

# Questions and notes on the Government's response

to the Inquiry into Human Rights  
Implications of the Recent Violence in  
Iran

November  
2023  
Australia

## Foreword

The tragic death of Mahsa (Jina) Amini on 16 September 2022 marked a pivotal moment in Iran's long history of struggle for freedom. It also profoundly impacted the Iranian diaspora in ways the international community had not previously witnessed.

In light of persistent appeals to the Australian Government to extend material support to the people of Iran, the Australian Senate initiated an inquiry titled 'Human Rights Implications of the Recent Violence in Iran'. The inquiry aimed to assist the Government in understanding the situation and exploring pragmatic ways to respond to it.

The inquiry received over a thousand contributions from academics, international organisations, universities, community groups, and individuals. The overwhelming consensus called for more impactful actions. Over 70% advocated for the listing of the IRGC as a terrorist organisation. The Senate FADT Committee tabled its report on 1 February 2023. Seven months later, the Government issued its response on 13 September 2023.

## Acknowledgement

From the outset, the Committee observed and acted on the urgency of our calls. Its timetables lined up with gravity of the matter. We were most impressed with the Committee's deep comprehension of our collective unfamiliarity with the parliamentary processes, and the risk each of us took in writing a submission or in coaching others to do so.

We extend our heartfelt gratitude to \_\_\_\_\_, along with the research and administrative teams, for their unwavering support throughout this journey.

Our appreciation also goes out to all members of the FADT Committee for their exemplary leadership, diligence, and commitment.

We would like to acknowledge the Australian and international entities, whose compelling submissions bolstered our calls on the Australian Government to act in safeguarding both peoples of Iran and Australia from the corruption and brutality of the IRI regime.

## Signatories\*



*\* AUSIRAN and AICA are umbrella entities consisting of over 35 Australian Iranian community organisations*

# 1 Overview

This report is an analysis and follow up on the Australian Government's response to the senate inquiry into "Human Rights Implications of recent violence in Iran". In this overview section, we offer a brief general assessment of the Government's response and its approach. We will then delve into corresponding to each recommendation, offering commentary and seeking additional clarifications where necessary.

While the Government has mentioned initiatives undertaken since September 2022, we focus solely on the measures and actions following the publication of the inquiry report. We acknowledge and commend certain steps the Government has taken prior to the conclusion of the inquiry, namely, advocacy for the establishment of the UN Fact Finding Mission.

## 1.1 Timing

The Senate resolved on 14 March 1973 that the Government should respond to Committee reports within 3 months of tabling, and successive governments have affirmed their commitment to providing such responses. Yet, it took the Government 7 months to respond to this inquiry. The timing of the release of the response curiously aligned with the anniversary of the death of Mahsa (Jina) Amini. We have submitted an FOI application to DFAT for all documents that relate to the time planning of the Government's response. We will report on our findings in early November.

## 1.2 Acting

The Government accepts two of the twelve recommendations, yet it does not specify any subsequent actions planned or underway, informed by the inquiry.

The response outlines 10 actions that have been taken by the Government during the 225-day gap between the release of the inquiry report and the publication of the response; 6 of which are purely in communication domain, including public announcements, phone calls or senate updates. We are aware that there are additional actions not specified in the Government's response.

The following table summarises the ten highlighted actions:

Date	Action	Real impact
1/02/2023	New sanct ons announced.	Yes
13/02/2023	New v sa pathway announced.	Yes
14/02/2023	Home Affa r announced IRI s nterference; attr but on framework.	?
16/02/2023	DFAT prov ded update to Senate.	No
8/03/2023	DFAT prov ded update to Senate.	No
20/03/2023	New sanct ons announced.	Yes
20/03/2023	Statement at UN HRC.	No
22/03/2023	Phone ca w th the IRI Fore gn M n ster.	No
1/04/2023	FM asked un vers t es to stop cooperat on w th IRI.	Yes
6/07/2023	Change n sanct ons framework.	No

Woman Life Freedom revolution is alive both within and outside the borders of Iran. Women and girls, supported by men, persistently challenge compulsory hijab rules. School children bear the brunt of the regime's retaliatory chemical attacks. Sham trails are on. People seize every chance to express their dissent against the regime.

Despite this ongoing revolution, as its “newsworthiness” slowly wore off over time, so did the actions of the Government. Below is a timeline of actions the Government has found worthy of citing in its response.



### 1.3 Speaking

We acknowledge the power of words. Condemning evil on the world stage paves the way for impactful actions. We are appreciative of the Government's efforts in this regard. The fear, however, is that we stop at mere words. Terrorists are unlikely to be deterred by a tweet, or to change their minds because they are 'called on' to do so.

Tweets, statements, and phone calls are wonderful when succeeded by decisive actions that put unbearable pressure on human rights abusers. They are worse than nothing, if only used to mask inaction.

### 1.4 Listening

The overall theme of the response is that the Government knows best, every factor and priority are already carefully finetuned, and there is no need for change.

All references made by the Government in its response are to on its own submissions.

At least one recommendation has been largely misinterpreted.

Condemning “Iran” instead of specifically addressing the regime, and false attributions like “Iranian Government's IRGC”, further demonstrate the Government's poor reception.

One may ask what has the Government learned from this inquiry and its 1100 submissions? Judging by the Government's response, the answer is 'nothing'.

**The Government still aims to “put pressure on the Iranian regime to uphold human rights.” The diaspora cannot be clearer: the people of Iran want the regime gone.**

**Any attempt to prolong its existence is siding with the enemy of our motherland. The Iranian-Australian diaspora is determined to hold the Australian Government to account for any act that legitimises the IRI regime.**

## 2 Recommendation 1

We appreciate the Government's commitment to the multilateral system, with the United Nations at its centre.

On 20 March 2023, when the Hon Karen Andrews presented<sup>1</sup> a motion to list IRGC as terrorists, several members of the majority party criticised the opposition for previously allowing the IRI to sit on the UN commission on the Status of Women:

*“The LNP sat on their hands or stood in their red heels and let this happen in the first place [...] The Albanese government is working deliberately and strategically to apply pressure on the Iranian regime. That includes the commission that the foreign minister Penny Wong has since worked determinedly and successfully to get Iran removed from.”*

The qualification of ‘when it is in our national interest’ did not appear in these speeches back in March.

We appreciate the Government's answer to the following queries:

- a. At which point in time did the Government identify situations where it may be in our national interest to have the IRI regime in important UN positions?
- b. Could the Government elucidate the specific national interests that require the involvement of such entities in pivotal UN positions? As the benefiting nation, we seek clarity on these interests.
- c. We acknowledge that the Government has utilised some of Australia's finite resources to “register disappointment” with the election of the IRI to the UN's Social Forum. What has been the result of this registration?

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<sup>1</sup> [Hansard of 20 March 2023](#)

### 3 Recommendation 2

We appreciate the Government's efforts to partially address our concerns. However, we seek the Government's answer to the following queries:

- a. What is the timeline and progress of the development of the 'attribution framework'? Will the public be granted access to the details of this framework?
- b. To this day the Government has failed to support its claim that the IRGC is a state organ. All relevant FOI requests have been blocked by various secrecy exemptions. The Government appears to be aware of the potential lack of merit in its own assessment.  
Can the 'attribution framework' aid the Government in making fact-based, transparent, accurate, and defensible determinations regarding attribution between foreign principles?

## 4 Recommendation 3

We acknowledge the efforts of the ASIO, AFP and state police forces in keeping us safe over the past year.

We would appreciate the Government's answer to the following queries:

- a. The Government accepts the recommendation but does not explain any action taken or planned in response, nor commits to any change in the future. What is the result of accepting this recommendation?
- b. The Department of Home Affairs appears to formulate the adversary as "Iranian government and its proxies", ignoring the larger, more formidable terrorist entity that is defined in the constitution of the IRI as the "Islamic Revolution".  
As we have demonstrated in a paper presented to the Attorney-General, the opposition, and through multiple submissions to the PJCIS (they were sadly kept unpublished), the Islamic Revolution is an entity with a fully staffed organisational chart: a Leader, a Guards and a Court, at the very least. When will the Home Affairs recognise the existence of this publicly documented, open, and transparent terrorist entity?
- c. As far as we know, only 2 cases of foreign interference have been prosecuted in Australia<sup>2 3</sup>, with none being associated with the IRI. The Department of Home Affairs admits that certain foreign interference offences have been committed by the IRI. Have any individuals been formally charged and prosecuted in this context? We request that the details of any prosecution or charges are disclosed in the same fashion as previously publicised cases.
- d. Not a single entry of foreign influence in association with Iran has been registered in the 'Foreign Influence Transparency Scheme' (FITS) register. Is the Government aware of this?

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<sup>2</sup> [Australian man charged with foreign interference | Australian Federal Police \(afp.gov.au\)](#)

<sup>3</sup> [Melbourne man charged with preparing for foreign interference | Australian Federal Police \(afp.gov.au\)](#)

## 5 Recommendation 4

The Government's response seems to have misinterpreted the essence of the recommendation.

The Committee does not recommend a change in the principles of prioritising assessments and investigations. Nor does it recommend treating the reports from the Iranian diaspora above and before other diaspora communities. In fact, paragraph 5.54 of the report underscores the necessity for improvements across all diasporic communities.

The issue that the Committee raises in paragraphs 5.51 through 5.54 is about cases of foreign interference and harassment that are not recognised or investigated as such. For instance, some of reports sent to national security hotline related to foreign interference and harassment were referred to state police for investigation as potential state offences such as stalking, rather than being assessed by national security agencies.

Furthermore, similar misclassifications were observed during recent violent incidents in various Australian cities in the aftermath of Hamas' attacks on Israel. In some instances, acts of praise for terrorism were reported, but were mistakenly triaged on the spot as minor offences related to illegal fireworks, reckless driving and alike.

We urge the relevant agencies to revisit paragraphs 5.51 to 5.54 of the report and issue an appropriate and informed response.



## 6 Recommendation 5

Our analysis identified several issues in Government's approach.

### 6.1 Denial

The Government states:

*"We continue to support global efforts to deter the practice of arbitrary detention for diplomatic leverage [...]."*

Hostages of the Islamic Revolution are often pressured to work as IRGC informants upon release, exchanged for ransom, or swapped with convicted terrorists. To the best of our understanding, neither terrorism financing nor its advocacy can be deemed diplomatic activities, especially by Australian standards.

Furthermore, the Government seems to view this issue predominantly from a state-to-state perspective, which overlooks the broader challenge posed by global terrorists operating under the guise of state entities.

### 6.2 Projection

Using a broad-brush approach is evident in the Government's response.

In saying that the Government opposes hostage diplomacy anywhere including Iran, and in subscribing only to solutions that target no state in particular<sup>4</sup>, the Government unwisely projects an endemic problem (the IRI dwarves all other states in practice of hostage diplomacy) to everywhere and everyone.

### 6.3 Diversion

The only part of the Government response that outlines real actions (establishment of Complex Case Committee and advisory body) is not relevant to the recommendation. While facilitating the release of hostages is undoubtedly essential, it will not deter further acts of hostage diplomacy. Moreover, suggesting "voluntary" measures that a signatory state may or may not choose to enforce does not adequately address the issue, especially when considering that the IRI is not a signatory.

We appreciate the Government's response to following queries:

- a. How has the Government progressed in implementing item 4 of the Partnership Action Plan, which pertains to engagement with civil society concerning hostage diplomacy?
- b. What measures has the Government taken to execute item 5 of the Partnership Action Plan, which involves amplifying international awareness of hostage diplomacy via media and social media channels?
- c. As part of the global efforts Australian government contributes to, what is Government's stance on the release of USD \$6 Billion in ransom by the United States administration in exchange for release of five hostages?
- d. Can the Government provide an evaluation of the "broader policy response"? Specifically, which state or extremist group has been deterred by these measures, and how have the results been quantified?

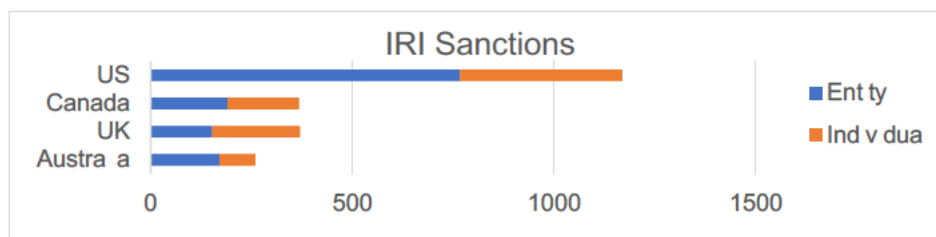
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<sup>4</sup> [Arbitrary detention in state-to-state relations - Partnership Action Plan \(international.gc.ca\)](https://international.gc.ca)

## 7 Recommendation 6

In the executive summary, the Government rejects the proposition that Australia lags link-minded nations in its response to human right violations in Iran.

The graph compares the number<sup>5</sup> of IRI-affiliated entries on the sanction lists of the United States<sup>6</sup>, Canada<sup>7</sup>, UK<sup>8</sup>, and Australia<sup>9</sup>. Canada has also declared banning over 10,000 IRGC members from entering the country<sup>10</sup>. It is clear who is behind.



A prevailing sentiment within the community suggests that the Government declares sanctions of minimal consequence without rigorous enforcement, in politically sensitive times to project an image of decisive action, whilst protecting dictatorial regimes such as the IRI from real, effective, pressure.

Examples of these include announcement of sanctions on the day of publication of the senate inquiry report (1 February 2023), and on the day of IRGC listing debate at the House of Representatives (20 March 2023).

We appreciate clarity from the Government on the following queries:

- a. Ali Khamenei is undoubtedly “the most serious perpetrator of human right abuse” and one that constantly “threatens or undermines the sovereignty of” many nations. He perfectly fits the criteria outlined by DFAT for sanctions. What rationale has convinced DFAT to focus its finite resources on sanctioning lesser-known entities instead of such a prominent figure?
- b. The Government states that  
“... changes [to the sanctions framework] will ensure that Australia is able to more quickly and effectively respond to [...] Iran’s destabilising activities abroad.”  
Khamenei, the IRGC and their puppet regime just set the Middle East ablaze. How has the enhanced framework performed in responding to these activities?
- c. The current version of DFAT’s sanctions Consolidated List appears to contain numerous inaccuracies and lacks detailed information in many of the recent additions, especially those related to the IRI and the IRGC. Is there an initiative underway to rectify these problems?

<sup>5</sup> All sanction numbers exclude duplications and name aliases.

<sup>6</sup> [Sanctions List Search \(treas.gov\)](https://www.treas.gov/sanctions)

<sup>7</sup> [Consolidated Canadian Autonomous Sanctions List \(international.gc.ca\)](https://international.gc.ca)

<sup>8</sup> [The UK Sanctions List - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>9</sup> [Consolidated List | Australian Government Department of Foreign Affairs and Trade](https://www.dfat.gov.au)

<sup>10</sup> [Canada bans more than 10K Iran Revolutionary Guard members from entering country - National | Globalnews.ca](https://www.globalnews.ca)

## 8 Recommendation 7

The Government has indicated that it employs sanctions on the IRGC when it is in our national interests, emphasising that sanctions are not the only measure available:

“The Australian Government notes that sanctions are not our only choice, and rarely the first choice. The Australian Government makes judgements as to what is the right approach at the right time, in line with our national interests. In September 2022, Australia made a joint cybersecurity advisory to highlight continued malicious cyber activity by advanced persistent threat (APT) actors that the authoring agencies assessed were affiliated with the [...] IRGC.”

We seek clarification from the Government regarding the following matters:

- a. Could the Government elucidate the national interest that preclude sanctioning the cyber-terrorists who have attacked our nation in recent past and continue to do so?
- b. Is the Government on the view that issuing a “joint cybersecurity advisory” – in other words, informing the public about eminent attacks – is an alternative to punitive actions against malicious actors?

## 9 Recommendation 8

We find it embarrassing and dangerous that more than a year into our campaign for listing the IRGC terrorists, our highest legal authority still resorts to diversion and hides behind FOI exemption clauses. The appeal to the administrative role of the Governor-General is irrelevant. Court orders are not required in listing a terrorist organization. Indicating that they are is misleading, and the AGD knows it. None of the recent listings has been based on a court order.

AGD's argument for not listing the IRGC is that as 'an organ of a nation state' the IRGC is 'not the kind of entity that is covered by the terrorist organization provisions in the Criminal Code.' However, these arguments do not hold water. The Criminal Code (Division 102) clearly states that a 'terrorist organization' is 'an organization that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act,' under 102.1(a) and 102.1(b). It does not exclude the possibility of listing 'an organ of a state' as a terrorist organization. A relevant case is of course Hamas, a de facto government and a listed organization.

Furthermore, the case of the Supreme Court of South Australia has clarified that it is possible to designate a 'governmental institution' as a 'terrorist organisation' without prejudice to the respective 'society.' Thus, the majority's interpretation of the Criminal Code's 'terrorist organization' does not rule out terrorist designation of a 'state organ' (or 'governmental institution'). If anything, it facilitates such a move if the state organ comes under the Criminal Code provision by virtue of the nature of its activities. We request the AGD to clarify its position regarding the following inquiries:

- a. Has the AGD or any other Government institution evaluated the relationship between the IRGC and any nation-state, or has the status of the IRGC simply been assumed to be a state organ? Such an assessment cannot be entirely based on classified information. We demand access to the relevant documents, including any legal advice used as 'operational information', within the scope of FOIs 23/327IR (AGD) and 23/07/00521 (Home Affairs).
- b. How does the AGD justify its view that a state entity is not considered an 'organization' in the context of the Criminal Code, given the absence of a clear legal precedent or court ruling that supports this flawed interpretation?

Apart from posing questions, we invite the Attorney-General to:

- i. Retract and correct his perilous comments made in response to petition EN4540<sup>11</sup>.
- ii. Engage respectfully with the Iranian-Australian community; and
- iii. List the IRGC a terrorist organisation today.

Since the nature of the activities of the IRGC fits the definition of a 'terrorist act' according to the relevant provision of the Criminal Code, and since there is no judicial finding that precludes the listing of a state organ as a 'terrorist organization' (quite the contrary: both the majority decision of the Supreme Court of South Australia and the ruling of the High Court of Australia facilitate such a possible listing), the onus is on AGD, DFAT and the Government to show the legal basis of their refusal to list the IRGC.

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<sup>11</sup> <https://epetitions.aph.gov.au/api/ministerialresponse/download/EN4540>

## 10 Recommendation 9

We express our gratitude towards Minister Wong for her decisive action in suspending the cooperation between the Australian universities and peak bodies, and Iranian entities. We fully acknowledge the potential negative impacts this ban may have on some of our compatriots. However, after 44 years of extensive efforts, we have reached the conclusion that the IRI is fundamentally corrupt and utilizes various means, including science, to propagate its corruption. We are of the firm belief that in the long term, this severance of ties will benefit both Australia and the people of Iran.

On the subject of embassies, the Government argues that the embassies with the IRI must mutually remain open, because it has been the case since 1968. This is a poor argument, particularly in the face of seismic geopolitical shifts in recent years, and coming from a political party that champions listening, change and progress.

The Government states:

“Embassies and diplomatic staff are essential to maintain official channels of communication between governments.”

We get it. We hope that the Government also understands our point: the IRI and its puppeteers, the “Islamic Revolution” and its guards, have a fundamentally different concept of the function of embassies. They employ embassies as conduits for terrorism, money laundering, and worldwide dissemination of radical ideology, all enacting the doctrine of “expanding the Islamic Revolution.”

The Iranian diaspora does not marvel in the idea of living without an embassy that links them to their homeland. While the absence of such a diplomatic entity will undoubtedly pose challenges, we deem it a necessary sacrifice to safeguard Australia and underscore the illegitimacy of the current regime.

We appreciate the Government’s response to the following questions:

- a. What is the national interest in offering a safe space with diplomatic immunities to globally recognised terrorists?
- b. What have the diplomatic messaging and direct interactions with global terrorists achieved, that could not be achieved with indirect messaging or alternative channels of representations?

## 11 Recommendation 10

In November 2022, our ambassador to Iran attended a meeting<sup>12</sup> with Deputy Foreign Minister of the regime. She sat through a speech that began with praise for a designated global terrorist, Soleimani. She sat there wrapped in hijab, whilst Iranian women and girls were being beaten, tortured, and raped for protesting the very same dress code —without the benefit of diplomatic privileges to protect them. We called the embassy in Tehran, and DFAT to ask questions about this meeting, only to be blocked. Our emails received half-cooked answers a month later. We only know the content of the speech she heard, because the embassy of the IRI published it in a submission to the senate inquiry.

Similarly, in February 2023, our ambassador to Iraq met<sup>13</sup> with Qais al-Khazali, an IRI-backed “US-specially designated global terrorist”<sup>14</sup> to discuss expansion of cooperations between Australia and al-Khazali's party. We only know it thanks to al-Khazali's Telegram channel for publishing some triumphant and vibrant photos with a summary of talks. Once again, our attempts to obtain information from the embassy in Baghdad and the DFAT on the day of the meeting were futile, as our calls went unanswered, and the embassy's website remained silent on the matter.

These incidents highlight a lack of transparency on the part of the Government, which cannot credibly claim to be transparent when it only publishes information that it deems non-humiliating.

Furthermore, the Attorney General's department position that the IRGC is an organ of a foreign state is perplexing. In response to calls for listing the IRGC as terrorist, the Attorney-General has said countless times that “the Criminal Code is not a tool of foreign policy”. Yet, when asked to clarify how it identifies organs of foreign states, the department conveniently invokes FOI exemptions that protect exactly that: foreign policy!

None of these speak of transparency.

In light of these concerns, we respectfully request an answer to the following questions:

- a. What is the status of expansion of cooperations between Australia and Qais al-Khazali's designated terrorist party?
- b. On what basis has the Government established that the IRGC is an organ of a nation state? We demand access to the relevant parts of documents produced prior to 31 Jan 2023, as it is unacceptable for such crucial information to remain shrouded in secrecy.

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<sup>12</sup> وزارت امور خارجه جمهوری اسلامی ایران- متن کامل سخنرانی دکتر باقری معاون سیاسی وزارت امور خارجه در نشست (mfa.gov.ir) توجیهی سفرای پیرامون حمله تروریستی شیراز

<sup>13</sup> [Australian ambassador in Iraq's meeting with US-designated global terrorist defended by Foreign Affairs Department - ABC News](#)

<sup>14</sup> [Treasury Sanctions Iran-Backed Militia Leaders Who Killed Innocent Demonstrators in Iraq | U.S. Department of the Treasury](#)

## 12 Recommendation 11

Foreign interference, including intimidation, threats, and surveillance of Australians by agents of foreign powers is a criminal offense. The Committee has recommended that the IRI diplomatic staff who are known to have undertaken this offence are expelled.

In its response, the Government explains some of existing counter foreign interference processes. It then describes the importance of diplomatic relations. It misses to address the main point of the recommendation: that criminal activity by diplomats should not be tolerated.

The Government appears to insist that diplomacy with the IRI must involve the diplomats who are willing and proven to personally commit crimes of foreign interference.

We seek the Government's response to the following question:

- a. What is the inherent value in diplomatic interactions with individuals who are either criminals or suspects of purporting intimidation, threats, and surveillance of Australians? And why this value cannot materialise with ordinary diplomats?

## 13 Recommendation 12

We appreciate the Government's commitment to upholding its international obligations and providing support to those in need. However, we believe that more clarity and detail are needed to fully understand the extent of the measures in place and how they will be effectively implemented to address the specific needs and challenges faced by Iranian women, girls, and persecuted minorities seeking refuge in Australia.

We kindly request the Government to provide more comprehensive answers to the following questions:

- a. Given the unique challenges faced by Iranian women, minority groups, and members of the LGBTQ community, has the Government identified shortcomings in the current support systems or resettlement programs that need to be addressed?