

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

### **The Responsibility to Prevent Petition**

*As endorsed by a growing consensus of genocide scholars, jurists and experts, including:*

**Nazanin Afshin-Jam**, President and Co-Founder of Stop Child Executions and international human rights activist

**Per Ahlmark**, former Deputy Prime Minister of Sweden and leading expert on genocide

**The Hon. Louise Arbour**, former United Nations High Commissioner for Human Rights, Justice of the Supreme Court of Canada, and Prosecutor for the International Criminal Tribunals for the Former Yugoslavia and Rwanda

**The Hon. Lloyd Axworthy**, President of the University of Winnipeg and former Minister of Foreign Affairs of Canada

**Prof. Yehuda Bauer**, Professor Emeritus at the Hebrew University of Jerusalem and leading expert on the Holocaust and genocide

**Roya Boroumand**, Executive Director of the Abdorrahman Boroumand Foundation for the promotion of human rights and democracy in Iran

**Gerald Caplan**, Author of *Rwanda: The Preventable Genocide* and former Senior Expert for the United Nations Special Coordinator for Africa

**Prof. Frank Chalk**, Professor of History and Director of the Montreal Institute for Genocide Studies at Concordia University

**The Hon. Irwin Cotler**, former Minister of Justice and Attorney General of Canada and Professor of Law (on leave) at McGill University

**Prof. W. Brent Cotter**, Dean of Law at the University of Saskatchewan

**Prof. Alan Dershowitz**, Felix Frankfurter Professor of Law at Harvard University

**Prof. Nathalie Des Rosiers**, immediate past Dean of Law at the University of Ottawa and former President of the Law Commission of Canada

**Bassem Eid**, Founder and Executive Director of the Palestinian Human Rights Monitoring Group

**Prof. Bruce Elman**, Dean of Law at the University of Windsor

**Prof. George P. Fletcher**, Cardozo Professor of Jurisprudence at the Columbia University School of Law

**Jared Genser**, Lecturer in Law at the University of Pennsylvania Law School

**Prof. Gregory Gordon**, Professor of Law and Director of the Center for Human Rights and Genocide Studies at the University of North Dakota

**Michael Gove**, Member of Parliament (United Kingdom) and former Chairman of Policy Exchange

**Gibreil Hamid**, President of the Darfur Peace and Development Centre

**Prof. Gonzalo Himiob Santomé**, Professor of Law at the Universidad Central de Venezuela, Founding Director of Venezuelan Victims of Human Rights and Director of Foro Penal Venezolano

**Kamal Hossain**, distinguished Attorney, former Minister of Justice and Minister of Foreign Affairs of Bangladesh and United Nations Special Rapporteur on Afghanistan

**Saad Eddin Ibrahim**, Executive Director of the Ibn Khaldun Center for Development Studies in Cairo and leading democracy advocate

**Prof. Ephraim Isaac**, Ethiopian Negotiator for the release of political prisoners and Director of the Institute of Semitic Studies at Princeton University

**Lord Greville Janner**, Lord of Braunstone and long-time British Member of Parliament

**Anthony Julius**, distinguished Attorney and Chairman of the London Consortium at the University of London

**Prof. Nicholas Kasirer**, Dean of Law at McGill University

**Matthias Kuentzel**, Research Associate of the Vidal Sassoon International Center for the Study of Antisemitism at Hebrew University

**Walter Laqueur**, distinguished Historian and expert on genocide

**Prof. Joseph Magnet**, Professor of Law at the University of Ottawa

**The Rt. Hon. Denis MacShane**, Member of Parliament (United Kingdom), former Minister at the Foreign Office and Deputy to the Foreign Secretary, and expert on anti-Semitism

**John Mann**, Member of Parliament (United Kingdom) and Chair of the Parliamentary Committee Against Antisemitism

**David Matas**, distinguished Attorney and expert on human rights and genocide

**Prof. Errol Mendes**, Professor of Law at the University of Ottawa

**Prof. Armand de Mestral**, Jean Monnet Professor of Law at McGill University

**Prof. Patrick Monahan**, Dean of Law at Osgoode Hall Law School

**Prof. Ed Morgan**, Professor of Law at the University of Toronto

**Esther Mujawayo**, Survivor of the genocide in Rwanda and expert witness

**The Hon. Fiamma Nirenstein**, Member of Parliament and Vice Chair of the Foreign Relations Committee, Italy

**Salih Mahmoud Osman**, Sudanese Member of Parliament and winner of the Sakharov Prize in human rights

**Emanuele Ottolenghi**, Executive Director of the Transatlantic Institute and expert on Iran

**Samuel Pisar**, distinguished international Attorney and Author, and Holocaust survivor

**Prof. René Provost**, Professor of Law and Director of the Centre for Human Rights and Legal Pluralism at McGill University

**Prof. Walter Reich**, Yitzhak Rabin Memorial Professor of International Affairs, Ethics and Human Behavior and Professor of Psychiatry and Behavioral Sciences at the George Washington University Elliott School of International Affairs

**Prof. Alfredo Romero**, Professor of Law at the Universidad Central de Venezuela and Director of Venezuelan Victims of Human Rights

**Prof. Sheri Rosenberg**, Director of the Human Rights and Genocide Clinic, and of the Program in Holocaust and Human Rights Studies, at the Benjamin N. Cardozo School of Law

**Prof. Amnon Rubinstein**, Professor of Law at the Interdisciplinary Center in Herzliya and former Minister of Education of Israel

**Prof. Craig Scott**, Professor of Law and Director of the Nathanson Centre on Transnational Human Rights, Crime and Security at Osgoode Hall Law School

**Jerome J. Shestack**, past President of the American Bar Association and co-chair of its Center for Human Rights

**Prof. Gregory Stanton**, President of the International Association of Genocide Scholars and leading expert on genocide

**Prof. Suzanne Last Stone**, University Professor of Law at the Benjamin N. Cardozo School of Law

**The Rt. Hon. John Turner**, former Prime Minister and Minister of Justice of Canada

**Prof. Gert Weisskirchen**, former Personal Representative of the OSCE Chairman-in-Office on Combating Antisemitism

**Prof. David Weisstub**, Philippe Pinel Professor of Legal Psychiatry and Biomedical Ethics at the Université de Montréal and Honourary Life President at the International Academy of Law and Mental Health

**Prof. Elie Wiesel**, Nobel Peace Laureate and Holocaust survivor

**Prof. John Witte Jr.**, Jonas Robitscher Professor of Law and Director of the Center for the Study of Law and Religion at the Emory University School of Law

and

**Mortimer Zuckerman**, Editor-in-Chief of *U.S. News and World Report* and expert on Middle East policy

## Executive Summary

This Responsibility to Prevent Petition, based on the responsibility to prevent and the responsibility to protect in international law, calls upon States in the international community to heed their obligation to stop genocide before it occurs.

In the case of President Mahmoud Ahmadinejad's Iran, this threat of genocide is real. Today, in Ahmadinejad's Iran, one finds the toxic convergence of the advocacy of the most horrific of crimes, namely genocide, embedded in the most virulent of hatreds. It is dramatized by the parading in the streets of Tehran of a missile draped in the words "Wipe Israel off the map" while the assembled thousands are exhorted to chants of "Death to Israel".

The incitement to genocide committed in Ahmadinejad's Iran is not only the prelude to a preventable tragedy; it is a crime in itself under international law.

The Responsibility to Prevent Petition begins with an examination of the evidence demonstrating the threat posed by a genocidal and nuclear Iran. By exploring the precursors and precipitators of genocide gleaned from the atrocities in Rwanda, the Balkans and Darfur, the Petition is framed by two lessons in history: first, the danger of state-sanctioned incitement; and second, the danger of indifference and inaction. While the first danger has already manifested itself, this Petition seeks to address the second danger by compelling the international community to action.

The Responsibility to Prevent Petition ends with a call for international actors to pursue the recourses available to them under international law. The Secretary-General of the United Nations, the Security Council, the International Court of Justice, State Parties to the *Genocide Convention* – and others – are all provided with tangible and practical steps that can be taken, to prevent genocide before it is too late.

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.*

I.	Introduction.....	7
A.	The Responsibility to Prevent and Protect its Potential Victims .....	7
B.	Recognizing and Responding to the Threat of Genocide.....	11
II.	Iran’s Genocidal and Nuclear Threat: A Clear and Present Danger to International Peace and Security .....	16
A.	The Precursors and Paths to Genocide: Prologue and Justification .....	16
(i)	Delegitimization and exclusion: Israel and its people as illegitimate aliens ..	16
(ii)	From delegitimization to dehumanization .....	19
(iii)	From dehumanization to demonization .....	21
(iv)	Holocaust denial .....	23
(v)	The false accusation in the mirror as another warrant for genocide.....	26
(vi)	Satanic Jews as enemies of humanity.....	29
(vii)	Anti-Semitism as prologue to and justification for genocide .....	31
B.	Iran has Channelled its State-Sanctioned Hate into State-Sanctioned Incitement to Genocide .....	34
C.	Iran is Developing a Nuclear Capacity to Carry Out its Genocidal Intentions, All the While Ostensibly Denying Both .....	39
D.	Genocidal Intention Foretold: The Ideology and Action of Terrorist Proxies... ..	47
E.	Iran is Responsible for Massive Domestic Human Rights Abuses .....	53
F.	Ending Iran’s Genocidal Incitement Will Strike a Blow Both for International Security and for the Rights of Iranians Themselves .....	61
III.	International Law Mandates Effective Remedies to Combat Iran’s Violations ....	62
A.	Genocide Prevention: A Right and an Obligation.....	62
(i)	Legal framework: Foundational principles.....	62
(ii)	Legal framework: Foundational remedies for genocidal threats .....	66
B.	Sanctioning Direct and Public Incitement to Genocide .....	68
(i)	Legal framework: Foundational principles.....	68
(ii)	Legal framework: Foundational remedies for individual criminal responsibility for incitement to genocide.....	74
IV.	Petition for Action.....	76
	Appendix: The Genocide Convention .....	82

## 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, where the first genocide of the 21<sup>st</sup> century continues to this day. 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”<sup>1</sup>) 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.

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.

---

<sup>1</sup> 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.

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”, Madeleine 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 5430<sup>th</sup> 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.

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

### **A. The Precursors and Paths to Genocide: Prologue and Justification**

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

26. 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.

27. 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>.

28. 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.

- Reported in the *Daily Telegraph*, 1 January 2000. Available at <http://www.frontpagemag.com/Articles/Printable.asp?ID=23841>.

29. 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-a-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>.

30. 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 delegitimation. 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>.

31. 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>.

32. 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**

33. 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 60<sup>th</sup> anniversary of Israel’s founding, 8 May 2008. See “Ahmadinejad calls Zionist regime a ‘stinking corpse’”, *Islamic Republic News Agency (IRNA)*, 8 May 2008. Available at: <http://www2.irna.ir/en/news/view/line-203/0805083448175250.htm>.

(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.washingtonpost.com/wp-dyn/content/article/2008/09/23/AR2008092303093\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2008/09/23/AR2008092303093_pf.html).
- (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](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**

34. 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.

35. 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](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](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](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](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**

36. 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.

37. 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](http://www.memritv.org/clip_transcript/en/1216.htm).

38. 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>.

39. 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).

40. 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-Saher”, *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>.

41. 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>.

42. 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.

43. 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](http://www.memritv.org/clip_transcript/en/1199.htm).

44. 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](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**

45. 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.

46. 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>.

47. 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](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](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](http://www.adl.org/main_International_Affairs/ahmadinejad_words.htm?Multi_page_sections=sHeading_4).

48. 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.

49. 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**

50. 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](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>.

51. 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://www.latimes.com/news/nationworld/world/la-fg-iran20-2008sep20,0,554272.story>.

52. 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](http://www.memritv.org/clip_transcript/en/1187.htm).

53. 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>.

54. 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**

55. 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.

56. 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>.

57. 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>.

58. 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](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).

59. 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](http://www.memritv.org/clip_transcript/en/1868.htm).

60. 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.

## **B. Iran has Channelled its State-Sanctioned Hate into State-Sanctioned Incitement to Genocide**

61. 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.

62. 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>.

63. 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](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>.

64. 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](http://www.memritv.org/clip_transcript/en/1784.htm).

65. 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 18<sup>th</sup> 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](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](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>.

[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>.

66. 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*, Kasra Naji (Lost 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.

- 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>.

67. 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](http://www.foxnews.com/printer_friendly_story/0,3566,206823,00.html).

68. 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.

69. 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>.

**C. Iran is Developing a Nuclear Capacity to Carry Out its Genocidal Intentions, All the While Ostensibly Denying Both**

70. 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.

71. 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>.

72. 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>.

73. 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>.

74. 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>.

75. 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>.

76. 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>.

77. 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>.

78. 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](http://www.usatoday.com/news/world/2008-09-24-Iran-nuclear_N.htm).

79. For its part, the IAEA declares that it is being 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](http://news.yahoo.com/s/ap/20081027/ap_on_re_mi_ea/un_un_nuclear_1).

80. 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>.

81. 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>.

82. 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](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>.

83. 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>.

84. 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.

85. 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.

86. 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>.

87. 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>.

88. 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>.

89. Faced with Iran’s refusal to follow the directions of the international community, the United Nations Security Council has failed to make the link that Iran itself makes: between Iran’s possession of nuclear weapons and its genocidal threat to Israel. Until this critical link is made, the seriousness of the present situation in Iran will continue to be underestimated.

90. 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, the United Nations Security Council has failed to identify the unique and composite threat to international peace and security that Iran poses. By ignoring 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.

91. 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 will be measured in lives, for the consequence of inaction in this context is genocide.

#### **D. Genocidal Intention Foretold: The Ideology and Action of Terrorist Proxies**

92. 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.

93. 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.

94. 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>.

95. 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](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](http://www.memritv.org/clip_transcript/en/1301.htm).

96. 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](http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Murder-at-Mykonos_Mar07.pdf).

97. 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.

98. 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.

99. 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>.

100. 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>.

101. 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](http://www.memritv.org/clip_transcript/en/1216.htm).

102. 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](http://www.usnews.com/usnews/opinion/articles/060806/14edit_print.htm).

103. 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 Hizbullah. *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](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>.

104. 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>.

105. 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 Hizbullah 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](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](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>.

106. 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.

107. 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.

**E. Iran is Responsible for Massive Domestic Human Rights Abuses**

108. 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.

109. Simply stated, 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.

110. 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).

111. 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, 1<sup>st</sup> Session, 39<sup>th</sup> Parliament, 27 March 2007 (“Genser Testimony”), at 11:30am. Available at: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2807197&Language=E&Mode=1&Parl=39&Ses=1>.

112. 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>.

113. To make matters worse, 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.

- See Genser Testimony, 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](http://www.google.com/hostednews/ap/article/ALeqM5jcbgBJ1ocaseo35kPx_wfPo7B9_wD94ONBNO0).

114. 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, at 11:25am.

115. 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, at 11:30am.

116. 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, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, 26 February 2009 (“Tamas Testimony”), at 1:20-1:25pm. Available at: <http://www2.parl.gc.ca/content/hoc/Committee/402/SDIR/Evidence/EV3702729/SDIREV03-E.PDF>.
- 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, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, 26 February 2009 (“Akhavan Testimony”), 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](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>.

117. 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, at 1:25pm.

118. 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.*

119. 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, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, Official Report, at p. 2166. Available at: <http://www2.parl.gc.ca/content/hoc/House/402/Debates/036/HAN036-E.PDF>.

120. As Professor Payam Akhavan explains, 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, at 1:10pm.

121. Women also suffer discrimination in Iran, for instance, through harsher punishments than their male counterparts. Indeed, it often occurs in the case of rape that

the female victim will face harsher punishment than her male perpetrator. Moreover, the testimony of one man in court is judged equivalent to the testimony of two women. Imprisoned women suffer systematic rape from prison guards.

➤ See Genser Testimony, at 11:30am.

122. As but one case study that encapsulates many of the most heinous human rights abuses committed by Iran, Canadian photojournalist 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*, 2<sup>nd</sup> 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\\_Nov\\_06.pdf](http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Impunity-in-Iran_Nov_06.pdf).

123. 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>.

124. 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.

- *Situation of human rights in the Islamic Republic of Iran, A/RES/62/168* (18 December 2007).

#### **F. Ending Iran's Genocidal Incitement Will Strike a Blow Both for International Security and for the Rights of Iranians Themselves**

125. 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.

126. 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, 1<sup>st</sup> Session, 39<sup>th</sup> 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>.

127. 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.

128. 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.

129. It is the perpetuation of their suffering.

### **III. INTERNATIONAL LAW MANDATES EFFECTIVE REMEDIES TO COMBAT IRAN'S VIOLATIONS**

#### **A. Genocide Prevention: A Right and an Obligation**

##### **(i) Legal framework: Foundational principles**

130. 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.

131. 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>.

132. 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]

133. 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>.

134. 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]

135. 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/hurricane/hurricane.nsf/0/5F1298CB9E6043BEC125739C0058FB02?opendocument>.

136. 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*, 3<sup>rd</sup> ed., J.-Maurice Arbour (Cowansville, Quebec: Éditions Yvon Blais, 1997), at p. 36.

137. 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.

138. 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.

139. 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.

**(ii) Legal framework: Foundational remedies for genocidal threats**

140. 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”.

141. 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]

142. 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.

143. 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.

144. 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.

145. 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.

## **B. Sanctioning Direct and Public Incitement to Genocide**

### **(i) Legal framework: Foundational principles**

146. 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.

147. 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;

148. 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.

149. 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.

150. 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.

151. 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.

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

153. 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](http://works.bepress.com/gregory_gordon/1).

154. 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>.

155. 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.

156. 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.

157. 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.

158. 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.

159. 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.

**(ii) Legal framework: Foundational remedies for individual criminal responsibility for incitement to genocide**

160. 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.

161. 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.

162. 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.

163. 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.

164. 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.

165. 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.

166. 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.

167. 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.

#### **IV. PETITION FOR ACTION**

168. 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 culture of hate, calls for the destruction of Israel and refusal to suspend its nuclear program, as a matter 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 on the international stage;

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 improve its domestic human rights record and, in particular, end its practices of arbitrary detention, torture, systemic discrimination and capital punishment;

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, and incitement to genocide and incitement to hatred 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, and incitement to genocide and incitement to hatred;

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 on the international stage;

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 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.

*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 improve its domestic human rights record and, in particular, end its practices of arbitrary detention, torture, systemic discrimination and capital punishment;

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 improve its domestic human rights record and, in particular, end its practices of arbitrary detention, torture, systemic discrimination and capital punishment;

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 improve its domestic human rights record and, in particular, end its practices of arbitrary detention, torture, systemic discrimination and capital punishment;

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;

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 on the international stage.

*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, in order to prevent them from using their Office as a podium for hateful and inciting remarks on the international stage.

*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.

## **APPENDIX: THE GENOCIDE CONVENTION**

### **Convention on the Prevention and Punishment of the Crime of Genocide**

Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948; entry into force 12 January 1951, in accordance with Article XIII

*The Contracting Parties,*

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world,

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required,

Hereby agree as hereinafter provided:

#### **Article 1**

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.

#### **Article 2**

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

#### **Article 3**

The following acts shall be punishable:

- (a) Genocide;

- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

#### **Article 4**

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

#### **Article 5**

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

#### **Article 6**

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

#### **Article 7**

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

#### **Article 8**

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.

### **Article 9**

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

### **Article 10**

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

### **Article 11**

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any nonmember State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

### **Article 12**

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

### **Article 13**

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a proces-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article 11.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected, subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

#### **Article 14**

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

#### **Article 15**

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

#### **Article 16**

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

#### **Article 17**

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with article 11;
- (b) Notifications received in accordance with article 12;
- (c) The date upon which the present Convention comes into force in accordance with article 13;
- (d) Denunciations received in accordance with article 14;
- (e) The abrogation of the Convention in accordance with article 15;
- (f) Notifications received in accordance with article 16.

### **Article 18**

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

### **Article 19**

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.