



The Impunity Crisis in Iran

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Authorities of the Islamic Republic continue to benefit from deeply entrenched systematic impunity, despite advocacy by Iranians- home and abroad. Justice for Iran is one organisation which strives to hold perpetrators accountable for the various human rights abuses by the Government of Iran. What remains harrowing to us, both as an organisation and as former victims of government persecution for standing up for human rights, is how the government continues to enjoy impunity due to the inaction or ineffectual action of the international community.

Jina ‘Mahsa’ Amini’s murder once again led Iranian citizens out onto the streets to protest the government’s brutality against its citizens. The government’s response to these recent protests displayed disturbing similarities to the Aban¹ atrocities in November 2019, which saw a similar scale of lethal and less-lethal violence, and blatant disregard for human rights. This violence went largely unchecked by the international community.²

In response to the failure of the international community, a group of civil society organisations, including Justice for Iran, asked six internationally renowned lawyers to set up the Iran’s Atrocities Tribunal to investigate the crackdown on the November 2019 protests. On 30th September 2022, after two years of close examination of the evidence submitted by over 250 witnesses, mainly from Iran, the Tribunal’s findings confirmed that the leaders of the Islamic Republic were guilty of crimes against humanity. They ruled that the Government of the

¹ Aban is the month in which these atrocities took place according to the Iranian calendar – roughly 23rd of October to 21st of November.

² Aban Tribunal, ‘Beyond Reasonable Doubt: Crimes against Humanity Committed by Iran’s Officials, Tribunal Finds’ (2022): <https://abantribunal.com/2022/10/04/judg/>

Islamic Republic, and its affiliated security forces, had designed and implemented a plan to commit crimes against humanity, beyond reasonable doubt³.

The perpetrators of the violations in November 2019 have not been held accountable for their human rights abuses, and now they continue to commit the same atrocities against the protesters of September 2022. Until a strong and united stand is taken against those responsible for these gross violations of the Iranian people's basic rights, the bloodshed in Iran will continue to repeat.

During the protests in September 2022, just like in November 2019, the Government of Iran and the IRGC (Islamic Revolutionary Guards Corps) have utilised various tactics to prevent Iranians from having a say in society, violating several internationally recognised fundamental rights (the right to life, the right to freedom from torture, the right to a fair trial, and the right to liberty). Their brutality includes but is not limited to: the use of live ammunition and pellet guns against protestors, false trials, indictment of protestors for inciting "riots", attacks on school and university students, deployment of IRGC forces through ambulances to attack and disperse the crowd, and widespread torture of those who have been arrested on arbitrary grounds⁴. Every day, despite the government's efforts to limit internet access and communications, news emerges about the brutal and inhumane actions of the government against the people of Iran, who are demanding their basic rights be respected and protected.

The current recorded death toll is more than 300, with likely hundreds more yet to be officially recorded or acknowledged. These deaths include women, men, and children as young as 12. Over 15,000 people have been arrested since the protests began and have suffered varying degrees of horrifying brutality. Many have been arrested using severe force, beaten within an inch of their lives, and countless go on to die from injuries received when arrested or while detained. During detainment, security forces employ torture tactics to get information or forced false confessions from detainees, with numerous accounts of physical and sexual abuse. It is also commonplace for security forces to kidnap or 'disappear' individuals, withholding any information on their whereabouts or condition from their families (often even denying that they were ever arrested).

Iran's history has shown that government forces have deployed these tactics in the past and will continue to do so unless they are stopped by the international community. Most recently, 272 of the 290 members of the Iranian Parliament voted in favour of a mass imposition of the death penalty on all arrested protestors⁵.

³ Aban Tribunal, 'International People's Tribunal on Iran's Atrocities: Judgement Summary' (2022): https://abantribunal.com/wp-content/uploads/2022/10/AbanTribunal-Summary-Judgement_FINAL-release.pdf

⁴ See: Aban Tribunal, 'Witness Statements' (2022): <https://abantribunal.com/category/witness-statements/>; Reuters, 'Iran's judiciary says it will deal firmly with protestors', (2022): <https://www.reuters.com/world/middle-east/irans-judiciary-says-more-than-1000-convictions-made-over-riots-2022-11-08/>; The Guardian, 'Rapper who protested over death of Mahsa Amini faces execution in Iran' (2022): <https://www.theguardian.com/global-development/2022/nov/11/rapper-who-proteted-over-death-of-mahsa-amini-faces-execution-in-iran>

⁵ The Guardian, 'Iran issues first death sentence over protests' (2022): <https://www.theguardian.com/world/2022/nov/14/iran-issues-first-death-sentence-protests-mahsa-amini>

Australia, among other nations who endorsed the ‘Responsibility to Protect’ doctrine at the UN, is now called upon to act to protect the people of Iran as their government continues to violate their basic rights, such as the Right to Life.⁶ Iran must be made to halt crimes against humanity, including murder, torture, enforced disappearances, and persecution, that are again being committed against Iranian protestors.

Following the protests of September 2022, the international community is finally beginning to respond, and Australia must join them by taking action that not only holds the perpetrators of these grave human rights violations accountable for the current (and previous) bloodshed, but much more importantly prevents any further bloodshed.

Preventative Accountability: How the International Community Can Help

The most utilised tool in the limited response from the international community thus far has been the imposition of sanctions against identified perpetrators and State Officials. Following the recent protests, countries such as Canada, the USA, and the UK have increased human rights sanctions on the perpetrators and entities associated with these crimes⁷.

The regime has been insulted by current measures - they have reacted by imposing travel bans and asset freezes on UK MPs and members of the House of Lords, as well as on exiled Iranian media outlets. Despite being frustrating for the regime, these measures have not been enough to prevent the bloodshed. The scales would have been tipped in favour of the protestors long ago had world leaders cared to act on their condemnations.

The global community, including the Australian government, needs to think creatively and act quickly to establish strong repercussions for continuous human rights violations, to the extent where the costs of crackdown on perpetrators are more than the benefits. In other words, a deterrence policy adopted by the international community must harm those who are responsible for the atrocities and crimes against humanity being committed by security forces.

Below are our recommendations for forming a preventative/deterrence policy.

Adapting Magnitsky-style sanctions: What Can be Done

We recommend using Magnitsky-style sanctions as an accountability tool, we propose that they must become specified, strengthened, expanded, and heavily publicised for maximum quantifiable impact. We believe that Australia can inspire the international community to reduce impunity enjoyed by Iranian government officials by adopting the following measures:

1. Imposing Magnitsky-style sanctions against those most responsible for the crackdown against the current protests, and in particular, those who were also responsible for crimes against humanity committed in November 2019, listed in Appendix 1.

⁶ United Nations, ‘RESPONSIBILITY TO PROTECT’ (2005):
<https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml>

⁷ Justice for Iran, ‘Human Rights Sanctions Are Not Working – What to Do About It’ (2022):
<https://justice4iran.org/16527/>

- a. Officials listed in Appendix 1, have been key perpetrators in previous atrocities such as the November 2019 protests, and many of them have been also responsible for the crackdown on protests since September 2022. The line to the evidence of their involvement in gross human rights violation and crimes against humanity are available in the section ‘Further Evidence of the Aban Atrocities’.
2. Extending Magnitsky-style sanctions to families and entities linked with individual perpetrators.
 - a. This can be further strengthened by introduction of a robust enforcement mechanism which allows for assets connected, directly or indirectly, to perpetrators of human rights abuses to be more readily discovered.
 - b. Moreover, family members are more likely to reside abroad while entities are more likely to have assets abroad. This would mean that travel bans and asset freezes will carry greater weight.
 3. Publicising every case of travel ban or asset freeze as it is implemented (and their real impact).
 - a. This would bring these sanctions within the realm of preventative action by serving as evidence of consequences that will be faced by perpetrators of grave human rights violations.
 4. Designating the Islamic Revolutionary Guard Corps (IRGC) as a terrorist organisation.
 - a. This has already been done by the governments of Canada and the USA.⁸ The EU is currently considering classification of IRGC as a terrorist organisation based on the key role of the organisation in committing crimes against the people of Iran.⁹

Other Accountability Actions

Australia, and the rest of the global community, must think outside the box and create accountability mechanisms that, by damaging the Islamic Republic regime, increase the cost of these violent crackdowns on public protests. Such actions must be coordinated as it is the only way to ensure that the fundamental rights of Iranian citizens are upheld, and their dignities maintained. The actions below are examples of such initiatives that are also supported by a large group of Iranians inside and outside the country:

1. Expelling ambassadors or other representatives of the Islamic Republic regime serving within the Iranian embassy in Canberra, Australia

⁸ Government of Canada, ‘Canada to implement new measures against the Iranian regime’ (2022): <https://pm.gc.ca/en/news/news-releases/2022/10/07/canada-implement-new-measures-against-iranian-regime#:~:text=The%20IRGC%20is%20a%20terrorist,leaders%2C%20or%20for%20their%20henchmen.>

⁹ VOA News, ‘EU Mulls Adding Iran's Revolutionary Guards as Terrorists – German Official’ (2022): <https://www.voanews.com/a/eu-mulls-adding-iran-s-revolutionary-guards-as-terrorists-german-official-/6812457.html>

2. Suspending all mutual exchange programmes pertaining to economics, academia, and culture until the regime stops cracking down the protests and release all political prisoners.

History is repeating itself and this time the international community must act in effective solidarity with the people of Iran. We must coordinate efforts to ensure maximum respect for the rights and dignities of the Iranian people. It is essential that Australia form part of a united front against the Islamic Regime in Iran, sending a clear message that international laws cannot be broken and fundamental rights cannot be violated without harsh consequences. We urge you not to focus on the resources that the suggested mechanisms against these individuals would require, but instead to focus on the violent and oppressive system these individuals have bolstered which continuously threaten and violate the human rights of Iranian citizens.