



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

**THE DAY AFTER:  
PLANNING FOR THE PROTECTION OF RELIGIOUS  
AND ETHNIC MINORITIES IN A POST-DAESH IRAQ**

**Report of the Standing Committee on  
Foreign Affairs and International Development**

**Hon. Robert D. Nault  
Chair**

**Subcommittee on International Human Rights**

**Michael Levitt  
Chair**

**APRIL 2017**

**42<sup>nd</sup> PARLIAMENT, 1<sup>st</sup> SESSION**

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# **THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT**

has the honour to present its

## **EIGHTH REPORT**

Pursuant to the motion adopted by the Standing Committee on Foreign Affairs and International Development on February 4, 2016, and the motion adopted by the Subcommittee on June 16, 2016, the Subcommittee has studied the human rights situation of Yezidis, Christians and other religious and ethnic minorities in Syria and Iraq.

Your Committee has adopted the report, which reads as follows:



# TABLE OF CONTENTS

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LIST OF RECOMMENDATIONS .....	1
THE DAY AFTER: PLANNING FOR THE PROTECTION OF RELIGIOUS AND ETHNIC MINORITIES IN A POST-DAESH IRAQ.....	3
INTRODUCTION .....	3
NINEVEH'S RELIGIOUS AND ETHNIC MINORITIES IN THE IRAQI CONTEXT .....	6
ATROCITIES AND HUMAN RIGHTS VIOLATIONS COMMITTED AGAINST RELIGIOUS AND ETHNIC MINORITIES IN IRAQ SINCE 2014.....	9
ACHIEVING LONG-TERM PHYSICAL AND POLITICAL SECURITY FOR RELIGIOUS AND ETHNIC MINORITIES.....	11
Potential Sources of Insecurity .....	13
Canadian Initiatives in Iraq .....	14
Planning for Stabilization and Reconstruction .....	16
Reconciliation among neighbours .....	16
Building a sustainable political solution .....	17
Accountability and justice .....	18
CONCLUSIONS.....	23
APPENDIX A: LIST OF WITNESSES .....	25
REQUEST FOR GOVERNMENT RESPONSE.....	27



# LIST OF RECOMMENDATIONS

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Based on the evidence heard by the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development during the course of its October and November 2016 study on the human rights situation of the Yezidis, Christians and other religious and ethnic minorities in Iraq, the Subcommittee recommends that the Government of Canada:

## **RECOMMENDATION 1**

**in the development of its three-year strategic plan for engagement in Iraq and Syria, be mindful of measures for immediate action to protect the most vulnerable, particularly ethnic and religious minorities. .... 16**

## **RECOMMENDATION 2**

**continue to work with its international partners to support efforts to establish local consensus regarding protection and security for Yezidis, Chaldo-Assyrian Christians and other religious and ethnic minorities in Nineveh..... 18**

## **RECOMMENDATION 3**

**prioritize the identification of groups that may be at-risk of future violence and, in cooperation with international partners, develop post-conflict strategies to protect these groups ..... 21**

## **RECOMMENDATION 4**

**in an effort to deter further Daesh-inspired terrorism, support the capacity of judicial bodies to prosecute guilty parties under criminal offences such as murder, theft, rape and destruction of property and not under terrorism charges. Further, the Government of Canada should assist in the establishment of a “specialized war crimes chamber” within the existing local Iraqi court system to prosecute cases involving genocide, crimes against humanity, or war crimes..... 22**

## RECOMMENDATION 5

through its three-year strategic plan for Iraq and Syria and other initiatives, work towards the prevention of future atrocities and human rights violations against Iraq's ethnic and religious minorities, by systematically promoting and building capacity to provide long-term security for Iraq's most vulnerable communities. The Government of Canada should take a long-term approach and work with affected communities and relevant authorities to support the rule of law and good governance, with a view to combating extremism, including by:

- supporting peaceful dispute resolution between communities returning to liberated territories, including through truth and reconciliation initiatives addressing atrocities committed by local Daesh fighters, and the use of local mediators to resolve other grievances likely to disrupt intercommunal relations;
- encouraging minority representation in the administration of their home territories, including in respect of security and law-enforcement, and taking advantage of opportunities to share Canadian best-practices regarding decentralized governance;
- continuing its support for the collection and preservation of evidence of serious crimes of international concern, including by advocating for the establishment of international investigative mechanisms and providing capacity-building assistance to the Government of Iraq and the Kurdish Regional Government, either directly or through partners such as the Commission for International Justice and Accountability; and
- supporting local tribunals or other institutions through which Daesh fighters will be brought to justice, including through efforts to refine the existing legislative frameworks, enhance judicial capacity, and promote due process..... 23

# THE DAY AFTER: PLANNING FOR THE PROTECTION OF RELIGIOUS AND ETHNIC MINORITIES IN A POST-DAESH IRAQ

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## INTRODUCTION

In October and November of 2016, the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (the Subcommittee) studied the human rights situation of the Yezidis, Christians and other religious and ethnic minorities in Syria and Iraq.<sup>1</sup> The Subcommittee focused its attention on Nineveh Governorate (Nineveh) in northwestern Iraq, whose capital is Mosul. Nineveh was invaded by Daesh, a Sunni extremist group, in August 2014.<sup>2</sup> Nineveh is a uniquely diverse area in Iraq,<sup>3</sup> and has been home to Yezidis, Chaldo-Assyrian Christian communities, ethnic Turkmen, as well as Shabak, Sabaeen-Mandean, and Kaka'i communities,<sup>4</sup> for over 1,000 years.<sup>5</sup> At the hands of Daesh, Nineveh's religious and ethnic minorities suffered human rights violations amounting to acts of genocide, crimes against humanity and war crimes.<sup>6</sup> In its report focused on Yezidis forcibly transferred from Iraq to Syria by Daesh,<sup>7</sup> the United Nations (UN) recognized that Daesh has committed genocide against the Yezidis and that the genocide is ongoing.<sup>8</sup> The Government of Canada recognized the ongoing genocide in the House of Commons on 16 June 2016.<sup>9</sup> Most of the evidence presented to the Subcommittee focused on the

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1 House of Commons, Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development [SDIR], [Minutes](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 16 June 2016.

2 Daesh is a Sunni jihadist group that seeks to sow civil unrest in Iraq and the Levant with the aim of establishing a single, transnational Islamic state based on sharia law, replacing the Iraqi and Syrian governments. Daesh is the Arabic acronym for the group referred to as Islamic State, Islamic State in Iraq and Syria (ISIS) or Islamic State in Iraq and the Levant (ISIL). See Public Safety Canada, [Currently listed entities, Islamic State](#) and Public Safety Canada, [2016 Public Report on the Terrorist Threat to Canada](#).

3 Naomi Kikoler, [Our Generation is Gone: The Islamic State's Targeting of Iraqi Minorities in Ninewa](#), Simon-Skjodt Center for the Prevention of Genocide, November 2015, p. 8 [Kikoler, 2015].

4 SDIR, [Evidence](#), 27 October 2016, 1315; SDIR, [Evidence](#), 17 November 2016, 1330 and 1335. Unless otherwise indicated, historical and geographical information regarding religious and ethnic minorities throughout this report are based on the following reports: Kikoler, 2015, pp. 4, 6-7; Institute for International Law and Human Rights, et al., [No Way Home: Iraq's minorities on the verge of disappearance](#), July 2016, p. 10 [Institute for International Law and Human Rights, 2016]; European Parliament, [Minorities in Iraq, Pushed to the brink of existence](#), Briefing, February 2015, pp. 3-4 [European Parliament, 2015].

5 SDIR, [Evidence](#), 27 October 2016, 1315.

6 SDIR, [Minutes](#), 16 June 2016.

7 United Nations Human Rights Council, ["They came to destroy": ISIS Crimes Against the Yazidis](#), A/HRC/32/CRP.2, 15 June 2016, paras. 7-8 [UNHRC, 2016].

8 UNHRC, 2016, para. 201.

9 Then-Minister of Foreign Affairs Stéphane Dion declared in the House of Commons Chamber that "[g]iven this evidence, our government believes that genocide against the Yezidis is currently ongoing." See House of Commons, [Debates](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 16 June 2016, p. 1420 (Hon. Stéphane Dion (Minister of Foreign Affairs)).

Yezidis and the Christians.<sup>10</sup> However, the Subcommittee learned that, at the hands of Daesh, “no group has been spared,” and that to distinguish between groups would be to distinguish between “degrees of horror.”<sup>11</sup> Daesh’s campaign in Nineveh is distinct from its operations in Syria, which were far less likely to be focused on religious and ethnic minorities.<sup>12</sup> For this reason, the scope of this report is geographically limited to Nineveh.

From Global Affairs Canada (GAC), the Subcommittee heard from Ms. Emmanuelle Lamoureux, Director, Gulf States Relations Division, and Ms. Giuliana Natale, Director of Inclusion and Religious Freedom at the Office of Human Rights, Freedoms and Inclusion (OHRFI). Other witnesses were, or had recently been, on the ground in Iraq, including Professor of Middle East Politics, Dr. David Romano, and Ms. Naomi Kikoler, Deputy Director of the Simon-Skjodt Center for the Prevention of Genocide. Ms. Kikoler had produced two reports on the fate of Iraq’s minorities, based on extensive interviews with members of minority communities. The Subcommittee also received testimony from Dr. William Wiley, Executive Director of the Commission for International Justice and Accountability (CIJA), a not-for-profit organization engaged in the collection of evidence of serious crimes of international concern in order to enhance prospects of accountability. Finally, the Subcommittee heard from Mr. Mirza Ismail, Chairman of Yezidi Human Rights Organization-International, who provided an account of the Yezidi experience in Iraq.

The Subcommittee undertook its study as some Yezidis and Christians began returning to liberated areas in Nineveh.<sup>13</sup> The Global Coalition to Counter Daesh, in which Canada participates,<sup>14</sup> was in the midst of a campaign to recapture Mosul.<sup>15</sup> The Subcommittee heard that, though the eventual military defeat of Daesh would “remove a formidable threat,” Iraq’s religious and ethnic minorities remain concerned for their physical protection and political security after Daesh’s defeat.<sup>16</sup> In the words of Ms. Lamoureux, the defeat of Daesh would simply usher in a new phase “that will be just as complex and difficult as the one we’re going through.”<sup>17</sup>

Witnesses stressed that protecting civilians requires “day-after” planning for the stabilization and reconstruction of communities.<sup>18</sup> In the witnesses’ estimation, there has been insufficient progress in creating plans to rebuild – due in part to a lack of

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10 SDIR, [Evidence](#), 27 October 2016, 1315; SDIR, [Evidence](#), 17 November 2016, 1335; SDIR, [Evidence](#), 24 November 2016, 1305.

11 SDIR, [Evidence](#), 27 October 2016, 1310.

12 SDIR, [Evidence](#), 22 November 2016, 1325.

13 SDIR, [Evidence](#), 15 November 2016, 1315.

14 The Global Coalition to Counter Daesh is a group of 68 partner states and international organizations, committed to degrading and defeating Daesh, including through, but not limited to, a military campaign in Iraq and Syria: Global Coalition, [Our Mission](#).

15 “[Battle for Mosul: Operation to retake Iraqi city from IS begins](#),” *BBC News*, 17 October 2016.

16 SDIR, [Evidence](#), 17 November 2016, 1315.

17 SDIR, [Evidence](#), 27 October 2016, 1325.

18 SDIR, [Evidence](#), 15 November 2016, 1320; SDIR, [Evidence](#), 17 November 2016, 1320.



consensus.<sup>19</sup> Witnesses stated that the absence of a clear strategy for the provision of security and political administration risks exacerbating tensions which predate Daesh's invasion.<sup>20</sup> Ms. Kikoler stressed that such a plan should eliminate the conditions which allowed Daesh to take hold.<sup>21</sup>

The testimony provided by witnesses focused on three distinct but inter-related factors that promote physical and political security for minority communities in Nineveh. First, witnesses testified that focus needs to be on building intercommunal dialogue to promote reconciliation between victims and perpetrators of atrocities, who were often local fighters, and to address other intercommunal grievances that may have pre-existed Daesh's invasion or which may have arisen thereafter.<sup>22</sup> Second, witnesses expressed the need for a sustainable political agreement concerning governance which includes representation and safeguards for the physical security of Nineveh's minority communities.<sup>23</sup> Finally, witnesses stressed the importance of seeking accountability in a manner which prioritizes the rule of law, while satisfying the local community's demands for justice for heinous atrocities committed by Daesh fighters.<sup>24</sup> Though these goals may be mutually reinforcing, achieving them may be a "difficult balancing act."<sup>25</sup>

The purpose of this report is threefold. First, it aims to articulate the context in which Daesh grew, and relay witnesses' testimony of the atrocities committed by Daesh against Iraq's religious and ethnic minorities based in Nineveh. Second, it intends to describe the local context in which post-Daesh reconstruction will take place and existing efforts in relation to neighbour-to-neighbour reconciliation, political agreement and achieving accountability for crimes committed against religious and ethnic minorities in Nineveh. In particular, it will focus on existing Canadian initiatives and opportunities to enhance the effectiveness of programming related to governance and accountability. Finally, in light of its findings, this report intends to convey recommendations to the Government of Canada in respect of future stabilization activities aimed at reconstituting communities and providing physical and political security to religious and ethnic minorities in Iraq. The Subcommittee notes the importance of testimony related to refugee protection, but has chosen not to comment on such evidence in this report. The Subcommittee anticipates that Immigration, Refugees and Citizenship Canada will comply with the House of Commons motion of 25 October 2016 calling on it to use its full authority to provide asylum to Yazidi girls and women.<sup>26</sup>

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19 Ibid.

20 SDIR, [Evidence](#), 15 November 2016, 1320; SDIR, [Evidence](#), 17 November 2016, 1310.

21 SDIR, [Evidence](#), 17 November 2016, 1310.

22 SDIR, [Evidence](#), 27 October 2016, 1340; SDIR, [Evidence](#), 17 November 2016, 1330.

23 SDIR, [Evidence](#), 27 October 2016, 1325; SDIR, [Evidence](#), 15 November 2016, 1345; SDIR, [Evidence](#), 17 November 2016, 1320.

24 SDIR, [Evidence](#), 27 October 2016, 1315; SDIR, [Evidence](#), 15 November 2016, 1325; SDIR, [Evidence](#), 17 November 2016, 1310-1330; SDIR, [Evidence](#), 22 November 2016, 1305-1315, 1330.

25 SDIR, [Evidence](#), 15 November 2016, 1325.

26 House of Commons, [Journals](#), No. 97, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 25 October 2016; House of Commons, [Hansard](#), No. 97, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 25 October 2016.,

## NINEVEH'S RELIGIOUS AND ETHNIC MINORITIES IN THE IRAQI CONTEXT

The Yezidis are an ancient ethno-religious group highly concentrated in Sinjar and Shekhan districts and the Nineveh Plains region.<sup>27</sup> Yezidism is a 4,000-year old monotheistic religion that includes elements of Zoroastrianism, Judaism, Christianity, and Islam.<sup>28</sup> Prior to June 2014, the Yezidi community numbered around 500,000.<sup>29</sup>

Chaldo-Assyrian Christians in Northern Iraq are mostly located in the Nineveh Plains region and the Mosul district of Nineveh. Their population was estimated to be around 350,000 in 2014.<sup>30</sup> Though demographic information varies widely, it is reported that a significant proportion of Christian Iraqis fled the country during the regime of Saddam Hussein, and that the community continued to flee persecution as extremist groups such as Al-Qaeda in Iraq expanded their power and reach.<sup>31</sup>

Other religious and ethnic minorities in Nineveh include ethnic Turkmen, the Shabak, the Kaka'i, and the Sabaeen-Mandeans. Turkmen are considered the third-largest ethnic group in Iraq with a population ranging from 500,000 to 3 million. The Turkmen group includes both Sunni and Shia Muslims as well as some Christians.<sup>32</sup> A concentration of Turkmen is located in the town of Tal Afar in Nineveh.<sup>33</sup> The Shabak, with a population ranging between 200,000 and 500,000, are located near Mosul and in the Nineveh Plains region. The majority of Shabak are Shia while 30-40% are Sunni, but all have distinct religious practices.<sup>34</sup> The Kaka'i community is a group of approximately 200,000 ethnic Kurds who practice a religion considered to be an amalgamation of Shiism and Zoroastrianism.<sup>35</sup> The Sabaeen-Mandeans, with a population ranging between 3,000 and 5,000, are located throughout Iraq and practise the Gnostic religion.<sup>36</sup>

Despite Nineveh's unique demographic composition, the security of Yezidis, Christians and smaller religious and ethnic minority groups in Nineveh is closely tied to Iraq's larger political and sectarian context.

Security is threatened by sectarian tensions between Sunni and Shia Muslims, who compose one-third and two-thirds of Iraq's Muslim population, respectively.<sup>37</sup>

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27 SDIR, [Evidence](#), 27 October 2016, 1305; SDIR, [Evidence](#), 22 November 2016, 1325; SDIR, [Evidence](#), 24 November 2016, 1310.

28 SDIR, [Evidence](#), 24 November 2016, 1305.

29 Institute for International Law and Human Rights, 2016, p. 12; United States Commission on International Religious Freedom, [Annual Report 2013](#), April 2013, pp. 88-89.

30 SDIR, [Evidence](#), 15 November 2016, 1315; SDIR, [Evidence](#), 24 November 2016, 1355.

31 United States Commission on International Religious Freedom, [Annual Report 2013](#), April 2013, pp. 88-89.

32 Kikoler, 2015, p.4; European Parliament, 2015, p.3.

33 SDIR, [Evidence](#), 24 November 2016, 1355.

34 Institute for International Law and Human Rights, 2016, p. 10–11.

35 Kikoler, 2015, p.4.

36 European Parliament, 2015, p. 3.

37 CIA World Factbook, [Iraq](#).

Saddam Hussein's policy of "Arabization" greatly altered the demographic makeup of Nineveh, among other regions, by relocating Sunnis to the area<sup>38</sup> and forcibly expelling resident minorities.<sup>39</sup> In 2006, three years after the fall of Saddam Hussein, a Sunni, a new Shia-dominated government was installed under the leadership of Shia Prime Minister Nouri Al-Maliki. This government's increasing sectarianism polarized Iraq's Sunni and Shia communities. Combined with the extreme fragility of state institutions as well as weakened security forces and a culture of impunity, this development allowed for the expansion of extremist factions, including Al-Qaeda in Iraq, which led to the targeting of minorities.<sup>40</sup>

In response to increasing extremist violence, hundreds of thousands of religious minorities left Iraq between 2003 and Daesh's invasion in 2014. The United States Commission on International Religious Freedom reports the pre-2003 population of Iraqi Christians numbered between 800,000 and 1.4 million; community leaders estimated that this number had decreased to 350,000–500,000 just prior to Daesh's invasion. Thousands of Yezidis also fled Iraq during this time, with the Yezidi population decreasing from 700,000 in 2005 to 500,000 before Daesh's invasion. Smaller communities also experienced declines. For example, Sabaeen-Mandeans numbered approximately 50,000-60,000 in 2003, but now only number 3,000-5,000.<sup>41</sup>

Human rights violations against religious and ethnic minorities are taking place in the context of ongoing armed conflicts in the region, where all Iraqis and Syrians, regardless of religious and ethnic background, face serious security threats. By the end of 2014, Daesh controlled a significant amount of territory in Iraq and Syria, having taken advantage of the deteriorating political and security situations in both countries. Even though Daesh's momentum appears to have slowed in 2016, as large portions of the territory it controlled were retaken by local forces backed by the Global Coalition to Counter Daesh,<sup>42</sup> civilians continue to face human rights violations. Dr. Wiley noted that the majority of Daesh's victims in both Iraq and Syria are Sunni Arabs.<sup>43</sup> Ms. Lamoureux noted that some members of Sunni communities were threatened into complicity in atrocities and human rights abuses committed by Daesh.<sup>44</sup> Daesh continues to control land, and those who seek to return home are deterred from doing so because of mortar fire and the presence of explosive devices.<sup>45</sup>

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38 SDIR, [Evidence](#), 17 November 2016, 1315.

39 Human Rights Watch, [On Vulnerable Ground: Violence against Minority Communities in Nineveh Province's Disputed Territories](#), 10 November 2009.

40 Kikoler, 2015, p. 5; "Iraq profile – leaders," *BBC News*, 11 August 2015; Human Rights Watch, [Iraq: Protect Besieged Minorities](#), 10 November 2009. See also: Human Rights Watch, [On Vulnerable Ground: Violence against Minority Communities in Nineveh Province's Disputed Territories](#), 10 November 2009.

41 United States Commission on International Religious Freedom, [Annual Report 2013](#), April 2013, pp. 88-89.

42 Global Coalition, [Military Progress Update](#), 29 July 2016; Council on Foreign Relations, CFR Backgrounders, [The Islamic State](#), 10 August 2016; SDIR, [Evidence](#), 15 November 2016, 1315; SDIR, [Evidence](#), 24 November 2016, 1355.

43 SDIR, [Evidence](#), 22 November 2016, 1325.

44 SDIR, [Evidence](#), 27 October 2016, 1340.

45 SDIR, [Evidence](#), 17 November 2016, 1310.

Northern Iraq has been politically contested between the Iraqi government and the Kurds for decades, fueling minorities' sense of insecurity in the region.<sup>46</sup> Members of the Kurdish ethnic group compose approximately 17–20% of the Iraqi population.<sup>47</sup> Iraq's 2005 federal constitution created the Kurdish Autonomous Region (KAR) in northern Iraq, whose capital is Erbil. The KAR is governed by the Kurdistan Regional Government (KRG) and is protected by the Peshmerga security force.<sup>48</sup> Kurds also exercise de facto control over territory outside the formal borders of the autonomous region, including in Nineveh.<sup>49</sup> Multiple Kurdish factions currently operate in the Sinjar region of Nineveh, including the Kurdistan Workers' Party, which is in "political competition" with the party forming the KRG, the Kurdistan Democratic Party (KDP).<sup>50</sup>

The struggle for control over northern Iraq between multiple Kurdish factions and the central Iraqi government has resulted in a "lack of clarity over the provision of physical security and the absence of a sense of responsibility to" minority communities in Nineveh. For this reason, Nineveh has been chronically under-resourced and lacks basic services.<sup>51</sup> Though minority groups in Nineveh, including Turkmen and Chaldo-Assyrian Christians, have vied for increased autonomy in the past,<sup>52</sup> these attempts have been largely superseded by the power struggle between central Iraq and multiple Kurdish factions. Minority community members reported to Ms. Kikoler that they "only received attention to the extent that they supported competing claims for territory and political influence" between Kurdish factions and the Iraqi central government.<sup>53</sup> Members of minority groups have faced significant pressure to assimilate with either side.<sup>54</sup>

The current Iraqi government started its mandate just before Daesh invaded northern Iraq in spring 2014 and must hold elections before 2018. Ms. Lamoureux noted that the government has been "if not stable, remarkably resilient" in the face of financial and security crises and rising sectarian tensions.<sup>55</sup> Still, the government is plagued by ethnic and sectarian divisions, reflected by its 31 major political parties that are separated along largely sectarian and tribal lines. As a result, the central government will remain subject to pressures from their specific constituencies.<sup>56</sup> Ms. Lamoureux remarked that defeating Daesh is "the glue that holds these parties together" and once Daesh is removed, this unity "will quietly dissolve and the situation is in danger of getting worse."<sup>57</sup>

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46 Ibid., 1320; SDIR, [Evidence](#), 24 November 2016, 1350.

47 SDIR, [Evidence](#), 15 November 2016, 1340; BBC News, [Iraqi Kurdistan profile](#), 5 February 2016.

48 BBC News, [Iraqi Kurdistan profile](#), 5 February 2016.

49 BBC News, [Who are the Peshmerga?](#), 14 August 2014. This site includes a map of the disputed areas.

50 SDIR, [Evidence](#), 15 November 2016, 1320.

51 Kikoler, 2015, p.10.

52 Unrepresented Peoples and Nations Organization, "[Iraqi Turkmen: Hopes For A Better Future](#)," 17 February 2009.

53 Kikoler, 2015, p.10.

54 SDIR, [Evidence](#), 17 November 2016, 1320; European Parliament, 2015, pp. 2-3.

55 SDIR, [Evidence](#), 27 October 2016, 1350.

56 Ibid., 1305.

57 Ibid.

Dr. Romano expressed similar concerns in his testimony.<sup>58</sup> These potential sources of insecurity are exacerbated by fragile state institutions, weakened security forces and a culture of impunity, which allowed for the expansion of extremist factions in the first place, including Al-Qaeda in Iraq, which would later become Daesh.<sup>59</sup>

## **ATROCITIES AND HUMAN RIGHTS VIOLATIONS COMMITTED AGAINST RELIGIOUS AND ETHNIC MINORITIES IN IRAQ SINCE 2014**

Since Daesh's June 2014 northern offensive, including the takeover of Mosul and surrounding areas,<sup>60</sup> religious and ethnic minorities in Nineveh have been the victims of killings, sexual slavery, torture, forcible transfer, and forced conversion.<sup>61</sup> The Sinjar district of Nineveh, home to a high concentration of Yezidis, was invaded on 3 August 2014, when Daesh fighters invaded from their bases in Syria and Mosul. Kurdish Peshmerga forces had withdrawn from the area in the face of Daesh's advance. The attack triggered a massive displacement of civilians, with nearly 200,000 people fleeing to areas under KRG control and tens of thousands taking refuge on Sinjar Mountain, leading to a humanitarian crisis. Up to 6,300 Yezidis were abducted or killed by Daesh before they could flee.<sup>62</sup>

According to Mr. Ismail, since Daesh's invasion, over 5,000 Yezidis were killed, including hundreds killed by beheading.<sup>63</sup> The Subcommittee also heard evidence that Yezidi women and girls have been subjected to sexual violence and sexual slavery.<sup>64</sup> United Nations (UN) reports state that women and girls aged nine and above abducted by Daesh were forcibly transferred into Syria, where they were then sold as slaves to Daesh fighters and subjected to brutal sexual, physical, and mental violence.<sup>65</sup> Mr. Ismail testified that Yezidi girls and women were also forcibly transferred to, and through, other neighboring states.<sup>66</sup> Young children were abducted and sold with their mothers. Although

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58 SDIR, [Evidence](#), 15 November 2016, 1340.

59 Kikoler, 2015, p. 5.

60 Cameron Glenn, "[Timeline: Rise and Spread of the Islamic State](#)", Wilson Center, 5 July 2016.

61 SDIR, [Evidence](#), 27 October 2016, 1305 and 1315.

62 See UNHRC, 2016, paras. 23-31 and Office of the United Nations High Commissioner for Human Rights, United Nations Assistance Mission for Iraq – Human Rights Office, [A Call for Accountability and Protection: Yezidi Survivors of Atrocities Committed by ISIL](#), August 2016 [OHCHR, 2016], p. 6.

63 SDIR, [Evidence](#), 24 November 2016, 1305. According to the United Nations (UN), religious sites and places of cultural significance for the Yezidis have also been deliberately and systematically destroyed. See OHCHR, 2016, p. 18.

64 SDIR, [Evidence](#), 27 October 2016, 1305-1310; SDIR, [Evidence](#), 17 November 2016, 1335; SDIR, [Evidence](#), 22 November 2016, 1310-1315; SDIR, [Evidence](#), 24 November 2016, 1305-1310.

65 UNHRC, 2016, paras. 42-70, and OHCHR, 2016, pp.14-17.

66 SDIR, [Evidence](#), 24 November 2016, 1315.

some women and girls escaped, over 3,200 remain captive.<sup>67</sup> Yezidi boys aged seven and over have been forcibly converted and sent to Daesh training camps to become fighters.<sup>68</sup>

The *Convention on the Prevention and Punishment of Crime of Genocide* provides a narrow definition of an act of genocide. Heinous acts specified in the Convention must be committed with the “intent to destroy in whole or in part a national, ethnic, racial or religious group.”<sup>69</sup> Finding that the Yezidis had suffered genocide, Ms. Kikoler stated, “[e]ach of the actions committed by the Islamic State showed an intent to destroy” the Yezidi community.<sup>70</sup> However, in Ms. Kikoler’s view, the focus on the term genocide, and the politicization of the term, has unduly distracted the international community from other crimes warranting international attention, including crimes against humanity, war crimes and other human rights abuses.<sup>71</sup> Crimes against humanity are defined by Article 7 of the *Rome Statute of the International Criminal Court* (Rome Statute) as multiple commissions of specific listed acts, including murder, forcible transfer, torture, and sexual slavery, “as part of a widespread and systematic attack directed against any civilian population.”<sup>72</sup> War crimes are defined in section 8 of the Rome Statute as grave breaches of the *Geneva Conventions* and other serious violations of the laws and customs applicable to international armed conflict and non-international armed conflict.<sup>73</sup>

The UN Independent International Commission of Inquiry on the Syrian Arab Republic infers Daesh’s genocidal intent from Daesh’s radical interpretation of Islam, which includes distinctions between “Peoples of the Book” – Muslims, Christians, and Jews – and others.<sup>74</sup> “People of the Book” may avoid death or conversion through payment of the *jizya*, a tax which has a long history in Islamic law. Witnesses interpreted Daesh’s application of the *jizya* tax as a form of extortion.<sup>75</sup> By contrast, communities not considered “People of the Book,” such as the Yezidi, are not permitted to live within Daesh territories, and according to Mr. Ismail, are given two choices by Daesh: “convert or die.”<sup>76</sup>

It should be noted that payment of the *jizya* by members of Christian communities would not guarantee their safety. Mr. Ismail described the plight of Christian minorities as comparable to that of the Yezidis, reporting “a genocidal campaign against the Yezidis

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67 SDIR, [Evidence](#), 27 October 2016, 1310; SDIR, [Evidence](#), 17 November 2016, 1310; SDIR, [Evidence](#), 24 November 2016, 1305 and 1325.

68 SDIR, [Evidence](#), 17 November 2016, 1335; SDIR, [Evidence](#), 24 November 2016, 1305.

69 [Convention on the Prevention and Punishment the Crime of Genocide](#), 1948, article IV. This definition is replicated in Article 6 of the [Rome Statute of the International Criminal Court](#), which also defines Crimes Against Humanity and War Crimes as distinct categories.

70 SDIR, [Evidence](#), 17 November 2016, 1335.

71 Ibid.

72 [Rome Statute of the International Criminal Court](#), Article 7.

73 Ibid., Article 8.

74 UNHRC, 2016, para. 154.

75 SDIR, [Evidence](#), 27 October 2016, 1305 and 1345; SDIR, [Evidence](#), 24 November 2016, 1330. See also UNHRC, 2016, paras. 154 and 162.

76 SDIR, [Evidence](#), 24 November 2016, 1330.

and Chaldo-Assyrian Christians.”<sup>77</sup> The legislatures of the United States (U.S.), the United Kingdom and the European Parliament have also acknowledged that Christian communities in northern Iraq have also suffered genocide.<sup>78</sup> The UN Independent International Commission of Inquiry on the Syrian Arab Republic reported that Christian minorities who remain in Daesh-controlled territory “live difficult and often precarious existences, are viewed with suspicion, and are vulnerable to attack if [Daesh] perceives they are seeking protection from non-aligned forces.”<sup>79</sup> Other UN reports refer to attacks and human rights violations against Christian minorities, including forced displacement, killings, enslavement, captures and kidnapping, destruction of religious sites and destruction of houses.<sup>80</sup>

Members of religious and ethnic minorities who were not killed or kidnapped by Daesh have largely fled to areas under Kurdish control.<sup>81</sup> Around 40% of the population in the Kurdistan region of Iraq is composed of internally displaced Iraqis. According to Dr. Romano, the region is “full to capacity.”<sup>82</sup> Among the displaced are approximately 430,000 Yezidis, including 3,953 Yezidi orphans in camps for internally displaced persons.<sup>83</sup>

## **ACHIEVING LONG-TERM PHYSICAL AND POLITICAL SECURITY FOR RELIGIOUS AND ETHNIC MINORITIES**

Witnesses highlighted the extent to which Iraq’s religious and ethnic minorities are concerned for their physical protection and political security moving forward.<sup>84</sup> Ms. Kikoler noted that the Yezidis and Christians with whom she met “talk very much about the need to feel safe and secure in order to return home,” and that the only way to provide assurance is to ensure both that perpetrators of atrocities are held responsible and that their neighbours will not “yet again, resort to either supporting an extremist group or being complicit in the commission of crimes.”<sup>85</sup>

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77 Ibid., 1305.

78 See European Parliament, [Resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called ‘ISIS/Daesh’](#), (2016/2529(RSP)), 4 February 2016; United States, House of Representatives, [Expressing the sense of Congress that the atrocities perpetrated by ISIL against religious and ethnic minorities in Iraq and Syria include war crimes, crimes against humanity, and genocide](#), H.Con.Res.75 – 114th Congress (2015–2016), 14 March 2016; United Kingdom, House of Commons, [Debates](#), 20 April 2016.

79 UNHRC, 2016, para. 162.

80 See, for example: UNHRC, 2016; Human Rights Council, [Report of the Independent International Commission of Inquiry on the Syrian Arab Republic](#), 11 August 2016.

81 SDIR, [Evidence](#), 17 November 2016, 1310. See also: House of Commons, Standing Committee on Foreign Affairs and International Development, [Canada’s response to the Islamic State of Iraq and the Levant \(ISIL\)](#), 8<sup>th</sup> Report, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, March 2015, pp. 16–18.

82 SDIR, [Evidence](#), 15 November 2016, 1310.

83 SDIR, [Evidence](#), 24 November 2016, 1305. According to the UN, religious sites and places of cultural significance for the Yezidis have also been deliberately and systematically destroyed. See OHCHR, 2016, p. 18.

84 SDIR, [Evidence](#), 15 November 2016, 1315; SDIR, [Evidence](#), 17 November 2016, 1315; SDIR, [Evidence](#), 24 November 2016, 1305-1310.

85 SDIR, [Evidence](#), 17 November 2016, 1315.

Though some Yezidis and Christians have begun to return to liberated areas,<sup>86</sup> and other groups, including Sunnis, have expressed the desire to return,<sup>87</sup> key questions concerning the area's political future, such as who will acquire control of the region once Daesh is defeated, remain unresolved.<sup>88</sup> In his testimony, Dr. Romano stated that the relevant actors "haven't been able to arrive at anything even approaching sufficient consensus to move forward."<sup>89</sup> As more members of religious and ethnic communities return home, pre-existing grievances may re-emerge, exacerbated by the atrocities committed by Daesh.<sup>90</sup>

To date, uncertainty and insecurity have resulted in the proliferation of unregulated sect-specific militias.<sup>91</sup> These groups, which lack a clear command-structure and have divided patronage, have benefited from an influx of weapons.<sup>92</sup> Mr. Ismail informed the Subcommittee of a force of 5,000 Yezidis in Nineveh and in the Erbil Governorate of the KAR. A militia composed of Assyrian Christians also operates across northern Iraq.<sup>93</sup>

Witnesses before the Subcommittee emphasized the connections between long-term physical security and neighbour-to-neighbour reconciliation, a sustainable political agreement for the administration of Nineveh, and accountability.<sup>94</sup> For example: an agreement on political administration can assign responsibility for maintaining physical security,<sup>95</sup> and reassure parties that their respective grievances will be addressed through legitimate, non-violent means.<sup>96</sup> For such a political agreement to occur, building trust with other communities is required. However, Dr. Romano highlighted the circular nature of this dynamic: the more insecure people are, the more likely they are to fall back on their ethnic or religious identities and to refuse a civic, regional or national identity.<sup>97</sup> Dr. Romano laid down the fundamental challenge:

You need to bring in responsible members from each affected community and have them speak about ways to address each of their concerns and put them together in one package that will allow for justice and reconciliation and rule of law in the post-liberation territories. It's a tall order.<sup>98</sup>

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86 SDIR, [Evidence](#), 15 November 2016, 1315.

87 SDIR, [Evidence](#), 17 November 2016, 1315.

88 SDIR, [Evidence](#), 15 November 2016, 1315.

89 Ibid., 1345.

90 SDIR, [Evidence](#), 17 November 2016, 1325.

91 SDIR, [Evidence](#), 27 October 2016, 1345; SDIR, [Evidence](#), 17 November 2016, 1315; SDIR, [Evidence](#), 24 November 2016, 1350.

92 SDIR, [Evidence](#), 17 November 2016, 1315.

93 SDIR, [Evidence](#), 24 November 2016, 1350.

94 SDIR, [Evidence](#), 15 November 2016, 1315; SDIR, [Evidence](#), 17 November 2016, 1315; SDIR, [Evidence](#), 24 November 2016, 1305-1310.

95 SDIR, [Evidence](#), 17 November 2016, 1320.

96 SDIR, [Evidence](#), 15 November 2016, 1315.

97 Ibid., 1335.

98 Ibid., 1325.



## Potential Sources of Insecurity

To ensure physical protection of minorities over both the short and long term, Ms. Kikoler emphasized the importance of identifying vulnerable communities which seek to return home and to address potential flashpoints.<sup>99</sup>

Witnesses reported deep feelings of political exclusion and marginalization among the Yezidis and Christians of the region.<sup>100</sup> To quote Ms. Kikoler, minorities “feel a deep sense of betrayal” by both Iraqi security forces and the Peshmerga.<sup>101</sup> This distrust was exemplified in Mr. Ismail’s testimony, wherein he asserted that the Peshmerga intentionally prevented Yezidis from fleeing Sinjar ahead of Daesh’s invasion, and refused to give weapons to the Yezidis to protect themselves after they withdrew from the region.<sup>102</sup> Going forward, religious minorities are “very fearful that their voices will not be heard.”<sup>103</sup>

According to Ms. Kikoler, “the most common retort you hear from religious minorities when you speak to them is that [Daesh] is only the latest iteration of that phenomenon. They believe that in the wake of [Daesh], a new extremist group will emerge.”<sup>104</sup> Ms. Kikoler also noted that minority groups “understand that their security is contingent on domestic political actors addressing the underlying grievances, particularly of Sunni Arabs, and the political insecurity and rampant culture of impunity that exists in Iraq.”<sup>105</sup> She noted that Iraq’s religious and ethnic minority communities have “very little faith” in the will or capacity of the Government of Iraq or the KRG to eliminate the conditions that allowed Daesh to rise or to curb Iraq’s culture of impunity.<sup>106</sup>

Amidst the uncertainty created by this power vacuum is the potential for conflict arising from a desire for revenge against some members of Sunni communities, who were complicit in Daesh’s abuses, either out of conviction or because they felt threatened.<sup>107</sup> Ms. Lamoureux identified the risk that all members of the same community will be “tared with the same brush” after specific incidents of abuse.<sup>108</sup> Ms. Kikoler noted that over the course of 2015-2016, Sunni Arabs in Nineveh have been attacked and have had property destroyed. In particular, Sunni Arabs face threats from Shia militias which are deployed in the fight to liberate Mosul from Daesh control.<sup>109</sup>

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99 SDIR, [Evidence](#), 17 November 2016, 1320.

100 Ibid., 1345; SDIR, [Evidence](#), 24 November 2016, 1310.

101 SDIR, [Evidence](#), 17 November 2016, 1315.

102 SDIR, [Evidence](#), 24 November 2016, 1310.

103 SDIR, [Evidence](#), 17 November 2016, 1320.

104 Ibid., 1315.

105 Ibid.

106 Ibid.

107 SDIR, [Evidence](#), 27 October 2016, 1340.

108 Ibid.

109 SDIR, [Evidence](#), 15 November 2016, 1310; SDIR, [Evidence](#), 17 November 2016, 1315.

In her report for the Simon-Skjoldt Center, *Our Generation is Gone*, Ms. Kikoler stated that “the culture of impunity that has prevailed in Iraq for decades is a key driver of violent conflict and mass atrocities today.”<sup>110</sup> Groups such as CIJA are collecting and preserving important evidence, and a small number of perpetrators have already been held accountable. Despite these efforts, Ms. Kikoler testified that the scope and effectiveness of investigations are lacking, contributing to a sense of impunity,<sup>111</sup> and encouraging minority groups to seek vengeance by taking up arms.<sup>112</sup>

Witnesses reported that competition for political and economic influence will enhance the potential for violent conflict, even between and within minority communities. Ms. Kikoler cited as an example the pre-existing tensions over property disputes between Christian and Shabak communities, which risks becoming a flashpoint as internally displaced persons return to Nineveh.<sup>113</sup> The potential for conflict also exists within particular religious groups, including Christians, where various factions have organized into militias.<sup>114</sup>

Even though some Yezidis and Christians have begun returning home as areas are being liberated from Daesh, their communities have been devastated from the fighting.<sup>115</sup> In the opinion of Dr. Romano, “[i]t’s going to be a long-term challenge to reconstitute these communities,”<sup>116</sup> and it is difficult to predict how the security situation will evolve in the long term. Looking ahead, “an investment in stabilization, reconstruction, and reconciliation ... [will be important] to ensure that there is rule by law and not rule by gun....”<sup>117</sup>

## Canadian Initiatives in Iraq

On 8 February 2016, the Prime Minister of Canada announced a three-year strategy involving a contribution of \$1.6 billion towards stabilization, humanitarian and development assistance in response to the crises in Iraq and Syria, and their impact on Jordan and Lebanon. In addition to military contribution aid to the Global Coalition fighting Daesh, the Prime Minister pledged to lay “foundations for improved governance, economic growth and longer-term stability.”<sup>118</sup> As part of this strategy, in July 2016, Canada pledged \$158 million over three years to support humanitarian and stabilization efforts in Iraq. Of this amount, \$150 million will support the international humanitarian response to help meet the basic needs of conflict-affected Iraqis, \$4 million will support the clearance of

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110 Kikoler, 2015, p. 28.

111 SDIR, [Evidence](#), 17 November 2016, 1320.

112 Ibid., 1345.

113 Ibid., 1330.

114 Ibid., 1315.

115 SDIR, [Evidence](#), 15 November 2016, 1315.

116 Ibid.

117 SDIR, [Evidence](#), 17 November 2016, 1320.

118 Prime Minister of Canada, “[Prime Minister sets new course to address crises in Iraq and Syria and impacts on the region](#),” News Release 8 February 2016.

improvised explosive devices in liberated areas, and \$4 million will be provided to the UN Development Programme (UNDP) to help Iraqis return to their homes in areas liberated from Daesh.<sup>119</sup> UNDP programming funded by the Government of Canada includes strengthening the capacity of Iraqi authorities to provide basic services in areas liberated from Daesh, including restoring public infrastructure and providing health care services.<sup>120</sup> As of October 2016, \$63 million had been disbursed for Iraqi programming.<sup>121</sup>

The OHRFI is exploring opportunities to support partners working on “inclusive projects that will bring together faith communities,” with a particular focus on faith leaders and youth.<sup>122</sup> Canadian faith groups are assisting the OHRFI in its efforts.<sup>123</sup> Canada is also exploring the expansion of existing development programs connected to governance in Iraq. Ms. Lamoureux noted the potential value of the Canadian federal model in the Iraqi context, given its resilience in the face of diversity.<sup>124</sup>

In May and June of 2016, Canada’s Minister of Foreign Affairs wrote to the President of the UN Security Council requesting that an international mechanism be established to investigate reports of violations of international law by Daesh in Iraq and Syria, to identify the perpetrators of such violations, and ensure accountability.<sup>125</sup> GAC continues to study various mechanisms to hold Daesh accountable, including the International Criminal Court (ICC), hybrid tribunals operating with international support from within the local justice system, and using existing local justice systems.<sup>126</sup> Programming related to the Iraqi justice system has not been fully elaborated but is “being considered actively.”<sup>127</sup> Canada is considering the Iraqi Foreign Minister’s request for capacity-building assistance for the collection and preservation of evidence, including forensic technology. These efforts are directed towards the prosecution of Daesh criminals in local courts.<sup>128</sup>

Canada also provides funding to CIJA to “prepare for the criminal prosecution of breaches of international criminal and humanitarian law committed by Daesh” through

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119 Government of Canada, “[Canada pledges humanitarian and stabilization support for Iraq](#),” News Release, 19 July 2016. The Government of Canada also announced \$200 million in additional financing to the Government of Iraq in support of economic reform.

120 Global Affairs Canada, [Departmental Performance Report 2015-2016](#), p. 51.

121 SDIR, [Evidence](#), 27 October 2016, 1330.

122 Ibid., 1340.

123 Ibid., 1325.

124 Ibid.

125 Ibid., 1310.

126 Ibid., 1315.

127 Ibid., 1330.

128 Ibid., 1310.

GAC's Peace and Stabilization Operations Program (PSOP).<sup>129</sup> Canada is among the most generous donors to CIJA, and, according to Mr. Wiley, has "been very helpful" in connecting CIJA with other donor states. Canada has also provided political and diplomatic support for CIJA's activities, particularly with the Iraqi central government.<sup>130</sup>

Ms. Lamoureux reported to the Subcommittee that the Government of Canada's historically limited presence in Iraq will be enhanced, including in Erbil.<sup>131</sup> On 12 January 2017, Canada announced its intention to appoint its first resident ambassador to Iraq in 26 years, as well as 24 new field staff to be "based in the region."<sup>132</sup> Ms. Lamoureux emphasized the importance of the participation of the Iraqi government in efforts to improve governance in the country, strengthen institutions, and mend ethnic and religious divides, and that Canadian efforts would be directed towards supporting the Iraqi government in these endeavours.<sup>133</sup>

In light of Canada's three-year commitment to development programming in Iraq, in which governance, justice and inter-faith dialogue programming are being considered, the following section provides an overview of witness testimony regarding major issues and factors to consider in establishing sustainable physical and political security for religious and ethnic minorities living in northern Iraqi territories which have been liberated from Daesh.

## **RECOMMENDATION 1**

**That the Government of Canada, in the development of its three-year strategic plan for engagement in Iraq and Syria, be mindful of measures for immediate action to protect the most vulnerable, particularly ethnic and religious minorities.**

## **Planning for Stabilization and Reconstruction**

### **Reconciliation among neighbours**

As already highlighted above, Ms. Kikoler noted that "nine times out of ten," Daesh fighters committing atrocities against minorities were residents of Nineveh, and "people are going to have to live next door to each other again."<sup>134</sup> Intercommunal grievances which

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129 Ibid., 1310. In August 2016, PSOP replaced the Stabilization and Reconstruction Task Force, with a mandate to complement humanitarian assistance "by helping to address the factors that created the conflict or violence in the first place. It also helps local governments to address the needs of their own people." See: Government of Canada, [The Peace and Stabilization Operations Program](#).

130 SDIR, [Evidence](#), 22 November 2016, 1340.

131 SDIR, [Evidence](#), 27 October 2016, 1320.

132 Michelle Zilio, "[Ottawa to appoint first resident ambassador to Iraq in 26 years](#)," *The Globe and Mail*, 12 January 2017.

133 SDIR, [Evidence](#), 27 October 2016, 1315.

134 SDIR, [Evidence](#), 17 November 2016, 1325.

pre-existed Daesh's invasion will resurface, and new frictions will arise.<sup>135</sup> A key area of focus for reconstruction, therefore, is neighbour-to-neighbour reconciliation.<sup>136</sup>

Ms. Kikoler sees "lots of opportunities" to begin dialogue and build trust between communities. However, in her assessment, dialogue "is just not happening, and it isn't being scaled up where it is happening currently." Ms. Kikoler suggests beginning dialogue among displaced communities living in towns and in displaced persons camps – which include Sunni Arabs.<sup>137</sup> Witnesses emphasized the importance of engaging local mediators, and promoting education among children and youth.<sup>138</sup> Dr. Wiley suggested that alternative or transitional justice mechanisms would have to be put in place, such as a truth and reconciliation commission. He noted that evidence collected by CIJA could be used in such processes.<sup>139</sup>

In addition to trust-building exercises, Ms. Kikoler emphasized that local police forces must be representative of their communities, as they will be on the front lines of maintaining order. She viewed this need as urgent, explaining that there are not enough trained police in the region.<sup>140</sup>

### **Building a sustainable political solution**

The Subcommittee learned that obtaining a sustainable political solution within Iraq is crucial to the long-term physical security of ethnic and religious minorities.<sup>141</sup> Witnesses agreed that the way forward needs to involve political decentralization and power sharing, with minorities acquiring a degree of autonomy from the central government. Ms. Lamoureux noted that decentralization is often the best option in a community such as northern Iraq that has a history of violence and discrimination.<sup>142</sup> Dr. Romano stated that "extensive degrees of decentralization and power sharing," both administratively and financially, would contribute to the reduction of ethnic and sectarian tensions in the region and the prevention of future conflict.<sup>143</sup>

Witnesses provided insight on potential political solutions in contested northern Iraq, in order to ensure the continued security of minorities in the region. Yezidi Human Rights-International advocates for an autonomous region within northern Iraq for the Yezidis and Chaldo-Assyrian Christians in Nineveh, with international protection. Mr. Ismail testified that his organization is currently working with U.S. legislators to establish such an

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135 Ibid., 1310 and 1330.

136 Ibid., 1325.

137 Ibid., 1330.

138 Ibid.; SDIR, [Evidence](#), 27 October 2016, 1340.

139 SDIR, [Evidence](#), 22 November 2016, 1330.

140 SDIR, [Evidence](#), 17 November 2016, 1320, 1325 and 1350.

141 SDIR, [Evidence](#), 27 October 2016, 1325.

142 Ibid.

143 SDIR, [Evidence](#), 15 November 2016, 1325.

autonomous region.<sup>144</sup> Under Article 125 of the Iraqi Constitution, one or more governorates may organize into an autonomous region based on a request to be voted on in a referendum.<sup>145</sup> However, there is a lack of consensus among northern Iraq's inhabitants regarding autonomy. For example, Dr. Romano stated that the former and current governors of Nineveh are in disagreement, with the former governor supporting the creation of an autonomous region, while the current governor has refused to attend meetings discussing the idea.<sup>146</sup>

## RECOMMENDATION 2

**That the Government of Canada continue to work with its international partners to support efforts to establish local consensus regarding protection and security for Yezidis, Chaldo-Assyrian Christians and other religious and ethnic minorities in Nineveh.**

Witnesses testified that another option would be the creation of “safe zones” for specific minorities. In the Iraqi context, this would mean that security would be controlled by specific groups. German Chancellor Angela Merkel has expressed support for the establishment of safe zones.<sup>147</sup> Ms. Lamoureux pointed out two drawbacks of this proposal. First, by delineating targets, safe zones increase the vulnerability of residents. Second, jurisdictional questions risk creating unforeseen complications.<sup>148</sup> Dr. Wiley testified that the creation of a safe zone was not necessary to improve CIJA's ability to collect evidence in Nineveh.<sup>149</sup>

The Subcommittee learned that achieving a political solution in northern Iraq will not only improve the sense of security among minorities, but it could also contribute to the effectiveness of mechanisms implemented to hold perpetrators of crimes against minorities accountable. Without an agreement regarding political control of the area, the legitimacy and acceptance of accountability mechanisms such as local tribunals may come into question if certain groups refuse to accept their jurisdiction.<sup>150</sup> As a result, achieving a political solution is closely linked to the success of accountability initiatives, discussed in further detail below.

### Accountability and justice

Witnesses emphasized that accountability by judicial means is essential to achieving a sense of security among minorities. Ms. Kikoler found that if her interviewees “actually saw justice through a court, that would counter other options they would be

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144 SDIR, [Evidence](#), 24 November 2016, 1350.

145 Ibid.

146 SDIR, [Evidence](#), 15 November 2016, 1345.

147 SDIR, [Evidence](#), 27 October 2016, 1355.

148 Ibid.

149 SDIR, [Evidence](#), 22 November 2016, 1350.

150 Naomi Kikoler and Sean Langberg, [Communities at Risk: Protecting Civilians in the Fight Against Islamic State](#), Simon-Skjodt Center for the Prevention of Genocide, October 2016.

considering to seek justice through more harmful means.” For this to be effective, justice must be seen to be done.<sup>151</sup> Justice must also be seen to be fair, according to Dr. Wiley, who noted the important symbolism of justice for core international crimes.<sup>152</sup> Dr. Wiley also noted that “Canada is one of the very few states contributing concretely to efforts that are rendering possible criminal justice for core international crimes,” both by facilitating existing prosecutions and concomitantly laying the foundations for the future prosecution of senior Daesh leadership at the international level.<sup>153</sup>

Witnesses testified that the first challenge in bringing perpetrators of crimes against minorities to justice is collecting and preserving evidence.<sup>154</sup> CIJA, which plays a key role in this area, has been operating in Iraq since 2014.<sup>155</sup> CIJA undertakes its investigations in Iraq pursuant to a memorandum of understanding (MOU) with the KRG. Under this MOU, CIJA has been able to secure crucial logistical and security support.<sup>156</sup> CIJA focuses particularly on collecting “linkage evidence” – evidence that links high- and highest-level political, military and security intelligence actors to offences committed by lower-level perpetrators.<sup>157</sup> Working from various locations in northern Iraq, CIJA has collected evidence of atrocities committed by Daesh against minorities via confidential sources within Daesh, as well as material secured through cyber-exploitation processes and open-source material generated by Daesh through social media.<sup>158</sup> CIJA completed its first Iraq-centred prosecution case file in 2016, in which it identified two dozen suspects involved in orchestrating Daesh’s sexual trafficking network.<sup>159</sup> In Iraq, Dr. Wiley’s team is able to escape danger by operating north and west of lines of confrontation.<sup>160</sup>

Other organizations doing notable work collecting and preserving evidence in northern Iraq include Yazda and the International Commission on Missing Persons (ICMP). Ms. Kikoler noted that Yazda has focused on documenting crimes against Yezidis.<sup>161</sup> Both Dr. Wiley and Ms. Kikoler recognized the ICMP for its crucial efforts in collecting and preserving evidence around mass grave sites in northern Iraq.<sup>162</sup>

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151 SDIR, [Evidence](#), 17 November 2016, 1345.

152 SDIR, [Evidence](#), 22 November 2016, 1340.

153 Ibid., 1315.

154 SDIR, [Evidence](#), 17 November 2016, 1320.

155 SDIR, [Evidence](#), 22 November 2016, 1305.

156 Ibid., 1310.

157 Ibid., 1305.

158 Ibid., 1325.

159 Ibid., 1310.

160 Ibid., 1350. By contrast, CIJA investigators in Syria face extraordinary danger, particularly due to the possibility of attack as part of hostilities unrelated to their work and opposition by the regime and radical jihadists. Mr. Wiley reported that removing documents from Syria “has always been the most dangerous” aspect of CIJA’s work.

161 SDIR, [Evidence](#), 17 November 2016, 1330.

162 Ibid.; SDIR, [Evidence](#), 22 November 2016, 1320.

Despite these efforts, Ms. Kikoler noted that evidence collection is not being undertaken across Nineveh, and has focused on crimes committed against Yazidis to a far greater extent than crimes committed against Christians, Shabak, Turkmen and others. Furthermore, she noted the need for a comprehensive approach to evidence gathering, and increased ability to make relevant material available to actors responsible for accountability.<sup>163</sup>

Ms. Kikoler also stated that a significant amount of evidence is still at risk of becoming lost, jeopardizing chances of holding criminals accountable. During her September 2015 mission to northern Iraq, she noted that mass graves remain exposed, and that most evidence that has been collected is not being preserved and analyzed in accordance with international standards.<sup>164</sup> Given the high cost of collecting and preserving evidence in accordance with these standards, both Ms. Kikoler and Dr. Wiley emphasized the need for local authorities and the international community to contribute more to collection and preservation efforts in order to ensure that criminals are brought to justice.<sup>165</sup>

Witnesses discussed the advantages and disadvantages of various legislative frameworks and institutional venues to hold Daesh accountable, including the ICC, hybrid tribunals operating with international support from within the local justice system, and using local justice systems.<sup>166</sup>

Ms. Lamoureux and Ms. Kikoler discussed the ICC as a mechanism to bring individual perpetrators to justice<sup>167</sup> for crimes of genocide, crimes against humanity, and war crimes.<sup>168</sup> As stated by Ms. Lamoureux, the ICC's key advantages are its international legitimacy as a tribunal, and its ability to bring its prosecutions to the forefront of the international agenda.<sup>169</sup> According to the Rome Statute, the ICC may exercise its jurisdiction if a situation is referred to it by a State Party or by the UN Security Council acting under Chapter VII of the UN Charter.<sup>170</sup> Iraq is not a party to the Rome Statute,<sup>171</sup>

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163 SDIR, [Evidence](#), 17 November 2016, 1325.

164 Ibid., 1320.

165 Ibid.; SDIR, [Evidence](#), 22 November 2016, 1330.

166 SDIR, [Evidence](#), 27 October 2016, 1315-1330; SDIR, [Evidence](#), 17 November 2016, 1325; SDIR, [Evidence](#), 22 November 2016, 1340.

167 SDIR, [Evidence](#), 27 October 2016, 1315; SDIR, [Evidence](#), 17 November 2016, 1325.

168 [Rome Statute of the International Criminal Court](#), Article 5.

169 SDIR, [Evidence](#), 27 October 2016, 1315.

170 [Rome Statute of the International Criminal Court](#), Article 13. According to Articles 13(c) and 15 of the Rome Statute, the ICC Prosecutor could initiate an investigation *proprio motu*. As the ICC does not have territorial jurisdiction over crimes committed on Iraqi territory, such an investigation would be limited to alleged perpetrators who are nationals of a State Party (based on its personal jurisdiction). However, the Office of the Prosecutor, in a press release, announced it had come to the conclusion that "the jurisdictional basis for opening a preliminary examination into this situation is too narrow at this stage." See ICC, [Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the alleged crimes committed by ISIS](#), Press release, 8 April 2015.

171 SDIR, [Evidence](#), 27 October 2016, 1330.



and to date, the Security Council has chosen not to refer the situation to the ICC.<sup>172</sup> However, even with jurisdiction, the ICC would only allow for the prosecution of smaller groups of high-level individuals responsible for crimes of genocide, crimes against humanity, and war crimes. According to Ms. Kikoler, at its most effective, the ICC would only have the capacity to try two or three high-level Daesh fighters.<sup>173</sup>

Witnesses also weighed the advantages and disadvantages of using domestic, local tribunals to bring perpetrators to justice. Ms. Kikoler emphasized the importance of supporting these local-level efforts, as the majority of crimes had been committed by local fighters.<sup>174</sup> To see “justice be done,” victims want to see the individual who committed a crime against them held responsible.<sup>175</sup> However, witnesses also discussed significant challenges presented by the legislation and judicial systems of both the Iraqi central government and the KRG. Ms. Lamoureux and Ms. Kikoler noted that the Iraqi justice system needs considerable support to function properly and to meet international standards.<sup>176</sup> Prosecutions conducted by the Iraqi central government and the KRG are currently undertaken through terrorism legislation.<sup>177</sup> CIJA refuses to support prosecutors from either Iraqi or Kurdish-controlled justice systems for two reasons: first, Dr. Wiley asserted that existing anti-terrorism legislation is “deeply flawed” as it does not offer sufficient due process guarantees to the accused;<sup>178</sup> second, the legislation allows the death penalty, and CIJA’s donors refuse to support prosecution in capital cases.<sup>179</sup>

### RECOMMENDATION 3

**That the Government of Canada prioritize the identification of groups that may be at-risk of future violence and, in cooperation with international partners, develop post-conflict strategies to protect these groups.**

Dr. Wiley proposes a new option for “an immediate road to large-scale justice in Iraq for the victims of Daesh offences,”<sup>180</sup> a “specialized war crimes chamber” to be established within the existing local court system in northern Iraq. The chamber would have to be located in northern Iraq, ideally in Erbil, for security and logistical reasons.<sup>181</sup> To date, neither Iraq nor the KRG has legislation that allows for the prosecution of genocide, crimes against humanity, or war crimes as such.<sup>182</sup> To establish such a

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172 Ibid., 1325.

173 SDIR, [Evidence](#), 17 November 2016, 1325.

174 Ibid., 1345.

175 Ibid., 1325.

176 SDIR, [Evidence](#), 27 October 2016, 1315; SDIR, [Evidence](#), 17 November 2016, 1340.

177 SDIR, [Evidence](#), 17 November 2016, 1340.

178 SDIR, [Evidence](#), 22 November 2016, 1340.

179 Ibid.

180 Ibid., 1315.

181 Ibid., 1320.

182 SDIR, [Evidence](#), 17 November 2016, 1340.

chamber, it would be necessary to pass legislation through the Kurdistan regional parliament that does not foresee the possibility of capital punishment,<sup>183</sup> and that imposes western standards of due process.<sup>184</sup> According to Dr. Wiley, CIJA's proposal has garnered support from the KRG, and CIJA is optimistic that the central Government of Iraq will agree, or at least resign itself to "benevolent indifference."<sup>185</sup> Dr. Wiley informed the Subcommittee that the idea of a specialized chamber has the tentative support of the European Union.<sup>186</sup>

#### **RECOMMENDATION 4**

**That the Government of Canada, in an effort to deter further Daesh-inspired terrorism, support the capacity of judicial bodies to prosecute guilty parties under criminal offences such as murder, theft, rape and destruction of property and not under terrorism charges. Further, the Government of Canada should assist in the establishment of a "specialized war crimes chamber" within the existing local Iraqi court system to prosecute cases involving genocide, crimes against humanity, or war crimes.**

For Dr. Wiley, prosecuting those responsible for crimes against minorities pursuant to criminal law, and not anti-terrorism legislation, would signal to potential Daesh recruits that Daesh fighters are criminals rather than "soldiers of the caliphate."<sup>187</sup> Ms. Kikoler also stated that perpetrators should be held responsible pursuant to criminal law for the commission of sexual trafficking and rape.<sup>188</sup>

Whether justice is sought through the existing local justice system or a specialized war crimes chamber as described by Dr. Wiley, Ms. Lamoureux and Ms. Kikoler asserted that any local justice initiatives will require international support.<sup>189</sup> First, this support is crucial for a relatively new justice system, which, after years of war, faces significant challenges related to capacity, resources and enforcement.<sup>190</sup> Second, according to Ms. Kikoler, if these initiatives are seen as strictly Iraqi- or KRG-led, minorities will not necessarily view them as credible given their high level of distrust for government authorities. Ms. Kikoler recommended international support in the form of an international independent investigation established by the UN Security Council, which would call for cooperation between Iraq and the KRG. Such an approach, she maintained, is crucial to establishing the credibility of the process.<sup>191</sup>

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183 SDIR, [Evidence](#), 22 November 2016, 1340.

184 Ibid., 1345.

185 Ibid., 1320.

186 Ibid.

187 Ibid., 1355.

188 SDIR, [Evidence](#), 17 November 2016, 1340.

189 SDIR, [Evidence](#), 27 October 2016, 1310; SDIR, [Evidence](#), 17 November 2016, 1325 and 1340.

190 Ibid.

191 SDIR, [Evidence](#), 17 November 2016, 1355.

## CONCLUSIONS

Since 2014, religious and ethnic minority communities in Nineveh have been the victims of genocide, crimes against humanity, and war crimes at the hands of Daesh. As the campaign to defeat Daesh continues to make progress, and displaced minorities begin to return to liberated areas of Nineveh, “day-after” planning is needed to ensure the long-term protection and promotion of minorities’ physical and political security. Witnesses gave accounts of the long history of minorities’ persecution in the region, sectarianism in Iraqi politics, and the impact of territorial disputes between Iraqi and Kurdish authorities on minority communities. They emphasized that a lack of planning would further destabilize Nineveh, including by perpetuating the proliferation of sectarian militias formed to protect against the rise of future extremist groups, to seek vengeance against those who committed or were complicit in atrocities, and to compete for economic and political influence as the region rebuilds.

It is the opinion of the Subcommittee that Canada’s commitment of funding and personnel to work towards stabilization in Iraq provides an opportunity to make a meaningful contribution. The Subcommittee notes that elements of programming remain in development. Witnesses highlighted three inter-related factors that will contribute to the enduring physical and political security of minority communities in Nineveh: reconciliation between neighbors; a sustainable political solution including minority representation; and meaningful accountability for perpetrators of atrocities, which will require international support. Although this report focused on Nineveh, the analysis provided by witnesses may also be applicable to other territories liberated from Daesh in Iraq, particularly those populated by vulnerable minorities and experiencing the return of displaced populations.

In light of its findings, the Subcommittee recommends:

### **Recommendation 5**

**That the Government of Canada, through its three-year strategic plan for Iraq and Syria and other initiatives, work towards the prevention of future atrocities and human rights violations against Iraq’s ethnic and religious minorities, by systematically promoting and building capacity to provide long-term security for Iraq’s most vulnerable communities. The Government of Canada should take a long-term approach and work with affected communities and relevant authorities to support the rule of law and good governance, with a view to combating extremism, including by:**

- **supporting peaceful dispute resolution between communities returning to liberated territories, including through truth and reconciliation initiatives addressing atrocities committed by local Daesh fighters, and the use of local mediators to resolve other grievances likely to disrupt intercommunal relations;**

- **encouraging minority representation in the administration of their home territories, including in respect of security and law-enforcement, and taking advantage of opportunities to share Canadian best-practices regarding decentralized governance;**
- **continuing its support for the collection and preservation of evidence of serious crimes of international concern, including by advocating for the establishment of international investigative mechanisms and providing capacity-building assistance to the Government of Iraq and the Kurdish Regional Government, either directly or through partners such as the Commission for International Justice and Accountability; and**
- **supporting local tribunals or other institutions through which Daesh fighters will be brought to justice, including through efforts to refine the existing legislative frameworks, enhance judicial capacity, and promote due process.**

## APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
<b>Department of Foreign Affairs, Trade and Development</b> Emmanuelle Lamoureux, Director Gulf States Relations Division  Giuliana Natale, Director Inclusion and Religious Freedom, Office of Human Rights, Freedoms and Inclusion	2016/10/27	28
<b>As an individual</b> David Romano, Thomas G. Strong Professor of Middle East Politics Missouri State University	2016/11/15	31
<b>United States Holocaust Memorial Museum</b> Naomi Kikoler, Deputy Director Simon-Skjodt Center for the Prevention of Genocide	2016/11/17	32
<b>Commission for International Justice and Accountability</b> William Wiley, Executive Director	2016/11/22	33
<b>Yezidi Human Rights Organization-International</b> Mirza Ismail, Chairman	2016/11/24	35



## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* of the Committee ([Meeting No. 54](#)) is tabled and a copy of the relevant *Minutes of Proceedings* of the Subcommittee on International Human Rights ([Meetings Nos. 28, 31, 32, 33, 35, 41, 44, 45 and 46](#)) is tabled.

Respectfully submitted,

Hon. Robert D. Nault  
Chair

