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Key Findings

Iraq's overall human rights landscape, including for religious freedom, deteriorated significantly in 2014, especially in areas controlled by the U.S.-designated terrorist group the Islamic State of Iraq and the Levant (ISIL). In these areas the Iraqi government has little capacity to fight ISIL's advances or to protect religious communities from violent attack. ISIL targets all Iraqis who oppose its violent religious ideology, but the smallest non-Muslim minority communities, particularly Yazidis and Christians, suffered especially egregious and large-scale abuses. While ISIL was the most egregious perpetrator of religiously-motivated human rights and religious freedom violations in Iraq in the last year, the Iraqi government also contributed to the deterioration in religious freedom conditions. Security forces and Shi'a militias supported by the Iraqi government perpetrated grave human rights violations, particularly against Sunni Muslims. Millions of Iraqis are now refugees or are internally displaced. Based on these violations, perpetrated primarily by non-state actors but also by the state, USCIRF recommends in 2015 that the U.S. government designate Iraq as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). USCIRF has recommended CPC designation for Iraq since December 2008. Post-Saddam Iraq has never been designated as a CPC by the State Department.

Background

Under Saddam Hussein, the Iraqi government maintained religious peace through intimidation and terror while favoring the Sunni Muslim minority. With the fall of Saddam in 2003, sectarian conflict exploded. The Shi'a Muslim majority took control of the government and effectively froze out the Sunni Muslim population. The Iraqi government under Prime Minister Nouri al-Maliki often acted in an authoritarian and sectarian manner, for example, raiding and disbanding peaceful Sunni protests, targeting Sunni areas, citizens and politicians for security sweeps and arrests, mistreating Sunni prisoners, and marginalizing Sunnis from government and security positions. This background helped create the conditions that allowed ISIL to rise, spread, and ultimately control significant areas of northern and central Iraq. Despite al-Maliki's resignation and replacement in August by new Prime Minister Haider al-Abadi, Sunni resentment and reports of abuses against Sunni Muslims by security forces and allied Shi'a militias continue.

Over the past decade, many Iraqis, Muslim and non-Muslim alike, have been victimized by religiously-motivated violence. The Iraqi government has proven unable or unwilling to stop this violence or bring perpetrators to justice, creating a perpetual sense of insecurity for all religious communities, particularly the smallest ones. While the 2005 Iraqi constitution states that it guarantees equality and religious freedom to all Iraqis, these guarantees thus far have provided little actual protection, particularly, but not only, in the past year.

Even before ISIL's rise, the country's smallest religious communities – which include Catholics, Christian Orthodox, Protestants, Yazidis, and Sabeen Mandaean – were mere shadows of their already-small former presence. Pre-2003, non-Muslims amounted to only an estimated 3 percent of Iraq's population. They have long faced official and societal discrimination, and their small size and lack of militia or tribal structures have made it difficult for them to defend themselves against violence or protect their rights through the Iraqi political system. In 2013 the Christian population was estimated at 500,000, half the size estimated in 2003. 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 continue to decline as the crisis in Iraq deepens, with Iraqi Christian leaders now stating that their community only numbers around 250,000-300,000. Between 2003 and 2008, many members of Iraq's smallest minority communities were driven out of the country or fled to northern Iraq, including areas in the semi-autonomous Kurdistan region (KRG), as well as other nearby areas that are now under ISIL's control. The KRG areas have been the safest part of Iraq, but minorities in areas nearby that are disputed between the KRG and the Iraqi central government have reported pressure from Kurdish officials and political parties to support their territorial claims.

Religious Freedom Conditions 2014-2015

Violations by ISIL and other Non-State Actors

ISIL's rise, spread and ultimately its June 2014 declaration of a so-called "Islamic State," which cuts across Iraq and Syria, is particularly threatening for the future of human rights and religious freedom in Iraq and the region. ISIL espouses an extreme, violent religious ideology that allows for no religious diversity. While ISIL targets all Iraqis who oppose it, religious minority communities have suffered especially egregious, devastating, and large-scale abuses, including forced expulsion from their historic homelands, forced conversion, rape and enslavement of women and children, torture, beheadings, and massacres. ISIL's takeover of northern Iraq could well mark the end of the presence in that area of its ancient Yazidi and Christian communities.

In June 2014, ISIL took the northern city of Mosul, overrunning Iraqi forces there, who dropped their weapons and fled. ISIL issued an ultimatum that all Christians must convert to Islam, leave Mosul, pay a tax, or face death. The Christian community in Mosul dates back more than 1,700 years, with an estimated 30,000 living there before the ISIL offensive. In August, ISIL captured Qaraqosh, the largest Christian town in northern Iraq, prompting an estimated 100,000 Christians to flee, and an assault on the Christian town of al-Kosh also led to an exodus of Christians. Nearly all Christians are believed to have left ISIL-held territory, with most fleeing to the KRG region.

ISIL's August 2014 attack on the largely Yazidi town of Sinjar, located in the Nineveh province of northern Iraq, led to the massacre of Yazidis, Assyrian Christians, Shi'a and others, and the destruction of religious sites that date back centuries. Yazidi contacts told USCIRF that the Kurdish forces protecting the town abandoned them during the night when ISIL was approaching, leaving them defenseless. According to the UN, 200,000 civilians, mostly Yazidis, fled Sinjar town for the mountain, which ISIL forces surrounded. Men, women, and children were stranded on Mount Sinjar with no escape and little access to food, water, or shelter, except for limited

airlifts provided by Iraqi and Kurdish Peshmerga forces. Reportedly, as many as 500 Yazidis were massacred by ISIL and dozens died of starvation and dehydration. For Yazidis, the ISIL ultimatum was to convert or die; they are not considered "people of the book" and therefore not afforded the options to leave or pay a tax. In addition, thousands of Yazidi women and girls, including those who had not reached puberty, were kidnapped, raped, sold as sex slaves, or killed. The Kurdish Peshmerga, with the assistance of U.S. airstrikes, was finally able to break through ISIL's siege of Mt. Sinjar in December 2014. Peshmerga forces reported finding mass graves in the area.

ISIL also has killed Sunni Muslims who disagree with its extreme ideology. In October 2014, 150 Sunni Muslims from the Albu Nimr tribe were found in a mass grave, and in a separate case a few weeks earlier, 70 additional corpses from the same tribe were found. ISIL has also killed at least 12 Sunni clerics that rejected their extremist ideologies or attempted to assist or protect religious minorities.

Non-state actors other than ISIL have also perpetrated religiously-motivated attacks. As in previous years, 2014 saw a number of violent attacks targeting the country's Shi'a majority, including pilgrims celebrating important holidays. These presumably were carried out by Sunni extremist groups, though the actual perpetrator of specific attacks is rarely known. For example, on May 22, multiple attacks in and around Baghdad killed at least 35 Shi'a pilgrims traveling to a shrine in Kadhimiya and injured dozens.

Violations by the Iraqi Government

The Iraqi government, under both former Prime Minister al-Maliki and current Prime Minister Haider al-Abadi, also has committed human rights abuses, including torture and extrajudicial killings of Sunni prisoners and civilians. In addition, the government is funding and arming Shi'a militias to fight ISIL, which operate outside any legal framework and with impunity. Human rights groups and the United Nations have documented summary executions and other severe abuses committed by members of these groups against Sunni civilians. In an October 2014 report, Amnesty International named 'Asa'ib Ahl al-Haq, the Badr Brigades, the Mahdi Army, and Kata'ib Hizbullat as perpetrators of human rights abuses, including mass killings of Sunni civilians.

U.S. Policy

After the U.S. military withdrew from Iraq in December 2011, the U.S. presence in the country decreased significantly between 2012 and 2014. However, the rise of ISIL and the formation of a new Iraqi government in 2014 have led the United States to once again deepen its involvement, including but not limited to, increased humanitarian aid, air strikes, and training and assisting Iraqi forces.

After years of supporting the al-Maliki government, by mid-2014 U.S. officials reportedly felt that al-Maliki could no longer govern Iraq due to his and his government's sectarian and authoritarian actions, and pressured al-Maliki to step down to allow a new government to form. In August 2014, al-Maliki resigned and Haider al-Abadi was designated as Prime Minister by President Fuad Masum.

In August 2014, ISIL's offensive in northern Iraq that targeted Yazidis and other minority communities and threatened U.S. personnel in Erbil led to U.S. airstrikes, the first since the 2011 troop withdrawal. In addition, the U.S. military began airdrops of food and water to the thousands of people trapped on Mount Sinjar. The same month, the U.S. government announced that it would provide Iraqi Kurdistan's Peshmerga forces with light weaponry and ammunition and begin sending military advisers and trainers to assist Iraqi government forces. In addition, in August 2014, USAID deployed a Disaster Assistance Response Team (DART) to the region to coordinate U.S. humanitarian efforts in responding to the needs of newly displaced populations. According to

a Congressional Research Service February 2015 report, approximately 3,100 U.S. military non-combat personnel have been deployed to Iraq. The United States is now leading a coalition of 60 countries to combat ISIL's advance. Many of the countries conduct their own airstrikes, train and provide weaponry to Iraqi and Kurdish forces, provide humanitarian aid, and are working to cut off ISIL's funding sources. In September 2014, President Obama appointed retired General John Allen as the U.S. Special Presidential Envoy for the Global Coalition to Counter ISIL.

In addition, the United States is leading the international effort to provide aid for civilians whom ISIL forced to flee their homes and are now internally displaced or refugees in neighboring countries. The Congressional Research Service has reported that the total U.S. government humanitarian funding to Iraq in FY2014 and FY2015 (as of December 19, 2014) was more than \$213.8 million. The United States also continues to resettle Iraqi refugees to the United States. According to State Department statistics, 19,769 Iraqis were resettled to the United States in FY2014, the most from any single country.

In recent years, the U.S. government has made efforts to help address the problems facing Iraq's smallest religious and ethnic minorities. Since 2008, the State Department has designated officials in both Washington and Baghdad to coordinate its efforts on minority issues. In Washington, that responsibility is now held by the deputy to the Special Presidential Envoy for the Global Coalition to Counter ISIL. The United States also has funded civil society efforts to assist Iraq's minorities, such as the Support for Minorities in Iraq (SMI) program, which works with minority groups to help them better represent themselves in civil society. In addition, after the reporting period, Assistant Secretary of State for Democracy, Human Rights and Labor Tom Malinowski and Ambassador-at-Large for International Religious Freedom David Saperstein raised concerns about minority issues and abuses perpetrated by Iraqi militias on a February 2015 visit to Iraq.

Recommendations

In addition to recommending that the U.S. government designate Iraq as 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 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;
- Ensure that the efforts of the Global Coalition to Counter ISIL include steps to protect and assist the region's most vulnerable religious and ethnic minorities and, where appropriate, assist Iraqi government and KRG security forces in efforts to provide security to protect likely targets of sectarian or religiously-motivated violence;
- 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;
- Urge the Iraqi government to create structures to oversee and hold to account Shi'a militias, so they do not violate the human rights of non-combatant Sunni Muslims or religious minorities, and to investigate and prosecute perpetrators when violations occur;
- 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;

- 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;
- 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;
- 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; and
- Continue to prioritize the resettlement to the United States of vulnerable Iraqi refugees, including those who fled to Syria but are now refugees in a third country; interview applicants by video-conference when in-person interviews cannot be conducted for security reasons; and allocate sufficient resources to the Department of Homeland Security and other agencies to expeditiously process applications and conduct security background checks to facilitate resettlements without compromising U.S. national security.

Dissenting Statement of Vice Chair James J. Zogby

I disagree with the decision to name Iraq a "country of particular concern" for two reasons.

First, the main violators of religious freedom in Iraq today are non-state actors from the self-styled "Islamic State" (IS) to the armed sectarian militias that operate outside of the control of the central government. Both the IS and the armed sectarian militias have committed atrocities against those not of their faith, and the IS, in particular, has engaged in genocidal behavior towards Christians and other vulnerable religious minorities.

At present, the Administration is working with the Iraqi government to defeat the IS, to rebuild a non-sectarian army, and to implement political reforms that will create a more inclusive government. Declaring Iraq as a CPC does not contribute to this effort.

The second reason I am averse to making this designation is that it was hubris that led the Bush Administration to invade, occupy, and believe that it could restructure the governance of the country. The creation of the murderous sectarian militias took place on our watch in the middle of the last decade, as did the massive sectarian "cleansing" operations that resulted in the dislocation of one-fifth of the country's population and the forced exile of two-thirds of Iraq's Christian community.

The question we must ask now ourselves is: did we do everything in our power, when we left Iraq to insure that the country was on the path to national reconciliation and inclusive governance? Since the answer is clearly that we did not, it is, at best, insensitive for us to now declare the mess we left behind a "country of particular concern."

While the non-state actors in Iraq deserve our condemnation, what the Iraqi government now needs from us is the political and military support we are providing to defeat the IS and put their house in order.

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