

**DRAFT**  
**Resolution referring Daesh (ISIS/ISIL) to the International Criminal Court**

The Security Council,

Taking note of the reports and findings of the \_\_\_\_\_ in Iraq [and Syria] regarding the actions of Daesh, or ISIS/ISIL,

Recalling article 16 of the Rome Statute under which no investigation or prosecution may be commenced or proceeded with by the International Criminal Court for a period of 12 months after a Security Council request to that effect,

Also recalling articles 75 and 79 of the Rome Statute and encouraging States to contribute to the ICC Trust Fund for Victims,

Taking note of the existence of agreements referred to in Article 98-2 of the Rome Statute,

Determining that the situation in Iraq [and Syria], and the actions of Daesh, or ISIS/ISIL, continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides to refer the situation in Iraq [and Syria] since \_\_\_\_[dates]\_\_\_\_ to the

Prosecutor of the International Criminal Court;

2. Decides that the Government of Iraq and Syria, and the leaders of Daesh, or ISIS/ISIL, and all other parties to the conflict, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully;

3. Invites the Court and the United Nations and relevant Member States to discuss practical arrangements that will facilitate the work of the Prosecutor and of the Court, including the possibility of conducting proceedings in the region, which would contribute to regional efforts in the fight against impunity;

4. Also encourages the Court, as appropriate and in accordance with the Rome Statute, to support international cooperation with domestic efforts to promote the rule of law, protect human rights and combat impunity in Iraq [and Syria];
5. Also emphasizes the need to promote healing and reconciliation and encourages in this respect the creation of institutions, involving all sectors of Iraqi and Syrian society, such as truth and/or reconciliation commissions, in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace, with regional and international support as necessary;
6. Decides that nationals, current or former officials or personnel from a contributing State outside Iraq [and Syria] which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to operations in Iraq [and Syria] established or authorized by the Council, unless such exclusive jurisdiction has been expressly waived by that contributing State;
7. Recognizes that none of the expenses incurred in connection with the referral including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States;
8. Invites the Prosecutor to address the Council within three months of the date of adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution;
9. Decides to remain seized of the matter.