



March 30, 2017

VIA OVERNIGHT DELIVERY SERVICE

The Honorable Rex W. Tillerson
Secretary of State
U.S. Department of State
[REDACTED]

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

Dear Mr. Secretary:

Congratulations on your appointment as U.S. Secretary of State. We are excited that you will be representing the United States on the world's stage, ensuring that we continue to project strength and leadership to stop the enemies of freedom around the world.

By way of introduction, 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 and other federal and state courts in a number of significant cases involving the freedoms of speech and religion. The ACLJ and its international affiliates — including the European Centre for Law and Justice (ECLJ), which is credentialed as an NGO before the United Nations — defend human rights and religious liberty around the world.

The Islamic State (also known as ISIS or Daesh) is currently committing genocidal acts intended to destroy and obliterate Christians and other religious minorities in Iraq, Syria and elsewhere in the region. The purpose of this correspondence is to bring the plight of these groups to your attention as the newly confirmed Secretary of State, and encourage you to take action on behalf of the victims of ISIS's genocide. We submit this correspondence to you on behalf of our organization and more than 283,000 Americans from all 50 states who have signed our Petition calling for a committed, meaningful response to the ISIS genocide.

Background

ISIS's systematic pattern of widespread murder and sexual abuse has forced thousands of Christians and other religious minorities to flee from Iraq and Syria. These acts are leading to the wholesale destruction of Christians as a group in the region. The growing body of evidence demonstrates that the inhuman violence at issue is, in fact, genocide as defined by the

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Convention — a genocide targeting Christians. In the summer of 2014, ISIS 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, ISIS has systematically killed Christians, Yazidis, and other non-Muslim as well as Muslim minorities who do not adhere to ISIS's 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.*¹

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 ISIS.² ISIS'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."³ In Syria, ISIS has beheaded and stoned men, women, and children for blasphemy, heresy, and apostasy.⁴ At times, ISIS has also demanded that religious minorities pay a tax (called jizya), or flee — punishing by death those who fail to comply.⁵

It is indisputable that the actions of ISIS 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 Genocide⁶ and the well-established responsibility to protect the victims of genocide.⁷

Call To Action

Last year, your predecessor, Secretary John Kerry, publically declared that ISIS was committing genocide against Christians, Yazidis and other religious and ethnic minorities. This was an encouraging and necessary first step toward stopping ISIS and bringing justice to its victims. Unfortunately, Secretary Kerry's words never materialized into meaningful action, and the United States has remained on the sidelines as the slaughter continues.

Now that you have taken the helm of the United States Department of State, we are encouraged that words will yield action.

At the ACLJ, we have proposed a 7-step strategy to carry out our moral and treaty-based obligations. Each step is designed to stop the genocide and protect Christians and other religious

¹GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (Mar. 9, 2016), <http://indefenseofchristians.org/wp-content/uploads/2016/03/Genocide-report.pdf>.

²*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].

³BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, IRAQ 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1-2 (2014).

⁴SYRIA REPORT, *supra* note 2, at 1.

⁵*Id.*

⁶Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948, 78 U.N.T.S. 277.

⁷*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 Nov. 22, 2016).

minorities. We have attached our strategic plan to this letter, and urge you to consider these action steps as your office stands for the victims of the ISIS genocide.

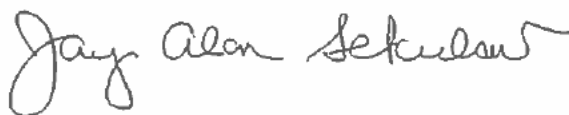
We urge the State Department to issue a formal determination that lays out a strategic process by which the United States will act to help end the ISIS genocide. Specifically, it is vital that the State Department urge the United Nations to recognize the ISIS genocide and use all available options to halt it and protect the victims—including the implementation of appropriate penal tribunals whether through Security Council referral to the International Criminal Court or the establishment of ad hoc tribunals 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 victimized, thereby.

Time is of the essence. The United Nations Human Rights Council's 35th Session, which will begin on June 6, 2017, presents a perfect opportunity for the State Department to signal the United States' newfound resolve to stop ISIS's genocide once and for all, and to call upon the United Nations to do its part to protect the Christian and other religious minority victims of these atrocities.

As a beacon of freedom and democracy around the world, the United States must lead the international community in the fight against the evils of the ongoing genocide. We, therefore, respectfully and solemnly urge you to recognize and reaffirm the declaration that the ongoing atrocities committed by the Islamic State and associated groups constitute genocide and that Christians are among those victimized thereby, and to take all appropriate actions to mobilize the international community to swiftly and decisively end the ISIS genocide.

Again, on behalf of over 283,000 Americans, we thank you for your attention to this crisis.

Sincerely,



Jay Alan Sekulow
Chief Counsel



Robert W. Ash
Senior Counsel

Strategic Plan for Ending the Genocide Against Religious Minorities in Iraq & Syria **The American Center for Law & Justice**

First, we call upon the United Nations (U.N.) Secretary General and the High Commissioner for Human Rights to formally recognize the genocide against Christians and demand that the U.N. as a whole do so as well – as have the U.S. Department of State, the U.S. House of Representatives, the U.S. Commission on International Religious Freedom, the Holy See’s representative at the U.N. in Geneva and Pope Francis, the Parliamentary Assembly of the Council of Europe, and the European Parliament.

Second, we call upon the U.N. Office of Special Adviser on the Prevention of Genocide to fulfill its role “as a catalyst . . . to alert relevant actors where there is a risk of genocide, and to advocate and mobilize for appropriate action” – “appropriate action” being *any action that stops this genocide*.

Third, we call upon the U.N. Security Council to refer the matter of genocide prosecution to the International Criminal Court; or establish “ad hoc tribunals” for genocide prosecution as was done in response to the horrific genocides in Rwanda and Yugoslavia. These mechanisms are appropriate under the circumstances and based on international law and precedent. We also urge the U.N. Security Council to consider all options available to it (including resolutions, military, and peacekeeping initiatives) to stop the genocide and protect Christians.

Fourth, we demand international intervention, by any means necessary, to protect Christians and other religious minorities from genocide. International law requires that when a State (such as Syria and Iraq) “is manifestly failing to protect its populations” from genocide – as the countries overrun by ISIS’s jihadist army are clearly incapable of stopping the genocide against Christians – “the international community must be prepared to take collective action to protect populations . . .”⁸ We must assist in making the case that the contracting states involved here, Iraq and Syria, are incapable of prosecuting genocide and protecting Christians from genocide – thus activating the international community’s duty to act.

Fifth, we call upon the President, the U.S. Department of State, and the U.S. delegation to the U.N. to demand U.N. action as set forth above. It is the Executive Branch, and more specifically your office, Secretary Tillerson, that speaks as the voice of the United States with respect to foreign affairs and our diplomatic relations with the international community. That is why we call upon the Executive Branch to follow through on our commitments at the U.N.

Sixth, we call for the establishment of in-region “safe zones” for the genocide victims. This step reflects the duty to protect Christians victimized by ISIS. The creation of “safe zones” addresses the need to protect the persecuted, while still protecting the national security interests of the United States.

⁸Press Release, Office on Genocide Prevention and the Responsibility to Protect, Statement of the Special Adviser of the Secretary-General on the Prevention of Genocide on the Situation in Syria, *available at* <http://www.un.org/en/genocideprevention/documents/media/statements/2012/English/2012-12-20-OGPRtoP%2020%20December%20Statement%20on%20Syria%20-%20ENGLISH.pdf>.

Seventh, we call for the creation of an effective international coalition to defeat ISIS militarily, for example, by expanding military efforts, changing the focus of the effort, and/or reevaluating the strategy of military action. We agree with Pope Francis, who has recognized that military force is justified to stop the genocide against Christians.⁹ The status quo is insufficient. We must destroy ISIS once and for all to provide a sustainable and lasting solution for the approximately 10 million refugees who have been displaced many of whom are Christians or adherents to minority religious beliefs.

⁹John L. Allen, Jr., *Vatican Backs Military Force to Stop ISIS 'Genocide'*, CRUXNOW.COM (Mar. 13, 2015), <https://cruxnow.com/church/2015/03/13/vatican-backs-military-force-to-stop-isis-genocide/>.