

Submission:

Senate Foreign Affairs, Defence and Trade References Committee

Human rights implications of recent violence in Iran

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Executive Summary

- Australia must make robust use of its Magnitsky sanctions regime to target Iranian officials directly involved in human rights abuses.
- 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.
- Australia should list the Islamic Revolutionary Guards Corps as a terror organisation.
- Australia should take steps to stem Iranian infiltration within our borders.
- Australia must act to remove Iran from the UN Commission on the Status of Women.

The Iranian regime's brutal crackdown on peaceful protest, including indiscriminate killings of women and children and the mass-arrest of thousands of demonstrators and dissidents, has been well-documented. Rather than presenting evidence of the regime's many human rights abuses, this submission will explore ways in which Australia can take meaningful action to curb and punish the Iranian regime for its horrendous behaviour. I would like to put forward the following five suggestions as to practical steps Australia can take to demonstrate that we are serious about safeguarding the human rights of the Iranian people.

1. Making use of Australia's Autonomous Sanctions regime (Magnitsky sanctions)

Despite the fanfare surrounding the passage of Australia's own Magnitsky sanctions regime in December 2021, Australia's record on actually *using* these sanctions, applied to cases of human rights abuses and gross corruption, has been woeful. So far we have only sanctioned a handful of Russian individuals involved in the killing of Sergei Magnitsky and Russia's war in Ukraine.

Many of our international allies, including the US, Canada, the UK, Germany and the EU, have taken swift action to sanction Iranian officials, including ministers, IRGC commanders and members of the 'morality police,' over their involvement in the brutal crackdown on protests. Australia has not sanctioned a single Iranian under our Magnitsky legislation, *ever*. Moreover, we have not targeted any Iranian entity or organisation with additional non-Magnitsky financial sanctions following the outbreak of protests.

In this sense, Australia is an outlier among the Western democracies in taking no firm action on Iran whatsoever. This is both inexplicable and embarrassing to Australia's stature on the world stage as a country which professes to care about human rights, as well as to our Iranian-Australian community, which looks to the government to provide leadership and demonstrate in more than words that it cares about the fate of the Iranian people.

2. Targeting Iran's hostage taking of Australian citizens

What is the reason for Australia's present inaction on human rights in Iran? Perhaps we are concerned that taking a stronger position will damage diplomatic relations. However, close allies such as Germany and the EU, both of which have historically enjoyed comparable relations with Iran to that of Australia, have taken a much more strident approach without breaking off diplomatic ties to Tehran.

I strongly suspect that one reason for Australia's reluctance to apply sanctions, including targeted Magnitsky sanctions, is due to what is effectively *diplomatic blackmail*. Iran is known to be currently holding innocent Australian citizens hostage in its prisons, although this fact has not been published in the media. I suspect that the Department of Foreign Affairs and Trade opposes applying sanctions on Iran due to the risk that these sanctions may anger Tehran and complicate efforts to free these innocent Australian citizens. Whilst the motive here is perhaps noble, the outcome is not.

A similar argument can be made in the case of Myanmar. Australia has not applied any sanctions on Myanmar institutions or individuals whatsoever since the military coup of 2021, which has seen thousands of innocent citizens killed or arrested and reports of mass atrocities and gross human rights violations. The reason for this is understood to be Myanmar's detention of the Australian Sean Turnell, who received a 3 year prison sentence.

Australia should never allow authoritarian regimes to dictate our foreign and human rights policies, particularly whilst they are violating the human rights of Australian citizens. In not imposing sanctions on Myanmar and Iran due to their arrest of our citizens, we are sending a perverse message that authoritarian regimes can simply take Australians hostage if they want to see off any potential sanctions. This acts as an incentive for these regimes both to hold onto their current hostages longer, and to take new hostages in the future.

We simply cannot allow the consular cases of a handful of wrongfully detained Australians to dictate Australia's response to Iran's violations of human rights on a mass scale. The only way to disincentivise state hostage taking is to take action to demonstrate that there will be negative consequences for regimes like that of Iran which undertake this practice. Sanctioning Iranian officials involved in hostage taking, and adopting a tough line on Iran's human rights abuses more broadly, would signal that Australia stands by its values, and cannot be blackmailed.

3. Listing the Islamic Revolutionary Guards Corps as a terror organisation

One of the primary instigators of violence against the peaceful protesters in Iran is the IRGC, a hard-line Islamist group tasked with protecting not the Iranian people, but Iran's Islamic Revolution. 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, volunteer forces which are also responsible for much of the current bloodshed on Iran's streets.

Many of the IRGC's terrorist proxies have been recognised as such, as have certain units within the IRGC such as the Qods Force by some of our allies. However, curiously Australia has not sought to list the IRGC itself as a terror organisation. This is despite the IRGC's hand in terror atrocities both within and outside its borders, including the illegal seizure of shipping vessels in international waters, extensive cyber crime operations, the assassination or kidnapping of dissidents from abroad and attacks on international targets with bombs and other devices. For instance, the three IRGC members who were released in exchange for myself in a prisoner swap deal in November 2020 were convicted of terrorism in Thailand over a plot to blow up the Israeli ambassador's motorcade.

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.

International allies such as Canada and the United States have recognised the IRGC as a terror organisation. It is time that Australia did the same.

4. Cracking down on Iranian influence in Australia

The Iranian regime is well-known to operate intelligence-gathering and influence networks within Australia. Iranian-Australians attending protests here on Australian soil have reported that their families have been threatened back in Iran due to their political activities. In addition, a number of children of high-ranking Iranian regime officials are known to have lived and studied in Australia, and are suspected of holding residency or citizenship. It is likely that some of these individuals have laundered corrupt funds from Iran to Australia to purchase property and other assets.

The Australian intelligence agencies must take the threat of Iranian regime infiltration more seriously, particularly with respect to the issuing of student visas. More needs to be done to crack down on Iranian regime operatives filming and monitoring protests and other forms of legitimate political activity undertaken by the Iranian-Australian community, whose members have a right to feel safe and protected within Australia's borders.

5. Removing IR Iran from the UN Commission on the Status of Women

Australia currently sits on the UN Commission on the Status of Women. It is an indictment of this important UN body, which claims to be "dedicated to the promotion of gender equality and the empowerment of women," that the Islamic Republic of Iran is among its current membership. A country like Iran which has demonstrated a complete lack of respect for gender equality and women's rights has no place on such a body, and Australia should work with likeminded states on the Commission to have Iran removed.

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