



23 October 2017

VIA OVERNIGHT DELIVERY SERVICE

HE Ivan Šimonović
Special Adviser of the Secretary-General
on the Responsibility to Protect
United Nations Headquarters
866 United Nations Plaza, Suite 600
New York, New York 10017

RE: The Appointment of a Special Adviser Pursuant to Security Council Resolution 2379

Your Excellency:

By way of introduction, the European Centre for Law and Justice (ECLJ) is an international not-for-profit law firm located in Strasbourg, France, dedicated to protecting human rights and religious freedom in Europe and around the world. The ECLJ holds Special Consultative Status as an NGO before the United Nations. The ECLJ has submitted both written and oral statements to the United Nations Human Rights Council on the subject underlying this correspondence. The ECLJ respectfully submits this correspondence on behalf of its members and over 536,000 persons, including persons residing in 147 nations and territories.

In a most welcome development, on 21 September 2017, the U.N. Security Council unanimously adopted Resolution 2379 calling for the creation of an Investigative Team headed by a Special Adviser for the purpose of “collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity, and genocide committed by the terrorist group ISIL (Da’esh) in Iraq”¹. Such evidence will then be used to hold ISIS members “accountable for their crimes in Iraq”².

This is the first crucial step in providing the relief that Christians and other religious minorities in Iraq so desperately need and the justice they most assuredly deserve. It is also the first crucial step in sending the message that such barbaric behaviour will not be tolerated by the international community. In order to successfully prosecute the perpetrators of genocide, the evidence must first be collected. ISIS (also known as the Islamic State, IS, ISIL, and Da’esh) members have killed Christians and Yazidis by the thousands, have enslaved and raped thousands more because of their religion, and have destroyed their places

¹S.C. Res. 2379, ¶ 2 (21 Sept. 2017).

²*Id.*

of worship, their homes, and their livelihoods³. As your Office knows well, we have a responsibility to protect these victims of atrocities.

In a thoughtful letter we received from Special Adviser of the Secretary-General on the Prevention of Genocide, HE Adama Dieng, dated 12 September 2017, he echoed the importance of collecting and preserving evidence of these atrocities:

[E]fforts to investigate the facts and to bring perpetrators to justice should be prioritized. The most urgent need at the moment is to ensure that potential evidence is protected and that all efforts are made to ensure the integrity of such evidence. This is a challenge that both Iraqi Government and Kurdistan Regional Government authorities are facing. It is essential that there is a proper assessment of the needs of the Iraqi authorities in this regard, with the view of facilitating any necessary technical assistance required as soon as possible⁴.

Now, the Security Council has specifically empowered the Secretary-General to appoint a Special Adviser to collect evidence of the genocide being committed against Christians and other religious minorities in Iraq by ISIS. The Secretary-General has been given 60 days to develop and report back Terms of Reference to implement this resolution. The responsibility to protect implicated therein is of critical importance.

The momentum is building to bring justice to the victims of these genocidal atrocities. We have received, and continue to receive, direct responses from key nation-states acknowledging the need for international intervention to stop the ISIS genocide, to help the religious and ethnic minority victims, and to bring the heinous criminals to justice. The Security Council's critical resolution coincides with the understanding and posture taken by HE Adama Dieng, as he recently expressed to us in his letter. The time for action is now.

We, therefore, respectfully and solemnly urge you, as the Secretary-General's Special Adviser on the Responsibility to Protect, to expeditiously advise the Secretary-General in appointing a Special Adviser and assembling an Investigative Team pursuant to Security Council Resolution 2379. Moreover, we implore you to directly engage this matter without delay.

We would also urge that you make the influence and resources of your esteemed Office available to the Special Adviser, and that you do all in your power to ensure thoroughness in the collection, documentation, and preservation of the evidence to prosecute these grotesque ISIS atrocities, including genocide. This critical investigation will no doubt provide your Office with resources necessary to protect the victims of these genocidal atrocities in fulfillment of our responsibility to protect. We commend you in advance for your commitment and efforts in this regard.

³GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (9 Mar. 2016), <http://indefenseofchristians.org/wp-content/uploads/2016/03/Genocide-report.pdf>.

⁴Letter from Adama Dieng, Special Adviser of the Secretary-General on the Prevention of Genocide, to Jay Alan Sekulow & Robert W. Ash, American Center for Law & Justice (12 Sept. 2017), *available at* <http://media.aclj.org/pdf/LetterFromUN-Re-Genocide-9-12-17.pdf>.

We stand ready to work with you and the soon-to-be-appointed Special Adviser to assist in any way possible – including by connecting the Special Adviser and Investigative Team with key partners on the ground in Iraq that could prove invaluable to the mission at hand.

Respectfully submitted,



Jay Alan Sekulow
Chief Counsel



Robert W. Ash
Senior Counsel