



Our Reference: OTP-CR-80/15

The Hague, Thursday, 02 July 2015

Dear Madam or Sir,

On behalf of the Prosecutor, I thank you for your communication received on 06/03/2015 as well as the subsequent related information provided.

As noted in our letter to you on 16/03/2015, your communication has been the subject of a careful analysis.

As you may be aware, on the 8th of April 2015, the Prosecutor issued a public statement explaining her Office's activities and current conclusions with regard to the alleged crimes perpetrated by the so-called Islamic State of Iraq and al-Sham/Greater Syria ("ISIS" aka "ISIL", "Daesh" or "IS") in Iraq and Syria. A copy of this statement is herewith attached. The Office's analysis considered in particular whether the preconditions to the exercise of jurisdiction are met in the situation at hand, having regard to the fact that Iraq and Syria are not States Parties to the Rome Statute, the founding treaty of the International Criminal Court ("ICC" or the "Court").

On this basis, the Prosecutor assessed the prospects of exercising personal jurisdiction over States Parties nationals within the ranks of ISIS, e.g. so-called foreign fighters. The information gathered indicates nonetheless that ISIS is an organisation, primarily led by nationals of Iraq and Syria, and thus the prospects of investigating and prosecuting those most responsible within the leadership of ISIS, in line with the Office's prosecutorial policy, appear limited. Therefore, the Prosecutor has come to the conclusion that the jurisdictional basis for opening a preliminary examination into this situation is too narrow at this stage. The Office of the Prosecutor of the ICC remains open to receive additional information which could provide further clarity on the positions occupied by State Party nationals within the ISIS organisational hierarchy.

The Prosecutor remains extremely concerned by ongoing reports of atrocities committed in the territories ISIS occupies, including persecution of ethnic and religious minorities, arbitrary detentions, torture, forced displacement, unlawful killings, and intentional targeting of cultural heritage. Against this background, the information you have submitted will be maintained in our archives, and the decision not to proceed may be reconsidered in the light of new facts or information.

I am grateful for your interest in the ICC and I hope you will appreciate that considering the defined jurisdiction of the Court, many allegations of crimes, no matter how grave, may fall beyond the reach of this institution. In this regard, please also note that the ICC is designed to complement, not replace national jurisdictions. Thus, you may wish to continue raising your concerns with other appropriate national or international authorities.

Yours sincerely,

Katie Paul
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A handwritten signature in black ink, appearing to read 'M P Dillon', with a horizontal line underneath.

Mark P. Dillon
Head of the Information & Evidence Unit
Office of the Prosecutor