

## **HUMAN RIGHTS IMPLICATIONS OF RECENT VIOLENCE IN IRAN: WHY AUSTRALIA MUST TAKE URGENT ACTION**

### **Executive summary**

The Islamic Republic of Iran's (IRI) conduct in the Woman Life Freedom movement, is demonstrative of an illegitimate government, devoid of all morality, masquerading as a group of learned men of God<sup>1</sup>. IRI's response to protests is not only affecting vulnerable members of society (women, children and minorities) but also robbing Iranian society from support of Iranian journalists, political activists, lawyers and medical professionals, further exposing Iranians to more human rights abuse. Australia must take urgent diplomatic action against the IRI, the Islamic Revolutionary Guard Corps (IRGC) and IRI officials. Diplomatic action is necessary to fulfil Australia's human rights policy objectives, and ensure the safety of Australians by firmly shutting Australia out from serving as safe haven to IRI and IRGC activity.

### **From Mahsa to current crisis**

The murder-in-custody of 22 year old Mahsa (Jina) Amini on 16 September 2022, has sparked an unprecedented female-led protest and uprising that continues to the present time, and is gaining momentum by the day, despite the IRI's brutal retaliation to silence protesters and anyone connected with this movement. On 6 November 2022, 227 of the 290 members of IRI's parliament called on the judiciary to issue death sentences<sup>2</sup> to each of the near 15,000 protesters currently detained for participating in the Woman Life Freedom movement<sup>3</sup>. Their executions grow more likely with every passing day that the international community remains apathetic to Iran's human rights crisis.

### **Urgent action necessary**

On 27 October 2022, the Senate received a petition signed by over 5,000 concerned Australians, requesting the Australian government to take direct and specific diplomatic actions against the IRI and the IRGC. Instead, that Senate commenced this inquiry into the human rights implications of the recent violence in Iran. The question for inquiry is tantamount to querying the implications of drowning on the likelihood of death. Unfortunately, the inquiry itself, together with recent statement from the Department of Foreign Affairs and Trade<sup>4</sup> and the Prime Minister<sup>5</sup>, sends a message to the community that Iranian lives do not matter and taking actions in protection of innocent Iranian civilians needs to be balanced against Australian business interests, Australia's national interests and the findings of this inquiry over a period of 3 months to its reporting date.

On Australian business interests, it is important to note that Australia's two-way goods and services trade with Iran was \$319 million in the 2019-2020 financial year<sup>6</sup>. That value represents an insignificant fraction of Australia's \$1,327.84 billion GDP for that same year, which begs the question why our Prime Minister would even mention it in response to Mr Wolahan's question on 9 November 2022 about the actions government intends to take to support the Iranian peoples<sup>7</sup>.

The Iranian-Australian community has been clear that urgent diplomatic actions are needed to curb the growing violence in Iran, and for Australia to stop playing accomplice to the IRI's impunity for its brazen violations of the human rights of its citizens. Such action is not only to the benefit of Iranians within Iran, but also protect Australians from IRI terrorism and interference.

It is well known amongst the Iranian-Australian community that IRI spies and agents are amongst us, here on Australian soil, actively collecting data about Australian efforts in support of the movement and attempting to take control of the narrative of this movement within Australian media. Suspicious activity

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<sup>1</sup> [Khamenei's 'Guardianship' Is Illegitimate – Group Of Clerics \(iranintl.com\)](https://www.iranintl.com/en/202211068924)

<sup>2</sup> <https://www.iranintl.com/en/202211068924>

<sup>3</sup> <https://www.newsweek.com/iran-votes-execute-protesters-says-rebels-need-hard-lesson-1757931>

<sup>4</sup> Senator Chandler's questions to Senator Wong and other DFAT officials on 10 November 2022: [\(90\) Budget Estimates Hearing: What's Australia's response to the situation in Iran? - YouTube](#)

<sup>5</sup> PM Anthony Albanese's response to MP Keith Wolahan's queries on 9 November 2022: [Hansard - House of Representatives 9/11/2022 Parliament of Australia \(aph.gov.au\)](https://aph.gov.au/Hansard/9/11/2022/Parliament-of-Australia)

<sup>6</sup> [Iran country brief | Australian Government Department of Foreign Affairs and Trade \(dfat.gov.au\)](https://dfat.gov.au/iran-country-brief)

<sup>7</sup> See note 5, above.

experienced by the local Iranian community ranges from politically active Iranians being photographed and followed, receiving suspicious telephone calls from unidentified numbers, being subjected to covert attempts to jeopardise their political activities and efforts and being actively told not to pursue petitions, organise rallies or take various other steps to support the Woman Life Freedom movement. It would be naive of Australia to believe that we live far and free from the reaches of the IRI.

Against that background, our Prime Minister is well advised to consider the financial implications of its failure to take timely action against the IRI and its regime, rather than expressing concerns about its limited trade of wool, wheat and meat with Iran.

### **Mass executions imminent**

As noted above, nearly 15,000 Iranian protesters currently await death by execution. IRI's current president, Ebrahim Raisi (also spelled "Raeesi"), is the main perpetrator of execution as the answer to civil disobedience. He is one of 4 members of what is known as the "Death Committee" responsible for the 1988 mass execution of at least 2,800 to 5,000 prisoners, summarily and extra-judicially, in at least 32 cities across Iran.<sup>8</sup> At the time, he was 27 years old, and held office as the Deputy Prosecutor General of Iran.

The 1988 executions were extrajudicial killings on account of being performed in the absence of due process, deliberate and carried out by the order of the then Supreme Leader of Iran, Khomeini, in violation of the right to life and the International Covenant on Civil and Political Rights, to which Iran is a party. They also amount to crimes against humanity, having been widespread (referencing the scale of executions) and systematic (referencing implementation of policy in this instance) attacks against Iran's civilian population.<sup>9</sup>

During a lecture at Fredowski University on 1 May 2018, Raisi reported that he regarded the 1988 executions as "one of the proud achievements of the system" and praised Khomeini as a "national hero" who fought against "hypocrisy".<sup>10</sup>

Given Raisi's history and recently expressed views on his misdeeds of the 1980's, the execution of the 15,000 prisoners from the current protests is likely to take shape in much the same way that the 1988 executions did: devoid of all due process, with no regard for the right to life or any other international human rights obligations and principles. The urgency of international outrage and action is all the more intense by reason of Iran's recent parliamentary vote in favour of executing detained protestors.

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<sup>8</sup> In keeping with the IRI theme of censorship, the number of executions is not definitively known. This range is an estimate based on reports from former Iranian officials and lists compiled by human rights and opposition groups. See also: <https://www.hrw.org/news/2022/06/08/irans-1988-mass-executions>. Some have estimated the number to be as high as 30,000: "Khomeini fatwa 'led to killing of 30,000 in Iran'". *The Daily Telegraph*. <https://www.telegraph.co.uk/news/worldnews/middleeast/iran/1321090/Khomeini-fatwa-led-to-killing-of-30000-in-Iran.html>

<sup>9</sup> <https://www.hrw.org/news/2022/06/08/irans-1988-mass-executions>

<sup>10</sup> <https://iranprimer.usip.org/blog/2021/jul/21/raisi-role-1988-massacre>

### **IRI crimes against humanity**

Since 16 September 2022, the IRI has demonstrated its utter disregard for the sanctity of life and human dignity. State sanctioned violence has become exponentially more extreme during current protests, consisting of the following human rights violations:

1. The murder of over 300 civilians both during protests and in connection with protest participation, including:
  - a. Indiscriminate murder in the city of Zahedan, in Sistan Baluchistan province on 30 September 2022 (known as “bloody Friday”) resulting in an estimated 66 deaths, including 10 children<sup>11</sup>. Sistan Baluchistan is an ethnic and religious (Sunni Muslim) minority region of Iran. IRI security forces opened fired on members of the Baluch community, during Friday prayers at a local mosque;
  - b. Indiscriminate murder in the capital city, Sanandaj and other cities of the Kurdistan province of Iran on or about 12 October 2022. Kurdistan is an ethnic and religious (Sunni Muslim) minority region of Iran. IRI security forces deployed military attacks in response to the Kurdish peoples participating in the recent protests. The attacks included the indiscriminate use of teargas and firearms against civilians, both on the streets and in their homes;<sup>12</sup>
  - c. Indiscriminate murder in the city of Khash, in Sistan and Baluchistan province on 4 November 2022, resulting in an estimated 16 deaths, including children. IRI forces killed the ethnic and religious minority groups by direct gunfire in an effort to repress protests where people chanted “death to the dictator” and “death to Khamenei”.
2. Various other crimes against humanity, that are both systematic and widespread,<sup>13</sup> including:
  - a. imprisonment of nearly 15,000 civilians for participation in protests and in connection with the current protests. These include music artists, political activists, journalists, lawyers, doctors and others for any expressions of dissent against the IRI or simply performing their professional duty (in the case of professionals). Those imprisoned since 16 September are systematically denied due process, including access to legal representation;
  - b. rape of women and girls whilst in custody and in prison (detailed above);<sup>14</sup>
  - c. sexual assault of women and girls during protest at the hands of IRI security forces;<sup>15</sup>
  - d. torture of thousands imprisoned<sup>16</sup>, including children, with some resulting in death<sup>17</sup>;
  - e. unlawful use of firearms at close range against protesters, causing serious injuries including blindness and paralysis. Reports, videos and images of pellet and shot guns<sup>18</sup> evidence IRI's use of these weapons in this manner during current protests. The number of protesters injured in this way by shotgun ammunition is currently unknown, due to absence of free press. The IRI's use of weapons at close range is part of an established, systemic response to protests. In December 2021, more than 300 protesters were arrested

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<sup>11</sup> <https://www.amnesty.org/en/latest/news/2022/10/iran-at-least-82-baluchi-protesters-and-bystanders-killed-in-bloody-crackdown/>; AND <https://iranhumanrights.org/2022/11/state-massacres-fail-to-crush-protests-in-sistan-and-baluchestan-province/>

<sup>12</sup> <https://www.theguardian.com/world/2022/oct/11/iran-alarm-raised-over-bloody-crackdown-on-protesters-in-kurdistan>

<sup>13</sup> As defined in article 7 of the 1998 Rome Statue of the International Criminal Court, to which Australia is a State party.

<sup>14</sup> [Activists Report Torture, Sexual Abuse Of Detained Protesters In Iran \(iranintl.com\)](https://iranintl.com/Activists-Report-Torture-Sexual-Abuse-Of-Detained-Protesters-In-Iran/)

<sup>15</sup> [Iran police investigate video of officer's alleged sexual assault of protester | Iran | The Guardian](https://www.theguardian.com/world/2022/oct/11/iran-police-investigate-video-of-officer-s-alleged-sexual-assault-of-protester)

<sup>16</sup> [2,000 detainees under torture in Greater Tehran Penitentiary \(iran-hrm.com\)](https://iran-hrm.com/2000-detainees-under-torture-in-Greater-Tehran-Penitentiary/)

<sup>17</sup> [4 protesters killed under torture in Iran after one month \(iran-hrm.com\)](https://iran-hrm.com/4-protesters-killed-under-torture-in-Iran-after-one-month/)

during peaceful protests in support in response to the mismanagement of the water crisis in Isfahan and around 40 people lost at least one eye after being shot by security forces<sup>19</sup>.

The crime of apartheid in the form of gender apartheid was the very catalyst for the current protests. Since its inception in 1979, the IRI has routinely and systematically discriminated against women and girls, with its legal system treating the lives, rights and entitlements of females as worth half that of their male counterparts. Women are excluded from participating in politics, the judiciary and numerous other positions of influence and power. Women and girls are systemically denied bodily autonomy with mandatory hijab laws applying to girls from the age of 9 onwards. Women and girls are excluded from equal participation in tertiary education and numerous other aspects of civilian life, including sporting stadiums. Gender segregation is commonplace in Iran, with women and girls required to sit in the back of the bus. Women do not have equal rights to divorce with the legal system leaving them at mercy of their spouse, irrespective of the circumstances, including domestic violence. Divorced mothers are particularly mistreated by a legal system that is designed to punish and deter women from seeking divorce by denying them custody to their children after the age of 7. Women must secure formal written permission from their spouse, father or close male relations in order to obtain a passport and to travel.

### **IRI censorship**

There is no free press in Iran. The IRI has a consistent history of systemically censoring both its citizens' access to news of the world, and the world's access to IRI's internal violations of human rights and other reprehensible conduct. The IRI has launched a censorship campaign in response to the current movement, and has detained a further 20 journalists since 16 September 2022.

The IRI is currently ranked 178<sup>th</sup> out of 180 countries in the Reporters Without Borders 2022 World Press Freedom Index<sup>20</sup>, in large part because its legal system seeks to deter and punish journalists, who are frequently imprisoned and charged with the following for reporting truth: "waging war against God", "struggling against the precepts of Islam", "assembly and collusion against national security", "gathering classified information with the intent to harm national security", "insulting government officials", "propaganda against the state", and "defamation and threats against a government contractor".

The two main leaders accused of abuses and crimes committed against journalists for 30 years, Ebrahimi Raisi and Gholam Hossein Mohseni-Ejei, became, respectively, president of the republic and head of the Iranian judicial system. As noted by the Index, the appointment of these two men to these high ranking positions within the IRI's legal / political system, has resulted in an increase in arbitrary arrests and convictions, as well as more journalists being imprisoned and denied medical care.

As reported by Reporters Without Borders on 8 November 2022<sup>21</sup>, 34 journalists have been detailed since the current protests, 44% (no. 15) of whom are female. This represents a 5 fold increase in the number of female journalists as compared to before the protests.

This has a significant impact on the accuracy of data available to quantify the extent of the IRI's human rights violations. Reports of the civilian death tolls, rates of incarceration and other figures (including the proportion of women and children impacted by the IRI's recent violence), are severely under-reported. They are, at best, conservative estimates.

### **Doctors and lawyers targeted**

Since 16 September 2022, the IRI has imposed undue pressure and sanctions on Iranian medical professionals simply for providing medical care to injured protestors.<sup>22</sup> Medical practitioners are placed under duress to refrain from treating those injured in protests and to produce fraudulent declarations of causes of death amongst many other forms of coercion. There are also reports of at least one female

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<sup>19</sup> <https://iranhr.net/en/articles/5000/>

<sup>20</sup> [Index | RSF](#)

<sup>21</sup> [An unprecedented number of women journalists are now detained in Iran | RSF](#)

<sup>22</sup> <https://iranhumanrights.org/2022/10/face-off-in-iran-state-security-forces-attack-protesters-on-day-of-mourning-for-mahsa-amini/>

doctor, Dr. Parisa Bahmani, a general surgeon, being killed by state security forces whilst participating in a peaceful protest in response to IRI's denial of medical care to the wounded outside the headquarters of the Tehran Medical Council<sup>23</sup> and many others being arbitrarily arrested at peaceful protests in cities across Iran. The Centre for Human Rights in Iran<sup>24</sup> has warned that Iran's medical community is facing deadly state violence as the IRI is deploying lethal force to crush the country's growing protest movement.

Many lawyers are facing a similar fate. The IRI has a long history of imprisoning lawyers who represent human rights activists. Recently, a group of lawyers held a peaceful gathering outside the Iranian Bar Association in Tehran to raise concerns about the ongoing human rights abuse in Iran but were teargassed<sup>25</sup> by IRI security forces and a number were arrested. Due to the absence of free press in Iran, it is difficult to obtain an exact number of the lawyers arrested, but it is estimated that at least 24 lawyers have been arrested in recent weeks. Others have been put under intense threat and intimidation to refrain from representing human rights activists.

## **Revolution**

Women and girls are the leaders of the current uprising, and they have been joined by men and boys, as Iranian society's scope of protest demands has widened to encompass a revolution and complete rejection of the IRI. Chants in the streets of Iran are clearly calling for a revolution, as the current regime has proven itself unamenable to reform. As at the deadline for submission to this inquiry, protests have been in progress for 61 continuous days, with hundreds of cities around Iran taking part. The robust scale and relentless of these protests in the face of growing violence by the IRI, casts doubt over the legitimacy of the IRI and its capacity to continue in governance. We are no longer in protest territory. Iranians have passed the point of no return and Iran is in the midst of an unprecedented civil uprising, with a second revolution imminent.

A brief study of the political structure of the IRI exposes that the IRI and its regime is incapable of reform:

The Supreme Leader, Khamenei, holds ultimate power over all aspects of Iranian life, with the highest military, political and religious authority. Khamenei is the symbolic embodiment of the sovereignty of god, and is considered to possess divine as well as constitutional powers. As such, Khamenei controls armed forces, appoints judges and has the final say on all important policies.

The Supreme Leader is not elected by the Iranian people, but rather, appointed by an Assembly of Experts who are a body of 88 Mujtahids (religious officials). Since inception of the IRI in 1979, the Assembly of Experts have never appointed anyone else to the position of Supreme Leader, with Khamenei taking on the role upon Khomeini's death.

The Assembly of Experts are appointed by the Guardian Council, a group of 12 clergymen.

Half of the Guardian Council are appointment by none other than Khamenei, and the other half are appointed by the chief justice who is himself appointed by Khamenei.

In other words, Khamenei has the ultimate control over the Guardian Council who has ultimate control over the Assembly of Experts, who in turn appoints the Supreme Leader.

In addition to appointing the Assembly of Experts, the Guardian Council also appoints the 290 members of parliament. It has the power to intervene in law making and selects candidates who can run for presidential election.

It is widely accepted that Iran's last (2021) presidential elections were a sham, as almost all other candidates were disqualified by the Guardian Council.<sup>26</sup> That election saw the lowest voter turnout in

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<sup>23</sup> <https://iranhumanrights.org/2022/10/iran-protests-doctors-treating-wounded-protesters-face-deadly-state-violence/>

<sup>24</sup> <https://iranhumanrights.org/2022/10/iran-protests-doctors-treating-wounded-protesters-face-deadly-state-violence/>

<sup>25</sup> <https://iranhumanrights.org/2022/10/iran-protests-human-rights-lawyers-arrested-teargassed/>

<sup>26</sup> <https://iranhumanrights.org/2021/06/iran-election-heightened-vigilance-needed-as-major-rights-violator-takes-power/>

Iran's history (49%), and a record number of invalid "protest" ballots (3.84 million), ranking higher than any other non-winning candidate<sup>27</sup>. Following appointment of Raisi to presidency, both Human Rights Watch<sup>28</sup> and the Centre for Human Rights in Iran<sup>29</sup> warned that Iran must be closely monitored for human rights violations given Raisi's history and involvement in the 1988 executions.

### **Recommendations**

Australia needs to take diplomatic action against the IRI and the IRGC, as a matter of priority and urgency. I support all six specific diplomatic actions recommended in the submission of United Action for Iran and adopt them here.

Note in response to the IRI's submission to this inquiry: It is entirely unsurprising that the IRI seeks to justify its actions by referring to the protestors as rioters and its violent retaliations as attempts to restore public order and safeguard national security. Such is the modus operandi of this regime and the impunity with which it has been ruling since 1979, has emboldened its disregard for human rights and its resort to blatant fabrication, when put to question. However, evidence and reports of the IRI's actions since Mahsa's arrest on 13 September up to the present time, speak for themselves. To adapt a well-known Persian phrase: the sun cannot be concealed behind dark clouds, and will in time, reveal itself in full glory.

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15 November 2022*

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<sup>27</sup> [https://en.wikipedia.org/wiki/1988\\_executions\\_of\\_Iranian\\_political\\_prisoners](https://en.wikipedia.org/wiki/1988_executions_of_Iranian_political_prisoners)

<sup>28</sup> <https://www.hrw.org/news/2021/06/19/iran-overseer-mass-executions-elected-president>

<sup>29</sup> <https://iranhumanrights.org/2021/06/iran-election-heightened-vigilance-needed-as-major-rights-violator-takes-power/>