

THE GENOCIDE INCITEMENT ACT OF 2012

H.R. Directing the President to Determine, through the Resources of the Departments of Defense, Justice, and State whether The Islamic Republic of Iran is violating Article 3c of the International Convention for the Prevention and Punishment of Genocide (Genocide Convention), by committing direct and public incitement to commit genocide against the nation of Israel and against Jews in violation of the Genocide Convention;

And to Determine the Best Procedures to Charge, Prosecute and Punish the Islamic Republic of Iran and its leaders for violation of the Genocide Convention, in Keeping With Applicable Treaties to which the United States is Party;

And to Report Fully On These Determinations In No More than 180 Days.

H.R.....

112th CONGRESS
2d Session

H.R.....

BE IT ENACTED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF
THE UNITED STATES

Month, Day, 2012

An Act of The Congress

Calling on the United States to assist States Parties to the Genocide Convention to bring a dispute to the International Court of Justice with the Islamic Republic of Iran for its violation of the Genocide Convention.

Whereas genocide, which has resulted in the deaths of more than 70 million people since World War II and is the deadliest man-made human catastrophe, is now recognized as being both predictable and preventable;

Whereas the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (commonly referred to as the 'Genocide Convention') in Article 2 defines genocide as acts intended to destroy, in whole or in part a national ethnical, racial, or religious group; including killing members the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and specifically provides in Article 3 for punishment of genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide;

Whereas Article 4 of the Genocide Convention provides that individuals committing any of the listed genocidal crimes shall be punished 'whether they are constitutionally responsible rulers, public officials or private individuals';

Whereas 133 Member States of the United Nations have ratified the Genocide Convention and thereby have pledged to prosecute those individuals who violate its prohibition of incitement to commit genocide, as well as individuals who commit other acts of genocide;

Whereas 62 years ago the United Nations was founded in the wake of the Holocaust, the Nazi genocide carried out during World War II that resulted in the slaughter of 6 million Jews in Europe and over 6 million members of other national and ethnic groups, and the Preamble to the United Nations Charter states its purpose: to 'save succeeding generations from the scourge of war' and uphold and protect the 'dignity and worth of the human person';

Whereas Article 2, Section 4, of the United Nations Charter, to which Iran is bound as a Member State of the United Nations, requires all Member States of the United Nations to 'refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state;'

Whereas the President of Genocide Watch and the International Alliance to End Genocide, Professor Gregory H. Stanton, has developed a predictive model of the eight stages of the genocidal process (Classification, Symbolization, Dehumanization, Organization, Polarization, Preparation, Extermination, and Denial) that shows hate speech and public incitement to be among the most reliable predictors of genocide;

Whereas genocide scholars, using a paradigm developed by medical epidemiologists, advocate use of the Precautionary Principle to predict and prevent genocide; and the Precautionary Principle states that when there is uncertainty about whether a catastrophe (such as an epidemic or a genocide) will occur, it is better to take precautionary measures rather than wait for the catastrophe to occur; meaning that the burden of proof shifts from those who say the event will happen to those who say it will not occur, reversing the usual "wait and watch" position of diplomats to "act and prevent;" so that actions will be taken to prevent catastrophes; in other words, it is better to be safe than sorry;

Whereas Iranian leaders have made direct and public incitements to commit genocide against Israel since the Islamic Revolution under the Ayatollah Khomeini, and the Government of Iran has consistently supported terrorist groups that share its intent to destroy the state of Israel;

Whereas on December 15, 2000, Iranian Supreme Leader Ali Khamene'i stated to thousands of Muslim worshippers in Tehran that 'Iran's stance has always been clear on this ugly phenomenon (Israel). We have repeatedly said that this cancerous tumor of a state should be removed from the region;'

Whereas on December 14, 2001, former leader of Iran and current leader of Iran's influential Expediency Council Ali Akbar Hashemi-Rafsanjani threatened Israel with destruction by nuclear attack, saying, 'One day, the Islamic world will also be equipped with weapons like those that Israel possesses now; then the imperialists' strategy will reach a standstill because the use of even one nuclear bomb inside Israel will destroy everything, while it will merely harm the Islamic world;'

Whereas President Mahmoud Ahmadinejad, the Ayatollah Khamene'i, and other Iranian leaders have made numerous statements directly and publicly inciting their followers and other nations to "wipe Israel off the map", and "erase Israel from the pages of history," and other direct and public incitements to commit genocide that blatantly violate the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter by their calls for the destruction of the State of Israel;

Whereas on August 3, 2006, in a speech during an emergency meeting of Muslim leaders, Iranian leader Mahmoud Ahmadinejad stated that the Middle East would be better off 'without the existence of the Zionist regime', called Israel an 'illegitimate regime' with 'no legal basis for its existence';

Whereas on October 26, 2005, at the World Without Zionism Conference in Tehran, Iran, Iranian leader Mahmoud Ahmadinejad called for Israel to be 'wiped off the map', described Israel as 'a disgraceful blot on the face of the Islamic world', and declared that 'anybody who recognizes Israel will burn in the fire of the Islamic nation's fury';

Whereas on December 12, 2006, Iranian leader Mahmoud Ahmadinejad addressed a conference in Tehran questioning the historical veracity of the Holocaust and said that Israel would 'soon be wiped out';

Whereas Iran's leaders, including Supreme Leader Ayatollah Khamenei and President Mahmoud Ahmadinejad, have engaged for many years in a campaign of repeated incitement to commit genocide, using language and crude anti-Semitic dehumanization, reminiscent of Hitler in Mein Kampf, calling Jews "stinking corpses" (June 13, 2009), "germs of corruption", "cancer", and demonizing "Zionists [as] few in number but dominating financial and monetary positions", and stating that Jews are "acquisitive and invasive people" ; that "Zionism is the root cause of insecurity and wars" , that "Iran will support Hamas until the destruction of Israel." (November 26, 2008);

Whereas a report from the Jerusalem Center for Public Affairs entitled "What Iranian Leaders Really Say About Doing Away with Israel", by Dr. Joshua Teitlebaum, dated June 16, 2008 has confirmed the accuracy of the translation of the statements of President Ahmadinejad and other Iranian leaders that directly and publicly incited the commission of genocide; and a subsequent timeline from the Hebrew University–Hadassah Genocide Prevention Program by Professor Elihu D. Richter and Alex Barnea published in Middle East Quarterly has verified that the intensity and frequency of the use of dehumanizing metaphors in Iranian statements greatly increased from 2008 onwards;

Whereas Iran is aggressively pursuing a clandestine effort to arm itself with nuclear weapons, which would give it the means to commit genocide against the nation of Israel;

Whereas since 2006, Genocide Watch, the International Association of Genocide Scholars, and some 800 signatories on a petition of Scholars for Peace in the Middle East, the U.S. house of Representatives (H. Con. Res. 21, 110th Congress) and most recently, a special committee of the Canadian Parliament have called for the US and the UN to expedite legal action against Iran, using the existing tools of international law, for its repeated calls for destruction of the State of Israel while Iran defies U.N. Security Council resolutions calling on it to stop its secret pursuit of nuclear weapons;

Whereas on December 14, 2006, incoming United Nations Secretary General Ban Ki-moon said that Iran's calls for Israel's destruction and its dismissal of the Holocaust are 'unacceptable', and expressed concern about the regional and global security implications of Tehran's nuclear program;

Whereas the Iranian government is engaged in the massive repression of the rights of its own people – particularly the Baha'i religious minority of Iran – along with persecution and torture of political dissidents and homosexuals, and Iran has the world's highest rate per capita of executions, and such crimes against humanity are another precursor of genocide;

Whereas in the words of Irwin Cotler, the noted Canadian Member of Parliament and human rights jurist, "A person who shames the cause of human rights does not deserve to be a welcome guest at a human rights conference. Rather, such a person –who oppresses the rights of his own people.... belongs in the docket of the accused."

Whereas Canada has just broken its diplomatic relations with the Iranian regime because of Iran's direct and public incitement to genocide against Israel, its support for terrorism and crimes against humanity, and its efforts to develop nuclear arms;

Whereas Iran funds, trains, and openly supports terrorist groups, including Hamas, Hezbollah, and Islamic Jihad among many others, all of which have murdered Americans, Israelis, and non-Israeli Jews and are determined to destroy Israel;

Whereas Iran is just one of several regimes that produce, disseminate, protect and tolerate state-sanctioned hate speech and direct, public incitement to commit genocide against Israel in official media, governmental statements, places of worship, and educational systems, including school texts and websites;

Whereas the longstanding policy of the Iranian regime is aimed at destroying the democratic State of Israel, a vital United States ally and longstanding friend, which is confirmed by statements such as those made by Iranian President Ahmadinejad, Supreme Leader Khamene'i, and other Iranian leaders, that demonstrate direct and public incitement to destroy the nation of Israel in violation of the Genocide Convention's Article 3c and the United Nations Charter;

Now, therefore, be it:

Enacted by the House of Representatives (the Senate concurring), That Congress—

(1) condemns, in the strongest terms, direct and public incitements to commit genocide against Israel made by Iranian President Mahmoud Ahmadinejad, the Ayatollah Khamen'i', and other Iranian leaders;

(2) calls on the United Nations Security Council to refer charges against Iranian leaders to appropriate international legal institutions for violation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and under Article 2, Section 4, of the United Nations Charter;

(3) calls on the United Nations Security Council and all Member States of the United Nations to impose stronger sanctions to prevent Iran from obtaining nuclear weapons, which would violate the Nuclear Non-Proliferation Treaty and would provide Iran with a potential means to commit genocide against the state of Israel;

(4) calls on states-parties to the Genocide Convention to bring a dispute against The Islamic Republic of Iran to the International Court of Justice for violation of the Genocide Convention;

6) Recognizes the role of state-sanctioned hate language and incitement, notably the use of dehumanizing metaphors as a predictor and promoter of genocide;

(7) Recognizes the need to use the Precautionary Principle as a paradigm for prediction and prevention of genocide before it occurs rather than proving genocidal intent after the genocide is underway or over;

(8) Directs the U.S. State Department and the Atrocities Prevention Board to establish (a) a surveillance network for monitoring state-sanctioned hate language and incitement, (b) an expert advisory panel to define and score such incitement, (c) a metric index for tracking such incitement not only by Iran, but also that perpetrated by other regimes in the Middle East and beyond that produce, disseminate, protect and tolerate state-sanctioned incitement and hate language in official media, governmental statements, places of worship, and educational systems, including school texts and websites, and (d) a genocide incitement assessment system, patterned on such environmental impact assessment systems as that established in 42 United States Code sections 4321 - 4347, including the preparation of a genocide impact statement for major diplomatic activities, which shall include likely alternative proposed actions, and the Secretary of State's recommended actions, including any needed proposed legislation, executive orders or regulations, required to prevent or counter incitement or genocide;

(9) Reaffirms the unwavering strategic partnership and close friendship between the United States and Israel and reasserts the steadfast commitment of the United States to defend the right of Israel to exist as a free and democratic state;

(9) Requests that the President and the Atrocities Prevention Board created by him report to the Congress on its work to delineate the fundamental processes of genocide and how genocide can be prevented and to report its recommendations for application of the Precautionary Principle to re-orient American foreign policy to advance the temporal locus of intervention on genocide from reaction to anticipatory prediction and prevention; such report to be made no later than March 30, 2013.