



Submission to the Senate Standing Committee on Foreign Affairs  
Defence and Trade

**Human Rights Implications of Recent Violence in Iran**

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Submitted by  
**Amnesty International Australia**

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## **About Amnesty International**

Amnesty International is the world's largest independent human rights organisation, with more than ten million supporters in over 160 countries.

Amnesty International is a worldwide movement to promote and defend all human rights enshrined in the Universal Declaration of Human Rights (UDHR) and other international human rights instruments.

Amnesty International undertakes research focused on preventing and ending abuses of these rights. Amnesty International is impartial and independent of any government, political persuasion or religious belief and does not receive funding from governments or political parties.

Since 1961 Amnesty International has campaigned on behalf of thousands of prisoners of conscience - people who are imprisoned because of their political, religious or other conscientiously held beliefs, ethnic origin, sex, colour, language or sexual orientation, gender identity or intersex status.

Amnesty International's work has a global focus, with research and reports focusing on the human rights situation in Iran, as well as extensive work on the right to protest contributing to this.

Amnesty International is a proud People Powered movement founded on the work of volunteers and activists all around the world.

## 1. Summary

1.1 Amnesty International Australia welcomes the opportunity to make a submission to the Senate Standing Committee on Foreign Affairs Defence and Trade regarding the Human Rights Implications of Recent Violence in Iran.

1.2 The recommendations contained in this submission go towards ending the cycle of impunity in Iran regarding systemic human rights abuses carried out by the Iranian authorities.

1.3 International law is clear, people have the right to express their views safely and it is the responsibility of governments to ensure this right is upheld. It is also the responsibility of governments to ensure that authorities do not resort to methods that may cause unwarranted injury or present an unwarranted risk. It is clear that in this, the Iranian Government has failed.

1.4 In Iran today, freedom of expression, association and assembly is being stifled. Dissidents are routinely arrested and jailed and the internet is frequently shut down as a way to avoid scrutiny and accountability.

1.5 Torture and other ill-treatment is rife, with prison conditions amounting to squalor and forced confessions common practice.

1.6 Women, LGBTQIA+ people and ethnic and religious minorities face daily discrimination, with compulsory veiling laws, conversion practices and legislation banning active participation in Iranian society all too familiar.

1.7 The death penalty is used for less serious crimes and often in cases where international fair-trial standards have not been met, with individuals under the age of 18 upon conviction regular victims.

1.8 The above takes place in an environment of impunity, where offenders within the highest levels of Iranian leadership are free from repercussions.

1.9 Societal discontent has therefore culminated with the death of 22 year old Iranian-Kurdish woman Mahsa (Zahra) Amini who was arrested in Tehran by Iran's so-called "morality" police for not complying with the country's discriminatory veiling laws, and who was violently beaten before dying in custody.

1.10 While Iranians have taken to the streets to call for reform, the Iranian authorities have responded with unlawful, unnecessary and disproportionate planned attacks, leading to the deaths of innocent children, women and men.

1.11 Amnesty International has gathered testimonies from protesters, other eyewitnesses, relatives of victims and other affected individuals as well as human rights defenders and journalists inside Iran. Sources outside Iran also shared with Amnesty International information they had received from primary sources in Iran, including written and audio-recorded eyewitness accounts.

1.12 Amnesty International also reviewed audiovisual evidence, death and burial certificates noting forensic cause of death as well as official statements, leaked official documents and state media reports.

1.13 As has been seen in the past, there is no justice for victims of sanctioned violence in Iran and no such thing as an 'impartial investigation'.

1.14 It is therefore imperative that the Australian Government take meaningful action and publicly support and advocate at the highest levels for the establishment of an independent UN mechanism to conduct investigations as a step towards pursuing accountability for the most serious crimes under international law committed in Iran.

1.15 Not only does the establishment of such a mechanism have support from over 1 million people in 218 countries - including 10,000 people in Australia - Independent Investigative Mechanisms have a proven track record when it comes to holding perpetrators accountable.

## **2. Recommendations**

### ***Amnesty International recommends that:***

- 1) The Australian Government publicly supports and advocates at the highest levels for the establishment of an independent UN mechanism to conduct investigations as a step towards pursuing accountability for the most serious crimes under international law committed in Iran.
- 2) The Australian Government, where appropriate, applies the principle of universal jurisdiction to ensure accountability for the most serious crimes of international concern that have taken place in Iran.

### 3. International Human Rights Law and Standards

#### *The Right to Protest*

3.1 Peaceful protest is a dynamic and public way of exercising our human rights. Throughout history, protests have enabled individuals and groups to express dissent, opinions and ideas, expose injustice and abuse, and demand accountability from those in power.

3.2 Yet instead of addressing pressing concerns and promoting dialogue to find solutions to injustice, abuses and discrimination, states often respond by stigmatising and cracking down on peaceful protesters.

3.3 Despite this, international human rights law protects the right to protest through a number of provisions enshrined in various international and regional treaties which, taken together, provide protesters with comprehensive protection.<sup>1</sup>

3.4 Although the right to protest is not given as a separate right in human rights treaties, when people engage in protests, whether individually or collectively, they are exercising a variety of rights, which can include the rights to freedom of expression and peaceful assembly. Other rights are also essential in enabling people to protest peacefully, including the rights to life, privacy, freedom of association, freedom from torture and other ill-treatment or punishment, and freedom from arbitrary arrest and detention.

3.5 In particular, protests are protected by the interaction of the rights to freedom of peaceful assembly and of expression. Protests are one common way for people to express their views and opinions and can contribute to the protection of many other rights. Without the ability to freely express opinions, public assemblies are simply mass gatherings without a message. Without the ability to freely assemble, people's opinions may lack the force of numbers to have their message properly heard.

3.6 This has been repeatedly asserted by human rights mechanisms, including by the UN Human Rights Committee which has called on states to ensure they protect peaceful demonstrations wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof.<sup>2</sup>

3.7 Based on the protections that international human rights law affords to protests, particularly the right to freedom of peaceful assembly, state authorities have a duty to respect, protect and facilitate peaceful protest.<sup>3</sup>

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<sup>1</sup> United Nations Human Rights Office of the High Commissioner, 'OHCHR and the right of peaceful assembly,' accessed November 2022, available at <https://www.ohchr.org/en/peaceful-assembly>.

<sup>2</sup> UN Human Rights Committee, 'General Comment 37: The Right to Peaceful Assembly,' 2020, para. 6, available at <https://digitallibrary.un.org/record/3884725?ln=en>.

<sup>3</sup> Amnesty International, 'Protect the Protest: Why we must save our right to protest,' 2022, available at <https://www.amnesty.org/en/documents/ACT30/5856/2022/en/>.

## ***Basic Principles on the Use of Force and Firearms by Law Enforcement Officials***

3.8 The use of force in the context of assemblies is governed by a number of international human rights treaties and instruments, including the United Nations (UN) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>4</sup>

3.9 Security forces must not use firearms except to defend themselves or others against an imminent threat of death or serious injury, and only when less extreme and harmful means are insufficient to protect life. Firearms must never be used as a public order management tool for dispersing protesters.

3.10 In any instance where police and other security forces may decide it is necessary and proportionate to use force to contain violence by protesters and secure the safety of others, they must distinguish between individuals who are engaged in violence and those who are not, carefully consider the risks of escalating an already tense situation, and carefully aim proportionate force only at those engaged in violence.

3.11 Law enforcement officials must ensure that those who remain peaceful can continue protesting without undue interference and intimidation from security forces.

3.12 When using force and firearms, security forces must at all times comply with the principles of legality, necessity and proportionality which must only be used in pursuance of a legitimate aim:

- **Legality** means that the use of force must be governed by a law that is sufficiently clear and makes clear when the authorities will or will not use force. The use of force needs also to serve a legitimate objective. Suppressing peaceful protests or punishing people for participating in a protest are never legitimate objectives. If some protesters engage in violent actions, this does not turn an otherwise peaceful protest into a non-peaceful assembly and police should ensure those who remain peaceful can continue protesting by specifically targeting those who engage in violence.
- **Necessity** means using only the minimum level of force strictly needed to achieve a legitimate objective. To comply with the principle of necessity, authorities must attempt to use non-violent means first, whenever this is feasible, and no greater force should be used than what is necessary to achieve the objective. Security forces must never use force for the purpose of punishment.
- **Proportionality** means that law enforcement objectives, even if legitimate, cannot be achieved at any cost. Any harm law enforcement officials might cause must not outweigh the harm they want to legitimately prevent. The type, period and level of force used to pursue a legitimate objective and the potential injury or pain that may arise from it must be proportionate to the threat posed by an individual or group of individuals.

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<sup>4</sup> United Nations Human Rights Office of the High Commissioner, 'Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,' 1990, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement#:~:text=Law%20enforcement%20officials%2C%20in%20carrying,of%20achieving%20the%20intended%20result>.

3.13 If the above circumstances are met, it is still the responsibility of authorities to prohibit the use of firearms and ammunition that cause unwarranted injury or present an unwarranted risk.<sup>5</sup>

## 4. Domestic Context

4.1 The former head of Iran's judiciary, Ebrahim Raisi, rose to the presidency of Iran in 2021 instead of being investigated for crimes against humanity related to the mass enforced disappearances and extrajudicial executions of 1988, reflecting systemic impunity in Iran.<sup>6</sup>

4.2 Presidential elections were held in a repressive environment with a markedly low turnout. Authorities barred women, members of religious minorities and critics from running, and threatened to prosecute anyone encouraging election boycotts.<sup>7</sup>

4.3 In 2018, Amnesty International documented how Ebrahim Raisi had been a member of the 'death commission' which forcibly disappeared and extrajudicially executed in secret thousands of political dissidents in Evin and Gohardasht prisons near Tehran in 1988. The circumstances surrounding the fate of the victims and the whereabouts of their bodies are systematically concealed by the Iranian authorities, amounting to ongoing crimes against humanity.<sup>8</sup>

4.4 As Head of the Iranian Judiciary, Ebrahim Raisi presided over a spiralling crackdown on human rights which saw hundreds of peaceful dissidents, human rights defenders and members of persecuted minority groups arbitrarily detained. Under his watch, the judiciary granted blanket impunity to government officials and security forces responsible for unlawfully killing hundreds of men, women and children and subjecting thousands of protesters to mass arrests and at least hundreds to enforced disappearance, torture and other ill-treatment during and in the aftermath of the nationwide protests of November 2019.<sup>9</sup>

4.5 In 2021, ongoing US sanctions, Covid-19 and corruption deepened Iran's economic crisis, characterised by high inflation, job losses and low or unpaid wages. Strikes and rallies punctuated the year as authorities failed to prioritise adequate wages, housing, healthcare, food security and education in public budgets.

### ***Freedom of Expression, Association and Assembly***

4.6 Authorities in Iran continue to heavily suppress the rights to freedom of expression, association and assembly. They have banned independent political parties, trade unions and civil society organisations, censored the media and jammed satellite television channels.

4.7 Recently, the Iranian authorities added Signal to the list of blocked social media platforms, which include Facebook, Telegram, Twitter and YouTube. Security and intelligence officials carried out arbitrary arrests for social media postings deemed "counter-revolutionary" or "un-Islamic".

4.8 The authorities continue to impose internet shutdowns during protests, hiding the scale of violations by security forces. In July, parliament fast-tracked preparations for a bill that is expected

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<sup>5</sup> Ibid.

<sup>6</sup> Amnesty International, 'Iran: Ebrahim Raisi must be investigated for crimes against humanity,' 2021, available at [https://www.amnesty.org/en/latest/press-release/2021/06/iran-ebrahim-raisi-must-be-investigated-for-crimes-against-humanity/?utm\\_source=annual\\_report&utm\\_medium=epub&utm\\_campaign=2021&utm\\_term=english](https://www.amnesty.org/en/latest/press-release/2021/06/iran-ebrahim-raisi-must-be-investigated-for-crimes-against-humanity/?utm_source=annual_report&utm_medium=epub&utm_campaign=2021&utm_term=english)

<sup>7</sup> Reuters, 'Khamenei protege wins Iran election amid low turnout,' 2021, available at <https://www.reuters.com/world/middle-east/irans-sole-moderate-presidential-candidate-congratulates-raisi-his-victory-state-2021-06-19/>

<sup>8</sup> Amnesty International, 'Iran: Blood-soaked secrets: Why Iran's 1988 prison massacres are ongoing crimes against humanity,' 2018, available at <https://www.amnesty.org/en/documents/mde13/9421/2018/en/>

<sup>9</sup> Amnesty International, 'A Web of Impunity,' 2020, available at <https://iran-shutdown.amnesty.org/>

to be adopted in 2022 and which would criminalise the production and distribution of censorship circumvention tools and intensify surveillance.

4.9 Dissidents and journalists based abroad face intensified threats, and their families in Iran continue to be interrogated and/or arbitrarily detained in reprisal for their work.<sup>10</sup> In July, US prosecution authorities charged four Iranian agents for conspiring to abduct Iranian-US journalist Masih Alinejad from US soil. In August, intelligence officials interrogated the relatives of exiled Kurdish human rights defender Arsalan Yarahmadi and threatened him with death. Iranian-Swedish dissident Habib Chaab and Iranian-German dissident Jamshid Sharmahd, who had previously been abducted abroad and returned to Iran, remained at risk of the death penalty.

### ***Torture and Other Ill-Treatment***

4.10 Torture and other ill-treatment remain widespread and systematic, especially during interrogation. Torture-tainted “confessions” are broadcast on state television and consistently used to issue convictions.

4.11 Prison and prosecution authorities, working under the judiciary, hold prisoners in cruel and inhuman conditions characterized by overcrowding, poor sanitation, inadequate food and water, insufficient beds, poor ventilation and insect infestation, and denied many of them adequate medical care.

4.12 Earlier this year, Australian-Iranian Shokrollah Jebeli was subjected to more than two years of torture in Tehran’s Evin prison, eventually resulting in his death.<sup>11</sup> Leaked surveillance footage from Tehran’s Evin prison in August showed prison officials beating, sexually harassing and otherwise torturing or ill-treating prisoners.<sup>12</sup>

### ***Discrimination***

4.13 Women face discrimination in law and practice, including in relation to marriage, divorce, employment, inheritance and political office.

4.14 Discriminatory compulsory veiling laws have led to daily harassment, arbitrary detention, torture and other ill-treatment, denial of access to education, employment and public spaces and as seen recently, death.<sup>13</sup> At least six women’s rights defenders remain imprisoned for campaigning against compulsory veiling.

4.15 The legal age of marriage for girls in Iran is 13, and fathers can obtain judicial permission for their daughters to be married at a younger age. According to official figures, between March 2020 and March 2021, the marriages of 31,379 girls aged between 10 and 14 were registered, representing a 10.5% increase over the previous year.<sup>14</sup>

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<sup>10</sup> Amnesty International, ‘Iran: Rights Groups: Iranian dissidents remain at risk worldwide without international action,’ 2021, available at [https://www.amnesty.org/en/documents/mde13/4480/2021/en/?utm\\_source=annual\\_report&utm\\_medium=epub&utm\\_campaign=2021&utm\\_term=english](https://www.amnesty.org/en/documents/mde13/4480/2021/en/?utm_source=annual_report&utm_medium=epub&utm_campaign=2021&utm_term=english)

<sup>11</sup> The Guardian, ‘Australian man, 83, dies in Iranian prison after being denied healthcare,’ 2022, available at <https://www.theguardian.com/world/2022/mar/21/australian-shokrollah-jebeli-iranian-prison-denied-healthcare>

<sup>12</sup> Amnesty International, ‘Iran: Leaked video footage from Evin prison offers rare glimpse of cruelty against prisoners,’ 2021, available at [https://www.amnesty.org/en/latest/news/2021/08/iran-leaked-video-footage-from-evin-prison-offers-rare-glimpse-of-cruelty-against-prisoners/?utm\\_source=annual\\_report&utm\\_medium=epub&utm\\_campaign=2021&utm\\_term=english](https://www.amnesty.org/en/latest/news/2021/08/iran-leaked-video-footage-from-evin-prison-offers-rare-glimpse-of-cruelty-against-prisoners/?utm_source=annual_report&utm_medium=epub&utm_campaign=2021&utm_term=english)

<sup>13</sup> Amnesty International, ‘Iran: Urgent international action needed to ensure accountability for Mahsa Amini’s death in custody,’ 2022, available at <https://www.amnesty.org/en/documents/mde13/6060/2022/en/>

<sup>14</sup> Amnesty International, ‘The State of the World’s Human Rights 2021/22,’ 2022, pg. 199, available at <https://www.amnesty.org/en/location/middle-east-and-north-africa/iran/report-iran/>

4.16 The criminalisation of consensual same-sex sexual conduct and gender non-conformity with punishments ranging from flogging to the death penalty has also perpetuated violence and discrimination against LGBTQIA+ people in Iran.<sup>15</sup>

4.17 State-endorsed “conversion therapies” amounting to torture or other ill-treatment remain prevalent, including against children.<sup>16</sup>

4.18 Ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen, faced discrimination, curtailing their access to education, employment and political office. Despite repeated calls for linguistic diversity, Persian remained the sole language of instruction in primary and secondary education.<sup>17</sup>

4.19 Ethnic minorities remain disproportionately affected by death sentences imposed for vague charges such as “enmity against God”. The authorities secretly executed those convicted of such charges and refused to return their bodies to their families, as in the cases of four Ahwazi Arab men and a Kurdish man, Heidar Ghorbani.<sup>18</sup> At least 20 Kurdish men remained on death row after being convicted of such charges.

4.20 Religious minorities, including Baha’is, Christians, Gonabadi Dervishes, Jews, Yaresan and Sunni Muslims, suffer discrimination in law and practice, including in access to education, employment, child adoption, political office and places of worship, as well as arbitrary detention, torture and other ill-treatment for professing or practising their faith.<sup>19</sup>

4.21 Members of the Baha’i minority suffer widespread and systematic violations, including arbitrary detention, torture and other ill-treatment, enforced disappearance, forcible closure of businesses, confiscation of property, house demolitions, destruction of cemeteries, and hate speech by officials and state media, and are banned from higher education.<sup>20</sup>

4.22 In January, parliament further undermined the right to freedom of religion and belief by introducing two articles to the Penal Code that prescribe up to five years’ imprisonment and/or a fine for “insulting Iranian ethnicities, divine religions or Islamic denominations” or for engaging in “deviant educational or proselytising activity contradicting ... Islam”.<sup>21</sup>

### ***Use of the Death Penalty***

4.23 The death penalty is imposed after unfair trials, including for offences not meeting the threshold of the “most serious crimes” such as drug-trafficking and financial corruption, and for acts not internationally recognised as crimes. Death sentences were used as a weapon of repression against protesters, dissidents and ethnic minorities.<sup>22</sup>

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<sup>15</sup> Amnesty International, ‘Iran: Murder of 20-year-old gay man highlights urgent need to protect LGBTI rights,’ 2021, available at [https://www.amnesty.org/en/documents/mde13/4129/2021/en/?utm\\_source=annual\\_report&utm\\_medium=epub&utm\\_campaign=2021&utm\\_term=english](https://www.amnesty.org/en/documents/mde13/4129/2021/en/?utm_source=annual_report&utm_medium=epub&utm_campaign=2021&utm_term=english)

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Above, n9.

<sup>19</sup> Above, n9, pg 200.

<sup>20</sup> Amnesty International, ‘Increasing Propaganda Raises Serious Concerns for the Human Rights of Baha’is in Iran,’ 2021, available at <https://www.amnesty.org.au/increasing-propaganda-raises-serious-concerns-for-the-human-rights-of-bahais-in-iran/>.

<sup>21</sup> Above, n14.

<sup>22</sup> Above, n9, pg 201.

4.24 Yousef Mehrdad and Saadollah Fazeli in Arak were sentenced to death for “insulting the Prophet”. Sajad Sanjari, arrested when aged 15, and Arman Abdolali, arrested when aged 17, were executed in August and November of 2021 respectively.<sup>23</sup>

### ***Impunity***

4.25 Iranian authorities have a long track-record of promising investigations on occasions that evidence of serious human rights violations have triggered massive public outcries. They have generally made such promises while simultaneously issuing public statements denying any wrongdoing by their agents. In this context, any such announcements about prospective investigations by the Iranian authorities are not aimed at ensuring truth and justice. Rather, they deliberately pursue the objective of deflecting criticism and preventing robust international action.

4.26 While speaking of launching investigations in their conversations with diplomats abroad, inside Iran, Iran’s authorities continue to authorise their security forces to unlawfully fire live ammunition and metal pellets to suppress protests, and kill, injure and arbitrarily detain protestors and bystanders. Mass arbitrary arrests of protestors, human rights defenders and lawyers continue on a daily basis while victims and families of those killed face persistent intimidation and harassment from security and intelligence bodies to stay silent and/or repeat the authorities’ false narratives surrounding the killings and other violations.

4.27 There exist no bodies within Iran’s legal and judicial structures that could meet the requirements of independence and impartiality provided under international law for conducting investigations. Most importantly, any investigative and accountability process must include criminal investigations and prosecutions and therefore would inevitably require the involvement of the country’s Judiciary.

4.28 The Judiciary, however, as stressed by the Special Rapporteur on the human rights situation in Iran, “acts as a repressive organ instead of an independent body towards which individuals can seek recourse” and its lack of independence and politicisation is a major contributing factor to impunity.

4.29 The prevailing impunity afforded to the security forces and the muted response of the international community following the December 2017 and January 2018 protests emboldened the Iranian authorities to escalate their unlawful use of lethal force in the subsequent nationwide protests of November 2019, resulting in the deaths of hundreds of people, including at least 21 children, between 15 and 19 November 2019. Amnesty International recorded the details of at least 321 men, women and children who were killed by Iran’s security forces, but believe that the real number of those killed is higher.<sup>24</sup>

4.30 The trial of Hamid Nouri, arrested in Sweden for alleged involvement in prison massacres in 1988, began in August under the principle of universal jurisdiction. Consistent with long-standing patterns of denial and distortion, Iran’s foreign affairs ministry described the trial as a “plot” concocted by “terrorists” that relied on “fake documentation and witnesses”.

4.31 In retaliation, Iranian authorities are committing the crime of hostage-taking against Ahmadreza Djalali, a Swedish-Iranian academic who is at risk of imminent execution in Tehran’s Evin prison. Amnesty International’s research shows that, regardless of the Iranian authorities’

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<sup>23</sup> Ibid.

<sup>24</sup> Amnesty International, ‘Iran: Details of 321 deaths in crackdown on November 2019 protests,’ 2022, available at <https://www.amnesty.org/en/documents/mde13/2308/2020/en/>

initial motivations for arbitrarily detaining Ahmadreza Djalali in April 2016, since at least late 2020, the situation transformed into one of hostage-taking when Asadollah Asadi's trial in Belgium began.

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## **5. Recent Violence Against Women, Girls and Protestors by Iranian Authorities**

5.1 On 13 September 2022, 22 year old Iranian Kurdish woman Mahsa (Zhina) Amini was arrested in Tehran by Iran's so-called "morality" police, who routinely subject women and girls to arbitrary arrest and detention, torture and other ill-treatment for not complying with the country's discriminatory veiling laws.

5.2 According to eyewitnesses, Zhina was violently beaten while being forcibly transferred to Vozara detention centre in Tehran. Within hours, she was transferred to Kasra hospital having fallen into a coma. She died three days later. Iranian authorities announced investigations while simultaneously denying any wrongdoing.

5.3 Since September, Iranian security forces have violently quashed largely peaceful protests sparked by the death in custody of Zhina.

5.4 To investigate the ongoing protest crackdown, Amnesty International has spoken to and received audio-visual evidence from individuals including eyewitnesses, protesters and victim's relatives as well as human rights defenders and journalists outside of Iran who were in turn in contact with primary sources on the ground.

5.5 There are reports that some protesters have engaged in acts of violence and in an attempt to absolve themselves of responsibility for the deaths, the Iranian authorities have shared false narratives about victims, attempting to portray them as "dangerous", "violent individuals" or claiming that they had been killed by "rioters".

5.6 Amnesty International stresses that the use of violence by a small group of people does not justify the use of lethal force against people who are not posing an imminent threat of death or serious injury to members of security forces or others. According to international law and standards, even if some protesters engage in violent actions, law enforcement officials must ensure that those who remain peaceful can continue protesting without undue interference and intimidation from security forces.<sup>26</sup>

5.7 Despite this, Amnesty International has collected evidence on the security forces' unlawful use of birdshot and other metal pellets, teargas, water cannon, beatings with batons to disperse protesters, and gender-based violence, including sexual violence against women.

5.8 Birdshot, by nature, does not allow for such a differentiated response in full respect of the principles of necessity and proportionality. It is inherently inaccurate, carries a great risk of causing significant injury including to persons other than the targeted persons, and causes a level of widespread harm, which would be in all circumstances excessive and disproportionate to the legitimate objective pursued by the authorities.

5.9 Amnesty International considers that the security forces' use of birdshot violates the absolute prohibition on torture and other ill-treatment given the serious harm to physical integrity and the mental trauma that this conduct causes to protesters and the fact that it is deployed for the purpose

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<sup>25</sup> Amnesty International, 'Iran: Swedish-Iranian doctor held hostage and at risk of retaliatory execution,' 2022, available at <https://www.amnesty.org/en/latest/news/2022/05/iran-swedish-iranian-doctor-held-hostage-and-at-risk-of-retaliatory-execution/>

<sup>26</sup> Amnesty International [@AmnestyIran]. 2022 October 28, available at <https://twitter.com/AmnestyIran/status/1585709886964322304>

of inflicting severe harm and suffering on protesters to intimidate and punish them and to crush protests.

5.10 According to a primary source interviewed by Amnesty International, on 16 September, the first day of protests, security forces in Saqqez fired birdshot at 18-year-old Nachirvan Maroufi at a distance of about 10 metres, resulting in him losing sight in his right eye. The source said security forces also fired birdshot at another young man, 22-year-old Parsa Sehat, who consequently lost sight in both eyes.<sup>27</sup>

5.11 On 19 September, mass protests spread from Saqqez to other cities populated by Iran's oppressed Kurdish minority including Baneh, Dehghan, Divandareh, Kamyaran, Mahabad, and Sanandaj. Protesters, victims' relatives, and journalists on the ground told Amnesty International that on that day alone, security forces injured hundreds of men, women, and children by repeatedly firing metal pellets at their heads and chests at close range, indicating intent to cause maximum harm.<sup>28</sup>

5.12 An eyewitness to the crackdown in Kamyaran told Amnesty International:

*"Riot police were repeatedly firing towards people from about 100 metres away... I myself witnessed at least 10-20 people who were shot with metal pellets... Most of them were injured in their backs as they were running away."<sup>29</sup>*

5.13 A protester from Mahabad described a similar pattern. He said:

*"In response to people chanting 'Women, Life, Freedom' and 'Death to the Dictator', security forces fired weapons loaded with metal pellets, often from a distance of about 20-30 meters... They particularly targeted people in their head."<sup>30</sup>*

5.14 A journalist from Baneh similarly told Amnesty International:

*"Security forces directly shot people in their stomachs and backs at close range... Many of those initially shot at and injured were women because women stood in the front."<sup>31</sup>*

5.15 Eyewitness accounts of the security forces' extensive use of metal pellets are corroborated by videos and photos reviewed by Amnesty International in which sounds of repeated firing are heard and classic spray patterns of birdshot are seen on injured protesters and bystanders.

5.16 Eyewitnesses reported that at least three men (Fereydoun Mahmoudi in Saqqez, Kurdistan province; Farjad Darvishi in Urumieh, West Azerbaijan province; and an unidentified man in Kermanshah, Kermanshah province) and one woman (Minou Majidi in Kermanshah, Kermanshah province) died from fatal injuries caused by metal pellets during protests on 19 and 20 September.

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5.17 Consistent eyewitness accounts and video footage leave no doubt that those firing weapons during the protests belonged to Iran's security forces. Extensive video evidence indicates that

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<sup>27</sup> Amnesty International, 'Iran: Deadly crackdown on protests against Mahsa Amini's death in custody needs urgent global action,' 2022, available at <https://www.amnesty.org/en/latest/news/2022/09/iran-deadly-crackdown-on-protests-against-mahsa-aminis-death-in-custody-needs-urgent-global-action/>.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

protesters in Kermanshah, Kurdistan and West Azerbaijan provinces, where protester deaths were recorded, were mostly peaceful.

5.18 Two eyewitnesses from Dehdasht told Amnesty International that 16-year-old bystander, Pedram Azarnoush, was shot dead on 22 September after Revolutionary Guard agents began repeatedly randomly firing live ammunition to disperse protesters. The same night, locals said security forces had killed a second man identified as Mehrdad Behnam Vasl. One of the two eyewitnesses told Amnesty International:

*“The young boy was leaning on a wall and he was only looking at people. The protesters were fleeing, and he did not realise that bullets could come in his direction as well ... The security forces were repeatedly firing their weapons in all directions, and everyone was at risk of being shot or not, it was sheer luck whether they [escaped] being hit by a bullet or not.”<sup>33</sup>*

5.19 By 23 September, the death toll had reached at least 30 people amid a deliberately imposed Internet black out. On the night of 21 September alone, shootings by security forces left at least 19 people dead, including at least three children. Amnesty International has reviewed photos and videos showing deceased victims with horrifying wounds in their heads, chests and stomachs.<sup>34</sup>

5.20 According to eyewitness accounts, security forces involved in the deadly shootings include Revolutionary Guards agents, paramilitary Basij forces and plainclothes security officials.<sup>35</sup> These security forces have fired live ammunition at protesters with the intention of dispersing, intimidating and punishing them or preventing them from entering state buildings. This is prohibited under international law which restricts the use of firearms to instances where their use is necessary in response to an imminent threat of death or serious injury, and only when less extreme means are insufficient.

5.21 Amnesty International has documented sexual assaults and other gender-based violence by security forces, including grabbing women’s breasts and violently pulling women by the hair because they removed their headscarves.<sup>36</sup>

5.22 Amnesty International verified a video recorded in Shiraz, Fars province, on 24 September which shows riot police repeatedly and violently yanking the hair of one woman who had removed her headscarf as an act of protest. The video also captures how security forces sexually assault another woman who attempted to intervene by grabbing her breast, before a riot police official pushes her violently to the ground and causes her head to hit the cement curb. Amnesty International spoke to a primary source who said that the woman whose hair was pulled has been suffering from extreme pain in her head as well as emotional distress for the injuries that the woman who attempted to help her may have sustained.

5.23 The actions of Iranian authorities have been encouraged by Iran’s highest military body. Amnesty International obtained a leaked copy of an official document which states that, on 21 September 2022, the General Headquarters of Armed Forces issued an order to commanders in all provinces instructing them to “severely confront troublemakers and anti-revolutionaries”.<sup>37</sup> Later

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<sup>33</sup> Amnesty International, ‘Iran: World must take meaningful action against bloody crackdown as death toll rises,’ 2022, <https://www.amnesty.org/en/latest/news/2022/09/iran-world-must-take-meaningful-action-against-bloody-crackdown-as-death-toll-rises/>.

<sup>34</sup> Amnesty International [@AmnestyIran]. 2022 November 3, available at <https://twitter.com/AmnestyIran/status/1587863421810262017>

<sup>35</sup> Above, n33.

<sup>36</sup> Amnesty International [@AmnestyIran]. 2022 October 2, available at <https://twitter.com/amnesty/status/1576497267774816257>

<sup>37</sup> Amnesty International, ‘Iran: Leaked documents reveal top-level orders to armed forces to ‘mercilessly confront’ protesters,’ 2022, available at <https://www.amnesty.org/en/latest/news/2022/09/iran-leaked-documents-reveal-top-level-orders-to-armed-forces-to-mercilessly-confront-protesters/>.

that evening, the use of lethal force across the country escalated with dozens of men, women and children killed that night alone. The Iranian authorities knowingly decided to harm or kill people who took to the streets to express their anger at decades of repression and injustice.<sup>38</sup>

5.24 Another leaked document shows that, on 23 September, the commander of the armed forces in Mazandaran province ordered security forces in all towns and cities in the province to “confront mercilessly, going as far as causing deaths, any unrest by rioters and anti-Revolutionaries”.<sup>39</sup>

5.25 Widely referred to by Iranians as “bloody Friday”, the onslaught on 30 September marked the deadliest day on record since protests started spreading across Iran. Iranian security forces unlawfully killed at least 82 people, including children, and injured hundreds of others after firing live ammunition, metal pellets and teargas at protesters, bystanders and worshippers during a violent crackdown after Friday prayers in Zahedan, Sistan and Baluchistan province.<sup>40</sup> Evidence gathered by Amnesty International shows that the majority of victims were shot in the head, heart, neck and torso, revealing a clear intent to kill or seriously harm.

5.26 The authorities have claimed that protesters committed acts of looting and arson on public property. However, beyond a minority of protesters throwing stones towards the police station, Amnesty International has found no evidence that, more generally, protesters and bystanders engaged in acts of violence during the Mosalla incident on 30 September that would pose a threat to life or serious injury to security forces or others and would justify the use of lethal force used against them.

5.27 Consistent with their previous pattern of denial and cover-up, Iranian authorities have under-reported the number of fatalities, announcing that 19 people, including bystanders and several members of the security forces, were killed during the protests in Zahedan on 30 September.

5.28 Staggeringly, children represent 15% of overall deaths of protesters and bystanders recorded by Amnesty International. Amnesty International has so far recorded the names and details of 200 men, women and children killed by Iran’s security forces between 19 September and 3 November.<sup>41</sup> The victims recorded are limited to those whose names Amnesty International has been able to identify thus far. Amnesty International is continuing its investigations into reported killings and believes the death toll is now much higher.

## **6. Actions available to the Australian Government**

6.1 There is no such thing as “an impartial investigation” within Iran. UN member states must go beyond statements, listen to the cries for justice from victims and human rights defenders in Iran and urgently take meaningful action.

6.2 Since 2018, the UN Secretary General, the UN High Commissioner for Human Rights, other UN human rights experts, the UN General Assembly and UN member states have repeatedly called on the Iranian authorities to conduct prompt, impartial, transparent and effective

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<sup>38</sup> Amnesty International [@AmnestyIran]. 2022 November 2, available at <https://twitter.com/AmnestyIran/status/1587496062700380168>

<sup>39</sup> Above, n37.

<sup>40</sup> Amnesty International, ‘Iran: At least 82 Baluchi protesters and bystanders killed in bloody crackdown,’ 2022, available at <https://www.amnesty.org/en/latest/news/2022/10/iran-at-least-82-baluchi-protesters-and-bystanders-killed-in-bloody-crackdown/>.

<sup>41</sup> Amnesty International, ‘Iran: More than 760,000 people around the world calling for UN investigative mechanism on Iran,’ 2022, available at <https://www.amnesty.org/en/latest/news/2022/11/iran-more-than-760000-people-around-the-world-calling-for-un-investigative-mechanism-on-iran/>

investigations into the serious human rights violations committed in the context of protests and ensure accountability. These calls have been persistently ignored by the Iranian authorities.<sup>42</sup>

6.3 In a similar vein, the UN Special Rapporteur on Iran has consistently raised serious concerns about the lack of accountability for the use of unlawful force against protesters and others by Iran's security forces. In his January 2021 report, he wrote that:

*“The Government has failed to conduct an impartial, independent and transparent investigation into the use of excessive and lethal force during nationwide demonstrations in November 2019... Impunity for those actions and a lack of accountability prevail.”*

6.4 Echoing growing frustration at the international community's failure to take meaningful action to address successive waves of protest killings in Iran, the father of Milan Haghigi, a 21-year-old man killed by security forces on 21 September, told Amnesty International:

*“People expect the UN to defend us and the protesters. I, too, can condemn [the Iranian authorities], the whole world can condemn them but to what end is this condemnation?”*

6.5 The Iranian authorities have repeatedly ignored all calls to cease the unlawful use of force and to prosecute those responsible for unlawful killings, enforced disappearances, torture and other ill-treatment of protesters, bystanders and of people deprived of their liberty. The price of this systematic impunity is being paid with human lives, including women and children's.

### **Support the Establishment of an International Independent Investigative and Accountability Mechanism on Iran**

6.6 Member states engaging at the UN Human Rights Council should urgently hold a special session and adopt a resolution to establish an international independent investigative and accountability mechanism on Iran. This independent investigative and accountability mechanism must include a mandate to investigate the most serious crimes under international law committed by the Iranian authorities.<sup>43</sup> People in Iran deserve more than empty words. The crisis of systemic impunity that has long prevailed in the country must end, and it must end now.

6.7 In October, 10 UN experts, including the Special Rapporteur on the human rights situation in Iran, called on the Human Rights Council to urgently take action, including by establishing an international investigative mechanism on Iran during a special session. This call is also supported by Amnesty International and 42 other human rights organizations.<sup>44</sup>

6.8 In addition, more than 1 million people across 218 countries and territories - including over 10,000 people in Australia - have added their voices to petitions calling for the establishment of an independent UN mechanism to conduct investigations as a step towards pursuing accountability for the most serious crimes under international law committed in Iran.<sup>45</sup>

6.9 It is important to highlight that these calls are for the establishment of an independent and international mechanism by the Human Rights Council that is separate from and complementary to the existing mandate of the Special Rapporteur on the situation of human rights in Iran. It could

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<sup>42</sup> Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, 'A/HRC/46/50: Situation of Human Rights in the Islamic Republic of Iran,' 2021, available at <https://www.ohchr.org/en/documents/country-reports/ahrc4650-situation-human-rights-islamic-republic-iran-report-special>.

<sup>43</sup> Amnesty International, 'UN Human Rights Council must hold a special session on Iran,' 2022, available at <https://www.amnesty.org/en/documents/mde13/6123/2022/en/>

<sup>44</sup> Ibid.

<sup>45</sup> Above, n27.

take the form of a Commission of Inquiry, a Fact-Finding Mission or another similar form. The Special Rapporteur on Iran has clearly and explicitly called for the establishment of a separate mechanism with investigative functions that would complement his own mandate.<sup>46</sup>

6.10 In an example of how an Independent Investigative Mechanism could function, the Independent Investigative Mechanism for Myanmar is a useful comparison.<sup>47</sup>

*“The Independent Investigative Mechanism for Myanmar collects, consolidates, preserves and analyses evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011. It prepares case files that can be used in courts or tribunals to hold perpetrators accountable”.*<sup>48</sup>

6.11 Due to the work of the Investigative Mechanism for Myanmar, the International Court of Justice is currently considering allegations that Myanmar has failed to fulfill its obligations to prevent and punish acts of genocide committed against the Rohingya people in Myanmar as required under their international obligations.<sup>49</sup>

6.12 Any Independent Investigative Mechanism on Iran could serve a similar purpose and assist with national courts in regards to universal jurisdiction, much like what took place in Sweden in the trial of Hamid Nouri.<sup>50</sup> It is important to note that Australia:

*“Recognises universal jurisdiction as a well-established principle of international law, and a key element of efforts to ensure accountability for the most serious crimes of international concern.”*<sup>51</sup>

6.13 Currently, the Australian Government has so far only supported an investigation into the death of Mahsa Amini. While Amnesty International supports this, any investigation must go beyond just the death of Mahsa Amini and include any crimes under international law committed by the Iranian authorities, particularly towards protestors.

6.14 While Australia is not a current member of the UN Human Rights Council, Australia’s concerted advocacy towards current members at this critical moment is imperative to ensure accountability and support for bereaved relatives and victims who are systematically deprived of access to justice.

**Recommendation 1:** Amnesty International recommends the Australian Government publicly supports and advocates at the highest levels for the establishment of an independent UN mechanism to conduct investigations as a step towards pursuing accountability for the most serious crimes under international law committed in Iran.

<sup>46</sup> United Nations Human Rights Office of the High Commissioner, ‘Iran: Special Rapporteur calls for effective accountability for deaths in recent protests,’ 2022, available at

<https://www.ohchr.org/en/press-releases/2022/10/iran-special-rapporteur-calls-effective-accountability-deaths-recent>

<sup>47</sup> United Nations Human Rights Council, ‘Independent Investigative Mechanism for Myanmar’, accessed November 2022, available at <https://www.ohchr.org/en/hr-bodies/hrc/iimm/index>

<sup>48</sup> United Nations, ‘Independent Investigative Mechanism for Myanmar,’ accessed November 2022, available at <https://iimm.un.org/independent-investigative-mechanism-for-myanmar/>.

<sup>49</sup> United Nations, ‘Press Release: Evidence of crimes against humanity in Myanmar escalate, with women and children severely impacted, according to Myanmar Mechanism Annual Report,’ 2022, available at <https://iimm.un.org/press-release-evidence-of-crimes-against-humanity-in-myanmar-escalate-with-women-and-children-severely-impacted-according-to-myanmar-mechanism-annual-report/>.

<sup>50</sup> United Nations Office of the High Commissioner, ‘Iran: UN expert welcomes historic verdict in universal jurisdiction case,’ 2022, <https://www.ohchr.org/en/press-releases/2022/07/iran-un-expert-welcomes-historic-verdict-universal-jurisdiction-case>.

<sup>51</sup> Government of Australia, ‘Australian Views on the Scope and Application of the Principle of Universal Jurisdiction,’ 2018, available at [https://www.un.org/en/ga/sixth/73/universal\\_jurisdiction/australia\\_e.pdf](https://www.un.org/en/ga/sixth/73/universal_jurisdiction/australia_e.pdf).

**Recommendation 2:** Amnesty International recommends the Australian Government, where appropriate, applies the principle of universal jurisdiction to ensure accountability for the most serious crimes of international concern that have taken place in Iran.

## 7. Conclusion

The Australian Government should use this inquiry as an opportunity to fulfil its obligations under international law and address the cycle of impunity in Iran. Rather than simply condemning the actions of Iranian authorities, the Australian Government must take concrete action, which includes advocating at the highest levels for the establishment of an independent UN mechanism to conduct investigations as a step towards pursuing accountability for the most serious crimes under international law committed in Iran. Where appropriate, the Australian Government should also look to apply to the principle of universal jurisdiction and may rely on the evidence gathered by such a mechanism.

Beyond this, it is imperative that the Australian Government listen to members of the Iranian community here in Australia, in particular those whose friends and family members face daily persecution at the hands of a repressive regime. These groups, which include the Kurish and Bahá'í communities, have close connections to what is happening on the ground in Iran. Their voices must be heard, for it is in-part their testimonies that will best inform international action.