

THE DANGER OF A NUCLEAR, GENOCIDAL AND RIGHTS-VIOLATING IRAN:

THE RESPONSIBILITY TO PREVENT

EXECUTIVE SUMMARY

Ahmadinejad's Iran – a term used to distinguish the regime from the people and publics of Iran who are themselves the targets of massive domestic repression – has emerged as a clear and present danger to international peace and security, to regional and Mid-East stability, and increasingly – and alarmingly so – to its own people.

Simply put, we are witnessing in Ahmadinejad's Iran the toxic convergence of four distinct – yet interrelated – dangers – the nuclear threat; the genocidal incitement threat; state-sponsored terrorism; and the systematic and widespread violations of the rights of the Iranian people.

Accordingly, a consortium of international law scholars, human rights advocates, former Government leaders, Parliamentarians and Iranian activists for democracy and freedom – The Responsibility to Prevent Coalition – have come together to endorse this Report on the “Danger of a Nuclear, Genocidal, and Rights-Violating Iran: The Responsibility to Prevent Petition.”

The Petition – anchored in the Responsibility to Prevent and Responsibility to Protect in international law – is organized around two main themes:

First, it contains the most comprehensive, authoritative and up-to-date witness testimony and documentary evidence respecting Iran's pursuit of nuclear weapons, its state-sanctioned incitement to genocide, its state-sponsorship of terrorism, and its massive violations of the rights of its own people.

Second, the Petition calls upon States in the international community – and the United Nations and related inter-governmental bodies – to heed their legal obligations to hold Ahmadinejad's Iran to account, pursuant to the panoply of mandated remedies under UN Security Council Resolutions and international law generally.

In the matter of the Iranian nuclear weaponization program, the Petition – while supporting engagement with Iran in 2009 and the exhaustion of international initiatives to bring about the suspension of Iran's nuclear weapons enrichment – documents Iran's standing violation and defiance of international law, and its serial deception respecting its serial violations, including: the significant expansion of its uranium enrichment to nuclear weapons-grade capability; the discovery of its hidden uranium enrichment site at Qom; its planned development of an archipelago of enriched uranium centres; its utilization of more powerful centrifuges to accelerate weaponization; and its production of more than 4,500 pounds of low-enriched uranium that – if further enriched to a weapons-grade level – is enough for two nuclear weapons.

Indeed, the IAEA expressed concern that Iran was advancing in its efforts to construct a nuclear warhead, to develop a missile delivery system for such a warhead, and a mechanism to detonate such a weapon. Simply put, the IAEA and arms controls experts have reported Iran's enrichment of enough nuclear fuel to build nuclear bombs.

The Petition, while acknowledging Iran's right to the peaceful uses of nuclear energy, sets forth generic and nuclear specific remedies to arrest and prevent this dangerous nuclear weaponization phenomenon, including enhanced regional and country-specific initiatives and sanctions in support of the recent UN Security Council Resolution of June 9, 2010, as set forth more fully in the 18-point roadmap for action in Part VII of the Petition.

In the case of state-sanctioned incitement to genocide – building upon the lessons of Rwanda, the Balkans, and Darfur – the Petition documents the critical mass of precursors to genocide in Ahmadinejad's Iran, constituting thereby not only the prelude to a preventable tragedy, but a crime in and of itself under international law. Simply put, Iran has already committed the crime of incitement to genocide prohibited by the *Genocide Convention* and international law. Preventing and combating such incitement by State Parties to the *Genocide Convention* and inter-governmental bodies is not just a policy option but an international legal obligation of the first order. Accordingly, the Petition sets forth a panoply of mandated legal remedies for the purposes of preventing and combating the incitement.

In the matter of state-sponsored terror, the Petition documents the emergence of the Iranian Revolutionary Guard Corps (IRGC) as the epicentre of the four-fold threat, including state-sponsorship of terrorism abroad and massive domestic repression at home, and bearing responsibility for the murder of political dissidents both outside and within Iran. Indeed, a former head of the IRGC – Ahmad Vahidi, now Iran's Defence Minister overseeing Iran's nuclear program – was named by Argentina's Judiciary as being responsible for the planning and perpetration of the greatest terrorist atrocity in Argentina since the Second World War, the bombing of the Jewish Community Center (the AMIA) in 1994. The Petition, therefore, recommends again that the sanctions in the UN Security Council Resolution be augmented and enhanced by regional and country specific sanctions, including prohibiting transactions with the IRGC and its designated agents and entities, the freezing of assets, and travel bans against designated individuals.

In the matter of human rights, the Petition documents the widespread and systematic violations of the rights of the Iranian people, including: the beatings, execution, killing, torture and other inhumane treatment of Iranians; the systematic and widespread oppression of a minority – the Bahá'í as a case study; the exclusion of, and discrimination against, religious and ethnic minorities; the persistent and pervasive assault on women's rights; the murder of political dissidents; the assault on freedom of speech, assembly and association – including assaults on students, professors, activists and intellectuals – and the imprisonment of more journalists than any other country in the world; the crackdown against cyber dissidents; the assault on labour rights; the wanton imposition of a death penalty, including the execution of more juveniles than any other country in the world; the denial of gay/lesbian rights – the whole overlaid with show trials and coerced confessions – and constitutive of crimes against humanity under international law.

In particular, the Petition has an express focus on the intensification of human rights violations in Iran since the fraudulent presidential elections of June 12, 2009, including state-sanctioned escalation in each of the ten categories of human rights violations herein detailed above; and throughout these state-sanctioned assaults, the absence of any justice, a culture of impunity, the denial of due process, the absence of an independent judiciary, and the targeting of human rights defenders.

Accordingly, the Petition, drawing on international law principle and precedent, sets forth a comprehensive set of generic remedies – smart sanctions – to combat the critical mass of threat, including threat-specific remedies for each of the nuclear, incitement, terrorist, and rights-violating threats. The underlying principle of these remedies and sanctions is to target the Iranian regime and its leaders – e.g. the IRGC – while not harming, and indeed protecting, the Iranian people.

In particular, the Petition calls on the international community, building upon the most recent UN Security Council Resolution – both as an important symbolic statement and as an enabling juridical authority – to support regional and country-specific action to implement this comprehensive set of generic and threat specific remedies to hold Ahmadinejad’s Iran to account.

The Petition concludes with a recommended 18-point Roadmap for Action – for redress and remedy – including a number of multilateral and unilateral economic, diplomatic and juridical remedies available to intergovernmental bodies and state parties to international treaties respectively, while referencing in the appendices the *Genocide Convention*; six UN Security Council Resolutions including, in particular, the recently enacted UN Security Council Resolution of June 9, 2010; the UN General Assembly Resolution of March 2010; the EU call to action of June 17, 2010; the US Treasury initiatives of June 16, 2010; and U.S. Congressional legislation signed into law on July 1, 2010 – as well as other model national legislation in the appendices.

This Report is released by the Responsibility to Prevent Coalition, a consortium of international law scholars, human rights advocates, former Government leaders, Parliamentarians and Iranian activists for democracy and freedom – joined by distinguished groups and NGOs such as United Against a Nuclear Iran, whose President is Amb. Mark Wallace. The Coalition is Chaired by MP Prof. Irwin Cotler of Canada, and its leadership includes Nobel Peace Laureate Prof. Elie Wiesel (USA), Mid-east scholar Prof. Fouad Ajami (USA), Rt. Hon. Paul Martin – former Prime Minister of Canada, Rt. Hon. Denis MacShane – Member of Parliament and former Government Minister (UK), Max van der Stoep – former Foreign Affairs Minister of the Netherland, José María Aznar – former Prime Minister of Spain, and Saad Eddin Ibrahim – leading democracy and human rights advocate in the Arab world.

