

The Rt. Hon. Rishi Sunak MP

Prime Minister of United Kingdom
of Great Britain and Northern Ireland
10 Downing Street is SW1A 2AA

The Rt. Hon. Lord Cameron of Chipping Norton

Secretary of State for Foreign,
Commonwealth and Development Affairs
King Charles Street London SW1A 2AH

15 April 2024

Dear Prime Minister, Foreign Secretary,

Public Letter - Support for the Genocide Determination Bill 2023-24

On 9 December 2023, the international community marked the 75th Anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide (Convention).

The occasion was deeply solemn, given that genocides and other mass atrocity crimes have claimed the lives of over 80 million victims globally since 1945. Today, the very existence of several protected groups - including but not limited to the Rohingya in Myanmar, the Yazidis in Iraq/Syria, and the Uyghurs in China - is threatened by ongoing prohibited acts including murder, torture, rape and sexual violence, prevention of births, and forced starvation.

In this anniversary year, we see the proposed [Genocide Determination Bill](#) (Bill) as a historic opportunity for the United Kingdom to demonstrate global leadership by utilising all means that are reasonably available to it (including diplomatic, economic and consular) to prevent governments and non-state actors from attempting to destroy protected groups, in whole or in part, from the rich tapestry of the human community.

The Bill would provide for the Senior Courts of the UK to make preliminary determinations as to what constitutes genocide in accordance with the UK's obligations under the Convention. It would also introduce a referral mechanism for such determinations to be referred to relevant international courts or mechanisms.

A preliminary determination or referral would only be permitted following a response of the Secretary of State to formal findings of a relevant committee, of either House of Parliament, stating that there is a serious risk of genocide or that genocide is being, or has been, committed outside the UK.

The UK has in the past five years attempted to play a key international role in protecting civilians from egregious human rights violations, including the spearheading of a global campaign to bring Da'esh/ISIS to justice for its genocidal crimes against the Yazidis in northern Iraq; supporting efforts to prevent the serious risk of genocide in Ukraine and using international fora to raise awareness of the plight of the Uyghurs. Support for this Bill represents a strong continuation of such commitments to universal human rights, in

accordance with the UK's critical standing as a permanent member of the UN Security Council.

The UK has a long-standing policy that genocide be legally determined in a court of law, an independent and impartial mechanism which safeguards against politicisation and vexatious claims. The Bill addresses any concerns that the courts should not have power to curtail decision making by a sovereign parliament by ensuring that any determination can only be triggered by Parliament itself and, in any event, after a Government response. The Bill is clear that, following preliminary determination of genocide by a Senior Court, the Government ultimately decides on all consequences, in line with international law, subject to Parliamentary scrutiny.

The Bill allows UK domestic courts to fill a gap in the international justice system, since international courts cannot guarantee consequential action in time to prevent further atrocities as mandated by the Genocide Convention. For non-governmental organisations, a court ruling on the existence of genocide, or of a situation where there is a serious risk of genocide being committed, would, in itself, enhance human rights advocacy and strike a meaningful blow against perpetrators. Moreover, the establishment and effective implementation of a national atrocity prevention strategy would ensure that the UK complies with its own obligations under the Genocide Convention.

As the Government seeks to play a more meaningful and pro-active role in atrocity prevention and in maintaining international peace and security, parliamentarians have a historic opportunity to ensure that future policy truly reflects the UK's moral commitments and values.

Signatories *[alphabetical order by surname]*

Dr. Payam Akhavan OOnt FRSC - Professor of International Law, Human Rights Chair and Senior Fellow, Massey College, University of Toronto

Rt. Hon. Prof. Lord David Alton, KCSG, KCMCO - former MP 1979-1997, former Professor of Citizenship; Member of the House of Lords (Crossbench)

Rt. Hon. Lord David Blencathra - Member of the House of Lords (Conservative)

Rt. Hon. Lord Browne - former Secretary of State for Defence; Member of the House of Lords (Crossbench)

Toby Cadman - Barrister; Joint Head of Chambers, Guernica 37 Chambers

David Campanale - Journalist, Broadcaster, Producer

Leto Cariolou - Co-Counsel, Kosovo Specialist Chambers; Barrister, Garden Court Chambers

Rt. Hon. Baroness Caroline Cox - Member of the House of Lords (Crossbench)

Stephen Cragg KC - Barrister, Doughty Street Chambers

Prof. David M. Crane - Founding Chief Prosecutor, UN Special Court for Sierra Leone

Rt. Hon. Baroness Frances D'Souza CMG - Member of the House of Lords (Crossbench)

Luke de Pulford - Executive Director, Inter-Parliamentary Alliance on China (IPAC)

Yonah Diamond, Esq. - Senior Legal Counsel, Raoul Wallenberg Centre for Human Rights

Prof. Max du Plessis SC - Barrister, Doughty Street Chambers; London; Adjunct Professor; University of Cape Town, and Nelson Mandela University

Dr. Tatyana Eatwell - Barrister, Doughty Street Chambers

Dr. Mark Ellis - Executive Director, International Bar Association

Dr. Leyla Ferman - Senior Board Member, Women for Justice; Co-Founder, Yazidi Justice Committee

Rt. Hon. Baroness Ilora Finlay - Member of the House of Lords (Crossbench)

Kate Gibson - Counsel, International Criminal Court; Associate Tenant, Doughty Street Chambers

Kip Hale - Chief of Staff, Atrocity Crimes Advisory Group for Ukraine & Georgetown Law's International Criminal Justice

Prof. Rebecca Hamilton - Professor of Law, American University Washington College of Law

Rt. Hon. Lord David Hannay - former UK Ambassador to the United Nations;

Member of the House of Lords (Crossbench)

Mia Hasenson-Gross - Executive Director, René Cassin – the Jewish voice for human rights

Rt. Hon. Baroness Arminka Helić - Member of the House of Lords (Conservative)

Susie Hughes - Executive Director, International Coalition to End Transplant Abuse in China (ETAC)

Amb. (ret.) Stephen J. Rapp - former US Ambassador-at-Large for Global Criminal Justice; Fellow of Practice, Oxford Institute of Ethics, Law, and Armed Conflict

Wayne Jordash KC - Managing Partner, Global Rights Compliance

Rt. Hon. Baroness Helena Kennedy LT KC - Director, International Bar Association Human Rights Institute; Member of the House of Lords (Labour)

Prof. Rianne Letschert - Professor of International Law and Victimology, Maastricht University

Rt. Hon. Baroness Ruth Lister - Member of the House of Lords (Labour)

Dr Wei Liu - Chair, UK Falun Dafa Association

Nicola Macbean - Executive Director, The Rights Practice

Rahima Mahmut - UK Director, World Uyghur Congress; Executive Director, Stop Uyghur Genocide

Dr. Jason McCue - Senior Partner, McCue Jury & Partners

Rachel Miner - Founder and CEO,
Bellwether International

**Rt. Hon. Lord John Edward Hollister
Montagu** - The Earl of Sandwich; Member
of the House of Lords (Crossbench)

Rt. Rev. Philip Mounstephen - Member of
the House of Lords; Bishop of Winchester

Rt. Hon. Brendan O'Hara MP - MP for
Argyll and Bute; SNP Spokesperson for
International Development

**Rt. Hon. Baroness Nuala O'Loan DBE
MRIA** - Member of the House of Lords
(Crossbench); First Police Ombudsman

Dr. Ewelina Ochab - Programme Lawyer,
IBAHRI; Co-Founder, Coalition for
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Prof. Mathilde Philip-Gay - Professor of
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Michael Polak - Barrister, Church Court
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Dr. Javaid Rehman FHEA, FRSA, FAcSS -
Professor of Muslim Constitutionalism and
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Geoffrey Robertson KC - Barrister;
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Ben Rogers - Co-founder and Deputy
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**Dist. Prof. Wendy Rogers, BM.BS,
FRACGP, PhD, FAHA** - Professor of
Clinical Ethics, Macquarie University; Chair,
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International Coalition to End Transplant
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Aarif Abraham - Director, Accountability
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Prof. William A. Schabas OC MRIA -
Professor of International Law, Middlesex
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Rupert Skilbeck - Director, REDRESS

**Prof. Rt. Hon. Baroness Julie Elizabeth
Smith** - Defence Spokesman, Liberal
Democrat; Member of House of Lords
(Liberal Democrat)

Prof. Jennifer Trahan - NYU Center for
Global Affairs; Convenor, The Global
Institute for the Prevention of Aggression

Rt. Hon. Baroness Janet Whitaker -
Member of the House of Lords (Labour)

Rt. Hon. Lord Michael Wills - Member of
the House of Lords (Labour)

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