

VII. PETITION'S CALL TO HOLD AHMADINEJAD'S IRAN TO ACCOUNT: AN EIGHTEEN POINT ROAD MAP FOR ACTION

[1] Pursuant to the witness testimony and documentary evidence in this Petition - and in conformity with the basic principles of international law and remedy - the following actions may be taken by the international community to hold Ahmadinejad's Iran to account:

1. **Use international and domestic law to prevent and combat Iran's state sanctioned incitement to genocide.** Remedies include: every State Party to the *Genocide Convention* can initiate an inter-State complaint before the International Court of Justice against Iran, which is also a State Party to the *Genocide Convention*; every State Party can refer the matter to the U.N. Security Council pursuant to Article 8 of the *Genocide Convention* for accountability and sanction; and the U.N. Secretary-General can be called upon pursuant to Article 99 of the U.N. Charter to refer the situation in Iran to the U.N. Security Council as one threatening international peace and security.
2. **Use international and domestic law and remedy to sanction and redress the massive human rights violations in Iran.** Remedies include, as elaborated upon earlier: regularly displaying public disapproval for the Iranian regime and its leadership; providing moral and diplomatic support for the democratic movement in Iran; imposing severe limits on the number and nature of visits by Iranian leaders; raising the massive human rights violations in Iran as a priority issue on the agenda during any bilateral meetings with Iran; coordinating the imposition of travel bans and asset freezes on Iranian officials; supporting national organizations charged with documenting and disseminating information about the massive domestic repression in Iran, including the intensification of abuses since the fraudulent election of June 2009; enacting visa entry and financial sanctions against all persons and/or groups responsible for the massive human rights abuses in the wake of the fraudulent June 2009 election – namely officials of the Iranian regime, including members of the Basij militia and the IRGC; monitoring and regulating foreign offices,

bureaus or media outlets that the Iranian regime uses as a source of threat, incitement, and intimidation; reducing high-level interaction with Iranian officials and limiting visits at the ministry level; using multilateral interventions to keep the massive human rights abuses in Iran on the international agenda; and, ensuring that the Iranian regime and its officials who are complicit in acts of torture and terror are not protected from civil lawsuits.

Moreover, governments should sanction Iran's compliance with the U.N. General Assembly Resolution of March 26, 2010, calling for an end to its massive domestic repression, including, *inter alia*, eliminating all draconian punishments and other forms of torture and abuse; ending all executions that do not conform to international legal standards, including those that who at the time of their offence were under the age of 18; eliminating, in law and practice, all forms of discrimination and human rights abuses against women and girls, and against religious, ethnic, linguistic and other minorities; providing the 7 Baha'i leaders imprisoned since 2008 the rights of due process guaranteed under Iranian law, and ensuring equal treatment and protection of the law for the Baha'i minority; and ending "the harassment, intimidation, and persecution of political opponents, human rights defenders, students, academics, journalists, other media representatives, bloggers, clerics and lawyers"; releasing all political prisoners and ending the culture of impunity.

3. **Sanction companies that enable Iranian domestic repression.** For example, "naming and shaming" corporations that deliver surveillance equipment to the Iranian regime, thereby altering their calculus can be altered so that such these transactions are seen not to be in their best interests. As well, governments should terminate contracts with companies that facilitate domestic repression and the disruption of free communication in Iran. Government agencies should be banned from entering into procurement contracts with entities that export technologies used to disrupt the free flow of unbiased information in Iran or otherwise restrict the capacity for free expression in Iran.

4. **Enforce existing national and international sanctions respecting Iran's illegal pursuit of the development and production of nuclear weapons.** In the matter of the enforcement of national sanctions, for example, it has been shockingly documented that the US government has awarded more than \$107 billion in contract payments, grants, and other benefits over the past decade, to foreign and multi-national companies doing business in Iran. That includes nearly \$15 billion to companies that violated American sanctions law by making large investments that helped Iran develop its vast oil and gas reserve. Simply put, the American government has sent mixed and disturbing messages to the corporate world regarding doing business in Iran by actually rewarding companies whose commercial transactions conflicted with American national security objective. It is alarming to appreciate that more than two-thirds of US government money went to companies doing business in Iran's energy sector – thereby serving as an enormous source of revenue for the Iranian government, and the IRGC.

In the matter of international sanctions, the first three rounds of U.N. Security Council Resolutions intended to sanction the nuclear threat, have been inconsistently and selectively enforced, including, for example, the prohibition on “the supply, sale or transfer” to Iran of “items, goods and technology which could contribute to Iran's enrichment-related, reprocessing ... or to the development of nuclear weapon delivery systems”; a financial asset freeze on a list of individuals and entities involved in the nuclear program in Iran; and a prohibition on any financial assistance to Iran, unless it is for strictly humanitarian purposes.

5. **States should implement and enforce the most recent U.N. Security Council Resolution 1929 (2010) targeting the nuclear threat.** This latest round of sanctions calls upon states, *inter alia*, to inspect ships and aircraft suspected of carrying contraband to or from Iran; to deny financial services, including insurance and reinsurance, to those firms or individuals suspected of trafficking in nuclear proliferation materials; to prohibit financial institutions from opening offices or bank accounts in Iran if there are reasonable grounds to believe that to do so would

contribute to Iran's nuclear proliferation program; to exercise vigilance in respect of business dealings with Iranian corporations suspected of contributing to Iran's nuclear proliferation activities or violations of U.N. Security Council Resolutions; to prohibit issuing licenses to Iranian banks in their jurisdiction with suspected links to nuclear proliferation; and to "exercise vigilance over transactions involving Iranian banks, including the Central Bank of Iran" in order to prevent any contribution to Iran's nuclear proliferation activities.

The U.N. Resolution not only also bans the sale of conventional military hardware to Iran – from tanks, to attack helicopters and warships, but also bars Iran from activities associated with the development of missiles with the capacity to carry nuclear warheads. It also extends the asset freeze against 40 new companies, 15 of which are linked to the IRGC, while imposing a travel ban on 40 individuals previously subject only to an asset freeze.

In addition, the Resolution prohibits Iran from acquiring any commercial interest in a foreign state involving uranium mining or the production or use of other nuclear-related technology, and requires States to prohibit such investment in their jurisdiction by Iranian nationals and Iranian businesses.

What is of particular note and importance is the strengthening of the mandate of the Committee charged with monitoring the enforcement of U.N. Security Council Resolutions sanctioning Iran, having regard to the ease with which countries have avoided or evaded implementing such resolutions.

6. **Target gasoline and other refined petroleum imports.** Iran imports approximately 30 to 40 percent of its domestic gasoline consumption making this a particular area of vulnerability – often referred to as Iran's "Achilles' heel". Sanctions should not only be implemented directly against those foreign companies that export gasoline and other refined petroleum products to Iran, but also those that facilitate such export – i.e., the shipping and insurance industries. Indeed, the most

recent U.N. Security Council Resolution highlights in its preamble the potential connection between Iran's refined petroleum sector and its nuclear proliferation activities in its preamble.

7. **Curb energy investment in Iran.** More generally, governments should target investment and assistance to Iran's energy sector – a particularly vulnerable sector of the Iranian regime – but also, increasingly, a profit center for the IRGC, its front companies, and affiliates. Related industries – such as shipping, insurance, and even construction companies – increasingly controlled by the IRGC, should also be targeted.

Moreover, companies extensively involved in the upgrade and expansion of Iran's refinery capacity should be debarred from government contract, and countries should also enforce an embargo on the export of technologies to Iran used for refining petroleum products and extraction of oil and natural gas. Again, the most recent U.N. Security Council Resolution 1929 underscores in its preamble the potential connection between Iran's energy sector and its nuclear proliferation program. For example, the U.S. has already begun to build upon this Resolution by adding 22 entities in the insurance, petroleum and petrochemical industries owned or controlled by the Government of Iran to a list of entities that U.S. persons are not permitted to transact with, while the European Union has called on its Foreign Council to implement a prohibition on new investment in key sectors of the gas and oil industry, as well as, technical assistance and transfers of technologies, equipment and services related to these areas, particularly in relation to refining, liquefaction and LNG technology.

8. **Focus on the Iranian banking industry – including the Central Bank of Iran.** The latest U.N. Security Council Resolution prohibits states from issuing licenses to those Iranian banks in its jurisdiction with links to Iran's nuclear proliferation activities. In particular, the Resolution warns of the prejudicial involvement of the Central Bank of Iran – and thereby acts as an enabling juridical authority for stronger country-specific sanctions against those Iranian banks facilitating Iran's nuclear program. Again, by way of example, the United States has now imposed a ban on

transactions with – as well as an asset freeze – on the Post Bank of Iran; and the European Union has called on its Foreign Council to implement asset freezes on additional Iranian banks. While the First East Export Bank has now been blacklisted under U.N. Security Council Resolution 1929 (2010), blacklisting the Central Bank of Iran alone would deal a devastating blow to the financial sector in Iran.

9. **Enhance targeted economic sanctions against the regime and its leaders.** Enhanced economic sanctions should expressly target the regime and its leaders while avoiding unnecessary harm to the Iranian people. Accordingly, and building upon existing U.N. Security Council Resolutions, including Resolution 1929, countries should prohibit all exports to Iran, but ensure specific exemptions for humanitarian assistance, agricultural commodities, food, medicine, and the like.

Similarly, the European Union has called upon its Foreign Council to impose additional targeted sanctions on “areas of trade”, including further restrictions on trade and the financial sector, including restrictions on banking and insurance.

In an important exemplary initiative, the U.S. has just imposed an asset freeze and a ban on all transactions with a number of additional entities and individuals linked to the IRGC, not listed under Resolution 1929, namely the IRGC Air Force, the IRGC Missile Command, two subsidiaries of the engineering arm of the IRGC, IRGC Commander-in-Chief, Mohammed Al Jafari, and Basij militia head, Mohammad Reza Naqdi. The U.S. has also imposed similar sanctions on additional entities and individuals with ties to Iran’s nuclear and missile programs, including Ahmad Vahidi, Iran’s Minister of Defense and Armed Forces Logistics – and the object of an INTERPOL arrest warrant for his role in Argentina bombing.

10. **Ban the export of “dual-use” technologies to Iran that may be used to facilitate domestic repression.** Building upon U.N. Security Council Resolution 1929 (2010), the E.U. has called for additional measures focusing on trade in “dual-use” goods. By way of example, despite other non-lethal uses, a tunnel-boring machine may be used to build a missile silo.

11. **Ensure international financial institutions are vigilant.** International financial institutions need to be extremely vigilant so as not to support – even inadvertently – money laundering operations, or indeed any illicit activity involving Iran. As the Financial Action Task Force and the most recent U.N. Security Council Resolution 1929 (2010) have warned, enhanced vigilance is required when dealing with Iranian banks, particularly with respect to the Central Bank of Iran. Governments need to ensure that such standards are being met.
12. **Countries should prevent the transshipment, reexportation or diversion of sensitive materials to Iran.** As the draft American legislation recommends, in order to discourage the unlawful transport of materials that could contribute to Iran’s international terrorism and nuclear proliferation activities, foreign countries with inadequate export and reexport controls – or that allow the transshipment, reexportation or diversion of such materials to Iran or unknown end-users – should be designated as countries of possible concern. Similarly, foreign countries that either fail to cooperate with intergovernmental monitoring efforts or fail to strengthen export controls should be designated as countries of concern.
13. **Target the IRGC and those that do business with them.** It is estimated that the IRGC controls 80% of Iran’s foreign commerce, and increasingly its construction, banking and communications sectors. Given the demonstrably violent conduct of the IRGC in massive domestic repression, its primary role in international terrorism, and its deep involvement in the nuclear program, it should be designated as a prohibited organization for transaction purposes, if not also listed as a terrorist organization. As well, pursuant to U.N. Security Council Resolution 1929 (2010), countries should impose asset seizures, prohibit transactions with, and impose visa bans on IRGC members and affiliated entities, including businesses, where applicable. For example, in response to Resolution 1929, the E.U. has recently called for new visa bans and asset freezes targeting the IRGC in particular. Further, bans should be placed on the importation of goods from foreign

entities or individuals providing material or economic support to the IRGC or those with IRGC ties.

14. **Focus on the danger of technology and arms transfers.** Existing embargoes need to be better enforced and monitored, which requires increased international coordination. The public and private sectors in U.N. member states need to be mobilized, energized and incentivized to follow through on their commitments – and police the inevitable attempts to circumvent the rules.
15. **Impose a broad arms embargo on Iran and order a complete suspension of Iran’s ballistic missile program.** Given the U.N. Security Council Resolution’s ban on the sale of conventional military hardware to Iran, and given Iran’s activities associated with the development of missiles capable of carrying nuclear warheads – as well as the call for “vigilance and restraint” with respect to the provision of arms to Iran under the recent U.N. Security Council Resolution 1929 (2010) – countries should impose a broad arms embargo against Iran and call for a complete suspension of its ballistic missile program.
16. **Denying landing permission to the Iranian transportation industry.** If states agreed to refuse Iranian boats permission to dock, and Iranian planes permission to land, the effects would be substantial. In particular, building upon the call for vigilance in U.N. Security Council Resolution 1929 (2010), Iran’s two major state-owned transportation companies – the Islamic Republic of Iran Shipping Lines and Iran AirCargo – should be blacklisted. In this regard, both the United States and the European Union have taken steps toward this goal. The U.S. has now blacklisted five additional IRISL front companies, blocked the property of 27 vessels with links to the IRISL and updated the names of 71 such vessels already listed in the U.S.; while the European Union has invited on its Foreign Council to target the Iranian transport sector, in particular the IRISL and its subsidiaries and air cargo.
17. **Require disclosure of business in Iran.** In an effort to deter business dealings with Iran that facilitate the regime’s nuclear proliferation, its support of international terrorism and its domestic

repression – while providing fair disclosure to investors – country specific security commissions should mandate the disclosure of any business dealings with Iran.

18. Enactment of national legislation. Countries should enact legislation to implement U.N. Security Council Resolution sanctions and to use such U.N. Resolutions as an enabling authority for the enactment of furthered enhanced and targeted sanctions, as set forth above. Examples of such national legislation include: the *Iran Accountability Act* (Canadian House of Commons, C-412, introduced June 9, 2009), the *Iran Human Rights Sanctions Act* (U.S. Senate, S.3022, introduced February 23, 2010), the *Iran Revolutionary Guard Corps Designation Implementation Act* (U.S. House of Representatives, H.R. 2375, introduced May 12, 2009), and the *Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009* (U.S. Senate, S.2799, introduced November 19, 2009) – copies of which are cited in the Appendix, the whole for the purpose of holding Ahmadinejad's Iran to account.