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Commissioners

Felice D. Gaer

Chair

Michael Cromartie

Dr. Elizabeth H. Prodromou

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Imam Talal Y. Eid

Dr. Richard D. Land

Leonard A. Leo

Nina Shea

John V. Hanford, III, *ex officio*, nonvoting member (until January 20, 2009)

James D. Standish

Executive Director

U.S. Commission on International Religious Freedom
800 North Capitol Street, NW
Suite 790
Washington, DC 20002
202-523-3240
202-523-5020 (fax)
www.uscirf.gov

Professional Staff

Tom Carter, Director of Communications
Walter G. DeSocio, General Counsel
David Dettoni, Director of Operations and Outreach
Judith E. Golub, Director of Government Relations
Carmelita Hines, Director of Administration
Knox Thames, Director of Policy and Research

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Bridget Kustin, South Asia Researcher
Tiffany Lynch, Researcher
Jacqueline A. Mitchell, Executive Assistant
Muthulakshmi Anu Narasimhan, Communications Specialist
Stephen R. Snow, Senior Policy Analyst

ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

Iraq

In December 2008, the Commission recommended that the U.S. Department of State should designate Iraq as a “country of particular concern,” or CPC, based on the ongoing, severe abuses of religious freedom in the country and the government’s toleration of these abuses, particularly against Iraq’s smallest and most vulnerable religious minorities.* The Commission’s recommendation was based on the following concerns, outlined in an extensive report: continued targeted violence, threats, and intimidation against members of the country’s smallest religious minorities; the lack of effective government action to protect these minorities; an ongoing pattern of official discrimination, marginalization, and neglect against the smallest minorities, particularly in the northern areas where these groups are now concentrated; continued attacks and tense relations between Shi’a and Sunni Iraqis; and continued egregious, religiously-motivated violence against women and girls, homosexuals, Muslims who reject certain strict interpretations of Islam, and academics.¹

The religious freedom situation in Iraq remains grave, particularly for the smallest, most vulnerable religious minorities which include ChaldoAssyrian and other Christians, Sabean Mandaean, and Yazidis. Since 2007, violence against civilians in Iraq has diminished substantially, but the improved security, according to the U.S. Department of Defense, is “fragile, reversible, and uneven.”² Nineveh governorate—the northern province with the largest concentration of the smallest religious minorities and where they are

* While joining the December 2008 report, Commissioners Cromartie, Eid, Land, and Leo dissented from the CPC recommendation, concluding that Iraq should remain on the Commission’s Watch List, where it had been since May 2007. These Commissioners believed that, although the Iraqi government had not done enough to address the alarming plight of the country’s small religious minorities, IRFA’s requirements of intent and a pattern of recurrent affirmative acts of abuse on the part of the government were not met.

caught in the middle of a struggle for territorial control between the Kurdistan Regional Government (KRG) and the central Iraqi government—has remained one of the most dangerous areas.

In recent years in Iraq, and particularly since 2006, there have been alarming numbers of religiously-motivated killings, abductions, beatings, rapes, threats, intimidation, forced resettlements, and attacks on religious leaders, pilgrims, and holy sites. Iraqis from many religious communities, Muslim and non-Muslim alike, have suffered in this violence, but those from Iraq’s smallest religious minorities have been among the most vulnerable. Members of these small communities do not have militia or tribal structures to defend them and do not receive adequate official protection. Many have fled to other areas within Iraq or to other countries, where they represent a disproportionately high percentage of registered Iraqi refugees. These communities report that their numbers in Iraq have substantially diminished, and that their members who have left the country have not showed signs of returning in significant numbers. In addition to lacking security, these small minorities are legally, politically, and economically marginalized, and they allege that their communities are discriminated against in the provision of essential government services and reconstruction and development aid. The cumulative effect of this violence, forced displacement, discrimination, marginalization, and neglect has been to create a serious threat to these ancient communities’ very existence in Iraq, where they have lived for millennia. These threats against Iraq’s smallest religious minorities jeopardize Iraq’s future as a diverse, pluralistic and free society.

Religious Freedom Conditions

The Situation of the Smallest Religious Minorities

In 2003, there were approximately 1.4 million Christians in Iraq, including Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East, Syriac Orthodox, Armenians (Catholic and Orthodox), Protestants, and Evangelicals. Today, it is estimated that only 500,000 to 700,000 indigenous Christians remain in the country. Christian leaders

have warned that the result of this flight may be “the end of Christianity in Iraq.”³ The Chaldean Archbishop of Kirkuk was recently quoted in the press as saying that 750 Christians have been killed in Iraq in the past five years.

Sabeian Mandaean, followers of John the Baptist who are prohibited under their religion from using weapons and therefore cannot defend themselves, report that almost 90 percent of their small community either has fled Iraq or been killed, leaving only an estimated 3,500 to 5,000 Mandaeans, including 150 families in Baghdad, and five Mandaean religious leaders in the country. In 2003, the Mandaean community in Iraq reportedly numbered some 50,000 – 60,000. The Mandaean Human Rights Group reported in April 2009 that, since 2003, Mandaeans in Iraq had suffered 167 killings, 275 kidnappings, and 298 assaults and forced conversions to Islam. The Mandaean Associations Union and Mandaean leaders, refugees, and asylum seekers have universally told the Commission that they do not see any future for their community in Iraq and have asked that the entire group be collectively resettled to a third country so that their religion, language, and culture can survive.

The Yazidi community—which suffered the most devastating single attack on any group in Iraq in August 2007, when four coordinated suicide truck bombings destroyed two Yazidi towns, killing 796 civilians, wounding 1,562, and leaving more than 1,000 families homeless—reportedly now number approximately 500,000, down from 700,000 in 2005. The Mandaean and Yazidi communities are particularly vulnerable to annihilation because a person must be born into these religions, not convert or marry into them, and they do not proselytize or seek new adherents.

As detailed extensively in the Commission’s December 2008 report, in recent years members of these small, vulnerable minorities have experienced targeted intimidation and violence, including killings, beatings, abductions, and rapes, forced conversions, forced marriages, forced displacement from their homes and businesses, and violent attacks on their houses of worship and religious leaders. Despite the

overall drop in violence in the country, these incidents continued in 2008 and 2009, particularly in the unstable northern areas where these minorities are now concentrated.

The vast majority of non-Muslim minorities who have been displaced from other areas in Iraq have gone to the north, mainly to Nineveh governorate, and to the three governorates controlled by the Kurdistan Regional Government (KRG): Dahuk, Erbil and Sulaymaniyah. 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 Dahuk. Although the three KRG governorates are relatively secure, Nineveh governorate, especially in and around Mosul, remains one of the most dangerous and unstable parts of Iraq. Insurgent and extremist activity continues to be a significant problem there. Moreover, control of the ethnically and religiously mixed area is disputed between the KRG and the central Iraqi government. The minorities are caught in the middle of this struggle for control and have been targeted for abuses and discrimination as a result.

The dispute stems from Kurdish efforts to annex into the KRG additional territories—including parts of the governorates of Kirkuk (Tamim), Nineveh, Salah al-Din, Diyala, and Waset—on the basis of their claim that these areas were “Arabized” under Saddam Hussein and are historically Kurdish. Since 2003, Kurdish *peshmerga* security forces and political parties have moved into these territories, effectively establishing *de facto* control over many of the contested areas. Religious and ethnic minorities, including non-Muslims and ethnic Shabak and Turkomen, have accused Kurdish *peshmerga* and officials of engaging in abuses and discrimination against them to further Kurdish claims in the territorial dispute including encroaching on, seizing, and refusing to return minority land; making the provision of services and assistance to minority communities contingent on support for Kurdish expansion; forcing minorities to identify themselves as either Arabs or Kurds; and impeding the formation of local minority police forces.⁴

The dispute also has affected the political rights of these small minorities. In the January 2005 elections, many non-Muslims in Nineveh governorate were disenfranchised due to fraud, intimidation, and the refusal by Kurdish security forces to permit the distribution of ballot boxes. More recently, the September 2008 law to govern upcoming provincial elections was stripped, just before its adoption, of a provision guaranteeing a set number of seats to minorities in certain provincial councils, including Nineveh. An amendment was later adopted, but it set aside fewer seats than either the original provision or the UN's proposed compromise,⁵ reportedly because of Arab politicians' fears that minorities would vote with the Kurds in disputed governorates. In addition, the political conflict between Kurds and Arabs has led to a stalemate in the distribution of Nineveh's provincial budget, with only 0.4 percent of the budget being spent in 2008, the lowest rate for any Iraqi governorate.

Provincial elections were held on January 31, 2009, in 14 of Iraq's 18 governorates, including Nineveh. Security was tight throughout the country, and no major violence was reported. According to the State Department, more than 400 international observers and 200,000 national observers monitored the polling, and U.S. and UN officials reportedly dispatched more observers to Nineveh than to any other governorate. The Iraqi High Electoral Commission received a number of complaints of election irregularities throughout the country—including allegations from Yazidi and Christian parliamentarians that Kurdish parties tried to intimidate minorities in Nineveh from attending campaign rallies or voting for candidates from the non-Kurdish lists—but it found none of these complaints sufficient to call into question the outcome. In Nineveh, the election resulted in a change in control of the provincial council from Kurdish parties to the Sunni Arab *al-Hadba* party, which some minority groups view as potentially more sympathetic to their rights than the Kurdish parties. Yazidi candidates won the second largest share of the Nineveh council's seats.

Despite reduced violence in Iraq overall, violent attacks against minorities continued to occur in 2008 and 2009, particularly but not exclusively in the northern disputed areas. In January 2008, six church buildings in Mosul and Baghdad were bombed in coordinated attacks on Epiphany and Orthodox Christmas Eve, feast dates when many Catholic and Syriac Orthodox Iraqis hold baptisms. In February 2008, the Chaldean Archbishop of Mosul was abducted and killed. In April 2008, an Assyrian Orthodox priest was shot and killed in a drive-by attack in Baghdad. The UN Assistance Mission for Iraq (UNAMI) has reported that from January through June 2008 it received 17 reports of attacks and kidnappings, including 10 killings, of Christians throughout Iraq.

In July 2008, the Assyrian International News Agency (AINA) reported that a group called "The Battalion of Just Punishment, Jihad Base in Mesopotamia," which is thought to be affiliated with Al Qaeda in Iraq (AQI), sent threatening letters to Christians in and around the city of Mosul, in Nineveh governorate. On September 2, 2008, two Christians reportedly were kidnapped and killed in Mosul, including a doctor whose family reportedly had paid a ransom of \$20,000.

In late September and early October 2008, there was a wave of threats and attacks against Christians in Mosul, in which at least 14 Christians were killed and many more reported being threatened, spurring some 13,000 individuals to flee to villages east and north of the city and an estimated 400 families to flee to Syria. The United Nations estimated that this number is half of the current Christian population in Mosul. The Iraqi government dispatched additional security forces to the city and said that it was investigating the incidents, though as of the end of the reporting period the attackers had not been identified. Christian leaders also called for an international investigation. In a November 11 attack, two Christian girls were killed in Mosul, their mother injured, and their home bombed. By early 2009, however, the UN refugee agency (UNHCR) reported that approximately 80% Christians who had fled Mosul in the wake of the fall attacks had returned to their homes.

In mid-January 2009, a Christian man in Mosul reportedly was shot execution-style and killed, and earlier in the month another Christian was kidnapped, held for four days, and released after paying a \$50,000 ransom. In early April 2009, International Christian Concern reported that four Christians were killed in two days in Baghdad and Kirkuk. On April 26, 2009, three Christians reportedly were killed and two others wounded in two different attacks in Kirkuk.

According to press reports, Iraqi Christians celebrated Christmas 2008 without incident, including in Baghdad and Mosul, though some churches held services during the daytime or on December 23 for security reasons. In addition, the Iraqi government declared Christmas an official holiday for the first time, and the Interior Ministry sponsored a public Christmas fair in a Baghdad park. In early April 2009, according to AINA, thousands of Assyrian Christians participated in an incident-free Palm Sunday procession in the Nineveh province town of Baghdede. Easter services also were celebrated without violence this year, including in Baghdad and Basra. An Easter service in Baghdad's Mansour neighborhood presided over by Chaldean Cardinal Emmanuel III Delly was broadcast on Iraqi state television.

According to the Mandaean Human Rights Group, from January 2007 to February 2008, the Mandaean community in Iraq suffered 42 killings, 46 kidnappings, 10 threats, and 21 attacks. On February 2, 2008, 10 members of a Mandaean family in Kut were killed in a rocket attack. The Commission met with family members of the deceased in Syria in May 2008, and was told that, before the attack, this family, the only Mandaean family in Kut, had received numerous threats and warnings from extremists highlighting their religion. In September 2008, masked gunmen attacked a Mandaean family's shop in Baghdad, killing the owner, his brother, and his eight-year-old son, and looting the shop. On April 19, 2009, three Madaeans reportedly were shot and killed in their jewellery shop in Baghdad; two others were injured seriously.

UNAMI has reported that, in the first half of 2008, at least five Yazidis were killed in the northern Iraqi town of Sinjar. On December 7, 2008, two Yazidis reportedly were killed in a liquor store in Mosul. On the night of December 14, 2008, seven members of a Yazidi family were gunned down in their home in Sinjar. Over two days in late March 2009, according to press reports, the bodies of two Yazidi men were found in fields near Mosul.

Little is known about the situation of Iraq's tiny Baha'i and Jewish communities. The Baha'i faith, estimated to have only 2,000 adherents in Iraq, remains prohibited under a 1970 law. Iraq's ancient and once large Jewish community now numbers fewer than 10, who essentially live in hiding. Many Jews left Iraq in the years following the founding of the state of Israel, and a law passed in March 2006 precludes Jews who emigrated from regaining Iraqi citizenship. According to the State Department, anti-Semitism remains a "cultural undercurrent" in Iraq. In September 2008, the Iraqi government announced the prosecution of parliamentarian Mithal al-Alusi for the "crime" of traveling to Israel, an "enemy country" under a Saddam-era law that has not been enforced against anyone other than al-Alusi.⁶ The parliament also voted to prevent al-Alusi from attending future parliamentary sessions or from traveling outside Iraq, and stripped him of his immunity and parliament-funded body guards. On November 24, al-Alusi was acquitted by an Iraqi court, which ruled that his visit was not contrary to Iraqi law because passports no longer prohibited Iraqis from entering Israel.

To address their lack of security and political and economic marginalization, some Iraqi minority groups, both inside and outside Iraq, have been campaigning for what is variously described as a protected, semi-autonomous, or autonomous area for Christians, and some say for other minorities as well, in the Nineveh Plains area of Nineveh governorate. These options are proposed to 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 Iraqi government remain disputed even among those who say that they favor autonomy. The idea of greater autonomy for minorities in Iraq was recently discussed and endorsed, though with disagreement as to the details, by most members of Iraqi minority diaspora communities at a conference at George Washington University in November 2008. By contrast, some Iraqi minority individuals and groups with whom the Commission met in Iraq, Jordan, Syria, and Sweden, as well as a minority at the George Washington diaspora conference, oppose the idea.

In June 2008, the Iraqi Prime Minister reportedly established a committee, said to include Christians and Yazidis, to advise him on minority issues, although the committee's specific membership, duties, and powers remain undisclosed. However, in discussions with representatives of Iraqi religious minority communities in November 2008, the Commission was told that many in these communities view this committee as illegitimate because its members were selected by the Prime Minister, not by the communities themselves, and do not actively advance minority concerns. Additionally, the Mandaean representative with whom the Commission spoke was completely unaware of the Prime Minister's committee or whether his community was represented on it. Also, little is known about the committee's activities or meetings since its creation.

Sunni-Shi'a Relations

In past years, many serious sectarian abuses were attributed to actors from the Shi'a-dominated Iraqi Ministry of Interior (MOI) and Ministry of Defense (MOD), and by armed Shi'a groups with ties to the Iraqi government or elements within it. The apparent collusion between state security forces and paramilitary groups featured prominently in the Commission's 2007 *Annual Report*, as well as in the

State Department's 2007 human rights and religious freedom reports.

In its 2008 *International Religious Freedom Report*, the State Department reported a marked decline in the sectarian misappropriation of official Iraqi government authority. However, the Department's 2008 human rights report, released in February 2009, continues to identify "misappropriation of official authority by sectarian, criminal and extremist groups" as among the significant and continuing human rights problems in the country. According to that report, during 2008, government agents continued to commit documented instances of torture and other abuses along sectarian lines, particularly by the security forces and in detention facilities. In addition, the State Department reported that during 2008 "Shia militias and armed paramilitary groups, some substantially incorporated into the ISF [Iraqi Security Forces] ... frequently attacked civilians and government officials." The report also expressed concern about the predominately Shi'a security forces' "inability to ... retain Sunni personnel and convince Sunni communities that they were not biased in their enforcement."

Other reports confirm that sectarian influences on government authority have not been fully eliminated. In May 2008, a U.S. Institute of Peace report concluded that, although improvements had been made by the post-2006 Interior Minister and his coalition advisors, "the U.S. remains far from its goal of creating an effective Interior Ministry and Iraqi police force that can protect all Iraqi citizens." The report urged heightened efforts to improve the MOI's institutional capacity, to focus less on meeting the numbers of police recruited and more on quality and results, and to address the force's continuing sectarian imbalance. Also in May 2008, the U.S. Embassy in Baghdad reported continuing problems with the professionalism of the Iraqi police. In June 2008, a report by the Government Accountability Office concluded that sectarian and militia influences remained a problem undermining Iraq's security forces.

Recent escalating tensions and violence between the Iraqi government and some Sunni “Sons of Iraq” groups are particularly troubling. The Sons of Iraq are local security groups that include former insurgents who switched sides in exchange for U.S.-paid salaries. The Iraqi government is now responsible for paying these groups, and has promised to find them jobs in the police, security forces, or public sector. In recent months, however, there have been widespread complaints from the Sons of Iraq that the government has stopped paying them, given only a few of them jobs, and arrested or issued arrest warrants for some of their leaders and members. In late March 2009, the government’s arrest of a Sons of Iraq leader in the Baghdad neighborhood of Fadhil led to several days of clashes between Sons of Iraq members and Iraqi government and coalition forces. The following week, there was a spate of bombings that killed at least 40 people in Shi’a neighborhoods in Baghdad, including one near the city’s most important Shi’a shrine, raising fears of renewed sectarian conflict.

The State Department also reported that there were allegations during 2008 of religiously-based employment discrimination by the government, in which “[s]everal ministries reportedly hired and favored employees who conformed to the religious preference of the respective minister.”

Organized groups outside of the government continue to commit serious sectarian abuses, notably by the Sunni-dominated insurgency and indigenous and foreign extremist groups. Despite the decline in violence in the country, religiously-motivated insurgent and extremist attacks continued to occur in 2008 and 2009.

On January 17, 2008, a suicide bomber killed eight religious pilgrims celebrating Ashura near a Shi’a mosque in Baquba, the capital of the volatile Diyala province. On February 15, 2008, two suicide bombers attacked a Shi’a mosque in the Turkomen town of Tal Afar in northern Iraq.⁷ On February 24 and 25, suicide bombers targeted Shi’a pilgrims en route to Karbala for the festival of Arbaeen, killing 63 people and injuring more than 100. At the end of July, Shi’a pilgrims taking part in

a festival in the Karrada section of Baghdad were targeted in a shooting that killed seven and, the following day, in coordinated suicide bombings that killed 32 and injured at least 64. Although Baghdad experienced the quietest Ramadan in three years, there still were five suicide attacks in the city during the late September/early October 2008 Eid al-Fitr holiday marking the end of the holy month, several of which were directed at Shi’a mosques. On December 27, 2008—just before the beginning of the holiest month in the Shi’a calendar, which includes the holiday of Ashura—a car bomb exploded near the entrance to an important Shi’a shrine in Baghdad, killing at least 24 people and wounding at least 46, many of whom were Shi’a pilgrims.

On January 3, 2009, a suicide bomber killed at least 40 people and wounded at least 76 at the same shrine. Following the latter incident, the Iraqi government banned women from the area around the shrine, citing security concerns and the lack of female security officers to search women. The government also increased security for Ashura celebrations elsewhere, including in the cities of Najaf and Karbala. However, despite these efforts, on February 13, a suicide bomber killed 35 people in a charity tent providing food and drink to pilgrims en route to Karbala and on February 16, the last day of the holy month, eight Shi’a pilgrims returning from Karbala to Baghdad were killed by two separate roadside bombs.

Over several days in late April 2009, there were a number of attacks against Shi’a areas, sites, and pilgrims for which the extremist group the Islamic State of Iraq reportedly claimed responsibility on a website. On April 23, one suicide bombing targeted Iranian pilgrims passing through a town in Diyala governorate, killing more than 50; another targeted women and children waiting to receive food aid in a predominately Shi’a neighborhood of Baghdad, killing at least 28. On April 24, as worshippers were arriving for Friday mid-day prayers, two suicide bombers killed at least 60 people and injured 125 outside the same Baghdad shrine that had been targeted in December and January. Iraqi officials said that this was the deadliest single attack in Iraq this year and the most

serious attack on a Shi'a holy site since the February 2006 Samarra mosque bombing. The press reported that Prime Minister al-Maliki promptly created a special committee to investigate the attack and ordered the detention of the police commanders responsible for security in the area around the shrine.

In addition, on April 22, 2009, a suicide bombing inside a Sunni mosque in the central Iraqi town of Dhuluiya killed at least five people and wounded 15.

The Situation of Women and Other Vulnerable Groups

Women and girls in Iraq also have suffered religiously-motivated violence and abuses, including killings, abductions, forced conversions, restrictions on movement, forced marriages, and reportedly other violence including rape. Women considered to have violated Islamic teachings and other politically active females have been targeted by Sunni and Shi'a extremists alike. Fearing attacks, some women reportedly decided against running as candidates in the January 2009 provincial elections. Some parents reportedly have taken their daughters out of school fearing attacks or because they have been told that girls' education is forbidden by Islam. According to the State Department, in 2008 women in Iraq continued to be "pressured to wear veils or face security threats, regardless of the individual's religious affiliation."

The State Department recently reported that during 2008, according to local statistics, 72 women were killed in the Basra area for various reasons, including honor killings and domestic violence. According to the State Department, Basra police told reporters in mid-2008 that 15 women a month were killed there allegedly for breaching Islamic dress codes.

So-called "honor" killings continue to be a serious problem in the Kurdish regions, where during the Commission's March 2008 visit, the KRG Minister for Human Rights stated that the incidence of such crimes has continued to increase since 2005. UNAMI has reported that from January to June 2008,

56 women were murdered and 150 burned in Kurdistan, and that many of these instances followed the pattern of "honor" killings. On the 2008 International Day on the Elimination of Violence against Women, the UN Special Rapporteur on Violence against Women reported that "honor" killings are among the primary causes of unnatural deaths among women in northern Iraq and that incidents of self-immolation are increasing. Throughout the country, the Special Rapporteur said, perpetrators of "honor" killings, even if known, are rarely brought to justice.

In July 2007, the KRG created a commission to try to reduce "honor" killings and made changes to its laws to help ensure the prosecution and punishment of perpetrators. The commission has subsequently established a board to monitor the implementation of the new laws. However, according to UNAMI, prosecution is often hampered by insufficient evidence, reluctance of witnesses to testify, and courts granting leniency in the punishment of such crimes.

UNAMI has reported that the Women's Committee of the Kurdistan National Assembly (KNA) has drafted proposed legislation to address a wide-ranging list of concerns to women, including underage and forced marriages, physical and other forms of violence, matrimonial entitlements, grounds for divorce, inheritance, and social status edicts found in the Personal Status Law. In November 2008, the KNA passed amendments to the 1959 personal status law forbidding forced marriages and punishing relatives who forced unwanted or prevented wanted marriages.

Religiously-motivated violence and abuses also continue to be serious threats to Muslims who reject orthodox interpretations of Islam, particularly academics targeted for their allegedly secular views and teachings. Professors have experienced persistent threats of kidnapping and murder (often along sectarian lines) and university campuses have been targets of violent attacks. According to the Iraqi Ministry of Higher Education, from 2003 to March 2007, more than 200 incidents of targeted assassinations and abductions of academic

professionals were reported. The State Department reported the killings of two academics in Baghdad and Mosul in early 2008. The UN Scientific, Education, and Culture Organization (UNESCO) reported in 2007 that thousands of teachers had fled Iraq, and there have been reports that Iraqi public universities and their departments have fractured along sectarian lines. According to the State Department's most recent human rights report, in 2008 "in the central and southern parts of the country, there were a number of reports of threats by militia, extremists, or insurgent groups against schools and universities, urging them to modify activities, favor certain students, or face violence," and the institutions often complied with these threats.

Finally, as the Commission previously has reported, homosexuals in Iraq also have been victims of religiously-motivated violence and abuses. In October 2005, Grand Ayatollah Ali Sistani issued a fatwa forbidding homosexuality and calling for gays and lesbians to be killed "in the most severe way." Subsequent reporting, later verified by UNAMI, revealed the establishment of *ad hoc* religious tribunals led by Shi'a clerics, with penalties ranging from lashes to arbitrary killings. Members of Iraq's gay and lesbian community have reported muggings, severe beatings and even rape by members of the Shi'a-dominated Iraqi Security Forces. In a May 2006 letter to a U.S.-based advocacy group, the State Department said that it was "troubled" by reports of "threats, violence, executions, and other violations of humanitarian law against members of the gay and lesbian community in Iraq."⁸ According to the State Department, there continued to be reports of societal discrimination and violence against individuals based on their sexual orientation in 2008.

According to press reports, over two months in early 2009, as many as 25 men and boys suspected of being homosexual were found dead in Baghdad's Sadr City neighborhood, some with notes with the word "pervert" pinned to their bodies. Reportedly, Shi'a clerics in local mosques have been preaching regularly that homosexuality in Iraq must be destroyed, and a Sadr City police official, quoted in the *New York Times*, attributed many of the killings

to family members seeking to restore the family's honor. Others, however, suspected Shi'a militias.

The Plight of Iraqi Refugees and Internally Displaced Persons

The Extent and Causes of the Crisis

The confluence of sectarian violence, religious persecution, and other serious human rights violations has driven millions of Iraqis from their homes to other areas of the country and to countries outside Iraq. UNHCR reports that an estimated two million Iraqis have taken refuge in neighboring countries, primarily Syria and Jordan.⁹ UNHCR also estimates there are 2.8 internally displaced persons (IDPs) within Iraq. Most of the displaced, including more than half of the IDPs, left in the aftermath of the February 2006 bombing of the Al-Askari mosque in Samarra and the wave of sectarian violence that followed.

The International Organization for Migration (IOM) has reported that 61 percent of the Iraqi IDPs it has interviewed said that they had fled their previous homes because of a direct threat to their lives, and of these, 85 percent reported being targeted because of their religious or sectarian identity. According to a 2007 UNHCR-sponsored survey of Iraqi refugees in Syria, 57 percent of respondents fled because of a direct threat to his/her life, 78 percent had a family member who had been killed between 2003 and the time of the survey, 62 percent of whom were killed by a militia, 28 percent by unknown persons, and two percent by al-Qaeda in Iraq.

Members of Iraq's smallest religious minority communities, particularly ChaldoAssyrian Christians, Sabean Mandaeans, and Yazidis, comprise a disproportionate number of registered Iraqi refugees. Although they comprise only approximately three percent of Iraq's pre-war total population, these minorities represent approximately 17 percent of the refugees who have registered with UNHCR in Jordan and in Syria to date.¹⁰ In Turkey and Lebanon, Christians represent 57 and 25 percent of registered refugees, respectively. Yazidis have

fled overwhelmingly to Syria, where they represent approximately 0.6 percent of the registered refugees. According to the Iraqi Ministry of Displacement and Migration, almost half of Iraq's smallest religious minority population has fled abroad.

Non-Muslim religious minorities, particularly Christians, were among the first to flee Iraq in response to bombings of churches, kidnappings and killings of religious leaders, and targeted violence against them because of their religion. During Commission trips to the region in 2007 and 2008, Christian, Mandaean, and Yazidi refugees and IDPs provided accounts of violent attacks, kidnapping, rape, murder, torture, forced conversion, and the destruction or seizure of property, particularly businesses such as liquor stores or hair salons deemed un-Islamic. These individuals told the Commission that they were targeted because they do not conform to orthodox Islamic practices and/or because, as non-Muslims, they are perceived to be working for the U.S.-led coalition forces. They also reported being forced to pay a protection tax. Many reported fleeing their homes in fear after receiving threats to "convert, leave, or die." In addition, they told of their places of worship being bombed and forced to close and their religious leaders being kidnapped and/or killed.

Large numbers of Iraqi Muslims have been displaced as well. IOM reports that Shi'a Arabs represent 60 percent of IDPs and Sunni Arabs 28 percent. In Jordan, Sunni Muslims comprise 59 percent of the registered refugees while Shi'a Muslims make up only 27 percent. In Syria, Sunni Muslims represent 58 percent of the registered refugees and Shi'a Muslims 19.5 percent.

Sunni and Shi'a Muslim refugees told the Commission of receiving death threats, of family members being killed and kidnapped, of their houses being destroyed, and of forced displacements. Some refugees reported being targeted because of jobs held by them or their relatives, either connected to the U.S. government or to the former Ba'athist regime. Other refugees spoke of being targeted because they were part of a mixed Muslim marriage or because their family was Sunni in a predominately Shi'a

neighborhood or vice versa. Many stated that the sectarian identities of their relatives and friends were either not known or not important before 2003, and several spoke of their families including both Sunnis and Shi'as and of the diverse nature of neighborhoods before the sectarian violence.

Protection and Assistance

In neighboring countries and throughout Iraq, the initial welcome of displaced Iraqis has worn increasingly thin. The increased influx of refugees in 2006 and 2007 strained public service resources in Syria, Jordan, Egypt, and Lebanon, and all imposed strict entry requirements. It is now almost impossible for Iraqi refugees to seek refuge in these countries. UNHCR and IOM report that 11 of 18 Iraqi governorates have imposed entry requirements for economic and security reasons.

Iraqi refugees and IDPs face great humanitarian needs. Other than in Lebanon, where a sponsorship is required, Iraqi refugees are not permitted to work legally in any of the neighboring countries to which they have fled, and many are running out of or have already exhausted the money they brought from Iraq. Access to adequate shelter, food, and medical care remain serious problems for all displaced persons, as host countries find their basic services overburdened. Many children do not attend school. Refugees International has reported that militias and other non-state actors are filling the humanitarian void by providing assistance such as settling housing disputes and providing food and other items to IDPs.

Returns

Since the end of 2007 and throughout 2008, a number of Iraqi refugees and IDPs have returned to their previous homes or areas. The vast majority settled into neighborhoods or governorates controlled by members of their own religious community. UNHCR reported that 220,610 refugees and IDPs returned to their areas of origin in 2008, though not necessarily to their original homes. The vast majority, more than 195,000, were IDPs. ChaldoAssyrian Christians, Mandaeans, and Yazidis

are not believed to have been among these returnees. Refugee advocates, humanitarian organizations, and UNHCR continues to caution against returns due to insecurity in the country and the lack of an adequate system to manage returns.

Interviews with some returning refugees indicate that they are returning because of the difficult economic conditions in their countries of asylum. The Iraqi government is providing returning families with cash assistance, but concerns remain about security, inadequate employment opportunities, and services.

In July 2008, the Iraqi Ministry of Displacement and Migration (MoDM) announced a national policy on IDPs which prohibits discrimination against displaced persons; affirms the government's commitment to prevent displacement, confront perpetrators, and protect property left behind; and affirms that IDPs have the right to return to their places of origin, to integrate locally, or to resettle elsewhere in Iraq.

In May 2008, Prime Minister al-Maliki announced that the Iraqi government would provide the MoDM with \$195 million to promote returns. In August 2008, the government of Iraq announced an effort to identify and remove squatters occupying the homes of refugees and IDPs and provide compensation to those who leave voluntarily. The order also established centers in Baghdad to facilitate returns and called for the development of a system to duplicate these centers countrywide. However, this property return program is available only to refugees and IDPs who fled their homes between January 1, 2006 and January 1, 2008. Furthermore, the program only applies to property disputes in Baghdad, not the entire country.

U.S. Government Policies toward Iraqi Refugees and IDPs

Since fiscal year 2007, the United States has contributed approximately \$569 million to various UN and non-governmental organizations assisting Iraqi refugees and IDPs. Also beginning in fiscal year 2007, the U.S. government increased its efforts

to resettle Iraqi refugees to the United States. From January 2007 to February 2009, more than 19,000 Iraqi refugees were resettled to this country, including 13,823 in fiscal year 2008. While the numbers initially referred to and admitted in to this country were low, the United States is now the largest recipient of UNHCR referrals of Iraqis for resettlement and the largest recipient of resettled Iraq refugees. The State Department has announced that the U.S. government expects to admit a minimum of 17,000 Iraqi refugees for resettlement in fiscal year 2009.

In February 2008, the State Department announced a new policy increasing direct access for certain Iraqis to the U.S. Refugee Admissions Program, as required by the Refugee Crisis in Iraq Act of 2007.¹¹ Among the requirements of that Act is the creation of a new Priority 2 (P2) category in the U.S. Refugee Admission Program for certain Iraqis from "religious or minority" communities with close family members in the United States, allowing them to apply directly for resettlement in the U.S. without first having to be referred by UNHCR.¹² The amendment also authorized the Secretary of State to create additional P2 categories for other vulnerable Iraqis.¹³

The policy announced by the State Department does not expressly refer to any particular community or communities, nor to "religious or minority" communities as the Act stipulated. Instead, it focuses on the close family aspect of the statutory provision. The new category applies to Iraqis in Egypt or Jordan "who are the spouses, sons, daughters, parents, brothers or sisters of a citizen of the United States, or who are the spouses or unmarried sons or daughters of a Permanent Resident Alien of the United States, as established by their being or becoming beneficiaries of approved family-based I-130 Immigrant Visa Petitions." Many of the religious minority asylum seekers, refugees, and IDPs with whom the Commission met in Sweden, Jordan, Syria, and Iraq have family members in the United States, but in most cases, they are extended family or the family members are not yet U.S. citizens or permanent residents; thus, the new P2

category that was created pursuant to the Act will not apply to them.

Commission Activities

The Commission's December 2008 Iraq report reflected travel, interviews, briefings, meetings, and other activities undertaken in 2007 and 2008. These activities included two public hearings in Congress in July and September 2007, the first examining threats to Iraq's smallest religious minorities and the second focusing on links between sectarian violence and the Iraqi refugee crisis. In November 2007, Commission staff traveled to Jordan and Sweden, and in March and May 2008, Commissioners traveled to Jordan, Iraq, and Syria to meet with Iraqi asylum seekers, refugees, and internally displaced persons, as well as officials of the Iraqi, Kurdish, and U.S. governments and international and non-governmental organizations. The Commission also met with administration officials and Iraq experts in Washington and had several video conferences with key U.S. and Iraqi government officials and minority community leaders in Baghdad.¹⁴

Since 2003, the Commission has advocated for religious freedom and universal human rights protections for all persons in Iraq, primarily by calling for constitutional and legal reforms to ensure these rights are guaranteed and enforced in law. The Commission also has reported on other religious freedom issues, noting improvements in some areas but new and continuing problems in others—including the alarming levels of religiously-motivated violence and human rights abuses and the extreme vulnerability of non-Muslims, including ChaldoAssyrian Christians, other Christians, Sabeen Mandaeans, and Yazidis.

In 2006, the Commission concluded that the United States' direct involvement in Iraq's political reconstruction created a special obligation to act vigorously, together with the Iraqi leadership, to address the alarming levels of sectarian violence and religiously-motivated human rights abuses taking place in Iraq and to implement the legal, judicial and other institutional reforms necessary to implement

human rights protections there. The Commission also warned that the level of violence and abuses, and the resulting flight, of members of Iraq's smallest minorities threatened to end these ancient communities' presence in Iraq. The Commission recommended a number of security and other measures for immediate adoption, including the placement of a senior official at Embassy Baghdad to address human rights violations.

In May 2007, the Commission placed Iraq on its Watch List, citing escalating unchecked sectarian violence, mounting evidence of collusion between Shi'a militias and Iraqi government ministries, and the grave conditions affecting the country's smallest religious minorities.¹⁵ In a subsequent May 2007 meeting with, and September 2007 letter to, Secretary of State Condoleezza Rice, the Commission urged U.S. action to address the severe threats to these minorities, including through security, humanitarian, development, and reconciliation measures. Among other recommendations, the Commission proposed that the State Department convene urgent meetings both inside and outside Iraq, bringing together representatives of Iraq's non-Muslim minorities to hear directly from them what the U.S. and Iraqi governments could do to protect their communities. In December 2008, the Commission recommended that Iraq be considered by the State Department for CPC designation and issued a lengthy report with detailed policy recommendations urging, among other measures, greater U.S. focus on the prevention of abuses against religious minorities.

The Commission also repeatedly has called attention to the dire plight of Iraqi refugees and IDPs and urged the U.S. government both to increase humanitarian assistance and to expand and expedite its refugee and asylum programs for Iraqis fleeing religious persecution. Since 2007, the Commission has advocated for a P2 category to allow Iraq's smallest, most vulnerable religious minorities, including ChaldoAssyrian Christians, Sabeen Mandaeans, and Yazidis, direct access to the U.S. resettlement program without having to be referred by UNHCR, as well as for expanded family

reunification options for these particularly vulnerable refugees.

Recommendations for U.S. Policy

The Commission recommends the following actions to advance human rights protections for all Iraqis, including the freedom of thought, conscience, and religion or belief, and to address the plight of Iraq's most vulnerable and smallest religious minorities.

I. Ensuring Safe and Fair Elections

To ensure that upcoming national elections, expected in December, are safe, fair, and free of intimidation and violence, the U.S. government should:

- lead an international effort to protect voters and voting places and to monitor the elections;
- direct U.S. military and coalition forces, where feasible and appropriate, to provide heightened security for the elections, particularly in minority areas, such as in Nineveh governorate, where there were irregularities in previous elections; and
- urge the Iraqi government at the highest levels to ensure security and to permit and facilitate election monitoring by experts from local and international NGOs, the international community, and the United Nations, particularly in minority areas, such as in Nineveh governorate, where there were irregularities in previous elections.

II. Ensuring Security and Safety for all Iraqis

To protect the security and human rights of all members of religious communities, particularly vulnerable religious minorities such as ChaldoAssyrian Christians, Sabean Mandaean and Yazidis, the U.S. government should urge the Iraqi government at the highest levels to:

- urgently establish, fund, train, and deploy police units for vulnerable minority communities that are as representative as possible of those communities, ensure that minority police recruits are not excluded from nor discriminated against in the recruitment process, in promotion and command leadership opportunities, or in the terms and conditions of their employment, and ensure to the maximum extent possible that such police units remain in their locations of origin and are not transferred to other cities as has been done in the past;
- continue efforts to ensure that new national identification cards do not list religious or ethnic identity, and expedite the development and issuance of such cards; and
- take steps to enhance security at places of worship, particularly in areas where religious minorities are known to be at risk.

To eliminate remaining sectarianism in the Iraqi government and security forces and reduce sectarian violence and human rights abuses, the U.S. government should urge the Iraqi government at the highest levels to:

- ensure that Iraqi government revenues neither are directed to nor indirectly support any militia, para-state actor, or other organization credibly charged with involvement in severe human rights abuses;
- suspend immediately any government personnel charged with engagement in sectarian violence and other human rights abuses, undertake transparent and effective investigations of such charges, and bring the perpetrators to justice; and
- continue the process of ensuring a greater sectarian integration into the government and security forces so that they better reflect the diversity of the country.

III. Making Prevention of Abuses against Religious Minorities a High Priority

To address the severe abuses against Iraq's most vulnerable and smallest religious minorities, the U.S. government should urge the Iraqi government at the highest levels to:

- replace the existing Prime Minister's minorities committee with one that is independent and includes representatives of all of Iraq's ethnic and religious minority communities who are selected by the communities themselves, and ensure that this committee has access for communicating minority concerns to senior officials of the Iraqi government and the international community;
- work with minority communities and their representatives to develop measures to implement Article 125 of the Iraqi Constitution, which guarantees "the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all the other constituents," in Nineveh and other areas where these groups are concentrated;
- direct the Ministry of Human Rights to investigate and issue a public report on abuses against and the marginalization of Iraq's minority communities and make recommendations to address such abuses;
- make public the results of the Iraqi government's reported investigation into the fall 2008 attacks against Christians in Mosul when that investigation is completed, and bring the perpetrators of those attacks to justice; and
- enact constitutional amendments to strengthen human rights guarantees in the Iraqi Constitution, including by:

--clarifying sub-clause (B) in Article 2 that no law may contradict "the rights and basic freedoms stipulated in this constitution" to make clear that these rights and freedoms include the

principles of equality and nondiscrimination and the human rights guaranteed under international agreements to which Iraq is a State party;

--deleting sub-clause (A) in Article 2 that no law may contradict "the established provisions of Islam" because it heightens sectarian tensions over which interpretation of Islam prevails and improperly turns theological interpretations into constitutional questions;

--revising Article 2's guarantee of "the Islamic identity of the majority" to make certain that this identity is not used to justify violations of the individual right to freedom of thought, conscience, religion or belief under international law;

--ensuring that minority identity is also guaranteed, including the rights of all individual members of ethnic, religious or linguistic minorities to enjoy and develop their culture and language and practice their religion;

--making clear that the default system for personal status cases in Iraq is civil law, that the free and informed consent of both parties is required to move a personal status case to the religious law system, that religious court rulings are subject to final review under Iraq's civil law, and that the appointment of judges to courts adjudicating personal status matters, including any religious courts, should meet international standards with respect to judicial training; and

--removing the ability of making appointments to the Federal Supreme Court based on training in Islamic jurisprudence alone, and requiring that, at a minimum, all judges have training in civil law, including a law degree.

In addition, the U.S. government should:

- immediately revive the U.S. government's internal Inter-Agency Task Force on Iraqi Minority Issues and direct it to consider and recommend policies for the U.S. government to

implement to address the needs of these vulnerable communities; and

- facilitate a series of conferences, both inside and outside Iraq, bringing together representatives of Iraq's smallest religious minorities to allow them to discuss and help them come to consensus on recommendations to the U.S. and Iraqi governments on measures to protect their communities.

IV. Ensuring that the Kurdistan Regional Government Upholds Minority Rights

To address the marginalization of religious and ethnic minorities in northern Iraq, including in disputed areas, the U.S. government should:

- press the Kurdistan Regional Government (KRG) and Kurdish officials in neighboring governorates to cease alleged interference with the creation, training, and deployment of representative police forces for minority communities, and link progress on representative policing to U.S. financial assistance and other forms of interaction with the KRG;
- demand immediate investigations into and accounting for allegations of human rights abuses by Kurdish regional and local officials against minority communities, including reports of attacks on minorities and expropriation of minority property, and make clear that decisions on U.S. financial and other assistance will take into account whether perpetrators are being investigated and held accountable; and
- work with Iraqi and KRG officials to establish a mechanism to examine and resolve outstanding real property claims involving religious and ethnic minorities in the KRG region and neighboring governorates.

V. Re-Focusing U.S. Financial Assistance

To address the marginalization of religious and ethnic minorities in northern Iraq, including in disputed areas, the U.S. government should:

- direct U.S. assistance funds to projects that develop the political ability of ethnic and religious minorities to organize themselves and effectively convey their concerns to the government;
- declare and establish a fair allocation of U.S. foreign assistance funding for ChaldoAssyrian Christian, Sabeen Mandaean, Yazidi, and other small religious and ethnic minority communities, ensure that the use of these funds is determined by independent minority national and town representatives, and establish direct lines of communication between such independent structures and U.S. Provincial Reconstruction Team Nineveh, separate from the Iraqi government and the Kurdistan Regional Government, in order to ensure that U.S. assistance fairly benefits all religious and ethnic minority groups and is not being withheld by local and regional government officials; and
- require that the Government Accountability Office, the Special Inspector General for Iraq Reconstruction, or another appropriate entity conduct an independent audit of past and current U.S. and Iraqi government reconstruction and development assistance to religious and ethnic minority areas, and provide recommendations for future assistance.

To eliminate remaining sectarianism in the Iraqi government and security forces and reduce sectarian violence and human rights abuses, the U.S. government should:

- ensure that U.S. foreign assistance and security assistance programs do not directly or indirectly provide financial, material or other benefits to 1) government security units and/or para-governmental militias responsible for severe human rights abuses or otherwise engaged in sectarian violence; or 2) political parties or other organizations that advocate or condone policies at odds with Iraq's international human rights obligations, or whose aims include the

destruction or undermining of such international human rights guarantees; and

- fund programs to educate and train Ministry of Interior and Ministry of Defense personnel on international human rights standards, particularly as they relate to religious freedom.

To advance human rights protections for all Iraqis, the U.S. government should:

- fund capacity-building programs for the Iraqi Ministry of Human Rights, the independent national Human Rights Commission, and a new independent minorities committee whose membership is selected by the communities;
- fund the deployment of human rights experts to consult with the Iraqi Council of Representatives and the constitutional amendment committee and assist with legal drafting and implementation matters related to strengthening human rights provisions, including freedom of thought, conscience, and religion or belief;
- fund workshops and training sessions on religion/state issues for Iraqi officials, policymakers, legal professionals, representatives of non-governmental organizations (NGOs), religious leaders, and other members of key sectors of society; and
- expand the Iraqi visitors program through the State Department to focus on exchange and educational opportunities in the United States related to freedom of religion and religious tolerance for Iraqi officials, policymakers, legal professionals, representatives of NGOs, religious leaders, and other members of key sectors of society.

VI. Addressing Religious Extremism

To address concerns of religious extremism in Iraq, the U.S. government should:

- continue to speak out at the highest levels to condemn religiously-motivated violence by both

Shi'a and Sunni groups, including violence targeting women and members of religious minorities, as well as efforts by local officials and extremist groups to enforce religious law in violation of the Iraqi Constitution and international human rights standards;

- urge the Iraqi government at the highest levels to locate and close illegal courts unlawfully imposing extremist interpretations of Islamic law;
- give clear directives to U.S. officials and recipients of U.S. democracy-building grants to assign greater priority to 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, and build judicial capacity to foster the rule of law; and
- fund civic education programs in schools that teach religious tolerance and the historical nature of Iraq as a multi-religious and multi-ethnic state.

VII. Promoting Respect for Human Rights

To address past and current reports of human rights violations in Iraq, the U.S. government should:

- appoint and immediately dispatch a Special Envoy for Human Rights in Iraq to Embassy Baghdad, reporting directly to the Secretary of State, to serve as the United States' lead human rights official in Iraq; to lead an Embassy human rights working group, including the senior coordinators on Article 140 issues, on corruption, and on the rule of law, as well as other relevant officials including those focusing on minority issues; and to coordinate U.S. efforts to promote and protect human rights in Iraq; and
- appoint immediately one or more U.S. advisors under the Department of State's Iraq Reconstruction Management Office to serve as liaisons to the Iraqi Ministry of Human Rights.

To address past and current reports of human rights violations in Iraq, the U.S. government should urge the Iraqi government at the highest levels to:

- undertake transparent and effective investigations of human rights abuses, including those stemming from sectarian, religiously-motivated, or other violence by Iraqi security forces, political factions, militias or any other para-state actors affiliated with or otherwise linked to the Iraqi government or regional or local governments, and bring the perpetrators to justice;
- cooperate with international investigations of such abuses; and
- create and fully fund the independent national Human Rights Commission provided for in the Iraqi Constitution and ensure that this Commission is non-sectarian, that it has a mandate to investigate individual complaints, and that its functions and operations are based on the UN's Paris Principles.

To respond to reports of the confiscation of houses of worship, the U.S. government should urge the Iraqi government at the highest levels to:

- promptly terminate any seizures and conversions of places of worship and other religious properties, restore previously seized and converted properties to their rightful owners, and provide appropriate compensation.

VIII. Addressing the Situation of Internally Displaced Persons and Refugees

To address the humanitarian needs of Iraqi internally displaced persons (IDPs) and refugees, the U.S. government should:

- fund a much larger proportion of all UN appeals for humanitarian assistance to Iraqi IDPs and refugees;

- urge the Iraqi government to fund a much larger proportion of all UN appeals for humanitarian assistance to Iraqis and to increase its own assistance to IDPs;
- utilize diplomatic efforts to urge U.S. allies in Iraq to increase humanitarian assistance to, and resettlement opportunities for, vulnerable Iraqi refugees and IDPs;
- increase assistance to humanitarian organizations, host nations, and host communities that are providing necessary aid to vulnerable Iraqi IDPs and refugees, including funding programs to provide medical care for basic, advanced and chronic medical concerns, including prescription drugs; psychosocial care for victims of trauma; formal, informal, and non-formal education opportunities; direct financial assistance to alleviate the high costs of shelter; packages to provide for basic needs, including increased food distribution programs; and information campaigns;
- fund capacity-building programs for the Iraqi Ministry of Displacement and Migration to ensure that it can adequately provide assistance and protection to internally displaced persons;
- provide assistance from and guidance by the U.S. Agency for International Development to the government of Iraq to reform the Public Distribution System so that displaced Iraqis can register for and receive food rations in their new locations;
- work to ensure that no assistance is provided to IDPs by political factions, militias, or any other actor implicated in sectarian violence or other human rights abuses; and
- encourage countries to which Iraqis have fled, in particular Jordan and Syria, to allow refugees to work.

To ensure freedom of movement for Iraqis fleeing religious or other persecution, the U.S. government should:

- encourage neighboring countries, in particular Jordan and Syria, to reform border policies to enable vulnerable refugees to enter; and
- encourage Iraqi governorates to remove entry restrictions and registration policies that limit the ability of vulnerable Iraqis to enter.

To address the increasing incidents of returns or attempted returns by IDPs and refugees to their locations of origin, the U.S. government should:

- clearly state that the U.S. government does not encourage the premature return of Iraqi refugees to Iraq until necessary conditions are met, including security, assistance, legal frameworks, and integration programs;
- encourage and fund information campaigns, including “go and see visits” by religious and/or community leaders selected by the refugees/IDPs to ensure that displaced Iraqis considering return have the proper information needed to make informed decisions;
- work with the government of Iraq and international organizations to help the Iraqi government develop the legal framework necessary to address property disputes resulting when displaced Iraqis attempt to return to homes that have been occupied by others or destroyed, and stop the efforts of sectarian militias to resolve such property disputes; and
- increase the capacity of assistance organizations to provide long-term assistance, including shelter, food, and other essential services, to returning Iraqis.

To facilitate the resettlement to the United States of the most vulnerable Iraqis, the U.S. government should

- amend the U.S. Refugee Admissions Program’s new P2 category to allow Iraq’s smallest, most vulnerable religious minorities direct access to the program, and expand family reunification for

these refugees with relatives in the United States to include not only immediate family members, but also extended family such as grandparents, aunts and uncles, cousins, etc., as has been done in prior refugee crisis situations;

- ensure that members of Iraq’s smallest, most vulnerable religious minorities scheduled to be resettled to the United States are not delayed unnecessarily by 1) providing adequate personnel to conduct background screening procedures, and 2) enforcing proper application of the existing waiver of the material support bar to those forced to provide support to terrorists under duress;
- enhance the resettlement processing capabilities of the Department of Homeland Security by increasing the number of interviewing officers and allowing State Department officials to conduct interviews in order to keep pace with referrals from the UN High Commissioner for Refugees (UNHCR) and meet the statutorily-permitted maximum of admissions for the region; and
- continue to raise with UNHCR any reports of discrimination by local employees against religious minority refugees in the resettlement process.

¹ The Commission’s December 2008 report is available at www.uscirf.gov.

² *Measuring Stability and Security in Iraq*, U.S. Department of Defense, January 9, 2009

³ Simon Caldwell, “Bishop Asks: Is it the ‘End of Christianity in Iraq?’”, *Catholic News Service*, December 1, 2007.

⁴ For more detail, see the Commission’s December 16, 2008 Iraq report, available at www.uscirf.gov.

⁵ The provision deleted from the law would have set aside 15 seats for minorities (13 for Christians and one each for Yazidis and Shabaks) in six provincial councils. The compromise proposed by the United Nations would have set aside 12 minority seats in three councils (Nineveh, Baghdad, and Basra). The amendment ultimately adopted by the parliament in early November provided for six minority seats in

these councils. The United Nations proposed that Christians should get three seats on each of the three councils, but the amendment that was adopted gave Christians only one seat on each. The UN also proposed that Yazidis should get three seats on the Nineveh council, but the amendment provided for only one. In addition, Shabaks were allotted one seat in Nineveh and Mandaeans one seat in Baghdad, as the UN proposed.

⁶ The law prohibits travel to the “enemy states” of Israel, Iran, and the United States.

⁷ It is not clear whether the perpetrators of this attack were Sunni Arabs or Sunni Turkomen. If the latter, this particular incident could mark the first sign of organized sectarian violence within Iraq’s Turkomen minority community, which has both Sunni and Shi’a elements.

⁸ Lou Chibbaro, “State Dept. ‘troubled’ over anti-gay violence in Iraq,” *The Washington Blade*, May 25, 2006.

⁹ There are currently thought to be 1.2 million Iraqi refugees in Syria, 450,000 – 500,000 in Jordan, 50,000 in Lebanon, 50,000 in Iran, 20,000 – 40,000 in Egypt, 10,000 in Turkey, and 200,000 in various Persian Gulf states. These numbers are estimates only. It is difficult for the UN or the host nations to accurately tally the number of Iraqi refugees because, unlike most refugee situations, the refugees are living in cities, not in camps where they can be easily counted.

¹⁰ Registration with UNHCR is voluntary and is often of interest mainly to those refugees who wish to be resettled to a third country. As of February 2009, UNHCR had registered a little more than 310,000 Iraqi refugees throughout the region (active cases only), including 224,343 in Syria and 52,656 in Jordan.

¹¹ This Act was an amendment sponsored by Senator Edward Kennedy (D-MA) to the FY 2008 National Defense Authorization Act.

¹² A P2 designation does not guarantee resettlement of all individuals from that category who apply. Each applicant still must undergo the refugee status determination interviews and background security and medical screenings required for all asylum-seekers by U.S. law. The P2 designation does, however, speed up the process for those applicants by bypassing the UNHCR referral process, and it also allows UNHCR to focus on other vulnerable groups.

¹³ The relevant language is found in the following two sections:

Section 1243(a)(4): “Refugees of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system who may apply directly to the

United States Admission Program shall include . . . Iraqis who are members of a religious or minority community, have been identified by the Secretary of State, or the designee of the Secretary, as a persecuted group, and have close family members (as described in section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.”

Section 1243(b): “The Secretary of State, or the designee of the Secretary, is authorized to identify other Priority 2 groups of Iraqis, including vulnerable populations.”

¹⁴ The Commission was scheduled to travel to Baghdad in late October 2008, but the trip was postponed by the U.S. Embassy because it was moving into a new building. In place of the trip, the Department of State kindly facilitated a number of videoconferences with officials and individuals in Baghdad.

¹⁵ At that time, in dissent, three Commissioners concluded that based on the severe human rights and religious freedom conditions extant in the country, and the sovereign government’s complicity with, or toleration of, abuses as outlined in the Iraq chapter of the Commission’s 2007 Annual Report, Iraq should have been recommended for designation as a country of particular concern (CPC).