



6 March 2015

Fatou Bensouda
Prosecutor
International Criminal Court
Post Office Box 19519
2500 CM The Hague
The Netherlands

Dear Madam Prosecutor,

We are writing on behalf of the Antiquities Coalition, a nongovernmental and not-for-profit organization based in Washington, DC. Our institution unites a diverse group of experts in the fight against cultural racketeering, the looting and trafficking of antiquities by organized criminals and terrorist organizations. We are archaeologists, business leaders, former government officials, lawyers, security experts, and other professionals.

We urgently call the International Criminal Court's (ICC) attention to the Islamic State of Iraq's and the Levant's (ISIL) deliberate and targeted attacks on the cultural heritage of northern Iraq — most recently the destruction of the Mosul Library, Mosul Museum, and Assyrian ruins of Nimrud and Nineveh. Within just days, we have lost entire chapters of our shared history, and some of the most treasured masterpieces and sites the world has ever known. This wanton devastation, in the very birthplace of civilization, strikes at the heart of the values of tolerance, freedom of expression, and freedom of religion that have coexisted in the region for thousands of years.

These acts are severe violations of both domestic Iraqi and international law, including the Rome Statute, under Articles 8(b)(ix) or 8(e)(iv). More importantly, judging from history, they also pose a stark warning that ISIL will soon undertake even greater violence against the besieged Iraqi population: The United Nations (UN) clearly recognizes that such "cultural cleansing" is a specific risk factor of impending genocide, crimes against humanity, and war crimes.

In light of the gravity of the situation, we strongly urge the Office of the Prosecutor to immediately open an investigation into these atrocity crimes, using its *proprio motu* powers under Article 15. While Iraq is not yet a party to the Rome Statute, the ICC already has jurisdiction over all nationals to the court's 123 State Parties, including many (if not most) of the ISIL foreign fighters who are currently brutalizing Iraq's heritage and its population. In addition to this existing and significant jurisdiction — given United States estimates that there are 20,000 foreigners from 90 countries now fighting for ISIL and related groups — the ICC's ability to exercise further jurisdiction in both Iraq and Syria may well be triggered at a future date, either by action by the UN Security Council, or even Iraq and Syria's retroactive accession to the Rome Statute. The world cannot wait for that to happen and nor should the ICC. We thus join the Director General of

UNESCO, Irina Bokova, in calling for an immediate investigation into ISIL's attacks against the Iraqi people and their cultural heritage. We have great confidence that — with your leadership and guidance — we can finally end the ongoing impunity for these violent affronts, which are not only attempts to rewrite our past, but also control our future.

The Antiquities Coalition is readily available to assist you in any way in this important effort and thanks you for your consideration.

Sincerely,



Chairman and Founder
Deborah Lehr



Executive Director
Tess Davis