



February 5, 2016

The Honorable John F. Kerry
Secretary of State
U.S. Department of State
Washington, D.C. 20520

Dear Mr. Secretary:

This letter provides a legal analysis of the law of genocide as it applies to the atrocities being committed by ISIS against Christians and other minorities in Iraq and Syria. We are writing to encourage the United States Government to designate Iraqi and Syrian Christians as victims of genocide.

INTERESTED ORGANIZATIONS

The American Center for Law & Justice (ACLJ) is an organization dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have argued before the Supreme Court of the United States in a number of significant cases involving the freedoms of speech and religion.¹ ACLJ and its international affiliates are also dedicated to defend human rights around the world.

The European Centre for Law and Justice (ECLJ) is an international NGO dedicated to the promotion and protection of human rights in Europe and worldwide. The ECLJ advocates in particular the protection of religious freedoms and the dignity of the person before the European Court of Human Rights and the mechanisms afforded by the United Nations, the Council of Europe, the European Parliament, the Organization for Security and Cooperation in Europe, and others.²

¹See, e.g., *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009) (unanimously holding that a monument erected and maintained by the government on its own property constitutes government speech and does not create a right for private individuals to demand that the government erect other monuments); *McCormell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Lamb's Chapel v. Ctr. Moriches Sch. Dist.*, 508 U.S. 384 (1993) (holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school's campus did not violate the Establishment Clause); *Bd. of Airport Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport's ban on First Amendment activities).

²The ECLJ has gathered petition signatures on behalf of nearly 100,000 Europeans calling for the recognition of ISIS's atrocities against Christians and other religious minorities as genocide.



The Oxford Centre for the Study of Law and Public Policy brings the world's leading thinkers, academics, and practitioners to participate in scholarly pursuit aimed at protecting Christians and others facing persecution in the Middle East and other parts of the globe. Based in Oxford, England, this specialized network seeks to reach the highest levels of academia in an effort to turn back the growing wave of anti-Semitism in Europe and the world.

The Philos Project seeks to promote positive Christian engagement in the Middle East. Led by Mr. Robert Nicholson, its Executive Director, The Philos Project pursues this end through proclaiming friendship with those in the region who support liberty and justice for all peoples, while also reviving an intellectually rigorous Christian approach to foreign policy, especially as it relates to the Middle East.

The National Clergy Council (NCC) is a network of more than 5,000 pastors and denominational leaders who work together to bring Christian moral principles into the political debate. With Reverend Rob Schenck serving as President, the NCC represents church leaders from Catholic, Evangelical, Orthodox, and Protestant traditions.

Faith and Action in the Nation's Capital is America's only Christian outreach to top-level government officials in Washington, DC. With Mrs. Peggy Nienaber serving as the chief of program, Faith and Action in the Nation's Capital accomplishes its mission through building personal relationships with individuals serving in government, engaging in private and public conversation and debate, distributing Scripture and informative materials, and staging special events such as panel discussions, symposia, news conferences, seminars, and prayer, worship, and preaching services.

The Christian Defense Coalition (CDC) is a faith-based social justice and political activist organization, challenging the church to live out its faith in a fragmented world. Led by Reverend Patrick J. Mahoney, CDC upholds the concept that every person should be afforded the right to express his or her faith tradition free from government persecution, harassment, and intimidation. No one should have to suffer violence or brutality because of what he or she believes.

This letter is also being sent on behalf of over 160,000 Americans who have signed the ACLJ's Petition to Recognize ISIS's Genocide Against Christians, requesting that the United States recognize ISIS's atrocities against Christians as genocide and provide them vital legal protections.

BACKGROUND

On December 7, 2015, the United States Commission on International Religious Freedom (USCIRF) "call[ed] on the U.S. government to designate the Christian, Yazidi, Shi'a, Turkmen, and Shabak communities of Iraq and Syria as victims of genocide by ISIL."³ Members of Congress have also called on the U.S. Government to designate Christians of Iraq and Syria as

³Press Release, U.S. Comm'n on Int'l Religious Freedom, USCIRF Statement on the Designation of Victims of Genocide, Persecution, and Crimes Against Humanity in Syria and Iraq (Dec. 7, 2015), <http://www.uscifr.gov/news-room/press-releases/uscirf-statement-the-designation-victims-genocide-persecution-and-crimes>.

victims of genocide.⁴ Archbishop Silvano Tomasi, the Holy See's representative at the United Nations in Geneva, has called ISIS' atrocities against Christians and other religious minorities genocide and has even called for military intervention.⁵ Pope Francis has also recognized that use of force is legitimate in this situation to stop an unjust aggressor.⁶ According to two separate United Nations fact-finding reports, ISIS acts may "amount to war crimes, crimes against humanity, and possibly genocide."⁷ A joint report by Office of the United Nations High Commissioner for Human Rights and UN Assistance Mission for Iraq recorded "at least 55,047 civilian casualties as a result of the conflict, with 18,802 people killed and 36,245 wounded," from January 1, 2014 through October 31, 2015.⁸

Additionally, on January 27, 2016, the Parliamentary Assembly of the Council of Europe adopted a resolution declaring that ISIS terrorists have "perpetrated acts of genocide and other serious crimes punishable under international law."⁹ The resolution called on Member States of the Council of Europe to "fulfill their positive obligations under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide by taking all necessary measures to prevent genocide."¹⁰ Out of 117 members, 108 members voted in favor of the resolution.¹¹

Most recently, on February 4, 2016, the European Parliament passed a near unanimous resolution on "the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh'."¹² The resolution emphasized a "strong condemnation of ISIS/Daesh and its egregious human rights abuses" which have "deliberately target[ed] Christians" along with other religious minorities.¹³ The resolution recounted the "egregious human rights abuses" that have been committed by ISIS, and "stress[ed] that the so-called 'ISIS/Daesh' is committing genocide against Christians" and other religious minorities.¹⁴

⁴Letter from Edward R. Royce, U.S. Congressman, and Other Members of United States Congress, to John F. Kerry, Sec'y of State, U.S. Dep't of State (Dec. 23, 2015) (on file with the American Center for Law & Justice) (signed by thirty Members of Congress).

⁵John L. Allen, Jr., *Vatican Backs Military Force to Stop ISIS "Genocide,"* CRUX (Mar. 13, 2015), <http://www.cruxnow.com/church/2015/03/13/vatican-backs-military-force-to-stop-isis-genocide/>.

⁶*Id.*

⁷Rep. on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015 (2016). Rep. of the UNHCHR on the Human Rights Situation in Iraq in the Light of Abuses Committed by the so-called Islamic State in Iraq and the Levant and Associated Groups, U.N. Doc. A/HRC/28/18 (Mar. 13, 2015).

⁸Rep. on the Protection of Civilians in the Armed Conflict in Iraq, *supra* note 7.

⁹EUR. PARL. ASS., *Foreign Fighters in Syria and Iraq*, 6th Sitting, Doc. No. 13959 (2016), <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22482&lang=en>.

¹⁰*Id.*

¹¹Voting Results on Sub-Amendment, Parliamentary Assembly, <http://assembly.coe.int/nw/xml/Votes/DB-VotesResults-EN.asp?VoteID=35851&DocID=15718&selSession=201601> (last visited Feb. 1, 2016).

¹²Joint Motion for a Resolution on the Systematic Mass Murder of Religious Minorities by the So-Called 'ISIS/Daesh', EUR. PARL. DOC. RC\1085712EN.doc (2016); Press Release, European Parliament News, MEPs Call for Urgen Action to Protect Religious Minorities Against ISIS (Feb. 4, 2016), <http://www.europarl.europa.eu/news/en/news-room/20160129IPR11938/MEPs-call-for-urgent-action-to-protect-religious-minorities-against-ISIS>.

¹³Joint Motion for a Resolution on the Systematic Mass Murder of Religious Minorities by the So-Called 'ISIS/Daesh', EUR. PARL. DOC. RC\1085712EN.doc (2016).

¹⁴*Id.*

All of these actions support your own statement that the facts and the discussion of law both show that “ISI[S]’s campaign of terror against the innocent, including the Christian minority, and its grotesque targeted acts of violence show all the warning signs of genocide.”¹⁵

BRIEF RECITATION OF FACTS

The United States Department of State has designated “Daesh” a foreign terrorist organization, commonly known in the United States as the Islamic State of Iraq and Syria (ISIS) (a.k.a. the Islamic State of Iraq and the Levant (ISIL) or simply as the Islamic State (IS)).¹⁶ In the summer of 2014, ISIS leader, Abu Bakr Al-Baghdadi, self-proclaimed to be Caliph Ibrahim, declared the creation of an Islamic caliphate (Islamic theocracy ruled by one Islamic ruler and governed by Sharia law) under his leadership. Since Al-Baghdadi declared the creation of his caliphate, ISIS has systematically killed Christians, Yazidis, and other non-Muslim as well as Muslim minorities who do not adhere to ISIS’ ideology. ISIS 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. Such savagery has been punctuated by recent evidence that ISIS is burning Christians alive in locked caskets.¹⁷

In Iraq and Syria, Christians represent a small minority of the population, making up roughly 8% of the Syrian population¹⁸ and less than 3% of the Iraqi population.¹⁹ The Christian population in both countries is rapidly decreasing. For example, tens of thousands of Christians have fled Syria since the beginning of the civil war in fear for their lives.²⁰ ISIS’ religion-targeted abuses include “killings, rape, kidnapping, enslavement, theft . . . destruction of religious sites . . . sexual slavery, forced conversion, ransom demands, property seizures, and forced business closures.”²¹ In Syria, ISIS has beheaded and stoned men, women, and children for blasphemy, heresy, and apostasy.²² Within the territories it controls, ISIS demands that Christians convert to Islam, pay a protection tax called *jizya*, or flee, punishing by death those who fail to comply.²³

ISIS’ notorious abuses are targeted primarily against religious minorities, including an estimated 200,000 Iraqi Christians in 2014.²⁴ In June 2014, after ISIS seized the city of Mosul, Iraq, it demanded that Christian residents either convert to Islam, pay a tax for protection to ISIS, or be

¹⁵*ISIS Violence: ‘All Warning Signs of Genocide,’* SKY NEWS (Aug. 8, 2014), <http://news.sky.com/story/1315089/isis-violence-all-warning-signs-of-genocide>.

¹⁶*Foreign Terrorist Organizations*, U.S. DEP’T OF STATE, <http://www.state.gov/j/ct/rls/other/des/123085.htm> (last visited Jan. 29, 2016).

¹⁷Anuragh Kumar, *ISIS Burns Christians Alive in Locked Caskets, Escaped Prisoner Reveals*, CHRISTIAN POST (Jan. 6, 2016), <http://www.christianpost.com/news/isis-burns-christians-alive-locked-caskets-escaped-iraqi-soldier-islamic-state-prisoner-reveals-154281/>.

¹⁸BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 2 (2014) [hereinafter Syria Report].

¹⁹BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, IRAQ 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 3 (2014) [hereinafter Iraq Report].

²⁰Syria Report, *supra* note 18, at 2, 14.

²¹Iraq Report, *supra* note 19, at 1–2.

²²Syria Report, *supra* note 18, at 1.

²³*Id.*

²⁴Iraq Report, *supra* note 19, at 4.

executed; further, ISIS gave the Christians less than a week (July 14 to 19) to make their decision.²⁵ Several important religious sites and Christian institutions in Mosul were destroyed.²⁶

ISIS had issued a similar ultimatum to Christians living in Raqqa City, Syria, in February 2014, resulting in nearly all of the Christians fleeing their homes.²⁷ The property of the Christians who fled was confiscated, and all churches in the city were transformed into mosques.²⁸ Remaining residents were forbidden from worshipping according to any religion other than Islam.²⁹ According to eye-witnesses who were present in the city, very few Christians remained in the city after ISIS issued its ultimatum, and those who chose to remain and pay jizya were forced to pay ISIS a tax totaling \$335 per family per year.³⁰

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.³¹ ISIS 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.³² Eight women were also publically raped and beheaded after they refused to renounce Christianity.³³ Recently, ISIS fighters destroyed Iraq's oldest Christian monastery, St. Elijah's.³⁴ Father Paul Thabit Habib, a Catholic priest "who now lives in Kurdish-administered Irbil" said that Iraq's "Christian history was 'being barbarically levelled'."³⁵ He added, "[W]e see it as an attempt to expel us from Iraq, eliminating and finishing our existence in this land."³⁶

ISIS treatment of Christians is directly comparable to its treatment of another religious minority, the Yazidis. Much like the ISIS treatment of Christians in Mosul and Raqqa City, in August 2014, ISIS captured a Yazidi village and demanded that its residents convert to Islam. After the villagers refused to convert over a period of several days, ISIS executed at least 100 Yazidi men and took the women and children hostage as sex slaves.³⁷ Similarly, in Syria, ISIS beat and tortured twenty-five Yazidi men in an attempt to force them to convert.³⁸ A small number were reportedly released after their families paid a ransom, but the rest were killed.³⁹

²⁵*Id.* at 13.

²⁶*Id.*

²⁷Syria Report, *supra* note 18, at 11.

²⁸*Id.*

²⁹*Id.*

³⁰*Id.*

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

³²*Id.*

³³*Id.*

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

³⁵*Id.*

³⁶*Id.*

³⁷Iraq Report, *supra* note 19, at 11.

³⁸Syria Report, *supra* note 18, at 10.

³⁹*Id.*

DISCUSSION OF LAW

The law against genocide was first codified in the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) that entered into force on January 12, 1951. The United States ratified the Genocide Convention on November 25, 1988, and enacted 18 U.S.C. § 1091 to codify the law on genocide into domestic law.

18 U.S.C. § 1091(a) lists the six specific acts that constitute the crime of genocide if committed by anyone “with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group” regardless of whether committed “in time of peace or in time of war.” Those six acts are:

- (1) kill[ing] members of that group;
- (2) caus[ing] serious bodily injury to members of that group;
- (3) caus[ing] the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;
- (4) subject[ing] the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;
- (5) impos[ing] measures intended to prevent births within the group; or
- (6) transfer[ing] by force children of the group to another group[.]⁴⁰

These six acts are not conjunctive, and commission of any one of the acts without the violation of others is sufficient to constitute genocide. While § 1091(a) of the U.S. statute generally mirrored the definition of genocide provided in Article II of the Genocide Convention,⁴¹ § 1091(a) included language that made the definition of genocide in U.S. law more restrictive than found in Article II of the Genocide Convention. Instead of using the Convention’s language, to wit, “with intent to destroy, in whole or in part,” 18 U.S.C. § 1091(a) adopted the language, “with the *specific* intent to destroy, in whole or in *substantial* part.”⁴²

At issue is whether ISIS’ commission of killings, rape, enslavement, destruction of places of worship, and forcible religious conversion of Christians in Iraq and Syria because of their religion constitutes the crime of genocide under U.S. law.

In order to determine whether ISIS’ atrocities against Christians constitute the crime of genocide, ISIS must have committed any one of the six prohibited acts, such as, killing, serious bodily injury, etc., with *specific intent* to destroy, in whole or in substantial part, Christians because of their religion.

First, it is indisputable that Christians constitute a religious group. It is important to mention that both Christians and Yazidis constitute religious groups, and both have been subjected to similar treatment by ISIS. For instance, ISIS has killed, enslaved, raped, and forced members of both groups to convert or pay ransom or flee the territory. Yet, the U.S. Government is preparing to label ISIS treatment of Yazidis as genocide⁴³ but not identical ISIS treatment of Christians.

⁴⁰18 U.S.C. § 1091(a) (2012).

⁴¹Convention on the Prevention and Punishment of the Crime of Genocide art II, Dec. 9, 1948, 78 U.N.T.S. 277.

⁴²*Id.* (emphasis added).

⁴³Presidential Statement on the Situation in Iraq, 8/7/14 DAILY COMP. PRES. DOC. 1 (Aug. 7, 2014).

Second, while criminal intent can take several forms,⁴⁴ specific intent in the crime of genocide is clearly present if the perpetrator foresaw and desired the wrongful consequences of his act (*dolus directus*).⁴⁵ Genocidal intent can be “derive[d] from the combined effect of speeches or projects laying the groundwork for and justifying the acts, from the massive scale of their destructive effect and from their specific nature, which aims at undermining what is considered to be the foundation of the group.”⁴⁶ While ISIS “has been vocal about its ‘genocidal intent’ toward Christians and other minorities,”⁴⁷ the natural and intended consequence of killing, raping, enslaving, forcibly converting persons to Islam, and destroying Christian places of worship is the destruction, *in whole or in substantial part*, of Iraqi and Syrian Christians as a religious group.

In *Prosecutor v. Karadzic & Mladic*, the International Criminal Tribunal for the Former Yugoslavia (ICTFY) held that

[t]he intent which is peculiar to the crime of genocide need not be clearly expressed. . . . [T]he intent may be inferred from a certain number of facts such as the general political doctrine which gave rise to the acts . . . or the repetition of destructive and discriminatory acts[,] . . . the perpetration of acts which violate, or which the perpetrators themselves consider to violate, the very foundation of the group - acts which are not in themselves covered by the list in [the definition of genocide] but which are committed as part of the same pattern of conduct.⁴⁸

Similarly, in *Prosecutor v. Akayesu*, the International Criminal Tribunal for Rwanda (ICTR) noted that

it is possible to deduce the genocidal intent inherent in a particular act charged from the general context of the preparation of other culpable acts systematically directed against the same group, whether these acts were committed by the same offender or by others. Other factors, such as the scale of atrocities committed, their general nature, in a region or a country, or furthermore, the facts of deliberately and systematically targeting victims on account of their membership of a particular group, while excluding the members of other groups, can enable the Chamber to infer the genocidal intent of a particular act.⁴⁹

⁴⁴*Dolus directus*: “[T]he wrongful consequences of the act were foreseen and desired by the perpetrator.” *Dolus indirectus*: “[C]ertain (secondary) consequences in addition to those desired by the perpetrator of the act were foreseen by the perpetrator as a certainty, and although the perpetrator did not desire those secondary consequences he/she nevertheless committed the act and those consequences did set in.” *Dolus eventualis*: “[T]he perpetrator foresaw consequences other than those desired as a possibility (not a certainty) and nevertheless went ahead with the act.” Johan D. van der Vyver, *Prosecution and Punishment of the Crime of Genocide*, 23 FORDHAM INT’L L. J. 286, 307 (1999).

⁴⁵*Id.* at 306–07.

⁴⁶*Prosecutor v. Karadzic & Mladic*, Case Nos. IT-95-5-R61, IT-95-18-R61, Review of the Indictments Pursuant to Rule 61 of the Rules of Procedure and Evidence, ¶ 95 (Int’l Crim. Trib. for the Former Yugoslavia July 11, 1996).

⁴⁷Sarah Kaplan, *Has the World Looked the Other Way While Christians are Killed?*, THE WASHINGTON POST (Apr. 7, 2015), <https://www.washingtonpost.com/news/morning-mix/wp/2015/04/07/has-the-world-looked-the-other-way-while-christians-are-killed/>.

⁴⁸*Karadzic*, Case Nos. IT-95-5-R61, IT-95-18-R61, at ¶ 94.

⁴⁹*Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgment, ¶ 523 (Sept. 2, 1998).

Today, in ISIS-held territory, ISIS is specifically targeting Christians because of their membership in a particular religious group. While the six enumerated acts listed in § 1091(a) are disjunctive and the commission of only a single category (e.g., killing) is sufficient to constitute genocide of Christians, ISIS has systematically committed (and is continuing to commit) several of the enumerated categories of acts, each of which individually establishes genocide without the presence of others.

Testimonies of refugees who have fled Iraq and Syria and numerous news reports including eyewitnesses' accounts clearly show that ISIS has killed and physically injured thousands of Christians with the intent of eliminating Christians as a religious group in the territories ISIS governs. This constitutes the crime of genocide under 18 U.S.C. §§ 1091(a)(1), (2) and (3).

There is also overwhelming evidence that ISIS members kill Christian men, and beat, enslave, rape, sell, and kill Christian women because of their religion. These acts are aimed at bringing about the total or substantial destruction of Christians as a group in the territories under ISIS control. As such, these acts constitute the crime of genocide under 18 U.S.C. § 1091(a)(2) by causing serious bodily injury as well as under § 1091(a)(4) by subjecting Christians to conditions of life that are intended to cause their physical destruction in whole or in part. Killing men and capturing women for rape and other sexual abuse would clearly contribute to the physical destruction of Christians as a group. Furthermore, raping and enslaving Christian women would result in prevention of Christian births, § 1091(a)(5), since ISIS adheres to the Islamic belief that children inherit the religion of the father.

ISIS intends to kill all Christians if they do not convert, pay jizya, or flee. Paying jizya or converting to Islam to avoid death are not meaningful alternatives. In fact, 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.”⁵⁰ 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 to pay jizya, they will be killed. Either way, Christians as a religious group will cease to exist in the region—a clear goal of ISIS. Moreover, just because ISIS may allow Christians to pay jizya to spare their lives does not negate ISIS' intent to destroy Christians as a religious group. The fact that some Christians have not been killed does not outweigh the many instances where hundreds have been killed.

Furthermore, U.S. 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 substantial part*” fully suffices.⁵¹ As such, one cannot legitimately claim that, because some Christians can save their lives by paying jizya, ISIS is not engaged in the genocide of Christians. A substantial number of Christians have already been killed. More will be killed if they either decline to pay or cannot pay jizya. Converting to Islam, paying jizya, or suffering death, all amount to “conditions of life that are intended to cause the physical destruction of the group in whole or in part” under § 1091(a)(4).

⁵⁰ *Karadzic*, Case Nos. IT-95-5-R61, IT-9-18-R61, at ¶ 94.

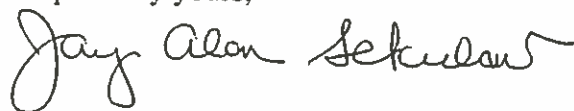
⁵¹ 18 U.S.C. § 1091(a) (2012).

ISIS' systematic pattern of widespread murder and sexual abuse has forced thousands of Christians 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 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 ISIS-controlled territories.⁵² "[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.⁵³ 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."⁵⁴ Without international intervention designed to end this slaughter—to paraphrase the words of UN Ambassador Samantha Power—the United States will become "no more than witnesses at a funeral"⁵⁵ of thousands of Christians and thousands of years of the world's most important history.

* * * * *

WHEREFORE, in light of the foregoing, we respectfully urge the U.S. Government to conclude, recognize, and publically proclaim that Christians in Iraq and Syria subject to death, serious bodily injury, sexual enslavement, and other internationally-recognized crimes perpetrated by ISIS are victims of genocide and deserving of international assistance and protection.

Respectfully yours,



Jay Alan Sekulow
Chief Counsel



Robert W. Ash
Senior Counsel



CeCe Heil
Senior Counsel

cc: Ambassador David N. Saperstein
Representative Edward R. Royce
Representative Eliot L. Engel
Senator Bob Corker
Senator Ben Cardin

⁵²See *Karadzic*, Case Nos. IT-95-5-R61, IT-95-18-R61, at ¶¶ 63, 94.

⁵³See *id.* at ¶ 62.

⁵⁴*Id.* at ¶ 94.

⁵⁵SAMANTHA POWER, "A PROBLEM FROM HELL" AMERICA AND THE AGE OF GENOCIDE 247 (2002, 2003, 2007, 2013) (referencing the Bosnian genocide).