

**NEW YORK  
CITY BAR**

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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 situation in Syria has grown increasingly desperate since February, that escalating violence has lead the United Nations to suspend all activities in Syria, and that nearly 15,000 people have thus far been killed in the conflict, The Association of the Bar of the City of New York again urges the Council to promptly refer the situation in Syria to the International Criminal Court ("ICC").

Since we last wrote in February, the conflict in Syria--now in its seventeenth month--has severely worsened, prompting UN observers to suspend all activities there. The escalating violence continues to be well documented by independent human rights monitors. Since February, Human Rights Watch has reported on, among other atrocities: (i) alleged war crimes committed by Syria troops in Idlib; (ii) systematic sexual violence carried out by Syrian troops across the country; (iii) extrajudicial executions by Syrian forces in Idlib and Homs; and (iv) the use of civilians--including children--as human shields by Syrian troops. Further, on May 25, the UN Human Rights Council voted overwhelmingly to condemn the massacre of civilians in Houla by Syrian troops and pro-regime militias, which resulted in more than 100 civilian deaths. All of these allegations constitute blatant violations of international human rights law.

The situation in Syria only threatens to worsen. Over the course of the last two weeks alone: (i) the Syrian National Council warned of a looming massacre in Homs, where more than 30,000 government troops and pro-regime militia have amassed, and where violence has intensified; (ii) the Syrian Observatory for Human Rights reported that 169 people were killed nationwide between June 13-15; (iii) reports surfaced of the mass killing of more than twenty-five Syrian men in Aleppo, apparently the result of a rebel ambush; and (iv) prior to suspending

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their mission, UN observers attempted to enter Haffa amid fears of a massacre there, but were forced to flee after being shelled immediately upon entering the area. Before fleeing, UN observers reported that a "strong stench of dead bodies" hung in the air in Haffa.

In view of the continuing deterioration of the human rights situation in Syria, UN 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 or rebel leaders 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 and are in desperate need of prompt action by the Security Council to protect them from the continuing war crimes and other human rights abuses which they are now experiencing.

Respectfully,

A handwritten signature in black ink, appearing to read "Carey Dunne", with a long horizontal flourish extending to the right.

Carey Dunne  
President