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# **Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development**

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**EVIDENCE**

**Tuesday, March 27, 2007**

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**Chair**

**The Honourable Jason Kenney**

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•(1105)

[English]

**The Chair (Hon. Jason Kenney (Calgary Southeast, CPC)):**  
Good morning, colleagues.

I verify that there is a quorum present to call to order this meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

[Translation]

This morning, we will hear from witnesses who are experts on human rights in Iran. I will be making some changes to the agenda. Professor Payam Akhavan will go first, between 11:00 a.m. and noon, but I would like to hear all of the witnesses, after which members will then be able to question the entire panel at the same time.

In preparing its work plan, the committee indicated that it wanted to hear testimony on human rights in Iran. Then, Mr. Cotler moved a motion relating to the complicity of the Iran regime

[English]

to incite genocide, and that is on the table.

You can choose to pose questions about the issue to members of the panel, but I believe most of them are gearing their comments to the general human rights situation in Iran.

We're very honoured to have three leading human rights activists, and in particular experts on the situation in Iran.

We'll begin first with Professor Payam Akhavan. He is a professor at the Faculty of Law of McGill University, a chairman of the Iran Human Rights Documentation Center, a former United Nations war crimes investigator, and he is widely published on these issues.

Professor Akhavan.

[Translation]

**Prof. Payam Akhavan (Faculty of Law, McGill University):**  
Thank you for inviting me to appear before your committee, Mr. Chairman. It is indeed a great privilege and a great pleasure for me to share a few ideas on the human rights situation in Iran.

[English]

I would like to begin by situating the significance of discussing human rights in Iran in a broader context. In particular, I think it's imperative to understand that human rights in Iran are linked to

many of the peace and security considerations that seem to be preoccupying the international community at the moment. For instance, I believe that the nuclear question, which seems to have completely preoccupied the attention of the international community, is inextricably linked with the democratization of Iran. The problem we have to understand in Iran is not so much the question of nuclear capability; the problem is the nature of the regime.

The problem is that an authoritarian regime that is not responsive to the wishes of the people of Iran will need, as an ideological expedient, confrontation with the west, anti-American rhetoric, anti-Israeli rhetoric. A regime that feels besieged because it is a menace to international peace and security will feel the need to have a nuclear capability as some sort of insurance against military confrontation.

We have to understand that in the same way the regime, or rather hardliners within the regime who are tenuously holding onto power, engages in the demonization of foreign enemies, they link that demonization to the internal repression of dissent. Every single Iranian dissident who ends up in prison, including Professor Ramin Jahanbegloo, who I'm sure you're all familiar with, the Canadian Iranian who spent last summer in solitary confinement until he confessed, predictably, to having worked as some sort of American agent, unwittingly—everyone who is targeted within Iran is ultimately linked to some sort of foreign conspiracy in order to portray all indigenous calls for domestic change as somehow something that has been planted into the minds of the Iranian people by the United States or others.

There has recently been a deterioration of the human rights situation in Iran under President Ahmadinejad, and I believe my learned colleagues will address that in greater detail. But I think it's very important to understand the radicalization of politics in Iran, the deterioration of the human rights situation, less as a long-term trend and more as a dying gasp of a regime that has lost legitimacy and that is completely unresponsive to the wishes of the vast majority of Iranians.

The demographics are on the side of democratic change. Seventy per cent of Iranians are 30 years of age and under. They are part of a post-ideological, post-utopian, pragmatic culture and are much more concerned with employment, transparency, rooting out corruption, developing the economy, creating hope for the future, having cultural freedoms, and enjoying human rights and democratic freedoms.

The average Iranian does not wake up in the morning fantasizing about nuclear capability or about wiping Israel off the map. This is an expedient of President Ahmadinejad because this kind of polemic is the only thing he can offer the Iranian people as they decline further and further into hopelessness, social despair, and economic decline.

In this respect also I think it's very important to steer clear of any construction of the conflict we have with Iran in terms of a clash of civilizations. This is not a clash of civilizations. This is a clash between authoritarianism and democracy. Suffice it to say there are more Islamic clerics in prison today in Iran than there ever were under the regime of the Shah, and some of the greatest opposition to the sort of totalitarian state structures, which of course have become somewhat relaxed now, comes from within the ranks of the Islamic clerics themselves, in addition to the many other social movements that exist in Iran.

• (1110)

In short, there are two Irans. There is the Iran of the hard-liners, and there is the Iran of the majority, which has a thriving civil society, human rights movements, feminist movements, and social activists involved in all walks of life. This reality requires a nuanced foreign policy, which on the one hand isolates those hard-liners who stand in the way of the wishes of the vast majority of the people of Iran and at the same time helps to empower civil society, which is ultimately the only long-term solution, not only for resolving the interests of the international community in terms of regional stability, but also for the legitimate aspirations of the Iranian people.

I regret to say that for the most part the history of western policy towards Iran has put the human rights of the Iranian people a distant second to real political concerns. Here is an opportunity for Canada to adopt not only a principled foreign policy, but also a realistic foreign policy that understands the links, once again, between regional security and respect for human rights.

Suffice it to say that recently the survivors of the Bam earthquake in Iran protested about why the Iranian government is sending hundreds of millions of dollars to Hezbollah in Lebanon when the survivors of the earthquake still have not been provided with adequate housing. And in a democratic Iran, surely, people will ask whether it's worth spending \$15 billion on a controversial nuclear program that risks military confrontation with the west at a time when, officially, there's a 25% unemployment rate, and unofficially, a rate that could be as high as 40%.

The way forward, I believe, is to look simultaneously at targeted sanctions, sanctions that target specific elements of the regime without penalizing the vast majority of Iranian people. Those targeted sanctions, in and of themselves, will significantly empower Iranian civil society to bring about a genuine transformation of the Iranian political system, as opposed to a solution imposed from the outside through some sort of intervention. I need not emphasize the very painful lessons we have learned from the case of Iraq about the consequences of trying to impose solutions from without.

In this respect, I think Canada has a very important role to play. We have, on the one hand, the rather belligerent, I dare say, cowboy diplomacy of the United States, which has played right into the hands of President Ahmadinejad by helping refashion him as some

sort of Islamic saviour in a clash of civilizations. The conference on the denial of the Holocaust in Tehran and all these events are invitations to condemnation that help create some sort of legitimacy by rallying the Iranian masses, who have, obviously, nationalistic sentiments, and it's something we need to bear in mind.

On the other hand, the European policy, I dare say, has for the most part bordered on appeasement, even if there are now some more assertive policies in relation to the nuclear issue. Somewhere between appeasement and military confrontation is a policy that I think is effective, and I think in that respect the Canadian government, beyond speaking of human security and these principles in abstract terms, now has to accept this as a challenge to which it must rise.

I'll begin, in terms of particular recommendations, to speak about what I think is a unique challenge, but also a unique opportunity for the Canadian government, and this relates to the death of the Iranian-Canadian photojournalist, Zahra Kazemi, who came from my home town of Montreal. Last summer, the Iranian government included in its delegation Saeed Mortazavi, the notorious prosecutor general of Tehran implicated in Zahra Kazemi's death, not least by a presidential commission of inquiry under President Khatami in Iran and by a parliamentary commission of inquiry in Iran.

When he came to the Human Rights Council in Geneva, it was a slap in the face of the international community. It was a slap in the face of Canada. It was a slap in the face of all Iranians. The message was that we were going to send one of the most notorious figures, who has put hundreds and hundreds of webloggers and journalists and women's rights activists in Evin prison, to the Human Rights Council as a demonstration of the complete impunity with which we can abuse the rights of Iranian citizens.

• (1115)

In this respect the Canadian government, the Honourable Prime Minister, with great courage, I think, called for the arrest of Saeed Mortazavi. Not only was this a principled response, but it really had a profound effect on events within Iran. I've heard from more than one reformist or human rights advocate how emboldened the democratic opposition became when it became clear that this seemingly untouchable symbol of the regime now had to fear arrest. He quickly returned to Tehran and now has to question whether he can ever travel abroad without facing arrest. I think that was a unique example of how so little can go so far, how soft power actually can have very hard results.

I regret, though, that there has been no follow-up to what I think was a very commendable and principled move. Here we have a case in which a Canadian citizen has been brutally tortured, raped, and murdered. Her torture and murder have been the subject of an extensive cover-up by no less than the prosecutor general of Tehran.

As a matter of principle, if we call ourselves a multicultural society and we benefit from all that immigrants bring in terms of wealth and skills, I think we must also accept the burden. When a Canadian citizen, who happens to have a second nationality and has spent the vast majority of her life in Canada, is brutally tortured and murdered in another country, we have an obligation to defend her rights.

One of the arguments I hear about why we cannot move forward with the indictment of Saeed Mortazavi is that this is a problem of universal jurisdiction, that if we indict the likes of Saeed Mortazavi, Canadian courts will become like global courts and we'll have the problem Belgium has of indicting heads of state from across the world.

This is absolutely false. The Criminal Code of Canada, in section 7, paragraph (3.7)(d), expressly provides that Canadian courts can exercise jurisdiction over the crime of torture where the victim is a Canadian citizen. That is all that is required for the exercise of jurisdiction by Canadian courts, that the victim of torture is a Canadian citizen. It is completely inappropriate to suggest that this is somehow a universal jurisdiction case that is going to open a Pandora's box and turn Canadian courts into some sort of global court. If the Criminal Code specifically provides for the exercise of jurisdiction, why should we treat the murder of this Canadian citizen differently than the murder of any other Canadian?

Another argument against the indictment of Saeed Mortazavi is that we don't have access to the evidence. Obviously we cannot go to Iran and conduct an investigation. I believe that is a misleading argument. First of all, there is considerable evidence outside of Iran. We have reports from the Iranian parliamentary commission, from the presidential commission. There is the testimony of the Iranian doctor, who sought asylum in Canada recently. What we're dealing with here is not an isolated instance of criminality where you need the smoking gun or the fingerprints or that decisive piece of evidence.

• (1120)

Saeed Mortazavi is involved in systemic criminality. For all the years he was a senior judicial figure, hundreds and hundreds of dissidents went through Evin prison at his behest and were tortured and murdered. It's just a question of finding the many, many dissidents who have now sought asylum in Europe and North America in order to construct a compelling circumstantial case.

At the very least, even if the evidence is difficult to get, if the Canadian government does not express its intention at least to launch an investigation, then how will those who potentially could provide evidence step forward and help provide what is required for the indictment of Saeed Mortazavi?

I want to emphasize that the administration of justice, obviously, should never be actuated by political considerations. We should not be indicting Saeed Mortazavi as a foreign policy matter. This is a matter of criminal justice. Diplomacy with Iran ended when it became clear that the regime was completely unwilling to bring the perpetrators of this heinous crime to justice. At that point, diplomacy has to end and criminal justice has to begin. This is the lesson of the International Criminal Court, this is the lesson of the Yugoslav and Rwanda tribunals, that when you commit torture, when you commit crimes against humanity, you're no longer a minister, you're no longer an attorney general, you are a criminal.

In this case, though, I think we can't be oblivious to the far-reaching foreign policy consequences of pursuing this case. Not only will aggressive pursuit of this case send a message that Canada will not allow Canadian citizens to be murdered with impunity, but I think it will also send the message to the regime in Iran that there is a

cost attached to human rights violations, that you cannot torture Iranians, whether they happen to be Canadian citizens or otherwise; you cannot torture and murder people with impunity. And that goes back to the role that Canada can play in promoting individual accountability for human rights abuses, rather than mere condemnation in the UN Human Rights Council, which is important but, like newspaper headlines, is something that is quickly forgotten.

The value of an indictment, we have learned from hunting Nazi war criminals, war criminals from the former Yugoslavia, and elsewhere, is that it stigmatizes people in positions of authority; it sends the message that even if they're in power today, one day they will not be in power and one day they will have to face justice.

By way of my final remark, I would also like to speak about the importance of investing in the future leaders of Iran rather than being too preoccupied about appeasement or good relations with the present regime. Obviously, certain political realities have to be taken into account. But at the end of the day, the democratic tide in Iran, the burgeoning of civil society, clearly signals the coming end of an unfortunate era of authoritarianism in Iran. In that respect, I believe we need the imagination, the foresight, and the political vision in Canada, whether through track two diplomacy or other means, to empower and speak to civil society in Iran, rather than being preoccupied with those who happen to be in power today but who may not necessarily be there tomorrow.

I will end simply by mentioning that judicial measures can have significant impact. I'm aware that others have spoken also about the prospect of indicting President Ahmadinejad for incitement to genocide and other crimes, but I just want to give you one last instructive example of what is known as the Mykonos judgment.

Mykonos was a Greek restaurant in Berlin where Iranian agents killed four Kurdish leaders in 1992. The German judiciary investigated, arrested some of the perpetrators, and implicated the highest-ranking Iranian leaders, including the Supreme Leader, Ayatollah Khamenei, including the president at the time, Rafsanjani, including the interior minister, Fallahian—names that emerge again in relation to the bombing of the Jewish cultural centre in Argentina, in relation to the assassination of Professor Rajavi in Geneva in 1989, and so on.

The significance is that once the Mykonos judgment came out in 1997, because of the resulting international outcry, there were no more political assassinations in Europe. Until that date, 300 Iranian dissidents had been murdered in Europe, often with the complicity of European governments. I think the Mykonos judgment should be a source of inspiration as we consider rising to the challenge and indicting Saeed Mortazavi for the murder of Zahra Kazemi.

• (1125)

Thank you, Mr. Chairman, for your patience.

**The Chair:** Thank you, Professor Akhavan.

We'll now hear from Mr. Jared Genser, who is joining us from the United States, where he is a lawyer and the president of the human rights organization Freedom Now.

Mr. Genser, welcome to Canada.

**Mr. Jared Genser (President, Freedom Now):** Thanks so much.

It is a pleasure, Mr. Chairman, to be here, and also to be appearing before this distinguished committee. I spend a lot of time in Canada. My wife is Canadian, from Toronto, originally, so Canada is literally my second home. So it's a pleasure to be up here in Ottawa testifying on the question of human rights in Iran.

I think Professor Akhavan's introductory remarks really set the stage for a more detailed discussion of the specific abuses of the regime, although obviously in the case studies he discussed, he got into several of the examples in some detail.

In sum, the human rights situation in Iran is abysmal and has been condemned more than 50 times by the United Nations. In essence, the rule of law in Iran is based on an extremist view of Islam and severely punishes any deviation and interpretation of the Quran from that of the ruling clerics. Any acts incompatible with their extremist version of Islam are treated harshly, which includes inhumane treatment such as public beatings, imprisonment, torture, and death, and typically death without any due process.

As a result, there are numerous killings and disappearances of political dissidents to eliminate any threat they pose to the totalitarian rule of the regime, and despite international outcry, the situation continues to deteriorate. Iran has increased its oppression and violence against political dissidents, journalists, women, and minorities.

In my testimony today I want to walk through, at a very high level, a range of abuses by the current Iranian regime, specifically Iran's exploitation of Islam, repression of speech and association, violations of religious freedom, denial of women's rights, murder, torture and inhumane treatment, and recent threats and incitement to genocide against the State of Israel.

First, let me begin by talking about the exploitation of Islam, because it really provides the fundamental nature of this regime in Tehran. The majority of the abuses committed by Iran's leaders are based on exploitation of Islam. Article 4 of their Constitution strictly provides that all laws and regulations shall be based on Islamic principles, but of course this is the interpretation presented by the ruling clerical regime.

Supreme Leader Ayatollah Ali Khamenei stands as the enforcer of Islamic law and is the unelected absolute ruler of Iran; indeed, there is a principle in the Constitution of Velayat-E Faqih, which is the supremacy of clerical rule. There is no branch of government that's not controlled directly or indirectly by the Ayatollah or the Council of Guardians, and any legislative attempts at liberalization are typically rejected by the council and are often replaced with more restrictive laws.

As if that isn't sufficient, there is a morality police force, the Basij, that was created to seek out those who are acting "un-Islamic". The morality police have a wide degree of authority to carry out extrajudicial punishments, such as beatings in the street, arrests, and torture. They exist along with other groups that are independent vigilantes, which also seek out and punish those who are believed to be acting un-Islamic. Indeed, the victimization by these independent vigilantes often goes unquestioned by government officials, and their behaviour is supported by many within the regime.

Second, let me talk about speech and association, because Iranians have few, if any, political rights. At the most fundamental level, of course, they have no ability to change their government. The mullahs proclaim to have a democracy, with elections for the presidency and the legislature, but this is a mere facade. In practice, voting is without meaning and the clerics control the slate of candidates as well as the election process, and indeed they've been accused on numerous occasions of tampering with the ballots themselves.

Speech is heavily suppressed, and freedom of speech is not protected by the Constitution. Public demonstrations are generally banned, and when they occur spontaneously, particularly if they attract a degree of enthusiasm from Iranian people, they are often brutally suppressed.

Although freedom of the press is guaranteed in the Constitution, it exists only where speech does not offend Islam and the ruling clerics, and of course this is also based on their own interpretation of Islam. Prohibited from publication are statements criticizing Ayatollah Khamenei, direct criticism of the Supreme Leader, criticisms of the rule of religious leaders, and statements promoting the views of dissident clerics or advocating for the rights of minorities. For example, three newspapers in Iran were shut down by the government just before President Ahmadinejad's election after one newspaper published a letter criticizing the government for rigging the election. As a result, the press, although it's not all state-controlled, often practises self-censorship for fear of political reprisal.

•(1130)

The regime is cracking down even harder these days on journalists and bloggers who are putting forth statements that are incompatible with the views of the regime.

Let me talk about violations of religious freedom, again at a high level. Freedom to practice religions exists but is limited to the practice of Shiite Islam, the official religion of Iran. The Sunni population is generally not targeted with violence, but there are a lot of claims of discrimination against Sunni members of the population, and religious activities of Christians and Jews are also restricted. Members of those faiths often suffer substantial discrimination. Indeed, for example, they are not able to access government employment, which constitutes a substantial plurality of employment in Iran.

Evidence suggests that more and more frequently religious minorities are subject to arrest under accusation of un-Islamic activities, and the Baha'i fair even worse. Members of the Baha'i faith are not afforded any protections, and their religion has been deemed un-Islamic under Iranian law, and indeed actually illegal.

There is a lot of religious discrimination in the Irani penal code. For example, if a Muslim is murdered, the perpetrator is subject to the crime of retaliation, but if a Muslim kills a non-Muslim, the killer may simply pay blood money to the victim's family to cure the "debt". As is the case in a number of fundamentalist Islamic countries, an attempt to convert from Islam is punishable by death.

Let me now talk about women's rights, because women, as a minority, are heavily suppressed, and as a result of high expectations placed on them by the Islamic code, they are targeted more heavily. While there are a number of women serving in the legislature, this does not accurately reflect the status of women. In addition, the application of Iranian laws to women is a violation of international human rights law.

Women are actually afforded few rights independent of their husbands. They can't travel without permission. The testimony of two women in a court equates to that of one man. The blood money paid to the family of a female victim of a crime is half the sum of a man. The morality police often beat women in the streets for acts such as dressing immodestly, wearing cosmetics, or associating with unmarried men.

Women receive far more severe punishments than men convicted of the same crime. For example, men who commit rape may not receive any punishment at all, yet women who are accused of being impure, or even worse in the event of rape, can be indeed sentenced to death. Even worse is the treatment of women while imprisoned, where rape, and particularly the rape of virgins, is a widely practised set of activities by prison guards.

In addition, female and male human rights activists are persecuted for the greater pursuit of freedom for women in Iran. Most recently, earlier this month, security forces in Iran attacked and broke up a gathering of hundreds of people marking International Women's Day.

Let me now talk about murder, torture, and inhumane treatment by Iranian officials.

Since the Islamic revolution in 1979, it's estimated that more than 120,000 political executions have been committed by the regime. The number of prisoners in Iran is alarming and on the rise, and the number of people in Iranian custody is appalling and consequently widely condemned. For example, in December 2004, when a group of journalists publicly testified about their torture and warrantless arrests, they were threatened by the country's chief prosecutor with bodily harm to both them and their families.

There is also little justice for victims of torture and for subsequent "accidental deaths" that often occur during interrogations. Iran ranks, according to a major human rights group, at the top of the list "with respect to the number of executions in the country".

More distressing, however, is the inhumane methods of execution, such as hanging, crucifixion, and stoning. Stoning is often a punishment for a crime being compatible with chastity and it is governed by the very specific guidelines under the Iranian penal code. For example, under article 104, the stones are supposedly supposed to be "not large enough to kill a person by one or two strikes". The intention of this specification is to ensure that a person does not die immediately, but instead suffers a long and painful death.

Despite numerous complaints and charges by the United Nations and from around the world, Iran continues to commit these gross violations of human rights.

Lastly, let me talk about threats and incitement to genocide, before coming to some concluding recommendations.

Over the last several years, senior Iranian government officials have publicly and repeatedly called for the destruction of the State of Israel, which I believe is a violation of Iran's obligation under the genocide convention, to which they are a party. Specifically, President Mahmoud Ahmadinejad publicly called for the destruction of Israel. The quote was, "As the Imam said, Israel must be wiped off the map." If there's any doubt as to his intentions, President Ahmadinejad has presided over a parade through the streets with a Shahab-3 missile draped with a banner saying Israel should be wiped off the map. Ahmadinejad has repeated this statement on more than ten occasions between 2005 and 2007. Iran's Supreme Leader, Ayatollah Khamenei said, "There is only one solution to the Middle East problem, namely the annihilation and destruction of the Jewish state." There are a number of other examples that I provide in my testimony.

• (1135)

Based on the repeated and public statements from the most senior Iranian government officials inciting genocide against the Jews in Israel, there's been a public call by many people, including members of this committee, for a case to be filed against Iran in the International Court of Justice under the state-to-state complaint procedure for its violations of the genocide convention, and here in Canada the major Jewish human rights organization, B'nai Brith Canada, has called on the Government of Canada to file this case.

I've only really briefly described in the context of this short testimony the range of abuses taking place by the Iranian regime. What I think is most unfortunate is the fact that while the world focuses on the nuclear question, the people of Iran continue to suffer substantially under their own leaders. Given the impunity with which they operate, it is very difficult to influence their behaviour, but as Professor Akhavan noted, their behaviour can be influenced. I agree as well with Professor Akhavan that Canada is well positioned to keep pressure on the Government of Iran. Specifically, I would recommend that Canada consider taking the following actions.

One, use its membership in the Human Rights Council to raise the issue of Iran to fight efforts by countries in the council to eliminate country-specific resolutions and rapporteurs. To date, the Human Rights Council has sadly had a virtually exclusive focus on Israel. I was in Geneva just last week at the Human Rights Council and was very heartened to see the representative of Canada actively participating in the discussions, standing up on behalf of the State of Israel, as well as raising deep concerns about the human rights abuses in a number of other countries that were being discussed during my visit.

Second, call on members of the Security Council to broaden their discussion on the situation in Iran to not focus just on the nuclear weapons but to look at their incitement to genocide as a potential threat to international peace and security. They could even consider referring the case to the prosecutor of the International Criminal Court. While that likely would not happen, given the ability of a number of members of the council to veto, I do believe that having Canada raise this question to members of the Security Council would be very helpful.

Canada could also initiate a state-to-state complaint under the genocide convention, as I mentioned, and should continue to speak out publicly about the ongoing abuses of human rights in Iran, which it has done and should continue to do.

Lastly, continue to cooperate with UN agencies in the international community to apply further pressure on Iran.

I don't think there are many Iranians who are particularly pleased with being ruled by the mullahs in power in the country. Indeed, when I talked to many Iranians who have recently visited Iran or who have emigrated to the United States or Canada, most people say they actually despise the mullahs. Ultimately, I think we do need to look at alternative ways to embrace democratic forces within Iran and among exile communities to keep the pressure on the Government of Iran. Ultimately, I think the foundation of their entire system is based on a perversion of Islam, and I think in the long run it is only by supporting those who are capable of speaking to the Iranian people in a language they understand and appreciate that we will see a change in their government and, ultimately, greater freedom and democracy in human rights for all the Iranian people.

Thanks a lot.

• (1140)

**The Chair:** Thank you very much, Mr. Genser, for your testimony and for having come here.

We'll now move to Nazanin Afshin-Jam, who is from Vancouver. She is a very well-known spokesman for and activist on human rights issues in general, and in particular with respect to Iran. She is the founder of the Stop Child Executions campaign. She has successfully intervened from Canada, from a great distance, to prevent the execution of young Iranian women.

We're delighted that you have an opportunity to be here and present to us, Ms. Afshin-Jam. Please go ahead.

[*Translation*]

**Ms. Nazanin Afshin-Jam (Human Rights Activist - Stop Child Executions Campaign, As an Individual):** Thank you, Mr. Chairman, and thank you members of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

[*English*]

I'm going to put more of a human face on the examples that were given today to illustrate the brutality of the human rights violations that are committed in Iran.

Last March I received an e-mail from a complete stranger in Paris telling me the story of Nazanin Fatehi in Iran. Nazanin Fatehi is a 17-year-old girl who was in a park with her 15-year-old niece last year when three men attempted to attack and rape them. Out of self-defence, Nazanin stabbed one of these men. Instead of being treated as a victim of attempted rape, she was tried as a criminal and sentenced to death by hanging by the courts of the Islamic Republic.

I was appalled by the story when I first heard about this and by the fact that no news agencies were really picking up the story because they said it wasn't newsworthy, that it was too commonplace. I decided to start a campaign, first with a petition that now has over

350,000 signatures. Then I lobbied different international bodies like the Canadian Parliament, the European Union, the United Nations, and finally the United Nations High Commissioner for Human Rights, Louise Arbour. She reminded Iran of their obligations under the International Covenant on Civil and Political Rights, and under the Convention on the Rights of the Child, which Iran itself signed. It states that Iran is obliged to not execute anyone under the age of 18.

The combined efforts of the international community, these international bodies, and the pressure forced the Islamic courts to speak. Back in June, the head of the judiciary in Iran, Ayatollah Shahrudi, granted a stay of execution for Nazanin and ordered a complete new retrial.

The retrial just happened this January, where five judges who were presiding over the case recognized this as a case of self-defence. They exonerated Nazanin of all murder charges, and on January 31, Nazanin was released from prison.

I'm highlighting this case because on the one hand I want it to act as a symbol of the far greater human rights violations that exist in Iran in the plight of women. On the other hand, I want to show before the subcommittee here today that when there is international pressure and action by governments of countries like Canada, these efforts really do make a difference and force the Islamic Republic to speak and answer to their own people.

I am only one person and I was able to rally many people, so I can only imagine what the Canadian government could do toward saving thousands of lives and "rescuing" the people of Iran who are imprisoned by a system they don't agree with.

I'm not here as a political analyst; I'm here as a sort of unofficial representative of the Iranian people. Since this campaign I have received thousands of e-mails from Iranians, both within Iran and in the diaspora, letting me know about their pain and suffering and their specific examples of different brutalities they've experienced under the regime. I'm trying to be their voice today to bring their messages to you and hopefully to offer some of their solutions.

One of these examples I'm talking to you about is the case of a young couple, Azita Shafaghat and her husband, who escaped Iran. They were imprisoned in the student uprisings in 1999. They left the country via Iraq and went to Turkey. They were trying to get to Greece where Azita's family lives. The Greek authorities caught them, because they were there illegally, and deported them back to Turkey where they spent nine months in prison. They have just been released, and the UNHCR is going to be giving them a third country to enter.

I want to highlight this case because Azita and her husband have converted to Christianity, so if they were to be deported back to Iran they would suffer grave consequences—potentially the death sentence. That's one example.



•(1145)

Another example is the case of Zahra Kamalfar and her two children. I must commend the Canadian government for recently offering asylum to Zahra Kamalfar and her children. They were living in a hallway in the airport in Moscow for over a year because they didn't want to get deported back to Iran. When the Russian authorities tried to deport them back, Zahra Kamalfar and her daughter tried to commit suicide. For them to take such measures shows you how brutal the regime back home must be.

Another case is Amir Abbas Fakhavar, who's now living in Washington, D.C. He was subjected to white torture. He was confined in a white room, a cell, for about eight months. The lights were always on. He was served white rice on a white piece of paper, and the guards who would bring him this food would wear silent-proof shoes; it's just to act on the sensibilities of the person and to disorient them. It's a form of torture. These are just some of the examples.

Just a few days ago I learned of another woman, who is actually Canadian. I won't say her name right now because it hasn't been broadcast in the media and nobody knows about it. These are official documents, so I want to keep it quite private. She's a documentary filmmaker. She went to Iran, and they've imprisoned her. She's now out on bail of \$120,000 until the Persian new year passes, and then she's going to have to return. I presented this to DFAIT yesterday, and they're going to be looking into the case.

This doesn't just involve Iranians within Iran; it affects Canadians as well. That gave me kind of a chilling reminder of the case of Zahra Kazemi, which Dr. Akhavan has already pointed out.

It is mostly only in the last 27 years, since the Iranian revolution happened, that we're seeing such brutality and such violations of human rights. Only a small minority of fundamentalist Islamic rulers control the 70 million population. I want to again reiterate the fact that President Ahmadinejad and the Supreme Leader Ayatollah Khamenei are not the representatives of the people; the people themselves do not agree with the principles of these rulers.

I'm here today to encourage Canada to be a leader in paving a way for a new Iran and a new solution. Dr. Akhavan has already pointed out that Canada should not take either of the extremes. Canada should not take the extreme of some of the recommendations that our U.S. neighbours have been proposing for military intervention, because ultimately that would rally the Iranian people around Ahmadinejad—despite the fact that they don't want to—because they'll feel their territorial sovereignty is being attacked and they'll want to retaliate.

On the other hand, we don't want to practise appeasement, as the Europeans have. The Europeans have been for years offering dialogue with the Iranian officials, and that basically legitimizes the Iranian officials. It's saying that they do represent the people, and they do not.

The middle ground is the way I feel Canada should be directed. I'm not just saying it out of my own personal belief; many Iranian scholars from around the world have been saying the same thing, which is that the only solution is to support the Iranian people from within, to support the civil rights movements and in particular the

women's movements and the youth movement, by encouraging them to act in non-violent civil disobedience, trying to bring change for a new democratic Iran.

We've seen similar cases, like the coloured revolutions of eastern Europe and South Africa and Latin America. This is the new way. I think Canada can really be a leader in this field.

The question is, are Iranians ready? What do they want? I say absolutely yes; they are ready and they've been wanting this for years. They want democracy. They want freedom. They want rule of law. They want a constitution based on human rights. They want economic opportunity, and they want the separation between religion and the state.

Again, who will rise up to the occasion? I say it's going to be the youth and the women's rights movement and the labour movement.

•(1150)

I say youth because, as Dr. Akhavan has already pointed out, 70% of the population is under the age of 30, and they yearn for nothing more than their democracy and freedom. At 70,000, there are more Persian blogs than any others besides English. They're constantly chatting back and forth with the west. They want modernity. They want to be free.

An example of their courage occurred back in 1999, as I said, in the student protests of July 9. Thousands of youth gathered and demanded their freedoms, and thousands were imprisoned and tortured. There are still some of those political prisoners in prison today from seven or eight years ago.

Not too long ago, a group of students held a picture of Ahmadinejad upside down. They were burning the picture and chanting, "Down with the dictator". This represents what they're really feeling. Despite the fact that they may face these consequences of torture and imprisonment, they're still rising up.

It's the same with the women. Women have always played a strong role in civil society in Iran. They're a very strong movement. They're very highly educated. About 65% or 70% of university students in Iran are women, unlike in some of their neighbouring countries in the Middle East, like Saudi Arabia, where women have been repressed for hundreds of years, and they're used to a subservient lifestyle.

Again, it's only in the last 27 years that women's rights have been taken away. In 1935 women had their emancipation laws, and they were practising equality. But this equality has been taken away. Their human rights have been taken away. Under sharia law, the life of a woman is worth half that of a man in blood money. In terms of custody cases, the father gets custody of the children. In divorce cases and under inheritance laws, men and women not treated equally.

What else can I say?

Women are not afraid to step up to this gender apartheid. Just last June, hundreds of women gathered to protest and to demand equal rights. There's a huge campaign that was started by 50 of the most prominent women's rights activists in Iran. It's a campaign in Iran called "One Million Signatures Demanding Changes to Discriminatory Laws". They've played a significant part in expanding the ideas of democracy. These women go outside of the city centre of Tehran and train other women in the villages and other cities to become empowered, to voice their concerns, and to want equality.

In March of this year, a few days before International Women's Day, about 50 women gathered in solidarity for the four women who were arrested in last year's women's gathering. They were holding up placards that read, "We have the right to assembly". Thirty of these women were arrested. In about a week's time, they were let out of prison, but two of them remained in solitary confinement up until a couple of days ago. One of these women was Shadi Sadr, who was Nazani Fatehi's lawyer, who I mentioned at the beginning of this presentation. They were released on \$200,000 bail. They will have to return, and they may face consequences of two to five years' imprisonment for breaching national security, or they may even be sentenced to death. That's how serious these condemnations are.

My point is that the youth and the women are willing and ready to stand up. They simply need the support of the international community. They need the support of the Canadian government. They need the support of international bodies. That is the only way we will be able to change the system from within and bring peace and security not only to the people of Iran but to the neighbouring regions and to Canadians as well.

• (1155)

So what can Canada do specifically? I don't know if you've received a page I sent you, with some of the things Canada can do specifically. I won't read all of them, but I'll highlight a few.

Other than supporting the dissidents, I strongly suggest that Canada condemn the brutal ongoing human rights atrocities committed by the Islamic Republic of Iran and specifically call for the immediate release of political prisoners and a moratorium on the executions of child offenders. As an aside, Iran is the only country in the world that continues to execute minors, and there are about 25 minors right now on death row in Iran. Canada should call for an end to the practice of stoning and call for fair trials and rights to lawyers.

Dr. Akhavan has already pointed out the need for targeted sanctions against Iran, with a specific note not to harm the people within.

We should monitor Canadian-Iranian trade relations and Iranian investments in Canada. I have received complaints from people in my own community in Vancouver that Canada is letting in a lot of dirty money from these mullahs, who are buying mansions in Vancouver and throughout Canada. I've heard that Rafsanjani has invested quite a bit of his money here in Canada. So, specifically, Canada should freeze the assets and personal accounts of these corrupt Iranian officials who have invested abroad.

High-level Iranian officials associated with human rights violations should be prosecuted in an international tribunal. Dr. Akhavan has already pointed out the need to arrest Saeed Mortazavi.

We should also give a voice to Iranian dissidents in Iran; invite them to your subcommittee to hear some of their voices, including lawyers or labour union leaders, or some of the youth leaders and other experts on Iranian issues.

Then we should engage in track two diplomacy, providing funding for political dissidents, labour unions and human rights activists, and grants to different NGOs here in Canada, to work alongside with NGOs in Iran. It would be great to provide funding to those in Iran, but again, I add the side note that we need to be careful, because if they receive money from abroad, they could be deemed spies and be imprisoned. It has to be very, very carefully done.

Also Canada should provide educational scholarships, fellowships, exchanges, and offers of workshops to Iranian people to come here to Canada. Another complaint I've received is that Canada oftentimes doesn't allow the spouses of people who come here for educational purposes to come here too; these people want their spouses to be able to come here.

We should allow more refugees from Iran into the country, and we should orchestrate a team of observers with other UN members to investigate and inspect prisons and the treatment of prisoners in Iran.

We should demand that the RCMP start a file on the prosecution of Zahra Kazemi.

Lastly, Canada should encourage a UN-regulated referendum in Iran, in which people can decide how they want to be ruled.

Canada should not invest in the current regime because its collapse is inevitable. By promoting democracy in Iran, we are investing in peace and stability in the entire region, which again inevitably affects Canadians.

I'm just going to end by reading the testimony of a political prisoner in Iran named Valiollah, summarizing what I've been talking about:

I truly believe that freedom, democracy and justice are as vital to human life as the air one breathes. I thus permit myself to ask you not to abandon our just fight against the oppressive regime of the mullahs. I also have a few words for the leaders and minions of the regime: we will never resign ourselves to the ignominy of surrendering to your repressive dictatorship, even if it will cost us our lives.

• (1200)

**The Chair:** Thank you very much, Ms. Afshin-Jam, for that compelling presentation.

I think members of the committee should know that people in the diaspora even pay a price. Ms. Afshin-Jam, I understand, has been unable to visit her country of birth, and will be unable to do so, given the current regime, because of her activism. We salute you and those like you who have paid such a price.

We'll turn now to questions, beginning with Mr. Cotler.

**Hon. Irwin Cotler (Mount Royal, Lib.):** Thank you, Mr. Chairman.

I want to join the chair in commending you, Ms. Afshin-Jam, for bringing a human face to the testimony we've heard this morning. I'd like to take up where you left off in terms of your recommendations and link them to the witness testimony of Professor Akhavan and Mr. Genser. I'd like to put some questions to them in that regard.

Professor Akhavan, let me begin with you. Your presentation was very comprehensive. I would just like to invite you to maybe elaborate on several points you mentioned.

The first point has to do with the reference made to "targeted" sanctions. Could you elaborate on that in terms of UN-enhanced sanctions or any sanctions Canada may be able to initiate in that regard?

The second point has to do with track two diplomacy. Ms. Afshin-Jam has indicated some recommendations in that regard. I know you've thought a lot about this. What recommendations do you have in that regard?

Third, I want to support what you've said with respect to the Canadian government initiatives regarding preparing an indictment for Saeed Mortazavi. That's on the criminal side. On the civil side, I want to ask you whether you think Canada should provide a civil remedy here for victims of torture and terror, amending our own legislation for that purpose.

Finally, I'll turn it over to you, Mr. Genser, on the same questions. You can answer any of those or else elaborate on any matters regarding the last point you made, around remedies re state-sanctioned incitement to genocide.

**The Chair:** To the witnesses, I'd just like to mention that we operate in seven-minute rounds for each member, and then five minutes. If you could try to be succinct, every member would have a chance to put questions both times.

• (1205)

**Prof. Payam Akhavan:** Yes. The question, if I may say, from Professor Cotler is very intriguing. I will try to be as succinct as possible.

In terms of targeted sanctions, I think the nuclear sanctions are already beginning to focus, for instance, on travel bans and asset freezes.

My distinguished colleague, Ms. Afshin-Jam, spoke about repeated allegations in the Iranian community that Canada is the destination of choice for money laundering, laundering of vast amounts of wealth that are the proceeds of corruption, the proceeds of crime. We now have a UN convention against corruption, and we should understand that we actually have considerable leverage because Canada is a destination of choice for Iranian immigrants. We need to send the message that while we welcome Iranian immigrants, we will not allow Canada to become a haven for the proceeds of crime and for those who have been implicated in human rights violations.

I think we should begin first by setting our own house in order by enhancing intelligence-gathering about movement of funds and movement of individuals. Then, having set that precedent, perhaps we can encourage the discussions in the United Nations, including my colleague Mr. Genser's recommendation that in the Security

Council we begin to link the nuclear issue to the human rights situation within Iran and encourage the extension of targeted sanctions, travel bans, and asset freezes to also include elements of the leadership implicated in crimes against humanity.

I want to add that Human Rights Watch recently issued a report called "Cabinet of Murder", which implicated at least two ministers within the cabinet of President Ahmadinejad in crimes against humanity, including the mass execution in 1988 of some 4,000 leftist prisoners in Iran.

In terms of track two diplomacy, one of the problems is that the United States has monopolized this issue. This has become a sort of kiss of death for civil society in Iran, as personified in the arrest of Ramin Jahanbegloo this summer. The regime simply points to anyone calling for non-violent resistance as some sort of agent of U. S. espionage.

I think we need to think not only in terms of criticizing the U.S. but of looking critically at why the Canadians and Europeans have also not stepped forward in order to have a multilateral approach that supports and empowers civil society in Iran. I think we need to think creatively and understand, for instance, that women's organizations in Canada, as Ms. Afshin-Jam said, can do a lot to empower women's organizations in Iran. Labour unions in Canada can do a lot in terms of solidarity technical support with labour unions in Iran.

I'm former war crimes prosecutor for Yugoslavia. Let us not forget, NATO bombs did not bring down Slobodan Milošević. It was a massive display of people power. The Velvet Revolution, one million people, largely labour unions and students, made it impossible for Slobodan Milošević to continue to reign, and it was the war crimes tribunal in The Hague that made it impossible for him to recycle himself and to make a political comeback.

So track two diplomacy I think has to perhaps avoid the tensions that exist at the governmental level by allowing civil society within Canada to partner with civil society in Iran. I just want to note that a significant development was when the bus drivers in Tehran recently went on strike and the AFL-CIO in the United States expressed its support of that movement. That was a very significant endorsement.

Finally, there is the question of what I understand to be exceptions to sovereign immunity before Canadian courts. It's a well-established principle of international law that sovereign immunity does not apply to commercial activities. The question is why, having accepted that in our law in Canada, we cannot now extend that to human rights violations and acts of terrorism.

The Foreign Sovereign Immunities Act in the United States—and my colleague Mr. Genser will be in a better position to address that—expressly contains human rights exceptions to the point that if a state has been engaged in torture, in certain serious human rights violations, foreign sovereign immunity no longer applies. I see no reason why we in Canada cannot adopt a similar legislation that gives effect to fundamental norms of human rights, rather than making sovereign immunity a kind of taboo that somehow should trump every other norm.

•(1210)

The argument that this will somehow create a Pandora's box, some sort of uncontrollable situation, I think, is unreasonable. We see in the United States that the judicial system has very adequately been able to deal with these situations, and that it has had significant effect by sending the message once again that you cannot hide behind the shield of sovereignty if you've engaged in terrorism, if you've engaged in serious human rights abuses.

**The Chair:** Mr. Genser, if you'd like to respond, please be very brief, because we're already over the seven-minute mark.

**Mr. Jared Genser:** I would just like to more broadly amplify what Ms. Afshin-Jam was talking about at one point with respect to the embracing of homegrown pro-democracy activists—women, youth, and otherwise.

In addition to being president of my own NGO, Freedom Now, I'm also a visiting fellow with the National Endowment for Democracy in Washington. That organization, as many of you may or may not be aware, is a quasi-governmental organization that receives congressional appropriations to support homegrown democracy activists around the world, to help them with capacity building, training, such things as radio broadcasting, and funding for day-to-day activities.

These days, from the United States' perspective, democracy promotion has been given a bad name globally, but I think the Government of Canada is very well positioned to create an analogous organization up here in Canada. Rights & Democracy is very well known worldwide for its excellent work, but almost as a parallel organization, an organization to provide substantial financial support to democracy movements around the world, including those that operate in Iran. I think it would be a very positive step forward for Canada to get more engaged globally in taking a principled foreign policy approach that matches rhetoric with financial support, frankly, for those whose values are consistent with the values of Canadians.

[*Translation*]

**The Chair:** Thank you.

Ms. Saint-Hilaire now has the floor.

**Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ):** Thank you, Mr. Chairman.

I would also like to thank you for being here with us this afternoon. We often have the impression, as my colleague Mr. Cotler has said, that Iran is a very remote country. Today, you have helped to put a human, more personal face on Iran.

I have three questions, and since our chairman runs a tight ship, I will be brief. First, I read, recently, that the newly-elected president of the Iranian resistance movement said that she wanted a widespread diplomatic embargo. I would like to know how you feel about that. Do you think that Canada should actively promote this type of embargo?

Then, I don't want you to feel conflicted, but I would like to understand what you are saying. Ms. Afshin-Jam, you stated that you wanted Canada to, as a temporary measure, take in more Iranian refugees. How can the Canadian government do that without taking

the risk of becoming a haven for illicit trade, money laundering or drug trafficking? I believe Mr. Genser raised that possibility. How can we reconcile the two opinions?

Finally, you listed a number of steps that the Canadian government could take. However, this has been going on for a number of years now. Would Canada be able to count on the support of other countries to adopt a more multilateral approach rather than being the only good guy, a country which, at the present time, appears to be rather close to the American government? What countries could Canada bring on side in order to adopt these measures?

Once again, thank you.

**Ms. Nazanin Afshin-Jam:** Are your questions for anyone in particular or may anyone of us answer them?

**Ms. Caroline St-Hilaire:** The questions are for all three of you.

**Ms. Nazanin Afshin-Jam:** I would like to clarify what I said about refugees coming to Canada. I think that there are a large number of Iranians who would like to come to Canada. For some years now, the Canadian government has been allowing fewer refugees into the country. Minister Kenney told me that a committee was studying the possibility of accepting a larger number of refugees. The refugees are people who have been victims of abuse in Iran. They are not the ones who come in with millions of dollars, dirty money, as I have already said. Those people are high-level government officials, mullahs, who control the money. I don't know how Canada will control that money. The refugees are different from those who arrive carrying large amounts of cash.

•(1215)

**Prof. Payam Akhavan:** I will try to answer the question on multilateralism.

[*English*]

The reason why I think Canada can succeed in encouraging a targeted sanctions policy is that a targeted sanction approach is already in place over the nuclear question—that's one point.

The second point is that the alternatives are so drastic in terms of a possible military confrontation that I think Canada is in a position to provide an alternative, which is not seen as appeasement, which is still effective but at the same time non-violent.

In terms of a diplomatic embargo, this is a difficult question. I think one needs to keep the lines of communication open. I think it would not be a good policy to sever diplomatic ties with Iran, certainly not acting in isolation and certainly not at a time when keeping the lines of communication open is especially important because of the danger of some sort of confrontation. I think there has to be a consistent message from the international community that those who are committing human rights abuses will pay a price, and that message will be heard loud and clear in Iran.

I want to show you momentarily three reports from the organization I co-founded with some colleagues, the Iran Human Rights Documentation Center in New Haven.

One of those is a report on murder at Mykonos, which is the most thorough investigative account of the murder that occurred in Mykonos. I think this example is very good. It shows that when the European Union told the Iranian government with a unified voice that they would no longer accept political assassinations in Europe, there were no more political assassinations.

The Iranian government can exploit, let's say, commercial interests and other such motivations as a means essentially of buying appeasement. In a sense, I think the international community is responsible for having tolerated the situation as it exists in Iran for so long.

[Translation]

**Ms. Nazanin Afshin-Jam:** I would also like to add that Canada can get the ball rolling. Then, the Americans, the Europeans and others will follow suit. Canada can really play an active role. If we are successful, other countries will take notice. The fact that Iranians around the world will support Canada's position will force other countries to act, because their citizens will begin to ask questions and urge their government to follow Canada's lead.

[English]

**Mr. Jared Genser:** Let me add one quick thing, which is that I think the worst danger that Canada or any other government in the world can face on the question of human rights is self-censorship. The mullahs make it seem as though, if we are to raise human rights issues with them, this is something that will stop all dialogue, that they are unwilling to accept criticism on these questions.

I think as Professor Akhavan talked about with respect to murder in Mykonos, in fact the opposite is true. As Ms. Afshin-Jam also talked about in terms of freeing her namesake, ultimately it is only by not being silent that we are able to have an impact on the human rights situation in Iran. Ultimately, when the international community can come together in the way it has recently on the nuclear questions, we see we can move Iran, albeit slowly, albeit with difficulty. The worse thing we can do is to censor ourselves and to say we're not going to raise these issues for fear it would cause problems.

• (1220)

[Translation]

**The Chair:** Thank you.

We have gone over the time for this round. We will now hear from Mr. Sorenson.

[English]

**Mr. Kevin Sorenson (Crowfoot, CPC):** Thank you all for being here today.

I can certainly say that in this committee we have looked forward to a study of Iran. We've done a fair bit of study on China and other countries. But when we have an authoritarian type of leader, as we have in that country now, obviously, it's in the news.

Consequently, as parliamentarians, a lot of constituents approach us and are concerned about relatives in Iran. They're concerned about abuses of human rights in Iran. They're concerned about the threats of an authoritarian who could do anything and could take the country to the brink of disaster.

In your testimony, even for the demographics you were making reference to, you mentioned the fact that 70% of Iran's population is under the age of 30. Certainly, when we see the younger generation coming up, I know that in Canada we're looking at the opposite type of demographic, and that's of concern as well.

On the fact that we have so much hope with this new generation coming up, is it hope or are they being led into the philosophy that their leader would have them believe, in which the only way to change is through fundamentalist Islam or militant Islamic action?

What do you think Canada can specifically do to encourage the demographic of the young populace in Iran to take action? How can we engage them from here?

Another question came up when Mr. Cotler or perhaps Madam St-Hilaire talked about a diplomatic embargo. On one side we hear the argument that we shouldn't have any negotiations and we shouldn't talk to what might be the "perceived enemy" in some countries. When we think of North Korea... The United States in particular doesn't want to sit at the table with some of the individuals from Hamas and Hezbollah.

How do we engage a major part of a population by saying we're going to have a diplomatic embargo, we aren't going to talk to your leaders, and we're going to try to somehow coordinate...not a revolt but a huge uprising to make effective change?

How much dialogue should we have with the government, if any? What else can be done to engage the population? Do you see a time when the people are going to overthrow this government? Is it going to be through an election? How bad is the electoral process over there?

I'll just throw out those three questions for you.

**The Chair:** Go ahead. Anyone on the panel may answer.

Ms. Afshin-Jam.

**Ms. Nazanin Afshin-Jam:** I'll need to fill in the blanks.

Well, the elections are a complete writeoff, because although it's called the Islamic republic, it's not a republic and it's not a democracy. When people are electing officials, they only have a certain group of people they can vote for, and it's mostly fundamentalist right wing clerics who are in power. They only have a number of people who they can vote for. It's kind of a writeoff, and it's not going to happen through an election.

I forgot the next question.

**Mr. Kevin Sorenson:** The other question was on the engagement of young people, but there was also the diplomatic embargo. How much conversing and negotiating would we do with a government?

• (1225)

**Ms. Nazanin Afshin-Jam:** The thing is that you can't keep negotiating, as we've seen in Europe. They've been negotiating for years, and it only buys time.

On the fact that there is a nuclear program and there is the aggrandizement of this, we don't know for what reason, but we have to act quickly, and we can't leave it on the side. The people are again suffering under these human rights violations, and we have to act fast.

Personally speaking, if the governments of the world were to support a change for democracy, for example, students would rise up, as we saw in the October Revolution, the Velvet Revolution, the Rose Revolution, or the Orange Revolution. If all governments chose one day to say to the students of Iran, this is the one day—and we planned it and we helped them plan it—then they would get their freedom. I know this one hundred percent.

I know it probably sounds very juvenile to talk to government officials about this, and the way I'm speaking about it is not very diplomatic, but in a lot of the blogs the youth are almost waiting for this one day of uprising and taking over the regime.

It would probably be the easiest solution for me, but I'm sure Dr. Akhavan will have a lot to say about this.

**Prof. Payam Akhavan:** In response to your question about the difference between the previous generation and the new generation largely born after the 1979 revolution, there is a book I read whose title captures very adequately the sentiment of this generation. The book is called *Lipstick Jihad*. The youth of Iran are launching their jihad through lipstick, through iPods, through weblogging, as Ms. Afshin-Jam explained, and through satellite television. I think there is an overwhelming desire on their part to lead normal lives, to be part of the international community—and the youth in Iran are very technologically savvy.

I should explain that our centre has issued highly detailed reports on the death of Zahra Kazemi and on the persecution of Baha'is in Iran, which we believe are part of a truth telling process. Just as we've had truth commissions in other societies, I think Iranian youth need to go through this transformation by knowing the truth of the crimes that have been committed, which the state-controlled media, of course, does not tell them.

We have a listserv of 40,000 people in Iran. We know for a fact that the 40,000 people we send these reports to then send them on to numerous other people, so there is this very informal but highly effective network.

Once certain truths and facts are made known and certain taboos are broken, this does have a profound effect in terms of emboldening people to ask for change.

In 1999 there was a student revolt in Iran, which could have been Iran's Velvet Revolution if it had been supported by President Khatami. One of the problems with this generation is its profound disillusionment. People are disillusioned because they believed in 1997 that President Khatami would finally deliver the goods and he didn't. We don't need to get into the reasons now, but the point is that the international community, just like the anti-apartheid movement, needs to inspire and encourage the youth that they are fighting for the right cause and will ultimately prevail.

In this respect, the indictment of Saeed Mortazavi, the symbol to most Iranian reformists of what is wrong with the regime, as it was he who threw hundreds of webloggers and journalists and dissidents

into prison, would send the message that this seemingly untouchable, ominous figure is not untouchable and invulnerable after all. It would create tremendous encouragement among young people. These people need to understand that the international community stands in solidarity with them

But in more practical terms, one can once again engage them through track two diplomacy and encourage informal exchanges between Canadian civil society and Iranian civil society.

In terms of the diplomatic embargo, as I said earlier, I think it is a bad idea to sever the lines of communication. But the message has to be sent that we are not just going to talk to this narrow circle of people who happen to control the regime; we are also going to talk to the Iranian people, as they are also part of our diplomacy. And the message has to be sent that while we respect the legitimate rights of Iran as a regional power with its own aspirations, we will draw a line in the sand when it comes to human rights abuses and support of international terrorism.

• (1230)

**Mr. Kevin Sorenson:** I have a very short follow-up to that.

When there are specific human rights violations in a country and people put pressure on the government to stand up for this individual in the country, there is a huge risk that they end up putting that individual at a greater risk, and maybe even their family at a greater risk. If all of a sudden the government is stepping up on certain infractions, is that a very real risk?

**The Chair:** I'll have to accept that as a rhetorical question, because we're four minutes over in this round.

You will have a chance to think about that and to work it into your response to Mr. Marston, who now has the floor.

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Thank you for the comprehensive testimony today. I believe when Canada speaks out, we are at our best.

I come from a labour background. Dialogue and negotiations are something that I've seen day to day, and they have been very effective. When you talk revolution, though, you think of Lech Walesa and Solidarnosc and the fact that they controlled the economy. It was by shutting down the economy that they were successful. I have trepidation about Iran at that level.

I heard you refer to accidents and payments for injury. I was in Saudi Arabia in 1979, working for the telephone company. If we ran over a Saudi by accident, we paid \$30,000. If they ran over one of us, it was one riyal, which was 30¢. Of course, the Canadian dollar was worth more then.

I saw examples, too, of the nose-to-nose confrontational style that the fundamentalists had. In fact I was threatened with death by the chief of the secret police myself. In Saudi Arabia at that time, the mullahs were strengthened by what was happening in Iran, and there was a great fear in the regime that it would spread there.

I am going to quote something. I don't suggest that it is precise, but the Prophet, may peace be upon him, said that men go before women in all things. That is roughly the context. This was told to me by a person I worked with in Saudi Arabia. With that kind of view, can we really expect a return to equality for women in this country?

The other side is that with the terrible human rights record of this regime, would not a popular revolution be put down in a way similar to what happened in China?

**The Chair:** You said that if the president had supported the 1999 uprising, it could have succeeded, but don't forget that Zhao Ziyang supported the student uprising in Tiananmen Square 10 years prior to that, and all he got was house arrest for the rest of his life.

**Ms. Nazanin Afshin-Jam:** Can we expect equality for men and women afterward? Definitely, one hundred per cent, because already the popular feeling is that there's equality between men and women. It is just that Iran right now is under sharia law, which spells out that there is no equality and that women can't become presidents or judges and...all the other facts I've mentioned.

The people want this, although it's not everybody; obviously some of the more fundamentalist religious people who live in the villages still think that men are greater than women.

But they've already lived this. They've already lived with equality between men and women. It is just in the last 27 years that it has been taken away from them. It is not a part of their being. As I was saying, in Saudi Arabia women have been repressed for hundreds of years, but men and women perceive themselves as equal, I think, in Iran.

• (1235)

**Mr. Jared Genser:** Let me add that I agree with Ms. Afshin-Jam completely. Unfortunately, Iran has seen some terrible swings in how it has been governed. The Shah was far beyond the people, from a secular perspective. He was seen as being excessive in his lifestyle and in his approach to the world, in a way that was embarrassing to many Iranians. At the same time, in order to suppress domestic dissent, he had a very firm grip on the SAVAK, on the secret police, to oppress people who opposed him. As a result of these things, the mullahs were able to take control after the Islamic revolution and go to the other end of the spectrum from an Islamic fundamentalist standpoint.

What I think isn't known as much is that back in 1979 there were various moderate elements within Iran that were struggling to be heard. Massoud Rajavi rallied 500,000 people in a soccer stadium in 1979, but ultimately the Mojahedin-e Khalq, one of the opposition groups that had been in prison under the Shah as well, alongside the mullahs, was unable to persuade the Iranian people to support their group.

Ultimately, from all the conversations I've had with Iranians and with Iranian Americans, I think the Iranian people want a more moderate middle. They want a moderate version of Islam, where they can have their lipstick jihad, as the book goes. They want to have a state that has the fundamental precepts of Islam respected and a state that isn't going so far as to impinge on the rights of people, but at the same time isn't so secular that they lose their Islamic identity. From what I hear, that is what most Iranians are seeking to achieve.

It's a question of how we in the west, as well as others in the Islamic world, are going to support those moderate elements within Iranian society that are seeking support. I know I personally am not going to persuade any Iranian to do anything, nor is the Government of Canada or the Government of the United States, frankly.

What we can do is support those Iranians in Iran who have a vision of the world that seeks to achieve equality. We can support them however we possibly can, in a way that will not get in their way of persuading the Iranian people, but in a way that will help them—for example, radio broadcasting in Farsi. Being able to have people broadcasting what is happening in the world into Iran in Farsi, so that people hear about the human rights abuses, they hear about the violations of human rights, so that they have the information they need to make decisions, and they hear about how Iran is being viewed by the rest of the world, is the kind of thing I think we can do to be supportive of the aspirations of the Iranian people.

**Prof. Payam Akhavan:** If I may briefly interject, we need to appreciate that the Islamic Middle East is a highly diverse society. The parallels between Saudi Arabia and Iran, with due respect, are quite inapposite. They are completely different societies. Saudi Arabia has a conservative brand of Islam. It's a society that was largely Bedouin some generations ago.

As Ms. Afshin-Jam explained, until the 1979 revolution, Iranian women included among themselves nuclear physicists, judges, politicians, and ministers. There was a 1967 Family Protection Act in Iran that essentially liberalized sharia law in terms of child custody and divorce. If you speak with Shirin Ebadi, the Nobel Prize laureate, you will see that what Iranian women have done since 1979 is try to go back piece by piece to where the law stood in 1967.

We should also understand the reality that Iranian women are at the forefront of the democratic movement. Of course, we all know about Shirin Ebadi, but there are many other women one can speak about. The fact that the government went out of its way to put all of these women in prison on International Women's Day is a sign of the ominous threat they represent to the patriarchal, autocratic structures they are putting in place.

The other mistake, I believe, is to look at Islam or any other culture as an artifact in a museum, something we study as if it is static or never changing. Islam, like any other religious or cultural system, is evolving. It's going through the dislocations of the transition from tradition to modernity.

In Europe in the 18th century, people were punished in the streets of Paris by being quartered by horses and by being impaled. Are we to say that is the authentic European tradition that we must preserve at all costs? That's absolute nonsense. In the same way, there is a doctrine of severability in constitutional law. We can sever parts of Islam that may have been appropriate a thousand years ago but which clearly are not appropriate today. There is a transcendent universal message that is more important in terms of understanding the core of those teachings.

In that respect, there is not a single immutable, incontestable interpretation of Islam. There are Islamic feminists who believe patriarchy is a completely man-made invention that has been imported into Islamic traditions, and then there are secular feminists who believe one shouldn't have to worry about Islam at all. So here is the multiplicity of voices, and we need to engage all of them.

On the Velvet Revolution question and whether it can be suppressed, yes, perhaps it can be, but only temporarily. The situation in China, of course, is considerably different. It has a population of 1.3 billion, and the question of control and stability understandably gives rise to a very different reality. In Iran, you don't have a population that is overwhelmingly rural. You have a very different reality.

The point is that at the end of the day, even if you can suppress political freedoms, the economic wants of the people cannot be suppressed, because most revolutions are ultimately about bread-and-butter issues. The government bureaucrat who wakes up in the morning in Tehran says, "I have to drive a taxi, work in a bakery, and sell things on the street to be able to afford my rent, while Mr. Rafsanjani lives in a magnificent palace and mansion in a revolution that was supposed to be about the poor people."

At the end of the day, the fourth-largest exporter of oil in the world cannot provide a basic standard of living for its people. Increasing numbers of people are sinking into abject poverty, with some of the highest rates of drug abuse and prostitution. There are incredible social woes in Iran. It is a time bomb that is going to explode sooner or later, and it may not be because of lofty principles of human rights, but because you cannot govern a modern society based on some kind of incompetent and corrupt mullocracy.

There's one final point relating to what Mr. Sorenson said about worsening the situation through international attention. On the whole, I would say that is not the case. The case of the rescue of Nazanin from impending execution is a perfect case in point. Many other women in the position of Nazanin Fatehi were executed in Iran. The fact that she was not executed is solely because of the incredible international attention that was drawn to her cause.

● (1240)

For Ramin Jahanbegloo, initially there was concern that we should try quiet diplomacy in order not to exacerbate the situation. It became very clear, including to immediate members of his family, after quiet diplomacy did not work, that you have to publicize the situation. If the Canadian government had not publicized the situation, if the media had not publicized the situation, he could have had the fate of Zahra Kazemi. The fact that he was only subjected to psychological torture through prolonged solitary confinement, relatively speaking, is a success, because otherwise they would have broken his bones and extracted his fingernails, if I may be so gruesome. That is a reminder that international attention does work. It needs to be applied studiously with great forethought, but at the end of the day, silence is the worst possible option.

**The Chair:** Thank you very much.

Mr. Silva.

**Mr. Mario Silva (Davenport, Lib.):** Thank you very much, Mr. Chair. I want to thank the witnesses who are before this committee very much for their incredible work around this very important issue.

Mr. Chair, I have spoken a number of times in Parliament in relation to the incredible and appalling human rights crisis that is taking place in Iran, the appalling conditions, and the situation of execution of minors, the stoning of women. A few days ago I spoke about the two very brave women and several other brave women in Iran who led that Women's Day protest against the stoning of women. They are incredible figures, and there are incredibly courageous people in Iran. I salute all of them.

The more I've learned about Iran and its history, and I've had an opportunity to meet many people in my riding of Davenport who come from a diaspora...I am extremely fascinated by their incredibly rich culture. They are incredibly talented people who unfortunately had to seek refuge all over the world because of the repressive regime they were facing in their country.

We have to do our best for those people, to make sure we work with them and bring about democratic reforms respecting the international rule of law and also human rights.

I have a motion at this time that I believe will be acceptable to all members of this committee. I move:

Be it resolved that the Government of Canada should launch a criminal investigation into the involvement of Iranian Prosecutor General Saeed Mortazavi in the torture and murder of the Canadian citizen Zahra Kazemi, pursuant to section 269.1 and of 3.7(d) of the Criminal Code, and that this investigation form the basis of an international indictment of Saeed Mortazavi for these crimes.

Mr. Chair, as you know, and as certain members of the committee are aware, the Government of Canada did issue an Interpol arrest warrant for Saeed Mortazavi some time ago, but unfortunately it was not followed through.

We hope with this particular motion to provide some teeth and be able to move forward with this very important and critical issue.

Once again, my sincere congratulations to all those who came forward, because we were very impressed with the witnesses we had today.

● (1245)

**The Chair:** I will accept it as a notice of motion. We can consider whether we want to waive the advance notice requirement when we move into committee business, but insofar as you've read that, is there any comment on that motion from anyone on the panel?

**Prof. Payam Akhavan:** My only comment to the honourable member is that I salute you. This is a great moment for Canadian citizens everywhere. Thank you.

**The Chair:** So I take it you approve?

Anything else, Mario?

**Mr. Mario Silva:** No. Thank you very much.

If I have time, Mr. Chair, I certainly want to briefly talk about... there was discussion about the importance of civil society and helping civil society in Iran. I want to know if the witnesses could make any further comments in terms of how we go about fostering that relationship and the encouragement of a civil society.



I agree with you, there is a movement, specifically among the vast majority of young people, who would like to have change. There was a CBC documentary not too long ago about the underground gay community in Iran and how they are meeting in secret places, and it's very difficult for them to meet. You could see there is a movement there. There are people who want to live free, like everybody else.

How do we go about...not just for the dialogue, but how do we go about engaging and supporting these local civil societies?

**Mr. Jared Genser:** Let me respond by saying I think there are two different strategies that are needed. One has to do with supporting expatriate groups, which I think can be done quite openly and transparently. There are a lot of expatriate groups that have extensive networks in Iran, that gather information and get information out of the country about ongoing human rights abuses, whether it be the Human Rights Documentation Center that Professor Akhavan helped start or a number of other groups. I think Canada is very well positioned to provide them with financial and other support.

It's obviously a lot more sensitive, I believe, in terms of providing in-country support to NGOs, given the risk they face. I do know, for example, that the United States government provides in-country support in a number of repressive regimes for NGOs, but does so in a way where the funding is provided much more quietly and it is provided without the same level of attention given to it as it might otherwise be if it were to an expatriate group.

I think that is important, because, frankly, NGOs in countries like Iran will be tainted and people will indeed be at risk of arrest or prosecution or being sentenced to time in prison, or even death, for cooperating with the Government of Canada or any other government and for securing government funding.

So I think you need a parallel track strategy in terms of the kind of support you're offering. Cooperating with expatriate groups can also relate to what I was describing before in terms of radio broadcasting and work on the Internet, because again, I think information is power. I think supporting those who are gathering information and distributing that information to the Iranian people directly, in voices that they can appreciate and understand—people who lived in Iran and who grew up as Iranian—is probably the most powerful way to influence their views.

● (1250)

**The Chair:** Thank you for that.

Mr. Khan.

**Mr. Wajid Khan (Mississauga—Streetsville, CPC):** Thank you, Mr. Chair.

Nazanin, Akhavan, and Mr. Genser, thank you for being here today.

I want to broaden the scope a bit. You talk about nuclear ambitions. You can talk about all those kinds of wonderful things, which are not naturally approved by the international community, nor Canada, but I think we have to perhaps at another time talk about the context of the Iran-Iraq situation, as to what their intentions are.

Are they negotiable on the nuclear...? That's a very, very broad issue, so I'll stay out of that.

But I do want to come back to your transformation from within desire, and I have absolute respect for the intelligence of the Iranian people. I have flown with them. My instructor in the air force was Captain Ibrahim Mukadami. I also trained Iranian pilots, and I understand Iran very well. Iranians are very intelligent people. They produced a game of chess, and I believe the Iranian government is still playing chess with the rest of the world international community.

Their statements are coming out; all those things are very interesting. However, the transformation from within was tried in the late 1900s and early 2000s, and it failed miserably. Some would argue the only way to bring about change or for a change to take hold in Iran, from within, is to engage Iran diplomatically, to bring it back into the community of nations, allowing normal contact to take place over time, and information flow will have the desired effect and be gradually.... And I dare say there are no shortcuts.

I would like to receive your comment on that.

**Prof. Payam Akhavan:** Mr. Khan, you're a great expert on the realities of the region. As I've said, yes, I agree we have to keep the lines of communication open, but there's a fine line between speaking that amounts to appeasements and speaking that amounts to a principled exchange.

On the one hand, for instance, I think it was unfortunate when the opportunities existed immediately after the invasion of Iraq...that diplomatic ties were not restored with the United States. I would support the restoration of diplomatic ties between Iran and the United States. I would support this engagement because isolation plays into the hands of the hard-liners.

We have to look at the other side of the equation, which is where, for instance, in the case of many European states with significant commercial interests in Iran, they would not only turn a blind eye to human rights abuses in Iran, but they would also even allow assassinations on their own territory because of certain political considerations.

So should we speak with Iran? Yes, but we should also understand that there are many different voices in Iran. We should understand that the regime needs to understand that Iran does have legitimate interests as a regional power in the Middle East, but that those interests will be respected only if they're exercised responsibly.

One responsibility is first and foremost to the Iranian people, that their human rights be respected, and the other is not to foment unrest, whether it is with Hezbollah, Muqtada al-Sadr, or the various groups that are proxies for what I think is a very crude and destructive extension of regional power. Power doesn't come through supporting terrorist organizations. Power in this world comes through having a thriving economy, through having a culture that can influence others.

**Mr. Wajid Khan:** What are the aspirations of Iran as a country in the region? I will use the example of the isolation of Syria by the Arab world, pushing into the Iranian umbrella. Would you like to highlight that?

**Prof. Payam Akhavan:** Once again, there are different Irans that we speak to. The aspiration of some people in Iran is to spread the Islamic revolution, first throughout the Shiite majority areas in Iraq and Lebanon and then perhaps in Saudi Arabia and elsewhere. The aspirations of others may be a very kind of secular, political realist view of what Iran needs in order to defend its interests in the region. Then there are those who think that change has to first and foremost come from within by transforming the economy and that long-term Iranian-exercised projection of power ultimately depends on internal reform.

So I think these various actors exist, but it is a reality that Iran is a regional power, and any realistic foreign policy has to accommodate that. At the same time, it has to interject principle into the realist equation and understand that long-term stability, whether for Iran or the wider Middle East, will depend on moving beyond authoritarian power structures that have a vested interest in inciting hatred and conflict as a means of galvanizing absolute power.

●(1255)

**Mr. Wajid Khan:** On linking Iran's nuclear ambitions to its influence in Iraq, which I believe they will want to maintain over the long term—they've lost a million people, so why would they allow Iraq to get that strong again—do you think we can perhaps make that a negotiation point? Do you think the United States is now looking at Iran and Saudi Arabia as a solution to Iraq in how much influence they would have there?

**Prof. Payam Akhavan:** These are very good questions, but not ones I came prepared to answer today. I would need to give them much more careful consideration.

Clearly, Iran has legitimate interests in the outcome of events in Iraq, but one has to put those interests within the framework of certain principles. There are human rights principles involved and there are principles of sovereign equality. The message would be, "We recognize your legitimate interests, provided they are exercised appropriately."

**The Chair:** Thank you very much.

That terminates the question period. I'm going to recognize Mr. Cotler on a notice of motion.

**Hon. Irwin Cotler:** Thank you, Mr. Chairman. As you know, some time ago I gave a notice of motion regarding the matter of the direct and public incitement to genocide in violation of the International Convention on the Prevention and Punishment of the Crime of Genocide. It was a very long motion, and I think it was properly deferred in order to await the witness testimony.

In light of the witness testimony this morning, I would like to give notice of motion of a much more abbreviated motion than the one I gave. It would read as follows:

Whereas there have been repeated "direct and public incitements to commit genocide" against Jews in Israel by senior Iranian government officials in violation of Article 3c) of the Genocide Convention;

Be it resolved that:

1. Canada call on the U.N. Security Council to not only continue to address Iran's development of nuclear weapons, but to consider Iran's state-sanctioned incitement to genocide as a standing threat to international peace and security, and to refer this case to the Prosecutor of the International Criminal Court for investigation and prosecution.

2. Canada initiate a state to state complaint under the Genocide Convention against Iran in the International Court of Justice for its incitement of genocide.

**The Chair:** Thank you.

We've run out of time, so I can't invite comment on that from the panel.

I thank each of the witnesses for their extremely well-informed, dense, as well as compelling testimony on these issues. It has helped us enormously and hopefully will help the subcommittee inform the broader political debate in our Parliament about the human rights crisis in Iran.

So to each of you, thank you very much for your time.

We'll now move to committee business. There is a motion before the committee in the name of Mr. Marston. This relates to the call for an apology regarding the Imperial Japanese Army's practice of comfort women.

Mr. Marston, would you like to speak to your motion?

**Mr. Wayne Marston:** I'd like to start by highlighting the fact that Monday's apology by the Prime Minister of Japan was not an official apology, in many eyes, as it did not acknowledge the government's responsibility for the use of comfort women at the time. What we're looking for in this motion is for the Government of Japan to accept full responsibility for the crimes against comfort women; provide full reparations for survivors in accordance with international standards; and provide direct compensation to the comfort women or their immediate relatives. This came about because people across this country have approached our caucus—Chinese, South Korean, and Filipino—who were greatly affected by this heinous set of events that took place. I think it's very important.

I would touch on one thing. There was a compensation fund called the Asian Women's Fund. It was put together by business and private individuals. Many women did not know about it; others missed the deadline; others did take some of this money but on the condition that it didn't affect their access to reparations from the government.

We find this a very significant issue that we believe should be addressed. The motion, of course, would go to the full committee.

●(1300)

**The Chair:** Just to give further background, first of all, I believe this is identical to a motion standing as a private member's motion in the name of Ms. Chow in the House. I personally agree with the intent of the motion, and I'm sure all the members do.

I think we should be aware of a couple of things. First of all, I understand that Foreign Affairs Minister MacKay did, last week, call his Japanese counterpart to express Canada's concern about Prime Minister Abe's remarks of three weeks ago, and he encouraged the Government of Japan to clearly express its regret and apologies for the comfort women system. Mr. Marston has alluded to the fact that because of the international pressure—and I would say hopefully in part because of the pressure that Canada exerted—yesterday Prime Minister Abe, in a session of the Japanese senate, said, "I apologize here and now, as Prime Minister."

Now, apparently some of the communities in Canada that are concerned about the issue feel that this was not a full and sufficient apology. I'm just pointing this out. These are the facts. We're in a bit of a grey zone here; it's not as cut and dried as it was two days ago before his apology in the senate. I'm just putting those facts out there.

[*Translation*]

Ms. St-Hilaire, you have the floor.

**Ms. Caroline St-Hilaire:** Thank you, Mr. Chairman.

I understand where my colleague is coming from, and his intention is quite laudable, but after having read the motion, I have a number of questions. I am happy, Mr. Chairman, that you raised the issue of the Prime Minister's statement.

Was it right or wrong? I am not comfortable with it. Quite honestly, I feel that we are interfering in the affairs of another country. Apologies were extended. We might wonder why, or for what purpose. There was a program through which those who were known as comfort women—and, by the way, this term makes me rather uncomfortable—were compensated. We understand that the compensation was certainly not very generous.

I think we should look at how it was done. According to the wording of the motion, we seem to interfere with relations—

**A voice:**—bilateral relations.

**Ms. Caroline St-Hilaire:** That's it. We are interfering in bilateral relations with Japan, and I don't think that is the best way to go about it. It just doesn't feel right to me.

**A voice:** Thank you.

**The Chair:** Over to you, Mr. Sorenson.

[*English*]

**Mr. Kevin Sorenson:** Thank you.

We again want to thank Mr. Marston for bringing this motion forward.

I may have supported this motion before the response we recently had from the Japanese Prime Minister. However, when a government is asked to make representation to call on another government and another Prime Minister to make an apology, and we see that after some reflection the Prime Minister then issues an apology, I would have great hesitancy in supporting a motion that says the Prime Minister in that faraway country is not official enough or it wasn't done in the way we would like to have seen it done.

I think we would be at great peril in asking the Prime Minister to enlarge it, to make it more official, or to do a better one than he did. I think we have to in some way say we exerted pressure, we asked for it, and they responded. In their culture, it was perhaps a major step to come forward and apologize in the way they did.

At this point, I really don't feel I can support this motion. I think when we look at a lot of the other things that are on the table, the relationship we have with this very important ally, friend, and trading partner, and the fact that there was a response to our request, I really fear that if we, at our own jeopardy, proceed with a motion like this, it might hurt our relationship. I will certainly not be supporting this motion.

●(1305)

**The Chair:** Are there any other comments?

There we have it. Would you like me to call the question, Mr. Marston?

**Mr. Wayne Marston:** I'd like to briefly respond, because I recognize the concerns that are being expressed here.

First of all, if we go back to the situation and whether or not it warrants Canada's statements, it's along the lines of what we heard earlier today on Iran. This was a significant human rights abuse in its time, with the degradation that went on. There are many people in our country who are looking to us to take a stand.

Again, on the manner in which this is delivered, I presume our DFAIT officials and our minister have the skills to deliver this in a fashion that's respectful yet firm.

All I can stress is that to date the response from Canada was seen as a rebuke, and it did not have the depth that the women involved really believed should come forth from this country. They have very strong opinions on this.

At this point, I would call the question.

**The Chair:** The question has been called, and there's no debate on it.

All those in favour of the motion as it currently reads?

It's a tie. There's a convention that the chair should break a tie to allow the debate to continue, in which case I feel obligated by convention to vote in favour to allow this to go to the full committee. I want to be clear on the record that I feel bound by convention, without prejudice to the substance.

(Motion agreed to)

**The Chair:** There are notices of motion. Should we reserve them for the next meeting? These are the ones by Mr. Silva.

You can request unanimous consent to waive notice.

**Mr. Mario Silva:** Generally, from what I heard in this committee, I think there's a willingness to proceed with these motions. I would ask that we move forward, call the question, and vote on these motions.

**Mr. Kevin Sorenson:** I don't think he has unanimous consent.

**Mr. Mario Silva:** That's too bad.

**Mr. Kevin Sorenson:** I'll just leave it at that.

I want the opportunity to take a little closer look at what this motion contains. I know the general feeling of it, but if we go with a notice of motion and bring this forward at the next meeting, that should be sufficient.

**The Chair:** Fair enough. That's why we have the notice provision.

I assume it's probably the same thing for Mr. Cotler's motion.

**A voice:** Yes.

**The Chair:** All right.

The next meeting of the committee is Thursday at 9 a.m.

Thank you very much. The meeting is adjourned.

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