

March 10th 2018

For the attention of the Prosecutor

Further to case with the International Criminal Court, registered under reference number OTP-CR-226/16

Please find a report published February 2018 by the "OFFICE OF THE SECRETARY OF DEFENSE DEPARTMENT OF DEFENSE", regarding their "BUDGET FISCAL YEAR (FY) 2019", requiring congressional approval for 1.4 billion USD, with "Justification for FY 2019 Overseas Contingency Operations (OCO) COUNTER-ISLAMIC STATE OF IRAQ AND SYRIA (ISIS) TRAIN AND EQUIP FUND (CTEF)".

Reference: <https://drive.google.com/file/d/1l3ZncO25Mg9iF0qnsEHUrQBdYU4jP2kl/view?usp=sharing>

1. Within this DoD's strategy to defeat ISIS, is the intent to train, equip, sustain, and enable elements of the Vetted Syrian Opposition (VSO) eligible for support under current law.
2. By the end of FY 2018, these forces are projected to total approximately 60,000 to 65,000; 30,000 to conduct ongoing combat missions against ISIS in the MERV, and 35,000 Internal Security Forces in liberated areas (to provide approximately 20 police/security forces for every 1,000 civilians).
3. The FY 2019 request fully funds the Syria T[rain] & E[quip/arm] program based on requirements to sustain a 35,000 Internal Security Force together with a 30,000 combat personnel partner forces (as required) to liberate, secure, and defend territory previously controlled by ISIS [but now no longer ISIS-controlled].
4. **In accordance with Article 8 bis defining the Act of Aggression 2.(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.**
5. Previous submissions detail Nikki Haley, Hillary Clinton, and now Pentagon Spokeswoman Dana White and State Department Spokesperson Heather Nauert, who are publicity inciting this crime, in accordance with Article 30 requiring that their "Intent to Destroy" Syrian's, is evidenced only by their "awareness that this

'physical destruction' will occur within the ordinary course of events", "calculated"[ Elements of the Crime, Genocide ] to be brought about by their "inflicting conditions of life upon the national population" [ Article 6.c ]; while in pursuit of geo-political power and resource, in accordance with evidence detailed in earlier submissions to the court - that will now result in the expenditure of 1.4 billion USD invested in arming more terrorist mercenaries, as outlined in the attached 2019 US Defense Department plan.

6. In accordance with Article 28.(b), all crimes committed by these "armed mercenaries" are the responsibility of the coalition forces leaders and those who publicly incite the congress to approve this budget through dishonest narratives; whereby those who hold the power to "directly and publicly incite" congressional and public support for the military action planned in the attached budget, are clearly the "superiors that shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under their "groups" effective authority and control" which relates to US military personnel under Article 28; with particular reference to their liability as "a result of his or her failure to exercise control properly over such subordinates", which relates to the "moderate rebels" who're renamed in this budget as "Verified Syrian Opposition" mercenaries, who've been extensively evidenced to rape, murder, destroy civility and commit war crimes across Syria, against Syrian Civilians for seven years without legal accountability possible for the International Criminal Court to apply.
7. In accordance with Article 25(b), these individuals have criminal responsibility due to the fact that they "solicit and induce the commission of this crime which this 2019 Budget "calculates" [Elements of the Crime Article 6.c - d] will occur and is being attempted; 25(c) For the purpose of facilitating the commission of this crime, these individuals aid, abet or otherwise assist in its commission or its attempted commission, including **providing the means for its commission.**
8. **Where in accordance with Article 25(e) In respect of the crime of genocide, these individuals are directly and publicly inciting others to commit genocide, as the seven years of this war evidences to occur as a result of the rebel mercenaries financed to destroy this nation and its people.**
9. This is encompassed fully under Article 25(d), where they are "In any way contributing to the commission or attempted commission of the crime of the Syrian Genocide, by a "coalition forces" "group acting with a common purpose", by using armed bandits and mercenaries as a weapon to "Act with Aggression" against another legitimate, democratic nation state.
10. This contribution is intentional and is 25(d) (i) "made with the aim of furthering the criminal activity or criminal purpose of the Coalition Forces group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court"; that in accordance with Article 30, is "made with awareness as knowledge that this physical destruction of the

Syrian people will occur within the ordinary course of events of their illegal acts of aggression”, and the subsequent war crimes committed by their armed bandits.

11. In accordance with Article 27, the Irrelevance of Official Capacity, shall in no case exempt a person from criminal responsibility under this Statute; therefore all women who are “publicly inciting” [ Article 25.3.(e) ] the crime of Genocide that is "calculated" [Elements of the Crime 6.c.d] to occur as a result of this budget advancing through congressional approval, are all the Superiors [Article 28] who are individually criminally liable [Article 25] for the Crime of Genocide, the Crime of Aggression and all subsequent War Crimes committed by their VSO mercenaries past, present and future.
12. Recent US airstrikes in Syria, also invite further application of Article 8 bis, as per the following evidence profiles:
  - a. <https://edition.cnn.com/2018/02/18/middleeast/us-airstrike-killed-dozens-of-russians-in-syria-intl/index.html>
  - b. <http://www.foxnews.com/world/2018/03/06/russian-us-air-strikes-in-syria-caused-mass-civilian-deaths-un-says.html>
    - i. On this point, the court must recognise that Russia are legally in combat in Syria, legitimately fighting terrorists who are evidenced to be financed and armed by the US, further evidenced by the attached report.
13. However, the US presence is clearly illegal and the given the Genocidal levels of Syrian civilian death, devastation and displacement over the past seven years; along with the escalating genocide that is certain to occur within the ordinary course of events [ Article 30 ], if the US advance further mercenary and direct military conflict on Damascus and wider Syria, as this 2019 budget determines will occur; The International Criminal Court have the authority under Article 21 to apply the UN convention where the US surrendered the immunity of it's decision makers, to enforce their accountability for publicly inciting and inflicting the Crime of Genocide, the Crime of Aggression and the War Crimes of their mercenaries against the Syrian Government, the Syrian Army and the Syrian Population: as per:

## **Article 8 bis**

1. For the purpose of this Statute, “crime of aggression” means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

2. For the purpose of paragraph 1, “act of aggression” means the use of [armed force](#) by a State against the [sovereignty](#), [territorial integrity](#) or [political independence](#) of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a [declaration of war](#), shall, in accordance with [United Nations General Assembly resolution 3314](#) (XXIX) of 14 December 1974, qualify as an act of aggression:

- (a) The [invasion](#) or attack by the armed forces of a State of the [territory](#) of another State, or any [military occupation](#), however temporary, resulting from such invasion or attack, or any [annexation](#) by the [use of force](#) of the territory of another State or part thereof;
- (b) [Bombardment](#) by the armed forces of a State against the territory of another State or the use of any [weapons](#) by a State against the territory of another State;
- (c) The [blockade](#) of the ports or coasts of a State by the [armed forces](#) of another State;
- (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- (f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
- (g) The sending by or on behalf of a State of armed bands, groups, irregulars or [mercenaries](#), which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.**

Submitted by Miriam Clements in accordance with previous submissions under reference number OTP-CR-226/16

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