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5 December 2022

Foreign Affairs, Defence and Trade Committee  
Department of the Senate  
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Dear Committee Secretary

**Re: Inquiry into Human rights implications of recent violence in Iran**

The Executive Council of Australian Jewry (ECAJ) is shocked and saddened by the recent government repression in Iran and the ensuing loss of life and mass arrests which have given rise to the current Inquiry. This submission is a tribute to the bravery of Iranians, especially women, who are struggling for freedom and justice in their own country in the face of a brutal theocratic dictatorship. We consent to this submission being made public.

The ECAJ is the peak, elected, representative body of the Australian Jewish community, with some 200 major Jewish organisations across Australia coming under its umbrella. This Submission is also made on behalf of the ECAJ's Constituent and Affiliate organisations throughout Australia.

The submission is divided into sections corresponding to each of the Inquiry's Terms of Reference. A List of Recommendations appears in the Appendix at the end of this submission.

**1. The recent violence against women and girls by Iranian authorities**

On 16 September 2022, a 22-year-old Iranian woman of Kurdish background, Mahsa Amini (also known as Jina Amini), died in a hospital in Tehran, Iran, having been arrested three days earlier by the Guidance Patrol, the religious morality police of Iran's government, for not wearing the hijab in accordance with government standards. Women who were detained with Amini, reportedly said she was severely beaten by the police, and that she died as a result of her brutal treatment. The Law Enforcement Command of Islamic Republic of Iran denied this, and claimed that before transferring her to the hospital, she had a heart attack at a police station, collapsed, and fell into a coma.

However, published hospital pictures showed Mahsa Amini bleeding from the ear and marked by bruises under her eyes. In an 18 September letter, Doctor Hossein Karampour (the top medical official in Iran's Hormozgan province), pointed out

that such symptoms "do not match the reasons given by some authorities who declared the cause to be a heart attack... (they are instead consistent with) a head injury and the resulting bleeding."<sup>1</sup> This was also confirmed by alleged medical scans of her skull, leaked by hacktivists, showing bone fracture, hemorrhage, and brain edema.<sup>2</sup>

The appalling circumstances of Ms Amini's death, and the Iranian regime's attempts to cover up its responsibility for killing her, set off a wave of street demonstrations, strike actions, public defiance of the hijab laws and social media protests against the regime, beginning in cities in her home province of Kurdistan in Iran and then spreading throughout the country,<sup>3</sup> across social classes, and in universities and schools.

In response to these demonstrations, beginning on 19 September the Iranian government shut down internet and mobile phone access, initially in the regions where the protests had first erupted, and then, as the protests grew, across the country, and introduced nationwide restrictions on social media.<sup>4</sup>

Supreme Leader Ayatollah Ali Khamenei blamed the US and Israel and dissidents abroad for the widespread unrest.<sup>5</sup>

The protests, initially led by women and school-girls demanding an end to the mandatory hijab and accountability for Amini's death, continued to grow. Under the slogan "Woman! Life! Freedom!", Iranians began demanding wider freedoms and women's rights,<sup>6</sup> and protested against the morality police, the Ayatollah, and the entire theocratic regime.<sup>7</sup>

The Iranian regime responded by deploying its security apparatus to try to quash the protests and civil unrest. Uniformed police (the FARAJA), plain-clothes police, police special units (NAJA), riot police, the Morality Police, the Islamic Revolutionary Guard Corps (IRGC, a branch of Iran's armed forces) and the Basij militia (which is operated by the IRGC) have all been involved in government measures to put down the protests. The tactics they have used against protesters have included the use of tear gas and lethal force,<sup>8</sup> mass arrests and disappearances, forced confessions,

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**Note: All online links are as accessed on 5 December 2022**

<sup>1</sup> 'Iranian Medical Official Says Amini's Death Caused By Head Injury, Rejects Official Version', *Radio Free Europe*, 20 September 2022: <https://www.rferl.org/a/iran-amini-death-head-injury-doctor/32042587.html>

<sup>2</sup> Mahsa Amini's CT Scan Shows Skull Fractures Caused By Severe Blows, *Iran International*, 19 September 2022 <https://www.iranintl.com/en/202209195410>

<sup>3</sup> 'Protests flare across Iran in violent unrest over woman's death', *Reuters*, 20 September 2022: <https://www.reuters.com/world/middle-east/tehran-governor-accuses-protesters-attacks-least-22-arrested-2022-09-20/>

<sup>4</sup> Igor Bonifacic, 'Iran restricts access to WhatsApp and Instagram in response to Mahsa Amini protests', *Engadget*, 21 September 2022: <https://www.engadget.com/iran-restricts-internet-access-mahsa-amini-protests-194512075.html>

<sup>5</sup> Barak Ravid, 'Breaking silence, Iran's Khamenei blames Israel and U.S. for protests', *Axios*, 3 October 2022: <https://www.axios.com/2022/10/03/iran-protests-khamenei-blames-israel-us>

<sup>6</sup> 'Iran warns the West over protests as international backlash grows', *NBC*, 27 September 2022: <https://www.nbcnews.com/news/world/iran-mahsa-amini-west-death-protests-backlash-grows-rcna49363>

<sup>7</sup> Vivian Yee and Farnaz Fassihi, "'They Have Nothing to Lose': Why Young Iranians Are Rising Up Once Again", *New York Times*, 24 September 2022: <https://www.nytimes.com/2022/09/24/world/middleeast/iran-protests-raisi-khamenei-hijab.html>

<sup>8</sup> "Concern mounts at 'lethal' Iran crackdown on protests", *France 24*, 20 September 2022: <https://www.france24.com/en/live-news/20220920-concern-mounts-at-lethal-iran-crackdown-on-protests>

threats to uninvolved family members, and torture, including electric shocks, controlled drowning, and mock execution.<sup>9</sup> There have been several corroborated accounts of the Iranian authorities engaging in sexual violence against protesters, including the case of a political dissident being brutally raped in custody.<sup>10</sup> The first reported death sentence against a protester was issued in November.<sup>11</sup> Three protesters who are minors have since been charged with committing offences that carry the death penalty.<sup>12</sup>

According to UN High Commissioner for Human Rights, Volker Turk, a conservative estimate of the death toll from these measures so far stands at over 300, including at least 40 children, which Turk described as “unacceptable”. He also estimated that around 14,000 people, including children, have so far been arrested in the context of the protests.<sup>13</sup> The press association, Human Rights Activists News Agency, has reported a much higher death toll. It has stated that as at 25 November 2022 448 protesters had been killed, including 63 children. In addition 57 members of the security forces had been killed, and an estimated 18,170 people arrested.<sup>14</sup>

These events follow a long-standing pattern of human rights violations by the Iranian regime since the establishment of the Islamic Republic in 1979. They are a product of the totalitarian, theocratic nature of the Islamic republic itself. Political leaders vetted by the clergy dominate Iran’s key power structures. Iran is widely regarded as the world’s foremost state sponsor of terrorism, through its proxy, Hizballah,<sup>15</sup> and its open support for Hamas.<sup>16</sup> Both Hizballah and Hamas in their entirety are listed as terrorist organisations by Australia.<sup>17</sup>

Iran has long been one of the world’s leading executioners, including of minors, with 299 documented public executions in 2021.<sup>18</sup> Iran promotes Holocaust denial, an especially pernicious form of antisemitism, through its sponsorship of the International Holocaust Cartoon Competition.<sup>19</sup> Iran

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<sup>9</sup> ‘Stalked, tortured, disappeared: Iranian authorities have a playbook for silencing dissent, and they’re using it again’, *CNN*, 20 October 2022: <https://edition.cnn.com/2022/10/19/middleeast/iran-protesters-repression-investigation-intl-cmd>

<sup>10</sup> ‘CNN investigates female and male protesters’ accounts of sexual assault in Iranian detention centers’, *CNN*, 21 November 2022: <https://edition.cnn.com/interactive/2022/11/middleeast/iran-protests-sexual-assault/index.html>

<sup>11</sup> Lee Ying Shan, ‘Iran issues first known death sentence linked to recent protests’, *CNBC*, 14 November 2022: <https://www.cnbc.com/2022/11/14/iran-issues-first-known-death-sentence-linked-to-recent-protests.html>

<sup>12</sup> Miriam Berger, ‘Minors in Iran could face death penalty on protest-related charges’, *Washington Post*, 1 December 2022: <https://www.washingtonpost.com/world/2022/12/01/iran-minors-death-penalty-protests/>

<sup>13</sup> ‘The deteriorating human rights situation in the Islamic Republic of Iran’, *UN Office of the High Commissioner for Human Rights*, 24 November 2022: <https://www.ohchr.org/en/statements-and-speeches/2022/11/deteriorating-human-rights-situation-islamic-republic-iran>

<sup>14</sup> ‘Iran’s Khamenei praises Basij forces for confronting ‘rioters’’, *Reuters*, 27 November 2022: <https://www.reuters.com/world/middle-east/irans-khamenei-praises-basij-forces-confronting-riots-tv-2022-11-26/>

<sup>15</sup> Ashley Lane, ‘Iran’s Islamist Proxies in the Middle East’, *Wilson Centre*, 20 May 2021: <https://www.wilsoncenter.org/article/irans-islamist-proxies>

<sup>16</sup> ‘Iran Funded Hamas Missiles With \$70 Million, Haniyeh Says’, *Iran International*, 3 January 2022: <https://www.iranintl.com/en/202201038619>

<sup>17</sup> Australian National Security, ‘Listed terrorist organisations’, <https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations>

<sup>18</sup> Skylar Thompson, ‘Iran’s troubling execution rates show no sign of slowing down in 2022’, *Atlantic Council*, 15 February 2022: <https://www.atlanticcouncil.org/blogs/iransource/irans-troubling-execution-rates-show-no-sign-of-slowing-down-in-2022/>

<sup>19</sup> ‘Holocaust Denial: Iran Holocaust Cartoon Exhibition’, *US Holocaust Memorial Museum*: <https://www.ushmm.org/antisemitism/holocaust-denial-and-distortion/holocaust-denial-antisemitism-iran/2016-holocaust-cartoon-contests-in-iran>

continues to arbitrarily arrest and imprison (often for sentences of indeterminate length) political activists, journalists, women's rights activists, members of ethnic and religious minorities, most especially the Baha'i community, trade unionists, gays and artists.<sup>20</sup> While insisting that its nuclear program is purely for peaceful purposes, Iran's stock of uranium enriched to 60% purity — a degree of enrichment that is necessary for no purpose other than as a threshold towards achieving the 90% purity required for a weapon — is now at 62.3 kg, up from 55.6 kg, according to the International Atomic Energy Commission, well in excess of the 50 kg needed to make a nuclear bomb.<sup>21</sup>

The death in custody of Mahsa Amini and the resulting upheavals and repression in Iran have focused international attention specifically on the mistreatment of women by the Iranian regime, of which there has been a long history. The Summary of Stakeholders' submissions on the Islamic Republic of Iran which was presented to the UN Human Rights Council's Working Group on the Universal Periodic Review of human rights in Iran (Thirty-fourth session, 4–15 November 2019), compiled reports from 83 civil society and community organisations.<sup>22</sup> The Summary noted, at paragraphs 49 to 53, that:

- Under Iran's Penal Code, the testimony of a woman is accorded half the value of that of a man;
- The age of criminal responsibility is set at nine lunar years (eight years and eight months) for girls but at 15 lunar years (14 years and six months) for boys;
- Women are also discriminated against under the Civil Code, notably in matters relating to marriage, divorce, child custody and inheritance;
- Iran has failed to criminalize gender-based violence, including domestic violence and marital rape;
- Under Iranian law, women and girls as young as nine years old who are seen in public without a headscarf can be sentenced to prison, flogging or a cash fine. Millions of women and girls face daily harassment and abuse at the hands of state agents enforcing Iran's strict Islamic dress code for women and girls.

In a rare concession, Iran's Public Prosecutor, Mohammad Jafar Montazeri, announced on December 4 that the Morality Police have been abolished, but there has been no official confirmation from the Interior Ministry, and protesters have dismissed the move as a ploy by the authorities to divert attention away from the full range of the protesters' demands, including the demand for regime change. They have called for a three day strike throughout Iran.<sup>23</sup>

Overall, Iran's policies and practices, foreign and domestic, are diametrically opposed to the values of democracy, human rights and the rule of law, which Australia as a nation subscribes to and seeks to promote both domestically and internationally.

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<sup>20</sup> US State Department, 'Iran 2021 Human Rights Report': [https://www.state.gov/wp-content/uploads/2022/03/313615\\_IRAN-2021-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2022/03/313615_IRAN-2021-HUMAN-RIGHTS-REPORT.pdf)

<sup>21</sup> 'Iran nuclear program 'uncertainty' sparks concern at IAEA', *Deutsche Welle*, 10 November 2022: <https://www.dw.com/en/iaea-voices-concern-over-uncertainty-in-irans-nuclear-program/a-63717684>

<sup>22</sup> A/HRC/WG.6/34/IRN/3: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FWG.6%2F34%2FIRN%2F3&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>23</sup> 'Iran protesters call for strike, prosecutor says morality police shut down', *Reuters*, 4 December 2022: <https://www.reuters.com/world/middle-east/iran-executes-four-individuals-convicted-cooperating-with-israel-fars-2022-12-04/>

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

Through the UN Working Group on the Universal Periodic Review of human rights in Iran, Australia has previously recommended<sup>24</sup> that Iran:

- Guarantee the rights to freedom of expression, association and assembly, and release political prisoners, including women's rights activists, labour rights activists, environmentalists, scholars, lawyers and journalists, detained for exercising these rights - para. 26.157;
- Immediately investigate all allegations involving the torture and other ill-treatment of those arrested or detained during the demonstrations in December 2017, and hold those responsible to account - para. 26.140;
- Cooperate fully with the United Nations human rights mechanisms, including by inviting the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to visit the country – para. 26.35; and
- Establish a formal moratorium on the death penalty, as a step towards its complete abolition, and, as an immediate step, prohibit the application of the death penalty for offences committed by minors – para. 26.108.

Other nations have made similar recommendations.<sup>25</sup>

Australia's Minister for Foreign Affairs, Senator the Hon Penny Wong, has publicly condemned the Iranian regime's recent repression of protesters,<sup>26</sup> and reportedly summoned Iranian representatives in Canberra on four occasions to condemn the regime's behavior. This includes calling in Iran's deputy ambassador to Australia to reprimand the regime for its brutal crackdown against anti-government protesters and warn it against undermining freedom of expression in Australia, following reports that Australian citizens, and their relatives in Iran, were being harassed after participating in protests against the regime in Australian cities.<sup>27</sup> According to the Foreign Minister, these messages have also been conveyed to the regime by Australia's Ambassador to Iran.

Although Australia is not presently a member of the UN Human Rights Council, it has joined other countries in supporting calls led by the Acting UN High Commissioner for Human Rights leading to the Council's decision on 24 November 2022 to establish a fact-finding mission to investigate the

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<sup>24</sup> Report dated 27 December 2019 of the UN's Working Group on the Universal Periodic Review of human rights in Iran (Thirty-fourth session), A/HRC/43/12: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/43/12&Lang=E>

<sup>25</sup> *Ibid.*

<sup>26</sup> 'Australia condemns violent crackdown in Iran', *Media Release*, 27 September 2022: <https://www.foreignminister.gov.au/minister/penny-wong/media-release/australia-condemns-violent-crackdown-iran>; 'Statement to Iran Protest, Parliament House, Canberra, 10 November 2022, reproduced by Iran International: <https://www.iranintl.com/en/202211102076>

<sup>27</sup> Matthew Knott, "'We will defend our democracy': Penny Wong warns Iran on foreign interference", *Sydney Morning Herald*, 22 November 2022: <https://www.smh.com.au/politics/federal/we-will-defend-our-democracy-penny-wong-warns-iran-on-foreign-interference-20221122-p5c0fc.html>.

recent reports of human rights violations in Iran.<sup>28</sup> Australia's support for this process should not merely be rhetorical. Practical support in the form of law-enforcement and intelligence resources for collecting and sharing evidence should also be offered.

Yet it has to be acknowledged that to date, these responses, and calls on the Iranian regime to exercise restraint in response to the ongoing demonstrations, have failed to bring about any change in the behavior, or even the rhetoric, of the Iranian regime. In a televised address on 26 November 2022, Supreme Leader Ayatollah Ali Khamenei praised the Basij militia forces for their "sacrifice" of their lives in quelling what he called "riots", and blamed the country's foreign enemies, particularly the United States, and their agents for the unrest.<sup>29</sup>

The Iranian regime remains implacably committed to the propagation around the world of its theocratic, totalitarian ideology and form of government, and remains equally implacably opposed to democratic and secular forms of government everywhere. Internationally, the regime lacks respect for the UN Charter system, and complies with international law only grudgingly, if at all, and to the extent that it feels compelled to do so. The regime continues to use brutal repression domestically, and military force, terrorism, domestic interference in other countries and espionage externally, in order to secure and expand its power. Friendly relations such as those which ordinarily prevail between nations, cannot be sustained with Iran under its present form of government.

It follows that something more is called for in addition to public statements by governments and UN officials, diplomatic representations and participation in the processes of the UN Human Rights Council and other international agencies.

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

Australia already implements limited sanctions regimes against Iran in respect of its nuclear program, whether imposed by the UN Security Council or as autonomous sanctions.<sup>30</sup> These have clearly not been sufficient to constitute a deterrent of any kind to the Iranian regime.

In December 2021, Australia's autonomous sanctions laws<sup>31</sup> were amended<sup>32</sup> so as to enable Australia to impose Magnitsky-style and other thematic sanctions against individuals and entities in specific countries responsible for, or complicit in, egregious conduct, including serious human rights abuses and violations, malicious cyber activity, or threats to international peace and security.<sup>33</sup> The

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<sup>28</sup> UN Office of the High Commissioner for Human Rights, 'Human Rights Council Establishes Fact-finding Mission to Investigate Alleged Human Rights Violations in Iran Related to the Protests that Began on 16 September 2022': <https://www.ohchr.org/en/news/2022/11/human-rights-council-establishes-fact-finding-mission-investigate-alleged-human-rights>

<sup>29</sup> "Iran's Khamenei praises Basij forces for confronting 'rioters'", *Reuters*, 27 November 2022:

<https://www.reuters.com/world/middle-east/irans-khamenei-praises-basij-forces-confronting-riots-tv-2022-11-26/>

<sup>30</sup> <https://www.dfat.gov.au/international-relations/security/sanctions/about-sanctions>

<sup>31</sup> *Autonomous Sanctions Act 2011* (Cth) and *Autonomous Sanctions Regulations 2011* (Cth)

<sup>32</sup> *Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act 2021*. The amendments are set out in Schedule 1.

<sup>33</sup> *Autonomous Sanctions Act 2011* (Cth), ss.3(2), 3(3), 10; *Autonomous Sanctions Regulations 2011* (Cth), Regs 6 and 6A.

forms of conduct engaged in by the Iranian regime, as described in sections 1 and 5(a) of this submission, plainly meet all three criteria.

Accordingly, additional travel, financial and other autonomous sanctions should be imposed on Iranian officials and entities pursuant to these amendments, and implemented and enforced by the Australian Sanctions Office.<sup>34</sup> The elements of the regime who should be sanctioned include:

- Iran's supreme leader, Ayatollah Ali Khamenei;
- Iran's President, Ebrahim Raisi, and other members of the Cabinet of Iran;
- Members of Iran's security, intelligence and law enforcement organisations who have been involved in the violent suppression of the protests and shut-downs of communications networks, including leaders and members of the IRGC (which includes the Basij and Cyber Defence Command);
- Members of Iran's judiciary who have imposed or publicly called for the execution, torture or other harsh punishment of protesters for arbitrary offences such as 'moharebeh' (enmity against God) and 'efsad fil-arz' (corruption on Earth);
- Members of the Guardian Council, and of the Islamic Consultative Assembly, who have publicly called for harsh measures against the protesters;
- Provincial governors and officials who have been involved in imposing repressive measures against the protesters;
- Executives and journalists of Press TV, Iran's state-owned and –controlled media, who have been involved in disseminating pro-regime and anti-protester propaganda.

Sanctions have already been imposed against Iranian officials and entities by the US, UK, Canada and the EU, but Australia has thus far taken no such action.

The United States has imposed sanctions against Iran's Morality Police, as well as a limited number of senior leaders of Iran's various security organizations involved in the shutdown of internet access and the suppression of peaceful protests. These include Iran's minister of the interior, Ahmad Vahidi, Communications Minister Eisa Zarepour, and Vahid Mohammad Naser Majid, the head of the Iranian Cyber Police, as well as two IRGC commanders and senior officials with Iran's law enforcement forces. The U.S. action freezes any U.S. assets of those designated and generally bars Americans from dealing with them.<sup>35</sup>

The UK Foreign Secretary announced on 10 October 2022 that the UK was imposing asset freezes and travel bans on the morality police in its entirety, as well as both its chief, Mohammed Rostami Cheshmeh Gachi, and the head of the Tehran division, Haj Ahmed Mirzaei. Also sanctioned are Gholamreza Soleimani, head of the IRGC's Basij force; Hassan Karami, commander of the NAJA special forces unit of the Iranian police; and Hossein Ashtari, commander-in-chief of the Iranian police.<sup>36</sup>

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<sup>34</sup> The Australian Sanctions Office is the Australian Government's sanctions regulator and sits within the Department of Foreign Affairs and Trade: <https://www.dfat.gov.au/international-relations/security/sanctions/about-sanctions>

<sup>35</sup> Daphne Psaledakis, 'U.S. sanctions Iranian officials over protest crackdown', *Reuters*, 7 October 2022: <https://www.reuters.com/world/us-designates-iranian-officials-over-crackdown-protesters-internet-access-2022-10-06/>

<sup>36</sup> 'UK sanctions Iranian officials over protests crackdown', *Associated Press*, 11 October 2022: <https://abcnews.go.com/International/wireStory/uk-sanctions-iranian-officials-protests-crackdown-91292140>

Canada's sanctions against Iran have been more vigorous, initially freezing the assets of nine entities, including the Morality Police and the Iranian Ministry of Intelligence and Security, and of 25 individuals, including Mohammed-Hossein Bagheri, chief of staff of Iran's armed forces, IRGC Commander-in-Chief Major General Hossein Salami, and Esmail Qaani, commander of the Quds Force of the IRGC. On 7 October, the Canadian government expanded the sanctions, banning 10,000 members of the IRGC from entering the country permanently, which represents the top 50% of the organisation's leadership.<sup>37</sup> The list of those sanctioned was subsequently further expanded to include former foreign minister Javad Zarif, army general Amir Hatami, and Saeed Mortazavi, an Iranian prosecutor whom Canada holds accountable for the torture (and in turn, death) of Canadian-Iranian journalist Zahra Kazemi.<sup>38</sup>

The European Union has imposed a travel ban and an asset freeze on a total of 126 Iranian individuals and 11 entities. EU citizens and companies are forbidden from making funds available to the listed individuals and entities. Those sanctioned include the four members of the squad that arbitrarily arrested Mahsa Amini; provincial heads of the Iranian Law Enforcement Forces (LEF) and of the IRGC, as well as Brigadier General Kiyumars Heidari, the Commander of the Iranian Army's Ground Forces, for their role in the brutal repression of the recent protests; Vahid Mohammad Naser Majid, the head of the Iranian Cyber Police for his responsibility in arbitrarily arresting people for expressing online criticism of the Iranian regime; and Iran's Minister of Interior, Ahmad Vahidi, who is also in charge of the LEF, which have committed serious human rights violations.<sup>39</sup>

The EU's Iran human rights sanctions regime also includes a ban on exports to Iran of equipment which might be used for internal repression and of equipment for monitoring telecommunications. In addition, the EU has designated the Iranian state television broadcaster Press TV as responsible for producing and broadcasting the forced confessions of detainees.<sup>40</sup>

Given the low level of commercial activity between Australia and Iran, it is likely that the economic impact of any additional Australian sanctions on the Iranian regime would be minimal. Australia's exports to Iran in 2021 had a value of \$US 51.05 million, or about 0.02% of Australia's total exports for the year.<sup>41</sup> Australia's imports from Iran in 2021 had a value of \$US 25.09 million, or about 0.01% of Australia's total imports for the year.<sup>42</sup> The travel impact would also be small, as Iranian officials have rarely ventured to Australia.

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<sup>37</sup> Rachel Gilmore, 'Canada bans more than 10K Iran Revolutionary Guard members from entering country', *Global News*, 7 October 2022: <https://globalnews.ca/news/9184757/iran-islamic-revolutionary-guard-corps-terrorism-list-mahsa-amini-protests/>

<sup>38</sup> 'Canada imposes new Iran sanctions over human rights'. *Reuters*, 13 October 2022:

<https://www.reuters.com/world/canada-imposes-new-iran-sanctions-over-human-rights-2022-10-13/>

<sup>39</sup> Council of the European Union, 'Iran: EU adopts additional sanctions against perpetrators of serious human rights violations', 22 November 2022: <https://www.consilium.europa.eu/en/press/press-releases/2022/11/14/iran-eu-adopts-additional-sanctions-against-perpetrators-of-serious-human-rights-violations/>

<sup>40</sup> *Ibid.*

<sup>41</sup> United Nations Comtrade database, 'Australia Exports By Country in U.S. dollars', *Trading Economics*: <https://tradingeconomics.com/australia/exports-by-country>

<sup>42</sup> United Nations Comtrade database, 'Australia Imports By Country in U.S. dollars', *Trading Economics*: <https://tradingeconomics.com/australia/imports-by-country>

Nevertheless, we urge Australia to impose the maximum autonomous sanctions on the actors listed above for which there is scope under the *Autonomous Sanctions Act and Regulations*, including Magnitsky-style and other thematic sanctions. This would align Australia with the decisions of our major allies which have imposed sanctions.

Further, sanctions stigmatise and potentially give pause to those against whom they are directed, letting them know they are under international scrutiny. They mark the entire Iranian regime as illegitimate. This sends a powerful message to those who are struggling for freedom and justice in Iran, a message that they are not alone, and that in the fullness of time, when the Iranian regime inevitably goes the way of all dictatorships, their oppressors will be brought to account.

#### 4. The appropriateness of Iran's ongoing status on the UN Commission on the Status of Women

The Commission on the Status of Women (CSW) has operated since 1946 as a functional commission of the UN Economic and Social Council (ECOSOC). It is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women.

Iran is one of only six countries in the world which has neither ratified, acceded to nor signed the Convention on the Elimination of All Forms of Discrimination against Women.<sup>43</sup>

The death in custody of Mahsa Amini, and the brutal measures taken by the Iranian regime against protesters, especially women and girl protesters, are the most recent manifestations of decades of systemic repression of women in Iran, as detailed in section 1 of this submission. This record is utterly repugnant to the objects for which the CSW was established. Under its current regime, Iran's membership of the CSW since 25 March 2022 has made a mockery of the CSW's mandate of promoting gender equality and women's dignity, and is a standing insult to women everywhere.

As one Iranian woman activist commented: "*A regime that treats women as 2nd class citizens, jails them for not wearing compulsory hijab, bans them from singing, bars them from stadiums & doesn't let them travel abroad without the permission of their husbands gets elected to UN's top women's rights body*".<sup>44</sup>

There was only muted criticism by some governments, and a shameful silence by Australia, when Iran was elected to the CSW last year by 43 of the 54 member States of ECOSOC. However belated, Australia should now give full-throated support to calls by governments and prominent women leaders<sup>45</sup> for the immediate expulsion of Iran from the CSW. Taking such a rare step would reinforce the messages conveyed by the imposition of sanctions.

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<sup>43</sup> The others are Niue, Somalia, Sudan, Tonga and the Vatican. UN Treaty Body Database:

[https://tbineternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en](https://tbineternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en)

<sup>44</sup> Masih Alinejad tweet, 22 April 2021:

[https://twitter.com/AlinejadMasih/status/1385030512486531072?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1385030512486531072%7Ctwgr%5Eb280f1b0cd67b9a1c46f7562e4c09d136b420cea%7Ctwcon%5Es1\\_&ref\\_url=https%3A%2F%2Ffunwatch.org%2Firan-to-join-u-n-womens-rights-commission%2F](https://twitter.com/AlinejadMasih/status/1385030512486531072?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1385030512486531072%7Ctwgr%5Eb280f1b0cd67b9a1c46f7562e4c09d136b420cea%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Ffunwatch.org%2Firan-to-join-u-n-womens-rights-commission%2F)

<sup>45</sup> Farnaz Fassihi, 'U.S. Seeks Removal of Iran From U.N. Women's Rights Agency', *New York Times*, 2 November 2022: <https://www.nytimes.com/2022/11/02/world/middleeast/iran-protests-united-nations.html>

## 5. Other actions available to the Australian Government and other like-minded nations to respond to human rights abuses in Iran

- (a) Australia should amend the *Criminal Code* so as to empower the Australian government to list as a terrorist organisation any State or government entity of a foreign country that is referred to in the *Autonomous Sanctions Regulations*. The IRGC, including the Basij, should then be listed as a terrorist organisation.

Even before the commencement of the latest upheavals in Iran, the IRGC, including the Basij, was designated as a terrorist organisation by Bahrain, Saudi Arabia and the United States.<sup>46</sup>

On 10 December 2021 Australia listed the Lebanese-based terrorist group Hizballah in its entirety as a terrorist organisation.<sup>47</sup> As noted by the Australian government in the reasons for listing, “*Hizballah receives most of its funding from Iran*”.<sup>48</sup> The Secretary General of Hizballah, currently Hassan Nasrallah, presides over the Shura Council and functions as the group’s leader under the authority of the Guardianship of the Islamic Jurisprudent, Iran’s Supreme Leader Ayatollah Ali Khamenei.<sup>49</sup>

Hizballah is only one of several non-State armed groups that receives funding and training by Iran’s IRGC through its expeditionary Quds Force, which is the de facto external affairs branch of the IRGC through which the IRGC seeks to export Iran’s revolution and violent, extremist ideology.<sup>50</sup> The Quds Force has also developed ties with armed groups in Afghanistan, Iraq, Yemen, Gaza and elsewhere, which have committed war crimes and human rights abuses, providing them with training and military advice to project Iran’s power abroad.<sup>51</sup>

The Quds force was instrumental in crushing opposition to the dictatorship of President Bashar al-Assad in Syria, and many of those who fought with the Quds Force were armed terrorists from Hizballah.<sup>52</sup> The airline, Qeshm Fars Air, has also reportedly been used by the Quds force to transport weapons to assist the military dictatorship in Myanmar to crush opposition in its civil war.<sup>53</sup>

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<sup>46</sup> ‘Saudi, Bahrain add Iran’s Revolutionary Guards to terrorism lists’, *Reuters*, 23 October 2018. <https://www.reuters.com/article/us-saudi-bahrain-security-iran/saudi-bahrain-add-irans-revolutionary-guards-to-terrorism-lists-idUSKCN1MX288>; ‘U.S. Designates Islamic Revolutionary Guard Corps as a Foreign Terrorist Organization’, *US Department of State*, April 12, 2019 <https://2017-2021.state.gov/u-s-designates-islamic-revolutionary-guard-corps-as-a-foreign-terrorist-organization/index.html>

<sup>47</sup> ‘Hizballah’, *Australian National Security*: <https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/listed-terrorist-organisations/hizballah>

<sup>48</sup> *Ibid.*

<sup>49</sup> Submission of Dr. Matthew Levitt to the Parliamentary Joint Committee on Intelligence and Security review of the re-listing of Hezbollah’s External Security Organization (Submission 5), 28 May 2021, p.4: <https://www.aph.gov.au/DocumentStore.ashx?id=b9c6dc06-03bd-4b66-8ac1-f80cbdee6a8b&subId=707460>

<sup>50</sup> Council on Foreign Relations, ‘Iran’s Revolutionary Guards, 6 May 2019: <https://www.cfr.org/backgrounder/irans-revolutionary-guards>

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> David Hutt, ‘What is Iran’s Revolutionary Guard doing in Myanmar?’, *Asia Times*, 20 January 2022: <https://asiatimes.com/2022/01/what-is-irans-revolutionary-guard-doing-in-myanmar/>

Trainers and tactical advisers from the IRGC have also been sent to Ukraine to assist Russian forces in their illegal military invasion. They have assisted with mechanical problems encountered with unmanned aerial vehicles (UAVs) supplied by Iran to Russia, and to facilitate UAV launchings. Social media outlets linked to the IRGC have even posted videos of the UAV attacks on civilian areas in Kyiv.<sup>54</sup>

The IRGC has also been involved in malicious cyber activity. The Australian Cyber Security Centre in September issued a joint advisory with the agencies of other Five Eyes nations warning that “*IRGC-affiliated actors are actively targeting a broad range of targeted entities, including entities across multiple US critical infrastructure sectors as well as the United Kingdom, Australian and Canadian organizations. These actors often operate under the auspices of Najee Technology Hooshmand Fater LLC, based in Karaj, Iran and Afkar System Yazd Company, based in Yazd, Iran.*”<sup>55</sup>

Closer to home, the Executive Council of Australian Jewry has received regular reports from Jewish community institutions in Australia that their facilities are video-ed and pictured by individuals who exhibit various forms of suspicious behaviour. Some of these individuals seek entry, and produce ID documents indicating that they are of Iranian background.

It is incongruous that Australia lists Hizballah in its entirety as a terrorist organisation, but does not similarly proscribe its principal enabler, and Iran’s principal exporter of malicious cyber activity, terrorism and war crimes, the IRGC. The case for listing the latter is even more compelling than was the case for listing Hizballah. If any amendment of the *Criminal Code 1995* (Cth) is required in order to empower the government to achieve this, then such an amendment should be enacted.

- (b) The Australian government has publicly done nothing in response to Iran’s long, destructive record as an exporter of terrorism and war crimes. It has also had little if anything to say about this record, beyond the statements it has made about the most recent upheaval. The Australian government should become much more forthright in condemning the Iranian regime’s conduct, in line with the regular condemnations made by Australia’s closest allies, including the US, the UK and EU.
- (c) Australia’s Smartraveller advisory webpage with regard to Iran should be amended so as to provide a more detailed and explicit warning against travel than is currently posted.

The warning that was posted on 5 October 2022, and remains online at the date of this submission, refers to the high risk of being “*arbitrarily detained or arrested*”. Further detail is provided in the “Full Advice” section.<sup>56</sup> However, there is no warning at all about the cruel

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<sup>54</sup> Steven Feldstein, ‘The Larger Geopolitical Shift Behind Iran’s Drone Sales to Russia’, Carnegie Endowment for International Peace, 26 October 2022: <https://carnegieendowment.org/2022/10/26/larger-geopolitical-shift-behind-iran-s-drone-sales-to-russia-pub-88268#:~:text=Experts%20estimate%20that%20Russia%20has,defense%2C%20and%20fuel%20storage%20depots.>

<sup>55</sup> ‘Iranian Islamic Revolutionary Guard Corps-Affiliated Cyber Actors Exploiting Vulnerabilities for Data Extortion and Disk Encryption for Ransom Operations’, *Australian Cyber Security Centre*, 14 September 2022: <https://www.cyber.gov.au/acsc/view-all-content/advisories/iranian-islamic-revolutionary-guard-corps-affiliated-cyber-actors-exploiting-vulnerabilities-data-extortion-and-disk-encryption-ransom-operations>

<sup>56</sup> <https://www.smartraveller.gov.au/destinations/middle-east/iran>

methods of execution, torture and other forms of mistreatment, including beatings and sexual assault, which travellers risk if they are detained. At the very least, these risks should be disclosed in explicit terms.

The webpage should also state clearly that the primary danger to travellers to Iran is from the conduct of the regime and its agencies, more than from “the security situation”, “civil unrest”, “terrorism” or health or climate hazards.

- (d) Australian charities and not-for-profits should each year be required to disclose full details of any funds or other benefits they have received from any Iranian state or government agency.

This could be achieved by adding a question to the Annual Information Statement which Australian charities and not-for-profits, including universities, private secondary educational institutions and religious and faith-based bodies, are required to lodge with the Australian Charities and Not-for-profits Commission under the *Australian Charities and Not-for-profits Commission Act 2012* (Cth). The question would ask whether the organisation has received any funds or other benefits over the reporting period from any Iranian state or government agency, and would require a simple ‘Yes’ or ‘No’ answer. If the answer is ‘Yes’, the organisation would be required to provide full particulars of each sum or other benefit received, the date of receipt in each case, the purpose or purposes for which each sum or benefit was received, and full particulars of the purpose or purposes for which the funds or benefits were used.

Given the reports (referred to earlier in this submission) that Australian citizens have been harassed after participating in protests against the Iranian regime in Australian cities, and the record of the IRGC in exporting terrorism, malicious cyber activity and its violent extremist ideology to many parts of the world, there is every reason for Australia to keep close watch over all Iranian government activity in Australia, whether or not such activity falls within the limited scope of the *Foreign Influence Transparency Scheme Act 2018* (Cth). The recommendation we have made would provide the government with an additional simple, inexpensive tool to maintain surveillance of Iranian government activity in Australia.

The same measure could be applied, if appropriate, with respect to other countries that are subject to sanctions by Australia.

We thank the Committee for the opportunity to make this submission and wish it well in its deliberations.

Yours sincerely



**Peter Wertheim AM**  
**Co-CEO**

## APPENDIX

### LIST OF RECOMMENDATIONS

1. (Section 3 of this submission): Australia should impose maximum additional travel, financial and other autonomous sanctions on Iranian officials and entities, including Magnitsky-style and other thematic sanctions pursuant to recent amendments to the *Autonomous Sanctions Act* and *Regulations*. The elements of the regime who should be sanctioned should include:
  - Iran’s supreme leader, Ayatollah Ali Khamenei;
  - Iran’s President, Ebrahim Raisi, and other members of the Cabinet of Iran;
  - Members of Iran’s security, intelligence and law enforcement organisations who have been involved in the violent suppression of the protests and shut-downs of communications networks, including leaders and members of the Islamic Revolutionary Guard Corps (IRGC) (which includes the Basij and Cyber Defence Command);
  - Members of Iran’s judiciary who have imposed or publicly called for the execution, torture or other harsh punishment of protesters for arbitrary offences such as ‘moharebeh’ (enmity against God) and ‘efsad fil-arz’ (corruption on Earth);
  - Members of the Guardian Council, and of the Islamic Consultative Assembly, who have publicly called for harsh measures against the protesters;
  - Provincial governors and officials who have been involved in imposing repressive measures against the protesters;
  - Executives and journalists of Press TV, Iran’s state-owned and –controlled media, who have been involved in disseminating pro-regime and anti-protester propaganda.
2. (Section 4 of this submission): Australia should announce its full support for calls by governments and prominent women leaders for the immediate expulsion of Iran from the UN’s Commission on the Status of Women.
3. (Section 5a of this submission): Australia should amend the *Criminal Code* so as to empower the Australian government to list as a terrorist organisation any State or government entity of a foreign country that is referred to in the *Autonomous Sanctions Regulations*. The IRGC, including the Basij, should then be listed as a terrorist organisation.
4. (Section 5b of this submission): The Australian government should become much more forthright in condemning the Iranian regime’s conduct as an exporter of terrorism and other forms of criminal conduct, in line with the regular condemnations made by Australia’s closest allies, including the US, the UK and EU.
5. (Section 5c of this submission): Australia’s Smartraveller advisory webpage with regard to Iran should be amended so as to provide a more detailed and explicit warning against travel than is currently posted. Travellers should be warned about the cruel methods of execution, torture and other forms of mistreatment, including beatings and sexual assault, which they risk if they are detained. The webpage should also state clearly that the primary danger to travellers to Iran is from the conduct of the regime and its agencies, more than from “the security situation”, “civil unrest”, “terrorism” or health or climate hazards.
6. (Section 5d of this submission): Australian charities and not-for-profits should each year be required to disclose full details of any funds or other benefits they have received from any Iranian state or government agency.