

## PS752 – Justice and Accountability

### Canada Should List the IRGC in its Entirety as a Terrorist Entity Under Canadian Law

Ukrainian International Airlines Flight 752 (PS752) was shot down on January 8, 2020, by Iran's Islamic Revolutionary Guard Corps (IRGC), killing 176 people including 85 Canadian nationals. The Canadian courts recently [ruled](#) that the IRGC's downing of PS752 was an intentional act of terrorism. The atrocity has crystallized the malevolence and threat of the IRGC to Canada and the entire international community.

This recent ruling fully justifies the [demand of PS752 family members](#), others fighting for democracy in Iran and many experts: After years of delay, Canada must finally list the IRGC *in its entirety* as a terrorist entity under Canadian law.

There is no legal obstacle to this listing. The IRGC is a terrorist entity under Canadian law. This listing would also enable Ottawa to more effectively probe the [threats](#) related to malign [activities](#) of the Iranian regime and the IRGC on [Canadian soil](#) that have become a growing concern to experts and to Iranian dissidents in the Canadian community.

The arguments for listing the IRGC as a terrorist entity under Canadian law are compelling and have been expansively outlined in a C-CAT briefing memo *titled "Listing the IRGC in its Entirety as a Banned Terrorist Entity Under Canadian Law"*. This document provides a short synopsis of those arguments. The full document and all citations can be found [here](#).

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### *Why Canada Can and Should List the IRGC in its Entirety as a Terrorist Entity Under Canadian Law*

1. **The IRGC’s terrorist legacy and credentials are unquestioned**

Iran is widely acknowledged as the globe’s most egregious state sponsor of terrorism and is listed under Canadian law as a State Supporter of Terrorism. The IRGC *in its entirety* is the driving force behind the regime’s global policies of terrorist diplomacy which resulted in Canada and the U.S. listing Iran as a state sponsor of terrorism. The IRGC and its terrorist proxies have also been responsible for [numerous acts of violence and terrorism against Canadian nationals](#) over the last 42 years.

2. **The IRGC is a terrorist “entity” under Canadian law**

The IRGC should be listed under Canadian law as a banned terrorist entity. There is no legal obstacle to doing so. 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. As such, the IRGC may be considered an “entity” for these purposes.

3. **The Canadian courts have found the IRGC in its entirety liable for terrorism**

The IRGC has been named along with the Iranian government as defendants in several lawsuits in Canada launched by terror victims under the *Justice for Victims of Terrorism Act* (JVTA). The courts found for the victims awarding them billions of dollars of damages for acts of terrorism committed or sponsored by Iran, the IRGC and their proxies. Most recently in May 2021 a Canadian court found that the IRGC’s shutdown of flight PS752 was an intentional act of terrorism.

4. **Precedents for listing the IRGC in Canadian policy**

Canada has rightly listed 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 or other wings of these groups are not inherently part of the structural continuity and support framework of these terrorist entities. (Other countries like the UK have also followed suit.) The IRGC is no different in this respect. This entity in its entirety, is committed to establishing Iran as a regional and global power through subversion and terrorism. Its atrocities have rivaled or exceeded the exploits of most, if not all, of the terrorist organizations presently listed by Canada.

5. **Bipartisan support for listing the IRGC**

Over the years there has been support for listing the IRGC from both Liberal and Conservative MPs. Most recently on June 12, 2018, Parliament passed a motion with the support of the Prime Minister and the vast majority of Liberal cabinet ministers and MPs, stipulating that Canada immediately designate the IRGC “as a listed terrorist entity under the *Criminal Code* of Canada”. Shortly thereafter, Minister of Public Safety Ralph Goodale [confirmed](#) that the process has been initiated.”

6. **Canada has *already* listed part of the IRGC as a terrorist entity**

The IRGC's Quds Force (QF) has been listed by Canada as a terrorist entity. But 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 IRGC, while comprised of multiple departments, is an integrated single entity with a defined independent command structure largely autonomous from other government agencies. It is committed to a very specific constitutional mandate distinct from that of the regular armed forces of Iran known as the Artesh. The QF recruits its manpower from the broader ranks of the IRGC 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 in fact surmised that there is in fact little real difference between members of the QF Staff and the Guard Corps General Staff. In any case, the IRGC's broader involvement in terror well predates the founding of the QF and therefore the very same rationale that was used to list part of the IRGC (the QF), should be used to list the IRGC in its entirety. Furthermore, as [noted](#) by human rights attorney David Matas, this artificial distinction between the QF and the IRGC as a whole, has created several "legal anomalies" in which: *"... A Canadian cannot send the IRGC a rocket or missile ... but can send the IRGC money, which it can then give to the Quds force to buy a rocket or missile. A Canadian can sue ... Iran for damages resulting from an act of terrorism committed by the Quds Force but cannot sue ... Iran for damages resulting from an act of terrorism committed by a different component of the IRGC."*

7. **The IRGC – a *Sui Generis* state entity**

It has been argued that the IRGC cannot or should not be listed because the IRGC is part of the armed forces of a state, namely Iran. As noted by C-CAT counsel in [testimony before parliament](#), clearly this is not a real barrier, since the Quds Force, which is already listed, is by definition also part of the Iranian state, and Iran itself is also designated as a state sponsor of terrorism pursuant to the *State Immunity Act*. Moreover, Hamas was not removed from Canada's terrorism list when it won Palestinian elections in 2006, and Hezbollah has not been removed despite forming part of the Lebanese government for most of the period since 2005. Indeed, if being in some way part of the state apparatus somehow prevented Canada from designating a group as a terrorist entity, it would create a perverse incentive for countries like Iran to incorporate their terrorist proxies into the state apparatus to protect them from listings. Furthermore, the IRGC's mandate, activities and identity – either as formally designated or as self-proclaimed – are unique among state structures. They are not confined by normative definitional and legal limitations, or subject to the ordinary constraints of a chain of command, allowing the IRGC to be many things concurrently – and rendering it something other than just a branch of Iran's armed forces. Mohsen Sazegara, a founder of the IRGC, and now an Iranian dissident and a fellow at Harvard University, knows of no "other organization in any country like the Revolutionary Guards". He describes it as "something like the Communist Party, the KGB, a business complex and the mafia ... a kind of a government inside the government of Iran," that doesn't "answer to anybody." Sazegara's evaluation is supported by a wide variety of academic and legal experts that can be found [here](#).

**The proposition that a state agency of Iran could be defined as a "terrorist organization" for certain legal purposes has another 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 from whom 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." In other words, the Canadian government deemed a state agency – in this case MOIS – to be a terrorist organization, and the Supreme Court upheld that decision.