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Key Findings

Iraq's religious freedom climate continued to deteriorate in 2015, especially in areas under the control of the Islamic State of Iraq and the Levant (ISIL). ISIL targets anyone who does not espouse its extremist Islamist ideology, but minority religious and ethnic communities, including the Christian, Yazidi, Shi'a, Turkmen, and Shabak communities, are especially vulnerable. In 2015, USCIRF concluded that ISIL was committing genocide against these groups, and crimes against humanity against these and other groups. While ISIL was the most egregious perpetrator of human rights and religious freedom violations, the Popular Mobilization Forces (PMF), recognized by Prime Minister al-Abadi in September 2015 as officially part of the Iraqi state, have continued to commit systematic attacks against Sunni Muslim civilians, exacerbating sectarian tensions. Although al-Abadi attempted to bring the PMF into the fold of government-sanctioned armed groups through this maneuver, so far it has remained clear that the group – which technically reports to the Ministry of Interior – exercises a significant amount of autonomy and espouses strong pro-Shi'a leanings, mostly to the exclusion of Iraq's Sunni population. However, because the PMF is one of the most effective groups in fighting ISIL, the Iraqi government has not curtailed their activities or prosecuted those who have perpetrated violent attacks. Millions of Iraqis are now refugees or are internally displaced due to ISIL's actions and the government's inability to protect religious communities. Based on violations perpetrated primarily by ISIL, but also due to the Iraqi government's toleration of attacks by security forces and the PMF, in 2016 USCIRF again recommends that the U.S. government designate Iraq as a "country of particular concern," or CPC, under the International Religious Freedom Act of 1998 (IRFA). USCIRF has recommended CPC designation for Iraq since December 2008. Post-Saddam Iraq has never been designated a CPC by the State Department.

Background

Iraq has long suffered from sectarian tensions, which have adversely affected the country's human rights and religious freedom climate. Under Saddam Hussein, the Iraqi government maintained relative order through intimidation and terror while favoring the Sunni Muslim minority, who comprise approximately 35 percent of the country's population. Following the fall of Saddam Hussein in 2003, Nouri al-Maliki, Iraq's Prime Minister between 2003 and 2014, acted in an authoritarian and sectarian manner. He failed to implement fully an agreement to share

government power between Shi'a and Sunni Muslims, targeted Sunni areas and Sunni politicians, and marginalized Sunni Muslims in the government and the military. Since Maliki's resignation, Prime Minister Haider al-Abadi has attempted but not yet succeeded to ease sectarian tensions, although he has made some overtures to integrate Sunni Muslims into the government or recruit them into the military. The PMF and Iranian-backed Shi'a militias that operate outside of government control have further complicated al-Abadi's attempts to ease Sunni-Shi'a tensions on the political and societal level.

This background helped create the conditions that allowed ISIL to rise, spread and ultimately control significant areas of northern and central Iraq. The political actions by Saddam Hussein and Nouri al-Maliki created significant distrust between Iraq's Shi'a majority population and the Sunni Muslim minority population, which impacts Iraq today. The Sunni population has a distrust of the Iraqi government, and doubts its willingness to allow Sunni Muslims to participate at high levels in the government and military. Moreover, Sunni Muslim populations who abhor ISIL fear that the Iraqi government will not provide them protection. Religious minority communities, especially the Yazidi population, doubt the Iraqi government's willingness, ability, or both to protect them from ISIL. This degree of mistrust among Iraq's religious and ethnic communities and these communities' lack of confidence in the Iraqi government have combined to exacerbate sectarian tensions, undermine the country's stability, and create doubt that religious freedom and human rights are a priority and will be protected by the government.

Since 2014, the semi-autonomous Kurdistan region and its government (KRG) have played a significant role in providing a safe haven for religious minority communities fleeing ISIL's advancements and attacks. The population of the KRG is approximately 5.2 million people. Since ISIL's advent and the beginning of the Syrian conflict, an additional 1.8 million Syrian refugees and Iraqi internally displaced persons (IDPs) from other parts of Iraq have flooded the KRG, straining its ability to provide sufficient humanitarian aid and services. The pressure on the KRG to provide for communities that sought safety there has further strained relations between the KRG and Baghdad.

Even before ISIL's rise, the country's smallest religious communities – which include Catholics, Orthodox Christian, Protestants, Yazidis, and Sabeen Mandaean – were already significantly diminished. Before 2003, non-Muslim Iraqis made up around three percent of the Iraqi population. By 2013, the Christian population had dwindled to 500,000 – half of its reported size in 2003 – and today, some Christian leaders report the number to be as low as 250,000 to 300,000. Also in 2013, the Yazidis reported that since 2005 their population had decreased by nearly 200,000 to approximately 500,000, and the Mandaean reported that almost 90 percent of their community had left the country or been killed, leaving just a few thousand. The size of these religious communities continues to decline as the crisis in Iraq deepens, with many members of Iraq's smallest minority communities having been killed, driven out of the country or internally displaced, especially since ISIL's advance in northern Iraq since 2014.

Religious Freedom Conditions 2015-2016

Violations by ISIL

ISIL threatens the region, Iraq's stability, and human rights and religious freedom for all Iraqis. ISIL's violent religious and political ideology allows for no space for religious diversity or freedom of thought or expression. The group has deliberately expelled minority communities from their historic homelands, forced them to convert to ISIL's version of Islam, raped and enslaved women and children, and tortured and killed community members, including by stoning, electrocution, and beheading. ISIL has targeted all of Iraq's smallest religious minority communities; its ongoing actions could well mark the end of ancient religious communities in

northern Iraq. After the reporting period, on March 17, 2016, Secretary of State John Kerry announced that, in his judgment, ISIL "is responsible for genocide against groups in areas under its control, including Yazidis, Christians, and Shi'a Muslims [and] for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities."

ISIL has committed horrific crimes against the Yazidi community, a small religious group it regards as "devil worshippers" and does not consider "People of the Book" (the Abrahamic faiths). A 2015 U.S. Holocaust Memorial Museum (USHMM) report found that ISIL committed acts of genocide against the Yazidi community in the summer of 2014. According to survivor accounts, ISIL gave Yazidis two options: convert or face death. The USHMM documents at least 1,562 Yazidis killed in the summer of 2014, including those who died on Mount Sinjar from starvation and dehydration. According to the United Nations, at least 16 mass graves have been uncovered around Sinjar, with the remains of likely Yazidi victims. Yazidi women and girls are subject to mass rape, sexual slavery, assault, and forced marriage to ISIL fighters. In January 2016, the United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that ISIL had abducted 5,838 people since August 2014: 3,192 women and 2,646 men.

ISIL also has targeted Christian communities. In August 2015, Iraqi Defense Minister, Khaled al-Obeidi reported that ISIL had killed 2,000 Iraqis in the largely Christian Nineveh Plains between January and August 2015, and that more than 125,000 Christians fled to the KRG for protection. In Kirkuk, ISIL has used churches as bases and stormed and desecrated cemeteries; it also demolished Assyrian monasteries. In late January 2016, it was reported that ISIL had destroyed the oldest Christian monastery in Iraq, the St. Elijah's Monastery in Erbil, which has been a place of worship for more than 1,400 years; the destruction is believed to have occurred between August and September 2014.

In addition, ISIL victimizes both Sunni and Shi'a Muslims. The group has taken responsibility for numerous bombings and killings throughout the country that target both communities. ISIL kills and injures Shi'a Muslims indiscriminately through bombings and other mass killing methods, whereas with Sunnis, it targets communities – and community leaders – that pose threats to its authority or are engaged in resistance activities against it. For example, in July 2015, 115 Shi'a Muslims were killed in Khan Bani Saad, north of Baghdad and in August, 67 Shi'a Muslims were killed in the Jamila Market near Sadr City. In July, 22 members of the Sunni Jubur tribe were executed north of Mosul and in October, ISIL executed 70 members of Sunni Abu Nimer tribe Anbar Province.

Violations by the Iraqi Government

At the 2015 United Nations General Assembly, Prime Minister al-Abadi announced that the PMF would be part of the official Iraqi state, accountable to the Ministry of Interior; however, the PMF operates with significant autonomy. Religious leaders, such as Grand Ayatollah Ali Sistani, Iraq's top Shi'a cleric, publicly have called on the Iraqi government and the Prime Minister to exert more robust control over the PMF's actions. In spite of this, al-Abadi has allocated at least \$1 billion to the PMF from Iraq's state budget and regularly mentions the group when speaking about the Iraqi government's battles against ISIL.

Although the PMF is an effective military force in the fight against ISIL, it and Shi'a militia groups under its umbrella (such as the Badr Brigades, League of the Righteous, Hezbollah Battalions, and the Imam Ali Battalions) also have been accused of carrying out systematic and egregious sectarian violence against Sunni Muslims and others. According to reports, after the recapture of Tikrit in March 2015, Shi'a militias destroyed hundreds of buildings in the Sunni

villages of al-Dur, al-Bu' Ajil, and al-Alam neighborhoods. Two hundred Sunni men also were abducted. In mid-January 2016 in Muqdadiah, Shi'a militias burned and destroyed six Sunni mosques and a Sunni marketplace. Sunni neighbors and two journalists for Iraqi's al-Sharqiya TV, a channel sympathetic to Iraqi Sunnis, also were executed. At the end of December 2015, PMF groups were reported to be harassing Christian women who did not wear the Islamic headscarf. Christians in Baghdad said that the PMF hung posters on churches and monasteries in Christian neighborhoods urging women to cover their hair and that some Christians received threats that they should not celebrate Christmas or New Year's or disrespect PMF martyrs who died fighting ISIL. Human rights groups have urged the government to hold the PMF and other government-sanctioned actors accountable by, prosecuting them for their perpetration of extortions, torture, extrajudicial killings, kidnappings, and abductions of non-Shi'a, especially Sunni, individuals.

Issues in the KRG

The Kurdish Peshmerga forces have been at the forefront of the fight with ISIL in northern Iraq and more than 1.8 million Syrian refugees and Iraqi IDPs have flooded the KRG. However, at the end of the reporting period, the KRG had not successfully integrated minority communities into its system of governance. According to reports, there are no seats for Arabs, Yazidis, Kaka'is, or other smaller minorities on the Kurdistan National Council (Parliament). Additionally, there are no specialized ministerial positions for minority populations that would allow for qualified, legitimate representatives from non-Kurdish groups.

U.S. Policy

The rise of ISIL in June 2014 brought with it increased U.S. involvement in Iraq. The actions of the U.S.-designated terrorist group and the threat it poses to Iraq's territorial integrity and security led the United States to boost cooperation with the governments in both Baghdad and the KRG and their respective security forces, the Iraqi Security Forces (ISF) and the Peshmerga. The United States' assistance has ranged from organizing the U.S.-led anti-ISIL coalition to conducting regular airstrikes to building indigenous partner capacity. The anti-ISIL coalition, dubbed Operation Inherent Resolve, includes 65 countries, of which Australia, Bahrain, Canada, France, Jordan, Saudi Arabia, Turkey, the United Arab Emirates, the United Kingdom, and the United States are conducting airstrikes. Since September 2014, over 10,000 airstrikes have occurred, at least 7,000 of which have been in Iraq and most of which have been carried out by the United States. In December 2015, the United States announced the deployment of 100 U.S. special operations forces to conduct raids, gather intelligence, free hostages, and seize ISIL leaders. Additionally, the anti-ISIL coalition has sent 6,500 troops to Iraq, 3,500 of which are American. Through the Iraq Train and Equip Fund (ITAF), the United States has allocated over \$1.6 billion to train over 17,000 ISF and over 2,500 Peshmerga personnel, as well as Iraqi police and tribal fighters; provide military transportation vehicles, small arms and heavy weapons; and coordinate airlift missions. The G7, which includes the United States, also is working to stem the flow of foreign fighters and coordinate global intelligence to stop ISIL recruitment.

In 2015, the United States provided Iraq with over \$623 million in humanitarian aid, including to support internally displaced persons in the KRG. The funding supported the activities of the U.S. State Department, U.S. Agency for International Development, International Committee of the Red Cross (ICRC), International Organization for Migration (IOM), UN Children's Fund (UNICEF), UN Office for the Coordination of Humanitarian Affairs (OCHA), UN Population Fund (UNFPA), UN World Health Organization (WHO), UN Development Program (UNDP), and the UN High Commissioner for Refugees (UNHCR), among others. The efforts supported by the United States include camp coordination, health and medical support, education projects, food assistance, psychosocial support, shelter rehabilitation, and livelihood development. The United States also continues to resettle Iraqi refugees to the United States. According to State Department

statistics, 12,676 Iraqis were resettled to the United States in FY2015, second only to the number of refugees resettled from Burma.

The United States continues to work with Prime Minister al-Abadi to encourage the creation of a more inclusive government representative of Iraq's various religious and ethnic communities. Salim al-Jabouri, the Sunni Muslim Speaker of the House, has been working alongside Al-Abadi to improve Sunni-Shi'a relations, and the two are known to have a closer working relationship than al-Maliki and his Sunni Speaker of the House, Osama al-Nujaifi. Moreover, in 2014, al-Abadi appointed Khaled Al-Obaidi, a Sunni Muslim, as the Minister of Defense to lead the fight against ISIL. Numerous prominent Sunni generals also have been appointed to lead combat against the group in Ramadi. Such moves have increased the trust between the Sunni community, and specifically Sunni soldiers, and the Iraqi military, although sectarian relations remain strained due to previous experiences of the Sunni community under former Prime Minister al-Maliki and the continued actions of government-sanctioned paramilitary groups like the PMF.

The United States in 2015 spent over \$52.49 million in Iraq on good governance, rule of law and human rights, political competition and consensus building, and civil society programs. The United States continues to fund projects focused on minority issues. The Support for Minorities in Iraq (SMI) program is one such project. SMI collaborates with centers in Iraq to train and provide assistance to the country's minority groups so they can better represent themselves in civil society, address common challenges, and empower women economically.

Recommendations

In addition to recommending that the U.S. government designate Iraq a CPC, USCIRF recommends that the U.S. government should:

- Call for or support a referral by the UN Security Council to the International Criminal Court (ICC) to investigate ISIL violations in Iraq and Syria against religious and ethnic minorities, following the models used in Sudan and Libya, or encourage the Iraqi government to accept ICC jurisdiction to investigate ISIL violations in Iraq after June 2014;
- Encourage the Global Coalition to Counter ISIL, in its ongoing international meetings, to work to develop measures to protect and assist the region's most vulnerable religious and ethnic minorities, including by increasing immediate humanitarian aid, prioritizing the resettlement to third countries of the most vulnerable, and providing longer-term support in host countries for those who hope to return to their homes post-conflict;
- Develop a government-wide plan of action to protect religious minorities in Iraq and help establish the conditions for them to return to their homes; charge the Ambassador-at-Large for International Religious Freedom with engaging with the Inter-Governmental Contact Group on Freedom of Religion or Belief to coordinate similar efforts by other governments;
- Include in all military or security assistance to the Iraqi and Iraqi Kurdistan governments a requirement that security forces are integrated to reflect the country's religious and ethnic diversity, and provide training for recipient units on universal human rights standards and how to treat civilians, particularly religious minorities;
- Urge the Iraqi government to continue to prosecute and hold to account the Popular Mobilization Forces for abuses of non-combatant Sunni Muslims and other religious minorities, and investigate and prosecute perpetrators when violations occur;
- Urge the parties to include the protection of rights for all Iraqis and ending discrimination as part of negotiations between the KRG and the Iraqi government on disputed territories, and

press the KRG to address alleged abuses against minorities by Kurdish officials in these areas;

- Continue to task Embassy officials with engaging religious minority communities, and work with Iraq's government and these communities and their political and civic representatives to help them reach agreement on what measures are needed to ensure their rights and security in the country; and
- Focus U.S. programming in Iraq on promoting religious freedom and tolerance and ensure that marginalized communities benefit from U.S. and international development assistance.

The U.S. Congress should:

- Include in the Fiscal Year 2017 Department of State, Foreign Operations, and Related Programs Appropriations Bill, or in another appropriate vehicle, a provision that would permit the U.S. government to appropriate or allocate funds for in-kind assistance to genocide, crimes against humanity, or war crimes cases at the ICC on a case-by-case basis and when in the national interest to provide such assistance.

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