

TO THE UNITED NATIONS SECURITY COUNCIL,

Reporting Institution : DİYARBAKIR BAROSU - Lise Cad. 4. Sk. Güneş 2009 Apt.
A/Blok No:1 Yenişehir/Diyarbakır – Türkiye

Subject : Request for Urgent Measures to be Taken Regarding the Crimes Against Humanity and War Crimes Committed Against Alawite Civilians in Syria and for Those Responsible for the Massacres to be Referred to the ICC

1. Background Information

Since the change of government in Syria on December 10, 2024, systematic and large-scale attacks have been carried out against Alawite civilians. According to reports by international human rights organizations, as a result of these attacks, thousands of Alawite civilians have lost their lives, hundreds have been injured, and tens of thousands have been forcibly displaced.

Reports published by Amnesty International, Human Rights Watch (HRW) and the Syrian Network for Human Rights (SNHR) document the use of mass executions, torture, forced displacement and destruction of cultural heritage against Alawite civilians in areas such as Latakia, Homs and Hama. These reports show that attacks on civilian infrastructure in particular have increased, with schools, hospitals and places of worship being deliberately targeted.

According to reports published by international media organizations BBC, Reuters and Al Jazeera, Salafist groups operating in Syria are carrying out attacks on civilians, and according to witness testimonies, certain sectarian groups are being deliberately targeted. It is stated that heavy weapons, drones and explosives are being used during these attacks, which has led to an increase in civilian casualties. Witness testimonies and field research prove that the attacks are systematic and constitute crimes against humanity according to international law.

2. Those Responsible for the Massacres Must Be Referred to the International Criminal Court.

The UN Security Council resolutions 2139, 2254 and 2401 adopted in the context of Syria foresee the cessation of attacks on civilians, the provision of humanitarian access and the prevention of war crimes. However, it appears that no effective international mechanism has been put in place to implement these resolutions. The UN Security Council has the obligation to maintain international peace and security in accordance with articles 24 and 39 of the United Nations Charter and is responsible for imposing stronger sanctions against the serious human rights violations in Syria.

According to Article 13(b) of the Rome Statute, the UN Security Council has the authority to refer crimes committed in Syria to the ICC. Although Syria is not a party to the Rome Statute, the jurisdiction of the ICC can be expanded upon a decision by the Council. The organizations, groups and individuals who played a role in the massacres include citizens of states that are parties to the ICC, and these elements directly trigger the ICC's jurisdiction: Fighters from Tajikistan, Jordan, Egypt, France, Belgium and Germany are among the organizations, groups and individuals who played a role in the massacres, and therefore the ICC's jurisdiction arises. In addition, the Council's resolutions 2170 (2014) and 2199 (2015) foresee the implementation

of financial sanctions and an arms embargo against terrorist groups operating in Syria. However, since these measures are not implemented effectively enough on the ground, the attacks on Alawite civilians cannot be prevented.

The UN Security Council is obliged under international law to take more effective measures to prevent sectarian massacres in Syria, strengthen humanitarian corridors, and impose tough economic and diplomatic sanctions on groups committing war crimes.

3. Legal Foundations

- In accordance with Article 39 of the United Nations Charter, the UN Security Council has the authority to take necessary measures against actions that threaten international peace and security.
- In accordance with Articles 3, 5 and 9 of the Universal Declaration of Human Rights, the right to life, the prohibition of torture and the prohibition of arbitrary detention are protected by international law.
- In accordance with articles 6, 7 and 9 of the International Covenant on Civil and Political Rights, extrajudicial executions, torture and enforced disappearances are prohibited.
- In accordance with the 1948 Genocide Convention, actions targeting a particular religious or ethnic group can be considered within the scope of the crime of genocide.
- The Geneva Conventions and their Additional Protocols reveal that attacks against civilians in time of war are war crimes.
- Special rapporteurs and independent commissions of inquiry of the UN Human Rights Council are authorized to document systematic human rights violations and war crimes.
- UN Security Council resolutions 2139, 2254 and 2401 on Syria foresee the cessation of attacks on civilians, the provision of humanitarian aid access and the prevention of war crimes.
- The definition of civilian population is provided in Article 50 of the Protocol Additional to the Geneva Conventions and Relating to the Protection of Victims of International Armed Conflicts, dated 8 June 1977.
- Protocol I Article 50 defines the concept of civilians and civilian population:

1. A civilian is any person who does not belong to one of the categories of persons referred to in Article 4 A (1), (2), (3) and (6) of the Third Convention and in Article 43 of this Protocol. In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.

2. The civilian population comprises all persons who are civilians.

3. The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.

The aim of the principle of distinction is emphasized in Article 51 of the Protocol I as “*The civilian population as such, as well as individual civilians, shall not be the object of attack*”. This provision expressly states the civilian population and individual civilians are to enjoy general protection against dangers arising from military operations. In this article, acts or threats of violence, the primary purpose of which is to spread terror among the civilian population, are also prohibited.

As a result of this principle, indiscriminate attacks against civilians and civilian population are also prohibited. Article 51 / 4 also defines the indiscriminate attacks:

- (a) those which are not directed at a specific military objective;*
- (b) those which employ a method or means of combat which cannot be directed at a specific military objective; or*
- (c) those which employ a method or means of combat, the effects of which cannot be limited as required by this Protocol; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.*

According to Article 5 of the Statute of the International Criminal Court, which reflects verbatim the definition of genocide as contained in the Convention on the Prevention and Punishment of the Crime of Genocide, genocide means any of the following acts, committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such, namely, inter alia: killing members of the group; causing serious bodily or mental harm to members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group and forcibly transferring children of the group to another group.

For any of the acts charged to constitute an element of genocide, the act must have been committed against one or several individuals solely because they were members of a specific group. The specific motive for targeting these individuals is crucial; it must be because they belonged to this particular group. Thus, the victim is chosen not because of their individual identity, but rather on account of their membership of a national, ethnical, racial or religious group.

As Diyarbakır Bar Association, we request that our application be evaluated in accordance with Article 15(2) of the Rome Statute. To briefly mention the mission of the lawyers and Bar Associations;

In Turkey, the legal profession is a cornerstone of the right to a fair trial and defence, and by extension, the rule of law. It is imperative for bar associations to actively engage in civil, democratic, legal, and judicial activities this engagement is crucial not only to protect and develop human rights but also to operationalize them for the advancement of a democratic society.

The legal foundation for the responsibility of bar associations in Turkey to safeguard public human rights is grounded in Article 76 of the Turkish Advocacy Law, which outlines the formation and qualifications of bar associations. Article 76 of the Law on Lawyers, governing the establishment and qualifications of bar associations, explicitly defines bar associations as “*public professional organizations with legal personality. These associations are tasked with a broad range of activities, including the development of the legal profession, fostering honesty and trust among its members and with business entities, defending and upholding Professional order, ethics, ignity, the rule of law, human rights, and meeting the common needs of lawyers, and to carry out their activities in accordance with democratic principles*”. Furthermore, Article 95/21 of the Law on Lawyers, delineating the responsibilities of the executive boards of bar associations, underscores their duty “*to defend and protect the rule of law and human rights and to make these concepts operational.*”

The phrase “*to make these concepts operational*” in the provisions, structured as a public and social duty, imposes a positive obligation. A positive obligation entails the responsibility to proactively take actions aimed at fulfilling the specified duty. Pursuant to the provision The

duty to “*defend and protect the rule of law and human rights*” finds application in the requests to participate in cases on national and international grounds, especially those related to social rights violations, and in making “amicus curiae” applications.

4. The Evidences

- Reports published by SOHR (Syrian Observatory for Human Rights) on 15 March 2025, by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on 10 March 2025 and by Amnesty International on 12 March 2025.
- Reports and testimonies in the international press include detailed field reports, particularly those published by the BBC, Al Jazeera, Reuters and Human Rights Watch. These reports document the pressure exerted on civilians by the organisations, groups and individuals involved in the massacres, their forced displacements, executions and attacks on civilian infrastructure. Furthermore, information provided by local journalists in the region proves that the crimes committed by the organisations, groups and individuals involved in the massacres were systematic and widespread. Witness testimonies clearly demonstrate that the attacks targeted specific sectarian groups and were of an ethnic cleansing nature.
- Documents submitted by civil society and human rights organizations in the region are based on field research in the region, especially by the Syrian Network for Human Rights (SNHR), Human Rights Watch (HRW) and Amnesty International. These documents report in detail the actions of organizations, groups and individuals involved in the massacres against Alawite civilians, such as executions, enforced disappearances, torture, confiscation of property and forced migration. There is also visual and written evidence provided by independent researchers and local journalists.
- Witness statements and visual evidence.

5. Requisitions

1. Taking urgent measures to prevent crimes against humanity and war crimes committed against Alawite civilians in Syria.
2. Ensuring that the UN Security Council initiates an investigation into the crimes by activating the referral mechanism to the ICC.
3. Establishing safe zones in the region to protect civilians and opening humanitarian aid corridors.
4. Sending independent UN observers to the region to document human rights violations.
5. Implementation of economic and diplomatic sanctions against the organizations that carried out the attacks.

Recalling that the international community must take action against these serious human rights violations, we call on the UN Security Council to take effective measures. 18.03.2025

Kind regards,

Diyarbakır Bar Association