

Lawyers warn on Illegality of Any Offensive Military Action by US against Iran

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CCR and Other Groups Issue Open Letter Warning of Illegality of Any Offensive Military Action by US against Iran

WASHINGTON - January 31 - Today European, international, and U.S. legal and human rights groups issued an open letter warning of the illegality of any offensive military action by the United States against Iran. Signatories include the Center for Constitutional Rights (U.S.), Droite Solidarite (France), European Association of Lawyers for Human Rights and Democracy, Italian Association of Democratic Lawyers, Haldane Society (United Kingdom), International Association of Democratic Lawyers, National Lawyers Guild (U.S.), and Progress Lawyers Network (Belgium). The text of the letter is below.

Open Letter to All Members of Congress, the Bush Administration And the U.S. Armed Forces From Legal and Human Rights Groups

There are increasing indications that the Bush administration intends to take military action against Iran. There are also indications that the administration would support military action by Israel against Iran.

The undersigned organizations issue this Open Letter to All Members of Congress, the Administration and the U.S. Armed Forces to reiterate their affirmative duties to prevent military action and to refrain from ongoing threats to peace.

Such military action would be illegal, and any member of the administration, the military or Congress supporting such action would be aiding and abetting this violation.

Offensive military action against Iran would be illegal, as the United States is bound under the United Nations Charter to settle international disputes by peaceful means and to refrain

from the threat or use of force against the territorial integrity of any state or act in any other manner inconsistent with the purpose of the United Nations (Article 2 sections 3 and 4). While Article 51 of the charter recognizes the inherent right of individual or collective self defense, such a right exists only if an armed attack occurs and is allowed only until the Security Council can take measures necessary to maintain international peace and security.

The UN Charter, as a treaty signed by the U.S., is part of the Supreme Law of the United States under Article VI §2 of the United States Constitution. If the President and Congress fail to abide by the law as provided in the Constitution they violate their sacred oaths of office.

Any military action against Iran in the absence of a military strike by Iran would be a war of aggression outlawed under Article 2(4) of the UN Charter. The sending of aircraft carriers combined with recent threatening statements constitutes a threat to wage an aggressive war, which is also prohibited by the Charter. Crimes against peace include: planning, preparation, initiation or waging a war of aggression in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy to accomplish these acts.

The United States and all countries of the world that have signed the UN Charter are required to abide by their obligations under it. It is in the interests of all countries of the world that the United Nations be a viable multilateral institution capable of carrying out the mission of its charter to preserve peace and promote development and human rights. Actions which violate that charter undermine it. Actions by the US which violate the charter prevent the UN from acting effectively; they also undermine the credibility of the US in the world community. The US cannot demand that other countries obey the terms of the UN Charter while it is violating those very provisions with impunity.

The War Powers Act, which requires congressional approval of military action, must be read consistently with our obligations under the UN Charter not to engage in wars of aggression. We urge:

1. The President, Vice President, and all other members of the Bush administration who are in a decision-making role with regard to taking military action in Iran, to immediately renounce such efforts to engage in this war;
2. The members of the military to refuse any requests by the administration to draw up or execute plans for any invasion or other military action against Iran in light of the illegality of such actions; and
3. That Congress immediately pass a binding resolution reaffirming the United States' legal obligations and informing the President and the administration that it will not concur in any proposed invasion of or military action against Iran, would refuse to approve funding for any such military action, and would consider actions taken in contravention of the resolution as impeachable offenses.

The Center for Constitutional Rights

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