



הארגון הבינלאומי של עורכי-דין ומשפטנים יהודים (ע"ר)
THE INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND JURISTS (R.A.)

To the Permanent Representatives, Ambassadors of: Brazil, Belgium, Canada, Costa Rica, France, Germany, Hungary, Ireland, Israel, Japan, the Netherlands, Norway, Turkey, Switzerland, the United Kingdom and the United State of America

28 August 2014

Subject: The current situation in Iraq and the atrocities against the Yazidi minority

Your Excellency,

The International Association of Jewish Lawyers and Jurists approaches you on an urgent matter – the current situation in Iraq and the atrocities perpetrated by ISIL against the Yazidi minority and other groups. We are astonished by the impotency the international community, the UN and especially states members of the Human Rights Council, have showed facing these recent events.

The terrorist group known as the *Islamic State in Iraq and the Levant* (“ISIL”) has taken control of vast areas in Iraq and Syria, and is perpetrating gross violations of international humanitarian law and/or serious violations of international human rights law and possibly genocide. It is widely reported in international media that ISIL has committed and is continuing to commit mass executions, public beheadings of civilians, journalists and captured soldiers, forced conversions of minorities to its brand of Salafi, jihadi Islam, and mass expulsions. For example, ISIL has precipitated the mass expulsion of the Christian community from Mosul, a community that have existed in the city for more than two millenniums. As a result of ISIL’s violent threats and actions, over one million men, women and children are now homeless refugees, both within Iraq and Syria as well as in neighboring States. .

Currently, another minority that has been hunted by ISIL is the Yazidi. ISIL has taken control over villages and towns inhabited by Yazidis, murdering the men and enslaving the women and girls. Facing certain death, thousands of Yazidis had to run for their lives, taking refuge in

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Mount Sinjar. Many have died in this journey or on the mountain itself for lack of food, water and medicines or due to the hard weather conditions. Unfortunately, ISIL is not only targeting minorities, but also any Muslim who does not abide by its racialist interpretation of the Islam.

UN High Commissioner for Human Rights Navi Pillay stated “grave, horrific human rights violations are being committed daily by ISIL and associated armed groups, They are systematically targeting men, women and children based on their ethnic, religious or sectarian affiliation and are ruthlessly carrying out widespread ethnic and religious cleansing in the areas under their control. Such persecution would amount to crimes against humanity.”

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14961&LangID=E>

“The killers, destroyers and torturers in Syria have been empowered and emboldened by the international paralysis,” the High Commissioner said. “There are serious allegations that war crimes and crimes against humanity have been committed time and time again with total impunity, yet the Security Council has failed to refer the case of Syria to the International Criminal Court, where it clearly belongs.

<http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=14959&LangID=E>

Indeed, the UN, the US, the Kurdish Regional Government and Iraq, and others have provided some humanitarian assistance to the Yzidi survivors, but this is not enough. The IAJLJ, a NGO protecting human rights and fighting racism; as a Jewish NGO, dedicated to the promotion of tolerance and the prevention of genocide and violations of international humanitarian and human rights law cannot remain idle facing these atrocities.

The actions perpetrated by ISIL amount to crimes against humanity, ethnic cleansing and genocide in violation of, *inter alia*, the stipulations of Article 147 of the Geneva Convention on the Protection of Civilian Persons in Time of War ("Fourth Geneva Convention", 1949), the stipulations of the "common" Article 3 of the Geneva Conventions of 12 August 1949, the Universal Declaration of Human Rights, the International Convention for the Elimination of All Forms of Racial Discrimination, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention for the Prevention and Punishment of the Crime of Genocide. It is inconceivable that the international community will remain silent once more while these crimes are being committed. It is also unbearable that the Human Rights Council, a body, which is dedicated to the promotion and protection of human rights, will not act facing



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these atrocities. We are astounded that not a single member state of the Council, its President or the High Commissioner have called for immediate action, and the Council has not scheduled a special session or called for the establishment of a commission of inquiry to the matter. We note that High Commissioner Pillay has stated *"I urge the international community to ensure that the perpetrators of these vicious crimes do not enjoy impunity. Any individual committing, or assisting in the commission of international crimes, must be held accountable according to law."*

Your Excellency, "urging" the international community in the face of an ongoing slaughter of helpless men, women and children, on a massive scale and with genocidal intent, is simply not sufficient. We are especially amazed, as in other occasions, states, members and observers of the Human Rights Council, have taken steps to protect endangered groups, but now, witnessing the worse crime of all, genocide, they remain idle.

-IAJLJ calls upon the High Commissioner, the Human Rights Council and all member States to fulfill their legal and ethical obligations under the Convention for the Prevention and Punishment of the Crime of Genocide and the other conventions and international law. How many innocent children and civilians have just died during the time we have written this letter, and during the time that you have read it? Our appeal is an urgent and desperate call to act NOW and ensure that we shall not witness again the destruction of a people, a minority group. We request, in the strongest terms possible, the immediate convening of a special session of the HRC, and a referral to the UN Security Council, dedicated to the genocidal acts and the ethnic cleansing policy perpetrated by ISIL. We ask that States take all appropriate actions to stop the atrocities taking place in Iraq toward minorities. We believe that the establishment of a commission of inquiry and an urgent reference of the situation in the area to the ICC is needed.

Yours sincerely,

Irit Kohn, Adv.

President

Copy – His Excellency Ambassador Baudelaire Ndong Ella.

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