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Chair

Mr. Scott Reid

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

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●(1305)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): I call to order this 12th hearing of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development on December 1st, 2011.

[English]

Pursuant to Standing Order 108(2), we are studying the situation in Camp Ashraf in Iraq.

We have before us as witness today Michael Mukasey. I can truly say in this case there is no need for an introduction, and given that we are already running behind, I won't offer one.

It is a great honour to have you here, sir. We appreciate the fact you're able to take time out of what must be a very busy schedule. I'll simply turn things over to you to give us your thoughts. Afterwards we'll begin a round of questions.

Mr. Michael B. Mukasey (As an Individual): First, I'm grateful to the committee and the subcommittee for hearing me on this issue.

Obviously, I don't know what proceedings you've had with respect to Ashraf up until now, but I will begin by stating that there are approximately 3,400 women and men in Camp Ashraf. They are Iranians, members of an organization called MEK, Mujahideen-e-Khalq, who are opposed to the current Iranian regime and have opposed it consistently. MEK favours a democratic, secular, non-nuclear Iran, and their members have been persecuted, killed, and imprisoned under the current regime.

They are living in a camp in Iraq called Ashraf. They said they fled Iran. They are living in that camp, and they are now under a deadline of December 31 imposed by the Iraqi government, acting quite obviously at the behest of the Government of Iran. That deadline is to either send them back to Iran, relocate them to other countries, or relocate them elsewhere in Iraq.

Although they have been designated by the UNHCR as asylum seekers, the Iraqi government has interfered with the ability of officials to get into the camp and interview them individually to find out their eligibility for refugee status, and so they are in a kind of limbo.

The camp has been attacked twice by Iraqi troops within the last two years, once in 2009 and once in April of this year. They shot

people in cold blood. There is a tape made from various telephone camera transmissions from within the camp. It's a shocking scene. It shows Iraqi troops shooting these folks, women and men, in cold blood, running them down with military vehicles. They are unarmed. They had weapons to defend themselves, but they voluntarily surrendered them in 2003 when the coalition invaded Iraq. They received a written guarantee from a U.S. general acting on behalf of the coalition that they would be treated as protected persons under the Geneva Conventions. They were then screened individually by representatives of the FBI and the Justice Department of the United States, both of which found that none of them had any terrorist background or leanings.

Although the EU had them on a list of terrorist organizations for a while, it has taken them off. The United Kingdom has done the same. Unfortunately, though, the United States continues to list them as a terrorist organization. That listing has been challenged in court. A United States court has told the State Department that the public record does not contain enough evidence to consider them a terrorist organization. Nevertheless, the State Department hasn't acted to remove them from their list.

What is urgent now is that they are facing this December 31 deadline, after which the Iraqi government has made it clear that they will do again what they did back in 2009 and in April of this year, which is to go in there with troops and kill people wholesale. Either that or they will redistribute them within Iraq to locations where they can be disposed of out of sight of the international community.

I and others who have come to recognize this problem have taken up their cause. We have been trying to get governments everywhere to recognize the crisis and to act. Sympathizers include many former officials of the United States government, such as Louis Freeh, the former head of the FBI; Tom Ridge, the first Secretary of Homeland Security and the former Governor of Pennsylvania; and two former directors of the CIA.

●(1310)

The December 31 deadline is entirely arbitrary. It is certainly not based on anything the residents of Ashraf have done or intend to do, but has simply been imposed by the Iraqi government.

I can stop or pause here if you like and simply take questions, which might help flesh out the situation. It will allow me to not talk about things you already know.

The Chair: That might be a very good idea.

I very much appreciate your cooperation on that matter. We have had some very verbose witnesses at this committee. As a rule, the less they have to say, the longer they take to say it; and the more they have to say, the less time they require.

We'll have a round of questions. I estimate we can get away with seven minutes for each question and answer, as long as we police it tightly.

We will begin with the government side and Mr. Hiebert, please.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Mr. Mukasey, for providing some testimony about this situation.

I'm slowly becoming more and more aware of the history behind this, but I'd like you to summarize for us why this issue has occurred. I just stepped into the room when you were talking about the persecution of the people at Camp Ashraf. They were gunned down and driven down.

What's the animosity behind this situation? I'm sure that will go a long way toward helping us address how to resolve it in the future. I'd also be interested in knowing what we as a government or a country can do to assist in resolving this problem.

• (1315)

Mr. Michael B. Mukasey: The animosity underlying it is traceable entirely to the Iranian government. It has increasingly pressured the al-Maliki government to dispose of these people who are, in essence, a bone in their throat. They've been there for a while. They call attention to themselves. They call attention to the depredations of the Iranian government.

The Iranian government has quite openly pressured the Iraqi government. Various Iraqi officials have travelled to Tehran. There are communications between the Iraqi government and the Iranians that have been documented, indicating that the Iranian government wants the presence of these people ended. That's really the source of the problem.

Mr. Russ Hiebert: Is the solution negotiating with Iraq to extend the length of time they're allowed to stay in the camp? Is it redistribution through the United Nations?

Mr. Michael B. Mukasey: It's all of the above. I think the first order of business is to extend the deadline. There is no reason for the deadline, other than a decision by the Iraqi government that it's the deadline. Second is for United Nations blue helmets to be in place in Ashraf so that the Iraqi government doesn't go in there again, as they did on two prior occasions. Third is to process these people in an orderly fashion for resettlement in other countries.

I should tell you that part of my list of things to do includes what my own country has to do, which is to get them off the list of foreign terrorist organizations. That would help resettle some of them here in the United States.

But certainly, delay and defending them are the first orders of business.

Mr. Russ Hiebert: Why are they listed as a terrorist organization?

Mr. Michael B. Mukasey: They were listed initially as a terrorist organization back in the 1990s, essentially as a sop to the Iranian

government in the belief that it would help the U.S. government curry favour with the Iranians. They had taken violent action against the Shah's government back in the seventies. The Clinton administration first put them on the list really as a bargaining ploy to engage the Iranian government.

The administration in which I served kept them on the list—and this is according to Frances Townsend, who was the President's national security advisor—out of fear that if they were taken off, the Iranians would start sending IEDs into Iraq to kill U.S. troops. Of course, they started doing that anyway, so that strategy didn't work. But that really is the story of their being on the list initially and staying on the list.

Mr. Russ Hiebert: If that's the case, then there's no real basis at this point for keeping them on the list. From what we can see, our government, your government, and other governments are not at the present time trying to curry favour with Iran. In fact, we're increasing sanctions.

Is there any other reason you can think of that this continued listing would persist, or does trying to appease the Iranians sum it up?

Mr. Michael B. Mukasey: I think that pretty well sums it up. A U.S. court told the State Department that it had examined the reasons the State Department have given in litigation on the issue and found them inadequate. That happened a year and a half ago. They told the State Department to reconsider or get them off the list. So far, the State Department hasn't done anything.

Mr. Russ Hiebert: Is the Iraqi government still subject to the influence of Iran? We've seen a liberation occur in the nation over the last number of years—but of course they are neighbours. So to what degree can we try to influence that relationship? We don't have the proximity that Iraq has to Iran, and perhaps even the trade that Iraq has with Iran. What leverage do we have?

Mr. Michael B. Mukasey: Well, you have access, as does the United States, to international organizations, including the United Nations and the High Commissioner for Human Rights, to pressure the Iraqis, even to put the matter before the Security Council if necessary so as to interpose an armed force and prevent any further carnage.

The Maliki government, I would think, is subject to pressure from the United States, and I would hope that my own government would act in a way that's consistent with my remarks here.

• (1320)

Mr. Russ Hiebert: Do you have any reason to believe they will act in that regard?

Mr. Michael B. Mukasey: The only reason I have to believe so is that numerous members of Congress, on both sides of the aisle, Republicans and Democrats, as well as many former officials of both Republican and Democratic administrations, have lined up and urged them to do so. With that much attention being drawn to the issue, I'm at least moderately hopeful.

Mr. Russ Hiebert: What kind of extension would be needed to properly resettle the people in the camp right now? Extending it three months probably wouldn't be enough. Do we need the year? Do we need more than a year?

Mr. Michael B. Mukasey: I think we need to extend it for a year, at a minimum, and then start the process. That will tell us how quickly they can be processed and interviewed. But if the Iraqis impede the process, then any extension is going to be insufficient.

You need an extension. You need to start the process of interviewing them, considering them for resettlement in other countries. When we see how that process goes, we will then become aware of how long it's going to take.

But the Iraqis have not let that happen up until now.

Mr. Russ Hiebert: That was going to be my next question: why hasn't the resettlement process been initiated thus far? You're saying that Iraq has prevented it.

Mr. Michael B. Mukasey: Yes. They've interfered with the ability of people who would conduct these interviews to get into the camp and do it.

Mr. Russ Hiebert: All right. So you're saying they don't want these people to be resettled; they want to eliminate them, at the request of the Iranian government. They're preventing—

Mr. Michael B. Mukasey: They don't want them to be resettled in other countries. They want them either to be sent back to Iran, or resettled around Iraq in other locations such that they are out of sight and can be dealt with in the summary fashion they were dealt with back in April and in 2009.

Mr. Russ Hiebert: Basically there are two death sentences they're considering for these individuals. They don't want them to continue speaking out through other avenues in other parts of the world.

Mr. Michael B. Mukasey: Correct, I couldn't have put it better.

Mr. Russ Hiebert: That's fine.

The Chair: Mr. Marston, please.

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

I'm very pleased to have you with us today, sir. Listening to your commentary, it is very clear, as Mr. Hiebert just indicated, that there's a death sentence over the heads of these folks. If we don't have a physical presence of some sort to protect them, I don't care how long we extend the date, they're at risk of being murdered.

I want us to start talking in very plain terms here, because I think that is the outcome. If you get an extension without protection, you're going to have Iraqis go in there and there will be a slaughter.

I want to go back for a moment. Like everybody else, it's a great concern that they haven't been delisted by the U.S. That is almost shocking to hear, sir, with the amount of intervention that's gone on.

I have a question. The MEK, in 1979, were part of the revolution. The fact they were Marxist-Leninists or Marxists and that feminists are involved, and that the revolution was more or less hijacked by the clerics, do you think to this day that's probably the reason Iran itself wants them eliminated even to this day.

Mr. Michael B. Mukasey: I cannot get into the minds of the mullahs. I know what they stand for today.

The MEK's leader is a woman who has an enormous amount of appeal. The very fact that she is a woman, I think, is an affront to

them. She has articulated that what they want is a democratic, secular, non-nuclear Iran, with equal rights for women.

Every single one of those cuts directly against the central tenets of the current Iranian regime.

Mr. Wayne Marston: In essence, I think in essence that would apply to the Iraqis as well. I think that is probably a reasonable guesstimate as to why the Iraqis are supporting Iran.

The other thing I was thinking of is that you may have a tribal connection between Iraq and Iran, through the Shiites, which might have a part to play in it.

● (1325)

Mr. Michael B. Mukasey: These folks are Shiites, too.

Mr. Wayne Marston: The ones in the camp?

Mr. Michael B. Mukasey: Yes. They are Shia Muslims.

Mr. Wayne Marston: It sounds like we're back to politics. The risk that the Government of Iran sees is that if it had these people are connected back to Iran—especially if this woman is the dynamic leader you're talking about—they could be used to affect the regime in one way or another, or even to bring it down eventually.

Mr. Michael B. Mukasey: Correct, because that is their goal. Their goal is regime change. They're not at all bashful about saying so.

Mr. Wayne Marston: It strikes me as stranger still that the U.S. wouldn't have these people delisted. The case has been made in the courts, the case has been made in Congress, the case has been made across the aisles, as you indicated. It becomes even more baffling why the U.S. wouldn't do this.

Getting away from that for a moment, you've made a couple of suggestions on what could be done by Canada. Do you have any specific recommendations, beyond what you've already stated to this committee, on what we could be doing?

Mr. Michael B. Mukasey: It's difficult for me to make specific recommendations, because I am not as familiar perhaps as I should be with the various options open to you. I know Canada is a member in good standing in the same international organizations that the United States is. I would simply hope that Canada would be more active, candidly, than we have been in pressing the case in those organizations and using its influence.

Mr. Wayne Marston: Canada has good influence through the Commonwealth as well, and if Britain is on side...it just sounds like the only barrier to some action here is the U.S. itself.

Mr. Michael B. Mukasey: Correct. I don't know if it's the only barrier, but it's certainly a barrier. The Iraqis obviously present a more direct barrier, but that barrier could be cleared if others were cleared.

Mr. Wayne Marston: Has the administration in the U.S. been vocal on this at all?

Mr. Michael B. Mukasey: They've been very quiet. This issue has come up at the oversight hearings of the Secretary of State, and all she has said is that we're looking into the issue.

Mr. Wayne Marston: I think I've run out of questions, Mr. Chair. It's just astounding this situation.

Thank you, sir.

The Chair: Mr. Sweet, you're next.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you very much, Mr. Mukasey, for taking the time to brief us on what you know of the situation. I think I can speak for most of my colleagues that there's absolutely no positive feelings toward the Iranian regime and what they've perpetrated not only on their own people but also by exporting terror and many other things. We've heard from witnesses here at this committee regarding a fourfold threat that Iran poses to the world.

I want to ask a few questions to get some more background on this. The Iraqi government is giving a different picture on this, which you might guess.

How far is Camp Ashraf from the Iraq–Iranian border?

Mr. Michael B. Mukasey: It's my understanding that it's fairly close. I don't know the precise number of miles, but it's not all that far. As I understand it, it's in the Diyala province.

Mr. David Sweet: From my understanding too, it's very close.

I wanted to ask—because you've mentioned some intelligence that you had access to—are you certain that all of this issue is because of Iranian manipulation of the Iraqi government, or is there some threat that you feel the Iraqi government feels as well, in this case posed by the Iranian regime?

Mr. Michael B. Mukasey: Obviously they feel a threat. Do the Iraqis feel a threat posed by the Iranian regime? I don't understand how they could not feel a threat, because they're right next door to them.

Mr. David Sweet: The reason I asked that question is that it gets to some motivations on how we can resolve this issue. To me, it's would be a bit different if there were complicit interactions because of some history. I think you're aware of some evidence that the MEK also dealt with the Saddam Hussein regime. At least that's what the Iraqi government is saying now.

I guess what I'm saying is this. Do you think the motivation is due to that history they claim, or is it due to a clear and present danger from Iran?

• (1330)

Mr. Michael B. Mukasey: I think it's due to a clear and present danger from Iran. I think the history they had with Saddam Hussein is an excuse, an argument. They may very well have cooperated with Saddam Hussein in his war against Iran.

On the other hand, if your country was taken over by the kind of people who were running Iran, you might very well cooperate with pretty much whoever was trying to undo them.

Mr. David Sweet: The point is taken.

You had mentioned about a year's extension. I guess with the situation of almost 4,000 people being that close to the border, we would be talking about some serious political will being required for a UN force strong enough to be able to maintain security there, in case there were some threat by Iran close by. I think the processing of that many people would take a good part of time, considering that

we're already talking about issues with countries that have them listed as terrorists.

Mr. Michael B. Mukasey: The principal country that has them listed as terrorists is the United States. There may be one or two others who do it because the United States does it. Once that barrier were cleared, then it would be a great deal easier for them to move.

Mr. David Sweet: Thank you very much, Mr. Mukasey.

Nina, do you have any questions?

The Chair: Ms. Grewal, please continue. You have about four minutes.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Chair.

Mr. Mukasey, is it true that in 2010 the U.S. gave the residents of the camp a written grant of protection until they could relocate safely somewhere else? What has become of that promise? Do you know anything about that?

Mr. Michael B. Mukasey: There was a letter written by a U.S. general guaranteeing that they would be treated as protected persons under the Geneva Conventions. They were each given identification cards issued by the United States.

What has become of the guarantee is that we have turned over control of security in that area to Iraq. The U.S. government now takes the view or expresses the view that this is an internal Iraqi matter and that it's a question of how Iraq exercises its sovereignty.

I think it's shameful, but that's what people are saying.

Mrs. Nina Grewal: Why does Iraq want Camp Ashraf closed by the end of the year? Could you be more specific on that?

Mr. Michael B. Mukasey: The end of the year is an entirely arbitrary date. I think they believe that if the date were extended, then it would be extended infinitely. They are being pressured by the Iranians to get those people out of there. So they have decided that's the date. They've drawn the proverbial line in the sand and that has become the date.

There is no outside event that has suggested, or propelled, or in any way recommended that date. It's simply been chosen arbitrarily by the Iraqi government.

Mrs. Nina Grewal: I understand that about one-third of Camp Ashraf residents want to return to Iran, where they have been promised amnesty. Is that correct?

Mr. Michael B. Mukasey: I don't know that to be the case. I don't know, if I were a resident of Ashraf, that I would be willing to rely on the promise of the Iranian government. That is something, it seems to me, to be sorted out by people interviewing them under circumstances in which they're free to talk and express their correct views.

It's one thing for them to be interviewed by Iraqi government officials, or by others in the presence of Iraqi government officials, and there's a question of how freely they might express themselves. I think they have to be questioned in a setting that allows them to be candid about where they really want to go.

Mrs. Nina Grewal: Thank you, Chair.

Mr. David Sweet: Is there any time left?

The Chair: No, but we're going to have another round of questions, Mr. Sweet.

Professor Cotler, please.

•(1335)

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

You basically summed up the situation effectively by saying, one, that we need to recognize the crisis that exists, and, two, that we need to act. You will find that, in this committee, we recognize not only the crisis but also the imminence of the crisis and the necessity to act.

You have identified four actions or initiatives that can be taken. One would be the extension of this arbitrary deadline. The second would be to place a protective force in Camp Ashraf. The third would be to process the Ashraf residents for resettlement, and the fourth would be getting them off the terrorist list.

I just might add parenthetically that they are also on the list as a terrorist entity here in Canada. I would like to think that we are sufficiently independent that we would make our own judgment to take them off the list, and not to have to await the United States making such a judgment in that regard.

Having prefaced these remarks, my question more specifically is how can we go about best implementing each of those four actions, given that, for example, on the extension of the deadline, Iraq shows no disposition to want to do so at this point?

In terms of putting a protective force in place, are you suggesting that this be done by way of a UN Security Council resolution, or that this could be done unilaterally by the U.S. pursuant to whatever moral and legal obligations it may have in that regard, or by a combination of EU, NATO, and the like? How does one process the resettlement if there may be a risk, as the UNHCR said, as to whether they can, in fact, undertake such resettlement—though they did do some of that in September?

Mr. Michael B. Mukasey: The answer to the question of how you put a force in place is yes to all of your alternatives. I think that all should be considered, and all should be acted on.

Insofar as getting them delisted, I would hope, as you said, that the Canadian government would make its own evaluation and, as the U.K. did and the EU did, determine that the designation is not warranted—and it wouldn't hurt to whisper in the ear of my own government that it is the case.

Hon. Irwin Cotler: Do you believe that the United States has a continuing moral or, I would even say, juridical obligation to the residents of Camp Ashraf? If they do have this legal obligation, on what basis does such an obligation exist, and how do you believe the United States can and should—I don't want to use the word "will", because you have already addressed that—act in order to implement such an obligation, alone, or in concert with others?

Mr. Michael B. Mukasey: It is a question, candidly, of there being national and international public pressure, because there is no forum, as you know, in which a government can be forced to do

something it doesn't want to do. But it can respond to the pressure, both moral and political, of other governments.

Hon. Irwin Cotler: I must say that I find it somewhat troubling—not only surprising, but troubling—given the distinguished personages in the United States who are involved in a security-related framework, who have knowledge of what's going on in Camp Ashraf, who had senior positions in the American government, who were former heads of Homeland Security, former commanders of the Ashraf area, former heads of the FBI, and you, as an Attorney General, that the government will not respond to such a repository of experience and expertise on what has to be done.

Mr. Michael B. Mukasey: Candidly, I'm at a loss, as well, which is why other and I are doing everything we can to talk to whoever will listen. There are some looming disasters that can't be prevented—earthquakes, floods, and the like—but there are some disasters that can be prevented, and this is one of them. We're trying to do everything we can to prevent it.

•(1340)

Hon. Irwin Cotler: How would one best put a protective force in place? I don't see how Iraq is going to retreat from its undertaking to abide by this arbitrary deadline. It seems a protection force is one of the most urgent things that needs to be put in place. If that were done, we could seek to implement the other options you addressed.

Mr. Michael B. Mukasey: The United States still has a military presence in Iraq and could be instrumental in putting such a force in place, whether by direct participation or through the use of its support facilities. My own belief—and this is easy for me to say, because I'm not directly involved in making the decisions—is that even if a relatively small force of UN blue helmets were put in place, the Iraqi government would feel reluctant to undertake any kind of forcible action.

I can't speak for the Iranians—that's a whole different thing entirely. As was pointed out before, this is relatively close to the border, but I don't think the Iraqis would take on the entire international community by assaulting a UN force.

Hon. Irwin Cotler: So we need a UN Security Council resolution to put such a UN force in place?

Mr. Michael B. Mukasey: I think we would.

Hon. Irwin Cotler: Do you think such a resolution would run the risk of a veto, or do you think that enough international mobilization could be brought to bear? It wouldn't require many members, and the imminence of a potential disaster ought to be compelling enough for the UN Security Council to act if the U.S., among others, would share that sense of commitment in crisis.

Mr. Michael B. Mukasey: Sir, you've just made my case.

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

The Chair: We'll go next to Mr. Sweet, but I want to ask a question if I might, Mr. Mukasey.

A United Nations force would effectively be serving as a combination of human shield and witness to anything that might be attempted. Would that be a fair assessment?

Mr. Michael B. Mukasey: That is a fair assessment.

The Chair: Thank you.

Mr. Sweet.

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

You mentioned a modest force. What would be the minimum force required for such an operation?

Mr. Michael B. Mukasey: I don't have a military background. I am repeating what I've heard from people who do have military training, including the U.S. colonel who was charge of the area before. He estimated a force of 1,000 to 1,500.

Mr. David Sweet: That would be strictly to keep them safe from the Iraqi forces, without taking into consideration reprisals that might come from Iran.

Mr. Michael B. Mukasey: I guess that's right, but you'd have to really talk to him about that.

Mr. David Sweet: I understand.

Do you know what access the United Nations now has to that camp?

Mr. Michael B. Mukasey: The United Nations has access pretty much at the will of the Iraqi government. But there has been some UN access, simply because the Iraqi government will not risk direct confrontation with the entire international community. They have allowed some people from UNHCR to go in, but they do it only on a very limited basis and under certain conditions. They've blocked the interview process. They've insisted that it take place outside Camp Ashraf at remote locations, and that's something that should not be done for security reasons, obviously.

Mr. David Sweet: I certainly agree with you on that. I was assured by the Iraqi Ambassador to Canada that the U.N. did have access, but now I see that it's one thing to have free and unfettered access, and another to have controlled access.

• (1345)

Mr. Michael B. Mukasey: Correct.

Mr. David Sweet: I know you've said that the United States government has been quiet on this. To your knowledge, has there been any communication, any undertakings by the U.S. government, to compel the Iraqi government to adopt a different understanding of when and how this should all play out, rather than at the end of December?

Mr. Michael B. Mukasey: I do not know. I know that Mr. Maliki is scheduled to travel here within the next two weeks, and I'm hoping this is on the agenda.

Mr. David Sweet: Thank you very much.

The Chair: Do you have anything else to say, Mr. Hiebert? Please continue.

Mr. Russ Hiebert: It's been stated that the MEK has been involved in terrorist operations against Iran, and against the Iraqi citizens in the past. Even at this table it's been mentioned that it worked in cooperation with Saddam Hussein and his former regime. That was some time ago, though.

The reason our government continues to have it on a terrorist list is that it believes there are reasonable grounds to believe it was knowingly involved in these kinds of activities in the past.

Do you believe it was engaged in these kinds of terrorist activities?

Mr. Michael B. Mukasey: You say "these kinds of terrorist activities". It's a very broad question.

I think MEK members were involved in some kind of activity against the Iranian government at some point. There's no doubt about that, but I can't speak to what kind. I know the standard under U.S. law is whether they have done anything within the last two years and whether they have the ability and inclination to act now or in the future. As to both of those questions, I'm quite confident the answer is no.

Mr. Russ Hiebert: Okay, that was going to be my next question. To what degree do you think they're a future or imminent threat?

Mr. Michael B. Mukasey: The best evidence of that is what they've done and what they've said. What they've done is to surrender all of the weapons they had, voluntarily, in 2003 and 2004. They had heavy weapons and they had light weapons, and they surrendered them in return for an assurance that they would be protected. They don't sound like a group of terrorists to me.

Mr. Russ Hiebert: Fair enough.

Mr. Michael B. Mukasey: I will tell you that the colonel who was in charge of that area said he felt that they were a friendly force, that he could rely on them, and that they helped U.S. troops in material ways.

Mr. Russ Hiebert: Some have said that they could not be classified as refugees; therefore, the UNHCR would not be in a position to help them transfer to other nations. How do you respond to that challenge?

Mr. Michael B. Mukasey: If you don't want to do something, you can always find all sorts of technical reasons for not doing it. The fact is that they are seeking refuge, and they are seeking refuge from their own government. I don't know of any better definition of a refugee than that.

Mr. Russ Hiebert: Those are all my questions. Thank you.

The Chair: Mr. Cotler has to leave early.

Do you have any further questions before you go, Professor Cotler? You're okay?

Hon. Irwin Cotler: Yes.

The Chair: In that case, we go to Mr. Marston and Madame Péclet.

Mr. Wayne Marston: Sir, one of the things that has troubled me for a while is the branding of groups as terrorists or not terrorists.

In Syria, the people who are rising up against the tyranny that's happening there are being called freedom fighters by some. Back in the 1979 revolution, we probably would have labelled this particular group as freedom fighters, trying to fight for a better government than what they had. When we listened to testimony from a variety of people—particularly in the notes that you have with you, sir—the same message is coming out that these people want a better government in Iran.

Here we have a situation where a label is being put on them. It takes me back to my days as a school board trustee. When a child was labelled as having a learning disability, a certain systemic thing kicked in that oftentimes worked to the detriment of the child. In the use of the terms “terrorist” or “terrorist organization”, we're seeing that happen. In this case, it's almost like some people are hanging their hat on that designation as an excuse not to take action on something that clearly needs action. I don't know what your reaction would be to that.

One of the things that also comes to mind is this. Of the 3,400 at the camp, how many are actually women and children? Do you know, sir?

• (1350)

Mr. Michael B. Mukasey: I don't believe there are any children. It's mostly men, but there are a substantial number of women. Of those who have killed—there has been a total of 54 people killed from 2009 to 2011—eight were women.

Mr. Wayne Marston: Another thing that occurred to me from this conversation today is this: In light of the elevated rhetoric about the situation in Iran—nuclear weapons and the potential for them—do you think there's any concern that putting a force in there that close to the Iranian border to protect them might be perceived by the Iranians as a provocation?

Mr. Michael B. Mukasey: There's little doubt that the Iranians would proclaim it to be a provocation, whether it were or not. Understand that this is a force in the territory of another country. Considering that a provocation, or, given the numbers, a threat, is objectively absurd.

Mr. Wayne Marston: I pass now to Ève.

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): I would like to know the official position of the UN on the situation. Do they have resolutions concerning the situation? Do they have a plan about what's going on?

Mr. Michael B. Mukasey: It's my understanding that the UN has neither resolutions nor a plan.

Ms. Ève Péclet: They said they want to close the camp. Do you know if a resolution will be put through the UN sometime near the end of...or not?

Mr. Michael B. Mukasey: I do not. My only contact at the UN was to meet with someone in the Office of the High Commissioner for Human Rights. I must say that did not go particularly well. He pretty much threw up his hands and said that the Iraqis were insisting on this deadline. There is very little we can do. The High Commissioner for Refugees has been a lot better.

Again, they need to get in and interview those people before they can be considered refugees. They are designated now as people who are seeking refugee status, which is rather different.

Ms. Ève Péclet: I'm sorry, but I'm not as fluent in English as in French. So I'm just going to try to translate what I have to say here.

The high commissioner says that the conditions existing in the camp do not offer the neutrality, confidentiality, or security context necessary to treat those demands. What is your opinion of that? What are those conditions? What measures are being taken by the Government of Iraq to facilitate those demands?

Mr. Michael B. Mukasey: It's hard to know what the commissioner... You're talking about the Commissioner for Human Rights?

Ms. Ève Péclet: No. The United Nations High Commissioner for Refugees, not for human rights.

Mr. Michael B. Mukasey: Okay. I don't know precisely. I think part of what that means is that the Iraqis are insisting on conditions for conducting the interviews that are simply not workable.

Ms. Ève Péclet: Do I still have a little bit more time?

• (1355)

The Chair: You do, yes.

Ms. Ève Péclet: Okay.

I was just wondering if the real reason is that it's an organization that's been labelled as a terrorist organization. I don't understand how there can be a reason not to intervene in a process like this? Is the only reason the United States is not intervening is that it is still labelled as a terrorist organization? Would that play into the United Nations' decision not to intervene or not to have any resolutions?

I'm just trying to understand the situation over here. It's labelled by the United States as a terrorist organization. It has been taken off the lists of England and Europe. What are the criteria for this labelling? Do you believe, listed or not, that this designation has anything whatsoever to do with whether the international community should intervene to assist those refugees or not?

Mr. Michael B. Mukasey: The answer to your last question is no, I don't think it has anything to do with that, given the fact there is no basis for listing them that way, as I said. The standard under U.S. law is that there must be evidence they have engaged in a terrorist act within the last two years, or that they currently have the inclination and ability to do so. There is no evidence that either of those is true.

As far as the question of intervention is concerned, the United States cites Iraq's sovereignty over that territory. That, in my view, should not defeat our own commitment, particularly given the fact that the Government of Iraq owes its existence to the United States.

The Chair: Before we go back to Mr. Sweet, who tells me he has one last question, I want to ask a further one relating to the definition you have provided from United States law on what qualifies as a terrorist organization.

Under Canada's Criminal Code, we use the term “terrorist entity” to take into account both organizations and less formally organized groups. I wanted to ask you—and I can guess what your answer will be, but I'd like it for the record—whether you think they fit this definition or not. To list a group as terrorist the government has to state that there are reasonable grounds to believe that:

(a) the entity has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity; or

(b) the entity is knowingly acting on behalf of, at the direction of or in association with an entity referred in paragraph (a).

Mr. Michael B. Mukasey: Again, with the history that I recited, the answer to that is no.

The Chair: Thank you.

Mr. Sweet.

Mr. David Sweet: I think this question is more for our analysts, Mr. Chair. The evidence here, and it's confirmed, is that the U.K. has delisted them as a terrorist organization.

How many countries currently hold this group on a terror list of some sort?

Mr. Michael B. Mukasey: It's the United States, and the only other country of which I'm aware is Australia. I think the only reason they do that is because the United States does it.

The Chair: I know Canada does as well, which is why I asked you that question, because this is something that relates to our law. Presumably for us to take domestic action, we're going to need to deal with that fact.

That was it, Mr. Sweet?

Mr. David Sweet: That's it. Thank you.

The Chair: Mr. Hiebert, are you done too?

In that case we've come to the end of our questions, Mr. Mukasey. Did you have anything you wanted to say in conclusion?

Mr. Michael B. Mukasey: No. I simply want to express my gratitude to the committee and its members for hearing me today and considering this issue.

The United States Congress, and certainly the foreign affairs committee of the House of Representatives, before which I've testified, has also heard testimony on this issue and has very much the same reaction that the members of this committee appear to have. I'm hoping that decent people in both countries can ultimately prevail, and I thank you for hearing me in that spirit.

The Chair: We thank you very much as well.

Mr. Sweet, on a separate note, did you want to say something?

Mr. David Sweet: Thank you very much, Mr. Chair.

I just wanted to make sure that we had agreement to bring the departmental officials to next Thursday's meeting regarding this same issue.

The Chair: We have agreement. We'll try to bring them.

The meeting is adjourned.

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