



Rt Hon David Cameron MP
The Prime Minister
10 Downing Street
London, SW1A 2AA

18 February 2016

Dear Prime Minister,

Genocide perpetrated by Daesh/ISIS against minorities

We write further to the letter of 21 December 2015 in which 75 members of both Houses wrote to you regarding the atrocities unfolding in the Middle East.

On 9 February 2016, replying to the oral question as to whether the Government would condemn the actions of Daesh/ISIS in the Middle East as genocide, the Earl of Courtown confirmed that Her Majesty's Government would not take a view on whether genocide was occurring in the Middle East, as such a decision was a matter for the "international judicial system" and not governments or other non-judicial bodies. Furthermore, the request to take the matter to the UN Security Council was left unanswered (HL Deb 9 Feb 2016, Cols 2119-2120).

Prime Minister, we urge you to revisit this position for the sake of tens of thousands of Christians and other religious minorities who are currently subject to acts of genocide in the Middle East.

As a signatory to the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, the United Kingdom has an obligation under international law to "prevent and punish" acts of genocide. In order to take decisive action to prevent genocide, the very first step must be recognition that genocide is in fact taking place. In the light of horrific and overwhelming evidence emanating from the region, refusing to recognize the current acts as genocide begs the question, for what reason is the United Kingdom a party to the Genocide Convention?

Moreover, Her Majesty's Government proposes that such decisions be made by the "international judicial system." Yet what is the mechanism for engaging this system? As Syria and Iraq are not parties to the Rome Statute, the only way in which the International Criminal Court can investigate and prosecute acts of genocide is with a referral from Syria or Iraq, which at this moment appears unlikely, or with a referral from the UN Security Council, of which the United Kingdom is a prominent and permanent member. This was made clear in a Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on 8 April 2015.

Therefore, even if it is accepted that a recognition of genocide should only be made by the "international judicial system" – a position not shared by many of our European neighbours – the starting point for such action must come from the members of the UN Security

Council, including the United Kingdom. Moreover, regardless of any authoritative judicial decision, there is nothing to prevent Her Majesty's Government forming and acting upon its own view.

We therefore ask Her Majesty's Government to reconsider its position and to clarify why it operates a policy of refusing to recognize acts of genocide, when so many other nations do not? We further ask what action Her Majesty's Government plans to take through its preferred means, the UN Security Council and the International Criminal Court?

Lastly, we respectfully ask you to consider the concluding words of Fatou Bensouda's statement of 8 April 2015:

"As Prosecutor of the ICC, I stand ready to play my part, in an independent and impartial manner, in accordance with the legal framework of the Rome statute."
In order for the international judicial system to play its part, Her Majesty's Government must first act.

We look forward to hearing from you.

Yours ever,

Lord Alton of Liverpool

Lord Brennan QC

Lord Carlile of Berriew QC, CBE

Baroness Cox

Baroness Butler-Sloss GBE, PC

Baroness Kennedy QC

Lord Mackay of Clashfern Lord Pannick QC