



## **Oral Statement by the International Bar Association**

51st Session of the Human Rights Council

ID with Commission of Inquiry on the Syrian Arab Republic

22 September 2022

### **The Need for Justice and Accountability for the Genocide against the Yazidis**

The IBA's Human Rights Institute (the IBAHRI) welcomes this opportunity to engage in the interactive dialogue on the situation in the Syrian Arab Republic.

The IBAHRI has been supporting the work of the Yazidi Justice Committee (YJC), an ad hoc body investigating allegations of genocide committed against the Yazidis by Daesh in Syria and Iraq. YJC has found that, on the evidence available to date, the SAR has failed to comply with its obligations under the UN Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention) with respect to the genocide (which is continuing) of the Yazidi protected group.

There is substantial evidence, allowing reasonable grounds to believe, that the SAR failed to discharge its obligation to prevent the genocide of the Yazidis on Syrian territory, leading to the substantial commission of prohibited acts on Syrian and Iraqi soil by Daesh from, at least April 2013, and, in particular, August 2014. As such, the SAR bears responsibility for failing to take any steps reasonably available to it to prevent the commission of genocide by Daesh including:

- a. failing to provide pre-emptive protection, humanitarian and other assistance to civilians, for example by evacuating at-risk groups, and/or providing military, diplomatic or other assistance that would have prevented commission of prohibited acts.
- b. failing to identify, investigate and/or punish any perpetrators of the Yazidi genocide, despite repeated pleas from the international community, following the commission of prohibited acts of genocide by perpetrators predominantly belonging to, or affiliated with, Daesh.
- c. failing - notwithstanding resource constraints and up to and including the present day - to give effect to the duty to enact relevant domestic laws, practices and policies to ensure compliance with the Genocide Convention.

The IBAHRI calls upon the international community to support the Commission of Inquiry to:

- Take all measures reasonably available, including the use of available offices and legal means, to protect the Yazidis from ongoing and future acts of genocide and prevent further violations of international law.
- Institute steps preparatory to proceedings, and proceedings themselves, against the SAR before the International Court of Justice in relation to the obligations under the Genocide Convention.

The IBAHRI wishes to explore what steps the Commission of Inquiry is considering in relation to these recommendations.

Thank you.

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