

The Danger of a Nuclear, Genocidal and Rights-Violating Iran:

The Responsibility to Prevent Petition

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Executive Summary

This Responsibility to Prevent Petition, based on the responsibility to prevent and the responsibility to protect in international law, documents the toxic convergence of three distinct – yet interrelated – dangers in Ahmadinejad’s Iran – the nuclear threat; the genocidal incitement threat; and the systematic and widespread violations of the rights of the Iranian people. Ahmadinejad’s Iran has emerged as a clear and present danger to international peace and security, to Middle East stability, as well as to its own people.

The Petition, accordingly, calls upon states in the international community – and the United Nations and related inter-governmental bodies – to heed their respective obligations to hold Ahmadinejad’s Iran to account, including: first, enforcing and applying U.N. Security Council resolutions and related international law sanctions respecting Iran’s illegal pursuit of atomic weapons; second, combating Iran’s state sanctioned incitement to genocide; and third, providing redress and remedy for Iran’s massive domestic human rights violations targeting the Iranian people.

In the matter of the illegal development and production of nuclear weapons, the Petition – while supporting “engagement” with Iran and the exhaustion of international initiatives to bring about the suspension of Iran’s illegal uranium enrichment process – documents Iran’s standing violation and defiance of international law, and its serial deception respecting its serial violations. The Petition, while acknowledging Iran’s right to the peaceful uses of nuclear energy, sets forth generic and nuclear threat-specific remedies to contain and arrest this dangerous phenomenon.

In the case of state-sanctioned incitement to genocide, the Petition documents the critical mass of precursors to genocide in Ahmadinejad’s Iran, constituting not only the prelude to a preventable tragedy but a crime in and of itself under international law. Simply put, Iran has already committed the crime of incitement to genocide prohibited by the Genocide Convention and customary international law, and where preventing and combating such incitement by State Parties to the Genocide Convention and inter-governmental bodies is not just a policy option but an international legal obligation.

The Petition, in analyzing principle and precedent in the matter of state-sanctioned incitement to genocide in Rwanda, the Balkans and Darfur, reminds us of three fundamental historical lessons of the last 61 years now warranting international action, particularly in light also of a nuclear and rights-violating Iran: first, the danger of state-sanctioned incitement to genocide; second, the danger of indifference and inaction in the face of such incitement and related dangers; and third, the culture of impunity that attends all of these threats. The Petition, therefore, prescribes a framework of remedy – both generic and threat specific – to address and redress these dangers.

In the matter of human rights, the Petition documents the widespread and systematic violations of the rights of the Iranian people, including: the execution, killing, torture and other inhumane treatment of Iranians; the systematic and widespread oppression of a

minority – a case study of the Baha’i; the exclusion of, and discrimination against, religious and ethnic minorities; the assault on women’s rights; the murder of political dissidents; the criminalized assault on speech, assembly and association – including assaults on students, activists and journalists; the crackdown against cyber dissidents; the assault on labour rights; the imposition of a death penalty for juveniles; the denial of gay/lesbian rights; and the failure to provide a system of justice – the whole overlaid with show trials and coerced confessions, constitutive of crimes against humanity under international law. Moreover, the Petition includes an express focus on the intensification of human rights abuses in Iran since the fraudulent presidential elections of June 12, 2009; a brutal and alarming assault on the popular uprising – sometimes referred to as the Green Revolution – which continues to date. The Petition sets forth a panoply of remedies to address and redress these massive human rights violations.

Accordingly, the Responsibility to Prevent Petition is organized around two main parts. The first part of the Petition documents the danger of a nuclear, genocidal, rights-violating Iran, by reference to the witness testimony and documentary evidence setting forth these dangers. The second part of the Petition sets forth a comprehensive set of generic and threat specific remedies (remedies for each of the nuclear, genocidal and rights-violating threats) and prospective actions to hold Ahmadinejad’s Iran to account. It concludes with a call – a petition – to international actors to pursue the recourses available to them under domestic and international law. The Secretary General of the United Nations, the U.N. Security Council, the U.N. General Assembly, the International Court of Justice, the International Criminal Court, State Parties to the Genocide Convention – and others – are all provided with express and practical initiatives that can be taken to hold Ahmadinejad’s Iran to account.

Finally, the Petition recommends a 12-point generic legal framework for redress and remedy set forth under Section VII of the Petition and a threat specific set of remedies under Section VIII of the Petition, together with a model national legislative initiative in the form of the Iran Accountability Act, as set forth under the Appendix to the Petition.

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I. INTRODUCTION

A. The Responsibility to Prevent and Protect its Potential Victims

1. Genocide is the most insidious and destructive threat known to humankind. It is the ultimate crime against humanity—the unspeakable crime whose name one should shudder to mention; a horrific and unspeakable act whereby state-sanctioned incitement transforms hatred into catastrophe.

2. Accordingly, in 1948, the world came together to draft the *Convention on the Prevention and Punishment of the Crime of Genocide* (the “*Genocide Convention*”), thus signalling its disdain for those who would perpetrate genocide in the strongest possible terms. The *Genocide Convention* holds a unique place in international law, and it is recognized as compelling and overriding law (*jus cogens*), owed by all members of the international community to all members of the international community (*obligatio erga omnes*).

➤ See *Reservations to the Convention on Genocide*, Advisory Opinion: I.C.J. Reports 1951, p. 15, at p. 23.

➤ See *Re Barcelona Traction, Light and Power Co. Ltd.*, I.C.J. Reports 1970, p. 3, at paras. 33-34.

3. The objective of the Convention is as clear as it is compelling: that State Parties to the Convention are obliged to prevent genocide – the pinnacle of human criminality – and to punish those who orchestrate, carry out, advocate or perpetuate its destructive force. At Article 3(b), the Convention expressly prohibits direct and public incitement to genocide, demonstrating the international community’s recognition that incitement is both precondition to, and indicator of, genocide. The *Genocide Convention* thus articulates the

intertwined principles of a *responsibility to prevent* and a *responsibility to punish* genocide.

4. Tragically, in the decades since that Convention was signed, the world has become witness to further genocides in the Balkans and in Rwanda, in addition to the genocide by attrition in Darfur. The ultimate horror of these unspeakable genocides is that they were preventable. Nobody could say that we did not know; we knew but we did not act.

5. Indeed, the enduring lesson of the Holocaust and the genocides since is that genocide occurs not simply because of the machinery of death but because of the state-sanctioned incitement to hate. It is this teaching of contempt, this demonizing of the “other”—this is where it all begins. As the Supreme Court of Canada recognized:

The repetition of the loathsome messages of Nazi propaganda led in cruel and rapid succession from the breaking of the shop windows of Jewish merchants to the dispossession of the Jews from their property and their professions, to the establishment of concentration camps and gas chambers. The genocidal horrors of the Holocaust were made possible by the deliberate incitement of hatred against the Jewish and other minority peoples.

➤ See *R. v. Andrews*, [1990] 3 S.C.R. 870, 1990 CanLII 25 (S.C.C.), at p. 14 [cited to CanLII].

6. After the genocides in Rwanda and the former Yugoslavia, the International Criminal Tribunal for Rwanda (the “ICTR”) and the International Criminal Tribunal for the former Yugoslavia (the “ICTY”) were introduced to hold accountable those individuals who were responsible for these horrific human tragedies. These tribunals have echoed the words of the Supreme Court of Canada in recognizing that *genocide begins with words*: the founding statutes of both the ICTR and the ICTY make direct and public incitement to genocide punishable as an offense in its own right. Moreover, these statutes

recognize the unique *jus cogens* and *obligation erga omnes* characteristics of the prohibition against genocide and its incitement by removing any possible head-of-state immunity for these crimes. Nonetheless, because such international tribunals are created to mete out justice once genocide has already occurred, they remain insufficient to fulfill the responsibility to *prevent* in the *Genocide Convention*.

- Statute of the International Tribunal for Rwanda, at Article 2(3)(c).
- Updated Statute of the International Criminal Tribunal for the former Yugoslavia, at Article 4(3)(c).

7. The preventative measures available through the *Genocide Convention* and the *Charter of the United Nations* cannot remain ignored. These instruments of justice – and not after-the-fact prosecutions, however important they may be – are the ones that will save lives before they are taken. As the United Nations High Commissioner for Human Rights, Navanethem Pillay expressed, the *Genocide Convention* – along with the *Universal Declaration of Human Rights* – “grew out of the Holocaust, but we have yet to learn the lesson of the Holocaust, as genocide continues”. Indeed, the United Nations General Assembly was told bluntly, in September 2008:

The [Genocide] Convention was born out of the desire to prevent recurrence of genocide, yet it failed to achieve this purpose on several occasions thereafter. The rallying cry ‘Never again!’ can only be used so often before it loses credibility.

- “Tackling impunity key to success of International Criminal Court – Liechtenstein”, *UN News Centre*, 29 September 2008. Available at: <http://www.un.org/apps/news/story.asp?NewsID=28348&Cr=General+Assembly&Cr1=debate&Kw1=tackling+impunity&Kw2=&Kw3=#>.
- “New UN rights chief stresses need to tackle discrimination, prevent genocide”, *UN News Centre*, 8 September 2008. Available at: <http://www.un.org/apps/news/story.asp?NewsID=27963&Cr=Pillay&Cr1=>.

8. Only action pursuant to the preventative purposes of the *Genocide Convention* and pursuant to the more recently-recognized *responsibility to protect* principle can stop a genocide before it occurs. Only action that comes before the killing will save the would-be victims of a genocide and let them know they have not been forgotten. Only this sort of action will give meaning to the *Genocide Convention* and the *Charter of the United Nations*, will end a culture of impunity wherein calls to genocide are offered as rhetorical anthems, and will draw a line in the sand stating: *The international community – including all State Parties to these Conventions and the United Nations – will not indulge, acquiesce or, however inadvertently, become complicit by inaction or indifference, in genocide.*

9. In this context, the present Responsibility to Prevent Petition serves to substantiate the case for legal action to be taken in order to prevent a genocide from being perpetrated by the Islamic Republic of Iran (“Iran”¹) against the people of the State of Israel (“Israel”). In particular, it documents all the precursors to genocide that comprise the state-sanctioned incitement to genocide—including the crime of direct and public incitement to genocide, prohibited by the *Genocide Convention* and the *Rome Statute of the International Criminal Court*, among other instruments of international law. In addition to outlining the genocidal path that Iran has already embarked upon, and the genocidal threat to international peace and security – and to the lives of innocent Israelis – that Iran poses, this Responsibility to Prevent Petition identifies the recourses and remedies available to prevent an atrocity from occurring.

¹ From the outset, it should be noted that the comments herein on Iran refer uniquely to the current regime, embodied most notably by Supreme Leader Ayatollah Ali Khamenei and President Mahmoud Ahmadinejad. In particular, the present regime must be distinguished from the peoples of Iran who are themselves increasingly the target of massive human rights repression, as will be discussed in further detail below.

10. It is important to appreciate that these recourses are not optional; rather, every State has the obligation under international law to take action to prevent genocide. Accordingly, by providing evidence of the genocidal path that Iran presently follows, this Responsibility to Prevent Petition serves not only as a factual account of Iran's violation of international law but also as a call to action for the international community: to undertake its responsibilities, to end the culture of hatred and impunity, and to protect the lives of those vulnerable to genocide—this time, for the first time in history, before it is too late. For what distinguishes the path to genocide in Ahmadinejad's Iran is that in all of the other cases listed above, the genocide has already occurred. In Ahmadinejad's Iran, it can still be prevented. But for that to happen, the international community must recognize the genocidal threat as evidenced below and invoke the remedies available in international law to prevent it.

11. Hence this Responsibility to Prevent Petition, in the *double entendre* or double-sense of the word. First, it seeks to petition the international community – including State Parties to the *Genocide Convention*, the Secretary-General of the United Nations, the United Nations itself and its associated agencies – to invoke its responsibility to prevent. Second, it seeks to identify or prescribe the remedies – how, for example, the Secretary-General can petition the United Nations to act – so that the responsibility to prevent is in fact acted upon.

B. Recognizing and Responding to the Threat of Genocide

12. Genocides do not occur without warning. A review of past genocides demonstrates that they take time and conscious planning to implement. Genocide is not a

single act; it is the product of a complex process. If recognized and acted upon early enough, this process that can be halted before the widespread tragedy unfolds.

13. Genocide is a lengthy process because time is required to accumulate the mass of support that is required in order to carry out genocide. As former United States Secretary of State Madeleine Albright and former United States Secretary of Defense William Cohen recently said:

Genocide is not the inevitable result of “ancient hatreds” or irrational leaders. It requires planning and is carried out systematically.

- “Leadership key to preventing genocide”, Madelein Albright and William Cohen, *CNN*, 10 December 2008. Available at: <http://www.cnn.com/2008/WORLD/europe/12/01/sbm.albright.cohen.commentary/>.

14. Indeed, because genocide necessarily occurs on a large scale, it depends on the active incitement by the political leadership as well as the passive acquiescence of many more. Gaining such support is no easy task, as mass murder is contrary to the most basic human inclinations.

15. Through processes of stereotyping and singling-out, dehumanization and demonization, would-be victims of genocide are identified, segregated out and targeted. Specifically, they may become the targets of state-sponsored hate speech, can be associated with terrible events in human/regional history, and are generally characterized as a threat to the majority population.

16. In the context of the other precursors to genocide, such as the ongoing processes of dehumanization and demonization, the genocidal incitement that emerges appears almost as commonplace rather than offensive. The banality of evil is thus set in motion.

In turn, the calls themselves become more and more inflammatory. The destruction of the victim population is made to seem natural—even pre-ordained.

17. During the period that the genocidal incitement is ignored or dismissed as mere rhetoric, the would-be *genocidaires* exploit the opportunity to accumulate the means to carry out genocide. The weaponry used to effect genocide has ranged, historically, from simple machetes in the hands of perpetrators (in the case of Rwanda) to sophisticated industry of death and organizational structures carrying out murder on a mass scale (in the case of the Holocaust). The commonality is that the *genocidaires* always accumulate sufficient weaponry to commit acts of genocide well before the international community can organize itself to stop it.

18. Despite the elaborate effort to orchestrate the genocide, would-be *genocidaires* are equally consistent in establishing a narrative that denies the intent or imminence of widespread destruction. Indeed, with all other conditions in place, the would-be *genocidaires* thus deny the reality that they have started down the road to genocide, implicitly recognizing that the international community which is outside the dehumanizing and demonizing process – the genocidal web of hate – would vehemently object to such genocidal intentions. Accordingly, the world finds itself duped into complicity until it is too late.

19. For the international community, the psychological effect of this protracted genocide-fostering process is that genocide never appears to be imminent. A false sense of security takes hold, as despite the objective warnings, it always feels as if no preventative action need be taken immediately. The would-be *genocidaires*' constant denials pray on this false hope, offering the world a reason to stand back. The seeds of

hate, planted years ago, are ignored, sanitized or dismissed as unimportant, even though they will soon morph into tragedy; the physical threat of harm, which is proceeding apace, is dismissed as a fiction precisely because it has not yet materialized. Indeed, because the genocide has not occurred, the international community continues to proclaim there is no genocide—thus ignoring the genocidal path that has been embarked upon and the responsibility to prevent before it is too late.

20. It is especially during this genocide-fostering period that the possibility of genocide transforms into reality. After this time frame has passed, the only remaining step is for the tragedy to actually unfold. Accordingly, it is during this developmental stage that the international community must learn to act. Solutions short of military intervention, once the genocide-fostering process nears an end, will be almost impossible to implement.

21. At present, the international community has the opportunity to change the course of history. Mandated by its moral and legal responsibilities, the international community must take this opportunity to intervene before a clear threat of genocide becomes horrific reality.

22. The current regime in Iran has already begun its implementation of the genocide-fostering process described above. Indeed, with the whole world watching, Iran has done this all with impunity. After decades of inaction in similar situations – leading to the humanitarian tragedies in Rwanda, the Balkans and Darfur – the international community cannot, morally or legally, stand idly by while another preventable genocide materializes.

23. Immediate action is needed to protect the rights of Iran's potential victims and international law already provides the means needed to take such action. Accordingly, among other recourses, this Responsibility to Prevent Petition substantiates:

- (A) Calling upon United Nations Secretary-General Ban Ki-moon to refer this genocidal incitement to the Security Council pursuant to Article 99 of the *Charter of the United Nations*, on the basis that Iran poses a threat to international peace and security;
- (B) Initiating an inter-State complaint by a Party to the *Genocide Convention* pursuant to its Article 9, calling Iran to account for its violations of the Convention, including its failure to act to prevent genocide and its failure to punish the incitements to genocide perpetrated by its officials;
- (C) Calling upon State Parties to the *Genocide Convention* pursuant to their responsibilities under Article 1 and the prohibition against incitement to genocide in Article 3, to petition the United Nations Security Council to take such action as it deems appropriate to hold Iran to account so as to prevent the genocide that Iran threatens to carry out against another nation; and
- (D) Invites the United Nations Security Council to consider referring to the Prosecutor of the International Criminal Court the case of Ahmadinejad and those Iranian leaders participating with him in direct and public incitement to genocide, for investigation of prospective prosecution.

24. This Petition is underscored by the *responsibility to prevent*, anchored in the *Genocide Convention* as a peremptory norm of international law and an important

component of the more recently adopted *responsibility to protect* principle, as affirmed by the United Nations Security Council. All States bear the responsibility of preventing genocide, and therefore harbour the duty to take measures to stop an anticipated genocide before it occurs.

- Genocide Convention, Article 1.
- See paragraph 4 of Resolution 1674 (2006), adopted by the Security Council at its 5430th meeting, on 28 April 2006.

25. At present, Iran represents an existential danger to the State of Israel and its inhabitants. The *responsibility to prevent* and *responsibility to protect* principles find direct application and compel the international community to action.

C. Recognizing and Responding to the Nuclear Threat

26. In addition, the *responsibility to prevent* and *responsibility to protect* principles apply to the threat posed by Iran's pursuit of a nuclear weapon (though Iran argues that its enrichment of uranium is exclusively for nuclear energy) having regard to the clear and present danger that a nuclear Iran also poses for international peace and security.

27. A nuclear Iran would destabilize the Middle East – with drastic fall out for the international community. As Dr. Emanuele Ottolenghi, Executive Director of the Transatlantic Institute explains:

Iran, in the combination of nuclear weapons and its ideology, will destabilize the region for decades to come and will make it impossible for the forces in the region that seek reconciliation among peoples, resolution of armed conflicts, the defeat of radical ideologies, and the assertion of human rights across the Middle East to actually triumph.

28. More specifically, Dr. Ottolenghi explains that a nuclear Iran would:

- use its nuclear capability as a leveraging tool to exert influence in the region – making conflicts in the region unsolvable without significant compromises against the interests of liberal democracies;
 - destabilize countries in the region – by freezing progress in conflict areas; propping up radical organizations; and possibly using its nuclear weapons capability “as an instrument of power projection”;
 - effect horrendous damage to the interests and hopes for greater peace, stability and freedom in the Middle East – including the terrible and perhaps irreparable damage it will inflict upon the hopes of millions of the region’s inhabitants wishing greater respect and dignity from their governments.
- Testimony of Dr. Emanuele Ottolenghi, Executive Director of the Transatlantic Institute, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 16, 2nd Session, 40th Parliament, 5 May 2009 (“Ottolenghi Testimony May 2009”), at 12:55, 1:00 p.m. and 1:05 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3868151&Language=E&Mode=1&Parl=40&Ses=2>.

29. The evidence presented in this Petition demonstrates that Iran has been in standing violation of U.N. Security Council resolutions and related obligations to suspend the enrichment of uranium for nuclear weaponisation purposes. Iran is a signatory to the *Treaty on the Non-Proliferation of Nuclear Weapons* which prohibits Iran from developing nuclear weapons and requires its cooperation with the U.N. monitoring body – the International Atomic Energy Agency (“the IAEA”). In this regard, Iran has been the subject of five U.N. Security Council Resolutions between 2006 and 2008. Among other things, the Resolutions call upon Iran to cooperate with IAEA inspectors and suspend uranium enrichment and processing activities. A recent November 27, 2009 resolution of the Board of the IAEA confirms Iran’s continued violation of these Resolutions – which also implement a series of targeted sanctions against Iran.

- *Treaty on the Non-Proliferation of Nuclear Weapons*, ratified by Iran on February 2, 1970, February 10, 1970 and March 5, 1970.

- Security Council Resolutions: S/RES/1696 (2006); S/RES/1737 (2006); S/RES/1747 (2007); S/RES/1803 (2008); S/RES/1835 (2008).
- Report of the Director General of the International Atomic Energy Agency, 26 May 2008. Available at: <http://www.iaea.org/Publications/Documents/Board/2008/gov2008-15.pdf>.
- Resolution of the Board of the International Atomic Energy Agency: GOV/2009/82, 27 November 2009.

30. The evidence presented in this Petition also corroborates the concerns of members of the P5+1 (permanent members of the U.N. Security Council and Germany) that Iran is involved in the development and production of nuclear weapons. The most recent turn of events is particularly telling.

31. In September 2009, a previously undisclosed uranium enrichment site near the City of Qom was revealed – the construction of which began as early as 2002. A November 2009 IAEA report strongly indicates that the site was designed for military purposes – given it is too small for the production of atomic energy, but large enough for the production of a nuclear weapon. Iran’s argument that the site was built for domestic consumption was also called into question – based on the absence of auxiliary facilities in the event of a bombing by another state. The IAEA expressed concern that additional hidden sites may exist – given the delay in disclosure. Moreover, the IAEA has recently concluded tentatively that Iran has “sufficient information to be able to design and produce a workable” nuclear weapon.

- “Iran Defends ‘Rights’ to Run Its Newly Declared Plant”, Allan Cowell and Nazila Fathi, *New York Times*, updated 30 September 2009. Available at: http://www.nytimes.com/2009/09/30/world/middleeast/30tehran.html?_r=1&hp.

- “Inspectors Fear Iran Is Hiding Nuclear Plants”, David E. Sanger and William J. Broad, *New York Times*, updated 17 November 2009. Available at: http://www.nytimes.com/2009/11/17/world/middleeast/17nuke.html?_r=1.
- Report of the Director General of the International Atomic Energy Agency, 16 November 2009. Available at: <http://www.iaea.org/Publications/Documents/Board/2009/gov2009-74.pdf>.
- “Report Says Iran Has Data to Make Bomb”, William J. Broad and David E. Sanger, *New York Times*, 4 October 2009. Available at: http://www.nytimes.com/2009/10/05/world/middleeast/05iran.html?_r=1.

32. The events unfolding after the October 1, 2009 discussions at Geneva between Iran and the P5+1 are also particularly alarming. An understanding was reached at Geneva requiring the removal of uranium from Iran for further processing in France or Russia – to be returned to Iran in the form of fuel for a domestic reactor. The purpose of the understanding was to reduce Iran’s stockpile in order to delay its nuclear weaponisation capability. By November 2009 Iran had already reneged on the understanding – demanding that it receive the fuel first – thus defeating the purpose of the understanding and demonstrating its bad faith. A stern rebuke from the IAEA followed in the November 27, 2009 resolution of its board. A defiant Ahmadinejad proceeded to call for the development of 10 new large scale enrichment sites. At minimum, this program offers the perfect cover for the construction of smaller hidden sites geared to processing weapons grade uranium.

- “Iran’s Nuclear Program”, Times Topic, *New York Times*, updated 21 October 2009. Available at: http://topics.nytimes.com/top/news/international/countriesandterritories/iran/nuclear_program/index.html.
- “Frustration as Iran Stalls on Deal”, Steven Erlanger, *New York Times*, 21 November 2009. Available at: http://www.nytimes.com/2009/11/21/world/middleeast/21nuke.html?_r=1.

- “Report Says Iran Has Data to Make Bomb”, William J. Broad and David E. Sanger, *New York Times*, 4 October 2009. Available at: http://www.nytimes.com/2009/10/05/world/middleeast/05iran.html?_r=1.
- “Latest U.N. censure of Iran may start more confrontational phase”, Glenn Kessler and Joby Warrick, *Washington Post*, 28 November 2009. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/11/27/AR2009112700892.html>.
- “Iran says UN criticism prompted new nuclear plans”, Ali Akbar Dareini, *Washington Post*, 30 November 2009. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/11/29/AR2009112901105.html>.
- “Russia shifts stance on Iran, Ahmadinejad defiant”, Oleg Shchedrov, *Reuters*, December 1, 2009. Available at: <http://www.reuters.com/articlePrint?articleId=USGEE5B023C20091201>.

33. While Obama’s call to engagement was worthwhile, Iran has not itself engaged seriously. The time has come for action.

34. Accordingly, this Petition will call upon the international community to hold Ahmadinejad’s Iran to account – by enforcing and applying U.N. Security Council resolutions and related international law and sanctions respecting Iran’s illegal pursuit of atomic weapons. By way of illustration, this Petition calls upon the international community to combat the threat of a nuclear Iran by implementing the targeted sanctions prescribed under the U.N. Security Council resolutions, including: a ban on the supply, sale and transfer of nuclear enrichment, reprocessing and development related materials and technology; a prohibition on the provision of financial assistance to Iran – unless it is for humanitarian purposes; and the imposition of a travel ban and asset freeze on Iranian individuals and entities involved in Iran’s nuclear program.

D. Recognizing and Responding to Massive Human Rights Violations

35. In the matter of human rights, one finds in Ahmadinejad's Iran the widespread and systematic violation of the rights of the Iranian people – constitutive of crimes against humanity under international law – to which the *responsibility to prevent and responsibility to protect* principles also apply. Moreover, the human rights abuses in Iran have only increased since the fraudulent presidential elections of June 12, 2009; a brutal and alarming assault on the popular uprising – sometimes referred to as the Green Revolution – which continues to date.

36. This Petition contains the most recent – and comprehensive – witness testimony and documentary evidence containing the main indices of the mass domestic repression and gross human rights violations perpetuated by the Iranian regime, and exacerbated by the fraudulent presidential elections of June 12, 2009 including: the systematic and widespread killing, execution, torture and other inhumane treatment of its people; the systematic and widespread oppression of a minority – a case study of the Baha'i; the exclusion of, and discrimination against, religious and ethnic minorities; the assault on women's rights; the repression of freedom of speech, assembly and association – including assaults on students, activists and journalists; the crackdown against cyber dissidents; the assault on labour rights; the imposition of a death penalty for juveniles; the denial of gay/lesbian rights; the murder of political dissidents; and the failure to provide a system of justice. These massive violations – overlaid with show trials, forced confessions, the Basij militia and the omnipresent Revolutionary Guards – have turned Iran from a clerical dictatorship into a military dictatorship, as characterized by respected filmmaker and journalist Maziar Bahari, who was himself imprisoned during the post-June 12, 2009 protests.

37. Moreover, the Petition calls upon international actors – including inter-governmental bodies, such as the United Nations, and State Parties to international treaties – to hold Iran to account for its massive human rights violations.

38. The Petition, therefore, sets forth a legal framework for redress and remedy including: regularly displaying public disapproval for the Iranian regime and its leadership; providing moral and financial support for the democratic movement in Iran; imposing severe limits on the number and nature of visits by Iranian leaders; raising the massive human rights abuses in Iran as a priority issue on the agenda during any bilateral meetings with Iran; coordinating the imposition of travel bans and asset freezes on Iranian officials; monitoring and regulating foreign offices, bureaus or media outlets that the Iranian regime uses as a sources of threat, incitement and intimidation; reducing high-level interaction with Iranian officials and terminating visits at the ministry level; declaring the principal officials of the Iranian regime responsible for massive human rights abuses – including members of the Basij militia and the Revolutionary Guard – inadmissible; using multilateral interventions to keep the massive human rights abuses in Iran on the international agenda; and ensuring that the Iranian regime and its officials who are complicit in acts of torture and terror are not protected from civil lawsuits. A more fulsome appreciation of redress and remedy for Iran’s massive human rights violations can be found at Section IV. B. of the Petition below.

39. The Petition, having regard to the toxic convergence of these interrelated threats – the genocidal incitement, the nuclear and the rights violating – sets forth a series of generic initiatives and remedies, as well as threat specific remedies, the whole as appears more fully in the text of this Petition.

II. **IRAN’S GENOCIDAL AND NUCLEAR THREAT: A CLEAR AND
PRESENT DANGER TO INTERNATIONAL PEACE AND SECURITY**

E. **The Precursors and Paths to Genocide: Prologue and Justification**

(i) **Delegitimization and exclusion: Israel and its people as illegitimate
aliens**

40. Genocide is a crime almost unfathomable in its cruelty and its scale. It is impossible to perpetrate against victims that appear, to the *genocidaires*, as *human*. As genocide scholar Helen Fein notes, potential victims must be seen in the minds of the *genocidaires* as beyond “the boundaries of the universe of obligation”. The first step is to classify the “other” – the targeted State and its people – as illegitimate and unworthy of that universe of obligation.

➤ *Accounting for Genocide*, Helen Fein (New York: Free Press, 1979), at p. 33.

41. This insight – and the horrific history of genocide that testifies to its truth – has led former Secretary-General of the United Nations, Kofi Annan, to exhort:

We must attack the *roots of violence and genocide*. These are intolerance, racism, tyranny, and the dehumanizing public discourse that denies whole groups of people their dignity and rights.

[Emphasis added]

➤ “Genocide is Threat to Peace Requiring Strong, United Action, Secretary-General tells Stockholm International Forum”, Press Release SG/SM/9126, 26 January 2004. Available at: <http://www.preventgenocide.org/prevent/UNdocs/KofiAnnanStockholmGenocideProposals26Jan2004.htm>.

42. Iran has started the dehumanization process by impugning the legitimacy of Israel as a nation, and Israelis and Jews as a people, and singling them out for opprobrium and enmity warranting their demise. In segregating out these intended victims from the

Iranian population, the Government of Iran has framed this relationship as a zero-sum game, in which inherently competing interests can never be reconciled, a peaceful co-existence cannot be imagined, and the only solution is the elimination of the adversarial enemy:

There is only one solution to the Middle East problem, namely the annihilation and destruction of the Jewish state.

- Supreme Leader Ayatollah Ali Khamenei, as reported in the *Daily Telegraph*, 1 January 2000. Available at <http://www.frontpagemag.com/Articles/Printable.asp?ID=23841>.

43. In this artificial dialectic, Israel is wrongly portrayed as being the anti-thesis to “Muslims”, a broad group in no way represented by the contemporary Iranian leadership. The consequence is that the issue becomes falsely framed as a clash of civilizations, where none, in truth, exists:

Who are Israelis? They are responsible for usurping houses, territory, farmlands and businesses. They are combatants at the disposal of Zionist operatives. A Muslim nation cannot remain indifferent vis-à-vis such people who are stooges at the service of the arch-foes of the Muslim world.

- “Ayatollah Ali Khamenei says Iran, Israel on ‘collision course’”, Ramin Mostaghim and Borzou Daragahi, *Los Angeles Times*, 20 September 2008. Available at: <http://www.latimes.com/news/nationworld/world/la-fg-iran20-2008sep20,0,554272.story>.

Death to America and death to Israel are not only words written on paper, but a symbolic approach that reflects the desire of all the Muslim nations.

- Hossein Shariatmadari, a close confidant of Supreme Leader Ayatollah Ali Khamenei, in a speech on October 4, 2007. See *What Iranian Leaders Really Say About Doing Away with Israel*, Joshua Teitelbaum (Jerusalem Center for Public Affairs, 2008), at p. 15. Available at: <http://www.jcpa.org/text/ahmadinejad2-words.pdf>.

44. This delegitimizing paradigm finds further expression in the rhetoric treating Israel as a foreign and alien entity that has no rightful place in the Middle East. Indeed, Israel is often referred to simply as the “Zionist regime”, a convenient euphemism that avoids any implicit recognition of the State and is itself utilized as a means of delegitimization. Accordingly, Foreign Minister Manouchehr Mottaki has stated:

The West has tried to impose a fabricated regime on the Middle East, but even after 60 years, the Zionist regime has neither gained any legitimacy nor played any role in this region.

- “Tehran: Israel has neither legitimacy nor any role in the Middle East”, *Ha'aretz*, 18 February 2008. Available at: <http://www.haaretz.com/hasen/objects/pages/PrintArticleEn.jhtml?itemNo=955417>.

45. President Mahmoud Ahmadinejad has frequently – and publicly – referred to the illegitimate “other” – Israel and its people – in a similar manner. For example, in an interview with *Le Monde*, he called Israel a “people falsified, invented”. On a later visit to Rome, he repeated this idea, calling Israel a “false regime”. And in front of the United Nations General Assembly, he labelled Israel a “criminal” and “forged” regime of “murderers” that “invade[s]” and “assassinate[s]”, the whole created on “other people’s land by displacing, detaining, and killing the true owners of that land”.

- Interview with *Le Monde* quoted at <http://www.voltairenet.org/article154999.html> (5 February 2008). The interview has also been quoted at <http://www.tebyan.net/news/analyses/2008/2/12/61300.html> (12 February 2008).
- “Ahmadinejad calls Israel ‘false regime’ of Zionists”, Phil Stewart, *Reuters*, 3 June 2008. Available at: <http://www.reuters.com/articlePrint?articleId=USL0369980720080603>.
- Text of the speech delivered by President Mahmoud Ahmadinejad at the United Nations General Assembly, 23 September 2008, as translated by the Presidency of the Islamic Republic of Iran News Service. Available at: <http://www.haaretz.com/hasen/objects/pages/PrintArticleEn.jhtml?itemNo=1024097>.

46. This exclusionary rhetoric underpins the antimony that Ahmadinejad's Iran seeks to promulgate: between the false Israel "other", seen as a Zionist Western regime that was artificially placed in the Middle East; and between Muslims, held out as not only the rightful inhabitants of the region, but also as a group usurped by this alien "other". As the words of Supreme Leader Ayatollah Ali Khamenei demonstrate, this basic distinction provides the foundation on which the edifice of hatred is constructed, underpinned by ugly anti-Semitic tropes:

What are you? A forged government and a false nation. They gathered wicked people from all over the world and made something called the Israeli nation. Is that a nation? All the malevolent and evil Jews have gathered there. . . . Those [Jews] who went to Israel were malevolent, evil, greedy thieves and murderers.

- *Radio Iran*, 20 July 1994 (Foreign Broadcast Information Service Daily Reports [FBIS-DR]). Quoted in "The Islamic Republic of Iran and the Holocaust: Anti-Semitism and Anti-Zionism", Meir Litvak, *The Journal of Israeli History*, vol. 25, no. 1, March 2006, pp. 267-284 at 271.

(ii) From delegitimization to dehumanization

47. Against this context of the singling-out and delegitimization of the alien "other" Israel, the next genocidal precursor is the dehumanization of Israelis and Jews through the use of epidemiological metaphors reminiscent of Nazi-like dehumanization of the Jews. Indeed, in the genocide-fostering process, biological euphemisms are not just rhetorical tools; they seek to preclude the intended victims from even being considered human to begin with. Thus, just as Jews were labelled as "vermin" by the Nazis and the Tutsi were labelled as "cockroaches" in Rwanda, so too have Israelis and Jews been dehumanized and labelled in Iran as:

- (A) a "filthy germ" and "savage beast";

- President Mahmoud Ahmadinejad, in a speech on 20 February 2008. See “UN Chief: Ahmadinejad’s verbal attacks on Israel intolerable”, *Ha’aretz*, 21 February 2008. Available at: <http://www.haaretz.com/hasen/spages/956306.html>.
 - The “filthy germ” quote has also been translated as a “black and filthy microbe”: See “Analysis: Iran’s talk of destroying Israel must not get lost in translation”, Joshua Teitelbaum, *Jerusalem Post*, 22 June 2008. Available at: <http://www.jpost.com/servlet/Satellite?cid=1213794295236&pagename=JPost%2FJPArticle%2FPrinter>.
- (B) a “cancerous tumour”;
- Supreme Leader of Iran, Ayatollah Ali Khamenei, quoted in “Iran leader urges destruction of ‘cancerous’ Israel”, *Reuters*, 15 December 2000. Available at: <http://archives.cnn.com/2000/WORLD/meast/12/15/mideast.iran.reut/>.
- (C) a “stain of disgrace” on the “garment of the world of Islam”;
- President Mahmoud Ahmadinejad, in a speech on 26 October 2005. See “Analysis: Iran’s talk of destroying Israel must not get lost in translation”, Joshua Teitelbaum, *Jerusalem Post*, 22 June 2008. Available at: <http://www.jpost.com/servlet/Satellite?cid=1213794295236&pagename=JPost%2FJPArticle%2FPrinter>.
- (D) a “stinking corpse”;
- President Mahmoud Ahmadinejad, speaking on the occasion of the 60th anniversary of Israel’s founding, 8 May 2008. See “Ahmadinejad brands Israel a ‘stinking corpse’”, *AFP*, 8 May 2008. Available at: <http://afp.google.com/article/ALeqM5ix-viVGAnfS1RHJGzZHSGjnzDIXg>.
- (E) a “cancerous bacterium”;
- Commander of the Islamic Revolutionary Guard Corps, General Mohammad-Ali Jaafari, in a letter made public 18 February 2008. See “Iran: Cancerous Israel to be destroyed by Hizbullah”, Dudi Cohen, *Ynetnews*, 18 February 2008. Available at: <http://www.ynetnews.com/articles/0,7340,L-3508176,00.html>.
- (F) stuck in a “cesspool created by itself and its supporters”;
- President Mahmoud Ahmadinejad, speaking to the United Nations General Assembly, 23 September 2008. See “Ahmadinejad rails against Zionists, U.S. bullying”, Claudia Parsons, *Reuters*, 23 September 2008. Available at: <http://www.reuters.com/article/topNews/idUSTRE48N0H720080924?sp=true>.

(G) “like cattle—nay, more misguided”;

- President Mahmoud Ahmadinejad. Reported by the *Iranian News Channel (IRINN)*, 1 August 2006. Available at: http://www.memritv.org/clip_transcript/en/1216.htm.

(H) a “rotten, dried tree”; and

- President Mahmoud Ahmadinejad, speaking at the opening of a conference, 14 April 2006. See “Iran: Israel Facing ‘Annihilation’”, *Associated Press*, 14 April 2006. Available at: <http://www.cbsnews.com/stories/2006/04/14/world/main1499824.shtml>.

(I) an “unclean regime”.

- General Yahya Rahim Safavi, founder of the Islamic Revolutionary Guards Corps and advisor to Supreme Leader Ayatolla Ali Khamenei, February 23, 2008. See *What Iranian Leaders Really Say About Doing Away with Israel*, Joshua Teitelbaum (Jerusalem Center for Public Affairs, 2008), at p. 14. Available at: <http://www.jcpa.org/text/ahmadinejad2-words.pdf>.

(III) From dehumanization to demonization

48. Related to the dehumanization process is the demonizing process. Under this paradigm, the would-be victims of genocide are portrayed as inspirations of the devil. Dehumanization coupled with demonization accomplishes the dual purpose of making the would-be victim appear not only to be less than human (if not sub-human), but also to appear more threatening, thereby providing a warrant for genocide.

49. Indeed, demonization of Israel and Jews is frequent in Ahmadinejad’s Iran. In this vein, President Mahmoud Ahmadinejad:

(A) has stated that “Zionists are the true manifestation of Satan”, that the “Zionist regime” is the “flag of Satan”, and that the regime is “based on evil”;

- “[T]rue manifestation of Satan” comment made on 1 March 2007 and quoted in “Zionist regime offspring of Britain, nurtured by US – Ahmadinejad”,

Islamic Republic News Agency (IRNA), 1 March 2007. Available at: <http://www2.irna.ir/en/news/view/line-20/0703015352005938.htm>.

- “[F]lag of Satan” comment made on 18 August 2007 and quoted by the *Islamic Republic News Agency (IRNA)* in “Ahmadinejad: Israel is ‘flag of Satan,’ may face disintegration”, *Reuters*, 18 August 2007. Available at: <http://www.haaretz.com/hasen/spages/894744.html>.
- “[B]ased on evil” comment made at a student rally on 11 May 2006 and quoted in “President Mahmoud Ahmadinejad in his Own Words: 2006”, *Anti-Defamation League*, 11 May 2006. Available at: http://www.adl.org/main_International_Affairs/ahmadinejad_words.htm?Multi_page_sections=sHeading_4.

(B) has declared that “[t]he Zionists and their protectors are the most detested people in all of humanity, and the hatred is increasing every day”;

- Statement made on Iranian state television, 13 July 2006, quoted in “President Mahmoud Ahmadinejad in his Own Words: 2006”, *Anti-Defamation League*, 11 May 2006. Available at: http://www.adl.org/main_International_Affairs/ahmadinejad_words.htm?Multi_page_sections=sHeading_4.

(C) has remarked that “[n]ext to them, all the criminals of the world seem righteous”;

- Statement made during a speech broadcast on the *Iranian News Channel (IRINN)*, 1 August 2006. Available at: http://www.memritv.org/clip_transcript/en/1216.htm.

(D) has characterized the “Zionist regime” as being “created on aggression, lying, oppression and crime”;

- As quoted by the *Islamic Republic News Agency (IRNA)*, 27 November 2007, quoted in “President Mahmoud Ahmadinejad in his Own Words: 2007”, *Anti-Defamation League*, 12 June 2008. Available at: http://www.adl.org/main_International_Affairs/ahmadinejad_words.htm?Multi_page_sections=sHeading_3.

(E) has further referred to Israel as “criminal and terrorist Zionist regime which has 60 years of plundering, aggression and crimes in its file”; and

- “Ahmadinejad calls Israel ‘false regime’ of Zionists”, Phil Stewart, *Reuters*, 3 June 2008. Available at: <http://www.reuters.com/articlePrint?articleId=USL0369980720080603>.

(F) builds on this demonic paradigm using different adjectives and metaphors in his speeches, referring, for instance, to Israel as the “epitome of perversion”.

- “Ahmadinejad says Israel will ‘disappear’”, Hossein Jaseb and Fredrik Dahl, *Reuters*, 2 June 2008. Available at: <http://www.reuters.com/articlePrint?articleId=USL0261250620080602>.

(iv) Holocaust denial

50. If these above precursors of genocide – delegitimization, dehumanization and demonization – that act as prologue to and justification for a Mid-East genocide are not enough, President Mahmoud Ahmadinejad’s vocabulary of hate also denies the Nazi genocide while it incites to a new one. In fact, Holocaust denial is another particularly powerful tool in the quest to demonize Israel and the Jews.

51. Holocaust denial is closely related to demonization because it necessarily implicates Israel and the Jews in an international criminal conspiracy to fabricate the Holocaust while portraying them also as a global threat, all the while denying Jews their suffering. Holocaust denial is also an apt vehicle for reviving the allegation that Israel has no rightful place in the Middle East:

A hundred years ago, they began to devise conspiracies on the basis of a diabolical plan. [...] Sixty years ago, by means of a highly complex plan, involving psychology, politics and propaganda, and by means of weapons, they managed to establish a false regime in the heart of the Middle East.

- President Mahmoud Ahmadinejad, in a speech delivered on 1 August 2006 and broadcast on the *Iranian News Channel (IRINN)*. Available at: http://www.memritv.org/clip_transcript/en/1216.htm.

52. The Secretary-General of the United Nations has acknowledged the link between Holocaust denial and genocidal incitement:

Denying historical facts, especially on such an important subject as the Holocaust, is just not acceptable. Nor is it acceptable to call for the elimination of any State or people. I would like to see this fundamental principle respected both in rhetoric and in practice by all the members of the international community.

- Secretary-General-Designate Ban Ki-moon, Press Conference SG/2120, 14 December 2006. Available at: <http://www.un.org/News/Press/docs/2006/sg2120.doc.htm>.

53. For this reason, the United Nations has already taken a strong and unambiguous approach against Holocaust denial, adopting a resolution through its General Assembly that “*Rejects any denial of the Holocaust as an historical event, either in full or part*”.

- *Holocaust Remembrance*, A/RES/60/7 (1 November 2005).

54. However, the clear stance of the international community has in no way impeded Holocaust denial in Iran. With President Ahmadinejad calling the Holocaust “fake”, and the Iranian State sponsoring a conference with the questioning of the Holocaust as its premise and actively supporting Holocaust denial around the world, the Iranian media has also taken up the mantle. The *Tehran Times* has published a series on the “Auschwitz Lie”, while a television documentary has alleged that Adolf Eichmann testified about Zionists collaborating with Nazis in order to orchestrate the Holocaust.

- *Tehran Times*, 25 January, 29 January, 1 February, 3 February, and 17 February 2001, as cited in “The Islamic Republic of Iran and the Holocaust: Anti-Semitism and Anti-Zionism”, Meir Litvak, *The Journal of Israeli History*, vol. 25, no. 1, March 2006, pp. 267-284 at 275.
- “Al-Sameri wa Al-Saheer”, *Al-Alam* (Iranian television), April 2004. Excerpts available in “Iranian TV Series Based on the Protocols of the Elders of Zion and the Jewish Control of Hollywood”, *Middle East Media Research Institute*, Special Dispatch Series no. 705, 30 April 2004. Available at: <http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP70504>.

- See “Ahmadinejad says Israel won’t survive”, Nasser Karimi, *Associated Press*, 18 September 2008. Available at: <http://ap.google.com/article/ALeqM5hNwBoRdFjRewLNm4NTuzK-0BTzeAD9397VTO0>.

55. The message is clearly – and consciously – being passed to the younger generation. During September 2008 demonstrations against “Zionists” in “occupied Palestine”, the Iranian education minister presided over the unveiling of a book by Iranian students caricaturing the Holocaust. The book contained cartoons showing stereotypical images of Jews with large, hooked noses, along with text alleging the Nazi massacre was highly exaggerated, mocking survivor testimonials, and accusing Jews of profiting from the Holocaust

- See “Young Iranians Release Book Caricaturing The Holocaust”, Thomas Erdbrink, *Washington Post*, 28 September 2008. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2008/09/27/AR2008092702588.html>.

56. Iranian treatment of the Holocaust is not consistent. While a view sympathetic to the Jewish victims is not portrayed, the themes vary: the extent of the genocide may be downplayed, the fact that Jews were deliberately targeted by Adolf Hitler may be denied, or a conspiracy between Zionists and Nazis may be alleged. Whatever the instantiation, the bottom line, as espoused by Supreme Leader Ayatollah Ali Khamenei, is that Zionists used the Holocaust “in order to solicit international support for the establishment of the Zionist entity in 1948”, further impugning the legitimacy of the “Zionist entity”.

- Reported by the *Islamic Republic News Agency (IRNA)*, 24 April 2001, and quoted in “The Islamic Republic of Iran and the Holocaust: Anti-Semitism and Anti-Zionism”, Meir Litvak, *The Journal of Israeli History*, vol. 25, no. 1, March 2006, pp. 267-284 at 274.

57. The consequence is that Holocaust denial in Iran is not only a denial of Jewish history, but also a rhetorical device used to undermine the legitimacy of the Jewish State

as it currently exists. As the Speaker at the Iranian Parliament, Gholam-Ali Haddad Adel said:

[F]ollowing World War II, they established an artificial, false, and fictitious state called Israel in this region.

- Broadcast on the *Iranian News Channel (IRINN)*, 18 July 2006. Available at: http://www.memritv.org/clip_transcript/en/1199.htm.

58. President Mahmoud Ahmadinejad has elaborated on this theme in detail:

... they have concocted a myth of deprivation and innocence for the Jews of Europe. They use this pretext of the innocence of Jews and the suffering of some Jews during the Second World War. Riding on the crest of a wave of anti-Jewish sentiments, they have laid the foundations for the Zionist regime.

- Speech delivered 5 October 2007 and quoted in “President Mahmoud Ahmadinejad in his Own Words: 2007”, *Anti-Defamation League*, 12 June 2008. Available at: http://www.adl.org/main_International_Affairs/ahmadinejad_words.htm?Multi_page_sections=sHeading_3.

(v) The false accusation in the mirror as another warrant for genocide

59. Holocaust denial in Iran, with its inherent conspiracy theory that Zionists used the Holocaust to usurp Muslim land in the Middle East, fits neatly with the false paradigm of what genocide experts have called the “accusation in the mirror” principle. *Genocidaires* will invoke this strategy to convince the audience that if the diabolical and murderous “other” is not attacked, then the audience will fall victim to the “other”—thus “casting aggression as self-defense”. Indeed, this is a leitmotif used and abused by the Nazis and the *genocidaires* in the Balkans, Rwanda and Darfur.

- See “International Decision: Prosecutor v. Nahimana, Barayagwiza, & Ngeze”, Catherine MacKinnon, (2004) 98:2 *American Journal of International Law* 325, at p. 330. See also “‘A War of Media, Words, Newspapers and Radio Stations’: The ICTR Media Trial Verdict and a New Chapter in the International Law of Hate Speech”, Gregory S. Gordon, (2004) 45 *Virginia Journal of International Law* 139, at 186.

60. Use of the “accusation in the mirror” strategy acts as another precursor, and a form of incitement, to genocide. It provides a necessary psychological justification for the atrocity to be carried out: that not only is the “other” illegitimate, inhuman and demonic, but it is threatening attack as well. Genocide scholar Susan Benesch explains that this paradigm complements the process of dehumanization perfectly:

The dominant group must come to see its putative victims as mortal threats (since killing can then be rationalized as self-defense) or as subhuman (as insects or animals), or both.

- “Inciting Genocide, Pleading Free Speech”, Susan Benesch, *World Policy Journal*, vol. 21, no. 2 (Summer 2004). Available at: <http://www.worldpolicy.org/journal/articles/wpj04-2/Benesch.html>.

61. President Mahmoud Ahmadinejad has expressly called the “Zionist regime” a “permanent threat”. He stated: “This [Zionist regime] was established in order to swallow up the entire region”. He has also used demonic imagery and conspiracy theory to emphasize this threat:

They kill women and children, young and old. And, behind closed doors, they make plans for the advancement of their evil goals.

- As quoted by *Khorasan Provincial TV*, 6 August 2006, and quoted in “President Mahmoud Ahmadinejad in his Own Words: 2007”, *Anti-Defamation League*, 12 June 2008. Available at: http://www.adl.org/main_International_Affairs/ahmadinejad_words.htm?Multi_page_sections=sHeading_4.
- “[S]wallow up the entire region” comment from a speech broadcast on *Jaam-e Jam 1 TV*, 20 October 2006. Available at: http://www.memritv.org/clip_transcript/en/1301.htm.
- “[P]ermanent threat” comment from a speech opening the “Support for the Palestinian Intifada” conference, 14 April 2006, and quoted in “President Mahmoud Ahmadinejad in his Own Words: 2007”, *Anti-Defamation League*, 12 June 2008. Available at: http://www.adl.org/main_International_Affairs/ahmadinejad_words.htm?Multi_page_sections=sHeading_4.

62. Similarly, when Supreme Leader Ayatollah Ali Khamenei took up the words of his predecessor, Supreme Leader Ayatollah Ruhollah Khomeini, he was engaging in both the “accusation in the mirror” principle and the process of dehumanization and demonization. Indeed, he suggests not only that Jews may threaten attack in the future, but that they have already attacked and threaten further evil in the future:

[T]he occupation of Palestine [by the Jews] is part of a satanic design by the world domineering powers, perpetrated by the British in the past and being carried out today by the United States to weaken the solidarity of the Islamic world and to sow the seeds of disunity among us.

- Address by the Ayatollah Khamenei on the Occasion of the International Conference on Palestinian Intifada, 24 April 2001. Available at: <http://www.radioislam.org/tehranconference/eng.htm>. See also “The Islamic Republic of Iran and the Holocaust: Anti-Semitism and Anti-Zionism”, Meir Litvak, *The Journal of Israeli History*, vol. 25, no. 1, March 2006, pp. 267-284 at 270.

63. The same hateful, inciting narrative was advanced by Yahya Raheem Safavi, Iranian Revolutionary Guards Commander:

There is a need to topple the phony Zionist regime, this cancerous growth [called] Israel, which was founded in order to plunder the Muslims’ resources and wealth.

- Reported by *Fars* (Iranian news agency), 30 July 2006. Quoted in “Iran and Syria Beat the Drums of War”, *Middle East Media Research Institute*, Special Dispatch Series no. 1225, 2 August 2006. Available at: <http://memri.org/bin/latestnews.cgi?ID=SD122506>.

(vi) Satanic Jews as enemies of humanity

64. Iranian officials use the image of the “threatening other” not to only incite to a false antimony, built on the artificial clash-of-civilizations motif discussed above, but also to enhance the illegitimate, inhuman and demonizing features of this alien “other”. Thus, when President Mahmoud Ahmadinejad calls Israelis “bloodthirsty barbarians”, he

is not only demonizing and dehumanizing them, but he is also characterizing them as threats to humanity as a whole. His comments that Israelis have “no boundaries, limits, or taboos when it comes to killing human beings”, that Israel is fighting a “war against humanity”, and that Zionism is the main cause of all corruption and wickedness in the contemporary era, need to be understood in this context.

- “[B]loodthirsty barbarians” and “no boundaries” quotes from a speech broadcast on the *Iranian News Channel (IRINN)*, 1 August 2006. Available at: http://www.memritv.org/clip_transcript/en/1216.htm.
- “[W]ar against humanity” quote from “‘Eliminate’ Israel to solve the crisis, says Iranian president”, Patrick Bishop and Sebastian Berger, *Daily Telegraph*, 4 August 2006. Available at: <http://www.telegraph.co.uk/news/1525591/Eliminate-Israel-to-solve-the-crisis-says-Iranian-president.html>.
- Reference to Zionism as the “main cause of all corruption” from “Ahmadinejad: Zionist regime to be dismantled soon,” *Islamic Republic News Agency (IRNA)*, 20 August 2008. Available at: <http://www1.irna.ir/en/news/view/line-17/0808207991171114.htm>.

65. By engaging in such rhetoric, President Ahmadinejad and other Iranian officials make it clear that their complaint is not simply a political/diplomatic one with the State of Israel. It is an existential one, targeted at the Jews and Israelis personally, as evidenced by the Supreme Leader Ayatollah Ali Khamenei’s public censure of a Government tourism official who said Israelis are “friends” of Iran:

It is incorrect, irrational, pointless and nonsense to say that we are friends of Israeli people.

- “Ayatollah Ali Khamenei says Iran, Israel on ‘collision course’”, Ramin Mostaghim and Borzou Daragahi, *Los Angeles Times*, 20 September 2008. Available at: <http://articles.latimes.com/2008/sep/20/world/fg-iran20?pg=1>.

66. Indeed, it is difficult to conceptualize how Iran could adopt any other official position, given its characterization of Jews and Israelis as the enemies of humanity itself:

Today, it has been proven that the Zionists are not opposed only to Islam and the Muslims. They are opposed to humanity as a whole. They want to dominate the entire world. They would even sacrifice the Western regimes for their own sake. I have said in Tehran, and I say it again here – I say to the leaders of some Western countries: Stop supporting these corrupt people. Behold, the rage of the Muslim peoples is accumulating. The rage of the Muslim peoples may soon reach the point of explosion. If that day comes, they must know that the waves of this explosion will not be restricted to the boundaries of our region. They will definitely reach the corrupt forces that support this fake regime.

- Speech by President Mahmoud Ahmadinejad, reported on the *Iranian News Channel (IRINN)*, 11 July 2006. Available at: http://www.memritv.org/clip_transcript/en/1187.htm.

67. The fight against this “corrupt” people seeking to “dominate the entire world” has even been ascribed religious implications. President Ahmadinejad has stated that “anybody who recognizes Israel will burn in the fire of the Islamic nation’s fury”. And Ayatollah Hossein Nouri-Hamedani has implored:

One should fight the Jews and vanquish them so that the conditions for the advent of the Hidden Imam be met.

[...]

[A]t present the Jews’ policies threaten us. One should explain in the clearest terms the danger the Jews pose to the [Iranian] people and to the Muslims.

- Speech by Ayatollah Hossein Nouri-Hamedani, 14 April 2005. “Ayatollah Nouri-Hamedani: ‘Fight the Jews and Vanquish Them so as to Hasten the Coming of the Hidden Imam’”, *MEMRI Special Dispatch Series*, no. 897, 22 April 2005. Available at: <http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP89705>.
- Quote from President Mahmoud Ahmadinejad cited in “Iranian leader: Wipe out Israel”, *CNN*, 27 October 2005. Available at: <http://edition.cnn.com/2005/WORLD/meast/10/26/ahmadinejad/index.html>.

68. In the above quote, the Ayatollah exemplifies all the core stages of the genocidal process: Jews are first segregated as the alien “other” and demonized and demonized as a

danger to the Muslim civilization, before being characterized as the object of necessary attack.

(VII) Anti-Semitism as prologue to and justification for genocide

69. Tragically, we have been down this road before. In addition to copying the genocidal plan that characterized the mass murders in Rwanda, the Balkans and Sudan, the current Iranian regime is also relying on one of the most long-standing and virulent hatreds: anti-Semitism. For all its sophistication and euphemism, the dehumanization and demonization of Jews and Israelis in contemporary Iran is no different than the anti-Semitic discourse that has reared its ugly head for thousands of years.

70. The hallmarks of traditional anti-Semitism have been transposed and manipulated by Iran to create hatred capable of supporting modern genocide. Sometimes, the centuries'-old propaganda itself is expressly rehashed:

But among the Jews there have always been those who killed God's prophets and who opposed justice and righteousness. Throughout history, this religious group has inflicted the most damage on the human race, while some groups within it engaged in plotting against other nations and ethnic groups to cause cruelty, malice and wickedness. Historically, there are many accusations against the Jews. For example, it was said that they were the source for such deadly diseases as the plague and typhus. This is because the Jews are very filthy people. For a time people also said that they poisoned water wells belonging to Christians and thus killed them.

- Iranian Presidential Advisor Mohammad Ali Ramin, during a visit with university students, 9 June 2006. See "Iranian Presidential Advisor Mohammad Ali Ramin: 'The Resolution of the Holocaust Issue Will End in the Destruction of Israel'", *Middle East Media Research Institute*, Special Dispatch Series no. 1186, 15 June 2006. Available at: <http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP118606>.

71. Recently, addressing the leaders of the world at the United Nations General Assembly with a speech quickly labelled by the German foreign minister as "blatant anti-

Semitism”, President Mahmoud Ahmadinejad expressly repeated some of the most heinous and offensive anti-Semitic themes ever recorded, accusing “Zionists” of running a manipulative cabal that holds the world economy captive:

The dignity, integrity and rights of the American and European people are being played with by *a small but deceitful number of people called Zionists*. Although they are a miniscule minority, they have been *dominating an important portion of the financial and monetary centers as well as the political decision-making centers of some European countries and the US in a deceitful, complex and furtive manner*. It is deeply disastrous to witness that some presidential or premiere nominees in some big countries have to visit these people, take part in their gatherings, swear their allegiance and commitment to their interests in order to attain financial or media support.

This means that the great people of America and various nations of Europe need to obey *the demands and wishes of a small number of acquisitive and invasive people*. These nations are spending their dignity and resources on the crimes and occupations and the threats of the Zionist network against their will.

[Emphasis added]

- Text of the speech delivered by President Mahmoud Ahmadinejad at the United Nations General Assembly, 23 September 2008, as translated by the Presidency of the Islamic Republic of Iran News Service. Available at: <http://www.haaretz.com/hasen/objects/pages/PrintArticleEn.jhtml?itemNo=1024097>.
- Statement by German Foreign Minister Frank-Walter Steinmeier, delivered 26 September 2008 at the United Nations General Assembly, reported at “Iran’s U.N. speech ‘blatant anti-Semitism’: Germany”, *Reuters*, 26 September 2008. Available at: <http://www.reuters.com/article/latestCrisis/idUSN26323445>.

72. President Ahmadinejad has also called Zionism “very secretive” and “the root cause of insecurity and wars”.

- “An Interview With President Mahmoud Ahmadinejad”, *New York Times*, 26 September 2008. Available at: http://www.nytimes.com/2008/09/26/world/middleeast/26iran-transcript.html?_r=2&sq=interview%20with%20president%20%20mahmoud%20ahmadinejad&st=cse&oref=slogin&scp=1&pagewanted=print.

73. This anti-Semitic backdrop simultaneously provides a foundation for Iran's planned genocide and evinces the dire seriousness with which its threat is to be taken. Indeed, advocating genocide as a solution follows directly from the anti-Semitism that President Ahmadinejad preaches:

A Zionist organization with 2,000 [members] and with 7,000 or 8,000 activists have brought the world to a state of confusion. Let me tell them that if they themselves do not wrap up Zionism, *the strong arm of the peoples will wipe these germs of corruption off the face of the earth.*

[Emphasis added]

- Text of a statement made by President Ahmadinejad as broadcast on the *Iranian News Channel* (IRINN), 23 September 2008. Available at: http://www.memritv.org/clip_transcript/en/1868.htm.

74. Combined with the other state-sponsored tactics discussed above, Iran's anti-Semitic message creates a context in which hatred is a default emotion. With the greatest tragic irony, the climate of discrimination and dehumanization actually seems to render Iran's genocidal calls less shocking and more benign. But the opposite is true: the climate of hate in present-day Iran makes genocide closer and more possible than the international community cares to recognize.

(VIII) Genocidal Intention Foretold: The Ideology and Action of Terrorist Proxies

75. The Iranian genocidal narrative has found expression in the training, arming, financing, recruiting, and instigating of terrorist movements whose objective is itself genocidal, whose ideology is anti-Semitic, whose instrumentality is trans-national terror, and whose reach is global. By outsourcing its actions to movements that share its intentions, Iran seeks to deflect attention away from the murder it seeks while continuing

to advance its genocidal goals. Accordingly, it should not be surprising that Jews and Israelis are among the most frequent – though not by any means the exclusive – targets of this regime.

76. One of the most notorious terrorist attacks organized by Iran occurred in Buenos Aires, Argentina. On July 18, 1994, Argentina suffered the most devastating terrorist attack in its history when the Jewish-Argentine Mutual Association (AMIA) community centre was bombed. 85 persons were murdered and 300 were wounded.

77. After a serious and extensive investigation, Argentinean prosecutors concluded that the bombing was masterminded by Iran—that it was conceived, planned, and ordered by the “highest echelons in the government of the Islamic Republic of Iran”. The bombing itself was carried out by the Iran-supported terrorist group Hizbullah. In his report, Special Prosecutor Alberto Nisman determined that the bombing was motivated by Argentina’s decision to stop providing Iran with nuclear technology and materials—a conclusion that should have particularly alarming implications in the current context. Judge Rodolfo Canicoba Corral issued international arrest warrants for former Iranian President Akbar Hashemi Rafsanjani – to this day, an important government official in Iran – and eight others, including other members of his government.

- See “Iran: Guilty as Charged”, Irwin Cotler, *National Post*, 3 November 2006, at p. A19. See also “Argentina seeks arrest of Iran’s ex-leader”, *Reuters*, 10 November 2006. Available at: <http://www.nytimes.com/2006/11/10/world/americas/10argentina.html>.

78. After Argentina formally held Iran responsible for the AMIA bombing, the Iranian Foreign Ministry was quick to deny the charges. In typical fashion, it called the accusation a “Zionist plot”, thus repeating the anti-Semitic sentiment that Special Prosecutor Nisman considered a “salient characteristic” of the attack. Indeed, only a few

days before Iran's denial, President Mahmoud Ahmadinejad praised Hizbullah in front of an Iranian audience and remarked that "the Zionists do not feel secure even in their own homes, anywhere in the world". No Iranian official ever participated in a trial. Absent international pressure, former President Rafsanjani and his collaborators have, so far, fully escaped justice.

- "Iran denies Argentina bomb charge", *BBC News*, 26 October 2006. Available at: http://news.bbc.co.uk/2/hi/middle_east/6089788.stm. See also "Iran: Guilty as Charged", Irwin Cotler, *National Post*, 3 November 2006, at p. A19.
- Speech by President Ahmadinejad broadcast on *Jaam-e Jam 1 TV*, 20 October 2006. Available at: http://www.memritv.org/clip_transcript/en/1301.htm.

79. The AMIA attack was unfortunately not unique. Two years earlier, on September 17, 1992, Iranian agents murdered three leading members of the Democratic Party of Iranian Kurdistan and one of their supporters in Berlin, Germany. At the trial of five suspects linked to the assassinations, former Iranian President Abdolhassan Banisadr testified that the murders were personally ordered by Supreme Leader Ayatollah Ali Khamenei and former President Rafsanjani. In issuing his verdict, the presiding judge from the Berlin Court of Appeal, Frithjof Kubsch, wrote in detail about his conclusion that "Iran's political leadership ordered the crime".

- *Murder at Mykonos: Anatomy of a Political Assassination*, published by the *Iran Human Rights Documentation Center*, March 2007 ("IHRDC Berlin Report"), at pp. 2, 13-14, and 18-19. Available at: http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Murder-at-Mykonos_Mar07.pdf.

80. Before the verdict was issued, German authorities had specifically investigated the connection between the attack and Iran. They concluded that a department of the Iranian Ministry of Information and Security was "directly involved" in the assassinations, that it "sent an assassination team to Berlin from Tehran", that "a Ministry

of Information and Security source [was used] to concretely establish when and where” the targets would be, and that after the assassination, the Ministry of Information and Security team “left Berlin for Iran using a carefully set plan”.

➤ IHRDC Berlin Report, at pp. 16.

81. The German judiciary issued an arrest warrant for the Iranian Minister of Intelligence, Ali Fallahian, on March 14, 1996. Iran did not hesitate to resuscitate irrelevant hatreds in responding to the charge, as then-President Rafsanjani blamed the move either on German “mistake” or on the deliberate actions of “American or Israeli agents”. Mr. Fallahian was never arrested, never stood trial, and never answered his accusers.

➤ IHRDC Berlin Report, at p. 17.

82. The international community is yet to hold Iran fully accountable for its terrorist ties. The consequence is that, under President Mahmoud Ahmadinejad’s leadership, Iran is the world’s “most active state sponsor of terrorism”:

Iran [has] remained the most active state sponsor of terrorism. Elements of its Islamic Revolutionary Guard Corps (IRGC) were directly involved in the planning and support of terrorist acts throughout the region and continued to support a variety of groups in their use of terrorism to advance their common regional goals. Iran provides aid to Palestinian terrorist groups, Lebanese Hizballah, Iraq-based militants, and Taliban fighters in Afghanistan.

[...]

Iran... continues to maintain a high-profile role in encouraging anti-Israel terrorist activity – rhetorically, operationally, and financially. Supreme Leader Khamenei and President Ahmadinejad praised Palestinian terrorist operations, and Iran provided Lebanese Hizballah and Palestinian terrorist groups, notably HAMAS, Palestinian Islamic Jihad, the al-Aqsa Martyrs Brigades, and the

Popular Front for the Liberation of Palestine-General Command,
with extensive funding, training, and weapons.

- *Country Reports on Terrorism*, Office of the Coordinator for Counterterrorism (United States State Department), 30 April 2008. Available at: <http://www.state.gov/s/ct/rls/crt/2007/103711.htm>.

83. Iran has even been praised by the terrorist group al-Qaeda for its “vision” in supporting terror. A letter signed by Ayman al-Zawahiri, al-Qaeda’s second-in-command, which was revealed in November 2008 and was written only weeks before, specifically pays tribute to Iran for its “monetary and infrastructure assistance”, which made al-Qaeda’s attacks possible.

- “Iran receives al Qaeda praise for role in terrorist attacks”, Con Coughlin, *The Telegraph*, 24 November 2008. Available at: <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/3506544/Iran-receives-al-Qaeda-praise-for-role-in-terrorist-attacks.html>.

84. Indeed, from his first days holding office, President Ahmadinejad has consistently supported terrorism and suicide bombings (under the euphemism “martyrdom”), asking once rhetorically: “Is there an art that is more beautiful, more divine, more eternal than the art of the martyr's death?” In 2004, it was estimated that Iran transferred \$200 million annually to Hizballah. In 2006, President Ahmadinejad showed his continued admiration for this terrorist group:

Today, the Hizballah in Lebanon is the standard-bearer of the resistance of all the monotheistic peoples, of the seekers of justice, and of the free peoples. [Hizballah leader] Hassan Nasrallah is shouting the loud cry of the vigilant human consciences. Today, Hizballah stands tall as the representative of all the peoples, all the vigilant consciences, all the monotheistic people, all the seekers of justice, and all free people of the world against the rule of hegemony. Until now, with the help of Allah, [Hizballah] is winning, and, Allah willing, it will reach the ultimate victory in the near future.

- Speech by President Ahmadinejad broadcast on the *Iranian News Channel (IRINN)*, 1 August 2006. Available at: http://www.memritv.org/clip_transcript/en/1216.htm.

85. President Ahmadinejad's sanitizing statements belie the violent hatred that Hizballah's leader has preached. Indeed, Sheikh Nasrallah is a man who speaks openly about his genocidal intentions and the anti-Semitism that underlies them:

If we searched the entire world for a person more cowardly, despicable, weak and feeble in psyche, mind, ideology and religion, we would not find anyone like the Jew. Notice, I do not say the Israeli...

- "Unforgiven", Jeffrey Goldberg, *The Atlantic*, May 2008. Available at: <http://www.theatlantic.com/doc/200805/israel>.

If they [Jews] all gather in Israel, it will save us the trouble of going after them worldwide.

- "A Matter of Timing", Mortimer B. Zuckerman, *U.S. News & World Report*, 6 August 2006. Available at: http://www.usnews.com/usnews/opinion/articles/060806/14edit_print.htm.

86. It is precisely this murderous intent in Hizballah that President Ahmadinejad seeks to support. His government has sanctioned public billboards showing Sheikh Nasrallah with the message that it is the duty of Muslims to "wipe out" Israel. And President Ahmadinejad has declared:

Today, with God's grace, this false legend has collapsed, with the help of the young believers of Palestine, and thanks to the believing, self-sacrificing commanders of Hizballah. *Today, the Zionists do not feel secure even in their own homes, anywhere in the world.*

[Emphasis added]

- Speech by President Ahmadinejad broadcast on *Jaam-e Jam 1 TV*, 20 October 2006. Available at: http://www.memritv.org/clip_transcript/en/1301.htm.

- Billboards reported in “Iran: Israel doomed to ‘destruction’”, *Associated Press*, 23 July 2006. Available at: <http://www.jpost.com/servlet/Satellite?cid=1153291976348&pagename=JPost%2FJPArticle%2FPrinter>.

87. Similarly, the Charter of the Iran-backed terrorist group Hamas calls for the destruction of the State of Israel. President Mahmoud Ahmadinejad was quoted as saying that he will support Hamas until the “collapse of Israel”.

- *The Covenant of the Islamic Resistance Movement*, 18 August 1988. Available at: <http://www.yale.edu/lawweb/avalon/mideast/hamas.htm>.
- “Ahmadinejad: Iran will support Hamas until collapse of Israel”, *Ha’aretz*, 13 September 2008. Available at: <http://www.haaretz.com/hasen/spages/1020630.html>.

88. Iran’s terrorist involvement is, if anything, becoming even more active. Earlier this year, Hamas confirmed that it has been benefiting from training from the Iranian Revolutionary Guard (with one senior commander noting: “Iran is our mother”); and in September 2008, it was reported that Iran is consolidating its power over Hizballah with the effect that it is in “command” of the terrorist group.

- “Aiming for Apocalypse”, Jay Tolson, *U.S. News and World Report*, 14 May 2006. Available at: http://www.usnews.com/usnews/news/articles/060522/22imam_print.htm.
- “Lebanese Wary of a Rising Hezbollah”, Scott Wilson, *Washington Post*, 20 December 2004. Available at: <http://www.washingtonpost.com/ac2/wp-dyn/A12336-2004Dec19?language=printer>.
- “Palestinian group Hamas admits that its fighters are trained in Iran”, Marie Colvin, *The Sunday Times*, 9 March 2008. Available at: http://www.timesonline.co.uk/tol/news/world/middle_east/article3512018.ece.
- “Iran solidifies control over Hizbullah”, Yaakov Katz, *Jerusalem Post*, 8 September 2008. Available at: <http://www.jpost.com/servlet/Satellite?cid=1220802279314&pagename=JPost%2FJPArticle%2FShowFull>.

89. Israel, the target of Iran’s virulent anti-Semitism and genocidal incitement, suffers from this terrorist support from Iran on a daily basis. Through its direct support of such

terrorist groups as Hamas and Hizballah, Iran is directly responsible for the murder and wounding of thousands of innocent civilians in Israel. The only possible result of the international community's continued acquiescence in such terrorist support is continued lawlessness, murder and destruction.

90. Iran's criminal support of terrorism around the globe confirms that its genocidal intentions are not merely theoretical and are not merely hypothetical. To the contrary, as shown above, Iran has consistently acted on these intentions in the most effective manner it has been capable of carrying out. Iran's reprehensible terrorist connection is therefore both a standing violation of international law and the most compelling evidence that its genocidal intentions are real and threatening.

F. Iran has Channelled its State-Sanctioned Hate into State-Sanctioned Incitement to Genocide

91. Empowered by the culture of hate it has planted with impunity, Iran feels no need to leave its genocidal intentions as an unspoken conclusion. To the contrary, the calls for Israel's destruction by Iranian officials are explicit and without ambiguity.

92. Thus, President Mahmoud Ahmadinejad has publicly called for Israel to be "wiped off the map".

➤ See "Wipe Israel 'off the map' Iranian says", Nazila Fathi, *International Herald Tribune*, 27 October 2005. Available at: <http://www.iht.com/articles/2005/10/26/news/iran.php>.

93. The context of this comment is important, lest its clear message be somehow misunderstood. When President Ahmadinejad called for Israel to be "wiped off the map", he was speaking to thousands of students at a conference entitled the "World Without Zionism". Indeed, President Ahmadinejad hosted this conference in Tehran. Despite

international condemnation, when given the opportunity to retract his statement, President Ahmadinejad chose instead to add to their weight, remarking: “My words are the Iranian nation’s words”.

- “Iranian President Stands by Call to Wipe Israel Off Map”, Nazila Fathi, *New York Times*, 29 October 2005. Available at: http://www.nytimes.com/2005/10/29/international/middleeast/29iran.html?_r=1&scp=5&sq=wipe%20israel%20off%20the%20map&st=cse&oref=slogin.
- “World Leaders Condemn Iranian’s Call to Wipe Israel ‘Off the Map’”, Mary Jordan and Karl Vick, *Washington Post*, 27 October 2008. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/27/AR2005102702221.html>.

94. In his call for annihilation, President Ahmadinejad referenced the former Iranian Supreme Leader Ayatollah Ruhollah Khomeini. On June 2, 2008, speaking at the shrine where the Ayatollah is buried, President Ahmadinejad repeated:

[Ayatollah Khomeini’s] ideal is about to be materialized today... The Zionist regime is in a total dead end and, God willing, this desire will soon be realized and the epitome of perversion will disappear off the face of the world.

[Emphasis added]

- “Ahmadinejad says Israel will ‘disappear’”, Hossein Jaseb and Fredrik Dahl, *Reuters*, 2 June 2008. Available at: <http://www.reuters.com/article/idUSL0261250620080602?pageNumber=2&virtualBrandChannel=0&sp=true>.
- This quote has also been translated as ending “this germ of corruption will be wiped off”: See the translation by the *Middle East Media Research Institute* at: http://www.memritv.org/clip_transcript/en/1784.htm.

95. President Ahmadinejad has repeated this call for genocide many other times as well. To cite a few occasions:

Israel’s days are numbered... [T]he people of the region would not miss the narrowest opportunity to annihilate this false regime.

- From a speech delivered in Gorgan, northern Iran, quoted on *Press TV* and *Aftab*, 14 May 2008. See “Ahmadinejad: Israel Is a 'Dead Fish' and a 'Stinking Corpse'; 'The Zionist Regime Will Be Wiped Off'; 'The European Governments Do Not Want the Zionists Living in Europe’”, Y. Mansharof and A. Savyon, *Middle East Media Research Institute*, Inquiry and Analysis Series no. 447, 6 June 2008. Available at: <http://memri.org/bin/articles.cgi?Page=archives&Area=ia&ID=IA44708>.

[T]he Zionist regime is heading toward annihilation.

- Speech at the opening of a conference, 14 April 2006. See “Iran: Israel Facing ‘Annihilation’”, *Associated Press*, 14 April 2006. Available at: <http://www.cbsnews.com/stories/2006/04/14/world/main1499824.shtml>.

We will witness [the] dismantling of the corrupt regime in [the] very near future.

- Speech at the “World Mosque Week” conference, 20 August 2008. See “Ahmadinejad: Zionist regime to be dismantled soon,” *Islamic Republic News Agency (IRNA)*, 20 August 2008. Available at: <http://www1.irna.ir/en/news/view/line-17/0808207991171114.htm>.

The region and the world are prepared for great changes and for being cleansed of Satanic enemies.

- Speech at a military parade, 17 April 2008. See “Iran and Oran”, Alan Johnson, *Progress Online*. Available at: <http://www.progressonline.org.uk/columns/column.asp?c=120>. See also “Analysis: Iran’s talk of destroying Israel must not get lost in translation”, Joshua Teitelbaum, *Jerusalem Post*, 22 June 2008. Available at: <http://www.jpost.com/servlet/Satellite?cid=1213794295236&pagename=JPost%2FJPArticle%2FPrinter>.

God willing, in the near future we will witness the destruction of the corrupt occupier regime.

- Speech to foreign guests marking the 18th anniversary of the death of Ayatollah Ruhollah Homeini, 3 June 2007. See “Ahmadinejad says destruction of Israel is close”, *Associated Press*, 3 June 2007. Available at: http://chinadaily.com.cn/world/2007-06/03/content_886021.htm.

This [Zionist] regime is on the verge of death, and we advise you to start thinking about your long-term interest and long-term relations with the peoples of the region. At the end of the day, these are all ultimatums.

- Speech broadcast on *Jaam-e Jam 1 TV*, 20 October 2006. Available at: http://www.memritv.org/clip_transcript/en/1301.htm.

[T]oday, the occupier regime [Israel] – whose philosophy is based on threats, massacre and invasion – has reached its finishing line.

- Statement from 23 July 2006. See “Iran: Israel doomed to ‘destruction’”, *Associated Press*, 23 July 2006. Available at: <http://www.jpost.com/servlet/Satellite?cid=1153291976348&pagename=JPost%2FJPArticle%2FPrinter>.

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[T]his fake regime [Israel] cannot logically continue to live.

- Statement from 24 April 2006. See “Iranian President insists ‘Israel cannot continue to live’”, Angus McDowall, *The Independent*, 25 April 2006. Available at: <http://www.independent.co.uk/news/world/middle-east/iranian-president-insists-israel-cannot-continue-to-live-475496.html>.

96. But it is not only President Ahmadinejad who calls for the annihilation of Israel.

The Supreme Leader of Iran, Ayatollah Ali Khamenei, makes it clear that this is the basic premise upon which the State operates:

It is the mission of the Islamic Republic of Iran to erase Israel from the map of the region.

- *Ahmadinejad: The Secret History of Iran’s Radical Leader*, Kasma Naji (Los Angeles: University of California Press, 2008), at p. 144.
- This quote has also been translated as stating that “the perpetual subject of Iran is the elimination of Israel from the region”: See “Analysis: Iran’s talk of destroying Israel must not get lost in translation”, Joshua Teitelbaum, *Jerusalem Post*, 22 June 2008. Available at: <http://www.jpost.com/servlet/Satellite?cid=1213794295236&pagename=JPost%2FJPArticle%2FPrinter>.

Iran’s stance has always been clear on this ugly phenomenon [Israel]. We have repeatedly said that this cancerous tumour of a state should be removed from the region.

- “Iran leader urges destruction of ‘cancerous’ Israel”, *Reuters*, 15 December 2000. Available at: <http://archives.cnn.com/2000/WORLD/meast/12/15/mideast.iran.reut/>.
- This quote has also been translated as ending “the cancerous tumour called Israel must be uprooted from the region”: See “Analysis: Iran’s talk of

destroying Israel must not get lost in translation”, Joshua Teitelbaum, *Jerusalem Post*, 22 June 2008. Available at: <http://www.jpost.com/servlet/Satellite?cid=1213794295236&pagename=JPost%2FJPArticle%2FPrinter>.

There is only one solution to the Middle East problem, namely the annihilation and destruction of the Jewish state.

- Supreme Leader Ayatollah Ali Khamenei, as reported in the *Daily Telegraph*, 1 January 2000. Available at <http://www.frontpagemag.com/Articles/Printable.asp?ID=23841>.

[W]e are on a collision course with the occupiers of Palestine and the occupiers are the Zionist regime. This is the position of our regime, our revolution and our people.

- “Ayatollah Ali Khamenei says Iran, Israel on ‘collision course’”, Ramin Mostaghim and Borzou Daragahi, *Los Angeles Times*, 20 September 2008. Available at: <http://www.latimes.com/news/nationworld/world/la-fg-iran20-2008sep20,0,554272.story>.

97. Nor is this core State principle dependent on the vicissitudes of short-term foreign policy objectives. For example, in the context of the 2006 Lebanon War, President Mahmoud Ahmadinejad advocated an “immediate cease-fire” while also emphasizing that “the main solution is for the elimination of the Zionist regime”.

- “Ahmadinejad’s Mideast Solution: Destroy Israel”, *Associated Press*, 3 August 2006. Available at: http://www.foxnews.com/printer_friendly_story/0,3566,206823,00.html.

98. Repeated calls for the destruction of Israel, and “prophecies” of its demise, all work to normalize the idea of genocide to the Iranian population. Articulated in the context of demonizing rhetoric implying a clash of civilizations, calls for the annihilation of the Jewish State begins to appear not only moral and justifiable, but natural as well.

99. Chillingly, all this incitement appears to be sinking into the popular consciousness. President Ahmadinejad’s audience responds to his words instantly with chants of “Death to Israel”. And the media follows the Government’s lead in inciting

genocide as well. For instance, on October 22, 2006, *Resalat*, an Iranian newspaper, mirroring an Qods (Jerusalem) Day speech by President Mahmoud Ahmadinejad, wrote in an editorial:

The nation of Muslims must prepare for the great war, so as to completely wipe out the Zionist regime, and remove this cancerous growth. Like the Imam [Ayatollah] Khomeini said: ‘Israel must collapse’.

- See “Qods (Jerusalem) Day in Iran: ‘The Nation of Muslims Must Prepare for the Great War So As to Completely Wipe Out the Zionist Regime and to Remove This Cancerous Growth’”, *Middle East Media Research Institute*, Special Dispatch Series no. 1357, 15 November 2006. Available at: <http://www.memri.org/bin/articles.cgi?Page=countries&Area=iran&ID=SP135706>.
- Video evidence of numerous “Death to Israel” chants is available online through the *Middle East Media Research Institute*, accessible at: <http://www.memritv.org/content/en/search.htm>.

III. IRAN IS DEVELOPING A NUCLEAR CAPACITY TO CARRY OUT ITS GENOCIDAL INTENTIONS, ALL THE WHILE OSTENSIBLY DENYING BOTH

100. Acting overtly against the dictates of international law and the consensus of the international community, Iran has persisted in carrying out its nuclear program. Alarming, Iran has drawn a clear and undeniable link between its developing nuclear capacity and the destruction of Israel.

101. In September 2004, a missile was publicly paraded bearing a banner stating:

Israel must be wiped off the map.

- See “Psychological warfare, says Iran”, Atul Aneja, *The Hindu*, 23 September 2004. Available at: <http://www.thehindu.com/2004/09/23/stories/2004092300601500.htm>.

102. More recently, in the wake of highly publicized missile tests involving the Shahab-3 missile, which is capable of reaching Israel, another military parade saw the same slogan – “Israel must be wiped off the map” – carried across this Shahab-3 weapon.

- See “German official was at anti-Israel rally”, Benjamin Weinthal, *Jerusalem Post*, 15 October 2008. Available at: <http://www.jpost.com/servlet/Satellite?cid=1222017532585&pagename=JPost%2FJPArticle%2FShowFull>.

103. Reports from the International Atomic Energy Agency (the “IAEA”) provide evidence that Iranian officials are now refitting the Shahab-3 missile to carry a nuclear weapon.

- See “IAEA info suggests Iran worked on nuclear missile”, George Jahn, *Associated Press*, 16 September 2008. Available at: <http://ap.google.com/article/ALEqM5j9EVzzCsT-QwKFtWDzgF6ZLue6BgD9380TE00>.

104. Yet another call for the destruction of Israel came at a military rally in November 2006, when a bus carried a banner reading:

Israel should be wiped out of the face of the world.

- Photographic evidence available in *What Iranian Leaders Really Say About Doing Away with Israel*, Joshua Teitelbaum (Jerusalem Center for Public Affairs, 2008), at p. 14. Available at: <http://www.jcpa.org/text/ahmadinejad2-words.pdf>.

105. As if these juxtapositions were not clear enough, it should be noted that they were offered in the aftermath of former Iranian President Ayatollah Akbar Hashemi Rafsanjani’s infamous declaration that:

If one day, a very important day of course, the Islamic world will also be equipped with the weapons available to Israel now, the imperialist strategy will reach an impasse, because *the employment of even one atomic bomb inside Israel will wipe it off the face of the earth*, but would only do damage to the Islamic world.

[Emphasis added]

- See “Analysis: Iran’s talk of destroying Israel must not get lost in translation”, Joshua Teitelbaum, *Jerusalem Post*, 22 June 2008. Available at: <http://www.jpost.com/servlet/Satellite?cid=1213794295236&pagename=JPost%2FJPArticle%2FPrinter>.
- A slightly different translation, obtained from Iranian newspaper reports of the speech, is available in “Former Iranian President Rafsanjani on Using a Nuclear Bomb Against Israel”, *Middle East Media Research Institute*, Special Dispatch Series no. 325, 3 January 2002. Available at: <http://www.memri.org/bin/articles.cgi?Area=sd&ID=SP32502>.

106. Similarly, President Mahmoud Ahmadinejad has stated that the “Zionist regime... will be eliminated by one storm”.

- President Mahmoud Ahmadinejad, speaking at the opening of a conference, 14 April 2006. See “Iran: Israel Facing ‘Annihilation’”, *Associated Press*, 14 April 2006. Available at: <http://www.cbsnews.com/stories/2006/04/14/world/main1499824.shtml>.

107. More recent reports only confirm that these intentions are being acted upon. On September 12, 2008, it was reported that enough enriched uranium to manufacture six atom bombs “disappeared” from the Isfahan main production facility. An official at the IAEA stated bluntly:

The inspectors only have limited access at [the] Isfahan [nuclear complex], and it looks as though Iranian officials have removed significant quantities of UF₆ at a stage in the process that is not being monitored... *If Iran's nuclear intentions are peaceful, then why are they doing this?*

[Emphasis added]

- “Iran renews nuclear weapons development”, *Daily Telegraph*, 12 September 2008. Available at: <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/2800255/Iran-renews-nuclear-weapons-development.html>.

108. The German chief delegate to the IAEA, Ruediger Luedeking, further emphasized the inconsistency between Iran’s claims of a peaceful program and its actions. He noted: “Iran needs to explain why its military is so deeply involved in its nuclear program”.

- “EU: Iran closer to nuke arms capacity”, *Associated Press*, 24 September 2008. Available at: http://www.usatoday.com/news/world/2008-09-24-Iran-nuclear_N.htm.

109. For its part, the IAEA declare that it has been blocked from verifying whether Iran has ambitions of nuclear weaponry.

- See “UN nuclear chief says Iran blocking progress”, John Heilprin, *Associated Press*, 27 October 2008. Available at: http://news.yahoo.com/s/ap/20081027/ap_on_re_mi_ea/un_un_nuclear_1.

110. However intelligence reports make clear that Iran is actively progressing in building its nuclear program. Several experts cited by the *New York Times* have concluded that, based on available information, Iran already has enough material to make an atomic bomb. And satellite images revealed “significant progress” between February and October 2008 at a heavy-water research reactor being built near Arak, which could be used to produce plutonium for use in a nuclear weapon.

- See “Iran Said to Have Enough Nuclear Fuel for One Weapon”, William J. Broad and David E. Sanger, *New York Times*, 20 November 2008. Available at: <http://www.nytimes.com/2008/11/20/world/middleeast/20nuke.html>.
- See “Talks yield no new sanctions against Iran’s nuclear program”, Borzou Daragahi, *Los Angeles Times*, 15 November 2008. Available at: <http://www.latimes.com/news/printedition/asection/la-fg-irannukes15-2008nov15,0,2653852.story>.

111. More recently, a French foreign affairs commission concluded that Iran could produce its first atomic bomb between 2009 and 2010. Jean-Louis Bianco, the lawmaker who led the commission, stated that “Tehran possesses plans for a nuclear bomb” and expressed his “certainty” that the Iranian nuclear program had military objectives, citing the fact that Iran has enriched 1600 kilos of uranium but remains incapable of producing a concrete project when asked about the progress of its “civil” program.

- See “L’Iran : un première bombe atomique d’ici à 2010 ?” Isabelle Lasserre, *Le Figaro*, 17 December 2008. Quotes translated from French. Available at: <http://www.lefigaro.fr/international/2008/12/18/01003-20081218ARTFIG00008-l-iran-un-premiere-bombe-atomique-d-ici-a-.php>.

112. Iran has also engaged in conspicuous activities – such as the development of a space launch vehicle capable of putting a satellite into orbit, and the acquisition of metals used in high-tech weaponry from China – with ominous military implications. The United States Department of State observed that Iran’s satellite technology “establishes the technical basis from which Iran could develop long-range ballistic missile systems.” The Canadian Minister of Foreign Affairs stated that “[t]here is great concern in the international community that Iran will apply this new technology to its missile programs,” while the French Foreign Ministry expressed similar concerns. Days later, a ship apparently carrying weapon-related material from Iran – banned pursuant to United Nations resolutions – was found and detained in Cyprus.

- “Fresh Clues of Iranian Nuclear Intrigue,” Glenn R. Simpson and Jay Solomon, *Wall Street Journal*, 16 January 2009. Available at: <http://online.wsj.com/article/SB123206759616688285.html>.
- “Iranian Launch of Satellite,” Acting Spokesman Robert Wood, United States Department of State, 3 February 2009. Available at: <http://www.state.gov/r/pa/prs/ps/2009/02/115895.htm>.
- “Canada Expresses Concern over Iranian Satellite Launch,” Minister of Foreign Affairs Lawrence Cannon, 4 February 2009. Available at: http://w01.international.gc.ca/MinPub/Publication.asp?Language=E&publication_id=386797&docnumber=31.
- “France ‘worried’ about Iran satellite launch,” *Associated Press*, 3 February 2009. Available at: <http://www.ihf.com/articles/ap/2009/02/03/europe/EU-France-Iran.php>.
- “Iranian cargo appears to break UN ban - Cyprus source,” *Reuters*, 7 February 2009. Available at: <http://www.reuters.com/article/idUSL7298611>.

113. Audaciously, when it comes time for Iran to answer the questions of the international community, Iran does not hesitate to deny both its genocidal intentions and its intention to develop a nuclear arsenal. It has accordingly proclaimed that its nuclear program is not being funded for military purposes. When presented with documentation that calls into question this assertion, Iran has responded in a contradictory manner, with both denial (i.e., maintaining the documents “do not show any indication that the Islamic Republic of Iran has been working on [a] nuclear weapon”) and baseless accusation (i.e., that the documents were “forged” or “fabricated”).

- See the Report of the Director General of the International Atomic Energy Agency, 26 May 2008, at paras. 18-22. Available at: <http://www.iaea.org/Publications/Documents/Board/2008/gov2008-15.pdf>.

114. This approach should not be surprising. History shows that *genocidaires* will attempt to advance their own narrative that relieves international pressure and delays indefinitely any humanitarian intervention. Seen in this light, far from being an indication that Iran poses little genocidal threat, the Iranian pattern of incitement and denial should be a wake-up call, following the well-trodden path of *genocidaires* in Nazi Germany, Rwanda, the Balkans and Darfur. Indeed, all of these past *genocidaires* downplayed the upcoming – or even on-going – genocides in their countries as long as the international community would let them.

115. The United Nations has criticized Iran and imposed sanctions upon it. The United Nations Security Council has adopted substantive resolutions for over two years calling upon Iran to, *inter alia*, “suspend all enrichment-related and reprocessing activities”.

- See S/RES/1696 (2006), at para. 2; S/RES/1737 (2006), at para. 2; S/RES/1747 (2007), at para. 1; S/RES/1803 (2008), at para. 1. See also S/RES/1835 (2008), at para. 4.

116. Yet to date, Iran has done nothing to implement the United Nations Security Council's resolutions. The May 26, 2008 report of the Director General of the IAEA notes in no uncertain terms that:

Contrary to the decisions of the Security Council, Iran has not suspended its enrichment related activities, having continued the operation of PFEP and FEP and the installation of both new cascades and of new generation centrifuges for test purposes. Iran has also continued with the construction of the IR-40 reactor.

- Report of the Director General of the International Atomic Energy Agency, 26 May 2008, at para. 29. Available at: <http://www.iaea.org/Publications/Documents/Board/2008/gov2008-15.pdf>.

117. On September 15, 2008, the IAEA noted that it has “not been able to make any substantive progress” since then. A senior United Nations official has been quoted as calling the situation currently in “gridlock”. The Secretary-General of the IAEA has added that Iran's lack of transparency prevents the IAEA from being able to offer any credible assurances about whether there are undeclared nuclear materials and activities in the country. And an intelligence assessment suggests that Iran is covertly attempting to expand its nuclear program by testing ways to recover highly enriched uranium from waste reactor fuel.

- See “UN nuclear watchdog says Iran blocking arms probe”, *Associated Press*, 15 September 2008. Available at: <http://ap.google.com/article/ALeqM5iRqjZV1Meppj40hTs8IBOv4DdsQwD93770J80>.
- See “Iran hasn't answered questions on nuclear program, arms control chief says”, Julia Damianova and Borzou Daragahi, *Los Angeles Times*, 23 September 2008. Available at: <http://www.latimes.com/news/nationworld/world/la-fg-atomic23-2008sep23,0,5654625.story>.
- See “Intel says Iran plans secret nuclear experiments”, George Jahn, *Associated Press*, 30 September 2008. Available at: <http://abcnews.go.com/International/wireStory?id=6148341>.

118. The degree to which Iran is willing to flout the Security Council is best conveyed by the regime's own publicity of its breaches. For instance, while Iran increased the number of atomic centrifuges it had running from 3000 in May 2008 to 4000 in August 2008, President Mahmoud Ahmadinejad decided it best to *overstate* this figure by declaring that 5000 centrifuges were operational. When this exaggeration was discovered, Deputy Foreign Minister Alireza Sheikh Attar added that an additional 3000 atomic centrifuges were still being installed. Meanwhile, on August 19, 2008, the Islamic Republic News Agency proudly reported that Iran was proceeding with its plan to build *more* nuclear plants; on September 15, 2008, Iran's ambassador to the IAEA stated it will continue enriching uranium in defiance of United Nations Security Council demands; and on November 26, 2008, Gholam Reza Aghazadeh, the head of Iran's Atomic Energy Organization, pronounced that 5000 atomic centrifuges were in fact running with more continuing to come. He added: "Suspension has not been defined in our lexicon".

- "Iran says 4,000 atomic centrifuges working: report", *Reuters*, 29 August 2008. Available at: <http://www.reuters.com/article/worldNews/idUSBLA92721320080829>.
- "Iran to build more nuclear power plants", *Islamic Republic News Agency (IRNA)*, 19 August 2008. Available at: <http://www1.irna.ir/en/news/view/line-17/0808190541183916.htm>. See also "Iran says designing new nuclear power plant", *Reuters*, 24 August 2008. Available at: <http://www.reuters.com/article/newsOne/idUSKAL44586320080824>.
- "Iran's IAEA envoy says it will continue uranium enrichment", *AFP*, 15 September 2008. Available at: <http://afp.google.com/article/ALeqM5gJZXzPGTqhBccqGxf-evGg-Iz94A>.
- "Iran says it now runs more than 5,000 centrifuges", Ali Akbar Dareini, *Associated Press*, 26 November 2008. Available at: <http://www.google.com/hostednews/ap/article/ALeqM5jG7bnyWWJfgaYD-JwcqmImpRujwD94MND800>.

119. The most recent events affirm Iran's standing violation of U.N. Security Council resolutions and related obligations, and corroborate the concerns of members of the P5+1 (permanent members of the U.N. Security Council and Germany) that Iran is involved in the illegal development and production of nuclear weapons in defiance of these resolutions.

120. In September 2009 President Obama, President Sarkozy and Prime Minister Brown held a press conference revealing the existence of a previously hidden nuclear plant near the historic city of Qom in Iran – the construction of which began as early as 2002. The announcement came at about the same time that Iran disclosed the site's existence to the IAEA. A day after test firing long range missiles capable of striking targets at a distance of 1,250 miles from its territory and days before Iran's first direct talks with United States in Geneva on October 1, 2009, Iran announced plans to allow IAEA inspectors access to the site. Inspections proceeded. In November of 2009, the IAEA released a report in uncharacteristically tough language – indicating Iran's intention to pursue a nuclear weapon. In its report, the IAEA appears to be highly sceptical of Iran's argument that the site was built for purposes of atomic energy – given that the site was built without auxiliary sites surrounding it in the event it were bombed. The IAEA concluded that Iran's delayed “declaration of the new facility reduces the level of confidence in the absence of other nuclear facilities under construction, and gives rise to questions about whether there were any other nuclear facilities in Iran which had not declared to the agency.” In addition, the report confirms American and European intelligence reports that the site – hidden inside a mountain – is built to accommodate only 3,000 centrifuges, which is too small to service domestic nuclear energy

consumption, but large enough to service one or two nuclear weapons per year. Moreover, in a separate confidential analysis recently obtained by the media, the IAEA tentatively concluded that Iran has “sufficient information to be able to design and produce a workable” nuclear weapon.

- “Iran Defends ‘Rights’ to Run Its Newly Declared Plant”, Allan Cowell and Nazila Fathi, *New York Times*, updated 30 September 2009. Available at: http://www.nytimes.com/2009/09/30/world/middleeast/30tehran.html?_r=1&h p.
- “Inspectors Fear Iran Is Hiding Nuclear Plants”, David E. Sanger and William J. Broad, *New York Times*, updated 17 November 2009. Available at: http://www.nytimes.com/2009/11/17/world/middleeast/17nuke.html?_r=1.
- Report of the Director General of the International Atomic Energy Agency, 16 November 2009. Available at: <http://www.iaea.org/Publications/Documents/Board/2009/gov2009-74.pdf>.
- “Report Says Iran Has Data to Make Bomb”, William J. Broad and David E. Sanger, *New York Times*, 4 October 2009. Available at: http://www.nytimes.com/2009/10/05/world/middleeast/05iran.html?_r=1.

121. In a good faith effort to engage Iran on the nuclear issue, the United States along with the other members of the P5 + 1 held a series of discussions with an Iranian delegation in Geneva on October 1, 2009.

- “Iran’s Nuclear Program”, Times Topic, *New York Times*, updated 21 October 2009. Available at: http://topics.nytimes.com/top/news/international/countriesandterritories/iran/nuclear_program/index.html.

122. An understanding was reached whereby large quantities of lightly enriched uranium – approximately 2,600 pounds or 70% of Iran’s known supply – would be removed from Iran to be further processed by Russia or France and ultimately returned to Iran as fuel for a nuclear reactor producing medical isotopes in Tehran. However, shortly thereafter the Iranian regime rejected the understanding, insisting that it would first

require the fuel – effectively undermining the point of the understanding, which was to reduce Iranian stockpiles of uranium below levels required for a nuclear weapon.

- “Iran’s Nuclear Program”, Times Topic, *New York Times*, updated 21 October 2009. Available at: http://topics.nytimes.com/top/news/international/countriesandterritories/iran/nuclear_program/index.html.
- “Frustration as Iran Stalls on Deal”, Steven Erlanger, *New York Times*, 21 November 2009. Available at: http://www.nytimes.com/2009/11/21/world/middleeast/21nuke.html?_r=1&partner=rssnyt&emc=rss.

123. The board of the IAEA has since issued a clear and unequivocal resolution reprimanding Iran for its persistent and defiant non-compliance with U.N. Security Council Resolutions – requiring Iran to end construction of its newly revealed site near Qom and to halt all other uranium enrichment activities. The resolution also criticized Iran for its secret construction of the site. It is to be noted that the resolution was supported by China and Russia, two members of the U.N. Security Council, which – given existing trade relations – have avoided taking a hard line against Iran. The resolution is to be referred to the Security Council.

- “Latest U.N. censure of Iran may start more confrontational phase”, Glenn Kessler and Joby Warrick, *Washington Post*, 28 November 2009. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/11/27/AR2009112700892.html>.
- “Iran says UN criticism prompted new nuclear plans”, Ali Akbar Dareini, *Washington Post*, 30 November 2009. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/11/29/AR2009112901105.html>.

124. Subsequently, a defiant Ahmadinejad approved plans for 10 new uranium enrichment facilities at a cabinet meeting – representing a 10 fold increase in Iran’s enrichment program. Regardless of the veracity of this announcement, analysts have

indicated that new civilian enrichment sites may be used by the Iranian regime as cover for smaller sites geared for the processing of weapons grade uranium.

- “Latest U.N. censure of Iran may start more confrontational phase”, Glenn Kessler and Joby Warrick, *Washington Post*, 28 November 2009. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/11/27/AR2009112700892.html>.

125. When President Obama took office he indicated that he would engage Iran on the nuclear issue – a policy of “carrots and sticks” – beginning with “carrots”. The Iranian leadership would need to respond to the “carrots” by the end of 2009. We are on the eve of 2010, and Iran has not itself engaged seriously. In response to Iran’s most recent steps, Susan Rice – U.S. Ambassador to the U.N. – expressed the growing frustration of the Obama Administration: “As Iran makes choices that seem to indicate that it is not at this stage ready and willing to take up the offers on the engagement track, then we will put greater emphasis on the pressure track.” Even Russia has now indicated that it may support sanctions against Iran if there is consensus.

- “U.S. envoy to UN slams Iran enrichment plan”, John Heilprin, *The Associated Press*, 30 November 2009. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/11/30/AR2009113002524.html>.
- “Russia shifts stance on Iran, Ahmadinejad defiant”, Oleg Shchedrov, *Reuters*, December 1, 2009. Available at: <http://www.reuters.com/articlePrint?articleId=USGEE5B023C20091201>.

126. Nonetheless, faced with Iran’s refusal to follow the directions of the international community, the United Nations Security Council has yet to make the link that Iran itself makes: between Iran’s possession of nuclear weapons and its genocidal threat to Israel – and one might add, the massive human rights violations – such that, until these links are made, the seriousness of the present situation in Iran will continue to be underestimated.

127. Indeed, by treating Iran's impunity in the face of the international community's calls for a halt to its nuclear program as an issue separate from the genocidal intentions of the regime – and separate from the domestic repression – the United Nations Security Council undercuts the unique and composite threat to international peace and security that Iran poses. Accordingly, by ignoring, for example, the related incitement to genocide, and thus sanitizing the implications of Iran's nuclear program, the United Nations Security Council has allowed the inference to be drawn – whether intentional or not – that it considers Iran's genocidal threat either absent or unimportant.

128. Iran's decision to flout the United Nations Security Council and the international community must be seen not only as a standing violation of international law, but also as a standing threat to international peace and security and a standing threat to human rights. The cost of inaction is almost certainly to be measured in lives, for the consequence of inaction in this context is continued mass repression, and continued state-sanctioned incitement to genocide, with all the consequences that this entails.

129. Moreover, with respect to the impact of a nuclear Iran on international peace and security – regardless of the regime's intentions toward Israel – Dr. Emanuele Ottolenghi, Executive Director of the Transatlantic Institute, has the following extensive warning for the international community that deserves to be taken seriously:

Some people say that Iran is seeking nuclear weapons because it aims to actually make true its threats of annihilation of the state of Israel. I do not think we should discount the rhetoric that comes out of Tehran when it comes to Israel. But we should also not delude ourselves that if Iran doesn't mean that rhetoric, the danger is gone. Let me explain. Even if the Iranian leadership uses the rhetoric only as a tool for propaganda and in truth wants nuclear weapons just to somehow strengthen its power and protect itself and its survival, the meaning of that acquisition is that Iran, in the combination of nuclear weapons and its ideology, will destabilize

the region for decades to come and will make it impossible for the forces in the region that seek reconciliation among peoples, resolution of armed conflicts, the defeat of radical ideologies, and the assertion of human rights across the Middle East to actually triumph.

...

If Iran achieved nuclear weapons, even in the eventuality that it did not wish to use them, in order to make true its threats of annihilation against Israel, the most likely consequence for the region is that we would have to acquiesce to some sort of Middle East Yalta, where Iran would wish its areas of influence to be recognized. Our ability therefore to address the challenges in those areas, including the current ongoing conflicts such as the Arab-Israeli conflict, and crises in Lebanon, Afghanistan, and Iraq, would be unsolvable, or at least would become solvable only at the price of compromises that would fundamentally contradict the interests of the free world.

Most important of all, through the freezing of crises, the emboldening of radicals, and the possibility of using nuclear weapons as an instrument for power projection, Iran would destabilize countries in the region. It would assert its hegemony and push out of the region the presence, influence, and role played by western powers--first and foremost by the United States. As a result, the hope of spreading human rights and asserting basic freedoms in Iran and elsewhere would be lost for decades to come. We could only count on the internal forces of opposition to the regime--and that is a meagre hope--to bring about change.

...

The achievement of nuclear weapons for that country will mean profound instability in the region and terrible damage to our interests and hopes of bringing more stability, freedom, and peace in the Middle East. It will result in a terrible and perhaps insufferable price for millions of individuals across the Middle East who hope, as humans, to be treated with more dignity and respect by their governments.

...

It is imperative for us, I think, to realize the kind of price we will pay if the finish line is crossed by the regime in the intervening months, the cost that will be paid by millions of individuals for the denial of their most basic rights, the instability that will stem from

that achievement by the regime, and the inability to solve crises for decades to come in the region. We have the tools and the means to advance such goals and to prevent Iran from advancing its own goals. We have an instrument, which is the assertion, through policies—not just words—of the values for which the free nations of the world stand, and I think it's imperative for us to seek all the means at our disposal to prevent Iran from achieving the goals of domination, which such weapons would give the regime, and the terrible damage to the region and the values of freedom we hold so dear.

➤ Ottolenghi Testimony May 2009, at 12:55 p.m., 1:00 p.m. and 1:05 p.m.

IV. IRAN IS RESPONSIBLE FOR MASSIVE DOMESTIC HUMAN RIGHTS

ABUSES: A CLEAR AND PRESENT DANGER TO THE IRANIAN

PEOPLE

130. Iran has shown no greater respect for the rights of those citizens within its borders than it has for those of its declared “enemies” outside its borders. A review of Iran’s treatment of its own nationals confirms its policy of indifference to the inherent value of human life. This, too, should rightly alarm the international community—both on its own merits and for its implications for international peace and security. Indeed, there is no greater indicator of a State’s willingness to commit atrocities against others than its consistent and documented willingness to restrict, repress, torture and murder its own citizens.

131. The human rights situation in Iran has been abysmal since the 1979 revolution. While the election of President Khatami in 1997 promised a more moderate or reformist stage in Iran’s history, Iranians have suffered a recent increase in the severity of human rights abuses since the Ahmadinejad regime came to power in 2005. The situation has been further exacerbated by the fraudulent presidential elections of June 12, 2009. The

current regime's brutal and alarming assault on the popular uprising – sometimes referred to as the Green Revolution – continues to date.

132. Dissent – or even difference of opinion – in Iran is not tolerated, and it does not go unpunished. The present regime's chief targets include political activists, journalists, women and members of minority groups. Its offenses against human rights and human dignity are far too numerous to document with any attempt at being exhaustive in this context.

133. With respect to the further deterioration of the human rights situation in Iran post June 12, 2009, Dr. Abbas Milani, Director of Iranian Studies at Stanford University, explains that since the elections “these breaches have increased. The regime feels more isolated, the regime feels weaker, as is always the case when these kinds of regimes are frightened, they show their more brutal side.”

- See Testimony of Dr. Abbas Milani, Director of Iranian Studies, Stanford University, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 32, 2nd Session, 40th Parliament, 22 October 2009 (“Milani Testimony October 2009”), at 1:20 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4164902&Language=E&Mode=1&Parl=40&Ses=2>.
- See also Testimony of Renee Redman, Executive Director of the Iran Human Rights Documentation Center, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 33, 2nd Session, 40th Parliament, 27 October 2009 (“Redman Testimony October 2009”), at 1:15 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4181372&Language=E&Mode=1&Parl=40&Ses=2>.

134. Professor Payam Ahkavan, Professor of International Law at McGill University, provides the following illustrative examples of some of the brutality suffered by demonstrators and bystanders at the hands of the regime in a post-june 2009 Iran:

I want to share with you some of the examples of the reports that we have received, sometimes of people that I've known as friends and colleagues.

We've all seen the horrific sight of Neda Agha-Soltan, the 27-year-old girl whose crime was standing in the streets at the time of the demonstration, who was shot in the chest by a member of the Basij militia, and who shed her blood before the whole world as it watched in this Twitter revolution, where we have had unprecedented use of technology by these brave young people who are so desperate for change that they're willing to brave the prospect of being murdered, tortured, or raped in order to bring about change. Neda Agha-Soltan is but one soul whose murder was captured on camera. Without an opportunity to document yet what has happened to them, we have no idea of how many hundreds have been murdered in even worse circumstances.

Amir Javadifar, a 24-year-old youth who was also arrested for being in the protests, had his corpse delivered to his mother with a fractured skull and a crushed eyeball, while all his fingernails and toenails had been extracted.

A 15-year-old boy who was arrested for wearing a green wristband--that was his crime--was held in solitary confinement for 20 days and brutally gang-raped by the Basij militia.

- See Testimony of Payam Akhavan, Professor of International Law, McGill University, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 34, 2nd Session, 40th Parliament, 29 October 2009 ("Akhavan Testimony October 2009"), at 1:10 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4193107&Language=E&Mode=1&Parl=40&Ses=2>.

135. According to Dr. Milani there are generally two kinds of human rights violations in Iran, both of which are cause of extreme concern. First, "is the overt kind of violence that this regime engages in, such as imprisoning people or executing a minor for a crime that he committed when he was only 15 years old." Second, "is the slow grind of the daily abuses and inequities that are forced on the Iranian society, on the Iranian youth."

- See Milani Testimony October 2009, at 1:20 p.m.

136. For purposes of this discussion, the witness testimony and documentary evidence of the mass domestic repression and gross human rights violations perpetuated by the regime will be presented under the following categories: the systematic and widespread killing, execution, torture and other inhumane treatment of its people; the systematic and widespread oppression of a minority – a case study of the Baha’i; the exclusion of, and discrimination against, religious and ethnic minorities; the assault on women’s rights; the repression of freedom of speech, assembly and association – including assaults on students, activists and journalists; the crackdown against cyber dissidents; the assault on labour rights; the imposition of a death penalty for juveniles; the denial of gay/lesbian rights; the murder of political dissidents; and the failure to provide a system of justice – show trials, forced confessions, the Basij militia and the Revolutionary Guards.

G. The systematic and widespread killing, execution, torture and other inhumane treatment of its people

137. The context of the present discussion on Iran’s domestic human rights abuses may be best framed by the massacre of political prisoners carried out by the regime during three secret months in 1988, when thousands of dissidents, including *Mojahedin* and leftist prisoners, were executed. To implement this wave of terror, Iran established a “Death Commission” that investigated whether previously-sentenced political prisoners remained opposed to the Government. For instance, anyone self-identifying as belonging to the *Mojahedin* opposition group – as opposed to calling themselves *Monafeqin* (“hypocrites”) – would be immediately sentenced to death; meanwhile a “correct” answer to this first question would only pave the way to further interrogation. In all, while the exact number of those executed is still unknown, a conservative estimate numbers the

victims as 2800 to 5000. Because of the systematic nature of the massacre in combination with other contextual factors, this mass execution has been qualified as a crime against humanity in international law. Yet Iran continues to promote its perpetrators to high positions in government.

- See “With Revolutionary Rage and Rancor: A Preliminary Report on the 1988 Massacre of Iran’s Political Prisoners”, Kaveh Shahrooz, 20 *Harvard Human Rights Journal* 227 (Spring 2007).
- See also Milani Testimony October 2009, at 1:20 p.m.

138. To this day, those speaking out against the repressive government suffer particularly cruel treatment. It is estimated that more than 120,000 political executions have been carried out since the regime change in 1979.

- See the Testimony of Jared Genser, President of *Freedom Now*, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 012, 1st Session, 39th Parliament, 27 March 2007 (“Genser Testimony March 2007”), at 11:30am. Available at: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2807197&Language=E&Mode=1&Parl=39&Ses=1>.

139. Ms. Renee Redman, Executive Director of the Iran Human Rights Documentation Center, reports that Iran is second only to China in the number of executions committed.

- See Redman Testimony October 2009, at 1:15 p.m.

140. Iran is also the world “leader” in executing children. From 2005 to mid-2008, Iran executed at least 26 juvenile offenders. During this period, Iran oversaw over 80% of all juvenile executions in the world.

- “Iran: Executions of Juvenile Offenders Rising”, *Human Rights Watch* (27 August 2008). Available at: <http://www.hrw.org/english/docs/2008/08/26/iran19697.htm>.

141. To make matters worse, executions in Iran have escalated since the June 2009 presidential elections. In this regard, the Ahmadinejad regime announced 115 executions between the June 12, 2009 elections and the August 5, 2009 inauguration.

➤ Redman Testimony October 2009, at 1:15 p.m.

142. Moreover, Iran's executions continue to be accomplished through particularly inhumane methods, including stoning (by stones "not large enough to kill a person by one or two strikes"), which has been upheld by the Iranian Supreme Court as punishment for a woman convicted of adultery. Even when execution is not used as a punishment, the Government's methods of repressing dissent remain forceful and contrary to international law. For instance, journalists who testified publicly about their torture and warrantless arrests in 2004 were threatened with bodily harm – to themselves personally, and also to their families – by the chief prosecutor. The brutal treatment of prisoners in Iran, including torture, lengthy periods of solitary confinement and death resulting from a failure to provide medical treatment, is another case in point.

➤ See Genser Testimony March 2007, at 11:30am. See also "Report: Iran court upholds stoning death sentence", *Associated Press*, 29 November 2008. Available at: http://www.google.com/hostednews/ap/article/ALeqM5jcbgBJ1ocaseo35kPx_wfPo7B9_wD94ONBNO0.

➤ Redman Testimony October 2009, at 1:15 p.m.

H. The systematic and widespread oppression of a minority – a case study of the Baha'i

143. The Baha'i community is subject to particularly brutal treatment. Though Iran's largest religious minority with 300,000 members, the Baha'is are not recognized as a legitimate religious group according to the Iranian constitution and are systematically eliminated from economic activities. Recently, in an egregious escalation of abuse,

members of the Baha'i community have been kidnapped and beaten. Leaders who normally report to the outside world about their oppression are being silenced through arbitrary imprisonment, while Baha'i prisoners have been told that they would be released if they recanted their faith. Houses and shops have been destroyed, and cemeteries ploughed up. The situation for the Baha'i community has thus only deteriorated since the former United Nations special representative on human rights in Iran, Maurice Copithorne, commented in 2006 that "there is a pattern of arbitrary detentions and other forms of harassment and there seems little doubt that this has the approval of the highest levels of government."

- See Testimony of Susanne Tamas, Director of the Office of Governmental Relations of the Baha'i Community of Canada, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 003, 2nd Session, 40th Parliament, 26 February 2009 ("Tamas Testimony February 2009"), at 1:20-1:25pm. Available at: <http://www2.parl.gc.ca/content/hoc/Committee/402/SDIR/Evidence/EV3702729/SDIREV03-E.PDF>.
- See the unofficial translation of Article 13 of Iran's constitution, which reads: Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education. Available at: <http://www.iranonline.com/iran/iran-info/Government/constitution-1.html>.
- See Testimony of Payam Akhavan, Professor of Law at McGill University, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 003, 2nd Session, 40th Parliament, 26 February 2009 ("Akhavan Testimony February 2009"), at 1:10pm. Available at: <http://www2.parl.gc.ca/content/hoc/Committee/402/SDIR/Evidence/EV3702729/SDIREV03-E.PDF>.
- See "Baha'is worried about Iranian community," Matthew Wagner, *Jerusalem Post*, 20 May 2008. Available at: <http://www.jpost.com/servlet/Satellite?cid=1211288129676&pagename=JPost%2FJPArticle%2FPrinter>.

- On various arrests of members of the Baha'i community, see: "Baha'i leaders 'persecuted,'" Jenna Hand, *Canberra Times*, 1 June 2008. Available at: <http://www.canberratimes.com.au/news/local/news/general/bahai-leaders-persecuted/780634.aspx?src=bookmark#>.
- "Foreign Affairs minister slams detention of Baha'i leaders in Iran," Steven Edwards, *Canwest News Service*, 16 May 2008. Available at: <http://www2.canada.com/vancouvernews/news/story.html?id=378226f9-3f8b-40b9-9691-aed882bb300d>.
- "Iran Arrests Five Members of Baha'i Faith," *Radio Free Europe Radio Liberty*, 15 January 2009, available at: http://www.rferl.org/content/Iran_Arrests_Five_Members_Of_Bahai_Faith/1370395.html.
- "The plight of Iran's Baha'i community," Maurice Copithorne, *Globe and Mail*, 2 June 2006. Available at: <http://www.theglobeandmail.com/servlet/story/RTGAM.20060601.wcomment0601/BNStory/specialComment/home>.

144. In May 2008, six Baha'is playing important administrative roles in the community were arrested, thus joining a seventh Baha'i already detained since March. They have been held in Evin prison – often in solitary confinement – since then, and were denied access to legal counsel. After Shirin Ebadi, a noted attorney and Nobel laureate, announced that she would represent them, her offices were closed down and she received death threats. By February 2009, it was announced that these Baha'is would be charged with crimes such as espionage and "insult to the sacredness of Islam".

- See Tamas Testimony February 2009, at 1:25 p.m.

145. The United Nations Secretary-General confirmed in October 2008:

Reports continue to be received about members of the Baha'i community being subjected to arbitrary detention, false imprisonment, confiscation and destruction of property, denial of employment and Government benefits and denial of access to higher education. A significant increase has been reported in violence targeting Baha'is and their homes, shops, farms and cemeteries throughout the country. There have also been several cases involving torture or ill-treatment in custody.

- Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, A/63/459, 1 October 2008.

146. The oppression of the Baha'i community led more than 300 prominent Iranian intellectuals to sign a letter expressing their shame at the treatment of this minority group:

We are ashamed [...]

As Iranian human beings, we are ashamed for what has been perpetrated upon the Baha'is in the last century and a half in Iran [...]

According to historical documents and evidence, from the commencement of the Babi Movement followed by the appearance of the Baha'i Faith, thousands of our countrymen have been slain by the sword of bigotry and superstition only for their religious beliefs. Just in the first decades of its establishment, some twenty thousand of those who stood identified with this faith community were savagely killed throughout various regions of Iran.

We are ashamed that during that period, no voice of protest against these barbaric murders was registered [...]

We are ashamed that in addition to the intense suppression of Baha'is during its formative decades, the last century also witnessed periodic episodes of persecution of this group of our countrymen, in which their homes and businesses were set on fire, and their lives, property and families were subjected to brutal persecution—but all the while, the intellectual community of Iran remained silent;

We are ashamed that during the last thirty years, the killing of Baha'is solely on the basis of their religious beliefs has gained legal status and over two-hundred Baha'is have been slain on this account [...]

We are ashamed of our silence over this painful reality that in our nation, Baha'is are systematically oppressed and maligned, a number of them are incarcerated because of their religious convictions, their homes and places of business are attacked and destroyed, and periodically their burial places are desecrated;

We are ashamed of our silence when confronted with the long, dark and atrocious record that our laws and legal system have marginalized and deprived Baha'is of their rights, and the injustice

and harassment of both official and unofficial organs of the government towards this group of our countrymen;

We are ashamed for all these transgressions and injustices, and we are ashamed for our silence over these deeds.

- See *House of Commons Debates*, vol. 144, no. 036, 2nd Session, 40th Parliament, Official Report, March 30, 2009, at p. 2166. Available at: <http://www2.parl.gc.ca/content/hoc/House/402/Debates/036/HAN036-E.PDF>.

147. In respect to the uniquely abhorrent situation facing the Bahá'í minority in Iran, Payam Akhavan, Professor of Law at McGill University, explained that “according to the hardline elements within the Islamic republic, the Iranian Bahá'ís are unprotected infidels who are beyond the pale of legal protection.” Moreover, Jeffrey McLaren, Director of Gulf and Maghreb Relations in Canada’s Department of Foreign Affairs and International Trade (DFAIT) recognized that: “Even Iranians who are of the reformist bent and who believe their country needs to correct its policies have a blind spot towards the Bahá'ís.”

- See Akhavan Testimony February 2009, at 1: 10 p.m.
- See Testimony of Jeffrey McLaren, Director of Gulf and Maghreb Relations in Canada’s Department of Foreign Affairs and International Trade, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada)(“McLaren Testimony October 2009”), Number 31, 2nd Session, 40th Parliament, 20 October 2009, at 12:55 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4153217&Language=E&Mode=1&Parl=40&Ses=2>.

148. The Iranian regime has actively attempted to demonize the Bahá'í, and its efforts continue to intensify. By way of example, the translated version of a recent letter from Iran’s Prosecutor General to its Minister of Intelligence reads:

The administration of the misguided Bahá'í sect at all levels is unlawful and banned, and their ties to Israel and their opposition to Islam and the Islamic regime are clear. The danger they pose to national security is documented and proven, and therefore it is

necessary that any substitute administration that acts as a replacement for the original be confronted through the law.

➤ See Tamas Testimony February 2009, at 1:25 p.m.

149. The Prosecutor General has also demanded “...the administrative element of the Bahá’í community to be confronted decisively until its complete destruction.” Recent charges levelled against the Bahá’í by the Iranian regime have included “espionage on behalf of Israel”, “insult to the sacredness of Islam” and “propaganda against the regime”. Moreover, Jeffrey McClaren of DFAIT recently commented that “[the Bahá’í] are called apostates and they are viewed as threatening Islamic society. All of this, as we all know, is just nonsense. They are very loyal citizens to whatever country they live in.”

➤ See Tamas Testimony February 2009, at 1:20 p.m., 1:25 p.m.

➤ See McLaren Testimony October 2009, at 12:55 p.m.

150. While the government’s systematic and widespread oppression of the Bahá’í has manifested itself in different forms since the revolution, the overarching purpose remains the same: the eradication of a minority group. As Professor Payam Akhavan explains:

Some 200 members of the Bahá’í community were systematically executed throughout the 1980s, and although the official explanation of the Islamic republic was that this was a political group opposed to the Islamic republic, the reality is very clear that those who were executed would have been absolved of all guilt had they recanted their faith. The religious nature of the persecution is very clear.

The consequence in more recent times has been a more subtle form of repression that aims to bring about a civil death for Bahá’ís. Bahá’ís are systematically eliminated from economic activities: the right to education, the right to pensions, the right to employment in the public sector. All of these forms of repression are a different means of achieving the same end that the government had tried to achieve in the 1980s through systematic execution. The documents that have been leaked from within the ranks of the Iranian

government indicate very clearly that the stated objective of the government is to eradicate the Bahá'í religious minority.

➤ Akhavan Testimony February 2009, at 1:10 p.m.

151. Moreover, Professor Payam Akhavan explains that, Iran's treatment of the Baha'i community is representative of the repression wrought by the regime:

The Bahá'í minority, because of the nature of the Iranian constitution, has become emblematic of the structural, systemic problems with the Iranian constitution, in which the enjoyment of human rights is conditional on belonging to an approved religion. In that sense, the wider Iranian human rights community has come to appreciate that the fate of the Bahá'ís has consequences for the overall situation of human rights in Iran.

➤ Akhavan Testimony February 2009, at 1:10 p.m.

152. Canadian Parliamentarian Mario Silva rose before Canada's House of Commons to bring a motion in condemnation of the human rights situation facing the Bahá'í minority in Iran and drawing attention to the plight of certain Bahá'í political prisoners. The motion provides an illustrative overview of the situation facing the Bahá'í, an excerpt of which follows:

The Iranian government has reacted to the beliefs of the Baha'is by brutally cracking down on the leaders of the faith in Iran through persecution against its members and the spreading of blatant misinformation about the Baha'i faith to the population of Iran. In one prominent example, Muslims were encouraged to sign a poster outside a mosque before Friday prayers that accused the Baha'is of spreading lies against Islam and perpetrating cowardly attacks in hopes of "advancing the political, cultural and economic aims of global Zionism" and calling on Iran's attorney general to "confront all elements of this organization and dissolve its administration".

These so-called dissolution efforts have manifested themselves through targeted discrimination and have led to the imprisonment of adherents of the Baha'i faith.

In 2005 the United Nations special rapporteur on freedom of religion uncovered a confidential letter from the command

headquarters of the armed forces of Iran ordering the identification of all Baha'is and monitoring their activities.

A lawyer and Nobel laureate, Shirin Ebadi, found herself subjected to death threats and subsequent closure of her office when she announced her intention to represent the Baha'is in court.

There is a concern within the Baha'i community for the safety of these detained members. Given the realities portrayed by international agencies and the poor reputation the Iranian government has for basic human rights, all of us should be concerned with this present injustice in specific terms and the overall deteriorating situation for minority communities in Iran.

As parliamentarians and as leaders in the international community with a long commitment to promoting fundamental human rights, we must condemn this situation without reservation at every available opportunity.

Canada's government must send a message that is unmistakable in its tone that we view the conduct of the Government of Iran as reprehensible and intolerable. If nothing is done, we can be assured that countries like Iran will continue to oppress minority groups with impunity..

I am calling on Parliament and the government first and foremost to condemn the ongoing violation of human rights taking place in Iran, especially as it pertains to the Baha'is. Moreover, I call on the Government of Canada to urge the Government of Iran in the strongest possible terms to release these captives, or at the very least, to conduct internationally recognized fair, open and legally legitimate trials for these members of the Friends of Iran.

- See House of Commons, *House of Commons Debates*, vol. 144, no. 036, 2nd Session, 40th Parliament, Official Report, March 30, 2009, at p. 2164-2165. Available at: <http://www2.parl.gc.ca/content/hoc/House/402/Debates/036/HAN036-E.PDF>.

153. Canadian Parliamentarian and former Minister of Justice and Attorney General of Canada, Professor Irwin Cotler, also rose in support of the emergency motion and provided the Canadian House of Commons with a complimentary overview of the abysmal human rights situation facing the Bahá'í in Iran, an excerpt of which follows:

...[S]ince the 1979 Islamic Revolution in Iran, Baha'is have faced a systematic and state-orchestrated campaign of religious persecution and prosecution in their Iranian homeland, indeed a persistent and pervasive assault on their fundamental rights protected under international covenants to which Iran is a state party, again referred to by my colleague.

In its early stages, more than 200 Baha'is were killed and at least 1,000 imprisoned, targeted solely because of their religious beliefs. In the early 1990s the government shifted its focus to the systematic deprivation of social, economic and cultural rights, impeding and obstructing the development of the Baha'i community, including measures to deprive the Baha'i of their livelihood and to destroy their cultural heritage—in a word, to disenfranchise the Baha'i from equal participation in all aspects of Iranian life.

Most important, in the last several years there has been a resurgence of more extreme forms of persecution directed at the 300,000 members of the Baha'i community in Iran, that country's largest minority.

This upsurge has alarmed human rights scholars and monitors who fear not only for the Baha'i community affected by the government's renewed campaigns of hatred and incitement, but also that such attacks portend something worse, that they constitute a number of warning signs that often foreshadow widespread ethnic, racial or religious cleansing, including—and these are some of the warning signs—the exclusionary “classification” of minority groups into categories of “us versus them”; the singling out of the Baha'i for special opprobrium and repression; the use of the state media to dehumanize and demonize the Baha'i among their fellow Iranians; the orchestration of hate groups for targeted intimidation and fear; the proliferation of assaults on members of the Baha'i community, their homes and their properties; the ongoing denial of higher education to Baha'i youth; the manifold restrictions on their right to a livelihood; the ongoing attempts to destroy their religious, cultural and spiritual heritage; the arrest and imprisonment, as referred to by my colleague, the member for Davenport, of national-level Baha'i leaders in March and May 2008 in a manner that is eerily similar to the events of the 1980s when scores of Baha'i leaders were rounded up and killed; the whole reflected and foreshadowed in the public disclosure in March 2006, referred to in our motion, by a United Nations official of a governmental plan instructing state intelligence services, police units and the Revolutionary Guard to make “a

comprehensive and complete report of all activities of the Baha'i sect for the purpose of identifying all individuals of this misguided sect".

As Asma Jahangir, United Nations special rapporteur on freedom of religion, put it, "such monitoring constitutes an impermissible and unacceptable interference with the rights of members of religious minorities", while others characterized these orders as reminiscent of the steps taken against the Jews in Europe and a dangerous step toward the institution of Nuremberg-type laws.

All this stereotyping, denigrating and demonizing is of a religious minority that itself has the highest respect for all religions.

As the Baha'i international community has put it in its own communication to the Iranian government:

Our Writings refer to Islam as "the blessed and luminous religion of God" and the Prophet Muhammad as "the refulgent lamp of supreme Prophethood," "the Lord of creation" and "the Day-star of the world," Who, "through the will of God, shone forth from the horizon of Hijaz." The station of Imam Ali is described in terms such as "the moon of the heaven of knowledge and understanding" and "the sovereign of the court of knowledge and wisdom."

- See House of Commons, *House of Commons Debates*, vol. 144, no. 036, 2nd Session, 40th Parliament, Official Report, March 30, 2009, at p. 2165-2166. Available at: <http://www2.parl.gc.ca/content/hoc/House/402/Debates/036/HAN036-E.PDF>.

I. The exclusion of, discrimination and violence against, religious minorities

154. While the human rights situation of the Bahá'í, discussed separately above, is clearly the most shocking – other religious minorities, even in theory, do not enjoy similar rights to those of the majority Shiite Islam population. For instance, they are not able to seek government employment, are restricted in their practice of religious activities, and find their murders punishable by nothing more than a fine payable to their family.

- See Genser Testimony March 2007, at 11:30am.

155. With respect to Iran's failure to provide equal rights to its Jewish and Christian populations, specifically, Professor Gregory Stanton, President of Genocide Watch, commented as follows:

It is true that there is a Jewish community in Iran. There's also a Christian community. However, to characterize them as having equal rights, for instance, with the Shiite community in Iran is inaccurate. The truth is that Jews and Christians both are discriminated against in Iran in jobs, in the legal sphere, and in many other domains of life. It is not true that they have equal rights

- Testimony of Gregory Stanton, President of Genocide Watch, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 16, 2nd Session, 40th Parliament, 5 May 2009 ("Stanton Testimony May 2009"), at 1:40 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3868151&Language=E&Mode=1&Parl=40&Ses=2>.

156. Moreover, many Christians have been arrested because of their faith, and numerous Jews have been the target of arrests for spying for Israel.

- Testimony of Ahmad Batebi, Spokesperson, Human Rights Activists in Iran, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 8, 2nd Session, 40th Parliament, 24 March 2009 ("Batebi Testimony March 2009"), at 1:00 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3773909&Language=E&Mode=1&Parl=40&Ses=2>
- McLaren testimony, at 1:30 p.m.

157. In addition, Jews, like the Bahá'í, are the target of a campaign of dehumanization under the current regime. The fact that the majority of Iranian Jews have left the country is reflective of their treatment.

- Stanton Testimony May 2009, at 1:40 p.m.
- McLaren testimony October 2009, at 1:35 p.m.

158. Sunni Clerics are targeted by the Iranian regime for arrest and harassment. Moreover, as Sharif Behruz of the Democratic Party of Iranian Kurdistan has explained, “...the establishment and creation of Shia Muslim mosques is heavily promoted and encouraged in non-Shia areas, like the Kurdish areas. However the creation and building of Sunni Muslim mosques, especially in a city like Tehran, with a population of a million Sunnis, is prohibited in Iran.”

- Testimony of Mr. Joe Stork, Deputy Director, Middle East and North Africa, Human Rights Watch, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 06, 2nd Session, 40th Parliament, 10 March 2009 (“Stork Testimony March 2009”), at 12:55 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3742027&Language=E&Mode=1&Parl=40&Ses=2>.
- Testimony of Sharif Behruz, Democratic Party of Iranian Kurdistan, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 12, 2nd Session, 40th Parliament, 21 April 2009 (“Behruz Testimony April 2009”), at 12:40 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3820896&Language=E&Mode=1&Parl=40&Ses=2>.

159. The exclusion of, and discrimination against, the minority Sunni population is also widespread, encompassing a number of Iran’s ethnic minorities: Baluchis, Kurds, Turks, Turkmans and Arabic speakers. These minorities live “...in Iran’s periphery....” and “...have had their rights ignored in one way or another. Their fair share of the government budget, their right to celebrate their local culture, and their right to teach in their language have all been ignored.” Dr. Abbas Milani, Director of Iranian Studies at Stanford University, comments that “this combination of being an ethnic ‘other’ and a religious ‘other’, has made it so that these areas of the periphery are both ignored and now under virtual military clampdown by the Revolutionary Guards, particularly the Baluchistan region.”

- See also Milani Testimony October 2009, at 1:25 p.m.

160. An additional minority group suffering at the hands of the regime are the Darveshes, more commonly referred to as Sufis. By way of illustration, Mr. Ahmed Batebi, Spokesperson for Human Rights Activists in Iran, advises that “[o]ne hundred and three Sufis have been arrested, and 19 of them have been tried and have received an execution verdict.”

- See Batebi Testimony March 2009, at 1 p.m.

J. The exclusion of, discrimination and violence against, ethnic minorities

161. There are a number of ethnic minorities in Iran, the largest of which are the Azeris, the Baluchis and the Kurds. Sharif Behruz of the Democratic Party of Iranian Kurdistan sums up the abysmal human rights situation facing ethnic minorities in Iran in the following terms: “Despite the façade of constitutional guarantees of equality and Iran’s deceptive international legal commitments, discrimination and repression continue for minority communities, who have been demanding greater respect for their cultural and political rights”.

- See Behruz Testimony April 2009, at 12:35 p.m.

162. Similarly, Joe Stork of Deputy Director, Middle East and North Africa, Human Rights Watch, describes the range of human rights abuses facing ethnic minorities:

...the broad discrimination includes not just simple political repression, but also discrimination in terms of access to education, access to government services, living conditions, poor housing, etc. The actual discrimination covers the whole gamut of human rights concerns.

- See Stork Testimony March 2009, at 1:05 p.m.

163. With respect to the Azerbaijani ethnic minority, specifically, Fakteh Zamani, President of the Association for Defence of Azerbaijani Political Prisoners in Iran, explains their denial of the means to transmit their cultural history and traditions and an education in the Azerbaijani language. Peaceful activities engaged in by the Azerbaijani in order to assert and defend their rights have led to arrest, detention, sentencing and torture. Ms. Fakteh provides this shocking illustration of abuses:

The Azerbaijani-Iranian Mohammad-Reza Avaz-Pour, who is just 17, will soon start serving his 15-month prison sentence. This young activist is no stranger to detention, imprisonment, and torture. Since the age of 13, he has been arrested and tortured repeatedly for the simple non-violent act of stating that his mother tongue will not die.

Five university activists, Huseyin Huseyni, Asghar Akbarzade, Ardashir Karimi, Behruz Alizade, and journalist Rahim Ghulami, were sentenced to five years' imprisonment by the Iranian revolutionary court on February 2, 2009, for the simple act of promoting their linguistic rights. Their trials were not published and were held without a lawyer present. They were charged with establishing illegal groups with the intention of disturbing national security.

These activists will be sent far away from their homes to dangerous prisons all over the country. This exile will prevent family visits, stop the flow of information about their conditions and basic welfare, and disconnect them from the outside world. It may sound ironic to say that their families are lucky, but at least they will know where their loved ones are. On June 11, 2008, the worst fear of one family came true. Twenty days after Ferhad Mohseni was arrested by officers of the Iranian intelligence, his tortured body was handed over to his family for immediate burial. He was 25 years old.

- Testimony of Fakteh Zamani, President of the Association for Defence of Azerbaijani Political Prisoners in Iran, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 08, 2nd Session, 40th Parliament, 24 March 2009 (“Zamani Testimony March 2009”), at 12:35 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3773909&Language=E&Mode=1&Parl=40&Ses=2>.

164. As to the Baluchis, specifically, Ms. Zamani provides the following account of abuses:

What I have heard from Balochis is that there is a special judge appointed by the government to try these cases. Confessions have been obtained under severe torture, and these people are tried in 10 to 15 minutes in their cells, without a prosecutor or a defence lawyer present. Just because of the special Balochi situation, a judge shows up and asks a few questions of this tortured individual and sentences them to death. There are hundreds of Balochis on death row.

➤ Zamani Testimony March 2009, at 1:10 p.m.

165. Sharif Behruz of the Democratic Party of Iranian Kurdistan reports on the human rights situation facing the minority Kurds:

The eight-year war with Iraq in the 1980s and the emergency rule in the Kurdish areas in the last three decades has resulted in extrajudicial killings, forced evictions, resettlements, and destruction of homes and cities. Parents are banned from registering their babies with certain Kurdish names, while Persian and Islamic names are suggested and forced upon parents. The use of the Kurdish language and other national languages in the education system is prohibited. Religious minorities that are mainly or partially Kurdish are targeted by measures designed to stigmatize and isolate them.

The discriminatory gozinesh, or screening system, a selection procedure that requires prospective state officials, employees, and students to demonstrate allegiance to Islam and the Islamic Republic of Iran, denies Kurds equality in employment, education, and political participation.

➤ See Behruz Testimony April 2009, at 12:35 p.m.

K. The assault on women's rights

166. While women in Iran continue their brave struggle for equality in Iranian society, the Iranian regime continues its assault on their rights. Obstacles persist in the face of

equality for women, preventing the restoration of rights dismantled after the 1979 revolution.

167. Equal rights to inheritance, child custody, marriage and divorce are all denied women.

- See Testimony of Jared Genser, Lecturer in Law at the University of Pennsylvania, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 06, 2nd Session, 40th Parliament, 10 March 2009 (“Genser Testimony March 2009”), at 12:45 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3742027&Language=E&Mode=1&Parl=40&Ses=2>.
- Milani Testimony October 2009, at 1:35 p.m.

168. Dr. Abbas Milani, Director of Iranian Studies at Stanford University, provides this overview of the assault on women’s rights that has persisted since the 1979 revolution:

One of the first laws of the ancien régime that Ayatollah Khomeini overturned was the family protection law. The Shah's regime had tried to make some changes, some reforms, in the family protection law to afford women more rights. The clergy were opposed to this when it was being discussed in 1970, and one of Ayatollah Khomeini's first gestures was to declare that null and void.

What that meant was that from then on, Islamic law would be applied to women, which meant that women would be denied judgeships. Shirin Ebadi, whose daughter is a guest in your country, the Nobel Prize laureate and the first Iranian woman judge, was immediately removed from her seat, as were other judges like her.

The right of divorce was completely given to men. Men were allowed to have four wives; they were allowed to have an infinite number of concubines; custody was now completely, more or less, in favour of men. A girl under the age of seven and a boy under the age of two stayed with the mother, and after that they went to the father or the father's family. In Islamic law, the father's family has more rights to a child than the mother does.

The custody laws, as well as inheritance laws and laws about community property, were completely scuttled. There was no

community property. There was no payment of money. The only money a woman would get upon divorce would be what was written in the contractual agreement at the time of marriage.

Another particularly brutal illustration of this assault is an older man's right to force a girl under 13 to marry him if her father permits it.

➤ Milani Testimony October 2009, at 1:35 p.m.

➤ Genser Testimony March 2009, at 1:45 p.m.

169. Leaders of women's rights NGOs have been targeted by the regime for arrest, prosecution and or incarceration for exercising their rights to free expression and assembly. Mr. Rimstad of Amnesty International explains that "[i]n 2008 the government escalated its crackdown very significantly and visibly, subjecting dozens of women to arbitrary detention, travel bans, harassment."

➤ See Batebi Testimony March 2009, at 12:55 p.m.

➤ See Stork Testimony March 2009, at 12:50 p.m.

170. Women have nonetheless remained vigilant in the face of a daunting and belligerent regime, and contributed greatly to the democratic opposition movement during the June 2009 elections. Dr. Milani explains that:

When the history of Iranian democracy and the Iranian human rights movement is written, I think we will realize and conclude that women were the most relentless champions. It was, to a great extent, the women's social networks created in the campaign for a million signatures that were used by the democratic opposition during the election to organize those massive, incredibly well-organized demonstrations, when three million came out.

➤ See Milani Testimony October 2009, at 1:35 p.m.

171. A peaceful demonstration calling for women's rights at Haft Tir Square in Tehran – on the occasion of women's day, June 12, 2006 – led to a brutally violent crackdown by

the Iranian regime. As the demonstrators organized, the Iranian security forces attacked with batons and pepper spray – marking the demonstrators with coloured spray and taking large numbers into custody. A witness commented that “[b]ystanders were shocked at how harshly the police reacted to demonstrators.” Prior to the demonstration, human rights activists had called for reforms to criminal law in Iran, triggering the regime’s interrogation of numerous activists.

- See "Iran: Police Assault Women's Rights Demonstrators," *Human Rights Watch*, June 15, 2006. Available at: <http://hrw.org/english/docs/2006/06/15/iran13548.htm>

172. The following petition prepared for the “One Million Signature Campaign” – a movement for women’s rights started in Iran shortly after the Haft Tir Square crackdown – is telling not only of the bleak human rights situation facing women in Iran, but their profound strength in the face of adversity:

Iranian law considers women to be second class citizens and promotes discrimination against them. It is noteworthy that legal discrimination of this type is being enforced in a society where women comprise over 60% of those being admitted to university. It is generally believed that laws should promote social moderation by being one step ahead of cultural norms. But in Iran the law lags behind cultural norms and women’s social position and status

According to Iranian penal codes, a girl at nine years of age is considered to be an adult. If she commits a crime which is punishable by execution, the courts can indeed sentence her to death. If a man and a woman become paralyzed as a result of an accident, the punitive damages provided to the woman according to law is half that of those provided to the man. If a man and a woman are both witness to a crime, the law does not recognize the woman as a witness, but the man can serve as a witness. The law allows fathers, who obtain the permission of the courts, to wed their daughters even before the age of 13 (legal age of marriage) to a 70 year old man. The law does not allow mothers to serve as the financial guardians of their children, or to make decisions regarding their child’s place of residence, foreign travel, or medical

care. The law allows men to take practice polygamy and gives them uncontested rights to divorce their wives at whim.

These are only a few examples of the inequities and discriminatory practices against women, which can be found in Iranian law. Without a doubt, women of lower socio-economic status or women from religious and ethnic minority groups suffer disproportionately from legal discrimination. On the other hand, these unjust laws have promoted unhealthy and unbalanced relationships between men and women and as a result have had negative consequences on the lives of men as well. Specifically we can point to the high dowries, that many women demand as a condition of marriage, which in essence are reflective of the lack of a sense of security resulting from legal discrimination and their unequal status under the law.

On the other hand, the Iranian government is a signatory to several international human rights conventions, and accordingly is required to bring its legal code in line with international standards. The most important international human rights standard calls for elimination of discrimination based on gender, ethnicity, religion, etc.

The undersigned ask for the elimination of all forms of legal discrimination against women in Iranian law and ask legislators to review and reform existing laws based on the government's commitments to international human rights conventions.

- See "Petition for Women['] Equal Rights in Iran, One Million Signature Campaign", *Abdorrahman Boroumand Foundation for the Promotion of Human Rights and Democracy in Iran*, August 19, 2006. Available at: <http://www.iranrights.org/english/document-276-647.php?searchtext=d29tZW4%3D>.

173. The women's movement suffered a crackdown of further repression in response to the "One Million Signature Campaign". The following statement issued by 700 advocates for women's rights is a shocking account:

Pressures Intensify; Costs Increase These positive achievements however have had negative consequences for many women's rights activists. After the peaceful protest in Hafe Tir Square in June of 2006, and the birth of the "One Million Signatures Campaign," those opposed to women's equal rights did not remain inactive. In the past year alone, we have witnessed and endured increased

arrests of women's rights defenders, unfair accusations and charges, serial summons and interrogations, imposition of high bond and bail amounts in exchange for the freedom of our colleagues, and heavy prison sentences for women's rights defenders. In fact, the past year was witness to the arrest and imprisonment of 121 women's rights activists. Nearly one billion tomans (roughly 110 million dollars) in bail and personal guarantees intended to free women's rights activists from prison have been posted. In total, 14 years of suspended probationary prison sentences and nearly 9 years of prison sentences which must be served by women's rights defenders have been issued.

Of course, we had anticipated that as the discourse on women's rights and demands of the women's movement expanded and penetrated society, the pressures, limitations and negative consequences of such demands would increase on equal rights defenders proportionately—pressures imposed by some power holders who see the just demands of women's rights advocates as contradictory to their own interests. These pressures have been imposed on women's rights activists with a view toward isolating them and forcing into the private sphere. But these tactics have not been limited to women's rights activists alone rather they have targeted women from all walks of life, and have been dispensed in a planned and organized manner. It seems that these pressures are not solely limited to women's protest gatherings but are doled out to women, in retaliation to their increased agency, their increased self confidence and their increased demands, designed to improve their own lives.

The massive arrest of women, under the guise of a program commonly referred to as "the program to combat poor hejab" has moved the issue of women's imprisonment beyond the small circle of women's rights defenders into a broad segment of society and now threatens ordinary women, who because of simple differences in their style of dress, has made them fair game for a massive assault by police forces. According to published reports 14,635 women in various areas around the country have been arrested under the "program to combat poor hejab" and 67,000 women have received warnings about their style of dress. It seems that the aims of such violent crackdowns are to incrementally instill fear in the hearts of women, with a view toward driving away from the public arena. In other words, these types of programs aim to push women back into their homes, and do indeed promise to hold for our society tragic consequences.

Obstruction of Social Movements The Student movement too, which has benefited from the increased activity and impact of female students and as a result has become more lively and feminine creating stronger bonds and connections with the women's movement, has faced from the start of this academic year multiple problems. In the past year, the university system has witnessed the increased relegation of female students to their homes, through the implementation of a quota program, which seeks to decrease the number of female students entering into university. This program, which justifies its actions by claiming that female students (currently at over 60%) are taking up spaces which rightfully belong to male students, is in essence a program designed to drive women out of the higher education system.

- See "Statement by 700 Advocates of Equal Rights on the Occasion of June 12th, the Day of Solidarity of Iranian Women", *Abdorrahman Boroumand Foundation for the promotion of human rights and democracy*, June 11, 2007. Available at: <http://www.iranrights.org/english/document-288-678.php?searchtext=d29tZW4%3D>

L. The repression of freedom of speech, assembly and association – a war against students, activists and journalists

174. Freedom of speech, assembly and association are repressed in Iran. Students, activists and journalists are targeted by the government – “national security” is typically offered as a justification to silence dissent.

- Stork Testimony March 2009, at 12:50 p.m.

175. Since Ahmadinejad came to power in 2005, an already extremely problematic human rights situation has only worsened. Leading up to the June 12, 2009 the human rights situation continued to deteriorate, with a dramatic rise in the arrest of students, activists and others peacefully attempting to exercise their rights to free expression and assembly. For example, during the beginning of 2009, 220 individuals were arrested arbitrarily.

- Stork Testimony March 2009, at 12:50 p.m.

- Testimony of Keith Rimstad, Campaigner, Amnesty International, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 06, 2nd Session, 40th Parliament, 10 March 2009 (“Rimstad Testimony March 2009”), at 1:00 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3742027&Language=E&Mode=1&Parl=40&Ses=2>.

176. The increase in arrests of students, activists and others foreshadowed the brutal crackdown against demonstrators following the presidential elections. As pointed out by Payam Akhavan, McGill University Professor of International Law, it is “...important that we don’t reduce the issue to abstractions and statistics in order to understand the horrible brutality with which the Iranian government has confronted what is essentially a peaceful, non-violent movement to call for basic human rights and democracy.”

- Akhavan Testimony October 2009, at 1:15 p.m.

177. Ahmad Batebi, Spokesperson, Human Rights Activists in Iran, reports the following illustrative statistics regarding newspapers and journalists for the year preceding March 2009:

Now I have statistics to give you. First, let's talk about closing down the newspapers. In the last year, there were 29 cases. There were 16 cases of the firing of reporters, 26 cases of reporters who have been tried, 73 cases of reporters who were called to court or summoned, 21 cases of journalists who were tried and found guilty, and 17 cases of arrests of journalists and reporters.

- See Batebi Testimony March 2009, at 12:50 p.m.

178. As but one case study involving a journalist that encapsulates many of the most heinous human rights abuses committed by Iran, Canadian Zahra Kazemi was murdered in 2003 by Iranian officials after she was seen taking pictures in front of Tehran’s Evin prison. In fact, Ms. Kazemi was unlawfully detained for more than three days, during which time she was tortured, raped – particularly brutally – and beaten. Her injuries,

which included several crushed toes, extensive bruising, and a fractured skull, ultimately proved fatal.

- *Impunity in Iran: The Death of Photojournalist Zahra Kazemi*, published by the *Iran Human Rights Documentation Center*, 2nd ed., November 2006 (the “IHRDC Kazemi Report”), at pp. 3 and 6-8. Available at: http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Impunity-in-Iran_Nov06.pdf.
- See also Testimony of Jayne Stoyles, Executive Director, Canadian Centre for International Justice, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 15, 2nd Session, 40th Parliament, 30 April 2009, at 12:45p.m. Available at: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3854102&Language=E&Mode=1&Parl=40&Ses=2#Int-2731478>.

179. After the Iranian Government initially declared that Ms. Kazemi had died of a stroke, it was revealed that the Chief Prosecutor of Tehran, Saeed Mortazavi, had falsified evidence of the full circumstances of Ms. Kazemi’s death. Yet, to this day, nobody in Iran has been held accountable for Ms. Kazemi’s murder. For his part, Mr. Mortazavi – who has a firm record of incarcerating journalists and women’s rights activists in Evin prison, hundreds of whom have likewise been tortured and murdered – was chosen to be included in Iran’s inaugural delegation to the Human Rights Council of the United Nations.

- IHRDC Kazemi Report, at pp. 9 and 16-24.
- See “Iran: Remove Rights Abuser From Delegation at U.N.”, *Human Rights Watch*, 22 June 2006. Available at: <http://www.hrw.org/english/docs/2006/06/22/iran13602.htm>.

180. In the post June 2009 election period, the situation for journalists only worsened. The Iranian regime appears to have declared all out war against the profession. Renee Redman, Executive Director of the Iran Human Rights Documentation Center, describes

the current situation for journalists in Iran: “Foreign journalists are essentially barred from operating within Iran. Domestic journalists are being arrested, and we received word that many are on their way out of the country. Some have already managed to leave the country. This is not a good sign.”

➤ Redman Testimony October 2009, at 1:15 p.m.

181. To put the abysmal human rights situation facing Iranian students into perspective, Dr. Roya Boroumand, Executive Director, Abdorrahman Boroumand Foundation, presents the following figures:

In 2007 there were more than 600 summons either to courts or to the university disciplinary committees for students who have used their right to freedom of expression, have written, have protested, or have presented grievances. So far this year there have been 155 arrests, 26 summons to courts, and 17 cases of imprisonment. In universities, there were 164 cases of summons, 76 expulsions, and 70 suspensions.

➤ Testimony of Dr. Roya Boroumand (Executive Director, Abdorrahman Boroumand Foundation), before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 24, 2nd Session, 40th Parliament, 9 June 2009 (“Boroumand Testimony June 2009”), at 12:55 p.m. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3972695&Language=E&Mode=1&Parl=40&Ses=2#Int-2819215>.

182. Mr. Batebi offers a telling illustration of these abuses, with his personal account of a peaceful protest against the government that he engaged in while a student:

I was kept for 17 months in a small room by myself, and that room was no more than a washroom. This situation caused health problems. They took me twice for execution. In one case, I was taken for execution with a group of others. Of course, I was not executed. I was in the middle, with one man on the left and another on the right.

They blindfolded us and forced us to stand on top of a chair, as if to hang us. They pulled my blindfold aside a bit so I could see

what was happening to the other two. These were people who were imprisoned next to me in small cells. I saw their execution.

Once, for 72 hours they didn't let me sleep. They cut me and put salt in my wounds.

➤ See Batebi Testimony March 2009, at 1:30 p.m.

183. The Iranian regime also systemically silences civil society activists. Dr. Roya Boroumand presents the story of Nobel Peace Prize laureate Sherin Ebadi – illustrating the regimes brutally repressive position toward activists:

You may also have heard about the closure of the office of the Nobel Peace Prize winner Shirin Ebadi, but what you may not know is that Ebadi and lawyers in her NGO were part of a committee for healthy, free, and fair elections who had called in November 2008 for electoral reforms underlining the incompatibility of Iranian laws and practices with international standards. The government's particular sensitivity regarding those who criticize the electoral laws or promote the boycott of the elections doesn't always get the attention it deserves. That is why very few knew that the young Kurd, Shivan Qaderi, who was killed by the security forces, had actively promoted the boycott of the 2005 presidential elections. Similarly, scores of students punished for criticizing electoral laws and calling for boycotts or a referendum on the constitution are rarely mentioned, let alone supported.

➤ See Boroumand Testimony June 2009 at 1:00 p.m.

M. The crackdown on cyber dissidents

184. The Iranian regime has responded to the rise of the internet as a tool of mass communication by cracking down on its use in Iran. Laws repressing free expression in the realm of newspapers, radio and television are now being applied to the internet. Internet-specific laws are also being developed and a number of Internet oversight bodies are being created. In addition, the regime is currently experimenting with technical methods to restrict internet use – including shutting websites down, blocking access to

websites, filtering large parts of the internet, restricting user speed and flooding the internet with propaganda favourable to the regime.

- *Ctrl + Alt + Delete: Iran's Response to the Internet*, published by the *Iran Human Rights Documentation Center*, May 2009 (the "IHRDC Report on Iran's Response to the Internet"), at p. 1. Available at: <http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Ctr+Alt+Delete%20--%20Iran's%20Response%20to%20the%20Internet.pdf>
- *Forced Confession: Targeting Iran's Cyber-Journalists*, published by the *Iran Human Rights Documentation Center*, September 2009 (the "IHRDC Report on Targeting Cyber-Journalists in Iran") p.1. Available at: <http://iranhrdc.org/httpdocs/English/pdfs/Reports/Forced%20Confessions%20-%20Targeting%20Iran's%20Cyber-Journalists.pdf>.

185. Cyber journalist and bloggers are also targeted by the Iranian regime for brutal treatment, including illegal detention and arrest, torture and forced confessions. The following excerpt from the statement of Omid Memariam – a cyber-journalist that suffered abuses at the hands of the Iranian regime – is telling:

As soon as I entered the detention facility, I was insulted, kicked, cursed at and thrown in a solitary cell. Two hours later, the interrogations began. I was taken from my cell to the interrogation room with a blindfold on. They tried to terrify me from the outset. The interrogator started insulting and beating me. He said, "You are a traitor. We will take care of you here. You will never leave." I tried to request an attorney, but the interrogator interrupted and said: "No attorneys!" He continued on with his threats: "We will keep you here and force you to stop your activities. If you try to resist, you will be crushed." Then he told me they needed to cleanse society of dirty elements like us ... Later, I realized that they actually knew very little about me because the interrogations solely focused on the confessions I made in writing (and the information that they had forcibly extracted from my friends and colleagues).

...

They beat me on several occasions. Two or three people beat me at once. They hit my head against the wall ... Sometimes the interrogator threw me off the chair and kicked me while I was

down. At other times, he placed his foot on my head. It was all terribly demeaning. One time I remember falling to the floor. He kicked me very hard in the stomach and I became very nauseous...

They wanted me to confess to things I did not know (and still do not know) about. The case they were building against us was completely fabricated. They always asked me about other people and wanted me to write about them. They wanted to extract confessions from me against the reformists. They were essentially guiding us towards their political objectives, which were based on previously designed or staged scenarios.

...

They also threaten to arrest members of my family. For example, they told me that they had confiscated my older brother's computer and found material that could send my brother to prison for ten years. I had no information regarding my brother's computer and had no idea what they were talking about. None of the members of my family were politically involved...

...

In late November, after about 35 days, they released 17 individuals linked to the bloggers case files. They transferred the four of us – Roozbeh, Sharam, Javad and me, along with Fereshteh Ghazi and Mahboubeh Abbasgholizadeh – to Evin prison. They threw us in a ward filled with prisoners who were awaiting conviction or execution (even though they are required to separate political prisoners from the general prison population)... The rest of the prisoners were in solitary confinement, but they placed the four of us in one large room. We could hear people screaming as they were beaten.

During the fourth week of our detention, we decided to confess so we could be released. We agreed to accept whatever they wanted from us. We reached the conclusion that we could not really do anything while in prison, and that the more time we spent there the more damage we would do to ourselves. We were concerned that the psychological pressure may be so high that we would sustain permanent emotional damage. It was better for us to cooperate now and challenge their charges after release. Their actions were clearly illegal – we could talk about our cases upon release and set the record straight.

- IHRDC Report on Iran's Response to the Internet, at p. 1.

- IHRDC Report on Targeting Cyber-Journalists in Iran, at pp. 1, 26, 30-31.

N. The assault on labour rights

186. Workers in Iran are not permitted the right to form independent unions --- a right denied in both law and in action by the repressive Iranian regime. When workers demand their most basic rights, such as their right to unpaid wages, they are routinely arrested and prosecuted by the government. Workers gathering peacefully are often attacked by security forces – the family of a worker may be harassed or the worker even killed.

- See “Background information on the rights of workers in Iran”, *International Campaign for Human Rights in Iran*, March 2008. Available at: <http://www.iranhumanrights.org/2006/01/workersrights/>.

187. The International Campaign for Human Rights in Iran reports the following evocative examples of abuses suffered by labour activists in Iran:

Two leading trade unionists, Mansour Osanloo and Mahmoud Salehi, are currently in prison. Another one, Majid Hamidi, recently the target of an assassination attempt, is hospitalized. In addition to being imprisoned and fined, eleven other workers were flogged in February 2008 for the crime of participating in a peaceful gathering to commemorate International Labor Day, May 1st.

...

In 2005, during an attack on a workers meeting, Mansour Osanloo, a leading trade union activist, suffered serious injuries including knife wounds. Osanloo had stitches in his neck and tongue as a result. In January 2006, security forces arrested nearly a thousand members of the Syndicate of Workers of Tehran and Suburbs Bus Company, attacked some of their homes, beat their families, and even detained the wives and children of the leading members, to prevent a planned strike. Since then, most members of the Syndicate’s central council have been targets of prosecution and imprisonment. The Syndicate’s leader, Mansour Osanloo, is currently serving a five- year sentence, while he suffers from eye injuries due to earlier beatings, and is in danger of going blind.

Fifty-four members of the Syndicate have been fired from their jobs and are prosecuted in courts for their peaceful activities.

...

There are many other instances of official prosecution and persecution of labor activists. Mahmoud Salehi, a bakery worker from the city of Saez, is in prison because of his persistent attempts to celebrate May 1st. The court prosecuted him for “acting against national security.” He suffers from serious medical complications and his life is in grave danger. Intelligence agents also have summoned and temporarily detained Reza Dehghan, a founding member of the Painters Syndicate, and an advocate for construction workers. In the fall of 2007, Majid Hamidi, a well-known workers rights activist, suffered serious injuries to his spinal cord, following an assassination attempt by unknown gunmen. He is currently hospitalized. Eleven workers in Sanandaj were flogged in February 2008 for participating in a peaceful gathering on May 1st.

- See “Background information on the rights of workers in Iran”, *International Campaign for Human Rights in Iran*, March 2008. Available at: <http://www.iranhumanrights.org/2006/01/workersrights/>.

188. Moreover, security forces routinely answer the public protests of workers with violent repression. The International Campaign for Human Rights in Iran provides these illustrative accounts:

Workers public protests are routinely met with violent repression by security forces. A notable example is the plight of the workers of Rasht Electric, the largest manufacturer of electrical and electronics products in the Middle East. For over three years, the workers at Rasht Electric have been seeking respect for their basic rights through peaceful gatherings and protests, to no avail. Other large scale workers protests include those at Haft Tapeh Complex in Ahvaz, and the textile workers in Kurdistan. In all these cases, security forces have violently broken up workers’ gatherings.

- See “Background information on the rights of workers in Iran”, *International Campaign for Human Rights in Iran*, March 2008. Available at: <http://www.iranhumanrights.org/2006/01/workersrights/>.

189. Jared Genser, Lecturer in Law at the University of Pennsylvania, reports further examples of the abuses suffered by labor activists:

...[O]n February 18, 2009, two Iranian women labour rights activists, Sousan Azadi and Shiva Kheirabadi, were flogged inside the central prison of Sanandaj, the capital of the Iranian Kurdistan province, after having been convicted of participating in May Day celebrations. Azadi received 70 lashes and Kheirabadi 15 lashes. Iranian workers are struggling to form independent labour unions but face continuous state repression.

➤ See Genser Testimony March 2009, at 12:45 p.m.

O. The imposition of the death penalty for juveniles

190. Yet another shocking illustration of the Iranian regime's systemic violation of human rights is the death penalty imposed on juveniles.

191. Joe Stork of Human Rights Watch explains the area of law in Iran:

Iranian law allows the death penalty for persons who have reached the age of puberty, which is defined as 15 for boys and nine for girls. In 2008 a known total of six persons were executed for crimes allegedly committed while under the age of 18, and since January 2005, Iran has been responsible for 26 of the 32 known executions of juvenile offenders worldwide.

These sentences, it should be noted, typically followed unfair trials, and the executions themselves often violated Iranian law, such as the failure to notify families and lawyers 48 hours in advance of the execution.

➤ See Stork Testimony March 2009

➤ For similar figures, see additional testimony before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 06, 2nd Session, 40th Parliament, 10 March 2009. Available at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3742027&Language=E&Mode=1&Parl=40&Ses=2>.

192. Moreover, Ahmad Batebi, Spokesperson for Human Rights Activists in Iran, reports that eight other individuals currently on death row in Iran were convicted of criminal offenses while juveniles.

➤ See Batebi Testimony March 2009, at 12:55 p.m.

193. Ms. Renee Redman, Executive Director of the Iran Human Rights Documentation Center, provides this telling account of the recent execution of a minor: “[E]arlier this month, a young man was executed for a crime that he committed when he was under the age of 18. He was reportedly actually hung by the mother of the young man whom he had killed in a street fight.”

➤ See Redman Testimony October 2009, at 1:15 p.m.

P. The denial of gay/lesbian rights

194. President Ahmadinejad publicly denied the existence of any homosexuals in Iran after a speech he delivered at Columbia University in 2007 – speaking volumes of the abysmal human rights situation facing gays and lesbians in Iran. Simply put, gays and lesbians in Iran are denied not only their rights, but their existence.

➤ “Facing Scorn, President of Iran Is Defiant to His Critics”, *New York Times*, 24 September 2007. Available at http://www.nytimes.com/2007/09/24/world/worldspecial/24cnd-iran.html?_r=2&hp=&oref=slogin&pagewanted=printhttp://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3742027&Language=E&Mode=1&Parl=40&Ses=2.

195. The Abdorrahman Boroumand Foundation’s May 2008 report entitled “Addressing Homophobia in Iran” provides the following overview of the human rights abuses suffered by gays and lesbians:

In Iran, same sex sexual acts between consenting adults are crimes. Since 1979, thousands of Iranians have been intimidated, harassed in their own homes, arrested, tortured, subjected to cruel corporal punishment, and executed. Some are diagnosed with psychological

disorders while others are forced to deny their sexual orientation or induced to repent as sinners. In all cases, they are compelled to live in fear behind closed doors because of their sexual orientation or gender identities.

- “Addressing Homophobia in Iran”, *Abdorrahman Boroumand Foundation*, 17 May 2008. Available at <http://www.iranrights.org/english/newsletter-4.php>.

Q. The murder of political dissidents

196. Since the revolution of 1979, the high ranking officials of the Iranian regime have pervasively murdered their political opponents around the world. The statistics are demonstrative: 162 of such assassinations have been linked to regime officials – particularly officials from the Revolutionary Guard and the Ministry of Intelligence.

- *Condemned by Law: Assassination of Political Dissidents Abroad*, published by the *Iran Human Rights Documentation Center*, November 2008 (the “IHRDC Report on the Assassination of Political Dissidents”) at p.2. Available at: http://iranhrdc.org/httpdocs/English/pdfs/Reports/Condemned-by-Law_Nov08.pdf.

197. Hojjatoleslam Ali Fallahian – Minister of Intelligence between 1989 and 1997 – is an official of particular interest. While Mr. Fallahian has already been charged in respect to a number of murders of dissidents abroad, the evidence demonstrates his role to be far more pervasive than his record would indicate.

- IHRDC Report on the Assassination of Political Dissidents at p.2.

198. It is also to be noted that given the central role that Iran’s Ministry of Intelligence and Special Affairs Committee play in the orchestration of these assassinations of dissidents abroad, responsibility may be imputed to certain high level officials.

- IHRDC Report on the Assassination of Political Dissidents at p.2.

R. The failure to provide a system of justice – show trials, forced confessions, the Basij militia and the Revolutionary Guards

199. Justice for dissidents is unavailable in Iran. Show trials and forced confessions are common place – the Incidence of which only appear to have increased in a post-June 12, 2009 Iran. Ms. Renee Redman, Executive Director of the Iran Human Rights Documentation Center provides this recent brutal account of “justice” in Iran:

Once people are in prison in Iran, the political prisoners are subject to very harsh conditions, often including torture. They're interrogated. They spend lengthy periods in solitary confinement. They often are not allowed to speak with their lawyers or their families. We're seeing a lot of pleas and demonstrations lately by family members and lawyers asking to have contact with their clients.

People do die in prison in Iran on a fairly regular basis, I hate to say it, for lack of medical care and because of the treatment they've undergone.

Many people are forced to confess. That is the goal of a lot of these treatments. And there have been, of course, a series of demonstrators and other activists “confessing” on Iranian television. Many of them, even after they confess, are still kept in prison.

We saw, beginning on August 1, some mass show trials. On August 1, a trial of about 11 men was shown on state television. It was a picture of men in pajama-like prison outfits, looking emaciated, some dazed and some confused. A document called an indictment was read. It wasn't a legal indictment as we or the Iranian judicial system would recognize, but more of a political statement about their fomenting velvet revolutions and corresponding with foreign human rights organizations and foreign governments.

The second trial took place on August 8. It was much the same event. There was a second indictment.

➤ Redman Testimony October 2009, at 1:15 p.m.

➤ See also Akhavan Testimony October 2009, at 1:15 p.m.

200. On the institutional front, the Basij police force exists purely to enforce the Iranian Government’s interpretation of the Quran – for instance, ensuring that women do

not dress immodestly – thus acting as the country’s “morality” police. Their *de facto* powers include the authority to beat, arrest and/or torture alleged violators, the whole without any judicial scrutiny.

➤ See Genser Testimony March 2007, at 11:25am.

201. The Basij were on the front line of the regime’s violent confrontations with the peaceful uprising, post-June 12, 2009. The Basij are a pro-government militia controlled by the powerful Revolutionary Guard – with strong ties to the regime’s conservative elements.

202. Professor Payam Akhavan, Professor of International Law at McGill University, provides this overview:

The Basij are clearly not a renegade force. I would compare them to the Nazi brownshirts. They are a security force composed of plainclothes thugs. The regime is very smart. They know that if you send in the army to shoot into crowds of peaceful demonstrators, you have a massacre, and the regime will collapse with that kind of open confrontation.

So their strategy is to infiltrate these crowds with plainclothes individuals who then, at the appropriate moment, begin to stab or club various individuals. You have savage beatings and savage stabbings. The message is very clear: it's terrorization. They want to send a message that protesting in the streets will be dealt with so harshly that it's not worth it for you to come out of your home and participate.

The Basij are a paramilitary unit under the Revolutionary Guards. The Revolutionary Guards are directly subordinate to the supreme leader. Just after the recent events, the Revolutionary Guards acquired the telecommunications company in Iran and they acquired one of the largest iron ore mines in the Middle East. So we're moving towards a military state that is dominating all the resources of the country for its own benefit. They have a network of patronage, which keeps people happy.

The Basij are not just volunteering to come and beat people; they're paid money. By some accounts, they're paid about \$200 a

day for beating and stabbing people. When you have unemployed youths who are given \$200 a day, which is a lot of money, to come and beat people at will and who on occasion are allowed to rape people as a bonus, then you can see the way in which that regime of terror is being sustained and how the structure of the economy is used to sustain this kind of authoritarian rule through terror.

➤ See Akhavan Testimony October 2009, at 1:50 p.m.

**V. COMBATTING GENOCIDAL INCITEMENT, THE NUCLEAR THREAT
AND MASSIVE HUMAN RIGHTS ABUSES – TOWARDS
INTERNATIONAL PEACE AND SECURITY AND THE PROTECTION
OF THE IRANIAN PEOPLE**

203. The autocratic government in Iran uses all rhetorical tools at its disposal to perpetuate itself, despite the massive human rights violations it commits against its own population. In this perspective, the intoxicating genocidal incitement emerging from Iran today is both cause and consequence of this rights-repressing regime.

204. Professor Akhavan explains the connection between Iran's hostility towards Israel, its impunity towards the international community in general, and its suppression of human rights at home:

The average Iranian does not wake up in the morning fantasizing about nuclear capability or about wiping Israel off the map. This is an expedient of President Ahmadinejad because this kind of polemic is the only thing he can offer the Iranian people as they decline further and further into hopelessness, social despair, and economic decline.

➤ Testimony of Payam Akhavan, Professor of Law at McGill University, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 012, 1st Session, 39th Parliament, 27 March 2007, at 11:05am. Available at: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2807197&Language=E&Mode=1&Parl=39&Ses=1>.

205. Preventative action against Iran for its threat to international peace would also serve the interests of the Iranian people because these themes are all inter-related. For the community of nations to remain silent when the President of Iran demonizes a neighbour is for the world to acquiesce in the Iranian regime's suppression of rights across borders—and also within its own borders. Iran's threat to international peace and security acts as both a standing violation of international law and a rhetorical tool to allow the government to justify its domestic repressions.

206. As such, any putative argument based on alleged grounds of sovereignty or executive immunity is manifestly unfounded in the context of this incitement to genocide (in which context international law unambiguously excludes such defences in any event). The vitriol emerging from Iran on a constant basis is not the voice of the Iranian people; it does not reflect their hopes and desires; and it is not the expression of their freedom.

207. The genocidal threat must be combated. It is the perpetuation of the suffering of the Iranian people.

208. Moreover, the regime's massive human rights violations and pursuit of nuclear weapons represent clear and distinct threats which must be combated directly.

VI. INTERNATIONAL LAW MANDATES EFFECTIVE REMEDIES TO COMBAT IRAN'S VIOLATIONS

S. Iran's Violation of International Law in the Matter of Genocidal Incitement: A Framework for Remedy

209. The world is not without recourses to improve the situation in Iran, for the good of its own population and for the safety and security of the region. In particular, preventing genocide – the most horrific of crimes – is an international obligation.

210. As discussed above, a foundational principle for the international community in this case is the *responsibility to protect* principle. United Nations Secretary-General Ban Ki-moon describes the “responsibility to protect” as being “the obligation accepted by all States to act collectively, through the Security Council, when a population is threatened with genocide, ethnic cleansing or crimes against humanity”.

- Secretary-General Ban Ki-moon, SG/SM/11495, AFR/1674, 4 April 2008. Available at: <http://www.un.org/News/Press/docs/2008/sgsm11495.doc.htm>.

211. By its reference to the 2005 World Summit Outcome Document in S/RES 1674 (2006), the Security Council has confirmed not only the responsibility of States to take action to prevent genocide, but also its own responsibility to prevent the incitement that is a condition and indicator of genocide:

[138] Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. *This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means.* We accept that responsibility and will act in accordance with it. *The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.*

[Emphasis added]

212. The *responsibility to protect* is particularly compelling and accentuated where the danger of indifference and inaction is greatest – as in the case of genocide – and where the probability of the danger materializing is most pronounced – as in the case of Iran. As the leading expert on the subject, Gareth Evans, has explained, a true “R2P [responsibility to protect] situation” is one “where genocide, or ethnic cleansing, or other crimes against humanity, or war crimes were either actually occurring or could foreseeably occur at some time in the future – immediate, medium term or long term –

unless appropriate preventive measures are taken”. The contemporary situation in Iran meets this test.

- “Preventing Mass Atrocities: Making the Responsibility to Protect a Reality”, Gareth Evans, keynote address to the United Nations University/International Crisis Group Conference on *Prevention of Mass Atrocities: From Mandate to Realisation*, held in New York, 10 October 2007. Available at: <http://www.crisisgroup.org/home/index.cfm?id=5116&l=1>.

213. While the *responsibility to protect* principle, expressed as such, is of more recent origin, the present context is equally governed by the responsibility to *prevent* that is expressed in the First Article of the *Genocide Convention*:

The Contracting Parties confirm that *genocide*, whether committed in time of peace or in time of war, *is a crime under international law which they undertake to prevent and to punish*.

[Emphasis added]

214. Signed in the wake of the Holocaust, the *Genocide Convention* declared that the international community could no longer acquiesce in genocide. Accordingly, it imposed the obligation on its signatories to take action to prevent genocide. As then High Commissioner for Human Rights Louise Arbour stated:

[U]nder the Genocide Convention and its norms, which have been incorporated into international customary law, *States have a duty to prevent genocide*.

[...]

[T]he prevention of genocide is a legal obligation, and it is a justiciable obligation that one State effectively owes to the citizens of another State, outside its own territory.

[Emphasis added]

- “The Responsibility to Protect as a Duty of Care in International Law and Practice”, United Nations High Commissioner for Human Rights Louise Arbour (address delivered at Trinity College, Dublin, 23 November 2007).

Available at: <http://www.unhchr.ch/huricane/huricane.nsf/0/5F1298CB9E6043BEC125739C0058FB02?opendocument>.

215. Given the great consensus of the international community endorsing the *Genocide Convention*, the preventative purpose of Article 1 has been elevated to a peremptory norm of international law – *jus cogens* – with the effect that no State, whether signatory to the *Genocide Convention* or not, may ignore its mandatory nature.

- See *Reservations to the Convention on Genocide*, Advisory Opinion: I.C.J. Reports 1951, p. 15, at p. 23. See also *Droit international public*, 3rd ed., J.-Maurice Arbour (Cowansville, Québec: Éditions Yvon Blais, 1997), at p. 36.

216. The obligation to take action to prevent genocide is also recognized as an obligation *erga omnes*: it is a responsibility owed to all members of the international community. The combination of the *jus cogens* and *erga omnes* principles implies that the obligation to take action to prevent genocide in international law is overriding. Every State must prevent genocide, it must do so on behalf of every potential victim, and every State in the community of nations can hold its neighbours to account for their failure to join in upholding this obligation.

- Re *Barcelona Traction, Light and Power Co. Ltd.*, I.C.J. Reports 1970, p. 3, at paras. 33-34.

217. Indeed, the International Court of Justice has explained that the “obligation on each contracting State to prevent genocide is both normative and compelling”. It elaborated that this obligation means that State parties must “employ all means reasonably available to them, so as to prevent genocide so far as possible”. Further, this obligation – “and the corresponding duty to act” – will arise not simply when genocide is on the cusp of materializing, but rather “at the instant that the State learns of, or should

normally have learned of, the existence of a serious risk that genocide will be committed”.

- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Case no. 91, International Court of Justice (26 February 2007), at paras. 427 and 430-431.

218. In the context of Iran, this Responsibility to Prevent Petition establishes that the legal duty arising out of the *Genocide Convention* has already been triggered.

219. This Responsibility to Prevent Petition calls upon the Secretary-General of the United Nations, Ban Ki-moon, to act pursuant to his power under Article 99 of the *Charter of the United Nations*. This Article empowers Mr. Ban to “bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security”.

220. Equally, this Responsibility to Prevent Petition requests State Parties to the *Genocide Convention* to call upon the United Nations Security Council and other bodies of the United Nations to take preventative action, pursuant to Article 8. That provision provides that:

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the *prevention and suppression* of acts of genocide or any of the other acts enumerated in article III.

[Emphasis added]

221. By its reference to Article 3, the right of direct application to the Security Council in Article 8 provides an effective means to confront and prevent both genocide itself and direct and public incitement to genocide. Indeed, while the threat of genocide in the case

of Iran is serious, the threat of further genocidal incitement alone suffices to trigger the Article 8 remedy.

222. Because of its broad drafting, Article 8 is also open-ended in terms of the entity to which a Party may appeal. While a Party may choose to direct an application to the Security Council in order to target Iran's membership in the United Nations or apply targeted sanctions linked to Iran's genocidal incitement, a Party to the *Genocide Convention* may also choose to call upon the Secretary General to act under Article 99; it may call upon the General Assembly to issue Resolutions preventing genocide, as it has done previously in the case of Iran's human rights violations; or it may submit the case for further investigation to other organs of the United Nations.

223. In brief, while the international community has been far too passive in confronting genocide before it occurs – with terrible effect and an unacceptable human cost over the last decades – this inadequate response has not been for want of proper legal remedies. To the contrary, international law not only authorizes but obliges all States to take action to prevent genocide.

224. Failure to follow through with these appropriate recourses is a standing violation of international law, and creates a tragic legacy by which this generation will be judged. It is hard to imagine a more impoverished view of international human rights law – or one that is more offensive to the victims it exists to help – than one that refuses it a role in preventing genocide before it occurs.

225. While the international community ought rightly to focus on preventative measures, it cannot be forgotten that Iran and its officials, in particular its President Mahmoud Ahmadinejad, have committed breaches in international law for which they

must be held accountable. Indeed, the lack of such accountability would undermine efforts to prevent genocide by emboldening those who incite it. In this respect, a call for punishment becomes part of the preventative effort.

226. As evidenced by the quotations above, President Ahmadinejad has engaged in direct and public incitement to genocide against the people of Israel. His repeated calls for the annihilation of Israel, made in the context of a state-sanctioned culture of hate, and with the intention of inflaming the Iranian population and perpetuating mass murder, constitute a clear violation of Article 3 of the *Genocide Convention*:

The following acts shall be punishable:

[...] (c) Direct and public incitement to commit genocide;

227. Notably, the unqualified wording of Article 3 makes it clear that direct and public incitement to genocide is punishable whether or not it leads to the commission of genocide. This wording was specifically deliberated upon by the drafters of the Convention and accords with the preventative purpose elaborated in Article 1 thereof. Accordingly, “incitement” contrasts specifically with “instigation” in international law, the latter being punishable only when it leads to the actual commission of the offense intended by the instigator.

- See *Nahimana, Barayagwiza and Ngeze v. Prosecutor*, Case No. ICTR-99-52-A (Appeals Chamber), 28 November 2007, at para. 678. See also Wibke K. Timmerman, “Incitement in International Criminal Law” in *International Review of the Red Cross*, vol. 88, no. 864, December 2006, at pp. 832-840.

228. Direct and public incitement to genocide has already formed the basis of criminal indictments at the ICTR, pursuant to Article 2(3)(c) and 6(1) of the ICTR Statute. The jurisprudence emphasizes the gravity with which this offence is to be treated, even if

there is no evidence that the incitement led to any loss of life. The mere prospect of genocide, as intended by the inciter, suffices to confirm the dire nature of the crime:

[G]enocide clearly falls within the category of crimes so serious that direct and public incitement to commit such a crime must be punished as such, even where such incitement failed to produce the result expected by the perpetrator.

- *Prosecutor v. Akayesu*, Case no. ICTR-96-4-T, Judgment (Trial Chamber), 2 September 1998, at para. 562. This judgment was affirmed on appeal, 1 June 2001.

229. The jurisprudence equally stresses the need to understand the impugned comments in context in order to determine whether they constitute “incitement” or not. Thus, the ICTR has explained that context alone can define the line between hateful rhetoric and incitement:

A statement of ethnic generalization provoking resentment against members of that ethnicity would have a heightened impact in the context of a genocidal environment. It would be more likely to lead to violence. At the same time the environment would be an indicator that incitement to violence was the intent of the statement.

- *Prosecutor v. Nahimana, Barayagwiza and Ngeze*, Case no. ICTR-99-62-T, Judgment and Sentence, 3 December 2003 (the “*Media Case*”), at para. 1022. The Appeals Chamber affirmed the importance of context in evaluating incitement in its judgment of 28 November 2007, at paras. 697, 701 and 703.

230. In the case of President Ahmadinejad, the climate of hatred over which he presides, the hate propaganda and Holocaust denial he has sponsored and promulgated, and the quality and quantity of his calls for destruction all contribute to the context relevant to this analysis. Indeed, any examination of the context in which President Ahmadinejad makes his calls for destruction would need to consider, in addition to the above:

- (A) The processes of delegitimization, dehumanization and demonization that President Ahmadinejad has fostered. In other words, President Ahmadinejad not only operates in a context of discrimination and hatred; he worked personally to cultivate that discrimination and hatred through deliberate processes well known in the history of genocide.
- (B) The tone and spirit of President Ahmadinejad's public speeches, in which crowds are exhorted to respond to his vitriolic hate with chants of "Death to Israel".
- (C) The impunity that President Ahmadinejad encourages among his associates in Government and, indeed, among the general population, toward the international community. This impunity is on display not only through his public calls for the annihilation of another State, but also through his stance on the means to carry out that genocide—Iran's illegal and internationally-condemned nuclear program, which continues to operate in open defiance of the international community.
- (D) Iran's shameful record of domestic human rights abuses. There can be no doubt to anyone listening to President Ahmadinejad's public addresses that his regime is capable of murder and oppression on a mass scale.
- (E) Iran's well-documented history of terrorist support. The international community – and President Ahmadinejad's audience – knows very well that "Death to Israel" is not mere rhetoric; it is a State policy that has been and continues to be acted upon, in particular through the sponsorship of

terrorist organizations that murder innocent Israelis and Jews around the world.

231. To use the terminology of the *Media Case*, the “environment” in Ahmadinejad’s Iran is nothing short of genocidal.

232. The *Media Case* further elaborates on three other criteria, in addition to context, that can be used to distinguish genocidal incitement from permissible speech: purpose, text and the relationship between the speaker and the subject. On all these criteria, President Ahmadinejad’s comments qualify as incitement: they serve no valid purpose (such as historical research); on their face they display hatred and express a desire for annihilation; and, in terms of the speaker-subject criterion, they can in no way benefit from the greater leeway accorded minorities criticizing the actions of the government or majority population. To the contrary, President Ahmadinejad uses the State for his podium.

- See the analysis of the *Media Case* on this point in “From Incitement to Indictment? Prosecuting Iran’s President for Advocating Israel’s Destruction and Piecing Together Incitement Law’s Emerging Analytical Framework”, Gregory S. Gordon (Assistant Professor, University of North Dakota School of Law), at p. 15. Available at: http://works.bepress.com/gregory_gordon/1.

233. Notwithstanding the fact that Iran has not yet carried out its intended genocide, the incitement committed by President Ahmadinejad and his associated Iranian leaders compares as more incendiary and more heinous than the cases previously treated in the jurisprudence. As Professor Irwin Cotler, the former Minister of Justice and Attorney General of Canada has stated, “the aggregate of precursors of incitement in the Iranian case are more threatening than were those in the Rwandan one”. In particular, there are three specific features of the incitement in Ahmadinejad’s Iran that have never before

been combined, and that make the incitement in contemporary Iran particularly dangerous.

- “A leadership role for France”, Irwin Cotler, *Jerusalem Post*, 22 June 2008. Available at: <http://www.jpost.com/servlet/Satellite?cid=1214132655019&pagename=JPost%2FJPArticle%2FPrinter>.

234. First, as political leaders of Iran, President Ahmadinejad and his associates wield greater power and influence than persons previously prosecuted for incitement to genocide. While past indictments have centred on individuals preaching their personal beliefs, these leaders have made incitement a State policy. Accordingly, they have incited to genocide not only through their rhetoric, but also through the simple fact that the State apparatus is invoked every time they make their pronouncements. In an authoritarian State such as Iran, where dissent is furiously punished, “incitement” by a State leader necessarily rises to the most incendiary level because the audience is not free to disagree with the genocidal message.

235. The closest analogy to such incitement, on this point, is the *Kambanda* case. Jean Kambanda was the leader of Rwanda’s caretaker government during the genocide and pled guilty to directly and publicly inciting genocide (among other crimes). The acts for which he was convicted on this charge included encouraging a radio station on-air to continue inciting violence and calling it an “indispensable weapon in the fight against the enemy”; congratulating individuals who already killed victims; and speaking before different audiences encouraging massacre. These acts find close analogies in President Ahmadinejad’s conduct: for instance, President Ahmadinejad actively encourages third parties to contribute to his climate of hatred, he has voiced – and demonstrated – active support of the terrorists who murder innocent Jewish and Israeli civilians around the

world, and he has implored individuals (and States) to rise up against his self-declared Zionist enemy. Yet despite these similarities, Mr. Kambanda's incitement lacks the other two characteristics that distinguish President Ahmadinejad's incitement.

- See *Prosecutor v. Kambanda*, Case no. ICTR 97-23-S, Judgment and Sentence, 4 September 1998.

236. The second unique feature of the incitement by the current Iranian leadership is the repetition and impunity with which it occurs, far beyond that of those previously prosecuted. Indeed, in spite of the strong disapproval of the international community, President Ahmadinejad and other Iranian leaders have continued to make hate-filled statements and publicize their remarks through state-controlled news organizations; instead of being humbled by international condemnation, they have simply used it to give them a bigger stage. For the international community to acquiesce in incitement to genocide of this magnitude and scale would be to suggest that calls for the annihilation of another nation are fair-game in international discourse.

237. Third, and perhaps most compelling, President Ahmadinejad and his associated leaders represent *the* voice of genocidal incitement in Iran. In particular, while the movement advocating the destruction of Israel is broadly-based, President Ahmadinejad – of his own design – is the most obvious, expressive and energetic proponent of this intended genocide. As such, these leaders – and President Ahmadinejad specifically – are not simply cogs in the genocidal machine; they are the drivers, with their repeated calls for annihilation greasing the wheels of its progression.

238. The international community now has the rare opportunity to hold the directing minds of a genocidal movement responsible for their actions under international law, before widespread loss of life occurs.

239. Specific remedies have been developed in international law to sanction President Ahmadinejad's criminal conduct. These remedies, of course, are equally applicable to the other Iranian leaders who have incited to genocide as well.

240. The *Rome Statute of the International Criminal Court* (the "*Rome Statute*") provides for the prosecution of persons who directly and publicly incite others to genocide at Article 25(3)(e). President Ahmadinejad could not enjoy any immunity arising out of his official position in Iran, pursuant to Article 27(1). However, because Iran is not a Party to the *Rome Statute*, only a referral of this case to the Prosecutor by the Security Council, pursuant to Article 13(b) of the *Rome Statute*, would confer upon the International Criminal Court the jurisdiction to prosecute President Ahmadinejad.

241. Notably, any Party to the *Genocide Convention* may call upon the Security Council to deliver such a referral pursuant to the aforementioned Article 8 of the *Genocide Convention*. This is because Article 8 may be used beyond its preventative purpose for the "suppression" of punishable acts, including direct and public incitement to genocide. In this context, calling upon the Security Council to referring the crime of genocidal incitement to the Prosecutor is such an act of suppression.

242. Moreover, the other Article 8 solutions mentioned above with respect to prevention – including applications to the Security Council, the Secretary-General, or any other organ of the United Nations – are equally available to suppress the direct and public incitement to genocide that continues unabated in Iran.

243. Finally, as mentioned above, direct and public incitement to commit genocide is a "punishable" act under Article 3(c) of the *Genocide Convention*. While the *Genocide Convention* does not provide for direct prosecution of President Ahmadinejad (as does

the *Rome Statute*), its Article 4 does compel State Parties – including Iran – to punish persons committing such a punishable act, “whether they are constitutionally responsible rulers, public officials or private individuals”. Further, Article 5 compels State Parties – including Iran – to “provide effective penalties” for such acts.

244. By not itself bringing President Ahmadinejad to justice for his genocidal incitement, Iran – a State Party to the *Genocide Convention* – has breached its obligations under Articles 4 and 5. Additionally, by not acting to prevent the seeds of genocide from forming on its own territory, Iran has breached its obligation under Article 1 of the *Genocide Convention*. For these breaches, Iran should be brought before the International Court of Justice pursuant to Article 9 of the *Genocide Convention*. And because the obligations enshrined in the *Genocide Convention* are obligations *erga omnes*, any State Party may bring this application – alone, or jointly with other interested State Parties – to the International Court of Justice.

245. The options available to the international community to hold Iran and President Ahmadinejad to account are strong and are numerous. A failure to hold them to account for their crimes is to acquiesce in their impunity and to undermine the Rule of Law in the international community.

246. The integrity of the international legal system demands no less than that its dictates be followed by all Members, that any breaches thereof be called out, and that any perpetrators be held accountable.

T. Iran’s Violation of International Law in its Pursuit of Nuclear Weapons: A Framework for Remedy

247. Based on the foregoing evidence, Iran's activities constitute the standing violation of international treaty law and related obligations to suspend the enrichment of uranium for nuclear weaponisation purposes.

248. More specifically, Iran continues its persistent and flagrant violation its international obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and a number of U.N. Security Council resolutions. An overview of these violations follows:

(A) **Treaty on the Non-Proliferation of Nuclear Weapons ("NPT").** The overwhelming evidence, as discussed above, indicates that Iran is developing a nuclear weapon – which is strictly prohibited under Article II of the NPT. Moreover, Article III of the NPT requires that Iran cooperate with safeguards for verification of its treaty compliance – an obligation that Iran has consistently flouted. Most recently, as discussed above, Iran revealed its secret construction of the enrichment site near Qom – attracting fresh condemnation by the IAEA.

➤ *Treaty on the Non-Proliferation of Nuclear Weapons*, ratified by Iran on February 2, 1970, February 10, 1970 and March 5, 1970.

(B) **U.N. Security Council Resolutions.** Iran is the subject of five U.N. Security Council resolutions, which among things, requires Iran to cooperate with the IAEA's monitoring of its nuclear program and to suspend its uranium enrichment and reprocessing activities, including research and development. The resolutions also implement a set of targeted sanctions under the U.N. Security Council's mandate to preserve international peace and security, including: i) a ban on "the supply, sale or

transfer directly or indirectly from their territories or by their nationals” of specific classes of “items, goods and technology which could contribute to Iran’s enrichment-related, reprocessing...or to the development of nuclear weapon delivery systems”; ii) a restriction on the sale of weapons to Iran; iii) a ban on the export of weapons from Iran; iii) a prohibition on the provision of financial assistance to Iran, unless the assistance is for humanitarian purposes; iv) and the imposition of a travel ban and financial asset freeze on a list of individuals and entities. Moreover, the resolutions call upon other states to “exercise vigilance and restraint” in respect to the entry into their territories of key persons and entities involved in nuclear or ballistic missile activities; and “exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in Iran [...] to avoid such activities contributing to the proliferation of sensitive nuclear activities...”

- See the U.N. Security Council Resolutions against Iran: S/RES/1696 (2006), S/RES/1737 (2006), S/RES/1747 (2007), S/RES/1803 (2008) and S/RES/1835 (2008)

- (C) **Recent IAEA resolution.** Recently the board of the IAEA passed a resolution calling upon Iran to comply with previous Security Council resolutions and to “suspend immediately construction at Qom”. This resolution is particularly important given Iran’s recent disclosure of the hidden site and its drastic shift of position on the issue of removing uranium for further processing in Russia or France. The resolution is to be referred to the Security Council.

- See the recent IAEA Resolution against Iran: GOV/2009/82, 27 November 2009.

U. Iran's Violation of International Law in the Matter of its Massive Human Rights Abuses: A Framework for Remedy

249. The foregoing evidence demonstrates that the Iranian government has persistently and flagrantly violated its obligations under international human rights law – and the situation has only worsened.

250. Iran's gross violations of international human rights law are of three related forms: a failure to respect, protect and promote human rights. As described by the United Nations Office of the High Commissioner for Human Rights:

The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights.

- Office of the High Commissioner for Human Rights, "What are Human Rights?" Available at: <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>.

251. More specifically, the evidence establishes that Iran has violated and continues to violate the following international treaties with impunity:

(A) The International Covenant on Civil and Political Rights ("ICCPR").

Rights guaranteed under the ICCPR and violated by Iran include: the rights to freedom of expression (Article 19), assembly (Article 21) and association (which includes "the right to form and join trade unions for the protection of his interests")(Article 22); the right to life and the associated right not to be arbitrarily deprived of one's life (Article 6); the right to due

process under the law (Article 9); the right to equality before and under the law “on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 26); and the right not to be tortured or subjected to other “cruel, inhuman or degrading treatment or punishment”.

- *International Covenant on Civil and Political Rights*, ratified by Iran on June 24, 1975.

(B) **The International Covenant on Economic, Social and Cultural Rights**

(“ICESCR”). Rights guaranteed under the ICESCR and violated by Iran include: the right to self-determination, including the right to free determination of political status (Article 1); the right to form and join trade unions “for the promotion and protection of his economic and social interests”, the right to strike and the right of trade unions to function free of undue interference (Article 8). Moreover, under the ICESCR, the Iranian government recognized, but has not ensured, that marriage must be entered into consensually and children should receive special protection and assistance (Article 10).

- *International Covenant on Economic, Social and Cultural Rights*, ratified by Iran on June 24, 1975.

(C) **The Convention on the Elimination of Racial Discrimination**

(“CERD”). By way of example, Iran has systematically violated its undertaking under the CERD not to engage in any “act or practice of racial discrimination against persons, groups of persons or institutions and to

ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation” (Article 2).

- *The Convention on the Elimination of Racial Discrimination*, ratified by Iran on August 28, 1968.

- (D) **The Convention on the Rights of the Child (“CRC”).** Iran has consistently violated the CRC, which guarantees a broad range of rights to children. Rights guaranteed under the CRC includes: the right not to be “subjected to torture or other cruel, inhuman or degrading treatment or punishment”, and a prohibition against the imposition of the death penalty for offences committed by juveniles (Article 37).

- *The Convention on the Rights of the Child*, ratified by Iran on July 13, 1994. While Iran expressed a reservation upon ratification of the CRC (which states that, “The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect”), it is to be noted that Austria, Denmark, Finland, Germany, Ireland, Italy, the Netherlands, Norway, Portugal and Sweden all object to the validity of the reservation on the basis that it is both overly broad and inconsistent with the purpose of the CRC. Reservation available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en#EndDec.

252. Iran’s international legal obligations do not end with its treaty obligations. Customary international law imposes a prohibition against the commission of crimes against humanity by states and their officials – a prohibition binding on all states, including Iran. By way of example, a widespread and systematic policy or condonation of executions, murder, killing, torture, persecution of women, and repression of minorities are crimes against humanity – and Iran is a textbook case.

- *The Rome Statute of the International Criminal Court*, Article 7.

- *The Rome Statute of the International Criminal Court*, Explanatory Memorandum.

253. Given that Iran is not a Party to the *Rome Statute*, only a referral of this case to the Prosecutor by the Security Council, pursuant to Article 13(b) of the *Rome Statute*, would confer upon the International Criminal Court the jurisdiction to prosecute President Ahmadinejad.

- *The Rome Statute of the International Criminal Court*, Article 13(b).

254. The United Nations General Assembly has annually responded to Iran's egregious violations through a Resolution; it expresses "*deep concern* at the ongoing systematic violations of human rights and fundamental freedoms" and expresses further "*very serious concern*" on a multitude of specific illegal practices in Iran, such as torture, public executions (including stoning and the execution of persons under 18 at the time of their offence), violent repression of women, and discrimination.

- See for example, Situation of human rights in the Islamic Republic of Iran, A/RES/63/191 (24 February 2009).

255. Moreover, on November 20, 2009 the United Nations General Assembly approved a draft resolution, not only further rebuking Iran for its massive human rights violations, but expressing particular concern regarding the "rise in human rights violations" after the presidential elections of June 12, 2009. The violations cited in the draft include: the death and injury of citizens and opposition members attempting to exercise their rights to freedom of expression; the use of intimidation and violence by the Basij militia; the abuse of prisoners, including torture, rape and forced confessions; and the severe restriction of media coverage on the events.

- "In Draft Resolution, United Nations Rebukes Iran for Rights Violations Since Election," Neil MacFarquar, *New York Times*, 21 November 2009. Available

at: http://www.nytimes.com/2009/11/21/world/middleeast/21nations.html?_r=1&partner=rssnyt&emc=rss.

256. While dialogue may proceed between the Iranian regime and other governments, it is essential that governments clearly indicate that “business as usual” will not proceed while massive human rights abuses are ongoing.

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009. Available at: <http://www.washingtoninstitute.org/templateC05.php?CID=3089>.

257. There are many effective actions that governments may pursue in response to Iran’s massive human rights abuses and flagrant violation of international human rights law. By way of overview, governments could:

- (A) **Regularly display public disapproval of the Iranian regime and its leadership.** By way of example, governments may refuse to schedule high level meetings with the Iranian leadership at summits and conferences they host and walk out on speeches delivered by the Iranian leadership at international organizations, such as the U.N. General Assembly.
- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009. Available at: <http://www.washingtoninstitute.org/templateC05.php?CID=3089>.
- (B) **Provide moral and financial support for the democratic movement in Iran.** For example, governments may provide moral and or financial support for groups documenting human rights abuses in Iran, activists (including lesser known activists, activists in more remote areas and activists in exile) and journalists (both in Iran and in exile); publicly call for the Iranian government to grant access to human rights NGOs, such as

Amnesty International; draw public attention to government crackdowns and the underlying human rights abuses that trigger the dissent they are a response to; and take high profile actions in support of Iranian dissidents during unavoidable visits by top Iranian officials (such as visits to New York to attend the U.N. General Assembly) – for example, by renaming a street in front of an Iranian embassy or consulate in honour of a dissident.

- Boroumand Testimony June 2009, at 1:10 p.m.
- Genser Testimony March 2009, at 12:45 p.m.
- Stork Testimony March 2009, at 12:55 p.m.
- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009. Available at: <http://www.washingtoninstitute.org/templateC05.php?CID=3089>.

(C) **Impose severe limits on the number and nature of visits by Iranian leaders.** Meetings between Iranian leaders and high level government officials should only be permitted rarely, and any business delegation accompanying a leader should be denied entry visas.

- Boroumand Testimony June 2009, at 1:10 p.m.
- Genser Testimony March 2009, at 12:45 p.m.
- Stork Testimony March 2009, at 12:55 p.m.
- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009. Available at: <http://www.washingtoninstitute.org/templateC05.php?CID=3089>.

(D) **Raise the massive human rights abuses in Iran as a priority issue on the agenda during any bilateral meetings with Iran.** Government and

their diplomats should be armed with demands regarding specific cases of human rights abuses in Iran rather than relying exclusively on generic demands for greater rights and freedoms. Iranian officials should be provided with a deadline for action on specific cases and told that not meeting the deadline will provoke a specific response. By way of example, a response could include a statement of condemnation at the meeting of an inter-governmental organization.

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009. Available at: <http://www.washingtoninstitute.org/templateC05.php?CID=3089>.

- (E) **Coordinate the imposition of travel bans and asset freezes on Iranian officials.** These actions would supplement existing restrictions imposed by the United Nations Security Council in respect to Iranians involved in Iran’s nuclear and missile programs (Resolutions 1737, 1747 and 1803).

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009. Available at: <http://www.washingtoninstitute.org/templateC05.php?CID=3089>.

- (F) **Monitor and regulate foreign offices, bureaus or media outlets that the Iranian regime uses as a source of threat, incitement and intimidation.** By way of example, Press TV is an English language satellite channel operated by the Iranian government in London – and should receive particular scrutiny.

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009. Available at: <http://www.washingtoninstitute.org/templateC05.php?CID=3089>.

- (G) **Reduce high-level interaction with Iranian officials and terminate visits at the ministry level.** Frequent visits by parliamentary delegations to Iran should be deferred until the human rights situation improves – and invitations to Iranian officials should be terminated (or at least made conditional upon effective actions taken by the Iranian government to improve the human rights situation in Iran). Governments may also recall their top diplomats in Iran in response to ongoing massive human rights violations.
- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009. Available at: <http://www.washingtoninstitute.org/templateC05.php?CID=3089>.
- (H) **Declare the principal officials of the Iranian regime responsible for massive human rights abuses – including members of the Basij militia and the Revolutionary Guard – inadmissible.** In respect to non-official travel, visas and transit rights should be denied these officials and military personnel.
- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009. Available at: <http://www.washingtoninstitute.org/templateC05.php?CID=3089>.
- Akhavan Testimony October 2009, at 1:25 p.m.
- (I) **Use multilateral interventions to keep the massive human rights abuses in Iran on the international agenda.** Multilateral interventions may include efforts obtaining support for the adoption of resolutions on the human rights abuses in Iran at the U.N. General Assembly and the

U.N. Human Rights Council – drawing the attention of the Iranian regime and the condemnation of the international community.

➤ Stork Testimony March 2009, at 12:55 p.m.

(J) **Ensure that the Iranian regime and its officials are not protected from civil lawsuits by state immunity.** Where necessary, governments should ensure that the Iranian regime and its officials who are complicit in acts of torture, terror and other international crimes are not protected from civil lawsuits. By way of example, there is currently an exception in Canada's State Immunity Act for commercial activity, but there is not an exception for torture, crimes against humanity, terror and other international crimes. Simply put, Canada's State Immunity Act unconscionably favours the Iranian regime and its officials, over Canadians who are its victims. It removes immunity with respect to commercial transactions but it retains immunity with respect to torture and other such crimes. An amendment to the State Immunity Act creating new exception for torture and other international crimes would allow Canadian victims to hold the Iranian regime and its officials accountable for massive human rights abuses perpetrated against them. The case of Zahra Kazemi, discussed above, is only one example of a case that would benefit from the amendment. Canada, and where necessary, other governments should rectify this inversion of rights and remedy; this inversion of law and morality.

➤ See Testimony before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 15, 2nd Session, 40th Parliament, 30 April 2009. Available

at <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3854102&Language=E&Mode=1&Parl=40&Ses=2#Int-2731478>.

VII. PETITION'S CALL TO HOLD AHMADINEJAD'S IRAN TO ACCOUNT:

A TWELVE POINT FRAMEWORK FOR REMEDY AND REDRESS

258. Pursuant to the witness testimony and documentary evidence in this Petition, and in conformity with the basic principles of international law and remedy, the following actions may be taken by the international community – including Canada – to hold Ahmadinejad's Iran to account:

- (A) **Use international and domestic law to prevent and combat Iran's state sanctioned incitement to genocide.** Remedies include: every State Party to the Genocide Convention can initiate an inter-State complaint before the International Court of Justice against Iran, which is also a State Party to the Genocide Convention; every State Party can refer the matter to the U.N. Security Council pursuant to Article 8 of the Genocide Convention for accountability and sanction; the U.N. Secretary-General can be called upon pursuant to Article 99 of the U.N. Charter to refer the situation in Iran to the U.N. Security Council as one threatening international peace and security.
- (B) **Use international and domestic law and remedy to sanction and redress the massive human rights violations in Iran.** Remedies (a 10 point set of recommendations under this rubric alone) include: regularly displaying public disapproval for the dictatorial Iranian regime and its leadership; providing moral and financial support for the democratic movement in Iran; imposing severe limits on the number and nature of

visits by Iranian leaders; raising the massive human rights violations in Iran as a priority issue on the agenda during any bilateral meetings with Iran; coordinating the imposition of travel bans and asset freezes on Iranian officials; monitor and regulate foreign offices, bureaus or media outlets that the Iranian regime uses as a source of threat, incitement and intimidation; reducing high-level interaction with Iranian officials and limiting visits at the ministry level; declaring the principal officials of the Iranian regime responsible for massive human rights abuses – including members of the Basij militia and the Revolutionary Guard – inadmissible; using multilateral interventions to keep the massive human rights abuses in Iran on the international agenda; and ensuring that the Iranian regime and its officials who are complicit in acts of torture and terror are not protected from civil lawsuits.

(C) **Enact comprehensive targeted calibrated sanctions respecting Iran’s illegal pursuit of the development and production of nuclear weapons.**

For example, the U.N. Security Council resolutions calling for sanctions targeting the nuclear threat should be implemented, including a prohibition *inter alia* on “the supply, sale or transfer” to Iran of “items, goods and technology which could contribute to Iran’s enrichment-related, reprocessing ... or to the development of nuclear weapon delivery systems”; a financial asset freeze on a list of individuals and entities involved in the nuclear program in Iran; and a prohibition on any financial assistance to Iran, unless it is for strictly humanitarian purposes.

- (D) **Target gasoline and other refined petroleum imports.** Iran imports approximately 40% of its domestic gasoline consumption making this a particular area of vulnerability. Measures should not only be implemented directly against those who export gasoline and other refined petroleum products to Iran, but also those who facilitate such export – i.e., the shipping and insurance industries.
- (E) **Curb energy investment in Iran.** More generally, governments may prohibit foreign companies from investing in Iran’s energy infrastructure, or incentivize them not to do so. On this point as well, related industries – such as shipping, insurance, and even construction companies – should be included.
- (F) **Focus on the Iranian banking industry – including the Central Bank of Iran.** While measures have already been applied to other banks, the Iranian Central Bank has so far absorbed the impact. Targeting the central bank in particular could go so far as to bring finances to a standstill in Iran.
- (G) **Ensure international financial institutions are vigilant.** International financial institutions need to be extremely vigilant so as not to support – even unintentionally – money laundering operations, or indeed any illicit activity involving Iran. As the Financial Action Task Force warned earlier this year, banks should be using “enhanced due diligence” when dealing with Iran. Governments need to ensure that such standards are being met.

- (H) **Sanction companies that enable Iranian domestic repression.** Much has been made of the surveillance equipment that corporations like Siemens and Nokia delivered to the Iranian regime. The corporations' calculus can be altered so that such deals are not in their best interests.
- (I) **Target the Iranian Revolutionary Guards and those that do business with them.** It is estimated that the Revolutionary Guards control 80% of Iran's foreign commerce, and increasingly the Iranian construction, banking and communications sectors. Given the demonstrably violent conduct of the IRGC in massive domestic repression and complicity in acts of terror, it should be listed as a terrorist organization.
- (J) **Provide attention to the danger of technology and arms transfers.** Existing embargoes need to be better enforced and monitored, and that requires increased international coordination. The public and private sectors in U.N. member states need to be mobilized, energized and incentivized to follow through on their commitments – and police the inevitable attempts to circumvent the rules.
- (K) **Denying landing permission to the Iranian transportation industry.** If states agreed to refuse Iranian boats permission to dock, and Iranian planes permission to land, the effects would be substantial.
- (L) **Enactment of national legislation** – such as the Iran Accountability Act which is included in the Appendix to hold Ahmadinejad's Iran to account.

**VIII. PETITION FOR ACTION: A FRAMEWORK FOR SPECIFIC REMEDY
AND REDRESS BY INTER-GOVERNMENTAL BODIES, THEIR**

**OFFICIALS, AND STATE PARTIES TO THE GENOCIDE
CONVENTION**

259. Based on the facts highlighted herein, and the foregoing principles of international law, the following remedies can be pursued:

That the Secretary-General of the United Nations:

BRING to the attention of the Security Council the situation in Iran, and in particular its refusal to suspend its nuclear program, culture of hate, state-sanctioned incitement to genocide, and massive domestic human rights violations, the whole threatening international peace and security pursuant to Article 99 of the *Charter of the United Nations*.

That State Parties to the Genocide Convention:

RESPECT their obligation to prevent the future occurrence of genocide;

ESTABLISH a Committee on the Prevention of Genocide, as recommended by former UN Secretary-General Kofi Annan, to continually monitor threats of genocide and report periodically on its findings;

BRING to the attention of the Security Council the situation in Iran, and in particular its culture of hate, calls for the destruction of Israel and refusal to suspend its nuclear program, as a matter demanding immediate response, pursuant to Articles 1 and 8 of the *Genocide Convention*;

INITIATE an inter-State complaint against Iran before the International Court of Justice for its failure to abide by its obligations under Articles 1, 4 and 5 of the *Genocide Convention*;

RECOMMEND that the Security Council of the United Nations establish a task force that will report periodically to the Security Council monitoring the status of demonizing and dehumanizing speech, the glorification of violence, and incitement to genocide and incitement to hatred in Iran;

RECOMMEND that the Security Council of the United Nations impose targeted sanctions on Iran that are linked not only to its cooperation in suspending its nuclear program, but also to its progress in rooting out demonizing and dehumanizing speech, the glorification of violence, and incitement to genocide and incitement to hatred;

RECOMMEND that the Security Council of the United Nations impose a travel ban on President Mahmoud Ahmadinejad and all other Iranian leaders who incite to hatred and incite to genocide, in order to prevent them from using their Office as a podium for hateful and inciting remarks in the international arena;

RECOMMEND that the Security Council of the United Nations refer to the Prosecutor of the International Criminal Court the case of President Mahmoud Ahmadinejad, on the ground of directly and publicly inciting others to commit genocide, contrary to Article 25(3)(e) of the *Rome Statute*.

That the Security Council of the United Nations:

CALL UPON Iran to end its culture of incitement to genocide and incitement to hatred;

CALL UPON Iran to cease and desist from its massive domestic human rights violations, in particular, its widespread and systematic attacks on the civilian population, including executions, killing, torture, persecution of women, repression of religious and ethnic minorities, murder of political dissidents, criminalized assaults on speech, assembly and association, arbitrary detentions and forced confessions, as well as the escalation of abuses since the June 12, 2009 presidential elections, including the death and injury of citizens and opposition members attempting to exercise their rights to freedom of expression, the use of intimidation and violence by the Basij militia, the abuse of prisoners, including torture, rape and forced confessions, and the severe restriction of media coverage on the events;

CONDEMN Iran for its promotion of Holocaust denial;

CONDEMN Iran for its sponsorship of terrorist organizations;

ESTABLISH a task force that will report periodically to the Security Council monitoring the status of demonizing and dehumanizing speech, the glorification of violence, incitement to genocide, incitement to hatred and massive human rights violations in Iran;

IMPOSE targeted sanctions on Iran that are linked not only to its cooperation in suspending its nuclear program, but also to its progress in rooting out demonizing and dehumanizing speech, the glorification of violence, incitement to genocide and incitement to hatred; and to it ceasing and desisting from its massive human rights violations;

IMPOSE a travel ban on President Mahmoud Ahmadinejad and all other Iranian leaders who incite to hatred and incite to genocide and commit massive human rights violations against their people, in order to prevent them from using their Office as a podium for hateful and inciting remarks in international fora and as a source of support for their widespread and systematic domestic rights violations;

REFER to the Prosecutor of the International Criminal Court the case of President Mahmoud Ahmadinejad, on the grounds of directly and publicly inciting others to commit genocide contrary to Article 25(3)(e) of the *Rome Statute*, complicity in crimes against humanity in the form of systematic and widespread attacks on the civilian population contrary to Article 7 of the *Rome Statute* and of threatening the territorial integrity or political independence of a member state of the international community contrary to Article 2 of the *Charter of the United Nations*.

That the Special Adviser for the Prevention of Genocide and Mass Atrocities:

WARN the Secretary-General and Security Council of the United Nations of the genocidal situation developing in Iran;

RECOMMEND to the Secretary-General and the Security Council of the United Nations that they take the steps listed above to curtail the threat of genocide from Iran;

INVESTIGATE the genocidal threat posed by Iran;

INVESTIGATE the widespread and systematic attacks on the civilian population in Iran.

That the Special Adviser on the Responsibility to Protect:

WARN the Secretary-General and Security Council of the United Nations of the genocidal situation developing in Iran;

RECOMMEND to the Secretary-General and the Security Council of the United Nations that they take the steps listed above to curtail the threat of genocide from Iran;

INVESTIGATE the genocidal threat posed by Iran.

That the General Assembly of the United Nations:

CALL UPON Iran to end its culture of incitement to genocide and incitement to hatred;

CALL UPON Iran to cease and desist from its massive domestic human rights violations, in particular, its widespread and systematic attacks on the civilian population, including executions, killing, torture, persecution of women, repression of religious and ethnic minorities, murder of political dissidents, criminalized assaults on speech, assembly and association, arbitrary detentions and forced confessions, as well as the escalation of abuses since the June 12, 2009 presidential elections, including the death and injury of citizens and opposition members attempting to exercise their rights to freedom of expression, the use of intimidation and violence by the Basij militia, the abuse of prisoners, including torture, rape and forced confessions, and the severe restriction of media coverage on the events;

CONDEMN Iran for its promotion of Holocaust denial;

CONDEMN Iran for its sponsorship of terrorist organizations.

That the High Commissioner for Human Rights:

CALL UPON Iran to end its culture of incitement to genocide and incitement to hatred;

CALL UPON Iran to cease and desist from its massive domestic human rights violations, in particular, its widespread and systematic attacks on the civilian population, including executions, killing, torture, persecution of women, repression of religious and ethnic minorities, murder of political dissidents, criminalized assaults on speech, assembly and association, arbitrary detentions and forced confessions, as well as the escalation of abuses since the June 12, 2009 presidential elections, including the death and injury of

citizens and opposition members attempting to exercise their rights to freedom of expression, the use of intimidation and violence by the Basij militia, the abuse of prisoners, including torture, rape and forced confessions, and the severe restriction of media coverage on the events;

CONDEMN Iran for its promotion of Holocaust denial;

CONDEMN Iran for its sponsorship of terrorist organizations.

That the European Union:

CALL UPON Iran to end its culture of incitement to genocide and incitement to hatred;

CALL UPON Iran to cease and desist from its massive domestic human rights violations, in particular, its widespread and systematic attacks on the civilian population, including executions, killing, torture, persecution of women, repression of religious and ethnic minorities, murder of political dissidents, criminalized assaults on speech, assembly and association, arbitrary detentions and forced confessions, as well as the escalation of abuses since the June 12, 2009 presidential elections, including the death and injury of citizens and opposition members attempting to exercise their rights to freedom of expression, the use of intimidation and violence by the Basij militia, the abuse of prisoners, including torture, rape and forced confessions, and the severe restriction of media coverage on the events;

CONDEMN Iran for its promotion of Holocaust denial;

CONDEMN Iran for its sponsorship of terrorist organizations;

IMPOSE targeted sanctions on Iran that are linked not only to its cooperation in suspending its nuclear program, but also to its progress in rooting out demonizing and dehumanizing speech, the glorification of violence, and incitement to genocide and incitement to hatred; and to it ceasing and desisting from its massive human rights violations;

IMPOSE a travel ban on President Mahmoud Ahmadinejad and all other Iranian leaders who incite to hatred and incite to genocide and commit massive human rights violations against their people, in order to prevent them from using their Office as a podium for

hateful and inciting remarks on the international stage and foreign states as a source of support for their widespread and systematic domestic rights violations.

That the United States of America, as the State directly controlling access to the United Nations General Assembly in New York:

IMPOSE a travel ban on President Mahmoud Ahmadinejad and all other Iranian leaders who incite to hatred and incite to genocide and commit massive human rights violations against their people, in order to prevent them from using their Office as a podium for hateful and inciting remarks in the international arena and as a source of support for their widespread and systematic domestic rights violations.

That the International Court of Justice:

CONDEMN Iran for its failure to abide by its obligations under Article 1 of the *Genocide Convention* to prevent genocide;

CONDEMN Iran for its failure to abide by its obligations under Articles 4 and 5 of the *Genocide Convention* to punish direct and public incitement to commit genocide;

CONDEMN Iran for the commission of crimes against humanity against its own people.

Appendix I: The Genocide Convention

Available at: <http://www.hrweb.org/legal/genocide.html>

Appendix II: UN General Assembly Resolution 63/191 (2009)

Available at: http://content.liberal.ca/fe9cf988-49a0-42eb-9e11-2a512494abd7/pdf/docs/un-general-assembly-resolution-63-191-2009_1.pdf

Appendix III: UN Security Council Resolution S/RES/1696 (2006)

Available at: <http://content.liberal.ca/fe9cf988-49a0-42eb-9e11-2a512494abd7/pdf/docs/un-sec-res-1696.pdf>

Appendix IV: UN Security Council Resolution S/RES/1737 (2006)

Available at: <http://content.liberal.ca/fe9cf988-49a0-42eb-9e11-2a512494abd7/pdf/docs/un-sec-res-1737.pdf>

Appendix V: UN Security Council Resolution S/RES/1747 (2007)

Available at: <http://content.liberal.ca/fe9cf988-49a0-42eb-9e11-2a512494abd7/pdf/docs/un-sec-res-1747-2007.pdf>

Appendix VI: UN Security Council Resolution S/RES/1803(2008)

Available at: <http://content.liberal.ca/fe9cf988-49a0-42eb-9e11-2a512494abd7/pdf/docs/un-sec-res-1803-2008.pdf>

Appendix VII: UN Security Council Resolution S/RES/1835 (2008)

Available at: <http://content.liberal.ca/fe9cf988-49a0-42eb-9e11-2a512494abd7/pdf/docs/un-sec-res-1835.pdf>

Appendix VIII: Iran Accountability Act

Available at: <http://content.liberal.ca/fe9cf988-49a0-42eb-9e11-2a512494abd7/pdf/c-412-an-act-to-combat-incitement-to-genocide-dom.pdf>