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Human rights situations that require the Council's attention

Written statement* submitted by European Centre for Law and Justice, The / Centre Européen 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.

[27 May 2016]

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

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

Christians in Iraq and Syria systematically targeted by ISIS (the Islamic State) are victims of genocide. The United Nations must follow the example set by numerous 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 triggering the obligations of the international community pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) and the well-established responsibility to protect¹.

The Genocide Convention defines “genocide” as

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 group².

Article III of the Convention identifies the following as punishable acts: “(a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide”³. 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”⁴. Such provisions mean little if the United Nations fails to recognise particular acts as acts of genocide.

2. BACKGROUND

In the summer of 2014, Islamic State leader, Abu Bakr Al-Baghdadi, self-proclaimed to be Caliph Ibrahim, declared the creation of an Islamic caliphate under his leadership. Since then, the Islamic State has systematically killed Christians, Yazidis, and other non-Muslim as well as Muslim

¹*The Responsibility to Protect*, OFF. OF THE SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE.

²Convention on the Prevention and Punishment of the Crime of Genocide, 9 Dec. 1948 (emphasis added).

³*Id.* at art. III.

⁴*Id.* at art. IV.

minorities who do not adhere to the Islamic State’s ideology. *Islamic State 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*⁵.

The Christian population in both Iraq and Syria has been decimated. In fact, hundreds of thousands of Christians have fled Iraq and Syria since the rise of ISIS⁶. The Islamic State’s religion-targeted abuses in Iraq include beheadings, burning 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”⁷. In Syria, ISIS has beheaded and stoned men, women, and children for blasphemy, heresy, and apostasy.⁸ ISIS has also demanded that religious minorities pay a tax (called *jizya*), or flee — punishing by death those who fail to comply⁹.

The Islamic State’s notorious abuses are targeted primarily against religious minorities, including an estimated 200,000 Iraqi Christians in 2014¹⁰. 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.

Once the United Nations recognises the genocide as such, *then* it may properly mobilise the international community to honour the terms of the Genocide Convention and fulfil its responsibility to protect.

According to the Genocide Convention, “[t]he Contracting Parties confirm that genocide . . . is a crime under international law which they undertake to prevent and punish”¹¹. The Convention makes clear that “the competent organs of the United Nations” have a responsibility “to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide”¹². According to the Office of the Special Adviser on the Prevention of Genocide, “[t]he duty to prevent and halt genocide and mass atrocities lies first and foremost with the State, but the international community has a role”¹³.

Indeed, this role—the “responsibility to protect”—was stipulated “in the Outcome Document of the 2005 United Nations World Summit (A/RES/60/1, para. 138-140), and formulated in the Secretary-General’s 2009 Report (A/63/677) on Implementing the Responsibility to Protect.” It was adopted by the General Assembly.

⁵*Genocide Against Christians in the Middle East*, KNIGHTS OF COLUMBUS & IN DEFENSE OF CHRISTIANS (Mar. 9, 2016), available at <http://indefenseofchristians.org/wp-content/uploads/2016/03/Genocide-report.pdf>.

⁶*Id.*; see also BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1–2 (2014) [hereinafter Syria Report].

⁷BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, IRAQ 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1–2 (2014) [hereinafter Iraq Report].

⁸Syria Report, *supra* note 6, at 1.

⁹*Id.*

¹⁰Iraq Report, *supra* note 7, at 4.

¹¹Genocide Convention, *supra* note 2 at art. I.

¹²*Id.* at art. VIII.

¹³*The Responsibility to Protect*, OFF. OF THE SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE.

That the ongoing atrocities against Christians and other religious and ethnic minorities constitute genocide and that the United Nations and its organs possess the responsibility to protect as concerns that genocide is clear.

3. REQUEST

We know that the High Commissioner is familiar with the ongoing crisis. In September 2015, during his opening statement at the 30th session, the High Commissioner declared that, “despite the horrific human rights violations in Syria that have been investigated, enumerated, discussed, we must continue to deplore the international community’s failure to act”¹⁴. At that time, the High Commissioner did not specifically ask for recognition of the ISIS’ acts as acts of genocide. Calling for the United Nations to recognise the ongoing genocide in Iraq and Syria would ensure that the United Nations could then begin to take the steps necessary to halt the genocide and fulfil its responsibility to protect those victimised.

Earlier this month, the United Nations Secretary-General’s Special Representative and Head of the United Nations Assistance Mission for Iraq “condemn[ed]” ISIS’s crimes “in the strongest possible terms” and recognised these crimes may constitute genocide¹⁵. Critically, he called upon the international community to take action¹⁶.

While the ECLJ calls for swift and decisive action by the international community to stop the genocide and protect the victims, it also recognises that the first step is for the United Nations to *recognise* that the atrocities constitute genocide. A declaration by the Human Rights Council that the Islamic State is engaged in genocide and action by this Council calling for the United Nations General Assembly (and other appropriate organs of the United Nations) to follow suit would carry significant weight.

The Thirty-Second Session provides an excellent opportunity for this critical organ of the United Nations to squarely address the ongoing humanitarian crisis posed by ISIS. This Council should identify the subject atrocities as genocide at this Session. We respectfully request that this Council declare that the Islamic State and its followers are committing acts of genocide against Christians and other religious and ethnic minorities and to then act accordingly.

The action we request—a declaration of genocide by this Council and 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 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, as well as Pope Francis.

¹⁴Opening Statement by UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein at the 30th Session of the Human Rights Council.

¹⁵Special Representative of the United Nations Secretary General for Iraq, *Briefing by SRSG for Iraq Jan Kubiš to the Security Council*, RELIEFWEB.INT (6 May 2016).

¹⁶*Id.*

4. CONCLUSION

Therefore, the ECLJ urges the United Nations to join other international bodies and publically proclaim that Christians and other religious minorities in Iraq and Syria are victims of genocide and deserving of international assistance and protection.
