



The Honourable Fatou Bensouda, Chief Prosecutor
International Criminal Court
Information and Evidence Unit
Office of the Prosecutor
Post Office Box 19519
2500 CM, The Hague
The Netherlands

By e-mail: otp.informationdesk@icc-cpi.int

July 7, 2017

Re: Submission by the Global Justice Center and the Bar Human Rights Committee Urging the Opening of a Preliminary Examination

Dear Prosecutor Bensouda,

The Global Justice Center and the Bar Human Rights Committee of England and Wales are writing to urge the Office of the Prosecutor (OTP) to open a preliminary examination into genocide and other crimes committed by foreign fighters from the Islamic State of Iraq and al-Sham/Greater Syria (“ISIS” aka “ISIL”, “Da’esh” or “IS”, hereinafter “ISIS”).

It is imperative that all possible measures are taken to investigate, address and deter the heinous crimes being committed by ISIS, including the opening of a preliminary examination by the OTP. Accordingly, we urge your office to reevaluate its April 2015 finding that it has inadequate jurisdictional bases to open a preliminary examination. In fact, as detailed in our enclosed submission: (1) the requirements of subject matter, temporal, and personal jurisdiction have been met in this case, specifically with respect to ISIS’s foreign fighters; (2) the OTP’s own policies favor exercising personal jurisdiction; and (3) substantial normative justifications support opening a preliminary examination. A reasonable basis upon which to open a preliminary examination is further established by the gravity of the crimes in question, in particular crimes of sexual and gender-based violence, as well as the interests of victims and of justice.

Next month marks 3 years since the start of ISIS’s genocidal campaign against the Yazidis. Still, justice remains elusive. Thousands of women and children remain in captivity and evidence is languishing. The Rome Statute’s gravest crimes have been and continue to be perpetrated against the Yazidi community and in particular against women and girls with impunity. Justice can no longer be delayed.

On that basis, and for the reasons fully set out in the enclosed Submission, we urge the OTP to open a preliminary examination as soon as possible.

Respectfully submitted,



Akila Radhakrishnan
Vice-President & Legal Director
Global Justice Center



Kirsty Brimelow QC
Chairwoman
Bar Human Rights Committee of England and Wales

Enclosures:

1. Submission by the Global Justice Center and the Bar Human Rights Committee Urging Opening of a Preliminary Examination