

KEY FINDINGS

The year 2017 concluded with the ousting from Iraqi territory of the Islamic State of Iraq and Syria (ISIS), the group that had posed the greatest existential threat to Iraq's religious minorities. Before its defeat, the group continued to launch a series of deadly attacks throughout 2017, especially in Shi'a-dominated areas, including Baghdad. In the aftermath of the liberation of areas from ISIS, particularly Sunni-dominated Mosul, human rights groups documented discrimination, torture, and reprisal killings of Sunni Muslims, many of whom were suspected of harboring ISIS sympathies. Additionally, in some locations, "ISIS family camps" were set up after many Sunni Muslims were denied the right to return to their homes. In October, following the Kurdistan Regional Government's (KRG) independence referendum, armed conflict broke out between the Iraqi Security Forces (ISF) and Popular Mobilization Forces (PMF) on one side, and the Kurdish Peshmerga units on the other, destabilizing an already volatile northern Iraq. This led to a change of control from the KRG to the government of Iraq in areas where significant numbers of religious minorities resided, including the

Nineveh Plains, Kirkuk, and the Sinjar Mountains. It remains to be seen whether or not such loss of territory from the KRG to the government of Iraq will be detrimental to the communities living in those areas. While the KRG has made clear overtures since 2014 to integrate religious minority communities into its governing bodies and local representation, the Iraqi government's plan on how it will integrate them effectively and ensure both their security and development remains unclear. Based on these concerns, in 2018 USCIRF again places the government of Iraq on its Tier 2 for engaging in or tolerating religious freedom violations that meet at least one of the elements of the "systematic, ongoing, egregious" standard for designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). Also, USCIRF finds that, based on its control of territory and conduct during the reporting period, ISIS merits designation as an "entity of particular concern," or EPC, for particularly severe religious freedom violations that occurred during this reporting period, as defined by December 2016 amendments to IRFA.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate ISIS as an EPC under IRFA, as amended by the Frank R. Wolf International Religious Freedom Act of 2016, for its control of territory and conduct in 2017;
- Apply the Global Magnitsky Human Rights Accountability Act, Executive Order 13818, or other relevant targeted tools, to deny U.S. visas to and block the U.S. assets of specific officials and agencies identified as responsible for violations of the right to freedom of religion or belief;
- Encourage both the government of Iraq and the KRG to cease conflict by peacefully negotiating through territory disputes and outstanding budget and oil revenue issues, as well as protecting the rights of all Iraqis;
- Assist the government of Iraq in swiftly implementing United Nations (UN) Security Council Resolution 2379, which includes the selection of a Special Advisor and establishment of an independent investigative team to

support domestic efforts to hold ISIS accountable for its actions in Iraq;

- Provide, in an expeditious manner, U.S. assistance to the most vulnerable communities, especially in minority areas such as predominantly Christian Nineveh Province;
- Prioritize funding for rehabilitation and stabilization for areas liberated from ISIS control to help create conditions to allow displaced communities to return, and to mitigate ethnosectarian tensions, including credible accountability and transitional justice mechanisms;
- Prioritize working with the Iraqi government to curb sectarian attacks by some elements of the PMF and armed groups that promote a sectarian agenda; and
- Stipulate in all military or security assistance to the Iraqi government and the KRG that security forces be integrated to reflect the country's religious and ethnic diversity, and provide training for recipient units on universal human

rights standards and how to treat civilians, particularly religious minorities.

The U.S. Congress should:

- Pass H.R. 390, the Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017, which mandates the provision of emergency relief to victims of genocide, crimes against humanity, and war crimes in Iraq and Syria, and seeks to provide accountability for perpetrators of these crimes; and
- Pass S. 1158, the Elie Wiesel Genocide and Atrocities Prevention Act of 2017, which seeks to enhance U.S. government capabilities to prevent, mitigate, and respond to genocide and other atrocities.
- Pass H.R. 4238, the Iranian Proxies Terrorist Sanctions Act of 2017, which imposes terrorism-related sanctions on two Iranian-controlled militias, As-Saib Ahl Al-Haq and Harakat Hizballah Al-Nujaba, that have carried out sectarian crimes in Syria.

COUNTRY FACTS

FULL NAME

Republic of Iraq

GOVERNMENT

Federal Parliamentary Republic

POPULATION

39,192,111

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Islam, Christianity, Sabean-Mandaenism, the Baha'i faith, Zoroastrianism, Buddhism, Hinduism, Judaism, folk religion

RELIGIOUS DEMOGRAPHY*

99% Muslim (55–60% Shi'a, 40–45% Sunni)

< 1% Other (includes Christians, Sabean-Mandaeans, Baha'is, Zoroastrians, Buddhists, Hindus, Jews, adherents of folk religions)

*CIA World Factbook

BACKGROUND

The past year was a pivotal one for Iraq. The most significant development in 2017 was the defeat in December of ISIS, a group that then Secretary of State Rex Tillerson declared in August was “clearly responsible for genocide against Yazidis, Christians, and Shi'a Muslims in areas it controls or has controlled.” In an effort to begin to hold ISIS accountable, in September 2017 the UN Security Council approved UN Security Council Resolution 2379 to authorize a UN investigative team to collect, preserve, and store evidence in Iraq of acts by ISIS that may be war crimes, crimes against humanity, or genocide.

In addition, the KRG's independence referendum in September triggered armed conflict between the government of Iraq and the KRG. This led to a change in control of territory and instability in several areas, including the Nineveh Plains, Kirkuk, and the Sinjar Mountains, areas heavily populated by religious minority communities. Although the Iraqi government is making efforts to curb sectarian tensions between the Sunni and Shi'a communities, as well as the Shi'a and Kurdish communities in areas where clashes took place following the

referendum, it has not been able to halt attacks by the Iranian-backed elements of the PMF that have exacerbated sectarian tensions.

Iraq has long suffered from sectarian tensions, which have adversely affected human rights and religious freedom conditions. Developments since the U.S. invasion in 2003 have led to a severely bifurcated society, with deadly tensions between the Shi'a and Sunni communities, now including Kurdish Sunni Muslims in the aftermath of the September 25 KRG independence referendum. Since 2014, Prime Minister Haider al-Abadi has attempted to reverse former Prime Minister Nouri al-Maliki's sectarian policies, but much work remains. Moreover, al-Abadi has not successfully merged the Iranian-backed PMF with the ISF, leaving them to operate outside of government control in

parts of the country, most recently in areas the PMF and ISF seized from Kurdish Peshmerga forces.

This climate helped to facilitate ISIS's rise in northern and central Iraq, and continues to pose

problems for Iraq despite ISIS's defeat. Saddam Hussein's favoritism of the Sunni population and al-Maliki's favoritism of the Shi'a population created divisions and significant distrust between the two communities; these

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tensions have only worsened over time. The Sunni population does not trust the Shi'a majority government to protect its community or incorporate its voice effectively in government; the reverse also holds true for the Shi'a population. In addition, religious minority communities, including the Yazidi and Christian communities, are skeptical of the Iraqi government's willingness and capability to protect them from both Shi'a and Sunni violent armed groups, including ISIS and elements of the PMF. The government of Iraq has tried to bring minority rights—especially within Nineveh Province—to the forefront, and in August appointed Mehdi al-Alaq as General Secretary of the Council of Representatives, with the task of hosting a conference in Bartella on the future of Iraqi minorities. That being said, many religious minority communities remain wary of the notion that religious freedom and human rights are priorities for the government.

RELIGIOUS FREEDOM CONDITIONS 2017

Disappearance of Religious Minorities

Even before ISIS's rise, the country's smallest religious communities—which include Catholics, Orthodox Christians, Protestants, Yazidis, and Sabean-Mandaean—were already significantly diminished, and their numbers have continued to decline since ISIS first appeared in Iraq in 2014. According to the Iraqi government's latest statistics from 2010, which do not necessarily capture the true population numbers, especially after the advent of ISIS, almost all of the population is Muslim. Shi'a Muslims—including Arabs, Turkmen, and Faili (Shi'a) Kurds—constitute between 50 and 60 percent of the population. Arab and Kurdish Sunni Muslims constitute 40 percent of the population. Iraq is in particular danger of losing its ancient Christian community, a population that has decreased dramatically in number over the last 15 years. According to Christian leaders, there are now fewer than 250,000 Christians in Iraq, down from a pre-2003 estimate of 1.4 million. Although Christian religious leaders have tried to encourage their followers to remain in the country, many have fled war-ravaged northwestern Iraq, which lacks security or economic opportunity. Yazidi leaders claim their community is now about 400,000–500,000, while the Kaka'i community is not more than 300,000. The Sabean-Mandaean

community is between 1,000 and 2,000, and there are fewer than 2,000 Baha'is.

Violations by ISIS

On December 9, 2017, Prime Minister al-Abadi announced the complete liberation of all Iraqi territory from ISIS. After more than three years of battle, the United States led the Global Coalition to Defeat ISIS—which included 73 partners—to fully liberate all areas from the group's control. That being said, the military defeat has not led to the release of all religious minority prisoners held by ISIS. According to various sources, of the 6,400 Yazidis once captured by ISIS, approximately 3,200 of them are still hostages, many of them as sexual slaves.

Attacks by ISIS continued throughout most of 2017. Beginning in January, as the battle to retake Mosul waged on, the group launched a series of attacks on Sadr City and Samarra. Simultaneously, the group set off bombs in Baghdad as well, bringing the total death toll in a matter of three days in the three cities to over 60. In May, during the holy month of Ramadan, the group targeted an ice cream shop in the Karrada neighborhood in Baghdad, a majority Shi'a area, killing 17 people and injuring another 32. In September, in the southern Iraqi city of Nasiriyah, a double attack launched by the group on a restaurant frequented by Shi'a pilgrims killed 84 people and injured more than 90.

Mass graves have been discovered throughout the areas previously under ISIS control. Since November 2015, over 50 mass graves have been uncovered, many of them containing Yazidi victims. Following the liberation of Mosul this year, nongovernmental organizations (NGOs) uncovered mass graves throughout northern Iraq. In February, at the Khasfa sinkhole seven kilometers outside of Mosul, 4,000 bodies were discovered, the largest mass grave found to date. Human rights groups found that ISIS would dump bodies, including those of captured policemen and Yazidi men, after mass killings. In March 2017, in Nineveh, a grave of 600 bodies from Badoush Prison and Al Jadaa was discovered. According to survivors of the massacre, ISIS separated out the Sunni and Christian prisoners from the Shi'a prisoners, ordering the Shi'a prisoners to kneel over the mass grave, where they were shot.

On September 21, 2017, after four years of negotiations with the government of Iraq, the UN Security

Council approved UN Security Council Resolution 2379 to authorize a UN investigative team to collect, preserve, and store evidence in Iraq of acts by ISIS that may be war crimes, crimes against humanity, or genocide. The resolution also creates the position of UN Special Adviser to promote accountability for war crimes, crimes against humanity, or genocide committed by ISIS, and to work with survivors in a manner consistent with relevant national laws. Prior to this resolution, there were informal efforts to prosecute captured ISIS members, such as the Nineveh Investigations Unit, which brought together 12 judges who hear approximately 40–50 cases a day. The unit claims that more than 5,000 ISIS members are being held in makeshift prisons in empty houses around Mosul, and two to three members are dying daily due to poor prison conditions. Others have been shot on sight by the PMF or the ISF. The creation of a formal accountability mechanism undoubtedly will bring appropriate attention to the atrocious crimes carried out by ISIS. It also will bring a sense of reconciliation and justice to the religious minority communities and hopefully will deter the commission of retaliatory crimes.

Violations by the Iraqi Government

Throughout 2017, the fight to defeat ISIS was the top priority for the Iraqi government. However, as more cities were liberated from the group's control, suspicion of Sunni Muslims significantly increased; as a result, Sunni Arabs were denied return to their homes and, in some instances, were attacked, tortured, killed, or forcibly disappeared. For example, following the liberation of Mosul in June 2017, members of the local Sunni Muslim community reported that they were not able to return home—either because they were denied entry through checkpoints or because of delays by local authorities in processing documentation required to return. Families suspected of any possible ties to ISIS are still denied the right to return home and some are being placed in “ISIS family camps.” This is being done under the guise of “de-ISIS-ification,” similar to the informal “de-Baathification” policy that was carried out after the fall of Saddam Hussein. Additionally, throughout the Mosul offensive, numerous reports surfaced that some elements of the ISF and the Iranian-backed PMF, in addition to local Shi'a community members, committed systematic and egregious violations, including killing,

torturing, and forcibly disappearing Sunni Muslim men and boys who they claimed were ISIS supporters. Footage was released in February 2017 showing Shi'a militia groups carrying the Iraqi government flag, dragging the body of a man through the streets of east Mosul and maiming his and two other bodies in public. In the summer of 2017, multiple human rights organizations reported that Sunni Muslim males were washing up on the banks of the Tigris River, while another 15 bodies were found shot between the village of Athba and Hammam al-Alil, south of Mosul.

As in Syria, As-Saib Ahl Al-Haq and Harakat Hizballah Al-Nujaba, two militia groups controlled by Iranian Revolutionary Guard Corps (IRGC) Commander Qassem Soleimani, were identified as having committed sectarian crimes, including raping, attacking, and abducting Sunni Muslims in Iraq. They fought in battles to recapture territories from ISIS on behalf of the Iranian-backed PMF. In the aftermath of ISIS, Sunni-Shi'a tensions have increased, and local leaders and activists have relayed to USCIRF repeatedly that the Iraqi government must address Sunni grievances to prevent the re-emergence of sectarian violence.

Other Iraqi Government Issues

On November 17, the Iraqi parliament rejected an amendment to its Personal Status Law that would have allowed the Shi'a and Sunni religious establishments to control marriage-related matters. The amendment, introduced by the Fadhila Party along with several Shi'a Muslim parties, included issues of inheritance and divorce, and, by giving certain religious communities power to impose family laws, would have allowed girls to be married as young as age eight under some of these laws. Although the parliament's Women's Rights Committee was able to successfully spearhead push-back against this amendment, in the leadup to the May 2018 national elections, many parties have threatened to reintroduce the bill. If reintroduced and passed, this law would alter Iraq's current secular legal system that does not identify Iraqi citizens on the basis of religion. It would require the courts to apply religious law on issues of marriage, divorce, and inheritance.

The 2015 National Identity Card Law remains problematic for Iraq's minorities. Article 26 of the National Identity Card Law forces children with one Muslim

parent to identify as Muslim, even in cases where a non-Muslim woman was raped by an ISIS member. It also reinforces existing restrictions that Muslims cannot change their religious identification on their identity cards after conversion to any other religion. Christian leaders have said that in some cases, families that are formally registered as Muslim but practice Christianity have fled to avoid registering their children as Muslims or to have their children remain undocumented. The bill, passed in late 2015, was sent back to parliament in 2016 by Prime Minister al-Abadi but was not modified at the time. Now, President Fuad Masum has returned the law to parliament for further debate, based on concerns from religious minority communities.

Issues in the KRG

The KRG held its independence referendum on September 25, 2017, resulting in 92 percent of the population supporting independence. Shortly after the results were announced, then Secretary of State Tillerson stated that the United States would not recognize the KRG's unilateral referendum, urging it "to respect the constitutionally-mandated role of the central government." Additionally, Baghdad, Iran, and Turkey met to condemn the KRG's move and results, as well as to consider sanctions. As of the end of the reporting period, Baghdad had halted all international flights into Erbil, which impacted the movement of international humanitarian workers and their ability to provide desperately needed aid to religious minority communities. As of December 2017, the KRG hosted over 1.2 million internally displaced persons (IDPs), along with 238,000 Syrian refugees, many of whom remain reliant on international and local humanitarian aid organizations for survival.

Since the referendum's passage, the KRG lost to the Iraqi government significant control of much of the territory it had captured from ISIS. The ISF took control of half of the Nineveh Plains, while the other half has remained under KRG control. This led members of the religious minority communities living in these areas to flee, some finding themselves displaced multiple times since 2014. Yazidi militias affiliated with the ISF/PMF have taken control of Sinjar, which some Yazidis say finally has ended the blockade previously imposed by the KRG. More than 700 families reportedly have been displaced from their homes in the traditional Christian town of Teleskof due

to bombardment from ongoing clashes between the Peshmerga and the ISF/PMF. Kirkuk, a disputed territory and the most oil-rich area in northern Iraq, was also the site of heavy but short-lived clashes; it was ultimately surrendered to ISF/PMF units and is under the control of the Iraqi government. This area, which is one of Iraq's most ethnically and religiously diverse, remains a hotbed for potential conflict. Overall, while some religious minority communities informed USCIRF that they were relieved at the KRG's withdrawal from certain territories, including Sinjar and the Nineveh Plains, many worried about Iranian-backed PMFs that seek to take KRG-controlled lands and operate in a sectarian manner. The KRG remains vulnerable to attacks by the PMF and ISF, and fears of increasing Iranian influence and allegations of abuses by Iranian-backed forces in KRG areas are widespread. Some of Iraq's top religious leaders, including Grand Ayatollah Ali al-Sistani, have called on the Iraqi government to protect the Kurds, a rare move for one of Iraq's most respected Shi'a Muslim religious leaders.

The KRG's retreat to the boundaries it held in 2003 (prior to the U.S. invasion of Iraq) and the resulting change in control of territory from the KRG to Baghdad may prove to have problematic consequences for northern Iraq's religious minorities. Many members of minority communities fled to and settled in areas under KRG control following ISIS's rise, where their voices—which had not been given the attention they deserved by Iraq's central government—had more weight. As a result, more minority communities were involved in local governance and decision-making in the KRG. Prior to the most recent clashes between Baghdad and the KRG, there was increasing space for religious freedom in the KRG. Nevertheless, there are legitimate concerns for religious minority communities living there, which were detailed in USCIRF's *Wilting in the Kurdish Sun: The Hopes and Fears of Religious Minorities in Northern Iraq*. At the end of the reporting period, religious minority communities were in desperate need of immediate security and stability; without either, interethnic fear will only worsen, fueling potential combat between and among groups.

U.S. POLICY

On December 9, 2017, Secretary of State Tillerson declared that ISIS, a group that then Secretary of State Tillerson declared was "clearly responsible for genocide," was brought down by the Global Coalition to

Defeat ISIS, led by the United States. The U.S. Administration continues to partner with the ISF, training and equipping them during this time of instability as IDPs return to their homes. The U.S. government also announced it will continue to work with the government of Iraq in order to prevent the reemergence of ISIS or any other violent extremist organization. This includes support to the Iraqi government to provide near-term stabilization activities, including the provision of necessary food, electricity, potable water, and housing.

On October 26, 2017, Vice President Mike Pence announced that the Department of State would expand funding beyond the UN Development Program (UNDP) and provide direct support through the U.S. Agency for International Development (USAID) for new programs addressing persecuted and displaced religious minority communities. In late 2017, USAID solicited programming ideas from communities, including faith-based groups and private organizations. Such a move was welcomed by many religious minority communities, many of whom had reported that UN funding was difficult to apply for and was not reaching them with the urgency their situation required.

Nevertheless, since June 2015, the UNDP's Funding Facility for Stabilization (FFS) program has assisted more than 960,000 IDPs who remain in need of critical humanitarian aid. The FFS, supported by the Global Coalition, was created at the request of Prime Minister al-Abadi to help the Iraqi government stabilize cities and districts liberated from ISIS in order to facilitate national reconciliation. The FFS has contributed to the return of 2.2 million Iraqis to their homes. It continues to implement more than 1,200 projects in 28 locations. As of late 2017, the UNDP had 161 projects in eight Christian areas scheduled for completion by early 2018. Repairs for houses belonging to Christian communities have been fast-tracked; in the months ahead, a total of 2,500 homes were scheduled for rehabilitation. The UNDP also has implemented 55 projects in predominantly Yazidi towns, and has undertaken 27 projects in other minority communities.

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In 2017, the U.S. government provided a total of more than \$601 million in humanitarian assistance to support the 11 million people in need of aid in Iraq, including more than 790,000 people displaced after the Mosul liberation, 940,000 people displaced from the Christian-dominated Nineveh governorate, and more than 240,000 Syrian refugees. The efforts financed by the United States included camp coordination, health and medical support, education projects, food assistance, psychosocial support, shelter rehabilitation, and livelihood development. The United States also has allocated \$112 million to clear improvised explosive devices,

mines, and unexploded ordinance, in addition to educating Iraqis on the dangers of explosive hazards that ISIS left behind.

In 2017, the U.S. Congress was considering two companion bills focusing on Iraq and Syria, both of which USCIRF supported. Both S. 1158, the Elie

Wiesel Genocide and Atrocities Prevention Act of 2017, and H.R. 390, the Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017, focus on stabilization and peace-building in Iraq and Syria. S. 1158 would direct the secretary of state to establish a Mass Atrocities Task Force within the State Department, with the mandate of strengthening the department's efforts at atrocity prevention and response and coordinating the interagency processes on these issues. H.R. 390 would authorize the secretary of state and the USAID administrator to provide assistance to support the efforts of entities, including NGOs, to undertake activities to address ISIS-committed genocide, crimes against humanity, and war crimes in Iraq, including conducting criminal investigations and collecting and preserving evidence. The bill also would authorize the secretary of state and USAID administrator to provide assistance to entities they determine can effectively manage and deliver humanitarian, stabilization, or recovery assistance to members of Iraqi and Syrian religious or ethnic minorities that have been subjected to ISIS genocide, crimes against humanity, or war crimes, or otherwise are a persecuted group.