



28 November 2016

**VIA OVERNIGHT DELIVERY SERVICE**

HE Koro Bessho  
Ambassador Extraordinary & Plenipotentiary  
Permanent Representative of Japan  
to the United Nations  
[REDACTED]

*RE: Islamic State's Genocide Against Christians and Other Religious Minorities*

Your Excellency:

By way of introduction, the European Centre for Law and Justice (ECLJ) is an international not-for-profit law firm located in Strasbourg, France, dedicated to protecting human rights and religious freedom in Europe and around the world. The ECLJ has held Special Consultative Status as an NGO before the United Nations/ECOSOC since 2007<sup>1</sup>. The ECLJ has submitted both written and oral statements to United Nations bodies on this very subject. The ECLJ submits this correspondence on behalf of its members and has obtained over 451,000 signatures from people residing in 172 nations and territories.

It is imperative that the United Nations formally recognise that the ongoing atrocities committed by the Islamic State (also known as ISIS or Daesh) against Christians, Yazidis, and other religious and ethnic minorities in Iraq, Syria and elsewhere constitute genocide for purposes of implicating the obligations of the international community pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide<sup>2</sup> and the well established responsibility to protect the victims of genocide<sup>3</sup>. While we call for swift and decisive action by the international community to stop the genocide and protect the victims, we are also aware that the first step is for the United Nations to formally *recognise* that the atrocities constitute genocide and to recognise *all* those victimised thereby, including Christians.

<sup>1</sup>NGO Branch, U.N. Dep't of Econ. & Soc. Affairs, Consultative Status for the European Centre for Law and Justice (2007), <http://esango.un.org/civilsociety/> (accessed by searching "European Centre: for Law and Justice" in the ICSD Database).

<sup>2</sup>Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948, 78 U.N.T.S. 277 [hereinafter Genocide Convention].

<sup>3</sup>*The Responsibility to Protect*, OFF. OF THE SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE, <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml> (last visited 22 Nov. 2016).

With respect to the ongoing Islamic State genocide occurring in Iraq and Syria, this Council plays a critical role. We ask you to urge, and the United Nations, to declare that the acts committed by the Islamic State are genocide against Christians and other religious minorities, and to advocate and mobilize for action to halt this genocide without delay.

## **I. The Islamic State Genocide Victimises Christians.**

As recognised in the Convention, “genocide means 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”<sup>4</sup>.

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”<sup>5</sup>. Article IV makes 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”<sup>6</sup>. Such provisions mean little if the United Nations fails to recognise particular acts as acts of genocide or fails to recognise a particular group intentionally targeted and victimised as such.

The growing body of evidence demonstrates that the inhuman violence at issue is, in fact, genocide as defined by the Convention — a genocide targeting Christians. 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 Al-Baghdadi declared the creation of his caliphate, the Islamic State has systematically killed Christians, Yazidis, and other non-Muslim as well as Muslim 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*<sup>7</sup>.

The Christian population in both Syria and Iraq has been decimated. In fact, hundreds of thousands of Christians have fled Syria and Iraq since the rise of the Islamic State<sup>8</sup>. The Islamic State’s religion-targeted abuses in Iraq include beheadings, burning victims alive in caskets, and other barbaric “killings, rape, kidnapping, enslavement, theft . . . destruction of religious sites . . . sexual slavery, forced conversion, ransom demands, property seizures, and

<sup>4</sup>Genocide Convention, *supra* note 2.

<sup>5</sup>*Id.* at art. III.

<sup>6</sup>*Id.* at art. IV.

<sup>7</sup> GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (9 Mar. 2016) [hereinafter GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST], <http://indefenseofchristians.org/wp-content/uploads/2016/03/Genocide-report.pdf>.

<sup>8</sup>*Id.*; see also BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEPT OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1–2 (2014) [hereinafter Syria Report].

forced business closures”<sup>9</sup>. In Syria, the Islamic State has beheaded and stoned men, women, and children for blasphemy, heresy, and apostasy<sup>10</sup>. At times, the Islamic State has also demanded that religious minorities pay a tax (called *jizya*), or flee—punishing by death those who fail to comply<sup>11</sup>.

“In Syria . . . the organization Aid to the Church in Need has reported on mass graves of Christians”<sup>12</sup> found in Sadad, Syria, after an “Islamist rebel siege” left as many as 45 dead, 30 wounded, and 10 missing<sup>13</sup>. “Melkite Catholic Archbishop Jean-Clément Jeanbart of Aleppo estimates the number of Christians kidnapped and/or killed in his city as in the hundreds, with as many as ‘thousands’ killed throughout Syria”<sup>14</sup>.

After burning Christian books, destroying churches, and kidnapping priests in Raqqa in 2013, ISIS then publicized, in February 2014, a new *dhimmi* pact with Christians in Raqqa State. The announcement received considerable attention in international media, but there is little evidence that there was much of a Christian community to form the pact with. Although the agreement includes the standard language of “not building a church, monastery or monk’s hermitage,” there is no evidence that any existing churches actually remained open or in Christian hands, much less that anyone would want to build any. Indeed, there are no images whatsoever of what could be described as normal Christian life in ISIS-controlled territory – no functioning churches, no monasteries or working priests, and no Christian families or Christian schools . . .<sup>15</sup>.

The Islamic State’s notorious abuses are targeted primarily against religious minorities, including an estimated 200,000 Iraqi Christians in 2014<sup>16</sup>. In June 2014, after the Islamic State seized the city of Mosul, Iraq, it demanded that Christian residents either convert to Islam, pay a tax for protection, or be executed; further, the Islamic State gave the Christians less than a week (14 to 19 July) to make their decision<sup>17</sup>. Several important religious sites and Christian institutions in Mosul were destroyed<sup>18</sup>. Even now, “[t]he military campaign to retake Mosul, Iraq’s second-largest city, is in its sixth week and bogged down in a grueling fight. Seeking to escape the fighting, more civilians than ever are taking the risk of evacuation”<sup>19</sup>. Some Iraqi Christians are participating in the battle to expel the Islamic State

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<sup>9</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>10</sup> Syria Report, *supra* note 8, at 1.

<sup>11</sup> *Id.*

<sup>12</sup> GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 7, at 11.

<sup>13</sup> *Id.* at 38; see also *Christians in Syria Feel Forgotten as Mass Graves Found in Sadad*, MORNING STAR NEWS (5 Nov. 2013), <http://morningstarnews.org/2013/11/christians-in-syria-feel-forgotten-as-mass-graves-found-in-sadad/>.

<sup>14</sup> GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 7, at 11.

<sup>15</sup> Alberto M. Fernandez, *The ISIS Caliphate and the Churches*, MEMRI.ORG (27 Aug. 2015), <http://www.memri.org/report/en/>.

<sup>16</sup> *Iraq Report*, *supra* note 9, at 4.

<sup>17</sup> *Id.* at 13.

<sup>18</sup> *Id.*

<sup>19</sup> Sergey Ponomarev & Tim Arango, *Scenes of Flight From Mosul’s Front Lines*, THE N.Y. TIMES (22 Nov. 2016), [http://www.nytimes.com/2016/11/22/world/middleeast/iraq-civilians-flee-mosul.html?\\_r=0](http://www.nytimes.com/2016/11/22/world/middleeast/iraq-civilians-flee-mosul.html?_r=0).

from Mosul<sup>20</sup>. Other Iraqi Christians, who fled Mosul when the Islamic State invaded in 2014, now watch the news of the battle, exiled in Jordan<sup>21</sup>.

The Islamic State had issued ultimatums to Christians living in Raqqa City, Syria, in February 2014, resulting in nearly all of the Christians fleeing their homes<sup>22</sup>. The property of the Christians who fled was confiscated, and all churches in the city were transformed into mosques<sup>23</sup>. Remaining residents were forbidden from worshipping according to any religion other than Islam<sup>24</sup>. According to eye-witnesses who were present in the city, very few Christians remained after the Islamic State issued its ultimatum, and those who chose to remain and pay jizya were forced to pay the Islamic State a tax totaling \$335 per family per year<sup>25</sup>.

In February 2015, the Islamic State took approximately 230 Assyrian Christians hostage “after overrunning several communities on the southern bank of the Khabur River in northeastern Hassakeh province”<sup>26</sup> in Syria. During the attacks, thousands fled<sup>27</sup>. One year later, the last of the living hostages were released after the Islamic State “receiv[ed] millions of dollars in ransom”<sup>28</sup>. The fate of at least five other hostages is unknown<sup>29</sup>. According to other reports, between 9 and 15 Christians were killed, and 373 were taken hostage<sup>30</sup>.

In August 2015, twelve Syrian Christians (including men, women, and children) were brutally and publicly tortured and executed in a village near Aleppo, Syria, because they refused to convert to Islam<sup>31</sup>. Islamic State members cut off a young boy’s fingertips and beat him as they demanded that his father and two other men renounce Christianity, before executing all four by crucifixion<sup>32</sup>. Eight women were also publically raped and beheaded after they refused to renounce Christianity<sup>33</sup>. Islamic State fighters destroyed Iraq’s oldest Christian monastery, St. Elijah’s<sup>34</sup>. Father Paul Thabit Habib, a Catholic priest “who now lives in Kurdish-administered Irbil” said that Iraq’s “Christian history was ‘being barbarically leveled’”<sup>35</sup>. He added, “[W]e see it as an attempt to expel us from Iraq, eliminating and

<sup>20</sup> See Alisa Reznick, *Mosul’s Christian Exiles Have Little Hope of Return*, AL JAZEERA (3 Nov. 2016), <http://www.aljazeera.com/news/2016/10/mosul-christian-exiles-hope-return-161031083345637.html>.

<sup>21</sup> *Id.*

<sup>22</sup> Syria Report, *supra* note 8, at 11.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Islamic State Frees Syrian Christians Held Since 2015 for Ransom*, L.A. TIMES (22 Feb. 2016), <http://www.latimes.com/world/middleeast/la-fg-isis-releases-hostages-for-ransom-20160222-story.html>.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 7, at 38 and n. 70 (citing *ISIS Kills 15 Assyrian Christians*, ASSYRIAN INT’L NEWS AGENCY (26 Feb. 2015), <http://www.aina.org/news/20150226164408.htm>; *Up to 373 Assyrians Captured By ISIS, Executions Have Begun*, ASSYRIAN INT’L NEWS AGENCY (26 Feb. 2015), <http://www.aina.org/news/20150226184327.htm>).

<sup>31</sup> *Christian Workers in Syria Crucified, Beheaded*, CHRISTIAN AID MISSION (1 Oct. 2015), <http://www.christianaid.org/News/2015/mir20151001.aspx>.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Iraq’s Oldest Christian Monastery Destroyed by Islamic State*, BBC NEWS (20 Jan. 2016), <http://www.bbc.com/news/world-middle-east-35360415>.

<sup>35</sup> *Id.*

finishing our existence in this land”<sup>36</sup>. Such savagery has been punctuated by recent evidence that the Islamic State is burning Christians alive in locked caskets<sup>37</sup>.

In December 2015, reports surfaced that the Islamic State was responsible for multiple bombings in Kamishli, Syria, that targeted Assyrian and Kurdish Christians and killed 19<sup>38</sup>.

Such violent and genocidal acts are not limited to Syria. In fact, according to a recent report issued by the Office of the United Nations High Commissioner for Human Rights and the United Nations Assistance Mission for Iraq, in Iraq alone:

At least 18,802 civilians have been killed from January 2014 to October 2015.

At least 36,245 civilians have been wounded during that same time period.

An estimated 3,500 are being held as slaves by the Islamic State, most of them women and children.

3.2 million have been displaced.<sup>39</sup>

The Report concluded: “The violence suffered by civilians in Iraq remains staggering. The so-called ‘Islamic State of Iraq and the Levant’ (ISIL) continues to commit systematic and widespread violence and abuses of international human rights law and humanitarian law. These acts may, in some instances, amount to war crimes, crimes against humanity, and possibly genocide”<sup>40</sup>.

In June 2014, an Iraqi Christian mother and her daughter were brutally raped by Islamic State members “in front of the husband and father. The husband and father was so traumatized that he committed suicide”. Four other Iraqi Christian women were shot to death by members of the Islamic State for not wearing veils<sup>41</sup>.

In May 2016, Islamic State members in Mosul, Iraq, burned a twelve-year-old Christian girl to death: The “[j]ihadi fighters had come to claim a religious tax from the girl’s mother . . . but when the mother delayed in paying, they burned down the family home”<sup>42</sup> while the mother her and daughter were still inside. “Mother and child were able to escape the burning building, but the girl had suffered such severe burns that she later died in the hospital”<sup>43</sup>.

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<sup>36</sup>*Id.*

<sup>37</sup>Anuragh Kumar, *ISIS Burns Christians Alive in Locked Caskets, Escaped Prisoner Reveals*, CHRISTIAN POST (5 Jan. 2016), <http://www.christianpost.com/news/isis-burns-christians-alive-locked-caskets-escaped-iraqi-soldier-islamic-state-prisoner-reveals-154281/>.

<sup>38</sup>GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 7, at 38.

<sup>39</sup>High Commissioner for Human Rights, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015*, (5 Jan. 2016), available at [http://www.uniraq.org/images/humanrights/UNAMI-OHCHR\\_%20POC%20Report\\_FINAL\\_01%20May-31%20October%202015\\_FINAL\\_11Jan2016.pdf](http://www.uniraq.org/images/humanrights/UNAMI-OHCHR_%20POC%20Report_FINAL_01%20May-31%20October%202015_FINAL_11Jan2016.pdf).

<sup>40</sup>*Id.* (emphasis added).

<sup>41</sup>*ISIS Rape Christian Mother and Daughter, Kill 4 Christian Women for Not Wearing Veil*, ASSYRIAN INT’L NEWS AGENCY (23 June 2014, 10:55 PM), <http://www.aina.org/news/20140623185542.htm>.

<sup>42</sup>Sara Malm, *Christian Girl Burned Alive by ISIS Told Her Mother to Forgive Them as She Lay Dying in Her Arms*, DAILY MAIL (19 May 2016, updated 9:02 AM), <http://www.dailymail.co.uk/news/article-3598413/Christian-girl-burned-alive-ISIS-told-mother-forgive-lay-dying-arms.html>.

<sup>43</sup>*Id.*

In June 2016, an Iraqi Christian woman was able to escape from an Islamic State stronghold in Mosul. She described the horrific ways in which Islamic State members use captured Christian women as sex-slaves. She “narrate[d] how Islamic State terrorists ‘married and divorced’ her as many as nine times a night to rape her with ‘justification’”<sup>44</sup>. “Another woman was victimized so often that she resorted to defecating on herself to make herself less desirable, and had to be trained to use the bathroom again after she escaped”<sup>45</sup>. Then,

[t]here was Khalia, a woman in her fifties, who was captured and held hostage along with 47 others. During her 15 days in captivity, she rebuffed demands to convert, despite a gun being put to her head and a sword to her neck. She literally fought off ISIS militants as they tried to rape the girls, and again later when they tried to take a 9-year-old as a bride. Because of the abuse, 14 men gave in to ISIS’ demands and said they would convert to Islam. Khalia would not<sup>46</sup>.

One survivor in Iraq recounted how her family-member was told by the Islamic State that, “if you want to live[,] you will need to convert to Islam so we will not hurt you”<sup>47</sup>. That same survivor also recounted how a nephew defied an Islamic State Sharia Court order not to enter Baghdad by returning “to the city to help the needy Christians in the region and in the third month of 2015 one of the terrorists called me using my nephew’s phone [sic] said forget about Anmar and we lost contact with him to this day”<sup>48</sup>.

Another survivor, a blind man, recounted: “They told me to embrace Islam or be killed”<sup>49</sup>. He also told the story of how the Islamic State kidnapped his daughter and “forced her to become a Muslim and married [sic] one of the gangsters”<sup>50</sup>.

A mother in Iraq told this story:

On 09/06/2014 Daesh came into the house and searched it. They gave us the choice to convert or leave and if we chose to leave one of the parents will have to remain behind. My husband stayed in Bartella and I saw him restrained and being beaten in the back of a pickup truck. Then they took my 11 month old daughter and threw her on the couch under the pretext of inspection she began to cry and scream. Then looted the house and took cash and gold then took us to their inspection office [where] one of them came to me and said that [] gold coins [were] hidden in a baby’s diaper so they took my baby and threw her against the wall<sup>51</sup>

A different woman told how she left her home town “[b]ecause of the shelling and fear of death and rape of women, as we have heard that Daesh committed such acts in Mosul”<sup>52</sup>. She

<sup>44</sup> Anugrah Kumar, *Iraqi Christian Says ISIS Fighters ‘Married, Divorced’ Her 9 Times a Night for Rape*, CHRISTIAN POST (4 June 2016, 7:39 AM), <http://www.christianpost.com/news/iraqi-christian-says-isis-fighters-married-divorced-her-9-times-a-night-for-rape-164821/>.

<sup>45</sup> GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 7, at 40.

<sup>46</sup> *Id.* at 10.

<sup>47</sup> *Id.* at 55.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 57.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 58.

<sup>52</sup> *Id.*

explained that at 5:00 a.m. on August 7, 2014, “we tried to leave in two cars. However Daesh caught up to [] my brother’s car and forced them to stay in the city”<sup>53</sup>.

Another Christian in Iraq described his reason for leaving his home: “I left due to the announcement of the leader of Daesh Abu Bakir al-Baghdadi that the Nazarene (that’s how they call the Christians) must leave or pay the ‘tax’ (jizya) or become Muslim or get killed”<sup>54</sup>. He explained that his family had not left sooner because they had no vehicle and had handicapped persons with them. Ultimately, they hired a taxi to flee, but were stopped by “members of Daesh” who learned that they were “Nazarenes”: “they robbed us, and took everything we had”<sup>55</sup>. After that, they were dumped on the border “only with the clothes we were wearing and nothing else”<sup>56</sup>.

Yet another Iraqi Christian woman told her story:

They told me when I was in Mosul that I must become a Muslim or leave Mosul so [I] decided to immigrate to Baghdida. After the events of 8/6/14 I stayed in Baghdida because I was sick and one day of [the] Daesh men named Abo Hasan came to me and wanted to force me to convert to Islam. When I refused, he took me to the Amir and [he] slapped my face and brought a pot and ax and said I’ll slaughter you if you don’t become Muslim. . . . [T]hey took my husband to a room by himself. After 20 days, he tortured us and forced us to leave Baghdida after they took all of our money and goods to the point that the Amir said that he would cut my finger if I don’t give him my ring. They moved us to Erbil<sup>57</sup>.

And consider the story of this man, who specifically mentioned a United Nations’ visit to his region:

On 7/27/2014 during the visit to the area by the officials in the Iraqi government, led by the Speaker of Parliament we presented them with what happened to us and asked for their help to no avail. *We did the same during the UN visit to the area again to no avail.* I feel we are neglected in the refugee camps and no one cares about us like we are not human. We are thankful that you are looking into this and we appreciate any help you can provide in procuring our rights and the rights of all the people in the region<sup>58</sup>.

The brutality with which the Islamic State victimises religious minorities is beyond belief. The accounts of the trauma experienced by survivors in both Iraq and Syria are heartbreaking. “One account [tells] of a couple whose children had been captured by ISIS

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<sup>53</sup>*Id.*

<sup>54</sup>*Id.* at 66.

<sup>55</sup>*Id.*

<sup>56</sup>*Id.*

<sup>57</sup>*Id.*

<sup>58</sup>*Id.* at 70 (emphasis added).

militants. When they answered their door one day, they found a plastic bag on their doorstep. It contained the body parts of their daughters and a video of them being raped and tortured”<sup>59</sup>.

Moreover, the Islamic State’s brutal genocide specifically and intentionally targeting Christians is expanding beyond the region of Syria and Iraq — just as the Islamic State has promised.

In February 2015, the Islamic State “released a video of 21 Coptic Christians from Egypt being executed on a Libyan beach”<sup>60</sup>. And, in April 2015, it executed at least 30 Ethiopian Christians in Libya<sup>61</sup>. “One group is beheaded on a beach along the Mediterranean Sea, while the other group is shot in Southern Libya”<sup>62</sup>.

In June 2016, “[e]ight suicide bombers launched two waves of attacks on the Christian town of Al Qaa in northeastern Lebanon”<sup>63</sup>. The New York Times reported that “[f]our attackers blew themselves up in the town before dawn, killing five people and wounding a dozen others, according to local officials. Four more attacks took place at night as residents prepared for funerals to be held on Tuesday morning, wounding 11 more people”<sup>64</sup>. “‘People are stuck in their houses, not daring to go out and fearing more suicide bombers,’ the Rev. Elian Nasrallah, the priest of the town’s Mar Elias Church,” told reporters. “He had been in his home at night, preparing his message for the funerals of those killed that morning, when he heard an explosion and saw a ball of fire erupt outside the church. ‘We’re living in terror in this town,’ he said”<sup>65</sup>. According to reports, “nearly all experts believe it was carried out by ISIS fighters who infiltrated al-Qaa from nearby Syria”<sup>66</sup>. “*Make no mistake, the[y] targeted [the] village for one reason: it is Christian*”<sup>67</sup>.

In July 2016, Islamic State “soldiers” slit the throat of an 85 year old Catholic priest in a church near Normandy, France, during Mass<sup>68</sup>. Reuters reported that according to the Islamic State’s news agency, Amaq, the Islamic State claimed the two attackers as its “soldiers”<sup>69</sup>. According to French officials, “[o]ne of the two suspects in the attack was known to anti-terror authorities after attempting a trip to Syria”<sup>70</sup>. The spread of Islamic State genocide against Christians should come as no surprise: “For two years, the black-clad jihadist army

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<sup>59</sup>Matt Hadro, *Stories of ISIS Victims are Emerging, and They’re Unbelievably Brutal*, CATHOLIC NEWS AGENCY (29 Apr. 2016, 3:48 PM), <http://www.catholicnewsagency.com/news/stories-of-isis-victims-are-emerging-and-theyre-unbelievably-brutal-64701/>.

<sup>60</sup>Elliott C. McLaughlin, *ISIS Executes More Christians in Libya, Video Shows*, CNN (20 Apr. 2015), <http://www.cnn.com/2015/04/19/africa/libya-isis-executions-ethiopian-christians/>.

<sup>61</sup>*Id.*

<sup>62</sup>*Id.*

<sup>63</sup>Ben Hubbard & Hwaida Saad, *Elaborate Suicide Attack Hits Christian Village in Lebanon*, N.Y. TIMES (27 June 2016), [http://www.nytimes.com/2016/06/28/world/middleeast/al-qaa-lebanon-suicide-bombers.html?\\_r=0](http://www.nytimes.com/2016/06/28/world/middleeast/al-qaa-lebanon-suicide-bombers.html?_r=0).

<sup>64</sup>*Id.*

<sup>65</sup>*Id.*

<sup>66</sup>Johnnie Moore, *After Fallujah, ISIS Moves to Lebanon and Targets Christians*, FOXNEWS.COM (2 July 2016), <http://www.foxnews.com/opinion/2016/07/02/after-fallujah-isis-moves-to-lebanon-and-targets-christians.html>.

<sup>67</sup>*Id.* (emphasis added).

<sup>68</sup>Noemie Olive, *Islamists Attack French Church, Slit Priest’s Throat*, REUTERS (27 July 2016), <http://www.reuters.com/article/us-france-hostages-idUSKCN1060VA>.

<sup>69</sup>*Id.*

<sup>70</sup>Harndi Alkhshali & Schams Elwazer, *Suicide Bombing Kills Dozens in Syria*, CNN (27 July 2016), <http://www.cnn.com/2016/07/27/middleeast/syria-isis-suicide-bombing/>.



has called for attacks on Christians in Rome, throughout Europe and across the world. It has even called for the assassination of Pope Francis”<sup>71</sup>.

The growing body of evidence demonstrates that the inhuman violence and intentional decimation of a religious group is, in fact, genocide as defined by the Convention. The joint Report of the Knights of Columbus and In Defense of Christians, based on the superior and thorough fact-finding of the Shlomo Organization for Documentation, contains numerous first-hand accounts of genocide survivors and relatives of deceased or missing victims<sup>72</sup>. Again, the evidence is well-documented, and it is sickening. And while acknowledging that estimates may contain inaccuracies or duplication, due to what’s known by some as “the fog of war,” this valuable source of data emphasised a critical point: “speculation about the accuracy of figures cuts both ways”<sup>73</sup>. In their estimation, and in ours, “the numbers are likely to be much higher”<sup>74</sup>.

Virtually every day brings new reports and accounts of the Islamic State’s barbarism. Any question as to the genocidal nature of the atrocities committed against Christians and other religious and ethnic minorities has been answered in the affirmative.

## **II. The Alleged Application of Jizya Does Not Downgrade the Islamic State’s Genocide Against Christians.**

Earlier this year, the Independent International Commission of Inquiry on the Syrian Arab Republic (IICISAR) disappointingly chose to leave Christians out of its Report on the genocidal atrocities committed by the Islamic State in Syria. In explaining its decision, the IICISAR wrote in its Report:

While the Christian communities still living in ISIS-controlled territory live difficult and often precarious existences, are viewed with suspicion, and are vulnerable to attack if ISIS perceive they are seeking protection from non-aligned forces, their right to exist as Christians within any Islamic state existing at any point in time, is recognised as long as they pay the jizya tax<sup>75</sup>.

This argument fails to fully appreciate how the jizya tax is arbitrarily used against Christians, the difference between the historical understanding of that term and the meaning of the term as applied by the Islamic State,<sup>76</sup> and the full breadth of the threats Christians face at the hands of the Islamic State. The Islamic State’s Caliph “Abu Omar al-Baghdadi has admitted for nearly a decade that Christians no longer qualify for the historical protection offered by Islamic law”<sup>77</sup>.

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<sup>71</sup> Malia Zimmerman, *Murder of French Priest Brings ISIS’ Long-threatened War on Christians to Europe*, FOXNEWS.COM (26 July 2016), <http://www.foxnews.com/world/2016/07/26/murder-french-priest-brings-isis-long-threatened-war-on-christians-to-europe.html>.

<sup>72</sup> GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 7.

<sup>73</sup> *Id.* at 39.

<sup>74</sup> *Id.*

<sup>75</sup> Rep. of the Indep. Int’l Comm’n of Inquiry, “*They Came to Destroy*”: *ISIS Crimes Against the Yazidis*, 32nd sess., U.N. Doc. A/HCR/32/CRP.2 (15 June 2016).

<sup>76</sup> GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 7, at 12.

<sup>77</sup> *Id.*

According to al-Baghdadi:

We find that the sects of the People of the Book and others from the Sabians and [sic] so in the State of Islam today are people of war who qualify for no protection, for they have transgressed against whatever they agreed to in many countless ways, and if they want peace and security then they must start a new era with the State of Islam according to (Caliph) Omar's stipulations [the historic "Covenant" of Caliph Omar with Christians] that they have annulled<sup>78</sup>.

This explains why the Islamic State's concept of jizya has been described to be "more a Salafi Caliphate publicity stunt than a careful recreation of jizya as practiced by the early Caliphs"<sup>79</sup>. The United Nations must not fall for this ploy.

Islamic State jihadists have expressed their specific intent to kill all Christians if they do not convert or, sometimes, pay jizya. To the extent the practice of jizya and the protection it entails are honoured by the Islamic State, paying jizya or converting to Islam to avoid death are not meaningful alternatives, as the many Christians who are too poor to pay the tax have no option but to flee their homeland, deny their faith, or die. For example, "[o]ne Christian farmer from Aleppo province fled recently after more than a year of living under Islamic State rule, saying the heavy taxation snipped him of his livelihood"<sup>80</sup>. The suggestion that the alleged availability of jizya converts genocidal actions designed to decimate a particular group into non-genocidal actions or that jizya constitutes, in essence, a defense to the charge of genocide, is misguided, naïve, and grotesque.

Reliance on jizya to deny genocide also fails under international law. Forcible conversion coupled with destruction of Christian places of worship are acts that by their very nature are intended to destroy Christians as a religious group. Destruction of places of worship is generally "designed to annihilate the centuries-long presence of the group"<sup>81</sup>. If Christians succumb to forced conversion, there will be no such group called Christians in Iraq and Syria. If they do not convert and refuse (or are unable) to pay jizya, they will be killed. Either way, Christians as a religious group will cease to exist in the region—a clearly stated and demonstrated goal of the Islamic State. Moreover, just because the Islamic State *may* allow *some* Christians to pay jizya to spare their lives does not negate Islamic State actors' intent to destroy Christians as a religious group. The fact that some Christians have not been killed does not legitimise the many instances where thousands have been killed.

Furthermore, international law does not require that the targeted group be destroyed completely in order for it to constitute genocide. Intending to destroy the targeted group "*in part*" fully suffices<sup>82</sup>. As such, one cannot legitimately claim that, because *some* Christians can, allegedly, save their lives by paying jizya, the Islamic State is not engaged in the genocide of Christians. A substantial number of Christians *have already been killed because they are Christians*. More will be killed if they either decline to pay or cannot pay jizya.

<sup>78</sup>*The ISIS Caliphate and the Churches*, *supra* note 15.

<sup>79</sup>GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 7, at 12.

<sup>80</sup>Maria Abi-Habib, *For Many Christians in the Middle East, Intimidation or Worse*, WALL STREET JOURNAL (26 July 2016), <http://www.wsj.com/articles/for-many-christians-in-middle-east-intimidation-or-worse-1469573266>.

<sup>81</sup>Karadzic, Case Nos. IT-95-5-R61, IT-9-18-R61, at ¶ 94.

<sup>82</sup>Genocide Convention, *supra* note 2.

Converting to Islam, paying jizya, or suffering death, all amount to “[d]eliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part” under subparagraph (c) of the Genocide Convention’s definition of genocide.

The jizya tax is a devious tactic of the Islamic State used to extort money from Christians, often right before they turn around and murder those same Christians or expel them from their homeland. Jizya should never be legitimized, especially by an international legal body holding itself out as a bastion of peace and security.

### **III. International Bodies Have Recognised that Victims of the Ongoing Islamic State Genocide Include Christians.**

As found by the Parliamentary Assembly of the Council of Europe,

individuals who act in the name of the terrorist entity which calls itself “Islamic State” (Daesh) and who have perpetrated acts of genocide and other serious crimes punishable under international law. States should act on the presumption that Daesh commits genocide and should be aware that this entails action under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide<sup>83</sup>.

The European Parliament went further, specifically recognising the genocide of *Christians and other religious and ethnic minorities*. In a nearly unanimous resolution, it declared:

[W]hereas religious and ethnic minorities, such as Christian (Chaldean/Syriac/Assyrian, Melkite and Armenian), Yazidi, Turkmens, Shabak, Kaka’i, Sabae-Mandean, Kurdish and Shi’a communities, as well as many Arabs and Sunni Muslims, have been targeted by the so-called ‘ISIS/Daesh’; whereas many have been killed, slaughtered, beaten, subjected to extortion, abducted and tortured; whereas they have been enslaved (in particular women and girls, who have also been subjected to other forms of sexual violence) and forcibly converted, and have been victims of forced marriage and trafficking in human beings; whereas children have also been forcibly recruited; whereas mosques, monuments, shrines, churches and other places of worship, tombs and cemeteries have been vandalised<sup>84</sup>.

The resolution details several specific incidents in which the Islamic State committed numerous international crimes against Christians and other religious minorities in the Middle East, from the more than 150,000 Iraqi Christians who fled Mosul in August 2014 to the kidnapping of more than 220 Assyrian Christians in February 2015.

<sup>83</sup> Eur. Consult. Ass., *Foreign Fighters in Syria and Iraq*, 6th sitting, Res. 2091 (2016), <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileId=22482&lang=en>.

<sup>84</sup> Eur. Parl. Ass., *Joint Motion for a Resolution*, 2016/2529(RSP) (2 Feb. 2016), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P8-RC-2016-0149+0+DOC+XML+V0//EN>.

Importantly, the European Parliament

stresses that the so-called 'ISIS/Daesh' is committing genocide against Christians and Yazidis, and other religious and ethnic minorities, who do not agree with the so-called 'ISIS/Daesh' interpretation of Islam, and that this therefore entails action under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide<sup>85</sup>.

In its resolution, the European Parliament "urges the members of the UN Security Council to support a referral to the International Criminal Court" and invites the Security Council to take measures for these acts "to be recognized as genocide" by the International Criminal Court<sup>86</sup>.

Finally, the European Parliament stresses the responsibility on the international community to take collective action in order to "provid[e] protection and aid, including military protection and aid, in accordance with international law, to all those targeted by the so-called 'ISIS/Daesh' and other terrorist organizations in the Middle East"<sup>87</sup>. The European Parliament submitted the resolution to United Nations bodies, the Organization of Islamic Cooperation, and to the Cooperation Council for the Arab States of the Gulf.

Following suit, on 17 March 2016, United States Secretary of State John Kerry declared:

Daesh is responsible for genocide against groups in areas under its control, including Yazidis, Christians, and Shia Muslims. Daesh is genocidal by self-proclamation, by ideology, and by actions – in what it says, what it believes, and what it does. Daesh is also responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities<sup>88</sup>.

He continued:

We know that in Mosul, Qaraqosh, and elsewhere, Daesh has executed Christians solely because of their faith; that it executed 49 Coptic and Ethiopian Christians in Libya; and that it has also forced Christian women and girls into sexual slavery. . . .

We know that in areas under its control, Daesh has made a systematic effort to destroy the cultural heritage of ancient communities – destroying Armenian, Syrian Orthodox, and Roman Catholic churches; blowing up monasteries and the tombs of prophets; desecrating cemeteries; and in Palmyra, even beheading the 83-year-old scholar who had spent a lifetime preserving antiquities there.

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<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> John Kerry, *Remarks on Daesh and Genocide*, U.S. DEP'T OF STATE (17 Mar. 2016), <http://www.state.gov/secretary/remarks/2016/03/254782.htm>.

We know that Daesh's actions are animated by an extreme and intolerant ideology that castigates Yazidis as, quote, "pagans" and "devil-worshippers," and we know that Daesh has threatened Christians by saying that it will, quote, "conquer your Rome, break your crosses, and enslave your women"<sup>89</sup>.

And, most recently, when the British House of Commons unanimously passed a motion condemning the Islamic State atrocities as genocide and calling for action by the United Nations, it recognised that the genocide victims included Christians:

That this House believes that Christians, Yazidis, and other ethnic and religious minorities in Iraq and Syria are suffering Genocide at the hands of Daesh; and calls on the Government to make an immediate Referral to the UN Security Council with a view to conferring jurisdiction upon the International Criminal Court so that perpetrators can be brought to justice<sup>90</sup>.

As indicated above, a growing number of international bodies has recognised that the ongoing atrocities committed by members of the Islamic State constitute genocide *against Christians* and other religious and ethnic minorities. On this point, there can now be no meaningful dispute.

\* \* \* \* \*

The Islamic State's systematic pattern of widespread murder and sexual abuse has forced thousands of Christians and other religious minorities to flee from Iraq and Syria. These acts are leading to the wholesale destruction of Christians as a group in the region. Massive deportations, widespread killings, and countless rapes may be construed as steps in the process of "gradual weakening of the population" that will result in a religious cleansing of all Christians from Islamic State-controlled territories<sup>91</sup>. "[M]urder, sexual assault, intimidation, harassment, and the destruction of sacred and cultural buildings" are specific methods of cleansing an area of an unwanted group<sup>92</sup>. As such, "[t]he number of the victims selected only because of their membership in a group . . . lead[s] to the conclusion that an intent to destroy the group, at least in part, [is] present"<sup>93</sup>. Without international intervention designed to end this slaughter — to paraphrase the words of United States Permanent Representative to the United Nations Ambassador Samantha Power—the world will become "no more than witnesses at a funeral"<sup>94</sup> of thousands of Christians and thousands of years of the world's most important history.

It is vital that the United Nations stand against the evils of the ongoing genocide and use all available options to halt the genocide and protect the victims—by implementing appropriate penal tribunals, coordinating a more effective use of coalition military force, administering a more efficient delivery of aid, and providing meaningful in-region protection for victims such as the establishment of safe-zones. The Charter of the United Nations demands no less, and

<sup>89</sup>*Id.*

<sup>90</sup> *Debate on a Motion on Recognition of Genocide by Daesh*, PARLIAMENT.UK (14 Apr. 2016), <http://www.parliament.uk/business/committees/committees-a-z/commons-select/backbench-business-committee/news-parliament-2015/chamber-debate-on-recognition-of-genocide-daesh/> (last visited 22 Nov. 2016).

<sup>91</sup> See *Karadzic*, *supra* note 81, at ¶¶ 63, 94.

<sup>92</sup> See *id.* at ¶ 62.

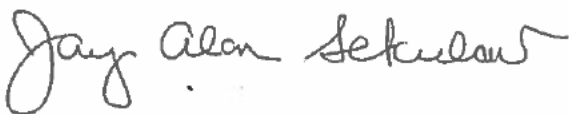
<sup>93</sup> *Id.* at ¶ 94.

<sup>94</sup> SAMANTHA POWER, "A PROBLEM FROM HELL" AMERICA AND THE AGE OF GENOCIDE 247 (2002, 2003, 2007, 2013) (referencing the Bosnian genocide).

through the organs of the United Nations, equipped and empowered by the Genocide Convention, the United Nations has the unique capability to end the genocide and protect the Christians and other religious and ethnic minorities victimised thereby. This Council plays a key role in advocating for and mobilizing appropriate action to immediately recognise and halt the ongoing genocide.

We, therefore, respectfully and solemnly urge you, as a member of the United Nations Security Council, to call for this Council to recognise and declare that the ongoing atrocities committed by the Islamic State and associated groups constitute genocide and that Christians are among those victimised thereby, and vocalise your support for a referral by the Security Council to the International Criminal Court or the establishment of a competent tribunal in order to investigate violations by the Islamic State committed in Iraq, Syria and elsewhere in the region against Christians, Yazidis and other religious and ethnic minorities. We urge you to communicate with all appropriate offices of the United Nations accordingly and to mobilise the international community to take swift and decisive action.

Respectfully submitted,



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