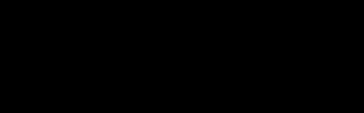




28 April 2016

VIA OVERNIGHT DELIVERY SERVICE

His Excellency Ban Ki-moon
Secretary-General of the United Nations



RE: Request for Recognition of ISIS Atrocities Against Christians and Other Religious Minorities as Genocide and for Appropriate Action

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 (A/HRC/31/NGO/X) and oral statements to the United Nations Human Rights Council on this very subject. The ECLJ submits this correspondence on behalf of its members and over 307,000 persons, including persons residing in 147 nations and territories.

The United Nations must formally recognise that the ongoing atrocities committed by the Islamic State (commonly referred to as ISIS, ISIL and Daesh) against Christians, Yazidis, and other religious and ethnic minorities in Iraq, Syria, and elsewhere in the region constitute genocide for purposes of implicating the obligations of the international community pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide and the well established responsibility to protect¹.

While we call for swift and decisive action by the international community to stop the genocide and protect the victims, we also recognise that the first step is for the United Nations to *recognise* that the atrocities constitute genocide. In your capacity as Secretary-General, a declaration by your office that the Islamic State is engaged in genocide and a request by your office for the United Nations General Assembly (and other appropriate organs of the United Nations) to follow suit would carry significant weight.

¹ *The Responsibility to Protect*, OFF. OF THE SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE, <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml> (last visited Apr. 21, 2016).



As you know, the United Nations Human Rights Council will hold its 32nd Session in June 2016. This Session provides an excellent opportunity for this critical organ of the United Nations to squarely address the ongoing humanitarian crisis posed by the Islamic State. We respectfully urge you to communicate with the United Nations High Commissioner for Human Rights in advance of the Session and to coordinate efforts with that office, with the goal that the Human Rights Council identify the subject atrocities as genocide at the Session.

We know that the High Commissioner is familiar with the ongoing crisis. In September 2015, during his opening statement at the 30th session, the High Commissioner declared that, “despite the horrific human rights violations in Syria that have been investigated, enumerated, discussed, we must continue to deplore the international community’s failure to act”². At that time, the High Commissioner did not specifically ask for recognition of the Islamic State’s acts as acts of genocide. Calling for the United Nations to recognise the ongoing genocide in Iraq and Syria would ensure that the United Nations could then begin to take the steps necessary to halt the genocide and fulfill its responsibility to protect those victimised.

We also urge you to communicate with the Special Adviser on the Prevention of Genocide, H.E. Adama Dieng. The role of the Special Adviser is to serve “as a catalyst to raise awareness of the causes and dynamics of genocide, to alert relevant actors where there is a risk of genocide, and to advocate and mobilize for appropriate action”³. Thus, we urge you to discuss these matters with the Special Adviser, as the Special Adviser’s office would be a particularly influential and appropriate office to advance this cause. We further request that the United Nations declare that the Islamic State and its followers are committing acts of genocide against Christians and other religious minorities and to then act accordingly.

I. The United Nations Must *Recognise* the Genocide Against Christians and Other Religious and Ethnic Minorities

The first step the United Nations must take in order to fulfill its responsibility to protect is to recognise the ongoing atrocities as genocide. We strongly and respectfully urge you to make this declaration and to communicate with the interested and appropriate United Nations organs to this end.

The action we request—a declaration of genocide by the United Nations—rests on solid ground and precedent. In declaring these acts to be genocide, the United Nations will join the Parliamentary Assembly of the Council of Europe, the European Parliament, the Holy See’s representative at the U.N. in Geneva as well as Pope Francis, the British House of Commons, the United States Department of State, the United States House of Representatives, the United States Commission on International Religious Freedom, and numerous NGOs—all of whom have condemned the Islamic State’s acts and recognised such acts as genocide.

As recognised in the Convention, “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;

²Opening Statement by UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein at the 30th Session of the Human Rights Council, OHCHR.ORG, <http://www.ohchr.org/RU/NewsEvents/Pages/DisplayNews.aspx?NewsID=16414&> (last visited Apr. 21, 2016).

³Mission Statement, UN.ORG, <http://www.un.org/en/preventgenocide/adviser/> (last visited Apr. 21, 2016).

- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group”⁴.

Article III of the Convention identifies the following as punishable acts: “(a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide”⁵. Article IV makes clear that “Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals”⁶. Such provisions mean little if the United Nations fails to recognise particular acts as acts of genocide.

The growing body of evidence demonstrates that the inhuman violence at issue is, in fact, genocide as defined by the Convention.

In the summer of 2014, Islamic State leader, Abu Bakr Al-Baghdadi, self-proclaimed to be Caliph Ibrahim, declared the creation of an Islamic caliphate under his leadership. Since Al-Baghdadi declared the creation of his caliphate, the Islamic State has systematically killed Christians, Yazidis, and other non-Muslim as well as Muslim minorities who do not adhere to the Islamic State’s ideology. Islamic State members have killed Christians and Yazidis by the thousands, have enslaved and raped thousands more because of their religion, and have destroyed their places of worship, their homes, and their livelihoods. Such savagery has been punctuated by recent evidence that the Islamic State is burning Christians alive in locked caskets⁷.

In Iraq and Syria, Christians represent a small minority of the population, making up roughly 8% of the Syrian population⁸ and less than 3% of the Iraqi population⁹. The Christian population in both countries is rapidly declining. For example, tens of thousands of Christians have fled Syria since the beginning of the civil war in fear for their lives¹⁰. The Islamic State’s religion-targeted abuses include “killings, rape, kidnapping, enslavement, theft . . . destruction of religious sites . . . sexual slavery, forced conversion, ransom demands, property seizures, and forced business closures”¹¹. In Syria, the Islamic State has beheaded and stoned

⁴Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948, 78 U.N.T.S. 277 [hereinafter Genocide Convention].

⁵*Id.* at art. III.

⁶*Id.* at art. IV.

⁷Anuragh Kumar, *ISIS Burns Christians Alive in Locked Caskets, Escaped Prisoner Reveals*, CHRISTIAN POST (Jan. 6, 2016), <http://www.christianpost.com/news/isis-burns-christians-alive-locked-caskets-escaped-iraqi-soldier-islamic-state-prisoner-revels-154281/>.

⁸BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 2 (2014) [hereinafter Syria Report].

⁹BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, IRAQ 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 3 (2014) [hereinafter Iraq Report].

¹⁰Syria Report, *supra* note 8, at 2, 14.

¹¹Iraq Report, *supra* note 9, at 1–2.

men, women, and children for blasphemy, heresy, and apostasy.¹² Within the territories it controls, the Islamic State demands that Christians convert to Islam, pay a protection tax called *jizya*, or flee, punishing by death those who fail to comply¹³.

The Islamic State's notorious abuses are targeted primarily against religious minorities, including an estimated 200,000 Iraqi Christians in 2014¹⁴. In June 2014, after the Islamic State seized the city of Mosul, Iraq, it demanded that Christian residents either convert to Islam, pay a tax for protection, or be executed; further, the Islamic State gave the Christians less than a week (July 14 to 19) to make their decision¹⁵. Several important religious sites and Christian institutions in Mosul were destroyed¹⁶.

The Islamic State had issued a similar ultimatum to Christians living in Raqqa City, Syria, in February 2014, resulting in nearly all of the Christians fleeing their homes¹⁷. The property of the Christians who fled was confiscated, and all churches in the city were transformed into mosques¹⁸. Remaining residents were forbidden from worshipping according to any religion other than Islam¹⁹. According to eye-witnesses who were present in the city, very few Christians remained in the city after the Islamic State issued its ultimatum, and those who chose to remain and pay *jizya* were forced to pay the Islamic State a tax totaling \$335 per family per year²⁰.

In August 2015, twelve Syrian Christians (including men, women, and children) were brutally and publicly tortured and executed in a village near Aleppo, Syria, because they refused to convert to Islam²¹. Islamic State members cut off a young boy's fingertips and beat him as they demanded that his father and two other men renounce Christianity, before executing all four by crucifixion²². Eight women were also publically raped and beheaded after they refused to renounce Christianity²³. Recently, Islamic State fighters destroyed Iraq's oldest Christian monastery, St. Elijah's²⁴. Father Paul Thabit Habib, a Catholic priest "who now lives in Kurdish-administered Irbil" said that Iraq's "Christian history was 'being barbarically leveled'"²⁵. He added, "[W]e see it as an attempt to expel us from Iraq, eliminating and finishing our existence in this land"²⁶.

Islamic State treatment of Christians is directly comparable to its treatment of another religious minority, the Yazidis. Much like the Islamic State treatment of Christians in Mosul and Raqqa City, in August 2014, the Islamic State captured a Yazidi village and demanded that its residents convert to Islam. After the villagers refused to convert over a period of

¹²Syria Report, *supra* note 8, at 1.

¹³*Id.*

¹⁴Iraq Report, *supra* note 9, at 4.

¹⁵*Id.* at 13.

¹⁶*Id.*

¹⁷Syria Report, *supra* note 8, at 11.

¹⁸*Id.*

¹⁹*Id.*

²⁰*Id.*

²¹ *Christian Workers in Syria Crucified, Beheaded*, CHRISTIAN AID MISSION (Oct. 1, 2015), <http://www.christianaid.org/News/2015/mir20151001.aspx>.

²²*Id.*

²³*Id.*

²⁴ *Iraq's Oldest Christian Monastery Destroyed by Islamic State*, BBC NEWS (Jan. 20, 2016), <http://www.bbc.com/news/world-middle-east-35360415>.

²⁵*Id.*

²⁶*Id.*

several days, Islamic State members executed at least 100 Yazidi men and took the women and children hostage as sex slaves²⁷. Similarly, in Syria, the Islamic State beat and tortured twenty-five Yazidi men in an attempt to force them to convert²⁸. A small number were reportedly released after their families paid a ransom, but the rest were killed²⁹.

These reports are consistent with the United Nations own fact-finding. For instance, according to a recent report issued by the Office of the United Nations High Commissioner for Human Rights and the United Nations Assistance Mission for Iraq, in Iraq alone:

At least 18,802 civilians have been killed from January 2014 to October 2015.

At least 36,245 civilians have been wounded during that same time period.

An estimated 3,500 are being held as slaves by the Islamic State, most of them women and children.

3.2 million have been displaced³⁰.

The Report concluded: “The violence suffered by civilians in Iraq remains staggering. The so-called ‘Islamic State of Iraq and the Levant’ (ISIL) continues to commit systematic and widespread violence and abuses of international human rights law and humanitarian law. These acts may, in some instances, amount to war crimes, crimes against humanity, *and possibly genocide*”³¹. Since the issuance of that report, however, any question as to the genocidal nature of the atrocities committed against Christians and other religious and ethnic minorities in the region has been answered in the affirmative.

As found by the Parliamentary Assembly of the Council of Europe,

individuals who act in the name of the terrorist entity which calls itself “Islamic State” (Daesh) and who have perpetrated acts of genocide and other serious crimes punishable under international law. States should act on the presumption that Daesh commits genocide and should be aware that this entails action under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide³².

The European Parliament went even further, specifically recognising the genocide of *Christians and other religious and ethnic minorities*. In a nearly unanimous resolution, it declared:

[W]hereas religious and ethnic minorities, such as Christian (Chaldean/Syriac/Assyrian, Melkite and Armenian), Yazidi, Turkmens, Shabak, Kaka’i, Sabae-Mandean, Kurdish and Shi’a communities, as well as

²⁷ Iraq Report, *supra* note 9, at 11.

²⁸ Syria Report, *supra* note 8, at 10.

²⁹ *Id.*

³⁰ High Commissioner for Human Rights, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015*, (Jan. 5, 2016), available at http://www.uniraq.org/images/humanrights/UNAMI-OHCHR_%20POC%20Report_FINAL_01%20May-31%20October%202015_FINAL_11Jan2016.pdf.

³¹ *Id.* (emphasis added).

³² Eur. Consult. Ass., *Foreign Fighters in Syria and Iraq*, 6th sitting, Res. 2091 (2016), <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=22482&lang=en>.

many Arabs and Sunni Muslims, have been targeted by the so-called 'ISIS/Daesh'; whereas many have been killed, slaughtered, beaten, subjected to extortion, abducted and tortured; whereas they have been enslaved (in particular women and girls, who have also been subjected to other forms of sexual violence) and forcibly converted, and have been victims of forced marriage and trafficking in human beings; whereas children have also been forcibly recruited; whereas mosques, monuments, shrines, churches and other places of worship, tombs and cemeteries have been vandalised³³.

The resolution details several specific incidents in which the Islamic State committed numerous international crimes against Christians and other religious minorities in the Middle East, from the more than 150,000 Iraqi Christians who fled Mosul in August 2014 to the kidnapping of more than 220 Assyrian Christians in February 2015.

Importantly, the European Parliament

stresses that the so-called 'ISIS/Daesh' is committing genocide against Christians and Yazidis, and other religious and ethnic minorities, who do not agree with the so-called 'ISIS/Daesh' interpretation of Islam, and that this therefore entails action under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide³⁴.

In its resolution, the European Parliament "urges the members of the UN Security Council to support a referral to the International Criminal Court" and invites the Security Council to take measures for these acts "to be recognized as genocide" by the International Criminal Court.

Finally, the European Parliament stresses the responsibility on the international community to take collective action in order to "provid[e] protection and aid, including military protection and aid, in accordance with international law, to all those targeted by the so-called 'ISIS/Daesh' and other terrorist organizations in the Middle East." The European Parliament submitted the resolution to United Nations bodies, the Organization of Islamic Cooperation, and to the Cooperation Council for the Arab States of the Gulf.

Following suit, on March 17, 2016, United States Secretary of State John Kerry declared:

Daesh is responsible for genocide against groups in areas under its control, including Yazidis, Christians, and Shia Muslims. Daesh is genocidal by self-proclamation, by ideology, and by actions – in what it says, what it believes, and what it does. Daesh is also responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities³⁵.

³³ Eur. Parl. Ass., *Joint Motion for a Resolution*, 2016/2529(RSP) (Feb. 2, 2016), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P8-RC-2016-0149+0+DOC+XML+V0//EN>.

³⁴ *Id.*

³⁵ John Kerry, *Remarks on Daesh and Genocide*, U.S. DEP'T OF STATE (Mar. 17, 2016) <http://www.state.gov/secretary/remarks/2016/03/254782.htm>.

He continued:

We know that in Mosul, Qaraqosh, and elsewhere, Daesh has executed Christians solely because of their faith; that it executed 49 Coptic and Ethiopian Christians in Libya; and that it has also forced Christian women and girls into sexual slavery. . . .

We know that in areas under its control, Daesh has made a systematic effort to destroy the cultural heritage of ancient communities – destroying Armenian, Syrian Orthodox, and Roman Catholic churches; blowing up monasteries and the tombs of prophets; desecrating cemeteries; and in Palmyra, even beheading the 83-year-old scholar who had spent a lifetime preserving antiquities there.

We know that Daesh's actions are animated by an extreme and intolerant ideology that castigates Yazidis as, quote, "pagans" and "devil-worshippers," and we know that Daesh has threatened Christians by saying that it will, quote, "conquer your Rome, break your crosses, and enslave your women"³⁶.

And most recently, the British House of Commons unanimously passed a motion condemning the Islamic State atrocities as genocide and calling for action by the United Nations:

That this House believes that Christians, Yazidis, and other ethnic and religious minorities in Iraq and Syria are suffering Genocide at the hands of Daesh; and calls on the Government to make an immediate Referral to the UN Security Council with a view to conferring jurisdiction upon the International Criminal Court so that perpetrators can be brought to justice³⁷.

As indicated above, a growing number of international bodies have recognised that the ongoing atrocities committed by members of the Islamic State constitute genocide against Christians and other religious and ethnic minorities. On this point, there can now be no meaningful dispute. Your Excellency, it is time for the United Nations not just to join, but also to lead the international community in confronting the ongoing genocide. To do so, however, it must first formally recognise the genocide.

II. The United Nations Must Fulfill Its Solemn and Well Established "Responsibility to Protect"

Once the United Nations recognises the genocide as such, *then* it may properly mobilise the international community to honour the terms of the Genocide Convention and fulfill its responsibility to protect.

³⁶ *Id.*

³⁷ *Debate on a Motion on Recognition of Genocide by Daesh*, PARLIAMENT.UK, <http://www.parliament.uk/business/committees/committees-a-z/commons-select/backbench-business-committee/news-parliament-2015/chamber-debate-on-recognition-of-genocide-daesh/> (last visited Apr. 25, 2016).

According to the Genocide Convention, “[t]he Contracting Parties confirm that genocide . . . is a crime under international law which they undertake to prevent and punish”³⁸. The Convention makes clear that “the competent organs of the United Nations” have a responsibility “to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.” According to the Office of the Special Adviser on the Prevention of Genocide, “[t]he duty to prevent and halt genocide and mass atrocities lies first and foremost with the State, but the international community has a role”³⁹.

Indeed, this role—the “responsibility to protect”—was stipulated “in the Outcome Document of the 2005 United Nations World Summit (A/RES/60/1, para. 138-140), and formulated in the Secretary-General’s 2009 Report (A/63/677) on Implementing the Responsibility to Protect.” As Your Excellency’s office has recognised and as has been adopted by the General Assembly:

*The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out*⁴⁰.

According to the Report of Your Excellency’s office,

[b]ased on existing international law, agreed at the highest level and endorsed by both the General Assembly and the Security Council, the provisions of paragraphs 138 and 139 of the Summit Outcome define the authoritative framework within which Member States, regional arrangements and the United Nations system and its partners can seek to give a doctrinal, policy and institutional life to the responsibility to protect (widely referred to as “RtoP” or “R2P” in English)⁴¹.

³⁸ Genocide Convention, *supra* note 4 at art. I.

³⁹ *The Responsibility to Protect*, OFF. OF THE SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE, <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml> (last visited Apr. 21, 2016).

⁴⁰ Report of the Secretary-General, *Implementing the Responsibility to Protect* (Jan. 12, 2009), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/63/677 (emphasis added).

⁴¹ *Id.*

And as Your Excellency has recognized,

[i]t should be underscored that the provisions of paragraphs 138 and 139 of the Summit Outcome are firmly anchored in well-established principles of international law. Under conventional and customary international law, States have obligations to prevent and punish genocide, war crimes and crimes against humanity⁴².

It is *this* responsibility and obligation that we urge you to advance forthwith by first recognising the ongoing atrocities as genocide, then by mobilising the appropriate organs of the United Nations to take action. There can be no serious doubt that the relevant States, Iraq and Syria, are “manifestly failing to protect [their] populations” of Christians, Yazidis, and other religious minorities. The estimated number of genocide victims demonstrates the manifest failure, and the contributing causes are not difficult to ascertain: the current status of the Syrian government and the Islamic State’s control over significant portions of Iraq’s territory. Even while military efforts against the Islamic State continue, the Islamic State continues its genocide with staggering consistency.

III. The United Nations Must Implement All Available Means to Stop the Genocide and Protect the Victims

That the ongoing atrocities against Christians and other religious and ethnic minorities constitute genocide and that the United Nations and its organs possess the responsibility to protect as concerns that genocide is clear. We now turn to specific means uniquely available to the United Nations to implement its responsibility and give meaning to the Convention.

We respectfully call to your attention that, pursuant to the Charter of the United Nations, the very purpose of the United Nations is to “maintain international peace and security, and to that end: to *take effective collective measures for the prevention and removal of threats to the peace*”⁴³. The Charter also vests the United Nations Security Council with the authority to take non-military action in an effort to restore peace and security⁴⁴.

Your Excellency, the Charter of the United Nations gives you, the Secretary-General, the power to “bring to the attention of the Security Council any matter which in [your] opinion may threaten the maintenance of international peace and security”⁴⁵. The ongoing genocide of Christians and other religious and ethnic minorities, without doubt, constitutes a clear and pressing threat to international peace and security.

As recognised by the Genocide Convention, prosecution plays a critical role in halting genocide. In addition to state tribunals that can try persons who commit acts of genocide in a specific state, the Convention provides that persons can be tried in any “*international penal tribunal* as may have jurisdiction with respect to those Contracting Parties which shall have

⁴²*Id.*

⁴³U.N. Charter art. 1, para. 1 (emphasis added).

⁴⁴U.N. Charter art. 41. Moreover, should non-military means be deemed inadequate, the Security Council “may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.” *Id.*

⁴⁵U.N. Charter art. 99.

accepted its jurisdiction.”⁴⁶ Syria and Iraq are both contracting parties to the Genocide Convention, and neither has made any reservations or declarations.

There are two actions the United Nations Security Council may take to create a penal tribunal with the necessary jurisdiction: (1) refer Islamic State members’ crimes of genocide to the International Criminal Court (ICC); or (2) create an *ad hoc* tribunal for prosecuting such crimes (as was done for the Former Yugoslavia and Rwanda). Importantly, *both* avenues require Security Council action.

The first available avenue, the ICC, would only have jurisdiction if the United Nations Security Council specifically makes the referral.⁴⁷ The ICC does not automatically possess jurisdiction to try Islamic State members and the genocide committed in Iraq and Syria because Iraq and Syria are not signatories to the Rome statute and Islamic State members are not state actors.⁴⁸ Accordingly, the United Nations Security Council must specifically refer such a matter to the ICC in order to vest the ICC with the requisite jurisdiction and the ability to prosecute⁴⁹.

Second, the United Nations Security Council could create an “*ad hoc* tribunal” to prosecute Islamic State members committing genocide. This mechanism was utilized by the Security Council “to prosecute international criminal violations during the 1994 genocide in Rwanda and [again to prosecute] the international criminal violations that occurred during the struggles in the former Yugoslavia in the early 1990s”⁵⁰. Unfortunately, the need for such a tribunal is present once again.

Whichever avenue is chosen, it is clear that the United Nations Security Council is vested with the authority to prosecute. Your Excellency, the United Nations Charter empowers you to raise the issue to the Security Council. We urge you to do so without delay.

* * * * *

The United Nations must stand against the evils of the ongoing genocide and use all available options to stop the genocide and protect the victims—by implementing appropriate penal tribunals, coordinating a more effective use of coalition military force, administering a more efficient delivery of aid, and providing meaningful in-region protection for victims such as the establishment of safe-zones. The Charter of the United Nations demands no less, and through the organs of the United Nations, equipped and empowered by the Genocide Convention, the United Nations has the unique capability to end the genocide and protect the Christians and other religious and ethnic minorities victimised thereby.

⁴⁶Genocide Convention, *supra* note 4 at art. VI.

⁴⁷Joshua Keating, *Isis May be Guilty of Genocide, but Prosecuting it Will be Tricky*, SLATE.COM (Apr. 8, 2015, 4:35 PM), http://www.slate.com/blogs/the_slates/2015/04/08/isis_and_the_icc_why_it_s_will_be_tough_to_prosecute_the_islamic_state_for.html.

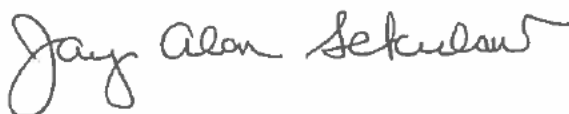
⁴⁸*Id.*

⁴⁹*ICC Has No Jurisdiction to Prosecute ISIS Despite ‘Crimes of Unspeakable Cruelty’*, THE GUARDIAN (Apr. 8, 2015), <http://www.theguardian.com/law/2015/apr/08/icc-no-jurisdiction-prosecute-isis-despite-crimes-unspeakable-cruelty>.

⁵⁰Erin Banco, *U.S. Says ISIS Crimes Amount to Genocide but Prosecution is Difficult*, IBTIMES.COM (Mar. 17, 2016, 2:08 PM), <http://www.ibtimes.com/us-says-isis-crimes-amount-genocide-prosecution-difficult-2338504>.

We, therefore, respectfully and solemnly urge you to declare that the ongoing atrocities committed by the Islamic State and associated groups constitute genocide, communicate with all appropriate offices of the United Nations accordingly, and mobilise the international community to take swift and decisive action.

Respectfully submitted,

Handwritten signature of Jay Alan Sekulow in cursive script.

Jay Alan Sekulow
Chief Counsel

Handwritten signature of Robert W. Ash in cursive script.

Robert W. Ash
Senior Counsel