

## Testimony to the Canadian House of Commons' Foreign Relations' Committee

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Ladies and Gentlemen,

I am very grateful for this opportunity to appear before you and address a subject which, in my view, deserves more attention than it currently receives.

For a number of years now, the international community has understandably sought to persuade the Islamic Republic of Iran to comply with its international obligations under the Nuclear Non-Proliferation Treaty. Within the context of these negotiations, the UN Security Council has adopted six Chapter VII Resolutions condemning Iran's refusal to abide by its responsibilities under the Treaty, including four resolutions introducing sanctions against the regime's proliferating efforts and a number of its senior military leaders and nuclear scientists.

UN sanctions have been gradually expanded by Western countries, with significant legislation passed by the U.S., the European Union, Australia, Canada, Japan, South Korea and others. These measures have targeted the Iranian energy sector, Iran's oil and petrochemical exports, Iran's shipping and banking sectors, and Iran's Revolutionary Guards, the entity within the regime responsible for Iran's proliferating efforts.

Since the Islamic Republic unleashed a new wave of repression against its internal opposition following the fraudulent 2009 presidential elections, Western countries have also begun to target Iran's regime on account of its human rights' violations. These measures have focused mainly on designating individuals involved in the repression, imposing travel bans on them and freezing their assets abroad.

Some countries have been reluctant, beyond these measures, to make their human rights' agenda an integral part of the strategy used to confront Iran. Underlying this reluctance is the conviction, voiced privately by some Western diplomats, that Iran needs reassurances that sanctions and negotiations over Iran's nuclear programme are not aimed at toppling the regime in order to be persuaded to negotiate in good faith.

But Iranian opposition figures have criticised this approach. For example, Iran's dissident filmmaker, Mohammed Makhmalbaf, was quoted by Time Magazine, in November 2009, as having said, during a visit to Washington DC, that 'the West should not "trample" on the Green Movement by fully embracing Iran's regime if it eventually reverses course on nuclear talks.'<http://www.time.com/time/world/article/0,8599,1942091,00.html>)

More than two years later, the challenge for Western democracies seeking to curb Iran's nuclear ambitions remains the same – how to balance the desire to reach an agreement with the regime over its nuclear ambitions with a Western commitment to universal human rights.

### **Iran's human rights' record**

In order to address this dilemma, one must start from the basic facts of Iran's repressive regime and its abysmal human rights' record.

According to Freedom House, Iran remains a deeply repressive political system. Its 2011 freedom score, both on political freedoms and civil liberties, was 6 on a scale of 1 to 7 where 1 is the freest and 7 the least free. Iran only fared better than a handful of countries that include North Korea, Saudi Arabia, Syria and Sudan.

According to FH's 2011 country report,

“Opposition politicians and party groupings have faced especially harsh repression since the 2009 presidential election, with many leaders—including former lawmakers and cabinet ministers—facing arrest, prison sentences, and lengthy bans on political activity.”

Restrictions on political freedom are pervasive – with limitations on freedom of expression, bans on media coverage for specific topics or events, widespread monitoring of internet and telephone communications, jamming of foreign Farsi broadcasts, and a strict control on local media output, including the banning of hundreds of publications since the 2005 elections of Mahmoud Ahmadinejad as president of the Islamic Republic. In 2010, Iran held the world record of jailed journalists – with 37 behind bars according to FH.

Iran restricts freedom of religion as well. While some religious minorities are recognised and granted limited freedom to worship without interference – this applies to Christians, Jews, and Zoroastrians – there are important restrictions in place. Non-Muslims are barred from missionary work, although their communities are subject to constant pressure to embrace Islam – and conversion is punishable by death in Iran. Recognised religious minorities are denied equal political rights – they can only be represented by a set number of MP's inside the Majles but do not participate in the elections as equals. Other groups, meanwhile, suffer varying degrees of discrimination and persecution.

Sunni Iranians are discriminated in practice, for example; Baha'i and Sufi Muslims are actively persecuted. The Baha'i community is particularly vulnerable.

Their leadership has been rounded up and jailed in a political trial on trumped up charges of espionage. Students are denied access to public education – while their shrines have been subject to growing attacks in recent years. The house of the Bab, one of the key figures in the Baha'i faith, was razed to the ground by the Islamic Republic in 1981. Cemeteries were desecrated over the years. And the house of the father of Baha'ullah, the founder of the Baha'i faith, was destroyed in June 2004. The systematic destruction of the Bahai's cultural heritage in Iran is continuing.

This community of 300,000 people is increasingly under pressure and has no means to redress its grievances at home.

A similar fate has befallen ethnic minorities inside Iran – nearly half the country's population. The regime has aggressively pursued its war against Jondallah in Iranian Baluchistan. It has used military force against Kurdish separatists while jailing and persecuting leaders and activists of the non-violent Democratic Party of Iranian Kurdistan – whose late leaders were murdered by Iranian assassins in Vienna in 1989 and Berlin in 1992. Iranian Arab activists and leaders in Khuzestan were targeted by arbitrary arrests in late 2011. Azeris are still denied the right to conduct education with their language.

Meanwhile, the regime continues to come after civil rights – punishing dissidents, NGO's activists and human rights' lawyers for their attempts to mitigate the regime's grip on individual freedoms. It also silences dissent through proxy harassment – by intimidating, harassing and persecuting relatives of dissidents as a way to silence criticism.

Cultural life is also targeted – film productions and literary works are subjected to severe censorship; foreign books and other cultural artefacts are subject to strict controls which sometimes lead to comical situations – like the recent banning of Barbie dolls imports and, more recently, the dolls of the American cartoon satirical sitcom, *The Simpsons* (<http://www.reuters.com/article/2012/02/06/iran-simpsons-ban-idUSL5E8D61X320120206>).

It is understandable that human rights would not be an integral part of international efforts to persuade Iran to stop its quest for nuclear weapons. After all, compliance with the NPT has nothing to do with the regime's nature of an NPT signatory. Besides, key countries in the international community's efforts to curb Iran's nuclear ambitions include countries like China and Russia, whose record on human rights is not much better than Iran's.

Regardless, the nature of the Iranian regime has something to do with the severity of the threat that a nuclear Iran would pose to the regional order. A regime that so ruthlessly brutalizes its own citizens while pursuing hegemonic regional ambitions should not be trusted to grow responsible once it acquires nuclear weapons.

Secondly, Iran is believed to seek nuclear weapons to enhance the chances for the regime to survive. A policy designed to threaten their internal stability would be expedient because it would create the impression that unless Iran negotiates a way out of its nuclear programme, the West will actively try to depose the regime.

It would also be principled – and given that Western countries were able to engage the Soviet Union while promoting the plight of its dissidents during the Cold War, it should be possible to do both when it comes to Iran as well.

### **What can be done?**

Human rights lend themselves to such 'higher-ground' diplomacy. Largely symbolic measures will not overthrow the regime but will no doubt embarrass Tehran at a time when its rulers feel vulnerable. Here, Canada's leadership deserves credit – your decision to restrict

engagement with Iran to a limited number of subjects that are all human-rights' related is remarkable. Canada is not the only country that saw its citizens brutally assaulted, imprisoned, tortured and killed by this regime on account of their Iranian origins. Other countries should look to your principled decision as an example to emulate and as evidence that a government can pursue diplomacy on the nuclear file and stand up for its own principles on human rights.

Symbolic measures, of course, when presented to the public in conjunction with the reasons for their implementation, may also have an adverse if indirect effect on trade, as increased exposure of Iran's dismal behaviour discourages business from investing in a highly volatile environment, especially if there are reputational risks added.

Human rights lend themselves to such 'higher-ground' diplomacy. Criticising the regime openly would not be useless if it created embarrassment for Tehran, focused public attention on Tehran's true nature and helped isolate Iran on the international stage. For all these reasons, Europe and other Western countries should consider adopting a number of symbolic measures:

- Western officials (ministers, parliamentarians, undersecretaries and deputy ministers) rarely travel to Iran any more, but if and when they do, they should make a habit of visiting prominent Iranian human rights dissidents. It should be an official part of their visit so that if Iran tries to block such meetings, visits would be cancelled. And if such events take place, they should be given broad exposure through joint press conferences, perhaps convened inside Western embassies.
- When they meet their Iranian counterparts, Western diplomats should insist on raising human rights as the first item on the agenda for bilateral discussion.
- These exchanges should be concrete, specific and practical. And they should be recorded in any statement, communiqué or protocol. The discussions on human rights should not be mere gestures or generic condemnations. Western officials must provide a detailed list of specific abuses, with requests for action.
- Such issues could include, say, a demand for the reopening of the many daily newspapers and magazines that the regime has closed down in recent years, but most urgently those targeted by the post-12 June repression, as well as the freeing of political prisoners. Western diplomats should come to meetings equipped with lists of names, not a generic demand for more press and political freedom.
- Western diplomats should also provide a timeline for implementation, with a clear statement of the punitive economic and diplomatic measures to be imposed for lack of compliance.
- Western leaders should continue to signal their displeasure to Tehran. First, those who still have embassies in Iran could downgrade diplomatic relations by recalling their ambassadors in Tehran, leaving chargé d'affaires to represent their countries. There would be a significant diplomatic impact if Western embassies concerted this kind of diplomatic sanctions.

- Other types of bilateral contact should be affected.
- Western countries with diplomatic relations with Iran should stop their parliamentary delegations to the Iranian Majlis, while invitations to Iranian parliamentarians should be made conditional on improvements on human rights issues. The composition of the Majlis and the way its members are selected are an insult to Western democratic standards. Iranian parliamentarians should not be granted equal status with their Western counterparts. This does not mean suspending all contacts, but some contacts may not be worth maintaining for the sake of dialogue. Dialogue should continue, but it should not be ‘business as usual’.
- When Iranian dignitaries visit the West – and they still visit often – their hosts should severely limit the scope and extent of their visits. For example, there is no need to roll out the red carpet and offer high-level meetings; nor is there any reason to grant visas to accompanying business delegations.
- Even if some visits are still allowed in the name of dialogue, specific figures among Iran’s ruling elites should no longer be welcome.
- When Iranian dignitaries visit the West – and they still visit often – their hosts should severely limit the scope and extent of their visits. For example, there is no need to roll out the red carpet and offer high-level meetings; nor is there any reason to grant visas to accompanying business delegations.
- Even if some visits are still allowed in the name of dialogue, specific figures among Iran’s ruling elites should no longer be welcome. In particular, Western countries should contemplate denying visas to their families: the wives of regime stalwarts should not be able to vacation and shop in Western capitals and their children should not be allowed the privilege of getting their education in European boarding schools and universities so long as their family members are actively involved in internal repression.

Here, the case of Mehdi Hashemi Rafsanjani, the son of Iran’s former president Akbar Rafsanjani, is worth mentioning. Rafsanjani Jr has been handed down a default civil judgment in an Ontario Court based on his role in the torture and abuse of Mr Houshang Buzari, an Iranian citizen who sought political asylum in Canada in 1994 and who was thrown into jail and submitted to cruel and lengthy torture until he agreed to allow Mr Rafsanjani to take over a massive energy contract he had managed to put together himself. Despite the verdict, which recognizes as fact that Mr Rafsanjani is guilty of torture and abuse, and condemns him to pay significant damages to Mr Bouzari, Mr Rafsanjani was able to get into Oxford University to pursue a Ph.D. Ali Larijani’s son, meanwhile, is pursuing a degree at Warwick University, in the UK.

- When visits are unavoidable – for example, when Iran’s foreign minister or nuclear negotiator come to Western capitals – such cities should mark their arrival with additional high-profile symbolic gestures. They could, for example, rename streets or districts where Islamic Republic embassies are located after prominent Iranian dissidents. The USA, under the late president Ronald Reagan, named the street where the USSR embassy was located

after the late Soviet dissident Andrei Sakharov. Similarly, the plight of famous dissidents could be highlighted with newspaper campaigns giving a human face to the suffering Iran visits upon its own citizens.

- Just as such dignitaries are still welcome to come for a frank exchange of views, the protocol should reflect Western discomfort with Iran's behaviour. People such as nuclear negotiator Saeed Jalili and foreign minister Akbar Salehi should not be given an opportunity to use their visit to enhance Iran's international standing. They should not be given joint press conferences, they should not be offered speaking engagements at prestigious think tanks, and they should not be granted the dignity of state visits with royalty and presidents.
- Mindful of the fact that Iranian diplomats and journalists are frequently agents of the IRGC or the Qods Forces and play a part in the efforts to monitor and intimidate Iran's exiled opposition, activities of Iranian diplomats serving in Western capitals and of their non-diplomatic personnel should be severely restricted, within the parameters allowed by hospitality rules, so as to curtail their ability to do harm.
- Meanwhile, efforts by Western diplomacies should continue to isolate Iran in international forums and push back on Iran's efforts to win seats in important UN committees. Equally, efforts should be redoubled to keep pressure on the regime through the work of the recently appointed UN special rapporteur on human rights in Iran and other multilateral channels which could include and focus, within the appropriate international forums, on Iran's war on journalists, Iran's abysmal record on labour and women rights and so on.

Beyond the symbolic, Western countries should take a look at legislation adopted to impose sanctions against egregious violators of human rights like the Republic of Myanmar under the military Junta. The EU, in this sense, provides a useful precedent that should be contemplated by countries like Canada as they develop their own tools to sanction human rights' violations by the Iranian regime. With regard to Myanmar, the EU's Council Regulation (817/2006 of 29 May 2006) included a new range of restrictions:

'An arms embargo, a ban on technical assistance, financing and financial assistance related to military activities, a ban on the export of equipment which might be used for internal repression, the freezing of funds and economic resources of members of the Government of Burma/Myanmar and of any natural or legal persons, entities or bodies associated with them, a travel ban on such natural persons, and a prohibition on making financial loans or credits available to, and on acquiring or extending participation in, Burmese state owned enterprises.'

The EU thus denied any financial advantage to commercial organisations and individuals involved in the repressive acts of the regime, even if the specified items bore no immediate relation to human rights abuses and denial of freedom in Myanmar. Though companies and governments might object to such a blanket restriction in the case of Iran – because of their long-term dependence on the Iranian energy sector – these measures could be contemplated for other areas, such as Iran's refineries, petrochemical and metallurgy sectors. Most Iranian companies involved in these fields are owned by the state, if not by the IRGC.

There are, then, compelling reasons to impose sweeping trade restrictions on a country whose record of human rights abuses is egregious. And there is ample justification for applying the Myanmar precedent to Iran. EC Regulation 817/2006 states that ‘the restrictive measures in this Regulation are instrumental in promoting respect for fundamental human rights and thus serve the purpose of protecting public morals ... The new restrictive measures target sectors which provide sources of revenue for the military regime of Burma/Myanmar’ and target practices that are ‘incompatible with EU principles’. As the regulation continues,

‘These restrictions are designed to prevent those subject to EC jurisdiction from deriving benefits from trade which promotes or otherwise facilitates the implementation of such policies, which are in breach of international law and are incompatible with the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, which are common to the Member States.’

It is a model worth expanding, particularly as so much of the Iranian economy is controlled by the IRGC.