

**SUBMISSIONS
TO
SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE
FOR
INQUIRY INTO THE HUMAN RIGHTS IMPLICATIONS
OF RECENT VIOLENCE IN IRAN**

by

Ek Taghdir
Barrister
Owen Dixon Chambers East
205 Williams Street
Melbourne VIC 3000

a. the recent violence against women and girls by [the Islamic Republic] authorities.	Page 1
b. opportunities for nations that value human rights to support those being persecuted and oppressed in Iran.	Page 1
c. the potential application of sanctions on those responsible for the widespread violence and killing of women, girls and protestors in Iran.	Page 2
d. appropriateness of Iran’s ongoing status on UN Commission on the Status of Women.	Page 3
e. other actions available to the Australian Government and other like-minded nations to respond to human rights abuses in Iran; and any other related matters.	Page 4
Conclusion	Page 4
Proposed amendment to the <i>Autonomous Sanctions Regulations 2011 (Cth)</i> Annexure “A”	Page 5
Endnotes & References	Page 6

The recent violence against women and girls by [the Islamic Republic] authorities

1. From their inception in 1979, the Islamic Republic of Iran - the Islamic Republic regime ("I.R. regime") - continues to violate the human rights of its citizens, especially Iranian women who have been consistently subjected to oppression and extra-judicial killings.
2. On 16 September 2022, the death of Mahsa Amini in the custody of the 'Morality Police' gave rise to peaceful protests in Iran – spearheaded by young Iranian women, fighting for basic rights of freedom. There was further global outcry over the further extra-judicial killing of three young women namely Nika Shakarami (aged 16), Hadis Najafi (aged 23) and Sarina Esmailzadeh (aged 16) who participated in the protests. The family members the young women were subjected forced confessions in an effort to cover the regime's culpability¹ As at 5 November 2022 with thousands arrested, the underreported official death toll is 300+, including 41 children and 24 women.²
3. Despite choking network restrictions by the I.R regime, a myriad of mobile phone video footage surfaces weekly on social media platforms, which highlight the following:
 - a. The brutal and lethal response towards protestors. One footage shows a protester being shot at point blank range.³ Another footage, typical of many instances, shows an Iranian woman restrained and taken by plain clothes regime officials.⁴
 - b. The mass protests are widespread across Iran. Their core chant is "Woman, Life, Freedom", summarising an ideal they aspire for a future democratic Iran.
4. Together with our allies, Australia has voiced condemnation towards the I.R. regime and continuously called for restraint. Notwithstanding, the I.R. regime 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.⁵

Opportunities for nations that value human rights to support those being persecuted and oppressed in Iran

5. The violations by the I.R regime are against Australia's commitment to promote and protect human rights at home and abroad, in particular to:
 - a. protect the universality of human rights;
 - b. promote the rights to freedom of opinion, assembly, association and belief;
 - c. ensure equal human rights for women and girls; and
 - d. oppose the death penalty in all circumstances for all people.
6. The regime's continued conduct is aggressively contrary to the aspirations of Australia to end a culture of violence against women. This is a vision, as outlined in the National Plan to End Violence Against Women 2022-2032, 'where all people live free from fear and violence and are safe at home, at work, at school, in the community and online'⁷.
7. The pleas of Iranian women and their allies are also resonated by the National Plan's 'A Statement of Victim Survivors' - specifically: '*We did not ask for abuse. We have resisted violence, or done what we needed to do – to protect ourselves, our families. To survive. Stand with us, do not look away when we show you our pain.*'⁸

8. The regime's crackdowns demonstrate that their persecution of Iranian women and their allies will continue in breach of the principles of human rights valued by Australia.
9. The ability of Australia and other like-minded democratic countries to directly assist Iranian women and their allies within Iran has obvious barriers – geographic, logistical and tightened controls by the regime since the uprising. It is now critical to ensure that countries which embrace freedom are not used as '*barley*' safe grounds by regime officials, or as means of financial replenishment for the regime. The Australian government is urged to immediately enact sanctions to address these concerns.
10. The committee is also urged to recognise that the I.R. regime is one organism, despite any gaslighting attempts by the regime to appear democratic. The strength of this proposition is made abundantly clear by recent reports that 227 of 290 members of the I.R. regime parliament (78%), comprising of both 'reformist' and 'conservative' ministers, have called on the judiciary to issue death sentences for arrested protestors.⁹ With arrested individuals being over 14,000, this would amount to mass murder.
11. There should be no doubt that any minister or official of the I.R regime, their family members, associates and affiliates are all entrenched within the organism and their culpability in human rights violations should not be severable.

The potential application of sanctions on those responsible for the widespread violence and killing of women, girls and protestors in Iran.

12. For the imposition of sanctions to be effective and to support Iranian women, girls and their allies, they should meet the following sanction objectives:
 - 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.
 - d) Disincentivising any financial or ideological support for the regime by avoiding *superficial* sanctions which only target some very high ranking officials.
13. Noting existing and relevant Acts and Regulations, for our Government to have the ability to implement the suggested sanctions, this document proposes an example amendment to the *Autonomous Sanctions Regulations 2011 (Cth)* in Annexure "A".

Domestic and Global support for Action by way of Sanctions

14. Canada has imposed targeted sanctions and Germany have announced that there can be no “business as usual” in their relationship with the regime, expressing an intention to impose travel bans and looking into listing their family members too.¹⁰
15. New Zealand Foreign Minister announced a suspension of their bilateral relations¹¹ and Green Party minister Golriz Ghahraman has said there was ‘no longer anything stopping the government taking stronger action including freeze on the assets, bank accounts and travel of people supporting violence in Iran.’¹²
16. Dr Kylie Moore-Gilbert, lecturer at University of Melbourne was unjustly imprisoned by the I.R. regime for over 800 days. Having had a front row observation of the brutal mentality of the regime, Dr Moore-Gilbert has continuously called for our Government to take action and impose targeted Magnitsky style sanctions.¹³
17. The Women Barristers Association (WBA) in Victoria released a statement calling for the Australian Government to impose ‘effective sanctions against members of the Regime ... who have contributed to the decades of systemic abuse and oppression of women.’¹⁴ WBA further stated they ‘do not support any current or former members of the Regime being at liberty to reside, migrate, invest or conduct business in Australia.’¹⁵
18. A Parliamentary petition seeking sanctions against the I.R regime has gained over 50,000 signatures.¹⁶
19. Over 270 Australian lawyers signed a letter to the Prime Minister seeking sanctions.¹⁷

Appropriateness of Iran’s ongoing status on UN Commission on the Status of Women

20. ‘Iran (Islamic Republic of)’ is currently member No. 21 on the Membership of the Commission on the Status of Women¹⁸. These submissions endorse the unambiguous global calls for ‘Iran (Islamic Republic of)’ to be removed as a member from the Commission.
21. 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 member *No. 21* is simply nonsensical as their actions clearly do not “accelerate progress and promote women’s rights in political, economic, and social fields”¹⁹ 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.”²⁰
22. Opponents of the above view will often claim that *No. 21* has a high representation of Iranian women enrolled in universities in Iran. While accurate, this is not a credit to the regime, but a testament to the bravery, persistence and resolve of Iranian women who gained these strides in the face of 43 years of oppression. This is the same bravery and persistence of Iranian women making them the leaders of this uprising.

Other actions available to the Australian Government and other like-minded nations to respond to human rights abuses in Iran; and any other related matters.

23. One form of direct assistance is supporting Iranian women and their allies with access to communication channels within Iran and outside of Iran. By imposing large scale shutdowns on networks, the I.R. regime is making it increasingly impossible for Iranian people to voice themselves and communicate.²¹ These submissions urge the Australian Government to liaise with mainstream and social media platforms with a view to:
 - a. facilitating greater network accessibility to Iranian people. For example, see the provision of Starlink satellite receivers being sent into Iran;²² and
 - b. ensuring there is no censorship or suppression on mainstream media and social media platforms about the violence perpetrated by the regime in Iran.
24. These submissions support global calls for the immediate listing of the IRGC as a terrorist organisation and the setting up of a United Nations body to investigate and document crimes against humanity perpetrated by the I.R. regime.
25. These submissions propose any necessary amendment be made to the Criminal Code 1995 (Cth) to reflect the measures imposed by the proposed sanctions.
26. Consideration be given to the suspension of bilateral relations with I.R. regime and a closure of the Embassy of the Islamic Republic of Iran in Canberra.
27. These submissions urge Australia to support any motion to establish an opposition Iranian Government and to consider the collective views of the following opposition figures who have a large support base and advocate for a representative democracy:
 - a. Ms. Masih Alinejad and Ms. Nazanin Boniadi;
 - b. Mr. Reza Pahlavi (The son of the late Shah of Iran);
 - c. Mr. Hamed Esmaeilion;
 - d. Mr. Ali Karimi; and
 - e. Any other person as supported by the above persons.

Conclusion

28. The writer thanks the Committee for considering these submissions and reiterates that there is overwhelming support for the measures proposed by the broader Australian community. These measures are not a call for war, but rather, a request to refuse provision of lifelines to the regime in their war against Iranian women and their allies.
29. In midst of deep hurt and pain, the Iranian Australian community, as Australian citizens and residents, are humbly urging the Australian Government to put the value of human rights before any considerations concerning the economy or trade.
30. A free Iran, governed by the Iranian people, will be vibrant, peaceful, prosperous, financially beneficial and safer for the entire world, including Australia.
31. Woman, life and freedom.

ANNEXURE “A”

***Proposed (Women, Life, Freedom) Amendment
to the
Autonomous Sanctions Regulations 2011 (Cth)***

Regulation 3

Insert the following definitions:

“Iran” means the geographic area of land currently governed by the Islamic Republic of Iran as recognised by the United Nations.

“Islamic Republic regime” means the current ruling government of Iran, being the Islamic Republic of Iran, including;

- (a) any of its political subdivisions;
- (b) its government and any of its departments or a government or department of its political subdivisions, including but not limited to;
 - I. The Supreme Leader, Seyed Ali Hosseini Khamenei
 - II. Islamic Revolutionary Guards Corps (IRGC) including Cyber Defence Command;
 - III. Assembly of Experts;
 - IV. Council of Guardians;
 - V. Expediency Council;
 - VI. Parliament (Majles)
 - VII. President and Cabinet;
 - VIII. The Judiciary
 - IX. Supreme National Security Council;
 - X. Basij and Qods Force, including Basij Resistance Force and Basij Cooperative Foundation;
 - XI. Police force, including the Morality Police;
 - XII. Qassem Soleimani Foundation;
 - XIII. Ministry of Intelligence and Security (MOIS);
 - XIV. Press TV
- (c) any of its agencies or any agency of its political subdivisions;

Item 4 of Regulation 6

1. Replace all references to the word ‘Iran’ in activities (a) and (b) with ‘Islamic Republic regime’
2. Insert the following additional activities:
 - (c) A current or former minister of the Islamic Republic regime;
 - (d) A current or former official of the Islamic Republic regime;
 - (e) A person or entity that the Minister is satisfied is under the control of or acting on behalf of the Islamic Republic regime;
 - (f) Any person or entity who the Minister is satisfied has participated, or is participating in serious violations or serious abuses of human rights in Iran.
 - (g) A person or entity who the Minister is satisfied is a business associate of the Islamic Republic regime.
 - (h) Any person or entity who the Minister is satisfied is a close associate or affiliate of any person mentioned in paragraphs (c),(d),(e) and (f).
 - (i) An immediate family member of a person mentioned in paragraphs (c),(d),(e) and (f).

Endnotes & References

¹ BBC News, 'Iran protests: Mahsa Amini's family receiving death threats, cousin says' <https://www.bbc.com/news/world-middle-east-63200649>; and

BBC News, 'Iran protests: Nika Shakarami's mother says her daughter was murdered' <https://www.bbc.com/news/world-middle-east-63170486>

² Iran International, Protests Death Toll Rises To 304; Tehran Youths Call For More Demos <https://www.iranintl.com/en/202211058206>

³ Firstpost, 'Iranian protester 'shot dead' by security forces in Tehran as protests continue, <https://www.firstpost.com/world/iranian-protester-shot-dead-by-security-forces-in-tehran-as-protests-continue-11554641.html>

⁴Iran HRM @iranhrm, Twitter, <https://twitter.com/IranHrm/status/1581325125152305152?s=20&t=YX7TUp2btOUX2p3OYpxMYA>

⁵ABC News, How the Iranian regime is intimidating and surveilling its former citizens in Australia <https://www.abc.net.au/news/2022-11-05/threats-surveillance-intimidation-iran-protest/101614078>

⁶ Department of Foreign Affairs and Trade, <https://www.dfat.gov.au/international-relations/themes/human-rights>

⁷ The National Plan to End Violence Against Women 2022-2032, Page 14, https://www.dss.gov.au/sites/default/files/documents/10_2022/national_plan_accessible_version_for_website.pdf

⁸ Ibid, Page 8

⁹ Iran International, 'Iranian Lawmakers Urge Judiciary To Sentence Protesters To Death' <https://www.iranintl.com/en/202211068924>

¹⁰ Federal Foreign Office, Foreign Minister Annalena Baerbock on the situation in Iran <https://www.auswaertiges-amt.de/en/newsroom/news/-/2560416>

¹¹RNZ, NZ suspends bilateral Human Rights Dialogue with Iran, PM to announce response to violence, <https://www.rnz.co.nz/news/political/477752/nz-suspends-bilateral-human-rights-dialogue-with-iran-pm-to-announce-response-to-violence>

¹² RNZ, Nothing stopping New Zealand's condemnation of Iran, Green Party says, <https://www.rnz.co.nz/news/national/477608/nothing-stopping-new-zealand-s-condemnation-of-iran-green-party-says>

¹³ The Mandarin, Australian imprisoned in Iran slams DFAT's capacity to help citizens detained abroad, <https://www.themandarin.com.au/201399-australian-imprisoned-in-iran-slams-dfats-capacity-to-help-citizens-detained-abroad/>

¹⁴ LinkedIn, Women Barristers Association (WBA), https://www.linkedin.com/posts/women-barristers-association_statement-on-behalf-of-wba-activity-6993741633833889793-nB1P?utm_source=share&utm_medium=member_ios

¹⁵ Ibid.

¹⁶ Petition EN4559 - <https://www.aph.gov.au/e-petitions/petition/EN4559>

¹⁷ LinkedIn, Post by Sara Ejtemai https://www.linkedin.com/posts/sara-ejtemai-9061b092_open-letter-to-the-prime-minister-of-australia-activity-6995144008284999680-oteO?utm_source=share&utm_medium=member_ios

¹⁸ UnWomen.org, <https://www.unwomen.org/en/csw/member-states>

¹⁹ Ibid.

²⁰ Ibid.

²¹ U.S Department of State, Joint Statement on Internet Shutdowns in Iran, <https://www.state.gov/joint-statement-on-internet-shutdowns-in-iran/>

²² Time.com, Receivers for Elon Musk's Starlink Internet Are Being Smuggled Into Iran <https://time.com/6223999/starlink-iran-elon-musk/>