

# THE CURRENT STATUS OF HUMAN RIGHTS AND RELIGIOUS FREEDOM IN IRAN

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## HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

HOUSE OF REPRESENTATIVES

ONE HUNDRED AND ELEVENTH CONGRESS

SECOND SESSION

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FEBRUARY 25, 2010

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## THE CURRENT STATUS OF HUMAN RIGHTS AND RELIGIOUS FREEDOM IN IRAN

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THURSDAY, FEBRUARY 25, 2010

HOUSE OF REPRESENTATIVES,  
TOM LANTOS HUMAN RIGHTS COMMISSION,  
*Washington, D.C.*

The Commission met, pursuant to call, at 2:33 p.m., in Room 2220, Rayburn House Office Building, Hon. Frank R. Wolf [co-chairman of the Commission] presiding.

Cochairman WOLF. Good afternoon. I want to welcome everyone to today's timely Tom Lantos Human Rights Commission hearing on the current status of human rights and religious freedom in Iran.

In the wake of Iran's presidential election last June, the world watched as thousands of Iranian citizens courageously took to the streets to protest the legitimacy of the presidential election. The regime responded with a brutal crackdown that has continued well past the elections.

The Obama administration's response was initially painfully muted and only toughened in the face of increased pressure of bloodshed, most notably after the now famous footage of the shocking murder of a young Iranian woman, Neda. You almost wonder why they didn't say something before that.

The administration's subdued reaction was not lost on the people of Iran. On the 30th year anniversary of the American Embassy takeover in Tehran last fall, large crowds gathered in what was supposed to be the celebration. But rather than denouncing "the Great Satan" they reportedly yelled, "Obama, Obama, either with them or with us." The "them" referring to Ahmadinejad and his regime.

Congress was more explicit in its condemnation of the events, passing a resolution expressing unequivocal support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law, and condemning the ongoing violence against demonstrators by the Iranian government as well as the ongoing suppression of the Internet and cell phones.

Following the elections, an unknown number of protesters were killed in the streets by Iranian security forces; the regime has conducted mass show trials of dissidents; and Iranian police have admitted that opposition detainees were tortured, beaten, and raped while in custody.

While Iran's poor human rights record has garnered more attention since the events of last summer, in fact, the regime's intolerance of political dissent and religious minorities is nothing new.

The State Department's Human Rights Report stated that the Iranian "government's poor human rights record worsened, and it continued to commit numerous serious abuses" in 2008, prior to last year's elections.

According to the U.S. Commission on International Religious Freedom, authorities have executed more than 200 leaders of the Baha'i faith since 1979; and, since 2005, nearly 200 Baha'is have been arbitrarily arrested. Christians are subject to harassment, arrest, surveillance, and imprisonment.

President Reagan famously said that the U.S. Constitution is "a covenant we

have made not only with ourselves but with all of mankind." We have a moral obligation to stand up for the dignity and freedom of all people and against forces of tyranny and oppression.

While we must engage the international community to prevent the Iranian regime from securing nuclear weapons, these efforts can and should be pursued alongside a vigorous defense of basic human rights.

We look forward to hearing from our expert panel, but, before that, let me recognize Congressman McGovern, the co-chairman of the Tom Lantos Human Rights Commission.

Cochairman McGOVERN. Thank you.

I want to thank my co-Chair, Frank Wolf, for calling this important and timely hearing today. I am grateful for our witnesses for being here today. I am also happy to be joined by Congressman Chris Smith. Both Congressman Wolf and Congressman Smith have been great advocates for human rights on this area and so many other parts of the world.

I believe our panel today represents a great cross-section of different views which will help enlighten us in Congress on the important matters of human rights in Iran as we are formulating our Iran policy in legislative form.

I believe it is important to point out that, while we are an entity of the United States Congress, the issues before us are not Republican or Democratic concerns. They are not concerns of Congress or those of the U.S. Government but concerns deeply held by people all over the world.

The international community remains deeply worried about Iran's abysmal human rights record and Iran's utter refusal to work collaboratively on a verifiable nuclear agreement.

Pictures broadcasted with the help of new social networking technology, such as Facebook and Twitter, documented the brutal crackdown of the Iranian regime against Iranian citizens who simply demanded to have their voices counted in a fair and free manner. What has become known as the Green Movement is a reflection of the simple desire of all Iranians to determine their own fate and to make their voices heard, something that is not only guaranteed in international law and treaties but it is a standard upheld by the international family of nations.

We in the United States will not abandon our responsibilities in upholding the norms and values of the international community; and we will work with President Obama and Secretary Clinton to ensure, as the President said, and I quote, that "along with all free nations, the United States stands with those who speak their universal rights."

Thank you.

Cochairman WOLF. Thank you, Jim.

Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman; and, Chairman McGovern, thank you for your kind words. And I thank both of you for your leadership.

The topic of this hearing today is absolutely timely and serious. A Nation with a deplorable human rights record against their own citizens is on the verge of developing a nuclear weapon with which to threaten the world. The international community waits and moves to plan C, D, or E, depending on what day it is or week it is. Working with other human rights-abusing countries, Iran has continued to export its version of human rights abuse which is a great concern for every one of us.

I would remind those countries of how Iran, a theocracy, deals with those who disagree with their particular version of Islam. According to the U.S. Commission on Religious Freedom, non-Muslim religious minorities are subjected to physical attacks, harassment, detention, arrests, imprisonment, and even death.

The Baha'i, Sufi Muslim, and Evangelical Christians are most often in the

cross hairs. The 300,000 Baha'i in Iran who are considered heretics by Iranian authorities are by law unprotected in Iranian law and can be killed with impunity. I can remember so well back in the early 1980s that it was Ronald Reagan -- and I was actually at the White House ceremony when he first raised the issue of persecution of the Baha'i; and, sadly, that persecution continues unabated.

In February, 2009, 40 Sufis were arrested after protesting the destruction of a Sufi place of worship. Even Evangelical Christians are arrested, interrogated, charged, and threatened with imprisonment. Even the Iranian Sunni leaders have reported widespread abuses, including detentions and torture and bans on Sunni teaching. And anyone who converts from Islam can be executed.

What is most disturbing is that, according to the U.S. Commission on International Religious Freedom, a consistent stream of vehement and inflammatory statements by political and religious leaders and the increase in harassment and imprisonment and physical attacks against non-Muslim religious minorities indicates a renewal of a kind of oppression seen in the years immediately following the Iranian revolution in the late 1970s. In other words, the religious and political leaders are stoking the persecution of religious minorities. This shows incredible hypocrisy on the part of the Iranian government.

I am one of two congressional delegates to the U.N. this year. In that capacity, I have gone to the U.N. to speak with ambassadors, joining Leonard Leo, who was there at a most recent event, regarding an effort by Iran and other fellow countries in the OIC to prohibit what they call the "defamation of religion". In other words, Iran has been telling the world that religions, especially Islam, have rights against being criticized. Moreover, religious and political leaders should be held accountable for what they say about other religions.

Given the facts before us regarding the Iranian government's deplorable record against respecting the religions in their own borders, their request to the rest of the world seems ridiculous on its face. But even more disturbingly, Iran's behavior belies the kind of world some supporters of the defamation of the religious resolution would like to create. The word sounds persuasive, but they are really seeking cover for human rights abuse. We must hold them to account and ensure that they are not empowered with the bomb to make demands on the rest of the world.

I yield back.

Cochairman WOLF. Thank you, Mr. Smith.

I want to thank all four witnesses for taking the time out to be here. We had to reschedule this because of the snowstorm when Congress wasn't here.

First is Leonard Leo. He is the current Chair of the United States Commission on International Religious Freedom. He also serves as Executive Vice President of the Federal Society of Law and Public Policy Studies.

Andrew Apostolou serves as Senior Program Manager for Iran Freedom House and manages the civil society programs for Iranian as well as Freedom House's bilingual English-Persian Web site publication.

Ali Afshari is a leading Iranian political activist who has championed the cause of human rights and democracy for over a decade and widely published on these issues.

Finally, Trita Parsi is the founder of and President of the National Iranian American Council. He has published numerous articles on Middle Eastern affairs.

I thank all four of you for coming.

Cochairman WOLF. Mr. Leo, you may begin.

## **STATEMENT OF LEONARD LEO, CHAIR, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

Mr. LEO. Thank you, Chairmen Wolf and McGovern and Mr. Smith.

On behalf of the U.S. Commission on International Religious Freedom, I thank the Tom Lantos Human Rights Commission for inviting me to brief you and for your leadership on these issues. I will provide a summary of my testimony, but if I could request that my full written comments be submitted into the record.

Since its inception, USCIRF has recommended that Iran be named a "country of particular concern" for engaging in systematic, ongoing, and egregious violations of religious freedom; and the State Department designated Iran a CPC for the first time it named countries in 1999 and has done so every year since.

Over the past few years, and especially after the contested June, 2009, presidential election, the Iranian government has imposed harsh prison sentences on prominent reformers from the Shi'a majority community, many of whom have been tried on criminal charges of insulting Islam and publishing materials that allegedly deviate from Islamic standards.

This systematic repression extends to religious minorities, particularly Baha'is, as well as Christians and Sufi Muslims, all of whom have suffered intensified physical attacks, harassment, detention, arrests, and imprisonment. Heightened anti-Semitism and repeated Holocaust denial threats and activities have increased fear among Iran's Jewish community.

Just last week at the Universal Periodic Review of Iran at the U.N. Human Rights Council in Geneva, the Iranian government was absolutely defiant toward any recommendations made by western governments aimed at improving conditions in the country.

In recent weeks, the Iranian government has started convicting and executing reformers and peaceful protesters on the charge of what is called waging war against God. At least 10 others have been charged, convicted, and sentenced to death for this.

A number of senior Shi'a religious leaders who have opposed various religious and political tenets and practices of the Iranian government also have been targets of state repression, including house arrest, detention without charge, trial without due process, torture, and other forms of ill treatment.

Muslim minorities have reported widespread abuses and restrictions, including detentions and torture of Sunni clerics, as well as bans on Sunni teachings. Sunni Muslim leaders are regularly intimidated by intelligence and security services in particular, and the Sunni community still has been unable to build a mosque in Tehran.

Sufi Muslims fear growing government repression. There are, for example, restrictions on Sufi houses of worship, and those have become more pronounced since February of 2009.

The government's monopoly on and enforcement of the official interpretation of Islam has also negatively affected the human rights of women in the Iranian republic.

The Baha'i community, the largest non-Muslim religious minority which numbers at least 300,000, has long been subject to severe religious freedom violations in Iran. Iranian officials view Baha'is as heretics; and, since 1979, the Iranian government authorities have executed more than 200 Baha'i leaders.

In March and May of 2008, seven Baha'i leaders were arrested and taken to the notorious Evin prison in Tehran, where they remain today. The trial for these five men and two women started last month. They were formally charged with espionage, propaganda activities against the Islamic order, the establishment of an illegal



administration, cooperation with Israel, sending secret documents outside the country, acting against the security of the country, and corruption on earth. The charges are absolutely baseless.

At present, at least 60 Baha'is remain in prison on account of their religious identity, and 47 Baha'is were arbitrarily arrested just between October, 2009, and mid-February, 2010. So you are starting to see intensification of this activity.

Christians, they also continue to be subject to harassment and mistreatment. Over the past few months alone, there have been several instances of Iranian authorities raiding church services, detaining worshipers and church leaders, and harassing and threatening church members.

Now in the 8 months since the contested June, 2009, elections, these facts and others demonstrate the Iranian government not only represses its majority Muslim population but also its Muslim and non-Muslim religious minority communities.

Just last week at the UPR at the Human Rights Council, Iran really did make a mockery of the process by rejecting a number of very reasonable recommendations. In fact, Iran's head of the delegation claimed that religious minorities are actually protected and allowed to engage in religious activity freely. He specifically responded to a question about the status of Baha'is in Iran by saying that no Baha'i had ever been prosecuted because of his or her faith. It is essential that our government and the international community vigorously refute these fabricated assertions.

In late January, the Senate passed legislation that would impose targeted sanctions in Iran. This is S. 2799, and the bill includes a Sense of the Congress provision supported by our Commission that the President should, for example, identify Iranian officials responsible for violating these human rights and respond appropriately, including prohibiting their entry into the United States and freezing their assets.

During the conference between the Senate bill and the House-passed measure, which is H.R. 2194, concerns raised by Senator McCain on the need to impose sanctions on human rights violators in Iran reportedly is going to be addressed.

USCIRF is hopeful that the issuance of the recent joint U.S.-EU statement on Iran, along with the new law, would signal that the U.S. Government is moving toward holding Iranian officials to account for the flagrant human rights and religious freedom abuses that they have committed.

Now USCIRF specifically urges the Obama administration first to fulfill the statutory requirement under the Individual Religious Freedom Act, section 402b(2), by identifying Iranian government agencies and officials responsible for particularly severe violations of religious freedom and then to take a number of different what we call "commensurate actions" under section 405 of the Act, such as to first bar from entry into the United States and freeze the assets of Iranian government officials who have engaged in particularly severe religious freedom violations.

We also recommend that the U.S. Government should work within the P5+1 talks to ensure that violations of freedom of religion are part of all negotiations, multilateral as well as bilateral discussions. Those negotiations and discussions should include trying to ensure that the death penalty is rescinded for apostasy. We should try to ensure that the Baha'is are allowed, permitted to practice their faith.

We should call on the Iranian government during these discussions and negotiations to release from prison the seven Baha'i leaders. Also release from prison any Sufi Muslims who are being held on account of their religion or belief, including Ayatollah Boroujerdi.

We should call for the halting of state-sponsored acts of anti-Semitism and release from prison all women's rights activists who advocate for ending discrimination against women in the application of Islamic law in Iran.

Also, our government should continue to support an annual U.N. General

Assembly resolution condemning severe human rights violations, including freedom of religion. We should press for a resolution condemning severe violations of human rights at the U.N. Council on Human Rights which, as you know, is meeting in the month of March in Geneva; and we should encourage the U.N. Human Rights Council to continue to use its procedures to maintain oversight of conditions for freedom of religion or belief in Iran, although one can expect that the government would be quite reluctant in welcoming any of the U.N. rapporteurs as special experts.

Chairman Wolf and Chairman McGovern and Congressman Smith, in my view, aggressively addressing religious oppression in Iran is the right thing to do. It is the right thing to do, but it is sensible because, in the end, the road to stability and security is impossible to pass without the preservation and strengthening of freedom of religion and belief in other human rights.

Thank you for your time and for your leadership on this and so many other human rights issues.

[The statement of Mr. Leo follows:]

PREPARED STATEMENT OF LEONARD LEO



UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM

Testimony of Leonard Leo, Chair  
U.S. Commission on International Religious Freedom

Before the Tom Lantos Human Rights Commission

Hearing on  
“The Current Status of Human Rights and Religious Freedom in Iran”

February 25, 2010

On behalf of the U.S. Commission on International Religious Freedom (USCIRF), I thank the Tom Lantos Human Rights Commission for inviting me to brief you on the situation of freedom of thought, conscience, and religion in Iran and our recommendations for U.S. policy. I respectfully request that my written comments be submitted into the congressional record.

Since its inception, USCIRF has recommended that Iran be named a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom. The State Department designated Iran a CPC the first time it named countries under the International Religious Freedom Act of 1998 (IRFA) in 1999 and has done so every year since. USCIRF again recommends this year that Iran be designated a CPC.

Over the past few years, and especially after the contested June 2009 presidential election, the Iranian government has imposed harsh prison sentences on prominent reformers from the Shi’a majority community, many of whom have been tried on criminal charges of “insulting Islam,” criticizing the Islamic Republic, and publishing materials that allegedly deviate from Islamic standards. USCIRF has long been on record opposing the application of these kinds of blasphemy and other similar laws. Furthermore, the UN Special Rapporteur on the Right to Freedom of Opinion and Expression has said that such charges brought by Iranian courts “lack any objective criteria” and are open to “subjective and arbitrary interpretation by judges implementing them.”

This systematic repression extends to religious minorities, particularly Baha’is, as well as Christians and Sufi Muslims, all of whom have suffered intensified physical attacks, harassment, detention, arrests, and imprisonment. Heightened anti-Semitism and repeated Holocaust denial threats and activities by senior government officials have increased fear among Iran’s Jewish community. Members of those minority groups that are formally recognized – Zoroastrians, Christians, and Jews – also face legal and other forms of discrimination.

Just last week at the Universal Periodic Review (UPR) of Iran at the UN Human Rights Council in Geneva, Iran’s abysmal human rights and religious freedom record went on display, and expectedly, the Iranian government response was defiant toward any recommendations made by Western governments aimed at improving conditions in the country.

#### **The Islamic Republic’s Treatment of Majority and Minority Muslims**

The Constitution of the Islamic Republic of Iran proclaims Islam, specifically the doctrine of the Twelver (Shi’a) Jaafari School, to be the official religion of the country. It stipulates that all laws and regulations, including the Constitution itself, be based on Islamic criteria. The head of state, Ayatollah Ali Khamenei, is the Supreme Leader of the Islamic Revolution and has direct control over the armed forces, the internal security forces, and the judiciary.

In recent weeks, the Iranian government has started convicting and executing reformers and peaceful protestors on the charge of waging war against God (*moharebeh*). At least ten others have been charged, convicted, and sentenced to death for *moharebeh*. The Iranian government’s use of religious crimes to crack down on peaceful dissidents who disagree with the government’s interpretation and application of Islamic law is intolerable and should receive the strongest possible rebuke from the international community. The Iranian government has been repressing its citizens on the basis of religious identity for years, but in recent months it has been increasingly manipulating the reach of its religious laws to silence, and in some cases put to death, Shi’a Muslims simply for exercising their internationally protected rights of freedom of expression and freedom of thought, conscience, religion, or belief.

A number of senior Shi’a religious leaders who have opposed various religious and political tenets and practices of the Iranian government also have been targets of state repression, including house arrest, detention without charge, trial without due process, torture, and other forms of ill treatment. In December 2009, Grand Ayatollah Hussein-Ali Montazeri, once the designated successor to Ayatollah Ruhollah Khomeini, died after years of imprisonment, harassment, and house arrest because he was a strong critic of clerical rule in Iran. In 2006, Ayatollah Mohammad Kazemini Boroujerdi, a senior Shi’a cleric who advocates the separation of religion and state was arrested and imprisoned. He and 17 of his followers were initially sentenced to death, but the death sentences were later withdrawn. He is serving an 11 year prison term and is reportedly in poor health. Some of his supporters have claimed that Ayatollah Boroujerdi has suffered physical abuse while in prison.

Muslim minorities also continue to face repression. Some Iranian Sunni leaders have reported widespread abuses and restrictions on their religious practice, including detentions and torture of Sunni clerics, as well as bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. Sunni Muslim leaders are regularly intimidated and harassed by intelligence and security services and report widespread official discrimination. The Sunni community still has been unable to build a mosque in Tehran. There also have been allegations that the Iranian government discriminates against the Sunni community in government employment, particularly leadership positions in the executive and judicial branches.

Sufi Muslims face growing government repression of their communities and religious practices, including increased harassment and intimidation of prominent Sufi leaders by the intelligence and security services, and many Shi’a clerics and prayer leaders have denounced Sufism and Sufi activities in both sermons and public statements. Government restrictions on Sufi groups and houses of worship (*husseiniya*) have become more pronounced. In February 2009, at least 40 Sufi Muslims in Isfahan were arrested after protesting the destruction of a Sufi place of worship; all were released within days. In December 2008, after the closure of a Sufi place of worship, authorities arrested without charge at least six members of the Gonabadi Dervishes on Kish Island and confiscated their books and computer equipment. Their status today is unknown. Furthermore, there have been reports over the past few years that the government is considering an outright ban on Sufism.

The government's monopoly on, and enforcement of, the official interpretation of Islam negatively affect the human rights of women in Iran, including their right to freedoms of movement, association, and thought, conscience, and religion, as well as freedom from coercion in matters of religion or belief. The Iranian justice system does not grant women the same legal status as men. For example, testimony by a man is equivalent to the testimony of two women. Provisions of both the Civil and Penal Codes, in particular those sections dealing with family and property law, discriminate against women. Over the past few years, several women's rights activists have been arrested by authorities and some remain in prison for their involvement in collecting signatures for the Campaign for Equality aimed at ending discrimination against women in the application of Islamic law in Iran.

### **Non-Muslims Religious Minorities**

The constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who may worship freely and have autonomy over their own matters of personal status. Nevertheless, the primacy of Islam and Islamic laws and institutions adversely affects the rights and status of non-Muslims. Members of these groups are subject to legal and other forms of discrimination, particularly in education, government jobs and services, and the armed services. In 2004, the Expediency Council, an advisory body appointed by the Supreme Leader, authorized collection of equal blood money for the death of Muslim and non-Muslim men, but Baha'is, Sabeian Mandaean men, and all women remain excluded from the revised ruling. According to Iranian law, Baha'i blood is *mobah*, which means members of the Baha'i faith can be killed with impunity.

Since 2005, the Iranian government has intensified its campaign against non-Muslim religious minorities. A consistent stream of virulent and inflammatory statements by political and religious leaders and an increase in harassment and imprisonment of, and physical attacks against, these groups indicate a renewal of the kind of oppression seen in the years immediately following the Iranian Revolution in the late 1970s. In December 2009, the UN General Assembly adopted a resolution condemning the Iranian government's poor human rights record, including its continued abuses targeting religious minorities and the escalation and increasing frequency of violations against members of the Baha'i faith. In early 2008, the Iranian parliament began considering a new law that would impose serious punishments, including the death penalty, on converts from Islam. Although the Iranian government in the past has applied the death penalty for apostasy under Islamic law, it has not been explicitly codified. If the proposed law is passed, it would further endanger the lives of all converts from Islam, particularly members of the Baha'i faith, who are already considered apostates, even if they are fourth- or fifth-generation Baha'i adherents.

The Baha'i community, the largest non-Muslim religious minority numbering at least 300,000, has long been subject to particularly severe religious freedom violations in Iran. Iranian authorities view Baha'is as "heretics" and they may face repression on the grounds of apostasy. Since 1979, Iranian government authorities have executed more than 200 Baha'i leaders in Iran, and more than 10,000 have been dismissed from government and university jobs. In recent months, Baha'is in Iran have faced harsh treatment, including increasing numbers of arrests, detentions and violent attacks on private homes and personal property. Baha'i property has been confiscated or destroyed and dozens of Baha'is have been harassed, interrogated, detained, imprisoned, or physically attacked.

In March and May 2008, seven Baha'i leaders – Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm – were arrested and taken to the notorious Evin prison in Tehran, where they remain today. After numerous postponements, the trial for the five men and two women started last month. They were formally charged with espionage, propaganda activities against the Islamic order, the establishment of an illegal administration, cooperation with Israel, sending secret documents outside the country, acting against the security of the country, and corruption on earth. Attorneys for the seven Baha'is, who have had extremely limited access to their clients and files, say that the charges against the seven have no merit and are baseless. It appears that the Iranian government has already predetermined the outcome, and is once again using its courts as an instrument of religious persecution in blatant violation of international human rights law. The trial resumes on April 10.

Nearly 300 Baha'is have been arbitrarily arrested since early 2005 and, at present, at least 60 Baha'is remain in prison on account of their religious identity. The Baha'i International Community reports that 47 Baha'is were arbitrarily arrested between October 2009 and mid-February 2010. Thirteen Baha'is were arrested in early January and 10 of them are still in detention. Another 13 were detained just two weeks ago; 11 of them are still in jail. Dozens are awaiting trial while others have been sentenced to prison terms ranging from 90 days to several years. All of those convicted are in the process of appealing the verdicts. Although the Iranian government maintains publicly that Baha'is are free to attend university, reports over the past year indicate that the policy of preventing Baha'is from obtaining higher education remains in effect. Furthermore, during the past few years, young Baha'i schoolchildren in primary and high schools increasingly have been vilified, pressured to convert to Islam, and in some cases, expelled on account of their religion.

Christians, particularly Evangelical and other Protestants, in Iran continue to be subject to harassment, arrests, close surveillance, and imprisonment; many are reported to have fled the country. Over the past few months, there have been several incidents of Iranian authorities raiding church services, detaining worshippers and church leaders, and harassing and threatening church members. Last month, in the southwestern city of Shiraz, seven Christians were detained, and, according to the Farsi Christian News Network, most face charges of apostasy. In late December, at least 15 Christians were arrested in Tehran; 12 have since been released while three Christians – Maryam Jalili, Mitra Zahmati and Farzan Matin – remain in detention without access to legal counsel. Between June and August 2009, there were at least 30 cases of Christians arrested and detained across the country, mostly during church gatherings. Many were held for days and weeks, and all were released by September. In March 2009, two women, Marzieh Esmaeilabad and Maryam Rustampoor, were arrested for practicing Christianity after authorities raided and confiscated materials from their home. Iranian officials reportedly claimed the two women were engaging in "anti government" activities, although the charges were never substantiated. After more than eight months in prison, the two women were released in November, although they could still face charges of proselytizing and/or apostasy.

During the past year, the tiny Sabean-Mandaean religious community reportedly faced harassment and repression by authorities similar to that faced by other religious minorities. There were reports that members of the Sabean-Mandaean community experienced societal discrimination and pressure to convert to Islam, and they were often denied access to higher education.

Official policies promoting anti-Semitism are on the rise in Iran, though members of the Jewish community have usually been targeted on the basis of “ties to Israel,” whether real or perceived. Since coming to power, President Ahmadinejad and other top political and clerical leaders have made public remarks denying the existence of the Holocaust, and anti-Semitic tracts have increased in the government-controlled media. There continues to be an increase in this officially sanctioned, anti-Semitic propaganda, involving official statements, media outlets, publications, and books. In recent years, numerous programs broadcast on state-run television depicted anti-Semitic messages, a prominent newspaper held a Holocaust denial editorial cartoon contest, and the Iranian government sponsored a Holocaust denial conference. According to the State Department, despite minimal restrictions on Jewish religious practice, education of Jewish children has become increasingly difficult in recent years, and distribution of Hebrew religious texts is strongly discouraged.

### **Conclusions and Recommendations for U.S. Policy**

In the eight months since the contested June 2009 elections, we have been reminded how the Iranian government deals with those individuals who dissent or express views that are a perceived threat to the theocratic regime. The facts demonstrate that the Iranian government not only represses its majority Muslim population, but also its Muslim and non-Muslim religious minority communities.

Earlier this month, the United States and the European Union condemned ongoing human rights violations in Iran and called on the Iranian government to fulfill its international human rights obligations. But just last week at the Universal Periodic Review of Iran (UPR) at the UN Human Rights Council, Iran made a mockery of the process by rejecting a number of recommendations from countries urging the Iranian government to comply with its international human rights responsibilities, including those related to freedom of religion or belief. In fact, Iran’s head of delegation at the UPR, Secretary General of the High Council for Human Rights of the Judiciary, Mohammad Javad Larijani, and other delegation members claimed that religious minorities in Iran are protected and allowed to engage in religious activity freely without disruption under Iran’s constitution. In addition, Mr. Larijani specifically responded to a question about the status of Baha’is in Iran by saying that no Baha’i had ever been prosecuted because of his or her faith, only because of “cult-like activity.” It is essential that the U.S. government and international community vigorously refute these fabricated assertions.

In late January, the Senate passed legislation that would impose targeted sanctions on Iran. Along with the sanctions contained in S. 2799, the Senate bill includes Sense of Congress provisions supported by USCIRF that the President should: press the Iranian Government to respect its citizens’ human rights and religious freedoms; identify Iranian officials responsible for violating these rights; and respond appropriately, including prohibiting their entry into the U.S. and freezing their assets. The bill also calls for additional funds for the Secretary of State to collect and share information on human rights abuses. Reportedly, during the conference between the Senate bill and the House-passed measure (H.R. 2194) concerns raised by Senator McCain with regard to the need to impose sanctions on human rights violators in Iran would be addressed. USCIRF is hopeful that the issuance of the recent joint U.S.-EU statement, along with a new law, would signal that the U.S. government is moving toward holding Iranian officials to account for the flagrant human rights and religious freedom abuses they have committed.

As a country of particular concern, or CPC, Iran under IRFA can be subjected to economic sanctions, in addition to other punitive measures. Despite being designated a CPC for 10 years, no IRFA-related sanction has been imposed on Iran, with the U.S. government relying merely on existing sanctions already in place. USCIRF has concluded that the rapidly deteriorating conditions for religious freedom justify specific, additional sanctions under IRFA.

Mr. Chairman, USCIRF urges the Obama Administration first to fulfill the statutory requirement under IRFA Section 402b(2) of identifying Iranian government agencies and officials responsible for particularly severe violations of religious freedom and then take the following “commensurate actions” under IRFA Section 405:

- bar from entry into the United States and freeze the assets of Iranian government officials who have engaged in particularly severe religious freedom violations; and
- work with our European allies also to ban from entry and freeze the assets of Iranian officials who have engaged in particularly severe religious freedom violations.

Such actions would send an unambiguous message to the Iranian government of the need for demonstrable actions that would help end 30 years of repression, and send a strong signal that the United States stands in solidarity with the Iranian people and is deeply concerned about human rights and religious freedom abuses in Iran.

In addition, USCIRF also recommends that the U.S. government should:

- at the highest levels, vigorously speak out publicly about the deteriorating conditions for freedom of thought, conscience, and religion or belief in Iran, and draw attention to the need for the international community to hold authorities accountable in specific cases where severe violations have occurred;

- work within its current overall policy framework, including with the P5+1 (the United States, Britain, France, Russia, China + Germany), to ensure that violations of freedom of religion and belief, and related human rights, are part of all formal and informal multilateral or bilateral discussions with representatives of the Iranian government, including:
  - ensuring that the revised amendment to the Penal Code, which would codify the death penalty for apostasy, is rescinded;
  - permitting Baha'is to practice their faith, rescinding any existing laws that permit members of the Baha'i faith to be killed with impunity, and allowing full access for Baha'is to study in public universities without discrimination;
  - releasing from prison the seven Baha'i leaders and other Baha'is and Christians in prison on account of their religion or belief as well as dropping all charges against those Baha'is and Christian converts who have cases pending;
  - releasing from prison Ayatollah Boroujerdi and other dissident Muslims, including any Sufi Muslims in prison on account of their religion or belief;
  - halting state-sponsored acts of anti-Semitism, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities by the President and other high-level government officials; and
  - releasing from prison all women's rights activists who advocate for ending discrimination against women in the application of Islamic law in Iran
- continue to support an annual UN General Assembly resolution condemning severe violations of human rights, including freedom of religion or belief, in Iran, and call for officials responsible for such violations to be held accountable;
- press for a resolution condemning severe violations of human rights, including freedom of religion or belief, in Iran at the UN Human Rights Council;
- call on the UN Human Rights Council to monitor carefully and demand Iran's compliance with the recommendations of the representatives of those UN special procedures that have already visited Iran, particularly the Special Rapporteur on Freedom of Religion or Belief (1995), the Working Group on Arbitrary Detention (2003), and the Special Rapporteur on Freedom of Opinion and Expression (2003), and restore the position of UN Special Representative on the Islamic Republic of Iran with the task of investigating and reporting on human rights abuses in Iran; and
- encourage the UN Human Rights Council to continue to use its procedures to maintain oversight of conditions for freedom of religion or belief in Iran, including continued visits and reporting by the Special Rapporteur on Freedom of Religion or Belief, and other relevant special rapporteurs and working groups, to which Iran has issued a standing invitation.

## **STATEMENT OF ANDREW APOSTOLOU, SENIOR PROGRAM MANAGER AT FREEDOM HOUSE**

Mr. APOSTOLOU. Thank you. It is an honor to be here in front of your Commission and also to contribute in a small way to furthering the legacy of Tom Lantos, who did such a great job here and whose work on human rights is really an inspiration.

There are three things that I want to quickly talk to you about: Why we have a protest moment in Iran, what it is, and how we can help it. I think the why should be more obvious than it has been.

There is a lot of anger at the stolen election. We know elections in Iran are not really elections in any meaningful sense. The system is manipulated from start to finish. But what this regime has managed to show rather successfully is that even in a manipulated and crooked system you can still steal an election, so there is enormous anger about that.

We also had a very strong campaign run by Mr. Musavi, who raised the prospect of some form of change, which, again, the feeling that that was dashed has contributed to the anger.

And I think the third reason for why we have these protests is again the obvious that was too often denied, which is that Iranians are just not happy with this regime. They are unhappy with their low standard of living, and they are unhappy living in a state where the state wants to go in one direction and Iranian society very clearly wants to go in another.

With regard to what this movement is, there are a number of characteristics that we have to bear in mind. The first is that regime oppression means that there is no real organization or coherence to this movement. There is no membership card. There are no local branches. Nonetheless, despite this repression, the movement has managed to turn out very large numbers of demonstrators pretty much consistently from June, 2009, to January of this year.

Now, as we all know, they didn't do that well on February 11, which is the official anniversary of the Islamic revolution, but that is because the regime bussed in thousands of its own rent-a-mobs and also used large numbers of security forces. So one short-term defeat is not the end of this movement.

What I think is encouraging is that, at a more tactical street level, we are seeing new leaders emerge, because people like Musavi and Karroubi, the sort of nominal leaders of this movement, are very isolated.

The second thing I think we should bear in mind about the protest movement is that it is larger than the Green Movement. I say that because what we have seen emerge is people coming forward who are much more willing to challenge the boundaries of Iranian politics, particularly on the future of the Constitution and the future of the Islamic Republic. And we have also seen demonstrations of some of Iran's ethnic minorities, such as the Kurds and the Baluchis, participating in demonstrations, and these are people with a very bad memory of Musavi from the '80s, but they are willing to take advantage of what is happening to push their demands.

I think the protest movement also has another key feature which is important for Members of Congress because you have dealt with this, which is that they are different and more credible than the reformists who you may have encountered in the 1990s. They are not as constrained by class, language, or location. The reformists tend to be very Tehran based and very middle class. By contrast, the protest movement is much more regionally based. We have seen demonstrations in at least 25 out of 35 Iranian provinces.

So what do these people stand for? Again, that is a very difficult issue, because regime oppression means that it is very difficult for them to formulate a coherent political platform. At the moment, they have rallied around what they don't like, and what they don't like is the Ahmadinejad presidency. There is much promise in the protest movement, but there is not much clarity.

Musavi is an ambiguous figure. He is a man with a very bad human rights record from the 1980s, and he is in many ways an accidental dissident. He keeps talking about restoring the pristine values of the 1979 Islamic revolution, which is not very encouraging.

At the same time, he is being pushed by the regime which is completely unwilling to compromise with the protest movement. I think in many ways he is being pushed from being an Andropov of Iran to a Sakharov of Iran.

Many of the top intellectuals associated with the protest movement are a little unclear on their commitment to democratic values and religious freedoms, and in particular the commitment to the religious freedom for Baha'is is a thing that worries me from some of the more religious intellectuals.

The encouraging aspect of this protest movement, however, is that the people driving the protests, the people actually organizing at the moment, tend to be more democratically oriented and much more willing to see a more open Iranian political structure; and it is this new generation of leadership that is emerging on the lower level as the leaders of the protest movement. And what is very encouraging about these people is we have seen them repeatedly challenge the regime on key aspects of foreign policy. We saw this last September on so-called Qods Day, Jerusalem Day, and we saw it on 13 Aban, which is the anniversary of the seizure of the U.S. Embassy.

These young people were out there making it very clear that they want nothing to do with regime anti-Americanism. They mocked very openly regime support for Lebanese and Palestinian terrorist groups; and it is a breath of fresh air, frankly, to see that in Iran.

So how do we help?

First of all, as mentioned by Mr. Leo very eloquently, we can raise the issue of human rights, and we can raise it in regard to the nuclear talks. Ultimately, the nuclear issue is about trust. If you cannot trust this regime in terms of its domestic policy, I am not sure how can you trust them externally. Certainly their record in terms of negotiations with international partners is very worrisome. As you might be able to tell, I am not American; and I can tell you that, from the perspective of Britain and the European Union, we have had an engagement policy with Iran for 18 years, and we have gone absolutely nowhere with that.

The other reason why we should help and how we can is that our programs work. We have had a very good impact. We have been able to help people with basic protest techniques in Iran, and I think what we can now do is move forward and help them with communications.

There is a lot of talk about Twitter, the Internet, text messages, et cetera, and they are wonderful. They are great. But they are also very vulnerable. They are very public, and they are very easy for the regime to interdict.

There are simple ways of getting around that, and there are more complicated way of getting around that, and we should be investing in those technologies to help Iranians get that freedom to communicate with each other.

And we should also be investing in helping pluralism of debate. As I mentioned earlier, there are some intellectuals involved with this movement who are very worrisome in their perspective and their views, but our job is to make certain that the people like this gentleman here, who suffered in Iranian prisons and others, are able to put democratic and pluralistic values into the debate.

Finally, I think it is important to bear in mind that Iranians are willing to work



with international programs. And I mean not just American programs but Dutch-funded programs, Danish, British, et cetera. There is a myth out there that they are not willing to do that. That is false. That is not our experience at Freedom House, and that is not the experience of multiple other NGOs.

It is worth bearing in mind that the Iranian regime has always accused its enemies and its opponents of working for foreigners, and they have also even accused some of their nearest and dearest of doing this.

We should not raise risks for Iranians, and I am very careful in my work and with the people I work with who are excellent at their jobs not to raise the risk needlessly for Iranian dissidents. At the same time, I think we have to be very careful not to fall for the rather vapid and enticing slogan that has been going around called "first, do no harm." What that means is something that for us as a human rights organization is unacceptable.

"First, do no harm" means being neutral in a conflict between peaceful protesters and an evil, abusive regime. To do nothing is to be complicit in the repression of Iranians when, instead, we can actually be active and helping and we can assist the people in Iran to build the first constructive and positive political changes in that country for well over 30 years.

Thank you very much.

[The statement of Mr. Apostolou follows:]

PREPARED STATEMENT OF ANDREW APOSTOLOU

**Prepared Testimony to the  
Tom Lantos Human Rights Commission  
February 25, 2010  
IRAN'S NEW CIVIC AND POLITICAL LANDSCAPE  
Andrew Apostolou, Freedom House**

Chairman McGovern, Chairman Wolf, Members of the Tom Lantos Human Rights Commission, it is an honour for me to address this Commission, to represent Freedom House, and to be sitting here on this distinguished panel. Tom Lantos' clarity of commitment to human rights is an enduring inspiration—as is your continuing scrutiny of human rights issues.

Freedom House is one of the world's oldest human rights organizations. We were founded in 1941 to counter Nazi Germany's anti-democratic propaganda. Today, in addition to our well-known analyses on the state of freedom in the world and our advocacy for democracy, we work in a practical manner to support democratic activists in some of the world's most repressive societies, including Iran. I am very fortunate to work with some highly talented and committed colleagues who have provided exemplary support to Iranian dissidents and democrats.

In this testimony, I would like to examine the significant changes that have occurred in Iran's civic and political landscape since the June 12, 2009 presidential election. My focus is the protest movement, not the regime. The protest movement is the main driving force of Iranian politics. The emergence of the protest movement has led to a severe internal political crisis. The mass demonstrations of the summer of 2009 and the subsequent months of unrest have caused uncertainty and in-fighting within the regime, a level of internal discord that cannot be explained away as the usual ferment of Iran's theocracy.

Moreover, that sense of crisis has extended beyond Iran's borders. For all Iran's nuclear bluster and menace, regional perceptions of Iran have changed. Before the June 12, 2009 election the Iranian regime promoted itself as the new regional power, as a pillar of endurance in an unstable region. Today it looks frail and indecisive because of the protest movement. Before the election the regime claimed to possess some form of electoral legitimation and portrayed itself as a leader of the Middle East and of Muslim causes. Iranian President Mahmoud Ahmadinejad's fiery anti-U.S. and anti-Israel rhetoric, often accompanied by his depraved Holocaust denial, apparently made him popular in some Arab states. Today, he looks like another electoral cheat and shabby dictator in a region that does not want for such characters.

These regime setbacks are protest movement successes. The courage and fortitude of Iranian protestors has imposed a political stalemate within Iran. These achievements have come at the cost of a human rights disaster and thousands of refugees who now live in dire circumstances.

Since June 2009, the regime has faced the most significant peaceful political challenge in its history, a challenge that exceeds that of the reformist administrations of the very cautious President Mohammad Khatami (1997-2005). This crisis has reignited the possibility of true democratic development in Iran.

This testimony will examine three elements of this change:

1. the reasons for the explosion of civic and political protest in Iran;
2. the characteristics of the protest movement; and,
3. how we can assist the protest movement.

### **1. Why is there an Iranian protest movement?**

The mass protest movement in Iran stems from three major elements:

- i) popular fury at the blatantly stolen election of June 12, 2009;
- ii) the electoral campaign of Mir Hussein Musavi; and,
- iii) cultural, economic, ethnic, political and social discontent with the Islamic regime.

#### **i) Popular anger at the theft of the June 12, 2009 presidential election.**

Popular fury in response to the stolen presidential election of June 12, 2009 might seem odd at first glance. After all, Iran's electoral system is undemocratic. Elections have never been free and fair, have never met basic international standards, and often involve substantial irregularities. The Islamic Republic of Iran exercises intrusive control over the entire electoral process. Just four carefully vetted regime insiders were allowed to stand in the 2009 presidential election out of 476 applicants. No woman has ever been permitted to run. Only Shi'i Muslims can become president<sup>1</sup>.<sup>1</sup> Nonetheless, in a manipulated and crooked system you can still steal elections.

The extent of the fraud on June 12, 2009 was such that in some areas Ahmadinejad's votes rose almost ten-fold over his tally in the 2005 elections. There was a magical increase in turnout in regions where election boycotts are widespread. Ahmadinejad supposedly won each of his three rivals' home provinces. Mehdi Karrubi, an opponent of Ahmadinejad and twice speaker of Iran's parliament, actually saw his vote in his home province of Luristan drop by 90%<sup>2</sup>. Ayatollah Ali Khamenei, Iran's so-called Supreme Leader, ascribed the record turnout to "the miraculous hand of God"—presumably because only a divine hand could have cast so many untraceable votes for Ahmadinejad.<sup>3</sup>

#### **ii). The protest movement is an outgrowth of Musavi's presidential election campaign.**

Mir Hussein Musavi, Iran's prime minister from 1981-9, was an unexpectedly popular presidential candidate who successfully mobilized support. The enthusiasm for Musavi in the closing days of the campaign contributed to the sense of fury at the stolen election and the subsequent desire for change. Many Iranians appear to have believed that Musavi could win and that he would institute an important change of tone from Ahmadinejad, even if changes in substance were expected to be modest.

Musavi's campaign was enhanced by his strong performance in the pre-election debate on June 3, 2009. These debates were a novelty in Iran. Musavi performed well, while Ahmadinejad came across as a bully who was finally receiving his come uppance. Musavi calmly stated that Ahmadinejad was destroying Iran's economy and foreign relations, and he accused the Iranian president of "superstition and adventurism." On June 4, 2009, Musavi accused Ahmadinejad of "irrational management." Zahra Rahnavard, Musavi's wife, was active during the campaign—another first for Iranian electoral politics in which politicians' wives have been almost invisible.

Regime intimidation also assisted Musavi by unifying the anti-Ahmadinejad vote. The regime pushed former President Mohammad Khatami to drop out as a potential candidate on March 16, 2009. Pro-regime thugs had attacked Khatami and the main pro-regime newspaper, *Keyhan*, had accused Khatami of plotting regime change and warned that he might end up like Benazir Bhutto.<sup>4</sup> In a similar fashion, footage of Iranian police pulling down pro-Musavi posters under cover of darkness in the closing days of the campaign encouraged a sense that Musavi threatened the *status quo*, thereby making his candidacy more attractive.

The regime was so rattled by Musavi's growing popularity that the Guardian Council, the unaccountable body that vets candidates, issued an election day ban on the use of the colour green and the Iranian flag (Ahmadinejad's campaign symbol)—odd restrictions for a state that claims to be patriotic and Islamic.<sup>5</sup>

#### **iii). Broad popular discontent with the Islamic Republic.**

<sup>1</sup> Article 115 of the constitution.

<sup>2</sup> An excellent analysis is Ali Ansari (ed.) with Daniel Berman and Thomas Rintoul, *Preliminary Analysis of the Voting Figures in Iran's 2009 Presidential Election*, Chatham House and the Institute of Iranian Studies, University of St. Andrews, June 21, 2009, available at <[http://www.chathamhouse.org.uk/files/14234\\_iranelection0609.pdf](http://www.chathamhouse.org.uk/files/14234_iranelection0609.pdf)>.

<sup>3</sup> *Mehr News Agency*, "Unprecedented Turnout Was A Miracle: Leader", Tehran, June 14, 2009.

<sup>4</sup> *Keyhan*, February 12, 2009. Hossein Shariatmadari, the editor-in-chief of *Keyhan*, later helpfully clarified that what his newspaper meant was to warn that the U.S. would assassinate Khatami as it had, he claimed, murdered Benazir Bhutto. Ayatollah Ali Khamenei, Iran's "Supreme Leader" and theocratic leader, personally appointed Shariatmadari to his post.

<sup>5</sup> Press TV, "Iran flag, green color banned on Election Day," June 11, 2009, available at <<http://www.presstv.ir/detail.aspx?id=97713&sectionid=351020101>>.

The mass protests also demonstrate the obvious—that many Iranians are deeply unhappy with their government. In economic terms, Ahmadinejad has failed to deliver a decent standard of living despite his 2005 promise to bring oil profits to the “dining tables” of Iranian homes. Instead, around \$1bn of oil revenue is unaccounted for. Inflation remains high, many Iranians need multiple jobs to survive, the state sector is inefficient, and corruption is widespread.

Iranian discontent, however, exceeds economics. Large sections of Iran society are developing in different directions to those charted by the regime. In many small ways, Iranians defy the regime’s Islamist blueprint for their lives. For example, the state promotes a restrictive view of women’s role in society. Iranian textbooks promote a patronizing and regressive view of women as mothers and homemakers.<sup>6</sup> The legal minimum age of marriage for women is just 13 (and can even be lower if a legal petition is made). In practice the average age at which Iranian women marry is rising and is now 24.<sup>7</sup> This is because Iranian women are becoming more educated, more politically engaged, more civically organized, and Iran’s poor economic performance makes starting a home an uninviting prospect. Women are now a majority of university students and an important part of the Iranian student movement. The face of the Iranian protest movement is Neda Agha-Soltan, a 26 year old woman murdered by the regime in broad daylight.

The protests were also an opportunity for popular reaction to the anti-reformist repression that began in earnest in 1999 and that accelerated under Ahmadinejad after 2005. That repression was a consequence of the regime’s inability to allow for substantive compromises with Iranians who chafe at the Islamic Republic’s restrictions. Another reason for the civil society crackdown that may have been in the back of the regime’s mind is that a strong civil society can provide electoral scrutiny and prevent electoral fraud.

## 2. What is the Iranian protest movement?

The Iranian protest movement has four key characteristics:

- i. it is only nominally a movement as it lacks overt structure and active leadership;
- ii. it is broader than the “Green Movement;”
- iii. it is more credible than the “reformists” as it has a strong regional base and is ethnically diverse; and,
- iv. it is ideologically incoherent, including in its attitude to foreign policy.

### i). The protest movement is neither an organization nor even a campaign.

The protest movement is a “movement” largely in name, not in any meaningful organizational form. It lacks formal structure, channels of communication and genuine leadership. This lack of coherence is largely a result of state repression. From an organizational perspective Musavi and Karrubi are largely figureheads exercising little control. Consequently, there is an extent to which the unrest has a life of its own.

The first protests on June 13, 2009 were spontaneous eruptions of anger against electoral theft. Outside of Tehran and away from foreign journalists the regime used violence against these demonstrations. Musavi’s electoral campaign, and members of sympathetic political and civil society groups, then organized peaceful large-scale protests in Tehran the following week. Members of political organizations, such as the Islamic Participation Front, used their network within this party and other contacts to help turnout millions of demonstrators—although as a party the Islamic Participation Front and other bodies were not formally involved. The regime responded with arrests of possible protest leaders, a broad category, and the large scale use of security forces in Tehran on June 20, 2009.

The Iranian regime has since the summer systematically attacked any groups that might possibly be part of the protest movement and has arrested their members. Very little is now left of Musavi’s election campaign organization. Many of his top key aides are in prison or neutralized by regime intimidation and surveillance. Even fewer of former President Mohammad Khatami’s associates are at liberty—although most had no connection to the protests. Musavi and Karrubi are isolated and dependent upon the regime for their personal security.

Despite this, the protest movement has been resilient. From July 2009 until January 2010, the protest movement repeatedly surprised the regime with large numbers of demonstrators in major cities and towns across Iran. The protestors adapted to the regime’s consistent use of violence. They stopped organizing their own demonstrations, instead taking advantage of regime rallies, demonstrations, and commemorations (13 Aban; 16 Azar), or public religious festivities (Tasua and Ashura).<sup>8</sup> This trend

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<sup>6</sup> Saeed Paivandi, “Discrimination and Intolerance in Iran’s Textbooks,” *Freedom House*, 2008, available at <[http://www.gozaar.org/uploaded\\_files/IrantextbookE.pdf](http://www.gozaar.org/uploaded_files/IrantextbookE.pdf)> and <[http://www.freedomhouse.org/uploads/press\\_release/IranTextbookAnalysis\\_FINAL.pdf](http://www.freedomhouse.org/uploads/press_release/IranTextbookAnalysis_FINAL.pdf)>.

<sup>7</sup> Nayerreh Tohidi, “Iran,” in *Women’s Rights in the Middle East and North Africa*, ed. Sanja Kelly and Julia Breslin (New York: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), available at <<http://www.gozaar.org/template1.php?id=1343&language=english>>. For comparison, the average age at first marriage in the U.S. is now 25.7 years.

<sup>8</sup> 13 Aban in the Iranian calendar is the anniversary of the seizure of the U.S. embassy in Tehran by Islamic students in 1979 and of the shooting of anti-Shah protestors outside of the U.S. embassy in 1978. It fell on November 4, 2009. 16 Azar in the Iranian

stopped on 22 Bahman<sup>9</sup> when the regime successfully suppressed demonstrations through the massive presence of the security forces, by bussing in thousands of regime supporters, and thanks to the mistakes of some protestors.

The lack of formal leadership does not mean the movement is rudderless, but it does mean that it lacks unity. At the local level some leadership is emerging and is sometimes replaced following arrests. Musavi has facilitated this practical shift by stating that he is following the protestors, not placing himself at their head. He continues to provide general rhetorical direction to the Green Movement through his statements and interviews. Elements of leadership at the street level are probably being provided by those civil society movements that had survived the pre-2009 repression. Students in particular have been busy protesting since returning to their universities in late September 2009.

#### **ii). The protest movement is wider than the Green Movement**

It is important to recognize the differences between the Green Movement and the protest movement. Many of the demonstrators appear to have numerous grievances, many of which are non-political. The Green Movement was at the core of many of the post-June 12, 2009 demonstrations in central Iran. It represents the Musavi election campaign and the reaction to the stolen election of June 12, 2009. Since the autumn, however, it has become apparent that there are many demonstrators who are not necessarily associated with Musavi or his desire to reform the Islamic Republic from within. Instead, these demonstrators reject the religious regime and seek the end of the *velayat-e faqih* (Rule of the Jurisprudent, the theocratic head of state). By contrast, Musavi now neither denounces the *velayat* nor embraces it, while Khatami and Karrubi accept it.

There has been a similar phenomenon on the periphery. Iran's ethnic minority demonstrators are largely driven by other factors and they have taken advantage of popular rejection of electoral fraud to mobilize. These ethnic minorities (Arabs, Baluchis and Kurds in particular) are pursuing their group and the national agendas simultaneously within the context of the protest movement.

The existence of a broader base than simply the pro-Musavi (and the smaller pro-Karrubi) groups is a restraint upon the politicians. The more radical sentiment of what is known as "the street" appears to have put pressure on Karrubi to clarify a statement in January 2010 that seemed to grant legitimacy to Ahmadinejad's presidency.

#### **iii). The protest movement is more credible than the "reformists."**

The protest movement is also more potent and credible than the "reformists" were under Khatami for social and political reasons. Unlike the "reformists" the protest movement is not as constrained by class, location and language. The protest movement draws upon the "reformists" and supplements them with a broader coalition characterized by different social, ethnic and sectarian groups. Core "reformists" are in the protest movement—intellectuals, academics, journalists, and some clerics. These groups tend to be Tehran-based, middle class and Persian and to a lesser extent Azerbaijani. Many are connected to Khatami and Karrubi. Khatami participates, although he remains very cautious and wary of political conflict. Karrubi's subordinate role makes those associated with him relatively marginal in terms of protest organization, although his sympathizers play an important intellectual role.

The student movement, and to a far lesser extent women's rights activists, are involved in the protest movement. Although students and women's rights activists were at various times involved with the "reformist" coalition, many became disillusioned with the "reformists," and Khatami in particular.

The protest movement is also able to mobilize in relatively small towns. Freedom House has concrete evidence from contacts in Iran and from other reports that there have been protests in 25 of Iran's 30 provinces. On key protest days, such as Qods Day, 13 Aban and 16 Azar, there were protests in major cities and in smaller towns across Iran, including on 13 Aban in such out of the way places as Arak (Markazi province), Shahrekord (Chaharmahal and Bakhtiari Province), and Kerman (Kerman Province).

Iran's ethnic minorities, who tend to be wary of national politics, are participating in the protest movement. These ethnic groups are wary of Musavi because of his record in the 1980s. Their involvement does not mean that the protest movement has settled Iran's ethnic issues, but that these are temporarily subordinate to larger demands for a more open society. The protest movement is therefore providing a semblance of unity that counteracts the disintegrative impact on Iran of the Islamic Republic's repressive practices against ethnic and religious minorities. While Persian is now more widely used than before the 1979 revolution, the sense of marginalization among Iran's ethnic minorities appears to have grown. Accurate figures on Iran's various ethnic groups are not available. Although minorities within Iran as a whole, these groups are majorities in their own areas and generally live along Iran's borders.

Regional developments are encouraging discontent. Iran's Kurds can see the growing political influence of Kurds in Iraq and Turkey's fitful attempts to integrate its Kurds politically. Iran's Baluchis are affected by the turmoil in neighbouring Pakistani Baluchistan. Iran's Shi'i Arabs, who live next to Iran's oil fields, can see that their fellow Shi'i Arabs in Iraq have been empowered and are sharing that country's wealth. Iran's large Azerbaijani population, which is socially and politically well integrated (Khamenei and Musavi are both Azerbaijanis), has increasingly asked for more cultural rights and mother tongue education. Even Ahmadinejad has acknowledged this discontent by promising increased education in ethnic languages.

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calendar is "Student Day" which commemorates the killing by the Shah's police in 1953 of three students at Tehran University. Tasua is the fast that precedes Ashura, the anniversary of the martyrdom of Hussein ibn Ali.

<sup>9</sup> 22 Bahman in the Iranian calendar is the official commemoration of the 1979 Islamic Revolution, which fell on February 11, 2010.

The participation of the ethnic minorities in the peaceful protests also provides an alternative to violence. Although Iran is an exporter of terrorism, it has recently been on the receiving end of terrorist attacks by PJAK (a Kurdish group) and Jundullah (a Baluchi group whose leader was recently arrested).<sup>10</sup> Neither group appears to have a strong base of support among Iran's Kurds or Baluchis. The regime's response to terrorism has been ferocious and there has been a series of retaliatory hangings of Baluchi and Kurdish prisoners, many of whom appear to have little or no connection to the terrorists.

**iv). The protest movement has yet to develop a clear platform.**

It is difficult to characterize the protest movement's politics. The protest movement is largely defined by what it opposes (Ahmadinejad), than what it favours. Until recently, this negative approach worked well. However, it will be a problem in the future that there is no agreement on the constitution, democracy, human rights, religious rights, the future of the *velayat*, the future of the Islamic Republic, or the nature of Iran's foreign policy. As a political issue, not as a grievance, the stolen election of June 12, 2009 is largely over following Musavi's statement indicating a possibility for compromise involving a commitment to the integrity of future elections.<sup>11</sup>

On key issues there is much promise but insufficient clarity. We know that the protest movement wants an Iran in which there is greater freedom. The protest movement and the Green Movement are clearly communicating to use that they are more reasonable than the regime. What that more accommodating approach would mean in practice is uncertain. We should be careful of rose-tinted analyses and bogus opinion polls that claim to tell us what Iranians think. The point is that Iranians should be able to express themselves in the only opinion poll that really counts and that is worth analyzing: a democratic election.

With regard to democracy and human rights, it is overly optimistic to call the protest movement an Iranian democratic movement. The Green Movement element of the protest movement is associated with Musavi, who had a dreadful human rights record in government. Musavi is an accidental dissident. He started his presidential campaign pledging little change, just better management. As the campaign wore on, he rejected Ahmadinejad's reckless economic and foreign policies. Since June 12, 2009 he has relentlessly attacked Ayatollah Khamenei, Iran's "Supreme Leader," while claiming he wants to restore the pristine glories of the Islamic Revolution. In a recent interview, Musavi bemoaned the failure of the 1979 revolution to lead to true change in Iran and denounced religious dictatorship. Musavi's evolution is encouraging. Regime obduracy is transforming Musavi from Iran's Andropov into a potential Sakharov.

The same applies to many of Musavi's leading aides. Like Musavi, they threaten the regime because they are true insiders. They are experienced politicians and organizers. At the same time, their commitment to democracy is highly suspect. They are more likely to be motivated by the prospect of power than genuine political change. For example, Ali Akbar Mohtashimi-pur, the head of Musavi's vote protection committee, is a very capable politician and strategist. He helped to create the Lebanese terrorist group Hizballah.<sup>12</sup>

Similarly, some of the more traditionalist elements, in particular the "religious reformists," are ambiguous in their commitment to democratic values and human rights. Five leading "religious reformists" published their own manifesto in January 2010.<sup>13</sup> These five thinkers soon fell out among themselves and their credibility is suspect due to their own ambiguous comments in the past about human rights, in particular religious freedom for Iran's long suffering Bahá'is. Interestingly, their desire to reform the system from within was called into question by Musavi's statement that "dictatorship in the name of religion is the worst kind."<sup>14</sup>

What is encouraging is that the protest movement now appears to be driven by activists calling for greater openness and freedom. These elements within the protest movement clearly want a less repressive system of government that will provide greater respect for human rights and free elections. Many of these activists are genuine democrats and dissidents, particularly those from civil society groups such as students and women's rights activists. This new generation could ultimately lead Iran away from dictatorship.

The attitude to the U.S. is mixed. Some of the intellectual leaders of the Green Movement are anti-American. Musavi is also no great fan of the United States, but he is clearly communicating that were he in power his foreign policy approach would be more rational and involve a greater willingness to discuss the many problems that Iran creates than Ahmadinejad's rejectionist approach. A willingness to discuss does not translate into an increased possibility of agreement, as the dire history of 18 years of EU engagement with Iran demonstrates.

By contrast, many demonstrators have been at pains to challenge regime foreign policy. The Qods (Jerusalem) Day protests were particularly courageous. Qods Day is a centrepiece of regime propaganda and the desire to place Iran at the head of the "Muslim World" and against Israel. Protestors turned out in force and shouted slogans against the Islamic regime's friends such as "Death to Russia", "Death to China", "Neither Gaza nor Lebanon, my life for Iran!" In one video, two lonely pro-regime demonstrators paraded a picture of Hizballah leader Hassan Nasrallah past a crowd of protestors who responded by booing and chanting "Death

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<sup>10</sup> Partiya Jiyana Azad a Kurdistanê (Party for a Free Life in Kurdistan), an affiliate of the PKK, the Turkish Kurdish terrorist group—both are U.S. designated Foreign Terrorist Organizations. Jundullah (Soldiers of God) is a Baluchi jihadist group.

<sup>11</sup> Mirhussein Musavi 17th statement, *kaleme.org*, December 31, 2009, available at <<http://www.kaleme.org/1388/10/11/klm-7047>> translation available at <[http://www.facebook.com/note.php?note\\_id=231350482605](http://www.facebook.com/note.php?note_id=231350482605)>.

<sup>12</sup> Meir Javedanfar, "Hezbollah's Man in Iran," *Tehran Bureau*, November 24, 2009, available at <<http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/11/hezbollahs-man-in-iran.html>>.

<sup>13</sup> Robin Wright, "Abdolkarim Soroush on the Goals of Iran's Green Movement," *The Huffington Post*, January 7, 2010, available at <[http://www.huffingtonpost.com/robin-wright/abdolkarim-soroush-on-the\\_b\\_414882.html](http://www.huffingtonpost.com/robin-wright/abdolkarim-soroush-on-the_b_414882.html)>.

<sup>14</sup> Mirhussein Musavi interview with *kaleme.org*, February 2, 2010, available at <<http://www.kaleme.org/1388/11/13/klm-10327>>, translation available at <[http://www.facebook.com/note.php?note\\_id=283762677605](http://www.facebook.com/note.php?note_id=283762677605)>.

to the Dictator.”<sup>15</sup> These street challenges to Iranian regime support for Lebanese and Palestinian terrorist groups are important and encouraging. Moreover, some of the slogans were in English. As Roya Boroumand, a human rights activist, has said: “Ask yourself why Iranians who protest in the street write things in English. They’re not just practicing language skills.”<sup>16</sup>

There was a similarly broad range of protests on 13 Aban. Protestors again denounced the Islamic regime. They also challenged the U.S. to either side with them or the regime, shouting “Obama, Obama are you with us or with them?”<sup>17</sup>

### 3. How we can assist the protest movement

For all its durability and breadth, the protest movement faces considerable obstacles. Regime repression has been ferocious, characterized by unrestrained violence against peaceful protestors, mass show trials, isolation and threats. The suppression of demonstrations on 22 Bahman was a regime victory. However, we should not make the mistake of discounting the protest movement and thereby undermining one of the most important and positive civic and political changes in the Middle East for decades. The triumphalism of Ahmadinejad apologists notwithstanding, the regime continues to be divided and uncertain.

There are two main ways in which we can legitimately and safely assist the protest movement: by raising human rights concerns vigorously and through focused practical assistance. First, those countries that are serious about human rights can repeatedly and relentlessly raise Iranian human rights violations, whether in bilateral diplomacy or in international fora. They can press for the release of political prisoners and ask that Iran hold the perpetrators of human rights abuses to account. The speech of Michael H. Posner, the U.S. Assistant Secretary of State, to the UN Human Rights Council Universal Periodic Review on Iran was a useful U.S. initiative.<sup>18</sup> The French government has also been vocal on human rights abuses in Iran.

As part of this effort, western countries can broaden the range of “engagement” on their own terms. Western countries can talk about human rights in Iran in public, whether raising the case of the American hikers (Shane Bauer, Josh Fattal and Sarah Shourd)<sup>19</sup> or domestic abuses, while discussing nuclear issues and terrorism with the Iranian regime in private. Western countries should be careful that the regime does not manipulate the nuclear issue so that it can avoid discussing human rights abuses. The regime exploits rhetorical confrontation with the West as a means of distracting attention from its human rights record. Western countries can also tell the Iranian regime that their lack of trust in its nuclear assurances is connected to its atrocious human rights record. There is a strong argument that the reason why we talk of an “Iranian threat” is because a regime that gladly murders its own people in public is similarly unhesitant about exporting terrorism to Argentina, Iraq, Israel and Lebanon and has no compunctions about threatening to destroy a UN member state.

Second, we can have considerable impact by assisting the protest movement to offset its weaknesses in the face of regime repression. We should do this for three reasons:

- i) such programmes are effective and we know where we can help;
- ii) meaningful change in Iran requires assisting the genuine democrats and dissidents; and
- iii) Iranians are willing to work with these programmes.

i). Western government-funded programmes to assist civil society in Iran have been effective. We know that protest organizers have been using peaceful civic protest manuals that foreign-funded programmes have made available. One translated and localized manual has been distributed in thousands of copies and reposted repeatedly online. Many of the techniques in this manual are offline and not vulnerable to regime control of communications. Similarly, western government-funded programmes have assisted Iranians with broadcasting footage of protests and human rights abuses and with circumventing internet censorship.<sup>20</sup>

An example of how we can assist is with communications. The protestors lack reliable communications. Their relative isolation from foreign civil society is evident from the naïveté with which many have used technology—a result of years of the Iranian regime demonization of any connection to foreign civil society. We can also assist the protest movement with digital protection practices. The web, Facebook, mobile telephony, SMS and Twitter are all wonderful tools for mobilizing. They are also public and vulnerable to attack. However, there is a steady and determined effort by the regime to deny access to these tools, to infiltrate protest networks, and create an electronic map of the opposition.

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<sup>15</sup> 27 Shahrivar Qods Day Poster of Seyyed Hussein Nasrallah Death to the Dictator, *YouTube*, September 18, 2009, available at <<http://www.youtube.com/watch?v=cfYnX5YaboM>>.

<sup>16</sup> David Feith and Bari Weiss, “Denying the Green Revolution: The State Department cuts off funding to support Iran’s democrats,” *The Wall Street Journal*, October 23, 2009, available at <<http://online.wsj.com/article/SB10001424052748704224004574489772874564430.html>>.

<sup>17</sup> 17 Obama ya ba oona ya ba ma - 13 aban iran - 4 nov,” *YouTube*, November 4, 2009, available at <[http://www.youtube.com/watch?v=0UluBN\\_Cl2s](http://www.youtube.com/watch?v=0UluBN_Cl2s)>. These slogans are also a play on the U.S. president’s surname.

<sup>18</sup> U.S. Statement: Human Rights Council UPR of Iran, February 15, 2010 available at <<http://geneva.usmission.gov/2010/02/15/iran-upr/>> and <<http://www.youtube.com/user/DigitalOutreachTeam#p/u/0/mYDu26YZUeI>>.

<sup>19</sup> More details on their case are available at <<http://freethehikers.org/>>.

<sup>20</sup> For more on internet freedom issues in Iran, see Freedom House, “Iran Internet Freedom Report,” March 30, 2009, available at <<http://www.freedomhouse.org/template.cfm?page=384&key=201&parent=19&report=79>>.

ii). Another important reason for these programmes is that they ensure that democratic and pluralist ideas play a role in the Iranian civic and political debate. A key aspect of pluralism is cultivating debate and demanding that multiple voices are heard. Iranian opposition media are fragmented and partisan, providing little opportunity for independent debate. The protest movement has considerable potential and many genuine dissident and democratic elements. If change is to mean more than a different face controlling the same repressive state, then we should be facilitating this debate and free expression.

iii). Western countries can, and should, assist the protest movement. The established practice of *bona fide* international assistance groups is to play a supporting role, to follow the lead of local activists and to provide the assistance that these activists request and can use effectively. Doubts have been expressed about whether Iranians will even want U.S. assistance. Our experience disproves this. To cite just one example, the Freedom House's bilingual website *Gozaar* has published dissidents who live inside Iran since 2007, even though *Gozaar* had received Dutch and U.S. government funding. It is therefore false to claim that patriotic Iranians will not work with Americans or international NGOs or U.S. and other international programmes. To make such claims denigrates brave dissidents and diminishes the excellent work that U.S. and other western government-funded programmes have achieved in Iran and around the world. Furthermore, it ignores the fact that the Islamic regime has always accused its opponents and dissidents of working for the U.S. and other foreign powers. Indeed, the regime has accused its nearest and dearest of being in the pay of the U.S. when it needed to liquidate them. The regime also accuses others who had nothing to do with U.S. or other foreign-funded programmes of being American and foreign agents. Interestingly, while some people were intimidated in the past into avoiding foreign-funded programmes, attitudes have changed since then thanks to the regime's uncompromising stance.

Outsiders should be careful not to increase the risks that Iranian activists run. Not increasing the risk does not imply inaction. The democratic world should not let Iranian regime propaganda prevent our assisting Iranian activists who want our support. From the perspective of human rights and civil society, slogans such as "first, do no harm" are vapid, harmful and morally evasive. They boil down to stating that we are content to be neutral between an evil, repressive government and its overwhelmingly peaceful civic opposition. When it comes to Iran, neutrality is not an option because it means silence in the face of rampant human rights abuses.

Finally, from a long-term perspective, it makes sense for western countries to have Iranian partners who know that we have supported them. Brave Iranians are defying a regime that others fear to cross. To sit back and do nothing is to be complicit in their repression and possibly their defeat, when instead we can actively contribute to Iranians building the most positive changes in their country in decades.

Cochairman WOLF. Thank you very much.  
Mr. Afshari.

## **STATEMENT OF ALI AFSHARI, IRANIAN POLITICAL ACTIVIST**

Mr. AFSHARI. Thank you, Congressman.

First of all, I want to express my gratitude to the Tom Lantos Human Rights Commission for giving me this great opportunity.

I want to talk a little and briefly about the Islamic Republic of Iran and its suppression of the post-election protests. The range of violence used against peaceful demonstrators has been huge and varied. So I, therefore, will focus on what happened on the streets, the brutal treatment of the demonstrators, and the serious struggle in the universities, the heart of resistance against the government.

I am sure you all saw the pictures of violence and the bloody oppression of the Green Movement. There were two aspects to this. First was the shocking images of the ways in which a cruel regime uses mass violence and intimidation to stop peaceful protests and to maintain itself in power. What happened in Iran since June, 2009, is unprecedented in the history of human rights violation records of this regime. Riot police, paramilitary groups, and plainclothes forces attacked peaceful demonstrators using batons, beatings, pepper, and tear gas spray, sticks, and, in some cases, firearms. They did not care if they injured women, children, or elderly people.

The Iranian government has confirmed the deaths of 36 people during the protests, while reports of a special investigation committee set up by Mr. Musavi allege there were 72 deaths. Another report shows that the victims' number is more than these statistics.

The use of live gunfire against peaceful civilians in public is an absolute low point for human rights, almost genocide. Because of these tactics, the regime killed Neda Soltan. Neda is now the symbol of Iran's new victims of democracy, freedom, and a positive change.

The second aspect of the repression was the arresting, imprisonment, torture, and bad treatment of prisoners. This was a key element for the regime's strategy. Since June, 2009, over 3,000 people have been detained. The majority of them are new activists, people with affiliations to reformist factions, as well as journalists and civil society actors such as students and women's rights defenders. Most of them have been tortured and forced to confess in the manner prescribed by the intelligence agencies.

The main forms of torture are long stays in solitary confinement cells, lashings, humiliation such as being forced to stand in front of a wall for hours on end, depriving them of privacy, the rape of men and women alike, savage beatings and assault, stress position, sleep deprivation, stripping prisoners naked and then pouring iced water on them, starving prisoners, withholding water from prisoners and then giving the thirsty prisoners hot water so that they choke, withholding medical care and preventing prisoners from maintaining basic personal hygiene, not allowing prisoners to visit the bathroom, which means that they suffer pain and soil themselves, keeping prisoners in filthy, vermin-infested surroundings, blindfolding prisoners to induce fear and disorientation, exposing prisoners to extremes of cold and heat or bright sunlight, insulting or threatening prisoners in particular about their families and their personal honor, general verbal abuse and psychological torture.

The authorities also used misinformation, blackmail, and false hopes of release to trick prisoners into confessions.

Many of these abuses have occurred in the notorious Kahrizak Detention Center, where prisoners were raped and, in some cases, beaten to death. Remember,



most of these people have simply been arrested. They have yet to be charged or even put on trial.

Some of the political activists and civil society forces were put on trial and then sentenced to severe terms of imprisonment. Around 40 detainees have received prison sentences in the range of 2 years to 10 years. Some were sentenced to death. Two men who had no role at all in the Post Election demonstrations and who were in fact arrested even before the election were hanged. Some of the prisoners were forced to make false confessions in the court. These were broadcast by the state-run TV channel.

The regime claims that there was a plot by the Green Movement against the government that involved a velvet revolution organized by the West and in particular the U.S.A. to overthrow the Islamic republic.

The regime also accused Musavi and Karroubi of misleading the people and wanting to encourage a revolt to destabilize the country and undermine Ahmadinejad's so-called victory.

In all this darkness, there is a brightness that emerges, that is the brave people who want to change how they live. The Green Movement is the most extensive and powerful dissident mobilization against the regime since the 1979 Islamic Revolution. This movement can perhaps be called the Persian awakening or the rebirth of the Persian society. Although this movement is the result of a long struggle and its fortunes have fluctuated, what it has done in recent months shows that it is not extinguishable.

One of the strengths of the movement is Iranian students. Student movements are an engine of change and the fight for freedom in Iran. Today, Iranian students have suffered from the most unprecedented pressure and repression since the cultural revolution of 1981. More than 250 students are in prison, and many suffered the various physical and psychological abuse mentioned above.

Within the universities, around 1,200 students have been summoned to disciplinary committees. These are university bodies that punish students for criticizing the regime or supporting freedom and democracy.

More than half of these students who have been summoned have been punished, whether through such suspension, expulsion, the deprivation of facilities and subsidized food, or being placed on parole. The remaining independent student organizations are being shut down by the authorities. Despite these threats and punishments, the students have continued with the protests.

The future of Iran depends upon the outcome of the current struggles between the Green Movement on the one hand and the supporters of religious despotism on the other hand. Over the long term, the regime cannot survive. The regime survives only because it has a monopoly on the key parts of the economy because of the atmosphere of intimidation and its use of weapons and its security forces against innocent people.

However, many factors mean that this has only shortened the strategy for the regime. The regime is undermined by the huge gap between the people and the government, the vast discontent within society against the regime, the internal disagreements and struggle within the regime itself, and the population's discontent at Iran's low standard of living, the regime's aggressive foreign policy, and the tensions with the international community. The regime cannot handle all of these problems, especially when society is being reborn and seeking its freedom.

Now I want to use this opportunity to urge Members of Congress to consider human rights as a first priority to any engagement with Iran. Thank you.

[The statement of Mr. Afshari follows:]

## PREPARED STATEMENT OF ALI AFSHARI

### *Persian Awakening*

Testimony of Ali Afshari to the Tom Lantos Human Rights Commission

Members of the Commission, Ladies and Gentlemen.

I am very glad to be here. First of all I want to express my gratitude from Tom Lantos Human Rights Commission for giving me this great opportunity. I want to talk a little and briefly about how the Islamic Republic of Iran and its suppression of the post-election protests. The range of violence used against peaceful demonstrators has been huge and varied. I therefore will just focus on what happened on the streets, the brutal treatment of demonstrators and the serious struggle in the universities, the heart of resistance against the government.

I am sure you all saw the pictures of violence and the bloody oppression of the Green Movement. There were two aspects to this. First was the shocking images of the ways in which a cruel regime uses mass violence and intimidation to stop peaceful protests and to maintain itself in power. What happened in Iran since June 2009 is unprecedented in history of human rights violation records of this regime. Riot police, paramilitary groups and plain clothes forces attacked peaceful demonstrators, using batons, beatings, pepper and tear gas spray, sticks and, in some cases, firearms. They did not care if they injured women, children, or elderly people. The Iranian government has confirmed the deaths of 36 people during the protests, while reports by a special investigation committee set up by Mr. Moussavi allege there were 72 deaths. The use of live gunfire against peaceful civilians in public is a low point for human rights. Because of these tactics, the regime killed Neda Agha Soltan. Neda is now the symbol of Iran's new victims of democracy, freedom and of positive change.

The second aspect of the repression was the arresting, imprisonment, torture and bad treatment of prisoners. This was a key element of the regime's strategy. Since June 2009, over 3,000 people have been detained. The majority of them are new activists, low level activists, people with affiliations to reformists factions, as well as journalists and civil society actors such as students and women's rights activists. Most of them have been tortured and forced to do confess in the manner prescribed by the intelligence agencies. The main forms of torture are long stays in solitary confinement cells, lashings, humiliation (such as being forced to standing in front of a wall for hours on end, depriving them of privacy), rape (of men and women alike), savage beatings assault, stress position, sleep deprivation, stripping prisoners naked and then pouring iced water on them, starving prisoners, withholding water from prisoners and then giving the thirsty prisoners hot water so that they choke, withholding medical care, preventing prisoners from maintaining basic personal hygiene, not allowing prisoners to visit the bathroom (which means that they suffer pain and soil themselves), keeping prisoners in filthy, vermin infested surroundings, blindfolding prisoners to induce fear and disorientation, exposing prisoners to extremes of cold and heat or bright sunlight, insulting or threatening prisoners (in particular about their families and their personal honor), general verbal abuse and psychological torture. The authorities also used misinformation, blackmail and false hopes of release to trick prisoners into confessions. Many of these abuses have occurred in the notorious Kahrizak detention center where prisoners were raped and in some cases beaten to death. Remember, most of these people had simply been arrested. They had yet to be charged or even put on trial.

Some of the political activists and civil society forces were put on trial and then sentenced to severe terms of imprisonment. Around 40 detainees have received prison sentences in the range of 2 years to 10 years. Some were sentenced to death. Two men who had no role at all in the post-election demonstrations and who were in fact arrested even before the election were hanged. Some of prisoners were forced to make false confessions in the court. These were broadcast by the state run TV channel. The regime claims that there was a plot by the Green Movement against the government that involved a "velvet revolution" organized by the west, and in particular the USA, to overthrow the Islamic Republic. The regime also accused Moussavi and Karoobi of misleading the people and wanting to encourage a revolt to destabilize the country and undermine Ahmadinejad's so-called victory.

In all this darkness, there is a brightness that emerges, that of the brave people who want to change how they live. The Green Movement is the most extended and powerful dissident mobilization against the regime since the 1979 Islamic Revolution. This movement can perhaps be called a Persian awakening or a rebirth of Persian society. Although this movement is the result of a long struggle, and its fortunes have fluctuated, what it has done in recent months shows that it is not extinguishable.

One of the strengths of the movements is Iranian students. Student movements are an engine of change and the fight for freedom in Iran. Today Iranian students have suffered from the most unprecedented pressure and repression since Cultural Revolution of 1981. More than 250 students are in the prison and many suffered the various physical and psychological abuse mentioned above. Within the universities, around 1,200 students have been summoned to disciplinary committees. These are university bodies that punish students for criticizing the regime or for supporting freedoms and democracy. More than half of these students who have been summoned have been punished, whether through suspension, expulsion, deprivation of facilities and subsidized food, or being placed on parole. The remaining independent student organizations are being shut down by the authorities. Despite these threat and punishments, students have continued with their protests.

The future of Iran depends upon the outcome of the current struggles between the Green Movement on the one hand and the supporters of religious despotism on the other. Over the long-term the regime cannot survive. The regime survives only because it has a monopoly on the key parts of the economy, because of the atmosphere of intimidation, and its used of weapons and its security forces against innocent people. However, many factors means that this is only a short-term strategy for the regime. The regime is undermined by the huge gap between the people and the government, the vast discontent within society against the regime, the internal disagreements and struggle within the regime itself, the population's discontent at Iran's low standard of

living, the regime's aggressive foreign policy, and the tensions with the international community. he regime cannot handle all these problems, especially when society is being reborn and seeking its freedom.

Thank you.

## **STATEMENT OF DR. TRITA PARSI, PRESIDENT OF THE NATIONAL IRANIAN AMERICAN COUNCIL**

Mr. PARSI. Chairman McGovern and Chairman Wolf and Congressman Smith, it is a great pleasure to be here. Thank you for allowing me to come and speak about the rapidly deteriorating human rights situation in Iran. This discussion is indeed much needed since, according to Amnesty International, the human rights situation in Iran is currently as bad as it has been in the last 30 years.

As a representative of the largest Iranian American grassroots organization representing Americans of Iranian descent in the United States, I want to emphasize that no group of Americans have suffered more from the policies of the Iranian government than our community. Whether they were victims of political or religious persecution or other forms of human rights abuses, the vast majority of Iranian Americans have made America their home precisely because they have differences with the Iranian government.

I will give a summary of my remarks, but I would like to ask that my full written testimony be submitted for the record.

Cochairman WOLF. Without objection.

Mr. PARSI. Human Rights Watch documents widespread human rights abuses, including extrajudicial killings, rapes and torture, violations of the rights to freedom and religion, freedom of assembly, and thousands of arbitrary arrests and detentions during the nine months since the election of June 12, 2009. Witnesses have spoken of mock executions, torture, rape, and random beatings of prisoners.

To this day, we do not have an accurate figure of the number of people who have been killed by the Iranian authorities, and the official numbers are likely grossly underestimated. The reason for the underreporting is partly due to the threats that families of victims face.

A friend of my own family had their 16-year-old daughter shot and killed on the street during the first day of the protests. Her family has yet to report her death due to pressure from the Iranian authorities. The fear is that if they go public, the authorities will punish their sole remaining child, who is a student at the university. As a result, the family has refrained from speaking up about her, and this is probably not an isolated case.

These threats are not empty. The authorities are currently targeting children and relatives of main opposition leaders and human rights defenders. A case in point is Shirin Ebadi had her sister arrested on 28 December, 2009; and, in her own words, Shirin Ebadi, the Nobel Laureate, her sister essentially has been taken hostage in order to put pressure on Shirin Ebadi not to continue to do her work for human rights.

Executions of prisoners and protesters have also increased. On January 28, two people were executed for the capital crime of "taking up arms against God" even though their lawyers were prevented from representing them in their trial. One of them was only 19 years old, and his father only found out about his son's execution through Iranian TV. Abuses against the Baha'i community has also intensified, as was mentioned before.

On February 15 of this year, the U.N. Human Rights Council severely criticized Iran during the Universal Periodic Review. Iran dismissed the criticism and rejected important recommendations by the United Nations. However, in spite of the rejection of the Iranian government, I think it is important to note that the Iranian government actually is very sensitive to criticism to their human rights record. This is largely driven by Iran's ambition to be recognized as a regional leader. The very nature of the revolution drives this impulse.

Three decades ago, it was Iran and not other countries who spoke of regime change in the Middle East. The victorious revolutionaries sought to export the

revolution to neighboring countries with the aim of recreating the Middle East in their own image. Tehran's efforts failed abysmally. No other country followed Tehran's lead, and by the early 1990s it was clearly that Iran's own revolution was in trouble. Iran was broke, war torn, isolated, and starved of international investment. A leader it was not.

Reacting to these realities, Tehran adopted a new approach. Rather than exporting the revolution, Iran sought to become a model Islamic state that others would aspire to emulate. But countries that seek leadership have no choice but to safeguard their record. Just as the Iranian government's violent reaction to the election protest further delegitimized it at home, international focus on Iran's abuses will serve to weaken its regional leadership credentials.

Tehran knows this. This is part of the reason why they spent significant diplomatic capital seeking to water down resolutions condemning its human rights record at international bodies. It is also why it is quick to deflect attention from its own record by criticizing Washington's abuses.

Contrast this to the behavior of North Korea and Myanmar, which mostly ignore condemnations of their human rights records. Criticism of Iran's human rights record should not be confused with interference in Iran's internal affairs. As a signatory of numerous conventions, Iran has a legal obligation to uphold human rights, and the international community has an obligation to speak up when it fails to do so.

In my written testimony, I have a number of recommendations. I will briefly go through a few of them that I think would be worthy of considering.

First of all, we have to do more to break the silence. There should be absolute clarity that, from a moral standpoint, the United States supports the Iranian people's demands for human rights. Silence betrays that clarity. Human rights statements on Iran should be a permanent and proactive feature of America's language on Iran.

Second, we need a U.N. envoy to address the human rights situation in Iran that the Iranian authorities must give access to. The U.S. should work in tandem with the international community for a special session at the Human Rights Council in which one of the objectives should be to adopt a special U.N. envoy.

Include human rights as part of the diplomatic efforts with Iran. I think it has been a major failure for us to view Iran solely from the prism of the nuclear issue and not pay attention to the human rights situation there. In any diplomat engagement with Iran, human rights should also be on the table. But it is important to make sure that human rights does not become a bargaining chip. It should not be used in order to be able to get concessions on the nuclear front, but, rather, human rights must be pursued for their own sake.

Protect the people but target the abusers. When discussing sanctions, focus on the sanctions that do target the human rights abusers and target the IRGC and those who are responsible for the repression in Iran.

Finally, let's also review some of the policies that the U.S. has pursued that have unintentionally punished the Iranians and rendered the work for human rights defenders more difficult. Right now, for instance, because of the U.S. sanctions, any American who would like to donate money to a legitimate Iranian human rights organization would break U.S. laws and the transaction would be essentially illegal. There should be some measures taken to be able to address this, because I believe the vast majority of Americans would very much like to open up their pockets and see how they can help as individuals, not as government, the cause for human rights in Iran. This is currently being prevented.

While the State Department has recently announced it is taking the first step to correct counterproductive policies by waiving restrictions on communication software going into Iran, that would significantly help and enable Iran's human rights defenders. Policymakers should build on this critical step and review other policies

as well.

[The statement of Mr. Parsi follows:]

PREPARED STATEMENT OF TRITA PARSI

PREPARED TESTIMONY OF  
**DR. TRITA PARSI**  
PRESIDENT, NATIONAL IRANIAN AMERICAN COUNCIL  
ADJUNCT SCHOLAR, THE MIDDLE EAST INSTITUTE

TOM LANTOS HUMAN RIGHTS COMMISSION

February 25, 2010

**The Human Rights Situation in Iran**

Chairman McGovern, and Chairman Wolf, thank you for allowing me to come before you to discuss the rapidly deteriorating human rights situation in Iran. And thank you for holding this meeting to address human rights in Iran. This discussion is much needed - indeed, according to Amnesty International, the human rights situation in Iran is currently as bad as it has been in the past thirty years.

As a representative of the largest grassroots organization representing Americans of Iranian descent in the U.S. - The National Iranian American Council - I want to emphasize that no group of Americans has suffered more from the policies of the Iranian government than our community. Whether they were victims of political or religious persecution, or other forms of human rights abuses, the vast majority of Iranian Americans have made America their home precisely because they have differences with the Iranian government.

Those differences have clearly grown as a result of the contested June 2009 elections, not only due to the electoral fraud, but perhaps more due to the gross human rights violations committed by the government in its aftermath.

My prepared remarks today will focus on steps that the United States and the international community can take to pressure the Iranian government to cease its human rights violations and to support Iran's human rights defenders.

***Background***

In the report "The Islamic Republic at 31: Post-Election Abuses Show Serious Human Rights Crisis," Human Rights Watch documents widespread human rights abuses, including extra-judicial killings; rapes and torture; violations of the rights to freedom of assembly and expression; and thousands of arbitrary arrests and detentions during the nine months since the election on June 12, 2009. Witnesses have spoken of mock executions, torture, rape and random beatings of prisoners.

Hundreds of individuals - including some who did not partake in any protests against the election fraud - where coerced to make false confessions on TV, implicating themselves in so-called anti-revolutionary activities.

The worst abuses against ordinary protestors have taken place at police stations and detention centers. One of these detention centers was shut down in August after evidence of violations was uncovered. Last month, the Iranian parliament investigated the deaths and allegations of torture and named former Tehran Prosecutor-General Saeed Mortazavi as the person responsible. Although the panel dismissed allegations of sexual abuse, it found that widespread violations had taken place in the detention center. However, neither Mortazavi nor anyone else implicated in the abuse has yet been prosecuted.

To this day, we do not have an accurate figure of the number of people who have been killed by the Iranian authorities in this latest wave of repression. The official numbers are likely grossly underestimated.

The reason for the under-reporting is partly due to the threats the families of the victims face. A friend of my own family had their 16 year-old daughter shot on the streets during the first day of the protests. Her family has not reported her death due to pressure from the Iranian authorities. The fear is that if they do go public, the authorities will punish their sole remaining child. He is a college student and though he wasn't involved in the protests, the authorities have made it clear that he is a target if the family reports the death of their daughter.

These threats are not empty. The authorities are currently targeting the children and relatives of opposition figures. For instance, 18 year-old Atefeh Emam, the daughter of Javad Emam, the Chief of Staff of Moussavi's campaign, has been imprisoned and is being pressured to make a "confession" in order to implicate her father. At the same time, according to her mother, Leyla Saadaat Jalalzadeh, the government tortured Atefeh to press her father to implicate other individuals in Moussavi's circle.

The nephew of opposition leader Mir Hossein Moussavi was shot dead in December. The same month, the Iranian authorities arrested the sister of Nobel Laureate and human rights defender Shirin Ebadi. In an interview with Omid Memarian of Inter Press Service, Ebadi said that the Iranian authorities “have taken my sister as a hostage, hoping that I would stop my work.”

Abuses against Iran’s Baha’i community have also intensified during this period. Seven leaders of the Baha’i community are currently on trial behind closed doors in Tehran facing espionage charges. The National Spiritual Assembly of the Baha’is of the United States point out that Iranian law prohibits putting people in jail for two months without pressing charges. In this case, as in many of the other cases discussed here, the Iranian authorities are not only violating human rights conventions that Iran is a party to, but also laws that the Iranian authorities themselves have adopted.

Executions of prisoners and protesters have also increased. On January 28, Mohammad-Reza Ali-Zamani and Arash Rahmani-pour were executed for the capital crime of *moharebeh*, or “taking up arms against God”. Though the Iranian authorities claimed that the two were involved in anti-government protests following the election dispute, Rahmani-pour’s lawyer points out he was arrested a month before the elections.

His lawyer was prevented from representing him at his show trial in July and was shocked at the news of the executions, as she was still waiting for word from the appeals court. His father heard about his son’s execution on television. Nine other activists have been convicted of *moharebeh* and are awaiting execution. Hundreds more await trial, though they are denied access to legal representation.

On February 15, the UN Human Rights Council severely criticized Iran during the Universal Periodic Review (UPR) of human rights to which all UN members are subject. Iran dismissed the criticism and rejected important recommendations by the United Nations to improve human rights in the country. Iran rejected recommendations such as ending the execution of juvenile offenders; upholding fair trial guarantees, investigating torture allegations including rape, and releasing people detained for peacefully exercising their human rights. While accepting a recommendation to cooperate with the UN’s human rights experts, Iran rejected several others to allow the Council’s Special Rapporteur on torture to visit the country. According to Amnesty International, Iran accepted the recommendation to respect freedom of religion but rejected a recommendation to end discrimination against the Baha’is.

#### ***Why Iran is sensitive to pressure on human rights***

In spite of Iran’s rejection of these recommendations, it should be noted that the Iranian authorities are sensitive to criticism of their human rights record. This is largely driven by Iran’s ambition to be recognized as a regional leader. The very nature of the revolution drives this impulse. Three decades ago, it was Iran – not Washington – which spoke of regime change. The victorious revolutionaries sought to export the revolution to neighboring countries with the aim of recreating the Middle East in their own image.

Tehran’s efforts failed abysmally. No other country followed Tehran’s lead, and by the early 1990s, it was clear that Iran’s own revolution was in trouble. Iran was broke, war-torn, isolated, and starved of international investment. A leader it was not.

Reacting to these realities, Tehran adopted a new approach. Rather than exporting the revolution, Iran sought to become a model Islamic state that others would aspire to emulate. But countries aiming for leadership roles have no choice but to safeguard their records. Just as the Iranian government’s violent reactions to election protests further de-legitimized it at home, international focus on Iran’s abuses will serve to weaken its regional leadership credentials.

Tehran knows this. This is partly why Tehran spends significant diplomatic capital seeking to water down resolutions condemning its human rights record at international bodies. It is also why it is quick to deflect attention from its own record by criticizing Washington’s abuses. For instance, Iran sent a high-ranking and experienced official to the UN Human Rights Council meeting in Geneva, Mohammad-Javad Larijani, secretary general of Iran’s High Council for Human Rights and a member of the prominent Larijani family. Sending such a highly placed envoy illustrates the importance Tehran assigns to defending its human rights record on the international stage.

Contrast this to the behavior of North Korea or Myanmar, which mostly ignore condemnation of their human rights records.

Human rights have become the rallying cry of the Iranian Green Movement. Today, the loudest voices calling for respect for human rights is coming from Iran’s own civil society and its leaders.

Criticism of Iran’s human rights record should not be confused with interference in Iran’s internal affairs. As a signatory to numerous conventions, Iran has a legal obligation to uphold human rights - and the international community has an obligation to speak up when it fails to do so.

#### ***Recommendations***

The world must not forget about the human rights situation in Iran. For too long, there has been a singular focus on the nuclear issue, while neglecting the many other challenges posed by the policies of Iran’s government. Not only has that been to the detriment of the human rights situation in the country, but it has also made Washington’s policy towards Iran narrow, one-dimensional and consequently, unsuccessful.

There is much the world can do to help stop abuses in Iran. And there is much that the United States can do in tandem with the partners in the international community. Examples of measures that can be taken are listed below.

1. **Break the silence:** There should be absolute clarity that, from a moral standpoint, the United States supports the Iranian people's demand for human rights. Silence betrays that clarity. The United States should speak forcefully and frequently about the deteriorating human rights situation in Iran. There has been a marked uptick in the Administration's statements about the human rights situation in Iran, particularly during the UN Periodic review. However, human rights statements on Iran should be a permanent and proactive feature of America's language on Iran, not merely temporary and reactive.
2. **Pressure Iran at international forums:** The United States should, in collaboration with the international community, use every opportunity to press Iran on its human rights record at international forums.
3. **Secure a UN Envoy:** For instance, the US should work in tandem with the international community to call for a special session at the UN Human Rights Council with the objective of adopting a special UN envoy for human rights in Iran. This is a measure that prominent human rights defenders such as Mehrangiz Kar and Shirin Ebadi have repeatedly called for.
4. **Include human rights as part of diplomatic efforts with Iran:** Diplomacy with Iran currently seems futile given the state of Tehran's political paralysis following the election dispute. However, if and when it is resumed, diplomacy should not be limited to the nuclear issue. Rather, the human rights situation in Iran must be on the agenda. Pressure on Iran at international forums is more effective when Washington also applies direct pressure on Iran over its human rights record through diplomacy.
5. **Human rights must be pursued for its own sake:** There are fears in the human rights community that human rights might be used as an instrument to win concessions on the nuclear issue. Consequently, human rights would be turned into a bargaining chip in the nuclear talks and sacrificed in order to secure a nuclear deal. That would be a disastrous approach. Rather, human rights must be pursued for their own purpose, with an eye on the long-term interest and soft power of the United States in Iran.
6. **Keep military tensions at a minimum:** The United States should tread carefully when it comes to issuing military threats. Under the shadow of a foreign military threat, the uphill battle of Iran's human rights defenders becomes next to impossible, as the Iranian government is quite adept at exploiting foreign threats to crackdown on domestic opponents. And needless to say, war would cause the ultimate human suffering.
7. **Protect the people, target the abusers:** The United States should avoid sanctions that place a burden on the Iranian people, rather than the Iranian government. Broad-based sanctions aimed at the entire economy hurt common citizens far more than the powerful elites. Any new sanctions should demonstrate not only international disapproval of Tehran's conduct, but also should explicitly demonstrate the United States' commitment to avoid harming average Iranians. The United States should focus its sanctions on Iran's human rights abuses. Targeted sanctions should be imposed that designate specific individuals within the government and the IRGC responsible for the repression and human rights violations.
8. **Correct US policies that unintentionally punish Iranians:** As part of the extensive Iran sanctions regime built up over the last two decades, US policies remain in place that unintentionally contribute to the suffering of innocent Iranians. For instance, US sanctions prohibit Americans from donating money to legitimate Iranian human rights organizations. While the State Department recently announced it is taking the first step to correct counterproductive policies by waiving restrictions on communication software going into Iran that would significantly help and enable Iranian human rights defenders, policymakers should build on this critical step by looking further into existing policies and making similar corrections.



Cochairman WOLF. Thank you. I have a meeting that started at 3:15. Let me ask you a couple of questions, and then I will have to leave.

How long were you in prison, and would you feel comfortable telling us about it?

Mr. AFSHARI. Yes. I was 3 years in prison for several times. One time I was a year, 350 days continuously in solitary confinement. I was tortured several times. I faced sleep deprivation, beatings, lashings, and also some artificial and false executions against me. I had a very tough time.

But now I think current prisoners in Iran, they are in a tougher position than me, and I think they need to be considered by the international community to make pressure against the Iranian regime to respect the Iranian Constitution and also to an international commitment on human rights.

Cochairman WOLF. If I can ask the others, I agree that both this administration and the previous administration, for instance in North Korea, it was all stressed on the nuclear aspect and almost never on human rights and religious freedom. There was an article in the Washington Post the other day about the gulags in North Korea, and yet you never heard anyone raising that issue. It was always nuclear. I think the same thing with regard to Iran.

Almost everyone that I talked to says that America is really viewed in a very popular way. How is America viewed? Can you tell us how is America viewed, and what do the Iranian people expect from us here in America and in Congress and the administration? So how are we viewed; and if you are in downtown Tehran, what are you saying? What should America be doing?

Mr. APOSTOLOU. The best answer to that is let Iranians express their views in democratic elections. I don't know exactly what Iranians think, and I don't trust the opinion polls that I see. What we do see from some protestors is a rejection of anti-Americanism, and that is a very healthy thing. But, as you know, the best way for people to speak is through elections.

Cochairman WOLF. Mr. Afshari, how is America viewed, and what do you think the average person in Iran is thinking America should do?

Mr. AFSHARI. Right now, the younger generations expect that the U.S. take a more serious policy against the Iranian regime and help Iranian activists develop democracy.

Also, they think the old policy of the U.S. towards Iran do not damage the Iranian people's lives and also the Iranian national interest. From the previous time in the time of the coup, before the revolution, the dominant view to what U.S. and America in the young generations of political activists in Iran, they criticize. But, right now, with the young generation and the activists, they chant and they have related a positive view towards U.S. But I think it depends what step U.S. takes about the Iranian people and their efforts for freedom.

But I want to insist and remark that any actions for the engagement in Iran should not victimize the Iranian people's interest. For example, at the beginning of the presidency of President Obama, you see that they just focus on resolving the nuclear issues and the U.S. do not address other aspects of the problems with Iran. Right now, I think that because the Iranians reject the demands and expectations of the international community and the U.S. as well, right now we see the shift and the change in the policy of Obama administration.

But I personally think that the Iranian people need to trust and need that the U.S., outside of the other issues, like nuclear issues and other issues like war in the Middle East, they know that U.S. helps and considers democracy and human rights in Iran as a first priority.

I believe if we have in Iran a democratic government, nuclear issues won't be a case and won't be a problem for anyone like U.S. The Iranian people are very

peaceful, and they don't want to fight with the international community or make problems. They want just to have their rights.

But now the Iranian regime, because of the nature of its ideology, they want to create tensions and create crisis because it needs that to continue its survival and also keep its power.

Cochairman WOLF. Mr. Parsi.

Mr. PARSI. I would find myself in large agreement.

When it comes to the viewpoints of the Iranian people, I can only base it on anecdotal evidence. But my impression is that the population there is very different from the rest of the population of the Middle East where the viewpoints towards the United States tends to be negative.

But in Iran, particularly when it comes to American values, to American culture, and American people, the viewpoints tend to be quite positive.

It may be a little more complicated if we look at U.S. policies, but the Iranian population is very sophisticated and they differentiate a country from policies. They can have positive views of a country even though they may have disagreements with its policies. In fact, I think they view their own country like that. They love their country but are very much opposed to the policies of the government.

When it comes to what they want, I think particularly remaining silent or giving the impression and perception of silence or indifference when it comes to the human rights situation is very problematic. Negotiation without discussing human rights is something that creates confusion in the minds of a lot of people. What is the ultimate interest of the United States? Is the United States willing to sacrifice the human rights of the Iranian people in order to get a nuclear deal? Mindful of the history of the U.S. in Iran and mindful of the history of Iran when it comes to dealing with great powers, there is a pattern in which the interest of the people oftentimes have been sacrificed. And, as a result, there is an expectation amongst people that they think that most likely the great powers will sacrifice the interest of the people.

I think it is important to try to counter that, and one way of doing so is to make sure that there is absolute clarity on where we stand when it comes to human rights issues.

If I can add one thing, mindful of the fact that this is something that I have recently come across quite often is a focus on some of our policies here that particularly this summer became very evident were creating problems. Right now, because of the fact that Iranian Internet providers cannot deal directly with American companies because of U.S. sanctions, they have to go through third countries which means that an hour of Internet in Pakistan is about a hundred times cheaper than it is in Iran. That is making it very difficult for average Iranians to be able to have that access to the Internet. Right now, it is one of the few ways in which they can communicate with the outside world.

Those are very simple things that I think we can easily address here.

Cochairman WOLF. Thank you.

Leonard, do you want to add anything.

Mr. LEO. The only thing I would say is I think targeting sanctions more smartly is one way of not only gaining leverage but also of winning the trust and confidence of the dissidents and others in Iran. That is why you can bar the entry of certain people into the country, you can freeze their assets which isn't going to affect the overall socioeconomic condition of others in Iran who are peaceable people.

There are other sort of targeted sanctions you can undertake and I think that can be helpful and also help to build confidence.

Cochairman WOLF. I thank all of you.

Mr. Mollohan is the chairman, and he said he is not going to start the meeting until I get there.

We will do everything we can. I think the way to deal with this, and I guess

we are a product of our environment, is the way President Reagan did, and President Kennedy, too, to put it in a bipartisan way, standing with the dissidents as we did in Poland and the former Soviet Union. Just do everything that we can, like we did in Romania.

I have asked three different times to visit Iran. They will not allow it. We have worked through the intersection up in New York to see. Maybe it is something that we could ask together and see what would happen. I will commit to do everything that we can to possibly bring about freedom. And freedom may actually be closer than we think.

In 1985, the Polish ambassador who defected from Poland and walked out of the embassy and walked into the White House and met with President Reagan came by my house. I wanted to my children to meet with him and understand communism; and he told my family at dinnertime, communism is rolling and it is coming. You don't understand Poland, and you don't understand what is taking place. But he wanted democracy.

And it reminded me of a book that I read -- you might want to read it -- called Witness by Whittaker Chambers. Whittaker Chambers said that when he left the Communist Party, he believed he was leaving the winning side and joining the losing side; and then he said, and nothing I have seen since has led me to believe I was wrong.

He was wrong because in a bipartisan way we stood with the dissidents. I believe this regime may be closer to collapse than we realize. This was in 1985. Ambassador Spasowski said, they are rolling. And in 1989 we saw that wall collapse and go.

And when freedom comes -- remember Romania. Romania was the darkest, depressing place. Ceausescu did things that are unbelievable. One day he gets up and gives a speech, and it collapses, and it is over. I think the same thing is going to happen in that regime in Tehran, and we will see freedom in my lifetime, hopefully during the time I serve here. It may not be as dark and depressing because the people have this cavity in them that they want freedom, and it will come, and it may come so fast that Ahmadinejad doesn't even know what happened.

I now turn it over to Jim McGovern. Stay in touch with us to see what we can do to help. Thank you.

Cochairman McGOVERN. [Presiding.] Thank you very much. It is hard to follow Frank Wolf, but I appreciate all of your testimony.

I have thought a lot about what our policy should be toward Iran, and there is no simple answer. I agree that we should be on the side of human rights, but I also understand the administration's preoccupation with having Iran become a nuclear power. Because if Iran became a nuclear power, it might be more difficult to engage them on human rights. So you can understand the logic of those in the State Department and in our embassy to try to figure out how do you do this so at the end of the day you actually achieve what you want to achieve.

Cochairman McGOVERN. The administration may not be as vocal on the human rights issue as some of us would like but they have raised -- the President raised it in the State of the Union address, so we are going to stand with the Iranian people in their right for self-determination. Maybe he should be saying it more. But there is always that, when we have these hearings on -- the one thing I have always known is that no two countries are alike, one glove doesn't fit all, and sometimes you have to be very careful about what you say because sometimes words here could have an adverse impact there. And what we don't want to do is create a situation where it looks like the U.S. is imposing a new system in Iran, or the U.S. wants this or the U.S. wants that. What we want is really to support what the Iranian people want. And sometimes how what we say here can kind of confuse the message and sometimes could even alienate moderate elements to join with the more reactionary

elements that we, quite frankly, believe are not helpful.

So it is always -- I struggle with this all the time about if I were the Secretary of State, what would my policy be? I think your suggestion on kind of adjusting the sanctions, targeting them more carefully, I think it is a good suggestion. I think that is something we should be figuring out how to work with the administration on, because I do think it seems to me that if Iranian U.S. citizens here would like to send something back to support a relative or a cause in Iran, they ought to be able to do so. And we need to figure out what the complication is on that, because I think that may be something that is worth seeing.

But I guess it was mentioned before that the Iranian people like the United States, the people of the United States, not necessarily our policies. And I guess I would like to press you on that a little bit more. What is it about our policy that really, other than the issue of some of the sanctions are too strict, what -- are we saying things here that are counterproductive back there? Are there other things in our policy that are unpopular? I would like to try to figure out how we could do this better.

Mr. PARSI. To just give one example which is not necessarily very current, but did complicate the picture when it comes to the viewpoints of the people in aggregate in regards to U.S. policies, is the policies during the previous administration in which there was a significant emphasis on the military threat, the military option being on the table, and the United States and Iran were close to a potential military confrontation.

The positive feelings that do exist inside the population right now towards the United States I fear will evaporate in seconds if there was a military confrontation. This is a highly nationalistic population. This is one of the ancient civilizations that for more than 3,000 years have been able to control the same territory and retain a red line with their culture going three millennia back. And incidentally, it has a history of being a superpower so it knows the games of superpowers. It views itself as a potential superpower.

So policies of that kind would be problematic. I think it would be very wise under these circumstances, in spite of the fact that there is no resolution to the nuclear issue, that we do our best to keep military tensions as low as possible and keep the rhetoric in regards to that very low as well, because it be will very difficult for prodemocracy fighters, for homeland security defenders, to be able to continue their struggling internally for democracy, for human rights, under the shadow of a military threat, because the Iranian Government has shown itself to be quite capable of abusing such a threat, or a perception of such a threat, in order to be able to intensify its repression, its clamp-down, particularly on civil society. And indeed we have seen that happening during the Ahmadinejad years.

Cochairman McGOVERN. Again, no two countries are alike, but it reminds me of our policy toward Cuba. The Cuban Government exploits statements that are made up here oftentimes to intimate that there may be a U.S. military incursion and therefore we need to crack down on things. And I think the point with regard to Iran is I think that is a good point.

What a lot of us are trying to do is just figure out what is the right thing to do. I think we are all horrified by the abysmal human rights situation. We are trying to figure out a way to be helpful, but helpful in a way that we don't turn out to be counterproductive. Good intentions don't always result in the right results. And it is complicated. In some cases it is like threading a needle to get it right.

But to the extent that you can continue to provide us with some guidance on things that will work, ultimately what we want to do is make sure that people who want freedom and democracy know that they have friends around the world. But yet, too, when you talk of human rights, dealing with this nuclear issue is important. I am not saying it is more important than anything else, but it is a huge issue. And I am a

big supporter of the President's efforts on nuclear nonproliferation. I think there are too many nuclear weapons in the world, and if any of those weapons are ever used, that is an ultimate violation of human rights. It is something we need to focus on.

But I do understand the point that you shouldn't exclusively focus on that. But specific suggestions on how we can refine, fine-tune our policy to make it more effective to actually achieve the results that we want, I think we will continue to welcome those suggestions.

Mr. LEO. Mr. Chairman, for Iran to be a regional power or to be a superpower or even just a credible -- an active player on the world stage, it has to have a coalition. It has to have friends. The more that the United States and other countries can discredit Iran for what it does with regard to human rights, the harder it will be for other countries in the world, China, Russia, OIC countries, to stand around and do nothing.

And so it is very important, for example, at the Council on Human Rights, at the U.N. General Assembly and whatever other fora we can muster, to be making a case for what is happening in country, which hopefully will discomfit other leading world nations to come to Iran's side, you know, at important negotiations like the Five plus Ones.

So these U.N. General Assembly or Council on Human Rights statements and investigations don't have to be simply hortatory. They can make countries uneasy about being too supportive of the Iranians.

I would also say that the United States has done a good job interfacing with the EU, which is now stepping out, as it should. These are difficult times in terms of leverage with China and Russia. But I think it is something we have to continue to whack at. We have to continue to talk to the Chinese and the Russians about making the human rights and democracy situation in Iran something that they care about. We have to draw the connection between democracy in Iran, human rights in Iran, with regional stability and security, which should be very important to the Chinese because of their natural resource needs, which should be very important to the Russians because of their natural resources needs. So we need to draw that connection between human rights, security and stability in a way that brings the Chinese and the Russians to the table a little bit more effectively, I think.

Cochairman McGOVERN. Unfortunately, I have to go to a budget meeting. But let me again thank you all for being here.

One of the purposes of this commission, the Lantos Human Rights Commission, is to try to make the issue of human rights more prominent in debates, and the discussions we have here in Congress, whether with regard to trade, foreign aid, or defense policies or what have you, that the issue of human rights is more prominent in those discussions. And the testimony that you have offered here today gives me a better understanding of the realities, and I really appreciate you taking the time and reshuffling your schedules to accommodate the snow date.

Mr. AFSHARI. I want to mention and highlight the point that you mentioned that sometimes the Iranian regime uses excuses that the U.S. wants to do something against the Iranian nation. But I believe the U.S., especially the Congress, should not suggest that this strategy with the Iranian regime. Because some of the public always accuse U.S., it wants to do some conspiracy against Iranian people.

For example, 12 years ago, when Mr. Hatami came into power and he was the Iranian President, at that time, U.S. didn't have any policy about Iran. But Iranian Supreme Leader Ayatollah Khamenei accused Iranian reformists, media journalists, they are spy of U.S.

Regardless of what action or what policy do you take, I guess Iranian regime, they accuse U.S. And I think that is not the issue. And it is very important how you frame your policy about Iranian human rights or other issues.

Cochairman McGOVERN. I am not so worried about the accusation. We are

being accused of things all the time. What I am worried about is an accusation that resonates with the Iranian people. That is what I want to avoid. Because I don't care what the government says. They say all kinds of things, and the President of Iran says all kinds of things right now, too. I don't know where they are coming from half the time.

But the reality is, what I worry about is what the Iranian people think. And that is my only thing. It is not the accusation. I want to make sure it is an accusation that doesn't have any resonance, because our goal here is not to dictate or to say this is what should happen in Iran. That is up to the people of Iran. What we want is to be able to say we support the people of Iran to make their own determination, whatever that may be.

Mr. AFSHARI. Based on my personal experience while I was in prison, in the interrogation process, I saw in that time that any support from outside, especially from U.S., had positive effect on my situation in the prison. For that reason, I want just to highlight this fact. And also, I think that is feasible; you combine the nuclear concerns and the human rights issues in Iran. And I personally advise about some political sanction. For example, some ban on traveling or investing of some Iranian authorities to engage in human rights violations in Iran.

Also right now, some U.S. private companies, they provide Internet satellite. That service can be applied in Iranian society. And the Iranian regime has no control on that service. But current now some sanction bans any trade between them. For example, some action like this can make a huge advantage for Iranian society.

Cochairman McGOVERN. Thank you very much. Thank you for your courage. And thank you all for being here. And I am going to recognize my colleague here who is a great champion of human rights, Mr. Smith.

Mr. SMITH. [Presiding.] Let me, too, echo the sentiments of both co-chairs. This is an extraordinary panel. We thank you for your timely information and the passion that you bring. It hopefully will compel us to do even more as a committee or a commission and as a Congress.

Now, several of you mentioned universal periodic review. Mr. Leo, you had mentioned it as well, and you pointed out that the Secretary General of the High Council for Human Rights of the Judiciary, Mohammad Javad Larijani, and other delegation members, claim that religious minorities in Iran are protected and allowed to engage in religious activity freely, without disruption under the Iranian Constitution. You also said that Mr. Larijani said in response to a question that no Baha'i had ever been prosecuted because of his or her faith, only because of cult-like activity.

Could you explain, or any of you, the High Council for Human Rights of the Judiciary, is this a bogus group? To make such a flatly false and misleading statement is an insult, I think, to the intellect. And what do they mean by cult-like activity?

And thirdly, you point out it is essential that the U.S. Government and the international community refute these fabricated assertions.

I would like and, without objection, would ask that the statements by Michael Posner, our Assistant Secretary for Democracy, Human Rights and Labor, be made a part of the record because I thought he did a very good job at the Human Rights council on the 15th laying out very succinctly U.S. objections. And he made seven recommendations. But he clearly and unmistakably defended the Baha'i and others who have been subjected to persecution of the highest order.

So, without objection, that will be made a part of the record.

[The information follows in the appendix:]

Mr. SMITH. But obviously it is not just one speech. There needs to be an ongoing, persistent refutation of these false statements. I would ask all of you, too, if you would respond, I really believe, especially given the role of the Human Rights Council, which has gotten nowhere close to what Kofi Anan and others have suggested it would be after following up the Human Rights Commission, which was an abysmal failure; but that said, if one-third of the members ask for a special session, such a session will be called.

It seems to me, given the mockery that Iran unleashed upon that council and the world in defending itself at the Universal Periodic Review, there ought to be a special session. The United States should call for it. I would think we could easily muster one-third of the votes to accommodate that request.

And as a matter of fact, parenthetically, I would hope we would do it for Cuba as well, especially in light of the untimely death of Orlando Zapata Tamayo who died on his hunger strike because he was protesting persecution in Fidel Castro's Cuba.

With that said, if you could speak to the special session and those specific questions about the High Council for Human Rights of the Judiciary and other points, what is cult-like activity.

Mr. LEO. Thank you, Congressman Smith, and thank you Congressman Ellison for your participation in the Lantos Committee and for your leadership on so many human rights issues, including freedom of religion.

Well, I can't speak to the motivation of what was said at the council because, to be quite candid, the assertion was absurd. If you look at, for example, a number of different religious minorities in Iran, it could be Sunnis or Sufi Muslims, for example.

Let's take Sunnis. The Sunnis haven't been able to build a mosque in Tehran. Clerics are regularly intimidated, harassed and interrogated by the security services. There is often discrimination against Sunnis in terms of obtaining government jobs or government permits. In public schools in Iran there are bans on Sunni teachings. There are bans on Sunni religious literature, which is not the case with other forms of religious materials.

Sufis, as I mentioned in my testimony, there have been severe prohibition, restrictions, and bans on Sufi places of worship. There was an incident in February of 2009 when at least 40 Sufis were arrested and detained because they were protesting the destruction of a Sufi place of worship. This doesn't sound to me like the protection and preservation of freedom of religion or belief.

And with respect to the Baha'is, you are familiar with that history, of course. The Baha'is are viewed as heretics by the Iranian Government, and, as a result, they are mistreated on many fronts. It is impossible, again, to justify their characterization as being cult-like. My only speculation would be that that perhaps was a veiled reference to the trial of the seven Baha'is where some of the allegations involve creation of an independent administration, various forms of espionage, all of which are baseless and trumped-up charges, but that may have been a veiled reference to the trial of the seven Baha'is which has been long in waiting and is now going along at a snail's pace.

Mr. AFSHARI. I completely confirm Mr. Leo's explaining about the violation against the religious minorities in Iran. But I just want to add that it is not only religious minorities in Iran that are not protected based on the Iranian Constitution, also the policy of regime.

Also Shia, who are different interpretation and perception of Islam, also they are in danger and they are not protected. For example, 3 weeks ago -- sorry, 1 month ago, sorry -- a high-ranking clergy, a Shia clergy, Ayatollah Kashani, he was dismissed by a seminary assembly organization in Iran, and the government body accused him that he has no qualification to be a top-rank clergy in Iran.

Also right now we have some Shia clergy inside Iranian prison. Also we have

a lot of ban, a lot of abuse against them. And for that reason, the Iranian regime used the Islamic ideology, a special interpretation and perception from the Shia belief that to use, to keep its power, and bans the other religions' idea, whether through Shia or Sunni or Baha'i or Christianity or Jewish, because they want just to keep its power.

And also I want to mention about the very danger about the seven leaders of Baha'is, that they are kept in different prison and there is a high risk of execution against them. For that reason it needs more serious action in the international community to save their lives.

Mr. PARSI. If I could address the issue of the special session, precisely for what Mr. Afshari said, that there is a risk not only for the Baha'i leaders but many others to be executed. One way, at least short term, to be able to make that more difficult is to give the human rights situation in Iran more attention. When the eyes are on the Iranian Government and their abusers, that has in and of itself a deterrent effect.

And when it comes to the special session, my understanding is that attempts have been made by various NGOs. The difficulty is that certain governments feel reluctant, fearing that there could potentially be a repeat of what happened last summer with the case of Sri Lanka, in which there was massive killings taking place in Sri Lanka. But Sri Lanka used its diplomatic resources to prevent a third of the commission's members to vote in favor of session, and as a result, ended up being a defeat for those seeking better protection of human rights.

I personally believe, however, that in the case of Iran, with the right type of diplomatic resources being allocated to this, and particularly if the United States is working closely with members of the international community, and not necessarily being the country that is calling for it but is in the background and helping it take place, I believe it could be successful; because if it cannot be successful under these circumstances, then it is very difficult to envision it will ever be successful.

So I personally believe that it is definitely worth a try and, at a minimum short term, it will be a deterrent against the government seeking to execute more people.

Mr. SMITH. Any feedback from the Obama administration as to whether or not they would be open to that?

Mr. PARSI. My understanding is that they are in support of such a thing happening, but it is about other countries also being part of it and taking the lead.

Mr. SMITH. I will yield to my friend and then we will get back to some additional questions.

Mr. ELLISON. Thank you, Congressman. I do appreciate it. And perhaps I could just ask a few questions, and please forgive me if these questions have already been asked. We get double- and triple-booked around here, so even though I wanted to be at this hearing, I had to be at some other places. So thank you and thank you for the work you have been doing.

My first question is just kind of a general question and that is we have -- there has been a lot of attention in the U.S. Congress on the nuclear issue with regard to Iran. And I am not saying that that is appropriate or inappropriate. I am simply asking you, as we focus on that issue and don't highlight the well-being of the Iranian people adequately, what effect does that have on the burgeoning democracy movement within Iran? Would it make sense to spend more time focusing on what is really happening to the people of Iran, just as this hearing is doing right now? It is kind of a softball, but --

Mr. APOSTOLOU. First of all, let me just quickly answer Congressman Smith on the U.N. Human Rights Council, and yours as well.

Mr. ELLISON. Chairman Smith is allowing me to ask questions.

Mr. SMITH. We will go back.

Mr. APOSTOLOU. I will answer that one, too. Sorry about that. I think that, as I mentioned in my presentation, the nuclear issue is a matter of trust ultimately.



The United States is not saying, no, you can't have nuclear technology; it is saying we don't trust what you are going to do with this nuclear technology.

Human rights is also about trust. It is also about mechanisms and institutions and an ability to check. Every country that is a signatory to U.N. human rights instruments is under scrutiny in some manner or other, the United States, United Kingdom, my country, Iran. We saw the contentious Iranian response at the U.N. Human Rights Council.

So what you have to do is not a question of down-playing or up-playing the nuclear issue, but making it clear it is not just about nukes, it is about trust. It is about Iran playing by the rules. And that means not just on nukes, but on human rights, too.

Mr. ELLISON. Dr. Parsi, are you familiar with a piece of legislation called Stand with the Iranian People Act?

Mr. PARSI. Yes, sir, I am.

Mr. ELLISON. Are you familiar with the provisions of this act? Do you think that piece of legislation that has been introduced addresses some of these humanitarian and human rights issues going on in Iran?

Mr. PARSI. I believe so. I find it to be a very constructive piece of legislation. I want to thank you for your leadership on introducing that, Congressman.

And as to your question about spending too much time on the nuclear issue, I think what we may want to get out of is the paradigm in which we think that we have to do either/or, the paradigm in which we think that if we talk about the human rights issue, that automatically takes leverage away from the nuclear issue. I don't think it does. I think we are fully capable, and in fact I think it would be far more successful in any dealings with Iran to actually address the totality of the challenges that Iran poses.

But having said that, I want to emphasize something I mentioned in my testimony, that I think it would be a very negative development if the human rights issue is used as a leverage to gain concessions on the nuclear issue rather than being used for its own sake. And the SWIPA legislation, I think, is very constructive and would be very helpful precisely because it is addressing both sides of the equation; on the one hand, addressing the abuses that are taking place in Iran, strengthening sanctions against the human rights abusers there, while at the same time addressing some of the obstacles that exist on this side of the aisle when it comes to sanctions and things of that nature that have made it more difficult to communicate with the Iranian people or to be able for ordinary American citizens to send their private support.

Mr. ELLISON. One last question, if I may, Mr. Chairman.

How would greater NGO -- American NGO to Iranian NGO cooperation impact the circumstance of human rights in Iran? At this time, I think there are significant limitations on that NGO-to-NGO relationship. But if American NGOs were able to legally interact with Iranian NGOs, how would that impact, how could that conceivably impact the circumstances for people in Iran?

Mr. AFSHARI. I think definitely in the long term it will have a positive effect on the development of NGO and democratization in Iran. And regarding your previous question, I think a real political change in Iran will have a very positive effect on resolving the nuclear issues.

But I believe that those areas should be separate. But they can be considered in first -- in the same package, because if you want to increase pressure against Iran -- because Islamic Republic shows, based on history, it is vulnerable. But the heavy pressure -- and there are very flexible about that -- if the international community shows a certain very tough message against Iran, I believe that they will give up and they cannot continue any active policy towards the nuclear issues.

But the most important part is the political change in Iran that benefits nuclear

issues aspect. But I think any activities that help to increase the cooperation between NGOs, U.S. NGOs and Iranian NGOs, absolutely benefit.

Mr. ELLISON. As the regime has tried to isolate the Iranian people, how would person-to-person contact perhaps augment and benefit the democracy movement?

Dr. Parsi or Mr. Leo, I would love to hear your views as well, either one of you.

Mr. LEO. Well, if you use other countries and situations as an example, NGO and civil society involvement, personal contact, or, in this day and age, contact through various forms of technology, is extraordinarily important. Look at the Uighurs in China. Look at the situation in the Sudan. In those countries and in so many others, Vietnam with the Buddhists and others there, in those countries and so many others, the civil society world and the NGO community has helped us stand up very important movements in those countries. They derive moral support, which is extremely important in very difficult circumstances such as those we are seeing now. It provides them with organizational assistance.

All of that is absolutely critical in a country like Iran. And I would think it is no different from what we would see in many of the other countries where NGOs here, civil society here, is interfaced boldly, courageously, and extensively with religious leaders and others inside of a repressive country.

Mr. ELLISON. Thank you, Mr. Leo.

Are there some policy changes that we would need to make in order to foster this NGO-to-NGO or person-to-person exchange that might help lend support to the democracy movement?

Mr. APOSTOLOU. Actually, you can do that at the moment, but it depends on whether or not you have waiver on the sanctions and if you are working through a State Department funded program. So it is really a matter of how money that you in Congress have allocated towards funding NGOs and actually implemented by the State Department. That is a policy issue.

Mr. ELLISON. Dr. Parsi.

Mr. PARSI. Thank you. I would first say that it is not a coincidence that it is in a country like Iran that you actually see such a movement, that you see 3 million people take out on the streets the morning after the election. It is precisely because there is a history of a strong civil society in that country, which unfortunately does not exist to the same extent in other countries in the region. That civil society is an indispensable building block of any future democracy in Iran. And for that civil society to be able to flourish and grow stronger, contact with the outside world is critical.

If we take a look at some other countries that the U.S. has dealt with, those countries have gone to great lengths to try to throw out American NGOs, et cetera. In the case of Iran, we have kind of done that job for the Iranian Government by creating prohibitions for NGOs to be able to be there absent a license from OFAC, which for many different organizations in the United States is completely prohibited.

We have an essential approach here in which everything in dealing with Iran, if an ordinary individual wants to give \$100 to a cancer institute for children in Iran, would violate U.S. laws. We created a situation in which everything is forbidden unless explicitly permitted.

Perhaps a better way about it is to make sure that everything is actually permitted, unless explicitly forbidden, and in that way enable the tremendous amount of goodwill that exists in the American society and the interest among the American NGOs to be able to collaborate with the Iranian NGOs, for American individuals to be able to help causes inside of Iran that furthers democracy, furthers human rights, to have an easier time to be able to pursue those positive goals.

Mr. ELLISON. Thank all of you. Mr. Chairman, thank you for your

indulgence. I appreciate that.

Mr. SMITH. Mr. Apostolou, I think you wanted to respond on the special session.

Mr. APOSTOLOU. I think it is an excellent idea also because it is a test of the Human Rights Council. I think you could work a lot of with the French Government in particular. They have been extremely vocal on human rights in Iran and the French Government has also been very clear in its opposition on the nuclear program.

With regard to the cult-like activity question, this is blatantly a reference to the Baha'i faith, and what is interesting in Iran is that it is a crime to defame religion inside Iran, and Iran is a supporter of the sort of defamation of religions approach at the Human Rights Council. But what is interesting is Iranian regime figures repeatedly and publicly make comments about other religions. For example, one of the leading Iranian regime figures a couple of years ago called Christianity a rotting corpse. Nobody bothered to prosecute him. So I think that is the issue.

And for the head of the judiciary and human rights body to say that there is no Baha'i being persecuted for being a Baha'i, it is a classic thing that people say in dictatorial states. They say we are not persecuting them for being Baha'is. We are persecuting them for being Baha'is. They are able to get away with that contradiction.

The problem with these Iranian regime bodies is that they, frankly, make it up as they go along. And we saw that with the so-called investigation into the stolen election where the party investigating it could not meet its own deadline and so basically had to ask for an extension on its homework, as it were and, got an extra 5 days, in violation of the Iranian law. But the Supreme Leader just signed the blank check. So we are not going to get accountability through these bodies.

But what we can do -- and I think you are absolutely right and I think what Mr. Leo is saying as well is correct -- we can rally other people. I think one of the big gains since last summer, and I have seen this in particular talking to people in European Union countries, is a change in the opinion in the European Union. There is no doubt in many people's minds that we are on the side of the peaceful protesters, and I think many countries are willing to work with the United States on that.

Mr. SMITH. Let me ask you, Mr. Leo, you had mentioned the lack of applying any of the IRFA sanctions over the last 10 years. And unfortunately that has been the situation with several of the countries that have been CPC countries, virtually all of.

Mr. LEO. All but one.

Mr. SMITH. What value added would we be able to glean by utilizing the IRFA sanctions? Obviously we have a very strong sanctions regime already. Is it the targeting of individuals who are involved with religious persecution that might give us that added focus?

Mr. LEO. Yes. I think as a tactical matter it is useful in the following way. Congressman Ellison talked about really fine-tuning some of the other sanctions because they are affecting basically the freedom fighters in Iran. Well, if you are going to sort of loosen certain things up through waivers and other mechanisms over here, it is useful to tighten the screws in some other places. So you could, for example, do asset freezes of Iranian officials and others. You could bar travel. There are very targeted things you could do over here which sends a strong signal that in loosening things up over here, we are doing it for all the right reasons.

The Sudan is a good example of this. We just went through a process in the Sudan of rejiggering the sanctions regime so that aid to south Sudan doesn't become the victim of our sanctions policy. And there is no reason why we can't do that in the context of Iran. And I think use of IRFA is a way of balancing what Congressman Ellison wants to do, with the strong signal that we are still on target with dealing with

repression in Iran and wanting to come down hard on it.

Mr. APOSTOLOU. With regard to the NGO-to-NGO issue, we should be aware that the main problem here is not on the American side. America has been very generous in terms of the amount of money it allocates towards helping civil society in Iran. It is small compared to other countries, but the United States spends an awful lot of money on this sort of thing around the world.

The real issue is in Iran where we now have the Iranian regime recently published a list of 60 so-called enemy organizations including Freedom House. Naturally, we were on it. The Woodrow Wilson Center for International Scholars was on it. The George Soros Open Society Institute, Bletchley Park was on it. I am surprised the Commission on International Religious Freedom wasn't on it. I am sure you will do better next year.

But the problem is the Iranian regime uses anything like that against people. And just to give you an example, the Iranian regime has accused the Dutch Government of seeking to overthrow it. This is news to the Dutch Government. The Netherlands has an excellent policy on human rights and diverse media. And yet any attempt to fund these sorts of activities immediately runs up against a problem.

So it is a good idea that people should help other people in other countries. But we need to do it in a very careful and systematic way.

Mr. SMITH. I think, to the best of my knowledge, the administration has yet to select an Ambassador at Large for religious freedom. Is that the case?

Mr. LEO. They have not selected an Ambassador to date, so it is very hard to see movement in a lot of these areas, unfortunately.

Mr. SMITH. Let's keep encouraging the White House to do so.

Let me ask you another question with regards to other U.N. treaty bodies. Obviously, across the board, Iran has broken one major human rights treaty after another. I am sure they are signatories to several. But where is the Convention on Torture, where is its panel of experts and many of the others with regards to weighing in on Iran to keep a focus that will make it more difficult to execute the seven Baha'i and torture others who are currently languishing in prison? It seems to me that this should be cause number one with a lot of other number ones throughout the world, but certainly Iran, for the other treaty body panels to be speaking out. Are they doing it?

Mr. PARSI. At the human rights, at the review, one of the criticisms, one of the recommendations that the Iran Government rejected was to give access to the Torture Rapporteur.

Mr. SMITH. Is that still Manfred Nowak?

Mr. PARSI. Yes. And that is part of the reason that there seems to be a need for a U.N. envoy that responds directly to the U.N. Secretary General because that has more teeth and will make it more difficult for the Iranian Government to reject it.

Mr. SMITH. Is the U.S. supporting that special envoy?

Mr. PARSI. My understanding is that there is support for it but the United States is not taking the lead. It is working with other countries. That is my understanding.

Mr. SMITH. Does anybody want to touch on the other treaties?

Mr. LEO. Well, I would just say that the council is meeting next month, the Council on Human Rights. And this is an immediate and ideal opportunity for the United States, now that it is a member, to weigh in and to weigh in effectively. It could call for the appointment of a special representative. It could call for a number of the rapporteurs, freedom of opinion and expression, and others, to engage in important work. So there are mechanisms at the council that I think can be used as leverage to then pressure the other treaty compliance bodies to weigh in. But it seems to me that if you want to spur the other compliance bodies into action, it is going to be very important that there be some new activity at the council.

Mr. SMITH. Mention was made that it doesn't have to be either/or, work on the nuclear issue or work on human rights, and I would absolutely concur it needs to be concurrent. We are making the same mistake vis-a-vis North Korea, where human rights are violated with impunity, and we worry, as we should, about a nuclear North Korea. But if we work on one, we should not diminish our work on the other.

Let me ask just two final questions, one with regards to the Internet. I have actually sponsored a bill called the Global Online Freedom Act, which is designed to promote nonviolent political expression on the Internet and nonviolent religious expression, and to hold companies to account when they fail or when they censor in that regard. Its primary impetus came out of what China has done in crushing its dissidents, using mail and invasions into e-mail, to find who the dissidents are and then incarcerate and torture them.

We know that there are problems with Siemens in Iran. And I wondered if any of you would want to speak to maybe some lessons learned about what we need to be doing with companies in Corporate Europe, Corporate America, to mitigate the ability of the regime to use modern technology to spy on and capture the human rights dissidents.

Mr. APOSTOLOU. I know for a fact there are people who have been arrested on the basis of telephone intercept. Nokia Siemens say they provided lawful telephone intercept capability. But the problem with that is the word "lawful." Iran is not a country where there is any meaningful rule of law. So we absolutely have to get these companies to disclose exactly what they have provided.

There are concerns that Nokia Siemens provided the ability to inspect Internet communications that are so called "deep packet," sort of a geeky term meaning they can get right into your communications. I think they should be asked if they are going to be continuing to do business with your very generous government to disclose what they sold. Siemens recently got rid of their head of security, a former Austrian intelligence gentleman, who had very good connections to the Iranian regime. Again, I think we would like to know an awful lot more about what he was doing with regard to the Iranian regime.

With regard to the Internet, there is a physical problem in Iran, which is the infrastructure is very underdeveloped and it is very easily overwhelmed. But Iranian ISPs have to give their log files, so called, and these tell you about Internet activity, to the Administrative Intelligence every day.

So what we have to do is help with a variety of tools, both high-tech and low-tech, and we have done some work on this that will enable people to access the Internet. It will be slow because they are coming from a slow connection speed, but they will be able to get out and they will be masked in how they do it.

One example of a U.S.-developed technology that has been very successful is Tau, the so called Onion Rooster. It slows your bandwidths down horribly, so you surf the Net very slowly, but it does mask the way you surf the Net. And there is a variety of other techniques that we have worked on and we have shared with people that can help people out, and I think that is a very good investment.

Mr. PARSI. I can add something quickly to that.

I agree fully that the majority of the problems exist on the Iranian side. But we shouldn't neglect the complete contradiction that exists that if you wanted to send flowers or send \$100 to Nidal Al-Sultan's mother to express your sympathy for her loss, you would violate U.S. laws. But Nokia Siemens can sell this technology to Iran and that is not a problem. That is a major contradiction and we would be unwise in my view not to address that.

And furthermore, there are technologies that can break the filters of the Iranian Government without slowing down the Internet. I am not an Internet expert or technology expert, but in our conversations with some of the individuals who did develop this this past summer, who are still developing it, part of their problem was

that in order to be able to get this technology to Iran, they would have to violate the sanctions because technology transfer is sanctioned.

I think it is a relatively easy thing; just as much as we have an exemption for information, that we make an exemption for information technology. It is essentially updating the sanctions law to be within the current development of technology. When these sanctions were written, there was no such thing as Twitter, Facebook, e-mail, and things of that nature. We need to update it to make sure that it is not unintentionally affecting the people that we seek to support, negatively.

Mr. AFSHARI. I want to add something that, for example, also there is a problem that the trade ban between U.S. companies and Iranian companies, because that is possible to providing Internet for Iranian people, because a majority of Iranian people have access to a dish and they can get Internet by dish. And right now the main problem and barrier is that it is illegal, any trade between U.S. companies and Iranians inside Iran. And I think any removal of such kind of banning can help, help Iranian society. And also some Chinese companies and some Chinese experts help Iranians to track the people private e-mails and any communication through Internet, and also tracking what they have done in the cyberspace.

Mr. SMITH. One final question. Your views on Mousavi, and, Mr. Leo, you had mentioned that there would be an important change in tone from Ahmadinejad even if changes in substance were expected to be modest. And mention was made by one of you, I forget who -- Mr. Parsi, it might have been you -- about comparison to Sakharov and others, and we all remember Sakharov developed both the nuclear -- the atomic bomb and helped get the hydrogen bomb for the former Soviet Union. Gorbachev himself started out with Perestroika and Glasnost and seemed to be overcome and became a reformer and pretty much stayed a reformer. And I am wondering is there any indications from this individual that the change, the reformist spirit, is deep, real, indelible?

Mr. APOSTOLOU. On my way I here, I reread his most recent interview with his own Web site, so they weren't difficult questions that they asked him. But what was very interesting in that was that he drew the line changing the state; indicated, however, that the Constitution was not fixed and could be changed. But he also said that dictatorship of religion is the worst kind, while also saying that he loves Ayatollah Khamenei, so there is a bit of contradiction there. But I think he is moving in the right direction.

You mentioned Gorbachev. You mentioned Sakharov. You are absolutely right: People change. And I think that, frankly, compared to who is in power in Iran, compared to a man, who, let's face it, Ahmadinejad is a man who mocks the Holocaust and then offers to complete it. Under his watch, American soldiers and British soldiers are being killed in Iraq, thanks to Iranian weapons. Mousavi is not the world's greatest human rights defender, but he is certainly moving in the right direction. And a change of tone and a more rational head in power in Tehran I think would go a long way in the right direction.

Mr. LEO. I would be less preoccupied with what Mousavi says or doesn't say and more attentive to laying down certain markers, baselines and deliverables. Make it clear to him what the United States expects. Western European countries should make it clear what they expect from a regime in Iran. You lay those markers down. It gives him guidance regarding what is going to be expected of him as a leader.

When the United States Government does not speak to the issue of freedom of religion or human rights at the Five plus One party talks, what kind of message does that send to a future leader of the Iranian Government?

Mr. SMITH. And we have not?

Mr. LEO. On the sidelines.

Mr. SMITH. Thank you.

Mr. AFSHARI. Mr. Mousavi absolutely and definitely he changed some of

his mind, and his view right now is completely different than his previous views and idea that he was a Prime Minister in the past. But it is important that we see Mousavi as the symbolic leader of this movement and this movement has a great level of diversity. Some people want to see radical change. Some of them, they just want to reform inside the regime.

Mr. Mousavi wants to keep the whole part of the regime but change some policy; and especially in the foreign policy, he wants to stop the activist policy and instead choose a rational policy. But I think the ideas of Mousavi right now are not as important as his role, and his role can create a useful and effective space for real and radical change in Iran. But due to current policies from a leader in Iran as most powerful man, he has taken -- I don't think that Mr. Mousavi or Mr. Karoobi or anyone who wants to follow reform inside the regime has any chance to be success, because every parliamentary reform needs aggregate of the top higher, top portion of the power. But right now, the hardliners in Iran reject any reforms from the low degree or the high degree and then they don't create that.

For example, you are a radical reformist or a conservative reformist. And they don't want to compromise with any reformists for Iran. For that reason, I think in this future of Iran we have a potential for radical change or some new kind of cyber revolution in Iran.

Mr. PARSI. I will be very brief and say that one of the things that we from the American end have to be careful about is to break the pattern in which we have viewed Iran for several decades, in which we oftentimes reduce Iran to a single issue like the nuclear issue, or reduce Iran to a single individual, whether it was the Shah, whether it was Khamenei, whether it was Ahmadinejad.

Mr. SMITH. Which is what we do all over the world.

Mr. PARSI. May not be just to Iran. This is an individual that plays an important role in the green movement. But the green movement is a very large movement. It has a very large tent. There are many individuals with quite different opinions within it. But I think at the same time, particularly in the last couple of weeks, we have seen that this is a movement that is going to have a more difficult time if it doesn't have a more structured leadership.

The idea that being leaderless is helpful may be the case in situations in which the government would have the guts to arrest the leaders. In the case of Iran right now, it seems like the government very much would like to arrest Mousavi, but so far has not shown the courage to do so. And in that situation, not having a leader, so far seems to have been to the disadvantage of the movement.

Mr. SMITH. Would anybody else like to add anything before we conclude?

I want to thank you again for your extraordinary testimony and your leadership. The Commission hearing is adjourned.

[Whereupon, at 4:25 p.m., the hearing was adjourned.]

# **APPENDIX**

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MATERIAL SUBMITTED FOR THE HEARING RECORD





**Tom Lantos Human Rights Commission (TLHRC)  
Hearing Notice**

**The Current Status of Human Rights and Religious Freedom in Iran**

**Thursday, February 25  
2:30 p.m.– 4:30 p.m.  
2200 Rayburn HOB**

Over the past decade, the United States foreign policy toward Iran has focused primarily on deterring Iran's ambitions of securing nuclear weapons. However, in the wake of last year's presidential elections Iranian citizens took to the streets to demonstrate their displeasure with the current regime. Following these protests, a wide array of human rights abuses perpetrated by the regime and its supporters were brought to the forefront.

**To discuss these issues, we will welcome the following witnesses:\*\*\***

Leonard Leo, chair, *U.S. Commission on International Religious Freedom*

Andrew Apostolou, senior program manager, *Freedom House*

Ali Afshari, leading Iranian political activist

Trita Parsi, PhD, president, *National Iranian American Council*

\*\*\*Witness list subject to change.

If you have any questions, please contact Elizabeth Hoffman (Rep. Wolf) or Hans Hogrefe (Rep. McGovern) at 202-225-3599.

James P. McGovern, M.C.

Frank R. Wolf, M.C.

Co-Chairman, TLHRC

Co-Chairman, TLHRC

**Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner: Statement by the Delegation of the United States of America at the UN Human Rights Council on the UPR report on Iran, dated February 15, 2010**

**UN Human Rights Council**

**THE UPR WORKING GROUP SEVENTH SESSION**

**Consideration of UPR Reports**

**Report of the UPR Working Group on Iran**

**Statement by the Delegation of the United States of America**

**Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner**

**(As prepared for delivery)**

Thank you, Mr. President.

I am pleased to participate in the Human Rights Council's Universal Periodic Review of Iran.

The United States strongly condemns the recent violent and unjust suppression of innocent Iranian citizens, which has resulted in detentions, injuries and deaths. Since last June millions of Iranian people have sought to raise legitimate concerns about the 2009 electoral process and to exercise their universal rights. The Government of Iran has suppressed their protests, often resorting to violence.

The United States also strongly condemns the growing restrictions on freedom of expression. News organizations have been shut down and Iranian and foreign journalists arrested, detained, or prevented from doing their job. Access to the internet also has been curtailed.

What we are saying here echoes the blog posts, emails, and news stories written by Iranians who are struggling to exercise their very right to free expression that the government is trying so hard to curtail.

We are deeply concerned about the status of detainees in Iran, including foreign nationals and American citizens, and the lack of due process accorded them. In addition to last year's clearly improper "show" trials, there are credible reports of torture and cruel, inhuman, or degrading treatment or punishment in Iranian prisons, including stoning and the execution of minors.

We also are deeply concerned about systematic government violations of religious freedom. Prominent reformers from the Shi'a community have received harsh prison sentences, many on charges of "insulting Islam." More than 200 Baha'i leaders have been executed since 1979. We are concerned about the welfare and legal rights of seven Baha'i leaders imprisoned for more than a year and now on trial on unsubstantiated charges. Members of these religious communities, as well as Iran's Sufi Muslims, are increasingly subject to surveillance, harassment, prolonged arbitrary detention, and unsubstantiated legal proceedings.

In light of these and related concerns the United States makes the following recommendations:

- That the Government of Iran respect all of its international human rights treaty obligations.

- That it provide due process of law for those charged with crimes, and discontinue the use of mass “show” trials.
- That the government end its severe restrictions on the rights to free expression, association, and assembly, and end the harassment and persecution of journalists and bloggers.
- That it also uphold its constitutional provisions guaranteeing freedom of worship.
- That the government take immediate action to cease the practice of torture in detention facilities and prisons, and take immediate measures to monitor, fully investigate, and prosecute allegations of torture and other cruel, inhuman or degrading treatment.
- That it allow UN Special Rapporteur on Torture to visit the country and provide him with access to its detention facilities and prisoners.
- Finally, that the Government of Iran allow for a visit by the Office of the High Commissioner for Human Rights and by other UN Special Rapporteurs and experts who have requested access to Iran.