



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

POLICY UPDATE: IRAQ

February 2020

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To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Protecting Religious Minorities in Northern Iraq

By Kurt Werthmuller, Supervisory Policy Analyst

Overview

Significant challenges to religious freedom in Iraq have persisted in 2019. Religious minorities in the Nineveh Plains and Sinjar (Shingal) continue to face serious barriers to their safe return in the short term and their secure, ongoing presence in the long term. Although substantial humanitarian assistance from the United States and other international donors has helped to hasten reconstruction and stabilization efforts in those areas, tens of thousands of civilians from religious and ethnic minority communities—or “components,” as many prefer to be called—remain internally displaced. Meanwhile, new sources of upheaval, including protests in Iraqi cities and renewed multinational violence in neighboring northeastern Syria, have highlighted the fragility of any improved stability in northern Iraq and the need for ongoing, intensive, and international support to allow for the full return of all displaced communities. More than any other single factor, it is the multi-faceted lack of security, mainly due to the corrosive presence of largely Iranian-backed militias of the Popular Mobilization Forces (PMF)—*al-Hashd al-Sha’bi*, also known as Popular Mobilization Units (PMU)—which continues to impede progress toward improved religious freedom conditions for Iraq’s religiously and ethnically diverse population.

Drawing attention to the religious freedom challenges for Iraq’s myriad minority communities has been among the U.S. Commission on International Religious Freedom’s (USCIRF) highest priorities over the last year. In August 2019, Commissioners and staff traveled to Baghdad *to stand alongside the Yazidi people* at a commemoration of that community’s 2014 genocide under the Islamic State in Iraq and Syria (ISIS). USCIRF also met on the sidelines of that commemoration with religious and ethnic minority representatives, Iraqi and U.S. Embassy officials, and non-governmental organizations (NGOs) that are actively engaged in post-ISIS reconstruction and stabilization efforts. USCIRF then convened a hearing in September, “*Religious Minorities’ Fight to Remain in Iraq*,” at which a U.S. Agency for International Development (USAID) official, representatives of at-risk communities, and multiple NGO spokespersons testified on those communities’ ongoing plight.



Mixed Reports for Post-ISIS Returns



USCIRF Vice Chair Nadine Maenza (l) and Commissioner Anurima Bhargava (r) with Murad Ismael (c), co-founder and former Executive Director of Yazda, at the Yazidi Genocide Commemoration (August 2019)

The most pressing issue still facing religious minorities in northern Iraq is the process of return for the tens of thousands of internally displaced persons (IDPs) who fled the advance of ISIS in 2014. Although the Iraqi armed forces, Kurdish Peshmerga, U.S. military, and other multinational partners successfully ended the territorial threat of ISIS in late 2017, many of the areas that the terrorist group once controlled—stretching from Mosul and Sinjar down a wide swath along Iraq’s northwestern border with Syria—remain under- or uninhabited. Once a bustling center of trade and a religiously vibrant and diverse urban area, much of Mosul remains in rubble, and modest efforts to rebuild have struggled to attract residents

to return. This stalemate results from a confluence of counterproductive dynamics, including [the chaos of local politics](#), the insidious presence of [Iranian-backed factions of the PMF](#) and their checkpoints in and around the city, and a devastated local economy that offers few opportunities. Those obstacles impact all civilians, as do the corpse-strewn debris and deadly booby traps that ISIS left behind. However, for religious minorities [such as the estimated 35,000 Christians who fled in 2014](#), the memories of ISIS’ explicit targeting of their people, and their distrust of neighbors who they perceive as having turned against them as ISIS entered the city, represent additional and potentially insurmountable barriers.

While ISIS targeted nearly all of Iraq’s religious and ethnic minority components—including Turkmen, Yarsanis, and predominantly Shi’a Muslim Shabak—it reserved [its most destructive violence for the Yazidi and Christianity communities](#). Sources in Iraq have told USCIRF that an estimated 30–50 percent of the population of Chaldeans, Assyrians, and other Christians have likely returned to their communities of origin, mostly from refuge in Erbil and other parts of Kurdistan Regional Government (KRG) territory. This number suggests some progress, likely due in large part to the significant efforts and funding from [USAID](#), European partners, and local and international NGOs. Nevertheless, [the majority of Iraqi Christians remain displaced](#) and their challenges even after return remain significant. For example, some Iranian-allied factions of the Popular Mobilization Forces (PMF), or al-Hashad al-Sha’bi, have continued to harass and threaten Christian returnees in Bartella, Qaraqosh, and elsewhere. In September, the notorious 30th Brigade

[placed a curfew on Christians in Bartella](#) during the Shi'a Muslim commemoration of Ashura—an inflammatory action in [a community already plagued by sectarian tensions](#) between Christian returnees and Shabak fighters and civilians who have begun to move into the town. Such dynamics, repeated in small and large ways across much of the Nineveh Plains, are forcing many members of Iraq's ancient Christian community to question whether there is truly a safe, long-term place for them left in the country. Meanwhile, Iraqi Yazidis, around 500,000 of whom fled ISIS atrocities in 2014, continue to face even more difficult circumstances. Their collective trauma from the ISIS genocide remains largely unaddressed, perhaps most evident in the fact that the fate of nearly 3,000 abducted Yazidi women and children [remains unknown](#). The United Nations High Commissioner for Refugees conducted a [survey](#) in February in which only 3 percent of Yazidi IDPs it interviewed planned to return to Sinjar this year; there is little evidence that this number has improved as 2019 has unfolded. Most survivors continue to languish in IDP camps in Duhok, atop Mount Sinjar, and elsewhere in exile. This is a community that fought hard for generations against migration, insisting that its identity is tied exclusively to northern Iraq; even so, one of its most landmark events this year was [the opening of a Yazidi temple in Aknalich, Armenia](#)—the largest such shrine in the world, and a sign that the Yazidis have joined the tragic ranks of other regional religious minorities with sizeable and growing diaspora populations. Meanwhile, their historic homeland remains inhospitable for returnees, as PMF checkpoints make the road between Duhok and Sinjar always difficult and sometimes impassable; the crippled local economy hampers livelihood opportunities; the former lifeline of Mosul for goods and services remains unavailable; and the fear lingers of an ISIS resurgence or another form of genocidal violence.



Yazidi temple in Aknalich, Armenia (RFE / RL)

The Yazidi community is also haunted by the absence of justice for the atrocities of 2014. Iraqi courts have tried thousands of suspected ISIS fighters since 2017 on charges of terrorism, most often in large groups of defendants on the basis of confession rather than evidence (although [this latter issue has incrementally improved](#) compared to 2018). However, the judiciary has ignored Yazidi leaders' demands [for war crimes trials of ISIS fighters and commanders](#). These representatives insist that their community cannot heal or feel safe in Iraq again until such trials take place, including the presentation of documented evidence of those atrocities and the opportunity for victims' families to face those who terrorized their loved ones, if they so choose.

This lack of justice is also closely tied to international efforts to document the atrocities. The United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) began work in March to uncover mass graves in and around Sinjar that hold the remains of Yazidi victims of ISIS violence. However, it remains unclear how—or even whether—the evidence its work is steadily uncovering will actually be made available for potential ISIS war crimes trials.

Apart from fears of a potential ISIS resurgence or rise of another radical Islamist group with genocidal intent—a concern shared by the U.S. Departments of Defense and State and the U.S. Agency for International Development—the ongoing presence of the PMF remains the most urgent and destructive obstacle facing Iraqi Yazidis, Christians, and other vulnerable minorities in northern Iraq. Some PMF factions, such as the Iran-backed 30th (“Shabak”) and 50th (“Babylon”) Brigades, have played an instrumental role in either making key towns in the area increasingly inhospitable to minority returnees, or limiting their movement to or from those areas. The behavior of the Shabak and Babylon Brigades has been so destructive that the U.S. Department of the Treasury placed [Global Magnitsky sanctions on both of their respective leaders](#), Waad Qado and Rayan al-Kildani, along with two Iraqi politicians, in July. The PMF is a complex network of armed factions, some of which are aligned with Iran and many of which enjoy national popularity due to their role in destroying ISIS' control of Iraqi territory in 2017. However, given their ability to operate with impunity so far, Iraqi minorities cannot find peace and stability until those militias [either disband or come under the full oversight and accountability of the Iraqi armed forces](#).



UNITAD staff works to uncover a mass grave near Kojo, Sinjar, in March 2019 (Kurdistan24)

Looking Ahead: Protest Fallout and Provincial Elections

Two major dynamics are likely to impact Iraq's immediate and long-term future significantly, including its religious and ethnic components. First, a wave of large-scale protests demanding sweeping reform has swept the country's federally-governed areas since October, including significant [popular opposition to Iran's influence](#) over domestic Iraqi politics and security. Those protests have largely taken place in major cities such as Baghdad and Basra, and security forces have responded with violence in some instances—leaving hundreds of protestors dead as of early January. On November 29, [Prime Minister Adel Abdul Mahdi announced his resignation](#) after the public intervention of Grand Ayatollah Ali al-Sistani, one of the world's most influential Shi'a Muslim leaders, in support of the protest movement. Iraqis in the country's north have remained largely reticent to engage in the protests, including [some Sunni Muslims](#) who are wary of publicly joining a movement that they perceive as Shi'a-led, and [religious minorities in the Nineveh Plains who may sympathize with demands for reform](#) but also fear the consequences of renewed socio-political instability. [These protests have persisted into early 2020](#) despite an uptick in U.S.-Iran tensions, [cynical PMF efforts to stage their own demonstration](#) at the U.S. Embassy in Baghdad, and ongoing efforts to silence protestors—all of which threaten to overshadow the movement.

Second, Iraq plans to hold provincial elections throughout the federally-governed areas in the near future. The elections had been scheduled for April 2020, but the Council of Ministers postponed them in the wake of ongoing protests. During the visit to Iraq in August, representatives of religious and ethnic minorities

repeatedly told USCIRF that these pending elections are likely to have a significant impact on their constituents, who have long been politically marginalized. Proponents of improved minority representation scored a crucial victory on November 12, when [the Federal Supreme Court struck down portions of an election law](#) that would have required IDPs to return to their home communities, present national ration cards, and show up in person on the day of elections only in order to vote. Given the economic, political, and security obstacles to nearly all of those stipulations, they would have prevented tens of thousands of IDPs from voting, including many of the country's religious and ethnic components. Despite that legal victory, the logistics of the eventual provincial elections, the free and fair implementation of voting, and the representation of minorities among potential candidates remain in doubt.

Conclusion and Recommendations for U.S. Policy

U.S. policy with the most direct relevance to religious freedom conditions in Iraq over the last year has mainly involved humanitarian aid and targeted sanctions. In terms of the former, the enactment of the Iraq and Syria Genocide Relief and Accountability Act in December 2018 expedited and expanded the distribution of funds through USAID to ISIS victims in northern Iraq. As of October 2019, USAID had allocated nearly \$400 million to helping those victims recover and rebuild, through its [Iraqi and international NGO partners](#). USCIRF met with representatives of several of those NGO partners during its August 2019 visit to Baghdad and heard about how they are helping communities rebuild their lives in Sinjar, the Nineveh Plains, and elsewhere—and also about the serious obstacles that continue to prevent a full recovery for those areas that ISIS ravaged from 2014 to 2017.

In 2019, the U.S. government increasingly used punitive measures to single out Iraqi PMF leaders, corrupt politicians, and other individuals who have played a particularly destructive role in abusing religious freedom and/or broader human rights or participating in the country's endemic corruption. In addition to the two PMF leaders noted earlier, in July the Treasury Department listed as "Specially Designated Nationals" Nawfal Hammadi al-Sultan and Ahmed al-Jubouri, two politicians whose negligence and corruption have negatively impacted religious minorities and other constituents in Nineveh and Salah al-Din provinces, respectively. In December, the Treasury Department



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[extended Global Magnitsky sanctions](#) to another corrupt politician and three additional individuals who, as leaders of armed proxies for Iran, [have directly contributed to violence](#) against civilian protestors.

In regard to U.S. policy toward Iraq in the coming months, USCIRF recommends the U.S. government:

- Maintain pressure on the Iraqi government to implement its own stated policy to rein in the PMF, particularly those factions that continue to engage in sectarian violence; present specific obstacles to the return and rehabilitation of Yazidis, Christians, and other religious and ethnic components in northern Iraq; and/or intervene against the protest movement on behalf of Iranian interests.
- Apply targeted sanctions under the Global Magnitsky Act and/or other financial and visa authorities on additional PMF leaders who direct militia engagement in the aforementioned behaviors.
- Highlight religious freedom as part of U.S. engagement with Iraqi President Barham Salih and urge the selection of a new prime minister who will prioritize the rehabilitation, preservation, and representation of the country's vulnerable religious and ethnic components.
- Assist in the empowerment of Iraqi religious and ethnic minorities, through their political and civic representatives as well as religious leaders, to initiate and advocate for their own interests, including opening a broad discussion into governance and a representational security framework for the Nineveh Plains area.

Professional Staff

Harrison Akins
Policy Analyst

Danielle Ashbahian
Communications Specialist

Keely Bakken
Policy Analyst

Dwight Bashir
Director of Outreach and Policy

Elizabeth K. Cassidy
Director of Research and Policy

Patrick Greenwalt
Researcher

Roy Haskins
Director of Finance and Office Management

Thomas Kraemer
Senior Advisor for Strategic Outreach

Kirsten Lavery
International Legal Specialist

Jason Morton
Policy Analyst

Dominic Nardi
Policy Analyst

Jamie Staley
Senior Congressional Relations Specialist

Zachary Udin
Project Specialist

Scott Weiner
Policy Analyst

Kurt Werthmuller
Supervisory Policy Analyst

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on threats to religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.