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# Standing Committee on Transport, Infrastructure and Communities

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Chair: Mr. Vance Badawey





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Thursday, June 10, 2021

• (1535)

[English]

**The Chair (Mr. Vance Badawey (Niagara Centre, Lib.)):**  
Good afternoon, everyone. It's a pleasure to be here on this lovely Thursday.

I'd like to welcome each and every one of you to meeting 37 of the House of Commons Standing Committee on Transport, Infrastructure and Communities.

Today's meeting is taking place in a hybrid format, pursuant to the House order of January 25, 2021. The proceedings will be made available via the House of Commons website. So you are all aware, the webcast will always show the person speaking, rather than the entirety of the committee.

To ensure an orderly meeting, I would like to outline a few points to follow.

First, members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting, and you have the choice at the bottom of your screen of either floor, English or French audio. For members participating in person, proceed as you usually would when the whole committee is meeting in person in the committee room. Keep in mind the directives from the Board of Internal Economy regarding masking and health protocols.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled by the proceedings and verification officer.

As a reminder, all comments by members and witnesses should be addressed through the chair. When you are not speaking, your mike should be on mute.

With regard to the speaking list, as always the committee clerk and I will do the very best we can to maintain the order of speaking for all members, whether they are participating virtually or in person.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on March 23, 2021, the committee will now begin its study of the government's response to the Ukraine International Airlines flight 752 tragedy.

I would first like to introduce and welcome our witnesses.

First, we have the Honourable Ralph Goodale. Ralph, welcome back. Ralph is the high commissioner for Canada in the United

Kingdom of Great Britain and Northern Ireland, and special adviser to the Prime Minister on PS752.

We also have with us, from the Canadian Coalition Against Terror, Aidan Fishman, legal counsel. From the Canadian Transportation Accident Investigation and Safety Board, we have Kathleen Fox, chair; Natacha Van Themsche, director, air investigations; and Ewan Tasker, manager of international operations and major investigations.

From the Privy Council Office, we have Jeff Yaworski, forensic examination and assessment team.

These will be the witnesses between 3:30 and 4:45.

From 4:45 to 5:30, we have the Association of Families of Flight PS752 Victims, with Hamed Esmaeilion, president and spokesperson; Amirali Alavi, representative; and Kourosh Doustshenas, representative. If I did not pronounce your names properly, I very much apologize.

With that, we going to start off with our witnesses.

We are going for five minutes each, because we have quite a few witnesses here, and I'm sure questions will be imminent.

We're now going to start off. I'll just note that when you see my hand go up, that means you're on your last minute.

With that, we have the Honourable Ralph Goodale. Ralph, welcome back. The floor is yours for five minutes.

**Hon. Ralph Goodale (High Commissioner for Canada in the United Kingdom of Great Britain and Northern Ireland, Special Advisor to the Prime Minister on PS752, As an Individual):**  
Mr. Chair and members of the committee, thank you very much.

I join you today from Cornwall in the United Kingdom, where G7 leaders are gathering this weekend for their annual summit. Those activities notwithstanding, I am very pleased to participate in this important discussion about the horrific behaviour of Iran, which destroyed Ukraine International Airlines flight PS752 and killed so many innocent people, including so many with links to Canada.

Early last year, the Prime Minister asked me to assist with the government's response. I began that task on March 31, 2020, and it continues today alongside my duties as Canada's high commissioner in the United Kingdom.

I was asked to do three things. The first was to assist ministers and public servants in responding to the myriad needs of the grieving families of the victims. The second was to catalogue the best practices to be mobilized in response to tragedies like this, so such information is readily available to help deal with any future crises. The third was to make suggestions for how the world can best prevent these awful circumstances from happening again.

In the course of this work, I consulted repeatedly with the families. They are courageous, resourceful, insightful, unfailingly gracious, generous, knowledgeable and astute. I also listened to families who lost loved ones in other international air disasters, such as the bombing of Air India flight 182 and the Max 8 crash of Ethiopian Airlines flight 302.

In addition, I engaged with more than 15 departments and agencies of the government of Canada and a high-calibre roster of external experts such as Professors Payam Akhavan, Thomas Juneau and Craig Forcese, among others. I engaged with Dutch officials leading the Netherlands' lengthy and dogged response to the 2014 attack on Malaysian Airlines flight MH17 over the Russian border.

The results of this work were published last December in my report entitled "Flight PS752: The Long Road to Transparency, Accountability and Justice".

Let me summarize just a few main points.

First is the title. Why is it such a long road? The answer lies in the large, complex, multinational nature of this tragedy, the complicated maze of international conventions and practices that need to be navigated with precision, the limited roles of organizations like ICAO and the brutal intransigence of Iran. Among other things, I have recommended significant changes in the international legal framework to ensure that culpable nations are not put in charge of investigating disasters that they themselves have caused.

Second, in my view, Iran's management of this tragedy has been deliberately evasive and deceptive. For 72 hours at the outset, they denied any state or military involvement, when they knew that wasn't true. They admitted that the destruction of PS752 was the result of military interference, but then they refused to conduct a transparent and comprehensive investigation of that very military interference. They have also stonewalled dozens of critical questions that Canada and the world have asked.

Third, beyond being denied full and honest answers, the families have been treated abhorrently by Iran. In some cases, the personal effects of their loved ones have been vandalized, lost or stolen. Their funerals and memorials have been disrupted or distorted. They have been targets of intimidation and harassment. Such abuse is simply inexplicable and unforgivable.

Fourth is that, in my opinion, Iran's conduct was grossly incompetent. Witness their deeply flawed risk assessment, which claimed that everything was quite safe in Tehran's airspace that morning. They were reckless. Witness the outrageous decision to keep that airspace open despite their own very recent missile strikes on Iraq and their full expectation of retaliation. They showed wanton disregard for human life. Witness their failure to tell commercial airlines that hostilities were under way. Those airlines were actually under

surveillance by IRGC missile operators with their fingers on the triggers.

• (1540)

Fifth, Iran has displayed an attitude of impunity, divorced from any remorse or responsibility for its deadly conduct. The Iranians were bulldozing the crash site within just a few hours. They delayed downloading the black boxes for months on end. Even now, they say that if they had that faulty risk assessment to do over again, they would come to the same conclusion. They produced a late and shambolic safety report without a shred of hard evidence, and their criminal investigation remains secret and hypothetical.

Yes, the families should be outraged, and so should the entire international community. We have not been told the truth, the whole truth and nothing but the truth, and without that, no one can or should feel at all safe or secure in the still dangerous skies over Iran.

I thank you for your attention.

**The Chair:** Thank you, Mr. Goodale.

We're now going to the Canadian Coalition Against Terror.

We have with us Mr. Aidan Fishman.

Mr. Fishman, the floor is yours for five minutes.

**Mr. Aidan Fishman (Legal Counsel, Canadian Coalition Against Terror):** Thank you, Mr. Chair.

It's an honour to testify today before this committee on behalf of the Canadian Coalition Against Terror, also known as C-CAT. C-CAT was founded by Canadian terror victims in 2004. It is a non-partisan research and policy group committed to seeking innovative legal and public policy strategies in the fight against terrorism and extremism.

On January 8, 2020, UIA flight PS752 was blown out of the sky by operatives of the Islamic Revolutionary Guard Corps, or the IRGC. One hundred and seventy-six people were murdered, including around 55 Canadian citizens and 138 people in total who were flying to Canada. It was the second-deadliest terror attack in history against Canadians, after only the Air India bombing of 1985. In fact, more Canadians died aboard PS752 than on 9/11.

Almost three years ago today, the House of Commons overwhelmingly adopted a motion calling on the Government of Canada to immediately designate the IRGC as a listed terrorist entity under the Criminal Code. On May 20 of this year, the Ontario Superior Court of Justice handed down a decision in which it found that the IRGC committed an intentional act of terrorism by shooting down UIA flight PS752.

After my remarks, Mr. Chair, being advised on the correct procedure, I would like to table a copy of that decision before this committee.

C-CAT stands firmly with the victims of this atrocity and their family members, and believes the best immediate and concrete way to stand in solidarity with them right now is to designate the IRGC as a terrorist entity, in line with the will of the House of Commons. In light of the facts I've outlined, we believe the onus is on anyone who opposes this move to justify their opposition. Nonetheless, I want to address some of the points that have been raised here and there in objection to this step.

First, it has been said by some that there is no need for this step, because the Quds Force, which is the external operations arm of the IRGC, is already listed as a terrorist entity. However, the House resolution that I mentioned explicitly called for the IRGC as a whole to be listed, and was passed after the Quds Force had already been listed. Clearly, the intent was to refer to the entire IRGC.

Second, the recent Ontario court judgment that I mentioned specifically finds that the IRGC operating in Iran, rather than specifically the Quds Force, was responsible for this act of terrorism. The government ought to honour that court decision.

Finally, in other cases, Canada has rightly rejected the artificial distinction between different wings of the same organization when it comes to other listed terrorist entities, such as Hamas and Hezbollah. There is no reason not to follow that precedent in this case as well.

[*Technical difficulty—Editor*] said that the IRGC cannot or should not be listed as a terrorist entity, because it is part of the armed forces of a state, namely Iran, but in reality this can't be a real barrier. As I said, the Quds Force is already listed, and the Quds Force is a part of the IRGC, meaning that it is also part of the state apparatus. Iran itself, in addition, is already designated as a state sponsor of terrorism, pursuant to the State Immunity Act.

Moreover, to give another example, Hamas was not removed as a designated terrorist entity when it won Palestinian elections in 2006 and became part of the Palestinian government. The same is true with respect to Hezbollah, which has been part of the Lebanese government for a number of years.

In fact, it would be completely illogical if being part of the state apparatus somehow prevented Canada from designating a group as a terrorist entity, because if that were true, it would actually create a perverse incentive for countries like Iran to incorporate terrorist proxies into the state apparatus, which is the opposite of what we should want.

In conclusion, it is C-CAT's position that none of the arguments against listing the IRGC as a terrorist group, consistent with the court ruling and consistent with the will of the House of Commons, hold any water. We believe the government should act and should designate the IRGC as a whole as a terrorist entity as soon as possible.

Thank you.

• (1545)

**The Chair:** Thank you, Mr. Fishman.

We're now going to move on to the Canadian Transportation Accident Investigation and Safety Board, we'll start off with Kathleen Fox, the chair.

Ms. Fox, the floor is yours for five minutes.

**Ms. Kathleen Fox (Chair, Canadian Transportation Accident Investigation and Safety Board):** Thank you. Good afternoon, Mr. Chair and members of the committee.

I will be the only one speaking for the TSB during the opening remarks.

Thank you very much for the opportunity to appear today to explain the role of the TSB in Iran's safety investigation into the downing of Ukraine International Airlines flight 752.

Since the morning of this tragic event that killed so many Canadians and others with ties to Canada, we have been fully engaged in doing as much as possible to find out what happened, why it happened, and what needs to change to prevent such a tragedy from happening again.

In the case of international safety investigations, the ICAO's annex 13 prescribes the roles of participating countries, including which state has the right to lead the investigation, and which other states may participate and to what extent. It should be noted that a safety investigation is not intended to attribute blame or determine civil or criminal liability.

From the beginning, Iran offered the TSB more access to its investigation activities than we were technically entitled to, albeit less than what we asked for. For example, two TSB investigators, one of whom is with us here today, spent six days in Tehran following the crash.

[*Translation*]

In July of last year, our expert and a Transportation Safety Board of Canada (TSB) flight recorder specialist attended the readout of the aircraft's flight recorders in Paris.

[*English*]

Also, in early February of this year, Ukraine invited us to provide technical assistance, giving us access to the draft investigation report for review and comments.

Throughout this process, we have specifically and repeatedly asked Iran's Aircraft Accident Investigation Board to answer three important questions.

First, what was the sequence of events, including the technical, human and organizational factors, that led to the missiles being fired that brought down PS752?

Second, why was Iran's airspace kept open during a period of heightened military alert?

Finally, why did civilian airlines continue to operate in Iran's airspace in the hours following the launch of missiles into Iraq?

Last March we shared our independent perspective publicly on how these three questions were addressed in the final report.

Iran concluded that PS752 was shot down because an air defence unit mistook the Boeing 737 as a threat, and claimed that this misidentification occurred because of a misalignment of the missile launcher's radar. However, Iran has provided no evidence to date to support this scenario.

As to why the airspace remained open, Iran generally explained the risk assessment process and limited mitigations that its civilian authorities took in coordination with the military following their launch of missiles into Iraq. However, Iran did not completely close its airspace to civilian aircraft.

Finally, Iran did not publish any notices, as recommended by ICAO, to warn aircraft operators of the hazards associated with Iran's state of heightened military alert until after PS752 was shot down.

Ukraine International Airlines was not the only airline to continue operating after Iran launched missiles against Iraq. Eight other aircraft departed Tehran before the shoot-down of PS752.

We consider that Iran's final investigation report raises more questions than it answers. The report does not explain any of the underlying factors behind why the missiles were launched at PS752, the stated cause of this tragedy.

• (1550)

[*Translation*]

In short, the report says what happened, but doesn't address the why.

[*English*]

We know this has been very difficult for the families, and in the end, no safety investigation report can ever bring back those who were lost.

Much concern has been expressed about the international protocols that govern these very unique types of safety investigations involving military activities, and specifically the issue of the state of occurrence investigating itself.

Now that Iran's safety investigation has concluded, the TSB has begun acting on its commitment to advocate for a review of the provisions of ICAO annex 13, so that families and the public can have confidence in the findings and recommendations from these very unique investigations.

Last month we submitted a working paper to the ICAO accident investigation group panel, calling for the examination of conflict of interest situations following an event where the state is directly involved in the downing of a civilian aircraft, and for the consideration of how the ICAO standards, recommended practices or guidance may be improved to reinforce the independence of future investigations and improve their integrity, transparency and credibility.

Thank you, Mr. Chair.

We'd be pleased to take your questions.

**The Chair:** Thank you, Ms. Fox.

We're now going to move on to the Privy Council Office, with Mr. Jeff Yaworski, forensic examination and assessment team.

Jeff, you have the floor for five minutes.

**Mr. Jeff Yaworski (Forensic Examination and Assessment Team, Privy Council Office):** Good afternoon, Mr. Chair and members of the committee. Thank you for inviting me to support your study of the downing of flight PS752.

In October 2020, the Honourable François-Philippe Champagne, then the Minister of Foreign Affairs, announced the formation of a Canadian forensic examination and assessment team—the forensic team. I am honoured to be leading such important work. Our task is to uncover how and why Ukraine International Airlines flight 752 was shot down by Iran's Islamic Revolutionary Guard Corps near Tehran on January 8, 2020.

Iran's account of events has consistently lacked transparency, credibility and completeness. Significant questions remain surrounding the circumstances and causes of the tragedy.

The families of the victims of flight PS752 are rightly skeptical of Iran's intentions and actions. Iran's lack of transparency is deeply troubling. Its official account of events is dishonest, misleading and superficial, and deliberately ignores key factors. Iran refuses to provide answers to key questions.

The families who lost loved ones to this terrible tragedy deserve answers to these many unanswered questions. It is my hope that our work will help in this regard.

I report to Vincent Rigby, the national security and intelligence adviser to the Prime Minister. Since its creation, the forensic team has been hard at work to examine, organize and analyze all available information, evidence and intelligence about the flight PS752 disaster and advise the government on its credibility and probative value.

The forensic team was tasked with preparing an unclassified report on the circumstances and causes of the shoot-down. Once released, it will represent our best assessment of the tragedy, based on all information, evidence and intelligence available to the Government of Canada.

Thankfully, it has been a whole-of-government effort. Dedicated representatives from all relevant Government of Canada departments and agencies have supported us. The work is complicated and sensitive. Sifting through mountains of data, working with our allies and declassifying intelligence where possible, while protecting sources, has proven to be a time-consuming and labour-intensive undertaking. That said, the families and loved ones of the victims have always been central to our efforts, and we owe it to them to get it right.

Our report will not, however, answer all outstanding questions. Only Iran has full access to the evidence, the crash site, witnesses and those ultimately responsible. It therefore remains incumbent upon Iran to provide a full and credible accounting of the events, so that the world may finally know the truth about what happened to PS752.

While we have not been able to release our report yet, I will outline what I can on its development, in particular as it relates to the victims' families.

I met with the families very early in my mandate and started an important dialogue. We also set up a dedicated email address for families to use to provide investigative leads that they felt were significant. We have since received information of value to our investigative efforts.

The Association of Families of Flight PS752 Victims also set up its own fact-finding committee, which has provided investigative leads to the forensic team, including suggestions on the surface-to-air missile system and its operator, as well as information regarding other flights. We thoroughly investigated all of the material provided and sought to corroborate it with the expansive body of information available to the Canadian government. The forensic team also took great efforts to validate and answer questions from the families wherever possible.

I recognize that the gathering of this information by the families came with risks, especially given the actions taken by Iran. Their efforts are truly appreciated, and I want to use this opportunity to thank the families for their contributions.

When meeting with the victims' families, I committed to giving them access to the full report before it is made public. Because of this, I will not be able to answer any of the committee's questions on our key findings or any of its content. To do so would be to betray the trust we have developed. I appreciate your understanding of my predicament.

I would like to close by expressing my deepest sympathies to the families and loved ones of the victims of flight PS752. It is my hope that our work will help in some little way on their difficult journey to reconciling their unimaginable grief. The lives lost and the potential stolen of the 55 Canadians, 30 permanent residents and the other passengers and crew of PS752—176 victims in total—should never be forgotten.

Thank you.

I'd now be happy to take your questions.

• (1555)

**The Chair:** Thank you, Mr. Yaworski.

Members, I will just remind you that this panel is from 3:30 to 4:45, and the next panel, with the Association of Families of Flight PS752 Victims, will begin at 4:45 and end at 5:30.

With that, we're going to go to our questioners, and starting us off for the Conservatives is Ms. Kusie.

You have the floor for six minutes.

**Mrs. Stephanie Kusie (Calgary Midnapore, CPC):** Thank you, Chair.

Welcome, High Commissioner Goodale. It's very nice to see you again. As someone who served in the Canadian foreign service for close to 15 years, I hope to follow your path of an expedited head of mission appointment politically one day. It's very lovely to see you. Congratulations on that. Please say hi to Sean Blane, who was my contemporary in the early 2000s. As well, on a personal note, I'll say please say hi to Art Riel, our mutual family friend.

High Commissioner Goodale, on June 12, 2018, when you were Minister of Public Safety and Emergency Preparedness, you voted in favour of a motion in the House of Commons that called on the government to immediately designate the Islamic Revolutionary Guard Corps as a listed terrorist entity under the Criminal Code of Canada. Do you still support listing the IRGC as a terrorist entity in Canada?

**The Chair:** Mr. Goodale.

**Hon. Ralph Goodale:** Thank you, Mr. Chairman.

Thank you, Ms. Kusie.

I will say hello to both of those folks, and I know both of us are thinking very fondly of Art Riel in his illness.

The House of Commons has made clear what its opinion is in this matter. The government has the ultimate responsibility for deciding when and how to proceed with sanctions. As Mr. Fishman has mentioned, there have been sanction measures launched against various elements of the IRGC or surrogate organizations, partly under the Criminal Code, partly under the United Nations Act, and partly under the Special Economic Measures Act. There is also the new legislation that potentially could be used in appropriate circumstances, in the form of the Magnitsky type of sanctions that have been proposed. The government will have to make that decision.

I would just make two points about some factors that will go into that decision.

First of all, you need to be absolutely sure of your legal ground so you don't set up an easy legal challenge, which would be a propaganda victory for the other side. There are legal arguments affecting the use of certain provisions in the law. It would be, I think, incumbent on the government to weigh all of the arguments, including what we've heard this afternoon from Mr. Fishman, taking into account all of the pros and cons in making sure you're not giving the other side an easy propaganda win.

Second, when implementing sanctions, it is prudent, I think, to try very hard to act in concert with other nations so that it's not Canada acting alone, as symbolically important as that could be, but so that we have a group of countries acting together in concert to make this an international indictment and not just a unilateral indictment.

I think all of that is important, but I hear your point. Parliament has expressed its opinion. The government will need to decide.

• (1600)

**Mrs. Stephanie Kusie:** Thank you, High Commissioner.

You mentioned Mr. Fishman, who I'll go to next.

Mr. Fishman, one of the government's main initiatives in response to the downing of PS752 was the safer skies initiative, which of course looks at how to prevent civil aviation accidents in the future in conflict zones. Do you believe that the safer skies initiative addresses prevention strategies, so that incidents such as PS752 do not occur again?

**The Chair:** Mr. Fishman.

**Mr. Aidan Fishman:** It's an excellent question.

Certainly, I think all of us, including C-CAT, are in favour of any initiative to make the sky safer for civilian aircraft in times of conflict. The reality is that, as the Ontario Superior Court has now found based on various reports, all indications really are that this was not an accident. It was not a case of not having the right guidelines in place.

The truth really is that if there were any viable arguments or any viable evidence that this disaster was the result of human error or technological malfunction, Iran would have all the interest in the world in proving that to us, in proving that to the international community in a transparent manner.

At this point, all indications are that the shoot-down was intentional and, as much as it's great to try to prevent accidents in the future, this wasn't an accident, and C-CAT's position is that Canada should respond accordingly.

**Mrs. Stephanie Kusie:** Thank you, Mr. Fishman.

Thank you, Chair.

What actions or initiatives does the Government of Canada need to take to prevent tragedies like PS752 from happening in the future?

**Mr. Aidan Fishman:** The honourable high commissioner mentioned at the beginning of his remarks the potential of Magnitsky sanctions. That's another measure that could be used in this case to hold some of the individual officials involved with this accountable, and it's something that C-CAT certainly supports.

The issue with the Magnitsky sanctions targeting individuals is that, even in a dictatorial regime like the one in Iran, the faces and the positions change. Ultimately, even if you hold specific people responsible, you're not holding the broader system and the broader entity that caused the deaths responsible.

That's why it's ultimately our position that the IRGC should be designated a terrorist entity. I acknowledge, as the honourable high commissioner said, that the government clearly has to weigh the pros and the cons, but at this point, the pros of listing them are pretty clear, and there seems to be a very small and quickly vanishing list of cons.

• (1605)

**Mrs. Stephanie Kusie:** Thank you.

**The Chair:** Thank you, Ms. Kusie.

We're now going to move on to the Liberals and Mr. Ehsassi.

Mr. Ehsassi, you have the floor for six minutes. Go ahead.

**Mr. Ali Ehsassi (Willowdale, Lib.):** Thank you, Mr. Chair.

Thank you very much to everyone who's here to testify. I know it has been a difficult year, but certainly everyone who is here has worked very, very hard to hold Iran to account.

In particular, I want to welcome back to Parliament the Honourable Ralph Goodale. It's great to see you, Mr. High Commissioner.

Now I will start off with Ms. Fox.

Ms. Fox, as you know, one of your officials arrived in Tehran within days of this terrible tragedy. In your opinion, was your official provided full access to do investigative work while he was on the ground in Tehran?

**Ms. Kathleen Fox:** Mr. Chairman, I'm going to ask Mr. Tasker to take that question, because he was the one who went to Tehran and can speak directly to the matter.

**The Chair:** Thank you.

Go ahead, Mr. Tasker.

**Mr. Ewan Tasker (Manager, International Operations and Major Investigations, Canadian Transportation Accident Investigation and Safety Board):** Yes, I was one of the two investigators who arrived in Iran in those early days.

As Ms. Fox mentioned before, due to the nature of Canada's involvement in that and the expert status, I was aware of what's called the documented limitations there would be to my involvement. However, obviously from the moment I arrived, I was pressing for more access, and I was provided with access that exceeded the minimum, so we did visit the site. We examined the wreckage and photographed it for several days. We examined extra data and were part of group meetings while we were there.

We were provided with additional information. It wasn't to the extent that I was requesting. Of course, I requested further and further, but it was limited—

**Mr. Ali Ehsassi:** Thank you for that.

Ms. Fox, as we heard from the high commissioner, I think it's fair to say that the manner in which Iran has acted has been horrific; it's been brutal. I understand Canada asked for expert status so we could be more active in this investigation. Is it correct that we officially requested that from the Iranian government?

**Ms. Kathleen Fox:** Mr. Chair, to be clear, we asked for the higher status of accredited representative, which provides us with more opportunity to contribute to the investigation. That was done by me in writing on more than one occasion. It was done multiple times by Mr. Tasker, who was in direct contact with the Iranian investigator in charge, and I know that other levels of government, including the diplomatic level, also made such requests. Iran never formally told us no, but they never gave us the higher status.

**Mr. Ali Ehsassi:** When it came to the black boxes going to Paris for the decoding, I suspect that you would have been happy to have a higher status than observer. Did you put in a request at that point, and why did Iran officially not allow you to have a more elevated status?

**Ms. Kathleen Fox:** Mr. Chair, in accordance with ICAO annex 13, experts do not normally participate, even as observers, in the download analysis of recorders, so the fact that we were able to have somebody there was an extra step for us. We did not have direct access to the recordings, no, but we asked multiple times in writing and in person, in the form of Mr. Tasker.

**Mr. Ali Ehsassi:** On every occasion, the Iranians refused to acknowledge it, and they never officially responded. Am I correct?

**Ms. Kathleen Fox:** Mr. Chair, with respect to the letters I sent, I had a response to only one of the three letters that I sent. In response to the request Mr. Tasker made, we, along with other expert countries, such as Sweden and the U.K., were not allowed to have direct access to the recordings in Paris.

**Mr. Ali Ehsassi:** In your testimony, you referred to the fact that the Ukrainians provided you with a copy of the draft final report by Iran. You took the time to provide them with your observations, and those were sent back to the Iranians.

Given your observations and given the fact that Minister Goodale's report also referred to all the gaps that needed to be answered, if you had to grade the final Iranian report, what would your grade be?

**Ms. Kathleen Fox:** Mr. Chair, I think it would be oversimplistic to give it a specific grade. The report is incomplete. It doesn't provide proof. It doesn't provide details about what happened or why it happened, so it falls short of what we would have expected and certainly what the families deserve to hear.

I would just add for clarity that our comments were made to Ukraine and then Ukraine submitted our comments to Iran. All of them were provided to Iran, but Iran only dealt with some of them in the actual report. The rest were appended to the end of the report.

• (1610)

**Mr. Ali Ehsassi:** That report you prepared.... Is that considered the property of the Government of Canada or the property of the Government of Ukraine?

**Ms. Kathleen Fox:** Mr. Chair, the comments we provided to Ukraine are really Ukraine's to deal with, but we have indicated to Ukraine and to others that we have no issue releasing our comments to the public if requested.

**Mr. Ali Ehsassi:** If we officially requested, as Parliament, that you table that report, would you have any misgivings?

**Ms. Kathleen Fox:** To be clear, it's not a report. It's really our comments on their safety report. As long as Ukraine has no objection, we have no objection to releasing our comments.

**Mr. Ali Ehsassi:** However, you think that unless they actually provide explicit approval, you would not do so.

**Ms. Kathleen Fox:** Again, we were appointed as a technical adviser to Ukraine. Therefore, we would want Ukraine to approve the release of our comments to them.

I can assure you, Mr. Chair, that all of our comments were provided to Iran.

I realize you may be running short of time.

Mr. Tasker, do you have anything you want to add with respect to Iran's treatment of our comments?

**Mr. Ewan Tasker:** No. I just have some fine details.

Some comments were addressed. Some that were not addressed were appended. Some were neither appended nor addressed.

Then, a final point—

**Mr. Ali Ehsassi:** More importantly, I'm wondering if, as Parliament, we could have access to your observations. What would prohibit that from happening?

**Mr. Ewan Tasker:** I, personally, have no problem with it. As we have stated before, we are welcome to release them. I think that, from a formality perspective, we would request approval from Ukraine. However, I am nearly certain that Ukraine would approve that release anyway, so they would be easy to get.

**The Chair:** Thank you, Mr. Ehsassi.

Thank you, Mr. Tasker.

Thank you, Ms. Fox.

We are now going to move on to the Bloc.

Mr. Barsalou-Duval, you have the floor for six minutes.

[*Translation*]

**Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ):** Thank you, Mr. Chair.

I would like to thank all the witnesses here today. I think that they are very relevant witnesses in the context of our study and that we will learn a lot from them.

Let me start with Mr. Goodale. We know that the most important thing for victims is to have answers and to know what happened. We saw the opposite with Iran. It was very opaque and we found it very difficult to obtain information.

I would like to know how, specifically, you are obtaining information in this context. What actions have you taken and what are your methods?

[*English*]

**Hon. Ralph Goodale:** I think all of us who have dealt with the regime either directly or indirectly over the last year and a half have found information and facts and solid data very difficult to come by.

The forensic team that Mr. Yaworski is leading is one of the initiatives created by the Government of Canada in the course of the last 15 months to create a vehicle by which we could at least have some ability to gather information, to gather evidence, to gather intelligence and to make our own assessment of how credible it all is. As Mr. Yaworski has explained, that work is ongoing, and as soon as he is in a position to do so, he will present that information to the families. That's one way to further the quest for the truth. We certainly haven't got to, as I said in my remarks, the whole truth and nothing but the truth yet, and there is further work to be done.

The second element of this is the work that the Government of Canada is now undertaking as part of the international coordination and response group of countries. They are Canada, Ukraine, the United Kingdom, Sweden and, to a certain extent, Afghanistan, although Afghanistan is preoccupied with some other issues domestically in that country at this moment. The coordination group have served notice of their claim against Iran. They have specified the things they will be seeking in negotiations for reparations. It's a lengthy list of demands on behalf of these countries. One of the things, and perhaps from the point of view of many of the families the single most important thing, more than money or compensation or whatever, is a demand to get from Iran the truth about what happened. In those reparations negotiations you'll have five countries, four of them actually at the table—Canada, Ukraine, Sweden and the United Kingdom—demanding those answers in the course of these reparations discussions.

If those countries are not satisfied with Iran's answers, then they have an opportunity to make an appeal to the dispute settlement mechanism under the International Civil Aviation Organization. If they're not satisfied with the result there, then they have the ability to appeal even further, to the International Court of Justice.

This is a complicated process. We have to make sure that every step is properly taken in the right sequence so that we don't mess up jurisdiction. The Government of Canada, in concert with those other victim countries, is intent on pursuing this search for the truth relentlessly until we get some degree of satisfaction far higher than what exists today.

• (1615)

**The Chair:** Thank you, High Commissioner.

Mr. Barsalou-Duval.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Thank you.

Earlier, Mr. Tasker and Ms. Fox said that, in the end, we obtained more information than we should have been entitled to, because of the status Canada had there. Did that result in less pressure on Iran?

Did it prompt them to be more careful about the amount of pressure so that they didn't lose the extra access?

**Ms. Kathleen Fox:** I can say that we have not been shy about requesting better access to the investigation.

However, the roles are very well prescribed by Annex 13 of the Convention on International Civil Aviation of the International Civil Aviation Organization (ICAO).

As for our relations with Iran, its representatives gave us more information than we were technically entitled to, but that did not prevent us from making a number of requests in a number of ways throughout the investigation process.

[*English*]

**The Chair:** Mr. Barsalou-Duval.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** I actually wanted to find out whether you would have taken any steps or exerted any pressure if you had not had the additional access.

**Ms. Kathleen Fox:** Mr. Chair, we thought it was important to follow the protocols of Annex 13 of the ICAO Convention to avoid being kicked out, if I may use the term, of the investigation. Still, there is a certain way to proceed. We are used to it. We participate in 100 or 200 investigations a year outside the country in the same way. So we followed the role and the protocols prescribed by Annex 13.

However, it does show us that Annex 13 needs to be revised, and that is why we have made representations to ICAO to change it so that countries like Canada, which lost so many people, have more access to the investigation.

**Mr. Xavier Barsalou-Duval:** Thank you.

[*English*]

**The Chair:** Thank you, Mr. Barsalou-Duval.

Thank you, Ms. Fox and High Commissioner Goodale.

We're now going to move on to the NDP.

Mr. Bachrach, you have the floor for six minutes.

**Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP):** Thank you, Mr. Chair.

Thank you to all of our witnesses here today.

I'd like to begin with some questions for High Commissioner Goodale.

Let me begin by offering my congratulations on your new role. We really appreciate your being with the committee today to answer our questions.

You mentioned in your introductory remarks, High Commissioner, that even now that you've submitted your report, your role as a special adviser continues. I wonder if you could characterize what shape that role is taking, now that your report has been submitted. How much capacity will you be dedicating to that role, and what are some of your objectives moving forward?

• (1620)

**Hon. Ralph Goodale:** The idea is for me to continue to be available to the families on one side and to the government on the other, to ensure that the communication remains strong and robust and that the relationship that has been built up over the last year and a half is carefully nurtured.

I would mention, though, one new and very impressive member of the team, who was just announced maybe a week or 10 days ago, and that is Professor Payam Akhavan, who is an acknowledged human rights expert. He has an international reputation. He's an Iranian-Canadian of great academic distinction and legal distinction in Canada. We're very lucky to have him as a citizen of our country. He's a very wise counsellor and a very strategic thinker in how you navigate all of the international agencies, rules, procedures and conventions to get justice properly served at the end of the day. He has now just been engaged as a senior special adviser to the Minister of Foreign Affairs on the PS752 case specifically. I look forward to working in close concert with Professor Akhavan to offer ideas, counsel and advice to assist in this endeavour going forward.

**Mr. Taylor Bachrach:** Thank you for the response, High Commissioner.

Iran has indicted 10 officials whom it holds responsible—

**Hon. Ralph Goodale:** We think.

**Mr. Taylor Bachrach:** —for the shooting down.

Yes.

Do you accept that these 10 officials are the ones who are responsible, or is this a case of the blame being placed on junior officials so that responsibility can be avoided by more senior officials who probably should have taken additional actions to secure the airspace for civil aviation?

**Hon. Ralph Goodale:** That's the dilemma, Mr. Bachrach, in a nutshell: We don't know. The process by which these people were identified, investigated, indicted, charged and tried, if they have been.... We don't know what process.... We heard first that it was six. Then it was something more than six. Then it was 10. It's all [*Inaudible—Editor*] box. The judicial system is entirely opaque. Therefore, how can you ever know if justice has been properly served?

When you're dealing with a regime that does not have an independent air-accident investigation system.... That is the case in Iran. It's an integrated part of the government; it's not an independent investigative body like our Transportation Safety Board, for example. Kathy Fox and her team are entirely independent of the Government of Canada, but in Iran that's not the case. The investigation is, in effect, a part of their department of transport. Similarly, the judicial system is entirely opaque. You don't know who's being charged with what, or what the process is to determine their guilt or innocence.

The short answer to your question is that when you have that kind of a regime, you're always going to have serious doubts about whether you're ever getting the truth.

**Mr. Taylor Bachrach:** Thank you, High Commissioner.

The Iranian government has offered to provide compensation to the families. That offer was rejected. Could you speak to why that offer of compensation was deemed insufficient?

I believe you spoke to reparations earlier, but perhaps you could confirm that the government will be seeking compensation for the victims' families.

**Hon. Ralph Goodale:** On two occasions the Iranian government has offered compensation. One was in the days immediately after the truth was revealed. You remember the Prime Minister's news conference, at which he indicated that intelligence made it abundantly clear what had happened, that PS752 had been shot down by Iranian missiles. In the wake of that disclosure by the Prime Minister, Iran admitted its responsibility, said there would be an investigation, said there would be prosecutions and said there would be compensation. That was useful. That was a step forward in the first few days after the incident happened.

Earlier this year, they unilaterally came forward with an offer, if you will—at least a speculated offer—of a certain amount of money per victim.

The point is that they don't get to decide compensation unilaterally. They have committed an internationally wrongful act. The international conventions and the traditions of international law will say that they are obliged to engage in negotiations with the injured countries. I specified earlier what countries those are. It's those negotiations that will determine the appropriate amount of compensation.

Yes, the negotiations for reparations will seek appropriate compensation right up to the high standards of the world. We will insist on that being properly recognized. It will come out of a negotiating process. It's not something Iran can dictate unilaterally.

• (1625)

**Mr. Taylor Bachrach:** Thank you.

**The Chair:** Thank you, Mr. Bachrach.

Thank you, Mr. Goodale.

We're now going to go to our second round. First up, for the Conservatives, is Mr. Shipley.

You have the floor for five minutes.

**Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC):** Thank you, Chair.

I'll start with Mr. Goodale.

First of all, thank you for being here today. It's nice to meet you, Mr. Goodale. It's too bad it's not in person, but I think someday soon we'll be back to that.

Mr. Goodale, in your opening remarks—I'm going to quote you—you mentioned the “horrific behaviour” of Iran. Just to get it on the record, obviously, other than the blatant issue of shooting down flight 752, could you expand a little more on what you mean by that, so we can get a clear indication of some of your knowledge on this?

**Hon. Ralph Goodale:** Much of that behaviour, Mr. Shipley, is laid out in some considerable detail in the report I filed. I won't get into all that detail, but I'll give you a few examples.

Iran was launching missile attacks at U.S. positions in Iraq in the early morning of January 8, 2020. The Iranians say they conducted a risk assessment—this is in their final report—to determine whether any particular action should be taken to protect civil aviation in Iran. They took some actions to control air travel in the far west part of the country, where it borders Iraq, but the air space over the bulk of Iran had no restrictions or limitations whatsoever. The only change they made was to have the military involved in decisions as to whether or not a flight would be cleared to take off. That's the only safety measure they implemented. Otherwise, they said, the skies over Tehran were safe as normal on that morning.

That was clearly a flawed risk assessment. Obviously, they did not anticipate the circumstances that occurred, and yet they say in their report that if they had to do it over again, they would come to the same conclusion. Clearly, that was an incredibly incompetent behaviour to produce a risk assessment that was so fundamentally flawed.

Then, knowing the risk, knowing that they had launched missiles, knowing that retaliation was expected, knowing that they had positioned those mobile missile launchers around Tehran, including by the airport, they didn't bother to close the airspace over the airport. They didn't bother to alert the airline companies to the fact that there was danger in those skies and that there were missile operators in a position, quite literally, with their fingers over the triggers, ready and able to shoot down civilian aircraft.

That's just a bit of the flavour of this horrendous conduct. They were, in my opinion, incredibly incompetent. They were reckless, and they showed a wanton disregard for human life.

• (1630)

**Mr. Doug Shipley:** Thank you, Mr. Goodale. You obviously have a wealth of knowledge on this file.

Knowing what you know, and given the breadth of knowledge that you have on this, do you feel that Canada should or could impose more sanctions on Iran under any federal or international legislation?

**Hon. Ralph Goodale:** I think the government needs to keep all of these options open and pursue this whole issue in a strategic, step-by-step manner going forward, hopefully not alone. We need to work in concert with other like-minded countries and to meticulously not rule out any potential measure to hold Iran to account. The critical thing at the moment is to make sure the reparation negotiations get properly started, because that's another forum in which we'll pursue the truth from Iran. While that is going ahead, Canada should be raising this issue at ICAO, in other UN agencies, and through every channel and means to make sure the world does not forget.

Let me put together a troika of events that show the slippery slope you can get on. Back in 2014, there was the MH17 that was shot down over the Russian border. That prompted a series of reflections by ICAO and other bodies about what you could do to improve air safety. Five and a half years later, PS752 was shot down by Iran. About a month ago, there was the Ryanair incident, in which an aircraft was taken in what appears to have been a state-sponsored hijacking. The world needs to take this seriously. There

is no reason for anyone to believe the skies over Tehran are any safer today than they were in January of 2020.

Canada, with the rest of the world co-operating and collaborating, needs to make it abundantly clear that we aren't going to forget—and we're not going to let the world forget—that 55 Canadian citizens, 30 permanent residents of Canada and another 53 or 54 innocent people with direct connections to Canada lost their lives on that horrendous morning. That is something Canadians will never forget.

**The Chair:** Thank you, High Commissioner.

Thank you, Mr. Shipley.

We're now going to move on to the Liberals. Ms. Jaczek, you have the floor for five minutes.

**Ms. Helena Jaczek (Markham—Stouffville, Lib.):** Thank you very much, Chair.

Thank you to all the witnesses for your testimony, which has been extremely clear and very forthright, as well.

My community was horrified to learn that all three members of the Rahimi family perished in the shooting down of PS752. At the vigil that the Town of Whitchurch-Stouffville held for them, it was really obvious they had become such well-loved members of the community. It was incredibly moving to hear residents in my community speak about such exemplary Canadian citizens being shot down.

My first question is for Ms. Fox. You intrigued me in one thing that you said, that eight previous flights had left Tehran airport prior to PS752. Did you ask—and I'm sure you did—how the radar system somehow misaligned just prior to 752? Was there any explanation of why others had left the airport safely and this particular flight was shot down?

• (1635)

**Ms. Kathleen Fox:** Mr. Chair, to be clear, the eight aircraft departed after Iran launched missiles into Iraq, and Iran's report suggests a scenario in which the radar had been offline for a certain period of time. We were not able to obtain any additional information to validate that, one way or the other.

**Ms. Helena Jaczek:** Thank you.

In terms of ICAO's annex 13, Ms. Fox, if you had the ability to change the conditions around investigations, what would they look like?

**Ms. Kathleen Fox:** Mr. Chair, I'm going to ask Mr. Tasker to take that question, because he was the one who presented the paper at ICAO last month.

**Mr. Ewan Tasker:** As mentioned, what we proposed in our working paper is that the Accident Investigation Panel, which is a panel of worldwide experts in accident investigation, come together to answer those questions.

We have ideas—I have ideas; Ms. Fox has ideas; our team has ideas—about ways to bolster independence, to bolster credibility and to bolster transparency. There are many methods to do that. There are different grades of who gets accredited representative status, etc., possibly, so there are many ideas of things we can do to help that, but what we determined was that it would be best if those ideas came from that group of experts. If they get pushed by us singularly, they may not get as much traction and have as much success.

**Ms. Helena Jaczek:** Thank you.

To High Commissioner Goodale, in terms of our diplomatic efforts, is there any danger in Canada's using rhetoric that might be too inflammatory? I really appreciate your forthrightness today, but how are you balancing the risks?

**Hon. Ralph Goodale:** That's part of the art of diplomacy. As someone who was actively involved in the political life of Canada for some 45 or 50 years, I'm still on a learning curve of transitioning from politics to diplomacy, but I think it is important to be absolutely clear about what we feel about the culpability that's involved in this situation. Strong language is important. It has to be accurate, but I think we have to leave no doubt that Canadians feel very strongly about the deaths of the 138 people who were attached in one way or another to our country.

Second, I think we have to work very hard to make sure, whether it's on the issue of sanctions, the negotiations for reparations or the changes that we would want to see made in ICAO and so forth, that we're not moving unilaterally. We need to have the world community come to the same conclusions we have, so we have to be building a coalition.

In this regard, I want to pay tribute to foreign minister Marc Garneau, who, at the meeting of G7 ministers of foreign affairs about a month ago, made sure that PS752 was on the agenda and that the G7 ministers of foreign affairs collectively condemned what had happened and made it clear they did not believe that any transparent or comprehensive investigation worth its name had been completed in this case. In other words, Iran had not done what it was obliged to do according to the international community.

You need to pursue all the steps in the proper order, making sure you don't mess up your jurisdiction, ultimately, to get into the International Court of Justice, if that's what this takes. I believe that Canada needs to be vigorous in leading this effort internationally and bringing others along with us.

● (1640)

**Ms. Helena Jaczek:** Thank you.

**The Chair:** Thank you, High Commissioner.

Thank you, Ms. Jaczek.

We're now going to move on to the Bloc. We have Mr. Barsalou-Duval.

You have the floor for two and a half minutes.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Thank you, Mr. Chair.

From what I understood earlier from the testimony, Mr. Tasker apparently went directly to Iran, to the site. He may be the best person to answer my question, but it's possible that someone else could as well.

How much concern is there for the safety of people sent into the field in these sorts of investigations and circumstances?

How serious are these concerns? Do people feel safe when they are there?

I would also like to know to what extent these concerns may prevent people from doing the work that needs to be done there.

**Ms. Kathleen Fox:** Let me ask Ms. Van Themsche to answer that question.

**Ms. Natacha Van Themsche (Director, Air Investigations, Canadian Transportation Accident Investigation and Safety Board):** In this case, our team was deployed as part of a Department of Foreign Affairs team. In other words, we didn't do this alone. We had help. Deploying to a country like Iran is not usual for us. The situation is really specific to Iran. We have done a number of other international deployments. It's not generally a problem. In this case, however, we had some concerns. That's why we did it this way.

**Mr. Xavier Barsalou-Duval:** Okay.

My last question is for Mr. Goodale.

You have been in contact with the families. In your report, you drew a comparison between this incident and Ethiopian Airlines Flight 302. Could you tell me what you have learned about the victims and how those two cases are similar? The circumstances were not quite the same.

[*English*]

**Hon. Ralph Goodale:** Yes, the circumstances, as you point out, were really quite different, but the impact among the victims is really very similar. All of a sudden, loved ones are gone, and there is a huge sense of loss and grieving.

I think the message I drew out of that in terms of best practices in the government's response and how you move forward is for the government always to put the families of the victims at the centre of its response plans.

The families will need immediate emergency support. It may be physical. It may be psychological. It may be help with travel. It could be financial. There will be insurance arrangements to sort out. There will be remains to be repatriated. There's a whole raft of things that just fall on you like a disaster—as this was.

Whether it happened because the Max 8 was defective or because of a shoot-down, the trauma for the families is very similar. As your government is planning how to deal with emergencies, make sure your central focus is the families themselves.

Mr. Chair, I would just like to add, tangentially, a thank you to all members of Parliament. On at least three occasions, members of the House of Commons have moved unanimously to support resolutions that condemned the perpetrators of this disaster and supported the families. I've heard from the families that they appreciate very much that solidarity among members of Parliament, the stand four-square behind them as they pursue justice, truth, transparency and accountability for the dear loved ones they have lost.

**The Chair:** Thank you, High Commissioner. Thank you, Mr. Barsalou-Duval.

We're now going to move on to the NDP. Mr. Bachrach, you have the floor for two and a half minutes.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair.

I have a couple of questions for Ms. Fox from the TSB.

Ms. Fox, you've touched on this a bit, but back in March the TSB called for a review of the provisions of annex 13 of the ICAO convention, to improve transparency in future investigations. Can you explain to the committee why annex 13 needs a review and improvement to improve transparency?

• (1645)

**Ms. Kathleen Fox:** Mr. Chair, annex 13 was conceived to facilitate international investigations involving multiple states in the context of a more typical type of aircraft accident, so one where weather, human error or mechanical issues were a factor. It really wasn't conceived in the context of the shoot-down of a civilian airline by a military....

While it has provisions, for example, for delegation, which is what happened in the case of MH17, where Ukraine delegated the conduct of the investigation to the Dutch, no state is forced to do that. That's the very specific circumstance that we think needs to be looked at.

**Mr. Taylor Bachrach:** My assumption, Ms. Fox, is that the TSB's position is that other states should be granted full status in those investigations. Perhaps you could lay out what changes you think would improve annex 13 and address these issues around transparency and conflict of interest, etc.

**The Chair:** Ms. Fox.

**Ms. Kathleen Fox:** Mr. Chair, as Mr. Tasker outlined earlier, there may be a variety of ways to improve transparency and credibility. We have some ideas. For example, it could be a delegation by the state of occurrence to another state. It could be the creation of some sort of multinational investigation or the creation of some sort of third party neutral observer. The challenge is that, of course, ICAO is built on the principle of sovereignty and the state has sovereignty over its airspace. It's difficult in those circumstances to force.... You can't force a state to conduct itself in a certain way.

We believe if the states can come together to develop some protocols that would enhance the credibility and transparency, there's a better chance of success going forward.

**The Chair:** You have time for a quick question, Taylor.

**Mr. Taylor Bachrach:** To your knowledge, Ms. Fox, has ICAO expressed an interest in improving annex 13 in the ways you've mentioned?

**Ms. Kathleen Fox:** Mr. Chair, I'll ask Mr. Tasker to answer that, because he was directly involved in presenting that paper.

**The Chair:** Mr. Tasker.

**Mr. Ewan Tasker:** Thanks, Mr. Chair.

We presented the working paper, and there was a favourable reception, so the plan is to create a working group. That has yet to be approved by the Air Navigation Commission, but the concept was favourably looked upon.

**The Chair:** Thank you, Mr. Tasker.

Thank you, Ms. Fox.

Thank you, Mr. Bachrach.

Folks, it being 4:48, that is going to end our first panel.

I want to take this opportunity, on behalf of all the members of the committee, to thank the high commissioner, as well as all participants, for coming out today and giving us some very valuable information that will most definitely contribute to the report we're going to be presenting.

With that, I will excuse all. Once again, I give you my sincere appreciation for being here today.

I will suspend for two minutes while we make the switchover.

• (1645)

(Pause)

• (1645)

**The Chair:** We'll reconvene the meeting.

We're going to move on now with our next panel until 5:30 p.m.

We have the Association of Families of Flight PS752 Victims.

We're going to start off with Hamed Esmailion, the president and spokesperson.

Hamed, you have the floor for five minutes.

• (1650)

**Dr. Hamed Esmailion (President and Spokesperson, Association of Families of Flight PS752 Victims):** Thank you very much. Good afternoon.

I am Dr. Hamed Esmailion, president and spokesperson of the Association of Families of Flight PS752 Victims. We represent 142 victims of the mass murder that took 176 lives and an unborn child. I have with me two members of the board of directors, Mr. Kourosh Doustshenas and Mr. Amirali Alavi, from our government and stakeholder relations committee.

I appear before you with a heavy, broken heart. I will not ask you to put yourself in my place. You cannot, and I will not be so cruel to ask.

Seventeen months have passed, but we, the survivors, remain frozen in three minutes and 42 seconds, which was the time between when the first missile was fired and when flight PS752 crashed to the ground.

With the passing of time, we sink deeper and deeper into silent sorrow, but our resolve has strengthened. We do whatever we can do and plead to have done—meetings, writings, rallies, petitions, interviews and complaints.

We live in darkness. We are the victims of unfathomable evil and wickedness that ripped our loved ones from our embrace. The victims of terrorism don't have it easy. Some, like us, are put in a position to prove that it was terrorism. Without our government, we have no recourse to bring the perpetrators of this inhumane crime to justice. We have no recourse other than pleading with politicians to remain focused on revealing the truth and justice.

We are in darkness. Why was the airspace left open on that fateful, dark winter morning? Who in the highest ranks of the regime made the decision? Why and how were at least two missiles fired at a civilian aircraft?

No one asks why the Canadian passports and other belongings of the passengers were confiscated and wilfully allowed to be looted and stolen. No one at the ICAO raised their voice while every article of their conventions and annexes was breached by the Iranian government. No one at the ICAO raised their voice against the mockery and blatant obscurantism in the shambolic reports published by the very perpetrators of the crime, who were allowed to investigate their own crimes.

It seems as if an entire airplane has been lost in the clouds of international diplomacy and credulity. Was it human error, systemic failure, a lone, tired foot soldier who made a mistake, radars oriented in the wrong direction or broken communication lines? These are convenient lies disguised as mistakes and incompetence to whitewash wilful murder.

The past 17 months have been unbearable for us. We have been traumatized by the relentless psychological war unleashed upon us by the Islamic regime and its sympathizers, some of whom find Canada a safe haven to operate in. All we hear is that we must wait.

Compensation is not our priority. We have repeated this over and over again. Without the truth, there will be no justice. Without holding the perpetrators and commanders to account, justice will have no meaning whatsoever.

After 17 months, we remain unclear about the path to the truth. There is no road map to justice or a strategy with a timeline. Had the world acted meaningfully in the aftermath of the MH17 mass

murder, PS752 may not have happened. Now, if we don't act meaningfully for PS752, more innocent lives will be lost.

Our demands are clear. Canada must take active leadership to mobilize the five affected countries. Canada must drag the ICAO out of its timid passiveness, disguised as neutrality. A criminal investigation and legal proceedings must be launched in Canada. The PS752 case must be taken to every relevant international tribunal that can hold the Islamic Revolutionary Guard Corps to account, reveal the truth and bring the perpetrators to justice. The IRGC must be included in the list of terrorist organizations. The Magnitsky act must be applied to the commanders of the IRGC and other perpetrators of this crime.

Since I began my address to you, honourable members of our Parliament, another three minutes and 42 seconds have passed. Canada lost 85 permanent residents and citizens. Dozens of talented academic minds were silenced forever. This Canadian tragedy can be confronted only with a clear road map to justice. We can only hope for that day.

Thank you for your interest in hearing us today. We welcome your questions and comments.

• (1655)

**The Chair:** Thank you, Mr. Esmailion.

Members, we're going to go right into questions, starting with the Conservatives for six minutes.

Mrs. Kusie, you have the floor.

**Mrs. Stephanie Kusie:** Thank you very much, Mr. Chair.

Thank you very much, Mr. Esmailion, for your touching testimony. I want to first offer my sympathies and my condolences to the families of the victims of PS752. As a wife and a mother, I cannot comprehend what you have been through.

Mr. Esmailion, you mentioned justice in your opening statement. The downing of PS752 was of course a horrible tragedy and was devastating for the families of the victims; the families of the victims from PS752 deserve justice and answers for what happened that fateful evening.

What do the families need to see from the Government of Canada to feel as though justice has been served?

**Dr. Hamed Esmailion:** I think we need to see a strategy. We need to see a clear road map.

Seventeen months have passed and, as I said, we still are in darkness. We don't know anything about that flight. We don't know the reason for the delay. We don't know if passengers were taken off the plane or not before boarding. We don't know why they asked Canadian citizens if they had United States passports, so these questions must be answered.

I want my friend Mr. Doustshenas to add more if he can.

Thank you.

**The Chair:** Mr. Doustshenas, go ahead.

**Mr. Kourosh Doustshenas (Representative, Association of Families of Flight PS752 Victims):** Thank you, Mr. Chair.

Thank you, Hamed. I appreciate the question.

When we're talking to the officials—we talk to all who have a stake in this tragedy—we always say: We want to know the truth. We want to know justice. We want to get justice for our loved ones.

We have had a hard time explaining to everyone, from the very beginning and for the past 17 months now, that compensation is not what we want. That's not a priority for us. Truth and justice would allow us to have a sense of closure in our lives. Without that, we cannot go on. Our lives have been destroyed.

I lost my partner, Dr. Forough Khadem. She was a wonderful person. She was an academic. She had a fantastic career. She just went for a holiday to see her family. She didn't deserve to die like that, along with all the other people on board that plane. That's not acceptable. Canada cannot accept this as another thing that just happened. This was by no means an accident. There was absolutely zero evidence that this was just an accident. All the evidence we have seen through these past few months has directed us to think that this had some element of intentionality.

We thought to have a proper criminal investigation in Canada, and early on the RCMP—we don't know why—decided it could not open a criminal investigation in Canada. I think 176 dead bodies are enough reason to start a criminal investigation. I understand they may not have access to all the evidence in Iran, but that should not be a reason not to open the criminal investigation.

Thank you.

**Mrs. Stephanie Kusie:** Do you have anything to add to that, Mr. Alavi?

**Mr. Amirali Alavi (Representative, Association of Families of Flight PS752 Victims):** Thank you, Mr. Chair.

I think my friends here covered most things. I will add, however, that this is not about justice and truth for the families only. This is much greater than that. It is also about standing up for Canada as a country. It is about stopping a ruthless regime from taking the lives of innocent world citizens.

Canada needs to know about the reports of Iranian airport authorities screening out people who hold American passports. They ask specifically, every passenger, whether they have American passports. Having in mind that this was an intentional premeditated attack, according to the evidence we have, on the balance of proba-

bilities, why should the Iranian regime care about American lives, but not those of Canadians?

What we need to see from our government now, in response to this horrific mass murder, is a comprehensive plan. We need to take leadership in the world and condemn Iran at ICAO. We need to build alliances and coalitions to press the Iranian regime, to put truth and justice for PS752 as a priority in all talks, including the JCPOA talks. We need to take Iran to the International Court of Justice and expedite the negotiation process. We need to start a criminal investigation in Canada; issue a travel advisory, like what was done for the case in Belarus; impose targeted Magnitsky sanctions on individuals who were responsible; list the IRGC as a terrorist entity; and unequivocally reject the fabricated scenario of human error, once and for all.

The response of the government following the release of the forensic report is crucial. What we need to see here is a focused and comprehensive plan.

Thank you.

• (1700)

**The Chair:** Thank you, Mr. Alavi.

Thank you, Mrs. Kusie.

Our next set of questions will be from the Liberals.

Mr. Ehsassi, you have the floor.

**Mr. Ali Ehsassi:** Thank you, Mr. Chair.

Thank you, Mr. Esmaeilion, Mr. Alavi and Mr. Doustshenas. I can't possibly ever imagine how difficult it has been over the past year and a half.

Every step of the way, the Iranian government has been acting with impunity, and that has barred you from knowing the facts of the case. Today we heard from Ms. Fox. She is a technical expert. She actually prepared notes on Iran's draft report. You know full well that the final report that was released is, in your own words, "shambolic". Would you like it if Ms. Fox's report were released, so that you would have more access to the facts?

**Dr. Hamed Esmaeilion:** Thank you, Mr. Ehsassi. Absolutely. We need to know what was sent to TSB from Ukraine. Ukraine, as the country of the owner of the airplane, had access to some information. That was shared with TSB. We need to have access to that.

We need to know: When Mr. Tasker went to Iran, what did he find? He said in his testimony today that he had a chance to go to the crash site, but what did he see at the crash site? Everything was looted. Everything was bulldozed away. I think in their press conference and in their report to the public, they had to mention that. They had to mention that Iran had breached every single regulation in annex 13. They had to say that Iran's airspace is not safe.

I have heard from Ms. Fox that she is not in a position to say that, but as Mr. Goodale said today, Iran's airspace is not safe. That's is the TSB's job, and the job of the air safety organizations, to point to that.

Thank you.

**Mr. Ali Ehsassi:** Thank you for that.

Now, terrible things have happened over the course of the past year and a half. One thing that I am obviously well aware of is how you have been intimidated in Canada. All of you have been intimidated. Would you mind explaining to the members of this committee what has happened here, on Canadian soil?

**Dr. Hamed Esmailion:** It's not just me. There are 12 family members in Canada who have been intimidated and harassed and threatened. Imagine what they do in Iran. Imagine what they do with their family members in Iran. We saw in the Human Rights Watch report on May 27 that at least one family member was tortured in Iran.

They have a cyber-army and they use it on different social media platforms. They send us messages from fake and real accounts. We have shared that information with the RCMP.

Kourosh mentioned the RCMP before. I think we need to see something. We need to see the outcome of this investigation and what they have done, especially with regard to the criminal case. If you don't open the criminal case here and if you don't put everything together as a comprehensive job, I think we can't find the truth and we can't teach them the lesson that they can't interfere with Canadian citizens here in Canada.

• (1705)

**Mr. Ali Ehsassi:** Would either of the other two witnesses like to add to that?

**Mr. Amirali Alavi:** Hamed spoke for me as well. I won't take more time.

**Mr. Kourosh Doustshenas:** I don't have anything to add on that one. Thanks.

**Mr. Ali Ehsassi:** In terms of priorities, what would you say your priority is right now as an association?

**Dr. Hamed Esmailion:** As I mentioned before, we have some demands. We are waiting for the forensic report from Canada. I think it's going to be out probably next week, but after this report is out, we have to state clearly that the downing of PS752 was not an accident, was not a mistake, was not a human error, was not a systemic failure. We have to get to the point....

All of us saw Belarus. It came out as an example today. We like it that all the countries are working in a group to put a sanction on Belarusian airspace. I'm happy that no passengers on the Ryanair flight died, but here we have 176 victims. Speaking clearly after the

report is out, putting the IRGC on a terrorist list, using the Magnitsky act, and leading these five countries in a very difficult and long journey to justice is, I think, very important.

**The Chair:** Thank you, Mr. Esmailion.

Mr. Ehsassi, go ahead.

**Mr. Ali Ehsassi:** Did either of the other two witnesses want to add to that?

**Mr. Kourosh Doustshenas:** Well, history has shown all these 42 years that you can't negotiate and you can't expect any positive outcome with a country that has absolutely zero regard for human rights and international treaties, and basically violates every norm with impunity. Unfortunately, one of the biggest battles we had was to educate many people. When they promise you they're going to do something or they don't say no to you, it doesn't mean they're going to do something for you.

Early on, we spoke to the TSB and said, "Look, why don't you put further pressure on the investigative team, put more pressure, even through ICAO's annex 13?" They said, "Look, we are asking to get a higher designation. They haven't said no to us." It's just like they're basically dangling this carrot in front of these officials. By just not saying no, you are almost hoping they are going to say yes, but that never happens. That never, ever has happened in 42 years of diplomacy with this country.

**The Chair:** Mr. Alavi, would you comment?

**Mr. Amirali Alavi:** Thank you. I won't take more time on this question.

**The Chair:** Thank you, Mr. Alavi, and thank you, gentlemen, and Mr. Ehsassi as well—those were great questions.

I'm going to move on to the Bloc. Mr. Barsalou-Duval, you have six minutes.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Thank you, Mr. Chair.

Before I ask my questions, I would like to take a moment to offer my condolences to the families of the victims of the PS752 tragedy.

As someone mentioned earlier, yes, it's hard to put ourselves in your shoes under these circumstances, but the loss of loved ones is a particularly difficult time in anyone's life. Everyone can agree that we are in solidarity with what you are going through. I really want you to know that my heart goes out to you at what is certainly a very difficult time for you.

What does the Association of Families of Flight PS752 Victims represent in your life? What is your involvement in the Association and how much time do you spend? Can you also tell us about the dynamics of the group?

• (1710)

[*English*]

**Mr. Kourosh Doustshenas:** Mr. Chair, if I may answer that one, this has basically become our full-time life. We do everything, from in the morning when we get up until the night when we sleep. We are doing everything to make sure that we push this forward a little more every day, to make sure to keep it alive, to make sure that people are not forgetting and to educate some people who don't know what happened.

In my responsibility as chair of the committee for government and stakeholder relations, myself, Amirali and Hamed have been meeting with every official you can imagine who has anything to do with this. We have met with ministers. We have met with the Prime Minister. We met recently with the commissioner of the RCMP. We have met with everyone you can even imagine who had anything to do with it in Canada and also around the world—in Sweden and also in the U.K. All of it, of course, was done this through meetings like this one.

Meanwhile, we are grieving, and we had to deal with the COVID-19 situation. We had to organize ourselves early on and basically put our grief in one corner and start to do this. No one should be put in a situation like that. The reason we had to do this.... We had to work as an advocacy group and basically work through all of this grieving [*Technical difficulty—Editor*]. The way this regime has been operating for the past 42 years, they are going to find a way to wriggle their way out of it. Unfortunately, so far, they have been able to not answer properly all the questions that have been posed to them, and there is no condemnation from anywhere.

What does it take for ICAO to come out and condemn Iran for breach of their own annex 13? They don't even respect their own annex 13, when a country doesn't even.... Basically, they are supposed to do that. What does it take to take this to them and put pressure on them?

You know what? This is surprising for us: Even our RCMP is having a hard time opening an investigation. We didn't say for you to take them to court. We said, "Look. Start the investigation to see if you can take them to international court or domestic court."

Thank you.

**The Chair:** Thank you, Mr. Doustshenas.

Mr. Barsalou-Duval, go ahead.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** I certainly have more questions to ask, but I was wondering whether the other witness wanted to add something.

[*English*]

**Dr. Hamed Esmailion:** This is a full-time job for me. I am a dentist; I was a dentist before this. My wife and I had a clinic in

Aurora. I'm sitting in my office right now, but as you see, I have changed the office to an operation office for flight PS752. This is my new life, I think.

**The Chair:** Mr. Alavi, do you have any comments?

**Mr. Amirali Alavi:** Yes, Mr. Chair. Thank you.

As with Mr. Doustshenas and Mr. Esmailion, for all of us in the association, our lives have changed. Within the association, we are in contact with the families of over 140 victims, and I can tell you that the Iranian regime not only took the lives of 176 victims; they took the lives of so many thousands of people—all the families who are now devastated, who feel oppressed, who feel helpless. That is the reason we keep going every day, with meetings and letters and appearing before you to answer questions.

Thank you.

• (1715)

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Thank you very much.

[*English*]

**The Chair:** Thank you.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** Given what you said earlier, I understood that this has completely taken over your lives. I greatly admire your dedication and your courage under the circumstances. I assume that you must be so invested because you want every opportunity to do everything in your power to find out what happened and that countries do the work that's needed.

Since you have met with so many people, could you first tell me whether you felt that the meetings made a difference?

Second, do you also feel that if you stop pushing, the victims will be forgotten and what happened will be forgotten?

Does that partly explain why you are putting so much energy into this?

[*English*]

**Dr. Hamed Esmailion:** I think Kourosh can answer that question. Thank you.

**Mr. Kourosh Doustshenas:** Of course, we believe we have definitely had a positive effect and have been able to influence many minds. In fact, when I was listening to High Commissioner Goodale today, it was wonderful to hear him repeating exactly what we have been saying all these months. He is very familiar with what we want and our demands on this file and what is suspected. Mr. Yaworski was also here answering some questions. Since we started talking to him and the fact-finding committee of our association started working with him, that has all made a huge difference.

When we started, everybody was talking about human error. We had to correct that. Everybody was talking about an accident, and we had to correct that. Everyone was talking about compensation, and we had to correct that. Then we started hearing about systemic error, and we had to correct that. We have done so much work to educate and make corrections to the language and the stance of what different officials have been dealing with and saying over the many months.

We are happy to see the result of our work somewhat today, here, in meeting with you. It was heartwarming for us, on June 17 of last year, when you, all the honourable MPs, unanimously passed a motion, regardless of the government of the day, to continue finding truth and justice for the victims of PS752. You have no idea how effective you are in our hearts and minds when Parliament acts, and acts unanimously, outside partisanship.

We appreciate everything you have done so far and we command, request and ask you to please continue to do whatever you can do best. Make sure you continue your oversight; continue to ask questions, because as I said before, it's not just for our families. This is for every Canadian. Every Canadian should have safety and the ability to travel without being killed or put in prison, or whatever else is happening to Canadians nowadays in other countries.

Thank you.

**The Chair:** Thank you, Mr. Doustshenas, and thank you, Mr. Barsalou-Duval, for the great questions.

Mr. Bachrach, you have the floor for six minutes.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair.

I too will start by joining my colleagues in expressing my sincere condolences to all the families of the victims of PS752 and by thanking the three gentlemen who have taken the time to be with us today and to answer our questions. I thank you for your courage and your persistence in the pursuit of justice. Hearing your answers to my colleague Mr. Barsalou-Duval's questions about how this has transformed your lives, I think it is a tremendous thing you're doing in helping educate people and pushing for the answers—pushing the government to do the right thing.

If I heard you correctly, it sounds as though your impression is that the Government of Canada has been too passive in its advocacy at ICAO. Is that an accurate impression, and how would you like to see Canada's approach change when it comes to a call for stronger action by ICAO?

• (1720)

**Dr. Hamed Esmailion:** What they have done in ICAO has not been satisfying for the families. Seventeen months have passed. We

waited 15 months for Iran's final report. As we mentioned before, nobody said anything in ICAO about the breaches.

Compare that to Ryanair. That's a good example.

Another thing, for example, is that Iran has a representative at ICAO—Mr. Farhad Parvaresh. This person was one of the first people who denied shooting an airplane. This person has been in contact with the IRGC and the Quds Force in the past. There are documents supporting that, but he is in Montreal, here in Canada. ICAO is here in Montreal, in Canada. It's unbelievable to us that the organization we are hosting would act so passively toward flight PS752. For Ryanair, they had an urgent meeting. They didn't have one even urgent meeting about PS752.

The ICAO council has 36 members, and Canada is one of its main members.

I wanted to forget the past and just talk about the future today. I think, now that 17 months have passed, we still have the chance to raise this case at ICAO. Minister Alghabra is going to give a speech on June 18, in 8 days. I'm very anxious to see what he says then.

**Mr. Taylor Bachrach:** Thank you, Mr. Esmailion. I appreciate your response.

On May 20, there was a decision by the Ontario Superior Court of Justice. I wonder if you could help the committee understand the significance of that decision.

**Dr. Hamed Esmailion:** I will pass it to Amirali.

**Mr. Amirali Alavi:** Thank you, Mr. Chair.

This was an important milestone in our fight and in our cause. We have been saying for a long time that, based on the evidence that is available to us, the plane was not shot down due to human error. It was, for sure, something more than that. There has to be more than that. It was not as simple as just pushing a button and two missiles being fired.

This is all based on evidence. This is based on how the Tor-M1 anti-air missile system works. This is based on how the aviation and airport management system in Iran works. This is based on many other factors.

We had a chance, through this case, to have our case heard by an impartial judge. We were glad that Justice Belobaba made the same finding, which was that, on the balance of probabilities and based on the evidence that we have available to us, this was a terrorist act. This was an intentional downing and we need to treat it as such. It was not simply an aviation incident. It was a terrorist attack and we need to take actions that match the same level of culpability.

**The Chair:** Thank you, Mr. Alavi.

Mr. Bachrach.

**Mr. Taylor Bachrach:** Thank you for that response, Mr. Alavi.

This next question is for any of our three witnesses.

In his report, High Commissioner Goodale stated, “The needs of the families of the victims—as those families themselves perceive their needs—must be at the heart of Canada’s response.”

Do you gentlemen feel that has been the case?

**Dr. Hamed Esmailion:** Are you asking about the court case?

**Mr. Taylor Bachrach:** No. I'm sorry. This is in High Commissioner Goodale's report. He talked about the needs of the families and the importance of putting those needs, as the families perceive those needs, at the heart of Canada's response to this tragedy.

Do you feel Canada has done a good job of putting your needs at the heart of the response?

• (1725)

**Dr. Hamed Esmailion:** We have had ups and downs with things like meeting officials. We have had good days, as Kourosh said. We have had very good meetings with Mr. Goodale and with Minister Champagne in the past. In some meetings, we were really disappointed when we finished, but in some, we thought we got something from the meeting.

As I said, the road map for justice is still not clear for us. We know this is a very long, difficult way. For example, as Mr. Goodale said, there are going to be negotiations and arbitration at ICAO. If it fails, it goes to the International Court of Justice, but we don't know anything about this negotiation.

We know that Iran is not a player in the game of diplomacy. We know that Iran has failed in all the negotiations it's had in the past, like the JCPOA right now. That's why we are very suspicious of Iran's actions in negotiations. We need to know more on what the strategy is and what the road map for the future is.

**The Chair:** Thank you, Mr. Bachrach.

Folks, we have four minutes left before 5:30. I don't want to take any time away from anybody, so I'm going to propose this. In our second round, we have a few speakers who are on my list. I suggest that Mr. Van Popta, Mr. Iacono, Mr. Barsalou-Duval and Mr. Bachrach each ask one question, one after the other, and I'll go to the witnesses to close it out.

Mr. Van Popta, if you want to ask a question, then I'll go to Mr. Iacono following you. After that it will be Mr. Barsalou-Duval, and then Mr. Bachrach.

Tako, go ahead.

**Mr. Tako Van Popta (Langley—Aldergrove, CPC):** Thank you very much, Mr. Chair.

If you'll give me a minute, I'm going to take some of my time to express my condolences and to stand with my colleagues in doing so for the victims.

I want to thank the witnesses for being here today. It must be very difficult for you, and I cannot imagine what you are going through. Please know that Canada's parliamentarians stand with you.

Mr. Goodale, in his report, said that the investigation is ongoing, but for that, we need facts, evidence and data. Are you at all confident that we're ever going to get that, given that Iran is not co-operating?

**The Chair:** Thank you, Mr. Van Popta.

Mr. Iacono, go ahead.

**Mr. Angelo Iacono (Alfred-Pellan, Lib.):** Thank you, Mr. Chair.

I would like to start with offering to all the families affected by this tragedy my heartfelt sympathies. Losing a loved one is never, ever easy.

I have a question for the families. Do you think that public pressure, either domestic or international, has any effect on the Iranian regime? What other type of pressure would you suggest at this point?

Thank you.

**The Chair:** Thank you, Mr. Iacono.

Mr. Bachrach, go ahead.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair.

In my last question, we heard discussion about the Magnitsky sanctions. How do our witnesses feel that such sanctions would help in the pursuit of justice?

**The Chair:** Thank you, Mr. Bachrach.

Mr. Barsalou-Duval, go ahead.

[*Translation*]

**Mr. Xavier Barsalou-Duval:** I would like to thank the witnesses for joining us today. I really appreciated their testimony.

Here's my question.

I heard you express your dissatisfaction, because you would have liked the RCMP to launch an investigation.

What difference would that have made in practical terms? What more could the RCMP have done in the circumstances?

[English]

**The Chair:** Thank you, Mr. Barsalou-Duval and gentlemen.

The rest of the time is all yours, if you want to address those questions.

If you have any other comments you want to add, feel free.

**Mr. Hamed Esmaeilion:** Thank you.

I'll answer the first three questions and leave the fourth one for my friends.

In our opinion, Iran is not going to tell the truth if there's no pressure. We think that they're afraid of it going to the International Court of Justice, so only pressure can help us.

I want to clarify something. We are talking about two different entities, Iran and the Islamic Republic of Iran. Iran is a great country with great people, but the Islamic Republic of Iran has been the hostage taker of a nation for 42 years. We are dealing with the Islamic Republic of Iran, with the history that all of us know. They haven't told the truth about all the crimes that were committed in the last 42 years. Bloody November happened 40 days before PS752, and hundreds of people died in Iran and were killed by the IRGC.

When we say sanctions, we don't want to pressure the Iranian people. That's why we're talking about targeted sanctions, the Magnitsky act and putting the IRGC on the terrorist list. Just freeze their assets in Canada. Canada should not be a safe haven for Islamic Republic criminals.

Deport Farhad Parvaresh from Montreal to Iran. This person doesn't deserve to live in Canada. I think we need, as I said in my opening remarks, to teach them the lesson that it's not easy to kill Canadians.

I'll leave the rest of the answers to Ami.

● (1730)

**Mr. Kouros Doustshenas:** Let me answer the question regarding the RCMP. The reason we ask that a criminal investigation file be opened in Canada is that it would allow us to have a way of getting justice. When victims have no way of seeking justice, what else is left? People start thinking about revenge. Revenge is not the same as justice. However, in the absence of finding a venue to have that kind of justice delivered to the people who are victims.... It is very important.

We understand that the RCMP doesn't have all the evidence now, but every other day I read.... In fact, yesterday I was reading a newspaper that was talking about a cold case that was solved after 30 years. If you don't have an open case, if it becomes a cold case, eventually evidence will come to the surface. People travel outside Iran. They could be subpoenaed. They could be asked and forced to answer questions.

In the absence of any active investigation, how do you know if you have enough evidence or you don't? You're prejudging that by completely pushing it aside. If you ask what our main goal is and what our association's main ask is today, I guarantee you that would

be the ask: Ask the RCMP to open the file and open a criminal investigation without delay.

**The Chair:** Thank you, Mr. Doustshenas.

We're now going to move on to Mr. Alavi.

Mr. Alavi, do you have closing comments?

**Mr. Amirali Alavi:** Thank you, Mr. Chair.

In closing, I will answer most of these four questions broadly.

We know that probably not all of the truth will be revealed, no matter how much pressure we put on Iran. However, it is important to put that pressure on and to pursue Iran at whatever venue we have available to us, through whatever tool we have available to us, in order to have as much of the truth as possible.

I spoke about having [*Technical difficulty—Editor*] to respond to the downing of flight PS752, and having a criminal investigation opened by the RCMP will be part of it. This will send a signal through an investigation, as my friend Mr. Doustshenas was saying. We can set a reward for information.

We already have informants reaching out to us through our association. We have no way of validating the evidence they are trying to give us. We need the RCMP's help. The RCMP can go much further than that. We can have people interviewed. We can establish a closer connection with the Ukrainian law enforcement authorities, who are also conducting a criminal investigation. We need to help the Ukrainians and take leadership in this case.

Lastly, I think, a question was asked about public pressure and whether it has any effect on the regime. Public pressure does have an effect on the regime. In fact, this is the only thing it is scared of. More than that, the coalition that like-minded countries can have is also scary for the regime. That will force it to reveal as much of the truth as we can get out of Iran.

There are so many talks being held with Iran.... Canada needs to take leadership. Canada needs to talk to the other countries to make the PS752 case a priority for all of them, because this is a human rights violation. This is a lot more than that, too. This is not just related to Canada. This goes for all the world. We really need to see leadership and a focused, comprehensive plan by the government.

Thank you so much.

• (1735)

**The Chair:** Thank you to all of you gentlemen for coming out today, Mr. Esmailion, Mr. Doustshenas, and Mr. Alavi. Your time today is absolutely priceless. I want to say on behalf of all members, and repeat what most have already said, that our hearts are just so heavy and have been since that dreadful day. Words alone can never, ever convey the sorrow of all Canadians.

With that, the best we can say is that we stand with you. All 338 members of Parliament together stand with you in these days. As one member mentioned today, what you've been going through and what you're going through now is something we could never imag-

ine. With that, again our sincerest appreciation for your attendance today and of course for your interventions, which will most definitely be part of the final report that we'll present to the House. Once again I want to thank you for that.

To the members, thank you as well for your participation today. There has been great work, great questions, and a great job.

Thanks to the earlier panel members for their time.

With that, members, I will bid you a good night and adjourn this meeting.

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