2023).

³⁴ See, for example: Mr Moezeddin Mousavi Mahyari, *Submission 5*; Name withheld, *Submission 11*, p. 7; MUGPSC, *Submission 16*, p. 10; Name withheld, *Submission 345*, p. 5; Name withheld, *Submission 356*, pp. 9–10; Name withheld, *Submission 357*, p. 2; Australian Iranian Community of Newcastle, *Submission 363*, p. 2; Name withheld, *Submission 374*, p. 2.

³⁵ Ms Zahedi, Member, Woman Life Freedom Australia, *Committee Hansard*, 21 December 2022, p. 6.

³⁶ UN Watch, answers to questions on notice from public hearing held 28 November 2022, Canberra (received 22 December 2022).

6.33 A number of submitters and witnesses also highlighted the rationale for imposing sanctions on IRI judges and those associated with the judicial system.³⁷ Distinguished international barrister and human rights advocate, Mr Geoffrey Robertson KC stated, 'the jurists who act and send people to death should be sanctioned', giving the example of:

Judge Salavati, who was the hanging judge of Tehran, who was sanctioned by America a couple of years ago. He's been sanctioned by Europe. Australia has a particular reason for sanctioning him because he was the judge who convicted Kylie Moore-Gilbert on no evidence at all. Her grossly unfair trial was orchestrated by this particular judge.³⁸

Departmental resourcing for sanctions and information published on sanctions designations

6.34 The committee heard evidence from submitters and witnesses who raised concerns regarding adequate departmental resourcing to deal with Australia's sanctions effectively. Additionally, others raised the lack of detail provided by government on the rationale for the designation of particular sanctions as a concern.

6.35 Mr Robertson KC was critical of the Australian Government's approach to utilising Magnitsky-style sanctions as 'foreign policy tools in pursuit of foreign policy goals' as opposed seeing it 'as an instrument for the advancement of human rights'.³⁹ He also suggested that Australia's limited approach to Magnitsky-sanctions could be a product of a lack of resourcing within DFAT.⁴⁰ He noted that other countries such as the US have a thousand full-time officers involved in their equivalent sanctions department, and the UK several hundred.⁴¹

6.36 Dr Moiseienko also noted that 'one aspect of global practice where there is some divergence [with what Australia does] ... is the level of detail that one can find in relation to sanctions designations'. In particular, an 'explanation of what the targeted person has actually engaged in' and the 'identification of associated individuals and companies [, which] can make it easier for private

³⁷ See, for example: Mr Robertson KC, Private capacity, *Committee Hansard*, 21 December 2022, p. 11; Name withheld, *Submission 351*, p. 2; NAJ, *Submission 370*, p. 4; Name withheld, *Submission 374*, p. 2.

³⁸ Mr Robertson KC, Private capacity, *Committee Hansard*, 21 December 2022, p. 11. Note: Dr Kylie Moore-Gilbert is a British-Australian academic who spent 804 days in Iranian prisons as a hostage accused of being a Mossad agent, an MI6 agent and a spy for Australia.

³⁹ Additional information provided by Mr Robertson KC, 'Magnitsky law: public keep out', public hearing 21 December 2022, Canberra, p. 1; Mr Robertson KC, Private capacity, *Committee Hansard*, 21 December 2022, p. 11.

⁴⁰ Mr Robertson KC, Private capacity, *Committee Hansard*, 21 December 2022, p. 14.

⁴¹ Mr Robertson KC, Private capacity, *Committee Hansard*, 21 December 2022, p. 11.

sector actors to comply with sanctions'.⁴² He gave the example of the US, where:

... in certain US designations you not only see a person's name being trotted out and a description being provided of what they are alleged to have engaged in; you also see a range of, potentially dozens in some instances, affiliated companies listed in that designation. That gives a hook for the private sector in identifying whether they have any dealings with the sanctioned person, albeit in a different guise. Sanctioned individuals with a reasonable degree of sophistication are unlikely to hold assets in their own name, and therefore there is a fundamental question of what exactly the government is doing to make it easier to identify those assets in the jurisdiction that can then be frozen.⁴³

6.37 Mr Robertson KC stated that DFAT should have a dedicated team capable of researching human rights violations and consulting with bodies concerned with Iran, not just other governments, as well as a website that outlines the evidence used to inform the application of each sanction to demonstrate that its sanctions are authoritative.⁴⁴

6.38 Similarly, the National Assembly of Iranian Jurists (NAJ) recommended that the government establish a multi-agency sanctions taskforce to investigate, advise and keep the sanctions regime effective by:

- Mapping out relevant Islamic Republic entities, especially those connected to the IRGC;
- Mapping out private enterprises with links to them – critical to have a detailed understanding of ownership of the said private entities;
- Identify the individuals behind the said entities or those with true beneficial ownership;
- Detect those with assets and investments in Australia and impose sanctions as appropriate; and
- With the cooperation of [the Australian Transaction Reports and Analysis Centre] (AUSTRAC) and other relevant security agencies, take active steps to assess whether the said sanctions are having the desired effect and identify any evasion therefrom.⁴⁵

Effectiveness of Magnitsky-style sanctions

6.39 Dr Moiseienko raised the point that discussions about the effectiveness of Magnitsky-style sanctions raises flawed questions because:

... there is no consensus as to what exactly sanctions are meant to achieve and therefore what precisely they're supposed to be effective at. What I would suggest, in the context of this discussion and more generally, is that

⁴² Dr Moiseienko, Private capacity, *Committee Hansard*, 21 December 2022, p. 15.

⁴³ Dr Moiseienko, Private capacity, *Committee Hansard*, 21 December 2022, p. 15.

⁴⁴ Mr Robertson KC, Private capacity, *Committee Hansard*, 21 December 2022, p. 14.

⁴⁵ NAJ, *Submission 370*, pp. 3–4.

one should have realistic expectations of sanctions. They're not likely to change the world in and of themselves, they might not even alter the behaviour of a rogue regime, but they can be useful as part of the broader suite of measures aimed at putting pressure on a particular government. So, in a sense, the better question is not one about the effectiveness of sanctions, but simply this: are they a helpful pressure tool to utilise? And very often they are.⁴⁶

6.40 Since Magnitsky-style sanctions involve asset freezes and travel bans, Dr Moiseienko noted that whilst many within the IRI are unlikely to be planning to travel to Australia nor have assets here, that is still not necessarily a good measure of the effectiveness of these types of sanctions. He explained:

If the targeted person is involved in commercial activities around the world, banks worldwide are likely to pay attention to Australian designations. Other allies also may take Australian sanctions as an impetus to join in those sanctions and impose designations of their own. The point, therefore, is that we should account for a much broader range of variables when we think about the impact of sanctions than simply the amount of assets frozen.⁴⁷

6.41 However, Dr Moiseienko added that in order for a sanctions program to be impactful and not merely symbolic:

... it is vital to give some thought to the impact of sanctions and try to tailor them in such a way as to produce greatest possible impact and to bring maximum pressure to bear. That involves identifying people who do have links to Australia, but also thinking more creatively about how, even when those links are not there, sanctions can nonetheless be, hopefully at least, a significant irritant for those who are targeted and not merely a symbolic statement of condemnation, important though symbolic statements might be.⁴⁸

6.42 Ms Zahedi agreed that Australia needs to consider its approach carefully 'in order for the sanctions to be really effective and to change [the IRI's] behaviour as opposed to having some kind of symbolic value'.⁴⁹ She suggested that efforts should be made to understand which individuals are involved, what their activities are within Australia's borders, and to work in combination with others, such as the UK and Canada, who have already implemented a broad suite of sanctions.⁵⁰

⁴⁶ Dr Moiseienko, Private capacity, *Committee Hansard*, 21 December 2022, p. 13.

⁴⁷ Dr Moiseienko, Private capacity, *Committee Hansard*, 21 December 2022, p. 13.

⁴⁸ Dr Moiseienko, Private capacity, *Committee Hansard*, 21 December 2022, p. 13.

⁴⁹ Ms Zahedi, Member, Woman Life Freedom Australia, *Committee Hansard*, 21 December 2022, p. 7.

⁵⁰ Ms Zahedi, Member, Woman Life Freedom Australia, *Committee Hansard*, 21 December 2022, p. 7.

6.43 Mr Hillel Neuer, Executive Director at UN Watch, argued that 'the US and Canada have adopted the most comprehensive sanctions on Iranian officials to date' and that Australia should look to these allies as models.⁵¹

6.44 STARTTS also recommended that the Australian Government actively consider sanctioning other IRI individuals that have been sanctioned by countries such as the UK, EU and US, and working multilaterally, in coordination with other like-minded countries.⁵²

Amendments to the *Autonomous Sanctions Regulations 2011*

6.45 A submitter and witness outlined amendments to the *Autonomous Sanctions Regulations 2011* they perceived to be important for Australia's response to the human rights concerns in Iran.

6.46 In Annexure "A" of Mr Ek Taghdir's submission, amendments to Regulation 3 and Item 4 of Regulation 6 of the *Autonomous Sanctions Regulations 2011* were outlined to clarify important distinctions that would enable sanctions on the IRI to be more effective in support of Iranian women, girls and their allies.⁵³ The recommended amendments would enable:

- (a) Recognition of significant nuances such as the understanding that there is no "Iranian government or regime" but rather, a ruling 'Islamic Republic regime' which does not represent the 'people of Iran' who are from the 'land of Iran';
- (b) Recognition that there is no differentiating between the various governmental departments or paramilitary arms within the power structure of the I.R regime;
- (c) Ensuring that Australia is not a residential or financial haven for current and former ministers and officials of the regime, their immediate family members, affiliates and associates - by way of the following targeted measures:
 - (i) Travel & visa terminations: refusal of entry or residence in Australia;
 - (ii) Freezing of assets in Australia, including real estate or commercial;
 - (iii) Suspension of any business or trade activity directly or indirectly with the Australian Government or any Australian business;
 - (iv) Suspension of any commercial activity within Australia; and
 - (v) Termination of enrolments in any Australian educational institution.

⁵¹ UN Watch, answers to questions on notice from public hearing held 28 November 2022, Canberra (received 22 December 2022).

⁵² STARTTS, *Submission 375*, p. 8.

⁵³ Mr Taghdir, *Submission 10*, p. 6. Mr Taghdir is a barrister.

(d) Disincentivising any financial or ideological support for the regime by avoiding superficial sanctions which only target some very high ranking officials.⁵⁴

6.47 On the other hand, Professor Saul argued that Regulation 6A which implements the serious human rights violations threshold under the *Autonomous Sanctions Regulations 2011* does so in an 'unduly narrow way'.⁵⁵ He explained:

It only covers killings, torture or slavery, servitude or forced labour. Killings and torture are, of course, occurring in Iran, but such a narrow approach does not do justice to the victims of the spectrum of other rights violations in Iran.

... at the moment, we can impose sanctions for killing one person like Magnitsky himself, but you can't impose sanctions for gender persecution against half of the Iranian population of tens of millions of people. You can't impose sanctions for the persecution of religious minorities in Iran. I just think it's nonsensical. It's a very poor sense of how you should interpret serious human rights violations. Obviously you don't want every possible rights violation to be sanctionable, but we're talking here about really systematic, broad-based violations affecting large numbers of people.⁵⁶

6.48 Professor Saul recommended that the government's primary response to the violence and killing of women, girls and protestors in Iran should be to widen the regulations to capture other serious human rights violations—which would also widen the pool of people or entities which Australian sanctions could target—including:

... mass arbitrary arrests and detention, grossly unfair trials and excessive punishments for vague theocratic crimes, gender persecution, systematic suppression of political and media freedoms and the persecution of minorities, such as the Kurds and followers of the Baha'i faith.

...

Surprisingly, even the act itself omits international crimes, such as genocide and crimes against humanity, which also should be covered.⁵⁷

Committee view

6.49 The committee acknowledges the government's announcement on 10 December 2022 regarding the imposition of Magnitsky sanctions on

⁵⁴ Mr Taghdir, *Submission 10*, pp. 3, 6.

⁵⁵ Professor Saul, Challis Chair of International Law, University of Sydney, *Committee Hansard*, 28 November 2022, p. 27.

⁵⁶ Professor Saul, Challis Chair of International Law, University of Sydney, *Committee Hansard*, 28 November 2022, pp. 27, 30.

⁵⁷ Professor Saul, Challis Chair of International Law, University of Sydney, *Committee Hansard*, 28 November 2022, p. 27.

individual members of the IRI regime. The committee considers this to be a first step. However, the committee notes and is concerned by the time it took for the government to act. Given that the very purpose of Australia's Magnitsky legislation is to ensure that Australia can act quickly against human rights abusers, the committee is left questioning why Australia was so far behind other democratic and like-minded countries in taking this step.

- 6.50 The government has not been able, or willing, to explain why Australia has sanctioned significantly less individuals than allies with whom we share intelligence. During the course of the inquiry, government agencies were unwilling to discuss the reasons for this, beyond referring to the existence of 'factors' and complexities that the government won't disclose, and to "having regard to our national interest in the Australian context".
- 6.51 The committee also notes the recent confirmation by the Australian Signals Directorate that Iranian IRGC affiliated actors have targeted Australian organisations with malicious cyber activity.⁵⁸ Australia's Magnitsky-style sanctions regime provides the capacity for sanctions relating to cyber offences.

Recommendation 6

- 6.52 The committee recommends that the Australian Government use the available Magnitsky legislation to expand the list of individuals and entities subject to sanctions in response to human rights abuses in Iran, with particular focus on senior officials responsible for violence, human rights abuses, arbitrary detention and executions without due process.

Recommendation 7

- 6.53 The committee recommends the use of sanctions to target Islamic Republic of Iran and Islamic Revolutionary Guard Corps-affiliated individuals and entities responsible for malicious cyber activity against Australia.

Listing the Islamic Revolutionary Guard Corps as a terrorist organisation

- 6.54 According to a number of submitters, the IRGC is officially tasked with protecting the Islamic regime, as opposed to Iran, and spreading its reach beyond the IRI's borders.⁵⁹ Its actions in attempting to achieve this goal is what submitters point to in their calls for the IRGC to be listed as a terrorist organisation in Australia.

⁵⁸ Ms Abigail Bradshaw CSC, Head, Australian Cyber Security Centre, and Deputy Director-General, Australian Signals Directorate, *Senate Hansard*, Foreign Affairs, Defence and Trade Legislation Committee – Estimates, 8 November 2022, p. 18.

⁵⁹ See, for example: Dr Moore-Gilbert, *Submission 1*, p. 2; MUGPSC, *Submission 16.1*, p. 1; Name withheld, *Submission 17*, p. 2; Dr Morteza Sharifi, *Submission 361*, p. 2.

6.55 United Action for Iran, a broad coalition of about 700 Iranian Australian community members and 19 organisations, stated that 'IRI is widely acknowledged as the world's preeminent sponsors of terrorism and the IRGC is its main arm in carrying out such activities both inside and outside of Iran'.⁶⁰

6.56 The Monash University Gender, Peace and Security Centre (MUGPSC) explained that the 'IRGC is constituted as an ideological organisation for the purpose of imposing by armed violence an Islamist totalitarian sociopolitical scheme in Iran and abroad,'⁶¹ made clear by its goal and mission, according to its Constitution:

The Revolutionary Guards is an institution under the Leader's supreme command. Its goal is to protect Iran's Islamic Revolution and its achievements and relentlessly struggle to realize the divine ideals and spread the law of God in accordance with the Islamic Republic of Iran's laws ... To struggle in accordance with the [Islamic Republic] law against agents and groups that aim to undermine or destroy the Islamic Republic system or act against the Islamic Revolution of Iran.⁶²

6.57 Therefore, the MUGPSC submitted that as '[t]his conduct logically proceeds from the identity of the IRGC as a constituted body; it is inscribed in its DNA, so to speak. To stop it from doing what it does means to de-constitute it. That is the only way. A multilateral international listing of the IRGC as a terrorist organization turns it into a real liability for the Islamic Republic'.⁶³

6.58 Dr Moore-Gilbert added that:

One of the primary instigators of violence against the peaceful protesters in Iran is the IRGC ... The IRGC is not formally part of the Iranian government, it functions as a 'state within a state' and answers only to the Supreme Leader, Ali Khamenei.

The IRGC has a stated policy of 'exporting the revolution' beyond Iran's borders, and this has led to its sponsorship of a number of Islamist proxies in other parts of the Middle East, many of which have been designated terror organisations by Australia and its Western allies. Such groups including Lebanese Hezbollah, Hamas, Palestinian Islamic Jihad, Ansar Allah ('the Houthis') in Yemen and a variety of Iraqi paramilitary groups such as al-Hashd al-Shaabi ('Popular Mobilisation Forces'). The IRGC is also the feeder organisation of the Basij militia group within Iran,

⁶⁰ United Action for Iran, *Submission 33*, p. 2. See, also: Mr Faraz Maghami, Member, United Action for Iran, *Committee Hansard*, 28 November 2022, p. 14.

⁶¹ MUGPSC, *Submission 16.1*, p. 2.

⁶² MUGPSC, *Submission 16.1*, p. 1. See: In Persian: <https://qavanin.ir/Law/PrintText/83376> and in English: <https://irandataportal.syr.edu/constitution-of-the-revolutionary-guards-3>, emphasis added and translation modified by the submitter. See, also: Article 150 of the Constitution of the Islamic Republic of Iran, <https://ecnl.org/sites/default/files/files/2021/IranConstitution.pdf>.

⁶³ MUGPSC, *Submission 16.1*, p. 1.

volunteer forces which are also responsible for much of the current bloodshed on Iran's streets.⁶⁴

6.59 Another submitter outlined additional actions attributed to the IRGC, including:

Abroad, IRCG is responsible for the illegal seizure of shipping vessels in international waters, hacking operations against western targets, the assassination or kidnapping of dissidents from abroad and attacks on international targets with bombs and other devices.

In Iran IRGC forces been detaining, and torturing many political activist, environmental activist, journalist, and university students who dare to criticise the Islamic regime even in slightest tone.

IRGC has been behind many show trials and execution of political activist, and planning to do more right now ...

The IRGC is the responsible entity behind the Islamic regime Nuclear Program, disguised as peaceful energy program but indeed aiming to develop nuclear weapons.⁶⁵

6.60 At the committee's hearing, DFAT confirmed that:

The Islamic Republic of Iran has been involved in a range of nefarious activities over the past 40 years, including attacks on diaspora groups. They've been involved in supporting militia and other groups throughout the Middle East and so forth. There has been evidence ... that Iran has been involved in cyberactivities as well. So that's a quick summary. There's been a lot of malign international behaviour ... [and] our travel advice for Iran specifically warns against the risk of arbitrary detention in Iran.⁶⁶

6.61 A large number of submissions made clear that the IRGC is feared not only by Iranians in Iran, but by people of Iranian descent living all over the world, including Australia. A number of these submissions noted that the IRGC is known to be active around the world.

6.62 It is also relevant to note that the IRGC and its leadership has a long history of making threats against western nations. As an example, in a speech in January 2023, the commander of the IRGC was reported as threatening to take revenge against the west for the killing of former IRGC General Qassem Soleimani.⁶⁷

⁶⁴ Dr Moore-Gilbert, *Submission 1*, p. 2.

⁶⁵ Name withheld, *Submission 17*, p. 2.

⁶⁶ Mr Innes-Brown, First Assistant Secretary, Middle East, Africa and Afghanistan Division, DFAT, *Committee Hansard*, 21 December 2022, p. 22; Ms Kate Logan, First Assistant Secretary, Consular and Crisis Management Division, DFAT, *Committee Hansard*, 21 December 2022, p. 22.

⁶⁷ Iran International, '[IRGC Commander repeats threat to avenge Soleimani's death](#)', 1 August 2023 (accessed 23 January 2023).

Views on the designation of the IRGC as a terrorist organisation

6.63 Overwhelmingly, submissions requested that the Australian Government designate the IRGC as a terrorist organisation under the *Criminal Code Act 1995*.⁶⁸ However, some evidence raised potential legislative obstacles to achieving this within Australia's current legislative framework.⁶⁹

6.64 Mr Reza Parsaee pointed out in his submission that '[i]n Australia, a terrorist organisation is defined as an organisation that is: "... engaged in preparing, planning, assisting or fostering the doing of a terrorist act, or advocating the doing of a terrorist act", if the Minister for Home Affairs is satisfied of the above. Given the amount of evidence available to the Minister, Mr Parsaee asked what more is required for the IRGC to be designated as a terrorist organisation.⁷⁰

6.65 The Zionist Federation of Australia (ZFA), a representative body committed to advocating for the State of Israel on behalf of the Jewish community in Australia, agreed. Its submission stated that there is 'copious open-source evidence that the IRGC and organisations associated with it pursue activities that would meet [Australia's] definition of terrorism in pursuit of its mission to 'export the revolution''.⁷¹

6.66 The Australian Jewish Association (AJA), a membership-based Jewish communal organisation, noted that '[b]y distinguishing the IRGC from the regular Iranian military,' and proscribing the IRGC as a terrorist organisation, 'Western nations can send a strong and targeted signal'.⁷²

6.67 A submitter explained that:

Listing the IRGC as a terrorist organisation would enable Australian law enforcement to prohibit anyone in Australia from sending funds or other support to the IRGC. It would also better enable Australia to deny visas to IRGC members, many of whom are known to have studied in Australian

⁶⁸ See, for example: Dr Moore-Gilbert, *Submission 1*, pp. 1–3; Name withheld, *Submission 3*, p. 2; Kurdish Lobby Australia (KLA), *Submission 6*, p. 3; Name withheld, *Submission 12*, p. 2; Name withheld, *Submission 14*, p. 2; Name withheld, *Submission 15*, pp. 1–2; MUGPSC, *Submission 16*, p. 10; Justice for Iran, *Submission 21*, p. 4; Iranian Women's Association Australia, *Submission 23*, p. 5; Iranian Australian Health Workers of NSW, *Submission 24*, p. 2; Name withheld, *Submission 26*, p. 2; Name withheld, *Submission 28*, p. 2; Dr Saba Vasefi, *Submission 35*, p. 8; Dr Morteza Sharifi, *Submission 361*, p. 2.

⁶⁹ See, for example: Professor Saul, *Submission 47*, p. 3; Mr Maghami, Member, United Action for Iran, *Committee Hansard*, 28 November 2022, pp. 16–17; Professor Saul, Challis Chair of International Law, University of Sydney, *Committee Hansard*, 28 November 2022, p. 29; ZFA, *Submission 365*, pp. 2–3.

⁷⁰ Mr Reza Parsaee, *Submission 135*, p. 4.

⁷¹ ZFA, *Submission 365*, p. 2.

⁷² Australian Jewish Association (AJA), *Submission 37*, p. 2.

universities in the past, and to prevent IRGC members from seeking refuge and using Australia as a safe haven.⁷³

6.68 In addition, Dr Moore-Gilbert added that:

... the IRGC is the main hostage taker in this case. They were the hostage takers of me, Jolie and Mark, the two Australian backpackers who were arrested in 2019, and of several others whose cases are less publicly known. Internationally, there are a number of European, American and other citizens still sitting as hostages in Iranian prisons today because of the IRGC. So listing this group as a terror organisation, which it very clearly is, would act on the issue of hostage diplomacy as well.⁷⁴

6.69 Dr Morteza Sharifi stated it is 'in the best long-term interests of Australia to proscribe the IRGC. There are clear legal, ethical, moral, and humanitarian rationales to support such a move'.⁷⁵

6.70 The Australia/Israel & Jewish Affairs Council (AIJAC) supported calls for the IRGC to be listed as a terrorist organisation under the *Criminal Code Act 1995*, arguing that:

Australia has long been out of step with key allies and partners when it comes to holding the Iranian regime and associated entities and individuals accountable – not only for the horrifying and pervasive human rights abuses against Iranians domestically, but also for its global sponsorship and orchestration of terrorism; its proliferation of drones and missiles to regional terrorist groups; its nuclear program; its hostage-taking and piracy; its assassination of dissidents and journalists across the world; its regional destabilisation and aggression; and its participation in Russia's invasion of Ukraine via the provision of drones and missiles and advisers on the ground.⁷⁶

6.71 On 15 April 2019, the US formally proscribed the IRGC as a Foreign Terrorist Organisation (FTO). Canada also proscribed the IRGC in 2020.⁷⁷

6.72 Furthermore, German Foreign Minister, Annalena Baerbock, stated that listing the IRGC as a terrorist organisation is 'politically important and makes sense'.⁷⁸

6.73 The European Parliament has recently voted in support of listing the IRGC as a terrorist entity, and media reports suggest the UK Government is expected to declare the IRGC as a terrorist organisation.⁷⁹

⁷³ Name withheld, *Submission 26*, p. 2.

⁷⁴ Dr Moore-Gilbert, private capacity, *Committee Hansard*, 28 November 2022, p. 21.

⁷⁵ Dr Morteza Sharifi, *Submission 361*, p. 2.

⁷⁶ AIJAC, *Submission 41*, p. 2.

⁷⁷ Prime Minister of Canada, Justin Trudeau, '[Canada to implement new measures against the Iranian regime](#)', *media release*, 7 October 2022 (accessed 16 January 2023).

⁷⁸ Außenministerin Annalena Baerbock, [Twitter post](#), 10 January 2023 [accessed 18 January 2023].

6.74 When asked whether DFAT had briefed the Attorney-General's Department or had other interdepartmental briefings with other departments regarding the listing of the IRGC, it responded:

It is the Australian Government's longstanding practice not to comment on the possible listings of terrorist organisations under the Criminal Code, including whether or not a particular entity is under consideration for listing.⁸⁰

Potential legislative barriers

6.75 Professor Saul raised a potential legislative barrier to listing the IRGC as a terrorist organisation under current Australian law, stating that:

Section 100.1(1) of the Criminal Code defines an 'organisation' as a body corporate or an unincorporated body. The Australian courts have interpreted bodies corporate and unincorporated bodies as excluding governments, which thus cannot be listed as terrorist organisations. The IRGC is clearly an Iranian state entity.⁸¹

6.76 Mr Faraz Maghami, a member of United Action for Iran and a barrister, stated:

As a matter of legal analysis, that's probably correct. The IRGC is an extension of the arm of government of Iran. What is not clear to perhaps outsiders is this: Sepah, or the IRGC, are not your traditional form of military arm. They have investments within and outside Iran. They have banks. They run schools. They run universities. They run basically the social security system, a part of it called the downtrodden group; that is the English translation of my bad Farsi. It is the downtrodden organisation which Sepah pays a weekly or monthly stipend to. These are all independent and individual organisations that are connected to the IRGC.⁸²

6.77 Mr Faraz concluded:

That means, in short, in my view, they can, and in fact do, fall within the parameters of the act currently. Upon briefing and consideration by the government, they can be designated as a terrorist organisation ... Even if it is the case that the IRGC is an extension of the arm of the government, and whilst I've set out all these individual parts and entities which can be, in fact, designated, all it requires is a slight legislative amendment ... That is, the definition is widened to allow specific arms of government which does include the IRGC, or will rather capture it, I should say.⁸³

⁷⁹ ['UK set to brand Iran's revolutionary guards as terrorists after Akbari execution'](#), *The Sydney Morning Herald*, 14 January 2023 (accessed 16 January 2023).

⁸⁰ Department of Foreign Affairs and Trade - answers to questions on notice (QoNs 001, 004, 005, 006, 008) from public hearing held 21 December 2022, Canberra (received 17 January 2023).

⁸¹ Professor Saul, *Submission 47*, p. 3. See: *Abdirahman-Khalif v R* [2019] SASFC 133 at [22]-[23] (Kouras CJ).

⁸² Mr Maghami, Member, United Action for Iran, *Committee Hansard*, 28 November 2022, p. 16.

⁸³ Mr Maghami, Member, United Action for Iran, *Committee Hansard*, 28 November 2022, pp. 16-17.

6.78 Mr Taghdifir also commented on the evidence raised in Professor Saul's submission, noting that 'it's probably a correct interpretation of the current legislation, despite the fact that the IRGC, in all respects, acts like a terrorist organisation.' Therefore:

... legislative amendments would be required for it to be deemed a terrorist organisation under the Criminal Code 1995—specifically section 102.1. Also, amendments would be required to the Foreign States Immunities Act in order for the definition of 'organisation' to include a foreign entity ... We also need to encourage the Australian Federal Police to utilise division 92 of the Criminal Code 1995 as necessary. That is related to provisions for foreign interference by foreign principals, which I believe the IRGC or any other arm of the Islamic Republic regime would definitely be part of.⁸⁴

6.79 The ZFA argued that 'foreign state-owned or -controlled organisations that directly or indirectly engage in, prepare, plan, assist in or foster the doing of a terrorist act should not be immune to proscription under Australian law'.⁸⁵ Its submission questioned whether there still remained some ambiguity in the court's decision referenced by Professor Saul, stating:

Notwithstanding the definitive tone of Prof Saul's submission, the court decision upon which he relies is ambiguous on the matter. It states that a nation (by which it means state) or its government is not a body corporate, and that a nation or its population is not an unincorporated association. While it is thus clear that a state or a state government cannot be considered a terrorist organisation according to this ruling, it is not clear whether an organisation (which is not a government) controlled by a state should be immune from proscription by Australia.⁸⁶

6.80 Mr Robertson KC added that 'anything that is obstructive at the moment to listing the revolutionary guards can be changed. Parliament is supreme, and it's not very difficult to rewrite the law to clarify that it can, in fact, be listed'.⁸⁷

6.81 However, at the committee's hearing, Professor Saul explained that there are primarily two reasons why countries generally do not enable the listing of states as terrorist organisations:

Let's say you change the legislation and you listed a state entity. There is really not much point doing that because the consequence of listing primarily is a whole raft of criminal offences, which go to membership and recruitment et cetera. Of course, if you are part of the Iranian state, you've got state immunity before Australian domestic courts. So there's really no point in doing that. There's no exception for terrorism from state immunity. The second point is more historical. Why has terrorism

⁸⁴ Mr Taghdifir, private capacity, *Committee Hansard*, 21 December 2022, p. 18.

⁸⁵ ZFA, *Submission 365*, p. 3.

⁸⁶ ZFA, *Submission 365*, p. 2.

⁸⁷ Mr Robertson KC, Private capacity, *Committee Hansard*, 21 December 2022, p. 15.

generally not been defined as including states internationally? Western states generally have argued against it by saying that other areas of international law—international humanitarian law, international criminal law, the law on the use of force, the UN charter—already apply to states. So if states are committing unlawful violence, they are already war criminals or committing the international crime of aggression et cetera. There is a right of self-defence against them. Labelling them as terrorists doesn't give you anything extra that is seen to be valuable.⁸⁸

6.82 Therefore, Professor Saul's recommended approach, as outlined previously, is to amend the *Autonomous Sanctions Regulation 2011* to widen the basis on which the government can target the full range of human rights violations happening in Iran which then widens the pool of people or entities which Australian sanctions could target.⁸⁹

6.83 In debating the proposed proscribing of the IRGC in the UK, the Institute of Global Change noted that:

Formally banning or proscribing the IRGC as a terrorist organisation will send a clear message to the clerical regime in Iran that the terrorism and militancy pursued through the Guard, including on UK soil, will not be tolerated. Proscription would not close the door to diplomatic engagement with Tehran – as has been seen in the case of continuing diplomacy with the Lebanese government after the full proscription of Hezbollah in 2019.⁹⁰

6.84 Likewise, Dr Moore-Gilbert argued that:

Listing the IRGC as a terror organisation would enable Australian law enforcement to prohibit anyone in Australia from sending funds or other support to the IRGC from our territory. It would also better enable Australia to deny visas to IRGC members, many of whom are known to have studied in Australian universities in the past, and to prevent IRGC members from gaining residency or citizenship.⁹¹

6.85 On 31 January 2023, the Attorney-General's Department made a late submission to the inquiry expressing the following view:

As the department responsible for administering the *Criminal Code Act 1995* (Cth) (Criminal Code), this submission is limited to providing information on terrorist organisation listings in Division 102 of that Act.

Division 102 of the Criminal Code contains a number of offences related to terrorist organisations, including the offence of directing the activities of,

⁸⁸ Professor Saul, Challis Chair of International Law, University of Sydney, *Committee Hansard*, 28 November 2022, p. 29.

⁸⁹ Professor Saul, Challis Chair of International Law, University of Sydney, *Committee Hansard*, 28 November 2022, pp. 29–30.

⁹⁰ Kasra Aarabi, '[Making the Case for the UK to Proscribe Iran's IRGC](#)', Tony Blair Institute for Global Change, 17 January 2023 (accessed 18 January 2023).

⁹¹ Dr Moore-Gilbert, *Submission 1*, p. 3.

being a member of, recruiting for, providing funds to, from or for, training with or providing training for a terrorist organisation.

The Attorney-General's Department is of the view that, as an organ of a nation state, the Islamic Revolutionary Guard Corps is not the kind of entity that is covered by the terrorist organisation provisions in the Criminal Code.⁹²

Committee view

6.86 The committee acknowledges the body of evidence on the IRGC's support and facilitation of terrorism. It also acknowledges that there is significant fear of the IRGC in the Iranian-Australian community—a fear which is founded in the clear evidence that the IRGC operates well beyond Iran's borders with the express purpose of threatening, intimidating and committing acts of violence against individuals it believes threatens its ideology. The IRGC is a terrorist organisation and should be recognised as such. Doing so would not just send the right message, it would better empower agencies in Australia to place a greater focus on the IRGC's activities and operations in Australia.

6.87 While the arguments for listing the IRGC as a terrorist organisation are strong, the committee notes the conflicting evidence received on whether existing legislation is sufficient for these purposes. The committee urges the government to explore how best to achieve formal recognition of the IRGC as a terrorism-supporting entity. Government agencies were asked by the committee whether advice had been taken on this point, as well as whether agencies had provided advice to government. Agencies declined to provide this information to the committee.

6.88 Listing of the IRGC as a terrorist group is not only the request of hundreds of submissions to this inquiry, but it is the subject of a worldwide campaign. The European Parliament and the UK Government are both actively considering taking this step. Although Australian Government agencies giving evidence during public hearings would not confirm whether the listing of the IRGC has been or is being considered by the Australian Government, the late submission received from the Attorney-General's Department reveals that it believes the IRGC is an 'organ of a nation state' and therefore 'not the kind of entity that is covered by the terrorist organisation provisions in the Criminal Code'. Presuming the Australian Government agrees with and accepts this advice, the obligation is on the government to bring forward legislative amendments to ensure that the IRGC—clearly a facilitator and promoter of terrorism—does not escape listing as a terrorist organisation based on a technicality.

⁹² Attorney-General's Department, *Submission 486*, p. 1.

Recommendation 8

6.89 The committee recommends that the Australian Government take the necessary steps to formally categorise the Islamic Revolutionary Guard Corps as an organisation involved in supporting and facilitating terrorism.

Iranian Embassy in Australia

6.90 Another response called for by the majority of submitters, as well as some witnesses, was for Australia to expel the Ambassador of Iran to Australia and other diplomatic staff of the Embassy of the Islamic Republic of Iran.⁹³

6.91 United Action for Iran, for example, requested that Australia immediately 'designate the ambassador and other representative of the Islamic regime in Australia, as "persona non grata" in protest to the illegal and inhumane treatment of protesters in Iran and only allow consulate level representation to remain'.⁹⁴

6.92 Ms Zahedi explained that many in the diaspora have requested this action given that many sources, including security agencies:

... have confirmed that Iranian embassies operate mainly as hubs of intelligence gathering and, in Australia, promote the harassment of peaceful Iranian-Australian human rights advocates.⁹⁵

6.93 The AIJAC agreed that it was well documented that 'Iranian diplomats routinely plan, oversee and even participate in attacks, and act as agents of the regime in monitoring, and sometimes initiating violence or threats against, Iranian dissidents living abroad' and argued that closing the Iranian embassy in Canberra could therefore result in tangible security benefits for Australia.⁹⁶

6.94 Mr Robertson KC relayed that '[t]here is some evidence that the Iranian embassy is being used to intimidate' which he noted was not surprising given that:

Iranian embassies have been implicated in not only a planned attack in Britain on Salman Rushdie but also a case in Europe where one of the so-called diplomats in an Iranian embassy smuggled in a bomb that was expected to go off in Paris to kill hundreds, if not thousands, of people at a

⁹³ See, for example: Name withheld, *Submission 2*, p. 1; Name withheld, *Submission 3*, p. 2; Ms Trudy Hairs, *Submission 8*, p. 1; Name withheld, *Submission 11*, p. 7; Justice for Iran, *Submission 21*, p. 4; Iranian Women's Association Australia, *Submission 23*, p. 5; Dr Sarah Ghavami, *Submission 29*, p. 2; Wage Peace, *Submission 127*, p. 1; Name withheld, *Submission 162*, p. 1; Name withheld, *Submission 384*, p. 1; Setareh Vaziri, *Submission 388*, p. 5; Dr Vasefi, Scholar Journalist, University of Sydney, *Committee Hansard*, 28 November 2022, p. 19; Mr Taghdir, private capacity, *Committee Hansard*, 21 December 2022, pp. 19–20; Ms Zahedi, Member, Woman Life Freedom Australia, *Committee Hansard*, 21 December 2022, p. 5.

⁹⁴ United Action for Iran, *Submission 33*, p. 3.

⁹⁵ Ms Zahedi, Member, Woman Life Freedom Australia, *Committee Hansard*, 21 December 2022, p. 5.

⁹⁶ AIJAC, *Submission 41*, p. 9.

meeting held by the National Council for Resistance in Iran. So there is ample evidence that Iran is prepared to kill its critics and, from time to time, to use its embassies for that purpose.⁹⁷

6.95 Evidence received by the committee indicated that other countries had expelled the IRI's ambassadors to their respective countries. For example, Mr Robert Gregory, Public Affairs Director at the AJA, stated:

Iran's ambassador was recently expelled from the Ukraine after Iranian suicide drones and missiles were terrorising the civilians in Kiev. Albania also expelled Iran's ambassador recently because they wanted to deal with cyberhacking. This issue has also affected Australia. The Australian Cyber Security Centre, the ACSC, issued a warning about Iranian government sponsored cyberattacks targeting Australian infrastructure, but we haven't seen any further action from the Australian government.⁹⁸

6.96 Mr Taghdir argued that expelling diplomatic staff of the IRI in Australia would send a strong message to the IRI, especially in response to the executions that have been occurring.⁹⁹

6.97 Similarly, the Kurdish Lobby Australia (KLA), an organisation advocating for the people of the Kurdistan regions, suggested that the Australian Government consider investigating 'the Iranian embassy in Canberra as a centre of spying and other illegal activities'.¹⁰⁰

6.98 DFAT outlined its position on the continuance of the IRI's diplomatic mission in Australia, stating:

We believe it's important to continue to have diplomatic lines of communication open for a range of reasons. It's for the same reason we've had an embassy in Iran for many years—because it's in our interest to do so and, generally, it's important to have those channels of communication.¹⁰¹

Committee view

6.99 The committee received evidence that Iranian embassies around the world have been used to facilitate a range of illegal behaviour including terrorism activity. The inquiry also received a number of submissions outlining the credible fears that Iranian embassies are used to facilitate the monitoring, surveillance and intimidation of critics of the IRI regime. The Australian Government should have no hesitation in expelling any members of the Iranian embassy deemed to be involved in or facilitating such behaviour.

⁹⁷ Mr Robertson KC, Private capacity, *Committee Hansard*, 21 December 2022, p. 12.

⁹⁸ Mr Robert Gregory, Public Affairs Director, AJA, *Committee Hansard*, 28 November 2022, p. 11.

⁹⁹ Mr Taghdir, private capacity, *Committee Hansard*, 21 December 2022, pp. 19–20.

¹⁰⁰ KLA, *Submission 6*, p. 3.

¹⁰¹ Mr Innes-Brown, First Assistant Secretary, Middle East, Africa and Afghanistan Division, DFAT, *Committee Hansard*, 21 December 2022, p. 22.

6.100 The main counterargument to the expulsion of the Iranian Ambassador is that put by DFAT, which is that maintaining lines of communications are important, and that both the Iranian Embassy in Australia and the Australian Embassy in Iran are necessary to maintain these lines of communication.

6.101 The key question to be considered is: what type of bilateral relationship should Australia have with a regime which is involved in state-sponsored terrorism, gross human rights violations, extreme oppression of women, girls and ethnic minorities, malicious cyber activity and ransomware attacks targeting Australia, hostage diplomacy targeting Australia, and even attempted murder and abduction of critics in western countries?

Recommendation 9

6.102 The committee recommends that Australia should minimise relations with the Islamic Republic of Iran to the greatest extent possible in recognition of the appalling behaviour of the regime.

Recommendation 10

6.103 The committee recommends that the Australian Government increase transparency and better inform the Australian public about the status of our diplomatic relations with the Islamic Republic of Iran regime, as well as our security concerns in relation to the regime's behaviour relating to cybercrime, hostage diplomacy and threats to, and intimidation of, Australian residents.

Recommendation 11

6.104 The committee recommends that any Iranian officials in Australia considered to be involved in intimidation, threats, or monitoring of Australians be expelled.

Visa pathways to Australia for Iranians

6.105 In addition to other requested actions, a number of submissions called on the Australian Government to provide more visa pathways for Iranians, including an increase to Australia's humanitarian visa intake, provision of permanent visas to temporary protection visa holders, and extending visas of students and skilled workers from Iran currently in Australia, with pathways to permanent residency.¹⁰²

¹⁰² See, for example: KLA, *Submission 6*, p. 4; Name withheld, *Submission 30*, p. 2; Dr Vasefi, *Submission 35*, p. 10; Women of Colour Australia, *Submission 52*, p. 3; Human Rights Watch, *Submission 61*, p. 6; Name withheld, *Submission 71*, pp. 1, 3; Name withheld, *Submission 76*, pp. 1-2; Name withheld, *Submission 111*, pp. 1-3; Name withheld, *Submission 115*, p. 2; Name withheld, *Submission 169*, p. 1; Media, Entertainment & Arts Alliance (MEAA), *Submission 325*, p. 5; J Vrakas,

6.106 A submitter explained that due to the crackdown by the IRI, many Iranians are at serious risk of imprisonment, amongst other threats to their human rights. It also noted that those already living in Australia are also at risk given the monitoring of protestors in Australia who may now be unable to travel back to Iran after speaking out against the IRI.¹⁰³

6.107 Amnesty International Australia indicated that there are approximately 2,800 Iranians in Australia on final departure bridging visas (Bridging visa E) as of March 2022, and 7,047 Iranians on a temporary protection visa (including TPV and SHEV) as of October 2022.¹⁰⁴

6.108 STARTTS explained that:

The Temporary Protection Visa (TPV) and Safe Haven Enterprise Visa (SHEV) are visa types used in Australia for people who have arrived in Australia without a visa and have successfully sought asylum. These visas offer temporary protection- a TPV is issued for three years and a SHEV for five years. These visa holders need to reapply for the visa, which involves a new refugee status assessment to demonstrate that they are still in need of protection ... We acknowledge that the current Australian Government has committed to abolishing the temporary protection visas (TPV and SHEV) and transition eligible refugees onto permanent visa arrangements.¹⁰⁵

Submission 352, pp. 1–2; STARTTS, Submission 375, p. 4; Multicultural Centre for Women’s Health (MCWH), Submission 378, pp. 3, 7.

¹⁰³ Name withheld, *Submission 30*, p. 2.

¹⁰⁴ Amnesty International Australia - answers to questions on notice from public hearing held 28 November 2022, Canberra (received 8 December 2022).

¹⁰⁵ STARTTS, *Submission 375*, p. 4.

6.109 Specifically in relation to Iranian women and girls, the Department of Home Affairs (Home Affairs) provided the following table outlining the number of temporary visas held by Iranian women and girls in Australia, as at 21 December 2022:

Figure 6.1 Number of temporary visas held by Iranian women and girls in Australia, as at 21 December 2022

| Visa Category | Visa Subclass | 21/12/2022 |
|---|---|--------------|
| Bridging | 010 Bridging A | 489 |
| | 020 Bridging B | 173 |
| | 030 Bridging C | 40 |
| Other Temporary | 590 Student Guardian | 11 |
| | 602 Medical Treatment | <5 |
| Student | 500 Student | 1,141 |
| Temporary Resident (Other Employment) | 400 Temporary Work (Short Stay Activity) | <5 |
| | 407 Training | <5 |
| | 408 Temporary Activity | 60 |
| | 461 New Zealand Citizen Family Relationship (Temporary) | 12 |
| | 476 Skilled - Recognised Graduate | 34 |
| | 485 Temporary Graduate | 190 |
| | 870 Sponsored Parent (Temporary) | 50 |
| | 995 Diplomatic (Temporary) | 15 |
| | | |
| Temporary Resident (Skilled Employment) | 457 Temporary Work (Skilled) | 8 |
| | 482 Temporary Skill Shortage | 279 |
| Visitor | 600 Visitor | 2,906 |
| Total (In Australia) | | 5,415 |

Source: Home Affairs - answers to questions on notice from public hearing held 21 December 2022, Canberra (received 9 January 2023).

6.110 STARTTS outlined six recommendations for the Australian Government to consider regarding visa pathways for Iranians, including to:

- cease any actions to forcibly return any Iran-nationals that have had their application for asylum denied and for these applications to be reviewed;
- ensure that people are not detained solely because of their immigration status;
- expedite the processing and review of applications for asylum;
- grant permanent protection to all Iran-nationals currently on temporary humanitarian visas in Australia, noting that this may include an alternate offer, by agreement, of resettlement in a third country;
- expand its Iranian humanitarian intake, additional to the existing Humanitarian Program numbers, in a similar fashion to the additional places introduced for refugees from Afghanistan. It was noted that those most vulnerable due to their gender, political opinion, and civil society participation, as well as faith, ethnicity, and sexuality should be prioritised; and

- offer to extend the visas of students and skilled workers from Iran currently in Australia, with pathways to permanent residency, noting that this would be a similar approach to that taken for Hong Kong passport holders.¹⁰⁶

6.111 The Iranian Women's Association recommended that the committee advocate for the establishment of a taskforce to expeditiously examine visa applications for Iranians seeking asylum and refuge in Australia and designate Iran as a safe haven category. Furthermore, the taskforce should also review the visa applications of applicants from Iran who have previously had their visas cancelled or were previously found not to meet Australia's protection obligations and allow these applicants to re-apply for protection.¹⁰⁷

Government response to date

6.112 In its submission, Home Affairs explained that there are a range of visa pathways available for Iranian nationals to apply for under Australia's Humanitarian Program, provided they meet the relevant visa requirements. There are 17,875 places allocated in total in the 2022–23 Humanitarian Program, and 'priority is given to the most vulnerable applicants who are assessed as refugees by the United Nations High Commissioner for Refugees (UNHCR) and formally referred to Australia for resettlement, and those proposed by an immediate family member'.¹⁰⁸

6.113 Additionally, the offshore component of the Humanitarian Program has three categories, including: Refugee, Special Humanitarian, and Community Support Program. Home Affairs stated that 'any person, including Iranian nationals, who believe they meet the criteria for an offshore humanitarian visa are able to apply. The 2022–23 Program targets refugees of nationalities from four major regions, including humanitarian entrants from the Middle East, including from Iran, Iraq and Syria'.¹⁰⁹

6.114 According to Home Affairs, the number of applications for onshore protection visas made by Iranians during the 2022 calendar year are outlined as follows:

Table 6.2 Number of applications for onshore protection visas by Iranians in 2022 by month

| Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| < 5 | 12 | 18 | < 5 | 6 | 12 | 14 | 21 | 10 | 13 | 56 | n/a |

Source: Mr Andrew Kiley, Acting First Assistant Secretary, Refugee, Humanitarian and Settlement, Home Affairs, Committee Hansard, 21 December 2022, p. 34.

¹⁰⁶ STARTTS, *Submission 375*, p. 4.

¹⁰⁷ Iranian Women's Association, *Submission 360*, p. 8.

¹⁰⁸ Department of Home Affairs (Home Affairs), *Submission 328*, p. 2.

¹⁰⁹ Home Affairs, *Submission 328*, p. 2.

6.115 Home Affairs stated that in the 2022–23 program year, 47 onshore protection visas have been granted so far. However, it was noted that ‘naturally, [there is] some time between lodgement and a decision’ and:

... individuals who have lodged an application for protection in Australia will be able to stay in Australia lawfully on their current visa or on a bridging visa if their current visa expires during the time at which the department assesses their individual application. It may take many months for that application to be assessed, but I want to guarantee that they would be able to stay lawfully in Australia until the point at which their application is finalised.¹¹⁰

6.116 In an answer to a question on notice, Home Affairs revealed that the average processing time for permanent protection visas, for the program year 1 July 2021 to 30 June 2022, from lodgement to primary decision was 841 days.¹¹¹

Committee view

6.117 The committee is of the view that the human rights situation in Iran has substantially deteriorated and it will not be safe for many Iranians currently in Australia, particularly women and girls, to return to Iran in the foreseeable future.

6.118 The committee also believes it is appropriate for the Government to increase the number of visa places available to Iranians—particularly women and girls—across a number of visa programs. Many Iranian women may be eligible for skilled visa places, in addition to places available within the humanitarian visa program.

6.119 In view of the concerns outlined earlier in this report about the presence of IRI-affiliated persons in Australia, it is essential that visa applications are appropriately vetted to ensure officials and agents of the regime are not accepted into Australia.

Recommendation 12

6.120 The committee recommends that the Australian Government increase the intake of Iranians under various visa programs, with a particular focus on women, girls and persecuted minorities seeking to escape the IRI regime. Iranians in Australia on temporary visas who cannot safely return to Iran due to the current crisis and policies of the IRI should not be required to do so.

¹¹⁰ Mr Andrew Kiley, Acting First Assistant Secretary, Refugee, Humanitarian and Settlement, Home Affairs, *Committee Hansard*, 21 December 2022, p. 34.

¹¹¹ Home Affairs - answers to questions on notice from public hearing held 21 December 2022, Canberra (received 9 January 2023).

Conclusion

6.121 The committee thanks all of those who provided submissions and gave evidence to the committee. Many individuals showed enormous bravery in doing so.

6.122 The events of the last five months in Iran confirm that the IRI regime is a danger to its own citizens, but also to people around the world. Its behaviour is that of a rogue state with no regard to human rights, particularly the rights of women and girls.

6.123 Australia has not only a moral obligation to take a stand against such behaviour, but a practical requirement to protect Australians from the dangerous and threatening behaviour of the IRI.

6.124 The recommendations in this report are designed to ensure Australia acts in accordance with our principles and with respect for human rights. It is entirely appropriate that the IRI regime, which has chosen to trample human rights and international norms in so many ways over such a long period of time, bears the consequences of its own actions in the form of being isolated from the international community. It is in Australia's interests to be at the forefront of international efforts to make clear to the IRI, and to other rogue nations, that there will always be consequences for engaging in unlawful activities such as terrorism, cybercrime, hostage diplomacy and systematic abuse and oppression of women and girls.

6.125 We urge the Australian Government to respond promptly to the committee's recommendations.

Senator Claire Chandler
Chair
Senator for Tasmania

Australian Labor Party senators' additional comments

Introduction

- 1.1 Labor senators are grateful for the opportunity this inquiry has provided to closely examine the human rights implications of recent violence in Iran.
- 1.2 As with all members of the committee, we condemn the violent measures the government of Iran has employed against those who have sought to exercise their right to protest in opposition to the oppression the government engages in against its own citizenry, particularly women and girls
- 1.3 Labor senators acknowledge the courage of those in Iran and elsewhere who have sought to express their opposition, often doing so at great risk to themselves.
- 1.4 We are also grateful to those who have made submissions and given evidence to this inquiry. That so many were able to share with the committee their own personal experiences of oppression by the Iranian Government is demonstrative of the extent to which that government conducts itself with utter disregard for basic principles of human rights. It is also a testament to the integrity of the Senate's committee processes that these witnesses, many of whom contributed confidentially, felt comfortable sharing their experiences knowing that their identity would be protected.

General comments

- 1.5 Whilst Labor senators concur with much of that contained in the committee's report we do not accept the characterisation that is made of the Australian Government's actions in response to the situation in Iran.
- 1.6 Like all members of the committee, we appreciate the important role that the Australian Government has in holding governments like that of Iran to account in cases where human rights are subject to violation.
- 1.7 Labor senators also appreciate that matters of foreign policy are often complex and that, owing to this complexity, government decision-making must always be considered and responsible.
- 1.8 Since the death of Mahsa Amini, whose Kurdish name was Jina, in September of 2022, the Australian Government has along with other like-minded states led international efforts to hold the Iranian Government to account for its violent response to protest actions.
- 1.9 At the United Nations, Australia co-sponsored and advocated for the Human Rights Council resolution to establish an independent fact-finding mission to investigate human rights violations in Iran. Australian officials also engaged in

the campaign to remove Iran as a member for the United Nations Commission for the Status of Women—an appointment that was made in April of 2021 under the previous government, unopposed and with the endorsement of the Asia-Pacific grouping Australia was part of.

- 1.10 In December of 2022, the Minister for Foreign Affairs, Senator the Honourable Penny Wong, announced the imposition of Magnitsky-style sanctions on six individuals and two entities—including Iran’s Morality Police—with connection to the violence perpetrated by the Iranian Government against protestors.
- 1.11 In February of 2023, the Australian Government announced the imposition of further Magnitsky-style sanctions on sixteen Iranian individuals and one Iranian entity. Australia also joined partners in imposing targeted financial sanctions on four Iranian individuals and four entities involved in the production and supply of drones to the Russian Federation. Amongst these designations, the Australian Government has sanctioned five individuals working for the Islamic Revolutionary Guard Corps (IRGC) and three entities linked with the IRGC.
- 1.12 The Australian Government has also put its condemnation of the Iranian Government’s actions directly to Iran’s diplomatic representatives. The Foreign Minister has written to Iran’s foreign minister and summoned the chargé d’affaires of the Iranian Embassy in Canberra on eight separate occasions. Australia’s own ambassador in Iran has also made representations directly to the Iranian Government, including to Iran’s deputy foreign minister.
- 1.13 It is regrettable that the actions of Australia and indeed of many like-minded states have little influence on the decision-making of the Iranian Government. Nonetheless, Labor senators agree with other members of the committee that where it is appropriate that action be taken by the Australian Government, it should be.
- 1.14 Australians expect that their government will always make decisions on the basis of what is in our national interest. It is right that they should do so. They also expect that to the greatest extent possible that foreign policy decisions will be made and executed in a bi-partisan manner. Indeed, it was a commitment to bi-partisanship that characterised many of the Australian Labor Party’s own foreign policy decision-making prior to coming to government in 2022.
- 1.15 Labor senators regret that unlike previous practice in this committee no effort was made to ensure the report and the recommendations included within it were agreeable to all members. We also regret the political narrative that is at times pervasive in the commentary included in the report.

Foreign interference

- 1.16 Labor senators are concerned about the evidence that was put to the committee regarding allegations of threats, intimidation and monitoring of members of the Iranian community in Australia by the Iranian Government and those associated with it. Every Australian citizen or resident should have the ability to engage their rights of expression in a manner that is free from concern regarding such actions.
- 1.17 Labor senators are cautious of the wording contained within recommendation two, namely that responsible ministers ought “provide an update to the Parliament and the Australian public on the government’s current assessment of whether persons connected to the IRI regime are undertaking such [intimidatory] behaviour in Australia.” Given such information typically contains elements with national security sensitivities, it is our view that it may not be appropriate for this information to be circulated in the public domain.
- 1.18 Nonetheless, Labor senators agree that responsible ministers have an important role in raising awareness on the need to counter foreign interference in Australia. Foreign interference is regrettably a matter that affects all states, with Australia itself being the target of foreign interference actions. Labor senators agree that actions will always be necessary to protect Australia’s democracy and the norms and institutions upon which it relies. Thus, we are supportive of recommendation three, which calls on the Australian Government to ensure there is an appropriate level of expertise and resourcing in relevant government departments and agencies to quickly investigate and assess threats against Australians.
- 1.19 We also welcome the announcement made in December of 2022 by the Minister for Home Affairs, the Honourable Clare O’Neil MP, of a direct program of engagement with possible targets of foreign interference, to help such individuals understand what foreign interference looks like, how they can take action to respond as appropriate and from where they can obtain support.
- 1.20 We are disappointed that when in government the Coalition made repeated reductions in funding to the Department of Foreign Affairs and Trade and other relevant departments and agencies that have only served to make Australia unnecessarily vulnerable to threats such as these.

Use of Magnitsky-style sanctions

- 1.21 Labor senators welcome actions taken by the Australian Government to impose Magnitsky-style sanctions upon individuals and entities with connection to the violence perpetrated by the Iranian Government against protestors.

- 1.22 Before coming to government, the Australian Labor Party was supportive of Magnitsky-style amendments to our autonomous sanctions regime that would allow the imposition of such sanctions.
- 1.23 We appreciate the view of many witnesses to the inquiry for the applications of further sanctions and share the view that Australia should do all it can in the ways that it can. In this regard, we are pleased by the announcement of the Australian Government in February of 2023 regarding the imposition of a further round of sanctions on Iranian individuals and entities.
- 1.24 We note the evidence provided by Department of Foreign Affairs and Trade in response to a question on the application of Magnitsky-style sanctions by states like Australia:

... sanctions regimes differ between countries. The regimes are not all exactly the same, and our processes are different. With decisions that the Australian government takes to impose sanctions, the timing of those are considered with regard to our national interest in an Australian context. We're not always going to end up having exactly the same considerations or the same criteria. Even with just that starting point, there will—not always—be differences.¹

- 1.25 Labor senators also note that sanctions constitute but one measure available to the Australian Government in responding to those individuals and entities who disregard human rights. On this matter we have regard to the response given by Dr Anton Moiseienko who said in evidence to the inquiry:

What I would suggest, in the context of this discussion and more generally, is that one should have realistic expectations of sanctions. They're not likely to change the world in and of themselves, they might not even alter the behaviour of a rogue regime, but they can be useful as part of the broader suite of measures aimed at putting pressure on a particular government.²

The Islamic Revolutionary Guard Corps

- 1.26 As with all members of the committee, Labor senators condemn the actions of the IRGC and its role in oppressing Iranians and others within Iran. We also acknowledge the fear that many Iranians abroad have of the IRGC and its ability to reach beyond Iran's sovereign territory.
- 1.27 With respect to recommendation seven, Labor members agree that the Australian Government should consider the use of sanctions against the IRGC— noting as above that sanctions constitute just one measure available to government—and welcome the specific sanctions announced by the Australian Government in February of 2023 on IRGC linked individuals and entities.

¹ *Committee Hansard*, 21 December 2022, p. 23.

² Dr Anton Moiseienko, Private capacity, *Committee Hansard*, 21 December 2022, p. 13.

1.28 On additional measures to be considered against the IRGC, there is no disagreement among committee members that the conduct of the organisation is inconsistent with basic principles of human rights. However, we acknowledge that the Attorney-General's Department is of the view that the IRGC, as an organ of a nation state, is not the kind of entity covered by the terrorist organisation provisions in the Criminal Code.

1.29 Evidence given by Professor Ben Saul of Sydney Law School supports the view of the Attorney-General's Department:

Such designation is not legally possible under Australian law. Section 100.1(1) of the Criminal Code defines an 'organisation' as a body corporate or an unincorporated body. The Australian courts have interpreted bodies corporate and unincorporated bodies as excluding governments, which thus cannot be listed as terrorist organisations. The IRGC is clearly an Iranian state entity.³

1.30 Labor senators are disappointed at the disingenuous nature in which the report seeks to portray the response of government departments and agencies to the question of whether Australia's terrorism laws allow for the IRGC to be listed as a terrorist entity. When posed questions by Coalition senators on this topic, representatives of the Department of Foreign Affairs and Trade stated that such matters were best directed to the Attorney-General's Department:

I think the Attorney-General's portfolio is the best place to speak to that in detail but would not be in a position to speculate on whether the listing is or isn't under consideration.⁴

1.31 Despite such responses from representatives of the Department of Foreign Affairs and Trade, the committee chose not to call representatives of the Attorney-General's Department to provide evidence.

1.32 If the committee was minded to make a recommendation of the type it does in recommendation eight, it is incumbent upon the committee to first call for evidence from the relevant department, and secondly, to consider that evidence. The report fails to do this. Noting the view of the Attorney-General's Department, Labor senators do not support recommendation eight.

Diplomatic engagement between Australia and Iran

1.33 Labor senators recognise the strength of Australian diplomacy in achieving positive outcomes on matters of international significance.

1.34 In particular, we acknowledge the achievements of Australian diplomats in securing the release of Dr Kylie Moore-Gilbert from detention in Iran in November of 2020.

³ Professor Ben Saul, *Submission 47*, p. 3.

⁴ *Committee Hansard*, 21 December 2022, p. 24.

- 1.35 Australia has maintained a diplomatic presence in Iran since the opening of our embassy in 1968. This presence has been maintained through revolution, through war, and through other difficult periods where like-minded states have withdrawn.
- 1.36 Labor senators do not agree that maintaining a diplomatic presence in Iran in any way constitutes an endorsement of the Iranian Government's conduct. Indeed, we note that the existence of such a presence has facilitated the Australian Government expressing its condemnation of actions taken by the Iranian Government directly to Iranian representatives.
- 1.37 We note also the evidence given by Dr Moore-Gilbert on the question of the importance of maintaining diplomatic engagement between Australia and Iran:

I note that Dr Vasefi and a lot of other Iranian Australians are demanding the closure of the embassy in Canberra. I'm not of the view that is practical or likely to happen. I do think that having some diplomatic presence in Iran is obviously to Australia's benefit. I personally benefited from it. I know many American former hostages who were imprisoned in Iran, like me, did not have an American embassy on the ground able to visit them, able to advocate for them with the Iranian authorities, or able to attend the prison and bring them money, for instance, for something so basic as to buy food and medicine with, which is necessary. So from the perspective of somebody who was a beneficiary of Australia having an embassy in Tehran, I do think it's useful to keep some diplomatic presence there.⁵

- 1.38 Whilst Labor senators take seriously the allegation that the Iranian Embassy in Canberra may be being used for the purposes of engaging in nefarious activity, we have confidence in the ability of relevant authorities such as the Australian Federal Police to appropriately respond to such actions, as is necessary. Thus, we concur with the intention of recommendation eleven that any Iranian officials in Australia who are confirmed to be engaging in intimidation, threatening, or monitoring of Australians citizens or residents ought to be expelled from Australia, as is currently the practice.

⁵ Committee Hansard, 28 November 2022, p. 24.

Conclusion

1.39 Once again, Labor senators thank those who have contributed to the committee's inquiry. We place on record our solidarity with those who are protesting against the oppression by the Iranian Government, either in Iran, in Australia or abroad.

Senator Raff Ciccone
Deputy Chair
Senator for Victoria

Senator Nita Green
Senator for Queensland

Australian Greens additional comments

- 1.1 The Australian Greens would like to acknowledge the members of the community who provided testimony and accounts of the current reality in Iran. This community has lobbied parliamentarians since the moment Jina Amini died at the hands of Iranian authorities, and they should be proud that all parliamentarians, across parties, are aware of Iran's human rights abuses and committed to ensuring Australia acts on them. It is painful to recount stories such as those that we heard, of family members, friends, and minority groups in Iran. The Greens want you to know that we have heard you, we remain in solidarity with you, and the conclusion of this inquiry will not be the end of our pressure on the Australian Government to do more to ensure freedom, peace and human rights are at the centre of Iran's future. Your evidence at this inquiry, and continued advocacy, ensures that the voices of Iranian citizens are heard, and that they are not silenced.
- 1.2 The Australian Greens welcomed the Senate References Committee on Foreign Affairs, Defence and Trade's decision to investigate the Australian Government's response to the situation in Iran. It was our hope that this inquiry would see the government finally take meaningful action to support people in Iran. Throughout the time the inquiry was held, the Australian Government imposed targeted sanctions on members of the Iranian regime, an action the community had been strongly calling for since the death of Jina Amini. Sadly, these sanctions were enacted late, and do not go nearly far enough to punish the Iranian Government for its continued egregious human rights abuses, including use of the death penalty. It was critical for the Chair's report to acknowledge the delay in these sanctions.
- 1.3 Particularly, the Australian Greens would like to highlight the role of women in boldly and courageously raising their voices against a regime so desperate to silence them. They have been the drivers of activism, lobbying and protest despite the Iranian regime acting egregiously to minimise their impact. The system of law and order which the Iranian regime implements is one of authoritarianism, violence, terror, fear and silencing of the community. This is so intensely felt by women and minority groups, and particularly those who can identify as both, such as Jina Amini.
- 1.4 The Australian Government has been too slow to respond to two key asks of the Iranian community, which the Australian Greens are pleased to see the report has recommended:
 - *Recommendation 6: that the Australian Government use the available Magnitsky legislation to expand the list of individuals and entities subject to sanctions in response to human rights abuses in Iran, with particular focus on senior officials*

responsible for violence, human rights abuses, arbitrary detention and executions without due process.

- *Recommendation 8: that the Australian Government take the necessary steps to formally categorise the Islamic Revolutionary Guard Corps as an organisation involved in supporting and facilitating terrorism.*

1.5 The Greens have been advocating for direct actions against the Iranian regime since the week of Jina Amini's death. We have done this because the community has been active in providing us with the key demands and requests of the Australian Government and we know that their understanding of the Iranian regime is strong. They need Australia to listen to them, and they need us to respond. Jina Amini died on the 16th of September 2022. Canadian President Justin Trudeau announced Canada's intention to sanction Iranian officials after 10 days.¹ In comparison, Australia's targeted sanctions were not applied until the 10th of December, close to 3 months later. Once applied, they were limited in scope and do not go as far as is needed if they are to attempt to deter the regime. The delayed nature of this response was unacceptable. Further, the European Parliament has called on its Council to list the Islamic Revolutionary Guard Corps as a terrorist organisation. The United States and Canada have made this designation. We are yet to see this from the Australian Government.

1.6 In further response to the community's needs, multiple Greens MPs and Senators have taken up political sponsorship of Iranians facing the death penalty or who are political prisoners. We will continue to raise our voices to protect those who have had theirs silenced. Those who have been executed, and those currently in Iranian prisons with the death sentence next to their name, have been subject to biased and unjust trials. Australia must do everything it can to put an end to these executions.

1.7 Again, the Australian Greens would like to thank all members of the Iranian diaspora who courageously represented Iranians everywhere at this inquiry. We will continue in solidarity with your community to ensure Iranians can live in freedom and safety.

¹ John Paul Tasker, '[Trudeau slaps new sanctions on Iran's 'morality police' as protests grip the country](#)', *CBC News*, 26 September 2022 (accessed 31 January 2023).

1.8 *The Greens support all recommendations of this report and urge the Australian Government to act on them urgently.*

Senator Jordon Steele-John
Senator for Western Australia

Appendix 1

Submissions, tabled documents, and answers to questions on notice

- 1 Dr Kylie Moore-Gilbert
- 2 *Name Withheld*
- 3 *Name Withheld*
- 4 Mr Nima Dabiri
- 5 Mr Moezeddin Mousavi Mahyari
 - 5.1 Supplementary to submission 5
- 6 Kurdish Lobby Australia
- 7 *Name Withheld*
- 8 Ms Trudy Hairs
- 9 *Name Withheld*
- 10 Mr Ek Taghdir
- 11 *Name Withheld*
 - 11.1 Supplementary to submission 11
- 12 *Name Withheld*
- 13 Dr. Kaveh Eghtesadi
- 14 *Name Withheld*
- 15 *Name Withheld*
- 16 Monash University Gender, Peace and Security Centre
 - 16.1 Supplementary to submission 16
- 17 *Name Withheld*
- 18 *Name Withheld*
- 19 Embassy of the Islamic Republic of Iran
 - Additional Information 1
 - Additional Information 2
 - Additional Information 3
 - Additional Information 4
 - Additional Information 5
 - Additional Information 6
 - Additional Information 7
 - Additional Information 8
- 20 Mr Ali Safaei
- 21 Justice for Iran
- 22 Amnesty International Australia
 - 22.1 Supplementary to submission 22
- 23 Iranian Women's Association Australia

24 Iranian Australian Health Workers of NSW
25 *Name Withheld*
26 *Name Withheld*
27 Department of Foreign Affairs and Trade
28 *Name Withheld*
29 Dr Sarah Ghavami
30 *Name Withheld*
31 *Name Withheld*
32 Australian Supporters of Democracy in Iran
33 United Action for Iran
34 Miss Tara Fatehi
35 Dr Saba Vasefi
36 United Nations Watch
37 Australian Jewish Association
38 Molki Sadegi Nejad
39 *Name Withheld*
40 *Name Withheld*
41 Australia/Israel & Jewish Affairs Council (AIJAC)
42 Mrs Zohreh Shirkhodaie
43 Lance Holden, Hirad Assimi, Omid Alizadeh, Gelareh Holden, and Sahra Saber
44 *Name Withheld*
45 *Name Withheld*
46 Irane Kiani Association
47 Professor Ben Saul
48 *Name Withheld*
49 *Name Withheld*
50 Miss Courtney Walshaw
51 Mr Benjamin Cronshaw
52 Women of Colour Australia
53 *Name Withheld*
54 *Name Withheld*
55 *Name Withheld*
56 Dr Dara Conduit
57 *Name Withheld*

- 57.1 Supplementary to submission 57

58 *Name Withheld*
59 *Name Withheld*
60 *Name Withheld*
61 Human Rights Watch
62 *Name Withheld*
63 *Name Withheld*
64 *Name Withheld*

- 64.1 Supplementary to submission 64

65 *Name Withheld*

66 *Name Withheld*

67 *Name Withheld*

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75 *Name Withheld*

76 *Name Withheld*

77 Dr Ray Asghari

78 *Name Withheld*

79 *Name Withheld*

- 79.1 Supplementary to submission 79

80 *Name Withheld*

81 Mr Saeid Akbarpour

82 *Name Withheld*

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- 84.1 Supplementary to submission 84

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- 87.1 Supplementary to submission 87

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95 Australian Bahá'í Community

96 Woman Life Freedom Australia

97 *Name Withheld*

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108 Mr. Samad Asghary
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117 *Name Withheld*
118 Federation of Democratic Kurdish Society - Australia
119 *Name Withheld*
120 Association to Defend Freedom & Human Rights in Iran-Australia
121 Mr Omid Esmaeili
123 Mr Ehsan Hakimi
124 Rev Bill Crews Foundation
125 Dr Nazanin Zadeh-Cummings
126 Mrs Tannaz Valialnemati
127 Wage Peace
128 Dr Mehdi Saeidpour
129 Mohammad Salmani
130 *Name Withheld*
131 Dr Behzad Molavi
132 *Name Withheld*
133 Ms Aida Mehrabi
134 Mr Pej Amirnejad
135 Mr Reza Parsaee

- Additional Information 1

136 Ms Sara Zahedi
137 Mr Ali Hosseini
138 *Name Withheld*
139 *Name Withheld*
140 Mr Milad FaghihiKashani
141 *Name Withheld*
143 *Name Withheld*
144 *Name Withheld*
145 Sharleen Kabiri
146 *Name Withheld*
147 Dr Mediya Rangi

148 Dr Jamal Rifi
149 Ms Julia Saketi
150 Executive Council of Australian Jewry
151 Mr Ali Beikzadeh
152 M. V.
153 Roonak Rad - Perth Kurdish Youth Society
154 *Name Withheld*
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212 *Name Withheld*
213 Mr Arash Behgoo

- 213.1 Supplementary to submission 213

214 Mr Bobby Yazdani
215 Mrs Seyran Arasteh
216 Dr Ali Kosari
217 *Name Withheld*
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- 257.1 Supplementary to submission 257
- Additional Information

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287 *Name Withheld*
288 Mr Soheil Ghafouri
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306 *Name Withheld*
307 International Community of Iranian Academics
308 Mr Dean Sharafi
309 *Name Withheld*
310 Mr. Farshad Khodadadian
311 *Name Withheld*
312 *Name Withheld*
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319 Medical Alliance for Health Services Abroad
• 319.1 Supplementary to submission 319

320 *Name Withheld*

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324 Townsville Amnesty International Action Group

325 Media, Entertainment & Arts Alliance (MEAA)

326 *Name Withheld*

327 *Name Withheld*

328 Department of Home Affairs

329 *Name Withheld*

330 Mr Amirali Shahsavani

331 Mr Robert Heron

332 *Name Withheld*

333 *Name Withheld*

334 *Name Withheld*

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336 *Name Withheld*

337 *Name Withheld*

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345 *Name Withheld*

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347 *Name Withheld*

348 *Name Withheld*

349 *Name Withheld*

350 Mr Shahrooz Ghafari

351 *Name Withheld*

352 Ms Juliet Vrakas

353 *Name Withheld*

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358 *Name Withheld*

359 *Name Withheld*

360 Iranian Women's Association

361 Dr Morteza Sharifi
362 *Name Withheld*
363 Australian Iranian Community of Newcastle
364 *Name Withheld*
365 Zionist Federation of Australia
366 *Name Withheld*
367 Iranian Scholars For Liberty
368 *Name Withheld*
369 Iranian Public Platform Sydney
370 National Assembly of Iranian Jurists
371 *Name Withheld*
372 *Name Withheld*
373 *Name Withheld*
374 *Name Withheld*
375 NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS)
376 *Name Withheld*
377 Dr Gholam Ali Salari
378 Multicultural Centre For Women's Health
379 Ms Iman Irannejad
380 Mrs Firouzeh Sarbanha

- 380.1 Supplementary to submission 380

381 *Name Withheld*
382 *Name Withheld*
383 Mr Sam Loni
384 *Name Withheld*
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386 *Name Withheld*
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388 Setareh Vaziri
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399 *Name Withheld*
400 Persian Australian Community Association of ACT
401 South Azerbaijan Democratic Turkic Unity (GADTB)

402 Democratic Party of Iranian Kurdistan (PDKI)
403 Australian Azerbaijani Association
404 *Name Withheld*
405 Mr Mike Ghaemi
406 Mr Alexander Tohidi
407 *Name Withheld*
408 Ms Farzaneh Djalalian Asl
409 Mohsen ModirShanechi
410 Australian Women in STEM
 • 410.1 Supplementary to submission 410
411 *Confidential*
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486 Attorney-General's Department

Tabled Documents

- 1 Opening statement by Amnesty International Australia, public hearing 28 November 2022, Canberra
- 2 Opening statement by Human Rights Watch, public hearing 28 November 2022, Canberra
- 3 Opening statement by Australian Jewish Association, public hearing 28 November 2022, Canberra
- 4 Opening statement by Australian Bahá'í Community, public hearing 28 November 2022, Canberra
- 5 Opening statement by Dr Dara Conduit, public hearing 28 November 2022, Canberra
- 6 Opening statement by Dr Kylie Moore-Gilbert, public hearing 28 November 2022, Canberra
- 7 Additional information provided by Amnesty International Australia, 'Iran: death penalty sought in sham trials', public hearing 28 November 2022, Canberra
- 8 Additional information provided by Dr Kylie Moore-Gilbert, 'Iran: Shortlist of names for potential Australian Magnitsky-style sanctions', public hearing 28 November 2022, Canberra
- 9 Opening statement by Woman, Life, Freedom Australia, public hearing 21 December 2022, Canberra
- 10 Additional information provided by Mr Geoffrey Robertson KC, 'Magnitsky law: public keep out', public hearing 21 December 2022, Canberra
- 11 Opening statement by Dr Anton Moiseienko, public hearing 21 December 2022, Canberra

Answer to Question on Notice

- 1 Human Rights Watch - answers to questions on notice from public hearing held 28 November 2022, Canberra (received 8 December 2022)
- 2 Amnesty International Australia - answers to questions on notice from public hearing held 28 November 2022, Canberra (received 8 December 2022)
- 3 United Action for Iran - answers to questions on notice from public hearing held 28 November 2022, Canberra (received 19 December 2022)
- 4 United Nations Watch - answers to questions on notice from public hearing held 28 November 2022, Canberra (received 22 December 2022)
- 5 Department of Home Affairs - answers to questions on notice from public hearing held 21 December 2022, Canberra (received 9 January 2023)
- 6 Australian Federal Police - answers to questions on notice from public hearing held 21 December 2022, Canberra (received 9 January 2023)
- 7 Woman, Life, Freedom Australia - answers to questions on notice from public hearing held 21 December 2022, Canberra (received 12 January 2023)

- 8 Department of Foreign Affairs and Trade - answers to questions on notice (QoNs 001, 004, 005, 006, 008) from public hearing held 21 December 2022, Canberra (received 17 January 2023)
- 9 Department of Foreign Affairs and Trade - answer to question on notice (QoN 002) from public hearing held 21 December 2022, Canberra (received 19 January 2023)
- 10 Department of Foreign Affairs and Trade - answers to questions on notice (QoNs 003, 007) from public hearing held 21 December 2022, Canberra (received 20 January 2023)

Appendix 2

Public hearings and witnesses

Monday, 28 November 2022

Committee Room 2S3
Parliament House
Canberra

United Nations Watch (via videoconference)

- Mr Hillel Neuer, Executive Director

Amnesty International Australia (via videoconference)

- Ms Nikita White, International Campaigner

Human Rights Watch (via videoconference)

- Ms Tara Sepehri Far, Senior Researcher at Middle East and North Africa Division
- Ms Sophie McNeill, Australia Researcher

United Action for Iran

- Ms Sara Rafiee
- Mr Faraz Maghami

Kurdish National Committee of Australia

- Ms Tara Fatehi, Executive Member

Australian Bahá'í Community

- Ms Shephalie Williams, Director of Government Relations

Australian Jewish Association (via videoconference)

- Mr Robert Gregory, Public Affairs Director

Dr Kylie Moore-Gilbert (via videoconference), Private capacity

Dr Saba Vasefi, Private capacity

Professor Ben Saul, Private capacity

Dr Dara Conduit (via videoconference), Private capacity

Wednesday, 21 December 2022

Committee Room 1R3

Parliament House

Canberra

Ms Setareh Vaziri (via videoconference), Private capacity

Women, Life, Freedom Australia

- Mr Moezeddin Mousavi Mahyari
- Ms Sara Zahedi
- Mr Ali Hosseini

Mr Geoffrey Robertson KC (via videoconference), Private capacity

Dr Anton Moiseienko, Private capacity

Mr Ek Taghdir, Private capacity

Department of Foreign Affairs and Trade

- Mr Marc Innes-brown, First Assistant Secretary, Middle East Africa and Afghanistan Division
- Ms Natasha Smith, First Assistant Secretary, Multilateral Policy and Human Rights Division
- Ms Kate Logan, First Assistant Secretary, Consular and Crisis Management Division
- Ms Lindsay Buckingham, A/g First Assistant Secretary, Regulatory and Legal Policy Division

Department of Home Affairs

- Mr David Chick, Acting First Assistant Secretary Counter Foreign Interference Coordination Centre
- Mr Andrew Kiley, Acting First Assistant Secretary Refugee, Humanitarian and Settlement Division

Australian Federal Police

- Assistant Commissioner Krissy Barrett, Southern Command
- Acting Assistant Commissioner Mark McIntyre, Counter Terrorism and Special Investigations Command