



Blue Mountains Refugee Support Group

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Faili Kurds and the Basij

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Background

The citizens of Iran have been experiencing great turmoil over the past several decades. This has intensified since the disputed presidential election of June 2009. At that time any semblance of law and order all but disappeared as the “elected” president Mahmud Ahmadinejad and his supporters moved to quash all forms of opposition and dissent. More than a year later, the events of the Arab Spring beginning in Tunis in December 2010, engendered great additional nervousness in the regime. This international phenomenon fomented both ongoing protests and increasingly severe crackdowns. Key instruments in the government persecution of perceived non-supporters are the national security guards, the police and the infamous volunteer force the Basij. All of these groups act without restraint or accountability and without consistent reference to national laws. Consequently Iran is now reported as the number 1 nation in term of violence against its own citizens.

While the general picture is quite clear, comprehensive and detailed reporting has not been possible. Journalism and research are tightly monitored and controlled. Government propaganda cannot be challenged by objective analysis and opinion. Critics of the regime (and often their families) are imprisoned, tortured and even killed. It is therefore almost impossible to find solid information on some of the important sub-themes that have emerged, especially in relation to the Kurdish refugees who fled from Iraq in the 1980s and 1990s due to persecution by Saddam Hussein and his Baath party. It is common knowledge that these people and their descendants have been treated as second class citizens, at best. That generalisation, at least, is well documented. There are complex reasons for this and these will be examined below. This group, known as Faili Kurds, are vulnerable to oppression and cannot count on the protection of the state. In practice the key oppressors are the Basij who act at their own discretion, condoned by the rulers.

The Basij

(Information summarised from Wikipedia and other sources)

The **Basij**, full name **Basij-e Mostaz'afin**, literally "Mobilization of the Oppressed", is a paramilitary volunteer militia established in 1979 by order of the Islamic Revolution's leader Ayatollah Khomeini. The original organization comprised the civilian volunteers whom the Ayatollah Khomeini urged to fight in the Iran-Iraq war. The force consists of young Iranians who have volunteered, often in exchange for official benefits.

The Basij came "under the formal authority of the Revolutionary Guard (IRGC) commander in 2007 and were incorporated into IRGC ground forces in 2008." They have a local organization in almost every city in Iran. The current commander of the Basij, Hasan Taeb, told the semi-official Fars news agency on November 25th 2012 that the force now numbers 13.6 million, which is about 20 percent of the total population of Iran. Of this number, about 5 million are women and 4.7 million are schoolchildren. ... In fact the Basij may be able to mobilize no more than 1.5 million men and women of military age.

Currently the Basij serve as an auxiliary force engaged in activities such as internal security and support of law enforcement, providing social service, organising public religious ceremonies, policing morals and suppressing dissident gatherings. They monitor citizens' activities, enforce the wearing of the hijab (arresting women for violating the dress code), arrest youths for attending mixed gender parties or being in public with unrelated members of



the opposite sex, seize 'indecent' material and confiscate satellite dish antennae. They gather intelligence, act as bailiffs for local courts and even act independently to harass government critics and intellectuals. They even carry out border-guard duties on the border with Iraq (west) and operate against drug traffickers in the eastern border regions (Afghanistan and Pakistan), and against banned goods smugglers on the south coast.

The force has often been present and reacting against the widespread protests which occurred immediately after the 2009 Iranian presidential election and in the months following. The tactics used against election demonstrators have included choosing "targets at the edges of the crowds, going for the vulnerable and unwary stragglers," attacking "surreptitiously ... jumping demonstrators as they return home on darkened streets at night".

Basij is the name of the force; a *basiji* is an individual member.

The Kurds

Understanding of the situation of the Faili Kurds must start with an overview of the larger group. The Kurds have often been described as the largest ethnic group in the world without their own state, numbering somewhere between 25 to 35 million in population. They mostly live in a region often referred to as Kurdistan, which stretches across the borders of Iran, Iraq, Syria, and Turkey. The largest population of Kurds live within the borders of modern-day Turkey numbering an estimated 15 million people, followed by Iran, Iraq, and Syria. They are the fourth largest ethnic group in the Middle East after the Arabs, Persians and Turks.

The Kurds have been the victims of subjugation by neighbouring peoples for most of their history. In the four main present-day countries in which they live, Kurds have fallen victim to various discriminatory policies of oppression. They have been subject to some of the worst atrocities of mankind including ethnic cleansing and mass graves, genocide, chemical attacks and other bombings, the ban of their language and culture, displacements, the destructions of their lands, homes and properties, restrictions on social, political, and economical rights, and the burdens of poverty. The Kurds have attempted to set up their own nation-state several times throughout the 20th century but their efforts have been short of success every time. In Iran, discrimination has taken the form of economic hardship, with the Kurds living in the poorest and least developed regions, and limitations on social and cultural activity. There have been frequent executions of Kurdish leaders and civil rights activists.

It is important to note that the Kurds differ ethnically, culturally and linguistically from the peoples of their host countries. The persistence and extent of mistreatment, oppression, torture and criminalisation of Kurds in Iran cannot be explained simply as the result of religious differences of the majority being Sunni Muslims in a predominantly Shia country. A study of the history of treatment of Kurds, both in the past and recently, suggest that the antipathy runs much deeper and has its roots in longstanding and ingrained racist attitudes.

Commenting on systemic discrimination against Kurds in Iran, the International Federation for Human Rights in *The Hidden Side of Iran: discrimination against ethnic and religious minorities* (Oct 2010) reported that 'the Kurds have been denied, both before and after the 1979 revolution, their political, economic and cultural rights, including their right to use their own language.....The Kurdish regions are extremely poor with little government investment'.

The Constitution of the Islamic Republic of Iran does not contain any discriminatory provisions targeting Kurdish Iranians or any other minorities and, indeed, it prohibits such mistreatment. However, in practice, IRI officials have often targeted Kurds for any manner of

public display of their ethnic culture, language or traditions. Over the last decade, international institutions and human rights groups have grown increasingly critical of the Iranian government's treatment of the Kurdish Iranian community. In September 2010, the United Nations Human Rights Council's Committee on the Elimination of Racial Discrimination addressed this ongoing issue and expressed concern regarding the social, political, economic and cultural limitations imposed by the IRI on certain minority communities, including the Kurdish community.

The Iranian Human Rights Documentation Centre writes of a *long-term pattern of discrimination against Kurds in Iran who live, both literally and figuratively, on the margins of Iranian society. As demonstrated by the witness testimonies in this report, IRI officials are hostile to any public display of Kurdish ethnic culture, language or traditions, and view even peaceful activities with Kurdish political parties with suspicion.*

Furthermore the ongoing presence of at least two Kurdish rights activist groups is a problem for all Kurds. Today, the IRI's suspicions concerning the Kurdish minority are based on a fear that Kurdish activism contains a separatist undercurrent that challenges the integrity of the state. Many political activists who assert their Kurdish identity or who engage in social and political criticism of the IRI are prime targets for arbitrary arrest and prosecution on the pretext of endangering national security. While some Kurdish political activists may engage in violent acts against the Iranian state or are involved with PJAK (Partiya Jiyana Azad a Kurdistanê, or Party of Free Life of Kurdistan)—an armed Kurdish political group—others only engage in peaceful civic activities, yet suffer on account of their larger group association.

Guilt by association, even if only by way of common ethnicity, is a well- established and growing reference point for discriminatory treatment and repression of all Kurds, adding to the historic underlying enmity. See for example the IHRDC report of April 2012:

<http://www.iranhrdc.org/english/publications/reports/1000000089-on-the-margins-arrest-imprisonment-and-execution-of-kurdish-activists-in-iran-today.html#.UTajnhnrbs>

See also the the US Department of State's most recent (2011) Country Report Iran which notes that the government *disproportionately targeted minority groups, including Kurds, Arabs, Aseris and Baluchis, for arbitrary arrest, prolonged detention and physical abuse*¹. The report continued: *There are between five and 11 million ethnic Kurds in the country, who have frequently campaigned for greater regional autonomy. There were two terrorist organizations inside the Kurdish province; however, they did not represent the majority of the Kurdish population. Nevertheless, the government persecuted the entire minority for criminal acts sponsored by the two organizations. According to a 2009 HRW report, the government used security laws, media laws, and other legislation to arrest and persecute Kurds solely for exercising their right to freedom of expression and association. The government reportedly banned Kurdish-language newspapers, journals, and books and punished publishers, journalists, and writers for opposing and criticizing government policies. Although the Kurdish language is not banned, schools did not teach it. Authorities suppressed legitimate activities of Kurdish NGOs by denying them registration permits or bringing spurious charges of security offenses against individuals working with such organizations. Kurds were not allowed to register certain names for their children in official registries.*

THE FAILI KURDS

In its **Country Guidance Note: Iran** dated 2011, the then Department of Immigration (DIMMI) identified two groups of refugees into Australia from Iran: *Iranian nationals who claim*

persecution on the grounds of their political opinion, race or religion, and Faili Kurd refugees of Iraqi origin (p.6).

The DIMMI paper provides background on the Faili Kurds (alternative spellings Feyli, Faylee, Faily, Fayli and Feili), and readers requiring detailed information are referred to this paper.

It is important to understand why it is specifically the Faili Kurds who have been fleeing from Iran in their hundreds and seeking asylum in many other countries, including Australia. Key facts for the purposes of the current paper are:

- Faili Kurds are originally from a region which straddles the Iran-Iraq border along the Zagros mountain range. Unlike the majority of Kurds, they are Shi'a Muslims. During the 19th and 20th centuries they played key commercial, social and cultural roles in Iraqi cities, primarily Baghdad.
- During the Ottoman period many Faili Kurds moved to Iran. Others chose to align themselves with Iran for family and other reasons, while remaining in Iraq.
- During the Baath/Saddam Hussein regime of the 1970s and 1980s, hundreds of thousands of Faili Kurds were expelled into Iran on the pretext that they could be spies or at least loyalists towards Iran. Their Iraqi citizenship was stripped from them and their property confiscated.
- The result was decades of homelessness and statelessness in Iran or existence as non-citizens in Iraq, for those who made the return journey. Though important steps have been taken by the government of Iraq to restore the citizenship of these people, it has estimated that roughly 100,000 still lack a nationality.
- Applicants for protection in other countries usually claim that they fear persecution by the Iranian authorities on the basis of their race or ethnicity, their former citizenship of Iraq, their ongoing refugee status in Iran, their undocumented status, and/or their statelessness. Their key claims usually include fear of discrimination, including restrictions on accessing education, healthcare and employment, by the Iranian Government, and fear of being harassed, beaten or arbitrarily detained by the Basij and other security forces.
- On the face of it, Faili Kurds as Shias should be able to expect more lenient treatment than other Kurds, but there is no evidence that this is the case, and indeed the opposite appears to be true.

Reasons for the excessive persecution of Faili Kurds in Iran

The reasons for the especially harsh treatment of Faili Kurds are complex, but all of the following are well recognised contributing factors. Ethnicity is an issue common to all Kurds in Iran. Racism is widespread and a primary factor for the IRI. Perceived guilt by association with Kurdish activists and separatists is another common factor.

What distinguishes the Faili Kurds from other Kurds is the following complex of factors:

- Faili Kurds are seen as foreigners and illegal immigrants from Iraq and therefore as non-citizens, and therefore as having few, if any legal or social rights.
- A majority of Faili Kurds have failed to obtain residency cards (because of lack of knowledge, lack of education, fear of dealing with officials, and relatively high fees). This means that not only do they not qualify for basic services and legal protection, but that they are also constantly vulnerable to exploitation and oppression.
- Those Faili Kurds who have managed to obtain residency cards may be slightly better off than others but they are still vulnerable to exploitation.

- The form of Shia Islam practiced by Faili Kurds is at the opposite end of the spectrum from the fundamentalist expression of the ruling Mullahs. There is a long history of folk religion which is regarded as extremely lax and therefore punishable as heresy. Many aspects of Faili Kurd culture are unacceptable to the IRI. Better a strict Sunni (as are many mainstream Kurds) than a lax Shiite.

Victimisation of Faili Kurds by the Basij

This analysis of the distinctive situation of the Faili Kurds helps to explain the attitudes and actions of the Basij towards them. The Basij are notorious for picking on the most vulnerable people and groups. Their role as morality police frees them to interpret many aspects of Faili Kurd culture as immoral and punishable without restraint. Their role as suppressors of dissent frees them to oppress Faili Kurds at random because these of all people can be suspected as non-supporters of the regime, being foreigner and non-citizens.

The Basij are notorious for acting capriciously and without reference to any legal framework. They use their power to harass and exploit seemingly at random and without accountability. For this reason the Faili Kurds live in increasing fear of them. Those Faili Kurds who begin to experience persecution from the Basij usually find that there is no assured end to it. Further acts of oppression can occur at any time and on any pretext. Young men in particular are especially vulnerable. Most are simply trapped in this unenviable situation. A few manage to escape and seek protection in another country. But in fact this “few” is a swelling torrent as the impact of the Arab Spring is felt very widely; the general crackdown on dissent spills over to unrelated repression of all kinds of people and groups.

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Personal conversations

We have formed close friendships with many Iranians, both Persians and Faili Kurds. This paper draws in part on information they have shared with us and the key points are affirmed by those who have read it (with interpretation) in draft form.
