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Chair

Mr. Scott Reid

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• (1235)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Order. We are the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today, we are holding our sixth meeting.

[English]

We have some witnesses, and I am anxious to turn to them, but just before we do that, there was an item of housekeeping business that Mr. Marston alerted me to earlier.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Thank you, Mr. Chair.

Yesterday, some Tibetan folks were going around lobbying various MPs. I presume some of the other MPs from the committee may well have been lobbied. So I'm just giving notice that I'll be moving a motion at the next meeting.

Did you want me to read it, or just hold it?

The Chair: In the interest of time, I wonder if you'd be prepared to hold it.

Mr. Wayne Marston: That's not a problem. We'll have translated copies ready for our next meeting. It's regarding 11 prisoners, and asking our government to intercede.

The Chair: This is something I had some involvement in—at least a version of this—a few years ago. It was very effective.

I congratulate you, Mr. Marston, on bringing it up. I'm not supposed to editorialize, but I just did.

Mr. Wayne Marston: Thank you.

The Chair: We have a second piece of housekeeping. Our clerk will now distribute to each of you an operational budget request, asking for your approval.

Our clerk will now speak to this.

The Clerk of the Committee (Mr. Roger Préfontaine): Ladies and gentlemen, this is an operational budget for our subcommittee. It provides for witness expenses. I've estimated that we'll possibly have 25 witnesses, at an average of \$1,200 each. This is for airfare, accommodation, etc.

The subcommittee would need to approve this, and then we would have to submit it to the main committee. However, we don't need to go the Liaison Committee with it, because it's under \$40,000.

[Translation]

The Chair: Ms. Thaï Thi Lac, you have the floor.

Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ): These three videoconferences, are they for people who cannot travel?

The Clerk: It is just an option in case the subcommittee chooses to hear people by videoconference. One of the reasons we are in this room this morning, for example, is that, to start with, Human Rights Watch had asked to testify by videoconference. As it turned out, the organization decided to send Mr. Stork. This room is set up for videoconferences, but we have none scheduled. It is just in case we decided to proceed in that way.

• (1240)

Mrs. Ève-Mary Thaï Thi Lac: I have nothing against videoconferences, but we know that witnesses who come in person often enjoy meeting the various parties and presenting their points of view. It also gives us the opportunity to make ourselves aware of topics outside the work of the committee. That is why I asked. Personally, I prefer hearing testimony in person so that the witnesses can meet other members of our respective parties and give us more information on the matters the committee is dealing with.

[English]

Mr. Mario Silva (Davenport, Lib.): Mr. Chair, I'll be brief, because I know we have the witnesses to hear.

If there are any exceptional circumstances in the future, we could always ask for additional funding, if it's needed.

The Chair: That is correct.

Mr. Mario Silva: That's fine.

With that, I'd like to move approval of the budget.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: Mr. Sweet.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Just on a point of information, did I hear that if it's below \$40,000, it doesn't have to go to the Liaison Committee? Is that correct?

The Chair: Yes, it's correct.

I think that deals with all of our housekeeping items and allows us to turn to our witnesses. We have three very distinguished witnesses. Normally we say that our witnesses need no introduction and then we give lengthy introductions. I actually won't do that, because these would have to be very lengthy introductions, as our witnesses are distinguished individuals.

Keith Rimstad is here from Amnesty International. Joe Stork is the deputy director for the Middle East and North Africa at Human Rights Watch. And Jared Genser is at the University of Pennsylvania Law School, where he is a lecturer in law.

Normally what we do is that we allow 10 minutes for each witness. This is a consensual committee, meaning that we don't enforce these things strictly, but if you go over that time, it starts creating problems in terms of our questions and answers.

I would invite one of you to start, and then we'll just go from there. It's at your discretion who starts.

Mr. Jared Genser (Lecturer in Law, University of Pennsylvania Law School): I will begin.

Mr. Chairman and members of this distinguished committee, some two years ago I appeared before you to express my deep and abiding concern about the serious situation of human rights in Iran. Unfortunately, the already poor record of the theocratic regime has only worsened since then.

Not only does the Government of Iran pose a grave threat to those who run afoul of its authoritarian dictates domestically, but the international community, and increasingly its own neighbours in the region, are also concerned about its influence. Today I would like to highlight a number of my particular observations and then make several recommendations for consideration by your committee about specific actions the Government of Canada might take to address these important human rights issues.

The Islamic Republic of Iran, the population of which numbers some 70 million, has a constitutional and theocratic form of government dominated by the Shia Muslim clergy, which imposes its fundamentalist and conservative view of Islam upon its populace. At the same time, it has also agreed to be bound by five major international human rights treaties, including the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child; and the Convention on the Prevention and Punishment of the Crime of Genocide.

These treaties do not only guarantee specific rights for Iranian citizens. They also require the Government of Iran, in many instances, to bring its domestic law into compliance with these international law obligations. The first four of these five treaties oblige the Government of Iran to cooperate with treaty monitoring bodies with regard to its adherence to these obligations.

Nevertheless, over the last few decades, human rights groups, governments, and various organs of the United Nations have repeatedly expressed profound concern about the Government of Iran's activities, including, but not limited to, the following issues: execution of numerous persons—the estimated number of which, according to reports since the Islamic revolution, is more than

100,000—including those convicted as juveniles, after unfair trials; draconian punishment sanctioned by government, including death by stoning, amputation, and flogging; arbitrary arrests and extended incommunicado detention of political prisoners; violence, legal, and economic discrimination against women, ethnic and religious minorities, and gay, lesbian, bisexual, and transgendered people; severe restrictions of civil liberties such as freedom of speech, expression, assembly, association, religion, movement, and privacy; and severe restriction of workers' rights, including the right to organize and bargain collectively.

Beyond these broad classes of abuses internally, the Government of Iran is a destabilizing force in the broader Middle East, especially through its role as a major funder and supporter of both Hezbollah and Hamas and their terrorist activities directed against civilian populations in Israel. The Government of Iran continues its incitement to genocide by comments of the supreme leader, Ali Khamenei, President Mahmoud Ahmadinejad and their proxies calling for the State of Israel to be “wiped off the map”, stating that “There is only one solution to the Middle East problem, namely, the annihilation and destruction of the Jewish state”, or “If they [Jews] all gather in Israel, it will save us the trouble of going after them worldwide”.

Indeed, on March 4, 2009, just last Wednesday, the supreme leader, Khamenei, again referred to Israel as “a cancerous tumor”, exhorting attendees to “resistance”, his euphemism for violence as the only solution. And President Ahmadinejad repeated his Holocaust denial, stating “The story of the Holocaust, a nation without a homeland and a homeland without a nation...are the big lies of our era”.

These comments are all the more disconcerting because of Iran's persistent attempts to obtain nuclear technologies. So far, three rounds of UN Security Council sanctions have not stopped Iran's uranium enrichment program, which can be used for peaceful purposes, but also can be used for nuclear weapons.

In response to criticisms of its human rights record, the Government of Iran offers an unsatisfying response. As one illustration, Ibrahim Raisi, first deputy of Iran's judicial branch, recently stated:

Claims by America and some European countries about the violation of human rights by certain states are not aimed at defending human rights, and they are rather used to exert political pressure on Third World and developing countries, especially the Islamic Republic of Iran.

Contrary to Mr. Raisi's assertion, however, there is not one standard for the west and one for the Third World and developing countries. On the contrary, all countries that choose to cede their sovereignty by signing on to international human rights treaties must be held to the same standard.

At the end of its prior session, the UN General Assembly adopted resolution 63/191, its sixth consecutive annual resolution on the situation of human rights in Iran.

• (1245)

Beyond putting forward a lengthy and detailed set of abuses of the kinds referenced earlier in my testimony, I'd use such adjectives as "ongoing", "systematic", "persistent", and "severe". While these kinds of descriptions have little emotional impact, as they feel quite disconnected from reality, it is important not to forget that each of these individual human rights abuses by the Government of Iran has a human face. I'll give you three recent examples that are illustrative of the abuses.

On January 14, 2009, Aziz Samandari, a member of the Baha'i faith, was arrested as part of a raid on a number of Baha'i homes. Intelligence ministry officials confiscated books, materials, and photographs relating to his faith as well as computers and CDs. He is being held incommunicado in the notorious Evin Prison, and has been denied access to counsel. His only so-called crime is his belief in the Baha'i faith. His right to freedom of religion is guaranteed in article 18 of the International Covenant on Civil and Political Rights, the ICCPR, to which Iran is a party.

Two, on February 2, 2009, Alieh Eghdam Doust began serving a three-year prison sentence in Teheran for participating in a 2006 protest to demand more women's rights. Of those arrested during the rally, 14 people were charged with criminal offences, including "spreading propaganda against the ruling system". Women are denied equal rights in marriage, divorce, child custody, and inheritance. Evidence given by a woman in court is only worth half that given by a man, and a girl under the age of 13 can be forced to marry a much older man if her father permits. Ms. Eghdam Doust's right to freedom of expression is guaranteed under article 19, and her rights to freedom of assembly and association are guaranteed under articles 21 and 22 of the ICCPR respectively.

Finally, on February 18, 2009, two Iranian women labour rights activists, Sousan Azadi and Shiva Kheirabadi, were flogged inside the central prison of Sanandaj, the capital of the Iranian Kurdistan province, after having been convicted of participating in May Day celebrations. Azadi received 70 lashes and Kheirabadi 15 lashes.

Iranian workers are struggling to form independent labour unions but face continuous state repression. The government and the judiciary have regularly abused the justice system to imprison and silence labour activists. These rights are guaranteed under article 22 of the ICCPR, and as a member of the International Labour Organization, Iran is obligated to respect and implement these rights.

While each of these small examples describes violations of the ICCPR, numerous violations of other treaties to which Iran is a party have also been documented. As I have explained, Iran's human rights record is among the worst of any country in the world today. Despite the impunity with which the Government of Iran operates, it is critical for countries such as Canada to keep solidarity with the victims, highlight their plight, and keep pressure on the Government of Iran to change its behaviour.

Specifically, I would recommend that the Government of Canada take the following three actions: first, use its membership in the UN Human Rights Council to raise the issue of Iran and to fight efforts by countries to eliminate country-specific resolutions and rapporteurs. In recent years, the former position of special representative

for human rights in Iran, which was initially established in 1984 by the former Commissioner on Human Rights, was eliminated. I believe Canada should work multilaterally within the council to get that position restored. Such an action, if successful, will provide a mechanism for regularly spotlighting Iran's ongoing abuses in this UN organ.

Furthermore, the Government of Iran is up for review in the quadrennial universal periodic review process in early 2010. This will provide an important opportunity to question Iran about its failures to abide by its international human rights obligations. I hope and expect that the Government of Canada will do so vigorously.

Second, I believe the Government of Canada should address the Government of Iran's incitement to genocide against the state of Israel and the Jewish people in all appropriate fora. This includes a state-to-state complaint that the Government of Canada could file against the Government of Iran in the International Court of Justice, under article 9 of the genocide convention. As well, the UN Security Council could consider as a threat to international peace and security Iran's incitement to genocide under a chapter 7 referral to the International Criminal Court.

Third and finally, I believe the Government of Canada, in particular the Parliament, could provide further financial and moral support to Iranian-Canadian and Iranian groups that document and report on human rights abuses by the Iranian regime.

While the latter type of support may need to be provided quietly to avoid undermining their efforts inside Iran, there is a substantial need to document the abuses taking place inside the country so that they can be reported to the outside world. Helpfully, there are many brave Iranian human rights defenders willing to take the risks required to get the word out about the serious nature of the abuses taking place, and with that information, the international community is better positioned to act.

• (1250)

With persistence and by relying on the courageous spirit of the Iranian people, who clearly yearn to be free, it is my profound hope that the systematic abuses of the Iranian regime can be ended in our lifetime. While some might argue that this challenge is insurmountable, we know the outcome if we do not try. We have no choice but to persevere.

Thank you.

The Chair: Thank you, Mr. Genser. That was 10 minutes to the second. All committee members will want to take note of your precision and emulate it accordingly.

Now, who'd like to go next?

Mr. Stork, please.

Mr. Joe Stork (Deputy Director, Middle East and North Africa, Human Rights Watch): Thank you, Mr. Chairman, members, guests.

Human rights in Iran have been, for decades, extremely problematic, to put it mildly, under the government of President Ahmadinejad. Since his coming to power in the summer of 2005, they've grown particularly severe and are worsening by the year.

Typically, the government relies on national security as justification for silencing dissent. Indeed, 2008 saw a dramatic rise in the arrest of political activists, academics, and others for peacefully exercising a right to freedom of association and freedom of expression.

Let me talk first about the freedom of expression and assembly. Journalists and writers who covered issues dealing with ethnic minorities as well as civil society activities were particularly targeted. Iran's National Security Council gave newspapers numerous formal and informal warnings against covering these issues as well as more run-of-the-mill human rights violations and social protests, including the protests of workers. Many writers and intellectuals who have evaded imprisonment have in fact left the country or ceased to be critical. The government has fired dissenting university professors or forced them into early retirement, a trend that intensified in 2008. It has also recently begun banning politically active students from registering for upcoming semesters in college.

I would also just note that the government has been systematically blocking Iranian as well as foreign websites that carry political news and analysis.

In terms of freedom of association, the government has increased pressures on civil society organizations that call for advancing human rights and freedom of speech. For instance, the Center for Defenders of Human Rights, led by Nobel laureate Shirin Ebadi, as well as the Association of Iranian Journalists, have been targeted by the government.

On October 2 of last year, the official news agency warned Ebadi not to "misuse the tolerance of the government". This is in the context of Ms. Ebadi receiving numerous death threats from unknown sources.

Government intelligence officials forced Mohammad Sadigh Kaboudvand, a journalist and human rights activist in the Kurdish area of Iran, to shut down his NGO, Defending the Human Rights in Kurdistan. He was sentenced to 11 years' imprisonment in June for acting against national security and engaging in propaganda against the state.

I would like to touch on a point that Mr. Genser made in terms of the criminal justice and particularly the concern with the use of the death penalty for juvenile offenders—that is, persons who committed the alleged offence when they were under the age of 18. Iranian law allows the death penalty for persons who have reached the age of puberty, which is defined as 15 for boys and nine for girls. In 2008 a known total of six persons were executed for crimes allegedly committed while under the age of 18, and since January 2005, Iran has been responsible for 26 of the 32 known executions of juvenile offenders worldwide.

These sentences, it should be noted, typically followed unfair trials, and the executions themselves often violated Iranian law, such as the failure to notify families and lawyers 48 hours in advance of the execution.

In terms of rights of freedom of speech, assembly, and association, I want to focus in particular on the situation faced by women's rights activists in Iran. In 2008 the government escalated its crackdown very significantly and visibly, subjecting dozens of women to arbitrary detention, travel bans, and harassment. Eight women activists were arrested in June, for instance, when they were commemorating an earlier meeting that had been broken up by police.

In October of last year, Esha Momeni, an Iranian-American student researching the women's rights movement in Iran, was arrested and held for three weeks in Evin prison. Security agents seized her computer as well as footage of interviews she had conducted with women's rights activists.

• (1255)

In the same month, October, security agents blocked Sussan Tahmasebi, a leader of the One Million Signatures Campaign for Equality, from boarding a plane and confiscated her passport, all without charging her with any crime.

In September, the appeals court in Tehran upheld prison and lashing sentences against the two women's rights activists Mr. Genser mentioned.

The other groups of Iranians who have been targeted in particular by the government are ethnic and religious minorities. In Iran, they are subject to discrimination, and in some cases, persecution, particularly in the northwestern provinces of Kurdistan and Azerbaijan. The government restricts cultural and political activities by Azeri and Kurdish activists, including the operation of non-governmental organizations that focus on social issues. The government accuses them, typically, of siding with armed opposition groups and of acting against national security. While the Government of Iran, like any government, has the right and the obligation to suppress armed violence, typically, in the cases we've been able to look at, there is no evidence presented in the trials of these individuals to link them with such activities.

I should mention, in passing, that it is the case that Human Rights Watch has been unable to enter Iran for a number of years now to conduct research. If I can pre-empt my recommendations to the Government of Canada, I would certainly urge that in any public interventions the government is involved in and in the report of this committee, access for international human rights organizations, such as Human Rights Watch, Amnesty International, and so forth, should certainly be on your agenda.

On the issue of religious minorities, such as the Baha'i, I know that you've already taken testimony from representatives of the Baha'i community. I don't think I could add anything except to say that it's a concern we very much share. I would also note that representatives, including clerics of the Sunni sect in Iran, have also been targeted for harassment, arrest, and so forth.

Finally, to link back to my urging on the issue of access for human rights activists and independent organizations, Iran, of course, has also not allowed any of the special mechanisms of the UN to come into Iran since the summer of 2005, when Mr. Ahmadinejad became president, despite an earlier commitment made by the Government of Iran when it issued an open invitation to all those mechanisms.

If I could, I'll very quickly highlight a couple of recommendations. First, and seconding Mr. Genser's recommendation, I think the government would be well-advised to continue to make the UN—both the General Assembly and the Human Rights Council—a venue for pushing Iranian human rights. The Government of Iran typically says that it doesn't care. I think it cares very much, in fact. Particularly when a coalition of states can be assembled that actually manages to pass the resolution, indeed they care. I also think it is extremely important to continue to push for the appointment of a special representative or a special rapporteur by the Human Rights Council to address the serious situation of ongoing, systematic violations in Iran.

Second, of course, is to make human rights issues part of the agenda of any meetings, any dialogue, and any diplomatic encounters Canada may have with the Government of Iran.

Third, in particular reference to the case of Zahra Kazemi, the Iranian-Canadian photojournalist who was killed in custody in 2003, which I know has been on the government's agenda ever since that time, focus on the individuals involved as well as on the Government of Iran as a whole for its responsibility. And consider steps such as taking out international arrest warrants for some of the individuals known to have been involved in the custody and death of Ms. Kazemi.

Finally, I have a general point. I think in addressing human rights in Iran, given the seriousness of the situation, it's extremely important that Canada do so, in whatever venue, particularly in the UN General Assembly and in the Human Rights Council and so forth, in the context of criticism and of taking human rights violations seriously elsewhere in the region as well; the Middle East and North Africa are my concern.

• (1300)

Criticism of Iran carries more weight, frankly, when it includes criticism of serious violations by other states in the region that may be on the opposite side of the political fence to Iran, whether they be Arab states or Israel.

Thank you.

The Chair: Thank you.

Again, our witness has been very concise in his timing.

We'll now go to our third witness.

Mr. Rimstad, please.

Mr. Keith Rimstad (Campaigner, Amnesty International): Thank you, Mr. Chair.

Thank you for having me present to the committee our concerns with regard to Iran.

Before I begin, I would like to just acknowledge that a member of our parliamentary co-group, Tarek Hassan, is here. You will probably see him in the future. I just want to make sure that he's identified.

Because my colleagues have covered much of the ground I was going to speak to, I'm going to try to avoid repetition by starting with an assessment of a situation that, particularly over the last four

months in Iran, has become quite seriously worse. There seems to be a progression of human rights violations targeting particular groups and sectors in the society. This could be perceived as a lead-in to the upcoming elections in June of this year.

We have noted that, as of the beginning of this year, over 220 individuals had been arbitrarily arrested. These were political activists and other activists. We also noted that there had been actions, and I'll speak specifically to actions against students. In one particular case in January, when students were protesting Israel's attacks against Gaza, one would assume that the government would not be opposed to this, but they in fact were because it was an independent action by students. The police came in, broke up the demonstration, and arrested a number of the students.

So even though it's on an issue one would think the Government of Iran would be sympathetic to, they do act. That's specifically because any independent action in Iran by any part of civil society is seen to be a threat.

In terms of some of the areas of concern, I'll touch on the judicial system and the laws of Iran, which don't meet international standards by any stretch of the imagination. There is no independent judiciary. Many of the laws under the Iranian constitution are extremely vaguely worded. Such terms as "acting against state security", "spreading lies", "propaganda against the system", "creating unease in the public mind", "insulting the holy sanctities", and "defamation of state officials" are often used to target members of Iran's religious ethnic minorities, as well as human rights and other civil society actors.

In the context of the kinds of punishment these people can face, it can range from a fine all the way up to the death penalty, depending upon the circumstances and how the laws are interpreted.

Many people who are detained arbitrarily are not acknowledged as being detained for long periods of time. In some cases, it's only at the point of the acting out of the sentence that people become aware of where they are.

Judges have wide discretion with regard to evidence in reaching a verdict. Sometimes they rely on poorly defined provisions termed "knowledge of the judge".

The use of torture is widespread, and it's particularly used to extract information prior to formal charges or otherwise. Also, ill treatment as a form of judicial punishment, such as flogging or the use of amputation, is common.

Impunity for human rights violations is almost absolute. Amnesty's concerns go right back to the beginning of the Islamic Republic, particularly the period in 1988 when thousands of political prisoners were executed and prisons were cleared. These were people who were arrested in the early years of the Islamic Republic. Of course, in the case of Zahra Kazemi, although we did see some progress in that at least charges were filed against lower-level officials, the end result was that one person eventually faced court and he was found not guilty.

I would like to say at this point, highlighting recommendations from my colleague, Mr. Stork, that it's really important in the case of Canada.... And we do have this risk of many Canadian citizens of Iranian background who return home, who visit family, and who support family, and who can find themselves in difficulty, like Ms. Kazemi.

• (1305)

It's important that Parliament, as well as the government, take active action on their behalf to press the Iranian authorities to account for the conditions of these individuals and ensure they have access to consular officials. The Iranian authorities will often say that, because they are Iranian or dual citizens, they will not recognize the Canadian citizenship. I think it is important that you do press. The little progress we saw in Ms. Kazemi's case was due to the pressure placed on the Iranian authorities from this House and the government. It's really critically important that we continue to pursue that.

In terms of freedom of expression, the situation is becoming broader, and it's worsening. It affects not just newspapers and journalists; it also affects NGOs and anyone who regularly is seeking access to the Internet. Their Internet controls are severe. There are laws coming into place that will take effect and will limit the use of the Internet even further. I will touch on that in a few minutes.

In terms of the death penalty, I only want to say here that last year Amnesty recorded 346 executions, of which eight were juveniles. One other juvenile was executed recently this year, in January. This is a major problem. In fact, it goes against Iranian obligations internationally, and it is an issue we need to press.

On political cases where individuals are facing a potential death sentence, often they are accused of "enmity against God". Therefore, it becomes very difficult for these individuals to present a defence.

On the issue of religious minorities, I think it's important to note that all religious minorities, even those that are accepted under Iranian constitution, are facing repression of various sorts. It depends on the context and the situation, but Christians, Jews, Zoroastrians, and the unrecognized minorities such as the Baha'is all face forms of discrimination and possible persecution in certain circumstances. It is a continuing problem that needs to be addressed.

In terms of the ethnic minorities issue, I only want to say here that the broad discrimination includes not just simple political repression, but also discrimination in terms of access to education, access to government services, living conditions, poor housing, etc. The actual discrimination covers the whole gamut of human rights concerns.

On violations of human rights of women, the women's rights sector is one where there has been some progress, in terms of women actively seeking improvements in their rights over the last few years. Unfortunately, there has been a retreat with the current president, but women still struggle and fight for their rights. It's an important area for Amnesty, and I think it should be an important area for the Canadian government to do whatever it can to support the activists on the ground and encourage Iran to abide by its obligations internationally. We have to recognize at the same time that many activists who do leave Iran and speak out on the situation face, upon

return, the danger of being arrested or restricted in terms of travel. These are steps that have been taken by the Iranian authorities.

I want to touch very briefly on the arrest of relatives of the members of the People's Mojahedin Organization of Iran. I think many committee members have been approached from the Iranian community here in Canada about members who had been in Camp Ashraf. In January of this year, members of their families in Iran, mostly elderly women between the ages of 60 and 85, had attempted to leave Iran to visit their families in Iraq. They were detained, arrested, and are currently being held in prison. This is a continuation of the threat. I know cases of potential refugees, of individuals who have had an association with the People's Mojahedin and who are seeking refugee status in Canada. It remains a concern for Amnesty. Not every individual who applies for refugee status from Iran would be at risk, but it's clear at this moment that the situation is worsening, and great care has to be taken in these cases.

• (1310)

That's my presentation.

In terms of the recommendations, I don't need to go there; I would just re-emphasize those made by Mr. Stork.

The Chair: Thank you very much, Mr. Rimstad.

Thanks to all of our witnesses.

Before turning to questions, I want to go through a couple of additional housekeeping items. My logic for doing so now is that, as often happens, we may find ourselves pressed right to the wall on questions. I don't want to have to interrupt with administrative matters at that time.

Thursday's meeting will be a one-hour meeting, not an hour and a half, because we have no witnesses. I propose we review the witness list and try to give a bit of structure for folks about what's coming. That will provide an opportunity for Mr. Marston's motion to be dealt with by the committee.

I also want to mention that we received presentations from Mr. Rimstad and Mr. Stork. Mr. Stork's has been distributed. Mr. Rimstad's is being translated and will be distributed. Hopefully you'll have it by Thursday. We apologize for that, but our rules preclude doing anything otherwise.

Third, I want to mention Tarek Hassan and say that he's very welcome here. On a more personal level, Tarek is an old friend of mine. We were saying earlier that we go back to the mid-1980s, when we were both students at Carleton University. Of course, you know all the wonderful associations that go along with being a student and graduate of Carleton University. I need say no more.

Finally, I turn to the matter of time limits. Rather than the usual seven-minute round followed by five-minute rounds, we have enough time for every member of the committee to get a seven-minute spot. I suggest we do that in our order, which is Liberal, Bloc Québécois, New Democratic, Conservative, Liberal, Conservative. That will give everybody seven minutes.

I now invite one of the Liberal MPs to start.

● (1315)

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

I also want to express appreciation to the three witnesses for their comprehensive coverage in the allotted time. That was not an easy thing to do, but it was done very effectively.

My first question might go primarily to Mr. Stork, but it could be answered by others. He spoke especially about this, although he was joined by others.

Given the exclusion of international monitoring and mechanisms, be it by the United Nations or international human rights NGOs like Human Rights Watch, are there any effective mechanisms within Iran to address, expose, or possibly remedy violations of international human rights? Is there any possibility for some measure of public awareness to be created that would address using such institutions as the judiciary, civil society groups, women's groups, academics, or the media and the like within Iran?

Mr. Joe Stork: That's a good question. I think I have to be a little vague in my answer in the following respect. I think we have a very active civil society in Iran on many fronts. There are very few who have identified themselves as human rights organizations in an organized form. Ms. Ebadi's is one of the few. With her profile as a Nobel laureate, she has had a certain immunity, as well as being a target for criticism. But I think there is also a certain amount of protection from that international profile.

She has been tireless in expanding her own concerns in the area of children's rights, which is where she began to embroil her concerns about human rights generally, taking up the cases of the Baha'is, for instance, as well as numerous other cases of people coming under attack and arrest by the government.

I think there's a fairly high degree of awareness, particularly in the political class. I also have to say that because we are not allowed into the country, we tend to have a very Tehran-centric view of things. On the extent to which the same kinds of civil society activities, particularly with a human rights focus, exist in other parts of the country, the Kurdish area probably has the highest profile. We know there's activism there, but wherever you're dealing with a situation of an ethnic minority—particularly an ethnic minority like the Kurds that have been connected at various times with separatist movements and so forth—the security rationale for suppression is extremely high.

I'm not sure what I could add to that. Because we're not able to get in, we depend a lot on reports we get from individuals inside the country via the Internet, telephone, and other modes of communication.

Hon. Irwin Cotler: I'll just put a quick question to Mr. Genser.

I'd like to flip it a bit in terms of what can be done from outside the country. As an American, President Obama has announced a policy of engagement with Iran—carrots and sticks, to use a quick snapshot metaphor.

What do you think can be done effectively with respect to this policy of engagement?

● (1320)

Mr. Jared Genser: I think President Obama is taking it the right way, which is acknowledging that things are not going to happen quickly in terms of engaging with Iran.

The United States and Iran have a long history together, and there's a lot of enmity among the Iranian people about the U.S. role in Iran, going back to the overthrow of Mr. Mossadegh and up to the withdrawal of support for the Shah, which led to the current regime.

I do think the Iranian people and the American people have strong, abiding, long-term friendships, so really, it's a question of having more of these kinds of people-to-people exchanges and letting our governments—hopefully—slowly begin to work things out.

I agree completely with Mr. Stork's view that for the Government of Canada, it's really important to raise human rights concerns not just in Iran but also more broadly, because Iran claims, I think wrongly so, that they're being unfairly targeted. I think it's also important to work multilaterally. It's important that there not just be a handful of voices speaking out about these abuses; it's much more difficult for the Government of Iran to reject criticism when it's coming from numerous quarters.

To come back to your question, I think President Obama is taking things cautiously in terms of the discussions. There's a whole host of bilateral issues between Iran and the U.S., human rights being among them. But obviously the nuclear question, Iranian involvement in Iraq and Afghanistan, and Iranian involvement in the broader Middle East, in Lebanon and the Palestinian territories, are all issues that, frankly, at some point or another, are going to have to be discussed. But things are in flux in a whole host of ways in the United States as the U.S. copes with the economic crisis. Things are in flux in Iran with the forthcoming elections this June. It remains to be seen how that plays out.

So there are a lot of moving pieces, and I think it's going to take some time. I think that's why a cautious approach for engagement makes sense. I think we have no choice but to persist, and the more people-to-people contact we can have, the better.

Hon. Irwin Cotler: Thank you.

[*Translation*]

The Chair: Ms. Thaï Thi Lac, please.

Mrs. Ève-Mary Thaï Thi Lac: I will start with an apology. I will have to leave before the committee finishes its work today because I am due to speak in the House at 2:00 p.m. Please be assured that it is not from any lack of interest in what you can bring to our committee.

Mr. Genser, you identified the main types of persecution that are rife in Iran, and you gave a very complete presentation.

Mr. Stork, your ability to tell a story is remarkable and I am grateful to you because I am new to the committee. As a newcomer to the situation in Iran, in a number of ways, I was shocked to find myself understanding the facts you presented.

Mr. Rimstad, you talked about arbitrary treatment and about the political situation. Although you spoke last and although the speakers before you gave us plenty of information, that took nothing away from the quality of your presentation.

I want to thank all three of you. For me, it is an honour to be speaking with great defenders of human rights such as yourselves. We can never have too many.

My first question is for you, Mr. Genser. You mentioned the impunity with which the Iranian government operates. Could you give us some thoughts on that specifically, please?

[English]

Mr. Jared Genser: I believe there are numerous problems with respect to the human rights situation in Iran, but one of the problems that exist over time when any authoritarian regime is allowed to commit human rights abuses in a widespread and systematic way over an extended period of time is that the people involved in those abuses, when there is no accountability for those actions, come to believe that they are above any law and are capable of committing those crimes in an ongoing way without fear of any retribution.

What starts as people perhaps following orders to commit human rights abuses becomes their feeling that they don't even need an order to commit the abuse because people will look the other way. When people who commit crimes in the name of the Islamic Republic are not arrested or investigated or prosecuted, then you also see a climate of fear taking place among the populace and a recognition that it's very difficult.

•(1325)

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: Thank you very much.

Mr. Rimstad, you mentioned improvements in the status of women in Iran. Two days after International Women's Day, I would like to know what those improvements are.

Mr. Stork, which countries have expressed their concern on the human rights situation, bilaterally and multilaterally, and how has that helped to improve the situation?

[English]

Mr. Keith Rimstad: I don't want to leave the committee with the impression that the state of women's rights in Iran is great. I was referring specifically to the fact that since the Islamic revolution, the number of women in universities, for instance, has grown; certain laws, particularly discriminatory ones, have been changed—they still remain discriminatory, but they have improved—and, I would want to emphasize particularly, women activists themselves very bravely continue to press the government and the authorities, as well as men generally, to achieve greater rights.

We're still a long way from seeing a situation in which women's rights in Iran are good, but there is hope from the women's movement that as long as space is available, they can achieve better

improvements over time. For instance, right now a petition campaign is going on to achieve a million signatures to remove further discriminatory laws. In such a context as Iran, it's an extremely brave thing for women activists to go out. Having said that, those who are leading the campaign find themselves being arrested and suppressed in a variety of ways.

So I don't want to leave the illusion at all that the situation is good, but I don't want to not acknowledge the fact that there has been some improvement.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: Thank you very much.

[English]

Mr. Joe Stork: To answer your very good question, I have to say that if one looks at, for instance, the list of co-sponsors of the resolution that Canada introduced in the General Assembly in November 2007, one is hard-pressed to find an African state, or certainly a state from the Middle East region. I think the voting list will show a similar kind of pattern.

That is one illustration of a broad phenomenon, which is the heavy politicization of human rights issues, particularly in a forum such as the United Nations, which is made up of states and where state interests tend to dictate the issues a state raises and determine whether it gets the support of other states. Frankly, there's plenty of blame to go around on the part, if not of all, of most parties in contributing to that politicization, which is why I made the recommendation I did in my presentation about the need for a country such as Canada, when it addresses human rights in the world, but particularly in the Middle East, to look for ways to contribute to depoliticizing the issue.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: Thank you very much.

The Chair: Thank you, Ms. Thaï Thi Lac.

[English]

Mr. Marston, please.

Mr. Wayne Marston: When I first got the documentation today and saw Mrs. Ebadi's name, it made me think about when we had that fine woman before this committee. From my perspective, it was a very special day. I mean, when you sit across from somebody and get to look them in the eye, with the experiences that we know they have had and are currently going through....

I spent six months in Saudi Arabia in 1979, and to some degree was exposed to some of their punishments. In fact, by complete accident I was close by to an execution one day in the parking lot of a mosque. When you hear the statement that we have juveniles executed there, it just makes you cringe. It's one of those things you'd rather not even believe possible in our world.

There's something I've been concerned about, and have raised with this committee. You've used the periodic review as an opportunity that's coming up, and I've wondered for a while now.... The periodic review of Canada, of course, is nowhere near on the same kind of record as Iran. I'm not suggesting anything so ridiculous. But as a result of our own record being called into question from time to time—we haven't signed on to OPCAT, and there are our aboriginal rights and land claims, and of course male violence, particularly against women, in Canada, and things of this nature that have been raised over time—do you think Canada's reputation and our moral authority have been damaged to some extent when we deal with countries like Iran?

• (1330)

Mr. Keith Rimstad: I think it's important, in terms of legitimizing the international mechanisms, that Canada puts itself forward to be examined and that in this process where the examination takes place and recommendations are made Canada take action on those recommendations to improve human rights in the country.

As Amnesty International, we don't take a political side. We always approach it, as does Human Rights Watch, from the human rights perspective. And we examine all countries. As you may be aware, Amnesty actually submitted comments with regard to the periodic review of Canada, raising our concerns and making recommendations as to how those issues could be addressed.

From the perspective of a country like Iran, they are quick, for whatever reasons, legitimate or not, to point out the inconsistencies, at times, in the international mechanisms to review and to evaluate and to judge countries. This is one of the problems, and I agree with Mr. Stork that the international mechanisms need to be depoliticized. The whole point of creating the Human Rights Council was to get away from the problems of the former committee because it was too political. Unfortunately, at least up till now, it appears that the council's following a similar path. It is up to the international community, all countries, to really push each other to step back from the politics, otherwise human rights won't be addressed.

Mr. Wayne Marston: Just a little bit further, and in an entirely different direction, one of the things that we hear from time to time is how the use of the Internet is almost like a saviour for some of the people in a variety of countries who have no safe communication.

Are you aware of how sophisticated the Iranian government is at tracking, identifying, and then arresting people who blog or who are connected with the Internet?

Mr. Joe Stork: I'm not sure how specific I can get in this, simply because I don't know the specific answer, but we do know that particularly among young people who are arrested for exercising their right to freedom of speech, typically that communication is done on the Internet. Typically it's done in blogs. I mentioned in my presentation that a number of these people end up leaving Iran rather than facing long jail terms. In fact, there's sort of a wink and a nod to them getting out of Iran, too. It seems a sort of safety valve, on the part of the government, to have these people leave, thinking they actually represent "less of a threat" outside the country than inside.

But in any case, certainly a very large number of those who do get arrested and get into trouble are in fact exercising that right on the Internet. And we're talking about a society that's relatively very

sophisticated on both sides of the line, so to speak—that is, those who use the Internet to spread information and to share information about human rights violations, political analysis and so forth, but also on the part of the government.

Also, frankly, as I understand it, it's a very computer-literate, Internet-literate society, but most of that Internet traffic has nothing to do with politics, has nothing to do with human rights; it's just people using it for very mundane reasons or, indeed, even religious education.

• (1335)

Mr. Wayne Marston: I guess that was a little wishful thinking on my part, then. We've had previous testimony here that 70% of the society is more progressive than the 30% who are holding power right now, and that the Internet would be a tool that could perhaps open the gateway for those young people, for their expression and to take it to the next level.

Mr. Joe Stork: No, that's true.

Mr. Wayne Marston: That's all I have, Chair.

The Chair: Thank you very much, Mr. Marston.

Next, one of the government members.

Mr. David Sweet: Thank you, Mr. Chairman.

Thank you, gentlemen, for taking the time to come here and make an investment in our committee's research on this.

I want to read to you some testimony from one year and four days ago, from Shirin Ebadi, and get your educated opinion on the situation we're in right now.

In response to a question, she said:

All the people who are in the government in Iran are not the same type. There are some who are pro-reform and there are some who are pro-fundamentalism. There are plenty of things that happen in Iran that people, as well as some of these reformers, are against. It is easy to realize that, even through the newspapers published in Iran. In the specific case of Mrs. Kazemi, the reformist group helped us a lot so that justice would be done.

Of course that didn't happen.

Therefore, when you talk about the violation of human rights in Iran, not only will the people be happy but also the group of reformers will be happy about that, because they are also criticizing them. They express their views very plainly and frankly. You can easily see that in the newspapers in Iran. There is not much freedom of speech in Iran, but you can see that in the newspapers.

So you've talked about the diminishment of human rights and an escalation in offences after Ahmadinejad has come to power. Is what Mrs. Ebadi said one year ago now diminished? Along with other people who are being jailed, are some of the pro-reformers now being jailed by the regime?

Mr. Joe Stork: I think her point would be just as valid today as it was a year and four days ago.

In response to the first question, where you asked about the judiciary in particular, I neglected to say.... I mean, that is an institutional locus of reformers. That's not to suggest the judiciary as an institution is reformist, but there are people there, and I think they're some of the people that Ms. Ebadi was alluding to.

I think the difference is with President Ahmadinejad coming into power in 2005. I mean, that's sort of the...where you saw progress on the Kazemi case was before that. There was some movement in that direction.

Mr. David Sweet: Some progress, yes.

Mr. Joe Stork: But certainly it continues to be the case today.

Are those reformist elements more numerous today than before, proportionally greater than before? That I couldn't say.

Mr. David Sweet: Mr. Genser.

Mr. Jared Genser: I would add that we shouldn't forget, of course, that the doctrine—in Farsi, *velayat-e faqih*—on the supremacy of clerical rule continues to apply in Iran, and that the supreme leader, Ali Khamenei, is ultimately in charge.

There's no doubt that the public rhetoric of the government has shifted because of the election of Ahmadinejad in 2005. But given the supremacy of clerical rule and the Council of Guardians, I think the capability of this government to reform, in its current form, is somewhat limited, though I take and agree completely with Ms. Ebadi's point that those within the government are by no means monolithic and that there are people who are reformers who want to do more and would like to push those boundaries.

That said, even if Mr. Khatami were to be elected for a new term as president, I think what we saw when he was elected last time was that his efforts at reform were stifled in substantial regard by the supreme leader and by the Council of Guardians, and ultimately they're the ones in charge, not the president of the country.

So while I agree completely with what Ms. Ebadi said, we have yet to see any evidence that in practice those reformers can get beyond a certain incremental change, which I think frankly is what we collectively in this room want, what many people want, and what the Iranian people, many of whom are young people themselves, want—to get beyond what the current range of the debate might allow to a completely different kind of set of freedoms for the people of Iran.

Mr. David Sweet: I have just one more question, and then I'll allow others to have some questions.

You had mentioned, and of course it goes back to Mrs. Ebadi's statement, making public statements not only here, obviously, in parliamentary committee, but also in the United Nations, etc.

Sanctions are always hotly disputed, but would you be willing to give some idea about the kind of sanctions that could be exercised by this country, by this government, that would be punitive to the regime—which of course is the one that is guilty of these human rights infractions—and yet not suffered by the Iranian people themselves?

• (1340)

Mr. Joe Stork: This is extremely tricky, as we know from the experience of sanctioning governments. Obviously, you want so-called smart sanctions, you want targeted sanctions that do, in fact, target individuals, or perhaps institutions, but not entire segments of society, certainly not the society as a whole.

Frankly, I'm just not familiar enough with the record of the Canadian government in terms of pressing for individual accountability on the part of the individuals suspected of being involved in Ms. Kazemi's death in detention. But that's where I would look.

It's a question that we, in Human Rights Watch, haven't had to address, because sanctions, as they've been imposed on Iran, have had nothing to do with human rights. They've all been related to other areas outside of our competence.

Mr. Keith Rimstad: I would add to that by stating that in the case of Amnesty, we don't take a position on sanctions except in very specific cases with regard to the sale of arms in certain contexts.

In terms of the effective actions that could be done internationally, I would emphasize pursuing legal charges against individuals where there's enough evidence to suggest they are responsible for human rights violations and they could be brought to justice.

Canada has signed on to the International Criminal Court. There are mechanisms by which we could pursue those charges. Certainly, that would restrict the ability of these individuals to travel. It would also send a message, if the charges were at a high enough level, to other officials about the consequences of their actions.

Mr. David Sweet: Thank you, gentlemen.

The Chair: Thank you, Mr. Sweet.

Mr. Silva, please.

Mr. Mario Silva: Thank you.

I want to thank the witnesses for appearing before our committee.

I'll just reiterate the committee's concern over the executions, the tortures that have taken place in Iran, the lack of freedom of expression, the restrictions, certainly the persecution of religious minorities, and of course the incitement to genocide. I was very pleased with some of the suggestions that Jared mentioned.

I just want to make sure I've gotten them all right, and then elaborate further on what we could do. One of them was that the issue be raised at the Human Rights Council, and I think that is very valid. I know in the past we raised it at the Human Rights Council as well. Another was that there be a special rapporteur from the Human Rights Council to investigate.

The other one was what to do about the incitement to genocide. In Canada we have laws, as there are international laws about those who try to incite genocide on a particular group of people. Certainly, the Jewish people and Israel are being targeted right now by Iran. You mentioned the fact that our Prime Minister, our government, should be making that public address. Would that be in terms of trying to get a resolution at the General Assembly? What would be some of the diplomatic channels? In what ways could we actually be more active on that file?

Mr. Jared Genser: There is a range of options, from easy to hard, in terms of their prospect of success for doing something.

The genocide convention was adopted in 1948. All states who are a party to that convention have a proactive obligation to prevent the various crimes in the genocide convention, which includes incitement to genocide, and to act accordingly. Only once since 1948 has a state-to-state complaint been filed in the International Court of Justice, and it was the case of Bosnia versus Yugoslavia. It took a long time to wind its way through the court, and ultimately led to an only somewhat satisfactory judgment.

But given the fact that we know that numerous genocides have in fact taken place between 1948 and the present time, the abject lack of enforcement taken by state parties to the genocide convention against other states that are committing genocide, conspiracy to commit genocide, incitement to commit genocide, etc., I think is an unfortunate legacy of our own history.

One easy thing that Canada could decide to do unilaterally, because both the Government of Iran and the Government of Canada are a party to the convention, and because under article 9 of the convention, one state can make a complaint against a second state in the court of justice, is to file a complaint on charges of incitement to genocide. That would be the easy thing to do.

The obviously very hard, and probably impossible, thing to do, but perhaps the morally correct thing to do, is to also urge that the UN Security Council, under a chapter 7 resolution, refer the situation of Iran and its incitement to genocide to the International Criminal Court for investigation and potential prosecution. That would be individual criminal liability for those involved in the incitement themselves. I think it's unlikely, given the vetoes in the Security Council and the complicated nature of what's going on, that this would be successful.

Then in between the easy and hard, there are multilateral efforts that can be taken in the Human Rights Council, in the General Assembly, to include language in the General Assembly resolution on the incitement question. That might be a challenge multilaterally. Given the large number of states that have continued to vote against that resolution on Iran, that might be untenable politically. But that is multilaterally, and, as I said, somewhere between the easy and the hard in terms of things that can be done.

• (1345)

The Chair: You still have time, Mr. Silva.

Mr. Mario Silva: Unfortunately, I'm the first one to make a statement in the House today, at 2 o'clock. I have to leave.

The Chair: Thank you very much, Mr. Silva.

I'll just note, for the benefit of Professor Cotler and Mr. Sweet, that there may be time for additional questions after. We've gone faster than anticipated.

Mr. Hiebert.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Mr. Chair.

Thank you to all for being here.

It's been mentioned by previous witnesses that the demographic shift in Iran is such that the hardliners, the people in government at the present time, are trying to force the standards of these abuses

upon a younger generation out of some desperate attempt that they might be adopted or recognized.

I'd like to get your perspective on where you see the future of Iran. I've met with Iranian representatives in past years, who tell us that the younger generation is more pro-human rights, pro-democracy, pro-international relations.

Are we seeing the last gasps of a dictatorial government trying to exert itself, and there's hope on the horizon? Or how do you see things unfolding in the next few years?

Mr. Joe Stork: It's crystal ball time. I think those of us who work in human rights always.... I'll speak for myself. We're in this work because we do have some degree of optimism that we can push things ahead and that in fact things are moving in the right direction. I personally am not enough of an Iran expert to make a judgment on that.

One reason to think this may be the case is the fact that just trying to take a poll to measure those kinds of attitudes would be extremely difficult in Iran today. Among the people arrested and sentenced for alleged crimes against the state are people who've been trying to take polls of political attitudes. Certainly what I tried to suggest in my presentation about the degree of activism one finds on campuses, among youth of that strata, for instance, is that it is very encouraging. One finds it, too, among workers, who are actively trying to organize and advance their own claims against the state, against their employers, and so forth.

I think there are certainly reasons to be encouraged, but I think at the same time that a change of government is not the same as a poll favouring one particular set of ideas or values over the other, because we're talking about a government that.... As Mr. Khatami, as president, learned to his chagrin, we're talking about a system that has become extremely entrenched, so that you might indeed have 70% not only of the youth but of the population in general favouring a certain approach, but it's not necessarily going to be reflected in the government, because its accountability in terms of the popular vote and so forth is extremely limited.

• (1350)

Mr. Jared Genser: I would just add, in addition to agreeing with Mr. Stork, that there are a lot of signposts along the way that suggest a positive outlook. I say that not just because I'm a human rights lawyer and optimistic, but also because technology is having its impact.

I speak to Iranians quite regularly. You can look at access to the Internet, at satellite television, at radio being broadcast in the Farsi language into the country from outside the country, and you can look at cellphone technology. The fact is that cellphone pictures of a dozen people hung in an intersection get out the same day, within hours. They get sent via a text message to a human rights group and get posted on the Internet. All of these things are making it harder and harder for the Islamic Republic to maintain its grip on information and control over its own population.

The trends are quite worrisome for them, putting aside the fact that the trends are also worrisome for them economically. They may have an incredible capacity to produce oil, but they actually have very little refinery capacity. They have to purchase gasoline from abroad. With the price of oil dropping, the economy is under increasing pressure. There's a lot of pressure from those who are having serious economic challenges for the government to reform and to engage with the international community.

All of those things, in my view, are signposts suggesting a potential brighter day to come. The Islamic Republic and the supreme leader are trying, of course, to create every disincentive in the world for any of those people so inspired to want to see change come to their country to take action to make that change happen.

I think that's the battle that is being fought within Iran, but I think, as we have seen with dictatorships throughout history, it'll be a losing battle. I'm no more capable of looking at a crystal ball than anyone else, so I can't say how long that will take, but there are a lot of things which suggest to me that over time it will be harder and harder for the supreme leader and the Islamic Republic to maintain control.

Mr. Russ Hiebert: Mr. Rimstad, just before you answer, you mentioned in your comments that there has been an increase in arrests or violations of human rights going forward to the June 2009 election. Is there any chance that there would be a change in power in that election? What's the state of the opposition?

Mr. Keith Rimstad: The way the system works, many individuals from the opposition would be excluded because they have to meet the qualifications that the Council of...

Mr. Joe Stork: Guardians.

Mr. Keith Rimstad: Yes, Council of Guardians; I was thinking of elders.

The Council of Guardians approves all the candidates. So typically only a few real opposition people are able to run in the election.

It's also important to note that in the case of Ahmadinejad, when he won the election, it wasn't because people were supporting him for his religious and political views necessarily, but there was a lot of dissatisfaction with the prior government in terms of being able to address the basic issues of living every day in Iran. The general state of affairs for people—jobs, etc.—was not good. He is a populist. He appeals to people by using that rhetoric, and it has been successful in that regard.

I think one of the challenges the international community has to address and take care in is the fact that action against Iran by the international community isn't just going to be interpreted by the political leadership in a particular way; the population itself also responds to that. In some cases where the international community would be seen to be unfair in its criticism of Iran, or criticism of Iran but not someone else, this can result in growing support not because people want to support the government but because everybody sees themselves in the same boat. So that's where the international community will have to take careful thought in terms of how it approaches the problem, I think, over the next while.

Certainly at this moment, I think the powers that be within Iran, all the way from the supreme leader down, understand that the situation...there is dissatisfaction. I think the increasing repression is reflective of that. They are trying to close down every vehicle that's out there that would get messages out to the broader public, the Internet being one of them.

The other factor in here, though, is that there still is a very large number of people living in rural areas who have no access to this, and the lack of information and being under control of local leadership does prevent them from engaging in the political life of the country in the same way as those living in the urban areas like Tehran. So it's very complex.

● (1355)

Mr. Russ Hiebert: One last question.

It was also suggested by a previous witness that criticism from other countries other than Canada would be helpful, even smaller countries, because Iran is very concerned about its international reputation. It made me wonder, are there some countries out there that would be seen as defenders of Iran and its policies at the present time?

Mr. Joe Stork: Well, if you look at the vote tally in the General Assembly, for instance, on the resolution that Canada sponsored, and you look at the correspondence of that vote tally with other votes taken in places like the Human Rights Council, you have to say that, yes, there are. There's kind of a solidarity of authoritarians, shall we say, a solidarity of the oppressors.

Mr. Russ Hiebert: And who would that be?

Mr. Joe Stork: You know, there are plenty of candidates out there. It involves many of the countries that define themselves as Islamic; so the Organisation of the Islamic Conference, the OIC, for instance. I really don't know if you'd find any state that's a member of the OIC that has supported something like the Canadian resolution or failed to support the Government of Iran in these kinds of votes, for instance—

Mr. Russ Hiebert: Other than the OIC, do any members come to mind that would...?

Mr. Jared Genser: I would say, for example, the G-77. I mean, there are the developing countries, the Third World; Africa, more broadly.

It's not because these countries necessarily stand up in support of Iran's human rights abuses. It's because they see the west, and in particular the permanent members of the Security Council, as kind of having favourite whipping children. So that often gets turned into a debate over the powerful versus the powerless. It's standing in solidarity.

I look at a country like South Africa as an illustration, which has a tremendous recent history of having stood up and achieved reconciliation after apartheid, and yet their record in supporting other oppressed people since becoming free from apartheid has frankly been pretty terrible. They have stood in support of the Burmese junta, in Burma. They've stood in support of Mugabe, in Zimbabwe. And this is because of this *alliance*. I understand the reasoning, but frankly I don't understand the approach.

The argument is that the west has unfairly singled out particular countries for negative treatment and this is part of a kind of a colonialist-oppressor past that needs to be stood up to, not necessarily because of support for the particular abuses of the regime in question but because the whole system itself is flawed and cannot be supported.

I think that is what has happened with many of the countries. I have spoken to ambassadors from many of the countries that vote against the Iran resolution. They recognize that the situation in Iran is atrocious from a human rights perspective, but they're not going to support the west in going up against Iran because, frankly, they feel that they're not as powerful in the UN and this is not a reasonable approach that is being taken.

The Chair: Thank you.

I allowed that round of questioning to go on about five minutes longer than was scheduled, which leaves us just enough time for a very brief round of questions from Mr. Cotler.

Hon. Irwin Cotler: Thank you, Mr. Chair.

I just want to take 20 seconds to acknowledge the presence of David Kilgour, a former minister and member of Parliament who was very much engaged in these issues while in Parliament. He continues to be engaged in them outside of Parliament. I welcome him here today.

My question, because it flows from your testimony, is to you, Mr. Genser. Do you consider it somewhat anomalous that there have been United Nations Security Council resolutions and sanctions regarding Iran's processing of enriched uranium on the road to becoming a nuclear power, which Iran has itself denied, and about which some of its own citizens have rightly claimed that Iran should have as much right as anybody else to develop civil uses and peaceful uses of atomic power, and that there have been no sanctions with regard to the massive domestic repression of human rights, on which we've heard abundant testimony today, and no sanctions with respect to the state-sanctioned incitement to genocide, a breach of the genocide convention itself?

Does this somehow undermine the case regarding the sanctions with regard to the nuclear issue? The real danger of the nuclear issue comes, it seems to me, because it's anchored in a state that is otherwise a human rights violator and engaged in state-sanctioned incitement to genocide.

So are we on the one hand undermining one case for the sanctions and somewhat sanitizing the other categories of violations and concern?

• (1400)

Mr. Jared Genser: Mr. Cotler, it's a profound and challenging question to answer. The course that I teach at the University of Pennsylvania Law School is actually on the UN Security Council, and this is a question that my students are wrestling with on a weekly basis.

Hon. Irwin Cotler: That's why I somewhat put the question to you.

Mr. Jared Genser: I think we've seen a similar set of challenges play out in dealing with North Korea, as an illustration, which is a nuclear power, not an aspiring one but an actual nuclear power, which has one of the worst human rights and humanitarian records in the world today.

The argument has been made over decades on North Korea, and the argument has been made similarly in recent years on Iran, that the international community shouldn't be raising these human rights and humanitarian concerns because it might distract from, or otherwise undermine, negotiations on these important nuclear questions.

My personal view is that the international community and governments are capable of doing more than one thing at a time, and much like we saw with the Helsinki process and engaging with the former Soviet Union there are ways to have discussions on nuclear questions and to have discussions on economic questions and human rights questions at the same time. But I think it's a reasonable question to ask given the terrible nature of the Iranian government's abuses against its own people about how that is in essence being swept under the carpet to a large extent by the international community because of this exclusive focus on the nuclear question.

Obviously it's understandable why the nuclear question is paramount, but it shouldn't preclude the international community from also looking to address the suffering of the Iranian people. I think if you were to ask the average Iranian, who as you say would like to see civil uses for nuclear technology and have every right to want to have that for themselves and their own people, what is it you think about every day, the average Iranian, for example, who yearns to be free, which is most Iranians, they're not thinking about the question of developing nuclear technology. They're worried about the fact that, as a woman, if they don't put on a head scarf, they could be subject to severe punishment. They're worried about their ability to express their viewpoint in disagreement with their government, and the fact that they could end up tortured or killed without any due process of law.

Those are the things, based on my experience talking to Iranians, that they worry about, not the nuclear question.

Again, I think we need to address both, but I think you were right to point out that there is a substantial disconnect internationally between the focus on the nuclear question and the human rights questions.

The Chair: Thank you very much.

That, unfortunately, uses up the available time.

I'm most grateful to all of our witnesses for having come. It's very much appreciated.

At this point, I'm afraid I have to adjourn the meeting.

Thank you.

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