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### **Written statement\* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **REQUESTING THAT THE U.N. RECOGNIZE THE ISIS ATROCITIES AGAINST CHRISTIANS AND OTHER RELIGIOUS AND ETHNIC MINORITIES AS GENOCIDE AND TAKE IMMEDIATE APPROPRIATE ACTION**

### **1. INTRODUCTION**

In 2016, the ECLJ submitted written and oral testimony to this Council requesting that the United Nations (U.N.) join other international bodies and publically proclaim that Christians and other religious minorities in Iraq and Syria are victims of genocide at the hands of ISIS (the Islamic State) and deserve international assistance and protection. Since that submission, this body has remained silent while ISIS has continued its systematic reign of terror against these groups. Those who have managed to survive and escape captivity languish in refugee camps.

The actions of ISIS against Christians and other religious minorities in Iraq and Syria clearly embody the definition of genocide as enshrined in The Genocide Convention, which defines “genocide” as

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group<sup>1</sup>.

The ISIS campaign to destroy these religious minorities and decimate their homelands and cultures undoubtedly meets this definition, yet the world’s premier international body has yet to define it as such. In failing to do so, these vulnerable groups remain unprotected and in peril.

Article III of the Convention identifies the following as punishable acts: “(a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide”. Article IV makes it clear that “Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals”. Such provisions mean little if the U.N. fails to recognize particular acts as acts of genocide.

The victims of ISIS’s genocide deserve the recognition and protection of the international community. It is imperative that the U.N. acknowledge the ISIS campaign for what it is – genocide, end these atrocities, and seek justice for the victims.

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<sup>1</sup> Convention on the Prevention and Punishment of the Crime of Genocide, 9 Dec. 1948.

## 2. BACKGROUND

Since the summer of 2014 when Abu Bakr Al-Baghdadi declared the creation of an Islamic caliphate, the Islamic State has systematically killed Christians, Yazidis, and other religious minorities who do not adhere to the Islamic State's ideology. Islamic State members have killed Christians and Yazidis by the thousands, have enslaved and raped thousands more because of their religion, and have destroyed their places of worship, their homes, and their livelihoods<sup>2</sup>.

The Christian population in both Iraq and Syria has been decimated. Hundreds of thousands of Christians have fled Iraq and Syria since the rise of ISIS. The Islamic State's religion-targeted abuses in Iraq include beheadings, burning people 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"<sup>3</sup>. In Syria, ISIS has beheaded and stoned men, women, and children for blasphemy, heresy, and apostasy. ISIS has also demanded that religious minorities pay a tax (called jizya), or flee — punishing by death those who fail to comply<sup>4</sup>. The Islamic State's notorious abuses are targeted primarily against religious minorities, including an estimated 200,000 Iraqi Christians in 2014<sup>5</sup>.

The Islamic state has expressed its specific intent to kill all Christians. Yet ISIS's purported offer to allow Christians to pay a jizya tax has been falsely interpreted by some to negate the genocidal intent displayed by ISIS. However, Al-Baghdadi has stated of Christians, "People of the Book . . . today are a people of war who qualify for no protection"<sup>6</sup>. Regardless, paying jizya or converting to Islam to avoid death are not meaningful alternatives. It is genocide.

In June 2016, the U.N. mandated Independent International Commission of Inquiry on Syria released a report declaring that ISIS has committed genocide against the Yazidi people in Syria<sup>7</sup>.

Paulo Sérgio Pinheiro, Chair of the Commission, made the following statement regarding the findings:

Genocide has occurred and is ongoing . . . ISIS has subjected every Yazidi woman, child or man that it has captured to the most horrific of atrocities<sup>8</sup>.

<sup>2</sup> Genocide Against Christians in the Middle East, KNIGHTS OF COLUMBUS & IN DEFENSE OF CHRISTIANS (Mar. 9, 2016).

<sup>3</sup> BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, IRAQ 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1–2 (2014) [hereinafter Iraq Report].

<sup>4</sup> BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1 (2014).

<sup>5</sup> Iraq Report, *supra* note 3, at 4.

<sup>6</sup> Alberto M. Fernandez, *The ISIS Caliphate and the Churches*, MEMRI.ORG (27 Aug. 2015), <http://www.memri.org/report/en/>.

<sup>7</sup> "They Came to destroy": ISIS Crimes Against the Yazidis, Report by the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HCR/32/CPR.2 (15 June 2016).

Similar accounts of genocidal acts against Christians and minority Muslims have been documented across Iraq and Syria.

When Allied forces began their campaign to liberate the town of Mosul and its surrounding areas from the grips of ISIS in October 2016, some Christian leaders were able to return to their ancient homeland for the first time in over two years. The 300,000 Christians who inhabited the region before the Islamic State's invasion has dwindled to 20 to 30 remaining. Having fled for their lives when ISIS took over the Nineveh region in 2014, the leaders returned to piles of rubble. Their places of worship, ancient texts, and congregations have summarily been wiped out by ISIS<sup>9</sup>.

As more ISIS-held regions are liberated in the coming months, more evidence will undoubtedly reveal the undisputable genocidal acts by ISIS against religious minorities. The growing body of evidence demonstrates that the inhuman violence at issue is, in fact, genocide as defined by the Convention. This evidence is well-documented, and it is sickening.

### 3. REQUEST

Following our submission in May 2016, several HRC member states acknowledged that ISIS is committing genocide against religious minorities. Germany, recognizing the U.N. Commission's report only identified Yazidis as genocide victims, asked the Commission for more information on the other minority groups facing persecution. Belgium expressed its alarm at the genocide being waged against the Yazidis and "other religious groups." France recognized that the crimes against the Yazidis and other ethnic and religious minorities constitute genocide.

Several other HRC members have recognized that ISIS is committing genocide, including: Switzerland, Costa Rica, Liechtenstein, Ecuador, and The Netherlands. While these nations stopped short of including Christians and other religious minorities as victims of this genocide, the recognition of genocide itself is an important step that will help protect all victims.

Yet, the U.N. has not taken this critical step of acknowledging the genocide taking place in Iraq and Syria. While the ECLJ calls for swift and decisive action by the international community to stop the genocide and protect the victims, it also recognizes that the first step is for the U.N. to recognize that the atrocities constitute genocide. A declaration by the Human Rights Council that the Islamic State is engaged in genocide and action by this Council calling for the U.N. General Assembly (and other appropriate organs of the U.N.) to follow suit would carry significant weight.

We need action now. The U.N. must defend the rights of all religious minorities, including the Christians in Iraq, Syria, and any other place where the Islamic State engages in genocide.

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<sup>8</sup>UN Human Rights Panel Concludes ISIL is Committing Genocide Against Yazidis, UN.ORG (16 June 2016), <http://www.un.org/apps/news/story.asp?NewsID=54247#.WJnbWLYrJsM>.

<sup>9</sup>Moni Basu, *In Biblical Lands of Iraq, Christianity in Peril After ISIS*, CNN.COM (21 Nov. 2016), <http://www.cnn.com/2016/11/20/middleeast/iraq-christianity-peril/>.

We respectfully request that this Council declare that the Islamic State and its followers are committing acts of genocide against Christians and other religious and ethnic minorities and to then act accordingly. The very mission of this organization requires nothing less.

#### **4. CONCLUSION**

Therefore, the ECLJ urges the U.N. to join other international bodies and publically proclaim that Christians and other religious minorities in Iraq and Syria are victims of genocide and deserving of international assistance and protection.

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