

Iran's age of extremism

Emad Mekay, IBA Middle East Correspondent Thursday 9 February 2023



Iran solidarity rally in London, 8 January 2023, Dylan Martinez/REUTERS.

As the regime cracks down hard on protests, *Global Insight* assesses how the international community ought to respond in order to protect the rights of the country's 88 million population.

Mass protests calling for the overthrow of Iran's ruling clerical regime have shaken the country, leading to extreme repercussions. The protests have been ongoing for several months and Tehran has now turned to its notoriously harsh legal system to mete out severe punishments, including the death penalty, in a bid to deter further demonstrations. There are serious concerns that the Iranian regime is poised to execute numerous protestors, after four people were hanged following secretive trials and several more currently sentenced to death.

The protests were triggered in September 2022 by outrage over the death of 22-year-old Mahsa Amini, a Kurdish-Iranian woman who was arrested by Iran's so-called morality police for alleged indecent exposure. The outpouring of anger at the authorities spread across the country including in the capital Tehran. The protests found particularly fertile ground among university students who, previously, were among the main forces that helped bring about the 1979 Iranian Revolution against the then Western-aligned regime of Shah of Iran Mohammad Reza Pahlavi.

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Mahmood Amiry-Moghaddam



Co-Founder, Iran Human Rights



response to the protests, the regime initially deployed measures such as nationwide internet disruptions, slowing down mobile networks and banning social media networks altogether. Officials later also used force against the protestors. But despite weeks of punitive and lethal anti-riot tactics leading to several deaths and hundreds of arrests, the regime failed to intimidate the crowds, in what is now considered the longest running anti-government movement since the 1979 revolution. To further complicate matters for the regime, the protests started to gain supporters, including public figures and celebrities. Ali Karimi, a popular football player with 14 million Instagram

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followers, said he backed the protests, while Oscar-winning actress Taraneh Alidoosti was arrested for expressing support. Two other actresses, Katayoun Riahi and Hengameh Ghaziani, had both been jailed for the same reason. All three were later set free.

No leniency

Hardline elements of the regime have signalled increasing impatience with the rallies and were clearly setting the scene for Tehran's usual harsh legal response to public displays of discontent. Government-controlled media paved the way by referring to the street marches as 'riots' rather than legitimate demonstrations. Officials were quoted as saying the protestors caused 'numerous attacks on policemen and ordinary civilians'.

The regime regularly uses the word 'terrorism' to describe the actions of the protesters. Officials often draw comparisons with ISIS, referred to locally by its Arabic derogatory acronym Daesh, a term originally coined in Iran. The use of the term 'terrorism' has often been a typical precursor in the Middle East to bloody crackdowns and harsh court sentences from authorities who liberally use the label against political opponents.

On 9 November 2022, when the protests were at a peak, Speaker of the Islamic Consultative Assembly the country's legislative body – Mohammad Bagher Ghalibaf warned that 'any kind of stance, which hurts unity, will be considered as loading the enemy's gun'. This was followed by a letter cited by state-run Press TV in which some 227 Iranian lawmakers urged the country's judiciary to 'show no leniency' to the demonstrators. 'We, the representatives of this nation, ask all state officials, including the Judiciary, to treat those, who waged war [against the establishment] and attacked people's life and property like the Daesh terrorists, in a way that would serve as a good lesson in the shortest possible time', the Iranian News Agency (IRNA) quoted the letter as saying.



Iran hangs two men accused of killing security agent during protests, 7 January 2023, Wana News Agency/REUTERS

Executions

The rhetorical build-up produced near immediate results. Iran's legal system responded by issuing around 1,000 indictments – many with charges punishable by death. Later the same month, an Iranian court issued the first death sentence linked to the demonstrations for allegedly setting a government building on fire. Soon after, three more protesters were sentenced to death. Four people are known so far to have been put to death for connections with the demonstrations. Many more now face the same possibility. In December, Amnesty International said it could confirm that as many 26 young people are on death row. Other sentences issued by the legal system ranged from five to ten years in prison, according to local media, rights groups and exiled opposition.

The measures were universally condemned as gross miscarriages of justice and many observers recalled previous episodes of Iran using kangaroo courts in response to civil unrest. 'There is no due process', Mahmood Amiry-ghaddam, a spokesperson for Norway-based Iran Human Rights, a non-governmental organisation that tracks Iran's use of capital punishment, tells *Global Insight*. 'Those arrested are subjected to torture to give confessions, have access to a lawyer of their choice, and are sentenced to death by the revolutionary courts.'

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International reaction

UN experts, including Morris Tidball-Binz, Special Rapporteur on extrajudicial, summary or arbitrary executions, and Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion, issued a statement warning that Iran's courts, established after the 1979 revolution, have been used for years to sentence political activists 'through grossly unfair summary trials'. They also faulted the Iranian criminal justice system for relying on forced confessions, among other shortcomings.

Javid Rehman, UN Special Rapporteur on the situation of human rights in Iran, told the UN Security Council that at least 14,000 people, including journalists, activists, lawyers and teachers, had been arrested in the current wave alone.

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Anne Ramberg
Co-Chair, IBAHRI

Jake Sullivan, US National Security Advisor, decried the legal measures taken by Tehran. 'We're deeply concerned about reports from Iran of mass arrests, sham trials, and now a death sentence for protesters voicing legitimate demands', he said in a statement. The EU and the UK have imposed new sanctions against the Revolutionary Guards in Iran.

The IBA Human Rights Law Committee told *Global Insight* in a statement that if the Iranian authorities continue to implement a systematic or widespread practice of arbitrary detention, enforced disappearances or extrajudicial killings, they may be committing crimes against humanity. 'Crimes against humanity attract universal jurisdiction and can be prosecuted before domestic courts [with universal jurisdiction provisions] or international tribunals/mechanisms with jurisdiction over Iran', the Committee says. 'As an example, in July [2022], a Swedish Court exercising universal jurisdiction convicted Hamid Nouri, an Iranian official, in connection with his involvement in summary executions and enforced disappearances against political dissidents, which occurred in 1988. The same or similar provisions could be applied in connection with the current events in Iran.'

Officers of the IBA Human Rights Law Committee point out that Iran is a State Party to the International Covenant on Civil and Political Rights, Article 21 of which clearly enshrines the right of peaceful assembly. They also point to the possibility of intervention from international bodies such as the Office of the UN High Commissioner for Human Rights, the Human Rights Council and the Security Council to help Tehran temper its response to the protests and suggested that those bodies could initiate dialogues or political action.

The UN takes a stand

Justice Richard Goldstone, Honorary President of the IBAHRI, tells *Global Insight* that the role of international organisations includes 'naming and shaming' in the hope of ameliorating the plight of the victims of an intolerant regime such as Iran's. 'There is also the moral imperative of calling attention to all violations of fundamental human rights wherever they occur', he says. 'There is certainly an important role to be played by the Security Council and other UN agencies.'

Goldstone says, however, that the use of the veto by some of the permanent members of the Security Council neuters an important 'peremptory powers conferred on that body by Chapter VII of the UN Charter'. He notes that this is increasingly being regarded by many international lawyers as an unlawful use of the veto to protect regimes that perpetrate international crimes such as genocide, aggression and crimes against humanity. 'I agree with that approach. Russia and China have too frequently used their veto – a scenario that is likely to continue in the case of

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Iran', said Goldstone, who was Chief Prosecutor of the UN International Criminal Tribunals for the former Yugoslavia and Rwanda. 'It is up to the General Assembly to use its powers and especially under the procedure known as a uniting for peace resolution.'

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Since the start of the protests several UN-affiliated bodies have responded to the crackdown. In mid-December Iran was expelled from the Commission on the Status of Women of the UN Economic and Social Council. The US introduced the resolution, which received 29 votes in favour and eight against, with 16 countries abstaining. 'Gender equality is a distant dream in Iran at this moment in time when the rights of women and girls are being violated at every turn', Ramberg of the IBAHRI said. 'The IBAHRI alongside the international community supports the Iranian protestors condemning the continued assault on their fundamental human rights and calling for an immediate end to any planned executions.'

The UN Human Rights Council also launched a probe into alleged abuses in Iran's response to the protests. Volker Türk, the UN High Commissioner for Human Rights, said Iranian authorities must end 'disproportionate use of violence' against protesters, a call that has so far gone unheeded.

Tehran's continuation of its crackdown prompted a stronger rebuke from the UN in January. 'The weaponisation of criminal procedures to punish people for exercising their basic rights – such as those participating in or organising demonstrations – amounts to state sanctioned killing', Türk said on 10 January. 'The Government of Iran would better serve its interests and those of its people by listening to their grievances.'

In Geneva, Ravina Shamdasani, Spokesperson for the UN High Commissioner, faulted Iran's 'expedited' hearings that failed to meet fair trial guarantees required by international human rights law. 'These are executions by the State which the UN is against in all circumstances. Given an almost complete lack of due process, and given the use of torture and ill-treatment, we are saying that these are not only executions, but they are State-sanctioned killings, they are arbitrary deprivations of life by the State', she said.

Fomenting unrest

In face of such criticism, the Iranian authorities argued international backing of the protests is orchestrated to change the regime rather than a genuine concern for the welfare of the Iranian people, who live under Western sanctions. The protests, they said, were in fact part of a 40-year-old strategy pushed by the US and Israel to destabilise the nation for standing up to their policies in the region.

The other argument seen in Iranian media is that Western policy towards Iran has been hypocritical because there's similar outcry against abuses in pro-Western countries in the region that are major human rights violators, such as Egypt and Saudi Arabia. Kazem Gharibabadi, Iranian Vice-President of the Judiciary for International Affairs and Secretary General of the Islamic Republic of Iran's High Council for Human Rights, told local press: 'The international human rights entities kept mute when it came to the crackdown in the Western states, while they spared no effort to show solidarity with rioters in Iran.' Gharibabadi further pointed to what he said was a crackdown on protesters that had opened in Canada, France, Germany, the UK and the US in recent years.



Iran hangs two men accused of killing security agent during protests, 7 January 2023, Wana News Agency/REUTERS

But observers say such arguments are flawed and do not give Iran the right to use the lethal force or sham trials. 'Universal human rights transcend borders and nationality', says the IBA Human Rights Law Committee. 'It is not a valid argument to justify human rights violations by referring to inaction in other states. The existence or not of hypocrisy does not dilute the right of Iranian protestors to enjoy the protection of universally recognised rights. Put simply, the solution is not to do less in Iran, but more elsewhere.'

Goldstone and Ramberg say the Iranian charge is designed to deflect both criticism and responsibility for the regime's crimes. 'The problem is political and not legal', Goldstone said. 'There can be no doubt that the courts of Iran are completely controlled by the government and do its bidding. There are no independent judges and there is no separation of powers. It is thus not relevant or helpful to compare the courts of Iran with those of any Western democracy.'

Ramberg says she recognised that some Western countries have used double standards when it comes to international human rights but still faulted the Iranian regime for the use of force. 'I do not think it makes sense. The reactions in comparable countries dealt with the protests in a proportionate way. That said, Western countries have for many years applied double standards when it comes to the way war crimes and other atrocities are being regarded', she says.

As executions escalated abruptly in Iran, Ramberg joined a high-level group in signing a letter addressed to world leaders urging a move beyond rhetorical condemnations and taking concrete measures to combat Iranian brutality. In a letter released in later December, the signatories – who included Helen Clark, former Prime Minister of New Zealand; Judge Sang-Hyun Song, former President of the International Criminal Court; Nobel Prize laureates; and law professors – urged world leaders to set up 'a joint mechanism to identify and impose joint sanctions against the individual masterminds and perpetrators of the crackdown on the protesters'.

'We urge you to hold the leadership of the Islamic Republic of Iran to account for committing crimes against humanity, for acts including the killing of children and the public hanging of protesters, and to use all internationally available means to bring them to justice', the letter said.

The signatories recommended imposing more targeted economic sanctions to cut off funds to the state's machinery of suppression, blacklist the Revolutionary Guards Corps and its affiliated entities that are leading the crackdown and to downgrade diplomatic ties with Tehran including by withdrawing ambassadors and expelling 'the representatives of what is in fact a murderous government'.

Khamenei's victory lap

But such international pressure has visibly come at a slower pace than the regime's iron-fisted reaction and its recent wave of executions. Reports from Iran say that numbers of the protests may be starting to dwindle. On top of the executions, the state has deployed a massive surveillance operation, relying on China-supplied face recognition technology, against participants particularly among restless university students, according to activists.

In January, IRNA reported that the country's Supreme Leader Ayatollah Ali Khamenei struck a celebratory chord apparently in reaction to the slowing pace of demonstrations. In mid-January he gave a gathering of literary figures take on the protests: 'There have been security issues; infiltration of spy teams; Iranophobia campaign; invocation of ethnic, religious, political, and personal motivations, which have been used to create disruption in various months. As an observer, I said "Bravo!" to the good engineering by the foes because they prepared all preconditions properly. But despite the plot, which can be effective in other countries, they could not succeed because their calculation was wrong.'

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Amiry-Moghaddam disputed Khamenei's optimism. 'After almost four months and despite using extensive violence, killing at least 481 people including 64 children, and arresting more than 20,000 and in the past weeks sentencing more than 20 to death and executing four, the regime hasn't managed to control the protests', he says.

While it is not clear if the heavy hand of Iran's legal and security systems will eventually manage to completely quash the demonstrations, the protests have brought together many grievances for the Iranian public to the fore and exposed the regime's failure to deal with any of them. If anything, Tehran's resort to the heaviest in its arsenal, summary executions, betrays how ominously the street crowds are perceived by the regime. They are reminiscent of the 1979 wave of protests when Iranians took to the streets to protest against corruption and the repressive policies of the Shah. But, instead of capitalising on public support to improve the lives of Iranians, the revolution that mesmerised the region as the first successful popular overthrow of a corrupt ruling regime in the Middle East has wrought similar harsh policies on the country, only with a religious mantle.

'There are still protests in Iran, maybe not with large numbers every day, but they continue. People show their protest in many ways – women walk on the streets without hijab, people tear down Khamenei's pictures every day, and when there is an opportunity, people gather in larger groups', Amiry-Moghaddam said. 'There is no way back.'

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