

### KEY FINDINGS

Severe religious freedom violations continued in Iraq throughout 2016. Iraqi and international efforts against the Islamic State of Iraq and Syria (ISIS) recaptured a series of important cities, including Ramadi and Fallujah, but the terrorist group continued to ruthlessly target anyone who did not espouse its extremist Islamist ideology, including members of the Christian, Yazidi, Shi'a, Turkmen, and Shabak communities, as well as of the Sunni community. In March 2016, then Secretary of State John Kerry declared that ISIS's persecution of these groups amounted to genocide and crimes against humanity. ISIS is by far the most egregious perpetrator of religious freedom violations. The group has caused the displacement of over 3.4 million Iraqis, many of whom have fled to the area controlled by the Kurdistan Regional

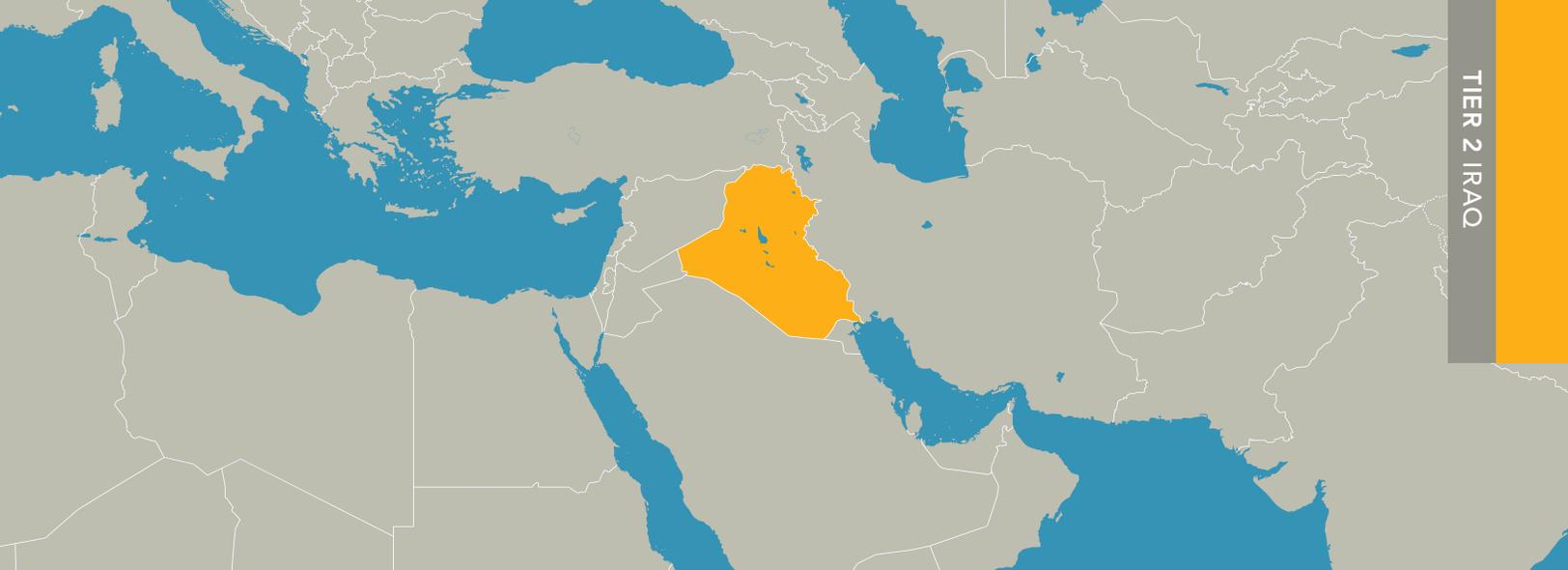
Government (KRG). Meanwhile, the Iraqi government has made efforts to curb sectarian tensions between the Sunni and Shi'a communities of Iraq; however, it has not been able to halt attacks on Sunni Muslims by the Iranian-backed Popular Mobilization Forces (PMF). Lastly, while the KRG has sheltered and provided some level of support for large numbers of displaced minorities within its territory, there were also charges of appropriation of Christian lands and lack of effective representation for minorities in the Kurdish system. Based on these concerns, in 2017, USCIRF places the government of Iraq on its Tier 2 and finds that ISIS merits designation as an "entity of particular concern" for religious freedom violations under December 2016 amendments to the International Religious Freedom Act (IRFA).

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate ISIS as an "entity of particular concern" under December 2016 amendments to IRFA;
- Prioritize working with the Iraqi government in order to curb sectarian attacks by the PMF, ensure that a liberated Mosul is not dominated by armed groups bent on promoting a sectarian agenda, and establish in Baghdad a representative government that includes all Iraqi communities;
- Call for or support a referral by the United Nations (UN) Security Council to the International Criminal Court (ICC) for investigating and prosecuting ISIS 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 ISIS violations in Iraq after June 2014;
- Encourage the anti-ISIS coalition, in its ongoing activities, 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 plan of action to work with and help protect displaced and threatened religious minorities in Iraq and to rehabilitate liberated areas in Nineveh, Sinjar, and Mosul;
- Support capacity-building efforts to assist the Iraqi judicial and criminal investigative sectors to hold members of the PMF accountable for abuses of noncombatant Sunni Muslims and other religious minorities;
- Include in all military or security assistance to the Iraqi government and the KRG a requirement that security forces be 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 and the KRG 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 and to investigate claims of land appropriations;
- Continue to support programs that would empower communities at the local, municipality level to foster an environment of communication, accountability, and community reconciliation to address grievances and tensions; and
- Make efforts to protect and preserve significant religious and cultural heritage sites such as Babylon and ancient churches and mosques, as well as historical and religious relics and artifacts.

The U.S. Congress should:

- Include in the relevant U.S. appropriations law for the current and next fiscal years a provision that would permit the U.S. government to appropriate or allocate funds for in-kind assistance to investigate and prosecute 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.



## BACKGROUND

Former President Saddam Hussein's dictatorship created the conditions which led to the sectarian tensions that now plague Iraqi society, adversely affecting human rights and religious freedom conditions. These tensions were exacerbated after the U.S. invasion of Iraq in 2003 and the fall of Hussein, who ruled through intimidation, favoring the Sunni Muslim minority at the expense of both Iraq's Shi'a majority and the Kurds. Between 2003 and 2014, Nouri al-Maliki, Iraq's then prime minister, further acted in an authoritarian and sectarian manner, failing to incorporate all of Iraq's citizens—especially its Sunni Muslim population—in a power-sharing government structure. This led to a severely bifurcated society, with deadly tensions between the Shi'a and Sunni communities. Since 2014, Prime Minister Haider al-Abadi has attempted to reverse al-Maliki's sectarian policies, but much work remains. Moreover, al-Abadi has not succeeded in merging the Shi'a militias with the Iraqi Security Forces, leaving them to operate outside of government control in parts of the country. Iran's influence on Maliki's government generally, and, its backing of Shi'a militias and the PMF specifically, have alienated and antagonized Iraq's Sunni communities, leaving some to view the Islamic State as their only protectors. Nor has the Iranian government been subtle regarding its ambitions. Ali Younesi, President Hassan Rouhani's advisor on ethnic and religious minority affairs, stated in March 2015, that "Iraq is a part of the great Iranian civilization."

This climate helped to facilitate ISIS's rise in northern and central Iraq. Hussein's favoritism of the Sunni population and al-Maliki's favoritism of the Shi'a population created divisions and significant distrust between the two communities; these tensions have

only worsened over time. The Sunni population does not trust the Shi'a majority government to protect its community or incorporate its voice effectively in government; the reverse also holds true for the Shi'a population. In addition, religious minority communities, including the Yazidi and Christian communities, doubt the Iraqi government's willingness and capability to protect them from ISIS or to treat them equally and justly. Many of these communities do not believe religious freedom and human rights are priorities for the Iraqi government.

The KRG has provided a safe haven for many of the country's minorities, particularly those who have fled the Nineveh Plains. An estimated 920,000 Iraqis are now internally displaced persons (IDPs) in the KRG. Additionally, there are more than 230,000 Syrian refugees in the KRG. A tense Baghdad-KRG relationship continues to strain the KRG's ability to provide adequate humanitarian aid for its native and displaced populations.

Even well before ISIS's rise, the country's smallest religious communities—which include Catholics, Orthodox Christians, Protestants, Yazidis, and Sabeen Mandeans—were already significantly diminished, and their numbers have continued to decline since ISIS's advance in northern Iraq in 2014. According to the Iraqi government's latest statistics from 2010, 97 percent of the population is Muslim. Shi'a Muslims—including Arabs, Turkmen, and Faili (Shi'a) Kurds—constitute between 50 to 60 percent of the population. Arab and Kurdish Sunni Muslims constitute 40 percent of the population. According to Christian leaders, there are now fewer than 250,000 Christians in Iraq, down from a pre-2003 estimate of 1.4 million. Yazidi leaders claim their community is now about 400,000–500,000, while

the Kaka'i community is not more than 300,000. The Sabean-Mandaean community is between 1,000 and 2,000, and there are fewer than 2,000 Baha'is.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Violations by ISIS

As of November 2016, the U.S.-led anti-ISIS coalition had recaptured approximately 56 percent of the territory ISIS previously held in Iraq. Ramadi and Fallujah were recaptured in February and June, respectively, and the liberation of Nineveh Province is a continuing process. The ongoing Mosul offensive remains the most critical part of the battle against ISIS, as Mosul, the third-largest city in Iraq, is a Sunni Arab-dominated city in the midst of a diverse province, home to many of Iraq's minority communities.

ISIS carried out several mass attacks in Iraq in 2016. The group has committed war crimes, including looting, raping, pillaging, and using chemical weapons on Iraqi troops, and has used tens of thousands of civilians as human shields in efforts to forestall the coalition's offensive on Mosul. ISIS also made a deliberate effort to stoke sectarian tensions by targeting Shi'a Muslim and minority communities. In January 2016, a double suicide attack at a mosque and teashop in Sharaban, Diyala Province, a largely Shi'a area, killed over 100 people. In late March, the group carried out a suicide attack at a soccer stadium where a Shi'a-dominated team was playing, killing at least 42 people. In another example, a busy market was targeted in Karrada, a Shi'a neighborhood in Baghdad, during the holy month of Ramadan. At least 341 people were killed and 246 injured. According to data collected by USCIRF, ISIS attacks targeting Shi'a Muslims and other religious minority communities resulted in at least 1,777 deaths and 3,077 injuries in 96 separate incidents since 2014.

As of December 2016, between 700,000 and 1.2 million civilians remain inside Mosul and cannot leave the city. ISIS reportedly has confiscated identification

cards and killed those attempting to flee. The Christian population of Mosul largely fled in 2014 during the early days of the group's takeover of Nineveh Province, and has not been able to return. ISIS fighters marked homes and businesses once owned by Christians with the letter "ن" (the letter "N" in Arabic, which is used to indicate "Nasara," the Arabic term for Christians originating from the term "Nazarene"). According to several Christian groups that document ISIS crimes, at least 33 churches in and around the city were burned and/or partially or completely destroyed. Those that were not destroyed were used as ISIS military bases or administrative buildings. Reports from various organizations confirm that ISIS stole artifacts from major heritage sites and churches and sold them on the black market. They also have destroyed graveyards and burial sites. Although the liberation of villages around Mosul has allowed some religious minority leaders to return to examine the extent of the damage to the villages, these areas are not yet habitable due to the destruction of significant infrastructure and will likely not be so for the immediate future.

### Violations by the Iraqi Government

The fight against ISIS remains the number one priority for the Iraqi government. The Kurdish Peshmerga forces, the Iraqi Security Forces (ISF), and the Shi'a dominated militias known as the PMF (Popular Mobilization Forces), many of whom are backed by Iran, are the major actors in this effort. While the Iraqi government has made efforts to curb the tensions between the Sunni and Shi'a communities of Iraq, the role of the PMF has remained problematic. In late 2015, the PMF was brought under the authority of the Ministry of Interior in an effort to hold the forces accountable to the Iraqi government. Nevertheless, numerous experts report that the PMF continues to operate in parallel with and independently of the ISF. Throughout the fight against ISIS, each of the PMF's militias (of which there are about 40) and the ISF have developed lists of people deemed

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“fugitives” and prohibited from returning to their home towns on suspicion of affiliation with the terrorist group. Human rights organizations have expressed concern that individuals may have been included based on false charges and that the use of multiple lists could result in arbitrary, severe, and unfair social and economic exclusion for some Sunni Arabs. The PMF continues to be accused of human rights violations, primarily against Sunni Arab populations suspected of loyalty to ISIS. In one example, during the liberation of Fallujah in June 2016, Shi’a militias were accused of, and subsequently investigated for, participating in the killing of 49 people, the disappearance of at least 643, and the severe and collective torture of a number of other Sunni Arab men. While the Iraqi government arrested four individuals caught on video, the whereabouts of the 643 disappeared men remains unknown. Sources in Iraq told USCIRF they likely were killed.

The Iraqi government consistently claims that strict orders are issued to protect civilians; however, the inability of Prime Minister al-Abadi’s government to control the PMF from committing such human rights violations and its reliance on divisions to liberate cities from ISIS are ongoing concerns. Although the PMF has been investigated on some occasions, in numerous other instances the forces have escaped prosecution. Because of delicate sectarian tensions, the Iraqi government has prohibited the PMF from liberating the Sunni-dominated city of Mosul. Instead, the government has relied on the ISF’s elite and highly trained Golden Division. Thus far, the Golden Division has freed villages surrounding Mosul with only minimal reports of sectarian-motivated violence. Additionally, the division is carrying the Iraqi flag, in contrast to the numerous PMF militia groups, including the Hezbollah and Imam Ali Battalions, that carry the Imam Hussein flag (a flag associated with the Shi’a sect), a practice that raises sectarian tensions. However, even a defeat of ISIS in Mosul will not solve Shi’a-Sunni tensions that are a result of a

lack of political agreement establishing a representative government acceptable to all communities.

Beyond the fight against ISIS, in 2016 the Iraqi government adopted or considered three measures that negatively impact religious freedom. Firstly, on October 23, the Iraqi parliament adopted a law to ban the production, consumption, and sale of alcohol, proposed by the State of Law coalition (the Shi’a Islamic party); Prime Minister al-Abadi signed it into law in December. The law alarmed non-Muslim communities who, unlike devout Muslims, have no religious restrictions on drinking and selling alcohol. The government has justified this measure by claiming that it is against Shari’ah law for the government to collect and use funds derived from the sale of products prohibited in Islam, such as alcohol; although the Iraqi constitution

recognizes the rights of non-Muslim minorities, article 2 prohibits any legislation that goes against Islam. Minority communities see the prohibition of alcohol as an affront on religious freedom or belief. One Christian member of parliament stated, “The ban on alcohol is part of a war against religious minori-

ties that aims to force them out of the country through exclusion, marginalization, and harassment policies.”

Second, on October 28, the Ministry of Higher Education and Scientific Research imposed a decree to mandate conservative uniforms for female students on university campuses in Iraq. Some opponents of the decree, including a member of the Parliament’s Women’s Committee, rejected the new uniform regulation, stating that “it is not appropriate for the nature of Iraqi society, which is characterized by the diversity of cultures.” The specifications of the uniforms require female students to wear “loose, below the knee skirts and shoes with heels that are no more than five centimeters high,” and prohibit pants. Pushback against the decree forced the ministry to issue a clarification that “uniform rules should be strictly applied but each university administration can determine the specifications

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of its uniform.” Opponents of the decree, including the UN High Commissioner for Human Rights, believe the uniform requirement resulted from pressure by conservative parties that aim to spread Islamic values throughout society.

Last, the National Identity Card bill remains an ongoing problem for Iraq’s minorities. The bill requires children with one Muslim parent to identify as Muslim. It also reinforces existing restrictions that Muslims cannot change their religious identification on their identity cards after conversion to any other religion. Alternatives under consideration would modify the language to one of the following options:

(1) a minor child would be converted to Islam when a parent converts to Islam, but within one year of turning 18, the forcibly converted child would have the right to submit a request to a court to convert back to the religion at birth; or (2)

a minor child retains his or her religion at birth when a parent converts to Islam, but upon turning 18 and anytime thereafter he or she has the right to keep their religion at birth or convert to Islam. Observers expect that parliament will approve the second option, which better protects religious freedom.

### Issues in the KRG

In 2016, USCIRF commissioned a research study to examine religious freedom conditions in the KRG as an increasing number of religious minorities have sought safe haven there. As a result of the KRG’s growing diversity, the government has taken positive steps toward minorities by introducing the Minority Rights Law (to protect the freedom of religion and prohibit religious discrimination), appointing religious representatives, and attempting to diversify the Peshmerga. The KRG’s draft constitution does include Shari’ah as one source of legislation, but it does not prohibit legislation that violates Islam (unlike the Iraqi constitution) and it recognizes the rights of non-Muslims. Moreover, the 111-member Kurdistan parliament includes five seats for Turkmen; five seats for Assyrians, Chaldeans, and

Syriacs; and one seat for Armenians. However, there are no seats for Yazidis or Shabaks. Religious minority communities complain that although KRG laws are not explicitly discriminatory, they are not enforced to protect minorities and the court system favors the Kurdish population. Religious minorities also are concerned about growing extremism in both the Shi’a and Sunni Arab communities.

Kurdish forces are leading the fight against ISIS, seizing disputed territories along the way, which has increased tensions between the KRG and the Iraqi central government. These territories are religiously

and ethnically diverse and include Sunni Arabs, Sunni and Shi’a Turkmen, Assyrian Christians, Yazidis, Kaka’i, Shabak, and others. Human rights and minority groups claim that Kurdish authorities and security services have made efforts to “Kurdify” these areas

to boost their chances of maintaining control over them after defeating ISIS. There are reports that property belonging to non-Kurds has been destroyed and IDPs have been prevented from returning to their homes. Others have told USCIRF they are precluded from humanitarian or financial support if they do not support Kurdish parties.

Christian communities acknowledge the KRG’s efforts to protect them from ISIS and address their needs. The KRG has given Christian communities money to build churches. However, away from the population centers, and specifically in Dohuk, Assyrian communities have complained of ethnic Kurds appropriating their land, sometimes with tacit consent by Kurdish officials, and reported that they have been denied entry through neighborhood checkpoints when they attempt to protest.

The Yazidis continue to report discrimination at the hands of KRG authorities. Many Yazidis claim they are pressured to identify as Kurds, even if they do not personally identify as such. There are also reports that the Peshmerga have looted Yazidi villages, detained Yazidi activists and political leaders, and restricted

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humanitarian aid providers to those closely affiliated with the KRG. There are also claims the KRG has imposed an informal blockade on Sinjar, home of the Yazidis, which allows security forces to control all entry and exit from Sinjar. While some Peshmerga units are made up of Yazidis, many Yazidis believe Kurdish or Iraqi forces do not prioritize the community's security.

(For further information on religious freedom issues in the KRG, refer to *Wilting in the Kurdish Sun: The Hopes and Fears of Religious Minorities in Northern Iraq* at [www.uscirf.gov](http://www.uscirf.gov).)

## U.S. POLICY

On March 17, 2016, then Secretary of State Kerry declared that ISIS is responsible “for genocide against groups in areas under its control, including Yezidis, Christians, and Shia 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.” Since this declaration, according to the State Department, the United States has launched programs to provide psychosocial support for women and girls, especially Yazidis, who are survivors of sexual slavery and gender-based violence. The programs also support the creation of a legal assistance network and strengthen the capacity of nongovernmental organizations (NGOs) to make justice for Iraq’s marginalized communities more accessible. The State Department also hosted a “Conference on Threats to Religious and Ethnic Minorities” on July 28–29, 2016, attended by 30 countries and international organizations, with a special emphasis on protecting minorities’ religious and cultural heritage. In September 2016, the U.S. government announced several new initiatives on these issues, including the creation of a new interagency coordination body to raise awareness and capacity building on heritage preservation and protection efforts and strengthen law enforcement efforts against trafficking in antiquities and terrorist financing.

Additionally, then Ambassador-at-Large for International Religious Freedom David Saperstein testified

before the House Foreign Affairs Committee that the U.S. government is funding the investigation and documentation of mass graves in areas liberated from ISIS, and looking into ways to use satellite telemetry and geospatial analysis to identify potential sites of atrocities that remain in areas under ISIS control. However, current U.S. law makes it difficult for the United States to use appropriated funds to support ICC investigations and prosecutions, even for cases that the U.S. government supports.

The United States, as part of a 68-member anti-ISIS coalition, continues to work to degrade and defeat ISIS. Led by the United States, the forces of Operation Inherent Resolve–Iraq conducted airstrikes on ISIS alongside Australia, Belgium, Canada, France, Jordan, the Netherlands, and the United Kingdom. From September 2014 through December 2016, the coalition conducted more than 10,000 airstrikes in Iraq alone. Local ground forces and the coalition have been able to retake 56 percent of the Iraqi territory ISIS once held, and the number of foreign fighters entering Iraq dramatically decreased. Since 2014, the United States spent \$1.6 billion to build the capacity of the ISF, and in 2016, the Peshmerga were allocated \$415 million in military and financial assistance to fight ISIS. The United States also financially supported post-liberation stabilization efforts through

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the UN Funding Facility for Immediate Stabilization (FFIS) and Funding Facility for Expanded Stabilization to address the needs of newly liberated communities in and around Ramadi, Fallujah, and Mosul.

In 2016, the U.S. government provided more than \$513.4 million in humanitarian assistance to support the 10 million people in need of aid. This funding supported the following institutions: International Organization for Migration, UN Children’s Fund, UN Office for the Coordination of Humanitarian Affairs, UN Population Fund, World Health Organization, UN Development Program, and UN High Commissioner for Refugees, among others. The efforts financed by the United States include camp coordination, health and medical support, education projects, food assistance, psychosocial support, shelter rehabilitation,

and livelihood development. Since September 2016, the United States has allocated \$3.5 million to mitigate risks associated with the possible breach of the Mosul Dam, which would result in disastrous consequences for Iraqi communities along the Tigris River. The United States also continues to resettle Iraqi refugees to the United States. Since 2007, the United States has admitted more than 131,000 Iraqis, of whom almost 40 percent are members of religious minorities, including but not limited to Christians of various denominations, Sabae-an-Mandaeans, and Yezidis. In 2016, 9,880 Iraqis were resettled in the United States.

### **Additional Statement of Vice Chair James J. Zogby**

I support this year's report on Iraq and our decision to no longer list the government as a CPC for three reasons.

First, the government of Prime Minister Abadi has been working to rein in sectarian militias and develop a more representative approach to governance. The United States is working with the Iraqis to defeat ISIS, build a non-sectarian army, and support political reforms that will create a more inclusive government. We and the Iraqis are insisting that Iranian-backed militias not take the lead in liberating Mosul and once ISIS is defeated minorities be welcomed back to the city and protected. We also understand the Iraqi government currently lacks the capacity to meet these challenges. They need U.S. support, not condemnation.

Second, we recognize the main violators of religious freedom and perpetrators of sectarian violence are ISIS and the Iranian-backed militias. We have declared ISIS an EPC.

Third, I opposed USCIRF's past designation of Iraq as a CPC, because I believe it was the failure of past U.S. Administrations that led Iraq into its current mess. It was hubris that led the Bush Administration to invade, occupy, and restructure governance without considering the consequences of their actions. The creation of sectarian militias, the displacement of one-fifth of Iraq's population, and the decimation of Iraq's Christian community—all took place on our watch. Then the Obama Administration withdrew from Iraq leaving the sectarian Maliki government in place.

Because I feel we have ownership for this mess, I felt that humility is in order.