



29 July 2016

HE Paulo Sérgio Pinheiro, Chairperson  
Independent International Commission of Inquiry on the Syrian Arab Republic  
Office of the UN High Commissioner for Human Rights (OHCHR)  
Palais Wilson

*RE: Additional Evidence and Information Regarding the 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 holds Special Consultative Status as an NGO before the United Nations. The ECLJ has submitted both written and oral statements to the United Nations Human Rights Council on this very subject, including statements at the 32nd Session. The ECLJ submits this correspondence on behalf of its members and over 393,500 persons, including persons residing in 164 nations and territories.

It is imperative that the United Nations formally recognise that the ongoing atrocities committed by the Islamic State against Christians, Yazidis, and other religious and ethnic minorities in 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>1</sup> and the well established responsibility to protect<sup>2</sup>. While we call for swift and decisive action by the international community to stop the genocide and protect the victims, we also recognise that the first step is for the United Nations to *recognise* that the atrocities constitute genocide and to recognise *all* those victimised thereby, including Christians.

With respect to the ongoing Islamic State genocide occurring in Syria, this Commission plays a critical role. Indeed, this Commission was established and given the mandate

to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to

<sup>1</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>2</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 28 July, 2016).

ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable<sup>3</sup>.

In its Report of the Independent International Commission of Inquiry on the Syrian Arab Republic<sup>4</sup>, this Commission acknowledged the ongoing Islamic State (commonly referred to as IS, ISIS, ISIL and Daesh) genocide against Yazidis, but declined to acknowledge that Christians were also victims because jizya, ostensibly, is made available to Christians. Mr Frank Jarasch of Germany's Mission to the United Nations asked the Commission to address and provide additional information regarding the other religious minorities victimised by Islamic State genocide in Syria<sup>5</sup>, and Mr Vitit Muntarbhorn responded for the Commission by referencing its Report issued 11 February 2016<sup>6</sup>—which also fails to acknowledge that Christians are victims of genocide.

The purpose of this correspondence is to provide the additional information and evidence Germany's Mission had requested and to provide insight into the factual and legal error accepted by the Commission in justifying its omission of Christians because some have been allowed to pay the jizya tax.

## 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>7</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>8</sup>. Article IV makes clear that “Persons committing genocide or any of the other acts enumerated in article III shall be

<sup>3</sup>Human Rights Council Res. S-17/1, Human Rights Council, 17th Special Sess. (22 Aug. 2011), available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/ResS17\\_1.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/ResS17_1.pdf).

<sup>4</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>5</sup>Statement of Mr Frank Jarasch of Germany, *Commission of Inquiry on Syria – 20th Meeting 32nd Reg. Sess. of Human Rights Council*, webtv.un.org, at 37:00:00 (21 June 2016), <http://webtv.un.org/meetings-events/human-rights-council/regular-sessions/32nd-session/watch/id-commission-of-inquiry-on-syria-20th-meeting-32nd-regular-session-of-human-rights-council/4962898195001> (“Mr Chairman, The Yazidis are only one minority group in an extremely diverse region. Could you please provide more information on the situation of other minorities in Syria?”).

<sup>6</sup>Statement of Mr Vitit Muntarbhorn, Member, *Commission of Inquiry on Syria – 20th Meeting 32nd Reg. Sess. of Human Rights Council*, webtv.un.org, at 1:35:00 (21 June 2016), <http://webtv.un.org/meetings-events/human-rights-council/regular-sessions/32nd-session/watch/id-commission-of-inquiry-on-syria-20th-meeting-32nd-regular-session-of-human-rights-council/4962898195001> (citing Rep. of the Indep. Int'l Comm'n of Inquiry on the Syrian Arab Republic, 31st sess., U.N. Doc. A/HCR/31/68 (11 Feb. 2016), <http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf>).

<sup>7</sup>Genocide Convention, *supra* note 1.

<sup>8</sup>*Id.* at art. III.

punished, whether they are constitutionally responsible rulers, public officials or private individuals”<sup>9</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. We appreciate the fact that the Independent International Commission of Inquiry is focused on Islamic State atrocities in Syria. However, evidence of intentional genocide against Christians in neighbouring Iraq, committed by an organisation originating in Iraq, is most certainly relevant to a meaningful understanding of the same actions undertaken in Syria and cannot be ignored.

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>10</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>11</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 forced business closures”<sup>12</sup>. In Syria, the Islamic State has beheaded and stoned men, women, and children for blasphemy, heresy, and apostasy<sup>13</sup>. 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>14</sup>.

“In Syria . . . the organization Aid to the Church in Need has reported on mass graves of Christians”<sup>15</sup> found in Sadad, Syria, after an “Islamist rebel siege” left as many as 45 dead, 30 wounded, and 10 missing<sup>16</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>17</sup>.

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<sup>9</sup>*Id.* at art. IV.

<sup>10</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>11</sup> *Id.*; see also BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1–2 (2014) [hereinafter Syria Report].

<sup>12</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>13</sup> Syria Report, *supra* note 11, at 1.

<sup>14</sup> *Id.*

<sup>15</sup> GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 10, at 11.

<sup>16</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>17</sup> GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 10, at 11.

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>18</sup>.

The Islamic State’s notorious abuses are targeted primarily against religious minorities, including an estimated 200,000 Iraqi Christians in 2014<sup>19</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>20</sup>. Several important religious sites and Christian institutions in Mosul were destroyed<sup>21</sup>.

The Islamic State 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<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 in the city 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 of the 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>.

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<sup>18</sup> Alberto M. Fernandez, *The ISIS Caliphate and the Churches*, MEMRI.ORG (27 Aug. 2015), <http://www.memri.org/report/en/>.

<sup>19</sup> Iraq Report, *supra* note 12, at 4.

<sup>20</sup> *Id.* at 13.

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

<sup>22</sup> Syria Report, *supra* note 11, 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-ig-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/>

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>. Recently, 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 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>.

Moreover, the Islamic State 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>39</sup>. And, in April 2015, it executed at least 30 Ethiopian Christians in Libya<sup>40</sup>. "One group is beheaded on a beach along the Mediterranean Sea, while the other group is shot in Southern Libya"<sup>41</sup>.

In June 2016, "[e]ight suicide bombers launched two waves of attacks on the Christian town of Al Qaa in northeastern Lebanon"<sup>42</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>43</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

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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.*

<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 10, at 38

<sup>39</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>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</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>43</sup> *Id.*

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>44</sup>. According to reports, “nearly all experts believe it was carried out by ISIS fighters who infiltrated al-Qaa from nearby Syria”<sup>45</sup>. “Make no mistake, the[y] targeted [the] village for one reason: it is Christian”<sup>46</sup>.

Just this week, Islamic State “soldiers” slit the throat of an 85 year old Catholic priest in a church near Normandy, France, during Mass<sup>47</sup>. Reuters reported that according to the Islamic State’s news agency, Amaq, the Islamic State claimed the two attackers as its “soldiers”<sup>48</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>49</sup>. The spread of Islamic State genocide against Christians — and its direct link to Syria — should come as no surprise: “For two years, the black-clad jihadist army 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>50</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>51</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>52</sup>. In their estimation, and in ours, “the numbers are likely to be much higher”<sup>53</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.**

In explaining its disappointing decision to leave Christians out of its declaration, the Independent International Commission of Inquiry 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

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<sup>44</sup>*Id.*

<sup>45</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>46</sup>*Id.*

<sup>47</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>48</sup>*Id.*

<sup>49</sup>Hamdi 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/>.

<sup>50</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>51</sup>GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 10.

<sup>52</sup>*Id.* at 39.

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

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>54</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>55</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>56</sup>. 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>57</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>58</sup>.

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 stripped him of his livelihood"<sup>59</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>60</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

<sup>54</sup>Rep. of the Indep. Int'l Comm'n of Inquiry, *supra* note 4.

<sup>55</sup>GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 10, at 12.

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

<sup>57</sup>*The ISIS Caliphate and the Churches*, *supra* note 18.

<sup>58</sup>GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 10, at 12.

<sup>59</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>60</sup>*Karadzic*, Case Nos. IT-95-5-R61, IT-9-18-R61, at ¶ 94.

*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>61</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. 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 "[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 ploy 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 protecting human rights.

### **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>62</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

<sup>61</sup>Genocide Convention, *supra* note 1.

<sup>62</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>.



forcibly recruited; whereas mosques, monuments, shrines, churches and other places of worship, tombs and cemeteries have been vandalised<sup>63</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.

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>64</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>65</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>66</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>67</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. . . .

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<sup>63</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-20160149+0+DOC+XML+V0//EN>.

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

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

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

<sup>67</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 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.

We know that Daesh’s actions are animated by an extreme and intolerant ideology that castigates Yezidis 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>68</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>69</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 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>70</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>71</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>72</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

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<sup>68</sup> *Id.*

<sup>69</sup> *Debate on a Motion on Recognition of Genocide by Daesh*, PARLIAMENT.UK, <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 28 July, 2016).

<sup>70</sup> See *Karadžić*, *supra* note 60, at ¶¶ 63, 94.

<sup>71</sup> See *id.* at ¶ 62.

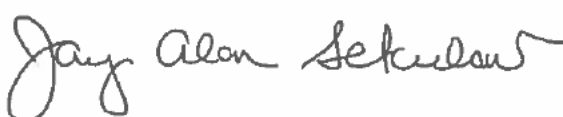
<sup>72</sup> *Id.* at ¶ 94.

funeral”<sup>73</sup> of thousands of Christians and thousands of years of the world’s most important history.

The United Nations must stand against the evils of the ongoing genocide and use all available options to stop 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 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.

We, therefore, respectfully and solemnly urge you to declare that the ongoing atrocities committed by the Islamic State and associated groups constitute genocide and that those victimised by the genocide include Christians. 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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Robert W. Ash  
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<sup>73</sup>SAMANTHA POWER, “A PROBLEM FROM HELL” AMERICA AND THE AGE OF GENOCIDE 247 (2002, 2003, 2007, 2013) (referencing the Bosnian genocide).