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

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**EVIDENCE**

**Thursday, February 26, 2015**

**Vice-Chair**

**Mr. Wayne Marston**



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

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• (1310)

[English]

**The Vice-Chair (Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP)):** I call the committee to order. This is the 58th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. We're doing a study on the human rights situation in Iran.

We have three guests with us today.

Just before we start to accept your testimony, gentlemen, we have two motions to deal with. We'll get a little of our other work done, as well.

I understand that Mr. Hsu has a motion.

**Mr. Ted Hsu (Kingston and the Islands, Lib.):** Thank you, Mr. Chair.

I just wanted to move the motion by Mr. Cotler from Monday, February 23, regarding Burmese women who work for community-based organizations.

**The Vice-Chair (Mr. Wayne Marston):** All the members have a copy of this, and we discussed it earlier.

(Motion agreed to)

**The Vice-Chair (Mr. Wayne Marston):** Mr. Benskin.

**Mr. Tyrone Benskin (Jeanne-Le Ber, NDP):** Everybody has a copy of this motion as well. In short, it is a motion to move forward a brief study on the human rights situation in Vietnam, given some of the changes that are happening there currently.

**The Vice-Chair (Mr. Wayne Marston):** Everybody has a copy of this. Do we have consensus on this?

**An hon. member:** Do you mean consensus with the edit on the second—

**The Vice-Chair (Mr. Wayne Marston):** Yes, the edit has been taken out in each copy.

**An hon. member:** Great.

**The Vice-Chair (Mr. Wayne Marston):** Thank you very much.

(Motion agreed to)

**The Vice-Chair (Mr. Wayne Marston):** Now we're able to move to the testimony of our guests.

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Are we moving the budget?

**The Vice-Chair (Mr. Wayne Marston):** Do we have a budget matter? No, we don't.

Thank you, Mr. Sweet.

We have guests with us today.

I would ask, as I discussed a moment ago with Mr. Matas, that you keep your remarks reasonably brief, which will leave a little more time for the members to ask those pertinent questions. Perhaps you'd like to introduce yourselves. Who is going first?

Mr. Mostyn, I'll turn it over to you.

**Mr. Michael Mostyn (Chief Executive Officer, B'nai Brith Canada):** Thank you very much, Mr. Chair and honourable members of the committee.

My name is Michael Mostyn, and I am the CEO of B'nai Brith Canada, a human rights organization that has been serving this country in both the Jewish and broader Canadian communities for 140 years.

As the holiday of Purim approaches, we are reminded of the Book of Esther and its recounting of a Persian king named Ahasuerus whose newly appointed chief minister, Haman, plots to kill not just Mordecai, a Jew who had found his disfavour, but the entire Jewish population. Haman surreptitiously obtains Ahasuerus' permission and state funds, and executes his plan. It is only thanks to the bravery of a Jewish heroine named Esther and her Uncle Mordecai that Haman's evil plot to destroy the Jewish people is stopped.

Just as in the times of Mordecai and Esther, a Persian leader has arisen, who has repeatedly called for the annihilation of the Jewish state and has activated the terrorist proxies of Iran to murder innocent Jews all around the globe in premeditated acts of terror.

The ayatollah, Iran's ultimate decision-maker and modern-day equivalent of Haman, is at the helm of the world's premier state sponsor of terror and a regime that has continuously violated even the most basic of human rights.

My colleagues David Matas and Yehuda Azoulay will now elaborate further on the historical and current anti-Semitism and anti-Zionism central to the regime of the mullahs of Iran.

**Mr. Yehuda Azoulay (Chair, Sephardic Affairs Council, B'nai Brith Canada):** Thank you very much.

My name is Yehuda Azoulay, founder of the Sephardic Legacy Institute.

Thank you very much, honourable members of this subcommittee. I am privileged to appear before you today to discuss and share my expertise with you pertaining to the history of the Jews in Iran and the regional experience of Jewish refugees.

Iranian Jews are amongst the oldest inhabitants of the country. The beginnings of Jewish history in Iran date back to the late biblical times. The biblical books of Isaiah, Daniel, Ezra, and Nehemiah contain references to the life and experiences of Jews in Persia. Persian Jews have lived in these territories for over 2,700 years.

Martin Gilbert, the famous historian, mentioned in his book, *In Ishmael's House: A History of Jews in Muslim Lands*, the following:

When the King of Persia, Cyrus the Great, defeated the Babylonians in 539 BCE, he liberated the Jews of Jerusalem. Some of the 'freed slaves' – who were no longer forced to worship idols – began to rebuild their Temple, which had been destroyed forty-two years after the Prophet Jeremiah's prediction. Others went eastward to settle in Persia. Among their descendants a hundred years later were Esther and her cousin Mordecai, who forestalled an attempt by the Grand Vizier, Haman, to exterminate the entire Persian Jewish community.

The story and the holiday of Purim, which is celebrated next week by Jews around the world, is a continuous narrative throughout the course of Jewish history. Later in history, Persian Jews were among those who wrote the Babylonian Talmud, a crucial repository of Jewish theology and law to this very day. The periods of Iranian Jewry include: Assyrian exile of the Northern Kingdom, Persian Jewry under Cyrus the Great, the Second Temple period, the Parthian period, Sassanid period, early Islamic period, Mongol rule, and Safavid and Qajar dynasties.

In the middle of the 19th century, J.J. Benjamin wrote about the life of Persian Jews:

...they are obliged to live in a separate part of town...; for they are considered as unclean creatures...

During the Pahlavi dynasty an important factor in the economic improvement of the Jews was close relations between the Shah and the state of Israel. Details of this connection, and how the condition of Iranian Jews improved dramatically in a few short years....

During the Islamic republic, since 1979.... At the time of the establishment of the state of Israel in 1948, there were approximately 100,000 to 120,000 Jews living in Iran, this historical centre of Persian Jewry. This estimate is based on the Jewish Agency, which had an office Tehran in 1948. Approximately 95% have since migrated. The current Jewish population of Iran today is roughly 8,000 Jews.

The Islamic Republic uses factions within the Iranian Jewish community to win public relations points with the Western world, but privately many Jews complain to foreign reporters of discrimination.... The strong public anti-Israel position of the Iranian Jews...

is a reflection of the pressure on them from the authorities and "their desire for survival."

Iranian leadership claims the Jewish minority is treated fairly, but experts, rabbis, offer contrasting views. "There's basic fear", according to researchers.

The current Ayatollah Khomeini has been clear in declaring his goal, the annihilation of Israel. Essentially, annihilation of Israel is an annihilation of the Jewish people. Furthermore, the Iranian support for Hamas and Hezbollah is well documented, and how they both use the Palestinian narrative as the only refugees of status from the region is a complete misconception.

In the years leading up to the declaration of the state of Israel, and immediately following it, many Iranian Jews were forced to leave their homes. What follows is their largely untold story.

While the UN endorsed the establishment of the state of Israel, the majority of Israel's neighbouring Arab countries never recognized its legitimacy. The story of the Middle East conflict seems to be an everlasting one. Certainly the history of Sephardic and Iranian Jewry and its traumatic experiences during the 1940s has been sorely neglected.

Following the UN resolution of 1947, which suggested dividing Palestine into two countries, Palestine and Israel, the situation continued to deteriorate. The Arabs refused to accept the UN recommendation, and when Israel declared the establishment of the state of Israel in 1948 seven armies from Egypt, Jordan, Iraq, Lebanon, Syria, Libya, and Saudi Arabia attacked Israel. Moreover, in the native Muslim countries the persecution of Jews became rampant. Muslims around the world directed their hostility to the Jewish state against the Jewish communities living in their midst. In some places public executions became more and more frequent. As the Arab-Israeli conflict developed, Arab governments also turned on their Jewish populations. These governments often instituted drastically anti-Jewish measures, such as confiscation of passports, freezing of bank accounts, arbitrary arrests, and summary executions, making life unbearable for local Jews. Their homes and other properties were more often than not those that were confiscated. When they were not, they still had to be left behind since the Jews were rarely allowed to sell them, and when they did, it was at ridiculously low prices.

●(1315)

This necessary flight with very few of their possessions also led to the abandonment of ancient synagogues, community centres, schools, hospitals, and once-thriving businesses. Perhaps most painful for the Jews was leaving behind the cemeteries where their ancestors had been buried for thousands of years and in which the gravestones were vandalized and used for building homes, parks, hotels, and public transport.

Thus, while many Arabs left Palestine following the declaration of the Jewish state, many Jews left their homes in Afghanistan, Algeria, Bukhara, Egypt, Iran, Iraq, Lebanon, Libya, Syria, Turkey, Tunisia, and Yemen. These refugees suffered a threefold loss: their identity, their way of life that simply ceased to exist, and their material possessions. Three-thousand-year-old communities were destroyed. Nearly one million Jews in Arab lands lost their homes. These Jews are refugees as surely as Palestinians.

Jewish refugees from Arab lands sustained incredible losses in a single generation. The financial losses were in the billions but, beyond that, irreparable damage was done to an entire civilization. Ancient Jewish communities that could trace their history back 3,000 years were no more. The destruction of their civilization is a story that has yet to properly be told. This testimony pertaining to the history of the Jews in Iran and the regional experience of Jewish refugees is a step towards that direction.

Thank you.

**The Vice-Chair (Mr. Wayne Marston):** Mr. Matas.

**Mr. David Matas (Senior Legal Counsel, B'nai Brith Canada):** Thank you.

When the subject matter is international human rights violations and Iran, we regrettably have a wide range of subjects that we can discuss. Today we are focusing on Iranian anti-Semitism and anti-Zionism not just because we represent B'nai Brith; we do so because anti-Zionism and anti-Semitism are central to the regime of the mullahs of Iran. Though the regime bills itself as Islamic and Shiite, it is more accurate to describe it as anti-Zionistic and anti-Semitic.

There are many different ideological strands to the anti-Zionism and anti-Semitism of the regime, and here I will mention only five.

First of all is Holocaust denial. Under former president Mahmoud Ahmadinejad, there was vociferous Holocaust denial. There was one Holocaust denial conference in December 2006, and another one scheduled for December 2013. The new President Hassan Rouhani initially cancelled that 2013 conference, but then he reinstated it, and it took place last year, in October 2014.

Second, Iran rejects any possible peace agreement between the Palestinians and Israel. Their attitude is that Israel should not exist whether the Palestinians accept its existence or not. President Rouhani has said that Israel is an old wound that should be removed.

Third, there is the mistreatment and expulsion of its own Jewish population, which we heard about from Yehuda Azoulay. In 1948, the Jewish population of Iran, according to the Jewish Agency, was 100,000 to 120,000. In 2011, according to an Iranian census, it was less than 9,000, and presumably it has decreased since then. We have seen Jews in Iran, including Jewish community leaders, arbitrarily executed, accused and convicted of spying for Israel, and their property confiscated. They've been forced to condemn Israel publicly and take part in anti-Israel demonstrations.

Fourth, there's the installation or the foundation of Hezbollah, which began in Iran in 1982 as part of the Iranian revolutionary guard corps. The Iranian regime sent fighters from Iran to Lebanon at the end of 1983. These fighters constituted the initial core of Hezbollah. I'm pleased to see that Canada has listed both the Hezbollah and this Iranian revolutionary guard corps as terrorist organizations.

Finally, in this short list there's the attack by Iran against the Jewish communities worldwide, not just against Israel, but the diaspora. We saw, in 1992, an attack in the Israeli embassy in Buenos Aires, and in 1994 an attack against the Jewish community organization in Buenos Aires, killing 85 and wounding over 200.

The Argentinian prosecutor in these murders, Alberto Nisman, was murdered in Buenos Aires just last month.

In July 2012, Hezbollah operatives killed five Israeli tourists and wounded 32 others. One of the two attackers was a Canadian citizen, Hassan El Hajj Hassan.

In response to those five points and a general anti-Semitic drift to the essence of the regime, I want to mention six possible recommendations.

One is to expand exceptions to the state immunity legislation to allow for Iran to be sued for international human rights violations. It's now designated under the Justice for Victims of Terrorism Act, so it can be sued for acts of terrorism, but its international violations go beyond terrorism and I would suggest that we need an expansion.

Second, I suggest we ask Lebanon for the extradition of the Bulgarian bomber, the Canadian citizen bomber, Hassan El Hajj Hassan.

Third, I suggest that we direct our concerns to the ongoing negotiations about the nuclear weapons in Iran. Any regime that is hell-bent on destruction of Israel and the Jews should be kept as far away from weapons of mass destruction as possible. I endorse the recommendation previously made to this committee, that if there is some sort of agreement between Iran and other states about nuclear weapons capability, it should include some human rights component, as there used to exist in the Helsinki accord.

● (1320)

Fourth, I'm pleased to see that the European Union belatedly, in July 2013, in response to the Bulgarian attack, listed the military wing of Hezbollah on its list of terrorist entities, but this division between military and civilian wings doesn't really make any practical sense since there's no division in funding or responsibility. I would ask Canada to ask the EU to list all of Hezbollah as terrorist.

Fifth, every year at the United Nations General Assembly there is a resolution on Iran of which Canada is the lead sponsor, and it has some language condemning harassment against Jews and persecution of Jews, but it doesn't mention either anti-Semitism or anti-Zionism. I suggest the language should be strengthened.

Sixth and finally, I'm pleased to see that the Standing Committee on Foreign Affairs has recommended that the government encourage the negotiating parties to take into account all refugee populations as part of any just and comprehensive resolution to the Israeli-Palestinian and Arab-Israeli conflicts. I like the recommendation but I must express some reservation about the government response to it, which says that it would relate only to later stage negotiations and not to negotiations with the Palestinians.

We suggest that this type of principle that there are two refugee populations is central to the first stage peace negotiations. We cannot see our way through to peace without breaking the chains of anti-Zionism holding Palestinian refugees down. We do that by confronting the myth of one refugee population with the reality of two refugee populations. We do that by confronting the myth that Israel is a western imperial colonial enterprise, a myth which holds particular sway with the mullahs of Iran, with the reality that Israel is in large measure composed of Jews from the Middle East, including Iran. Unless the Palestinians themselves accept the reality of dual victimization, a meaningful peace becomes impossible.

I'll stop there, and we'll leave it for questions. Thank you.

• (1325)

**The Vice-Chair (Mr. Wayne Marston):** Thank you, Mr. Matas.

We've got time, I believe, for seven-minute rounds, which will leave a little time at the end. I understand Mr. Cotler may have a motion that he wants to move at the end.

So we'll start with Mr. Sweet.

**Mr. David Sweet:** Thank you very much, Chair, and welcome to all our witnesses.

I just want to express our deep concern about what happened recently in Montreal. I think you're probably well aware that we had a take-note debate in the House two nights ago with regard to anti-Semitism and those concerns were expressed by many colleagues in the House. I just wanted to express them once more.

Also I hope that the message of Purim and the biblical story that your testimony here today is akin to Mordecai's words at such a time as this. I'd like to begin by asking if you think that the situation in Iran vis-à-vis human rights—and I would say human rights for anyone in Iran: average Iranians, Jews, Baha'is, Christians—has improved under Rouhani's rule.

**Mr. David Matas:** My perception is no. I think we've seen a change of vocabulary without a change in behaviour.

La Rochefoucauld said, "hypocrisy is a tribute that vice pays to virtue", and I think what we're seeing now is a different language, but we're seeing the same level of human rights violations without any real abatement. I think some of the instances that I mentioned illustrate that hypocrisy. Rouhani cancelled Ahmadinejad's Holocaust denial conference, and then had another one, his own, a year later.

There's a whole pattern like that in the Palestinian-Israeli peace negotiations. He said whatever the Palestinians would accept, we would accept, but then he said Israel is an old wound that has to be removed. So instead of speaking unequivocally, he's speaking out of both sides of his mouth. If you look at the number of people in jail, the number of people executed, the problems that Iran is posing to its opposition, including the Jewish community, I don't see any movement. We do have these Interpol arrest warrants from Argentina. I don't see Iran cooperating with those arrest warrants.

I think the problem remains what it was. Hypocrisy, I suppose, initially poses a problem because, is he telling the truth? We have to give him some time to evaluate, but I think the regime under Rouhani has gone on long enough that we can make that evaluation

and call him to account for the regime's deeds rather than just for what he's been saying.

**Mr. David Sweet:** Yes, I think we've been strung along enough in this regard.

There was a study done, I believe by the foreign affairs committee, in regard to the entire population of Jews who were expelled from Arab countries. You were mentioning a number from just Iran, but I believe the total number is around 800,000. Is that correct?

**Mr. David Matas:** I think it's 800,000 from Arab countries. Iran, which is Muslim but not Arab, is in addition. If you add up the Arab numbers, it's another 100,000; we're getting close to a million. The numbers are huge.

In fact, there were more people displaced from the initial 1948 war, Jews from Arab countries and Iran, than there were Palestinian refugees. The manner in which the two refugee populations have been treated is something that has to be constantly kept in mind when we deal with these peace negotiations.

• (1330)

**Mr. David Sweet:** What effect have the sanctions against Iran had so far in regard to specifically human rights concerns?

**Mr. David Matas:** If you look at the overall statistics, not good; some individual cases get some movement, and the sanctions....

Unfortunately, as I say, we have a wide menu of agenda items to pursue in dealing with human rights violations in Iran. What's taken the priority, perhaps understandably, is the development of the nuclear weapons capability of Iran.

My own view is that the sanctions have had an impact in bringing Iran to the negotiating table and perhaps slowing the development of the nuclear weapons capability. But to a certain extent there's been a trade-off in the international community between human rights and the nuclear weapons capability. The focus has been on the nuclear weapons capability, and as a result, they're not prepared to accelerate the sanctions or to pin them directly to human rights. They've been pinning them more directly to the development of the nuclear weapons capability.

The sanctions, I would say, have been useful. I note that Mr. Cotler has a private member's bill that deals specifically with reporting on sanctions, which I'd draw to your attention. The sanctions have been useful, but they're only one weapon in an armoury of combatting human rights violations. I don't think we can rely on them alone.

**Mr. David Sweet:** In fact to a degree the Iranian regime has been able to hide behind the attention that has been drawn to the nuclear program and continued to actually have an increased number of executions in their prisons while all of this is going on. Unfortunately, one challenge we have is that the western media doesn't report on this very much.

**Mr. David Matas:** Well, of course this is a constant problem. I mean, we did have a Canadian reporter, Kazemi, who was killed there. It's much more difficult for reporters to access violations where the reporters are personally risking their lives to do so. It's a lot easier to report on situations in Israel, where there's a free media, than it is in Iran.

What we have to do in these sorts of situations is to rely on information however we get it, not just on the media.

**The Vice-Chair (Mr. Wayne Marston):** Thank you.

Mr. Benskin, please.

**Mr. Tyrone Benskin:** Thank you.

Welcome, and thank you for your testimony. This is a huge and ongoing issue.

Mr. Azoulay, you briefly touched on a few thousand years of history in a matter of moments, on an issue that still is very, very poignant today. As my colleague Mr. Sweet pointed out, two nights ago we had a take-note debate on the issue of anti-Semitism. Unfortunately, in my hometown there was an incident in the Côte-Saint-Luc area, NDG area, of anti-Semitic acts.

It's an issue that's steeped in history, and issues that are steeped in history, as we've seen throughout history, are very, very hard issues to tackle. In Iran there's a population, you said, of 8,000 Jews still in Iran.

First off, just for my own edification, have they chosen to stay in Iran because of the fact that they are Iranian or their history is Iranian, or are they being prevented from leaving? Is there a travel ban that's preventing them from leaving?

**Mr. David Matas:** They can't go to Israel because there are exit controls in Iran, and the Iranians wouldn't let them go. They could potentially go to another country, and then from another country go to Israel, but they'd have to disguise their intention.

The official position of Iran is that Israel does not exist. They don't even use the name "Israel". They call it the Zionist entity, even at the UN. I was there once at a UN debate where they kept calling it the Zionist entity instead of Israel, and the chair said they had to call it by its proper name. So for them Israel doesn't exist, and anything that the state has to do that would officially encompass the recognition of Israel doesn't happen.

There are even a few Jews left in Afghanistan. Sometimes people are so tied up with their.... Of course, we saw this during the Holocaust, some Jews would stay, even with the advent of Nazism. Some Jews hope for the best. They have community ties, they're prepared to go along, but there is a price to be paid. This goes back to the hypocrisy of the regime. If you look at the Constitution of Iran, it protects Jewish religious rights, but as long as they're prepared—obviously the large majority of them weren't prepared to do so—to denounce Israel, reject Zionism, then they can lead their lives. I guess it's a choice made in a coercive environment. Most of them have chosen not to make that choice, but a small minority have remained behind.

They're in a difficult situation. I remember just a few years ago about a dozen of them were being prosecuted for being spies for

Israel. They were trumped-up charges. They were really being prosecuted for being sympathetic to Israel. I tried to go to Iran to observe the trial, and I asked the Iranian government for a visa. I never got a response.

I think we're concerned about the Jews in Iran. I think we have to be concerned about Israel and the diaspora. We also have to be concerned about those 8,900 who are poorly put upon.

● (1335)

**Mr. Tyrone Benskin:** Thank you.

We've spoken about the sanctions and whether or not those sanctions are effective. On the diplomatic side, right now there are no diplomatic relations between Iran and Canada. Normally, when we have diplomatic relations with a country, we at least have access to that country and access to information about what's going on. As you said and as we've heard from previous testimony, what is being said and what is being done are two different things.

For example, historically we had the situation where there were no diplomatic ties between China and the U.S. during the Nixon era, yet there were backdoor discussions between Kissinger and various people during that period.

Could you comment on whether there would be any value in beginning or at least trying to open some sort of diplomatic contact with Iran, to at least be able to get truer information as to what's happening with all the religious minorities and the ethnic minorities in Iran?

**Mr. David Matas:** First of all, I apologize, Mr. Chair. I didn't really properly introduce myself at the beginning, but I'm an immigration lawyer in Winnipeg. I'm particularly sensitive to the fact that there's no embassy in Tehran, because that means there's no visa office in Tehran. Afghanistan refugees who were in Iran—and there are a lot of them—now have to deal with the the Canadian visa office in Ankara, Turkey. Also, the Afghani refugees in Iran can't get into Turkey, so that's a very practical problem.

When you're talking about diplomatic relations or sanctions, this is an issue that involves more than just Canada. If Canada alone were imposing sanctions, they wouldn't have much of an effect; and if Canada alone were dealing with Iran, it also wouldn't have much of an effect. Canada in isolation is not that important a player politically, economically, or militarily in Iran. I think what we have to do we have to do in concert.

There are sanctions against Iran globally right now, and that's why they're working; that's why they have an impact. It's not just that Canada's doing it. I don't think Canada should be breaking ranks. I think Canada should be joining in on that, and the same is true for diplomatic relations. Diplomatic relations are a bit touchy, because we broke off diplomatic relations when, under the Justice for Victims of Terrorism Act, we listed Iran as a terrorist state and the Iranian revolutionary guard as a terrorist entity.

Part of the rhetoric of Iran involves perverse mirror imaging. We accuse them of human rights violations; they accuse us of human rights violations. Obviously, there's nothing comparable, but in their distorted rhetoric, that's the way they deal with it. The government, as I understood it, was concerned. If we set up legislation that says they can be sued in Canada, they're just going to seize our assets in Iran on the same kind of perverse reciprocal basis.

So, I can see a logic in doing it. I know that military and security establishments sometimes have private back-channel communications with people with whom there are no official communications. As an outsider and a member of an NGO, I can't say a whole lot about it. But I would say that the official government policy, which involves sanctions and no diplomatic relations, in context even though it causes a lot of difficulty, including for people in my practice, all the same makes sense.

● (1340)

**The Vice-Chair (Mr. Wayne Marston):** Thank you, Mr. Matas.

Ms. Grewal.

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

I would like to thank the witnesses for their testimony before the subcommittee this afternoon, and for their commitment in the struggle against injustice, human rights abuses, and anti-Semitism.

In a region of the world with a troubling record on civil liberties and human rights—especially for women, girls, and minorities—Iran stands as particularly egregious. A recent report by Dr. Ahmed Shaheed, the UN special rapporteur, stated that there are at least 895 prisoners of conscience and political prisoners incarcerated in Iran. This includes political activists, religious minorities, civil activists, students, journalists, and other civil society leaders. Political prisoners face widespread physical and mental abuse. According to some human rights groups, Iranian authorities execute, on average, more than two people a day. Clearly, Canada must continue to speak out against these abuses.

You stated, Mr. Matas, that Hassan Rouhani has had no positive impact and is no better than Ahmadinejad. Iran's impact on human rights extends beyond its borders. ISIL, al Qaeda, Hezbollah, and Hamas are some of the most dangerous terrorist groups, and they all depend on the support of countries like Iran.

I understand there have been disagreements between Iran and Hamas and a corresponding decline in support. That being said, did Iran provide support to Hamas in its recent war with Israel, and if so, in what manner?

**Mr. David Matas:** Iran has been using Hamas for its anti-Israel agenda. Iran is Shia and Hamas is Sunni, so there is this divide between them.

Hamas suffered as a result of the last war. A lot of the infrastructure was destroyed. Iran has been arming them and egging them on. Occasionally Israel intercepts arms shipments from Iran to Hamas.

Hamas has backed off recently because it doesn't want to restart what it just went through, and Iran disagrees with that. Iran wants Hamas to keep on attacking Israel, so there is a bit of a drift that way.

This kind of drift obviously doesn't give me any sense of satisfaction with Iran, quite the opposite. It says something about Iran. If you read the Hamas charter you can't imagine anything more anti-Jewish and anti-Israeli but it's not good enough for Iran. They want more. So I think that gives you an idea of the extent of the problem we're facing with Iran.

● (1345)

**Mrs. Nina Grewal:** I see.

Would any of you like to comment?

**Mr. Yehuda Azoulay:** You mentioned approximately two people a day die in Iran. If you do the calculation properly 730 people die annually.

I have a friend in Toronto who has seen one of these deaths. It is important that we take these steps.

**Mrs. Nina Grewal:** In Iran, official government discrimination against Jews has been pervasive and fostered a threatening atmosphere for the approximately 20,000 to 25,000 members of the Jewish community there. Over the years top political and religious leaders made public remarks denying the Holocaust and calling for the elimination of the state of Israel. Has there been any increase in anti-Semitism, and why are Jews being targeted?

**Mr. David Matas:** The numbers have slowly decreased over the years. In 1948 there were a variety of estimates; we don't have an official census, but probably the best figure is from the Jewish Agency, which had an office in Tehran at the time, and they said between 100,000 and 120,000. At one point it went down to 25,000, which is the figure you mention.

There was a census in 2011 and I think it was 8,956, a very specific number. That may be under-reporting because some people may not want to identify as Jewish, but it's probably the best figure we've got right now and that's four years ago, so it's probably even less now.

There is anti-Semitism but it melds with anti-Zionism. If you are prepared to denounce Israel and Zionism maybe you are going to be left alone or you'll be under a cloud of suspicion, but that's all.



The anti-Zionism has gotten worse because of the advent of the state of Israel. There were some anti-Semitic problems in Iran before the advent of the state of Israel just because of the pervasive influence of the Nazi ideology, which spread everywhere, including the Middle East. It just assumed particular vehemence once the advent of the state of Israel occurred. It went through stages. There was a problem in 1948, and there was the Mossadegh government, which was anti-Semitic. He was replaced by the Shah of Iran whose regime was not anti-Semitic. The exodus more or less stopped. Between 1948 and the time when the Shah came to power about 70,000 people had left before he came to power and then the exodus stopped because he was not anti-Zionist, he was not anti-Israel, he was treating the Jewish population properly and people stayed, which I think in itself was also an indication of what was going on there.

Then in 1979 he was gone. During his period about 80,000 people were there. After 1979 it went from 80,000 to about 9,000 now because this regime—even the regime of Mossadegh was bad but certainly not as bad as the current regime. The anti-Semitism and anti-Zionism aren't just a facet of the regime, I view them as central to its core ideology. This is why the regime is there. That's what it's about. It's obviously got other facets—

**The Vice-Chair (Mr. Wayne Marston):** I'm sorry, but I'm going to have to jump in here or other people are going to lose their chance for a question. You're two minutes over again. I'm sorry, but if you'd like, you could pick it up with the next question.

Mr. Cotler, I understand you have a motion that you'd like us to deal with. Could you be very brief?

• (1350)

**Hon. Irwin Cotler (Mount Royal, Lib.):** Yes. Before I put my questions, I'd like to deal with the motion now if I can. I have an S. O. 31 statement, and I may not even be able to listen to the answers after I put the questions, because I've been told I have to be in the House.

You have the motion regarding imprisoned Saudi blogger Raif Badawi. I've spoken to the representatives of the parties. I believe all are in agreement.

I agree with what Mr. Sweet recommended to me, which is that in the last paragraph we make an amendment where it says “call on the Government of Canada to use all available means” and we change that to “continue to use all available means”. I'm fine with that.

**The Vice-Chair (Mr. Wayne Marston):** Is everyone okay with that?

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

**The Vice-Chair (Mr. Wayne Marston):** Do we have consensus on the actual motion?

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

**The Vice-Chair (Mr. Wayne Marston):** Go ahead with your questions.

**Hon. Irwin Cotler:** I appreciate that because of the urgency of the situation of Mr. Badawi.

Now I'll go to my questions. I apologize if I have to run before the answers, because I must speak in the House.

My colleague David Sweet, I might begin, just referred to the four-hour debate we held in the House on anti-Semitism. I want to commend my colleagues from all parties who participated in that debate and will just mention that the House yesterday unanimously adopted a resolution condemning the alarming rise in anti-Semitism and calling on the government to continue to make the combatting of anti-Semitism a domestic and international priority. I think that resolution is the first that I know of, in any parliament anywhere, that has been so expressive and specific in that regard. The fact that it was unanimous is something that I think bears appreciation.

To my question now, Mr. Matas, you spoke about the language in the UN General Assembly and said that it should be enhanced referencing the Iranian incitement. As you know, the 21st century began with Supreme Leader Khomeini saying that there can be no solution to the Arab-Israeli conflict without the annihilation of the Jewish state. More recently, that language has continued with references to the excising of Israel as being a “cancerous tumour” in the Middle East. We don't have Ahmadinejad around anymore, but that language has not necessarily receded.

My first question to you—and then I'll put the second one to you and you can answer them both—is whether there are legal remedies we can use to sanction the Iranian leadership for this state-sanctioned incitement to hate and to genocide, which is arguably a violation of the prohibition against incitement in the genocide convention. That's the first question.

The second question has to do with the fact that tomorrow is the global day of action for the Education is Not a Crime campaign to dramatize the painful reality that education is a crime for the Baha'i community, whose members are effectively treated as non-citizens in Iran and are today the largest but most persecuted minority in Iran. I know that this has been another area of your concern. I thought I would invite you to comment on that, if you want to, as another symbol of the Iranian domestic repression of human rights and religious freedom.

**Mr. David Matas:** In terms of legal remedies, obviously there is no legal remedy in Iran. In terms of international remedies through the International Court of Justice or the International Criminal Court, there might be a remedy through the International Court of Justice through the genocide convention if one state wants to bring Iran to the International Court of Justice under the genocide convention.

Iran is not a state party to the International Criminal Court.

In terms of Canada, there is potential universal jurisdiction but we'd have to have legislation that grants that universal jurisdiction. Right now we have universal jurisdiction legislation, as I mentioned before, under the Justice for Prevention of Terrorism Act, which relates only to terrorism. It could potentially include incitement to terrorism, which is one of the offences, and it is a civil remedy.

We do have international criminal universal jurisdiction remedies, which include genocide and incitement to genocide. They require the consent of the attorney general and they require presence. Somebody would actually have to be here, or a Canadian victim. I would say that there are Canadian victims of this incitement to terrorism, so we could potentially ask the attorney general to prosecute for incitement to terrorism with consent.

I think one thing that would be useful is simply getting.... There are these international arrest warrants already through Interpol for a number of people in the Iranian regime because of the AMIA bombing. I think we should be urging that these people be turned over for prosecution, not to Canada, but to Argentina. I think that would be helpful in seeing international legal remedies work.

In terms of your second question about the Baha'i, you have to ask why the regime is anti-Semitic, why it is anti-Zionist. To a certain extent the answer is the same as why it's anti-Baha'i. It's using this hatred as a vehicle for putting itself in power, and keeping itself in power. Whipping up hatred against others is a way of whipping up support for itself.

I would say that this is a standard totalitarian tactic. These people couldn't get elected but they have to justify their power in some way so this is the way they justify it, by saying, we're the enemy of the Jews, we're the enemy of Baha'i, we're the guardians of the faith of Islam or Shiism. I see that ideological connection here.

I think it's always worthwhile, when you're looking at these violators, to look at the ideological foundations of their hatred. What we see with Iran is an ideological foundation that ties together their anti-Baha'i attitudes and their anti-Semitic attitudes.

• (1355)

**Hon. Irwin Cotler:** Thank you, Mr. Matas.

I'll ask the committee to check my notes, and I must rush.

**The Vice-Chair (Mr. Wayne Marston):** Thank you, Mr. Cotler.

Mr. Hillyer.

**Mr. Jim Hillyer (Lethbridge, CPC):** Before I get into some questions, Mr. Sweet and I thought it might be good to call some attention to what it takes to qualify as a political prisoner. There are a lot of political prisoners and those are just words out there. It doesn't take much to qualify to become a political prisoner, does it? Who is being thrown in jail as a political prisoner?

**Mr. David Matas:** I know that Amnesty International has a definition of a "prisoner of conscience", who is a person being detained only for his conscientiously held beliefs and not for any acts of violence. I think that's pretty straightforward.

**Mr. Jim Hillyer:** You're talking about the UN definition. What does it take to get the regime mad enough at you to say, we're going to throw you in jail, and not just for your thoughts or your conscience?

**Mr. David Matas:** Again, this is a concept you find in the refugee convention.

A political prisoner is not somebody who has a political opinion. A political prisoner may have no opinion, or may actually support the regime. But as long as the regime thinks or perceives you're the

enemy and they throw you in jail because of that, it doesn't matter what you are personally, you become a political prisoner.

**Mr. Jim Hillyer:** Thank you.

Also, I wonder if you could help distinguish some terminology. First of all, to anti-Zionists, "Zionism" or being a "Zionist" is used as an insult or as a derogatory term. How is Zionism distinct from just being Jewish, or how is anti-Zionist distinct from being anti-Semitic, and is there a difference between being a Zionist and being pro-Israel?

**Mr. David Matas:** Why don't we let somebody else start this?

**Mr. Michael Mostyn:** It's an interesting phenomenon.

Anti-Semitism in the classical sense has shifted over the years. When you're talking about the time of Nazi Germany, people could go through the streets and say, "we hate Jews". In the modern sense, we simply don't see this anymore.

Across this country, on Canadian university campuses, many of which have become very uncomfortable for Jewish students, you don't typically hear the rhetoric, "I hate Jews"; you hear, "I hate Israel". All of the classical attributes of anti-Semitism rather than being applied to the individual, as was done in the past—and at the time of Holocaust, there was no state of Israel—are being placed onto the state of Israel today. So they'll say, "I hate Zionists". The feeling is that even if it is only a political expression, it is still obviously discrimination. The vast majority, everybody within mainstream Judaism, views themselves as Zionists. There's a historical connection. There's a religious connection. This is something that Jews pray for—Zion and Jerusalem—every day. It's an essential part. That's how things have sort of shifted over time. There have been Zionism resolutions at the United Nations. But that's essentially what has happened—that flip—so it's an attack on Israel. They'll say, "well, we have problems with Israel's policy", but the lie to that is essentially that when they say, "well you're a Jew, so clearly you must be a supporter of Israel, so clearly I'm going to be discriminating against you because I'm inferring those views upon you", that essentially speaks for itself and that's why it is essentially the same thing. It's anti-Semitism and it's Jew hatred. It's just a more polite expression of it in civil society today.

• (1400)

**Mr. David Matas:** Maybe I could give a legal distinction.

Anti-Semitism is a set of human rights violations, a wide variety of forms of discrimination against the Jewish community. Anti-Zionism is the rejection of one particular Jewish right, the right to self-determination of peoples.

There is a difference between anti-Zionism and being anti-Israel. Let's say you hate the way the roads are paved in Israel, and so you're critical of Israel, that's not being anti-Zionist. Anti-Zionism goes to the existence of the state of Israel rather than to its behaviour.

**Mr. Jim Hillyer:** Sure.

The official policy of the Iranian regime is not anti-Semitic but is anti-Zionist. Is that correct?

**Mr. David Matas:** I would say anti-Zionism is a form of anti-Semitism. It's a very particular one.

I would say—but of course what Michael says is true—once you're Jewish you're suspected of being Zionist and so the anti-Zionists impose a wide range of violations on Jews as suspected anti-Zionists, perceived anti-Zionists complicit in the crimes of Zionism, whether that's real or not.

**Mr. Michael Mostyn:** As well, the actions of the actual state of Iran, when, through its terrorist proxies it targets Jews abroad for murder, are also actions against the Zionist entity. These are innocents. Whether it's Jews or non-Jews who get murdered, that is the rhetoric of this regime being put into action.

**The Vice-Chair (Mr. Wayne Marston):** Thank you, Mr. Hillyer.

In order to extend further, we're going to need permission of the committee. Mr. Benskin has a right to another question since I'm in the chair.

You pass? Okay.

That would conclude—yes?

**Mr. David Sweet:** Just on a point that Mr. Hillyer was trying to make. If I could just have 60 seconds, that would be great.

Our question went a bit awry.

What I wanted to get on the record, gentlemen, was just that you don't have to...there's a very narrow cast that you have to live within as far as the lifestyle in Iran goes in order to stay out of jail.

Simply for being a Baha'i person and loving people and telling people that you're Baha'i, you can be incarcerated in Iran. Simply for being a Jew, you can be incarcerated in Iran. Simply by putting one entry in a blog that is slightly askew of what this regime believes.... The point I'm trying to make is that we always refer to them as political prisoners, but these folks who are jailed and tortured in Iran are often guilty of so little. Pastor Abedini for example, for whom

I've been advocating for years, was simply a pastor at home churches, and he has been incarcerated since 2012.

That was the point that they were trying to make, and I just wondered if you agreed with that?

**Mr. David Matas:** Yes, sure. To a certain extent it relates to a previous comment that was made: when we're dealing with political prisoners, they're not political in our sense; they're just seen as political by the regime.

By way of a concluding comment, I just want to say that I am pleased that the committee has given us this opportunity and that Iran has been put on the agenda, but I would encourage the committee to do a report as well on the issue. A number of factual, legal policy issues arise when you're dealing with Iran, and I believe we would all benefit from the wisdom of the committee on this.

**The Vice-Chair (Mr. Wayne Marston):** Thank you.

We're at the point of adjournment, and I want to thank you gentlemen for being here.

I notice that Mr. Mostyn's name is very close to "Marston" when you pronounce it.

**Voices:** Oh, oh!

**The Vice-Chair (Mr. Wayne Marston):** I'll have to start checking my own history very quickly now.

At any rate, thank you very much for your testimony.

I saw out of the corner of my eye that our analyst noted your request at the end of the meeting, so I'm sure we'll be discussing it.

We stand adjourned.

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