



December
2018

**REALIZING RIGHTS OVER REPRESSION IN IRAN:
THE CASE FOR CANADIAN MAGNITSKY SANCTIONS**





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The Raoul Wallenberg Centre for Human Rights is a unique international consortium of parliamentarians, scholars, jurists, human rights defenders, NGOs, and students united in the pursuit of justice, inspired by and anchored in Raoul Wallenberg's humanitarian legacy - how one person with the compassion to care and the courage to act can confront evil, prevail, and transform history.

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INTRODUCTION

By Professor Irwin Cotler

Honourable Irwin Cotler is Founder and Chair of the Raoul Wallenberg Centre for Human Rights. He is a Former Minister of Justice and Attorney General of Canada and longtime parliamentarian, international human rights lawyer, and McGill University Professor Emeritus.

While representing political prisoners in the Soviet Union 45 years ago, I noted that “vacation time in the West is prison time in the Soviet Union,” with the Soviet Union arresting and imprisoning dissidents while governments and parliaments in the West adjourned. This phenomenon found expression this summer in Iran, as there was barely any international condemnation while the Iranian regime carried out systematic arrests and sentenced leaders at all levels of civil society on trumped-up charges, reminiscent of the old Soviet tactic of “give us the people and we will find the crime.” In particular, the regime escalated its assault on 10 fundamental civil society groups throughout the summer, including journalists, environmentalists, dual citizens, cultural leaders, religious minorities, women’s rights activists, labor rights activists, students, teachers, and lawyers.

First, the regime escalated its targeting of journalists this summer, conducting arrests for merely expressing criticism of political and religious leaders on social media. For example, one journalist was sentenced to a decade in prison for a satirical tweet about an ultra-conservative cleric. These disturbing arrests have coincided with increasing measures by the regime to curb the free flow of communication, including a ban on the country’s most-used messaging app, Telegram.

Second, the regime conducted widespread arrests of environmentalists, arresting more than 40 environmental activists, rangers, and even some of their family members over the course of two days in May. This mass arrest followed the arrests of more than a dozen environmentalists in January and February of this year, including nine members of the Persian Wildlife Heritage Foundation, Iran’s most significant environmental organization. One of its founders, Canadian-Iranian Professor Kavous Seyed-Emami, died in the notorious Evin Prison under suspicious circumstances two weeks after his arrest; his family has been subjected to repeated harassment, their lawyers have been arrested, and his wife, Maryam Mombeini, has been prevented from leaving Iran. Eight other members remain in pre-trial detention after eight months without access to counsel – and some of their lawyers have themselves been arrested. Five are threatened with potential sentences of 25 years to life imprisonment or execution.

Third, in addition to the imprisonment of Canadian-Iranian Professor Seyed-Emami

and Iranian-American environmentalist Morad Tahbaz, the regime escalated its targeting of dual citizens, in keeping with its tradition of holding foreign nationals hostage for political leverage. In March and April of this year, two British-Iranian dual nationals and an Iranian UK resident were arrested on security charges while visiting Iran. Most recently, in October, a court sentenced a dual national to eight-and-a-half years in prison for the “infiltration” of government bodies. The recent increase in arrests has prompted the US State Department and British Foreign Office to take the unprecedented measure of specifically warning dual citizens of the very high risk of arbitrary arrest and detention they face in Iran.

Fourth, the regime has attacked leaders of all cultural sectors, including writers, models, photographers, filmmakers, and musicians. Since August, a young satirist has been held incommunicado. In July, the police announced that 46 workers in the fashion industry were arrested for their involvement in a “modeling ring.” In June, an eminent poet, filmmaker, and former member of the Board of Directors of the Iranian Writers’ Association was sentenced for posting a photograph on Instagram of a man injured by police. In June, a rap artist was detained for lyrics critical of the regime, and in March, a rock musician was forced to flee the country after being sentenced to six years in prison for producing metal music.

Fifth, the regime renewed its crackdown on religious minorities this summer. Over the summer, there was a new wave of arrests of members of the Baha’i faith, including 17 in one month alone. Moreover, in July and August, 20 Sufi Muslims were issued harsh sentences for attending protests, which one source called “unprecedented in Iran’s judicial history.”

Sixth, the regime also intensified its onslaught against women’s rights activists (already the subject of ongoing harassment and intimidation) by jailing record numbers this summer for protesting the compulsory hijab. The regime also arrested four women’s rights activists in 25 days.

Seventh, the regime continued to target labour rights activists for simply exercising their rights to freely assemble. For example, over the course of two days in June, more than over 60 manufacturing workers were arrested for attending rallies.

Eighth, the regime escalated its arrests and convictions of students for similarly attending peaceful protests. Indeed, Iran’s Revolutionary Court has imposed heavy prison sentences on student activists throughout the summer, including 22 students in August alone.

Ninth, the regime increased its persecution of leading educators. One teacher was sentenced to six years in prison and is now in Evin Prison for partaking in peaceful protests, while another, who was violently arrested in front of his students, was sentenced to seven-and-a-half years in prison and 74 lashes for advocating on behalf of teacher’s’ rights. A third prominent teacher’s rights activist, and the

former spokesman for the Iranian Teachers' Trade Association, Mahmoud Beheshti-Langroudi, was forced to go on a hunger strike in July to protest the refusal to hear his case and the mistreatment of political prisoners.

Lastly, the regime has arrested a significant number of Iran's most prominent human rights lawyers since January of this year and, this summer, harassed and arrested leading lawyers acting on behalf of the leading imprisoned civil society activists. Strikingly, Nasrin Sotoudeh, the iconic Iranian human rights lawyer and embodiment of the struggle for human rights in Iran, was re-arrested in June for defending peaceful protesters and has been languishing in Evin Prison since. Without the defense of human rights lawyers, all civil society leaders are vulnerable to further politically charged arrests.

The above cases are a dramatic case study of the criminalization of innocence in Iran involving civil society leaders, while reflecting the widespread and systematic character of Iranian injustice, including the criminalization of fundamental freedoms of expression, belief, opinion, assembly and association; the illegal and arbitrary arrests; incommunicado detention; false charges; torture in detention; denial of the right to counsel, the right to a fair hearing, and the right to an independent judiciary; show trials devoid of any due process; and denial or withdrawal of medical care in prison. Alarming, they occur against the backdrop of the regime's massive domestic repression of human rights. While President Hassan Rouhani has attempted to portray a new "moderate" Iran, this report exposes these ongoing violations, which have intensified under his watch.

For example, Iran, a country that already had the most executions per capita, has seen a dramatic increase in the number of executions during Rouhani's tenure, including the execution of juvenile offenders, frequently on public display. Further, as the reports by Dr. Ahmed Shaheed, the former UN special rapporteur for human rights in Iran, demonstrated, there has been widespread and systematic physical, sexual, and psychological torture, often used to extract forced confessions. Moreover, the regime continues to persecute women, the LGBT community, and ethnic and religious minorities, engaging in persistent and pervasive discrimination targeting these minorities, while inciting hate and violence against them. Further, despite its rhetoric to the contrary, the regime continues to mock and violate any free expression, to monitor human rights activists, and to censor speech online and in print. Any expression of dissent or deviation from the ideology of the regime is effectively silenced.

All the while, as this report demonstrates, Iran's human rights violators remain protected, if not rewarded. This culture of impunity is perhaps most egregiously captured by the fact that President Rouhani appointed Seyed Alireza Avaei as the head of the Ministry of Justice, a man who was directly involved in committing a crime against humanity, the 1988 massacre of at least 5,000 Iranian political

prisoners. Avaei is but one of the major human rights violators highlighted in this report who have enjoyed impunity due to a culture of criminality and corruption until now.

It is crucial that the international community not turn a blind eye to what I have termed the five-fold Iranian threat: the nuclear threat; state-sponsorship of terror; regional hegemonic aggression including mass criminality in Syria, state-sanctioned incitement to genocide; and massive domestic repression. In particular, sanctions covering action respecting Iran's nuclear program should not distract from, or even sanitize, the ongoing massive domestic human rights violations, which should be a centerpiece of international containment and sanctioning of the Iranian regime, the whole in solidarity with the long suffering of the Iranian people.

We now have the opportunity to sanction human rights offenders on a global level, inspired Canada's "Sergei Magnitsky Law," the global Justice for Corrupt Foreign Officials Act. This report offers Canadian policymakers an opportunity to continue Canada's leadership in this area by implementing sanctions against major human rights violators in Iran, in concert with the international community. Indeed, the objectives of naming, shaming, and sanctioning specific human rights violators are indispensable to mobilizing a critical mass of global advocacy to address and redress human rights violations in Iran. Indeed, this will further anchor and inspire Canada's annual Iran Accountability Week in Parliament, which seeks to shine the spotlight on human rights violations in Iran through public hearings, witness testimony, and the like, and the Iranian political prisoner advocacy project wherein Parliamentarians take up the case and cause of Iranian political prisoners in concert with their colleagues in legislatures around the world.

During this nadir in the history of human rights in Iran, this report rightfully singles out the principal architects behind its massive domestic repression. In a country where protests, democratic movements, and human rights defenders are brutally suppressed, it presents an opportunity to give voice to, and stand in solidarity with, those who have been deprived of their freedoms, and even their lives.

By Dr. Ahmed Shaheed and Rose Parris Richter

Dr. Ahmed Shaheed is a Senior Fellow at the Raoul Wallenberg Centre for Human Rights. He is currently the UN Special Rapporteur on Freedom of Religion or Belief as well as the deputy director of the Essex Human Rights Centre. From 2011 to 2016, he was the UN Special Rapporteur for Human Rights in Iran. A career diplomat, he has twice held the office of Minister of Foreign Affairs of Maldives. Rose Parris Richter has served as a senior advisor to Dr. Shaheed since 2011 and has been Director of the Human Rights in Iran Unit at the City University of New York since 2012.

The Islamic Republic of Iran remains one of the world's worst abusers of human rights. During our work to document Iran's human rights abuses in support of the United Nations' special procedure to monitor rights violations in the country, we documented the Iranian government's excessive and arbitrary use of the death penalty, its systematic violations of due process rights, inhumane prison conditions, restrictions on speech and assembly, and unequal protections for the human rights of ethnic and religious minorities, homosexuals, and women and girls. Sadly, though, as this important report shows, Iran has yet to institute meaningful reform despite myriad attempts by various government bodies and officials to address aspects of international concern about the country's disturbing record.

Those who violate human rights in Iran are not fringe or renegade officials. Rather, they hold senior positions in the executive branch and the judiciary, where they continue to enjoy impunity. These officials control a vast infrastructure of repression that permeates the lives of Iranian citizens, governing what they study in school, whether they are allowed to attend school, how they dress, how they practice their faith, what websites they access, how they speak in public, and whether they are permitted to peacefully assemble to criticize the policies and practices of their government. Defiance of these norms often comes at a terrible cost, with Iranians frequently facing unjust detention, torture, and even death.

At the heart of many of Iran's seemingly intractable challenges is the country's deeply flawed justice system, which systematically obstructs the rights of defendants to fair trials and is in serious need of reform. This is despite myriad steps taken by the government to address national and international concern about its practices for administering justice. Such steps include the introduction of Iran's new Code of Criminal Procedure in 2015 and the country's new narcotics law, adopted in 2017, which attempt to improve due process rights and reduce the country's capricious application of the death penalty, respectively.

However, both Iran's legal community and international human rights experts have highlighted and continue to highlight myriad concerns with these attempts to implement change, noting that these steps have failed to tackle many of the pressing problems that have been highlighted over the years by various

international human rights mechanisms. As such, the UN special procedure continued to receive frequent and alarming reports about the use of prolonged solitary and incommunicado confinement, lack of access to lawyers, and the use of confessions solicited under torture as evidence in trials. Denial of access to proper and necessary medical treatment for detainees also remains a significant problem, including for political prisoners.

Similarly, President Hassan Rouhani released a formal Charter on Citizens Rights in 2016, which simply recalls the range of civil and political rights already guaranteed by Iranian law, as well as those rights protected by the five international human rights treaties to which Iran is a party. The Charter does not, however, strengthen the country's inadequate protections, nor does it attempt to prohibit ongoing practices that enfeeble national and international protections for fundamental human rights. Moreover, President Rouhani continues to employ cabinet members that previously engaged in and currently commit major human rights abuses. Several of them are profiled in this report.

The protests that began in December 2017 are in part an outgrowth of the government's failure to respect the rights of its own people. This turbulence is demonstrative of the need for increased and sustained international engagement focused on addressing human rights as part of its broader political and economic relationship with Iran, and as an important element of the international community's security priorities in the region. Engagement with the Iranian government on other matters and continued focus on its human rights record are not mutually exclusive goals. On the contrary, engagement without a focus on human rights is unlikely to produce long-term dividends that genuinely advance regional stability.

As part of this effort, it is vital for the world to understand not only the nature and scope of Iran's human rights abuses, but also how the government's leaders perpetrate them as part of an organized bureaucracy. This report meticulously profiles some of the top Iranian officials directly responsible for the plight of Iran's citizens. In so doing, it offers an outline for how nations can seek accountability in Iran. Publicly identifying Iran's leading human rights abusers can increase pressure on its government and demonstrate to the Iranian people that the world understands and supports their demands for reform.

PROFILES OF OPPRESSION

The below officials of the Regime in Iran are responsible for gross violations of human rights. Many are also personally involved in the targeting of Iranian-Canadians, and others played a central role in the 1988 massacre of political prisoners, recognized by Canada as a crime against humanity.

Accordingly, we call for their sanctioning under Canada's "Sergei Magnitsky Law," the Justice for Corrupt Foreign Officials Act. In particular, the act of "naming and shaming" these human rights abusers will be an important expression of solidarity with their victims and of pursuing justice and accountability for their criminality, and ending the culture of impunity that underpins it. The associated asset freezes, dealings prohibitions, and travel bans will safeguard Canadian sovereignty and end any inadvertent complicity in these crimes.

These profiles evoke the very *raison d'être* of Canada's Magnitsky Law – are a case study in the injustice it seeks to combat, and the need for justice it seeks to fulfill – and their sanctioning would address and redress this standing omission in its implementation.

Mahmoud Alavi

Minister of Intelligence since August 2013. Alavi has overseen the frequent arrests, torture, and murders of journalists, human rights defenders, dissidents, and ethnic and religious minorities. In particular, his tenure saw a wave of mass arrests targeting the peaceful Bahai minority and persecutions against student leaders.



He is also responsible for a program of harassment and assassination of Iranians abroad. In 2017, Alavi boasted of operating regime agents in Canada.

Hossein Ashtari

Chief of the Law Enforcement Force of Iran since March 2015. Ashtari and his police force brutally suppress peaceful protesters and women's rights defenders, and violently enforce discriminatory laws. Under his tenure, his officers have fired live ammunition into crowds and beaten demonstrators. Ashtari also oversees unofficial detention centres where prisoners are regularly abused and have died in detention. His force plays a key role in the online censorship regime, where its cyber unit monitors the internet and arrests and tortures cyber dissidents.



Seyyed Alireza Avaei

Minister of Justice since August 2017. In his earlier role as a prosecutor, Avaei was notorious for the arbitrary executions of thousands of innocents. He is responsible for arbitrary arrests, denials of prisoners' rights, an increase in executions, and extrajudicial killings of political prisoners. During the 1988 massacres, Avaei served on the "death commission" in Dezful tasked with selecting those to be murdered, and was described by witnesses as one of the cruellest killers of the massacre, sentencing many juveniles to death. He was the main person in charge of executions at the UNESCO Prison in Dezful where nearly all political prisoners were executed, including the hanging of minors on Avaei's orders. He also oversaw the show trials of hundreds of peaceful protesters following the 2009 Green Revolution, seeking death and long term prison sentences. Some of those sentenced died in prison under torture. Avaei continues to perpetrate and promote massive human rights abuses as Minister of Justice.



Abbas Jafari Dolatabadi

Prosecutor-General of Tehran since August 2009. Dolatabadi indicted a large number of peaceful protesters, with many unjustly sentenced to harsh and lengthy prison sentences, and others sentenced to death. He was also responsible for the prosecutions of prominent environmentalists, including Canadian citizen Kavous Seyed-Emami - who thereafter died under suspicious circumstances in the notorious Evin Prison - and McGill graduate Niloufar Bayani, who is facing the death penalty.



Abdolreza Rahmani Fazli

Minister of the Interior since August 2013. Fazli has overseen the banning of peaceful public gatherings and civil society organizations, and the promotion of radical regime ideology. He has encouraged the harassment of human rights activists and repression of labour union organizers, and curtailed women's access to the workplace. Fazli also helps manage the brutal Law Enforcement Force of Iran.



Hassan Firouzabadi

Senior Military Advisor to the Supreme Leader and former Chief of the Iranian Armed Forces from 1989 to 2016. Firouzabadi has been involved in massive human rights violations, including overseeing the murder of peaceful protesters and the mass arrests and torture of civilians. He also issued an order to all military and security forces for the identification and monitoring of members of the peaceful Bahai minority, which has featured prominently in their persecution. Firouzabadi publicly encouraged the persecution and prosecution of environmentalists, including in particular Canadian citizen Kavous Seyed-Emami, who later died in detention under suspicious circumstances.



Gholamhossein Gheibparvar

Commander of the paramilitary Basij militia since December 2016. Gheibparvar has overseen military support to the Syrian Regime and its mass atrocities, and, within Iran, has murdered and maimed peaceful protesters, and targeted dissidents and ethnic and religious minorities. His forces also promote and perpetrate violence against women and carry out the brutal enforcement of discriminatory laws and practices.



Mansour Gholami

Minister of Science, Research and Technology since October 2017. Gholami presides over Iran's higher education system and his ministry screens university applicants for their loyalty to the regime and perpetuates a discriminatory system founded on religious and ethnic exclusion. In this apartheid-like system, members of the peaceful Bahai faith are barred from attending university altogether. Gholami has coordinated with the Intelligence Ministry to help oversee the monitoring and arrests of students and professors on campus. This includes facilitating violent attacks against peaceful student demonstrators, leading to serious injuries and deaths. Gholami has overseen the suppression of freedom of expression, peaceful assembly and association, and is in gross violation of these human rights.



Asghar Jahangir

Head of the Prison's Organization since April 2014. Under Jahangir's authority, prisoners are regularly subjected to physical and psychological torture, including rape and electric shock, and denied



medical care and access to legal representation. Many die in detention as a result of this abuse. Among the hundreds of political prisoners and victims of these abuses are Canadian permanent resident Saeed Malekpour and Canadian citizen Kavous Seyed-Emami, the latter having suspiciously died in detention. Prior to his appointment to Head of the Prison’s Organization, Jahangir served as a close advisor to the head of Iran’s judiciary, who presided over the executions and torture of prisoners.

Mohammad Javad Azari Jahromi

Minister of Information and Communications Technology (ICT) since August 2017. Since assuming office, internet control, censorship, and surveillance by the state have expanded significantly. As Minister of the vast telecommunications infrastructure, Jahromi oversees the state-controlled national internet, which restricts users to censored state-approved content and propaganda. For instance, a search for the Canadian environmentalist “Kavous Seyed-Emami” redirects users to websites affiliated with Iranian security agencies, containing fabricated and defamatory stories. Under Jahromi’s supervision, the ICT continues to suppress freedom of expression and peaceful assembly. From 2009-2013, he played a leading and direct role in developing the Intelligence Ministry’s online surveillance infrastructure and the 2009 crackdown on peaceful protests.



Sadegh Amoli Larijani

Chief Justice of Iran since August 2009, when he was appointed to organize repression of the protest movement. As head of Iran’s judiciary, Larijani has personally signed off on countless death sentences including stoning, hanging, execution of juveniles, and public executions such as those where prisoners were hung from bridges in front of thousands. He oversees a system that institutionalized the deprivation of the right to a fair trial, and where sentences of torture – including amputations and the dripping of acid in the eyes of the convicted – and execution are regularly delivered, making Iran the country with the highest rate of executions per-capita in the world. In particular, this includes the unjust sentencing and execution of juveniles and the targeting of civil society leaders. Larijani and his family have also been implicated in significant corruption and embezzlement of public funds.



Asgar Mir-Hejazi

Intelligence Advisor to the Supreme Leader. Mir-Hejazi is responsible for planning many of the worst human rights violations of the regime in Iran. This includes his orchestrating the violent crackdowns against peaceful protesters following the June 2009 elections. As a close confidante of the Supreme Leader and one of the most influential figures in the intelligence establishment, Mir-Hejazi plays a crucial role in the design and implementation of the regime's program of mass domestic repression, including the targeting of Iranian civil society leaders.



Mohammad Moghiseh

Head of Branch 28 of Iran's Revolutionary Court. Judge Moghiseh, also known as a "hanging judge," is infamous for incarcerating human rights lawyers, including iconic women's rights defender Nasrin Sotoudeh, recipient of an honorary Doctorate from York University. He also unjustly sentenced Canadian Permanent Resident, Saeed Malekpour, to death on trumped up charges (later suspended under international pressure). Moghiseh is also notorious for his harsh sentences against members of the Bahai faith, including sentencing seven Bahai leaders to 20 years imprisonment each. Moghiseh's trials frequently last minutes and routinely result in death or lengthy prison sentences, often on the basis of forced confessions and with limited or no access to counsel. Moghiseh was also a key figure in the 1988 Massacre. Witnesses report his enthusiastic supervision of, and direct participation in, the death sentences and torture, including hanging some prisoners himself.



Gholam-Hossein Mohseni-Ejei

First Vice Chief of Justice since August 2014 and judiciary Spokesman since September 2010. As former Minister of Intelligence, agents under his command detained, tortured, extracted forced confessions from – and often murdered – activists, journalists, dissidents and political figures. As First Vice Chief of Justice, Mohseni-Ejei is integral in the gross human rights violations of the judiciary, and has used his position as Spokesman to defend and advance its abuses, including publicly labelling peaceful protesters "rioters" and "thugs." He also defended the treatment of Canadian environmentalist Kavous Seyed-Emami, and claimed he had committed



“suicide” in prison, even before there was an autopsy report.

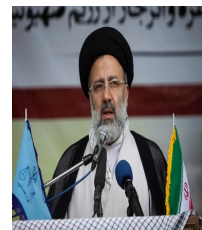
Mostafa Pourmohammadi

As the immediate past Minister of Justice and recent Minister of the Interior, Pourmohammadi has overseen egregious human rights violations in Iran in general, and the targeting of political prisoners in particular. During the 1988 Massacre, Pourmohammadi was a member of the Tehran “death commission” determining the execution of prisoners based on their religious or political beliefs, killing over 5,000 innocents. As Director of Foreign Operations of the Intelligence Ministry, he oversaw the program of assassinations of dissidents and diaspora leaders, including political leaders and notable writers and journalists living abroad. Pourmohammadi used his Ministerial positions to perpetrate and promote human rights violations, and his tenure was marked by criminality and impunity.



Ebrahim Raisi

Former Presidential candidate and current custodian of Astan Quds Razavi since March 2016. Astan Quds Razavi is an international conglomerate with a real-estate portfolio worth an estimated \$20 billion, and a central feature of corruption and criminality in Iran. Raisi served as the Deputy Chief Justice between 2004-2014 and Attorney General from 2014-2016, approving scores of death penalties and presiding over the prosecution of countless dissidents. Under his tenure, the number of executions gradually rose from approximately 100 to nearly 1,000. Raisi also served on the Tehran “death commission” tasked with determining the murders of political prisoners during the 1988 massacre, often based on interrogations of several minutes.



Abolghassem Salavati

Head of Branch 15 of Iran’s Revolutionary Court since December 2009. Judge Salavati – also known in Iran as a “hanging judge” – presided over sham trials where he has regularly sentenced political prisoners to draconian punishments including execution, torture, and lengthy prison terms. Branch 15 of Iran’s Revolutionary Court – personally overseen by Judge Salavati – specializes in the prosecution of innocent dual nationals and dissidents. Judge Salavati’s hearings have often lasted only a few minutes and relied on forced confessions or no evidence at all.



Abbas Salehi


Minister of Culture and Islamic Guidance (MCIG) since August 2017. Salehi oversees a system of censorship and propaganda which vets all forms of entertainment and culture and only grants a license to those who promote the narrow agenda of the regime. Salehi helps monitor those in the arts and cultural industries – facilitating the arrests of those licence-holders who do not follow regime strictures – and the imprisonment and torture of those who publish without a license.



Sohrab Soleimani

Supervisor of the Office of the Deputy for Security and Law Enforcement of the State Prisons Organization and former Director General of the Tehran Prisons Organization. In this capacity, Soleimani has overseen human rights abuses at Tehran's notorious Evin Prison. This includes harsh interrogations, forced confessions, denial of access to medical care, and egregious torture that has often resulted in death. For instance, in April 2014 – under his authority as Director General of the Tehran Prisons Organization – guards at Evin Prison severely beat political prisoners, and then placed them in solitary confinement and denied them medical treatment. Many Canadian-Iranians and human rights heroes have been targeted under his tenure.





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