



## **WRITTEN OBSERVATIONS**

jointly submitted to the

Fifth section of the

**European Court of Human Rights**

In the case

**W.K and M.F. v. Sweden**

(Application n°36802/15)

By the Non-gouvernemental organisations

Aide à l'Eglise en détresse<sup>1</sup>

European Center for Law and Justice

SOS Chrétiens d'Orient<sup>2</sup>

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<sup>1</sup> NGO that brings help to the Church in distress to defend the cause and the security of Christians.

<sup>2</sup> SOS Christians in the Middle East.

1. In this case, the NGOs “Aide à l’Eglise en détresse (AED)”, “European Center for Law and Justice (ECLJ) », and « SOS Chrétiens d’Orient », wish to bring factual and legal elements regarding the humanitarian situation of the Christians populations in Iraq to the attention of the Court. This information mainly comes from the “Aide à l’Eglise en détresse” and the “SOS Chrétiens d’Orient” who are currently working directly on the ground, in particular by bringing aid to the refugees. The support brought by these NGOs aims to help the Christians to stay in their homeland, non-Christians refugees and populations also benefit from this help.

2. In the following observations, the “Aide à l’Eglise en détresse”, the “ECLJ” and “SOS Chrétiens d’Orient” wish to present the situation of Christians regarding fundamental rights (1.), threats and abuses incurred (2.), and the reasons that make the return of the refugees in Iraq nearly impossible, in the current situation. (3.).<sup>3</sup>

### **1. The Christian population does not have an effective guarantee of their fundamental rights and liberties**

The 2005 Constitution of the Iraqi Republic<sup>4</sup>

3. The preamble of the 2005 Constitution states that:

*“We the people of Iraq who have just risen from our stumble, and who are looking with confidence to the future through a republican, federal, democratic, pluralistic system, have resolved with the determination of our men, women, the elderly and youth, to respect the rules of law, to establish justice and equality to cast aside the politics of aggression, and to tend to the concerns of women and their rights, and to the elderly and their concerns, and to children and their affairs and to spread a culture of diversity and defusing terrorism.”<sup>5</sup>*

4. The Constitution therefore recognizes the right for every Iraqi citizen to be treated with justice and respect, in his behaviors as in his freedom of thought and opinion. Nevertheless, this Constitution states that Islam is the “official religion” and specifies that “*No law that contradicts the established provisions of Islam may be established*” (Article 2.1a). The Constitution continues by stating that the State defends freedom, along with religious rights, and guarantees administrative, political, cultural and educative rights of all the different Iraqi ethnic groups. It also protects the freedom of beliefs and cults of all individuals, whether they are Christians, Yazidis or Sabian-Mandean (Articles 2.1b and 2.2). The Constitution recognizes two official languages: Arabic and Kurdish and proclaims: “*The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac and Armenian, in government educational institutions in accordance with educational guidelines*” (Article 4.). These languages are also accepted in local administrations.

5. In section five regarding the power of regions, the Constitution states that:

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<sup>3</sup> Texts gathered and put into shape by Mr. Christophe Foltzenlogel, jurist at the ECLJ.

<sup>4</sup> The Washington Post, Courtesy the Associated Press, Full Text of *Iraqi Constitution*, October 12, 2005: <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>.

<sup>5</sup> Id. Preamble

*“This Constitution shall guarantee the administrative, political, cultural and educational rights for the various nationalities, such as Turkmen, Chaldeans, Assyrians and all other components. This will be organized by law. ».* Therefore, it recognizes the fundamental rights of minorities present in its territory.

6. The Iraqi Republic signed and ratified several international treaties regarding Human Rights<sup>6</sup>. Article 14 of the Constitution, in its chapter on political and civil rights, recognizes for every Iraqi equality in front of the Law without discrimination based on gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic and social status<sup>7</sup>.

7. *“Personal property is protected. The proprietor shall have the right to benefit from, exploit and utilize personal property within the limits of the law”*<sup>8</sup>. However, the exact opposite is currently happening in particular in Baghdad. Christian families in Baghdad are regularly victims of pressure from Muslims and particularly by the Shiite militia. Christians mainly live in the Shiite neighborhood of Baghdad, near the Saïdat Al Najat Cathedral (close to the French Embassy). Thus, due to the pressure applied by the militias, Christians are forced to move out and sell their houses, for just a few dollars in the most favorable cases<sup>9</sup>.

8. Although violence specifically against Christians may have reduced since mid-2012, the situation on religious freedom has deteriorated over the last few months. The Constitution of 2005 is not clear on the religious, political or legal position. It contributed to fuel the conflict in which religious extremists –Sunni and Shiites- are trying to gain ascendancy over the other communities of faith. The exodus of the Christians, which shows no sign of relenting, represents a vote of no confidence from those who have the most to lose if the country changes from a democracy to a quasi-theocracy. Therefore, the prospects are particularly bleak, unless some spectacular changes are made to progress the cause of security and freedom, not only in favor of most powerful religious groups but also for minorities.

9. The violence of the confrontation between Sunni and Shiites placed Christians into a difficult situation. Mgr. Louis Saco, Bishop of Kirkuk until 2013 explained that:

*“The Christians are caught in the middle of the two major movements in conflict: Sunni and Shiites. The Sunnis were more protected under Saddam Hussein, and the Shiite that were evicted now have taken back the power. Besides the presence of violent groups at the origins of attacks, the Christians are used in favor or some or the others. Moreover, many movements against Christians are subsisting”*<sup>10</sup>.

10. The very poor representation of the Christians in the Federal Parliament after the election of 2005 (three seats out of 275) does not allow them to have any influence on the passing of laws. Moreover, given that a person’s religious belonging is still part of their civil status and

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<sup>6</sup> List of the treaties signed by the Iraqi Republic available on the following address :  
[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=82&lang=FR](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=82&lang=FR) ;  
<http://www.un.org/french/disabilities/countries.asp?id=1300#1> ; <http://indicators.ohchr.org/>

<sup>7</sup> The Washington Post, Courtesy the Associated Press, Full Text of Iraqi Constitution, October 12, 2005, Article 14: “Iraqis are equal before the law without discrimination based on gender, race, ethnicity, origin, color, religion, creed, belief or opinion, or economic and social status.”

<sup>8</sup> ID. Article 23.

<sup>9</sup> See « testimonial » section, Testimony n°4.

<sup>10</sup> Isabelle Cousturié and Anita Bourdin, « Iraq: Mgr. Sako do not think he was the target of the attacks », *Zenit*, January 13, 2012.

appears on the identity documents of every citizen, Christians are easily recognizable, which makes them victims of injustice and unequal treatment even more.

11. The head of the Chaldean community (Catholic), the most important Christian community in Iraq, is Patriarch Louis Raphael Ier Sako, Archbishop of Baghdad since 2013. He has declared *“The only criteria to allow cohabitation is citizenship: I am a citizen in abstraction of the fact of my religious belonging, Christian or Muslim. For that, religion needs to be separated from politics. If the Muslims were to accept to remove every religious reference from the Constitution, from politics and also from the organization of relationships between citizens, there would not be any problem. Also on the passport and on other documents, Christian or Muslim should not be written, because it creates problems. [...] There are rules that also limit the political and social (etc.) role<sup>11</sup>”*.

12. According to Mgr. Bashar Warda, Chaldean Archbishop in Erbil, in Kurdish Iraq, *“Religious freedom is guaranteed, yes. But the freedom of conscious is not. Because the “main sources” of the Constitution are in the Islamic Sharia. The Sharia takes into account existing religions, but one cannot change religion except if they convert to Islam<sup>12</sup>”*.

13. Finally, concerning internal security, Article 110, paragraph 2, states that the Iraqi State has to secure its boundaries and the application of the law on its national territory: *“Formulating and executing national security policy, including creating and managing armed forces to secure the protection, and to guarantee the security of Iraq's borders and to defend Iraq<sup>13</sup>”*. The Iraqi State is no longer in the position of providing security to neither its territory nor its population. The recent topical issues, with the apparition of the “Islamic State” occupying a third of the Iraqi territory, shows that the Iraqi armed forces are not able to assume territorial integrity and the protection of its population. It would not be relevant to outline the abuses committed on the Iraqi territory and the displaced populations resulting from it. Likewise, the only forces able to assure security are the Kurdish army on the North (for the Kurdish Iraq) and the Shiite militias (for the zones of Shiite populations<sup>14</sup>) that are present in large numbers on the territory<sup>15</sup>.

Recent legal evolutions.

- Setting of a consultative commission on the property of Christian minorities in Baghdad.

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<sup>11</sup> Maria Laura Conte, « Iraq: The Time Has Come To Go From Tolerance To Citizenship », *Oasis*, November 20, 2013.

<sup>12</sup> Henri Lindell, Mgr. Bashar Warda: « Freedom of conscious is not guaranteed », *La Vie*, April 11 2013.

<sup>13</sup> The Washington Post, Courtesy the Associated Press, Full Text of Iraqi Constitution, October 12, 2005, Article 107, paragraph 2.

<sup>14</sup> They are generally affiliated to Iran or to Shiite politicians.

<sup>15</sup> Their exactions can also be commented, Example: during the liberation of Tikrit where they committed exactions on the local Sunni population. “Iraq: the exactions by the militia weaken the resistance against the Islamic State”, Human Rights Watch, September 2015: <https://www.hrw.org/fr/news/2015/09/20/irak-les-exactions-des-milices-affaiblissent-la-lutte-contre-letat-islamique>.

14. On March 2015, on the demand of the Prime Minister Haïder Al Habadi, a committee was set up to “Gather information and to take concrete measures regarding violence and abuses against Christians in Iraq, particularly in the capital city<sup>16</sup>”.

However, the Iraqi administration is very corrupt and is therefore very unlikely to function in an acceptable manner. Likewise, many Christian houses were robbed with the support of corrupt officials inside the administration<sup>17</sup>. Therefore, it will be very difficult to prove and condemn those responsible.

- Discussion over a Law on religious filiation in Iraqi families.

15. The Iraqi Parliament is currently discussing a Law “according to which a child is automatically registered as a Muslim, even if only one parent converts to Islam”<sup>18</sup>. On October 27 2015, the Iraqi Parliament rejected an amendment allowing for the children of whom one parent converted to Islam, to keep their religious origin, until the age of 18<sup>19</sup>. The President of the Parliament would have succeeded in convincing the MPs to backtrack on this vote with a new amendment. Some MPs asked the Shiite ayatollah Ali Al his opinion, which made the Patriarch Louis Sako write a letter to the MPs to convince them to maintain the amendment favorable to Christian children<sup>20</sup>.

## **2. Severe threats of different nature against Christians.**

16. Christians living in Iraq are facing different types of prosecutions: not only different threats, the majority of which were permanent, but attacks were also executed against their lives and property.

- ❖ Permanent death threats, particularly toward Christians who own liquor stores; they receive death threats by letter with bullets enclosed; threats against children in schoolyards; along with the anguish provoked by the permanent threat of attacks: during his five day stay in Baghdad in July 2015, the deputy chief of the NGO SOS Chrétiens witnessed three attacks, with a total of 300 dead. One of the attacks took place few meters away from the Saïdat Al Najat Cathedral, killing 110 people (3 car bombs)<sup>21</sup>.

17. Threats carried out:

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<sup>16</sup> Anne-Bénédicte Hoffner, In Iraq “concrete measures” to protect Christians, La Croix, August 25 2015: <http://la-croix.com/Religion/Actualite/En-Irak-des-mesures-concretes-pour-proteger-les-chretiens-2015-08-25-1348142>.

<sup>17</sup> It can particularly happen through the modification of the land register with the modification of landowners name in the registers.

<sup>18</sup> [http://www.fides.org/en/news/58702-ASIA\\_IRAQ\\_Chaldean\\_Patriarch\\_convenes\\_a\\_protest\\_against\\_the\\_law\\_on\\_the\\_Islamization\\_of\\_minors#.VrIJwII4fTE](http://www.fides.org/en/news/58702-ASIA_IRAQ_Chaldean_Patriarch_convenes_a_protest_against_the_law_on_the_Islamization_of_minors#.VrIJwII4fTE), Fides Agency, November 9 2015.

<sup>19</sup> ASIA/ IRAQ – Beginning of the process of modification of the Law on Islamization of the minors, News, VA, November 15 2015.

<sup>20</sup> [http://www.fides.org/en/news/58788-ASIA\\_IRAQ\\_New\\_appeal\\_from\\_Chaldean\\_Patriarchate\\_about\\_changes\\_in\\_the\\_law\\_regarding\\_Islamization\\_of\\_minors#.VrIKj1I4fTE](http://www.fides.org/en/news/58788-ASIA_IRAQ_New_appeal_from_Chaldean_Patriarchate_about_changes_in_the_law_regarding_Islamization_of_minors#.VrIKj1I4fTE). Fides Agency, December 3 2015.

<sup>21</sup> AFP / Libération.fr, « 21 persons Killed in Baghdad during a series of attacks in Shiite neighbourhood”, July 13 2015; LeFigaro.fr/ AFP Agency, “Iraq: At least 90 dead in an attack claimed by ISIS”, July 18 2015; La Croix/ AFP “At Least 16 people died in a car bomb attack in Baghdad (security)”, July 22 2015.

- ❖ Christians also are victims of physical violence, robbery, expropriation, forced conversion, murder, kidnapping for ransom, etc. An abducted priest was found a few days later with broken ankles and wrist. In some cases, the prisoner is killed even if the ransom is paid. We have heard the testimony of an Iraqi farmer forced to pay 60 000 USD for his freedom and we know that other Christians have been set free after payment of ransom. Christians are also victims of attacks in churches, the most symbolic was the attack in the Cathedral Saïdat Al Najat during the All Saint's Day Mass in 2010, 48 people were killed and 60 wounded. Other attacks can be mentioned, such as the Christmas attacks in 2013, 37 people were killed and around fifty wounded.

18. An article in Fides<sup>22</sup> from July 2015, confirms the testimonies we heard, according to which kidnapped Christians were killed even if the ransoms of tens of thousands dollars had been paid.

Within two weeks in Baghdad, four Iraqi Christians were kidnapped, and the abduction resulted in tragedy for two of them. After payment of the ransom they were found dead by the police. The dead body of Quais Abdul Shaya was brought back to his family, even though they had paid a ransom of almost 25,000 USD to the kidnapers. Saher Hanna, who worked at the Home Affairs office, met the same fate. Another Christian was set free after his family paid a ransom of almost 50,000 USD. Only Rd. Bashar al-Ghanem Akrawi was released thanks to a police operation where he was imprisoned.

19. The increasing cycle of crimes against Christians in the Iraqi capital city, continues to make their situation painful and precarious. The Christian MP Imad Youkhana Yako published a press release on July 9, 2015 to ask to his colleagues and the security forces to assert their responsibilities in regard to a phenomenon that "is part of intimidations suffered by Christian members and contributes to undermining the unity of Iraqi society"<sup>23</sup>.

### **The abuses by the "Islamic state" organisation.**

20. On June 11 2014, the "Islamic State" captured Mosul. Within the following days, the Wahhabi militants took other cities, heading South toward Baghdad, with the evident aim to create a caliphate extending from Iraq to the North of Syria where they already ruled territories. For every religious group, even for moderated Muslims, the "The Islamic State" represented the most serious threat possible. The Shiites, that represent the majority in Iraq were those who had the most to fear. On June 15, 2014, the "Islamic State" claimed to have murdered hundreds of Shiite prisoners and members of the Iraqi security forces<sup>24</sup>. The Christian leaders spoke of the threat of the "Islamic State" for their communities. Mgr. Amel Nona, Cahldean Archbishop of Mosul, described the fleeing of the last Christians from a city that was home to a population of 35,000 ten years earlier<sup>25</sup>. Mgr. Saad Syrop, auxiliary bishop

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<sup>22</sup> Fides is a centre of information of the Pontifical Missionaries Societies.

<sup>23</sup> <http://www.fides.org/en/news/38168->

[ASIA\\_IRAQ\\_In\\_Baghdad\\_Christians\\_kidnapped\\_and\\_killed\\_despite\\_the\\_payment\\_of\\_ransom#.VrII9FI4fTE](http://www.fides.org/en/news/38168-ASIA_IRAQ_In_Baghdad_Christians_kidnapped_and_killed_despite_the_payment_of_ransom#.VrII9FI4fTE)

<sup>24</sup> Tim Arango, « Escaping Death in Northern Iraq », New York Times, September 3, 2014.

<sup>25</sup> AED, « Iraq, there is probably no Christians left in Mosul », June 11, 2014 : <http://www.aed-france.org/irak-il-ne-reste-probablement-plus-aucun-chretien-a-mossoul/>

of Baghdad declared to the AED on June 18 2015, that he feared a complete war, with a potential disastrous outcome on the future of Christianity in Iraq<sup>26</sup>.

21. Since the town fell at the hands of the so-called “Islamic State”, its inhabitants, all Sunnis, now live in the shadows of mosques, but also in the 45 churches transformed into mosques. Men must grow beards and shave their heads. Women no longer have the right to work outside the home and must be veiled from head to toe. The Sharia stands for the Law, and violence is enforced by decree. The governmental policy, ravaged by rivalries between Sunnis and Shiites among others, is difficult to maintain it throughout whole territory. The United Nations announced in mid-July that at least 15,000 civilians had been killed in Iraq since the beginning of the war against the “Islamic State” in 2014<sup>27</sup>. According to the UN “Report on the Protection of Civilians in Armed Conflict in Iraq: 11 September - 10 December 2014”, during the same period 45,000 civilians had been wounded in the battles<sup>28</sup>.

22. The fall of Mosul and the plain of Nineveh by the “Islamic State” (August 6, 2014) forced 485,000 civilians to flee, among them 125,000 Christians. This new attack accelerated the exodus of Christians, thus provoking a true haemorrhage: Since 2003, nearly 100,000 Christians leave the country every year.

### **Material Conditions**

23. The material conditions of Christians in Iraq depend on their status (local or displaced inhabitants) as well as in which region they settle. In the South of the country, the Christians are mainly concentrated in Baghdad (1,000 families) and in Basra (300 families). In general, their material situation is directly linked with their political and security situation. In effect, the Christians represented a wealthy and privileged class before 2003, for more than ten years they have been facing an increasing number of threats, by kidnaping, murders, extortion of money, prevention from working, etc. This minority population hardly finds its place inside the Shiite Iraq with its militia enforcing their rules before the Iraqi Law. The liquor stores which were often run by Christians are being closed one by one, by will or by force (in spite of being legal), employers do not take the risk of hiring Christians for fear of reprisals and the Christians leaders in administration are regularly threatened with death for they are not worthy to take a position from a Muslim. For example, a laundry near the Syriac Catholic Archbishop of Baghdad has been robbed more than ten times. In this context, refugee families seem to be even more deprived than the local families, in spite of the fact that they receive humanitarian aid from the Church and some international organizations.

24. Concerning the North of the country, until 2014, the Christians lived comfortably (a majority already are refugees from the previous war). In spite of the difficult security situation in Mosul, one still finds some engineers, school teachers, medical specialists, executives and senior executives in the administration or in private firms. When the “Islamic state” arrived, the Christians of Mosul particularly suffered because they were systematically robbed during their fleeing to the Plain of Nineveh.

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<sup>26</sup> AED, « Iraq, what future for the Christians on the day before the elections » April 29, 2014 <http://www.aed-france.org/irak-a-la-veille-des-elections-quel-avenir-pour-les-chretiens/>

<sup>27</sup> Le Monde/ AFP, “The UN counts 15,000 Iraqi civilians killed since the beginning of the war against the Islamic State”, July 13, 2015.

<sup>28</sup> AFP Dispatch “The UN reports “at least 44,136 civilians victims among which 14,947 were killed” in its Report on the Protection of Civilians in Armed Conflict in Iraq.” July 13, 2015.

25. Likewise, inside the Christian villages of the Plain of Nineveh, of which Qaraqosh is the chief town, the inhabitants were living out large farms and flourishing shops. They were at first generously hosting the refugees from Mosul, but they also had to flee from their villages and seek refuge in the Iraqi Kurdistan during summer 2015. Therefore, and contrarily of the generalized poverty of the South, the native Christians of the Iraqi Kurdistan are to be distinguished from the rest of the displaced.

In effect, the Christian natives from Kurdistan represent the small and grand bourgeoisie inside the metropolises (Duhok, Sulaymaniya and particularly Erbil). Living off the property rents, big firms in the building industry or the hotel industry have a political and social influence. However there are some villages, notably in the North-East of the Kurdistan that do not share this wealth.

26. As for the displaced Christians of Kurdistan, their situation needs to be nuanced. Their deprivation is complete. It is important to constantly bear in mind that they have lost the entirety of their belongings, which leads to a very precarious humanitarian situation, notably over the past months. However, the humanitarian response is now massive and the hosting conditions are relatively good. Even if some isolated cases of families in despair exist it is often due to a particular weakness (old age, disease...), the Christians who are now safe in the Iraqi Kurdistan are receiving the aid for their basic needs (accommodation, food, medical care, education...). Nearly all the children are back to school, even universities could be opened for the displaced populations. Medical centers, always more equipped and specialized are opening, with free access for the displaced populations, who nearly all have accommodation by now. Every week, an increasing number of displaced Christians find a job or a traineeship.

### **Statistics of Christians populations and emigration**

27. The figures speak for themselves: today there are 33 million inhabitants in Iraq, 2,5 million refugees outside the country and 1,8 million displaced people inside the country. They are 65% of Shiite and 32% of Sunni. Before 1980, Christians represented 10% of the population, it decreased to 3 and 5% before 2003 and reached 1,5% in 2003, it now represents less than 1% of the population, that is to say between 150,000 and 300,000<sup>29</sup>. In Mosul they were 60,000 before 2003, 35,000 till June 2004, and we now can affirm that there are no Christians left in Mosul<sup>30</sup>.

Approximately 60,000 Christians were living in Qaraqosh, the county seat of the Christian villages of the plain of Nineveh, that is now ruled by the "Islamic state". The plain of Nineveh has been the point of origin of a migration of tens of thousands of Christian families spread over the Iraqi Kurdistan, with a principal fixation place in the region of Erbil (in Ankawa camps as well as in rented houses in Ankawa and in the suburban neighborhood of the Kurdish capital city). Around one thousand Christian families live in Baghdad and 300 in Basra.

28. Today, the financial conditions are a key condition for the departure, along with the administrative conditions. In spite of the security and the perspectives of the future that the Kurdish Iraq offers to Christian populations, in their immense majority, they have difficulties to foresee a future in Iraq. Maybe the liberation of the Plain of Nineveh could reverse this process? Long term security guarantees would however have to be brought.

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<sup>29</sup> La Croix, « Christians of Iraq and the Levant in figures », 5 April 2012.

<sup>30</sup> Pèlerin, « Iraq : there is no Christian left in Mosul », 22 juillet 2014.

29. In spring 2014, Mgr. Louis Raphael Sako qualified the hemorrhage of its believers “a disaster” for the Church. During an interview on April 25, he declared: “the daily emigration of Iraqi Christians is terrible and very concerning”, he added: “The Church is facing a disaster, and if the situation continues the way it does, we will only be a few thousands left in ten years.” The Patriarch attributed the responsibility for the exodus to the deterioration of security conditions, to religious extremism, he describes the death threats against Christians and the confiscation of their goods by force<sup>31</sup>. Today 1,3 million of refugees are surviving in the North of the country, among them 10 % are Christians. This figure is largely superior to the percentage of Christians in Iraq, we can say that they are proportionally ten times more represented among the refugees.

30. As for the Yezidis, they represented 500,000 people in Iraq before the Islamic offensive. Since then, some died of dehydration during they flee in the desert, mainly the children. Other, according to the High Committee of the UN, seek refuge in Syria. Others, women of less than 35 years old, were sold on the slave market in Mosul to be “wives” to the Jihadists.

### **3. The Impossible return to their homeland for the Eastern Christians in current circumstances.**

31. Two points need to be considered: the opportunity for Iraqi Christians and their perception of the hosting societies when they arrive. In effect, it clearly appears that the Iraqi Christians have a wrong idea of the societies and the lifestyle of the countries in which they ardently wish to emigrate. In Iraq the opinion is firm regarding the necessity to join the “Eldorado” of North American, Europe, Scandinavia, or Australia, when in the consulate, the situation is divided. Firstly, the displaced people are looking for a hosting “Christian country” which is an error of apprehension toward multicultural and secularized country. Secondly, they think they will join a “healthy” society, nearly full-employed, with extensive budgets, in which everyone can find its place and its material happiness. This feeling is even more distorted when a very slight minority of Iraqi Christians know the language of the hosting country (except English) but they all think they will quickly find a job. Furthermore, the Eastern Christians are extremely attached to the oriental identity of their religion, which also defines their identity and cultural orientation. In such conditions the uprooting is even more difficult.

32. In spite of this facts and of the testimony of families that have taken the way back, those cases are extremely rare. Among the families back in Iraq, many were expecting their visa in Jordan and Lebanon but had to renounce because of a lack of financial resources. In effect, in spite of hosting conditions very different from those expected, the move taken is huge and a way back is inconceivable.

33. Father Luis Montes, Argentine Priest member of the Institute of the Incarnate Word, is living in Baghdad since five year, says he “recently inaugurated a new chapel. It was about time that our refugees received their own little church. It gives them back a little of their lost country. And now the people can go to the Mass without fearing for their lives<sup>32</sup>.”; he says

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<sup>31</sup> Aran News / AFP, « Christians face ‘disaster’ in Iraq » ; April 27, 2014.

<sup>32</sup> With the help of the AED, a chapel was inaugurated in Bagdad for the refugees that had fled from the “Islamic state”. Testimony of F. Luis Montes, by Oliver Maksan

that “only in October, there has been 128 bomb attacks in Baghdad. It is comprehensible that the people are frightened to go down in the street to go to the church”. He remarks that the nearest church is not far, “but because of the danger, it is important that the Church comes to them, in the refugee’s camp.”

135 families from the plain of Nineveh near Mosul, live in the refugee’s camp since last year. Each family has a caravan. They all are Christians, and most of them belong to the Syriac Catholic Church. They lost everything a year ago.

34. When ISIS attacked their town of Karakosh, they fled to save their lives, leaving everything behind them. Their fate is similar to those of 120,000 Christians that became refugees and are waiting in camps, above all in the North of Iraq. Thousands of them already left their country to go to Australia or another country of the Western world. “All the refugees we have here want to leave. They came to Baghdad because the refugee’s camps in the North are overcrowded, but particularly because they need new id documents to leave Iraq. Most of them have lost or forgotten their documents in the confusion during their escape”, explains Fs. Montes. “None of them has the hope to ever come back in their town or village of origin occupied by ISIS. In effect, there is no liberation to consider. What is more, the population has lost any confidence in Iraq and in the Arabic world in general” follows the priest. When he once asked to a woman if she could imagine herself having a future in the Kurdish autonomous region in the North of Iraq, generally considered as being safe, she answered: “Yes, it is still safe over there. Will it still be tomorrow? Many years ago, a lot of people fled from Iraq to seek refuge in Syria. They now have to go again. No, the best for us is to leave the Middle-East for good.”

Families’ visa applications are treated very slowly. The refugees therefore live in a sort of incertitude, says Father Montes. “Indeed, the people suffer from their situation. They did not find a job here. The fathers, above all, feel useless.”

35. Iraqi refugees we met in Lebanon or in Iraq have no hope, they are exhausted and nearly all of them want to leave. For some, they are living their third exodus. They do not trust the government anymore, and what is worst, they have often been betrayed by their own Muslims neighbors (notably in Mosul). Therefore, even if the city is liberated, the return seems difficult. They do not see any future for their children. There are attached to their culture, tongue, country, but they cannot suffer any longer. Among the refugees in Kurdistan, some were able to find a job but they do not speak Kurdish, which makes things difficult for the children too. That is one of the reason why the AED urgently built eight school. The teachers, refugees themselves are paid by the government. Without the help of the Church the Christians refugees would not survive.

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## Appendices: Testimonies

The intervening third party wishes to give to the acknowledgment of the Court the following testimonies of Iraqi Christians. They give an overview of the concrete situation of this population.

### **a) Testimony of a refugee couple from Qaraqosh. They are parents of two children, the youngest was 15 days old when Qaraqosh was attacked.**

“I do not know for how long I am here, I am in God’s hands. We have no future here in Iraq, neither our children. If they stay, they might give them weapons and teach them to be violent, and do not want this to happen. It is all about violence here. I want my children to become doctors or another profession in a country where we have a future and liberty. We might be alive now, but maybe next time we will be killed like the Yezidis or sold as slaves. There is no point in staying here, we are always the victims. We do not want to be killed, the only thing we want is live. Here, even if the country is rich, the money goes directly to the government. Many Christians are poor. We do not trust this country any more because there is no peace. In Europe and in other places, the Human Rights exists, here there is nothing. We feel isolated. If it had not been the Church we would be in the desert.

### **b) Testimony of a woman living in Kaznazan<sup>33</sup> after the invasion of ISIS<sup>34</sup> in the plain of Nineveh.**

Her husband died of a heart attack after the pressure of the Islamists in Baghdad. He owned a wine and spirits shop in the Shiite neighborhood in Baghdad. Muslims came several times to his shop to tell him to close down. His shop has been ransacked several times and threatening posters were displayed on the storefront. The Islamists have gone as far as to pick up their children at school and bring them back home with a message to deliver to their father. Their house had also been the target of vandalism acts with display of threatening letters. One evening, a large number of Islamists came to their house. They took the father out of his house. They told him to leave and to close his shop. At last they frightened him at such a point that he had a heart attack in front of all his family, and the Islamists preventing his wife to rescue him, let him died.

The mother and children ended by leaving Baghdad to seek a refuge in Mosul, from where they had to flee again in 2014 before the advance of ISIS.

### **c) Testimony of a family from Baghdad**

A family had been living in Baghdad for 30 years and owned its house. One day a religious Muslim came to their home, with all his escort. He spoke to the father of the family and told him the house was his (he showed him papers, probably fraudulent). The father contested the religious ‘version, and some guard started to molest him. The religious offered him a deal: I leave a room in the house for your entire family, and in return I want your daughter as a

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<sup>33</sup> Suburban neighborhood of Erbil, Iraqi Kurdish capital, where the majority of Christian’s minorities seek refuge.

<sup>34</sup> The Christians from the plain of Nineveh seek refuge in Iraqi Kurdistan where the Kurdish army protected them and the authorities offered them a safe refuge?

servant. The family refused and had to leave from its house. The seek refuge in the nearest church and the Church helped them to find a temporary solution.

**d) Testimony of a 22 years old student in medicine, born in Baghdad and refuged to Qaraqosh and Erbil afterwards.**

Before 2003, life was nearly normal. He was not feeling insecure. People could go out at night and come home late without being bothered. The churches were crowded on Sundays. After 2003, the churches have been deserted (notably in Baghdad). Before 2003, the Christians could celebrate their ceremonies in public in the parks, and Muslims participated joyfully to this days of feast. Christians and Muslims could visit each other's. It is now impossible, trust has been broken. Their former Muslims friends and neighbors now live in their houses, play with their toys, have their jobs, and drive their cars... Leaving Baghdad in 2005 has been difficult for him. In 2006 he saw many arrival of families in Baghdad, Tikrit, and Mosul. They were only Christian's families. They arrived at fall, around 8pm. They have been taken over by the community's center (near the priest's house), at the beginning they were only sitting in the street, on the sidewalk, waiting for help. Many of them explained that they had received threatening letters with munitions inside (for some it was everyday), in other families close relatives had been kidnapped, or even inside their family. The same happened in 2014 during the escape from the Plain of Nineveh.

2006 was a bloody year for them because many terrorists and Muslims considered them as traitors to Iraq. Today those daily prosecution are still happening.

Since mid-2012, the Christians are still victims of acts of violence and intimidation but the incidents have not been as numerous and as serious as they were during the heart of the insurrection of 2006-2008. On September 2012, the Chaldean Cathedral of Kirkuk was the target to a bomb attack. The bomb exploded in front of the door after the evening Mass thus provoking material damage<sup>35</sup>. In January 2013, the dead body of a Chaldean catholic school teacher of Mosul was found, she had the throat cut. On Christmas Eve of 2013, 34 people died during a series of attacks against the Christians neighborhoods in Baghdad. On January 29 2014, armed men terrorized the population in Baghdad, and killed three people in the mainly Christian neighborhood of Camp Sarah<sup>36</sup>.

**e) Testimony of Fs Jalal of the Werenfied Center in Ankawa, he hosts 270 Christians families.**

*"270 families live in this center, they all are Christians from Mosul or Qaraqosh. People came here on October 24, the previously were in St Joseph Parish in Ankawa. We prepared everything very fast, above all before winter comes (when it rains it causes many problems of water, insalubrity, evacuation etc.). People are exhausted, psychologically exhaustion mainly. There were thinking to stay for a few days, but it is in fact much longer. All the children cannot go to school. Some men found jobs in hospitals, schools, buildings but they are not always duly paid. It is complicated because we do not always know who our enemy is. Two or*

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<sup>35</sup> AFP / Vatican, « the Chaldean Cathedral of Kirkuk was the target to a bomb attack », September 18, 2012

<sup>36</sup> Reuters/ l'OBS, « attacks kill 19 people in Bagdad », January 31, 2014.

*three families leave the country every week but some come back because it is way too hard. One cannot imagine the difficulty it represents for a family to live all together in a caravan, there is violence, psychological problems coming up, we do not always know how to help them”.*

**f) Testimony of Mgr. Sleiman, archbishop of Baghdad**

At the end of 2014, following the summer tragedies and the advance of the organization of the “Islamic state”, Mgr. Sleiman, Archbishop of Baghdad declared: *“If the Middle-East does not find peace, I do not think Europe will be in peace either. This sort of phenomenon does not stop on territorial limits”*. Even if in Baghdad, Christians are the only Iraqi that can cross over the Sunnis and Shiites militias’ dams without risking their lives, the daily attacks and what is happening to their brothers in Mosul or Qaraqosh terrorize them every day. And it make them flee. *“The emigration of Christians is an hemorrhage that cannot be stopped”*, states the Archbishop, *“Their departure is irreversible. They sell they grounds and houses. For them, exodus is preferable to fear.”* Mgr Sleiman adds: *“This exodus impoverishes Iraqi society. By losing its variety it closes upon itself and radicalizes”*.