

*THE RESPONSIBILITY TO PREVENT COALITION*

**INTERNATIONAL REPORT**

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

**THE RESPONSIBILITY TO  
PREVENT PETITION”**

**THE DANGER OF A NUCLEAR, GENOCIDAL AND RIGHTS-VIOLATING IRAN:  
THE RESPONSIBILITY TO PREVENT PETITION**

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## 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; 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; the expression of concern by the IAEA 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; as well as model US and Canadian legislation.

*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.*

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## I. INTRODUCTION

### A. The Responsibility to Prevent and Protect its Potential Victims

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

[2] In 1948, the world came together to draft the *Convention on the Prevention and Punishment of the Crime of Genocide* (the “*Genocide Convention*”), thus signaling contempt for those who perpetrate genocide. The *Genocide Convention* holds a unique place in international law and is recognized as compelling and overriding law (*jus cogens*). It is 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: State Parties to the Convention are obliged to prevent genocide (the pinnacle of human criminality) and to punish those who orchestrate, advocate, perpetuate, or act upon this destructive force. Article 3(b) of the Convention expressly prohibits direct and public incitement to genocide, thereby demonstrating the international community’s recognition that incitement is both a 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 the Convention was signed, the world has become witness to further genocides, such as in the Balkans and in Rwanda, or to the genocide by attrition

in Darfur. The ultimate horror of these unspeakable genocides is that they were preventable. Nobody could say that we did not know; we knew but we did not act.

[5] Indeed, the enduring lesson of the Holocaust and the genocides since is that genocide occurs not simply because of the machinery of death but because of state-sanctioned incitement to hate. 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, at p. 14.

[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 to account those individuals 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*.

[7] 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).

➤ Newer Statute of the International Criminal Tribunal for the former Yugoslavia, at Article 4(3)(c).

[8] The preventative measures available through the *Genocide Convention* and the *Charter of the United Nations* cannot remain ignored. These instruments of justice are the ones that save lives before they are taken.

- “Tackling impunity key to success of International Criminal Court – Liechtenstein”, *UN News Centre*, 29 September 2008.
- “New UN rights chief stresses need to tackle discrimination, prevent genocide”, *UN News Centre*, 8 September 2008.

[9] Only action pursuant to the preventative purposes of the *Genocide Convention* and 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* and will end a culture of impunity wherein calls to genocide are offered as rhetorical anthems. There must be 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.

[10] In this context, the present Responsibility to Prevent Petition serves to substantiate the case for legal action and mandated remedies 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”) and the Middle East. 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

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<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 and publics of Iran who are themselves increasingly the target of massive human rights repression, as will be discussed in further detail below.



outlining the genocidal path that Iran has embarked upon, and the genocidal threat to international peace and security – and to the lives of Israelis – that Iran poses, this Responsibility to Prevent Petition identifies the recourses and remedies available to prevent an atrocity from occurring.

[11] It is important to appreciate that these recourses are not optional; rather, every State has the obligation under international law to take action to prevent genocide. Accordingly, by providing evidence of the genocidal path that Iran presently follows, this Responsibility to Prevent Petition serves not only as a factual account of Iran’s violation of international law but also as a call to action for the international community to undertake its responsibilities, by ending the culture of hatred and impunity, and protecting the lives of those vulnerable to genocide this time, for the first time in history, before it is too late. 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. For that to happen, the international community must recognize the genocidal threat as evidenced below and invoke the corresponding remedies available in international law to prevent it.

[12] This Responsibility to Prevent Petition, 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. It also 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**

[13] 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 can be halted before the widespread tragedy unfolds.

[14] 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 wrote:

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.

[15] 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.

[16] Through the processes of stereotyping and singling-out, dehumanization and demonization, would-be victims of genocide are identified, marginalized 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.

[17] 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.

[18] During the period in which 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.

[19] 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, would-be *genocidaires* thus deny the reality that they have started down the road to genocide, implicitly recognizing that the international community – outside the dehumanizing and demonizing process – would vehemently object to such genocidal intentions. Accordingly, the world finds itself duped into complicity until it is too late.

[20] 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 despite objective warnings – as it seems 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.

[21] 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 unfold. Accordingly, it is during this developmental stage that the international community must act. Solutions short of military intervention, once the genocide-fostering process nears an end, will be almost impossible to implement.

[22] 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 a horrific reality.

[23] 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.

[24] 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:

- (i) 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;
- (ii) Initiating an inter-State complaint by a Party to the *Genocide Convention* pursuant to Article 9, calling Iran to account for its violations of the Convention, including for its failure to act to prevent genocide and its failure to punish the incitements to genocide perpetrated by its officials;
- (iii) 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,

- (iv) 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 and prospective prosecution.

[25] 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.

[26] 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 act.

### **C. Recognizing and Responding to the Nuclear Threat**

[27] In addition, the Responsibility to Prevent and Responsibility to Protect principles apply to the threat posed by Iran's pursuit of a nuclear weapon having regard to the clear and present danger that a nuclear Iran also poses for international peace and security.

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

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

[29] More specifically, Dr. Ottolenghi explains that a nuclear Iran would:

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

[30] The evidence presented in this Petition demonstrates that Iran has been in standing violation of U.N. Security Council Resolutions and related obligations to suspend the enrichment of uranium for nuclear weaponisation purposes. Iran is a signatory to the *Treaty on the Non-Proliferation of Nuclear Weapons*, which prohibits it from developing nuclear weapons and requires cooperation with the U.N. monitoring body, the International Atomic Energy Agency (“the IAEA”). In this regard, Iran has been the subject of five U.N. Security Council Resolutions between 2006 and 2008. Among other things, the Resolutions call upon Iran to cooperate with IAEA inspectors and suspend uranium enrichment and processing activities. The recent 2010 Resolution of the U.N. Security Council confirms Iran’s continued violation of these Resolutions, and implements a series of targeted sanctions against Iran.

- *Treaty on the Non-Proliferation of Nuclear Weapons*, ratified by Iran on February 2, 1970, February 10, 1970 and March 5, 1970.
- Security Council Resolutions: S/RES/1696 (2006); S/RES/1737 (2006); S/RES/1747 (2007); S/RES/1803 (2008); S/RES/1835 (2008); S/RES/1929 (2010).

[31] The evidence presented in this Petition also corroborates the concerns of members of the P5+1 (permanent members of the U.N. Security Council and Germany) that Iran is involved in the development and production of nuclear weapons.

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

- “Iran Defends ‘Rights’ to Run Its Newly Declared Plant”, Allan Cowell and Nazila Fathi, *New York Times*, updated 30 September 2009.
- “Report Says Iran Has Data to Make Bomb”, William J. Broad and David E. Sanger, *New York Times*, 4 October 2009.
- Report of the Director General of the International Atomic Energy Agency, 16 November 2009.
- “Inspectors Fear Iran Is Hiding Nuclear Plants”, David E. Sanger and William J. Broad, *New York Times*, updated 17 November 2009.

[33] The events following the October 1, 2009 discussions at Geneva between Iran and the P5+1 are also particularly illustrative. There, an understanding was reached that required the removal of uranium from Iran for further processing in France or Russia – to be returned to Iran in the form of fuel for a domestic reactor. The purpose of the understanding was to reduce Iran's stockpile in order to delay its nuclear weaponisation capability. By November 2009, Iran had already reneged on the understanding – demanding that it receive the fuel first – thus defeating

the purpose of the understanding and demonstrating its bad faith. A stern rebuke from the IAEA followed in the November 27, 2009 Resolution of its Board.

- “Iran’s Nuclear Program”, Times Topic, *New York Times*, updated 21 October 2009.
- “Frustration as Iran Stalls on Deal”, Steven Erlanger, *New York Times*, 21 November 2009.

[34] Iran has since proceeded on a course of hostile and defiant conduct, including the significant expansion of its nuclear weapons-grade uranium enrichment capability, the test firing of an enhanced long-range ballistic missile, the planned construction of ten additional uranium enrichment centres, and of more lethal centrifuges.

- “Iran defies censure, plans 10 uranium sites”, *Reuters*, 29 November 2009.
- “Iran President Says Nuclear Enrichment Will Grow” William J. Broad, *The New York Times*, 3 December 2009.
- “Iran Says It Tested Upgraded Missile”, Michael Slackman and Mona El-Naggar, *The New York Times*, 16 December 2009.
- “Iran condemned by Western leaders over test of long-range missile”, Catherine Philp and James Hide, *The Times*, 17 December 2009.
- “Iran making new model centrifuges for nuke program”, Ali Akbar Dareini, *Associated Press*, 18 December 2009.
- “Next Stage on Iran Could Hold Real Peril”, John Vinocur, *The New York Times*, 22 December 2009.
- “Iran picks sites for 10 uranium enrichment plants”, *Reuters*, 23 February 2010.
- “Iran unveils new uranium centrifuges”, *Associated Press*, 9 April 2010.

[35] President Obama’s year of engagement with Iran – ending in December, 2009 – was met by defiance, derision, and continued and intensified violations by Iran. Simply put, Obama’s extended hand was met with a clenched fist. As the year drew to a close, the United States Congress passed new legislation targeting Iran – the *Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009* – while the U.N. Security Council began to consider new sanctions.

- H.R. 2194: *Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009* (as referred to Conference Committee).



- S. 2799: *Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009* (as referred to Conference Committee).

[36] On the eve of the U.N. Security Council's completion of a new draft sanctions Resolution, Iran entered into a nuclear fuel swapping agreement brokered by Brazil and Turkey. An IAEA report at the end of May 2010 confirmed that the Turkey-Brazil deal was inadequate and that Iran remained in violation of international law. On June 9, 2010, the U.N. Security Council enacted a new Resolution targeting the regime, while reaffirming its failure to comply with previous Resolutions and IAEA dictates.

- Report of the Director General of the International Atomic Energy Agency, 31 May 2010.
- U.N. Security Council Resolution 1929 (2010). Reproduced in Appendix VII.

[37] The United States and the European Union have responded expeditiously to implement new U.N. Security Council Resolution 1929 (2010) – building upon the sanctions mandated by the Resolution.

- “Fact Sheet: U.S. Treasury Department Targets Iran’s Nuclear and Missile Programs”. US Department of the Treasury. 16 June 2010.
- “Declaration on Iran” in Annex II, Conclusions of the European Council. Brussels, EUCO 13/10. 17 June 2010.
- See paragraphs 149 to 154 below for the recent U.S. and European actions.

[38] Accordingly, this Petition calls upon the international community to hold Ahmadinejad’s Iran to account – by enforcing and applying U.N. Security Council Resolutions and related international law and sanctions respecting Iran’s illegal pursuit of atomic weapons. This Petition calls upon the international community to combat the threat of a nuclear Iran by implementing targeted sanctions prescribed under the U.N. Security Council Resolutions set out in detail below under Section VI.B. of this Petition, as well as by building upon these mandated measures as juridical authority for additional action.

#### **D. Recognizing and Responding to Massive Human Rights Violations**

[39] In the matter of human rights, one finds in Ahmadinejad's Iran the widespread and systematic violation of the rights of the Iranian people – constitutive of crimes against humanity under international law – to which the *Responsibility to Prevent and Responsibility to Protect* principles also apply. Moreover, the human rights abuses in Iran have only increased since the fraudulent presidential elections of June 12, 2009, including the brutal and alarming assault on a popular movement – sometimes referred to as the Green movement – which continues to date.

[40] This Petition contains recent – and comprehensive – witness testimony and documentary evidence containing indices of mass domestic repression and gross human rights violations perpetrated by the Iranian regime, and exacerbated by the fraudulent presidential elections (set out in detail under Section IV below). Accordingly, the Petition calls upon international actors – including inter-governmental bodies, such as the United Nations, and State Parties to international treaties – to hold Ahmadinejad's Iran to account for its massive human rights violations.

[41] The Petition, therefore, sets forth a legal framework for redress and remedy including: regularly displaying public disapproval for the Iranian regime and its leadership; providing moral and 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 abuses in Iran as a priority issue on the agenda during any bilateral meetings with Iran; coordinating the imposition of travel bans and asset freezes on Iranian officials; monitoring and regulating foreign offices, bureaus or media outlets used by the Iranian regime for incitement and intimidation; reducing high-level interaction with Iranian officials and terminating visits at the ministry level; declaring the principal officials of the Iranian regime responsible for massive human rights abuses – including members of the Basij militia and the Iranian Revolutionary Guard Corps (“IRGC”) – inadmissible; using multilateral interventions to keep the massive human rights abuses in Iran on the international agenda; and ensuring that the Iranian regime and its officials complicit in acts of torture and terror are not protected from civil lawsuits. A more fulsome appreciation of redress

and remedy for Iran's massive human rights violations can be found under Section VI.C. of the Petition below.

[42] The Petition, having regard to the toxic convergence of these interrelated threats – the genocidal incitement, the nuclear and the rights-violating – sets forth a series of generic initiatives and remedies, as well as threat specific remedies, the whole appearing more fully in the text under Section VII. of this Petition.

## 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

[43] 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 identify 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.

[44] 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.

[45] Iran has started the dehumanization process by impugning the legitimacy of Israel as a nation, as well as Israelis and Jews as a people, singling them out for opprobrium and enmity warranting their demise. In segregating these intended victims from the Iranian population, the Government of Iran frames this relationship as a zero-sum game, in which inherently competing interests can never be reconciled, a peaceful co-existence cannot be imagined, and the only solution is the elimination of the adversarial enemy:

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

- Supreme Leader Ayatollah Ali Khamenei, as reported in the *Daily Telegraph*, 1 January 2000.

[46] In this artificial dialectic, Israel is wrongly portrayed as being the anti-thesis of “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 actually exists:

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

- “Ayatollah Ali Khamenei says Iran, Israel on ‘collision course’”, Ramin Mostaghim and Borzou Daragahi, *Los Angeles Times*, 20 September 2008.  
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.

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

[48] 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.
- 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.

[49] 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 upon which the edifice of hatred is constructed, underpinned by ugly antisemitic 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**

[50] Beyond 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 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. 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:

“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.
- 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.

a “cancerous tumour”;

- Supreme Leader of Iran, Ayatollah Ali Khamenei, quoted in “Iran leader urges destruction of ‘cancerous’ Israel”, *Reuters*, 15 December 2000.

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.

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 brands Israel a ‘stinking corpse’”, *AFP*, 8 May 2008.

a “cancerous bacterium”;

- Commander of the IRGC, 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.

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.

“like cattle—nay, more misguided”;

- President Mahmoud Ahmadinejad. Reported by the *Iranian News Channel (IRINN)*, 1 August 2006.

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.  
an “unclean regime”.
- General Yahya Rahim Safavi, founder of the IRGC 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.

**(iii) From dehumanization to demonization**

[51] 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, but also to appear more threatening, thereby providing a warrant for genocide.

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

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.
- “[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.
- “[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.

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.



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.

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.

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.

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.

#### **(iv) Holocaust Denial**

[53] If the 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.

[54] 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 Jews also as a global threat, all the while denying 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)*.

[55] 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.

[56] 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).

[57] However, the clear stance of the international community has in no way impeded Holocaust denial in Iran. President Ahmadinejad calls the Holocaust “fake” and the Iranian State sponsored a conference with the questioning of the Holocaust as its premise. Iran actively supports Holocaust denial around the world, and the Iranian media has also taken up the mantle. The *Tehran Times* has published a series on the “Auschwitz Lie”, while a television documentary 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-Safer”, *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.
- See “Ahmadinejad says Israel won’t survive”, Nasser Karimi, *Associated Press*, 18 September 2008.

[58] The message is clearly – and consciously – being passed on 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 with 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.

[59] 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 instance, 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.

[60] The consequence of Holocaust denial in Iran is not only a denial of Jewish history, but it is 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.

[61] 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.

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

[62] 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* of 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.

[63] Use of the “accusation in the mirror” strategy acts as another precursor to, 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).

[64] President Mahmoud Ahmadinejad has expressly called the “Zionist regime” a “permanent threat”, stating: “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.
- “[S]wallow up the entire region” comment from a speech broadcast on *Jaam-e Jam 1 TV*, 20 October 2006.
- “[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.

[65] Similarly, when Supreme Leader Ayatollah Ali Khamenei reiterated the words of his predecessor, Supreme Leader Ayatollah Ruhollah Khomeini, he was engaging in both the “accusation in the mirror” process of dehumanizing and demonizing the ‘other’. 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. 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.

[66] The same hateful or inciting narrative was advanced by Yahya Raheem Safavi, IRGC

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.

**(vi) Satanic Jews as enemies of humanity**

[67] Iranian officials use the image of the “threatening other” not only to 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.
- “[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.
- 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.

[68] 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; rather, 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.

[69] Indeed, it is difficult to conceptualize how Ahmedinejad's 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.

[70] 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.
- Quote from President Mahmoud Ahmadinejad cited in "Iranian leader: Wipe out Israel", *CNN*, 27 October 2005.

[71] 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 dehumanized as a danger to the Muslim civilization, before being characterized as the object of necessary attack.

**(vii) Antisemitism as prologue to and justification for genocide**

[72] 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: antisemitism. For all its sophistication and euphemism, the dehumanization and demonization of Jews and Israelis in contemporary Iran is no different than the antisemitic discourse that has reared its ugly head for thousands of years.

[73] The hallmarks of traditional antisemitism 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.

[74] 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



antisemitic 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.
- 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.

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

- “An Interview With President Mahmoud Ahmadinejad”, *The New York Times*, 26 September 2008.

[76] This antisemitic 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 antisemitism 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.

[77] Combined with the other state-sponsored tactics discussed above, Iran's antisemitic message creates a context in which hatred is a default emotion. With great 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 appears to recognize.

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

[78] 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 antisemitic, that use trans-national terror, and whose reach is global. By outsourcing its actions to movements that share its intentions, Iran deflects attention away from the murder it seeks while continuing to advance 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. 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.

[79] 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 with particularly alarming implications given the current context. Judge Rodolfo Canicoba Corral issued international arrest warrants for former

Iranian President Akbar Hashemi Rafsanjani, present Iranian Defence Minister Ahmad Vahidi, and eight others, including other members of Rafsanjani's 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.

[80] 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 antisemitic 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". It should be noted that no Iranian official ever participated in a trial; former President Rafsanjani and his collaborators have, so far, completely escaped justice.

- Speech by President Ahmadinejad broadcast on *Jaam-e Jam 1 TV*, 20 October 2006.
- "Iran denies Argentina bomb charge", *BBC News*, 26 October 2006. See also "Iran: Guilty as Charged", Irwin Cotler, *National Post*, 3 November 2006, at p. A19.

[81] Unfortunately, the AMIA attack is not unique. 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.

[82] Before the verdict was issued, German authorities had specifically investigated the connection between the attack and Iran. They concluded that 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.

[83] 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.

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

Iran remained the most significant state sponsor of terrorism. Iran has long employed terrorism to advance its key national security and foreign policy interests, which include regime survival, regional dominance, opposition to Arab-Israeli peace, and countering western influence, particularly in the Middle East. Iran continues to rely primarily on its Islamic Revolutionary Guard Corps-Qods Force to clandestinely cultivate and support terrorist and Islamic militant groups abroad, including: Lebanese Hizballah, Palestinian terrorist groups such as HAMAS and Palestinian Islamic Jihad, certain Iraqi Shia militant groups, and Islamic militants in Afghanistan, the Balkans, and elsewhere. [...]

The Government of Iran also continued to pursue an expansion of its military ties during this period into the Western Hemisphere and parts of Africa, including through its IRGC-Qods Force.

➤ *Country Reports on Terrorism*, Office of the Coordinator for Counterterrorism (United States State Department), 30 April 2009.

[85] 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, was revealed in November 2008. Written only weeks before, it specifically pays tribute to Iran for its “monetary and infrastructure assistance” that made al-Qaeda’s attacks possible.

- “Iran receives al Qaeda praise for role in terrorist attacks”, Con Coughlin, *The Telegraph*, 24 November 2008.

[86] Since his first days in office, President Ahmadinejad consistently supported terrorism and suicide bombings – under the euphemism of “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.

[87] President Ahmadinejad’s sanitizing statements belie the violent hatred that Hizballah’s leader has preached. Indeed, Sheikh Nasrallah speaks openly of his genocidal intention:

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.

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.

[88] It is precisely this murderous intent in Hizbullah 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]

- Billboards reported in “Iran: Israel doomed to ‘destruction’”, *Associated Press*, 23 July 2006.
- Speech by President Ahmadinejad broadcast on *Jaam-e Jam 1 TV*, 20 October 2006.

[89] 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.
- “Ahmadinejad: Iran will support Hamas until collapse of Israel”, *Ha’aretz*, 13 September 2008.

[90] Iran’s terrorist involvement is, if anything, becoming even more active. By way of illustration, in March 2008, Hamas confirmed that it benefits from training under the IRGC, with one senior commander commenting: “Iran is our mother”; 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; and in November 2009 a ship bound for Hizbullah carrying hundreds of tons of Iranian-supplied arms, including rockets, was seized by Israeli naval commandos.

- “Lebanese Wary of a Rising Hezbollah”, Scott Wilson, *Washington Post*, 20 December 2004.
- “Aiming for Apocalypse”, Jay Tolson, *U.S. News and World Report*, 14 May 2006.

- “Palestinian group Hamas admits that its fighters are trained in Iran”, Marie Colvin, *The Sunday Times*, 9 March 2008.
- “Iran solidifies control over Hizbullah”, Yaakov Katz, *Jerusalem Post*, 8 September 2008.
- “Israel says seized big Hezbollah-bound arms ship”, Jeffrey Heller, *Reuters*, 4 November 2009.

[91] Israel, the target of Iran’s virulent antisemitism and genocidal incitement, suffers from Iran’s terrorist support on a daily basis. Through its direct support of terrorist groups such as Hamas and Hizbullah, 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.

[92] To understand the terrorist threat posed by Iran, it is essential to understand the central role played by the IRGC in respect to Iran’s sponsorship of international terrorism, as well as its nuclear program – and increasingly so – as a major political and economic force:

The Iranian Revolutionary Guard Corps (IRGC) and its Qods Force (IRGC-QF) are the principal bodies engaged in working with foreign terrorist and militant groups and exporting the Islamic fundamentalist revolution. The IRGC provides critical support to terrorist and militant groups in the form of funding, weapons and explosives, basic and specialized training, and intelligence and targeting support. The IRGC has a worldwide reach, spanning North America, Europe, Africa, Latin America and the Middle East. [...]

...The IRGC is the backbone of the Iranian regime. It controls Iran’s missile batteries, is deeply involved in Iran's nuclear program, and is responsible for the export of Iran's Islamic Revolution and the promotion of Iranian-sponsored terror and subterfuge throughout the world. [...]

...The IRGC is a vast multi-billion dollar conglomerate reaching into nearly every sector of the economy and dominating the oil and gas industry [...][and]

The IRGC also controls a sprawling black-market industry.

- *A Canadian Proposal for Listing the Iranian Revolutionary Guard Corps (IRGC) as a Terrorist Entity*, published by *Canadian Coalition Against Terror*, January 2010 at 13-14.
- See also the *Iran Revolutionary Guard Corps Designation Implementation Act* (U.S. House of Representatives, H.R. 2375, introduced May 12, 2009). In addition, see “Fact Sheet: U.S. Treasury Department Targets Iran’s Nuclear and Missile Programs”, US Department of the Treasury, 16 June 2010.

[93] In summary, the regime's criminal support of terrorism around the globe – facilitated by the IRGC – confirms that its genocidal intentions are neither theoretical nor hypothetical. To the contrary, as shown above, Iran has consistently acted on these intentions. Iran's reprehensible terrorist connection is therefore violating international law and presents compelling evidence that its genocidal intentions are both real and threatening.

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

[94] Empowered by the culture of hate that thrives upon impunity, Iran feels no need to leave its genocidal intentions as an unspoken conclusion. To the contrary, its calls for Israel's destruction are explicit. Indeed, President Mahmoud Ahmadinejad has publicly and repeatedly 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.

[95] The context of this comment is also important. 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.
- "World Leaders Condemn Iranian's Call to Wipe Israel 'Off the Map'", Mary Jordan and Karl Vick, *Washington Post*, 27 October 2008.

[96] 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.
- 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).

[97] 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.

[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.

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 “Ahma dinejad: Zionist regime to be dismantled soon,” *Islamic Republic News Agency (IRNA)*, 20 August 2008.

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*. See also “Analysis: Iran's talk of destroying Israel must not get lost in translation”, Joshua Teitelbaum, *Jerusalem Post*, 22 June 2008.

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.

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.

[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.

[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.

[98] It is not only President Ahmadinejad who calls for the annihilation of Israel. The statements of the Supreme Leader of Iran, Ayatollah Ali Khamenei, make 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 (Los Angeles: University of California Press, 2008), at p. 144.
- This quote has also been translated as stating that “the perpetual subject of Iran is the elimination of Israel from the region”: See “Analysis: Iran’s talk of destroying Israel must not get lost in translation”, Joshua Teitelbaum, *Jerusalem Post*, 22 June 2008.

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.
- 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.

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

- Supreme Leader Ayatollah Ali Khamenei, as reported in the *Daily Telegraph*, 1 January 2000.

[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.

[99] This core State principle is not 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.

[100] Repeated calls for the destruction of Israel and “prophecies” of its demise all work to normalize the idea of genocide in the minds of the Iranian people. Articulated in the context of demonizing rhetoric implying a clash of civilizations, calls for the annihilation of the Jewish State begin appearing not only moral and justifiable, but natural as well.

[101] Chillingly, 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. 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.
- 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>.

[102] Supreme Leader Ayatollah Khamenei and President Ahmadinejad have recently reaffirmed their incendiary calls for Israel's disappearance. The Supreme Leader stating "that God willing, its obliteration is certain" and Ahmadinejad threatening that Israel will be "finished off ... once and for all".

- "Israel is going downhill: Leader", *Tehran Times*, 8 February 2010.
- "Ahmadinejad Says Finish Israel Off - If Repeats Mistakes", *Press TV*, 20 February 2010. Similarly, see also "Ahmadinejad warns Israel against any military move", *Reuters*, 11 February 2010.

[103] Indeed, on Iranian Press TV, Ahmadinejad chillingly elaborated on these themes, referring to Israel as "the most criminal people in the world ... stationed ... in our region with lies and fabricated scenarios ... [and] with God's graces, this regime will be annihilated".

- "Iranian Website: Iranian Nuclear Bomb Spells Death to Israel". *Middle East Media Research Institute*, Special Dispatch no. 2826, 25 February 2010.
- "Ahmadinejad: Even war cannot save Israel", *Press TV*, 11 March 2010.
- Similar incitement threats – and related also to the nuclear threat – can be found on the Internet. For example, one Iranian website recently wrote in an editorial that "Iran's possession of [nuclear] weapons will sow in Israel a sense of insecurity – and this sense alone will be enough to shatter the glass palace of this illegitimate regime in the Middle East".

### III. IRAN IS DEVELOPING A NUCLEAR CAPACITY TO CARRY OUT ITS GENOCIDAL INTENTIONS, YET DENIES BOTH

[104] Acting against the dictates of international law and the consensus of the international community, Ahmadinejad's Iran persists in carrying out its nuclear program. Alarming, Iran has drawn a clear and undeniable link between its developing nuclear capacity and the destruction of the State of Israel. In September 2004, a missile was publicly paraded in Tehran bearing a banner stating:

Israel must be wiped off the map.

- See "Psychological warfare, says Iran", Atul Aneja, *The Hindu*, 23 September 2004.

[105] More recently, in the wake of highly publicized missile tests involving the Shahab-3 missile – capable of reaching Israel – another military parade saw the same slogan – "Israel must be wiped off the map" – carried across this weapon.

- See "German official was at anti-Israel rally", Benjamin Weinthal, *Jerusalem Post*, 15 October 2008.

[106] Reports from 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.

[107] 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.

[108] As if the message were not clear enough, it should be noted this came 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.
- 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.

[109] 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.

[110] 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 UF<sub>6</sub> 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.

[111] Then German chief delegate to the IAEA, Ruediger Luedeking, further emphasized the inconsistency between Iran's claims of a peaceful nuclear 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.

[112] For its part, the IAEA have been blocked from verifying whether Iran has ambitions of nuclear weaponry.

[113] 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. Further, 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 for example “UN nuclear chief says Iran blocking progress”, John Heilprin, *Associated Press*, 27 October 2008.
- See “Talks yield no new sanctions against Iran’s nuclear program”, Borzou Daragahi, *Los Angeles Times*, 15 November 2008.
- See “Iran Said to Have Enough Nuclear Fuel for One Weapon”, William J. Broad and David E. Sanger, *New York Times*, 20 November 2008.

[114] More recently, a French foreign affairs commission concluded that Iran could produce its first atomic bomb by the end of 2010. Jean-Louis Bianco, head of 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 had enriched 1600 kilos of uranium but remained 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.

[115] 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.
- “Iranian Launch of Satellite,” Acting Spokesman Robert Wood, United States Department of State, 3 February 2009.
- “Canada Expresses Concern over Iranian Satellite Launch,” Minister of Foreign Affairs Lawrence Cannon, 4 February 2009.
- “France ‘worried’ about Iran satellite launch,” *Associated Press*, 3 February 2009.
- “Iranian cargo appears to break UN ban - Cyprus source,” *Reuters*, 7 February 2009.

[116] When it comes time for Iran to answer the questions of the international community, audaciously it denies both its genocidal intentions and its intention to develop a nuclear arsenal. It proclaims that its nuclear program is not being funded for military purposes and when presented with documentation that calls into question this assertion, Iran responds 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.

[117] 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.

[118] The United Nations has criticized Iran and imposed sanctions upon it. The United Nations Security Council has adopted substantive resolutions for 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; and S/RES/1929 (2010) at para. 7.

[119] 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.

[120] On September 15, 2008, the IAEA noted that it has “not been able to make any substantive progress” since then. 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. Moreover, intelligence assessments suggest 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.
- See “Iran hasn’t answered questions on nuclear program, arms control chief says”, Julia Damianova and Borzou Daragahi, *Los Angeles Times*, 23 September 2008.
- See “Intel says Iran plans secret nuclear experiments”, George Jahn, *Associated Press*, 30 September 2008.

[121] 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, announced that 5000 atomic centrifuges were in fact running with more to come. He added: "Suspension has not been defined in our lexicon".

- "Iran to build more nuclear power plants", *Islamic Republic News Agency (IRNA)*, 19 August 2008. See also "Iran says designing new nuclear power plant", *Reuters*, 24 August 2008.
- "Iran says 4,000 atomic centrifuges working: report", *Reuters*, 29 August 2008.
- "Iran's IAEA envoy says it will continue uranium enrichment", *AFP*, 15 September 2008.
- "Iran says it now runs more than 5,000 centrifuges", Ali Akbar Dareini, *Associated Press*, 26 November 2008.

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

[123] In September 2009 President Obama, President Sarkozy of France, and Prime Minister Brown of the U.K. held a press conference revealing the existence of a previously hidden nuclear plant near the historic city of Qom in Iran – the construction of which began as early as 2002. The

announcement came concurrently with Iran's disclosure of the site's existence to the IAEA. A day after test firing long range missiles capable of striking targets at a distance of 1,250 miles from its territory – days before Iran's first direct talks with United States in Geneva on October 1, 2009 – Iran announced plans to allow IAEA inspectors access to the site. Inspections proceeded, and in November of 2009, the IAEA released a report using uncharacteristically tough language to indicate Iran's intention to pursue a nuclear weapon. In its report, the IAEA appears to be highly sceptical of Iran's argument that the site was built for peaceful purposes of atomic energy – given that the site was built without auxiliary sites surrounding it in the event it were bombed. The IAEA concluded that:

[Iran's] declaration of the new facility reduces the level of confidence in the absence of other nuclear facilities under construction, and gives rise to questions about whether there were any other nuclear facilities in Iran which had not declared to the agency.

- Report of the Director General of the International Atomic Energy Agency, 16 November 2009.

[124] In addition, the report confirms American and European intelligence that the site – hidden inside a mountain – is built to accommodate only 3,000 centrifuges and therefore too small to service domestic nuclear energy consumption, yet large enough to service one or two nuclear weapons per year. Moreover, in a separate confidential analysis recently obtained by the media, the IAEA tentatively concluded that Iran has “sufficient information to be able to design and produce a workable” nuclear weapon.

- “Iran Defends ‘Rights’ to Run Its Newly Declared Plant”, Allan Cowell and Nazila Fathi, *New York Times*, updated 30 September 2009.
- “Report Says Iran Has Data to Make Bomb”, William J. Broad and David E. Sanger, *New York Times*, 4 October 2009.
- Report of the Director General of the International Atomic Energy Agency, 16 November 2009.
- “Inspectors Fear Iran Is Hiding Nuclear Plants”, David E. Sanger and William J. Broad, *New York Times*, updated 17 November 2009.

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

➤ “Iran’s Nuclear Program”, Times Topic, *New York Times*, updated 21 October 2009.

[126] An understanding was reached whereby large quantities of lightly enriched uranium – approximately 2,600 pounds or 70% of Iran’s known supply – would be removed from Iran to be further processed by Russia or France and ultimately returned to Iran as fuel for a nuclear reactor producing medical isotopes in Tehran. However, shortly after, the Iranian regime rejected the understanding and insisted that it would first require the fuel – effectively undermining the goal and purpose of the understanding: to reduce Iranian stockpiles of uranium to levels below those required for a nuclear weapon.

➤ “Iran’s Nuclear Program”, Times Topic, *New York Times*, updated 21 October 2009.

➤ “Frustration as Iran Stalls on Deal”, Steven Erlanger, *New York Times*, 21 November 2009.

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

➤ “Latest U.N. censure of Iran may start more confrontational phase”, Glenn Kessler and Joby Warrick, *Washington Post*, 28 November 2009.

➤ “Iran says UN criticism prompted new nuclear plans”, Ali Akbar Dareini, *Washington Post*, 30 November 2009.

[128] More recent developments only serve to illustrate, yet again, Iran's standing violation of U.N. Security Council Resolutions and related obligations; while corroborating the concerns of the P5 + 1 members and many other countries.

[129] In a defiant course of conduct, the Iranian regime embarked upon a significant expansion in the enrichment of uranium to nuclear weapons-grade capability, including:

The proposed construction of ten new uranium enrichment facilities – representing a ten-fold increase in Iran's enrichment program;

- “Iran defies censure, plans 10 uranium sites”, *Reuters*, 29 November 2009.
- “Iran picks sites for 10 uranium enrichment plants”, *Reuters*, 23 February 2010.

The proposed development of uranium enriched to 20 percent (uranium enriched to 20 percent marks the dividing line between what nuclear experts call low- and high-enriched uranium; is sufficient to create a crude and heavy nuclear weapon and could rapidly be accelerated to the 90 percent grade typically used for modern weapons); and

- “Iran President Says Nuclear Enrichment Will Grow” William J. Broad, *New York Times*, 3 December 2009.

The construction of more lethal centrifuges, capable of much faster uranium enrichment and increasing the speed that Iran could develop a nuclear weapon.

- “Iran making new model centrifuges for nuke program”, Ali Akbar Dareini, *Associated Press*, 18 December 2009.
- “Next Stage on Iran Could Hold Real Peril”, John Vinocur, *The New York Times*, 22 December 2009.
- “Iran unveils new uranium centrifuges”, *Associated Press*, 9 April 2010.

[130] In another clear act of defiance, Iran recently test fired an enhanced version of its Sejil-2 missile – the most advanced long-range ballistic missile in its arsenal. The missile has a longer range capable of reaching targets not only in the Middle East, but as far as southeastern Europe.

- “Iran Says It Tested Upgraded Missile”, Michael Slackman and Mona El-Naggar, *The New York Times*, 16 December 2009.
- “Iran condemned by Western leaders over test of long-range missile”, Catherine Philp and James Hide, *The Times*, 17 December 2009.

[131] Moreover, the London Times recently obtained what appear to be confidential technical notes from a military nuclear project in Iran indicating that Iran is developing a neutron initiator – a vital component required to trigger the detonation of a nuclear bomb. The notes describe a four-year plan to test the initiator and reportedly date back to 2007. Independent experts have confirmed that uranium deuteride – the neutron source used in the detonator – is used exclusively for military purposes.

- “Secret document exposes Iran’s nuclear trigger”, Catherine Philp, *The Times*, 14 December 2009.
- “Next Stage on Iran Could Hold Real Peril”, John Vinocur, *The New York Times*, 22 December 2009.
- “Ahmadinejad dismisses US deadline for nuclear deal”, Nasser Karimi, *The Washington Post*, 22 December 2009.

[132] While Obama’s year of engagement invited a negotiated resolution, the 2009 end-of-year international deadline for Iranian compliance has passed. Obama’s extended hand was met with a clenched fist.

[133] The US Congress has reacted swiftly, moving forward legislation, among other things, targeting Iran’s Energy sector and the IRGC. In December 2009, the *Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009* passed the House of Representatives; and similar legislation was passed in the Senate. The two bills were sent to be reconciled in conference committee.

- “The Sanctions on Iran Are Working: Ignore the false debate in Washington over which measures to pressure the Islamic Republic are the “smart” ones. Tehran is already feeling the heat”, Mark Dubowitz, *Foreign Policy Magazine*, 10 February 2010.
- H.R. 2194: *Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009*.
- S. 2799: *Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009*.

[134] Over the course of a number of months, negotiations have proceeded regarding a new U.N. Security Council Resolution imposing additional sanctions against Iran. On the eve of completing a draft Resolution, the Ahmadinejad regime announced that it had reached a nuclear fuel swap deal brokered by Brazil and Turkey.

- “A Glimmer of Sanctions on Iran”, Gerald F. Seib, *Wall Street Journal*, 13 May 2010.
- “Iranian Nuclear Deal Raises Fears in West”, Jay Solomon, Margaret Cooker and John Lyons, *Washington Journal*, 18 May 2010.

[135] On May 17, 2010, Iran reportedly agreed to send 2, 646 pounds from its stockpile of low-enriched uranium to Turkey within a month and in exchange, would receive approximately 120 kilograms of uranium enriched to 20 percent for use in its medical isotope reactor within a year. While on its face the deal resembled the agreement proposed by the P5 + 1 in October 2009, in substance it did not alleviate international concerns regarding Iran’s nuclear program. The crucial element of the October 2009 P5 + 1 deal was that it would have temporarily deprived Iran of enough uranium to produce a nuclear weapon, providing the international community with breathing room to pursue negotiations; this is simply not the case with the Turkey and Brazil deal. Iran has added a considerable amount of low-enriched uranium to its stockpile since last fall. Accordingly, removing only 2,646 pounds would leave Iran with enough uranium to produce a nuclear bomb while avoiding sanctions. In this regard, despite the agreement, Iran insists upon continuing new efforts to enrich uranium to 20 per cent.

- “U.S. is Skeptical on Iranian Deal for Nuclear Fuel”, David E. Sanger and Michael Slackman, *New York Times*. 17 May 2010.
- “Iran’s Nuclear Coup”, *The Wall Street Journal*, Editorial, 18 May 2010.
- “As Ugly as It Gets”, Thomas L. Friedman, *New York Times*, 26 May 2010.

[136] Moreover, the Turkey-Brazil deal does not address the other primary reasons behind international sanctions against Iran: Iran’s refusal to suspend uranium enrichment, which the U.N.

Security Council has demanded since 2006; its failure to answer the inquiries of IAEA inspectors regarding evidence of possible nuclear weapons design research and associated experimentation; and its failure to grant IAEA inspector access to a number of suspect laboratories and nuclear facilities.

- “U.S. is Skeptical on Iranian Deal for Nuclear Fuel”, David E. Sanger and Michael Slackman, *New York Times*, 17 May 2010.
- “As Ugly as It Gets”, Thomas L. Friedman, *New York Times*, 26 May 2010.
- “Hillary at the Buzzer”, Editorial, *The Wall Street Journal*, 19 May 2010.
- “Iran’s Nuclear Coup”, *The Wall Street Journal*, Editorial, 18 May 2010.

[137] In its latest report of May 31, 2010, the IAEA confirms the inadequacy of the Turkey-Brazil nuclear swap deal, and reaffirms international concerns regarding Iran’s nuclear program – all while underscoring the case for strong additional sanctions against Iran. The most recent findings of the IAEA are alarming: Iran now has enriched enough nuclear fuel to build two nuclear bombs, doubled its stockpile of low-enriched uranium to 5,300 pounds over the last year (compared to the 3,300 pounds that Iran had developed by last fall when the P5 + 1 deal was struck), expanded work at its nuclear site at Natanz, and begun to enrich growing amounts of uranium to 20 percent.

Report of the Director General of the International Atomic Energy Agency, 31 May 2010.

[138] The IAEA confirms that Iran remains in standing violation of international law, concluding that the equipment upgrades and ongoing enrichment were “contrary to the relevant resolutions of the I.A.E.A.’s Board of Governors and the [U.N.] Security Council”.

- Report of the Director General of the International Atomic Energy Agency, 31 May 2010.

[139] Moreover, from these numbers, the IAEA’s report clearly indicates that even if the agreed upon amount of low enriched uranium were shipped out of Iran pursuant to the Brazil Turkey deal, Iran would still retain enough fuel for a single nuclear weapon; and some experts have concluded that Iran could build a nuclear bomb within 18 months.



- Report of the Director General of the International Atomic Energy Agency, 31 May 2010.
- “Iran is Said to Have Fuel for 2 Nuclear Weapons”, David E. Sanger and William J. Broad, *New York Times*, 1 June 2010.
- “Iran’s Nuclear Progress”, Editorial, *The Wall Street Journal*, 3 June 2010.

[140] On June 9, 2010, the U.N. Security Council voted in favour of a new resolution imposing a fourth round of sanctions on Iran. It is to be noted that a number of compromises were made by the Obama Administration in an effort to obtain the agreement of China and Russia.

- United Nations Security Council Resolution S/2010/1929 (4 June 2010). Reproduced in Appendix VII.
- “U.N. Is Poised to Approve Iran Sanctions: Resolution Adds Deterrents, Falls Short of U.S. Wishes; Iran Blasts Measures”, Joe Lauria and Jay Solomon, *Wall Street Journal*, 9 June 2010.

[141] The Resolution calls on states to inspect ships and aircraft suspected of carrying contraband to or from Iran and blacklists three shipping units of the state-owned Islamic Republic of Iran Shipping Lines (“IRISL”), but stops short of blacklisting the IRISL completely. It also fails to blacklist Iran’s state-owned air cargo firm, IranAir Cargo.

[142] While the Resolution does call on nations 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; and to prohibit issuing licenses to Iranian banks in their jurisdiction with suspected links to nuclear proliferation, it does not blacklist Iran’s Central Bank – a bank embedded in both Iran’s nuclear proliferation and support for terrorism – nor place a prohibition on foreign investment in the Iranian bond market.

[143] While the Resolution bans the sale of conventional military hardware to Iran – from tanks, to attack helicopters and warships – as well as the supply of related services or assistance; and bans Iran from activities associated with the development of missiles with the capacity to

carry nuclear warheads, it fails to impose what was to be a broad embargo on the supply of arms to Iran – and fails to order the complete suspension of its ballistic missile program.

[144] While the Resolution imposes an asset freeze against 40 new companies, 15 of which are linked to the IRGC, it does not impose a complete travel ban and asset freeze on the IRGC, its members, supporters, front businesses and affiliate groups.

[145] The Resolution also requires that Iran suspend any uranium enrichment activities – either new or ongoing – in accordance with previous Resolutions; 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 jurisdictions by Iranian nationals and Iranian businesses.

[146] While the Resolution’s preamble warns of the potential connection between Iran’s energy sector and its nuclear proliferation activities, and includes an oil-services company on its blacklist, it does not ban assistance to, or investment in, Iran’s oil and gas sectors – including a ban on insurance for fuel imports and exports.

[147] While the Resolution expressly extends the mandate of the committee charged with monitoring the enforcement of U.N. Security Council Resolutions sanctioning Iran, it does not mandate comprehensive inspections by the IAEA .

- United Nations Security Council Resolution, S/RES/1929 (2010). Reproduced under Appendix VII.
- “Nation Agrees on Iran Curbs”, Chip Cummings and Jason Dean (contributed), *Wall Street Journal*, 18 May 2010.
- “U.N. Is Set to Vote on Iran Sanctions”, Neil MacFarquar, *The New York Times*, 8 June 2010.
- “U.N. Approves New Sanctions to Deter Iran”, Neil MacFarquar, *The New York Times*, 9 June 2010.
- “U.N. Slaps Iran With New Curbs”, Joe Lauria and Jay Solomon, *The Wall Street Journal*, 10 June 2010.

[148] While there is no doubt that the newest U.N. Security Council Resolution constitutes a positive step forward, as a symbol and statement of the condemnation of the international community and an enabling judicial authority for additional country specific sanctions, the Resolution requires further regional and country support so as to effectively halt Iran's nuclear program.

[149] The United States and the European Union have responded to the calls of U.N. Security Council, to implement actions mandated by the Resolution 1929 (2010).

[150] For example, the United States has imposed a prohibition on all transactions with – as well as an asset freeze on – a number of additional entities and individuals with links to the Iranian regime, including: individuals and entities connected to the IRGC – namely the IRGC Air Force; the IRGC Missile Command; two subsidiaries of the engineering arm of the IRGC; and two individuals linked to the IRGC (notably IRGC Commander-in-Chief, Mohammed Al Jafari, and Basij militia head, Mohammad Reza Naqdi). Similar sanctions have also been imposed on 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, discussed above; the Post Bank of Iran (which itself facilitates financial services to Iran's missile industry); and five IRISL front companies.

[151] The U.S. has also identified 27 vessels as “blocked property” with links to the IRISL, and updated the names of 71 such vessels already listed. Twenty-two entities in the insurance, petroleum and petrochemical industries – owned or controlled by the Government of Iran – were also added to a list of designated entities that U.S. persons are not permitted to transact with.

- “Fact Sheet: U.S. Treasury Department Targets Iran's Nuclear and Missile Programs”. US Department of the Treasury. 16 June 2010.

[152] Moreover, the European Union has invited its Foreign Affairs Council to implement U.N. Security Council Resolution 1929 (2010), “as well as additional measures”, which “should focus on the areas of trade, especially dual use goods and further restrictions on trade insurance; [target] the financial sector, including a freeze of additional Iranian banks and restrictions on banking and insurance; [and target] the Iranian transport sector, in particular the Islamic Republic of Iran Shipping Line (IRISL) and its subsidiaries and air cargo”.

[153] The European Union has also called for 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.

[154] Finally, the E.U. has called for new visa bans and asset freezes, targeting the IRGC in particular.

- “Declaration on Iran” in Annex II, Conclusions of the European Council. Brussels, EUCO 13/10. 17 June 2010.

[155] Heightening the sense of urgency is new U.S. intelligence that indicates that Iran has the capability to commence a large scale missile attack against Europe – launching “scores or hundreds” of missiles.

- “Iran could fire ‘hundreds’ of missiles at Europe: Gates”, *AFP*, 17 June 2010.

[156] Regrettably, however, the United Nations Security Council has yet to make the link that Iran itself makes: between Iran’s possession of nuclear weapons and its genocidal threat to Israel – and, as will be discussed below, its massive human rights violations; until these links are made, the seriousness of the present situation in Iran will continue to be underestimated.

[157] 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 both the genocidal intentions of the regime

and the massive domestic repression, the United Nations Security Council undercuts the unique and composite threat to international peace and security posed by Iran. Accordingly, by ignoring, for example, the related incitement to genocide, the implications of Iran's nuclear program intertwined with incitement are sanitized. The United Nations Security Council allows the inference to be drawn – however inadvertent – that it considers Iran's genocidal threat either absent or unimportant.

[158] In particular, 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 as well as human rights. The cost of inaction is almost certainly to be measured in lives, for the consequence of inaction in this context is continued mass repression, and continued state-sanctioned incitement to genocide, with all the consequences that this entails.

[159] Moreover, with respect to the impact of a nuclear Iran on international peace and security – regardless of the regime's intentions toward Israel – the testimony of Dr. Emanuele Ottolenghi, Executive Director of the Transatlantic Institute, warrants serious consideration by the international community:

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

The achievement of nuclear weapons for [Iran] will mean profound instability in the region and terrible damage to our interests and hopes of bringing more stability, freedom, and peace in the Middle East. [...]

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

crises for decades to come in the region. We have the tools and the means to advance such goals and to prevent Iran from advancing its own goals.

- Testimony of Dr. Emanuele Ottolenghi, former Executive Director of the Transatlantic Institute, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 16, 2nd Session, 40th Parliament, 5 May 2009, at 12:55, 1:00 p.m. and 1:05 p.m.

#### **IV. IRAN IS RESPONSIBLE FOR MASSIVE DOMESTIC HUMAN RIGHTS ABUSES: A CLEAR AND PRESENT DANGER TO THE IRANIAN PEOPLE**

[160] Iran shows no greater respect for the rights of its own people than for its declared enemies. A review of Iran's treatment of its own nationals confirms its policy of indifference to the inherent value of human life. This should rightly alarm the international community not only out of concern for the people of Iran, but also because of the broader 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.

[161] Since the 1979 revolution, the human rights situation in Iran has been abysmal. While the election of President Khatami in 1997 promised a more moderate or reformist stage in Iran's history, Iranians have suffered a recent increase in the severity of human rights abuses since Ahmadinejad's regime came to power in 2005. The situation has been further exacerbated by the fraudulent presidential elections of June 12, 2009. Indeed, the current regime's brutal and alarming assault on the democracy movement – sometimes referred to as the Green movement – continues to date.

[162] Dissent – or even difference of opinion – is not tolerated in Iran, nor does it go unpunished. The present regime's primary targets include political activists, journalists, students, professors, women, and members of minority groups. Its offenses against human rights and human dignity are far too numerous to document exhaustively, but are surveyed herein, divided into categories of repression.

[163] Since the fraudulent June 12 election, the human rights situation in Iran has only deteriorated. Dr. Abbas Milani, Director of Iranian Studies at Stanford University, explains that since the elections “these breaches [of rights] have increased. The regime feels more isolated, the

regime feels weaker, and as is always the case when these kinds of regimes are frightened, they show their more brutal side”.

- Testimony of Dr. Abbas Milani, Director of Iranian Studies, Stanford University, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 32, 2nd Session, 40th Parliament, 22 October 2009 (“Milani Testimony October 2009”), at 1:20 p.m.
- See also Testimony of Renee Redman, Executive Director of the Iran Human Rights Documentation Center, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 33, 2nd Session, 40th Parliament, 27 October 2009 (“Redman Testimony October 2009”), at 1:15 p.m.

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

We've all seen the horrific sight of Neda Agha-Soltan, the 27-year-old girl whose crime was standing in the streets at the time of the demonstration, who was shot in the chest by a member of the Basij militia [...] Amir Javadifar, a 24-year-old youth who was also arrested for being in the protests, had his corpse delivered to his mother with a fractured skull and a crushed eyeball, while all his fingernails and toenails had been extracted.

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

- See Testimony of Payam Akhavan, Professor of International Law, McGill University, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 34, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, 29 October 2009 (“Akhavan Testimony October 2009”), at 1:10 p.m.

[165] Dr. Milani notes two kinds of human rights violations in Iran, both of which are cause of extreme concern: “The overt kind of violence that this regime engages in, such as imprisoning people or executing a minor for a crime that he committed when he was only 15 years old”, and “the slow grind of the daily abuses and inequities that are forced on the Iranian society, on the Iranian youth”.

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



**A. The widespread and systematic violations of the rights of the Iranian people, including: the beatings, execution, killing, torture and other inhumane treatment of Iranians**

For purposes of this discussion, the witness testimony and documentary evidence of the mass domestic repression and gross human rights violations perpetuated by the Iranian regime will be presented under the following categories: 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, including the Kurdish minority, in particular; 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 overladen with show trials and coerced confessions – and constitutive of crimes against humanity under international law.

[166] The present discussion of 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. While the exact number of those executed remains unknown, conservative estimates number the victims between 2800 and 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. Shockingly, Iran continues to promote the perpetrators to high positions in government.

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

[167] Even today, those who dare to speak 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 March 2007”), at 11:30am.

[168] Renee Redman, Executive Director of the Iran Human Rights Documentation Center, reports that Iran is second only to China in the number of executions committed. By way of illustration, the U.S. State Department recently reported 250 executions occurred in Iran in 2009 after secret or unfair trials violating basic standards of due process.

- Redman Testimony October 2009 at 1:15 p.m.
- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

[169] In particular, executions in Iran have escalated since the June 2009 presidential elections; indeed, Ahmadinejad’s regime announced 115 executions occurred between the June 12, 2009 elections and his August 5, 2009 inauguration alone.

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

[170] As Aaron Rhodes, Executive Director of the International Campaign for Human Rights in Iran put it, “These secret executions are, in reality, nothing more than state-sanctioned murders”.

- “Political Executions Indication of Government’s Insecurity”, *International Campaign for Human Rights in Iran*, 9 May 2010.

[171] More recently, five Kurdish political prisoners were executed. Farzad Kamangar, a 34-year-old teacher and social worker, was initially held incommunicado for seven months before being charged with Moharebeh (“warring against God”). He was then convicted and sentenced to death in February 2008, after a seven-minute trial in which no evidence was presented and where the accused – and his lawyer – were unable to speak.

- “Political Executions Indication of Government’s Insecurity”, *International Campaign for Human Rights in Iran*, 9 May 2010.

[172] The four remaining Kurdish political prisoners executed were: Shirin Alam Holi, Ali Heidarian, Farhad Vakili, and Mehdi Eslamian. Despite international condemnation, Iran’s Prosecutor General has defended the executions. The names are not household words – but they are the Nedas of today – part of a pattern of increasing extra-judicial and “judicial” executions that are no longer on the radar screen of the western media.

- “Political Executions Indication of Government’s Insecurity”, *International Campaign for Human Rights in Iran*, 9 May 2010.

[173] Moreover, draconian and particularly inhumane punishments such as stoning, flogging, and amputation are not only sanctioned under Iranian law, but they are actually ordered. For example, in March 2010 the leg and arm of an individual accused of robbery were amputated. Moreover, stonings were upheld by the Iranian Supreme Court as punishment for a woman convicted of adultery in November 2008. In November 2009, the regime recommended the use of amputations for sentencing by the judiciary.

- Genser Testimony March 2007, at 11:30am. See also “Report: Iran court upholds stoning death sentence”, *Associated Press*, 29 November 2008.
- *World Report 2010: Events of 2009, Iran 2009*, published by *Human Rights Watch*, January 2010.
- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.
- Testimony of Dr. Shirin Ebadi (Iranian Lawyer, As an Individual) before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 10, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 27 April 2010 (“Ebadi Testimony April 2010”), at 1:15 p.m.

[174] The brutal treatment of prisoners in Iran, including torture and abuse, with lengthy periods of solitary confinement and death resulting from failure to receive medical treatment, is another case-study. Common methods of torture and abuse employed include rape, beatings, sexual humiliation, kickings with military boots, extended solitary confinement with acute sensory deprivation, confinement over long periods in contorted positions, hanging prisoners by their limbs, threats of executions, pulling out toenails, burning with cigarettes, and harsh and repetitive beatings with cables or other instruments. The case of Maryam Saberi is a deplorable example of the regime’s brutality. Arrested solely for taking part in the 40<sup>th</sup> day commemoration of Neda’s death, Maryam was raped four times by prison guards before her release. Certain prisons – such as the Evin Prison – are notorious for particularly brutal and prolonged torture of political prisoners. Internal investigations of reports of torture and cruel and unusual punishment tend to focus on covering up the abuses, rather than holding those responsible to account.

- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.
- Redman Testimony October 2009, at 1:15 p.m.

[175] The Government’s methods of repressing dissent are particularly violent and contrary to international law. By way of illustration, 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; peaceful demonstrations following the June 12, 2009 fraudulent elections have been violently suppressed, with many protestors killed at the hands of security forces.

- See Genser Testimony March 2007, at 11:30am. See also “Report: Iran court upholds stoning death sentence”, *Associated Press*, 29 November 2008.
- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

**B. The systematic and widespread oppression of a minority – the Bahá’í as a case study**

[176] The Bahá’í community is Iran’s largest religious minority – with 300,000 members – yet is not recognized as a legitimate religious group according to the Iranian constitution. Recently, in an egregious escalation of abuse, members of the Bahá’í community have been kidnapped and beaten. Leaders who report their oppression are silenced through arbitrary imprisonment, while Bahá’í prisoners have been told that they would be released if they recanted their faith. Bahá’í houses and shops have been destroyed, and their cemeteries ploughed up. The situation for the Bahá’í community has 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”.

- “The plight of Iran’s Bahá’í community,” Maurice Copithorne, *Globe and Mail*, 2 June 2006.
- “Foreign Affairs minister slams detention of Bahá’í leaders in Iran,” Steven Edwards, *Canwest News Service*, 16 May 2008.
- See “Bahá’í s worried about Iranian community,” Matthew Wagner, *Jerusalem Post*, 20 May 2008.
- On various arrests of members of the Bahá’í community, see: “Bahá’í leaders ‘persecuted,’” Jenna Hand, *Canberra Times*, 1 June 2008.
- “Iran Arrests Five Members of Bahá’í Faith,” *Radio Free Europe Radio Liberty*, 15 January 2009.
- See Testimony of Susanne Tamas, Director of the Office of Governmental Relations of the Bahá’í 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 February 2009”), at 1:20-1:25pm.

- 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 February 2009”), at 1:10pm.
- See the unofficial translation of Article 13 of Iran’s constitution, which reads: Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.

[177] In May 2008, six Bahá’ís playing important administrative roles in the community were arrested, thus joining a seventh Bahá’í already detained since March. They have been held in Evin prison – often in solitary confinement – 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 Bahá’ís would be charged with crimes such as espionage and “insult to the sacredness of Islam”.

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

[178] The United Nations Secretary-General confirmed in October 2008:

Reports continue to be received about members of the Bahá’í 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 Bahá’ís 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.

[179] The oppression of the Bahá’í community led more than 300 prominent Iranian intellectuals to sign a letter expressing their shame at the treatment of this minority group:

As Iranian human beings, we are ashamed for what has been perpetrated upon the Bahá’ís 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 Bahá'í 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 of our silence over this painful reality that in our nation, Bahá'ís 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 Bahá'ís 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, March 30, 2009, at p. 2166.

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

- See Akhavan Testimony February 2009, at 1: 10 p.m.
- See Testimony of Jeffrey McLaren, Director of Gulf and Maghreb Relations in Canada’s Department of Foreign Affairs and International Trade, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada) (“McLaren Testimony October 2009”), Number 31, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, 20 October 2009, at 12:55 p.m.

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

The administration of the misguided Bahá'í sect at all levels is unlawful and banned, and their ties to Israel and their opposition to Islam and the Islamic regime are clear. The danger they pose to national security is documented and proven, and therefore it is necessary that any substitute administration that acts as a replacement for the original be confronted through the law.

- See Tamas Testimony February 2009, at 1:25 p.m.
- See Tamas Testimony February 2009, at 1:20 p.m., 1:25 p.m.
- See McLaren Testimony October 2009, at 12:55 p.m.

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

In more recent, times [there] has been a more subtle form of repression that aims to bring about a civil death for Bahá'ís. Bahá'ís are systematically eliminated from economic activities: the right to education, the right to pensions, the right to employment in the public sector. All of these forms of repression are a different means of achieving the same end that the government had tried to achieve in the 1980s through systematic execution. The documents that have been leaked from within the ranks of the Iranian government indicate very clearly that the stated objective of the government is to eradicate the Bahá'í religious minority.

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

[183] Moreover, Professor Payam Akhavan explains that Iran's treatment of the Bahá'í 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.

- See House of Commons, *House of Commons Debates*, vol. 144, no. 036, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, Official Report, March 30, 2009, at p. 2164-2165.

[184] Parliamentarian and former Minister of Justice and Attorney General of Canada, Professor Irwin Cotler, rose in support of the emergency motion before the Canadian House of Commons in condemnation of the human rights situation facing the Bahá'í in Iran. The excerpt which follows is an illustrative overview of their plight:



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

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

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

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

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

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

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

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

See House of Commons, *House of Commons Debates*, vol. 144, no. 036, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, Official Report, March 30, 2009, at p. 2165-2166.

[185] The plight of the Bahá'í in Iran only continues to worsen in a post June 12, 2009 Iran. As of April 2010, 37 Bahá'í's remain in jail, all of which were imprisoned solely because of their faith – including seven Bahá'í leaders imprisoned in the infamous Evin under deplorable conditions. Scores of Bahá'í continue to be detained. In a familiar pattern, their houses are searched and their belongings confiscated by government agents. Fifty detentions have taken place in 2010 alone; many remain imprisoned, while others had to post exorbitant bail or surrender a business license to obtain their release – all the while depriving even more Bahá'í's of the economic means to live. Others released from jail have been put on a “no exit” list, while nine Bahá'í University students – somehow able to obtain admission to university – were recently expelled. In the past year numerous Bahá'í cemeteries were defaced, destroyed, or otherwise closed to Bahá'í.

- *Recent Developments in the Human Rights Situation in Iran*, 17 April 2010, submitted by the *Bahá'í Community of Canada* to the Canada's Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (a copy of which is available upon request). For a more recent and publically accessible update see *Iran Update* published by the *Bahá'í World News Service*, 13 May 2010.

[186] Canadian Senator Roméo Dallaire, member of the United Nations Secretary-General's Advisory Committee on Genocide Prevention, recently rose in the Senate to provide the following alarming update regarding the situation of the Bahá'í:

Honourable senators, I rise to draw your attention to the extremely difficult situation confronting the Baha'i community of Iran. With roughly 300,000 members, the Baha'i community is Iran's largest non-Muslim religious minority.

Honourable senators may be aware that the Iranian government, ever suspicious of religious minorities, systematically persecutes leaders from the Baha'i community in violation of domestic and international laws. Seven members of the group that coordinated the social and spiritual affairs of the Baha'i community in Iran have been imprisoned for two years on trumped-up charges. Their trial took place this past Saturday. [...]

However, state-sanctioned persecution also extends to the broader Baha'i community. The Iranian government has sanctioned arbitrary arrests and detention, mass expulsion from educational institutions, and denial of employment in the public sector, along with the incitement of hatred and the constant threat of violence.

As a member of the United Nations' Secretary-General's Advisory Committee on Genocide Prevention I can say that there is no clearer example of a nation leading its way into a potential genocide scenario. It is meeting all the criteria.

Having banned the elected bodies and the ad hoc groups responsible for seeing to the needs of the Baha'i community, the Government of Iran is now attempting to prevent Baha'is from having any form of community life, a flagrant denial of the religious freedoms outlined in Article 18 of the International Covenant on Civil and Political Rights.

The government's efforts to identify and monitor individual members of the Baha'i community are a particularly troubling part of the strategy to eliminate the Baha'i community of Iran as a viable entity. In the past, aggressive efforts to identify members of a minority group often have been the precursor to deliberate and premeditated violence in the form of ethnic cleansing and, ultimately, genocide.

Individual members of the Baha'i faith have been summoned to government offices and asked to identify members of their communities who are involved in planning religious gatherings and other events. Others have been ordered to leave their homes or to sign agreements stating that they will no longer speak to specific individuals. The Ministry of Intelligence also disrupts events and asks those in attendance if they are members of the Baha'i administration and how they are receiving the messages from the international governing body of Baha'i in the United Kingdom. As well, the government has been known to spread misinformation about the Baha'i community, claiming that they are spies and that they encourage other Iranians to take whatever action they wish in response to baseless allegations against members of the Baha'i community. We are watching genocide in slow motion in Iran.

- Senate, *Debates of the Senate*, vol. 147, no. 039, 3rd Session, 40th Parliament, June 16, 2010, at p.806.

### **C. The exclusion of, discrimination and violence against, religious minorities**

[187] While the human rights situation of the Bahá'í is the most shocking – other religious minorities do not enjoy similar rights to those of the majority Shiite Islam population. For instance, they are not able to seek government employment, are restricted in their practice of

religious activities, and find their murders punishable by nothing more than a fine payable to their family.

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

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

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

- Testimony of Gregory Stanton, President of Genocide Watch, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 16, 2nd Session, 40th Parliament, 5 May 2009 ("Stanton Testimony May 2009"), at 1:40 p.m.

[189] Many Christians have been arrested because of their faith, and numerous Jews have been the target of arrests for allegedly spying for Israel.

- Testimony of Ahmad Batebi, Spokesperson, Human Rights Activists in Iran, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 8, 2nd Session, 40th Parliament, 24 March 2009 ("Batebi Testimony March 2009"), at 1:00 p.m.
- McLaren testimony, at 1:30 p.m.

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

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

[191] Sunni Clerics are targeted by the Iranian regime for arrest and harassment. Moreover, as Sharif Behruz of the Democratic Party of Iranian Kurdistan explained:

[T]he establishment and creation of Shia Muslim mosques is heavily promoted and encouraged in non-Shia areas, like the Kurdish areas. However the creation and building of Sunni Muslim mosques, especially in a city like Tehran, with a population of a million Sunnis, is prohibited in Iran.

- Testimony of Mr. Joe Stork, Deputy Director, Middle East and North Africa, Human Rights Watch, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 06, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, 10 March 2009 (“Stork Testimony March 2009”), at 12:55 p.m.
- Testimony of Sharif Behruz, Democratic Party of Iranian Kurdistan, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 12, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, 21 April 2009 (“Behruz Testimony April 2009”), at 12:40 p.m.

[192] The exclusion of, and discrimination against, the minority Sunni population is also widespread, encompassing a number of Iran’s ethnic minorities: Baluchis, Kurds, Turks, Turkmen and Arabic speakers. These minorities live “in Iran’s periphery” and “have had their rights ignored in one way or another”. Their fair share of the government budget, their right to celebrate their local culture, and their right to teach in their language have all been ignored”. Dr. Abbas Milani, Director of Iranian Studies at Stanford University, comments that:

...this combination of being an ethnic ‘other’ and religious ‘other’, has made it so that these areas of the periphery are both ignored and are now under virtual military clampdown by the Revolutionary Guards, particularly the Baluchistan region.

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

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

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

#### **D. The exclusion of, discrimination and violence against, ethnic minorities**

[194] There are a number of ethnic minorities in Iran, the largest of which are the Azeris, the Baluchis and the Kurds. Sharif Behruz of the Democratic Party of Iranian Kurdistan sums up the abysmal human rights situation facing ethnic minorities in Iran in the following terms:

Despite the façade of constitutional guarantees of equality and Iran's deceptive international legal commitments, discrimination and repression continue for minority communities, who have been demanding greater respect for their cultural and political rights.

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

[195] Similarly, Joe Stork, Deputy Director – Middle East and North Africa for Human Rights Watch, describes the range of human rights abuses facing ethnic minorities as follows:

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

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

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

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

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

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

- Testimony of Fakteh Zamani, President of the Association for Defence of Azerbaijani Political Prisoners in Iran, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 08, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2009 (“Zamani Testimony March 2009”), at 12:35 p.m.

[197] As to the Baluchis specifically, Ms. Zamani provides the following account of abuses:

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

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

[198] Sharif Behruz of the Democratic Party of Iranian Kurdistan reports on the human rights situation facing the minority Kurds:

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

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

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

[199] The execution of five Kurdish political prisoners and the hands of the regime in May 2010, discussed above, is a recent and shocking example of the dire human rights situation for Kurds in Iran.

#### **E. The assault on women's rights**

[200] Iranian women – whose courageous advocacy has energized the democracy movement – have been the cruel victims of state-sanctioned assault and discrimination. While women in Iran continue their brave struggle, this has been met with intensified oppression. Great obstacles persist in the face of equality for women, preventing the restoration of rights dismantled after the 1979 revolution.

[201] The repression and denial of rights to women is codified under Iranian law in matters respecting inheritance, child custody, marriage and divorce. A few shocking examples include: the legality of spousal; adultery being punishable by stoning; killing for adultery is permitted, if the sexual act was consensual; domestic violence is not specifically prohibited; and a woman's testimony is worth half that of a man's.

- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.
- Testimony of Jared Genser, Lecturer in Law at the University of Pennsylvania, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 06, 2nd Session, 40th Parliament, 10 March 2009 (“Genser Testimony March 2009”), at 12:45 p.m.
- Milani Testimony October 2009, at 1:35 p.m.

[202] Dr. Abbas Milani, Director of Iranian Studies at Stanford University, provides this illustration of the assault on women's rights under the cover of law that has persisted since the 1979 revolution:

One of the first laws of the ancien régime that Ayatollah Khomeini overturned was the family protection law. The Shah's regime had tried to make some



changes, some reforms, in the family protection law to afford women more rights. The clergy were opposed to this when it was being discussed in 1970, and one of Ayatollah Khomeini's first gestures was to declare that null and void.

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

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

The custody laws, as well as inheritance laws and laws about community property, were completely scuttled. There was no community property. There was no payment of money. The only money a woman would get upon divorce would be what was written in the contractual agreement at the time of marriage.

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

- Milani Testimony October 2009, at 1:35 p.m.
- Genser Testimony March 2009, at 1:45 p.m.

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

- Rimstad Testimony March 2009, at 1:00 p.m.
- See also Batebi Testimony March 2009, at 12:55 p.m.
- See also Stork Testimony March 2009, at 12:50 p.m.

[205] A peaceful demonstration calling for women's rights at Haft Tir Square in Tehran – on the occasion of Women's Day, June 12, 2006 – led to a brutally violent crackdown by the Iranian regime. As the demonstrators organized, the Iranian security forces attacked with batons and

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

- See “Iran: Police Assault Women's Rights Demonstrators”, *Human Rights Watch*, June 15, 2006.

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

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

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

See “Petition for Women’s Equal Rights in Iran, One Million Signature Campaign”, *Abdorrahman Boroumand Foundation for the Promotion of Human Rights and Democracy in Iran*, August 19, 2006.

[207] The women’s movement suffered a crackdown of further repression in response to the “One Million Signature Campaign”. The following statement issued by 700 advocates for women’s rights is a shocking account:

After the peaceful protest in Haft Tir Square in June of 2006, and the birth of the "One Million Signatures Campaign," those opposed to women’s equal rights did not remain inactive. In the past year alone, we have witnessed and endured increased arrests of women’s rights defenders, unfair accusations and charges, serial summons and interrogations, imposition of high bond and bail amounts in exchange for the freedom of our colleagues, and heavy prison sentences for women’s rights defenders. In fact, the past year was witness to the arrest and imprisonment of 121 women’s rights activists. Nearly one billion tomans (roughly 110 million dollars) in bail and personal guarantees intended to free women’s rights activists from prison have been posted. In total, 14 years of suspended probationary prison sentences and nearly 9 years of prison sentences which must be served by women’s rights defenders have been issued.

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

[208] In particular, and dramatizing the escalation of massive domestic repression, the last year alone has witnessed the arrest and detention of the mothers of peaceful protestors; the prosecution and persecution of women seeking equality as tantamount to their threatening of national security; and the subjecting of women protestors to long and harrowing periods of detention, where the unconscionable treatment of female prisoners by prison guards includes beatings, torture, sexual assault, and rape.

- “Iran, gender discrimination, and the UN's Women's Commission”, S.B. Anderlini, Hadi Ghaemi, Dokhi Fassihian, *Foreign Policy Magazine*, 27 April 2010.

[209] In an effort to erase any remnant of their long struggle for progress, the regime has also engaged in a discriminatory assault on women in all other social spheres: closing child care centers; banning women from key areas of education; withdrawing health and reproductive services; and shutting down gender equality publications.

- “Iran, gender discrimination, and the UN's Women's Commission”, S.B. Anderlini, Hadi Ghaemi, Dokhi Fassihian, *Foreign Policy Magazine*, 27 April 2010.

[210] While the regime continues its brutal treatment of women and blatant disregard of the U.N. Convention on the Elimination of Discrimination against Women, its recent “election by acclamation” to the U.N. Commission on the Status of Women was both appalling and surreal. Shamefully, no member states called for an open vote.

- Economic and Social Council, ECOSOC/6419.

**F. The repression of freedom of speech, assembly and association – a war against students, professors, activists and journalists – and against fundamental rights and those who would exercise them**

[211] Freedom of speech, assembly, and association are pervasively repressed in Iran. Students, professors, activists and journalists are targeted by the government, with “national security” commonly offered as a justification to silence dissent. Indeed, the law in Iran criminalizes dissent and most starkly applies the death penalty to charges including insulting the Supreme Leader, “outrage against high-ranking officials”, and being as “enemy of God”.

- Stork Testimony March 2009, at 12:50 p.m.
- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

[212] When Ahmadinejad came to power in 2005, an already extremely worrisome human rights situation only worsened. Leading up to the June 12, 2009 fraudulent elections, the human rights situation deteriorated, with a dramatic rise in the arrest of students, activists and others peacefully attempting to exercise their right to free expression and assembly. For example, during the beginning of 2009, 220 individuals were arrested arbitrarily.

- Stork Testimony March 2009, at 12:50 p.m.
- Testimony of Keith Rimstad, Campaigner, Amnesty International, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 06, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, 10 March 2009 (“Rimstad Testimony March 2009”), at 1:00 p.m.

[213] The increase in arrests of students, activists and others foreshadowed the brutal crackdown against demonstrators following the fraudulent presidential elections. Street protests peacefully expressing dissent were violently suppressed by police and Basij vigilante forces, a volunteer militia subordinate to the IRGC and the Supreme Leader. Approximately 4,000 to 5,000 persons were detained, and scores were killed – with estimates by human rights organizations as high as 200. The killing of Neda Agha-Soltan at the hands of the Basij militia in Tehran on June 20, 2009 was caught on YouTube and captured hearts and minds around the world, becoming a symbol of the people’s struggle. Sadly, her case is only one of many.

- *World Report 2010: Events of 2009, Iran 2009*, published by *Human Rights Watch*, January 2010.
- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

[214] Numerous demonstrations in Iran have been quashed by security forces since the fraudulent elections. One of the most brutal and bloodiest clashes with the regime during this period occurred on the holy day of Ashura in December 2009 (a day commemorating the death in battle of the Prophet Muhammad's grandson) and the seventh day after the death of senior reformist cleric Grand Ayatollah Hussien Ali Montazeri (a traditional day of ceremonial mourning). Between 200 and 1000 protestors were detained, according to the International Campaign for Human Rights in Iran and Iran Human Rights Voice; at least eight protestors died in clashes with security forces.

- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

[215] Eminent Iranian human rights lawyer and Nobel Laureate Shirin Ebadi reported that while the regime officially reports 6000 arrests since the fraudulent elections of June 2009, "the actual number is much higher".

- Ebadi Testimony April 2010 at 1:15 p.m.
- See also *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

[216] However, as pointed out by Professor Payam Akhavan, it is "important that we don't reduce the issue to abstractions and statistics in order to understand the horrible brutality with which the Iranian government has confronted what is essentially a peaceful, non-violent movement to call for basic human rights and democracy".

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

[217] Journalists in Iran are increasingly under siege in what Amnesty International has described as “one of the biggest crackdowns on independent voices and dissent in Iran’s modern history”. Since last year’s fraudulent presidential elections, the authorities have intensified their suppression of the media.

➤ *Iran: Journalists Under Siege*”, published by *Amnesty International*, April 2010.

[218] Journalists, editors and publishers are being detained, jailed and tortured by the regime. Under Iran’s penal code “anyone who undertakes any form of propaganda against the state” may be imprisoned for up to one year and, conveniently, the word “propaganda” is undefined. Writers are also prosecuted for national security, instigation of crimes against the state or “insulting” Islam, an offence punishable by death under Iranian criminal law.

➤ *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

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

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

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

[220] Press freedom organizations have described Iran as “the biggest jailer of journalists in the world”. Renee Redman, Executive Director of the Iran Human Rights Documentation Center reported on the situation facing journalism in a post June 2009 Iran: “Foreign journalists are essentially barred from operating within Iran. Domestic journalists are being arrested, and we

received word that many are on their way out of the country. Some have already managed to leave the country. This is not a good sign.”

- *Iran: Journalists Under Siege*, published by *Amnesty International*, April 2010.
- Redman Testimony October 2009, at 1:15 p.m.

[221] Moreover, throughout 2009, the regime issued warnings to Iranian newspapers against covering protests and human rights violations, censoring them before publication.

- *World Report 2010: Events of 2009, Iran 2009*, published by *Human Rights Watch*, January 2010.

[222] The regime has also reduced the number of foreign correspondents, barring the remainder from covering the mass opposition demonstrations following the political unrest of mid-2009.

*Iran: Journalists Under Siege*, published by *Amnesty International*, April 2010.

[223] In a post-June 2009 Iran, the international media broadcasting in Farsi have faced particular scrutiny, while their Iranian contributors were targeted. Maziar Bahari of Newsweek is a case study. Now in London, Mr. Bahari – detained, interrogated and tortured for months before his release on \$300,000 bail following last year’s protests against the fraudulent elections – was recently sentenced in absentia to over 13 years in jail and 74 lashes on absurd charges, including insulting the President and Supreme Leader. Mass “show trials” were orchestrated with foreign media – including Voice of America (VOA) and the BBC – accused of facilitating the protests and staging a “soft coup”. In January 2010 VOA and the BBC were added to a banned list of “subversive” organizations, and their satellite signals have been blocked. In fact, according to Amnesty International “...now any contribution to any overseas Persian-language broadcaster is regarded as suspicious if not seditious”.

- *Iran: Journalists Under Siege*, published by *Amnesty International*, April 2010.
- Iran Sentences Newsweek Reporter in Absentia to 13 Years in Prison, Nazila Fathi, *New York Times*, 10 May 2010.

[224] In prison, journalists have endured a broad range of human rights violations, from torture and abuse, including beatings, to lengthy solitary confinement and grossly unfair trials. Many have been detained incommunicado for long periods of time without trial or charge. Others have been sentenced to long prison terms after mass “show trials”; still others endure threats, harassment or the temporary detention of family members.

*Iran: Journalists Under Siege*”, published by *Amnesty International*, April 2010.

[225] One case study involving a journalist that encapsulates many of the most heinous human rights abuses committed by Iran involved Canadian Zahra Kazemi, who 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, brutally raped 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.
- See also Testimony of Jayne Stoyles, Executive Director, Canadian Centre for International Justice, before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 15, 2nd Session, 40th Parliament, 30 April 2009, at 12:45p.m.

[226] 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 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.

[227] As well, in an effort to further control the promulgation of contrary ideas, the regime has engaged in a prolonged attack on students and educators that has only intensified since June 2009.

[228] Students deemed critical of the regime – based on the result of a “character test” – are refused admission to universities; while students deemed antigovernment – under a ranking system – are either banned from universities or prevented from registering in future terms.

- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

[229] As discussed, those who demonstrate peacefully for democratic reform have been harassed, beaten, and intimidated by paramilitary groups; university students are being particularly targeted in this regard. The December 7, 2009 rallies marking the anniversary of the 1953 killing of three students by security forces is only one example: Security forces used excessive violence against students, with scores of protestors beaten and detained. Moreover, student activists are prevented from continuing their education through expulsion and transfer to different universities.

- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

[230] To put the abysmal human rights situation facing Iranian students into perspective, Dr. Roya Boroumand, Executive Director of the Abdorrahman Boroumand Foundation, offers the following figures:

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

imprisonment. In universities, there were 164 cases of summons, 76 expulsions, and 70 suspensions.

- Testimony of Dr. Roya Boroumand (Executive Director, Abdorrahman Boroumand Foundation), before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 24, 2<sup>nd</sup> Session, 40<sup>th</sup> Parliament, 9 June 2009 (“Boroumand Testimony June 2009”), at 12:55 p.m.

[231] Mr. Ahmad Batebi, Spokesperson for Human Rights Activists in Iran offers this telling illustration of abuses perpetrated against students, with his personal account of a peaceful protest against the government that he engaged in while a student:

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

They blindfolded us and forced us to stand on top of a chair, as if to hang us. They pulled my blindfold aside a bit so I could see what was happening to the other two. These were people who were imprisoned next to me in small cells. I saw their execution.

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

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

[232] More recently, a former Azeri student activist was arrested – security forces appearing at his home – violently beating him and confiscating his personal property.

- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

[233] Moreover, the academic freedom of Professors has been significantly limited. The regime continued to dismiss Professors in accordance with a direct order from the President in 2006 calling for the removal of liberal and secular Professors. A number of Professors were recently dismissed as part of this ongoing campaign to purge Iran's universities of dissenting voices.

- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

[234] Other Professors, as in previous years, were detained on trumped up charges of espionage or “acting against national security”, and subjected to harsh interrogation, solitary confinement and most often left to languish in prison for months on end.

- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

[235] The Iranian regime also systemically silences civil society activists. Dr. Roya Boroumand presents this illustrative testimony of the regime’s position toward activists:

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

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

[236] Moreover, the regime has set its sights on repressing the defenders of the oppressed – Iran’s human right lawyers. Since the June 12, 2009 fraudulent election, Iran’s human rights lawyers have been the target of repression – including arbitrary detentions, harassment and travel bans – while detainees are prevented from engaging prominent lawyers, or threatened against doing so.

- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.

## **G. The crackdown on cyber dissidents**

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

- *Ctrl + Alt + Delete: Iran's Response to the Internet*, published by the *Iran Human Rights Documentation Center*, May 2009 (the “IHRDC Report on Iran's Response to the Internet”), at p. 1.
- *Forced Confession: Targeting Iran's Cyber-Journalists*, published by the *Iran Human Rights Documentation Center*, September 2009 (the “IHRDC Report on Targeting Cyber-Journalists in Iran”) p.1.
- *Iran*, published by *Reporters Without Borders*, 12 March 2010.

[238] Cyber or ‘citizen’ journalists and bloggers in Iran – like the traditional media discussed above – are increasingly under siege in what Amnesty International has described as “one of the biggest crackdowns on independent voices and dissent in Iran's modern history”.

- *Iran: Journalists Under Siege*”, published by *Amnesty International*, April 2010.

[239] What was once a thriving blogosphere and effective way to avoid press censorship in Iran, has become an increasingly dangerous business. Bloggers – now targeted by the regime – are the subject of arbitrary arrest and harassment, with some forced to leave the country for their safety.

- *Iran: Journalists Under Siege*”, published by *Amnesty International*, April 2010.

[240] As Hassiba Hadj Sahraoui, Amnesty International's Deputy Director for the Middle East and North Africa explains, “[d]ozens of newspapers and websites have been closed, and scores of journalists and bloggers have been arrested and are held as prisoners of conscience or have had to

flee the country for their own safety”. According to a recent update from Reporters Without Borders, approximately 30 “netizens” have been arrested since June 2009, a dozen remain detained, and a number of bloggers and journalists have been charged with “mohareb” (warring against God) – a crime punishable by death.

- *Iran*, published by *Reporters Without Borders*, 12 March 2010.
- *Iran: Journalists Under Siege*”, published by *Amnesty International*, April 2010.

[241] Detainees suffer brutal human rights abuses at the hands of the regime, including torture, lengthy solitary confinement and forced confessions.

- *Iran: Journalists Under Siege*”, published by *Amnesty International*, April 2010.

[242] The following excerpt from the statement of Omid Memariam – a cyber-journalist – is telling:

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

They wanted me to confess to things I did not know (and still do not know) about. The case they were building against us was completely fabricated...

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

- IHRDC Report on Iran’s Response to the Internet, at p. 1.
- IHRDC Report on Targeting Cyber-Journalists in Iran, at pp. 1, 26, 30-31.

## **H. The assault on labour rights**

[243] Workers in Iran effectively have no rights and are trapped in a cycle of poverty. Independent labour unions are not permitted by the regime, and workers do not have the right to organize independently or freely negotiate collective bargaining agreements. Strikes are prohibited in the public sector under Iranian law, and the regime considers those strikes – contrary to its economic and social policies – to be illegal, including private sector strikes. “Worker’s House” is the single authorized labour organization in Iran. While “Islamic labour councils” are permitted under the oversight of Worker’s House, they represent the interests of the regime and state-owned companies; not the interests of workers.

- *2009 Human Rights Report: Iran, 2009 Country Reports on Human Rights Practices*, Bureau of Democracy, Human Rights, and Labor (United States State Department), March 2010.
- “Iran’s Oppressed Workers”, Emanuele Ottolenghi, *Commentary Magazine*, 5 May 2010,

[244] While other groups that organize themselves independently are also targeted by the regime, trade unions are particularly vulnerable. Simply put, Iranian workers are exploited as slave labour – without the right to unionize they remain powerless and poverty stricken. Workers are rarely paid, and when they are, their buying power is low given the high inflation in Iran. Further, Iranian legislation permits companies to avoid payment of social benefits to short-term workers – contract workers whose wages are already typically below the poverty line – by firing and rehiring them.

- “Iran’s Oppressed Workers”, Emanuele Ottolenghi, *Commentary Magazine*, 5 May 2010,

[245] When workers demand their most basic rights, such as their right to unpaid wages, they are routinely arrested and prosecuted by the government. Workers gathering peacefully are often attacked by security forces – the family of a worker may be harassed or the worker even killed.

- “Background information on the rights of workers in Iran”, *International Campaign for Human Rights in Iran*, March 2008.

[246] The International Campaign for Human Rights in Iran reports the following shocking examples of abuses suffered by labour activists in Iran:

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

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

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

- "Background information on the rights of workers in Iran", *International Campaign for Human Rights in Iran*, March 2008.

[247] Moreover, security forces routinely answer the public protests of workers with violent repression. The International Campaign for Human Rights in Iran provides this account:

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

textile workers in Kurdistan. In all these cases, security forces have violently broken up workers' gatherings.

- "Background information on the rights of workers in Iran", *International Campaign for Human Rights in Iran*, March 2008.

[248] Jared Genser, Director of Freedom Now, reports further examples of the abuses suffered by labor activists:

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

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

[249] Recently, the regime rounded up and detained trade unionists as an act of warning against labour protests on May Day.

- "Iran's Oppressed Workers", Emanuele Ottolenghi, *Commentary Magazine*, 5 May 2010,

## **I. The imposition of the death penalty for juveniles**

[250] Yet another shocking illustration of the Iranian regime's systemic violation of human rights is its imposition of the death penalty on juveniles. Indeed, Iran is 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. Human Rights Watch recently reported that at the end of 2009 there were at least 130 juveniles on death row, and three juveniles executed in 2009. Moreover, the NGO Stop Child Executions maintains an ongoing list of minors on death row in Iran that currently numbers 140 Iranians and 16 Afghan nationals.

- "Iran: Executions of Juvenile Offenders Rising", *Human Rights Watch* (27 August 2008).
- *World Report 2010: Events of 2009, Iran 2009*, published by *Human Rights Watch*, January 2010.



- For a current list of minors on death row in Iran from Stop Child Executions, see: [http://www.stopchildexecutions.com/index.php?option=com\\_content&view=article&id=54&Itemid=27](http://www.stopchildexecutions.com/index.php?option=com_content&view=article&id=54&Itemid=27).

[251] Joe Stork of Human Rights Watch explains this area of the law in Iran:

Iranian law allows the death penalty for persons who have reached the age of puberty, which is defined as 15 for boys and nine for girls ... [S]ince January 2005, Iran has been responsible for 26 of the 32 known executions of juvenile offenders worldwide.

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

- See Stork Testimony March 2009
- See also additional testimony before the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development (Canada), Number 06, 2nd Session, 40th Parliament, 10 March 2009.

## **J. The denial of gay/lesbian rights**

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

- “Facing Scorn, President of Iran Is Defiant to His Critics”, *New York Times*, 24 September 2007.

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

In Iran, same sex sexual acts between consenting adults are crimes. Since 1979, thousands of Iranians have been intimidated, harassed in their own homes, arrested, tortured, subjected to cruel corporal punishment, and executed. Some are diagnosed with psychological disorders while others are forced to deny their sexual orientation or induced to repent as sinners. In all cases, they are compelled to live in fear behind closed doors because of their sexual orientation or gender identities.

- “Addressing Homophobia in Iran”, *Abdorrahman Boroumand Foundation*, 17 May 2008.

#### **K. The murder of political dissidents**

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

- *Condemned by Law: Assassination of Political Dissidents Abroad*, published by the *Iran Human Rights Documentation Center*, November 2008 (the “IHRDC Report on the Assassination of Political Dissidents”) at p.2.

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

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

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

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

#### **L. The failure to provide a system of justice – show trials, forced confessions, denial of due process, absence of an independent judiciary and impunity of the Basij militia and the IRGC**

[257] Justice for dissidents is unavailable in Iran. Show trials and forced confessions are common place – the incidence of which only appear to have increased in a post-June 12, 2009

Iran. Ms. Renee Redman, Executive Director of the Iran Human Rights Documentation Center

provides this recent brutal account of “justice” in Iran:

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

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

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

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

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

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

[258] Eminent Iranian human rights lawyer and Nobel Laureate Dr. Shirin Ebadi provides this recent account of the failure of justice in Iran:

[I]n the cases for which I am their lawyer, I have never witnessed justice.

For instance, Zahra Kazemi's case has been just sitting for more than two years and nothing has been done with it. Or take the case of leaders of Bahá'í in Iran who have been in prison for over two years; nothing has been done for them. The court can very easily accept bail and release the prisoners by bail, and the request has been submitted several times, but it has never been accepted.

What the courts are doing specifically towards the political accused is totally against our laws. As a lawyer, I have repeatedly mentioned to the courts that they should not go beyond the law, but they have never paid attention.

During the past ten months, numerous people have gone to jail simply because they had opposed the results of the election. In prison, they don't have any kind of rights—even less than the regular criminals like murderers and so forth. Right now several political prisoners are on hunger strikes because of their situation.

➤ Ebadi Testimony April 2010 at 1:20 p.m.

[259] On the institutional front, the Basij police force exists purely to enforce the Iranian Government's interpretation of the Quran – for instance, ensuring that women do not dress immodestly – thus acting as the country's "morality" police. Their *de facto* powers include the authority to beat, arrest and/or torture alleged violators, the whole without any judicial scrutiny.

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

[260] The Basij were on the front line of the regime's violent assaults on the peaceful demonstrations post-June 12, 2009. The Basij are a pro-government militia controlled by the powerful IRGC – with strong ties to the regime's conservative elements.

[261] Professor Payam Akhavan, Professor of International Law at McGill University, provides this overview:

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

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

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

The Basij are not just volunteering to come and beat people; they're paid money. By some accounts, they're paid about \$200 a day for beating and stabbing people. When you have unemployed youths who are given \$200 a day, which is a lot of money, to come and beat people at will and who on occasion are allowed to rape people as a bonus, then you can see the way in which that regime of terror is

being sustained and how the structure of the economy is used to sustain this kind of authoritarian rule through terror.

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

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

[262] 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. Seen this way, the intoxicating genocidal incitement emerging from Iran today is both cause and consequence of this rights-repressing regime.

[263] Professor Payam 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.

[264] 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.

[265] 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. Indeed, international law unambiguously excludes such defences in this context. The vitriol flowing from Iran is not the voice of the Iranian people nor does not reflect their hopes and desires; it is not the expression of their freedom.

[266] Indeed, the genocidal threat must be combated. It is the perpetuation of the suffering of the Iranian people. Moreover, the regime's massive human rights violations and pursuit of nuclear weapons represent clear and distinct threats must also be combated directly.

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

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

[267] 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.

[268] 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.

[269] The U.N. 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:

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]

[270] 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.

[271] 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].

[272] 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).

[273] 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, Québec: Éditions Yvon Blais, 1997), at p. 36.

[274] 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.

[275] 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.

[276] 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.

[277] 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* to “bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security”.

[278] 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, which provides:

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].

[279] 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.

[280] 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 U.N.

[281] In brief, while the international community has been far too passive in confronting genocide before it occurs – with terrible consequences 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.

[282] 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.

[283] 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.

[284] 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 inciting to 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;

[285] 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.

[286] 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.

[287] 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.

[288] 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:

- 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.
- The tone, spirit, and context of President Ahmadinejad’s public speeches, in which crowds are exhorted to respond to his vitriolic hate with chants of “Death to Israel”.
- 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.
- 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.
- 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.

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

[290] 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.

[291] Notwithstanding the fact that Iran has not yet carried out its intended genocide, the incitement committed by President Ahmadinejad and the leadership of his Regime is no less 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 as threatening as 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.

[292] 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 governmental 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 Regime leader necessarily rises to the most incendiary level because the audience is not free to disagree with the genocidal message.

[293] 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 for 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.

[294] 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, Iran has simply used it to obtain 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.

[295] 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; rather, they are the drivers, and their repeated calls for annihilation grease the wheels of its progression.

[296] The international community now has the rare opportunity to hold the directing minds of a genocidal movement responsible under international law, before widespread loss of life occurs.

[297] 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.

[298] 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 in Article 25(3)(e). Further, 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.

[299] 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 refer the crime of genocidal incitement to the Prosecutor is such an act of suppression.



[300] 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.

[301] 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*), 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.

[302] By not 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 being sewn 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.

[303] 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.

[304] The integrity of the international legal system demands no less than that it dictates be followed by all Members, that any breaches thereof be called out, and that any perpetrators be held to account.

**B. Iran’s Violation of International Law in its Pursuit of Nuclear Weapons: A Framework for Remedy**

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

[306] More specifically, Iran continues its persistent and flagrant violation of its international obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and a number of U.N. Security Council Resolutions, which themselves implement a number of sanctions:

**Treaty on the Non-Proliferation of Nuclear Weapons (“NPT”).** The overwhelming evidence, as discussed above, indicates that Iran is developing a nuclear weapon – which is strictly prohibited under Article II of the NPT. Moreover, Article III of the NPT requires that Iran cooperate with safeguards for verification of its treaty compliance – an obligation Iran consistently flouts. Most recently, as discussed above, Iran revealed its secret construction of an enrichment site near Qom – attracting fresh condemnation by the IAEA, and embarked on a defiant and hostile course of conduct, including the significant expansion of its nuclear weapons-grade uranium enrichment capability and test firing an enhanced long range ballistic missile.

- *Treaty on the Non-Proliferation of Nuclear Weapons*, ratified by Iran on February 2, 1970, February 10, 1970 and March 5, 1970.
- See also the recent IAEA Resolution against Iran: GOV/2009/82, 27 November 2009.

**Recent IAEA Resolution.** Recently, the Board of the IAEA passed a Resolution calling upon Iran to comply with previous Security Council Resolutions and to “suspend construction at Qom”. This resolution is particularly important given Iran’s recent

disclosure of the hidden site, its ongoing failure to negotiate in good faith, and its increasingly hostile and defiance course of conduct described above.

- IAEA Resolution, GOV/2006/82, 27 November 2009.

**U.N. Security Council Resolutions.** Iran is now the subject of four U.N. Security Council resolutions imposing sanctions in respect of its nuclear program. The first three were passed between 2006 and 2008, and, among other things, require Iran to cooperate with the IAEA's monitoring of its nuclear program by suspending its uranium enrichment and reprocessing activities, including research and development. The resolutions also implement a set of targeted sanctions under the U.N. Security Council's mandate to preserve international peace and security, including: a ban on "the supply, sale or transfer directly or indirectly from their territories or by their nationals" of specific classes of "items, goods and technology which could contribute to Iran's enrichment-related, reprocessing [...] or to the development of nuclear weapon delivery systems"; a restriction on the sale of weapons to Iran; a ban on the export of weapons from Iran; a prohibition on the provision of financial assistance to Iran, unless the assistance is for humanitarian purposes; and, the imposition of a travel ban and financial asset freeze on a list of individuals and entities.

On June 9, 2010, the U.N. Security Council passed a fourth round of sanctions, as set forth earlier, which, among other things, call upon states 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; and to prohibit issuing licenses to Iranian banks in their jurisdiction with suspected links to nuclear proliferation. The new

Resolution 1929 (2010) also bans the sale of conventional military hardware to Iran – from tanks, to attack helicopters and warships; bans Iran from activities associated with the development of missiles with the capacity to carry nuclear warheads; and extends the asset freeze against 40 new companies, 15 of which are linked to the IRGC, three of which are linked to Iran’s major state-owned shipping company – the Islamic Republic of Iran Shipping Lines – while imposing a travel ban on 40 individuals previously subject only to an asset freeze.

- See the U.N. Security Council Resolutions imposing sanctions against Iran: S/RES/1737 (2006), S/RES/1747 (2007), S/RES/1803 (2008) and S/RES/1929 (2010).

### **C. Iran’s Violation of International Law in the Matter of its Massive Human Rights Abuses: A Framework for Remedy**

[307] The foregoing evidence demonstrates that the Iranian government has persistently and flagrantly violated its obligations under international human rights law – and the situation only continues to worsen.

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

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

- Office of the High Commissioner for Human Rights, “What are Human Rights?”.

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

**The International Covenant on Civil and Political Rights (“ICCPR”).** Rights guaranteed under the ICCPR and violated by Iran include: the rights to freedom of expression (Article 19), assembly (Article 21) and association, which includes “the right to form and join trade unions for the protection of his interests” (Article 22); the right to life and the associated right not to be arbitrarily deprived of one’s life (Article 6); the right not to be sentenced to death for a crime committed while minor (Article 6); the right to due process under the law (Article 9); the right to equality before and under the law “on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 26); and the right not to be tortured or subjected to other “cruel, inhuman or degrading treatment or punishment” (Article 7).

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

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

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

**The Convention on the Elimination of Racial Discrimination (“CERD”).** By way of example, Iran has systematically violated its undertaking under CERD not to engage in any “act or practice of racial discrimination against persons, groups of persons or

institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation” (Article 2). The problem of racial discrimination in Iran is particularly dramatized in the treatment of the Azeris, the Baluchis and the Kurds, as discussed above.

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

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

- *The Convention on the Rights of the Child*, ratified by Iran on July 13, 1994. While Iran expressed a reservation upon ratification of the CRC (which states that, “The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect”), it is to be noted that Austria, Denmark, Finland, Germany, Ireland, Italy, the Netherlands, Norway, Portugal and Sweden all object to the validity of the reservation on the basis that it is both overly broad and inconsistent with the purpose of the CRC. Reservation.

[310] Iran’s international legal obligations include both treaty obligations and its obligations under customary international law, which impose a prohibition against the commission of crimes against humanity by states and their officials. Such crimes against humanity refer to a series of prohibited acts when committed as part as a widespread or systematic attack directed at any civilian population – pursuant to or in furtherance of a State or organizational policy to commit such attack – and with knowledge of the attack.

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

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

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

[312] The United Nations General Assembly has annually responded to Iran's egregious violations through Resolutions expressing "*deep concern*" at the ongoing systematic violations of human rights and fundamental freedoms," and expressing 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, discrimination, and the like.

➤ See for example, U.N. General Assembly Resolution, A/RES/63/191 (24 February 2009).

[313] Most recently, on March 26, 2010, the United Nations General Assembly adopted Resolution 64/176, which not only expresses "deep concern regarding the serious ongoing and recurring human rights violations in" Iran, but also expresses particular concern regarding the "rise in human rights violations" since the fraudulent elections of June 12, 2009.

➤ U.N. General Assembly Resolution, A/RES/64/176 (26 March 2010).

[314] **The U.N. General Assembly expressed its "deep concerns" regarding the ongoing and recurring human rights violations in Iran including:**

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing high incidence and increase in the rate of executions carried out in the absence of internationally recognized safeguards, including public executions and executions of juveniles;

(c) Stoning as a method of execution

(d) Arrests, violent repression and sentencing of women exercising their right to peaceful assembly; a campaign of intimidation against women's human rights

defenders; and continuing discrimination against women and girls in law and in practice;

(e) Increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise ... and, in particular, attacks on Baha'is and their faith in State-sponsored media ... and the continuing detention of seven Baha'i leaders who were arrested in March and May 2008 and faced with serious charges without adequate or timely access to legal representation;

(f) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including those imposed on the media, Internet users and trade unions, and increasing harassment, intimidation and persecution of political opponents and human rights defenders from all sectors of Iranian society, including arrests and violent repression of labour leaders, labour members peacefully assembling and students, noting in particular the forced closure of the Defenders of Human Rights Centre and the subsequent arrest and harassment of a number of its staff;

(g) Severe limitations and restrictions on freedom of religion and belief, including arbitrary arrest, indefinite detention and lengthy jail sentences for those exercising their right to freedom of religion or belief;

(h) Persistent failure to uphold due process of law rights, and violation of the rights of detainees, including defendants held without charge or held incommunicado, the systematic and arbitrary use of prolonged solitary confinement, and lack of timely access to legal representation

**[315] In particular, the U.N. General Assembly Resolution of March 26, 2010 expressed its serious concern regarding the intensification of massive repressive since the fraudulent elections of June 2009, including:**

(a) Harassment, intimidation and persecution, including by arbitrary arrest, detention or disappearance, of opposition members, journalists and other media representatives, bloggers, lawyers, clerics, human rights defenders, academics, students and others exercising their rights to peaceful assembly and association and freedom of opinion and expression, resulting in numerous deaths and injuries;

(b) Use of violence and intimidation by Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of freedom of association, also resulting in numerous deaths and injuries;

(c) Interfering in the right to a fair trial by, inter alia, holding mass trials and denying defendants access to adequate legal representation, resulting in death sentences and lengthy jail sentences for some individuals;

(d) Reported use of forced confessions and abuse of prisoners including, inter alia, rape and torture;

(e) Escalation in the rate of executions in the months following the election;



(f) Further restrictions on freedom of expression, including severe restrictions on media coverage of public demonstrations and the disruption of telecommunications and Internet technology and the forcible closure of the offices of several organizations involved in the investigation of the situation of persons imprisoned following the election;

(g) Arbitrary arrest and detention of employees of foreign embassies in Tehran, thereby unduly interfering with the performance of the functions of those missions in a manner inconsistent with the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations

- U.N. General Assembly Resolution, A/RES/64/176 (26 March 2010). Available under Appendix I.

[316] While dialogue may proceed between the Iranian regime and other governments, it is essential that governments clearly indicate that “business as usual” cannot proceed while massive human rights abuses are both ongoing and intensifying.

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009.
- See also “Setting the Sanctions Agenda”, Emanuele Ottolenghi, *The Journal of International Security Affairs*, April 5, 2010.

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

**Regularly display public disapproval of the Iranian regime and its leadership.**

Governments may refuse to schedule high level meetings with the Iranian leadership at summits and conferences they host, and may walk out on speeches delivered by the Iranian leadership at international organizations, such as the U.N. General Assembly.

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009.

**Provide moral and diplomatic support for the democratic movement in Iran.**

Governments may provide moral and or diplomatic support for groups documenting human rights abuses in Iran, including lesser known activists, those in more remote areas

or in exile, and journalists – both in Iran and in exile; publicly call for the Iranian government to grant access to human rights NGOs; draw public attention to government crackdowns and the underlying human rights abuses that trigger the dissent to which they respond; take high profile actions in support of Iranian dissidents during visits by top Iranian officials - such as visits to New York to attend the U.N. General Assembly (for example, by renaming a street in front of an Iranian embassy or consulate in honour of a dissident); and ensure that any visits to Iran by government officials, although rare, include meetings with prominent Iranian dissidents, with broad media exposure where possible (and the meetings should be part of the official visit such that the visit would be cancelled if the regime attempted to block the meeting).

- Boroumand Testimony June 2009, at 1:10 p.m.
- Genser Testimony March 2009, at 12:45 p.m.
- Stork Testimony March 2009, at 12:55 p.m.
- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009.
- “Setting the Sanctions Agenda”, Emanuele Ottolenghi, *The Journal of International Security Affairs*, April 5, 2010.

**Impose severe limits on the number and nature of visits by Iranian leaders.** Meetings between Iranian leaders and high level government officials should only be permitted rarely, and the scope and extent of their visits should be severely limited. Any business delegation accompanying a leader should be denied entry visas.

- Boroumand Testimony June 2009, at 1:10 p.m.
- Genser Testimony March 2009, at 12:45 p.m.
- Stork Testimony March 2009, at 12:55 p.m.
- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009.
- “Setting the Sanctions Agenda”, Emanuele Ottolenghi, *The Journal of International Security Affairs*, April 5, 2010.

**Raise the massive human rights abuses in Iran as a priority issue on the agenda during any bilateral meetings with Iran.** Governments and their diplomats should be armed with demands regarding specific cases of human rights abuses in Iran rather than relying exclusively on generic demands for greater rights and freedoms. Iranian officials should be provided with a deadline for action on specific cases and told that not meeting the deadline will provoke a specific response. By way of example, equipped with a list of names, demands could include the re-opening of specific newspapers and magazines shut down after the fraudulent elections of June 2009, the release of political prisoners, and statements of condemnation at the meeting of an inter-governmental organization. It should be clear that punitive diplomatic and economic measures will accompany non-compliance.

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009.
- “Setting the Sanctions Agenda”, Emanuele Ottolenghi, *The Journal of International Security Affairs*, April 5, 2010.

**Coordinate the imposition of travel bans and asset freezes on Iranian officials.** These actions would supplement existing restrictions imposed by the United Nations Security Council in respect of Iranians involved in Iran’s nuclear and missile programs (Resolutions 1737, 1747, 1803 and 1929). In particular, a travel ban should be imposed on all Iranians suspected of playing a role in the 1994 bombing in Buenos Aires – including those not appearing on the Interpol warrant list. Moreover, existing lists should be extended to lower levels in the regime and the IRGC – particularly those responsible for the recent domestic repression.

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009.
- “Setting the Sanctions Agenda”, Emanuele Ottolenghi, *The Journal of International Security Affairs*, April 5, 2010.

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

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009.

**Reduce high-level interaction with Iranian officials and terminate visits at the ministry level.** For example, politicians – particularly EU Parliamentarians – should refrain from all official visits to the Iranian *majlis*, and invitations to Iranian officials should be made conditional upon effective actions taken by the Iranian government to improve the human rights situation in Iran. Moreover, governments that still have embassies in Tehran should recall their ambassadors, leaving chargé d’affaires in their place.

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009.

**Declare the principal officials of the Iranian regime responsible for massive human rights abuses – including members of the Basij militia and the Revolutionary Guard – inadmissible.** In respect to non-official travel, visas and transit rights should be denied these officials and military personnel.

- “Targeting Human Rights Abuse in Iran: A Postelection Strategy”, Emanuele Ottolenghi, PolicyWatch #1550, *Washington Institute for Near East Policy*, July 15, 2009.
- Akhavan Testimony October 2009, at 1:25 p.m.

**Use multilateral interventions to keep the massive human rights abuses in Iran on the international agenda.** Multilateral interventions may include efforts to obtain support for the adoption of Resolutions on the human rights abuses in Iran at the U.N.

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

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

**Demand Iran’s compliance with U.N. General Assembly Resolution 64/176 (2010), calling for an end to its massive domestic repression.** In particular, U.N. General Assembly Resolution 64/176 (2010) calls on Iran to *inter alia* eliminate all draconian punishments and other forms of torture and abuse; put an end to 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; to eliminate, in law and practice, all forms of discrimination and human rights abuses against women and girls, and against religious, ethnic, linguistic and other minorities; to provide the 7 Baha’i leaders imprisoned since 2008 the rights of due process guaranteed under Iranian law; to ensure equal treatment and protection of the law for the Baha’i minority; and “[t]o end the harassment, intimidation, and persecution of political opponents, human rights defenders, students, academics, journalists, other media representatives, bloggers, clerics and lawyers”; to release all political prisoners; and end the culture of impunity.

- U.N. General Assembly Resolution, A/RES/64/176 (26 March 2010). Available under Appendix I.

**Ensure that the Iranian regime and its officials are not protected from civil lawsuits by state immunity.** Where possible governments should ensure that the Iranian regime and its officials who are complicit in acts of torture, terror and other international crimes are not protected from civil lawsuits. By way of example, there is currently an exception in Canada’s State Immunity Act for commercial activity, but there is not an exception for torture, crimes against humanity, terror and other international crimes. Simply put,

Canada's State Immunity Act unconscionably favours the Iranian regime and its officials, over Canadians who are its victims. It removes immunity with respect to commercial transactions but it retains immunity with respect to torture and other such crimes. Where appropriate, governments should seek to rectify this inversion of rights and remedy; this inversion of law and morality.

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

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

[318] 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 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 also 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 objectives. 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.

As noted earlier in this report, States should not only implement and enforce this most recent U.N. Security Council Resolution, but must go beyond it, through measures including: the blacklisting of Iran's Central Bank; a bank embedded in both Iran's nuclear proliferation and support for terrorism – as well as prohibiting foreign investment in the Iranian bond market were not achieved; imposing a broad embargo on the supply of arms to Iran and ordering the complete suspension of its ballistic missile program; imposing a complete travel ban and asset freeze on the

IRGC, its members, supporters, front businesses and affiliate groups; and banning assistance to or investment in Iran's oil and gas sectors – including a ban on insurance for fuel imports and exports.

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 therefore 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 debared 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 or nuclear weaponization.** 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.

**VIII. PETITION FOR ACTION: A FRAMEWORK FOR SPECIFIC REMEDY AND REDRESS  
BY INTER-GOVERNMENTAL BODIES, THEIR OFFICIALS, AND STATE PARTIES  
TO THE GENOCIDE CONVENTION**

[319] 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 clear and present danger posed by Iran, in particular its pursuit of a nuclear weapons program in standing violation of U.N. Security Council Resolutions and international law; its state-sanctioned culture of hate and incitement; its terrorist sponsorship; and, its massive domestic human rights violations, the whole threatening international peace and security pursuant to Article 99 of the *Charter of the United Nations*.

***That State Parties to the Genocide Convention:***

RESPECT their obligation to prevent the future occurrence of genocide;

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

BRING to the attention of the Security Council the situation in Iran, and in particular its culture of hate, its state-sanctioned incitement to genocide, and its 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 U.N Security Council impose targeted sanctions on Iran that are linked not only to the suspension of its nuclear program, but also to its progress in rooting out its incitement to hatred and genocide;

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



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 state-sanctioned incitement to hate and genocide

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

CONDEMN Iran for its promotion of Holocaust denial;

CONDEMN Iran for its sponsorship of terrorist organizations;

IMPOSE targeted sanctions on Iran that are linked not only to suspension of its nuclear program, but also to its progress in ceasing and desisting from incitement to genocide, and ceasing and desisting from its massive human rights violations;

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

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

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

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

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

INVESTIGATE the genocidal threat posed by Iran;

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

***That the Special Adviser on the Responsibility to Protect:***

ADVISE 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 state-sanctioned incitement to hate and genocide

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

CONDEMN Iran for its promotion of Holocaust denial;

CONDEMN Iran for its sponsorship of terrorist organizations.

***That the High Commissioner for Human Rights:***

CALL UPON Iran to end its state-sanctioned incitement to hate and genocide

CALL UPON Iran to cease and desist from its massive domestic human rights violations, and in particular, its widespread and systematic attacks on the civilian population, including executions, killing, torture; assault on women; pervasive assaults on the Baha'i community; repression of religious and ethnic minorities; murder of political dissidents; criminalized assaults on speech, assembly and association;

arbitrary arrests, detentions, forced confessions and show trials – and in particular the escalation of abuses since the June 12, 2009 presidential elections – including the death and injury of citizens and opposition members attempting to exercise their rights to freedom of expression; the use of intimidation and violence by the Basij militia, the abuse of prisoners, including torture, rape and forced confessions, and the severe restriction of media coverage on the events;

CONDEMN Iran for its promotion of Holocaust denial;

CONDEMN Iran for its sponsorship of terrorist organizations.

***That the European Union:***

CALL UPON Iran to end its state-sanctioned incitement to hate and genocide

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

CONDEMN Iran for its promotion of Holocaust denial;

CONDEMN Iran for its sponsorship of terrorist organizations;

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

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

## **Appendix I: The Genocide Convention**

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*Adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948.*

### **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 3 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 3.

### **Article 6**

Persons charged with genocide or any of the other acts enumerated in Article 3 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 3 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 3.

#### **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 any of the other acts enumerated in Article 3, 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 non-member 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 of it 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 11 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 all Members of the United Nations and to the non-member States contemplated in Article 11.

#### **Article 19**

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

## Appendix II: UN General Assembly Resolution A/RES/64/176 (2010)

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### Resolution adopted by the General Assembly

[on the report of the Third Committee (A/64/439/Add.3)]

#### 64/176. Situation of human rights in the Islamic Republic of Iran

*The General Assembly,*

*Guided* by the Charter of the United Nations, as well as the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments,

*Recalling* its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 63/191 of 18 December 2008,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 63/191, which highlights many areas of continuing concern with respect to the promotion and protection of human rights in the Islamic Republic of Iran and notes with particular concern negative developments in the area of civil and political rights since June 2008, and which discusses some positive achievements with respect to economic and social indicators;

2. *Expresses deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

- (a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;
- (b) The continuing high incidence and increase in the rate of executions carried out in the absence of internationally recognized safeguards, including public executions and executions of juveniles;
- (c) Stoning as a method of execution and persons in prison who continue to face sentences of execution by stoning, notwithstanding a circular from the head of the judiciary prohibiting stoning;
- (d) Arrests, violent repression and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women's human rights defenders, and continuing discrimination against women and girls in law and in practice;
- (e) Increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, including, inter alia, Arabs, Azeris, Baluchis, Kurds, Christians, Jews, Sufis and Sunni Muslims and their defenders, and, in particular, attacks on Baha'is and their faith in State-sponsored media, increasing evidence of efforts by the State to identify, monitor and arbitrarily detain Baha'is, preventing members of the Baha'I faith from attending university and from sustaining themselves economically, and the continuing detention of seven Baha'i leaders who were arrested in March and May 2008 and faced with serious charges without adequate or timely access to legal representation;
- (f) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including those imposed on the media, Internet users and trade unions, and increasing harassment, intimidation and persecution of political opponents and human rights defenders from all sectors of Iranian society, including arrests and violent repression of labour leaders, labour members peacefully assembling and students, noting in particular the forced closure of the Defenders of Human Rights Centre and the subsequent arrest and harassment of a number of its staff;
- (g) Severe limitations and restrictions on freedom of religion and belief, including arbitrary arrest, indefinite detention and lengthy jail sentences for those exercising their right to freedom of religion or belief;

(h) Persistent failure to uphold due process of law rights, and violation of the rights of detainees, including defendants held without charge or held incommunicado, the systematic and arbitrary use of prolonged solitary confinement, and lack of timely access to legal representation;

3. *Also expresses particular concern* at the response of the Government of the Islamic Republic of Iran following the presidential election of 12 June 2009 and the concurrent rise in human rights violations including, inter alia:

(a) Harassment, intimidation and persecution, including by arbitrary arrest, detention or disappearance, of opposition members, journalists and other media representatives, bloggers, lawyers, clerics, human rights defenders, academics, students and others exercising their rights to peaceful assembly and association and

freedom of opinion and expression, resulting in numerous deaths and injuries;

(b) Use of violence and intimidation by Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of freedom of association, also resulting in numerous deaths and injuries;

(c) Interfering in the right to a fair trial by, inter alia, holding mass trials and denying defendants access to adequate legal representation, resulting in death sentences and lengthy jail sentences for some individuals;

(d) Reported use of forced confessions and abuse of prisoners including, inter alia, rape and torture;

(e) Escalation in the rate of executions in the months following the election;

(f) Further restrictions on freedom of expression, including severe restrictions on media coverage of public demonstrations and the disruption of telecommunications and Internet technology and the forcible closure of the offices of several organizations involved in the investigation of the situation of persons imprisoned following the election;

(g) Arbitrary arrest and detention of employees of foreign embassies in Tehran, thereby unduly interfering with the performance of the functions of those missions in a manner inconsistent with the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations;

4. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the report of the Secretary-General and the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, pursuant to its obligations under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights,<sup>2</sup> executions of persons who at the time of their offence were under the age of 18;

(d) To abolish the use of stoning as a method of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that access of minorities to education and employment is on par with that of all Iranians;

(g) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance, which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community, and also to accord the seven Baha'i leaders held since 2008 the due process of law rights they are constitutionally guaranteed, including the right to adequate legal representation and the right to a fair trial;

(h) To end the harassment, intimidation and persecution of political opponents and human rights defenders, students, academics, journalists, other media representatives, bloggers, clerics and



lawyers, including by releasing persons imprisoned arbitrarily or on the basis of their political views, including those detained following the presidential election of 12 June 2009;

(i) To uphold due process of law rights, to end impunity for human rights violations, and to launch a credible, impartial and independent investigation into the allegations of post-presidential election human rights violations;

5. *Further calls upon* the Government of the Islamic Republic of Iran to redress its inadequate record of cooperation with international human rights mechanisms by, inter alia, reporting pursuant to its obligations to the treaty bodies of the instruments to which it is a party and cooperating fully with all international human rights mechanisms, and encourages the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

6. *Expresses deep concern* that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in four years and has not answered numerous communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations, particularly those arising since 12 June 2009, can be conducted;

7. *Invites* the thematic special procedures mandate holders to pay particular attention to the human rights situation in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, with a view to investigating and reporting on the various human rights violations that have arisen since 12 June 2009;

8. *Requests* the Secretary-General to report to it at its sixty-fifth session on the progress made in the implementation of the present resolution;

9. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-fifth session under the item entitled

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

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#### **Resolution 1696 (2006)**

**Adopted by the Security Council at its 5500th meeting, on 31 July 2006**

*The Security Council,*

*Recalling* the Statement of its President, S/PRST/2006/15, of 29 March 2006,

*Reaffirming* its commitment to the Treaty on the Non-proliferation of Nuclear Weapons, and recalling the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

*Noting* with serious concern the many reports of the IAEA Director General and resolutions of the IAEA Board of Governors related to Iran's nuclear programme, reported to it by the IAEA Director General, including IAEA Board resolution GOV/2006/14,

*Noting* with serious concern that the IAEA Director General's report of 27 February 2006 (GOV/2006/15) lists a number of outstanding issues and concerns on Iran's nuclear programme, including topics which could have a military nuclear dimension, and that the IAEA is unable to conclude that there are no undeclared nuclear materials or activities in Iran,

*Noting* with serious concern the IAEA Director General's report of 28 April 2006 (GOV/2006/27) and its findings, including that, after more than three years of Agency efforts to seek clarity about all aspects of Iran's nuclear programme, the existing gaps in knowledge continue to be a matter of concern, and that the IAEA is unable to make progress in its efforts to provide assurances about the absence of undeclared nuclear material and activities in Iran,

*Noting* with serious concern that, as confirmed by the IAEA Director General's report of 8 June 2006 (GOV/2006/38) Iran has not taken the steps required of it by the IAEA Board of Governors, reiterated by the Council in its statement of 29 March and which are essential to build confidence, and in particular Iran's decision to resume enrichment-related activities, including research and development, its recent expansion of and announcements about such activities, and its continued suspension of cooperation with the IAEA under the Additional Protocol,

*Emphasizing* the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran's nuclear programme is exclusively for peaceful purposes, and *noting* that such a solution would benefit nuclear non-proliferation elsewhere,

*Welcoming* the statement by the Foreign Minister of France, Philippe Douste-Blazy, on behalf of the Foreign Ministers of China, France, Germany, the Russian Federation, the United Kingdom, the United States and the High Representative of the European Union, in Paris on 12 July 2006 (S/2006/573),

*Concerned* by the proliferation risks presented by the Iranian nuclear programme, *mindful* of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and *being determined* to prevent an aggravation of the situation,

*Acting* under Article 40 of Chapter VII of the Charter of the United Nations in order to make mandatory the suspension required by the IAEA,

1. *Calls upon* Iran without further delay to take the steps required by the IAEA Board of Governors in its resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions;
2. *Demands*, in this context, that Iran shall suspend all enrichment-related and reprocessing activities, including research and development, to be verified by the IAEA;
3. *Expresses* the conviction that such suspension as well as full, verified Iranian compliance with the requirements set out by the IAEA Board of Governors, would contribute to a diplomatic, negotiated solution that guarantees Iran's nuclear programme is for exclusively peaceful purposes, *underlines* the willingness of the international community to work positively for such a solution, *encourages* Iran, in conforming to the above provisions, to re-engage with the international community and with the IAEA, and *stresses* that such engagement will be beneficial to Iran;
4. *Endorses*, in this regard, the proposals of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union's High Representative, for a long-term comprehensive arrangement which would allow for the development of relations and cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme (S/2006/521);
5. *Calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent the transfer of any items, materials, goods and technology that could contribute to Iran's enrichment-related and reprocessing activities and ballistic missile programmes;
6. *Expresses* its determination to reinforce the authority of the IAEA process, strongly supports the role of the IAEA Board of Governors, *commends and encourages* the Director General of the IAEA and its secretariat for their ongoing professional and impartial efforts to resolve all remaining outstanding issues in Iran within the framework of the Agency, *underlines* the necessity of the IAEA continuing its work to clarify all outstanding issues relating to Iran's nuclear programme, and *calls upon* Iran to act in accordance with the provisions of the Additional Protocol and to implement without delay all transparency measures as the IAEA may request in support of its ongoing investigations;
7. *Requests* by 31 August a report from the Director General of the IAEA primarily on whether Iran has established full and sustained suspension of all activities mentioned in this resolution, as well as on the process of Iranian compliance with all the steps required by the IAEA Board and with the above provisions of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;
8. *Expresses* its intention, in the event that Iran has not by that date complied with this resolution, then to adopt appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with this resolution and the requirements of the IAEA, and *underlines* that further decisions will be required should such additional measures be necessary;
9. *Confirms* that such additional measures will not be necessary in the event that Iran complies with this resolution;
10. *Decides* to remain seized of the matter.

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

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### Resolution 1737 (2006)

**Adopted by the Security Council at its 5612th meeting, on 23 December 2006**

*The Security Council,*

*Recalling* the Statement of its President, S/PRST/2006/15, of 29 March 2006, and its resolution 1696 (2006) of 31 July 2006,

*Reaffirming* its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, and recalling the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

*Reiterating* its serious concern over the many reports of the IAEA Director General and resolutions of the IAEA Board of Governors related to Iran's nuclear programme, reported to it by the IAEA Director General, including IAEA Board resolution GOV/2006/14,

*Reiterating* its serious concern that the IAEA Director General's report of 27 February 2006 (GOV/2006/15) lists a number of outstanding issues and concerns on Iran's nuclear programme, including topics which could have a military nuclear dimension, and that the IAEA is unable to conclude that there are no undeclared nuclear materials or activities in Iran,

*Reiterating* its serious concern over the IAEA Director General's report of 28 April 2006 (GOV/2006/27) and its findings, including that, after more than three years of Agency efforts to seek clarity about all aspects of Iran's nuclear programme, the existing gaps in knowledge continue to be a matter of concern, and that the IAEA is unable to make progress in its efforts to provide assurances about the absence of undeclared nuclear material and activities in Iran,

*Noting* with serious concern that, as confirmed by the IAEA Director General's reports of 8 June 2006 (GOV/2006/38), 31 August 2006 (GOV/2006/53) and 14 November 2006 (GOV/2006/64), Iran has not established full and sustained suspension of all enrichment-related and reprocessing activities as set out in resolution 1696 (2006), nor resumed its cooperation with the IAEA under the Additional Protocol, nor taken the other steps required of it by the IAEA Board of Governors, nor complied with the provisions of Security Council resolution 1696 (2006) and which are essential to build confidence, and *deploring* Iran's refusal to take these steps,

*Emphasizing* the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran's nuclear programme is exclusively for peaceful purposes, and *noting* that such a solution would benefit nuclear non-proliferation elsewhere, and *welcoming* the continuing commitment of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union's High Representative to seek a negotiated solution,

*Determined* to give effect to its decisions by adopting appropriate measures to persuade Iran to comply with resolution 1696 (2006) and with the requirements of the IAEA, and also to constrain Iran's development of sensitive technologies in support of its nuclear and missile programmes, until such time as the Security Council determines that the objectives of this resolution have been met,

*Concerned* by the proliferation risks presented by the Iranian nuclear programme and, in this context, by Iran's continuing failure to meet the requirements of the IAEA Board of Governors and to comply with the

provisions of Security Council resolution 1696 (2006), *mindful* of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

*Acting* under Article 41 of Chapter VII of the Charter of the United Nations,

1. *Affirms* that Iran shall without further delay take the steps required by the IAEA Board of Governors in its resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions;

2. *Decides*, in this context, that Iran shall without further delay suspend the following proliferation sensitive nuclear activities:

- (a) all enrichment-related and reprocessing activities, including research and development, to be verified by the IAEA; and
- (b) work on all heavy water-related projects, including the construction of a research reactor moderated by heavy water, also to be verified by the IAEA;

3. *Decides* that all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of all items, materials, equipment, goods and technology which could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems, namely:

- (a) those set out in sections B.2, B.3, B.4, B.5, B.6 and B.7 of INFCIRC/254/Rev.8/Part 1 in document S/2006/814;
- (b) those set out in sections A.1 and B.1 of INFCIRC/254/Rev.8/Part 1 in document S/2006/814, except the supply, sale or transfer of:
  - (i) equipment covered by B.1 when such equipment is for light water reactors;
  - (ii) low-enriched uranium covered by A.1.2 when it is incorporated in assembled nuclear fuel elements for such reactors;
- (c) those set out in document S/2006/815, except the supply, sale or transfer of items covered by 19.A.3 of Category II;
- (d) any additional items, materials, equipment, goods and technology, determined as necessary by the Security Council or the Committee established by paragraph 18 below (herein "the Committee"), which could contribute to enrichment-related, or reprocessing, or heavy water-related activities, or to the development of nuclear weapon delivery systems;

4. *Decides* that all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of the following items, materials, equipment, goods and technology:

- (a) those set out in INFCIRC/254/Rev.7/Part2 of document S/2006/814 if the State determines that they would contribute to enrichment-related, reprocessing or heavy water-related activities;
- (b) any other items not listed in documents S/2006/814 or S/2006/815 if the State determines that they would contribute to enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems;
- (c) any further items if the State determines that they would contribute to the pursuit of activities related to other topics about which the IAEA has expressed concerns or identified as outstanding;

5. *Decides* that, for the supply, sale or transfer of all items, materials, equipment, goods and technology covered by documents S/2006/814 and S/2006/815 the export of which to Iran is not prohibited by subparagraphs 3 (b), 3 (c) or 4 (a) above, States shall ensure that:

- (a) the requirements, as appropriate, of the Guidelines as set out in documents S/2006/814 and S/2006/985 have been met; and
- (b) they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item; and
- (c) they notify the Committee within ten days of the supply, sale or transfer; and

(d) in the case of items, materials, equipment, goods and technology contained in document S/2006/814, they also notify the IAEA within ten days of the supply, sale or transfer;

6. *Decides* that all States shall also take the necessary measures to prevent the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the prohibited items, materials, equipment, goods and technology specified in paragraphs 3 and 4 above;

7. *Decides* that Iran shall not export any of the items in documents S/2006/814 and S/2006/815 and that all Member States shall prohibit the procurement of such items from Iran by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of Iran;

8. *Decides* that Iran shall provide such access and cooperation as the IAEA requests to be able to verify the suspension outlined in paragraph 2 and to resolve all outstanding issues, as identified in IAEA reports, and *calls upon* Iran to ratify promptly the Additional Protocol;

9. *Decides* that the measures imposed by paragraphs 3, 4 and 6 above shall not apply where the Committee determines in advance and on a case-by-case basis that such supply, sale, transfer or provision of such items or assistance would clearly not contribute to the development of Iran's technologies in support of its proliferation sensitive nuclear activities and of development of nuclear weapon delivery systems, including where such items or assistance are for food, agricultural, medical or other humanitarian purposes, provided that:

- (a) contracts for delivery of such items or assistance include appropriate end-user guarantees; and
- (b) Iran has committed not to use such items in proliferation sensitive nuclear activities or for development of nuclear weapon delivery systems;

10. *Calls upon* all States to exercise vigilance regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, and *decides* in this regard that all States shall notify the Committee of the entry into or transit through their territories of the persons designated in the Annex to this resolution (herein "the Annex"), as well as of additional persons designated by the Security Council or the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities and for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 above, except where such travel is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) above;

11. *Underlines* that nothing in the above paragraph requires a State to refuse its own nationals entry into its territory, and that all States shall, in the implementation of the above paragraph, take into account humanitarian considerations as well as the necessity to meet the objectives of this resolution, including where Article XV of the IAEA Statute is engaged;

12. *Decides* that all States shall freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of this resolution or at any time thereafter, that are owned or controlled by the persons or entities designated in the Annex, as well as those of additional persons or entities designated by the Security Council or by the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them, including through illicit means, and that the measures in this paragraph shall cease to apply in respect of such persons or entities if, and at such time as, the Security Council or the Committee removes them from the Annex, and *decides further* that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of these persons and entities;

13. *Decides* that the measures imposed by paragraph 12 above do not apply to funds, other financial assets or economic resources that have been determined by relevant States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee;

(c) to be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraphs 10 and 12 above, and has been notified by the relevant States to the Committee;

(d) to be necessary for activities directly related to the items specified in subparagraphs 3 (b) (i) and (ii) and have been notified by the relevant States to the Committee;

14. *Decides* that States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 12 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

15. *Decides* that the measures in paragraph 12 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such person or entity, provided that the relevant States have determined that:

(a) the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in paragraphs 3, 4 and 6 above;

(b) the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 12 above; and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorization;

16. *Decides* that technical cooperation provided to Iran by the IAEA or under its auspices shall only be for food, agricultural, medical, safety or other humanitarian purposes, or where it is necessary for projects directly related to the items specified in subparagraphs 3 (b) (i) and (ii) above, but that no such technical cooperation shall be provided that relates to the proliferation sensitive nuclear activities set out in paragraph 2 above;

17. *Calls upon* all States to exercise vigilance and prevent specialized teaching or training of Iranian nationals, within their territories or by their nationals, of disciplines which would contribute to Iran's proliferation sensitive nuclear activities and development of nuclear weapon delivery systems;

18. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

(a) to seek from all States, in particular those in the region and those producing the items, materials, equipment, goods and technology referred to in paragraphs 3 and 4 above, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 3, 4, 5, 6, 7, 8, 10 and 12 of this resolution and whatever further information it may consider useful in this regard;

- (b) to seek from the secretariat of the IAEA information regarding the actions taken by the IAEA to implement effectively the measures imposed by paragraph 17 of this resolution and whatever further information it may consider useful in this regard;
- (c) to examine and take appropriate action on information regarding alleged violations of measures imposed by paragraphs 3, 4, 5, 6, 7, 8, 10 and 12 of this resolution;
- (d) to consider and decide upon requests for exemptions set out in paragraphs 9, 13 and 15 above;
- (e) to determine as may be necessary additional items, materials, equipment, goods and technology to be specified for the purpose of paragraph 3 above;
- (f) to designate as may be necessary additional individuals and entities subject to the measures imposed by paragraphs 10 and 12 above;
- (g) to promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution and include in such guidelines a requirement on States to provide information where possible as to why any individuals and/or entities meet the criteria set out in paragraphs 10 and 12 and any relevant identifying information;
- (h) to report at least every 90 days to the Security Council on its work and on the implementation of this resolution, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 3, 4, 5, 6, 7, 8, 10 and 12 above;

19. *Decides* that all States shall report to the Committee within 60 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 3, 4, 5, 6, 7, 8, 10, 12 and 17 above;

20. *Expresses* the conviction that the suspension set out in paragraph 2 above as well as full, verified Iranian compliance with the requirements set out by the IAEA Board of Governors, would contribute to a diplomatic, negotiated solution that guarantees Iran's nuclear programme is for exclusively peaceful purposes, *underlines* the willingness of the international community to work positively for such a solution, *encourages* Iran, in conforming to the above provisions, to re-engage with the international community and with the IAEA, and *stresses* that such engagement will be beneficial to Iran;

21. *Welcomes* the commitment of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union's High Representative, to a negotiated solution to this issue and encourages Iran to engage with their June 2006 proposals (S/2006/521), which were endorsed by the Security Council in resolution 1696 (2006), for a long-term comprehensive agreement which would allow for the development of relations and cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme;

22. *Reiterates* its determination to reinforce the authority of the IAEA, strongly supports the role of the IAEA Board of Governors, *commends* and *encourages* the Director General of the IAEA and its secretariat for their ongoing professional and impartial efforts to resolve all remaining outstanding issues in Iran within the framework of the IAEA, *underlines* the necessity of the IAEA continuing its work to clarify all outstanding issues relating to Iran's nuclear programme;

23. *Requests* within 60 days a report from the Director General of the IAEA on whether Iran has established full and sustained suspension of all activities mentioned in this resolution, as well as on the process of Iranian compliance with all the steps required by the IAEA Board and with the other provisions of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;

24. *Affirms* that it shall review Iran's actions in the light of the report referred to in paragraph 23 above, to be submitted within 60 days, and:

- (a) that it shall suspend the implementation of measures if and for so long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA, to allow for negotiations;
- (b) that it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7, 10 and 12 of this resolution as soon as it determines that Iran has fully complied with its obligations under the



relevant resolutions of the Security Council and met the requirements of the IAEA Board of Governors, as confirmed by the IAEA Board;  
(c) that it shall, in the event that the report in paragraph 23 above shows that Iran has not complied with this resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with this resolution and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary;

25. *Decides* to remain seized of the matter.

## **Annex**

### **A. Entities involved in the nuclear programme**

1. Atomic Energy Organisation of Iran
2. Mesbah Energy Company (provider for A40 research reactor — Arak)
3. Kala-Electric (aka Kalaye Electric) (provider for PFEP — Natanz)
4. Pars Trash Company (involved in centrifuge programme, identified in IAEA reports)
5. Farayand Technique (involved in centrifuge programme, identified in IAEA reports)
6. Defence Industries Organisation (overarching MODAFL-controlled entity, some of whose subordinates have been involved in the centrifuge programme making components, and in the missile programme)
7. 7th of Tir (subordinate of DIO, widely recognized as being directly involved in the nuclear programme)

### **B. Entities involved in the ballistic missile programme**

1. Shahid Hemmat Industrial Group (SHIG) (subordinate entity of AIO)
2. Shahid Bagheri Industrial Group (SBIG) (subordinate entity of AIO)
3. Fajr Industrial Group (formerly Instrumentation Factory Plant, subordinate entity of AIO)

### **C. Persons involved in the nuclear programme**

1. Mohammad Qannadi, AEOI Vice President for Research & Development
2. Behman Asgarpour, Operational Manager (Arak)
3. Dawood Agha-Jani, Head of the PFEP (Natanz)
4. Ehsan Monajemi, Construction Project Manager, Natanz
5. Jafar Mohammadi, Technical Adviser to the AEOI (in charge of managing the production of valves for centrifuges)
6. Ali Hajinia Leilabadi, Director General of Mesbah Energy Company
7. Lt Gen Mohammad Mehdi Nejad Nouri, Rector of Malek Ashtar University of Defence Technology (chemistry dept, affiliated to MODALF, has conducted experiments on beryllium)

### **D. Persons involved in the ballistic missile programme**

1. Gen Hosein Salimi, Commander of the Air Force, IRGC (Pasdaran)
2. Ahmad Vahid Dastjerdi, Head of the AIO
3. Reza-Gholi Esmaeli, Head of Trade & International Affairs Dept, AIO
4. Bahmanyar Morteza Bahmanyar, Head of Finance & Budget Dept, AIO

### **E. Persons involved in both the nuclear and ballistic missile programmes**

1. Maj Gen Yahya Rahim Safavi, Commander, IRGC (Pasdaran)

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

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### **Resolution 1747 (2007)**

**Adopted by the Security Council at its 5647th meeting on 24 March 2007**

*The Security Council,*

*Recalling* the Statement of its President, S/PRST/2006/15, of 29 March 2006, and its resolution 1696 (2006) of 31 July 2006, and its resolution 1737 (2006) of 23 December 2006, and *reaffirming* their provisions,

*Reaffirming* its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, the need for all States Party to that Treaty to comply fully with all their obligations, and recalling the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

*Recalling* its serious concern over the reports of the IAEA Director General as set out in its resolutions 1696 (2006) and 1737 (2006),

*Recalling* the latest report by the IAEA Director General (GOV/2007/8) of 22 February 2007 and *deploring* that, as indicated therein, Iran has failed to comply with resolution 1696 (2006) and resolution 1737 (2006), *Emphasizing* the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran's nuclear programme is exclusively for peaceful purposes, and *noting* that such a solution would benefit nuclear non-proliferation elsewhere, and *welcoming* the continuing commitment of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union's High Representative to seek a negotiated solution,

*Recalling* the resolution of the IAEA Board of Governors (GOV/2006/14), which states that a solution to the Iranian nuclear issue would contribute to global non-proliferation efforts and to realizing the objective of a Middle East free of weapons of mass destruction, including their means of delivery,

*Determined* to give effect to its decisions by adopting appropriate measures to persuade Iran to comply with resolution 1696 (2006) and resolution 1737 (2006) and with the requirements of the IAEA, and also to constrain Iran's development of sensitive technologies in support of its nuclear and missile programmes, until such time as the Security Council determines that the objectives of these resolutions have been met, *Recalling* the requirement on States to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

*Concerned* by the proliferation risks presented by the Iranian nuclear programme and, in this context, by Iran's continuing failure to meet the requirements of the IAEA Board of Governors and to comply with the provisions of Security Council resolutions 1696 (2006) and 1737 (2006), *mindful* of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

*Acting* under Article 41 of Chapter VII of the Charter of the United Nations,

1. *Reaffirms* that Iran shall without further delay take the steps required by the IAEA Board of Governors in its resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions, and, in this context, *affirms* its decision that Iran shall without further delay take the steps required in paragraph 2 of resolution 1737 (2006);

2. *Calls upon* all States also to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, and *decides* in this regard that all States shall notify the Committee established pursuant to paragraph 18 of resolution 1737 (2006) (herein "the Committee") of the entry into or transit through their territories of the persons designated in the Annex to resolution 1737 (2006) or Annex I to this resolution, as well as of additional persons designated by the Security Council or the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of resolution 1737 (2006), except where such travel is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) of that resolution;

3. *Underlines* that nothing in the above paragraph requires a State to refuse its own nationals entry into its territory, and that all States shall, in the implementation of the above paragraph, take into account humanitarian considerations, including religious obligations, as well as the necessity to meet the objectives of this resolution and resolution 1737 (2006), including where Article XV of the IAEA Statute is engaged;

4. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the persons and entities listed in Annex I to this resolution;

5. *Decides* that Iran shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all States shall prohibit the procurement of such items from Iran by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of Iran;

6. *Calls upon* all States to exercise vigilance and restraint in the supply, sale or transfer directly or indirectly from their territories or by their nationals or using their flag vessels or aircraft of any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms to Iran, and in the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of such items in order to prevent a destabilizing accumulation of arms;

7. *Calls upon* all States and international financial institutions not to enter into new commitments for grants, financial assistance, and concessional loans, to the Government of the Islamic Republic of Iran, except for humanitarian and developmental purposes;

8. *Calls upon* all States to report to the Committee within 60 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 2, 4, 5, 6 and 7 above;

9. *Expresses* the conviction that the suspension set out in paragraph 2 of resolution 1737 (2006) as well as full, verified Iranian compliance with the requirements set out by the IAEA Board of Governors would contribute to a diplomatic, negotiated solution that guarantees Iran's nuclear programme is for exclusively peaceful purposes, *underlines* the willingness of the international community to work positively for such a solution, *encourages* Iran, in conforming to the above provisions, to re-engage with the international community and with the IAEA, and *stresses* that such engagement will be beneficial to Iran;

10. *Welcomes* the continuous affirmation of the commitment of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union's High Representative, to a negotiated solution to this issue and *encourages* Iran to engage with their June 2006 proposals (S/2006/521), attached in Annex II to this resolution, which were endorsed by the Security Council in resolution 1696 (2006), and *acknowledges* with appreciation that this offer to Iran remains on the table, for a long-term comprehensive agreement which would allow for the development of relations

and cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme;

11. *Reiterates* its determination to reinforce the authority of the IAEA, strongly supports the role of the IAEA Board of Governors, *commends and encourages* the Director General of the IAEA and its secretariat for their ongoing professional and impartial efforts to resolve all outstanding issues in Iran within the framework of the IAEA, *underlines* the necessity of the IAEA, which is internationally recognized as having authority for verifying compliance with safeguards agreements, including the non-diversion of nuclear material for non-peaceful purposes, in accordance with its Statute, to continue its work to clarify all outstanding issues relating to Iran's nuclear programme;

12. *Requests* within 60 days a further report from the Director General of the IAEA on whether Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the IAEA Board and with the other provisions of resolution 1737 (2006) and of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;

13. *Affirms* that it shall review Iran's actions in light of the report referred to in paragraph 12 above, to be submitted within 60 days, and: (a) that it shall suspend the implementation of measures if and for so long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome; (b) that it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7 and 12 of resolution 1737 (2006) as well as in paragraphs 2, 4, 5, 6 and 7 above as soon as it determines, following receipt of the report referred to in paragraph 12 above, that Iran has fully complied with its obligations under the relevant resolutions of the Security Council and met the requirements of the IAEA Board of Governors, as confirmed by the IAEA Board; (c) that it shall, in the event that the report in paragraph 12 above shows that Iran has not complied with resolution 1737 (2006) and this resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with these resolutions and the requirements of the IAEA, and *underlines* that further decisions will be required should such additional measures be necessary;

14. *Decides* to remain seized of the matter.

## **Annex I**

### **Entities involved in nuclear or ballistic missile activities**

1. Ammunition and Metallurgy Industries Group (AMIG) (aka Ammunition Industries Group) (AMIG controls 7th of Tir, which is designated under resolution 1737 (2006) for its role in Iran's centrifuge programme. AMIG is in turn owned and controlled by the Defence Industries Organisation (DIO), which is designated under resolution 1737 (2006))

2. Esfahan Nuclear Fuel Research and Production Centre (NFRPC) and Esfahan Nuclear Technology Centre (ENTC) (Parts of the Atomic Energy Organisation of Iran's (AEOI) Nuclear Fuel Production and Procurement Company, which is involved in enrichment-related activities. AEOI is designated under resolution 1737 (2006))

3. Kavoshyar Company (Subsidiary company of AEOI, which has sought glass fibres, vacuum chamber furnaces and laboratory equipment for Iran's nuclear programme)

4. Parchin Chemical Industries (Branch of DIO, which produces ammunition, explosives, as well as solid propellants for rockets and missiles)

5. Karaj Nuclear Research Centre (Part of AEOI's research division)

6. Novin Energy Company (aka Pars Novin) (Operates within AEOI and has transferred funds on behalf of AEOI to entities associated with Iran's nuclear programme)

7. Cruise Missile Industry Group (aka Naval Defence Missile Industry Group) (Production and development of cruise missiles. Responsible for naval missiles including cruise missiles)
8. Bank Sepah and Bank Sepah International (Bank Sepah provides support for the Aerospace Industries Organisation (AIO) and subordinates, including Shahid Hemmat Industrial Group (SHIG) and Shahid Bagheri Industrial Group (SBIG), both of which were designated under resolution 1737 (2006))
9. Sanam Industrial Group (subordinate to AIO, which has purchased equipment on AIO's behalf for the missile programme)
10. Ya Mahdi Industries Group (subordinate to AIO, which is involved in international purchases of missile equipment)

#### **Iranian Revolutionary Guard Corps entities**

1. Qods Aeronautics Industries (Produces unmanned aerial vehicles (UAVs), parachutes, para-gliders, para-motors, etc. Iranian Revolutionary Guard Corps (IRGC) has boasted of using these products as part of its asymmetric warfare doctrine)
2. Pars Aviation Services Company (Maintains various aircraft including MI-171, used by IRGC Air Force)
3. Sho'a' Aviation (Produces micro-lights which IRGC has claimed it is using as part of its asymmetric warfare doctrine)

#### **Persons involved in nuclear or ballistic missile activities**

1. Fereidoun Abbasi-Davani (Senior Ministry of Defence and Armed Forces Logistics (MODAFL) scientist with links to the Institute of Applied Physics, working closely with Mohsen Fakhrizadeh-Mahabadi, designated below)
2. Mohsen Fakhrizadeh-Mahabadi (Senior MODAFL scientist and former head of the Physics Research Centre (PHRC). The IAEA have asked to interview him about the activities of the PHRC over the period he was head but Iran has refused)
3. Seyed Jaber Safdari (Manager of the Natanz Enrichment Facilities)
4. Amir Rahimi (Head of Esfahan Nuclear Fuel Research and Production Center, which is part of the AEIO's Nuclear Fuel Production and Procurement Company, which is involved in enrichment-related activities)
5. Mohsen Hojati (Head of Fajr Industrial Group, which is designated under resolution 1737 (2006) for its role in the ballistic missile programme)
6. Mehرداد Akhlaghi Ketabachi (Head of SBIG, which is designated under resolution 1737 (2006) for its role in the ballistic missile programme)
7. Naser Maleki (Head of SHIG, which is designated under resolution 1737 (2006) for its role in Iran's ballistic missile programme. Naser Maleki is also a MODAFL official overseeing work on the Shahab-3 ballistic missile programme. The Shahab-3 is Iran's long range ballistic missile currently in service)
8. Ahmad Derakhshandeh (Chairman and Managing Director of Bank Sepah, which provides support for the AIO and subordinates, including SHIG and SBIG, both of which were designated under resolution 1737 (2006))

#### **Iranian Revolutionary Guard Corps key persons**

1. Brigadier General Morteza Rezaie (Deputy Commander of IRGC)
2. Vice Admiral Ali Akbar Ahmadian (Chief of IRGC Joint Staff)
3. Brigadier General Mohammad Reza Zahedi (Commander of IRGC Ground Forces)
4. Rear Admiral Morteza Safari (Commander of IRGC Navy)
5. Brigadier General Mohammad Hejazi (Commander of Bassij resistance force)
6. Brigadier General Qasem Soleimani (Commander of Qods force)
7. General Zolqadr (IRGC officer, Deputy Interior Minister for Security Affairs)

## **Annex II**

### **Elements of a long-term agreement**

Our goal is to develop relations and cooperation with Iran, based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of the nuclear programme of the Islamic Republic of Iran. We propose a fresh start in the negotiation of a comprehensive agreement with Iran. Such an agreement would be deposited with the International Atomic Energy Agency (IAEA) and endorsed in a Security Council resolution. To create the right conditions for negotiations,

We will:

- Reaffirm Iran's right to develop nuclear energy for peaceful purposes in conformity with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter, NPT), and in this context reaffirm our support for the development by Iran of a civil nuclear energy programme.
- Commit to support actively the building of new light water reactors in Iran through international joint projects, in accordance with the IAEA statute and NPT.
- Agree to suspend discussion of Iran's nuclear programme in the Security Council upon the resumption of negotiations.

Iran will:

- Commit to addressing all of the outstanding concerns of IAEA through full cooperation with IAEA.
- Suspend all enrichment-related and reprocessing activities to be verified by IAEA, as requested by the IAEA Board of Governors and the Security Council, and commit to continue this during these negotiations.
- Resume the implementation of the Additional Protocol.

## **Areas of future cooperation to be covered in negotiations on a long-term agreement**

### **1. Nuclear**

We will take the following steps:

#### **Iran's rights to nuclear energy**

- Reaffirm Iran's inalienable right to nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of NPT, and cooperate with Iran in the development by Iran of a civil nuclear power programme.
- Negotiate and implement a Euratom/Iran nuclear cooperation agreement.

#### **Light water reactors**

- Actively support the building of new light water power reactors in Iran through international joint projects, in accordance with the IAEA statute and NPT, using state-of-the-art technology, including by authorizing the transfer of necessary goods and the provision of advanced technology to make its power reactors safe against earthquakes.
- Provide cooperation with the management of spent nuclear fuel and radioactive waste through appropriate arrangements.

#### **Research and development in nuclear energy**

- Provide a substantive package of research and development cooperation, including possible provision of light water research reactors, notably in the fields of radioisotope production, basic research and nuclear applications in medicine and agriculture.

#### **Fuel guarantees**

- Give legally binding, multilayered fuel assurances to Iran, based on:
  - Participation as a partner in an international facility in Russia to provide enrichment services for a reliable supply of fuel to Iran's nuclear reactors. Subject to negotiations, such a facility could enrich all uranium hexafluoride (UF<sub>6</sub>) produced in Iran.
  - Establishment on commercial terms of a buffer stock to hold a reserve of up to five years' supply of nuclear fuel dedicated to Iran, with the participation and under supervision of IAEA.
  - Development with IAEA of a standing multilateral mechanism for reliable access to nuclear fuel, based on ideas to be considered at the next meeting of the Board of Governors.

#### **Review of moratorium**

The long-term agreement would, with regard to common efforts to build international confidence, contain a clause for review of the agreement in all its aspects, to follow:

- Confirmation by IAEA that all outstanding issues and concerns reported by it, including those activities which could have a military nuclear dimension, have been resolved;
- Confirmation that there are no undeclared nuclear activities or materials in Iran and that international confidence in the exclusively peaceful nature of Iran's civil nuclear programme has been restored.

## **2. Political and economic**

### **Regional security cooperation**

Support for a new conference to promote dialogue and cooperation on regional security issues.

### **International trade and investment**

Improving Iran's access to the international economy, markets and capital, through practical support for full integration into international structures, including the World Trade Organization and to create the framework for increased direct investment in Iran and trade with Iran (including a trade and economic cooperation agreement with the European Union). Steps would be taken to improve access to key goods and technology.

### **Civil aviation**

Civil aviation cooperation, including the possible removal of restrictions on United States and European manufacturers in regard to the export of civil aircraft to Iran, thereby widening the prospect of Iran renewing its fleet of civil airliners.

### **Energy partnership**

Establishment of a long-term energy partnership between Iran and the European Union and other willing partners, with concrete and practical applications.

### **Telecommunications infrastructure**

Support for the modernization of Iran's telecommunication infrastructure and advanced Internet provision, including by possible removal of relevant United States and other export restrictions.

### **High technology cooperation**

Cooperation in fields of high technology and other areas to be agreed upon.

### **Agriculture**

Support for agricultural development in Iran, including possible access to United States and European agricultural products, technology and farm equipment.

## Appendix VI: UN Security Council Resolution S/RES/1803(2008)

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*The Security Council,*

*Recalling* the Statement of its President, S/PRST/2006/15, of 29 March 2006, and its resolution 1696 (2006) of 31 July 2006, its resolution 1737 (2006) of 23 December 2006 and its resolution 1747 (2007) of 24 March 2007, and *reaffirming* their provisions,

*Reaffirming* its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, the need for all States Party to that Treaty to comply fully with all their obligations, and recalling the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

*Recalling* the resolution of the IAEA Board of Governors (GOV/2006/14), which states that a solution to the Iranian nuclear issue would contribute to global non-proliferation efforts and to realizing the objective of a Middle East free of weapons of mass destruction, including their means of delivery,

*Noting* with serious concern that, as confirmed by the reports of 23 May 2007 (GOV/2007/22), 30 August 2007 (GOV/2007/48), 15 November 2007 (GOV/2007/58) and 22 February 2008 (GOV/2008/4) of the Director General of the International Atomic Energy Agency (IAEA), Iran has not established full and sustained suspension of all enrichment related and reprocessing activities and heavy water-related projects as set out in resolution 1696 (2006), 1737 (2006), and 1747 (2007), nor resumed its cooperation with the IAEA under the Additional Protocol, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of Security Council resolution 1696 (2006), 1737 (2006) and 1747 (2007) and which are essential to build confidence, and *deploring* Iran's refusal to take these steps,

*Noting* with concern that Iran has taken issue with the IAEA's right to verify design information which had been provided by Iran pursuant to the modified Code 3.1, *emphasizing* that in accordance with Article 39 of Iran's Safeguards Agreement Code 3.1 cannot be modified nor suspended unilaterally and that the Agency's right to verify design information provided to it is a continuing right, which is not dependent on the stage of construction of, or the presence of nuclear material at, a facility,

*Reiterating* its determination to reinforce the authority of the IAEA, strongly supporting the role of the IAEA Board of Governors, *commending* the IAEA for its efforts to resolve outstanding issues relating to Iran's nuclear programme in the work plan between the Secretariat of the IAEA and Iran (GOV/2007/48, Attachment), *welcoming* the progress in implementation of this work plan as reflected in the IAEA Director General's reports of 15 November 2007 (GOV/2007/58) and 22 February 2008 (GOV/2008/4), *underlining* the importance of Iran producing tangible results rapidly and effectively by completing implementation of this work plan including by providing answers to all the questions the IAEA asks so that the Agency, through the implementation of the required transparency measures, can assess the completeness and correctness of Iran's declaration,

*Expressing* the conviction that the suspension set out in paragraph 2 of resolution 1737 (2006) as well as full, verified Iranian compliance with the requirements set out by the IAEA Board of Governors would contribute to a diplomatic, negotiated solution, that guarantees Iran's nuclear programme is for exclusively peaceful purposes,

*Stressing* that China, France, Germany, the Russian Federation, the United Kingdom and the United States are willing to take further concrete measures on exploring an overall strategy of resolving the Iranian nuclear issue through negotiation on the basis of their June 2006 proposals (S/2006/521), and *noting* the confirmation by these countries that once the confidence of the international community in the exclusively



peaceful nature of Iran's nuclear programme is restored, it will be treated in the same manner as that of any Non-Nuclear Weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons,

*Having regard* to States' rights and obligations relating to international trade, *Welcoming* the guidance issued by the Financial Actions Task Force (FATF) to assist States in implementing their financial obligations under resolution 1737 (2006),

*Determined* to give effect to its decisions by adopting appropriate measures to persuade Iran to comply with resolution 1696 (2006), resolution 1737 (2006), resolution 1747 (2007) and with the requirements of the IAEA, and also to constrain Iran's development of sensitive technologies in support of its nuclear and missile programmes, until such time as the Security Council determines that the objectives of these resolutions have been met,

*Concerned* by the proliferation risks presented by the Iranian nuclear programme and, in this context, by Iran's continuing failure to meet the requirements of the IAEA Board of Governors and to comply with the provisions of Security Council resolutions 1696 (2006), 1737 (2006) and 1747 (2007), *mindful* of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

*Acting* under Article 41 of Chapter VII of the Charter of the United Nations,

1. *Reaffirms* that Iran shall without further delay take the steps required by the IAEA Board of Governors in its resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions, and, in this context, *affirms* its decision that Iran shall without delay take the steps required in paragraph 2 of resolution 1737 (2006), and *underlines* that the IAEA has sought confirmation that Iran will apply Code 3.1 modified;
2. *Welcomes* the agreement between Iran and the IAEA to resolve all outstanding issues concerning Iran's nuclear programme and progress made in this regard as set out in the Director General's report of 22 February 2008 (GOV/2008/4), *encourages* the IAEA to continue its work to clarify all outstanding issues, *stresses* that this would help to re-establish international confidence in the exclusively peaceful nature of Iran's nuclear programme, and *supports* the IAEA in strengthening its safeguards on Iran's nuclear activities in accordance with the Safeguards Agreement between Iran and the IAEA;
3. *Calls upon* all States to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, and *decides* in this regard that all States shall notify the Committee established pursuant to paragraph 18 of resolution 1737 (2006) (herein "the Committee") of the entry into or transit through their territories of the persons designated in the Annex to resolution 1737 (2006), Annex I to resolution 1747 (2007) or Annex I to this resolution, as well as of additional persons designated by the Security Council or the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) of resolution 1737 (2006);
4. *Underlines* that nothing in paragraph 3 above requires a State to refuse its own nationals entry into its territory, and that all States shall, in the implementation of the above paragraph, take into account humanitarian considerations, including religious obligations, as well as the necessity to meet the objectives of this resolution, resolution 1737 (2006) and resolution 1747 (2007), including where Article XV of the IAEA Statute is engaged;

5. *Decides* that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in Annex II to this resolution as well as of additional persons designated by the Security Council or the Committee as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) of resolution 1737 (2006) and provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

6. *Decides* that the measures imposed by paragraph 5 above shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution;

7. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the persons and entities listed in Annexes I and III to this resolution, and any persons or entities acting on their behalf or at their direction, and to entities owned or controlled by them and to persons and entities determined by the Council or the Committee to have assisted designated persons or entities in evading sanctions of, or in violating the provisions of, this resolution, resolution 1737 (2006) or resolution 1747 (2007);

8. *Decides* that all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories or by their nationals or using their flag vessels or aircraft to, or for use in or benefit of, Iran, and whether or not originating in their territories, of: (a) all items, materials, equipment, goods and technology set out in INFCIRC/254/Rev.7/Part 2 of document S/2006/814, except the supply, sale or transfer, in accordance with the requirements of paragraph 5 of resolution 1737 (2006), of items, materials, equipment, goods and technology set out in sections 1 and 2 of the Annex to that document, and sections 3 to 6 as notified in advance to the Committee, only when for exclusive use in light water reactors, and where such supply, sale or transfer is necessary for technical cooperation provided to Iran by the IAEA or under its auspices as provided for in paragraph 16 of resolution 1737 (2006); (b) all items, materials, equipment, goods and technology set out in 19.A.3 of Category II of document S/2006/815;

9. *Calls upon* all States to exercise vigilance in entering into new commitments for public provided financial support for trade with Iran, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade, in order to avoid such financial support contributing to the proliferation sensitive nuclear activities, or to the development of nuclear weapon delivery systems, as referred to in resolution 1737 (2006);

9. *Calls upon* all States to exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in Iran, in particular with Bank Melli and Bank Saderat, and their branches and subsidiaries abroad, in order to avoid such activities contributing to the proliferation sensitive nuclear activities, or to the development of nuclear weapon delivery systems, as referred to in resolution 1737 (2006);

11. *Calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, to inspect the cargoes to and from Iran, of aircraft and vessels, at their airports and seaports, owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, provided there are reasonable grounds to believe that the aircraft or vessel is transporting goods prohibited under this resolution or resolution 1737 (2006) or resolution 1747 (2007);

12. *Requires* all States, in cases when inspection mentioned in the paragraph above is undertaken, to submit to the Security Council within five working days a written report on the inspection containing, in

particular, explanation of the grounds for the inspection, as well as information on its time, place, circumstances, results and other relevant details;

13. *Calls upon* all States to report to the Committee within 60 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 3, 5, 7, 8, 9, 10 and 11 above;

14. *Decides* that the mandate of the Committee as set out in paragraph 18 of resolution 1737 (2006) shall also apply to the measures imposed in resolution 1747 (2007) and this resolution;

15. *Stresses* the willingness of China, France, Germany, the Russian Federation, the United Kingdom and the United States to further enhance diplomatic efforts to promote resumption of dialogue, and consultations on the basis of their offer to Iran, with a view to seeking a comprehensive, long-term and proper solution of this issue which would allow for the development of all-round relations and wider cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme, and inter alia, starting direct talks and negotiation with Iran as long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA;

16. *Encourages* the European Union High Representative for the Common Foreign and Security Policy to continue communication with Iran in support of political and diplomatic efforts to find a negotiated solution including relevant proposals by China, France, Germany, the Russian Federation, the United Kingdom and the United States with a view to create necessary conditions for resuming talks;

17. *Emphasizes* the importance of all States, including Iran, taking the necessary measures to ensure that no claim shall lie at the instance of the Government of Iran, or of any person or entity in Iran, or of persons or entities designated pursuant to resolution 1737 (2006) and related resolutions, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by the present resolution, resolution 1737 (2006) or resolution 1747 (2007);

18. *Requests* within 90 days a further report from the Director General of the IAEA on whether Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the IAEA Board and with the other provisions of resolution 1737 (2006), resolution 1747 (2007) and of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;

19. *Reaffirms* that it shall review Iran's actions in light of the report referred to in the paragraph above, and: (a) that it shall suspend the implementation of measures if and for so long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome; (b) that it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7 and 12 of resolution 1737 (2006), as well as in paragraphs 2, 4, 5, 6 and 7 of resolution 1747 (2007), and in paragraphs 3, 5, 7, 8, 9, 10 and 11 above, as soon as it determines, following receipt of the report referred to in the paragraph above, that Iran has fully complied with its obligations under the relevant resolutions of the Security Council and met the requirements of the IAEA Board of Governors, as confirmed by the IAEA Board; (c) that it shall, in the event that the report shows that Iran has not complied with resolution 1696 (2006), resolution 1737 (2006), resolution 1747 (2007) and this resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with these resolutions and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary;

20. *Decides* to remain seized of the matter.

## **Annex I**

1. Amir Moayyed Alai (involved in managing the assembly and engineering of centrifuges)

2. Mohammad Fedai Ashiani (involved in the production of ammonium uranyl carbonate and management of the Natanz enrichment complex)
3. Abbas Rezaee Ashtiani (a senior official at the AEOI Office of Exploration and Mining Affairs)
4. Haleh Bakhtiar (involved in the production of magnesium at a concentration of 99.9%)
5. Morteza Behzad (involved in making centrifuge components)
6. Dr. Mohammad Eslami (Head of Defence Industries Training and Research Institute)
7. Seyyed Hussein Hosseini (AEOI official involved in the heavy water research reactor project at Arak)
8. M. Javad Karimi Sabet (Head of Novin Energy Company, which is designated under resolution 1747 (2007))
9. Hamid-Reza Mohajerani (involved in production management at the Uranium Conversion Facility (UCF) at Esfahan)
10. Brigadier-General Mohammad Reza Naqdi (former Deputy Chief of Armed Forces General Staff for Logistics and Industrial Research/Head of State Anti- Smuggling Headquarters, engaged in efforts to get round the sanctions imposed by resolutions 1737 (2006) and 1747 (2007))
11. Houshang Nobari (involved in the management of the Natanz enrichment complex)
12. Abbas Rashidi (involved in enrichment work at Natanz)
13. Ghasem Soleymani (Director of Uranium Mining Operations at the Saghand Uranium Mine)

## Appendix VII: UN Security Council Resolution S/RES/1929 (2010)

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*The Security Council,*

*Recalling* the Statement of its President, S/PRST/2006/15, and its resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1887 (2009) and *reaffirming* their provisions,

*Reaffirming* its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, the need for all States Party to that Treaty to comply fully with all their obligations, and *recalling* the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

*Recalling* the resolution of the IAEA Board of Governors (GOV/2006/14), which states that a solution to the Iranian nuclear issue would contribute to global non-proliferation efforts and to realizing the objective of a Middle East free of weapons of mass destruction, including their means of delivery,

*Noting* with serious concern that, as confirmed by the reports of 27 February 2006 (GOV/2006/15), 8 June 2006 (GOV/2006/38), 31 August 2006 (GOV/2006/53), 14 November 2006 (GOV/2006/64), 22 February 2007 (GOV/2007/8), 23 May 2007 (GOV/2007/122), 30 August 2007 (GOV/2007/48), 15 November 2007 (GOV/2007/58), 22 February 2008 (GOV/2008/4), 26 May 2008 (GOV/2008/115), 15 September 2008 (GOV/2008/38), 19 November 2008 (GOV/2008/59), 19 February 2009 (GOV/2009/8), 5 June 2009 (GOV/2009/35), 28 August 2009 (GOV/2009/55), 16 November 2009 (GOV/2009/74), 18 February 2010 (GOV/2010/10) and 31 May 2010 (GOV/2010/28) of the Director General of the International Atomic Energy Agency (IAEA), Iran has not established full and sustained suspension of all enrichment-related and reprocessing activities and heavy-water-related projects as set out in resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) nor resumed its cooperation with the IAEA under the Additional Protocol, nor cooperated with the IAEA in connection with the remaining issues of concern, which need to be clarified to exclude the possibility of military dimensions of Iran's nuclear programme, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) and which are essential to build confidence, and *deploring* Iran's refusal to take these steps,

*Reaffirming* that outstanding issues can be best resolved and confidence built in the exclusively peaceful nature of Iran's nuclear programme by Iran responding positively to all the calls which the Council and the IAEA Board of Governors have made on Iran,

*Noting* with serious concern the role of elements of the Islamic Revolutionary Guard Corps (IRGC, also known as "Army of the Guardians of the Islamic Revolution"), including those specified in Annex D and E of resolution 1737 (2006), Annex I of resolution 1747 (2007) and Annex II of this resolution, in Iran's proliferation sensitive nuclear activities and the development of nuclear weapon delivery systems,

*Noting* with serious concern that Iran has constructed an enrichment facility at Qom in breach of its obligations to suspend all enrichment-related activities, and that Iran failed to notify it to the IAEA until September 2009, which is inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement,

*Also noting* the resolution of the IAEA Board of Governors (GOV/2009/82), which urges Iran to suspend immediately construction at Qom, and to clarify the facility's purpose, chronology of design and construction, and calls upon Iran to confirm, as requested by the IAEA, that it has not taken a decision to construct, or authorize construction of, any other nuclear facility which has as yet not been declared to the IAEA,

*Noting* with serious concern that Iran has enriched uranium to 20 per cent, and did so without notifying the IAEA with sufficient time for it to adjust the existing safeguards procedures,

*Noting* with concern that Iran has taken issue with the IAEA's right to verify design information which had been provided by Iran pursuant to the modified Code 3.1, and *emphasizing* that in accordance with Article 39 of Iran's Safeguards Agreement Code 3.1 cannot be modified nor suspended unilaterally and that the IAEA's right to verify design information provided to it is a continuing right, which is not dependent on the stage of construction of, or the presence of nuclear material at, a facility,

*Reiterating* its determination to reinforce the authority of the IAEA, strongly supporting the role of the IAEA Board of Governors, and *commending* the IAEA for its efforts to resolve outstanding issues relating to Iran's nuclear programme,

*Expressing* the conviction that the suspension set out in paragraph 2 of resolution 1737 (2006) as well as full, verified Iranian compliance with the requirements set out by the IAEA Board of Governors would contribute to a diplomatic, negotiated solution that guarantees Iran's nuclear programme is for exclusively peaceful purposes,

*Emphasizing* the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran's nuclear programme is exclusively for peaceful purposes and *noting* in this regard the efforts of Turkey and Brazil towards an agreement with Iran on the Tehran Research Reactor that could serve as a confidence-building measure,

*Emphasizing also*, however, in the context of these efforts, the importance of Iran addressing the core issues related to its nuclear programme,

*Stressing* that China, France, Germany, the Russian Federation, the United Kingdom and the United States are willing to take further concrete measures on exploring an overall strategy of resolving the Iranian nuclear issue through negotiation on the basis of their June 2006 proposals (S/2006/521) and their June 2008 proposals (INFCIRC/730), and *noting* the confirmation by these countries that once the confidence of the international community in the exclusively peaceful nature of Iran's nuclear programme is restored it will be treated in the same manner as that of any Non-Nuclear Weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons,

*Welcoming* the guidance issued by the Financial Action Task Force (FATF) to assist States in implementing their financial obligations under resolutions 1737 (2006) and 1803 (2008), and *recalling* in particular the need to exercise vigilance over transactions involving Iranian banks, including the Central Bank of Iran, so as to prevent such transactions contributing to proliferation-sensitive nuclear activities, or to the development of nuclear weapon delivery systems,

*Recognizing* that access to diverse, reliable energy is critical for sustainable growth and development, while noting the potential connection between Iran's revenues derived from its energy sector and the funding of Iran's proliferation-sensitive nuclear activities, and *further noting* that chemical process equipment and materials required for the petrochemical industry have much in common with those required for certain sensitive nuclear fuel cycle activities,

*Having regard* to States' rights and obligations relating to international trade,

*Recalling* that the law of the sea, as reflected in the United Nations Convention on the Law of the Sea (1982), sets out the legal framework applicable to ocean activities,

*Calling* for the ratification of the Comprehensive Nuclear-Test-Ban Treaty by Iran at an early date,

*Determined* to give effect to its decisions by adopting appropriate measures to persuade Iran to comply with resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) and with the requirements of the IAEA, and also to constrain Iran's development of sensitive technologies in support of its nuclear and missile programmes, until such time as the Security Council determines that the objectives of these resolutions have been met,

*Concerned* by the proliferation risks presented by the Iranian nuclear programme and mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

*Stressing* that nothing in this resolution compels States to take measures or actions exceeding the scope of this resolution, including the use of force or the threat of force,

*Acting* under Article 41 of Chapter VII of the Charter of the United Nations,

1. *Affirms* that Iran has so far failed to meet the requirements of the IAEA Board of Governors and to comply with resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008);

2. *Affirms* that Iran shall without further delay take the steps required by the IAEA Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme, to resolve outstanding questions and to address the serious concerns raised by the construction of an enrichment facility at Qom in breach of its obligations to suspend all enrichment-related activities, and, in this context, *further affirms* its decision that Iran shall without delay take the steps required in paragraph 2 of resolution 1737 (2006);

3. *Reaffirms* that Iran shall cooperate fully with the IAEA on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions of the Iranian nuclear programme, including by providing access without delay to all sites, equipment, persons and documents requested by the IAEA, and *stresses* the importance of ensuring that the IAEA have all necessary resources and authority for the fulfilment of its work in Iran;

4. *Requests* the Director General of the IAEA to communicate to the Security Council all his reports on the application of safeguards in Iran;

5. *Decides* that Iran shall without delay comply fully and without qualification with its IAEA Safeguards Agreement, including through the application of modified Code 3.1 of the Subsidiary Arrangement to its Safeguards Agreement, *calls upon* Iran to act strictly in accordance with the provisions of the Additional Protocol to its IAEA Safeguards Agreement that it signed on 18 December 2003, *calls upon* Iran to ratify promptly the Additional Protocol, and *reaffirms* that, in accordance with Articles 24 and 39 of Iran's Safeguards Agreement, Iran's Safeguards Agreement and its Subsidiary Arrangement, including modified Code 3.1, cannot be amended or changed unilaterally by Iran, and *notes* that there is no mechanism in the Agreement for the suspension of any of the provisions in the Subsidiary Arrangement

6. *Reaffirms* that, in accordance with Iran's obligations under previous resolutions to suspend all reprocessing, heavy water-related and enrichment-related activities, Iran shall not begin construction on any new uranium-enrichment, reprocessing, or heavy water-related facility and shall

discontinue any ongoing construction of any uranium-enrichment, reprocessing, or heavy water-related facility;

7. *Decides* that Iran shall not acquire an interest in any commercial activity in another State involving uranium mining, production or use of nuclear materials and technology as listed in INFCIRC/254/Rev.9/Part 1, in particular uranium-enrichment and reprocessing activities, all heavy-water activities or technology-related to ballistic missiles capable of delivering nuclear weapons, and *further decides* that all States shall prohibit such investment in territories under their jurisdiction by Iran, its nationals, and entities incorporated in Iran or subject to its jurisdiction, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them;

8. *Decides* that all States shall prevent the direct or indirect supply, sale or transfer to Iran, from or through their territories or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories, of any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts, or items as determined by the Security Council or the Committee established pursuant to resolution 1737 (2006) (“the Committee”), *decides* further that all States shall prevent the provision to Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, provision, manufacture, maintenance or use of such arms and related materiel, and, in this context, *calls upon* all States to exercise vigilance and restraint over the supply, sale, transfer, provision, manufacture and use of all other arms and related materiel;

9. *Decides* that Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that States shall take all necessary measures to prevent the transfer of technology or technical assistance to Iran related to such activities;

10. *Decides* that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in Annex C, D and E of resolution 1737 (2006), Annex I of resolution 1747 (2007), Annex I of resolution 1803 (2008) and Annexes I and II of this resolution, or by the Security Council or the Committee pursuant to paragraph 10 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the provision to Iran of items in subparagraphs 3(b)(i) and (ii) of resolution 1737 (2006) in accordance with paragraph 3 of resolution 1737 (2006), *underlines* that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory, and *decides* that the measures imposed in this paragraph shall not apply when the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of this resolution, including where Article XV of the IAEA Statute is engaged;

11. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the individuals and entities listed in Annex I of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and to any individuals and entities determined by the Council or the Committee to have assisted designated individuals or entities in evading sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;

12. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the Islamic Revolutionary Guard Corps (IRGC, also known as “Army of the Guardians of the Islamic Revolution”) individuals and entities specified in Annex II, and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and *calls upon* all States to exercise vigilance over those transactions involving the IRGC that



could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems;

13. *Decides* that for the purposes of the measures specified in paragraphs 3, 4, 5, 6 and 7 of resolution 1737 (2006), the list of items in S/2006/814 shall be superseded by the list of items in INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.7/Part 2, and any further items if the State determines that they could contribute to enrichment-related, reprocessing or heavy water-related activities or to the development of nuclear weapon delivery systems, and further *decides* that for the purposes of the measures specified in paragraphs 3, 4, 5, 6 and 7 of resolution 1737 (2006), the list of items contained in S/2006/815 shall be superseded by the list of items contained in S/2010/263;

14. *Calls upon* all States to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from Iran, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution, for the purpose of ensuring strict implementation of those provisions;

15. *Notes* that States, consistent with international law, in particular the law of the sea, may request inspections of vessels on the high seas with the consent of the flag State, and *calls upon* all States to cooperate in such inspections if there is information that provides reasonable grounds to believe the vessel is carrying items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution, for the purpose of ensuring strict implementation of those provisions;

16. *Decides* to authorize all States to, and that all States shall, seize and dispose of (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution that are identified in inspections pursuant to paragraphs 14 or 15 of this resolution, in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the NPT, and *decides* further that all States shall cooperate in such efforts;

17. *Requires* any State, when it undertakes an inspection pursuant to paragraphs 14 or 15 above to submit to the Committee within five working days an initial written report containing, in particular, explanation of the grounds for the inspections, the results of such inspections and whether or not cooperation was provided, and, if items prohibited for transfer are found, *further requires* such States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

18. *Decides* that all States shall prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to Iranian-owned or -contracted vessels, including chartered vessels, if they have information that provides reasonable grounds to believe they are carrying items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution, unless provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and *underlines* that this paragraph is not intended to affect legal economic activities;

19. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall also apply to the entities of the Islamic Republic of Iran Shipping Lines (IRISL) as specified in Annex III and to any person or entity acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, or determined by the Council or the Committee to have assisted them in evading the sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;

20. *Requests* all Member States to communicate to the Committee any information available on transfers or activity by Iran Air's cargo division or vessels owned or operated by the Islamic Republic of Iran Shipping Lines (IRISL) to other companies that may have been undertaken in order to evade the sanctions of, or in violation of the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution, including renaming or re-registering of aircraft, vessels or ships, and requests the Committee to make that information widely available;

21. *Calls upon* all States, in addition to implementing their obligations pursuant to resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, to prevent the provision of financial services, including insurance or re-insurance, or the transfer to, through, or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources if they have information that provides reasonable grounds to believe that such services, assets or resources could contribute to Iran's proliferation-sensitive nuclear activities, or the development of nuclear weapon delivery systems, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are related to such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;

22. *Decides* that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in Iran or subject to Iran's jurisdiction, including those of the IRGC and IRISL, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, including through illicit means, if they have information that provides reasonable grounds to believe that such business could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems or to violations of resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;

23. *Calls upon* States to take appropriate measures that prohibit in their territories the opening of new branches, subsidiaries, or representative offices of Iranian banks, and also that prohibit Iranian banks from establishing new joint ventures, taking an ownership interest in or establishing or maintaining correspondent relationships with banks in their jurisdiction to prevent the provision of financial services if they have information that provides reasonable grounds to believe that these activities could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems;

24. *Calls upon* States to take appropriate measures that prohibit financial institutions within their territories or under their jurisdiction from opening representative offices or subsidiaries or banking accounts in Iran if they have information that provides reasonable grounds to believe that such financial services could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems;

25. *Deplores* the violations of the prohibitions of paragraph 5 of resolution 1747 (2007) that have been reported to the Committee since the adoption of resolution 1747 (2007), and *commends* States that have taken action to respond to these violations and report them to the Committee;

26. *Directs* the Committee to respond effectively to violations of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, and *recalls* that the Committee may designate individuals and entities who have assisted designated persons or entities in evading sanctions of, or in violating the provisions of, these resolutions;

27. *Decides* that the Committee shall intensify its efforts to promote the full implementation of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, including through a work programme covering compliance, investigations, outreach, dialogue, assistance and cooperation, to be submitted to the Council within forty-five days of the adoption of this resolution;

28. *Decides* that the mandate of the Committee as set out in paragraph 18 of resolution 1737 (2006), as amended by paragraph 14 of resolution 1803 (2008), shall also apply to the measures decided in this resolution, including to receive reports from States submitted pursuant to paragraph 17 above;

29. *Requests* the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to eight experts (“Panel of Experts”), under the direction of the Committee, to carry out the following tasks: (a) assist the Committee in carrying out its mandate as specified in paragraph 18 of resolution 1737 (2006) and paragraph 28 of this resolution; (b) gather, examine and analyse information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, in particular incidents of non-compliance; (c) make recommendations on actions the Council, or the Committee or State, may consider to improve implementation of the relevant measures; and (d) provide to the Council an interim report on its work no later than 90 days after the Panel’s appointment, and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations;

30. *Urges* all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, in particular incidents of non-compliance;

31. *Calls upon* all States to report to the Committee within 60 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 and 24;

32. *Stresses* the willingness of China, France, Germany, the Russian Federation, the United Kingdom and the United States to further enhance diplomatic efforts to promote dialogue and consultations, including to resume dialogue with Iran on the nuclear issue without preconditions, most recently in their meeting with Iran in Geneva on 1 October 2009, with a view to seeking a comprehensive, long-term and proper solution of this issue on the basis of the proposal made by China, France, Germany, the Russian Federation, the United Kingdom and the United States on 14 June 2008, which would allow for the development of relations and wider cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran’s nuclear programme and, inter alia, starting formal negotiations with Iran on the basis of the June 2008 proposal, and *acknowledges with appreciation* that the June 2008 proposal, as attached in Annex IV to this resolution, remains on the table;

33. *Encourages* the High Representative of the European Union for Foreign Affairs and Security Policy to continue communication with Iran in support of political and diplomatic efforts to find a negotiated solution, including relevant proposals by China, France, Germany, the Russian Federation, the United Kingdom and the United States with a view to create necessary conditions for resuming talks, and *encourages* Iran to respond positively to such proposals;

34. *Commends* the Director General of the IAEA for his 21 October 2009 proposal of a draft Agreement between the IAEA and the Governments of the Republic of France, the Islamic Republic of Iran and the Russian Federation for Assistance in Securing Nuclear Fuel for a Research Reactor in Iran for the Supply of Nuclear Fuel to the Tehran Research Reactor, *regrets* that Iran has not responded constructively to the 21 October 2009 proposal, and *encourages* the IAEA to continue exploring such measures to build confidence consistent with and in furtherance of the Council's resolutions;

35. *Emphasizes* the importance of all States, including Iran, taking the necessary measures to ensure that no claim shall lie at the instance of the Government of Iran, or of any person or entity in Iran, or of persons or entities designated pursuant to resolution 1737 (2006) and related resolutions, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution;

36. *Requests* within 90 days a report from the Director General of the IAEA on whether Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the IAEA Board of Governors and with other provisions of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;

37. *Affirms* that it shall review Iran's actions in light of the report referred to in paragraph 36 above, to be submitted within 90 days, and: (a) that it shall suspend the implementation of measures if and for so long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome; (b) that it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7 and 12 of resolution 1737 (2006), as well as in paragraphs 2, 4, 5, 6 and 7 of resolution 1747 (2007), paragraphs 3, 5, 7, 8, 9, 10 and 11 of resolution 1803 (2008), and in paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 and 24 above, as soon as it determines, following receipt of the report referred to in the paragraph above, that Iran has fully complied with its obligations under the relevant resolutions of the Security Council and met the requirements of the IAEA Board of Governors, as confirmed by the IAEA Board of Governors; (c) that it shall, in the event that the report shows that Iran has not complied with resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with these resolutions and the requirements of the IAEA, and *underlines* that further decisions will be required should such additional measures be necessary;

38. *Decides* to remain seized of the matter.

## **Resolution Annex I**

### **Individuals and entities involved in nuclear or ballistic missile activities**

#### **Entities**

1. **Amin Industrial Complex:** Amin Industrial Complex sought temperature controllers which may be used in nuclear research and operational/production facilities. Amin Industrial Complex is owned or controlled by, or acts on behalf of, the Defense Industries Organization (DIO), which was designated in resolution 1737 (2006).  
Location: P.O. Box 91735-549, Mashad, Iran; Amin Industrial Estate, Khalage Rd., Seyedi District, Mashad, Iran; Kaveh Complex, Khalaj Rd., Seyedi St., Mashad, Iran  
A.K.A.: Amin Industrial Compound and Amin Industrial Company

2. **Armament Industries Group:** Armament Industries Group (AIG) manufacturers and services a variety of small arms and light weapons, including large- and medium-calibre guns and related technology. AIG conducts the majority of its procurement activity through Hadid Industries Complex.  
Location: Sepah Islam Road, Karaj Special Road Km 10, Iran; Pasdaran Ave., P.O. Box 19585/777, Tehran, Iran
3. **Defense Technology and Science Research Center:** Defense Technology and Science Research Center (DTSRC) is owned or controlled by, or acts on behalf of, Iran's Ministry of Defense and Armed Forces Logistics (MODAFL), which oversees Iran's defence R&D, production, maintenance, exports, and procurement.  
Location: Pasdaran Ave, PO Box 19585/777, Tehran, Iran
4. **Doostan International Company:** Doostan International Company (DICO) supplies elements to Iran's ballistic missile program.
5. **Farasakht Industries:** Farasakht Industries is owned or controlled by, or act on behalf of, the Iran Aircraft Manufacturing Company, which in turn is owned or controlled by MODAFL.  
Location: P.O. Box 83145-311, Kilometer 28, Esfahan-Tehran Freeway, Shahin Shahr, Esfahan, Iran
6. **First East Export Bank, P.L.C.:** First East Export Bank, PLC is owned or controlled by, or acts on behalf of, Bank Mellat. Over the last seven years, Bank Mellat has facilitated hundreds of millions of dollars in transactions for Iranian nuclear, missile, and defense entities.  
Location: Unit Level 10 (B1), Main Office Tower, Financial Park Labuan, Jalan Merdeka, 87000 WP Labuan, Malaysia; Business Registration Number LL06889 (Malaysia)
7. **Kaveh Cutting Tools Company:** Kaveh Cutting Tools Company is owned or controlled by, or acts on behalf of, the DIO.  
Location: 3rd Km of Khalaj Road, Seyyedi Street, Mashad 91638, Iran; Km 4 of Khalaj Road, End of Seyyedi Street, Mashad, Iran; P.O. Box 91735-549, Mashad, Iran; Khalaj Rd., End of Seyyedi Alley, Mashad, Iran; Moqan St., Pasdaran St., Pasdaran Cross Rd., Tehran, Iran
8. **M. Babaie Industries:** M. Babaie Industries is subordinate to Shahid Ahmad Kazemi Industries Group (formally the Air Defense Missile Industries Group) of Iran's Aerospace Industries Organization (AIO). AIO controls the missile organizations Shahid Hemmat Industrial Group (SHIG) and the Shahid Bakeri Industrial Group (SBIG), both of which were designated in resolution 1737 (2006).  
Location: P.O. Box 16535-76, Tehran, 16548, Iran
9. **Malek Ashtar University:** A subordinate of the DTRSC within MODAFL. This includes research groups previously falling under the Physics Research Center (PHRC). IAEA inspectors have not been allowed to interview staff or see documents under the control of this organization to resolve the outstanding issue of the possible military dimension to Iran's nuclear program.  
Location: Corner of Imam Ali Highway and Babaei Highway, Tehran, Iran
10. **Ministry of Defense Logistics Export:** Ministry of Defense Logistics Export (MODLEX) sells Iranian-produced arms to customers around the world in contravention of resolution 1747 (2007), which prohibits Iran from selling arms or related materiel.

Location: PO Box 16315-189, Tehran, Iran; located on the west side of Dabestan Street, Abbas Abad District, Tehran, Iran

11. **Mizan Machinery Manufacturing**: Mizan Machinery Manufacturing (3M) is owned or controlled by, or acts on behalf of, SHIG.

Location: P.O. Box 16595-365, Tehran, Iran

A.K.A.: 3MG

12. **Modern Industries Technique Company**: Modern Industries Technique Company (MITEC) is responsible for design and construction of the IR-40 heavy water reactor in Arak. MITEC has spearheaded procurement for the construction of the IR-40 heavy water reactor.

Location: Arak, Iran

A.K.A.: Rahkar Company, Rahkar Industries, Rahkar Sanaye Company, Rahkar Sanaye Novin

13. **Nuclear Research Center for Agriculture and Medicine**: The Nuclear Research Center for Agriculture and Medicine (NFRPC) is a large research component of the Atomic Energy Organization of Iran (AEOI), which was designated in resolution 1737 (2006). The NFRPC is AEOI's center for the development of nuclear fuel and is involved in enrichment-related activities.

Location: P.O. Box 31585-4395, Karaj, Iran

A.K.A.: Center for Agricultural Research and Nuclear Medicine; Karaji Agricultural and Medical Research Center

14. **Pejman Industrial Services Corporation**: Pejman Industrial Services Corporation is owned or controlled by, or acts on behalf of, SBIG.

Location: P.O. Box 16785-195, Tehran, Iran

15. **Sabalan Company**: Sabalan is a cover name for SHIG.

Location: Damavand Tehran Highway, Tehran, Iran

16. **Sahand Aluminum Parts Industrial Company (SAPICO)**: SAPICO is a cover name for SHIG.

Location: Damavand Tehran Highway, Tehran, Iran

17. **Shahid Karrazi Industries**: Shahid Karrazi Industries is owned or controlled by, or act on behalf of, SBIG.

Location: Tehran, Iran

18. **Shahid Satarri Industries**: Shahid Sattari Industries is owned or controlled by, or acts on behalf of, SBIG.

Location: Southeast Tehran, Iran

A.K.A.: Shahid Sattari Group Equipment Industries

19. **Shahid Sayyade Shirazi Industries**: Shahid Sayyade Shirazi Industries (SSSI) is owned or controlled by, or acts on behalf of, the DIO.

Location: Next To Nirou Battery Mfg. Co, Shahid Babaii Expressway, Nobonyad Square, Tehran, Iran; Pasdaran St., P.O. Box 16765, Tehran 1835, Iran; Babaei Highway — Next to Niru M.F.G, Tehran, Iran

20. **Special Industries Group**: Special Industries Group (SIG) is a subordinate of DIO.

Location: Pasdaran Avenue, PO Box 19585/777, Tehran, Iran

21. **Tiz Pars:** Tiz Pars is a cover name for SHIG. Between April and July 2007, Tiz Pars attempted to procure a five axis laser welding and cutting machine, which could make a material contribution to Iran's missile program, on behalf of SHIG.

Location: Damavand Tehran Highway, Tehran, Iran

22. **Yazd Metallurgy Industries:** Yazd Metallurgy Industries (YMI) is a subordinate of DIO.

Location: Pasdaran Avenue, Next To Telecommunication Industry, Tehran 16588, Iran; Postal Box 89195/878, Yazd, Iran; P.O. Box 89195-678, Yazd, Iran; Km 5 of Taft Road, Yazd, Iran

A.K.A.: Yazd Ammunition Manufacturing and Metallurgy Industries, Directorate of Yazd Ammunition and Metallurgy Industries

## Individuals

**Javad Rahiqi:** Head of the Atomic Energy Organization of Iran (AEOI) Esfahan Nuclear Technology Center (additional information: DOB: 24 April 1954; POB: Marshad).

## Resolution Annex II

### Entities owned, controlled, or acting on behalf of the Islamic Revolutionary Guard Corps

1. **Fater (or Faater) Institute:** Khatam al-Anbiya (KAA) subsidiary. Fater has worked with foreign suppliers, likely on behalf of other KAA companies on IRGC projects in Iran.
2. **Gharagahe Sazandegi Ghaem:** Gharagahe Sazandegi Ghaem is owned or controlled by KAA.
3. **Ghorb Karbala:** Ghorb Karbala is owned or controlled by KAA.
4. **Ghorb Nooh:** Ghorb Nooh is owned or controlled by KAA
5. **Hara Company:** Owned or controlled by Ghorb Nooh.
6. **Imensazan Consultant Engineers Institute:** Owned or controlled by, or acts on behalf of, KAA.
7. **Khatam al-Anbiya Construction Headquarters:** Khatam al-Anbiya Construction Headquarters (KAA) is an IRGC-owned company involved in large scale civil and military construction projects and other engineering activities. It undertakes a significant amount of work on Passive Defense Organization projects. In particular, KAA subsidiaries were heavily involved in the construction of the uranium enrichment site at Qom/Fordow.
8. **Makin:** Makin is owned or controlled by or acting on behalf of KAA, and is a subsidiary of KAA.
9. **Omran Sahel:** Owned or controlled by Ghorb Nooh.
10. **Oriental Oil Kish:** Oriental Oil Kish is owned or controlled by or acting on behalf of KAA.

11. **Rah Sahel:** Rah Sahel is owned or controlled by or acting on behalf of KAA.
12. **Rahab Engineering Institute:** Rahab is owned or controlled by or acting on behalf of KAA, and is a subsidiary of KAA.
13. **Sahel Consultant Engineers:** Owned or controlled by Ghorb Nooh.
14. **Sepanir:** Sepanir is owned or controlled by or acting on behalf of KAA.
15. **Sepasad Engineering Company:** Sepasad Engineering Company is owned or controlled by or acting on behalf of KAA.

### **Resolution Annex III**

#### **Entities owned, controlled, or acting on behalf of the Islamic Republic of Iran Shipping Lines (IRISL)**

1. **Irano Hind Shipping Company**

Location: 18 Mehrshad Street, Sadaghat Street, Opposite of Park Mellat, Vali-e-Asr Ave., Tehran, Iran; 265, Next to Mehrshad, Sedaghat St., Opposite of Mellat Park, Vali Asr Ave., Tehran 1A001, Iran

2. **IRISL Benelux NV**

Location: Noorderlaan 139, B-2030, Antwerp, Belgium; V.A.T. Number BE480224531 (Belgium)

3. **South Shipping Line Iran (SSL)**

Location: Apt. No. 7, 3rd Floor, No. 2, 4th Alley, Gandi Ave., Tehran, Iran; Qaem Magham Farahani St., Tehran, Iran

### **Resolution Annex IV**

#### **Proposal to the Islamic Republic of Iran by China, France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union**

*Presented to the Iranian authorities on 14 June 2008 Teheran*

#### **Possible Areas of Cooperation with Iran**

In order to seek a comprehensive, long-term and proper solution of the Iranian nuclear issue consistent with relevant UN Security Council resolutions and building further upon the proposal presented to Iran in June 2006, which remains on the table, the elements below are proposed as topics for negotiations between China, France, Germany, Iran, Russia, the United Kingdom, and the United States, joined by the High Representative of the European Union, as long as Iran verifiably suspends its enrichment-related and reprocessing activities, pursuant to OP 15 and OP 19(a) of UNSCR 1803. In the perspective of such negotiations, we also expect Iran to heed the requirements of the UNSC and the IAEA. For their part, China, France, Germany, Russia, the United Kingdom, the United States and the European Union High Representative state their readiness:



to recognize Iran's right to develop research, production and use of nuclear energy for peaceful purposes in conformity with its NPT obligations;

to treat Iran's nuclear programme in the same manner as that of any Non-nuclear Weapon State Party to the NPT once international confidence in the exclusively peaceful nature of Iran's nuclear programme is restored.

### **Nuclear Energy**

- Reaffirmation of Iran's right to nuclear energy for exclusively peaceful purposes in conformity with its obligations under the NPT.
- Provision of technological and financial assistance necessary for Iran's peaceful use of nuclear energy, support for the resumption of technical cooperation projects in Iran by the IAEA.
- Support for construction of LWR based on state-of-the-art technology.
- Support for R&D in nuclear energy as international confidence is gradually restored.
- Provision of legally binding nuclear fuel supply guarantees.
- Cooperation with regard to management of spent fuel and radioactive waste.

### **Political**

- Improving the six countries' and the EU's relations with Iran and building up mutual trust.
- Encouragement of direct contact and dialogue with Iran.
- Support Iran in playing an important and constructive role in international affairs.
- Promotion of dialogue and cooperation on non-proliferation, regional security and stabilization issues.
- Work with Iran and others in the region to encourage confidence-building measures and regional security.
- Establishment of appropriate consultation and cooperation mechanisms.
- Support for a conference on regional security issues.
- Reaffirmation that a solution to the Iranian nuclear issue would contribute to non-proliferation efforts and to realizing the objective of a Middle East free of weapons of mass destruction, including their means of delivery.
- Reaffirmation of the obligation under the UN Charter to refrain in their international relations from the threat or use of force against the territorial

integrity or political independence of any State or in any other manner inconsistent with the Charter of the United Nations.

- Cooperation on Afghanistan, including on intensified cooperation in the fight against drug trafficking, support for programmes on the return of Afghan refugees to Afghanistan; cooperation on reconstruction of Afghanistan; cooperation on guarding the Iran-Afghan border.

### **Economic**

Steps towards the normalization of trade and economic relations, such as improving Iran's access to the international economy, markets and capital through practical support for full integration into international structures, including the World Trade Organization, and to create the framework for increased direct investment in Iran and trade with Iran.

### **Energy Partnership**

Steps towards the normalization of cooperation with Iran in the area of energy: establishment of a long-term and wide-ranging strategic energy partnership between Iran and the European Union and other willing partners, with concrete and practical applications/measures.

### **Agriculture**

- Support for agricultural development in Iran.

Facilitation of Iran's complete self-sufficiency in food through cooperation in modern technology.

### **Environment, Infrastructure**

- Civilian Projects in the field of environmental protection, infrastructure, science and technology, and high-tech:
  - Development of transport infrastructure, including international transport corridors.
  - Support for modernization of Iran's telecommunication infrastructure, including by possible removal of relevant export restrictions.

### **Civil Aviation**

- Civil aviation cooperation, including the possible removal of restrictions on manufacturers exporting aircraft to Iran:
  - Enabling Iran to renew its civil aviation fleet;
  - Assisting Iran to ensure that Iranian aircraft meet international safety standards.

### **Economic, social and human development/humanitarian issues**

- Provide, as necessary, assistance to Iran's economic and social development and humanitarian need.

- Cooperation/technical support in education in areas of benefit to Iran:
  - Supporting Iranians to take courses, placements or degrees in areas such as civil engineering, agriculture and environmental studies;
  - Supporting partnerships between Higher Education Institutions e.g. public health, rural livelihoods, joint scientific projects, public administration, history and philosophy.
- Cooperation in the field of development of effective emergency response capabilities (e.g. seismology, earthquake research, disaster control etc.).
- Cooperation within the framework of a “dialogue among civilizations”.

**Implementation mechanism**

- Constitution of joint monitoring groups for the implementation of a future agreement.

### Appendix VIII: List of Model National Legislation

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1. **Iran Accountability Act** Canadian House of Commons, C-412, Introduced June 9, 2009). Available at:  
[http://www2.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Parl=40&Ses=3&Mode=1&Pub=Bill&Doc=C-412\\_1](http://www2.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Parl=40&Ses=3&Mode=1&Pub=Bill&Doc=C-412_1)
2. **Iran Human Rights Sanctions Act** (U.S. Senate, S.3022, introduced February 23, 2010). Available at: <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:S.3022>:
3. **Iran Revolutionary Guard Corps Designation Implementation Act** (U.S. House of Representatives, H.R. 2375, introduced May 12, 2009). Available at:  
<http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.2375>:
4. **Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010** (U.S. Public Law 111-195, enacted July 1, 2010). Available at: <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:H.R.2194>:

## Appendix IX: Model National Legislation (Iran Accountability Act)

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BILL C-412

An Act to combat incitement to genocide, domestic repression and nuclear armament in Iran

Whereas the Parliament of Canada and the Canadian people have the highest respect and admiration for the peoples of Iran and their great civilization;

Whereas the Parliament of Canada and the Canadian people are alarmed by the continuing human rights violations in Iran as condemned by the United Nations General Assembly, and by the nuclear development of Iran in breach of United Nations Security Council Resolutions;

Whereas the Parliament of Canada and the Canadian people are further alarmed by the incitement to hate and incitement to genocide emerging systematically from Iran, in violation of international law and, more specifically, in violation of the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination;

Whereas the Parliament of Canada recognizes that international law mandates a response to these violations, and that targeting a response solely at Iran's nuclear threat mistakenly ignores the terrifying and vilifying context in which that threat operates and, however inadvertently, sanitizes the incitement to genocide and domestic repression occurring in Iran;

Whereas the Government of Canada has enacted the Regulations Implementing the United Nations Resolutions on Iran and wishes to affirm and expand upon the measures elaborated therein;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### SHORT TITLE

1. This Act may be cited as the Iran Accountability Act.

### INTERPRETATION

2. The following definitions apply in this Act.

“business operations” means

- (a) oil-related activities,
- (b) the production or trade of military equipment,
- (c) any activity that results in, facilitates, supports or accelerates, whether directly or indirectly, nuclear activity or the creation or dissemination of incitement to hate, or
- (d) any activity that contravenes the Regulations Implementing the United Nations Resolutions on Iran, but does not include activities that are conducted under a licence from the Department of Foreign Affairs and International Trade or that have been expressly exempted under federal law from the requirement for such a licence.

“emanating from Iran” means,

in respect of an incitement to hate, an incitement to hate that has been produced or published, spoken publicly or otherwise made public by officials or employees of Iran or by members of the clergy or members of the media in Iran.

“executive agency” means

- (a) any of the departments named in Schedule I to the Financial Administration Act;
- (b) any of the divisions or branches of the federal public administration set out in column I of Schedule I.1 to the Financial Administration Act;
- (c) any organization named in Schedule II to the Financial Administration Act;
- (d) a commission under the Inquiries Act that is designated by order of the Governor in Council as a department for the purposes of this Act; and
- (e) the administration of the Senate, the House of Commons or the Library of Parliament, the office of the Senate Ethics Officer and the office of the Conflict of Interest and Ethics Commissioner.

“Genocide Convention” means the Convention on the Prevention and Punishment of the Crime of Genocide (1948), to which Canada is a State Party.

“identifiable group” means any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation.

“incitement to hate” means any public comment, whether written or unwritten, inciting hatred or contempt against an identifiable group and, in particular, includes any public comment that

- (a) advocates or promotes genocide, as defined in section 318 of the Criminal Code;
- (b) incites to the elimination of any member State of the United Nations;
- (c) denies the Holocaust; or
- (d) otherwise incites hatred against Israel or Jews or the Jewish people through dehumanizing or demonizing language, including language that uses biological and epidemiological metaphors such as “cancerous tumour” or “filthy bacteria”.

“Iran” means the Islamic Republic of Iran and includes its political subdivisions, departments and agencies.

“Israel” means the State of Israel and its political subdivisions, departments, agencies and inhabitants, including any entities and individuals denoted by the term “Zionist” or “Zionist entity”, or by any variation of those terms.

“listed entity” means an entity placed on a list established by the Governor in Council under section 83.05 of the Criminal Code.

“military equipment” means

- (a) any type of weapon, ammunition, military vehicle or military or paramilitary equipment, and includes their spare parts; or
- (b) supplies or services sold or provided, whether directly or indirectly, to any listed entity or to the Islamic Revolutionary Guard Corps.

“Minister” means the Minister of Foreign Affairs.

“nuclear activity” means any activity performed with the aim of producing, facilitating the production of, or developing the capacity to produce, atomic energy or atomic weaponry and, for greater certainty, includes any activity that is within the verification, inspection or monitoring jurisdiction of the International Atomic Energy Agency and its subdivisions, as established by the Treaty on the Non-Proliferation of

Nuclear Weapons, the Agreement between Iran and the International Atomic Energy Agency for the Application of Safeguards in connection with that treaty or the United Nations Security Council.

“oil-related activities” means importing, exporting, extracting, producing, refining, processing, exploring for, transporting, selling or trading oil or petroleum products, or constructing, maintaining, or operating a pipeline, refinery or other oil infrastructure.

petroleum products” means petroleum and all products derived from petroleum, including gasoline.

## CONTRACTS

3. (1) The head of each executive agency shall ensure that all contracts that have been entered into by the executive agency for the procurement of goods or services are supported by a certification from the other party to the contract that that party does not conduct business operations in Iran, for the benefit of Iran, or with any client based in Iran.

(2) If the head of an executive agency is not able to obtain the certification described under subsection (1) with respect to an existing contract within four weeks after the day on which this Act comes into force, the executive agency shall terminate the contract without further notice and without penalty, notwithstanding the terms of the contract, unless the continuation of the contractual relationship is specifically authorized by an Act of Parliament.

4. (1) No executive agency shall enter into a contract for the procurement of goods or services unless that contract includes a certification from the other party to the contract that that party does not conduct business operations in Iran, for the benefit of Iran, or with any client based in Iran.

(2) If, after a contract has been entered into under subsection (1), the head of the executive agency determines that the certification included in the contract is false, the executive agency shall terminate the contract within four weeks without penalty, notwithstanding the terms of the contract, unless the continuation of the contractual relationship is specifically authorized by an Act of Parliament.

(3) No executive agency shall enter into a contract with a person who has included a false certification in a contract mentioned in subsection (1) until at least three years have elapsed from the date on which the false certification was discovered.

## DIVESTMENT

5. (1) Within six months after the day on which this Act comes into force, the Government of Canada shall divest itself of bonds, stocks and other financial instruments invested in Iran or in a commercial enterprise based in Iran, unless these investments are specifically authorized by an Act of Parliament.

(2) Subsection (1) does not preclude the Government of Canada from maintaining a bank account in a financial institution based in Iran for the purpose of paying the expenditures and operating costs of a Canadian Embassy, Canadian High Commission, Canadian Consular Office or other official representative office situated in Iran.

## REPORT — IRANIAN INCITEMENT TO HATE

6. (1) The Minister shall publish annually, in the first week of October, a Report on Iranian Incitement to Hate.

(2) The Report on Iranian Incitement to Hate shall provide statistical information on the incidence of incitement to hate emanating from Iran during the calendar years from 2005 until the year in which the report is published.

(3) The Report on Iranian Incitement to Hate shall include translations in both official languages of all incidences of incitement to hate emanating from Iran in the 12 months preceding the publication of the report.

#### REPORT TO PARLIAMENT

7. The Minister shall, once in every six months from the day on which this Act comes into force, report to Parliament on the measures the Government of Canada has taken to meet Canada's obligations to prevent genocide under the Genocide Convention.

#### RESOLUTION

8. Unless the most current Report on Iranian Incitement to Hate concludes that, in the 12 months preceding its publication, there have been no incidences of incitement to hate emanating from Iran that are directed against Israel or Jews or the Jewish people, the Government of Canada shall add the following text to any resolution it tables at the United Nations on human rights in Iran:

“Deplores the dehumanizing and demonizing of Israel, its inhabitants, Jews and the Jewish people by Iran, whether such dehumanization and demonization are accomplished expressly or implicitly through the use of such euphemisms as “Zionist” or “Zionist entity”.”

#### MEASURES

9. (1) The Minister shall work with the governments of other states in order to encourage each of those states to adopt measures that

(a) publicize the activities of its citizens who, directly or indirectly, assist Iran to continue its nuclear activities or its support of incitement to hate; and

(b) authorize divestment from commercial enterprises operated by those citizens and prevent further investment in such enterprises.

(2) The Minister shall, within three months after the end of each financial year, submit to Parliament a report on the work referred to in subsection (1) that has been carried out by the Minister during that financial year.

#### APPLICATION TO THE UNITED NATIONS

10. (1) Within three months after the day on which this Act comes into force, the Government of Canada shall, pursuant to Article 8 of the Genocide Convention, apply to the Security Council of the United Nations to identify the situation in Iran as a matter demanding immediate response and, in particular, to recommend that the Security Council



- (a) establish a task force monitoring the incidence of incitement to hate in Iran; and
- (b) impose targeted sanctions on Iran that are linked not only to its cooperation in suspending its nuclear activities, but also to its progress in eradicating incitement to hate and domestic abuses of human rights.

(2) Within three months after the day on which this Act comes into force, the Government of Canada shall, pursuant to Article 8 of the Genocide Convention, apply to the Secretary-General of the United Nations requesting that he or she

- (a) identify the potential of a genocidal and nuclear Iran as a threat to international peace and security; and

- (b) refer the matter to the Security Council of the United Nations pursuant to his or her authority under Article 99 of the Charter of the United Nations.

#### FREEZING OF PROPERTY

11. (1) No person in Canada and no Canadian outside Canada shall knowingly

- (a) deal directly or indirectly in any property that is owned or controlled by or on behalf of a person who conducts business operations in Iran, for the benefit of Iran, or with any client based in Iran; or

- (b) enter into or facilitate, directly or indirectly, any transaction in respect of property referred to in paragraph (a).

(2) For the purposes of this section, “business operations” does not include oil-related activities except for those activities prohibited under section 12.

#### PETROLEUM PRODUCTS

12. (1) No person in Canada and no Canadian outside Canada shall facilitate, finance or otherwise participate in the importation of petroleum products into Iran.

(2) Subsection (1) does not apply if the current Report on Iranian Incitement to Hate concludes that there have been no incidences of incitement to hate emanating from Iran in the 12 months preceding publication of the Report.

(3) This section comes into force six months after this Act receives royal assent.

#### INADMISSIBILITY TO CANADA

13. (1) Subject to subsections (2) and (3), a permanent resident or foreign national who is identified in the current Report on Iranian Incitement to Hate as having produced or published, spoken publicly or otherwise made public an incitement to hate shall be deemed to be inadmissible to Canada.

(2) No person shall be deemed inadmissible to Canada pursuant to subsection (1) unless the Minister of Justice and Attorney General of Canada determines that the incitement to hate in question, were it to have been committed in Canada, would constitute an offence under section 318 or 319 of the Criminal Code.

(3) No person shall be deemed inadmissible to Canada pursuant to subsection (1) if that person announces publicly that he or she regrets and repudiates the incitement to hate or, if he or she denies responsibility for the incitement to hate, confirms that he or she believes the incitement to hate to be false.

#### APPLICATION

14. (1) Subject to subsection (2), nothing in this Act abrogates, eliminates or replaces any provision of the Regulations Implementing the United Nations Resolutions on Iran.

(2) In case of any conflict between this Act and the Regulations Implementing the United Nations Resolutions on Iran, this Act shall prevail.

#### OFFENCES

15. (1) Any person who contravenes section 11 or 12 is guilty of an offence and is liable

(a) on summary conviction, to a fine of not more than \$200,000 or to imprisonment for a term of not more than one year, or to both; or

(b) on conviction on indictment, to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than 10 years, or to both.

(2) For greater certainty, where a person, through the same conduct, commits an offence under this Act and under the United Nations Act, that person is liable to the penalties under both this Act and the United Nations Act.

#### REMEDIES

16. Any person may apply to a court of competent jurisdiction for an order of mandamus compelling an executive agency or the head of an executive agency to comply with his, her or its obligations under section 3, 4 or 5.

#### IMMIGRATION AND REFUGEE PROTECTION ACT

17. Subsection 35(1) of the Immigration and Refugee Protection Act is amended by striking out “or” after paragraph (b), adding “or” after paragraph (c) and adding the following after paragraph (c):

(d) being a person who is deemed to be inadmissible under section 13 of the Iran Accountability Act.

## Appendix X: U.S. Treasury Department Announcement (June 16, 2010)

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### *Treasury Announces New Sanctions on Iran, Including First Set of Actions in Response to President Obama's Call for Vigorous Enforcement of United Nations Security Council Resolution 1929*

The U.S. Department of the Treasury announced today a set of designations targeting Iran's nuclear and missile programs – the first set of measures from the United States implementing UNSCR 1929 and building upon the actions mandated by the Security Council. Today's actions also highlight for the international community Iran's use of its financial sector, shipping industry and Islamic Revolutionary Guards Corps to carry out and mask its proliferation activities, and respond to the Council's call for all states to take action to prevent their own financial systems from being abused by Iran.

Pursuant to Executive Order (E.O.) 13382 – which is aimed at freezing the assets of proliferators of weapons of mass destruction (WMD) and their supporters thereby isolating them from the U.S. financial and commercial systems – Treasury today designated:

- **Post Bank of Iran** for providing financial services to, and acting on behalf of, Bank Sepah
- **Islamic Revolutionary Guard Corps (IRGC)** entities and individuals
  - The **IRGC Air Force** and **IRGC Missile Command**, both of which have ties to Iran's ballistic missile program
  - **Rah Sahel** and **Sepanir Oil and Gas Engineering Co.** for their ties to previously designated Khatam al-Anbiya Construction Headquarters
  - Two individuals for their roles in the **IRGC**
- Two individuals and two entities for their ties to Iran's WMD programs, including **Javedan Mehr Toos**, a procurement broker for Kalaye Electric Company
- Five **Islamic Republic of Iran Shipping Lines (IRISL)** front companies

Treasury also today identified 27 vessels as property blocked because of their connection to IRISL and updated the entries for 71 already-blocked IRISL vessels to identify new names given to these vessels as part of IRISL's efforts to evade sanctions. *To view the complete list of the vessel name changes, visit [link](#).*

As a result of today's designations, all transactions involving any of the designees and any U.S. person are prohibited, and any assets the designees may have under U.S. jurisdiction are frozen.

\* \* \* \* \*

Treasury also today identified 22 entities in the insurance, petroleum and petrochemicals industries determined to be owned or controlled by the Government of Iran by adding them to Appendix A to the Iranian Transactions Regulations (ITR). The ITR prohibit transactions between U.S. persons and the Government of Iran. These identifications allow U.S. persons and others to identify Iranian Government entities and protect themselves against the risks posed by such entities. *To view the complete list, visit [link](#).*

### **Post Bank of Iran**

Treasury is today designating **Post Bank of Iran** for providing financial services to, and acting on behalf of, Bank Sepah. Bank Sepah was designated in January 2007 pursuant to E.O. 13382 for providing financial services to Iran's missile industry, including two entities linked to Iran's ballistic missile program, Shahid Bakeri Industries Group and Shahid Hemmat Industries Group. Bank Sepah was subsequently designated by the United Nations in March 2007 under UNSCR 1747.

Since 2007, Bank Sepah has faced severe difficulties in processing international transactions. Prior to the designation of Bank Sepah, Post Bank's business was nearly entirely conducted within Iran. With Iran's state-owned banks, facing increasing sanctions, Iran began using Post Bank to facilitate international trade. In fact, Post Bank stepped into the shoes of Bank Sepah, after it was designated by the UN, to carry out Bank Sepah's transactions and hide its identity. In 2009, Post Bank facilitated business on behalf of Bank Sepah between Iran's defense industries and overseas beneficiaries.

Post Bank, on behalf of Bank Sepah, has also facilitated millions of dollars worth of business between Hong Kong Electronics and other overseas beneficiaries. Hong Kong Electronics was designated by Treasury in June 2009 under E.O. 13382 for providing support to North Korea's Tanchon Commercial Bank and its primary weapons dealer, Korea Mining Development Corporation (KOMID). Tanchon, named in the Annex to E.O. 13382 and designated under UNSCR 1718, is a commercial bank based in Pyongyang North Korea, and is the financial arm of KOMID, which is also named in the Annex to E.O. 13382.

### **Islamic Revolutionary Guard Corps (IRGC)**

Treasury today is targeting the **IRGC Air Force** and **IRGC Missile Command**, key elements in the operational deployment of Iran's ballistic missile capability, and **Rah Sahel** as well as **Sepanir Oil and Gas Engineering Co.**, two subsidiaries of Khatam al-Anbiya Construction Headquarters (KAA), the engineering arm of the IRGC that serves to help the IRGC generate income and fund its operations. KAA owned or controlled by the IRGC and is involved in the construction of streets, highways, tunnels, water conveyance projects, agricultural restoration, and pipelines. KAA was designated by Treasury under E.O. 13382 in October 2007 and most recently under UNSCR 1929. Rah Sahel and Sepanir Oil and Gas Engineering Co. were also sanctioned on June 9, 2010 by the United Nations with the adoption of UNSCR 1929.

The IRGC maintains significant political and economic power in Iran. It has ties to companies controlling billions of dollars in business and construction projects and it is a growing presence in Iran's financial and commercial sectors. The IRGC has numerous economic interests related to defense production, construction, and the oil industry.

The IRGC was designated by the State Department under E.O. 13382 in October 2007 for having engaged, or attempted to engage, in proliferation-related activities. The IRGC has been outspoken in its willingness to facilitate the proliferation of ballistic missiles capable of carrying WMD. The IRGC has broad links to Iran's ballistic missile programs and is one of the primary regime organizations tied to developing and testing the Shahab-3 missile.

Treasury is also designating today the following individuals for their roles in the IRGC:

- **Mohammad Ali Jafari** has been the Commander-in-Chief of the IRGC since September 2007.
- **Mohammad Reza Naqdi** has served as head of the IRGC's Basij Resistance Force since October 2009. Naqdi was sanctioned by the United Nations in March 2008 under UNSCR 1803 for being the former Deputy Chief of the Armed Forces General Staff for Logistics and Industrial Research/Head of the State Anti-Smuggling Headquarters. The U.N. described him as being involved in efforts to evade the sanctions previously imposed under UNSCRs 1737 and 1747.

### **Entities and Individuals with Ties to Iran's Nuclear and Missile Programs**

**Javedan Mehr Toos**, an entity that serves as a procurement broker for Kalaye Electric Company, is being designated today for providing services to, and acting on behalf of, Kalaye Electric Company.

Kalaye Electric Company was designated by Treasury in February 2007, also pursuant to E.O. 13382, for being owned or controlled by, or acting for or on behalf of, the Atomic Energy Organization of Iran (AEOI), the main organization in Iran for research and development activities in the field of nuclear

technology, including Iran's centrifuge enrichment program and experimental laser enrichment of uranium program. AEOI, which reports directly to Iran's president and manages Iran's overall nuclear program, was identified in the Annex to E.O. 13382 and sanctioned by the United Nations under UNSCR 1737. Kalaye Electric Company is linked to Iran's centrifuge research and development efforts. Both organizations are listed in the Annex to UN Security Council Resolution 1737 because of their involvement in Iran's nuclear program.

Since 2009, Javedan Mehr Toos, located in Tehran, has been sought out by Kalaye Electric Company to obtain a variety of nuclear-related equipment on the international market, including magnets which can be used in centrifuges. In early 2010, Javedan Mehr Toos procured specialized valves and vacuum gauges that could ultimately be used for Iran's uranium enrichment program.

Treasury also designated today the following individuals and entity for their ties to Iran's nuclear and WMD programs:

- **Javad Karimi Sabet** has been linked to AEOI since at least 2006, serving as the head of Novin Energy Company (Novin). Novin was designated by Treasury in January 2006 under E.O. 13382 for being owned or controlled by the AEOI, and was sanctioned by the United Nations in March 2007 under UNSCR 1747.
- **Ahmad Vahidi** serves as Iran's Minister of Defense and Armed Forces Logistics (MODAFL), a position he has held since September 2009. Prior to that, he served as Iran's Deputy Defense Minister and held positions with the IRGC-Qods Force. MODAFL has ultimate authority over Iran's Aerospace Industries Organization (AIO) and Iran's Defense Industries Organization (DIO), both of which have been designated under E.O. 13382.
- **The Naval Defense Missile Industry Group** (aka Cruise Missile Industry Group or CMIG) is owned or controlled by the AIO. The AIO is the overall manager and coordinator of Iran's missile program and oversees all of Iran's missile industries. CMIG was sanctioned by the United Nations in March 2007 under UNSCR 1747 for being involved in the development and production of cruise missiles, as well as being responsible for naval missiles.

#### **Islamic Republic of Iran Shipping Lines (IRISL)**

Treasury took further action today against the network of Iran's national maritime carrier, IRISL, by designating five front companies aiding IRISL in evading sanctions, identified 27 new vessels as blocked property due to their connection to IRISL, and updating the entries for 71 already-blocked IRISL vessels to identify new names given to them in order to evade sanctions.

Treasury designated IRISL in September 2008 pursuant to Executive Order 13382 for providing logistical services to Iran's Ministry of Defense and Armed Forces Logistics (MODAFL). MODAFL has authority over the AIO, the arm of the Iranian military that oversees Iran's ballistic missile program, and has used IRISL to conceal the true destination of shipments of military-related goods destined for MODAFL.

Since being designated, IRISL has increasingly relied upon a series of front companies and has engaged in deceptive behavior – such as falsifying shipping documents and renaming ships – to assist it in overcoming the impact of sanctions and increased scrutiny of its behavior. IRISL has also been involved in Iranian attempts to transfer arms-related material. Iran is prohibited from exporting arms and related material by UNSCR 1747.

IRISL established the front company, **Hafiz Darva Shipping Company (HDS Lines)**, in 2009, to conduct its containerized shipping operations under the HDS Lines brand name. HDS has retained some IRISL officers as corporate members. In late 2009, HDS Lines assumed IRISL's containerized shipping operations and established shipping routes nearly identical to those formerly operated by IRISL.

Similarly, IRISL created **Soroush Sarzamin Asatir Ship Management Company**, also designated today, which has assumed IRISL's ship management functions in the wake of sanctions against IRISL. Like HDS Lines, it also shares corporate officers with IRISL.

**Safirán Payam Darva (SAPID) Shipping Co.**, also designated today, was created by IRISL in April 2009 to take control of several ships previously directly owned by IRISL and to handle IRISL's former bulk and general cargo operations. SAPID's directors and/or shareholders are five members of IRISL's Board of Directors: Mohammad Hossein Dajmar, IRISL's Managing Director; Gholamhossein Golpavar, IRISL's Commercial Director; Mohammad Mehdi Rasekh; Masoud Nik Nafs; and Mohammad Sadegh Mofateh. Dajmar serves as SAPID's Chairman, and Nik Nafs serves as its Vice-Chairman. Golparvar serves as SAPID's Managing Director, while Rasekh and Mofateh serve as SAPID directors.

Two Hong Kong-based companies affiliated with IRISL, **Seibow Limited** and **Seibow Logistics** are also being designated today.

Today's designations of IRISL front companies and identification of new and renamed IRISL-affiliated vessels also reinforce UNSCR 1803, which among other things, calls upon all States to inspect, in accordance with their national legal authorities and consistent with international law, cargoes to and from Iran, aircraft and vessels, at their seaports and airports, including their ports, owned or operated by IRISL, "provided there is reasonable grounds to believe that the vessel is transporting goods prohibited" under UNSCRs 1737, 1747, and 1803.

[...]

### **Iranian Transactions Regulations**

#### **INSURANCE**

1. **BIMEH IRAN INSURANCE COMPANY (U.K.) LIMITED** (A.K.A. BIUK): Bimeh Iran Insurance Company (U.K.) Limited is a London-based entity that is owned or controlled (99%) by Iran Insurance Company.
2. **IRAN INSURANCE COMPANY** (A.K.A. BIMEH IRAN): Iran Insurance Company is a parastatal that is wholly-owned by the Government of Iran.

#### **PETROLEUM, PETROCHEMICALS & ASSOCIATED ENTITIES**

1. **MSP KALA NAFT CO. TEHRAN** (A.K.A. KALA NAFT CO SSK; A.K.A. KALA NAFT COMPANY LTD; A.K.A. KALA NAFT TEHRAN; A.K.A. KALA NAFT TEHRAN COMPANY; A.K.A. KALAYEH NAFT CO; A.K.A. M.S.P.-KALA; A.K.A. MANUFACTURING SUPPORT & PROCUREMENT CO.-KALA NAFT; A.K.A. MANUFACTURING SUPPORT AND PROCUREMENT (M.S.P.) KALA NAFT CO. TEHRAN; A.K.A. MANUFACTURING, SUPPORT AND PROCUREMENT KALA NAFT COMPANY; A.K.A. MSP KALA NAFT TEHRAN COMPANY; A.K.A. MSP KALANAFT; A.K.A. MSP-KALANAFT COMPANY; A.K.A. SHERKAT SAHAMI KHASS KALA NAFT; A.K.A. SHERKAT SAHAMI KHASS POSHTIBANI VA TEHIYEH KALAYE NAFT TEHRAN; A.K.A. SHERKATE POSHTIBANI SAKHT VA TAHEIH KALAIE NAFTE): MSP Kala Naft Co. Tehran is a Tehran-based entity that is responsible, along with other entities, for procurement on behalf of the National Iranian Oil Company ("NIOC"), which is an entity that is owned or controlled by the Government of Iran. MSP Kala Naft Co. Tehran is wholly-owned by NIOC. In 2007, MSP Kala Naft Co. Tehran was listed by the Japanese government as an entity of concern for biological, chemical, and nuclear weapon proliferation. On November 26, 2008, NIOC was identified by OFAC as an entity that is owned or controlled by the Government of Iran.
2. **KALA LIMITED** (A.K.A. KALA NAFT LONDON LTD): Kala Limited is the London-based procurement arm for MSP Kala Naft Co. Tehran, an entity that is wholly-owned by NIOC. On

- November 26, 2008, NIOC was identified by OFAC as an entity that is owned or controlled by the Government of Iran.
3. **KALA PENSION TRUST LIMITED:** Kala Pension Trust Limited, is a London-based entity that is wholly-owned by Kala Limited; it is an investment arm for Kala Naft, the procurement arm of NIOC. On November 26, 2008, NIOC was identified by OFAC as an entity that is owned or controlled by the Government of Iran.
  4. **NATIONAL IRANIAN OIL COMPANY PTE LTD:** National Iranian Oil Company PTE Ltd is a Singapore-based entity that is wholly-owned by NIOC. On November 26, 2008, NIOC was identified by OFAC as an entity that is owned or controlled by the Government of Iran.
  5. **IRANIAN OIL COMPANY (U.K.) LIMITED (A.K.A IOC UK LTD):** London-based Iranian Oil Company (U.K.) Limited is an entity that is wholly-owned by Naftiran Intertrade Co Ltd. (NICO). Iranian Oil Company (U.K.) Limited is fully-funded and supported by NICO. On November 26, 2008, NICO, a subsidiary of NIOC, was identified by OFAC as an entity that is owned or controlled by the Government of Iran.
  6. **NIOC INTERNATIONAL AFFAIRS (LONDON) LIMITED:** NIOC International Affairs (London) Limited is a London-based entity that is wholly-owned by NIOC. On November 26, 2008, NIOC was identified by OFAC as an entity that is owned or controlled by the Government of Iran.
  7. **NAFTIRAN TRADING SERVICES CO. (NTS) LIMITED:** Naftiran Trading Services Co. (NTS) Limited is a London-based entity that is wholly-owned by NICO. On November 26, 2008, NICO, a subsidiary of NIOC, was identified by OFAC as an entity that is owned or controlled by the Government of Iran.
  8. **NICO ENGINEERING LIMITED:** NICO Engineering Limited is a Jersey-registered entity that is wholly-owned by NICO. On November 26, 2008, NICO, a subsidiary of NIOC, was identified by OFAC as an entity that is owned or controlled by the Government of Iran.
  9. **NATIONAL PETROCHEMICAL COMPANY (A.K.A. NPC):** The National Petrochemical Company (NPC) is a subsidiary of the Iranian Petroleum Ministry and is wholly-owned by the Government of Iran. It is responsible for the development and operation of Iran's petrochemical sector and is the second-largest producer and exporter of petrochemicals in the Middle East.
  10. **IRAN PETROCHEMICAL COMMERCIAL COMPANY (A.K.A. Petrochemical Commercial Company; A.K.A. Sherkate Basargani Petrochemie (Sahami Khass); A.K.A. Sherkate Bazargani Petrochemie; A.K.A. IPCC; A.K.A. PCC):** Iran Petrochemical Commercial Company is a wholly-owned subsidiary of NPC.
  11. **NPC INTERNATIONAL LIMITED (A.K.A. N P C International Ltd; A.K.A. NPC International Company;):** NPC International Limited is a London-based entity that is wholly-owned and controlled by NPC.
  12. **INTRA CHEM TRADING GMBH (A.K.A. Intra-chem Trading Co. (GMBH)):** Intra Chem Trading GmbH is a Hamburg-based that is wholly-owned by Iran Petrochemical Commercial Company.
  13. **PETROCHEMICAL COMMERCIAL COMPANY INTERNATIONAL LIMITED (A.K.A. Petrochemical Commercial Company International Ltd; A.K.A. Petrochemical Trading Company Limited; A.K.A. PCCI):** The Petrochemical Commercial Company International Limited is a Jersey-based entity that is wholly-owned by NPC.
  14. **P.C.C. (SINGAPORE) PRIVATE LIMITED (A.K.A. P.C.C. Singapore Branch A.K.A. PCC Singapore Pte Ltd):** P.C.C. (Singapore) Private Limited is a Singapore-based entity that is wholly-owned by Iran Petrochemical Commercial Company
  15. **PETROCHEMICAL COMMERCIAL COMPANY FZE (A.K.A. PCC FZE):** The Petrochemical Commercial Company FZE is a Dubai-based entity that is wholly-owned by the Iran Petrochemical Commercial Company.
  16. **PETROCHEMICAL COMMERCIAL COMPANY (U.K.) LIMITED (A.K.A. PCC (UK); A.K.A. PCC UK; A.K.A. PCC UK LTD):** The Petrochemical Commercial Company (U.K.) Limited is a London-based and wholly-owned subsidiary of the Iran Petrochemical Commercial Company.
  17. **PETROIRAN DEVELOPMENT COMPANY (PEDCO) LIMITED (A.K.A. Petro Iran Development Company; A.K.A. PEDCO):** Petroiran Development Company (Pedco) Limited is a Jersey-registered entity that is wholly-owned by NICO. On November 26, 2008, NICO, a

- subsidiary of NIOC, was identified by OFAC as an entity that is owned or controlled by the Government of Iran.
18. **PETROPARS LTD.** (A.K.A. Petropars Limited; A.K.A. PPL): Petropars Ltd. is an entity that is wholly-owned by NICO. On November 26, 2008, NICO, a subsidiary of NIOC, was identified by OFAC as an entity that is owned or controlled by the Government of Iran.
  19. **PETROPARS INTERNATIONAL FZE** (A.K.A. PPI FZE): Petropars International FZE is a Dubai-based entity that is wholly-owned by Petropars Ltd.
  20. **PETROPARS UK LIMITED:** Petropars UK Limited is a London-based entity that is wholly-owned by Petropars Ltd.



## Appendix XI: European Council Declaration on Iran (June 17, 2010)

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### DECLARATION ON IRAN

1. The European Council underlines its deepening concerns about Iran's nuclear programme and welcomes the adoption by the UN Security Council of Resolution 1929 introducing new restrictive measures against Iran.

2. The European Council welcomes the recent efforts by Brazil and Turkey to secure progress on the Tehran Research Reactor agreement proposed to Iran by the IAEA in October 2009. A satisfactory agreement with Iran on the TRR could serve as a confidence building measure. However, the European Council stresses that it would not address the core of Iran's nuclear issue. The European Council urges Iran to engage in negotiations on its nuclear programme.

3. The European Council reaffirms the rights and responsibilities of Iran under the NPT. The European Council deeply regrets that Iran has not taken the many opportunities which have been offered to it to remove the concerns of the international community over the nature of the Iranian nuclear programme. The decision by Iran to enrich uranium to the level of 20 per cent, contrary to its international obligations under existing UNSC and IAEA Board of Governors Resolutions has further increased these concerns. In this regard, the European Council notes the last report of the IAEA of 31 May.

4. Under these circumstances, new restrictive measures have become inevitable. The European Council, recalling its declaration of 11 December 2009 and in the light of the work undertaken by the Foreign Affairs Council thereafter, invites the Foreign Affairs Council to adopt at its next session measures implementing those contained in the UN Security Council Resolution 1929 as well as accompanying measures, with a view to supporting the resolution of all outstanding concerns regarding Iran's development of sensitive technologies in support of its nuclear and missile programmes, through negotiation. These should focus on the areas of trade, especially dual use goods and further restrictions on trade insurance; the financial sector, including freeze of additional Iranian banks and restrictions on banking and insurance; the Iranian transport sector, in particular the Islamic Republic of Iran Shipping Line (IRISL) and its subsidiaries and air cargo; key sectors of the gas and oil industry with prohibition of new investment, technical assistance and transfers of technologies, equipment and services related to these areas, in particular related to refining, liquefaction and LNG technology; and new visa bans and asset freezes especially on the Islamic Revolutionary Guard Corps (IRGC).

5. The European Council confirms once again the commitment of the European Union to work for a diplomatic solution of the issue of Iran's nuclear programme. The European Council calls on Iran to demonstrate willingness to build the confidence of the International community and to respond to the invitation for resumption of negotiations, and reaffirms the validity of the June 2008 proposals made to Iran.

6. What is needed is a serious negotiation about Iran's nuclear programme and other issues of mutual concern. The European Council underlines that the EU High Representative for Foreign Affairs and Security Policy is ready to resume talks in this regard.

