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### **Written statement\* submitted by the European Centre for Law and Justice, The / Centre Europeen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 May 2017]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-08554(E)



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## **Requesting that the U.N. recognise the ISIS atrocities against Christians and other religious and ethnic minorities as genocide and take immediate appropriate action**

### **1. Introduction**

In February of 2017, the ECLJ submitted its second written and oral testimony to this Council requesting that the United Nations (U.N.) join other international bodies and publically proclaim that Christians and other religious minorities in Iraq and the Syrian Arab Republic are victims of genocide and deserving of international assistance and protection. Yet again, this body has remained silent while the Islamic State (“ISIS”) has continued its systematic reign of terror against these groups.

As the ECLJ has submitted before, the actions of ISIS against Christians and other religious minorities in Iraq and Syria clearly embody the definition of genocide as enshrined in the Convention on the Prevention and Punishment of the Crime of Genocide<sup>1</sup>. The ISIS campaign to destroy these religious minorities and decimate their homelands and cultures undoubtedly meets the definition of genocide, yet the world’s premier international body has yet to recognise it as such. In failing to do so, these vulnerable groups remain unprotected and in peril.

Article III of the Convention provides that it is a punishable act to conspire, incite, attempt, or be complicit in the commission of genocide. Article IV makes it clear that “Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals”. Such provisions mean little if the U.N. continues to fail to recognize ISIS’s acts as acts of genocide.

The action we request — a declaration of genocide by the United Nations — rests on solid ground and precedent. In declaring these acts to be genocide, the United Nations will join the Parliamentary Assembly of the Council of Europe, the European Parliament, the Holy See’s representative at the U.N. in Geneva as well as Pope Francis, the British House of Commons, the United States Department of State, the United States House of Representatives, the United States Commission on International Religious Freedom, and numerous NGOs — all of whom have condemned ISIS’s acts and recognised such acts as genocide.

The victims of ISIS’s genocide deserve the recognition and protection of the international community. It is imperative that the U.N. acknowledge the ISIS campaign for what it is – genocide – end these atrocities, and seek justice for the victims.

### **2. Background**

Since the summer of 2014 when Abu Bakr Al-Baghdadi declared the creation of an Islamic caliphate, ISIS has systematically killed Christians, Yazidis, and other religious minorities who do not adhere to its ideology. ISIS

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<sup>1</sup>Genocide is “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”

Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948.

members have killed Christians and Yazidis by the thousands, have enslaved and raped thousands more because of their religion, and have destroyed their places of worship, their homes, and their livelihoods<sup>2</sup>.

In June 2016, the Chairman of the U.N. Independent International Commission of Inquiry on Syria made the following statement:

Genocide has occurred and is ongoing . . . ISIS has subjected every Yazidi woman, child or man that it has captured to the most horrific of atrocities<sup>3</sup>.

Similar accounts of genocidal acts against Christians have been documented across Iraq and Syria. Hundreds of thousands of Christians have been forced to flee Iraq and Syria since the rise of ISIS, decimating the Christian population.

ISIS's barbarity knows no bounds. ISIS's religion-targeted abuses in Iraq include beheadings, burning people alive in caskets, and other barbaric "killings, rape, kidnapping, enslavement, theft . . . destruction of religious sites . . . sexual slavery, forced conversion, ransom demands, property seizures, and forced business closures"<sup>4</sup>.

In Syria, ISIS has beheaded and stoned men, women, and children for blasphemy, heresy, and apostasy. One Christian Syrian woman described "Christians being killed and tortured, and . . . children being beheaded in front of their parents"<sup>5</sup>. She said, "250 children . . . were put in the dough mixer, they were kneaded. The oldest one of them was four-years-old"<sup>6</sup>. ISIS tortured a boy while demanding his father and two others renounce Christianity, before executing all four by crucifixion. Eight Christian women were publically raped and beheaded<sup>7</sup>. There are "mass graves of Christians"<sup>8</sup>.

ISIS's notorious abuses are targeted primarily against religious minorities, including an estimated 200,000 Iraqi Christians in 2014<sup>9</sup>. ISIS has expressed its specific intent to kill all Christians. In addition, ISIS has demanded that religious minorities pay a tax (called *jizya*), or flee — punishing by death those who fail to comply<sup>10</sup>. This purported offer to allow Christians to pay a *jizya* tax has been falsely interpreted by some to negate the genocidal intent displayed by ISIS. However, Al-Baghdadi has stated of Christians, "People of the Book . . . today are a people of war who qualify for no protection"<sup>11</sup>. Regardless, paying *jizya* or converting to Islam to avoid death are not meaningful alternatives to genocide.

As more ISIS-held regions are liberated in the coming months, more evidence will undoubtedly reveal the undisputable genocidal acts by ISIS against religious minorities. The growing body of evidence demonstrates that the inhuman violence at issue is, in fact, genocide as defined by the Convention. This evidence is well-documented, and it is sickening.

<sup>2</sup>GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS & IN DEFENSE OF (Mar. 9, 2016) [hereinafter Genocide Report].

<sup>3</sup>UN Human Rights Panel Concludes ISIL is Committing Genocide Against Yazidis, UN.ORG (16 June 2016), <http://www.un.org/apps/news/story.asp?NewsID=54247#.WJnbWLYrJsM>.

<sup>4</sup>BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, IRAQ 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1–2 (2014) [hereinafter Iraq Report].

<sup>5</sup>Katie Mansfield, *Barbaric ISIS Mangle 250 Children in Industrial Dough Kneader and Cooks Rest Alive in Oven*, EXPRESS.CO.UK.COM (26 Oct. 2016, 4:00 PM), <http://www.express.co.uk/news/world/723942/ISIS-kills-250-children-dough-kneader-burns-men-alive-oven-Syria-Open-Doors-report>.

<sup>6</sup>*Id.*

<sup>7</sup>*Christian Workers in Syria Crucified, Beheaded*, CHRISTIAN AID MISSION (1 Oct. 2015), <http://www.christianaid.org/News/2015/mir20151001.aspx>.

<sup>8</sup>Genocide Report, *supra* note 2, at 11.

<sup>9</sup>Iraq Report, *supra* note 4, at 4.

<sup>10</sup>BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1 (2014).

<sup>11</sup>Alberto M. Fernandez, *The ISIS Caliphate and the Churches*, MEMRI.ORG (27 Aug. 2015), <http://www.memri.org/report/en/>.

### 3. Request

Again, numerous international bodies have condemned ISIS's barbaric acts as acts of genocide. Several members of this Council, such as Germany, Belgium, France, Switzerland, Costa Rica, Liechtenstein, Ecuador, and The Netherlands, have also acknowledged that ISIS is committing genocide against religious minorities. While these nations stopped short of including Christians as victims of this genocide, the recognition of genocide itself is an important step that will help protect all victims.

Still, the U.N. has not taken the critical step of acknowledging the genocide taking place in Iraq and Syria. As one Christian survivor said of the U.N.'s inaction, "[N]o one cares about us like we are not human"<sup>12</sup>. We need action now.

While the ECLJ calls for swift and decisive action by the international community to stop the genocide and protect the victims, it also understands that first the U.N. *must* recognize that the atrocities constitute genocide. A declaration by this Council that ISIS is engaged in genocide against Christians and other religious minorities and action by this Council calling for the U.N. Security Council (and other appropriate organs of the U.N.) to follow suit would carry significant weight.

The U.N. must defend the rights of all religious minorities, including the Christians in Iraq, Syria, and any other place where ISIS engages in genocide – without delay. The very mission of this organisation requires nothing less.

### 4. Conclusion

Therefore, the ECLJ urges the U.N. to join other international bodies and formally recognise that the ongoing atrocities committed by ISIS against Christians, Yazidis, and other religious and ethnic minorities in Iraq, Syria, and elsewhere in the region constitute genocide for purposes of implicating the obligations of the international community pursuant to the Genocide Convention and the well-established responsibility to protect.

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<sup>12</sup>Genocide Report, *supra* note 2, at 70.