



# MUNLAWS 2023

FACULTY OF LAW, UNIVERSITY OF LJUBLJANA

## STUDY GUIDE

HUMAN RIGHTS COUNCIL (HIGH SCHOOL)

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MUNLawS 2023  
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# 1 TOPIC ONE: HUMAN RIGHTS IMPACTS OF SANCTIONS

## 1.1 INTRODUCTION

*“Beware that, when fighting monsters, you yourself do not become a monster... for when you gaze long into the abyss. The abyss gazes also into you.”*

- Friedrich Nietzsche

1. Conflict always arises when there are two or more opposing interests for a limited resource. Conflict *per se* is not problematic, only when the methods to resolve it are inappropriate, it becomes problematic. For as long as the Nation States have existed, the conflict between them has been inevitable. The fight for resources has been carried out through most of human history by force, via military and/or economic manners, however with the advancement of modern technology, means of mass communication have paved the way for a more interconnected international community.
2. With the explosion of trade relations between the Nation States, the cost of war has greatly exceeded its benefits. Still, the use of force persists but manifests itself in different ways, one of them being unilateral coercive actions.
3. Though controversial, their use has (sometimes) in the past proven to have helped humanitarian goals in achieving a better enjoyment of human rights across the globe. Yet, when used inappropriately, they can become the very problem they swore to remove.
4. The complex nature of unilateral coercive sanctions comes from the relationship between their intended goals of supporting the enjoyment of human rights around the world and their unintended possible negative effects on them.
5. Because of their popularity and complexity, unilateral coercive actions are a great topic for a discussion about the past, present and future of multilateral relations between Nation States.

## 1.2 UNILATERAL COERCIVE ACTIONS

6. There is no universal definition of unilateral coercive actions. They could be defined as economic measures, taken by Nation States to influence another State's policies.<sup>1</sup> *Unilateral* means that the decision is one-sided and *coercive* implying that the action relies upon force to achieve its goal.
7. They aim to improve the living standards in the target country by forcing its government to change its policy or face a dire economic situation. Under the guise of protecting human rights and democracy, Nation States impose sanctions, such as embargos, on other states in order to change State policies they deem »inappropriate«.
8. Their use is widely disputed. Most would agree that they are contrary to international law, specifically contrary to the Charter of Nations and the Universal Declaration of Human Rights, because of their forceful nature. It is also because of this forceful nature that relations between the Nation States suffer, given that sanctions are less common when relations are high. Their negative effect on the realization of a democratic and equitable international order and their negative effect on the enjoyment of human rights also lends to the fact that they are seen as illegal, as well as a clear violation of the principles of self-determination, non-intervention and independence of States.
9. There are various degrees of sanctions, differing by the breadth of their focus.<sup>2</sup> They range from comprehensive sanctions, such as a trade embargo on a country, to targeted ones, such as an asset freeze of a highly influential individual in the targeted country.
10. The difference in their use is apparent alone in the fact that the sanctions vary on who they impact the most. Large-scale sanctions focus on isolating a country by cutting it off from international trade, and although the whole country suffers, not everyone suffers the same amount. The poor carry a much heavier burden from the economic hardships caused by sanctions than the rich, as the country's life standard decreases, and everyday commodities, such as education and healthcare, become more and more

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<sup>1</sup> United Nations, "OHCHR and unilateral coercive measures", *United Nations*, <https://www.ohchr.org/en/unilateral-coercive-measures>, (accessed on August 1, 2023).

<sup>2</sup> Iryna Bogdanova, "*Unilateral Sanctions in International Law and the Enforcement of Human Rights: the Impact of the Principle of Common Concern of Humankind*" (Leiden: Koninklijke Brill, 2022), 48.

unavailable. Trade embargoes can also include medical supplies and food, thus increasing the chances of famine and the number of medically preventable deaths.

11. Such large-scale sanctions can be inaccurate and counter-productive: measures to influence another country's policies are usually implemented against undemocratic regimes, where a small circle of people has a large influence over the country's politics, yet the sanctions indiscriminately affect everyone under the regime – even those with little to no power, thus making the sanctions inaccurate and ineffective as they affect people without the power necessary to change the intended policy.
12. Furthermore, the worsened economic situation can aid and allow the non-democratic political figures to thrive, since the rise of non-democratic regimes, such as fascism, is tied to poor economic conditions<sup>3</sup>, hence further delegitimizing the sanctions and distancing them from their goals.
13. Targeted sanctions, such as asset freeze, have garnered a larger support from scholars and policymakers. Arisen as a response to large-scale sanctions, their intention of targeting only those with enough power to change the country's policy seems to be more in line with the intended goal of sanctions in general. Such was the vision of Johan Galtung in 1967 when he proposed an international community where sanctions could be aimed at responsible individuals.<sup>4</sup>
14. The effects of sanctions can be wide-ranging since they can heavily influence a country's economy as well as its politics. Imposing an embargo isolates a Nation State and disables its trading abilities, leaving its population's needs unfulfilled since the necessary resources cannot be imported. This can result and has historically resulted in famine and many more preventable deaths due to insufficient medical equipment.

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<sup>3</sup> Yascha Mounk, *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It* (Cambridge, Massachusetts: Harvard University Press, 2018), 165.

<sup>4</sup> Bogdanova, *Unilateral Sanctions in International Law and the Enforcement of Human Rights*, 48.

## 1.3 HISTORICAL BACKGROUND

15. Economic actions aiming to influence another country's economy have been around since the times of Ancient Greece<sup>5</sup>. Back then those attempts were typically accompanied by military force. The goal was to undermine the economy of a belligerent state, thus forcing them to end the war on favourable terms.
16. A famous example of the use of economic coercion in times of war was the Continental Blockade issued by France<sup>6</sup> in the Napoleonic Wars, which aimed to cripple Great Britain's trading strength and thus their overall war output and capacity.
17. A century later, the same tactic – that is embargo – was applied by the United Kingdom in World War I against the German Empire<sup>7</sup> with the same goal of crippling its economy and undermining morale. The results were catastrophic as they caused widespread famine across German states and a paucity of resources required for the ongoing war, as those necessities could not be imported.

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<sup>5</sup> Matthew A. McIntosh, "Methods, Economics, and Strategy in Ancient Greek Warfare" *Brewminate: a bold blend of news & ideas*, <https://brewminate.com/methods-economics-and-strategy-in-ancient-greek-warfare/> (accessed August 1, 2023).

<sup>6</sup> Adam Augustyn, "Continental System," *Britannica*, <https://www.britannica.com/event/Continental-System>, (accessed August 1, 2023).

<sup>7</sup> Wikipedia, "Blockade of Germany", *Wikipedia*, [https://en.wikipedia.org/wiki/Blockade\\_of\\_Germany](https://en.wikipedia.org/wiki/Blockade_of_Germany) (accessed August 1, 2023).



## 1.4 THE IMPACT ON THE RIGHT TO ADEQUATE FOOD

18. Through a food shortage, the enjoyment of any human right is impacted, especially the right to adequate food<sup>8</sup>, and the ability of a country's population to revolt against its non-democratic regime is stunted, thus further entrenching the ruling regime in their position.
19. The right to adequate food is a fundamental human right, recognized under international law. A shortage of food can infringe upon this right, leading to hunger, malnutrition, and other health problems.
20. The right to adequate food is closely linked to other human rights, such as the right to health, education, and work since none of those rights can be fully enjoyed on an empty stomach.
21. Sanctions can cause food shortages, which can lead to food insecurity and malnutrition, thereby eroding or nullifying the rights to adequate food, housing, health, and other basic human rights.<sup>9</sup> The aftermath of large-scale sanctions against countries is usually poverty and growing inequality, which are some of the underlying causes of food insecurity.<sup>10</sup> Sanctions that block a country from accessing equipment and materials necessary to build and maintain critical infrastructure, such as roads, bridges, railways, and other transportation infrastructure, or that prevent shipments of fuel to a sanctioned country, make it difficult for essential goods to be transported and to reach the intended vulnerable populations.<sup>11</sup>

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<sup>8</sup> United Nations Human Rights, "The Right to Adequate Food", *OHCHR*, <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf> (accessed on: August 1, 2023).

<sup>9</sup> OHCHR, "UN experts urge States to consider humanitarian impacts when imposing or implementing sanctions", *OHCHR*, <https://www.ohchr.org/en/press-releases/2022/03/un-experts-urge-states-consider-humanitarian-impacts-when-imposing-or> (accessed on August 1, 2023).

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

## 1.5 THE IMPACT ON THE RIGHT TO HEALTHCARE

22. A shortage of medical supplies<sup>12</sup> infringes upon the right to healthcare and worsens the economic conditions in the targeted country. The right to healthcare encompasses access to essential medical supplies, equipment, and services. When there is a shortage of medical supplies, it directly infringes upon this fundamental right. The scarcity of supplies can hinder the ability of healthcare facilities to provide adequate care and treatment to patients.
23. This can lead to delayed or substandard medical interventions, compromising the health and well-being of individuals. The right to healthcare is a fundamental human right recognized internationally, including in the Universal Declaration of Human Rights<sup>13</sup> and the International Covenant on Economic, Social and Cultural Rights.<sup>14</sup>
24. A shortage of medical supplies disproportionately affects vulnerable populations, including those with chronic illnesses, the elderly, and low-income individuals. These groups often rely heavily on healthcare services and are more susceptible to the negative consequences of supply shortages.
25. Limited access to necessary medical supplies can exacerbate existing health disparities and inequalities, further compromising the right to healthcare for these marginalized communities.

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<sup>12</sup> MLMIC, “Nationwide Medical Supply Shortage Impacts Healthcare Facilities” *MLMIC Insurance Company*, <https://www.mlmic.com/blog/physicians/medical-supply-shortage> (accessed August 1, 2023).

<sup>13</sup> United Nations, *Universal Declaration of Human Rights*, Available at: <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf> (accessed on August 1, 2023).

<sup>14</sup> United Nations, *International Covenant on Economic, Social and Cultural Rights*, Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (accessed on August 1, 2023).

## 1.6 HISTORICAL EXAMPLES

### 1.6.1 SOUTH AFRICA

26. South Africa's history is stained by its apartheid<sup>15</sup> policy – one of the most famous examples of racial segregation. Its controversy grew larger in the second half of the 20<sup>th</sup> century as the international community refused to remain silent.
27. In 1962, the UN General Assembly passed Resolution 1761<sup>16</sup>, condemning South Africa's apartheid policies, and establishing the United Nations Special Committee Against Apartheid. They called for sanctions to be imposed on the country.
28. In later decades more and more countries joined the list of sanctioned countries, increasing the pressure on the South African government to change their policy. The sanctions ranged from a first voluntary arms embargo (Resolution 181<sup>17</sup>), to a mandatory one afterwards (UN Security Council Resolution 418<sup>18</sup>), to a ban on direct investment in the country (Japan), which other countries adopted later-on as well, such as the U.S. and the UK, causing South Africa to experience a “capital flight”.
29. Following this capital flight, the South African currency, the rand, experienced a heavy decline in value and the country began to suffer from inflation, and thus a decline in living standards occurred.
30. However, despite this decline, the sanctions were in the end successful, as the country abandoned its apartheid policies in 1994, following an election won by Nelson Mandela.
31. The South African example shows how unilateral coercive actions were imposed in pursuit of human rights and achieved their goal.

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<sup>15</sup> Britannica, “Apartheid”, *Britannica*, <https://www.britannica.com/topic/apartheid> (accessed on August 1, 2023).

<sup>16</sup> UN General Assembly (17<sup>th</sup> sess.: 1962), “The policies of apartheid of the Government of the Republic of South Africa”, *United Nations Digital Library*, <https://digitallibrary.un.org/record/204274> (accessed on August 1, 2023).

<sup>17</sup> Wikipedia, “United Nations Security Council Resolution 181”, *Wikipedia*, [https://en.wikipedia.org/wiki/United\\_Nations\\_Security\\_Council\\_Resolution\\_181](https://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_181), (accessed on August 1, 2023).

<sup>18</sup> United Nations, *UN Security Council Resolution 418 (1977)*, available at: <https://digitallibrary.un.org/record/66633>, (accessed on August 1, 2023).

## 1.6.2 CUBA

32. Following the Cuban Revolution, the United States imposed an embargo<sup>19</sup> on the country in 1960 that has remained until this day, making it the longest trade embargo in history. The US embargo prevents U.S. companies from conducting trade with Cuba<sup>20</sup>. The UN General Assembly has passed yearly resolutions since 1992<sup>21</sup>, condemning the long-standing economic sanction and calling for its end.
33. Because of this embargo the supply of medical products to the country has been greatly affected, insofar that there is a shortage of medicine. Despite the fact that Cuba has one of the best ratios of physicians per capita,<sup>22</sup> their stock of medical supplies is insufficient and they must import them illegally. Given the shortage, Cuba's healthcare system is limited in its ability to help its population.<sup>23</sup>
34. These economic sanctions have undermined the Cuban people's right to health care under Article 14 of the Covenant on Economic, Social and Cultural Rights.
35. The Cuban example shows how unilateral coercive actions were imposed, yet did not achieve their intended goals of bringing democracy to the Cuban people.

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<sup>19</sup> U.S. Department of State, "Cuba sanctions", *U.S. Department of State*, <https://www.state.gov/cuba-sanctions/>, (accessed on August 1, 2023).

<sup>20</sup> Isabella Oliver, Mariakarla Nodarse Venancio, "Understanding the Failure of the U.S. Embargo on Cuba", *WOLA*, <https://www.wola.org/analysis/understanding-failure-of-us-cuba-embargo/>, (accessed on August 1, 2023).

<sup>21</sup> The Guardian, "UN condemns Cuba embargo for 24<sup>th</sup> consecutive year", *The Guardian*, <https://www.theguardian.com/world/2015/oct/27/un-condemns-cuba-embargo-for-24th-consecutive-year> (accessed August 1, 2023).

<sup>22</sup> Robert G. Evans, *Thomas McKeown*, "Meet Fidel Castro: Physicians, Population Health and the Cuban Paradox", *National Library of Medicine*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2645168/>, (accessed on August 1, 2023).

<sup>23</sup> Luis Brizuela, *Medicine Shortages*, "A Challenge to Public Health in Cuba", *Havana Times*, <https://havanatimes.org/cuba/medicine-shortages-a-challenge-to-public-health-in-cuba/>, (accessed on August 1, 2023).

### 1.6.3 RUSSIA

36. Following the illegal annexation of Crimea in 2014, Russia faced sanctions from multiple countries, some of which include the U.S., Canada, and the EU. These sanctions were imposed against individuals, businesses and officials.<sup>24</sup>
37. The sanctions helped contribute to the collapse of the Russian ruble<sup>25</sup>, further damaging the Russian economy, but they also caused economic damage to the EU economy, with total losses estimated at 100 billion € (as of 2015).<sup>26</sup>
38. Another set of sanctions hit Russia in February 2022, following its invasion of Ukraine. Western countries again imposed sanctions similar to the previous ones, but this time private companies, backed by the EU, Ukrainian and U.S. governments, joined in, “sanctioning” Russia by ceasing to do business in the country..<sup>27</sup> On popular social media, such as TikTok, users could be seen calling out brands that had still continued to conduct business in Russia, thus further prompting private corporations to go beyond what was required of them by their national laws, and to try and stay on the good side of public opinion.
39. These sanctions were much more targeted than in the previous two examples. Assets worth more than €400 billion from the Central Bank of Russia were frozen, blocking access to them.<sup>28</sup> Sanctions were also imposed on prominent Russian oligarchs and politicians – a prime example of this would be calling in the international arrest warrant for Vladimir Putin, the leader of Russia, by the International Criminal Court.<sup>29</sup>

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<sup>24</sup> Indra Overland, "Financial Sanctions Impact Russian Oil, Equipment Export Ban's Effects Limited", *Oil and Gas Journal*, [https://en.wikipedia.org/wiki/Oil\\_%26\\_Gas\\_Journal](https://en.wikipedia.org/wiki/Oil_%26_Gas_Journal) (accessed on August 1, 2023).

<sup>25</sup> Shaun Walker, Alberto Nardelli, "Russia's rouble crisis poses threat to nine countries relying on remittances", *The Guardian*, <https://www.theguardian.com/world/2015/jan/18/russia-rouble-threat-nine-countries-remittances> (accessed August 1, 2023).

<sup>26</sup> Wikipedia, "International sanctions during the Russo-Ukrainian War", Wikipedia [https://en.wikipedia.org/wiki/International\\_sanctions\\_during\\_the\\_Russo-Ukrainian\\_War#Effects\\_on\\_Russian\\_economy](https://en.wikipedia.org/wiki/International_sanctions_during_the_Russo-Ukrainian_War#Effects_on_Russian_economy), (accessed August 1, 2023).

<sup>27</sup> Andrew Sanger, "Piercing the State's Corporate Veil: Using Private Actors to Enforce International Norms", *EJIL: Talk!*, <https://www.ejiltalk.org/piercing-the-states-corporate-veil-using-private-actors-to-enforce-international-norms/> (accessed August 1, 2023).

<sup>28</sup> Scott Horsley, "In an effort to choke Russian economy, new sanctions target Russia's central bank", *NPR*, <https://www.npr.org/2022/02/28/1083580974/in-an-effort-to-choke-russian-economy-new-sanctions-target-russias-central-bank?t=1646164495488> (accessed August 1 2023).

<sup>29</sup> International Criminal Court, "Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova", *International Criminal Court*, <https://www.icc->

40. The Russian example shows how modern-day sanctions have grown from broad to specific targets and how private entities and the public are becoming more and more involved.

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[cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and](https://www.cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and)  
(accessed August 1, 2023).

## **1.7 CONCLUSION**

41. The use of unilateral coercive actions shows how vast their effects can be. Although each imposition of sanctions intends to improve the enjoyment of human rights in the targeted country, not all actually achieve their intended goal. The effects of the imposed sanctions can also cross borders, hurting even those who imposed them.
42. It is hard to predict what kind of measure will procure the change needed for a better living standard in a specific country, however, some kinds of measures have proven to be less or not at all effective in what they set out to achieve.
43. The sanctioning of a country can indeed bring about change and prosperity in the end, however it can also worsen the situation and thus become the very thing it swore to destroy: an erosion of human rights.

## 1.8 FURTHER READING

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## 1.9 QUESTIONS TO CONSIDER

1. What are the main flaws you see in how unilateral coercive actions work?
2. Do you think the Cuban government can (or should) be held responsible for the results of economic sanctions, imposed on its people?
3. What are the main differences you see between the three provided examples above in regard to the effectiveness of the sanctions and their intended purpose?
4. What changes would you propose to craft more effective sanctions?
5. Do you think that such types of sanctions will be inevitable in the future?
6. How deeply do you think the sanctions should interfere with the sovereignty of the country?
7. How would you prevent countries from implementing sanctions?
8. Which historical examples convinced you that sanctions are (not) an effective method for the enforcement of human rights?

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# 2 TOPIC TWO: IRANI CRISIS

## 2.1 GENERAL INTRODUCTION

44. Iran has been known as the Islamic Republic of Iran since 1979.. Former Supreme Leader Ruhollah Khomeini developed its animating doctrine, known as the Guardianship of the jurist. The organs of the modern republic are a unicameral legislature (*the Majlis*), an executive led by the president and a judiciary.<sup>30</sup> Political parties are numerous but institutionally weak. The constitution guarantees freedom of association but does not permit parties that oppose the existing system of government or the state ideology. Elections are supposed to be held every four years, under the supervision of the Council of Guardians.<sup>31</sup>
45. Supreme leader, as the guardian jurist, has ultimate, but not absolute authority. Despite the separation of powers provided for in Article 57 of the Constitution, he supervises all three branches and other key institutions. According to Article 110 of the Iranian Constitution, he sets national policies and supervises their implementation, commands the armed forces and appoints military chiefs, the heads of the Islamic Revolutionary Guard Corps and the police. He appoints members to the Expediency Council, through which he can choose to exercise closer authority over the government. Although his term in office has no limits, he falls under the control of the Assembly of Experts.<sup>32</sup> The eighty-eight directly elected jurists elect the Supreme Leader and are constitutionally mandated with overseeing his position. In practice, it is unclear whether they have ever truly checked the office.<sup>33</sup>
46. The president serves as head of government, who answers to the supreme leader. The possibility of election by universal adult suffrage is limited to two four-year terms,

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<sup>30</sup> Council on Foreign Relations, “The Islamic Republic's Power centers“, *Council on Foreign Relations*, <https://www.cfr.org/article/islamic-republics-power-centers> (accessed August 4, 2023).

<sup>31</sup> Janet Afary, “Justice of Iran”, *Britannica*, <https://www.britannica.com/place/Iran/Justice> (accessed August 4, 2023).

<sup>32</sup> Britannica, “Government and society“, *Britannica*, <https://www.britannica.com/place/Iran/Government-and-society> (accessed August 4, 2023).

<sup>33</sup> Council on Foreign Relations, “The Islamic Republic's Power centers“, *Council on Foreign Relations*, <https://www.cfr.org/article/islamic-republics-power-centers> (accessed August 4, 2023).

during which the president is executing the country's laws and sets policy within parameters, set by the supreme leader. He nominates members of the cabinet (who must be confirmed by the parliament), and proposes the budget, which must be passed under the normal legislative process.<sup>34</sup>

47. The parliament (*Majlis*) has 290 seats. Its members are directly elected to four-year terms by geographic district, with five seats set aside for religious minorities.<sup>35</sup> It enacts all legislation, that later must be reviewed by the Council of Guardians, which determines whether the legislation complies with the Constitution and the standards of Islamic law.<sup>36</sup>
48. The Guardian Council counts twelve members, of which half members are theologians, appointed by the supreme leader, and the other half are legal scholars selected by the parliament.<sup>37</sup> Besides acting as an upper legislative house, the Council also qualifies candidates for the Assembly of Experts, presidency, and parliament. It has great influence in setting the parameters of Iranian electoral democracy and has often weeded out reformist candidates for office.<sup>38</sup>
49. The Supreme National Security Council is led by the president and includes appointees of both the president and the supreme leader. It is charged with setting a wide range of policies that touch on defence and security, responding to threats both foreign and domestic.
50. The judiciary of Iran consists of a Supreme Court, a Supreme Judicial Council, lower courts, and a special court, outside of the regular judiciary, to try members of the clergy, accused of crimes. It falls under the supreme leader, who appoints its chief for five-year terms.<sup>39</sup> The chief justice and the prosecutor general must be specialists in Shi'i canon law. Of the three branches of government, the clerics have, the strongest presence in the judiciary. Only clerics who are trained in Islamic jurisprudence or have degrees from

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<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Britannica, "Government and society", *Britannica*, <https://www.britannica.com/place/Iran/Government-and-society> (accessed August 4, 2023).

<sup>37</sup> Council on Foreign Relations, "The Islamic Republic's Power Center", *Council on Foreign Relations*, <https://www.cfr.org/article/islamic-republics-power-centers> (accessed August 4, 2023).

<sup>38</sup> Ibid.

<sup>39</sup> Hadi Ghaemi, "The Islamic Judiciary", *The Iran Primer*, <https://iranprimer.usip.org/resource/islamic-judiciary> (accessed August 4, 2023).

religious law schools can now become judges. Women are barred from becoming judges altogether. The head of the judiciary, the country's prosecutor general, and all Supreme Court judges have to be *mujtahids* or high-ranking clerics.<sup>40</sup>

51. All judges must base their decisions on the *sharia* (Islamic law). In 1983 the Majles revised the penal code and implemented a series of traditional punishments, including retributions for murder and other violent crimes. Violent corporal punishments that are considered torture under international law, including execution, are now the required form of chastisement for a wide range of crimes.<sup>41</sup> Iran also has the largest number of executions of any country, proportional to its population. Working closely with the intelligence service, the judiciary acts as a political tool with trying a wide range of opponents and critics, from students and street protestors to civil society activists and political reformers. Trials are often criticized for lack of evidence and not conforming to fundamental standards of due process. Detainees can be held for long periods in solitary confinement. Many are denied access to their lawyers. Verdicts are often based on "confessions" extracted during interrogations.<sup>42</sup>

52. According to the UN Human Rights Treaty Bodies database, Iran is a party to four major UN human rights treaties:

- the International Covenant on Civil and Political Rights,
- the International Convention on the Elimination of All Forms of Racial Discrimination,
- the International Covenant on Economic,
- the Social and Cultural Rights Convention on the Rights of the Child.

53. It also ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict, and the Convention on the Rights of Persons with Disabilities. Despite the ratifications, Iran has a poor record of cooperating with treaty bodies. The country has failed to report to different committees, implement the concluding observations of those bodies and disabled Special Rapporteurs to visit the

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<sup>40</sup> Ibid.

<sup>41</sup> Janet Afary, "Justice of Iran", *Britannica*, <https://www.britannica.com/place/Iran/Justice> (accessed August 4, 2023).

<sup>42</sup> Hadi Ghaemi, "The Islamic Judiciary", *The Iran Primer*, <https://iranprimer.usip.org/resource/islamic-judiciary> (accessed August 4, 2023).

country, despite their requests. The High Commissioner has intervened with the Iranian authorities in several individual human rights cases through appeals, closed letters and public statements, regarding cases involving juvenile executions; cruel, inhuman or degrading treatment or punishment; the rights of women, freedom of assembly, freedom of religion, the rights of minorities.

54. In 2022 Iran was rocked by an unprecedented popular uprising against the Islamic Republic system. Security forces unlawfully fired live ammunition and metal pellets to crush protests, killing hundreds of men, women and children, and injuring thousands. Thousands of people were arbitrarily detained and/or unfairly prosecuted solely for peacefully exercising their human rights. Women, LGBTQIA+ people, and ethnic and religious minorities suffered intensified discrimination and violence. Enforced disappearances, torture, and other ill-treatment, including through the deliberate denial of medical care, were widespread and systematic. Cruel and inhuman punishments, including flogging, amputation, and blinding, were imposed and/or carried out.<sup>43</sup>

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<sup>43</sup> Amnesty International, “Iran 2022”, *Amnesty International*, <https://www.amnesty.org/en/location/middle-east-and-north-africa/iran/report-iran/> (accessed August 7, 2023).



## 2.2 HISTORICAL BACKGROUND

55. The country of Iran had a long tradition of monarchy with rulers under the name of Shah. The last royal dynasty to rule was the Pahlavi dynasty. Under their rule, the country was named the Imperial State of Iran. It was formed in 1925 and ended in 1979, as a result of the Islamic Revolution. This historical moment abolished Iran's long lasting monarchy and established the Islamic Republic of Iran, as we know it today. Mohammed Reza Shah replaced his father in 1941 with the intention to continue his reform policies.<sup>44</sup> His plans were disrupted after a decade, when Parliament (the *Majlis*) appointed Dr. Mosaddeq as prime minister.<sup>45</sup> In 1951 Parliament materialised a popular movement of nationalisation of the country's oil fields. The British government owned The Anglo-Iranian Oil Company, which produced and marketed Iranian oil.<sup>46</sup> In Britain, the nationalisation was seen as an intolerable breach of contract or theft.<sup>47</sup> William Roger Luis said that some high British officials still believed that Persian petroleum was rightfully theirs, as it was discovered, developed and distributed by them.<sup>48</sup> Crumbled international relations with United Kingdom and United States led to Iranian coup d'état in 1953. Democratically elected Mohammad Mosaddegh was overthrown by the Iranian army, aided by the United States and the United Kingdom. The coup reinstated Mohammad Reza Shah Pahlavi as the absolute monarch and started strengthening the monarchical rule of the Shah once again.<sup>49</sup> Reinstated in his position, the Shah started a series of reforms in the years to follow, also known as the White Revolution.<sup>50</sup> It

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<sup>44</sup> Shapour Ghasemi, "Pahlavi Dynasty", *Iran Chamber Society*, 2023, <https://www.iranchamber.com/history/pahlavi/pahlavi.php> (accessed July 30, 2023).

<sup>45</sup> Iranian Chamber Society, "Dr. Mohammad Mosaddeq, Symbol of Iranian Nationalism and Struggle Against Imperialism", *Iranian Chamber Society*, [https://www.iranchamber.com/history/mmosaddeq/mohammad\\_mosaddeq.php](https://www.iranchamber.com/history/mmosaddeq/mohammad_mosaddeq.php) (accessed July 30, 2023).

<sup>46</sup> Shapour Ghasemi, "Pahlavi Dynasty", *Iran Chamber Society*, <https://www.iranchamber.com/history/pahlavi/pahlavi.php> (accessed July 30, 2023).

<sup>47</sup> Stephen Kinzer, "*All the Shah's Men : An American Coup and the Roots of Middle East Terror*", 1st edition (New York: John Wiley and Sons, 2003), 90.

<sup>48</sup> Mark J. Gasiorowski and Malcolm Byrne, "*Mohammad Mosaddeq and the 1953 Coup in Iran*", 1st ed. (New York: Syracuse University Press, 2004), 129.

<sup>49</sup> Imo Gözl, "*The Dangerous Classes and the 1953 Coup in Iran: On the Decline of lutigari Masculinities*", in Stephanie Cronin (ed.). "*Crime, Poverty and Survival in the Middle East and North Africa: The 'Dangerous Classes' since 1800*", (London: I.B. Tauris, 2019), 177–190.

<sup>50</sup> Shapour Ghasemi, "Pahlavi Dynasty", *Iran Chamber Society*, <https://www.iranchamber.com/history/pahlavi/pahlavi.php> (accessed July 30, 2023).

upended the wealth and influence of the traditional landowning classes, altered rural economies, led to a rapid urbanization and Westernization. It also worked towards eliminating illiteracy and furthered the emancipation and enfranchisement of women. The program was economically successful, but the benefits were unevenly distributed, while changes to social norms and traditional institutions were pervasive.<sup>51</sup> The measures raised concern among religious leaders, who feared losing their traditional authority.<sup>52</sup> Their power was reduced over law, jurisprudence, and education. Besides that, they felt that liberalization laws concerning women were against Islamic values.<sup>53</sup> But the more and more absolute ruling of Shah did not raise concern only among the religious leaders. Intellectual opponents criticized Shah's arbitrariness and pointed to the violation of the constitution, which placed limits on royal power and provided for a representative government.<sup>54</sup> Political parties that resisted Shah's absolute consolidation of power had been silenced and pushed to the margins. In 1961 the Shah even dissolved the 20th Majlis to enforce a land reform law.<sup>55</sup> The Shah maintained his rule and oppression of his opponents by Iran's security and intelligence organization, the SAVAK.<sup>56</sup> In the 1960s and 1970s, SAVAK focused on the suppression and paralysation of all organized anti-regime groups and opponents of the Shah.<sup>57</sup> It was in charge of the suppression of political opposition not only in Iran but also abroad, wherever was an Iranian community. Most of the opponents were imprisoned, killed or in exile in the late 1970s.<sup>58</sup> The organization was officially supervised by the Prime Minister's Office. Despite this fact, Shah directly controlled SAVAK and also appointed

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<sup>51</sup> Britannica, "White Revolution", *Britannica*, <https://www.britannica.com/topic/White-Revolution> (accessed July 30, 2023).

<sup>52</sup> Shapour Ghasemi, "Pahlavi Dynasty", *Iran Chamber Society*, August 18, 2023, <https://www.iranchamber.com/history/pahlavi/pahlavi.php> (accessed July 30, 2023).

<sup>53</sup> Britannica, "White Revolution", *Britannica*, <https://www.britannica.com/topic/White-Revolution> (accessed July 30, 2023).

<sup>54</sup> Shapour Ghasemi, "Pahlavi Dynasty", *Iran Chamber Society*, <https://www.iranchamber.com/history/pahlavi/pahlavi.php> (accessed July 30, 2023).

<sup>55</sup> Britannica, "White Revolution", *Britannica*, <https://www.britannica.com/topic/White-Revolution> (accessed July 30, 2023).

<sup>56</sup> Shapour Ghasemi, "Pahlavi Dynasty", *Iran Chamber Society*, <https://www.iranchamber.com/history/pahlavi/pahlavi.php> (accessed July 30, 2023).

<sup>57</sup> Mohsen M. Milani, *The Making of Iran's Islamic Revolution: From Monarchy to Islamic Republic*, 1st edition (San Francisco: Westview Press, 1988), 129, 185.

<sup>58</sup> Milani, *The Making of Iran's Islamic Revolution: From Monarchy to Islamic Republic*, 129, 185.

the head of SAVAK.<sup>59</sup> The mass number of agents, working for SAVAK, exercised its policy of intimidation of political opponents through a number of measures such as harassment, interference with mail and telephone, denial of job, arrest without charge, pressure on the suspect's family and friends, exile, the threat of murder etc. With the power SAVAK had, its work went about without challenge or scrutiny.<sup>60</sup> The regime of Reza Shah brought about widespread discontent as the gap between the ruling elite and the disaffected populace grew. The socioeconomic changes benefited some classes at the expense of others. The ongoing situation in the country was used by Islamic rulers, particularly by an exiled cleric Ayatollah Khomeini who clashed with Shah's regime multiple times.<sup>61</sup> After condemning the actions of the government for killing a group of *ulama* in Qom, he was sent into exile. During his long years in exile, he continued to agitate against the Shah.<sup>62</sup>

56. The leader of the Islamic Revolution made a loud outcry against internal oppression and the global domineering system, by negating the communist power in the East and the imperialist system of the West. He emphasized that 'this revolution does not rely on the East and West'. In its capacity this was an ideological revolution taking inspiration from the Islamic school of thought, that presented thoughts and views about independent policy based on three principles namely, respect, wisdom, and expediency. Powerful motives behind the revolution were emphasis on independence and national and Islamic identity.<sup>63</sup> People began to uprise in 1978 which led to Khomeini's return to Iran in February 1979 and the collapse of Shah's rule.<sup>64</sup> The first era post revolution showcases attempts to establish new institutions under Mehdi Bazargan as the first Prime Minister. In April 1979 the Islamic Republic of Iran was proclaimed following a

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<sup>59</sup> Dilip Hiro, *Iran Under the Ayatollahs*, 2nd edition (New York: Routledge & Kegan Paul Ltd, 1987), 54.

<sup>60</sup> Hiro, *Iran Under the Ayatollahs*, 54.

<sup>61</sup> Shapour Ghasemi, "Pahlavi Dynasty", *Iran Chamber Society*, <https://www.iranchamber.com/history/pahlavi/pahlavi.php> (accessed July 30, 2023).

<sup>62</sup> J.S. Ismael, T. Y. Ismael, "Social Change in Islamic Society: The Political Thought of Ayatollah Khomeini", *Social Problems*, Vol. 27, No. 5, Sociology of Political Knowledge Issue: Theoretical Inquiries, Critiques and Explications, June 1980, <https://www.jstor.org/stable/800199> (accessed July 30, 2023).

<sup>63</sup> Masha'allah Shakeri, "Islamic Revolution of Iran: Consequences and Achievements", *Pakistan Horizon*, [https://www.jstor.org/stable/pdf/24710989.pdf?refreqid=fastly-default%3A824da50b25346fa06fdb39ebbca6899e&ab\\_segments=0%2Fbasic\\_search\\_gsv2%2Fcontrol&origin=&initiator=search-results&acceptTC=1](https://www.jstor.org/stable/pdf/24710989.pdf?refreqid=fastly-default%3A824da50b25346fa06fdb39ebbca6899e&ab_segments=0%2Fbasic_search_gsv2%2Fcontrol&origin=&initiator=search-results&acceptTC=1) (accessed July 31, 2023).

<sup>64</sup> Eric Rouleau, "Khomeini's Iran", *JSTOR*, <https://www.jstor.org/stable/20040651> (accessed July 31, 2023).

referendum. Later that year, a Constitution was adopted, which is still in force to this day.<sup>65</sup> Ayatollah Khomeini acted as the supreme leader, and by that not bound to the government. The Prime minister therefore had to share his power with the Revolutionary Council, established and run by Khomeini. The revolutionaries focused on bringing to trial and punishing members and supporters of the former regime. They were considered responsible for carrying out political repression, plundering the country's wealth, implementing damaging economic policies, and allowing foreign exploitation of Iran. Revolutionary courts were established around the country, where they carried out numerous executions of military and police officers, SAVAK agents and other officials of Shah's regime. Because of their arbitrary nature, the vagueness of charges and the absence of defence lawyers, lawyers' and human rights' groups protested the institution, which even got suspended for a short period of time. Bazargan also protested the courts and tried to place them under the judiciary and secure protection for potential victims. Besides this, he tried to bring the revolutionary committees under his control. Armed committee members policed neighbourhoods in urban areas, guarded prisons, and government buildings, made arrests and served as the execution squads of the revolutionary tribunals. After the storming of the United States embassy and the capture of its diplomats, Bazargan resigned. Khomeini took over the committees and established Pasdaran (Islamic Revolutionary Guard Corps), which was loyal to the clerical leaders. But soon Iran faced additional problems besides the events inside the country. In September 1980 Iraq invaded Iran after years of disagreements over territory, which led to the start of an eight-year long war.<sup>66</sup>

57. In June of 1989 Khomeini died and the Council of Experts chose Ali Khamenei as his successor, who is in office to this day. In August, Rafsanjani was elected president for the first of his two terms in office and began with the post-war reconstruction. He concentrated on a pragmatic pro-business policy of rebuilding and strengthening the economy. The government of God increasingly ceded to secular statecraft.

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<sup>65</sup> BBC, "Iran profile – timeline", *BBC News*, <https://www.bbc.com/news/world-middle-east-14542438> (accessed July 31, 2023).

<sup>66</sup> PBS, "Timeline: A Modern History of Iran", *PBS News Hour*, [https://www.pbs.org/newshour/politics/middle\\_east-jan-june10-timeline](https://www.pbs.org/newshour/politics/middle_east-jan-june10-timeline) (accessed July 31, 2023).

58. In 1997 Mohammad Khatami won the presidential elections, where he beat the conservatives and began the reformist era. The government improved relations with its own people as well as the outside world. Khatami said that Iran was willing to have “relations with any state which respects our independence“. Iran temporarily had a freer press, freer speech, wider debate, relaxed social restrictions, and a burgeoning civil society. But parliament failed to legislate reforms.<sup>67</sup> The country faced large demonstrations led by students after reformist *Salaam* newspaper was closed by the judiciary. Clashes with security forces led to six-day long demonstrations and the arrest of more than 1000 students.<sup>68</sup> Still, it did not stop there and following the adoption of a new press law, the judiciary banned another sixteen reformist newspapers, which again set the free press a step back. The students protested once more, this time against raising university fees and privatization of universities, which grew into wider pro-democracy demands. By the end of Khatami’s second term, a political schism had developed between the regime headed by the supreme leader and the government headed by the president.<sup>69</sup>
59. The international forces were concerned about Iran's nuclear program, but according to the International Atomic Energy Agency, there was no evidence that Iran was in fact developing nuclear weapons. The country agreed to more rigorous U.N. inspections of nuclear facilities and insisted in the years to follow that the nuclear program is for civilian energy purposes only.<sup>70</sup> U.N. Security Council still passed a new resolution in 2008 unanimously, reaffirming demands that Iran stops enriching uranium.<sup>71</sup>
60. After Khatami's second term in office, the conservatives once again won the elections and took control over the parliament with Mahmoud Ahmadinejad as president. His re-election in 2009, which featured first televised debates, was followed by widespread

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<sup>67</sup> Robin Wright, Garrett Nada, “Iran Timeline: Since the 1979 Revolution”, *United States Institute of Peace*, <https://www.usip.org/iran-timeline-1979-revolution> (accessed July 31, 2023).

<sup>68</sup> Semira N. Nikou, “Timeline if Iran's Political Events”, <https://iranprimer.usip.org/resource/timeline-irans-political-events> (accessed July 31, 2023).

<sup>69</sup> Robin Wright, Garrett Nada, “Iran Timeline: Since the 1979 Revolution”, *United States Institute of Peace*, <https://www.usip.org/iran-timeline-1979-revolution> (accessed July 31, 2023).

<sup>70</sup> PBS, “Timeline: A Modern History of Iran“, *PBS News Hour*, [https://www.pbs.org/newshour/politics/middle\\_east-jan-june10-timeline](https://www.pbs.org/newshour/politics/middle_east-jan-june10-timeline) (accessed July 31, 2023).

<sup>71</sup> BBC, “Iran profile – timeline”, *BBC News*, <https://www.bbc.com/news/world-middle-east-14542438> (accessed July 31, 2023).

allegations of voting fraud. Consequently, the Iranian Green Movement was formed in which millions of people throughout several cities in Iran demanded the removal of the re-elected Ahmadinejad. The first peaceful protests and non-violent movement turned to violence after hundreds of people were arrested and several killed. The government crackdown quashed the movement in about seven months.<sup>72</sup>

61. In the years to follow, the Islamic Republic of Iran dealt with a series of protests where numerous human rights violations happened, which did not go unseen by the international public. The last demonstrations against the government occurred in 2022 following the death of Masha Amini after being arrested by the Guidance patrol.<sup>73</sup> The country also dealt with years of negotiations on Iranian nuclear activity, which reached a deal in 2015. Iran agreed to limit its nuclear activity in return for lifting of international economic sanctions, imposed through the years.<sup>74</sup>

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<sup>72</sup> Robin Wright, Garrett Nada, "Iran Timeline: Since the 1979 Revolution, *United States Institute of Peace*, <https://www.usip.org/iran-timeline-1979-revolution> (accessed July 31, 2023).

<sup>73</sup> David Leonhardt, "Iran's Ferocious Dissent", *The New York Times*, <https://www.nytimes.com/2022/09/26/briefing/iran-protests-mahsa-amini.html>, (accessed August 3, 2023).

<sup>74</sup> Semira N. Nikou, "Timeline if Iran's Political Events", *Iran Premier*, <https://iranprimer.usip.org/resource/timeline-irans-political-events> (accessed August 3, 2023).

## 2.3 HUMAN RIGHTS

### 2.3.1 INTRODUCTION

62. In the time of Shah's regime, the area of individual freedom and political rights was highly repressed by the country's internal security and information organisation (SAVAK). Most Iranians considered the organisation as omnipresent, omnipotent, and omniscient. Press and speech were highly controlled, opposite to rights of women and some minorities, who got their rights extended. Women started to step into the professions and into the financial world. Nevertheless, women and favoured minorities still shared all the restrictions on individual and political freedoms as the rest of the population. As for the other minorities, like the Kurds, Turkomen, Arabs, Baluchis and to some extent the Azerbaijanis, were even more repressed and deprived than they had ever been before. Related to the enhancement of human rights during the Shah's regime, the entrepreneurial freedom and respect for property rights can also be mentioned. In 1976, when the Iranian economic crisis was developing the Shah showed clear signs of attempting to reduce internal hostility against him. He reduced the number of prisoners and stopped with open and flagrant torture. He was moving in the direction of greater human rights, but unfortunately this did not mollify his opponents. The concessions led to more open opposition activities, which were met with repressive measures. This pattern showed weakness of the Shah's regime that tried to prevent a popular revolution.

63. Time during the revolution of 1979 is marked with a clear pre-eminence of the religious element. Clerical leaders emphasised their concern for the dignity and the material needs of the people, while the liberal intellectuals were more concerned with tolerance and individual and political freedom. Khomeini pursued his revolutionary goals within his own Islamic perspective, which incorporates a belief in the immanence of God and Satan. There is no tolerance and little mercy for the people who have strayed from God. With no elaborately formulated rules this endangers and limits individual and political

freedom. The executions, corruption, trials without the right of counsel and other violations of human rights could be justified in the Khomeini's ideology.<sup>75</sup>

64. With the 1979 constitution, Iran borrowed Western rights concepts, but circumscribed them with religious limits. They acknowledged human rights but insisted on imposing Islamic qualifications on them. This led to collisions between two incomplete systems of legitimacy. Theoretically, international human rights law is supposed to be above any conflicting domestic secular or religious law. Iran was however determined to uphold the supremacy of Islamic law over all man-made laws. Because there are no guidelines on how to bring Islamic qualifications and modern human rights closer together, the state is left completely free to determine the meaning of Islamic qualifications. Article 20 stipulates that human rights are to be subordinated to Islam, which means that all citizens can enjoy human rights, but only within Islamic standards.<sup>76</sup>

### **2.3.2 EXCESSIVE USE OF FORCE**

65. Since nationwide protests erupted in September, information received by OHCHR indicates that security forces intentionally used disproportionate force, including lethal force, against protestors, in various parts of the country. Although only the anti-riot police are authorized under Iranian law to respond and manage protests using less-lethal means, other security forces also intervened in some areas. The security forces reportedly used inappropriate tools in responding to predominantly peaceful protests. By international human rights law the standard for usage of lethal force is that the security forces or other individuals are facing an imminent threat to their lives or serious bodily integrity. It also has to be noted that if only some individuals stand out with a violent approach during the protests, it does not mean the whole protest is violent and is endangering the lives of others. Law enforcement officials should recognize isolated

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<sup>75</sup> Richard W. Cottam, "Human Rights in Iran under the Shah", *Case Western Reserve Journal of International Law*, <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1913&context=jil> (accessed August 10, 2023).

<sup>76</sup> Ann Elizabeth Mayer, "Islamic Rights or Human Rights: An Iranian Dilemma", *JSTOR*, [https://www.jstor.org/stable/pdf/4310998.pdf?refreqid=fastly-default%3A5eb262f3a9e09467be9138f8d2c94494&ab\\_segments=0%2Fbasic\\_search\\_gsv%2Fcontrol&origin=&initiator=search-results&acceptTC=1](https://www.jstor.org/stable/pdf/4310998.pdf?refreqid=fastly-default%3A5eb262f3a9e09467be9138f8d2c94494&ab_segments=0%2Fbasic_search_gsv%2Fcontrol&origin=&initiator=search-results&acceptTC=1) (accessed August 10, 2023).



acts of violence and not attribute them to other participants or even organizers. Some participants in the assembly may be covered by the right to a peaceful assembly, while others may not be.<sup>77</sup>

66. Amnesty International recorded the names of hundreds of protesters and bystanders, who were unlawfully killed by security forces, including dozens of children. There were many, who were blinded or injured differently, but did not seek medical care in fear of arrest.<sup>78</sup>

### **2.3.3 DEATH PENALTY AND ARBITRARY DEPRIVATION OF LIFE**

67. Iran continues to be one of the world's leading implementers of the death penalty. According to reports, it is estimated that 582 people were executed in 2022, marking a 75% increase compared to 2021. Iran Human Rights reports 459 executions in 2023 so far.<sup>79</sup> People are being executed for murder, security related charges, drug related offences, rape, etc. Executions for drug related charges increased and last year marked the highest rate since 2017. The numbers of those executed from minority communities still remains disproportionately high and is increasing compared to the previous periods. Death sentences are mostly issued by the Revolutionary Court, which reportedly does not respect fair trial rights. Many of the trials relied on confessions, which were allegedly obtained under duress, including torture. Additionally, it appeared that many of those convicted had not been provided the opportunity to prepare and present a defence, given that in many cases the trials were concluded in a single day, and defendants were unable to retain lawyers of their own choosing, but were required to accept court-appointed lawyers. According to the Human Rights Committee, the violation of fair trial guarantees in proceedings resulting in the imposition of the death penalty would render the sentence arbitrary in nature, and in

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<sup>77</sup> OHCHR, "Situation of human rights in the Islamic Republic of Iran", *Human Rights Council*, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session53/advance-versions/A-HRC-53-23-AdvanceUneditedVersion.pdf> (accessed August 10, 2023).

<sup>78</sup> Amnesty International, "Iran, 2023", *Amnesty International*, <https://www.amnesty.org/en/location/middle-east-and-north-africa/iran/report-iran/> (accessed August 10, 2023).

<sup>79</sup> Iran Human Rights, "Iran: Annual Report on Death Penalty 2022" *Iran Human Rights*, <https://iranhr.net/en/> (accessed August 15, 2023).

violation of the right to life. The High Commissioner for Human Rights noted that the death penalty and criminal proceedings in the Islamic Republic of Iran were “being weaponized” by the Government to punish individuals participating in protests and strike fear into the population.<sup>80</sup>

68. Iran was also highly criticized for the execution of children. There have been six juvenile executions since 2010 and none so far in the year 2023. Several people were executed for offences that occurred when they were children. Some that were below eighteen at the time of the crime are still on death row. Under Iran's current penal code, judges can use their discretion in deciding whether a person who committed a crime as a child should be sentenced to death. Despite this possibility, several individuals were re-tried and have been sentenced to death, again.<sup>81</sup>

#### **2.3.4 ARBITRARY DETENTION**

69. Since the onset of the protests there has been large-scale arrests and detentions. According to the information received, between 17 September 2022 and 8 February of this year, it is estimated that 20,000 individuals were arrested and detained for supporting or participating in the protests. Common charges of these individuals were engaging in “propaganda against the state“, “assembly and collusion to act against national security“, “insulting the supreme leader“, “establishing or being a member of a group to disrupt national security“, and “destroying public facilities and equipment to disrupt public order“. Many women who have expressed their public support for the protests by dancing or removing their veil (hijab), have reportedly faced arbitrary arrests. Such arrests have allegedly taken place at protest sites, homes, workplaces, and academic institutions. In many instances, individuals claimed they were not informed of the reason for their arrest, and some were subsequently released without charge, or they were released on bail. The security forces are reportedly using disproportionate

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<sup>80</sup> OHCHR, “Situation of human rights in the Islamic Republic of Iran”, *Human Rights Council*, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session53/advance-versions/A-HRC-53-23-AdvanceUneditedVersion.pdf> (accessed August 15, 2023).

<sup>81</sup> Human Rights Watch, “Iran, Events of 2021”, *Human Rights Watch*, <https://www.hrw.org/world-report/2022/country-chapters/iran> (accessed August 15, 2023).

force while arresting individuals despite a directive that called for “maximum restraint“ and that prohibited acts of violence, unlawful detentions, or entering universities.

70. There have been numerous allegations of torture and ill-treatment of individuals by security forces during arrest and interrogation to extract forced confessions as well as allegations of sexual and gender-based violence committed against women, men, and children, especially in detention. As previously reported, prison conditions, including denial of medical care, dire sanitary conditions, contaminated drinking water and overcrowding, remain of concern.<sup>82</sup>
71. Without an independent judiciary, the persecuted individuals are victims to violations of rights during the process, including a denial of access to a lawyer at the investigation stage, enforced disappearance, incommunicado detention, admission of torture-tainted “confessions” as evidence, and summary and secret sham trials bearing no resemblance to judicial proceedings, resulting in imprisonment, flogging and death sentences.<sup>83</sup>

### **2.3.5 CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT**

72. Iran is one of only eight countries to abstain from a UN General Assembly resolution, which declared access to a clean, healthy, and sustainable environment a universal human right.<sup>84</sup>
73. The Country is one of the world’s top 10 emitters of greenhouse gases, by which the country is contributing to the climate crisis and affecting the entire globe. It is the eighth largest producer of crude oil and the third largest producer of natural gas, while also having significant renewable energy potential. It is one of six countries that still has not ratified the Paris Agreement.<sup>85</sup>

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<sup>82</sup> OHCHR, “Situation of human rights in the Islamic Republic of Iran”, *Human Rights Council*, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session53/advance-versions/A-HRC-53-23-AdvanceUneditedVersion.pdf> (accessed August 16, 2023).

<sup>83</sup> Amnesty International, “Iran, 2023”, *Amnesty*, <https://www.amnesty.org/en/location/middle-east-and-north-africa/iran/report-iran/> (accessed August 16, 2023).

<sup>84</sup> Ibid.

<sup>85</sup> Human Rights Watch, “Iran, Events of 2021”, *Human Rights Watch*, <https://www.hrw.org/world-report/2022/country-chapters/iran> (accessed August 16, 2023).

74. Environmental experts criticized the authorities' failure to address Iran's environmental crisis, marked by loss of lakes, rivers, wetlands; deforestation; air pollution; water pollution and land subsidence.<sup>86</sup> For decades, warnings have been articulated about the development projects in oil-rich Khuzestan, which are causing environmental harm and leading to water shortages affecting a range of human rights. The increased frequency of droughts is projected to continue and diminish agricultural productivity compromising food security. Besides water shortages, Iran is facing increased temperatures, more frequent and intense forest fires, dust storms, inland flooding, and sea level rise.<sup>87</sup>

### **2.3.6 FREEDOM OF OPINION AND EXPRESSION AND ACCESS TO INFORMATION**

75. Since the onset of protests, respect for the rights to freedom of opinion and expression and access to information has markedly deteriorated. The authorities retain broad control over the digital space and have intensified online censorship. Since 21 September of last year, access to some social media and messaging platforms remains banned.<sup>88</sup> Frequent Internet shutdowns were reported in several locations on most days of the protests, limiting access to information, including to essential public services, and the ability to conduct economic activities online. The government stated that these restrictions were temporary and necessary for maintaining public order. Access to the Internet is widely recognized as an indispensable enabler of a broad range of human rights. While Internet shutdowns deeply affect many human rights, they most immediately affect freedom of expression and access to information.

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<sup>86</sup> Amnesty International, "Iran, 2023", *Amnesty International*, <https://www.amnesty.org/en/location/middle-east-and-north-africa/iran/report-iran/> (accessed August 16, 2023).

<sup>87</sup> Human Rights Watch, "Iran, Events of 2021", *Human Rights Watch*, <https://www.hrw.org/world-report/2022/country-chapters/iran> (accessed August 16, 2023).

<sup>88</sup> OHCHR, "Iran update on human rights", *United Nations human rights Office for the High Commissioner*, <https://www.ohchr.org/en/statements/2023/06/iran-update-human-rights> (accessed August 16, 2023).

76. Censorship can be noticed also in numerous arrests of journalists. They have received harsh prison sentences, as well as travel bans and suspensions of their work permits, for their journalist activities.<sup>89</sup>

### **2.3.7 WOMEN’S RIGHTS**

77. Iran is marked by an extensive history of protests, but for the first time they are led by women. They are challenging decades of gender-based discrimination and violence, and defying discriminatory and degrading compulsory veiling laws that result in them facing daily harassment and violence by state and non-state actors, arbitrary detention, torture and other ill-treatment, as well as denial of access to education, employment and public spaces.<sup>90</sup> Despite years of tireless activism by Iranian women demanding an end to deeply embedded discrimination against them in law and practice, the authorities have not only failed to address their grievances, but also intensified the repression against them. In December 2022, the UN Economic and Social Council decided to terminate the membership of the Islamic Republic of Iran in the Commission on the status of women effective immediately due to continuing gross and systematic violation of their human rights. In the present time, state policy has become more stringent and enforcing mandatory veiling, imposing harsher penalties that significantly impact their daily lives. For example, Iranian state TV reported that women who will not wear the hijab will not be allowed to take the metro. Even more, the President of the Islamic Republic of Iran signed a decree for more rigorous enforcement of compulsory veiling, like introduction of face recognition technology to monitor and fine unveiled women or to refer them for counselling. A bill that is being considered will suspend women's identity cards and deny them banking services until the fine is paid for not respecting mandatory veiling. Furthermore, for any Iranian national a mandatory

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<sup>89</sup> Ibid.

<sup>90</sup> Amnesty International, “Iran 2022“, *Amnesty International*, <https://www.amnesty.org/en/location/middle-east-and-north-africa/iran/report-iran/> (accessed August 17, 2023).

prison sentence will be imposed for questioning or publishing online content critical of compulsory veiling.<sup>91</sup>

### **2.3.8 CHILDREN'S RIGHTS**

78. In the light of current protests, it has been acknowledged that a significant number of protesters were children. It has been estimated that thousands of them may have been among the arrested people and at least 44 children were reportedly killed by the security forces using lethal force. In the context of these killings, families of the dead reported that they were forced by security forces to falsely claim their children committed suicide. There were also many children who got arrested and transferred to psychological centres for correction and education.

79. Related to education, problems have also been reported concerning the “chastity and hijab” rules that would deny educational services to those who will not abide by the rules. The Secretary General expressed deep concerns about further reinforcement of state policy for compulsory veiling in schools and its impact on the right to education of women and girls. Also concerning are the reports of suspected poisoning in schools across the country: more than 1000 students, the majority girls, experienced symptoms such as breathing difficulties, burning throats, nausea, headaches, numbness in the body, and heart palpitations, with some being hospitalized. Since the majority of cases involved girls, it is suspected that this was a deliberate attack against them as potential retribution for their participation in the protests and defying compulsory veiling.<sup>92</sup>

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<sup>91</sup> OHCHR, “Situation of human rights in the Islamic Republic of Iran”, *Human Rights Council*, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session53/advance-versions/A-HRC-53-23-AdvanceUneditedVersion.pdf> (accessed August 17, 2023).

<sup>92</sup> OHCHR, “Iran update on human rights”, *United Nations human rights Office for the High Commissioner*, <https://www.ohchr.org/en/statements/2023/06/iran-update-human-rights> (accessed August 17, 2023).

## 2.4 CONCLUSION

80. The Islamic Republic of Iran's politico-economic strategic position has been of exceptional importance in the contemporary great powers conflict. The latter have always preferred stability that an authoritarian or a totalitarian regime can provide. A regime that would be more sensitive to human rights could lead to more chaos, which would endanger vital national interests and the interests of great international powers. So, it is hardly possible to expect that a concern for human rights could offset concerns for vital economic and security interests. Evidence shows that human rights are a central concern only if there are few or no economic or strategic interests of overriding importance.<sup>93</sup> Besides the country's strategic importance, the seeming conflict between Islamic law and ideology and modern concepts of human rights may be another factor that prevents human rights from being more respected. The modern history of Iran unfortunately does not know a period in time when human rights were truly respected in law and in practice.

## 2.5 ISSUES TO CONSIDER

- What would be the most effective way to enable Rapporteurs to visit Iran and report on the human rights situation in the country.
- Finding common ground between international human rights law and Islamic standards while still respecting a country's sovereignty.
- Finding a way to establish separation of powers in practice and consequently enable an independent judiciary that will respect the right to a fair trial.

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<sup>93</sup> Richard W. Cottam, "Human Rights in Iran under the Shah", *Case Western Reserve Journal of International Law*, <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1913&context=jil> (accessed August 5, 2023).

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