

Payam Akhavan: Ban Iranian leaders from Canada

Posted: September 02, 2009, 9:15 AM by NP Editor

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In the aftermath of the brutal repression of peaceful pro-democracy demonstrations in Iran, the evidence of systematic murder, rape, torture and unlawful detention of thousands of protestors continues to accumulate. Under international law, these large-scale atrocities constitute crimes against humanity for which the relevant Iranian officials bear individual criminal responsibility. How should Canada and the international community respond to a regime with such an appalling disregard for the human rights of its citizens? A first step is to recognize that leaders ordering or tolerating such atrocities are international outlaws who should be denied admission to Canada and other democracies.

The numerous horror stories emerging from Iran confirm a consistent pattern of extreme violence against those detained for participating in the protests. A severely traumatized 15-year-old boy recounts how he was arrested for wearing the green wrist-band of the opposition, and subjected to savage beatings, sexual humiliation and gang-rape for 20 days. Another youth describes the condition of his 24-year-old friend Amir Javadifar, who was arrested during the protests and tortured to death in custody: "He had a fractured skull, one of his eyes was almost crushed, all the nails on his toes had been extracted and all of his body was bruised." Alas, there are now hundreds and hundreds of such accounts by victims and witnesses despite the censorship and intimidation of the regime.

There is little doubt that such abuses are part of a state-sanctioned policy of terrorizing supporters of the "Green Movement" that challenged President Ahmadinejad's electoral victory in June. While 100 protest leaders are prosecuted in a farcical show trial and accused of a "foreign conspiracy," nobody has been prosecuted for the heinous crimes against thousands of prisoners. One of the senior judiciary officials assigned to investigate these allegations is the notorious henchman, Saeed Mortazavi, implicated in the murder of Canadian photojournalist Zahra Kazemi in July 2003 and in the torture of many others. Not surprisingly, he has dismissed reports of abuse as baseless. Another senior pro-regime figure has gone even further and called for the punishment of those who dare to expose these abominations. After reformist leader Mehdi Karroubi publicly stated that "female detainees were raped savagely" in prison, Ayatollah Ahmad Khatami declared that Karroubi "deserves to be punished for libel."

Commensurate with its leadership role at the UN on the human rights of Iranians, Canada should deny admission to senior officials in the current regime and encourage other countries to follow suit. This is an important means of isolating those responsible for abuses and expressing solidarity with democratic forces, even as the Islamic Republic attempts to restore its badly damaged international legitimacy by offering empty concessions on the nuclear issue. In addition to playing a significant diplomatic role internationally, Canada has a sizeable and influential Iranian community, and many regime officials have financial and personal interests here. Canada's importance was

demonstrated by the "unofficial visit" in March of President Ahmadinejad's deputy, Esfandiar Rahim Mashaie, to enlist the support of pro-regime elements in the diaspora, and to repair diplomatic ties with Ottawa following the Kazemi affair. It is regrettable that while such officials are admitted to Canada, persecuted dissidents are denied visas, including the renowned feminist Shadi Sadr, who was prevented from attending a human rights conference at Toronto's York University in May.

Section 35(1)(b) of the Immigration and Refugee Protection Act provides in relevant part that "[a] permanent resident or a foreign national is inadmissible on grounds of violating human or international rights for ... being a prescribed senior official in the service of a government that, in the opinion of the Minister, engages or has engaged in terrorism, systematic or gross human rights violations ... or a crime against humanity." Thus far, designated regimes under Article 35(1)(b) have included the regime of Siad Barre in Somalia, the regime of Saddam Hussein in Iraq and the Taliban in Afghanistan. The current Iranian government policy of murder, rape, torture and unlawful detention clearly qualifies as "systematic or gross human rights violations" or a "crime against humanity" within the meaning of the act. Furthermore, senior officials such as defence minister-designate, Ahmad Vahidi, are wanted by Interpol for the 1994 terrorist bombing of an Argentine Jewish cultural centre in Buenos Aires that killed 85 and injured hundreds.

By taking the lead in declaring Iranian leaders inadmissible, Canada can encourage other governments to adopt similar measures. Beyond the moral imperative of standing with Iranian civil society, the isolation of hardliners will also contribute to regional peace and stability in the wider Middle East. It is evident that those willing to terrorize their own citizens to stay in power are also willing to use terror as an instrument of power beyond their own borders. Those that are a menace to their own people are also a menace to other nations. Unfortunately, in pursuit of narrow strategic interests, the Western democracies have not taken this connection seriously. While the UN Security Council has imposed travel bans and asset freezes against officials involved in Iran's nuclear program, those committing massive human rights abuses enjoy impunity. Instead of focusing exclusively on the nuclear program, and giving Ahmadinejad the pretext of portraying himself as the champion of Iranian sovereignty against foreign meddling, the international community should make human rights the fundamental basis for improved relations, and thereby forge an alliance with the Iranian people's struggle for freedom. Ensuring that such leaders never step foot in Canada would be a welcome move in this direction. - Payam Akhavan is a professor of international law at McGill University, a former UN war crimes prosecutor and co-founder of the Iran Human Rights Documentation Centre.

National Post