



8 November 2022

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**TO: SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**

**Re Submission for Human rights implications of recent violence in Iran**

**BACKGROUND TO KURDISH LOBBY AUSTRALIA**

Kurdish Lobby Australia (KLA) was established in 2015 as a non-partisan organisation to advocate for the people of the Kurdistan regions, for transparent democratic governance, impartial justice, peace, and prosperity for these regions, and by implication, for the people of Iraq, Iran, Syria, and Turkey. Our advocacy entails writing reports and statements, making presentations and meeting with Australian Parliamentarians, often in collaboration with other associations. For instance, KLA was involved in making submissions to the Australia-Iran Human Rights Dialogue, DFAT in 2017 and 2018. We also raise funds for humanitarian assistance in the Kurdistan regions.

**RESPONSES TO THE INQUIRY'S TERMS OF REFERENCE**

KLA's responses to the inquiry into the human rights implications of recent violence in Iran will now be outlined. But firstly, KLA wishes to emphasise that the recent protests across Iran and violence being used against the protesters, particularly in the Kurdistan and Baluch/Baloch regions, with a shocking number of teenagers having been murdered, have significant political as well as human rights implications. It is critical to acknowledge the political implications when deciding on appropriate responses.

**a) The recent violence against protesters, including women and girls, by Iranian authorities**

The on-going protests are inspired by a 22-year-old Kurdish woman named Jina 'Mahsa' Amini, who died whilst in the custody of the morality police on September 16, 2022. Many subsequent protests have been led by women, students, and youths. Gradually all strata of society - all ethnic, professional, age and religious groups - joined the protests, closed businesses or refused to work. Around the world, massive gatherings of protesters chant, 'Jin. Jiyan. Azadi,' Kurdish for 'Women. Life. Freedom', in support of the Iranian people and their aspirations. While protests were initially about the Islamic Republic's discriminations against women, within a week their aims had transformed. Past protests called for reforms. In 2022, most Iranian people have lost all hope that the self-serving clerics and Islamic Revolutionary Guard Corps (IRGC) will introduce any significant, permanent reforms. Hence, Iranian people across 31 provinces, 133 cities and towns, and 129 universities, are calling for the overthrow of the Islamic Republic.

IRGC, Basij, and Iranian police, sometimes supported by Lebanese Hezbollah and Hashd al-Shaabi from Iraq have responded to protests in an indiscriminate, extremely harsh manner. Between mid-September and November 4, there have been an estimated 300 unarmed



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protesters murdered by security forces, and more than 14,000 protesters arrested. There are many cases of alleged torture and death of protesters whilst in custody. Some protesters are facing charges that incur a death sentence, including the 27-year-old Kurdish singer, Saman Yasin.

Other horrific 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 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.

This brutality is not only directed at girls and women. On October 31, Komar Daroftadeh, a 16-year-old Kurdish boy was killed by Iranian troops in Kurdistan. After his father gave a fiery speech at his graveside, he was arrested by intelligence forces. On October 30, Reza Shahparnia, a Kurdish boy from Kermanshah was killed by security forces. A few days earlier, 20-year-old Mehrshad Shahidi from Arak (in central Iran) was killed by the IRGC. In fact, among the 300 dead at least 46 are minors. Iranian authorities are killing children. Surely this is a grotesque crime by any international standard?

In the heavily militarised Kurdish and Baluch (Baloch) regions, security forces have been particularly harsh. The Washington Kurdish Institute reported that in one week at the end of October- beginning of November, Iranian security forces killed at least thirteen Kurds, including Sheikh Saqa, Zaynar Bakri, Shaho Kherzy, and Freishta Ahmadi in Mahabad. Freishta Ahmadi was shot dead when watching a protest from the rooftop of her family home. Security forces killed five protestors in Sanandaj, including a 16-year-old girl, two protesters in Baneh, and one in Qasr-e Shirin. (See Appendix for a list of 54 murders in the Kurdistan Region of Iran) Iranian authorities kidnapped 16 activists in Bokan, 14 in Qasr-e Shirin, and Shilan Koistani in Sanandaj, and Nashid Jali in Kermanshah. The regime arrested 57 more people and deployed thousands of troops, setting up additional checkpoints in multiple cities in the Kurdistan region to prevent further protests. Writers, musicians, rappers, lawyers, doctors, and teachers are being arrested. A dozen heavily armed members of a security force might raid one home. Even in the middle class suburb of Ectaban in Tehran, riot police and Basij forces fired bullets, tear gas and stun grenades into homes to stop people protesting from their windows.

Naturally the ruling clerics and IRGC commanders blame the CIA, Mossad and Kurdish opposition groups for inciting the protests. No wonder protesters are calling for the overthrow of clerical and IRGC rule.



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

KLA suggests that the Australian Government consider the following options:

1. Strongly speak out against Iran's policies that led to these protests and the treatment of protesters in the Australian Parliament, when speaking to the Iranian ambassador and other Iranian officials and at international forums, backing up what is said with video evidence, first hand accounts, and details of victims' names, ages, locations, 'crimes', deaths (in the street or in custody), charges and prison sentences. When speaking you could highlight the discrepancies between the Islamic Republic's actions and the fundamental principles of Islam. For instance, it is abhorrent in Islam for men to grab, drag, molest, and kill women.
2. Fairly represent the Iranian protesters' aspiration: that Iranians want to replace the Islamic Republic. This is important. The protests are not just about women's rights because any liberalisation is reversible. For example, under President Raisi, the morality police have escalated and expanded their activities and abuses against women.
3. Suggest if Iran does not identify and punish those listed in points 5 and 6, then an international mechanism must hold the Islamic Republic and its institutions to account.
4. Proscribe the IRGC and any other responsible institution in Iran as a terrorist organisation.
5. Investigate the Iranian embassy in Canberra as a centre of spying and other illegal activities;
6. Refuse to grant Australian visas to Iranian political and military officials overseeing the policies and actions associated with human rights abuses of the protesters in their homes, on the street, and in prisons, as well as judges and prosecutors sentencing protesters to death or long prison sentences, and the authorities who cover up how protesters are dying.
7. If Iran takes no action against those responsible for its violence, facilitate a process of justice to bring the Iranian authorities and perpetrators before the appropriate international court, tribunal, or commission. To begin this process Australia could sponsor or co-sponsor and /or support resolutions in the UN General Assembly against the criminal actions of the Islamic Republic and encourage allied countries to do likewise. Resolution/s could demand:
  - a. The release of all non-violent protesters from prison.
  - b. The Islamic Republic compensating families of those who have died.
  - c. The expulsion of Iran from the UN Committee on the Status of Women, and other UN committees related to human rights.
  - d. Iranian policy makers and those implementing their abusive policies be silenced at international forums;
  - e. If Iran fails to act against those responsible for violence against unarmed civilians, then these individuals and their institutions will be brought to justice before an international tribunal, court, or commission. We emphasise, those responsible include those who:
    - \* Make the laws, policies or rulings that lead to protests & violence against protesters;
    - \* Commanders who order their security forces to act with violence against unarmed civilians, including teenagers, and allow this violence to continue;



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- \* Security forces who mistreat and kill civilians with beatings or by using tear gas, stun grenades and live bullets, on the street, inside homes and in prison;
  - \* Is dishonest about the cause of death of a protester in the street or in prison, when there is evidence to suggest otherwise;
  - \* Order imprisonment or execution of a non-violent, unarmed protester.
8. Investigate all investments in Australia made by Iranian officials and security forces, their relatives, and companies. Often funding for these investments is gained through corruption.
  9. Block access to the overseas assets of these individuals, their relatives or corporation.
  10. Offer humanitarian visas and refugee places to individuals and families from Iran whose lives were or are threatened by the Iranian authorities. This is urgent given that the Islamic Republic will take its revenge on those who are seen as a threat, particularly Kurds, Baluch and other minorities, as well as activists, journalists and artists, long after the protests die down and media loses interest. This request includes giving permanent residency to Iranian asylum seekers who have been held for many years in Australian detention facilities.
  11. Offer Iranian refugees with suitable qualifications scholarships to attend Australian Universities or TAFE courses.
  12. Provide all necessary resources for Iranians in Australia from different ethnic, religious, professional, and political persuasions to come together, and encourage other countries that have Iranian diasporas to do likewise, with the goal of forming an international network. This network would have multiple purposes.
    - a. It would allow Iranians to discuss ways forward to affect change in Iran, and what form these changes should take.
    - b. It could establish direct dialogue with individuals and NGOs inside Iran from different ethnic, religious, professional, and political groups, to facilitate communications.
    - c. It could help gather evidence of ongoing abuses in Iran.
    - d. It could identify security force personnel who do not agree with the harsh policies of the Islamic Republic, and who are uncomfortable with the actions required of them.
    - e. It could identify leaders from different sectors of Iranian society in and outside Iran; and
    - f. It could organise a political opposition to clerical and IRGC rule.
- c) The potential application of sanctions on those responsible for the widespread violence and killing of women, girls and protesters in Iran;**

KLA has long advocated for the use of incentives and disincentives, including rulings by regional and international adjudication bodies to give authority to local advocacy groups in countries with oppressive governments. Some of the above options reflect this. The problem is, the Islamic Republic of Iran has become resilient to decades of sanctions. Limiting travel and freezing overseas assets of Iranian individuals and corporations, excluding Iran from membership on UN committees, and limiting Iranian authorities the right to speak freely at UN functions, have already been suggested.



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**d) The appropriateness of Iran's ongoing status on the UN Commission on the Status of Women;**

The only reason why Iran should not be exiled from the UN Commission on the Status of Women is if their ongoing membership serves a constructive purpose, such as being conditional on Iran overhauling and improving its policies and treatment of women. Conditional membership could also apply to other members and all UN Commissions.

**e) Other actions available to the Australian Government and other like-minded nations to respond to human rights abuses in Iran;**

Australia could restart the DFAT organised Australia-Iran Human Rights Dialogue.

Wherever possible, Australia could provide in-country training courses and co-investment with local NGOs in the fields of water, land and biodiversity conservation, drought mitigation, animal and plant breeding for increased productivity in a water scarce environment, and the establishment of international standards, for instance, in air and water pollution, and agricultural chemicals. The more contact and consultation, the more potential for an exchange of ideas.

Australian trade and investment could be conditional on Iran complying with internationally accepted human and environmental standards.

**f) Any other related matters.**

Surviving the 21<sup>st</sup> century requires facing major challenges that the current 'global order' finds difficult to resolve. Relevant to this submission are the following:

1. The challenge of developing legal means for non-nation state actors to hold a nation-state to account.
2. The challenge of giving a voice and some form of autonomy to first nations people who have become minorities in their homeland.
3. The challenge of overcoming a lack of legal means to change a government in so many countries. This is the case for Iran. An unelected Guardian Council vets all candidates seeking to run in municipal, parliament and presidential elections and for the Assembly of Experts. The presidential administration appoints all provincial governors. Under the recently elected president, the ultraconservative cleric Ebrahim Raisi, responsible for the deaths and forced disappearances of thousands of political prisoners in 1988, several IRGC commanders have been appointed as provincial governors. Incremental liberalisations that occurred under previous presidents have been reversed.

Hence, International mechanisms are needed for the Iranian people to affect a well-considered change in and of government, with no one group hijacking the changes. This submission outlines some of the possible mechanisms.