



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

POLICY UPDATE

December 2017

Iraq Brief: Winter 2017

By Jomana Qaddour, Policy Analyst

In April 2017, the U.S. Commission on International Religious Freedom (USCIRF) placed the government of Iraq on its Tier 2 list, meaning it is a nation where serious violations of religious freedom are engaged in or tolerated by the government and bear at least one of the following characteristics: systematic, ongoing, and egregious. USCIRF also found that the Islamic State of Iraq and Syria (ISIS) merited designation as an “entity of particular concern” for its severe violations of religious freedom. This update outlines the major developments unfolding in Iraq, with a focus on the status of freedom of religion or belief, particularly for religious minority communities.

The next year will be a pivotal one in Iraq. The U.S.-led fight against ISIS has yielded significant success. The military battle to defeat ISIS, a group which Secretary of State Rex Tillerson affirmed was “clearly responsible for genocide,” has come to an end. In September 2017, the Kurdish Regional Government (KRG) held its independence referendum, which passed with 92 percent voting in favor. The implications of the referendum for Iraq’s religious minority communities, especially those living under KRG-controlled areas or in the Disputed Internal Boundaries, remain unclear. The government of Iraq, with support from the United States, has successfully defeated ISIS but struggles to contain the Popular Mobilization Forces (PMF), some units of which are Iranian-backed, and refuse to merge with Iraqi Security Forces (ISF) and report to the Iraqi government. This has only exacerbated ethno-sectarian tensions in the recent clashes with the KRG, as well as Sunni-dominated areas of Iraq.

The Fight against ISIS

On December 9, 2017, Iraqi Prime Minister al-Abadi announced the complete liberation of all Iraqi territory from ISIS. After more than three years of battle, the United States, along with the Global Coalition to

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USCIRF’s Mission

To elevate and promote international religious freedom as a norm and practice.



Defeat ISIS, which included 73 partners, announced that all areas were fully out of ISIS control. However, unfortunately, ISIS' military defeat has not freed all of the group's religious minority prisoners. According to various sources, of the 6,400 Yazidis once captured by ISIS, 3,300 of them are still hostages of the group, many of them as sexual slaves.

According to the U.S. Department of Defense, the United States has trained and provided assistance to both the ISF and Kurdish Peshmerga units. Yazidi and Christian militias also formed to protect their own communities, with some receiving support from Baghdad through the PMF, while others received assistance from KRG Peshmerga units. Some religious minority groups have argued that they must have a role in their own security and have asked for support to create armed groups from their own communities.

This argument about group self-protection highlights the vulnerability of minority groups, which have been caught up in greater KRG-Baghdad tensions, especially in disputed areas such as Kirkuk where both Baghdad and the KRG seek control. One such group is the Christian-dominated Babylon Brigade, which received support from the PMF. Baghdad's support for the Babylon Brigade has fueled a divide between the Christian community and

the other minorities, who live in the same locality but are aligned with the KRG Peshmerga forces.

The Kurdistan Regional Government

The KRG held its independence referendum on September 25, 2017, resulting in 92 percent favoring independence. Shortly after the results were announced, U.S. Secretary of State Tillerson stated that the United States would not recognize the KRG's unilateral referendum, urging it "to respect the constitutionally-mandated role of the central government." Additionally, Baghdad, Iran, and Turkey met to condemn the KRG's move and results, as well as to consider what type of sanctions they would impose on the KRG. As of this writing, Baghdad has halted all international flights into Erbil, and moved forces to take control of the disputed territories previously occupied by Kurdish Peshmerga.

Since the referendum's passage, the KRG has lost significant control of much of the territory it recaptured from ISIS, and may lose more to Baghdad moving forward. This is concerning for the religious minority communities, most of whom live in these very areas under KRG control and are now fleeing for safety. The ISF has taken control of the Nineveh Plains, and according to interlocutors on the ground, Yazidi militias affiliated with the ISF/

PMF have taken control of Sinjar. More than 700 families have reportedly been displaced from their homes in the traditional Christian town of Teleskof due to bombardment from ongoing clashes between the Peshmerga and ISF/PMF. Kirkuk, a disputed territory and the most oil-rich area in northern Iraq, was also the site of heavy but short-lived clashes; it was ultimately surrendered to ISF/PMF units and is under the control of the Iraqi government. This area remains a hotbed for conflict: in the event that Peshmerga and ISF/PMF forces do not halt the battle for territory, this is likely to lead to severe, increased, and deadly clashes in Iraq's most ethno-religiously diverse area.

Religious minority communities informed USCIRF that while some may be relieved at the KRG's withdrawal from certain territories—namely the Yazidis who have re-asserted control in Sinjar and Assyrians in the Nineveh Plains—many worry about Iranian-backed PMFs that seek to take KRG-controlled lands. The Kurds, as well as the KRG, are vulnerable to attacks by Baghdad, and fears of increasing Iranian influence and allegations of abuses by Iranian-backed forces in KRG areas are widespread. In response, Iraq's top cleric, Grand Ayatollah Ali al-Sistani, called on the Iraqi government to protect the Kurds, a rare move for one of Iraq's most respected Shi'a religious leaders.

The KRG-Baghdad tensions have forced the KRG to retreat to the boundaries it held in 2003 (prior to the U.S. invasion of Iraq), which is less than the areas under the KRG control immediately before the advent of ISIS. The change in control of territory, from the KRG to Baghdad, may prove to have disastrous consequences for northern Iraq's minorities, many of whom have fled to and settled in areas under KRG control following ISIS' rise because it is home to many of Iraq's minorities. This fact gave more weight to many minority voices, which had not been given the attention they deserved by Iraq's central government. As a result, more minority communities were involved in local governance and decision-making in the KRG, albeit the sys-

Yazidis captured
6,400
Captives remain
3,300

tem was far from perfect. Prior to the most recent clashes between Baghdad and the KRG, USCIRF was encouraged by the increasing space for religious freedom in the KRG. Nevertheless, USCIRF highlighted outstanding concerns of religious minority communities living there, which were detailed in this year's [*Wilting in the Kurdish Sun: The Hopes and Fears of Religious Minorities in Northern Iraq*](#). At this point in time, the religious minority communities are in desperate need of immediate security and stability; without either, inter-ethnic fear will only worsen, fueling potential combat between and among groups.

Iraqi Government

Tensions have increased between the Iraqi government and much of the country's Sunni Muslim population. Following the liberation of Mosul in June 2017, members of the Sunni Muslim community reported that they were not able to return home—either because they were denied entry through checkpoints or because of delays by local authorities in processing documentation required to return. Throughout the Mosul offensive, numerous reports surfaced that some elements of the ISF and PMF, in addition to local Shi'a community members, committed systematic violations, including killing, torturing, and forcibly disappearing Sunni Muslim men and boys whom they claimed were ISIS supporters. Families suspected of any possible ties to ISIS are still denied the right to return

home and some are being placed in “ISIS family camps.” This is being done under the guise of “de-ISIS-ification” similar to the informal “de-bath-ification” policy that was carried out after the fall of Saddam Hussein.

On September 21, 2017, after four years of negotiations with the government of Iraq, the UN Security Council approved [UN Security Council Resolution 2379](#) to authorize a UN investigative team to collect, preserve, and store evidence in Iraq of acts by ISIS that may be war crimes, crimes against humanity, or genocide. The resolution also creates the position of Special Advisor to promote accountability for war crimes, crimes against humanity, or genocide committed by ISIS, and to work with survivors, in a manner consistent with relevant national laws. Prior to this resolution, no formal transitional justice mechanism had been set up to prosecute captured ISIS members or hold any other parties accountable. The Nineveh Investigations Unit, an informal local mechanism, had been created, bringing together 12 judges, hearing approximately 40–50 cases a day. The Unit claims that more than 5,000 ISIS members are being held in makeshift prisons in empty houses around Mosul, and two to three members are dying daily due to poor prison conditions. Others have been shot on sight by PMF or the ISF. The creation of a formal accountability mechanism undoubtedly will bring appropriate attention to the war crimes carried out by ISIS. It also will bring a sense of reconciliation and justice to the religious minority communities and will hopefully deter perpetrators from carrying out retaliatory crimes.

Aid to the Religious Minority Communities

On October 25, 2017, U.S. Vice President Mike Pence announced that the U.S. Department of State will expand funding beyond the United Nations Development Programme (UNDP) and provide the U.S. Agency for International Development (USAID) direct support for new programs addressing persecuted and displaced religious minority communities. Several targeted programs will be

announced by January 1, 2018. A Broad Agency Announcement by USAID on November 30 solicited programming ideas from communities, including faith-based groups and private organizations. Such a move has been welcomed by many minority communities, which have reported that funding from the UN is difficult to apply for and not reaching them with the urgency their situation requires.

Nevertheless, since June 2015, the UNDP’s Funding Facility for Stabilization (FFS) program has assisted more than 960,000 internally-displaced persons who remain in need of critical humanitarian aid, including potable water and food. The FFS, supported by the Global Coalition to Defeat ISIS, was created at the request of Iraqi Prime Minister Haider al-Abadi to help the Iraqi government stabilize cities and districts liberated from ISIS in order to facilitate national reconciliation. The FFS has contributed to the return of 2.2 million Iraqis to their homes. It continues to implement more than 1,200 projects in 28 locations; more than \$93 mil-

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lion was channeled to these religious minority-dominated areas. As of November 2017, UNDP had 161 projects in eight Christian areas, with the projects being scheduled for completion by early 2018. UNDP Resident Representative Lise Grande has met regularly with senior Christian leaders to brief them on the progress of the projects. Repairs to houses belonging to the Christian community have been fast-tracked; in the months ahead, a total of 2,500 homes are scheduled for rehabilitation. UNDP also is committed to ensuring that other religious minority communities are offered protection, security, and a chance at survival. UNDP also has implemented 55 projects in predominantly Yazidi towns, and has undertaken 27 projects in other

minority communities so as not to increase social tensions between Christians and other minorities, who may migrate to Christian towns if conditions there are markedly better.

Other International Efforts to Address Concerns Facing Religious Minorities

Several conferences have taken place to address the dire needs of religious minorities. In September 2015, a conference was held in Paris, during which an Action Plan was developed on how the international community should engage with victims of ISIS. In May 2017, in Madrid, another conference was held to assess progress of the Action Plan, as well as to identify pressing projects necessary to facilitate the return of displaced populations and encourage stabilization and reconciliation and to protect ancient historical cities and sites. In June 2017, USCIRF attended a conference hosted by the

European Parliament entitled, “A Future for Christians in Iraq.” The conference focused on developing points of consensus to which Christians of Iraq had agreed, including the desire to seek an autonomous Nineveh Plains region with self-governance and local authority over schools, healthcare, infrastructure, courts (non-Shari’ah), issuance of identification cards, as well as military units made up of members of their own community. Bringing together Iraq’s religious minorities, as well as connecting them with donors committed to their survival, must remain a top priority for the United States, the Coalition, as well as the government of Iraq in the immediate aftermath of the defeat of ISIS. However, at present, it is imperative that fighting ceases between the KRG and the government of Iraq; only then can communities address their needs beyond immediate security.



An old man rides a bike near banners supporting the referendum for independence of Kurdistan in Erbil, Iraq September 24, 2017.

REUTERS/Alaa Al-Murjani

Recommendations for U.S. Policy

Iraq's progress and stability hinge on full respect for the rule of law and compliance with international human rights standards, including freedom of religion or belief. USCIRF continues to advocate for a peaceful home for all of Iraq's citizens, particularly its religious minority communities that are at risk of extinction in their ancestral homeland.

USCIRF urges the U.S. government to:

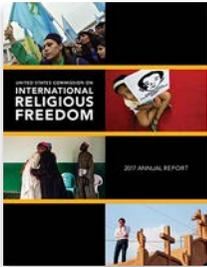
- Designate Islamic State of Iraq and Syria (ISIS) as an "entity of particular concern" under the International Religious Freedom Act, as amended by the Frank R. Wolf International Religious Freedom Act of 2016;
- Encourage both the government of Iraq and the Kurdistan Regional Government (KRG) to cease conflict, protect the rights of all Iraqis, and resolve land disputes;
- Encourage the implementation of UN Security Council Resolution 2379, which includes selection of a Special Advisor and establishment of an independent investigative team to support domestic efforts to hold ISIS accountable for its actions in Iraq;
- Ensure the delivery of, in an expeditious manner, U.S. assistance to the most vulnerable communities, especially minority areas such as the predominantly Christian Nineveh Province;
- Prioritize funding for rehabilitation and stabilization for areas liberated from ISIS control to help create conditions to allow displaced communities to return, and to mitigate ethno-sectarian tensions, including credible accountability, and transitional justice mechanisms;
- Prioritize working with the Iraqi government to curb sectarian attacks by some elements of the Popular Mobilization Forces and armed groups that promote a sectarian agenda;
- Stipulate in all military or security assistance to the Iraqi government and the KRG 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.

Jomana Qaddour is a policy analyst at the U.S. Commission on International Religious Freedom, where she focuses on religious freedom in Syria, Iraq, Turkey, and Egypt.



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The Latest *from* USCIRF



2017 Annual Report

(April 2017)

USCIRF's flagship publication contains extensive policy recommendations to the White House, the Secretary of State, and the Congress concerning religious freedom abroad.

Abbreviated version



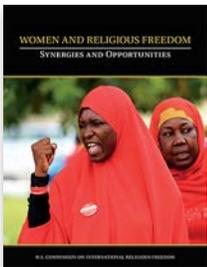
Wilting in the Kurdish Sun: The Hopes and Fears of Religious Minorities in Northern Iraq

(June 2017)

Kurdistan shelters numerous groups from genocide and violence yet faces its own challenges with

regard to freedom for religious minorities.

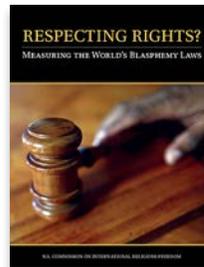
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Women and Religious Freedom: Synergies and Opportunities

(July 2017)

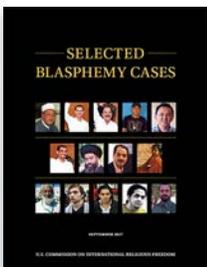
This groundbreaking report asserts that women's right to freedom of religion or belief is not in conflict with religious freedom.



Respecting Rights? Measuring the World's Blasphemy Laws

(August 2017)

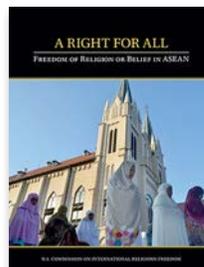
A comprehensive listing and analysis of blasphemy laws in 71 countries.



Selected Blasphemy Cases

(September 2017)

This report highlights a selection of individuals throughout the world who are imprisoned or imperiled because of blasphemy laws.



A Right for All: Freedom of Religion or Belief in ASEAN

(September 2017)

An analysis of the religious freedom-related challenges in the Member States and the region.



Religious Prisoners of Conscience Project

Commissioners work for the release of individuals who have been imprisoned for their religious identity, beliefs, practices, or advocacy and highlight the laws and policies that led to the imprisonment.



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

WHO WE ARE

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA) that monitors the universal right to freedom of religion or belief abroad. USCIRF uses international standards to monitor violations of religious freedom or belief abroad and makes policy recommendations to the President, the Secretary of State, and Congress. USCIRF Commissioners are appointed by the President and Congressional leaders of both political parties. The Commission's work is supported by a professional, nonpartisan staff of regional subject matter experts. USCIRF is separate from the State Department, although the Department's Ambassador-at-Large for International Religious Freedom is a non-voting, ex officio Commissioner.

WHAT IS RELIGIOUS FREEDOM

Inherent in religious freedom is the right to believe or not believe as one's conscience leads, and live out one's beliefs openly, peacefully, and without fear. Freedom of religion or belief is an expansive right that includes the freedoms of thought, conscience, expression, association, and assembly. While religious freedom is America's first freedom, it also is a core human right international law and treaty recognize; a necessary component of U.S. foreign policy and America's commitment to defending democracy and freedom globally; and a vital element of national security, critical to ensuring a more peaceful, prosperous, and stable world.

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