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THE UNITED NATIONS SECURITY COUNCIL,

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Subject : Request for urgent measures to be taken regarding the crimes against humanity and war crimes committed against Kurdish civilians in Syria and for those responsible for the massacres to be notification requesting referral to the ICC.

1. Background Information

The war in Syria, which has continued since 2011, persisted in different ways and methods despite the change of government on December 10, 2024. This war allowed radical groups to carry out systematic attacks against the civilian population, particularly Kurds and Alawites, as well as other religious, ethnic, and minority groups. According to reports from international human rights organizations, these attacks resulted in the deaths of thousands of civilians, the injury of hundreds, and the forced displacement of thousands more.

Reports published by Amnesty International, Human Rights Watch (HRW), and the Syrian Human Rights Network (SNHR) document mass executions, torture, forced displacement, and destruction of cultural heritage targeting civilians of various faiths, identities, and other minorities, primarily Kurds, in areas such as Tabqa, Raqqa, the Tishrin Dam, Aleppo (Sheikh Maqshuq, Ashrafiyeh), Kobane, Dayr Hafir, Hasakah, and Daraa Zor. The circulation of video recordings of attacks, particularly against women, online raises serious concerns about the increase in crimes against women.

News reports published by international media outlets indicate that radical groups operating in Syria are carrying out attacks against civilians, and according to witness accounts, Kurds are being deliberately targeted. These attacks involve the use of heavy weapons, drones, and explosives, leading to increased civilian casualties. Witness testimonies and field investigations prove that the attacks are systematic and constitute crimes against humanity under 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, as required by international law, to take more effective measures to prevent identity-based 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

- Report published by SOHR (Syrian Observatory for Human Rights) on January 11, 2026.
- News reports and testimonies in the international press, and especially detailed field reports, document the oppression, forced displacement, executions, and attacks on civilian infrastructure carried out by organizations, groups, and individuals involved in the massacres. Furthermore, information provided by local journalists proves that the crimes committed by the organizations, groups, and individuals involved in the massacres were systematic and widespread. Witness testimonies clearly reveal that the attacks targeted Kurds and constituted ethnic cleansing.
- The documents provided by NGOs and human rights organizations in the region are based particularly on field research by the Syrian Human Rights Network (SNHR), Human Rights Watch (HRW), and Amnesty International. These documents detail the executions, enforced disappearances, torture, confiscation of property, and forced displacement carried out by organizations, groups, and individuals involved in the massacres against civilians of different faiths, identities, and other minorities, primarily Kurds. 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 Kurdish 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. 21.01.2026

Kind regards,

Diyarbakır Bar Association