

LETTER TO PRESIDENT BUSH CALLING FOR INDICTMENT BY
INTERNATIONAL CRIMINAL COURT OF PRESIDENT AHMADINIYAD FOR
INCITEMENT TO COMMIT GENOCIDE

October 24th, 2006

Dear President Bush

The fifth anniversary of the atrocities of September 11 from genocidal terror and the horrific death tolls from failure to stop the genocide in Darfur have forced Americans to examine our responsibilities to protect peoples whose very existence is endangered. Currently, two of the most urgent issues before US policy makers are Iran's intent to acquire nuclear weapons capability and, less noticed but just as critical, its President Mohamed Ahmadinejad's genocidal threats against Israel and Jews.

Negotiations with Iran do not appear to be working due to the intransigence of Iran's extremist leaders who are using our potential readiness to launch another war to build political support in Iran. We therefore propose an alternative tactic: action in the United Nations Security Council to refer Iran's President to the International Criminal Court for incitement to commit genocide—a crime under the Genocide Convention, to which Iran is a State-Party. We also propose that we ask one of our allies to bring a case against Iran before the International Court of Justice for violation of the Genocide Convention. Only if these actions are undertaken should military action against Iran be seriously considered as a last resort, given the evident dangers and costs.

Arguably a nation's possession of nuclear weapons in and of itself is not at the heart of the problem. If it were, other nations might well have preceded Iraq on the list of threats to our national security and that of our allies. The real problem is the Iranian government's clearly and frequently expressed intent to eliminate Israel and the Jewish people, specifically President Mahmoud Ahmadinejad's incitements to commit genocide.

The declarations of President Ahmadinejad that Israel "should be wiped off the map" and his incitement of students to yell "death to the Jews," October 26, 2005 at a government sponsored "World without Zionism" conference are typical of his openly stated declarations of aggressive intent in violation of Art. 2 (4) of the UN Charter. They are direct and public incitements to commit genocide in violation of the Genocide Convention and of Articles 6 and 25 (3)(e), of the Rome Statute of the International Criminal Court. His 'clarification' that he merely advocates the "transfer" of Jews in Israel to German or Austrian soil, is itself advocacy of forced deportation, another crime against humanity, and is contradicted by long term Iranian government support for Hezbollah and other terrorist groups.

This is the Iranian governmental threat that the world faces. The most appropriate and effective action you could take at this time is to call for the indictment of Iran's President for incitement to commit genocide.

United Nations Security Council Resolution 1674 declares that the world's nations must protect communities-at-risk from genocidal threats (<http://www.responsibilitytoprotect.org/index.php/features/465?theme=alt5>). In keeping with this principle, such respected international organizations as the International Association of Genocide Scholars and Genocide Watch have recommended the indictment of the Iranian President, and have done considerable foundational research on this premise. Based on their work and that of others, we call for legal experts from the Justice and State Departments to prepare the needed legal documents and supporting papers for immediate action.

We suggest that Iran's termination of its mass incitement of genocide and of its support for identified terrorist groups carrying out violence against civilians (e.g. Hezbollah, Hamas) would be the outcomes by which we would define the success of a legal process leading to indictment—even if the indictment does not run its full legal course to conviction.

Two of Osama Bin Laden's strategic goals in the 9-11 attacks on the American homeland, the worst ever in our history by any measure, were to divide us politically and to break us economically. A pre-emptive military strike on Iran could increase political divisions within the US and extend divisions between our vital allies and us. Military strikes also could precipitate unforeseen events that would demand additional scarce economic and human resources and threaten our nation's economy. Let us try legal action first, in hopes that this will help obviate the need for military action.

The legal action we advise will distinguish between Iran's leaders, who are culpable, and its people, many of whom are among the victims of their leaders' misdeeds. If the International Criminal Court is not favored as the preferred venue for any reason, an American ally such as Germany could bring a dispute with Iran before the International Court of Justice at the Hague under Article 9 of the Genocide Convention.

We look forward to your support for our proposal to use the moral force of international law. Please be assured of our continued prayers for our government to resolve this crisis peacefully. The struggle to protect innocent lives is a battle we cannot afford to lose.

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ADDITIONAL ANALYSIS
and explanation for the
Indictment of Iran's President.
October 4, 2006

President Bush's and the United Nations' nuclear impasse with Iran's President Mahmoud Ahmadinejad and his colleagues, who are openly threatening genocide, appears to be leading toward the use of military force. We trust that you will join us in urging President Bush to try another approach first – one that is peaceful, but strong and coherent - to initiate international legal action to deter Iran's leaders from pursuing their genocidal threats, incitement and initial actions during this interval between current (likely fruitless) diplomatic efforts and the possible use of military force.

Security Council Resolution 1674 gives the nations of the world responsibility to protect communities-at-risk from genocidal threats, incitement and actions (<http://www.responsibilitytoprotect.org/index.php/features/465?theme=alt5>). We must urge President Bush to use the moral force of his position to see that this resolution is implemented through international legal means, before any resort to military force to prevent Iran's development and use of nuclear weapons. Rather than decreasing or weakening the potential threat to Iran's leaders, such legal action will increase the seriousness of the threat, keep the pressure on them, and thus more likely produce an appropriate response.

Since his election, President Ahmadinejad and his colleagues have called for the elimination of Israel some fifty times. According to the International Association of Genocide Scholars and Genocide Watch these statements constitute incitement to genocide, itself a crime against humanity. In Darfur, where the genocide began some four years ago, there have been an estimated 400,000 deaths, including those from terror attacks and from hunger and disease following expulsion from villages, repeated rapes and other violence. We are concerned that Israel, recently attacked by Hezbollah with Iran's full encouragement and assistance, already could be involved in an early stage of genocide similar to that of Darfur four years ago, when hundreds already were being killed and hundreds of thousands made refugees, or to that of the Jews of Europe, and all Europeans for that matter, in 1938-1939 at the outbreak of world war.

In these perilous and politically divided times there is a course on which virtually all Americans and others of good will should be able to agree: first, deterring those whose statements indicate that they are pursuing genocidal objectives, and second, urging and warning bystanders not to cooperate with them.

Genocide results from an insidious combination of the decisions of its perpetrators, the active or passive cooperation and assistance of its accomplices and enablers, and the indifference of bystanders. Stopping genocide also requires decision, especially by our nation's leaders, a decision to develop a proactive strategy of resolute and comprehensive opposition to the perpetrators at every feasible pressure point, of stiff warnings – or worse – to the accomplices and enablers (e.g. the suppliers of Iran's nuclear ambitions

and the action arms of its attacks on such victims as Israel and the people of Iraq), and of firm notice to the World's nations that in an interdependent world, there truly can be no innocent adult bystanders. Real freedom and democracy, as the President has declared, surely are the birthright of every person on Earth, but they will only be realized and flow from a foundation of personal security and freedom from genocidal threats and actions.

Please pass this request on to the appropriate decision-makers in your organization and ask that they provide a speedy and positive response. "Never again" should have meant never again ever since 1945 - but it has not been so. Ignoring incitement to genocide recalls the appeasement of the 1930's and entails the evident risk of a repetition of the Holocaust, only with more efficient and comprehensive means. And stopping this genocide at a still early stage may serve as a clear precedent for stopping other such threats in the future before they become the full-blown horror we are witnessing now in Darfur.

Thank you for a swift, positive response, since our nation lacks any other suitable option.

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