

CCAT

CANADIAN COALITION
AGAINST TERROR

BRIEFING MEMO

Listing the IRGC in its Entirety as a Banned Terrorist Entity Under Canadian Law

Iran Accountability Week – May 2019

c-catcanada.org





The Canadian Coalition Against Terror (C-CAT) is a policy, research and advocacy group committed to developing innovative strategies in the battle against extremism and terrorism. C-CAT is comprised of terror victims, counterterrorism professionals, lawyers and others dedicated to building bridges between the private and public sectors in this effort. C-CAT is the only advocacy group representing communities and faith groups across Canada, solely focused on counterterrorism advocacy.

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EXECUTIVE SUMMARY

1. The Islamic Revolutionary Guard Corps (IRGC)

Iran is the globe's most egregious state sponsor of terrorism. The regime allocates approximately \$16 billion annually to support terrorism.¹ The IRGC is responsible for executing the regime's terrorist exploits. The IRGC, in its entirety and from its inception, has supported and directly committed acts constituting "terrorist activity" under Canadian law. The budget of the IRGC is \$8.2 billion² with billions more from the IRGC's empire of licit and illicit business enterprises and industries including narcotics smuggling.³ The IRGC controls an expansive criminal, financial, and industrial empire accounting for between 20 to 40 percent of the Iranian gross domestic product by most estimates.⁴

Mohsen Sazegara, a founder of the IRGC, and now an Iranian dissident and a fellow at Harvard University, echoes many other experts in stating he doesn't know "of any other organization in any country like the Revolutionary Guards". Sazegara describes it as "something like the Communist Party, the KGB, a business complex and the mafia⁵ ... a kind of a government inside the government of Iran," that doesn't "answer to anybody."⁶

The IRGC is also directly complicit in the slaughter of half a million Syrians by the Assad Regime; has coordinated the assassination of Iranian dissidents abroad; has overseen the brutal repression of the Iranian people; and is responsible for the imprisonment or torture or death of Canadian citizens.

2. June 12, 2018 – Parliament Passes Motion to List the IRGC in its Entirety

Over the years there has been support for listing the IRGC from both Liberal and Conservative MPs. On June 12, 2018, Parliament passed a motion stipulating that Canada "immediately designate the Islamic Revolutionary Guard Corps as a listed terrorist entity under the Criminal Code of Canada".⁷ Shortly thereafter, Minister of Public Safety Ralph Goodale confirmed that the process has been initiated."⁸

3. No Legal Obstacle to Listing the IRGC under Canadian Law

The Criminal Code empowers the Governor in Council to create a list of entities that are treated as terrorist groups. The IRGC may be considered an "entity" for these purposes.

4. Listing the IRGC is Consistent with Canadian Policy on Terrorism

Listing the IRGC in its entirety is broadly consistent with: the foreign policy and human rights objectives of the current government and the official opposition; the existing IRGC sanctions regimes under the current Liberal government and its Conservative predecessor; the approach taken by both the current government and its predecessor in listing other terrorist entities; and with the recent findings of the Canadian courts.

FAQS - POLICY ISSUES

1. Is there a Canadian precedent for listing an entity like the IRGC which is ostensibly a state agency of a foreign country?

- a. **Policy Precedent** – As noted later in FAQ #5, there is no legal obstacle in the Criminal Code to defining the IRGC as an “entity” for the purposes of listing. Furthermore, the IRGC is not a normative state or military entity. It is a sui generis entity not really comparable to other state structures. (see Appendix). But however one might categorize the IRGC, current Canadian policy on Iran and that of the previous government, have already laid the policy groundwork for an IRGC listing.

Iran’s status under Canadian law is unique and is shared only with Syria. Both countries are currently listed in Canada as a “State Supporters of Terrorism” under the Justice for Victims of Terrorism Act (JVTA). This listing, recently reviewed and reconfirmed by the Foreign Minister, lifts their state immunity.⁹ This in turn allows these countries to be sued by terror victims in Canada, for supporting terrorism. (Victims in fact have successfully sued Iran and the IRGC in Canadian courts for several billion dollars under the JVTA. See Appendix.) If Canadian law enables the government of Iran and its agencies to be successfully sued for terrorism, it is hardly a radical departure from a policy perspective for those same agencies which the courts found legally liable for terrorism to now be listed as terrorist entities. In lifting this veil of state immunity, Canada has already placed Iran and the IRGC in a special category, now ***recognized as a matter of judicial findings of fact and conclusions of law***, already quite different from virtually all other state entities.

- b. **Legal Precedent** – The proposition that a state agency could be defined as a “terrorist organization” for certain legal purposes has precedent in Canadian jurisprudence, as demonstrated in the case of Mansour Ahani.

Mr Ahani was an Iranian national who acquired refugee status in Canada in 1991. CSIS was of the opinion that Ahani was an assassin working for the Iranian Ministry of Intelligence and Security (MOIS). Ahani later met with CSIS agents after a trip to Europe and allegedly admitted that he had met with a former MOIS associate. In June 1993, Canada issued a certificate declaring Ahani to be inadmissible both ***as a member of a terrorist organization*** and as one who there are reasonable grounds to believe has engaged or will engage in acts of terrorism or violence that “would or might endanger the lives or safety of persons in Canada.”¹⁰ In other words, the Canadian government deemed a state agency – in this case MOIS – to be a terrorist organization, and the Supreme Court of Canada upheld that decision.¹¹

2. Does listing the IRGC in its entirety compliment other related areas of related Canadian policy?

Yes. Listing the IRGC in its entirety is broadly consistent with: the publicly stated foreign policy and human rights objectives of the current government and the official opposition; the existing sanctions regimes of both the current Liberal government and its Conservative predecessor; the policies of both the current government and its predecessor in listing other terrorist entities; and with the recent findings of the Canadian courts.

The collective import of these factors establishes that the IRGC as a whole, is a legitimate and recognized target of sanctions within Canadian policy. As such, the proposed IRGC listing is hardly a radical departure from exiting policy. In fact, it is the failure to do so that seems to be a glaring inconstancy either political in nature and/or a function of bureaucratic reticence, rather than principled and practical policy making. The proposed listing should therefore be considered in the following context:

- a. **Publicly Stated Commitments of the Liberal Government** – The current government has committed as a matter of policy, to “hold Iran to account for human rights violations and to implement a robust sanctions regime.”¹² Most recently PM Trudeau and the vast majority of Liberal Ministers and MPs supported the passage of a Conservative motion on June 12, 2018, calling on the government to “immediately designate” the IRGC “as a listed entity under the Criminal Code of Canada”.¹³
- b. **The Iranian Regime as a Whole is Already Listed by Canada** – Iran is widely acknowledged as the globe’s preeminent state sponsor of terrorism and was listed as a “State Supporter of Terrorism” under the Justice for Victims of Terrorism Act (JVTA). The bill was passed by the Harper government in 2012 and supported by the Hon. Irwin Cotler former, former Liberal MP and Minister of Justice. The law requires the Minister of Foreign Affairs to review the list of State Supporters of Terrorism every two years to determine “if there are still reasonable grounds for the foreign state set out on the list to remain set out on the list”. The first listing of Iran and Syria under the JVTA was in 2012 under the Conservative government. Another review was conducted by the current Liberal government, and on July 1, 2017 the Canada Gazette reported that the Foreign Minister had determined that Canada would continue listing Iran and Syria as a “State Supporters of Terrorism”.¹⁴
- c. **Existing Canadian Sanctions on the IRGC** – Canada has already imposed limited sanctions on various IRGC branches and individuals under the Special Economic Measures Act (SEMA) and has banned the IRGC’s Quds Force (QF) as a terrorist entity under the provisions of the Criminal Code.

d. **Canadian Courts and the IRGC** – Terror victims sued Iran under the JVTA, and in 2018 won a multi-billion-dollar judgment against the Iranian regime and the IRGC. The court gave its approbation to the intent and method of the JVTA and to the use of civil litigation against terrorism. It also confirmed the culpability of Iran and the IRGC for terror sponsorship as a matter of judicial findings of fact and conclusions of law. American courts have also found the IRGC in its entirety to be liable for multiple acts of terrorism. (See Appendix)

e. **Canada, Venezuela, and the IRGC** – Canada has taken a strong frontline position in the international coalition of countries opposing Venezuelan dictator Nicolas Maduro. But the IRGC and Hezbollah are intervening to undermine this effort. Iran and its terrorist proxies became entrenched in Venezuela under the rule of Venezuela’s previous President Hugo Chavez, although a strong Hezbollah support network has existed in Venezuela since the 1990’s. But under Maduro this relationship has only deepened. The cooperation between the Iranian and Venezuelan regimes is extensive:



“Iran is playing a far larger role in designing Venezuela’s security structure than is commonly known,” says James Humire, a Washington-based policy analyst who lectures on Latin America.¹⁵ Adm. Craig S. Faller, Commander of U.S. Southern Command, testified similarly before the Senate Armed Services Committee in February 2019 explaining that “Iran has ... exported its state support for terrorism into our hemisphere.”¹⁶

According to Martin Rodil, an expert in Latin American politics, Venezuela agreed to provide Iran with “intelligence infrastructure such as arms, identification documents, bank accounts, and pipelines for moving operatives and equipment between Iran and Latin America.”¹⁷

At a recent U.S. Congressional hearing, Humire presented a list of over 2,000 Venezuelan passports issued to suspected members of Hezbollah, Hamas and other Iranian-supported Islamist group.¹⁸

Maduro’s industry minister and former vice president Tareck El Aissami, a close confidant of Maduro, is under U.S. indictment for funding Hezbollah with proceeds from a Venezuela-based drug trafficking ring. According to a report in the New York Times,¹⁹ Aissami has played a critical role in embedding Hezbollah in Venezuela. “Maduro is relying on El Aissami to tighten the regime’s grip on power. As it turns out, that is in no small part thanks to his Iran and Hezbollah connections.... For Iran and Hezbollah, Bolivarian continuity in Venezuela is crucial to their ongoing Latin American operations, of which Caracas is a springboard to the rest of the region. For Maduro, Tehran represents a key security guarantee for his regime’s survival.”²⁰

In 2017 “Brig. Gen. Mohammad-Reza Naqdi, the new cultural adviser to the Iran Revolutionary Guard Corps (IRGC) chief commander and a former chief of the IRGC’s Basij militia, announced that a Latin American team visited Iran to learn how to form a Basij-like mobilization force, praising “Iran’s perseverance and success.” Naqdi did not disclose further details about where this delegation came from, but Venezuela is a likely candidate.”²¹

Margarita Island off the Caribbean coast of Venezuela serves as a hub for drug trafficking and Hezbollah as well as other Islamist extremists such as Hamas.²²

Given the import of the IRGC’s support for the Maduro regime, Canada’s failure to act against the IRGC will only further enable and empower the IRGC’s efforts in Venezuela to crush the Venezuelan opposition. It will only further facilitate the Iran-Venezuela axis with significant implications for Canada’s human rights and counterterrorism policies, and for the security of entire western hemisphere.

3. But if Canada has already sanctioned the IRGC’s Quds Force (QF), is it still necessary for Canada to list the IRGC in its entirety?

Listing the IRGC’s Quds Force as a terrorist entity while refraining from listing the IRGC in its entirety, is not consistent with Canadian policy on Iran, the IRGC and terror financing, nor is it reflective of or justified by, the structural or operational realities of the IRGC. Furthermore, listing the IRGC’s QF which facilitates Iran’s terrorist foreign policies abroad, without targeting the IRGC’s vast economic, educational and political infrastructure that supports and underpins the QF itself, greatly diminishes the import and impact of the QF listing and legitimizes the IRGC’s overt support of QF terrorism. Consider the following points regarding the IRGC’s support of terrorism:

a. The IRGC and the IRGC-QF are an Integrated Whole

The IGRC, while comprised of multiple departments, is an integrated single entity with a defined independent command structure largely autonomous from other government agencies, committed to a very specific constitutional mandate distinct from that of the regular armed forces of Iran known as the Artesh. (see Appendix)

The QF is not a separate body from the IRGC and has never claimed to be so. It is a specialized arm of that entity. The QF recruits its manpower from the broader ranks of the IRGC²³ and as witnessed in the Syrian civil war, QF and IRGC units operate in tandem, with personnel “routinely rotating back and forth within one command structure”.

Some experts have surmised that there is in fact little real difference between members of the QF Staff and the Guard Corps General Staff. The commanders of the Intelligence, Operations, and Training directorates, for instance, are among the QF’s key commanders.²⁴ Furthermore, the QF functions through and within the broader and expansive rubric of the IRGC’s relationship and integration with other state institutions.²⁵ In particular, the QF’s works closely with IRGC’s intelligence branch,²⁶ which also operates abroad.²⁷

b. **The IRGC *in its entirety* has supported and directly committed acts considered “terrorist activities” under Canadian law**

Even if one were to accept the spurious argument that the QF is somehow a separate entity, structurally, operationally and financially distinct from the IRGC as a whole, the IRGC’s broader activities irrespective of the QF, still constitute terrorist activity under the law:

The IRGC and Terror Finance – Aside from the billions of dollars allocated annually by Iran to the IRGC, the Guards generate billions of dollars in revenue through a vast independent empire of legal and black-market industries including narcotics smuggling²⁸, and they control nearly 40% of Iran’s economy. According to Iran expert to Saeed Ghasseminejad “The IRGC is the main player in Iran’s underground economy, which is a valuable source of income for the Guards. This income provides the Guards with financial independence from Iran’s civil politicians.”²⁹ The QF plays only a small role in this business empire used to fund the terrorist activities of the QF and the IRGC as a whole. Former U.S. Senator Jon Kyl was therefore absolutely correct in stating that it is an error to list the QF and the IRGC in its entirety as a terrorist entity: “[It is] like saying the Mafia isn’t really responsible for what the Mafia does; it is only their hit men. The QF is the group of hit men for this entity. This entity is clearly the overall entity responsible for this action, and it is the entity that engages in the economic activity which supplies the financial resources to the Quds Force.”³⁰



(Photo by STR/AFP via Getty Images)

Precedents in Canadian Law – Canada has rightly banned terror groups like Hezbollah and Hamas in their entirety. Canadian lawmakers from both sides of the isle have wisely rejected the argument that the political wings of these groups are not inherently part of the structural continuity of these terrorist entities. Recently the UK, followed suit. London which had banned only the military wing of Hezbollah, changed its position and banned Hezbollah in entirety, recognizing that these terrorist entities are an integrated whole committed to a mandate of terrorist ideology and activity. The IRGC is no different in this respect. The IRGC in its entirety, is ideologically committed to establishing Iran as a regional and global power through subversion and terror. Its atrocities have rivaled or exceeded the exploits of most, if not all, of the terrorist organizations presently listed by Canada. Refusing to list the IRGC in its entirety therefore is to legitimize and enable the terrorism committed by the IRGC or any of its agencies or proxies.

c. The IRGC's broader involvement in terror well predates the founding of the QF in 1990. A few examples are listed below:

- + In 1979 the IRGC massacred in the Kurdish village of Naqada killing more than 900 people mostly women and children.³¹
- + In 1980, the IRGC was put in charge of foreign terrorist operations by the Ayatollah Khomeini when the "department for Liberation Movements" was placed under IRGC tutelage;³²
- + In the 1980s the IRGC orchestrated the kidnappings of Western hostages in Lebanon (and according to former CIA agent and TIME correspondent Robert Baer, kidnapped U.S. citizens were actually held at IRGC's Shaykh Barracks in the Baalbek);³³
- + The 1983 Hezbollah (created and funded by the IRGC) bombed the U.S. embassy in Beirut in 1983 killing 23 and injuring 21;³⁴
- + The 1984 Hezbollah hijacking of Kuwait Airlines flight 221 killing 2 passengers;³⁵
- + 15 separate bombings in Paris in 1985-86;³⁶
- + The 1985 Hezbollah hijacking of TWA flight 847 in 1985 murdering 1 passenger;³⁷
- + The 1988 Hezbollah hijacking of Kuwait Airlines flight 422;³⁸

- + Evidence has also emerged over the last years that strengthens connections between the IRGC and the 1988 bombing of Pan Am flight 103, which killed all 270 passengers.³⁹
- + Even in the aftermath of the establishment of the QF in 1990, non-Quds IRGC leaders have continued to be involved in terrorism including IRGC official Maj.-General Mohsen Rezai. He is sought by Argentina in connection to the 1994 attack on the AMIA Jewish community centre which killed 85 people and injured 300.⁴⁰

4. Has the IRGC injured Canadians?

Yes. Canada is host to victims of IRGC aggression and violence. Some are members of Iranian ex-pat community now living in Canada, while others have suffered arrest, imprisonment, torture or death at the hands of the IRGC and its terrorist proxies.

FAQS - LEGAL ISSUES

1. How would the IRGC become a listed terrorist entity under the Criminal Code?

Section 83.05 of the Criminal Code empowers the Governor in Council (i.e. the Cabinet) to create by regulation a list of entities that are to be considered terrorist groups. The Criminal Code makes it a criminal offense to have financial dealings with those entities, as well as to participate in, contribute to, facilitate and enhance their terrorist activities.

Section 83.05 provides that an entity can be listed when there are “reasonable grounds to believe that”:

(a) the entity has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity; or

(b) the entity is knowingly acting on behalf of, at the direction of, or in association with an entity referred to in paragraph (a)

The criminal and/or security intelligence reports are submitted to the Minister of Public Safety for consideration. If the Minister “has reasonable grounds to believe” that the above test is met, the Minister can make a recommendation to the Governor in Council to place the entity on the list. If in turn the Governor in Council is satisfied that there are reasonable grounds to believe that the above test has been met, the entity may be placed on the list.

6. What standard of proof is required to list a terrorist entity?

The Minister of Public Safety and the Governor in Council must have **reasonable grounds to believe** that the entity has carried out, attempted to carry out, participated in or facilitated a terrorist activity, or is knowingly acting on behalf of, at the direction of, or in association with such an entity. "The standard of 'reasonable grounds to believe' is greater than reasonable suspicion but less than on a balance of probabilities when the totality of the circumstances are considered."⁴¹

7. What are the legal consequences of being listed?

Being listed places such an entity within the Criminal Code definition of a "terrorist group", which is defined in section 83.01(1) as:

(a) an entity that has one of its purposes or activities facilitating or carrying out any terrorist activity, or

(b) a listed entity and includes an association of such entities.

The legal consequences of being listed include:

- The entity's property can be the subject of seizure, restraint and/or forfeiture.
- Institutions such as banks, credit societies, trust companies and loan companies are subject to reporting requirements with respect to an entity's property and must ensure they are not in possession or control of property owned or controlled by or on behalf of a listed entity.
- It becomes illegal to knowingly participate in or contribute to any activity of the listed entity for the purpose of enhancing its ability to facilitate or carry out a terrorist activity.
- It becomes illegal for a person to knowingly instruct another person to carry out any activity for a listed entity for the purpose of enhancing the ability of the listed entity to carry out a terrorist activity.
- The Criminal Code also prohibits anyone from providing, collecting or making available property or other financial services, intending or knowing that it will be used to carry out terrorist activity or to benefit a terrorist group (which includes a listed entity).
- The legal consensus for listing under the Criminal Code provisions are more severe than listing under SEMA (Special Economic Measures Act). A breach of the Criminal Code provisions, for instance, can lead to a fine of up to \$100,000 and imprisonment for up to 10 years, compared to a fine of up to \$25,000 and imprisonment for up to five years for a breach of SEMA sanctions.

8. Should the IRGC be considered an “entity” for the purposes of listing under the Criminal Code?

Yes. Section 83.01(1) of the Criminal Code defines “entity” as “a person, group, trust, partnership or fund or an unincorporated association or organization.” In other words, “entity” is a broadly inclusive term that should be understood to cover anything from a single individual to a broad array of structures or groupings. This definition may therefore include virtually anyone or any type of grouping that engages in or supports acts of terror that the Criminal Code seeks to prevent and deter.

The IRGC is such a group, which includes within it a variety of structures such as: military units, financial structures, paramilitary and unofficial policing and enforcement entities (used to suppress dissent), cultural associations, multi-billion dollar “charitable” bodies (called “bonyards”) that might be considered similar to trusts, and criminal organizations involved in transnational crime.

Given the apparent intent of Part II.1 of the Criminal Code to prevent acts of terrorism – in part by proscribing financial relationships with those who engage in acts of terror – the law should not allow Canadians to enable terrorist activity through financial dealings with the IRGC either as a “group” or with its personnel as individuals, or with any of its affiliated structures or businesses.



(Photo by Salampix/Abaca/Sipa USA)(Sipa via AP Images)

APPENDIX

What is the IRGC? – Quote Unquote

The autonomy and sui generis structure and mandate of the IRGC has been described in a variety of ways:

IRAN'S SUPREME LEADER ALI KHAMEINI

"Today the IRGC has a determining effect on all international political balances and calculations... If one day this corps ceases to exist in our society, the authority of our Islamic Revolution shall collapse, and the calculations of global politics will be upset."⁴²

MOHSEN SAZEGARA

(IRANIAN DISSIDENT, FELLOW AT HARVARD UNIVERSITY, FOUNDING MEMBER OF THE IRGC)

"And now, the Revolutionary Guard is something really strange. It's an organization which is like a political party because they have 80 seats in the parliament; they have more than half of the members of the cabinet. They are like the KGB because they have secret services, and they act like that. And they are like a cartel or trust." ... "Now, the Revolutionary Guard has been converted into a kind of organization, a kind of government inside the government of Iran."⁴³

U.S. DISTRICT JUDGE ROYCE LAMBERTH

(BLAIS V. ISLAMIC REPUBLIC OF IRAN IN 2006)

"...the IRGC is a non-traditional instrumentality of Iran. It is the military arm of a kind of shadow government...It is similar to the Nazi party's SA organization prior to World War II. The IRGC actively supports terrorism as a means of protecting the Islamic revolution ... It has its own separate funding sources..."⁴⁴

FRANCIS FUKUYAMA

(DEAN OF THE SCHOOL OF ADVANCED INTERNATIONAL STUDIES, JOHNS HOPKINS UNIVERSITY)

"...Rafsanjani and the Supreme Leader Ayatollah Ali Khamenei have allowed the IRGC to grow into a semi-autonomous state-within-a-state."⁴⁵

DR. BRUCE TEFFT

(FOUNDING MEMBER OF THE CIA'S COUNTER TERRORISM CENTER)

[The IRGC is] ... an organization that probably does not have a counterpart in the Western world, per se. The closest metaphor I could give you probably would be the Brown Shirts, the SA of the Nazi Party during World War II."⁴⁶

ALI ALFONEH⁴⁷

(THE AMERICAN ENTERPRISE INSTITUTE)

[The IRGC]: "There are no checks and balances."⁴⁸

ROBIN HUGHES

(DEPUTY EDITOR OF JANE'S DEFENSE WEEKLY)

"All the money that's coming in serves to make them the most powerful force in Iran... And what's important about that is that there is no oversight body."⁴⁹

MEHDI KHALAJI

(SHIITE THEOLOGIAN AND FELLOW AT THE WASHINGTON INSTITUTE FOR NEAR EAST POLICY)

Following the end of the Iran-Iraq War in 1988, the Majlis [Iranian parliament] enacted legislation permitting the IRGC to use "its engineering capability in rebuilding the country's economy." However, no oversight body exists with the capability of supervising the Revolutionary Guards' economic activities.⁵⁰

RAND CORPORATION CONFERENCE

The IRGC: "the only institution in Iran capable of both enforcing and breaching any red lines."⁵¹

WILFRIED BUCHTA

(ISLAMIC EXPERT, SENIOR POLITICAL AFFAIRS OFFICER FOR THE UN MISSION IN IRAQ)

"Clearly the IRGC is among the most autonomous power centers in Iran and it has resisted any subordination to any civilian authority from the presidential executive to the clerical control apparatus embodied in the Supreme Leaders representatives."⁵²

RAND CORPORATION

(NATIONAL DEFENSE RESEARCH INSTITUTE)

“[The IRGC] has evolved well beyond its... foundations as an ideological guard for the... revolutionary regime. Today, the IRGC functions as an expansive socio-political-economic conglomerate whose influence extends into virtually every corner of Iranian political life and society... [It can be seen] less as a traditional military entity wielding a navy, ground forces, air force, and a clandestine paramilitary wing...and more as a domestic actor... [t]he IRGC may be more profitably viewed as a deeply entrenched domestic institution. Arguably, this internal role overshadows its significance as a purely military force.”⁵³

DR. MAGNUS RANSTORP

(WORLD RENOWNED EXPERT ON HEZBOLLAH, CENTRE FOR ASYMMETRIC THREAT STUDIES (CATS), NATIONAL DEFENCE COLLEGE, SWEDEN)

“Despite attempts by Iran’s clerical establishment to impose a degree of clerical control over the Pasdaran [IRGC]... [its] semi-institutional autonomy from the civilian leadership in Iran has meant that Hizb’allah has been able to resist attempts at cooption by Iran through support of the IRGC. Attempts by Iranian political leaders to exert pressure on the IRGC contingent in Lebanon were unsuccessful...The lack of control by Iran’s political leadership over IRGC support for Hizb’allah was clearly revealed.... [i]t enabled Hizb’allah to exercise a certain amount of independence, at times in violation of specific orders....”⁵⁴

HOOSHANG AMIRAHMADI

(DIRECTOR OF THE CENTER FOR MIDDLE EASTERN STUDIES AT RUTGERS UNIVERSITY)

“The actions of the [IRGC’s] Quds Force are not necessarily ordered by Ayatollah Khomeini, and the Supreme Leader may not even get reports of all its actions... The Iranian government is a very loose grouping of power centers,” blurring lines of control and authority.”⁵⁵

MAJ.-GEN. ALI JA’FARI

(FORMER IRGC COMMANDER IN CHIEF)

“[It] is not solely a military organization” but “also a political and ideological organization.”⁷¹

IS THE IRGC A NORMATIVE STATE ENTITY?

(published April 2010)

The autonomy and sui generis structure and mandate of the IRGC has been described in a variety of ways:

“Never solely a military organization in the traditional sense”⁵⁶

There is much debate as to what the IRGC actually is and how to define it. Its involvement in combat roles similar to those of the armed forces of Iran or any other country is not in question. But this military function is not fully representative of the IRGC’s mandate, activities or identity – either as formally designated or as self proclaimed. The IRGC is unique among state structures insofar as it is defined by its lack of definitional and legal limitations, allowing it to be many things concurrently – thereby rendering it something other than just a branch of Iran’s armed forces. A closer examination of the IRGC’s mandate, the mechanisms that govern its implementation and the scope of its activities bears this out:

a. **An Ideological Mandate**

The IRGC only came into existence in the aftermath of the Islamic Revolution in 1979. It was not a revolutionary army similar to the ALN in Algeria or the Vietcong in Vietnam. It was not an existing fighting force that was co-opted or merged into the conventional military structures in the aftermath of a successful revolution.⁵⁷ The IRGC was established after the Revolution as the ideological guard for the nascent revolutionary regime.⁵⁸ In Article 150 of the Constitution, the IRGC is given the task of “protecting the revolution and its achievements.”⁵⁹ The IRGC itself has summarized its role, defining the two main tasks of the IRGC as “guarding the principle of government by the Supreme Jurist and the principle of jihad.”⁶⁰ This is hardly a normative military mandate in any conventional sense of the word. Nowhere does the Constitution define the enemies against which the IRGC is obliged to guard the revolution. It is even unclear whether the IRGC’s primary role is to be a defense against external threats (in which case it should act as an army) or internal threats (in which it might act as a police force).⁶¹

Notably, the initial structure and operational behavior of the IRGC indicates that this body was never intended to be a normative military institution. At its inception it numbered only a modest 10,000 men, dedicated primarily to restoring order in the country and dampening counter-revolutionary trends in Iran.⁶² Indeed, many of its initial activities had less to do

with fighting to defend the new order, and more to do with guarding key personnel of the new regime, monitoring citizens' activities, enforcing the Islamic dress code, and seizing material not favored by the regime.⁶³ Even when it did act in a military capacity shortly after its inception, the IRGC's military theory and practice deviated from most (if not all) norms of conventional military thinking. This is reflective of a sui generis ideological mandate as opposed to a normative military mandate. This was clearly evident during the Iran-Iraq War.⁶⁴

b. An Ever-Expanding Mandate

Although the IRGC evolved into, among other things, a more formal military force as a result of the Iran-Iraq War,⁶⁵ the IRGC was not tasked originally with the conventional military role of Defending the territory of the Islamic Republic. Rather, that was left to Iran's conventional military forces in Article 143.⁶⁶ The IRGC was charged primarily with protecting not Iran's people or borders, but the Revolution and its ideals. It is precisely this separation of purpose, both in mandate and practice, which existed from the adoption of the Constitution and makes the IRGC a unique institution and an all-pervasive entity in the enforcement and propagation of the regime's policies both domestically and globally.⁶⁷ This mandate is far too expansive for any normative military body. It is almost borderless, essentially allowing the IRGC to take on whatever role is necessary to "protect the revolution".⁶⁸ As described in a recent report from the RAND Corporation:

[The IRGC] has evolved well beyond its original foundations as an ideological guard... Today, the IRGC functions as an expansive socio-political-economic conglomerate whose influence extends into virtually every corner of Iranian political life and society... [It should be viewed] less as a traditional military entity wielding a navy, ground forces, air force, and a clandestine paramilitary wing... and more as a domestic actor.... [t]he IRGC may be more profitably viewed as a deeply entrenched domestic institution. Arguably, this internal role overshadows its significance as a purely military force.⁶⁹

The IRGC was never established as conventional armed forces and has not acted as such. The military aspect is just one dimension and expression of the very broad ideological mandate that has grown to include: a vast industrial enterprise; the running and controlling of elections; the enforcement of Islamic dress codes; and the owning and running of prisons, hospitals universities and eye clinics. The IRGC's commander in chief, Maj.-Gen. Ali Jaf'ari, seems to concur: "[the IRGC] is not solely a military organization" but "also a political and ideological organization."⁷⁰ Defining the IRGC as a "branch of the armed forces" of another country is a true misnomer. It is more like Hezbollah or Hamas, which are ideologically-based organizations that develop military, social and cultural capacities to advance their ideological agenda. Like so many other facets of Iran's infrastructure and policy, the IRGC is sui generis and defies any single definition. Mohsen Sazegara, a prominent Iranian dissident presently a fellow at Harvard and a founding member of the IRGC, put it as follows: "I don't

know of any other organization in any country like the Revolutionary Guards. It's something like the Communist Party, the KGB, a business complex and the mafia."⁷¹

Why should Canadian policy makers protect the IRGC from being listed as a terrorist entity when the organization itself and the Constitution mandating its existence clearly do not limit or define the IRGC as being a normative military entity? It is an error to be handcuffed by conventional terminology about the armed forces of other nation states when formulating policy related to the IRGC.

c. The IRGC – Rogue or State Agent?

Should the IRGC in fact be viewed as a state actor? This has been a subject of debate, with the IRGC being described alternately as acting in both rogue and state capacities. Neither categorization is accurate.⁷² Although the IRGC is clearly part of the formal governmental structure of Iran and constitutionally answerable to the Supreme Leader, the IRGC often acts autonomously, remaining largely unaccountable politically, financially and legally for its actions.

Ultimately, it must be argued that given the level of operational control, independence from government hierarchy, and economic self sufficiency,⁷³ the IRGC has more than sufficient autonomy from government control and accountability to be considered a non-state actor for the purposes of listing it as a terrorist entity in Canada. Like any terrorist organization, it is an ideologically driven entity that engages in acts of terrorism on its own volition. The fact that the IRGC also executes other tasks on behalf of the government does not alter that fact. It simply makes it into a hybrid that has more accurately been described by James Russell⁷⁴ and others as a quasi-governmental organization.⁷⁵

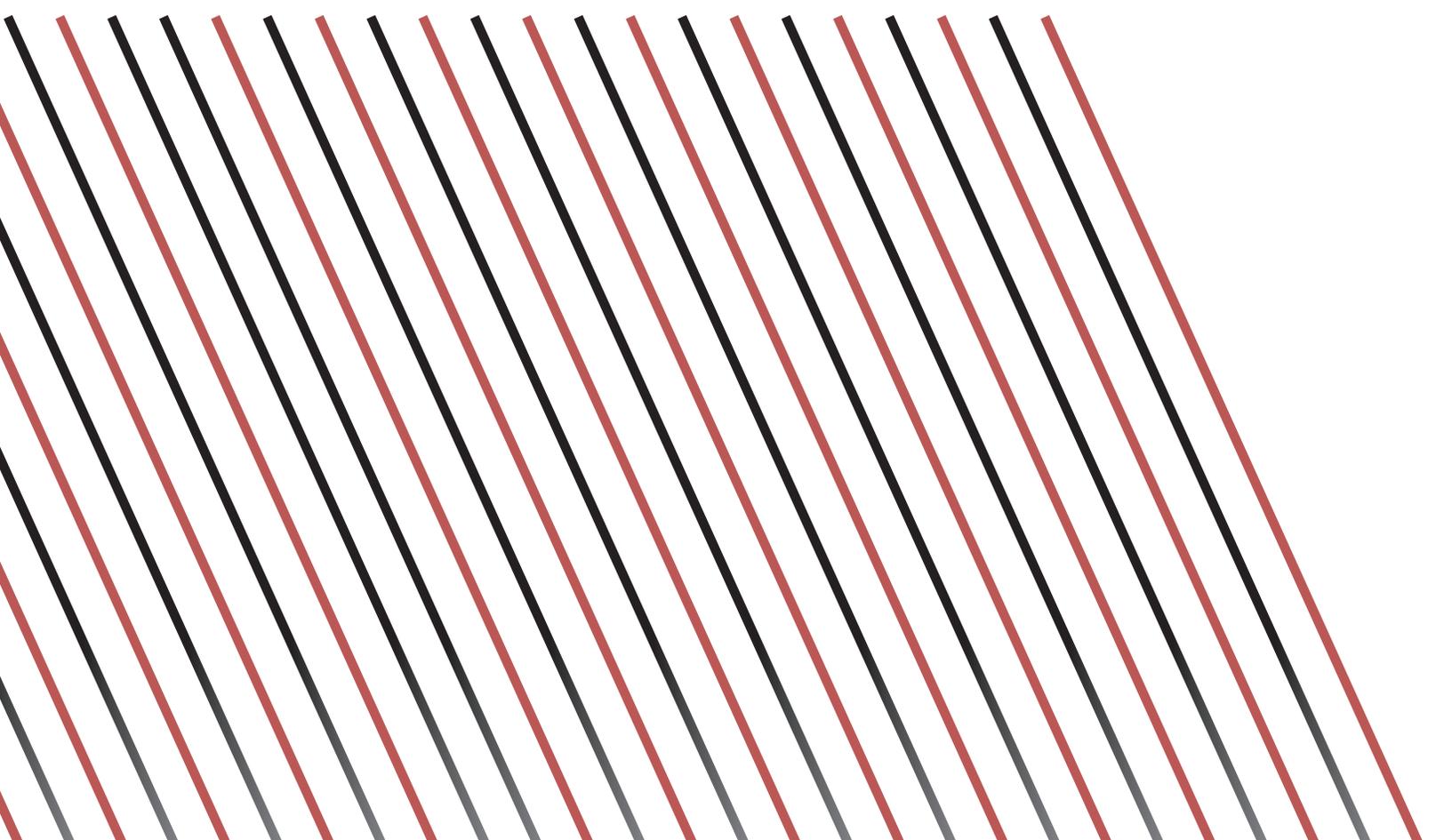
Quasi-governmental entities (which also include quasi non-governmental entities) have been the subject of research, and in a Congressional Research Service report they are defined as hybrid organizations that have been assigned by law or by general practice some of the legal characteristics of both the government and private sectors.⁷⁶ But given its sui generis mandate and the breadth and depth of the IRGC's power and autonomy, it would fall into a category of quasi-governmental or non-governmental organization that is unlike any other. The IRGC's unusual category of agency was also the finding of U.S. District Judge Royce Lamberth in *Blais v. Islamic Republic of Iran* in 2006:

...the IRGC is a non-traditional instrumentality of Iran. It is the military arm of a kind of shadow government...It is similar to the Nazi party's SA organization prior to World War II. The IRGC actively supports terrorism as a means of protecting the Islamic revolution that brought the Ayatollah to power in Iran in 1979. It has its own separate funding sources....⁷⁷

Other experts like Dr. Magnus Ranstorp, a world-renowned expert on Hezbollah, have described the IRGC as having “semi-institutional autonomy”:

Despite attempts by Iran’s clerical establishment to impose a degree of clerical control over the Pasdaran [IRGC]... [its] semi-institutional autonomy from the civilian leadership in Iran has meant that Hizb’allah has been able to resist attempts at cooption by Iran through support of the IRGC. Attempts by Iranian political leaders to exert pressure on the IRGC contingent in Lebanon were unsuccessful... The lack of control by Iran’s political leadership over IRGC support for Hizb’allah was clearly revealed... [i]t enabled Hizb’allah to exercise a certain amount of independence, at times in violation of specific orders....⁷⁸

As evidenced in this quote, the IRGC’s “semi-autonomy” from Iranian authority⁷⁹ also significantly increases IRGC culpability for the actions of terrorist organizations like Hezbollah that it supports. This “semi-autonomy” has in essence made the IRGC an independent patron of Hezbollah, whose terrorist exploits sometimes stem directly and independently from the IRGC and not from Iran. One could even conclude that given the IRGC’s level of collusion with Hezbollah and its independence from Iranian authority in directing its activities, the IRGC and Hezbollah could be considered full partners of an independent terrorist entity.⁸⁰



WHAT DO THE CANADIAN COURTS HAVE TO SAY ABOUT IRAN AND THE IRGC?

Tracy v. Iran Series of Cases

The Court Dismisses Iran's appeal Against the JVTA

Quotes from Justice C. William Hourigan in Tracy v. Iran 2017 ONCA 549:

Iran's Arguments "Designed Solely to Frustrate Parliament's Intentions"

"I am satisfied that if these submissions [by Iran] were accepted they would have the effect of rendering enforcement actions under the JVTA a cumbersome and largely unworkable process that would provide very limited rights of recourse to victims of terrorism. Indeed, Iran advances several arguments that appear designed solely to frustrate Parliament's intention and the proper operation of the JVTA. That result is, of course, contrary to the stated purpose of the JVTA and the clear wording of the statute. Accordingly, I would dismiss the appeals..."

"Awarding damages that may have a deterrent effect is a sensible and measured response to the state sponsorship of terrorism and is entirely consistent with Canadian legal morals"

"The terrorist attacks out of which the respondents' U.S. judgments arise are repugnant to civilized society. The fact that a foreign government would engage in the sponsorship of such atrocities is chilling.... There is nothing offensive about using peaceful legislative means to combat terrorism.... To the contrary, awarding damages that may have a deterrent effect is a sensible and measured response to the state sponsorship of terrorism and is entirely consistent with Canadian legal morals."

"Iran appears to have been gaming the process."

"Iran was properly served and ultimately chose to effectively take its chances with the court process by not responding to the claims and waiting to have them set aside on a subsequent motion. I agree with the motion judge's observation ... that Iran appears to have been gaming the process."

IS THERE A HISTORY OF SUPPORT WITHIN THE LIBERAL PARTY FOR LISTING THE IRGC AS A TERRORIST ENTITY UNDER THE CRIMINAL CODE?

Yes. Here a few examples:

- a. **(June 11, 2018) – PM Trudeau and the vast majority of Liberal Ministers and MPs** supported the passage of a Conservative motion on June 11, 2018 calling on the government to “immediately designate the Islamic Revolutionary Guard Corps as a listed entity under the Criminal Code of Canada”.
- b. **(Jun. 14, 2018) – Minister of Public Safety Ralph Goodale:**
Liberal MP Michael Levitt tweeted that: “Earlier today I sent the following letter to @RalphGoodale asking him to initiate the formal process for listing the #IRGC as a terrorist entity in Canada, further to the House motion on #Iran adopted on Tuesday. He has confirmed that the process has been initiated.”⁸¹
- c. **(Feb. 19, 2019) – The Government responded in the Senate** to a question raised by the Hon. David Tkachuk: “Since the June 2018 House of Commons motion was passed, which called for, among other actions, the listing of the IRGC as a terrorist entity under the Criminal Code, PS portfolio officials and their colleagues from other Governmental departments have been examining the options available to the Government of Canada.”⁸²
- d. **(Jan. 21, 2012) – Former Minister of Justice, the Hon. Irwin Cotler** wrote that “It is regrettable that Canada continues to dither with regard to listing it as a terrorist entity.... I introduced legislation in this regard several years ago, and have called on the Canadian government to list the IRGC as a terrorist entity both in Question Period and during House debate. ... Frankly, the IRGC’s well-documented international criminality should have been evidence enough of the need for the Canadian government to act.”⁸³
- e. **(Dec. 9, 2009) – Liberal Foreign Affairs Critic Bob Rae stated** that “The Liberal Party of Canada, through the Hon. Bob Rae, Official Opposition Critic for Foreign Affairs, and Mark Holland, Official Opposition Critic for Public Safety, has called on the ... government to... designate the IRGC as a terrorist organization immediately.”⁸⁴

Rae: “The government’s decision to list the Islamic Revolutionary Guard Corps’ Qods Force under Canada’s Anti-terrorism Act is long overdue, but still falls short of comprehensive action. For years, the Liberal Party of Canada has joined with communities across Canada calling on the Harper Conservatives to list the entire IRGC as a terrorist entity, and this government still refuses to do so.”⁸⁵
- f. **(Dec. 4, 2009) – Liberal Public Safety Critic Mark Holland** stated that “It’s time for Canada to speak out against the IRGC and push the rest of the world to follow. We strongly urge the Harper government to make this official designation immediately.”⁸⁶

ENDNOTES

¹ <https://www.fdd.org/analysis/2018/01/10/iran-spends-16-billion-annually-to-support-terrorists-and-rogue-regimes/>

² Ibid.

³ <https://www.fdd.org/analysis/2019/04/08/the-revolutionary-guards-disinformation-campaign-to-dominate-irans-economy/>; <https://www.thetimes.co.uk/article/irans-elite-guard-runs-global-crime-network-pushing-heroin-to-west-nd9bjv3xxrz>

Iran's interior minister recently declared that the value of narcotic drug sales in Iran is \$3 billion per year, not including commission from transporting the drugs from Afghanistan to other transit points, like the Balkans. The US Department of the Treasury has placed Quds Force Commander Esmail Baghbani on the US sanctions list for his role in drug trafficking. The IRGC also has close ties with the drug cartels in the South and Central America through Hezbollah.

⁴ <https://www.fdd.org/analysis/2019/04/12/hold-irgc-accountable-for-targeting-u-s-troops/>

⁵ Quoted in "Iran's Revolutionary Guards", Council on Foreign Relations, by Greg Bruno, June 22, 2009.

⁶ "Revolutionary Guard Wields Power Inside and Outside Iran", by Gary Thomas, Voice of America, April 17, 2007, <http://www.sazegara.net/english/archives/news-links/>; Iran's Revolutionary Guard Branches Out", by Kim Murphy, Los Angeles Times, August 26, 2007, reprinted in the Seattle Times, http://seattletimes.nwsourc.com/html/nationworld/2003855126_iranguard27.html; "The Evolution of Iran's Revolutionary Guard" by Renee Montagne, NPR, April 5, 2007; <http://www.npr.org/templates/story/story.php?storyId=9371072>.

⁷ <https://openparliament.ca/debates/2018/6/11/garnett-genuis-1/>

⁸ <https://twitter.com/LevittMichael/status/1007345182000472065>

⁹ <http://www.gazette.gc.ca/rp-pr/p1/2017/2017-07-01/pdf/g1-15126.pdf>

¹⁰ Ahani v.Canada (Minister of Citizenship and Immigration), 2002 SCC 2, [2002] 1 S.C.R. 72. <http://www.canlii.org/en/ca/scc/doc/2002/2002scc2/2002scc2.html>

¹¹ <https://www.canlii.org/en/ca/scc/doc/2002/2002scc2/2002scc2.html>

¹² https://www.international.gc.ca/gac-amc/publications/plans/dp-pm/dp-pm_1819.aspx?lang=eng

¹³ <https://openparliament.ca/debates/2018/6/11/garnett-genuis-1/>

¹⁴ <http://www.gazette.gc.ca/rp-pr/p1/2017/2017-07-01/pdf/g1-15126.pdf>

¹⁵ <https://www.iranfocus.com/en/iran-general-mainmenu-26/33459-new-air-route-sparks-concern-over-iran-influence-in-venezuela>

¹⁶ <https://en.radiofarda.com/a/would-a-new-venezuelan-government-kick-out-hezbollah-/29765060.html>

¹⁷ <https://en.radiofarda.com/a/would-a-new-venezuelan-government-kick-out-hezbollah-/29765060.html>

¹⁸ <https://www.voanews.com/a/new-air-bridge-reflects-iran-s-growing-influence-in-venezuela/4876719.html>

¹⁹ <https://www.nytimes.com/2019/05/02/world/americas/venezuela-maduro-hezbollah-drugs.html>

²⁰ <https://thehill.com/blogs/pundits-blog/international/314283-meet-venezuelas-new-vp-a-hezbollah-fan>

²¹ <https://thehill.com/blogs/pundits-blog/international/314283-meet-venezuelas-new-vp-a-hezbollah-fan>

²² "Venezuelan Ties to Hezbollah", ICT database Staff, IDC Herzliya – ICT (International Institute for Counter-Terrorism), August 14, 2008, <http://www.ict.org.il/NewsCommentaries/Commentaries/tabid/69/Articlsid/477/currentpage/5/Default.aspx>; <https://en.radiofarda.com/a/would-a-new-venezuelan-government-kick-out-hezbollah-/29765060.html>; <https://www.gatestoneinstitute.org/2285/isla-de-margarita-venezuela-hosts-hezbollah>;

²³ Buchta, P. 164; see also the Iran Terror Database, <http://www.iranterror.com/content/view/28/42/>; and Abbas Milani, director of Iranian studies at Stanford University, quoted in "Iranian Force, Focus of U.S., Still a Mystery", by Scott Shane, New York Times, February 17, 2007.

²⁴ Iran Terror Database, <http://www.iranterror.com/content/view/28/42/>

²⁵ "Iran's Revolutionary Guards, the Al Quds Force, and Other Intelligence and Paramilitary Forces", Rough Working Draft, P. 7, by Anthony H. Cordesman, Center for Strategic and International Studies, August 16, 2007: "It has often difficult to separate the activities of the IRGC, the Vezarat-e-Etellea'at va Amniat-e Keshvar and the Foreign Ministry and many seem to be integrated operations managed by a ministerial committee called the Special Operations Council."

²⁶ Ibid p.14

²⁷ PolicyWatch #1273, "Iran's Revolutionary Guards Corps, Inc.", by Mehdi Khalaji, Washington Institute for Near east Policy, August 17, 2007.

²⁸ <https://www.fdd.org/analysis/2019/04/08/the-revolutionary-guards-disinformation-campaign-to-dominate-irans-economy/> Iran's interior minister recently declared that the value of narcotic drug sales in Iran is \$3 billion per year, not including commission from transporting the drugs from Afghanistan to other transit points, like the Balkans. The US Department of the Treasury has placed Quds Force Commander Esmail Baghbani on the US sanctions list for his role in drug trafficking. The IRGC also has close ties with the drug cartels in the South and Central America through Hezbollah.

²⁹ <https://www.fdd.org/analysis/2015/12/11/how-irans-mafia-like-revolutionary-guard-rules-the-countrys-black-market/>

³⁰ <https://www.govinfo.gov/content/pkg/CREC-2007-09-24/pdf/CREC-2007-09-24-pt1-PgS11969-2.pdf>

³¹ Amir Taheri, *The Persian Night*, (New York 2003), P. 96

³² Anderson, Sean K., "Iranian State-Sponsored Terrorism", *Conflict Quarterly*, Vol. IX, No.4, Fall 1991: "Not long after the 1979 revolution a department for liberation movements had been set up in the Foreign Ministry. At that time the Islamic fundamentalists perceived the Foreign Minister Sadeq Qutbzadeh as being outside of the Imam's "Line" and not trustworthy. The 1980 Liberation Movements Conference was the occasion used by the fundamentalists to change the jurisdiction of the department for liberation movements from the Foreign Ministry to the Islamic Revolutionary Guard Corps, a context in which they could pursue their own version of exporting the revolution while side-stepping the detested Qutbzadeh. The eventual creation of the "Department [for support] of Liberation Movements," by decree of the Imam following this Conference, created one command structure for conducting terrorist operations. This office began sending IRGC units to Lebanon in June 1981."; see Arjomand P. 134-135: "...the radical Foreign Minister Mir Hossein Musavi, set up a committee 'to determine the basis of a foreign policy from an ideological perspective' and drew up a 'plan an Islamic front worldwide. An Islamic Revolutionary Council was established as an umbrella organization covering the Supreme Council of the Islamic Revolution in Iraq (SCIRI), the Islamic Revolution Movement of the Arabian Peninsula, the Islamic Front for the Liberation of Bahrain... all linked to the Islamic liberation movement unit of the Revolutionary Guards."

³³ Baer, Robert, *See No Evil*, Crown, New York (2002), P. 81 quoted in Wikipedia, "Army of the Guardians of the Islamic Revolution", http://en.wikipedia.org/wiki/Army_of_the_Guardians_of_the_Islamic_Revolution.

³⁴ *Sisso v. Islamic Republic of Iran*, 2007 U.S. Dist. LEXIS 48526 (D.D.C. July 5, 2007).

The bombing was the first large-scale attack against a U.S. Embassy anywhere in the world. See Ex. 19 (Oakley Dep. Tr.) at 22; see also Tr. Vol. I at 121-22; Ex. 35 at 13. At the time, it was not immediately clear who was responsible for the bombing. See, e.g., Tr. Vol. II at 27-28; Tr. Vol. I at 121. But by 1984, the U.S. State Department, in its annual publication "Patterns of Global Terrorism: 1983," noted that "radical Lebanese Shi'a using the nom-de-guerre Islamic Jihad" and "operating with Iranian support and encouragement" were "responsible for the suicide attacks against the U.S. Embassy." See Ex. 20 at 11 (also at Oakley Dep. Ex. 1); Ex. 22 (discussing Islamic Jihad terrorist activities, including, inter alia, the 1983 Beirut Embassy bombing, as "part of a major terrorist campaign aimed at the elimination of U.S. and western influence in Lebanon."); Oakley Dep. Tr. at 23-25. The terrorist group Islamic Jihad has been known by various names, including Right Against Wrong, the Revolutionary Justice Organization, and, perhaps most commonly, [*272] Hizbollah. n4 See Ex. 19 (Oakley Depo. Tr.) at 46; see also Oakley Dep. Ex. 10 [also at Ex. 29] at 304. In connection [**6] with the evidentiary hearing in this matter, Ambassador Robert Oakley -- who, as the coordinator of the State Department's counterterrorism efforts, was tasked with assessing who was behind the 1983 Beirut Embassy bombing, see Ex. 19 (Oakley Dep. Tr.) at 9 -- testified that it ultimately became "very clear that Islamic Jihad [Hizbollah] was behind the bombing in 1983." Id. at 21. Ambassador Oakley further expressed "confidence that the government of Iran was involved directly in the Hizballah organization, which was created, armed, trained, protected, provided technical assistance by the Iranian Revolutionary Guards." Id. at 21.

³⁵ <https://www.wsj.com/articles/book-review-8216hezbollah8217-by-matthew-levitt-1381259455>

³⁶ <https://www.wsj.com/articles/book-review-8216hezbollah8217-by-matthew-levitt-1381259455>

³⁷ <https://www.wsj.com/articles/book-review-8216hezbollah8217-by-matthew-levitt-1381259455>

³⁸ <https://www.wsj.com/articles/book-review-8216hezbollah8217-by-matthew-levitt-1381259455>

³⁹ Gold, Dore, *The Rise of Nuclear Iran*, quoting a recently reclassified document from the Defense Intelligence Agency (DIA implicating Ali Akbar Mohtashemi, the former Iranian Ambassador to Syria, a founder of Hizbullah and one of those responsible for the bombing of the US embassy in Beirut by IRGC directed terrorists) See IRGC Threat: New 'Punch' Same As The Old 'Punch', by Steve Schippert | August 20, 2007, regarding Mohtashemi as an IRGC operative, <http://threatswatch.org/commentary/2007/08/>; see also London Sunday Times, August 18, 2009, quoting former CIA agent Robert Baer; see also "Hoover Scholar, Attorney Defends Representing Libya", by Shawn Cohen, Washington Jewish Week, December 22, 1995; also see "The Lockerbie Bombing, Syria, Iran Palestinians, Confession of an Iranian Terror Czar", by Dr. Ludwig de Braeckeleeer, January 12, 2008, <http://canadafreepress.com/index.php/article/1346#When:11:40:00>; regarding Iran's support of Jibril's PFLP-GC suspected of involvement in the bombing see former FBI Director Louis Freeh: "Before his appointment as the top U.S. administrator in Iraq, L. Paul Bremer chaired the National Commission on Terrorism, which studied the Khobar attack. The commission concluded that "Iran remains the most active state supporter of terrorism. . . . The IRGC and MOIS have continued to be involved in the planning and execution of terrorist acts. They also provide funding, training, weapons, logistical resources, and guidance to a variety of terrorist groups, including Hezbollah, Hamas, PIJ, and PFLP-GC." Quoted in "Remember Khobar Towers", by Louis Freeh, Wall Street Journal, May 20, 2003, <http://www.opinionjournal.com/editorial/feature.html?id=110003518>; <https://www.pbs.org/wgbh/frontline/article/lockerbie-the-alternate-theories/> <https://www.timesofisrael.com/lockerbie-bombing-is-the-work-of-iran-not-libya/> <https://www.thetimes.co.uk/article/lockerbie-files-bombing-originally-thought-to-be-revenge-by-iranian-terrorists-9bw8xhtdp>

⁴⁰ <https://www.interpol.int/ar/1/1/2007/INTERPOL-Executive-Committee-takes-decision-on-AMIA-Red-Notice-dispute>

⁴¹ http://criminalnotebook.ca/index.php/Reasonable_and_Probable_Grounds#cite_note-14

⁴² From a prayer sermon in Tehran, October 7, 1984, quoted in Amir Taheri, *The Persian Night*, (New York 2003), P. 251.

⁴³ "The Evolution of Iran's Revolutionary Guard", by Renee Montagne, NPR, April 5, 2007. <http://www.npr.org/templates/story/story.php?storyId=9371072>.

⁴⁴ FindACase – Blais v. Islamic Republic of Iran <http://dc.findacase.com/research/wfrmDocViewer.aspx/>

⁴⁵ Iran v. Britain: Who Blinked?, Francis Fukuyama, <http://blogs.the-american-interest.com/contd/?p=613>.

⁴⁶ Dr. Bruce Tefft, from his testimony in *Dammarell v. Islamic Republic of Iran*, 404 F. Supp. 2d 261, 272 (D.D.C. 2005). Dr. Tefft served 21 years in the CIA, including 17 years abroad, many as a CIA Chief of Station; and was a founding member of the CIA's Counter Terrorism Center in 1985. He has more than 30 years experience in foreign affairs, intelligence and security operations and counter-terrorism. In addition to extensive research and teaching of counter-terrorism methods and techniques, he has also developed course material for Bachelor and Master-level degree programs in Homeland Security and Counter-terrorism. Dr. Tefft has been certified as an "expert witness" on terrorism issues for the U.S. District Court in Washington, D.C. and has testified in 8 cases.

⁴⁷ Ali Alfoneh is a visiting research fellow at the American Enterprise Institute (AEI). He is also a doctoral candidate in the department of political science at the University of Copenhagen. His research areas include civil-military relations in Iran with a special focus on the role of the Islamic Revolutionary Guards Corps in the Islamic Republic. Mr. Alfoneh has been a research fellow at the Institute for Strategy at the Royal Danish Defence College and has taught political economy at the Centre for Middle Eastern Studies at the University of Southern Denmark. He was also an independent researcher at the Institute for Political and International Studies, Tehran in 2003, and research assistant for the Office of the President of the European Affairs Committee of the Danish Parliament in 2002-2003.

⁴⁸ "Indoctrination of the Revolutionary Guards", by Ali Alfoneh, Middle Eastern Outlook, American Enterprise Institute for Public Policy Research, No.2 February 2009.

⁴⁹ "Iran's Revolutionary Guard Branches Out", by Kim Murphy, Los Angeles Times, August 26, 2007.

⁵⁰ PolicyWatch #1273, "Iran's Revolutionary Guards Corps, Inc.", by Mehdi Khalaji, August 17, 2007, the Washington Institute for Near East Policy.

⁵¹ RAND, *The Rise of the Pasdaran*, P. 2.

⁵² Wilfried Buchta, *Who Rules Iran*, Washington Institute for Near East Policy and the Konrad Adenauer Stiftung, 2000, P.70, quoting Kenneth Katzman, *The Warriors of Islam, Iran's Revolutionary Guards*.

⁵³ RAND, National Defense Research Institute, *The Rise of the Pasdaran – Assessing the Domestic Roles of Iran's Islamic Revolutionary Guards Corps*, 2009, P. xi and xii.

⁵⁴ Ranstorp, Magnus *Hizb'allah in Lebanon, The Politics of the Western Hostage Crisis*, Macmillan Press, 1997, P. 84.

⁵⁵ "Iranian Force, Focus of U.S., Still a Mystery", by Scott Shane, New York Times, February 17, 2007; also Kenneth M. Pollack, an Iran expert at the Brookings Institution's Saban Center for Middle East Policy noted that: "There are people who believe the Quds Force does not move a muscle without getting explicit orders from [supreme leader Ayatollah Ali] Khomeini; there are other people who believe they are rogues. The weight of evidence is somewhere in the middle", quoted in "Iran's Elite and Mysterious Fighters", by Borzou Daragahi and Peter Spiegel, Los Angeles Times, February 15, 2007.

⁵⁶ The Rise of the Pasdaran – Assessing the Domestic Roles of Iran's Islamic Revolutionary Guards Corps, RAND, National Defense Research Institute, 2009, Chapter 1, P. 25.

⁵⁷ Taheri, P.244.

⁵⁸ The Rise of the Pasdaran – Assessing the Domestic Roles of Iran's Islamic Revolutionary Guards Corps, P. xi.

⁵⁹ "The Army and the Islamic Revolutionary Guards Corps. The Constitution of Islamic Republic of Iran," Sec. Three, quoted in "The Revolutionary Guards' Role in Iranian Politics", by Ali Alfoneh, Middle East Quarterly, September 1, 2008.

⁶⁰ Payam-e Enghelab [the official organ of the IRGC], July 25, 1981, quoted in "The Revolutionary Guards' Role in Iranian Politics", by Ali Alfoneh, Middle East Quarterly, September 1, 2008.

⁶¹ "The Revolutionary Guards' Role in Iranian Politics", by Ali Alfoneh, Middle East Quarterly, September 1, 2008.

⁶² Byman, Daniel, Shahram Chubin, Anoushiravan Ehteshami, Jerrold Green, Iran's Security Policy in the Post-Revolutionary Era, RAND, 2001, P.33.

⁶³ Iran: Defending the Islamic Revolution – The Corps of the Matter", by Houchang Hassan-Yari, Radio Free Europe-Radio Liberty 2009; and *ibid*.

⁶⁴ See Katzman, Kenneth, The Warriors of Islam, Iran's Revolutionary Guards, (Boulder: Westview Press, 1993), P. 148, "The Guard fails to meet the substantive criteria of professionalism – unquestioned obedience to civilian authority, absence of political involvement, and a scientifically based decision making process. The Guard's resistance to professionalism in turn, reflects the depth and strength of the Guard's continuing commitment to the hard line ideological principles of the revolution, which are incompatible with the scientific and politically neutral foundations of military professionalism. "; and also Katzman P.55 "The IRGC places tremendous emphasis on ideological correctness. Its approach during the Iran/Iraq war, for example, was that "a maktab (ideologically pure) army is better than a victorious one."; and Katzman P. 131 "Ideological correctness and commitment to the revolution led in earlier years to its undertaking high-risk military operations "rich in ideological content but militarily ill advised and potentially detrimental to the Guards' own military posture and prestige."

⁶⁵ Daniel Byman, Iran's Security in the Post Revolutionary Era, P.34.

⁶⁶ *Ibid*. P.xii.

⁶⁷ "Iran's Islamic Revolutionary Guard Corps – An Open Source Analysis", Mathew M. Frick, Joint Force Quarterly 49, 2nd Quarter 2008, http://www.ndu.edu/inss/Press/jfq_pages/i49.htm.

⁶⁸ See "The Militarization of Iran's Politics", Islamic Affairs Analyst, August 2008, "www.jiaa.jans.com, regarding the open ended mandate for political involvement in the IRGC's statute passed on September 6, 1982.

⁶⁹ The Rise of the Pasdaran – Assessing the Domestic Roles of Iran's Islamic Revolutionary Guards Corps, P.xii.

⁷⁰ Agahsazi (Tehran), Feb. 29, 2008, quoted in "The Revolutionary Guards' Role in Iranian Politics", by Ali Alfoneh, Middle East Quarterly, September 1, 2008.

⁷¹ Quoted in "Iran's Revolutionary Guards", Council on Foreign Relations, by Greg Bruno, June 22, 2009.

⁷² Ranstorp, Magnus Hizb'allah in Lebanon, The Politics of the Western Hostage Crisis, Macmillan Press, 1997, P. 84; "Meeting the Challenge: U.S. Policy toward Iranian Nuclear Development", P. 2, by Michael Rubin, originally published in Bipartisan Policy Center, September 1, 2008.

⁷³ "The Revolutionary Guards are primarily self-funded, with annual revenues from its businesses empire estimated at \$1billion and expected to rise to \$1.5-\$2," from "Make Iran Feel the Pain", by Mathew Levitt, Wall Street Journal Europe, July 2, 2007; see fn. 34, according to a UPI report, \$46 billion has vanished over the years through the machinations of the IRGC, with much of it being used to fund proxies such as Hezbollah in Lebanon and Hamas in the Gaza Strip, see "Revolutionary Guard Gains Power in Iran", June. UPI, 29, 2009.

⁷⁴ James A. Russell is a senior lecturer in the Department of National Security Affairs at the Naval Postgraduate School, Monterey, California, where he is teaching courses on Middle East security affairs, terrorism, and national security strategy. He also performs sponsored research for a variety of U.S. government organizations. From 1988-2001, Mr. Russell held a variety of positions in the Office of the Assistant Secretary Defense for International Security Affairs, Near East South Asia, Department of Defense. During this period he traveled extensively in the Persian Gulf and Middle East working on U.S. security issues.

⁷⁵ "Illicit Nuclear Procurement Networks and Nuclear Proliferation: Challenges for Intelligence, Detection, and Interdiction", by Jack Boureston and James A. Russell, <http://www.nps.edu/academics/sigs/ccc/people/biolinks/russell/russellApr09.pdf>.

⁷⁶ "CRS Report for Congress, the Quasi Government: Hybrid Organizations with Both Government and Private Sector legal Characteristics", January 31, 2008.

⁷⁷ FindACase – Blais v. Islamic Republic of Iran http://dc.findacase.com/research/wfrmDocViewer.aspx/xq/fac.%5CFDCT%5CDDC%5C2006%5C20060929_0000602.DDC.htm/qx; for more on the IRGC sources of income see fn. 34 and 122.

⁷⁸ Ranstorp, Magnus *Hizb'allah in Lebanon, The Politics of the Western Hostage Crisis*, Macmillan Press, 1997, P. 84.

⁷⁹ For more on Hizbullah's semi- independence see Daniel Byman, *States That sponsor Terrorism* P. 90; also see "Iranian State Sponsored Terrorism", by Sean K. Anderson, *Conflict Quarterly* P 28-30.

⁸⁰ For more on the possible integration of Hizbullah and the IRGC see "Al-Qods Force to Integrate With Hezbollah," Reform Party of Syria, September 6, 2008: "...Our Lebanese sources told RPS that Al-Qods Force has suggested to integrate some of their operation structure with Hezbollah's under the command of Brigadier-General Faramaz Ghasem Suleimani, al-Qods chief commanding officer, for operations in Lebanon and on the border with Israel...".<http://reformsyria.org/intelligence/opposition-against-regime/1138-al-qods-force-to-integrate-with-hezbollah.html>.

⁸¹ <https://twitter.com/LevittMichael/status/1007345182000472065>

⁸² https://sencanada.ca/en/content/sen/chamber/421/debates/264db_2019-02-19-e

⁸³ <https://nationalpost.com/opinion/u-s-terror-designation-a-long-overdue-step-to-isolate-irans-revolutionary-guard>

⁸⁴ In a letter from Liberal MP Ken Dryden, December 9, 2009.

⁸⁵ <http://cjpac.ca/liberal-statement-on-the-islamic-revolutionary-guard-corps%E2%80%99-qods-force/>

⁸⁶ Liberal, Newsroom, "Liberals call for terrorist designation of Iranian group", December 4, 2009, http://www.liberal.ca/en/newsroom/media-releases/17059_liberals-call-for-terrorist-designation-of-iranian-group; <http://cjpac.ca/liberals-call-for-terrorist-designation-of-iranian-group/>



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