

## Iraq

**FINDINGS:** The Iraqi government continues to tolerate systematic, ongoing, and egregious religious freedom violations. In the past year, religious sites and worshippers were targeted in violent attacks, often with impunity, and businesses viewed as “un-Islamic” were vandalized. The most deadly such attacks during this period were against Shi’a pilgrims. While the Iraqi government has made welcome efforts to increase security, it continues to fall short in investigating attacks and bringing perpetrators to justice. It also took actions against political rivals in late 2011 that escalated Sunni-Shi’a sectarian tensions. Large percentages of the country’s smallest religious minorities – which include Chaldo-Assyrian and other Christians, Sabeen Mandaean, and Yazidis – have fled the country in recent years, threatening these ancient communities’ very existence in Iraq; the diminished numbers that remain face official discrimination, marginalization, and neglect, particularly in areas of northern Iraq over which the Iraqi government and the Kurdistan Regional Government (KRG) dispute control. Religious freedom abuses of women and individuals who do not conform to strict interpretations of religious norms also remain a concern.

Based on these concerns, USCIRF again recommends in 2012 that Iraq be designated as a “country of particular concern,” or CPC.\* USCIRF has recommended CPC status for Iraq since 2008, and placed Iraq on its Watch List in 2007.

Although the Iraqi government has increased security and reportedly prevented several bombings, Muslim and Christian religious sites and worshippers still experienced violent attacks in 2011-2012. Four individuals were convicted and sentenced for the high-profile October 2010 attack on a Catholic church in Baghdad, but there appeared to be little progress in investigating and prosecuting perpetrators of other attacks. Sunni-Shi’a sectarian tensions increased significantly in late 2011 after the Shi’a-led government sought to arrest or fire senior Sunni officials. Christian and Yazidi businesses deemed “un-Islamic,” such as liquor stores, were vandalized in Baghdad and the KRG region during 2011. Non-Muslims and ethnic minorities in disputed areas continued to report abuses and discrimination, and human rights groups continued to report abuses against women, girls, and secular Iraqis. Violence against Iraqi civilians continued in 2011 at approximately the same level as in 2010. Large numbers of Iraqis, many of whom fled religious persecution, remain displaced internally or outside the country, including in Syria where the security situation is increasingly dire.

**PRIORITY RECOMMENDATIONS:** For Iraq to become a secure, diverse, and stable democracy, the United States must do more to help ensure that the human rights of all Iraqis are guaranteed and enforced in law and practice. The United States government should urge, and where appropriate assist, the Iraqi government in its efforts to provide security to protect likely targets of sectarian or religiously-motivated violence and to investigate and prosecute perpetrators. The United States also should prioritize human rights issues in its relationship with both the Iraqi central government and the KRG. In addition, the U.S. police development program should emphasize outreach to minority communities. Other U.S. programs in Iraq should focus on promoting religious freedom and tolerance, fostering human rights compliance and the rule of law, improving ethnic and religious minorities’ ability to organize themselves and convey their concerns to their government effectively, and prioritizing development assistance for areas where marginalized communities are concentrated. The U.S. government also should continue to assist Iraqi refugees and internally displaced persons, including interviewing Iraqi refugees in the U.S. resettlement process in Syria by videoconferencing now that U.S. immigration officials are not traveling there. Additional recommendations for U.S. policy toward Iraq can be found at the end of this chapter.

\*Commissioner al-Hibri dissented from the CPC recommendation for Iraq. Her full dissent can be found at the end of this chapter.

## Religious Freedom Conditions

### *Continuing Violent Attacks*

Although the Iraqi government has increased security and reportedly prevented several bombings, Muslim and Christian religious sites and worshippers still experienced violent attacks during the 2011-2012 reporting period. The most deadly such attacks during this timeframe were against Shi'a pilgrims. In the vast majority of attacks, perpetrators were never identified, prosecuted, or punished. Four individuals were convicted and sentenced for the high-profile October 2010 siege on a Catholic church in Baghdad, but there appeared to be little progress in investigating and prosecuting perpetrators of other attacks. In addition, Christian and Yazidi businesses viewed as "un-Islamic," such as liquor stores, were vandalized in Baghdad and the KRG region during 2011.

As in past years, the Iraqi government provided heavy security on pilgrimage routes and at Shi'a holy sites, particularly for important holidays. Nevertheless, in January 2011, attacks targeted Shi'a pilgrims traveling to the holy city of Karbala for Arbaeen, including three bombings on January 21 and two more on January 24 that together killed at least 75 people and wounded at least 200. Other attacks were perpetrated throughout the year. For example, on July 15, three bombs across the holy city of Karbala killed or injured more than 100 people. On September 12, gunmen hijacked a bus of Shi'a pilgrims in Anbar province as they returned from a shrine in Syria to Karbala; all 22 men on the bus were killed. Several days later, Iraqi security forces arrested at least 10 suspects, but it is not clear if any prosecutions resulted. On September 22, a suicide bombing killed four pilgrims, and injured 17, on their way into Karbala. In December, several attacks targeted Shi'a pilgrims commemorating Ashura, killing 28 people and wounding 78. In January 2012, a series of attacks targeted Shi'a pilgrims commemorating Arbaeen – including one on January 5 that killed 48 people and wounded 81 and another on January 14 that killed 53 and injured 137 – and security forces reportedly foiled several other attacks. On January 27, a car bomb attack targeted a Shi'a funeral procession in Baghdad, killing 33 people and wounding 65, including mourners, police, and security forces.

There also continued to be attacks in 2011 targeting Sunni worshippers, particularly those linked to the government or opposed to Sunni extremist groups. On June 3, a suicide bomber blew himself up in a Sunni mosque in a government compound in Tikrit during Friday prayers, and another suicide bomber detonated himself at the hospital where the wounded were taken; a total of 21 people were killed and around 70 injured. Among multiple attacks that occurred across Iraq on August 15, gunmen dressed in military uniforms and identifying themselves as members of the al-Qaeda-linked Islamic State of Iraq group stormed a Sunni mosque in Yusifiya during Ramadan evening prayers and sought out and killed 7 men affiliated with Sons of Iraq groups. On August 28, a suicide bomber detonated himself in the Umm al Qura mosque – the largest Sunni mosque in Baghdad, which houses the Sunni Endowment – during Ramadan prayers; at least 28 people, including a member of parliament, were killed and dozens more injured. In

addition, on April 28, a suicide bomber blew himself up in a Shi'a mosque in Diyala governorate where Shi'as and Sunnis were holding an interfaith gathering; ten people were killed and 30 wounded.

In 2011, there were three attacks resulting in injuries but no fatalities, and several attempted attacks, on Christian churches. On April 24, Easter Sunday, a bomb exploded outside the Sacred Heart church in Baghdad as an Iraqi police truck pulled away from the church after the service had finished and all worshippers had left; two policemen and two passers-by were injured. On August 2, a car bomb exploded outside of the Holy Family Syriac Catholic church in Kirkuk, damaging the church and nearby buildings and injuring 15 people. The same day, Iraqi security forces found and defused car bombs outside two other churches in Kirkuk. On August 15, also in Kirkuk, a bomb exploded near St. Ephraim Syriac Orthodox church, damaging the church but causing no injuries; in addition, security forces defused a bomb near a Presbyterian church in Kirkuk.

In August 2011, a Baghdad court convicted and sentenced three individuals to death, and one to 20 years' imprisonment, for masterminding and preparing the October 31, 2010 hostage siege at Our Lady of Perpetual Help Syriac Catholic church in Baghdad. Several other suspects were killed while attempting to escape from a Baghdad prison in May 2011. The October 2010 attack, which took place during a mass, was the worst single attack targeting Christians in Iraq since 2003; it left more than 50 people dead, including 2 priests, and more than 60 injured. In its wake, senior Iraqi government officials, including Prime Minister Nuri al-Maliki, President Jalal Talabani, and KRG President Massoud Barzani, issued public condemnations, as did two important Shi'a leaders. The government also increased security at churches and in Christian neighborhoods and said that it would provide compensation to the families of those killed and injured and financial assistance to repair the church.

As in past years, there were attacks on allegedly "un-Islamic" minority businesses in 2011. In mid-January 2011, at least three liquor stores and a Christian social club in Baghdad were raided and vandalized, and had property stolen and their occupants threatened, by groups of men in civilian clothes wielding pipes and handguns. In all three cases, witnesses reported that police officers or individuals posing as police officers accompanied the attackers. On December 2-3, 2011, mobs vandalized and burned a number of Christian and Yazidi businesses, including liquor stores, restaurants, and hair salons, in Zakho and several nearby towns in Dohuk governorate, KRG region. Following the violence, KRG President Barzani visited the area, promised an investigation, legal action, and compensation, and deployed police and *peshmerga* forces to provide security.

Christian, Mandaean, and Yazidi organizations also continued to report individual cases of violence against community members in 2011, although these incidents seemed to be less frequent than in past years. For example, the Mandaean Human Rights Group reported that two Mandaean were killed in separate incidents, and two others kidnapped in a single incident, during 2011. The group has documented 175 Mandaean killed in Iraq since 2003 and hundreds more kidnapped, threatened, assaulted, raped, forcibly converted to Islam, forcibly displaced, and subjected to other crimes. Few, if any, of these individual cases ever result in investigations

or prosecutions, fostering a climate of impunity for attacks against members of Iraq's most vulnerable groups.

### *The Smallest Religious Minorities*

In recent years many Iraqis, Muslim and non-Muslim alike, have been victimized by religiously-motivated violence, but those from the country's smallest, non-Muslim religious minorities have been particularly vulnerable. They lack militia or tribal structures to defend themselves against attacks, and do not receive adequate official protection or justice. Large numbers have fled the country, threatening these ancient communities' very existence in Iraq; many others are internally displaced, primarily in the north. The diminished numbers that remain in Iraq face a pattern of official discrimination, marginalization, and neglect, particularly in areas over which the Iraqi government and the KRG dispute control.

Half or more of the pre-2003 Iraqi Christian community is believed to have left the country. In 2003, there were thought to be 800,000 to 1.4 million Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East members, Syriac Catholics and Orthodox, Armenian Catholics and Orthodox, Protestants, and Evangelicals in Iraq. Today, community leaders estimate the number of Christians to be around 500,000. Other communities also have experienced declines. The Sabeen Mandaean report that almost 90 percent of their small community either has fled Iraq or been killed, leaving some 3,500 to 5,000 Mandaeans in the country, as compared to 50,000 to 60,000 in 2003. The Yazidi community reportedly now numbers approximately 500,000, down from about 700,000 in 2005. The Baha'i faith, which is estimated to have only 2,000 adherents in Iraq, remains banned under a 1970 law, and Iraq's ancient and once large Jewish community now numbers fewer than 10, who essentially live in hiding.

Many of the non-Muslim minorities internally displaced by violence have gone to the north of the country, mainly to Nineveh governorate and the three governorates controlled by the KRG. Northern Iraq, particularly the Nineveh Plains area of Nineveh governorate, is the historic homeland of Iraq's Christian community, and the Yazidi community is indigenous to Nineveh and the KRG governorate of Dahuk. The three KRG governorates are relatively secure, but Nineveh governorate, particularly in and around its capital Mosul, remains extremely dangerous, and control over this ethnically and religiously mixed area is disputed between the KRG and the central Iraqi government.

The dispute stems from Kurdish efforts to annex into the KRG additional territories – including parts of the governorates of Nineveh, Kirkuk (Tamim), Salah al-Din, Diyala, and Wasit – on the basis of their claim that these areas are historically Kurdish. Since 2003, Kurdish *peshmerga* (armed fighters), security forces, and political parties have moved into these territories, establishing *de facto* control over many of the disputed areas. Religious and ethnic minorities in these areas, including non-Muslims and ethnic Shabak and Turkomen, have accused Kurdish forces and officials of engaging in systematic abuses and discrimination against them to further Kurdish territorial claims. These accusations include reports of Kurdish officials interfering with minorities' voting rights; encroaching on, seizing, and refusing to return minority land; conditioning the provision of services and assistance to minority communities on support for Kurdish expansion; forcing minorities to identify themselves as either Arabs or Kurds; and

impeding the formation of local minority police forces. The minorities also accuse both Arab and Kurdish officials of ignoring these vulnerable communities as they focus on their fight for territorial control.

To address their lack of security and political and economic marginalization, some Iraqi minority groups, both inside and outside Iraq, have been seeking an autonomous area for Christians, and some say for other minorities as well, in the Nineveh Plains area. They argue that this would give effect to Article 125 of the Iraqi Constitution, which “guarantee[s] the administrative, political, cultural and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents,” and provides that this “shall be regulated by” a future law. However, the specifics of what such a law would entail, including the territory that such an area would cover, its religious and ethnic make-up, how it would be secured, what governance and economic powers it would have, and how it would relate to the KRG and the central government remain disputed, even among those who say they favor autonomy. Other leaders from minority religious communities disagree with this approach, concerned that it would make minorities a more concentrated target for violence.

Members of the smallest minorities also have urged reforms to provisions in Article 2 of the Iraqi Constitution that gives Islam a preferred status, arguing that this favoritism provides a potential justification for discrimination against non-Muslims. The Iraqi government apparently has made no serious efforts to address these proposals.

In a positive development for the smallest minorities, the Iraqi parliament (Council of Representatives or COR) that was elected in 2010 has eight seats reserved for these groups: five for Christians and one each for Mandaean, Yazidi, and Shabak. In addition, six Yazidi candidates were elected to the COR on the Kurdistan Alliance list, bringing the total current number of religious minority parliamentarians to 14 (out of 325). A minority caucus was also established for the first time in the COR; it includes the representatives of all the ethnic and religious minorities’ political parties and is supported by a civil society alliance. According to the U.S. Institute of Peace, which is working to help build its capacity, the caucus’ goals for the current parliamentary term include reforming the education curriculum to reflect Iraq’s minority communities more positively, eliminating discrimination in education and employment, improving the delivery of basic services in minority communities, increasing minorities’ participation in all levels of government, and having greater control over local affairs.

### *Sunni-Shi’a Tensions*

As reflected in previous USCIRF reports, in past years many serious sectarian abuses were attributed to actors from the Shi’a-dominated Ministries of Interior and Defense and armed Shi’a groups with ties to the Iraqi government or elements within it. Since 2007, such sectarian violence has diminished markedly. Nevertheless, sectarianism within the government remains a concern. For example, there continue to be reports of torture and other abuses, some allegedly along sectarian lines, in detention facilities, including secret prisons run by the Prime Minister’s special counterterrorism forces. The Shi’a-led government’s slow pace of integrating Sunni Sons of Iraq members into the security forces or government jobs, as well as its attempts to bar certain politicians, mostly Sunnis, from participation in the political process for alleged Baathist

ties, also have caused tensions. According to nationwide polling conducted in Iraq in October 2011, 75% of Sunnis feel that their sect is treated unfairly by the government and 60% feel their sect is treated unfairly by society.

Sunni-Shi'a political tensions escalated in 2011. Throughout the year, the Prime Minister failed to implement aspects of the November 2010 power-sharing agreement that finally allowed a government to be formed after the March 2010 elections, including by continuing to run both the Defense and Interior Ministries and taking no steps to create the new national strategic council that was supposed to be led by his main rival, former Prime Minister Ayad Allawi of the Iraqiya bloc. (Iraqiya is a cross-sectarian bloc supported by many Sunnis, which won two more parliamentary seats than al-Maliki's bloc in the 2010 election.) In the fall, the government arrested hundreds of individuals, including many prominent Sunnis, for alleged Baathism, prompting the provincial governments of several Sunni or mixed governorates to attempt to seek greater autonomy from Baghdad. In December, just after the last U.S. troops left the country, the Prime Minister announced an arrest warrant for the Sunni Vice President, Tariq al-Hashimi, for alleged terrorism, and sought a no-confidence vote against the Sunni Deputy Prime Minister, Saleh al-Mutlaq, both of the Iraqiya bloc. The government also arrested members of al-Hashimi's staff. Al-Hashimi, who denied the charges and called them politically motivated, left Baghdad for the KRG region, and Iraqiya began a boycott of parliament and the cabinet. Meanwhile, terrorist groups exacerbated the situation, perpetrating multiple mass-casualty attacks against mainly Shi'a targets in December and January, including the attacks against Shi'a pilgrims and the Shi'a funeral procession referenced above. As of February 29, 2012, al-Hashimi was still in Erbil, al-Mutlaq remained in his position, Iraqiya had returned to parliament and the cabinet, and negotiations to convene a conference of all the political blocs to resolve the crisis were ongoing.

#### *Women and Other Vulnerable Groups*

In the past year, human rights groups continued to express concern about violence against women and girls, including domestic violence and honor killings, throughout Iraq, including in the KRG region, as well as about pressure on women and secular Iraqis to comply with conservative Islamic norms, particularly relating to dress and public behavior. In recent years, women and girls have suffered religiously-motivated violence and abuses, including killings, abductions, forced conversions, restrictions on movement, forced marriages, and other violence including rape. Individuals considered to have violated extremists' interpretations of Islamic teachings, including politically-active females, have been targeted by Sunni and Shi'a extremists alike.

In a positive development, the KRG region enacted a law in June making family violence a crime, subject to imprisonment and/or fines, and establishing a special court for such cases; the law's coverage includes abuse of women and children, female circumcision, forced or child marriage, nonconsensual divorce, the offering of women to settle family feuds, and female suicide if caused by a family member.

In late February and early March 2012, reports emerged of numerous killings and threats targeting young people perceived as homosexual or who dressed in the so-called "emo" goth

style, particularly in Baghdad. The number killed reportedly ranged from six to more than 40. Preceding the violence, the Iraqi Interior Ministry posted a statement on its Web site in mid-February that it was “launch[ing] a campaign to stem the ‘Emo,’” whom it called “Satan worshippers,” although after the killings were widely reported, the Ministry claimed that the statement was misunderstood. Many observers attributed the attacks and threats to Shi’a militias. However, a representative of Grand Ayatollah Ali Sistani condemned the killings as terrorism, and cleric Moqtada al-Sadr, whose Mahdi Army militia was suspected in past attacks on homosexuals, denied involvement. According to Iraqi press reports, Al-Sadr called emo youth “unnatural” but said they should be dealt with through legal means. The U.S. embassy reportedly raised its concerns with the Iraqi government.

### *Iraqi Refugees and Internally Displaced Persons*

Since USCIRF last reported on Iraq, there have been few developments related to the situation of refugees and internally displaced persons (IDPs). No significant new displacement was reported in 2011, and voluntary returns, mostly IDPs returning to Baghdad, continued in larger numbers than in 2010. Nevertheless, according to estimates by the UN High Commissioner for Refugees (UNHCR), more than 1.5 million Iraqis remain internally displaced within Iraq and hundreds of thousands continue to live as refugees in neighboring countries. Many of these individuals have fled religious-based persecution. Members of Iraq’s smallest religious minorities continue to make up a disproportionate percentage of the refugees registered with UNHCR in the region: around 17 percent, though they comprise only about 3 percent of Iraq’s population. Sunnis continue to represent the largest percentage of registered Iraqi refugees at 57 percent, also a disproportionate percentage (they are approximately 35 percent of Iraq’s total population).

UNHCR remains concerned about continuing threats to Iraq’s smallest religious minorities and continues to recommend they be given *prima facie* refugee status. It also continues to recommend that Iraqis not be forcibly returned to certain governorates in Iraq, including Nineveh, Kirkuk, and Baghdad, due to continuing insecurity, or to regions that are not their areas of origin, such as the KRG.

### **U.S. Policy**

Since 2008, U.S.-Iraqi bilateral relations have been governed by a “Strategic Framework Agreement,” which emphasizes cooperation in specified areas such as political and diplomatic, defense and security, cultural, and law enforcement and judicial. The Obama administration’s stated goal for this bilateral relationship is to help Iraq become “secure, stable and self reliant; with a government that is just, representative, and accountable; that denies support and safe haven to terrorists; is able to assume its rightful place in the community of nations; and contributes to the peace and security of the region.”

Pursuant to the 2008 Status of Forces Agreement between Iraq and the United States, the last remaining U.S. troops departed from Iraq in December 2011. The United States’ diplomatic mission in Iraq is its largest and most costly in the world, employing around 16,000 civilians, mostly contractors, in multiple locations including the embassy in Baghdad, consulates in Erbil, Kirkuk, and Basra, and several office of security cooperation and police training sites. In

addition to the Department of State and the U.S. Agency for International Development (USAID), the federal agencies involved in implementing the U.S.-Iraqi partnership under the Strategic Framework Agreement include the Departments of Justice, Homeland Security, Commerce, Treasury, Transportation, and Agriculture.

A major component of current U.S. efforts in Iraq is a police development program, launched in October 2011, which seeks to assist the Iraqi Ministry of Interior (MOI) to improve its senior leadership and management practices. According to November congressional testimony by the Deputy Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, M. Brook Darby, the program “mentors Iraqi police leadership on how to regularize their engagement with the people they serve while protecting Iraq’s communities, its borders, and respect for human rights.” However, as the Special Inspector General for Iraq Reconstruction (SIGIR) noted in a January 2012 report, “the program faces a number of challenges, including an uncertain security environment that limits the movement of its advisors and skepticism on the part of senior MOI officials about the program’s ultimate utility.”

Over the past several years, the U.S. government has increased its efforts to help address the problems facing Iraq’s ethnic and religious minorities, which USCIRF welcomes. The State Department has designated officials in both Washington and Baghdad to coordinate its efforts on minority issues; the Deputy Assistant Secretary of State for Iraq also serves as the Secretary’s Coordinator for Iraq’s Religious and Ethnic Minorities, and Embassy Baghdad’s Assistant Chief of Mission for Assistance Transition also serves as Coordinator on Minority Issues. In addition, according to the State Department, the U.S. government has spent more than \$35 million to support these communities as of the end of 2010. Nevertheless, some Iraqi minority communities have complained of not seeing any benefits, and in 2010 several members of Congress requested a Government Accountability Office (GAO) audit of State and USAID’s administration of these funds. The GAO’s report is expected to be released in the coming months. Other countries also have made efforts regarding these issues. For example, in January 2011 the Danish government funded an interfaith summit of Iraqi religious and political leaders, under the auspices of an NGO led by Canon Andrew White of Baghdad’s St. George’s Anglican Church, which resulted in the Muslim religious leaders who were present issuing a *fatwa* (ruling) banning violence against non-Muslim minorities.

The United States makes significant contributions to various international and non-governmental organizations assisting Iraqi refugees and IDPs. In addition, beginning in FY 2007, the U.S. government increased its efforts to resettle Iraqi refugees, and since that time, more than 62,000 Iraqi refugees have been resettled to this country. The United States continues to be the largest recipient of both UNHCR referrals of Iraqis and resettled Iraqi refugees. In the past year, however, resettlements of Iraqis dropped significantly after the U.S. government imposed new pre-travel security checks for refugees worldwide. Around 9,000 Iraqi refugees were resettled to the United States in FY 2011, as compared to approximately 18,000 in FY 2010. In addition, in early 2012, the U.S. government stopped sending Department of Homeland Security officials to Syria to interview refugees for resettlement due to the deteriorating security situation in that country. There are approximately 20,000 Iraqis in Syria who currently are somewhere in the process of applying for resettlement to the United States.

In February 2008, the State Department increased direct access for certain Iraqis to the U.S. Refugee Admissions Program, as mandated by the Refugee Crisis in Iraq Act of 2008. That Act created a new Priority 2 (P2) category for Iraqis from “religious or minority” communities with close family members in the United States, and authorized the Secretary of State to create additional P2 categories for other vulnerable Iraqis. (A P2 category allows those covered to apply directly to the United States for resettlement, without first having to be referred by UNHCR. This speeds up the process for those applicants, but it does not guarantee resettlement of all individuals from the category who apply.) The State Department policy covers Iraqis in Egypt or Jordan “who are the spouses, sons, daughters, parents, brothers or sisters of a citizen of the United States, or ... the spouses or unmarried sons or daughters of a Permanent Resident Alien of the United States....”

## **Recommendations**

In response to the severe abuses of religious freedom in Iraq, the United States should advocate measures to ensure security, justice, and legal protections for all Iraqis; prioritize human rights, including freedom of religion or belief, in its relationship with the Iraqi central government and the Kurdistan Regional Government (KRG); promote these rights and freedoms through various U.S. programs; and continue to assist internally displaced persons and refugees.

### **I. Ensuring Security, Justice, Human Rights, and Legal Protection for All Iraqis**

In addition to designating Iraq as a CPC, the U.S. government should:

- urge, and where appropriate assist, the Iraqi government, in consultation with the affected communities, to continue its efforts to provide increased security to protect likely targets of sectarian or religiously-motivated violence, including areas where religious or minority communities live or congregate such as religious sites;
- urge, and where appropriate assist, the Iraqi government to undertake prompt, transparent, and effective investigations of all incidents of sectarian or religiously-motivated violence and bring the perpetrators to justice consistent with due process of law;
- press the Iraqi government to ensure that its revenues neither directly nor indirectly support any militia, para-state actor, or other organization credibly charged with involvement in sectarian or religiously-motivated violence;
- urge the Iraqi government to ensure that provisions in the Iraqi Constitution providing that no law may contradict “the established provisions of Islam” and guaranteeing “the Islamic identity of the majority” are not used to undermine the human rights of every Iraqi, including their rights to freedom of religion or belief and equality before the law; and
- work with Iraq’s government and its smallest minority 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.

## **II. Prioritizing Human Rights, including Freedom of Religion or Belief, in the U.S. Relationship with the Iraqi Government and the KRG**

The U.S. government should:

- ensure that all U.S.-Iraqi cooperation under the Strategic Framework Agreement to “promote Iraq’s efforts in the field of ... human rights” places a high priority on ensuring the interdependent rights to freedom of religion or belief and freedom of opinion and expression;
- ensure that human rights issues, including freedom of religion or belief and minority rights, are raised in the context of negotiations between the Iraqi central government and the KRG concerning disputed internal boundaries; and
- demand immediate investigations of, and accounting for, alleged human rights abuses against minority communities by Kurdish regional and local officials, and make clear that decisions on U.S. financial assistance and other interaction with the KRG will take into account whether perpetrators are being investigated and held accountable.

## **III. Promoting Human Rights, including Freedom of Religion or Belief, through U.S. Programs**

The U.S. government should:

- ensure that all participants in the police development program are thoroughly vetted to confirm they have not been implicated in human rights abuses and include in the program an emphasis on training Iraqi police leadership on best practices for law enforcement outreach to vulnerable minority communities;
- direct U.S. officials and recipients of U.S. grants to prioritize projects that promote multi-religious and multi-ethnic efforts to encourage religious tolerance and understanding, foster knowledge of and respect for universal human rights standards, build judicial capacity to enforce the rule of law, and develop the political ability of ethnic and religious minorities to organize themselves and convey their concerns to the government effectively;
- fund exchange and educational opportunities focusing on religious freedom and tolerance, including through the State Department’s International Visitors Program and the Fulbright Foreign Student and Visiting Scholars Programs, for Iraqi officials, legal professionals, representatives of non-governmental organizations, religious leaders, students, and other members of key sectors of society;
- assist the Iraqi government to develop curricula and materials to teach Iraqi students about religious freedom, tolerance, and Iraq’s history as a multi-religious and multi-ethnic state; and

- ensure that U.S. development assistance prioritizes areas where Iraq's smallest minority communities are concentrated, and that the use of such funding is determined in consultation with these communities' political and civic leaders.

#### **IV. Addressing the Situation of Internally Displaced Persons and Refugees**

The U.S. government should:

- continue to provide significant funding to the UN, humanitarian organizations, host nations, and host communities to provide essential humanitarian aid to vulnerable Iraqi internally displaced persons and refugees, and encourage the Iraqi government and other countries to do likewise;
- continue its efforts to process a significant number of Iraqi refugees for resettlement to the United States, including by interviewing applicants by videoconference in locations where in-person interviews cannot be conducted for security reasons; and
- ensure that Iraqi refugees scheduled to be resettled to the United States are not delayed unnecessarily by providing adequate personnel to conduct background screening and enforcing proper application of the existing waiver of the material support bar to individuals forced to provide support to terrorists under duress.

#### **Dissenting Statement of Commissioner Azizah al-Hibri:**

Commissioner al-Hibri dissents from the majority in its designation of Iraq as a country of particular concern (CPC) because the USCIRF report for 2012 itself does not support such designation.

The International Religious Freedom Act (IRFA) provides the standard for a CPC designation. It requires for such designation that: The government "has engaged in or tolerated particularly severe violations of religious freedom," which is defined as "systematic, ongoing, egregious violations of religious freedom."

In turning to the Iraq country report, we find out in the opening paragraph that it describes a dismal state of systematic, ongoing religious freedom violations. It states in particular that the most deadly violations were attacks against Shi'i pilgrims and that the country's smallest religious minorities face discrimination particularly in areas where control is disputed.

These facts are significant, given that the prime minister is himself Shi'i. They indicate that the prime minister is not able to protect his own religious sect; nor is he able to assert control in disputed regions.

Later the report notes that where Sunni worshippers were attacked, they tended to be those linked to the government or opposed to Sunni extremist groups. In other words, these attacks were

waged against the government, the prime minister's religious sect, the government's apparent supporters, and those opposed to its opponents.

Despite these facts, the report states that "based on these concerns," USCIRF recommends redesignating Iraq as a CPC. This is strange, since neither element required for recommending such status was established by the report. The report does not establish either that the government engaged itself in severe violations or that it tolerated them. It only establishes the existence of such violations and the inability of the government to prevent them always (or to prevent them often).

To the contrary, we are informed later that the government increased security and reportedly prevented several bombings, that it provided heavy security on pilgrimage routes and Shi'i holy sites. Despite all that, attacks took place on Shi'i pilgrims and holy sites.

Furthermore, the report informs us that courts have been convicting criminals responsible for religious violence, and the president and prime minister have been publicly condemning the violence. We are also informed that the government has increased security at churches and offered compensation for families of those who were killed. It also offered financial assistance to repair a church.

So, the picture here is one of a country in turmoil and a government trying to bring it to order, but unable to control it. This picture does not justify a CPC status.