



The voice of Maria Dolens

n.27
Year III
November 2022

Monthly newsletter from the Peace Bell Foundation

Woman, life, freedom

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The brutal beating to which Mahsa Animi was subjected in Tehran by agents of the “Moral Police” may have represented the point of no return in the, up to now, implacable system of social control inflicted on the Iranian population by the theocratic regime of the ayatollahs. The young Kurdish girl died last September 16 after three days of agony all because she was “guilty” of not wearing the veil (hijab) correctly, a law imposed on the entire adult female population since the 1980s.

Of course, in a country that is difficult to comprehend due to the presence of wide and lacerating contradictions, the conditional is a must, since it is certainly not possible to suddenly disregard the firm grip held on the country for over 40 years of dictatorship of religious fundamentalism. We may remember, for example, how approximately 10 years ago over two million Iranians took to the streets to ask the then president Ahmadinejad for freedom, secularism and democracy, without obtaining any concrete results. But the uninterrupted flourishing in many

cities of the country, from mid-September to today, of processions organized by unveiled women, the long and noisy carousels of cars, the most prudent, yet wide and vocal, solidarity coming from the windows and balconies, the extension of the protest to universities, schools and other meeting places for young people, would suggest, now perhaps more than then, that the tolerance threshold has been reached. Even the recent story of Elmaz Reikabi, the athlete who competed without a hijab at the Asian Climbing Championships in Seoul, triumphantly welcomed on her return home but immediately subjected to restrictive measures by the authorities, is indicative of the existence of increasingly evident contrasts.

On closer inspection, today's Iran presents itself as a sort of “double-headed eagle”. On the one hand, a country with a thriving cultural life, full of renowned universities, established film directors and world-famous architects, within urban spaces where churches and synagogues coexist with mosques.

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Enrolled at the ROC, an Italian association for journalists specializing in Communications n. 35952

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Professor Giuseppe de Vergottini during his speech

SEMINAR AT THE BELL

War and the law

UNITED NATIONS DAY

It takes experts to interpret laws. Not because each regulation is unclear in itself, even if sometimes the exposition could be improved, but above all because to interpret a law it is necessary to have an overall picture of the provisions governing a particular area. Sometimes, especially on matters that concern us all, there is the risk of confusion. Alas, all too often someone might attempt to drive a partial or imprecise vision to give strength to weak political positions which stray from procedure. Specifically, for the occasion of the United Nations Day, which is celebrated on 24 October, the Foundation entrusted the task of providing a complete picture of the regulations governing the direct or indirect participation of Italy in a conflict, with particular reference to support for the Ukrainian resistance against the Russian invasion, to Giuseppe de Vergottini, professor of constitutional law at his alma mater, the University of Bologna.

The expert, calmly and with caution, attempted to clarify the exact meaning of the cited article 11 of the Constitution, also in light of international law. «Let's start by recalling the constitutional clauses that affect war. These transpose international law and in particular Article 2, paragraph 4, of the United Nations Charter, which considers the threat and use of armed force as illicit both "against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations"», explained de Vergottini, emphasizing that «at the same time Article 51 of the Charter guarantees individual or collective self-defence as the inherent right of a member State to resist an armed attack».

By invading Ukraine, however, Moscow has not only violated the UN Charter, but also the so-called Budapest Memorandum, an international treaty signed in 1994, which in regulating the disposal of nuclear warheads from Ukraine to Russia, committed the Kremlin to respect independence and sovereignty within its borders at the time, to refrain from threatening or using military force or economic coercion to influence the policy of its neighbours and even to «urge immediate action by the Security Council of Nations United to provide assistance» in the event of an «armed attack» against the country.

Having clarified the international situation, the professor went on to analyse the position of Italy, noting that Article 11 of the Constitution contains two provisions. In the first we find the repudiation of war «as an instrument of offense

against the freedom of other peoples and as a means of resolving international disputes». In the second, consent «on equal terms with other states, to the limitations of sovereignty necessary for an order that ensures peace and justice among nations». To this end, Italy «promotes and favours international organizations aimed at this purpose».

Usually, explained de Vergottini, «the focus is on the first part of the provision, but the rule must be read coordinating the two parts». It follows that the principle that must guide the action of the government of Rome is «the prohibition of an armed war and as a means of resolving disputes», but this «does not affect the principle of defence».

Professor de Vergottini clarifies the international and Italian legislation regulating support for the Ukrainian resistance

In specific cases, therefore, he concluded, «work towards an interpretation conforming to international law should be emphasized. This recognizes the right of individual and collective legitimate defence by allowing the armed intervention of third States to help the victim.

The International Court of Justice, in the Nicaragua-United States case, affirmed that the principle of prohibition of the



Professor Giuseppe de Vergottini and Reggente Marco Marsilli during the event



Professor Giuseppe de Vergottini signs the Book of Honor

Article 11 of the Italian Constitution does not prohibit the use of force to assist a state that is counteracting an armed attack

use of force, enshrined in Article 2 of the Charter, must be considered together with Article 51, allowing aid to a State subject to aggression by customary law».

International customary laws have constitutional rank. Therefore, what is dictated in Article 11 cannot be considered separately from the understanding of these customs. In other words, Article 11 does not prohibit the use of force to assist a state that is counteracting an armed attack. Thus, limiting ourselves to assessing the assistance given to the parties under attack by sending weapons, appears to be in accordance with international law and therefore not contrary to the Constitution.



NOBEL PEACE PRIZE TO ALES BALIATKI AND TO RUSSIAN AND UKRAINIAN ASSOCIATIONS

Hope comes from humanism

There may be something rotten in the state of Denmark but in Norway they still read Petrarch. There is no other explanation. The Nobel Peace Prize was awarded for «the consistent efforts in favour of humanist values, anti-militarism and principles of law». The fourteenth-century ideals that aspired to balance between instinct and reason were echoed by the Oslo Committee, which was able to turn its gaze to those who «have for many years promoted the right to criticize power and protect the fundamental rights of citizens» and «have made an outstanding effort to document war crimes, human rights abuses and the abuse of power». A courageous attitude that demonstrates «the significance of civil society for peace and democracy». The recipients of the award are an imprisoned human rights advocate and two organizations: the Belarusian dissident Ales Bialiatski, founder of the Viasna organization, the Russian human rights group « Memorial Society» and the Ukrainian «Center for Civil Liberties».

The Nobel Peace Prize is the only Nobel that may also be awarded to organizations and not just to individuals. 129 have been awarded since 1901 making that of 2022 number 130. Usually, however, during

conflicts, at least those involving Western countries in some way, it is not assigned. In all, it has happened 19 times: 8 during the First World War and Post World War period, 5 during the Second World War and 6 as a result of the Cold War between the Western and Soviet blocs. This year, however, the choice was made to focus on the conflict that is inflaming a geographical area on the borders of Old Europe and on a very close ally of Putin, Aljaksandr Lukašénka, President of Belarus who does not allow any kind of opposition in his country.

In fact, Bialiatski was one of the promoters of the democratic movement which arose in Belarus in the mid-1980s. He has dedicated his life to promoting democracy and the peaceful development of the nation. In 1996 he founded Viasna, which means Spring, a name often associated with an attempt at cultural, political or social rebirth. At the end of 2010, for example, there was the Arab Spring, with demonstrations in Egypt, Syria, Libya, Tunisia, Yemen, Algeria, Iraq, Bahrain, Jordan and Djibouti to name just a few countries. More than ten years have passed. No one talks about it anymore but almost all the regimes are still there. Like that of Belarus, which is working hand in glove with Moscow.

The Russian human rights organization «Memorial» and the Ukrainian «Center for Civil Liberties»

Violent protests manifested among the population in 1996, when controversial constitutional amendments gave Lukašënka a power that was essentially absolute. During that time, Viasna provided support to the arrested protesters and their families, and later developed into a far-reaching human rights organization, which documented the use of torture by the Belarusian authorities against political prisoners. The government has repeatedly tried to silence Bialiatki, who was jailed for the first time from 2011 to 2014 and again in 2020, following the demonstrations for democracy that swept across the country. The Nobel Prize winner is currently being held awaiting trial.

And then there are the organizations fighting for human rights in Russia and Ukraine. Of course, the choice may seem obvious, but nonetheless important. Rights must be defended where they are trampled on, and if the violations are there for all to see, so much the better: no one can say they didn't know. After all, the commitment of these associations goes back a long way to the Russian invasion of Ukraine. "Memorial Society" was founded in 1987 by human rights activists



Ales Bialiatski

from the Soviet Union, with the aim of remembering the victims of the regime and dealing with past crimes to prevent them from happening again. The idea is not new, but it is relative to the present day.

After the collapse of the USSR, Memorial grew to become the largest human rights organization in Russia. It has also been at the forefront of fighting militarism, promoting human rights and a system of government based on the rule of law. In particular, during the Chechen wars, it collected and verified information on the abuses and crimes perpetrated against the civilian population by Russian and pro-Russian forces. In 2009, the head of Memorial's branch in Chechnya, Natalia Estemirova, was killed as a result of this work.

«Memorial» was shut down by the Moscow authorities who branded it a «foreign agent»

Relating what happens in an autocratic regime has always been difficult, if not impossible. Freedom of the press is one of the principals of democracy. Russia is not a democracy and after threats, imprisonments and disappearances, Memorial was branded a "foreign agent". Two years ago, the authorities decided on its forced liquidation and the definitive closure of the documentation center.

More recently came the birth of the "Center for Civil Liberties", founded in Kyiv in 2007, with the aim of promoting human rights and democracy in Ukraine. The organization has taken a stand to strengthen civil society and put pressure on the authorities to support the country not only in the path of emancipation from Russian imperialism, but also in the full realization of a democratic system. After the invasion in February 2022, the Center for Civil Liberties made efforts to identify and document Russian war crimes against the Ukrainian population. In collaboration with international partners, it is playing a fundamental role in identifying the culprits.

HAPPENING AT THE COUNCIL OF EUROPE

Love your country from a cell

THE VÁCLAV HAVEL HUMAN RIGHTS PRIZE AWARDED TO VLADIMIR KARA-MURZA

He is accused of having betrayed his country. He claims he loves his country. That's the story. Where does love end and betrayal begin? There are several schools of thought in Russia at this time in history. For example, President Vladimir Putin considers it legitimate, for the sake of the motherland, to nip any opposition in the bud, to limit or repress the freedom of the press and to organize elections in which he invariably wins. Vladimir Kara-Murza, one of the opposition leaders currently imprisoned, instead believes that loving one's country consists in criticizing an authoritarian government and founding an anti-war committee together with others to counter the invasion of Ukraine. However, this is not just a difference of opinion, since Putin, in upholding his ideas, continues to be president while Kara-Murza goes to prison and risks over twenty years of imprisonment, all this after having suffered several attempts of poisoning.

There may be different ideas regarding the policies to be taken, but when a choice cannot be criticized publicly it automatically slips into authoritarianism.



Vladimir Kara-Murza



Kara-Murza's wife Yevgeniya receives her husband's award in Strasbourg

Also, for this reason, the Parliamentary Assembly of the Council of Europe (PACE) awarded the 10th Václav Havel Human Rights Prize to the Russian dissident. The award was presented during a ceremony organized on the opening day of its autumn plenary session in Strasbourg. Upon receiving it, Kara-Murza's wife, Yevgeniya, declared that she «couldn't be prouder» of her husband, who dedicated this victory to the thousands of Russians who had spoken out against the war in Ukraine and who continues to work until «a peaceful, democratic and Putin-free Russia» will one day return to the Council of Europe.

PACE President Tiny Kox, who chaired the selection panel, stressed that «despite the risks, Vladimir Kara-Murza had the courage to return to his country to carry on his fight, even while having the possibility to stay safe. (...) It takes incredible courage in today's Russia to stand

against the power in place. Today, Mr Kara-Murza is showing this courage, from his prison cell».

Vladimir Kara-Murza is doing something important, risking his life for an idea of freedom. But he is not the only one, and the precise purpose of the Václav Havel Human Rights Prize is to direct the spotlight onto the stories of figures in order to honour «outstanding civil society action in defence of human rights in Europe and beyond». In recent years, the recognition has been awarded in turn to Belarusian opposition leader Maria Kalesnikava (2021), Saudi women's rights activist Loujain Alhathloul (2020), jointly with Ilham Tohti and the Youth Initiative for Human Rights (2019), Oyub Titiev (2018), Murat Arslan (2017), Nadia Murad (2016), Ludmilla Alexeeva (2015), Anar Mammadli (2014) and Ales Bialiatski (2013). None of them can be forgotten.

IT HAPPENED TODAY

Return of the Bell to Rovereto



3 November, 1965: Arrival of the Bell in Rovereto after being recast at the Capanni Foundry



20 November, 2004:
Mountains of peace
«Afghanistan: flowers
among rocks. The
testimony of a human
rights activist in the
country of the Taliban»



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On the other hand, a “feudal” Islamic Republic, with characteristics very close to those of Saudi Arabia, in terms of submission to religious dogmas (always declined as prohibitions) that are strongly inserted in every area of the private sphere, making the margins of personal freedom inexistent.

In fact, it is precisely this “second Iran” that represents the popular pillar of a ramified and pervasive system that finds its political leader in President Ebrahim Raisi, a former religious figure, elected Head of State in 2021 following clearly fraudulent elections with a very low rate of participation. In the 1990s he had been directly involved in the mass executions of political opponents, reinforcing the ferocious “Death Commissions”, set up by the “Supreme Leader” Ayatollah Khomeini. The present leadership includes the equally radical ayatollah Ali Khamenei (himself a former president) as the highest religious authority who, against all evidence, continues to accuse the United States and Israel of being the real instigators of popular anti-regime demonstrations. Finally, the dreaded “Revolutionary Guards” (Pasdaran) watch over the maintenance of public order, essentially removing the authority of the regular armed forces, inclined to apply, even to their compatriots, the brutal methods adopted on the battlefield against Iraqi and Syrian enemies.

It is a regime, moreover, which, beyond the ostentatious declarations of “revolutionary integrity”, is steeped in corruption, as may be seen by the presence of both alcoholic beverages and satellite dishes for the reception of foreign channels in many homes in Tehran and other cities, despite the strict prohibition formally in force for both.

Western political analysts calculate 10-15 years as the period necessary so that the “feudal” part of the Iranian population, attracted by the Western behavioural models disseminated daily by the aforementioned TVs, find the courage to “free themselves” from the current subjection, thereby putting the survival of the regime, which is already heavily contested in urban centers, in serious danger. It should also be considered that half of the inhabitants (42 million out of 84) were born after the 1979 revolu-

tion, an element that undoubtedly plays against the *sine die* continuation of repression policies.

After all, models of life not far from European ideals were present in Iran until the fall of the Shah and the subsequent advent of theocracy. It would be an interesting, albeit purely theoretical, exercise to now calculate the levels of development that the country could have achieved, if only Reza Pahlavi had flanked his decidedly advanced modernization policies with greater respect for consolidated traditions and closer involvement of the population in the implementation of internal reforms.

Furthermore, there is no doubt that Iran has been in a phase of economic recession for some time. We may observe that 10 years ago the average per capita income was around 8,000 dollars whereas this year it is estimated at less than half (3,000 dollars) that amount.

This situation is heavily affected by the sanctioning regime applied by the United States and Europe starting from the fateful year of 1979, partially attenuated in 2015 at the time of the nuclear agreement (JCPOA) and subsequently, on the basis of the decision of US President Trump to revoke the agreement (2018) returned to the original criteria of rigidity, subject to limited exceptions.

Remaining in the international arena and highlighting the state of isolation in which Tehran has been in for some time now, a brief comment is required on relations with Russia. Following the decision by the European Union to “block” imports of gas and oil from the Federation, the two countries are now close to becoming competitors as regards supplies of hydrocarbons to China. It is however taken for granted that Moscow will tolerate this duopoly without protest, at least until it must resort to the Islamic Republic for the purchase of the sophisticated locally produced Shahed 136 drones. As facts and images have unfortunately proven, their use is aimed at the systematic destruction of the Ukrainian strategic infrastructure, with little or no regard for the fate of the civilian population and seems furthermore to be facilitated by the presence of Iranian instructors on Russian territory. Even this choice of sides could erect new and difficult to cross barriers in relations with the West.



Zhen, Zhian, Azadi (Woman, Life, Freedom) is the slogan articulated by the courageous demonstrators in the capital as well as in Karay, Ardebil, Marivan and many other places, also relaunched almost everywhere abroad through spontaneous solidarity marches (with haircuts of the participants) and protest meetings in front of the diplomatic offices of the Islamic Republic. According to the reliable evaluations of the Norwegian non-governmental organization Human Rights Watch, the number of victims in recent weeks has already exceeded 200, not to mention the thousands of imprisonments in inhumane local prisons (among those arrested is also the Italian travel blogger, Alessia Piperno)

To conclude on a more positive note, it is a sign of real hope that influential Iranian political figures, such as former presidents Mohammad Khatami and Hassan Rouhani, close to the “reformist” wing, have in no way taken the floor to condemn popular demonstrations. Theirs is a silence that weighs, also because it can be (and has been) interpreted as an indirect dissociation from the repressive methods and serious abuses committed by the regime in power.

In short, despite the existence of difficulties and significant obstacles, the entry for a gradual democratization of the Iranian Islamic Republic is now underway. The possible, hoped-for extension of protest at the bazaars, which led to decisive results at the end of the 1970s with the fall of the Shah, could for example reveal itself in the form of a protracted closure of shops and commercial enterprises, which after almost half a century might still be decisive even in the current, and very different, internal situation.

Reggente Marco Marsilli, Foundation President