

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a bold, serif font, centered between two horizontal blue bars.

NEW YORK
CITY BAR

SAMUEL W. SEYMOUR
PRESIDENT
Phone: (212) 382-6700
Fax: (212) 768-8116
sseymour@nycbar.org

February 2, 2012

To the Members of the
United Nations Security Council
760 United Nations Plaza
New York, New York 10017

Re: Security Council Referral of Syria to the International Criminal Court

Your Excellencies:

Recognizing that the Security Council currently has before it a resolution addressing the widely-reported gross violations of human rights and fundamental freedoms by the government of Syria against civilians, I write on behalf of The Association of the Bar of the City of New York to urge the Council to promptly refer such conduct to the International Criminal Court (“ICC”) for investigation.

Government-led violence against peaceful protesters in Syria has been well-documented and continues to escalate, with official United Nations estimates putting the number of casualties at more than 5,400 since mid-March, despite assurances by Syrian President Bashar al-Assad that the violence would cease. Indeed, despite a pledge by President Assad to abide by an October 30 agreement with the Arab League to end the brutal crackdown on civilians, the violence and violation of human rights has intensified, prompting the Arab League to suspend its monitoring mission on January 29, 2012. In addition to widespread and systematic killings, responsible human rights groups have documented arbitrary arrests, forced disappearances, denial of medical access, and torture of detainees.

In August 2011, a United Nations fact-finding mission documented grave abuses committed by the Assad regime, including killings, forced disappearances, deprivation of liberty and even the torture of children, as well as use of snipers and a “shoot-to-kill” policy against protesters. It concluded that the pattern of abuse may amount to crimes against humanity. In December 2011, Human Rights Watch published a report specifically documenting the Syrian regime’s “shoot-to-kill” policy, outlining the command responsibility of Syrian military commanders and intelligence officials for these crimes against humanity. Moreover, Human Rights Watch has estimated that government security forces have detained more than 20,000

United Nations Security Council

people between March and September 2011 and published reports from local activists of 105 deaths in detention. Most recently, the UN Human Rights Council adopted a resolution urging firm UN action in Syria. In view of the continuing deterioration of the human rights situation in Syria, such action should now include a Security Council referral to the ICC.

Because Syria has not ratified the Rome Statute, any crimes committed by the Syrian government against its citizens threaten to go unpunished absent Security Council action to refer those crimes to the ICC in accordance with Article 13(b) of the Rome Statute. This referral will lead to an investigation of alleged crimes covered by the Statute, a determination whether prosecutions against Syrian officials are warranted and, if so, trial before the ICC. With its referral to the ICC of the situation in Libya, the Council has demonstrated that it is equipped to act swiftly in the face of international crimes. The people of Syria are no less deserving of justice and accountability.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. W. Seymour', with a long horizontal flourish extending to the right.

Samuel W. Seymour