



12 September 2017

Dear Messrs Sekulow and Ash,

Many thanks to you and to the European Centre for Law and Justice for your letter of 10 July 2017, in which you provided testimony of the gross abuses committed by the so-called Islamic State (ISIL) against Christians, Yazidis and other religious and ethnic minority communities in Syria and Iraq.

I share your passionate call for justice and accountability for the crimes committed by ISIL. Over the last three years, I have had the opportunity to meet with victims of ISIL's brutality, including during a visit to Iraq in November 2015. I was horrified by the accounts they gave, which echo those included in your letter. I also met with ethnic and religious minority leaders in Baghdad, Erbil and Dohuk, which helped me better understand the challenges they face and the frustration they experience as a result of the absence of accountability for the crimes committed.

The call for accountability is a call I have made not only to Member States at the United Nations but also in my meetings with Iraqi authorities. I have highlighted the importance of accountability not only to ensure justice for the victims but also to reduce the risk of the recurrence of these crimes and as an important contribution to reconciliation. I have also reiterated that taking steps towards accountability is critical to demonstrating that all populations will have a place in the future of Iraq, including ethnic and religious minorities. This is a message that I have also stressed in meetings with the Permanent Representative of Iraq to the United Nations since the start of the crisis in June 2014.

I share with you the belief that, given that the acts committed by ISIL may constitute genocide, war crimes and crimes against humanity, they should be examined and prosecuted by independent and competent courts. As you know, charges of genocide and crimes against humanity cannot be investigated by domestic courts in Iraq as neither is criminalized in national legislation. It is my firm belief that including these crimes in the country's Penal Code would constitute an important first step towards accountability. I have also encouraged Iraq to ratify relevant treaties of which it is not a party, including the Rome Statute of the International Criminal Court. In the absence of accountability processes at the national level, the international community can explore the options that you set out in your letter, some of which can also be initiated by the Government of Iraq. I have personally shared these options with the Minister of Foreign Affairs of Iraq.

Irrespective of which option for accountability is chosen, efforts 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 to facilitating any necessary technical assistance required as soon as possible.

While criminal responsibility can only be determined by a competent court, information gathered to date suggests that ISIL may have been committed the most serious international crimes. I will continue working to encourage those with the power to do so to ensure that proper accountability processes are put in place, and that potential evidence can be properly collected and preserved. No effort should be spared for such a just cause.

Yours sincerely,



Adama Dieng

Under-Secretary-General
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on the Prevention of Genocide

Messrs Sekulov and Ash
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