



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE

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RELIGIOUS FREEDOM IN IRAQ

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in Iraq for the 2019 Universal Periodic Review (UPR).

Background

2. The biggest threat to religious freedom in Iraq is the humanitarian crisis that has resulted from genocidal atrocities that the Islamic State has committed against Christians and other religious minorities. In Iraq, Christians make up approximately less than 3% of the population¹. The fact is, the Islamic State's genocidal atrocities have nearly decimated the Christian population. In fact, hundreds of thousands of Christians have fled Iraq since the rise of the Islamic State². In order for Christians and other religious minorities have a place in the future of Iraq it is critical that Iraq work with the international community to ensure that Islamic State fighters are held accountable. In addition, aid must be delivered to the victims so that Christians and religious minorities are able to return to their homes and rebuild their communities. These things are necessary to ensuring a future where Christians and other religious minorities in Iraq are able to freely and safely practice their religion.

Persecution of Christians and other religious and ethnic minorities

3. The Islamic State's religion-based abuses in Iraq include beheadings, burning victims alive in caskets, and other barbaric "killings, rape, kidnapping, enslavement, theft . . . destruction of religious sites . . . sexual slavery, forced conversion, ransom demands, property seizures, and forced business closures"³. Islamic State fighters destroyed Iraq's oldest Christian monastery, St. Elijah's⁴. Father Paul Thabit Habib, a Catholic priest "who now lives in Kurdish-administered Erbil", said that Iraq's "Christian history was 'being barbarically leveled'"⁵. He added, "[W]e see it as an attempt to expel us from Iraq, eliminating and finishing our existence in this land"⁶. Such savagery has been punctuated by evidence that the Islamic State is burning Christians alive in locked caskets⁷.

¹ BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, IRAQ 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 3 (2014) [hereinafter IRAQ REPORT].

² GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (9 Mar. 2016) [hereinafter GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST], *available at* <http://www.stopthechristiangenocide.org/en/resources/Genocide-report.pdf>; *see also* BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 2 (2014) [hereinafter SYRIA REPORT].

³ IRAQ REPORT, *supra* note 1 at 2.

⁴ *Iraq's Oldest Christian Monastery Destroyed by Islamic State*, BBC NEWS (Jan. 20, 2016), <http://www.bbc.com/news/world-middle-east-35360415>.

⁵ *Id.*

⁶ *Id.*

⁷ Anuragh Kumar, *ISIS Burns Christians Alive in Locked Caskets, Escaped Prisoner Reveals*, CHRISTIAN POST (5 Jan. 2016), <http://www.christianpost.com/news/isis-burns-christians-alive-locked-caskets-escaped-iraqi-soldier-islamic-state-prisoner-revels-154281/>.

4. One Christian in Iraq described his reason for leaving his home: “I left due to the announcement of the leader of Daesh Abu Bakir al-Baghdadi that the Nazarene (that’s how they call the Christians) must leave or pay the ‘tax’ (jizya) or become Muslim or get killed”⁸. He explained that his family had not left sooner because they had no vehicle and had handicapped persons with them. Ultimately, they hired a taxi to flee, but were stopped by “members of Daesh” who learned that they were “Nazarenes”: “they robbed us, and took everything we had”⁹. After that, they were dumped on the border “only with the clothes we were wearing and nothing else”¹⁰.

5. As areas within Iraq have been liberated by Allied forces, the full extent of the genocide against these religious minorities is becoming more clear. Mass graves have been exhumed, ancient churches and holy areas have been found in rubble, and the very few survivors who remain have lost everything. For example, in October 2016, when Allied forces began their campaign to liberate the Nineveh region of Iraq from the grip of the Islamic State, some Christian leaders were able to return to their ancient homeland for the first time in over two years. Having fled for their lives when the Islamic State took over the region in 2014, the leaders returned to piles of dust. The 200,000 Christians who resided in the region when the Islamic State brutally took over has now dwindled to 20 to 30 Christian residents. Their places of worship, ancient texts, and congregations have summarily been wiped out by the Islamic State¹¹.

6. These reports are consistent with the United Nations’ own fact-finding. According to a report issued by the Office of the United Nations High Commissioner for Human Rights and the United Nations Assistance Mission for Iraq, “The violence suffered by civilians in Iraq remains staggering. The so-called ‘Islamic State of Iraq and the Levant’ (ISIL) continues to commit systematic widespread violence and abuses of international human rights law and humanitarian law. These acts may, in some instances, amount to war crimes, crimes against humanity, *and possibly genocide*”¹².

7. The brutality with which the Islamic State victimised religious minorities is beyond belief. The accounts of the trauma experienced by survivors in Iraq are heartbreaking. “One account [tells] of a couple whose children had been captured by ISIS militants. When they answered their door one day, they found a plastic bag on their doorstep. It contained the body parts of their daughters and a video of them being raped and tortured”.

8. The Islamic State’s treatment of Christians is directly compared to its treatment of another religious minority, the Yazidis. Much like the Islamic State treatment of Christians in Mosul and Raqqa City, in August 2014, the Islamic State captured Yazidi village and demanded that its residents convert to Islam. After the villagers refused to convert over a period of several days, Islamic State members executed at least 100 Yazidi men and took the women and children hostage as sex slaves¹³. Similarly, in Syria, the Islamic State beat and tortured twenty-five Yazidi men in

⁸ *Id* at 66.

⁹ *Id*.

¹⁰ *Id*.

¹¹ *In Biblical Lands of Iraq, Christianity in Peril After ISIS*, CNN News (21 Nov. 2016), <http://www.cnn.com/2016/11/20/middleeast/iraq-christianity-peril/>.

¹² *Id*. (emphasis added).

¹³ IRAQ REPORT, *supra* note 1, at 11.

an attempt to force them to convert¹⁴. A small number were reportedly released after their families paid a ransom, but the rest were killed¹⁵.

9. The joint Report of the Knights of Columbus and In Defense of Christians, based on the superior and thorough fact-finding of the Shlomo Organization for Documentation, contains numerous first-hand accounts of genocide survivors and relatives of deceased or missing victims¹⁶. Again, the evidence is well-documented, and it is sickening. And while acknowledging that estimates may contain inaccuracies or duplication, due to what's known by some as "the fog of war," this valuable source of data emphasised a critical point: "speculation about the accuracy of figures cuts both ways"¹⁷. In their estimation, and in ours, "the numbers are likely to be much higher"¹⁸. Virtually every day brings new reports and accounts of the Islamic State's barbarism. Any question as to the genocidal nature of the atrocities committed against Christians and other religious and ethnic minorities has been answered in the affirmative.

Conclusion

10. Christians and other religious and ethnic minorities in Iraq are facing a grave humanitarian crisis. Information we are receiving from those working on the ground to provide assistance confirms the reality of the situation and the need for assistance in addition to providing safety and basic necessities. As those persecuted begin to return home they face many legal challenges in establishing their identities and obtaining new personal identification documents. Additionally, they need assistance in obtaining documents to prove their residence. In order to provide the true lasting resettlements of displaced Christians and other religious minorities, all these issues need to be addressed. This is absolutely critical to ensuring that Christians and other religious minorities have a place in the future of Iraq.

11. The growing body of evidence demonstrates that the inhuman violence at issue, is in fact genocide as defined by the Convention. The victims of the Islamic State's genocide deserve the recognition and protection of the Iraqi government. Time is running out and action must be taken immediately to address these egregious violations of human rights. The ECLJ recognises and applauds the steps that Iraq has taken in conjunction with the U.N. through the passage of U.N. Security Resolution 2379 to begin addressing these issues. This is a critical step in the process of justice. The ECLJ respectfully encourages Iraq to continue its efforts to bring justice to the victims and to ensure that such barbaric behaviour will never again be tolerated.

¹⁴ SYRIA REPORT, *supra* note 2, at 10.

¹⁵ *Id.*

¹⁶ GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 2.

¹⁷ *Id.* at 39.

¹⁸ *Id.*