



Date: 24 August 2014

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To:

MRS. FATOU BENSOUDA - THE PROSECUTOR OF INTERNATIONAL CRIMINAL COURT

Appeal Letter:

A Request to Initiate Investigation *proprio motu* on Crimes Committed by ISIS or ISIL Terrorist Group (Self-Declared Islamic State of Iraq and Sham/Levant or Self- Declared Islamic Caliphate) in the Territory of Syria and Iraq

## I. INTRODUCTION

As you are aware, the ISIS terrorist group was founded, in 2003, as a local branch of Al-Qaida in Iraq. Immediately after its formation, this group as an entity associated with Al-Qaida was enlisted on Al-Qaida Sanctions List by the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida



and associated individuals and entities. Following recent activity of this terrorist group and due to international negligence of its crimes in Syria as well as passivity of the international judicial and political institution, this group changed its name and declared its superficial independence in the form of self-declared Islamic State of Iraq and Levant. It expanded its range of criminal and terrorist activities and recently invaded Iraq's territory. The Security Council Committee, on 30 May 2013, based on recent developments and fully comprehending the extent of the situation, upheld the newly founded group in Al-Qaida Sanctions List. In addition to the Security Council Committee, this group has also been officially designated as a foreign terrorist organization by several states, including the United States,<sup>1</sup> United Kingdom,<sup>2</sup> Australia,<sup>3</sup> Canada<sup>4</sup> and even Islamic states, inter alia, Saudi Arabia<sup>5</sup> and Indonesia.<sup>6</sup>

## 2. INTERNATIONAL CRIMINAL STATUS OF ISIS LEADERS AND ITS MEMBERS

This group cannot and should not be associated with any religion, nationality, or civilization.<sup>7</sup> Opportunistically it misused the conflict in Syria and took advantage of the passive reaction of the international community towards committing horrendous crimes. Their criminal actions are unprecedented and clearly jeopardize the unity of nations and international peace.<sup>8</sup> There is not a single day that passes without a news on their horrific crimes in Syria and Iraq, to the extent that Mrs. Navi Pillay urged comprehensive action and mentioned "We want to alert the world to address this

<sup>1</sup> "Foreign Terrorist Organizations" (<http://www.state.gov/j/ct/rls/other/des/123085.htm>)

<sup>2</sup> "Proscribed Terrorist Organisations"

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/324603/20140627-List\\_of\\_Proscribed\\_organisations\\_WEBSITE\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324603/20140627-List_of_Proscribed_organisations_WEBSITE_final.pdf))

<sup>3</sup> "Listed terrorist organisations",

(<http://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/default.aspx>)

<sup>4</sup> "Currently listed entities", (<http://www.publicsafety.gc.ca/cnt/ntnl-scrnt/cntr-trrrsm/lstd-ntts/crnt-lstd-ntts-eng.aspx>)

<sup>5</sup> "Saudi Arabia designates Muslim Brotherhood terrorist group"

(<http://www.reuters.com/article/2014/03/07/us-saudi-security-idUSBREA260SM20140307>)

<sup>6</sup> "BNPT Declares ISIS a Terrorist Organization",

(<http://en.tempo.co/read/news/2014/08/02/055596766/BNPT-Declares-ISIS-a-Terrorist-Organization>)

<sup>7</sup> UNSC.Res. 2170.

<sup>8</sup> International Criminal Court Statute, Preamble.



immediately".<sup>٤</sup> The UN Secretary-General, in-line with the reactions of the Internationally recognized individuals, reiterated that any systematic attack on the civilian population or segments of the civilian population because of their ethnic background, religious beliefs or faith may constitute a crime against humanity and those responsible must be held accountable.<sup>٥</sup>

Documented with UNSC Res. 2170 (2014), reports issued by the Amnesty International and the Human Rights Watch<sup>٦</sup> and other available reports,<sup>٧</sup> the leaders

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<sup>٤</sup>Spencer. Richard, "Iraq crisis: UN condemns 'war crimes' as another town falls to Isis", (<http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/10904414/Iraq-crisis-UN-condemns-war-crimes-as-another-town-falls-to-Isis.html>); and "U.N.'s Pillay says almost certain of war crimes in Iraq" (<http://uk.reuters.com/article/2014/06/16/us-iraq-security-pillay-idUKKBN0ER25O20140616>)

<sup>٥</sup><http://www.un.org/sg/statements/index.asp?nid=7906>

<sup>٦</sup> "Syria: ISIS Summarily Killed Civilians", (<http://www.hrw.org/news/2014/06/14/syria-isis-summarily-killed-civilians>); "Iraq: ISIS Execution Site Located", (<http://www.hrw.org/news/2014/06/26/iraq-isis-execution-site-located>); "Iraq: ISIS Kidnaps Shia Turkmen, Destroys Shrines", (<http://www.hrw.org/news/2014/06/27/iraq-isis-kidnaps-shia-turkmen-destroys-shrines>); "Syria: ISIS Holds 130 Kurdish Children", (<http://www.hrw.org/news/2014/06/30/syria-isis-holds-130-kurdish-children>); "Iraq: ISIS Advance Threatens Civilians", (<http://www.hrw.org/news/2014/06/12/iraq-isis-advance-threatens-civilians>); "Iraq: ISIS Abducting, Killing, Expelling Minorities", ([www.hrw.org/news/2014/07/19/iraq-isis-abducting-killing-expelling-minorities](http://www.hrw.org/news/2014/07/19/iraq-isis-abducting-killing-expelling-minorities)); "Syria: Harrowing torture, summary killings in secret ISIS detention centres" (<http://www.amnesty.org/en/news/syria-harrowing-torture-summary-killings-secret-isis-detention-centres-2013-12-19>); "Iraq: Yezidis captured by ISIS amid mounting sectarian attacks" (<http://www.amnestyusa.org/news/news-item/iraq-yezidis-captured-by-isis-amid-mounting-sectarian-attacks>); and "Iraqis displaced by ISIS attacks in Sinjar 'desperate' for aid" (<http://www.amnestyusa.org/news/news-item/iraqis-displaced-by-isis-attacks-in-sinjar-desperate-for-aid>).

<sup>٧</sup>Siemaszko. Corky, "ISIS plans to make suicide bombers out of kidnapped teens, escaped boy says" (<http://www.nydailynews.com/news/world/isis-allegedly-plans-turn-teens-suicide-bombers-article-1.1845000#JP8GpKHRE8PYB8a6.97>); Speri. Alice, "ISIS Reportedly Executed Children As Young as One in Syria" (<https://news.vice.com/article/isis-reportedly-executed-children-as-young-as-one-in-syria>); "Amnesty Report: Harrowing Torture, Summary Killings In Secret ISIS Detention Centers In Syria" (<http://www.globalresearch.ca/amnesty-report-harrowing-torture-summary-killings-in-secret-isis-detention-centers-in-syria/5362282>); "With Iraq in Ruins, ISIS Turns to Genocide" (<http://www.thefiscaltimes.com/Articles/2014/08/07/Iraq-Ruins-ISIS-Turns-Genocide>); "My people are being slaughtered!" ISIS = Genocide with impunity UPDATE: And now, the Satanists" (<http://www.patheos.com/blogs/the anchoress/2014/08/06/my-people-are-being-slaughtered-isis-genocide-with-impunity-update-and-now-the-satanists/>); Ghitis. Frida, "Islamic State in Iraq: Stop it from committing genocide" (<http://www.cnn.com/2014/08/06/opinion/ghitis-yazidi-islamic-state-genocide-iraq/index.html>); Packer. George, "A Friend Flees the Horror of ISIS" (<http://www.newyorker.com/news/daily-comment/friend-flees-horror-isis>); "ISIS attacks in Syria and Iraq may be emerging genocide" (<http://www.cbsnews.com/videos/isis-attacks-in-syria-and-iraq-may-be-emerging-genocide/>); "U.N.: ISIS committing war crimes in Iraq" (<http://www.cbsnews.com/videos/u-n-isis-committing-war-crimes-in-iraq/>); "Mass executions, torture and child soldiers: UN reports 'terrible' war crimes in Iraq", (<http://rt.com/news/173960-isis-un-iraq-war/>); "UN 'may include' Isis on Syrian war crimes list"



and members of the ISIS terrorist group who indeed created an atmosphere of fear have committed the following crimes:

1. Planning to commit international crimes in a widespread and organized manner so that the rule of fear is established.
2. Murder in the worst possible way, including, through the slaughter and mutilation of followers of other religions or members of different ethnics because of their mere belief and tendencies.
3. Widespread extra-judicial executions, arbitrary and extra-judicial detentions, torture and murdering detained individuals.
4. Abduction, harassment, deportation or forcible transfer of population, destruction of places of worship and religious (including tombs), forceful religion conversion of inhabitants in the occupied territories.
5. Rape, sexual violence and slavery.
6. Maiming of children.
7. Physical marking of properties belonging to other religions and tagging them as crusades, heretic, Satanist or repentance by force.
8. Evident violation of fundamental human rights.
9. Preventing fair economic rights, social and cultural discrimination.
10. Targeting and deliberate attacks on schools and hospitals and the seizure and destruction of cultural and historical assets which are not military targets.
11. Preventing religious rituals by civilians and prisoners;
12. Murdering, kidnapping and torturing the civilians;
13. Creating child-soldiers.
14. Bombing and violating the humanitarian law and needs.
15. Several other cases are reported and reflected every day in the local and international media.

### 3. RECOGNITION OF ISIS LEADERS AND MEMBERS AS INTERNATIONAL CRIMINALS

The UN Security Council, although belated, understood the need for a worldwide action against this criminal group. They met on 7 August 2014 and through a

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(<http://www.bbc.com/news/world-middle-east-28498661>); and “UN official calls ISIS commanders war crimes suspects” (<http://www.dw.de/un-official-calls-isis-commanders-war-crimes-suspects/a-17810351>)



statement warned that ISIS posed a threat not only to Iraq and Syria, but to "regional peace, security and stability". Subsequently, they declared that "widespread or systematic attacks directed against any civilian populations because of their ethnic background, religion or belief may constitute a crime against humanity, for which those responsible must be held accountable."<sup>13</sup> The Iraqi Parliament, as the representative of the state of Iraq, where ISIS's crimes are committed passed a resolution on 8 August 2014 and designated the actions of ISIS against ethnic and religious minorities as crimes against humanity. They demanded that the international community to prosecute the perpetrators and hold responsible the states and institutions that support or finance their activities.<sup>14</sup>

The UNSC continued its constructive act and on 15 August 2014, this council passed resolution and expressed its gravest concern that part of the territory of Iraq and Syria is under the control of ISIS and strongly condemned the crimes committed by this group. It demanded that all violence must be ceased and the group must be disarmed and disbanded with immediate effect. The resolution and its content, especially unanimous adoption under the seventh chapter of the UN charter, specifically condemned the terrorist movements and ISIS's cruel and mindless crimes as a basis to counter against this group and as it is set forth in the resolution, to make the leaders and members of ISIS and those sponsored and financed it accountable.<sup>15</sup>

Considering the crimes being alleged to ISIS, the reports of international institutions and the ranking of international individuals, and ultimately based on the contents of Resolution 2170 as the highest authority to make decisions on issues of international peace and security, emphasizing on the issuance of the resolution under chapter seven, the crimes committed by this terrorist group are under the titles of genocide, crimes against humanity and war crimes which they are totally criminalized in article

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<sup>13</sup>“France pledges ‘support’ for forces fighting ISIS in Iraq” (<http://www.france24.com/en/20140807-france-pledges-support-forces-fighting-isis-iraq/>)

<sup>14</sup>“Iraqi Parliament Resolution Calls ISIS Acts Genocide” (<http://www.aina.org/news/20140807164526.htm>)

<sup>15</sup>UNSC.Res. 2170.



5,<sup>٦</sup> 6,<sup>٧</sup> 7<sup>٨</sup> and 8<sup>٩</sup> of the statute of International criminal court and this court enjoys the international jurisdiction to address these crimes.

<sup>٦</sup> Article 5 Crimes within the jurisdiction of the Court

1. The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

- (a) The crime of genocide;
- (b) Crimes against humanity;
- (c) War crimes;
- (d) The crime of aggression.

2. The Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with articles 121 and 123 defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime. Such a provision shall be consistent with the relevant provisions of the Charter of the United Nations.

<sup>٧</sup> Article 6 Genocide

For the purpose of this Statute, "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;
- (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.

<sup>٨</sup> Article 7 Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

- (a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

- (b) "Extermination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
- (c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
- (d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
- (e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
- (f) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
- (g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
- (h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
- (i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

#### Article 8 War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- (i) Wilful killing;
- (ii) Torture or inhuman treatment, including biological experiments;
- (iii) Wilfully causing great suffering, or serious injury to body or health;
- (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
- (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- (vii) Unlawful deportation or transfer or unlawful confinement;
- (viii) Taking of hostages.

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

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- (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
  - (ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
  - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
  - (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
  - (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
  - (vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
  - (vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
  - (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
  - (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
  - (x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
  - (xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;
  - (xii) Declaring that no quarter will be given;
  - (xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
  - (xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
  - (xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
  - (xvi) Pillaging a town or place, even when taken by assault;
  - (xvii) Employing poison or poisoned weapons;
  - (xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
  - (xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
  - (xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive



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prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;

- (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
  - (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
  - (xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
  - (xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
  - (xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
  - (xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.
- (c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
- (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
  - (iii) Taking of hostages;
  - (iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
- (d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.
- (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
- (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
  - (ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
  - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
  - (iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
  - (v) Pillaging a town or place, even when taken by assault;



#### 4. A Request to Initiate Investigation *proprio motu* on Crimes Committed by the leaders and members of the ISIS Terrorist Group

Welcoming world's reaction to the atrocities and crimes committed by the terrorist groups ISIS, since the case of ISIS has made a unique and special circumstances with no precedent in the international law, and despite the strong desire of the Syrian and Iraqi governments to prosecute the leaders and members of ISIS, as documented on Article 13(c) of the statute of International Criminal Court,<sup>20</sup> we are requesting to exercise your discretion mentioned in Article 15(a) of aforementioned statute<sup>21</sup> to initiate investigations *proprio motu* on the basis of attached evidence and documents currently available or will be presented at a later stage, in-line with the general interests of the international community which will be crystallized by addressing any

- (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
- (vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
- (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
- (ix) Killing or wounding treacherously a combatant adversary;
- (x) Declaring that no quarter will be given;
- (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- (xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;

(f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

<sup>20</sup> Article 13 Exercise of jurisdiction

The Court may exercise its jurisdiction with respect to a crime referred to in article 5 in accordance with the provisions of this Statute if:

... or

(c) The Prosecutor has initiated an investigation in respect of such a crime in accordance with article 15.

<sup>21</sup> Article 15 Prosecutor

1. The Prosecutor may initiate investigations *proprio motu* on the basis of information on crimes within the jurisdiction of the Court.

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criminal and also for ensuring the implementation of the UN Security Council regulation, accountability of leaders and members of ISIS for their committed crimes, preventing impunity of international criminals which itself would be a lesson to others and finally, proof of dignity and status of the International Criminal Court as the main and principle international authority to address international crimes.

Finally, we offer our support and assistance, on the basis of your honor discretion, to gather evidence or any other form of cooperation, including local research in order to contribute to judiciary process.

**Majid Ataei**

**Director of Iraqi Community  
in Essen City/Germany**

**ALI ASSARRAY**

**Director of IOATRI**

**Abdul Hameed**

**Abbas Dashti (PHD)  
President of ICSFT**

**Siavash Rahpeik**

**Director of ODVV**

**Bashar Baghdadi**

**Director of ZHR**

**Mortada Khalid THAMi**

**Director of Muslims rights**