Iran Accountability Week

Testimony before the Canadian Standing Senate Committee on Human Rights

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Introduction:

Chairman Munson, members of the committee, thank you for inviting me to appear before this distinguished committee. I applaud the Canadian Parliament for the annual Iran Accountability Week, an important series of events to draw attention to Iran's deplorable record of human rights violations, support for terrorism, and regional aggression. I had the honor of testifying during the last four years, and I've had the privilege of working with former Member of Parliament and Minister of Justice Irwin Cotler. Professor Cotler is an essential voice, speaking for oppressed people around the world.

Some had anticipated that with the election of President Rouhani, real change on the human rights front would occur. Moreover, they hoped that the Iran nuclear deal would be the first step in bringing Iran into the community of nations that respect international norms. But neither Rouhani's election nor last summer's nuclear agreement between Tehran and the P5+1 addressed the full range of Iran's illicit activities, including ballistic missile development, support for terrorism, regional destabilization, and systemic human rights abuses. In fact, the situation has worsened.

The Joint Comprehensive Plan of Action (JCPOA) is a fundamentally flawed arms control agreement because it provides Iran with a patient pathway to a nuclear weapons capability by placing only limited, temporary, and reversible constraints on Iran's nuclear activities in exchange for substantial sanctions relief. Tehran has to simply abide by the agreement to emerge as a threshold nuclear power with a strong economy. In a little more than a decade, Iran can have an industrial-size nuclear program with intercontinental ballistic missile capabilities, access to heavy weaponry, an economy immunized against sanctions pressure, and a more powerful regional position from which it can continue its destabilizing and aggressive behavior.

Nor does the nuclear agreement wipe clean Iran's record of systemic human rights abuses. Even as international businesses re-enter the Iranian market, the regime continues to oppress its citizens and deny their basic human rights. The regime seems to hope that the promise of profits will blind the international community to Iran's vast system of domestic repression. As Iranian officials attempt to whitewash their government's actions to gain international legitimacy, it is critical that the international community continue to monitor the human rights conditions in Iran and to use all its leverage to protect the basic human freedoms of all of Iran's citizens.

Iran's Record of Human Rights Abuses

When President Rouhani was elected in June 2013, there was a widespread, but incorrect, assumption that he would shepherd in an era of greater freedoms in Iran. Instead, however, domestic repression has intensified. As United Nations Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran Dr. Ahmed Shaheed reports, despite a "noticeable change in the tone and tenor of the government's approach to human rights," there has been no "meaningful change on the ground." I know that Dr. Shaheed will be testifying before this committee later this afternoon. The work he does is vital, and I know he will provide this committee with crucial information.

The Islamic Republic commits serious human rights abuses, including limiting freedom of expression and the press; engaging in arbitrary detention and torture; and discriminating against women, ethnic, and religious minorities, and other vulnerable populations.² The regime reigns over its citizens using repression and violence to rule through fear.

In the wake of the nuclear deal, the human rights situation in Iran has deteriorated even further.³ The regime is suppressing internal dissent, and the Islamic Revolutionary Guards Corps (IRGC), the praetorian guard, has arrested hundreds of activists, journalists, and regular citizens in what human rights experts call the "largest crackdown since the violent state suppression" in 2009.⁴

Juvenile Executions: Last year, Iran executed a record number of prisoners, at least 966 individuals (including 16 juveniles), the majority of whom were convicted of drug-related crimes.⁵ Amnesty International published an exhaustive study on juvenile executions in Iran noting that the country is "one of the world's last executioners of juvenile offenders." The report "debunks recent attempts by Iran's authorities to whitewash their continuing violations of children's rights." Amnesty International observed that Iran's legal codes allow girls as young as nine and boys as young as 15 to be sentenced to death after "unfair trials, including those based on forced confessions extracted through torture and other ill-treatment."

As of January 2016, 161 juvenile offenders were sitting on death row. Two were executed in October 2015. Their stories need to be told. Samad Zahabi was secretly hanged without notifying his family or his lawyer of the impeding execution. At the age of 17, he was sentenced to death for murder, an act which he claimed was unintentional and in self-defense, and he was never informed of his right to judicial review. Fatemeh Salbehi was hanged for the murder of her husband, whom she was forced to marry at the age of 16. Her trial was flawed to say the least: there was no judicial consideration of the domestic abuse Salbehi suffered, and she confessed under duress. UN Special Rapporteur on extrajudicial, summary or arbitrary executions Christof Heyns put it best: "These are unlawful killings committed by the State, the equivalent of murders performed by individuals. These are profound tragedies."

Rights of Children: The brutal death of a six-year-old Afghan refugee in Iran last month shed a light on the violence and daily discrimination that refugee communities experience. ¹² Migrant and refugee children, children of religious and ethnic minorities, and children of the LGBT community are vulnerable to abuses, including violence and state-sanctioned discrimination. ¹³ Girls are particularly vulnerable to sexual abuse because the legal age of marriage for girls is

only 13, and girls as young as nine can be married with permission of the court and their fathers. Hearlier this year, the United Nations condemned Iran for an increasing number of forced marriages, which place young girls at risk of "sexual violence, including marital rape." The UN Committee on the Rights of the Child said that Iran's legal provisions "authorize, condone or lead to child sexual abuse." 15

Religious Freedom: For nearly two decades, the U.S. State Department has designated Iran as a "country of particular concern" under the International Religious Freedom Act (IRFA). ¹⁶ Earlier this week, the United States Commission on International Religious Freedom published its annual report, finding that religious freedom conditions in Iran "continued to deteriorate" over the past year. ¹⁷ This independent, bipartisan government commission notes that the number of individuals imprisoned for their religious beliefs has increased, and the government "continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused." The report also finds that the Islamic Republic uses "religious laws to silence reformers, including human rights defenders and journalists, for exercising their internationally-protected rights to freedom of expression and religion or belief." ¹⁸

Freedom of the Press: Yesterday, May 3, was World Press Freedom Day. Iran "celebrated" last week by sentencing four journalists working for reformist newspapers to a combined 27 years in prison. Afarin Chitsaz, Eshan Manzandarani, Davood Asadi, and Eshan Safarzaiee were arrested by the IRGC in November on trumped-up charges of acting against the national security of the state. According to Dr. Shaheed, at least 47 journalists and social media activists were in prison as of January, and nearly 300 internet cafes were closed in 2015. For the past six years, Iran has ranked in the top three of the world's worst jailers of journalists and in the top ten most censored nations, according to the Committee to Protect Journalists (CPJ). Iran engages in censorship and "uses mass and arbitrary detention as a means of silencing dissent." In short, the CPJ observes, "the situation for the press has not improved under Rouhani."

Expectations were misplaced that President Rouhani would improve the human rights situation. When he was elected, he was hailed as a man of the system who nevertheless wanted to make fundamental changes that would gradually bring greater freedom to Iranian society and politics. This assessment ignores the evidence. In 1999, he supported crushing student protests and called for the execution of those agitating for greater freedom.²³ Last year, my colleagues at the Foundation for Defense of Democracies conducted an in-depth study of his writings, speeches, and autobiography. Their research revealed that his "politics aren't reformist"; his priority is to "ensure the regime's continuing dominion." He is "a founding father of Iran's theocracy and its nuclear-weapons program" and has "arduously and vengefully worked to see the revolution succeed."²⁴ Or, as former Undersecretary of State and U.S. negotiator in the Iran talks Wendy Sherman explained, "There are hardliners in Iran, and then there are hard-hardliners in Iran. Rouhani is not a moderate, he is a hard-liner."²⁵

Iran's human rights violations and crimes against humanity in Syria

Iran's support for Syrian President Bashar al-Assad reached new levels in the last year, including the provision of IRGC ground forces, weaponry, intelligence, telecommunications, and financial

support.²⁶ Through this support, Iran has allowed Assad to remain in power, bombing civilians with impunity, reportedly causing more than 470,000 deaths,²⁷ and creating millions of refugees who have fled to Europe and neighboring Middle Eastern states.

A recently published report by Naame Shaam, a group of Syrian and Lebanese activists and citizen-journalists whose reporting focuses on the role of the Iranian regime in Syria, finds that Tehran initially entered the fray to prevent its ally, the Assad regime, from collapsing but has effectively become an occupying force in the regime-held areas of Syria. The Syrian regime itself is "little more than a puppet" of the Iranian regime and the IRGC.²⁸

Moreover, Shiar Youssef, the author of the report, noted that there is "sufficient evidence to try the Iranian regime's military and political leadership for complicity" in war crimes and crimes against humanity. "The only thing missing is the political will in the White House and in the European Union to do so," he added.²⁹

The report analyzes Iran's role creating and organizing the *shabbiha* force, and quotes Assad's cousin Rami Makhouf explaining that the paramilitary force was established "to do the 'dirty work' of the regime to counter the anti-regime protests." As early as May 2012, U.S. officials noted that the *shabbiha* forces "clearly reflect the tactics and the techniques that the Iranians use for their own suppression of civil rights." When the U.S. sanctioned the militia in December 2012, the U.S. Treasury noted that the IRGC has "provided training, advice, and weapons and equipment" as well as "funding worth millions of dollars" to these forces. 32

The *shabbiha* are responsible for "finding, torturing or killing" anti-regime activities, and "[t]here have been numerous reports about *shabbiha* force members looting houses and setting them on fire; about them destroying entire villages and raping, torturing and slitting the throats of inhabitants suspected of opposing the regime," Naame Shaam finds. Vividly, Naame Shaam provides disturbing details of the alleged war crimes committed by *shabbiha* members, noting that these forces are known for, and may even be encouraged to, loot and rape. The report quotes a captured *shabbiha* member admitting to raping a woman and stating, "My commander raped many times. It was normal."³³

The report notes that "thanks to Sepah Pasdaran [another name for the IRGC] and Hezbollah Lebanon," these *shabbiha* forces have become the combatants on the ground while the Syrian army plays a "logistical and directive role." Iran is responsible for the actions of the *shabbiha* forces because it has helped set up, train, and arm "one of the most notorious militia forces that has been responsible for war crimes and crimes against humanity committed in Syria," Naame Shaam concludes. Additionally, top IRGC commanders in Syria as well as IRGC Quds Force commander Qassem Solemani and Supreme Leader Ali Khamenei "should also be implicated in the[se] crimes ... because evidence suggests it was with their full knowledge and complicity, if not their direct orders, that these crimes were committed," argues Naame Shaam. 35

The lifting of sanctions that were part of the nuclear deal with Iran provides the regime more financial resources to pursue these malign activities and to support the Assad regime's brutality in Syria.

Corruption and Sanctions Relief

Earlier this spring, Iran held a parliamentary "selection." I use this term rather than "election" because the Guardian Council, which vets candidates for Iran's deeply flawed and undemocratic elections, disqualified 99 percent of all reformist candidates. Simultaneously, Iran held "elections" for the Assembly of Experts, which picks the successor to the Supreme Leader. The Council again disqualified 80 percent of the candidates. The vast majority of those disqualified in both cases were self-described moderates and reformers, although all were committed to the unquestioned rule of the theocrats. Real reformists – those who want to make political and social change – are excluded from the political system. Many did not even try to register, and the most prominent remain under house arrest, in jail, or in exile. After the disqualifications, the self-styled moderate camp was forced to add notorious hard-liners to its ticket to have a full slate. Hard-liners do not become moderates simply by being included on an election slate, and yet, the narrative persisted that Iranian moderates somehow won the election. Supreme Leader Ali Khamenei explicitly rejected the very idea of moderate vs. hard-liner: politicians can be pragmatic as long as they remain faithful to the revolution.

We are now witnessing a consolidation of the regime's power as it reaps the spoils of the nuclear agreement without changing its malign behavior. Even as Iran has temporarily suspended some of its nuclear activities, the regime continues to engage in ballistic missile activities in violation of UN Security Council Resolution 2231 and in weapons proliferation, support for terrorism, and regional aggression in violation of U.S., Canadian, and European laws.

Some argued that sanctions relief as a result of the deal would benefit Iranian society, but early reporting revealed that "the only deals being struck have been with state-backed conglomerates." The IRGC is a dominant force in the Iranian economy, and Iran's "most powerful economic actor," according to the U.S. Treasury. Experts estimate that the IRGC controls around 20-30 percent of the Iranian economy. Rather than benefitting independent Iranian businesses and the average Iranian, sanctions relief is strengthening the control of the Supreme Leader, IRGC, and the state in key sectors of Iran's economy.

This should be expected in a country that is a hub of corruption and kleptocracy. Iran's Supreme Leader himself controls a "shadowy network of off-the-books front companies," according to the U.S. Treasury Department. Transparency International ranks Iran 130 out of 168 counties on its corruption perception index, and the Basel Institute on Governance ranked Iran as the worst country in the world with regard to risks from money laundering and terrorism financing in its annual Anti-Money Laundering Index report. As recently as February 2016, the global anti-money laundering and anti-terror finance standards body, the Financial Action Task Force (FATF), warned that Iran's "failure to address the risk of terrorist financing" and its anti-money laundering and counter terror finance deficiencies pose a "serious threat ... to the integrity of the international financial system."

Corruption and kleptocracy are not just financial transparency issues but are also human rights issues. Corruption is the reason many authoritarian leaders seize and cling to power. It is the glue that holds their regimes together, giving dictators spoils to distribute. As U.S. Assistant Secretary of the Treasury Daniel Glaser noted, corruption "stifles economic development, impairs

democratic institutions, erodes public trust, and impairs international cooperation ... [and] creates space for criminals to flourish."⁴⁸ In Iran, these criminals are not only traditional thugs, but state-sponsored human rights violators.

Recommendations

The Joint Comprehensive Plan of Action has turned Iran from a nuclear pariah to nuclear partner without requiring Iran to come clean on its decades-long track record of nuclear mendacity. The December 2015 International Atomic Energy Agency decision to "close" the file on outstanding concerns about the possible military dimensions of Iran's program⁴⁹ means that, without ever admitting to weaponization activities, Iran has convinced the international community to wipe its slate clean.

These schemes continue. With recent reports that Iran exceeded limits on its heavy water production⁵⁰ and worked out a deal to sell 32 tons to the United States,⁵¹ Iran has created a clever plan: Produce too much heavy water so as to break the nuclear agreement, then get the United States to pay Tehran to get rid of it so that it can continue to produce an essential element for a plutonium-bomb making capability. This is of particular concern as the key restrictions on Iran's nuclear program, including on both its uranium and plutonium paths to a bomb, begin to sunset during an eight- to fifteen-year period.

We also are witnessing Iran's attempts to play the same game with the international financial and business community. Tehran is coupling a denial of its illicit financial activities with demands for more and more concessions. The government has mounted a full-court press to persuade the global financial community to overlook its long rap sheet of financial crimes⁵² and to persuade the United States to green light Iran's access to U.S. dollar transactions,⁵³ an action which would go beyond the sanctions relief promised by the nuclear agreement.⁵⁴

Iranian Central Bank Governor Valiollah Seif has publicly criticized the U.S. for "not honor[ing its] obligations" and explicitly called for the U.S. to change its laws to allow Iran to access the U.S. financial system.⁵⁵ Deliberately sidestepping Iran's record of illicit financial activities, he and Foreign Minister Javad Zarif dismiss concerns about Iran's support for terrorism and provocative ballistic missile launches.⁵⁶ The Supreme Leader has accused the United States of scaring business away from Iran and creating "Iranophobia."⁵⁷ Step-by-step, Iran is trying to legitimize itself in the global business community without changing its financial practices.

Iran will follow the same strategy in the human rights arena. As the United Nations renewed Dr. Shaheed's mandate to investigate human rights abuses,⁵⁸ Iranian Foreign Ministry Spokesman Hossein Jaberi Ansari called his reporting "biased," "discriminatory," and "subjective and unbalanced." Instead, Ansari contended, human rights can only improve through cooperation and dialogue – in other words, Iran is looking to negotiate away the international community's concerns about its widespread human rights abuses.

Instead, the world needs to hold Iran accountable. Legitimacy cannot be granted without a dramatic change in the Islamic Republic's respect for the freedoms and human rights of its

people. Canada – working with U.S. and EU partners – can lead the moral charge, as it has done in the past, while also increasing pressure on the regime to change its behavior.

1. Impose human rights sanctions on Iranian state organs responsible for institutionalized human rights abuses.

Ottawa should impose human rights sanctions on state organs responsible for institutionalized human rights abuses as well as any and all individuals who work for these state organs. Canada should target the people, companies, and sources of revenue that facilitate and embolden Iran's vast system of domestic repression and single out institutions, such as prisons or military bases, at which abuses like torture and arbitrary detention occur. Many of these, including the notorious Evin prison's Ward 2A for political prisoners, ⁶⁰ are controlled by the Revolutionary Guards.

2. Amend the Special Economic Measures Act regulations on Iran to include systemic human rights abuses and designate the IRGC as a terrorist entity under the Criminal Code.

In previous testimonies, I recommended that Canada amend its Special Economic Measures Act (SEMA) regulations on Iran. SEMA enables the Canadian government to impose sanctions if there is a situation that constitutes a grave breach of international peace and security. With respect to Iran, this has primarily focused on nuclear and missile proliferation. In the wake of the nuclear agreement, there has already been a serious weakening of these sanctions. I would caution, however, that Iran's missile activities, sponsorship of terrorism, and human rights abuses all continue to pose a threat to international peace and security.

Human rights abuses by the Iranian regime fulfill the basic criteria under section 4(1) of SEMA, which has already been used to sanction human rights abuses by Syria's Assad regime and its supporters (May 24, 2011),⁶¹ by the government of Zimbabwe (September 4, 2008),⁶² and by the government of Burma (December 13, 2007),⁶³ among others.

In December 2012, the Government of Canada added Iran's Quds Force, the overseas terrorist arm of the Islamic Revolutionary Guard Corps, to the list of terrorist groups under Canada's Criminal Code. This was an important step in recognizing the IRGC's threat to international peace and security. As I urged in prior testimony, the Government of Canada should take the next logical step and designate the IRGC in its entirety under SEMA for its role in violating the human rights of the Iranian population, and under Canada's Criminal Code for its terrorist operations. The Government of Canada should follow the leadership of the Obama administration, which designated the IRGC in its entirety for human rights abuses under Executive Order 13553 in June 2011 and in April 2012 under Executive Order 13606. 65

3. Establish linkage between further nuclear concessions and Iran's human rights record.

The Government of Canada should build on its global leadership on Iranian human rights issues by establishing the importance of linking any further nuclear-related concessions to Iran with an improvement in Tehran's atrocious human rights record. During the Cold War, Western

negotiators linked certain arms control agreements with the Soviet Union to demands for Moscow's adherence to human rights under the civil rights portion of the 1975 Helsinki Accords. The JCPOA did not require Tehran to make any improvements in its human rights record. This is a mistake: It will be much easier to monitor Iran's nuclear program in a relatively freer and more transparent Iran.

4. Monitor Iran's activities in Syria:

Canada should closely monitor Iran's activities in the following areas: provision of arms, financial support, intelligence sharing, military support, and IRGC and foreign fighter deployments. Canada should work with the U.S. Treasury to report on Iran's financial, technological, and material support to the Assad regime, including energy credits, loans, cash, and all other financial assistance. These reports will help inform the international community of the depth of Iranian involvement in Syria and provide the basis for additional U.S. and Canadian designations.

5. Punish IRGC Quds Force commander Qassem Soleimani

Since the nuclear deal was reached, IRGC Quds Force commander Qassem Soleimani has traveled to Moscow reportedly multiple times to coordinate Iranian and Russian actions in Syria. This trip, as well as his travel to Iraq and Syria to coordinate Iran's efforts, violates United Nations sanctions. UN sanctions against Soleimani are scheduled to remain in place for another eight years under the nuclear agreement, but there has been a notable lack of enforcement. Canada should call on the United Nations to punish Quds Force leader Qassem Soleimani for violating its 2007 travel ban.

6. Take action to limit foreign fighters in Syria

In a report earlier this year, my colleague at the Foundation for Defense of Democracies Max Peck examined the expanding role of Iranian proxy militias in the civil war in Syria, detailing the deployment of Lebanese Hezbollah, Iraqi Shiite militias, as well as Afghani and Pakistani brigades. Greater intelligence resources and capabilities are necessary to combat Iran's attempts to recruit, train, and transfer Shiite fighters from countries across the Middle East. Canada can be a critical partner in these efforts. Ottawa should work with Washington and with local governments in the region to dismantle Iranian networks and to expel Iranian agents involved in recruitment efforts.

7. Target corruption and kleptocracy as not just financial transparency issues, but also human rights issues.

The Revolutionary Guards and the ruling elite (including the Supreme Leader) have enriched themselves at the expense of the Iranian people. But the Government of Canada can be a leader on anti-corruption issues and work with its international partners to fight global corruption. Canada can lead efforts to develop new policy tools, including financial sanctions tools, to combat corruption in Iran as well as in other authoritarian governments. Canada can develop a mechanism to facilitate the sharing of intelligence between international partners on illicit or

suspicious financial activities to protect the integrity of the global financial system and prevent corrupt officials from using the world's banking systems.

Focusing on corruption can be an effective way to promote human rights because it undercuts arguments that dictators often use to try to isolate and persecute human rights activists. Authoritarian leaders paint civil society groups as foreign agents, pass laws to regulate these groups, and cast themselves as defenders of traditional values against a decadent and deviant West. Dictators can muster excuses for shooting demonstrators, arresting political enemies, or censoring the Internet but have a more difficult time using ideological, cultural, or nationalist argument to justify thievery. Most ordinary people believe that international action against "crooks and thieves" in their countries is legitimate. Targeting corrupt individuals and institutions will not only impose economic costs, but it will also demonstrate to the Iranian people that Canada and the international community oppose the enrichment of oligarchs at the expense of ordinary people.

Conclusion:

The nuclear deal will politically and financially insulate the Iranian regime and, over time, weaken international leverage to change the regime's behavior. Iran will try to use the new environment created by the nuclear agreement to convince the international community to ignore the regime's vast human rights abuses in pursuit of limited nuclear goals and profits. Canada should continue its leadership position in shining a light on the deplorable conditions in Iran and increasing pressure on the regime to change its malign behavior.

Thank you for the opportunity to testify. I look forward to your questions.

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