

IRAQ

Thirty-Fourth Session of the Working Group on the Universal Periodic Review United Nations Human Rights Council

**Joint Stakeholder Report
the Nineveh Center for Minority
Assyrian Universal Alliance
Chapter**

**submitted by
Rights and the
Americas**



I. Executive Summary

1. The following report is submitted on behalf of the Nineveh Center for Minority Rights (NCMR) and the Assyrian Universal Alliance Americas Chapter (AUA Americas) for consideration in Iraq's third Universal Periodic Review (UPR) to take place during the 34th session of the UPR Working Group.
2. Chronic human rights abuses persist throughout Iraq since the state underwent its second UPR in 2014. This report examines those abuses pertaining to Iraq's indigenous Assyrian Christian minority. These abuses stem largely from instances of *de jure* and *de facto discrimination*, inadequate security, rampant displacement, and escalating tension over disputed internal borders. Furthermore, the increasingly polarized state of politics in Iraq has prevented the government from addressing human rights issues affecting Assyrian Christians at a rate needed to counter their rampant emigration.
3. Two thematic human rights issues form the outline of this report, namely: (A) the right to equal participation ⁱⁿ public affairs and (B) the right to housing. In order to help cure

the human rights violations alleged here, NCRD and API offer the following recommendations to the Government of Iraq:

Recommendations

- **Amend Iraqi electoral laws to mandate a separate election for members of minorities to vote for their respective quota seats.**
- **End policies resulting in the unlawful expropriation of Assyrian Christian properties.**
- **Ensure Assyrian Christians and other minorities enjoy equal access to the judiciary and law enforcement when raising property disputes.**
- **Enforce all judgments calling for the return of unlawfully expropriated Assyrian Christian properties.**
- **Implement long-term subsidized housing programs and income-generating opportunities for IDPs in areas where they are displaced.**
- **Increase the capacity of judicial and quasi-judicial authorities to enforce property rights and decree monetary sanctions and/or reparations for loss or damage of real and personal property.**

II. Introduction

4. Assyrians, referred to also as Chaldeans or Syriacs, represent a distinct, ethno-religious and linguistic community in Iraq with a heritage stemming from the pre-Islamic and pre-Arab civilizations of Mesopotamia. They are politically non-dominant, mostly profess to various early traditions of Christianity, and were historically the first to settle in many of the territories they currently reside. They speak Syriac, a dialect of Aramaic known commonly as “Sureth” which served as the lingua franca of Western Asia before the advent of Arabic. But now, the language once spoken by Jesus Christ has been designated as “definitely endangered” by UNESCO and faces the threat of extinction in the lands where it originated.¹
5. The situation of indigenous Assyrian Christians and other vulnerable groups in Iraq remains precarious. Since 2011, Iraq has consistently been ranked among the top five most dangerous countries for minorities by Minority Rights Group International (MRG).² labeled a “Country of Particular Concern” by the US Commission on International Religious Freedom (USCIRF)³ and received “Not Free” status in Freedom House’s

¹ Interactive Atlas of the World’s Languages in Danger, UNESCO
<http://www.unesco.org/languagesatlas/en/atlasmap/language-id-2232.html> (accessed September 1, 2015).

² Peoples Under Threat, Minority Rights Group International, <https://peoplesunderthreat.org/> (accessed March 2019).

³ Countries of Particular Concern, US Commission on International Religious Freedom, <https://www.uscirf.gov/all-countries/countries-of-particular-concern-tier-2> (accessed March 2019).

annual Freedom in the World report.⁴ The rampant rate of emigration is also indicative of the reality that many Assyrian Christians have been forced to leave the country in the face of protracted human rights challenges. While Assyrian Christians were believed to number 1.4 million before the 2003 invasion, roughly a third continue to remain in Iraq.⁵ The statistic is alarming when considering that the community represented just 3 percent of Iraq's population before 2003.⁶ There have been two notable exoduses of Assyrians from their native Iraq in recent years. The first came with the US-led invasion of Iraq in 2003 as Assyrians became targets of sectarian violence. The second mass exodus came after the rise of the so-called Islamic State in Iraq and Syria in June 2014.

6. Since the members of the so-called Islamic State captured Mosul in early June 2014, Assyrian Christians and other minorities in the city have endured targeted persecution in the form of forced displacement, sexual violence, and other egregious human rights violations. All 45 churches and monasteries inside Mosul fell in the hands of IS militants, who have reportedly removed the buildings' crosses and burned, looted, or destroyed much of the property.⁷ By late July, the last of the Assyrian Christians in Mosul escaped the city following an edict by members of IS offering minorities the option to either convert to Islam, pay a tax, flee, or be killed.⁸ The UN Security Council issued a statement in July 2014 expressing "deep concern" over reports of such threats and condemning "in the strongest terms the systematic persecution of individuals from minority populations."⁹ Secretary General Ban Ki Moon also condemned the actions claiming that such systematic targeting may amount to a "crime against humanity."¹⁰
7. The persecution of Assyrian Christians at the hands of the so-called Islamic State is compounded by a long-standing legacy of Ba'athist discrimination targeting minority communities within Iraq. While such a legacy emerged prior to the fall of Saddam Hussein, much of this discrimination against Assyrians persists – and is even reinforced at times – by various levels of Iraq's new democratic government. Without increased protection by all levels of the Iraqi Government, Assyrians face the reality of no longer remaining a viable component in Iraq's once vibrant social fabric.

⁴ Freedom of the World, Freedom House, <https://freedomhouse.org/report/freedom-world/freedom-world-2018> (accessed March 2019).

⁵ "Iraq: Christians live in fear of death squads," IRIN News, October 18, 2006, <http://www.irinnews.org/report/61897/iraq-christians-live-in-fear-of-death-squads> (accessed March 14, 2014).

⁶ Steven Lee Myers, "More Christians Flee Iraq After New Violence," The New York Times, December 12, 2010, <http://www.nytimes.com/2010/12/13/world/middleeast/13iraq.html?pagewanted=all>.

⁷ "All 45 Christian Institutions in Mosul Destroyed or Occupied By ISIS," Orthodox Christian News, July 30, 2015 <http://myocn.net/45-christian-institutions-mosuldestroyed-occupied-isis/>

⁸ Hamdi Alkhshali and Joshua Berlinger, "Facing fines, conversion or death, Christian families flee Mosul," CNN, July 20, 2014 <http://www.cnn.com/2014/07/19/world/meast/christiansflee-mosul-iraq/>.

⁹ "Security Council denounces persecution of minorities in northern Iraq," UN News Centre, July 22, 2014, <http://www.un.org/apps/news/story.asp?NewsID=48322#.Vf7EBbSFv8E>.

¹⁰ "Statement attributable to the Spokesman for the Secretary-General on the systematic persecution of minorities in Mosul," Secretary General Ban Ki-moon Statements, July 20, 2014, <http://www.un.org/sg/statements/index.asp?nid=7880>.

III. Right to Equal Participation in Public Affairs

9. Iraq's Constitution affords all citizens the protection from intellectual, political and religious coercion under Article 37 Section II. Similarly, under Article 125, the Constitution guarantees the administrative, political, cultural, and educational rights of the various nationalities, including Assyrians. The Government of Iraq's ability to protect this right is severely hindered by the minority quota and its associated voting practices.

A. Right to Vote

10. One of the biggest issues facing the Iraqi Assyrian population's ability to fully participate in political life is the structural composition of the Iraqi electoral law, specifically with reference to the electoral quota system. Assyrians are allotted a minority quota of five seats in the Iraqi Parliament, a figure that was determined at the time of the quota's introduction to electoral law in 2008. This system is intended to ensure the representation of Iraq's vast and numerous minority communities, but has consistently failed to serve its purpose due to the weak protections against non-minorities voting for minority candidates and lists. While in theory, the minority quota is intended to encourage minorities to vote, run for, and hold office; the reality is that political parties, particularly the Kurdistan Democratic Party (KDP), manipulate the quota system to achieve political gains, later on other Shiite political parties followed suit.
11. The most effective way that Assyrian political participation is interrupted is through election interference. Civil society organizations highlighted the issue of voter suppression through intimidation and targeted violence in advance of the 2010 Parliamentary elections in Iraq by armed Kurdish security forces. Reports also discussed specific instances where the KRG had denied churches and Christian aid organizations funding for IDP assistance programs after refusing to pledge support to Kurdish political parties.
12. Such practices have shifted in the present, as the Kurdish authorities in Iraq have adjusted their methods for currying support among Iraq's Assyrians. In the present, the KDP and other KDP-affiliated individuals and organizations help create Assyrian political parties whose agendas are tailored to supporting various Iraqi Kurdish political ends, including increased land annexation and secession.¹¹ The act of providing patronage in exchange for political support severely undermines the authority and agency of

¹¹ Hanna, Reine, and Max Joseph. Assyrian Policy Institute. *Iraq's Stolen Election: How Assyrian Representation Became Assyrian Repression*. November 28, 2018. Accessed March 27, 2019, p. 29. https://docs.wixstatic.com/ugd/6ae567_ed6e9fcea6c2415583c27b464807ebbb.pdf

independent Assyrian candidates and political parties, many of which do not support the KDP's political goals.¹²

13. For example, in an effort to sway the election in Kirkuk governorate in 2018, the KDP endorsed and encouraged Kurds in Kirkuk to vote for Rehan Hana, a young Assyrian woman from Zakho, Duhok governorate, who ran as candidate no. 9 on the Chaldean Syriac Assyrian Popular Council list, a political party founded and funded by the KDP.¹³ Hana ran against an Assyrian candidate from an independent political party, a longtime critic of the KDP's policies. The KDP openly supported Hana's candidacy through various means of advocacy including constant airtime on local TV and radio, and encouraged Kurds in Kirkuk governorate to vote for her. The Assyrian Policy Institute (API) interviewed several Assyrians in Kirkuk who expressed support for the other Assyrian candidate, but were discouraged from voting for him given the immense support that the KDP provided in mobilizing non-Christians in Kirkuk to vote for Hana.¹⁴
14. In the end, non-Christian votes secured a victory for Hana, who received 5,458 votes, which is 1,930 more votes than were cast by Assyrians in Kirkuk in the 2010 parliamentary election.¹⁵ The population of Assyrians in Kirkuk has seen a steady decline since 2010, today's estimate is approximately 4,612¹⁶. This figure further confounds how 3,528 votes for the Christian quota in 2010 rose to nearly quadruple to 13,307 in 2018¹⁷. There is simply no other explanation for this sharp spike in votes than that Hana's victory is due in large part to the KDP's support for her candidacy and their effective mobilization of non-Christians to vote the Chaldean Syriac Assyrian Popular Council list.
15. Despite numerous complaints about the dilution of Assyrian voices in the electoral process, the IHEC has refused to take any action that would address this issue, citing that a separate ballot for minority quotas would be discriminatory. Considering the small sizes of minority communities served by such quotas, it is very easy for non-minority components to allocate a part of their collective votes to those members of minority lists most sympathetic to their own political interests. Ultimately such practices not only dilute the true political views of Assyrians, but discourage their political participation and lead to low voter turnout. Iraq's current quota system, if left unregulated, will continue to rob its indigenous Assyrian population of the ability to meaningfully participate in political life.

¹² Human Rights Watch. *On Vulnerable Ground: Violence against Minority Communities in Nineveh Province's Disputed Territories*. November 2009. <https://www.hrw.org/report/2009/11/10/vulnerable-ground/violence-against-minority-communities-nineveh-provinces-disputed>

¹³ Hanna, Reine, and Max Joseph. Assyrian Policy Institute. *Iraq's Stolen Election: How Assyrian Representation Became Assyrian Repression*. November 28, 2018. Accessed March 27, 2019, p. 29. https://docs.wixstatic.com/ugd/6ae567_ed6e9fcea6c2415583c27b464807ebbb.pdf November 28, 2018.

¹⁴ *Id.* at 38.

¹⁵ *Id.* at 39

¹⁶ *Id.* at 28.

¹⁷ *ID* at 28.

Recommendation

- **Amend Iraqi electoral laws to mandate a separate election for members of minority communities to vote for their respective electoral quota seats.**

B. Right to Participate in Public Life

16. Iraq's constitution affords all citizens the right to participate in public life, including the right to vote, elect, and run for office.
17. In July and August 2017, two ethnic Assyrian mayors, Faiz Jahwareh and Basim Bello from the towns of Alqosh and Tel Keppe in northern Iraq, were forcibly removed from office by Kurdish Regional Government officials. In July 2017, Jahwareh was deposed by the local Nineveh Provincial Council (3/4 of which is comprised of KDP members) on baseless charges of corruption that were later dismissed by an Iraqi federal court.¹⁸ In the predominantly Assyrian town of Tel Keppe, Mayor Basim Bello was removed from office on August 3, 2017, by the very same KDP-dominated Nineveh Provincial Council.¹⁹ Many Assyrians in northern Iraq believe that Jahwareh and Bello's vocal opposition to the Nineveh Plains' annexation in the KRG was the reason they were targeted. Both ousters came on the heels of the September 2017 Kurdish independence referendum and seemed like deliberate attempts by the KDP to remove their critics from positions of power. Such gross abuses of power and severely hinder the Assyrian people's ability and desire to participate in political lives, especially to run and hold political office. Despite the Iraqi federal court's ruling to reinstate both Bello and Jahwareh, the central government lacks any meaningful authority in implementing such important rulings, especially ones issued to protect minority rights.

Recommendation

- **Launch a comprehensive and impartial investigation into the dismissal of Mayors Bello and Jahwareh and take necessary measures to ensure that the future executive and legislative measures taken by KRG officials require a degree of oversight from the Iraqi Central Government**

¹⁸ "Nineveh Provincial Council Moves to Depose Mayor of Alqosh Again." Assyrian Policy Institute. August 14, 2018. Accessed March 28, 2019. <https://www.assyrianpolicy.org/news/nineveh-provincial-council-moves-to-depose-mayor-of-alqosh-again>.

¹⁹ Joseph, Max J. "On the Removal of Assyrian Mayors in Nineveh by the Kurdistan Democratic Party (KDP)." Medium. August 05, 2017. Accessed March 28, 2019. <https://medium.com/@DeadmanMax/on-the-removal-of-assyrian-mayors-in-nineveh-by-the-kurdistan-democratic-party-kdp-ffde5556b564>.

IV. Right to Housing

A. Freedom from Forced Eviction

18. Systematic policies of unlawful expropriation, state-sanctioned efforts to effectively alter the demographic characteristics of indigenous territories, and extreme violence at the hands of ISIL have violated Constitutional safeguards and served to undermine the right of Assyrian Christians to own property free from discrimination. Illegal or unauthorized expropriation and occupation of Assyrian Christian land in Baghdad, Mosul, Basra and other Governorates continues to be a problem with very little judicial or other recourse. The Iraqi House Institute alleges that 23,000 properties have been taken over from Christians unlawfully by criminals and local militias.²⁰ A 2019 IOM study found that almost “no households have been able to access needed compensation to alleviate the financial strains of securing housing.”²¹
19. The impact of ISIL and associated groups’ campaigns against members of religious minority groups continues to be felt across northern Iraq in particular. The assault led to the mass exodus of Christians, Yazidis, and other ethnic and religious groups from the Ninewa Plains, where these groups have lived for centuries. Minority leaders reported pressure on their communities “to cede land rights to their businesses unless they conferred to a stricter observance of Islamic precepts.”²²
20. The central government should bolster the procedural mechanisms and efficacy of the Commission for the Resolution of Real Property Disputes (CRRPD) (formerly called the Iraq Property Claims Commission) in providing victims of property confiscated for political, religious or ethnic reasons or because of “ethnic, sectarian, or nationalistic displacement policies” under Saddam Hussein. Evidence suggests that many claimants have been unable to reoccupy their houses or land despite CRRPD decisions in their favor.²³

²⁰ Mafiyat takes over 23,000 properties and houses for Christians, Iraqi House Institute, <https://iraqhouseinstitute.com/%D9%85%D8%A7%D9%81%D9%8A%D8%A7%D8%AA-%D8%AA%D8%B3%D8%AA%D9%88%D9%84%D9%8A-23-%D8%A7%D9%84%D9%81-%D8%B9%D9%82%D8%A7%D8%B1-%D9%88%D8%AF%D8%A7%D8%B1-%D8%B3%D9%83%D9%86%D9%8A-%D9%84%D9%85%D8%B3%D9%8A/> (accessed March 2019).

²¹ IOM Iraq, Access to Durable Solutions Among IDPs in Iraq, at 38 https://reliefweb.int/sites/reliefweb.int/files/resources/IOM_Iraq_ACCESS_TO_DURABLE_SOLUTIONS_AMONG_IDPs_IN_IRAQ_THREE_YEARS_IN_DISPLACEMENT_digital.pdf (accessed March 2019) (hereinafter IOM Access to Durable Solutions).

²² Id. at 20.

²³ Land, Property, and the Challenge of Return for Iraq’s Displaced, US Institute of Peace, April 2009, <https://www.usip.org/publications/2009/04/land-property-and-challenge-return-iraqs-displaced> (accessed March 2019).

21. In the KRG-controlled Governorate of Dohuk, Assyrian Christians have complained that Kurdish officials and tribal leaders have illegally occupied and used their agricultural lands for commercial and investment purposes. The KRG continues to enforce court decisions regarding land disputes inconsistently, many of which stem from the Saddam Hussein Anfal campaign.²⁴ In one known instance where illegal construction on Christian-owned land was ordered demolished, violence broke out against neighboring Christian communities in retaliation.²⁵ Additionally “legal barriers in Sulaymaniyah prevent non-Kurds from buying property and registering it in their own names.” Instead, property buyers are forced to find a Kurdish sponsor in order to engage in the process of obtaining residency and purchasing property.²⁶
22. Notwithstanding the existence of constitutional protections against unlawful expropriation, targeted confiscation of Assyrian Christians’ property in the Kurdistan Region as well as ineffective government mechanisms to address historic grievances result in both formal and substantive discrimination against Assyrian Christians.

Recommendations

- **End policies resulting in the unlawful expropriation of Assyrian Christian properties.**
- **Ensure Assyrian Christians and other minorities enjoy equal access to the judiciary and law enforcement when raising property disputes.**
- **Enforce all judgments calling for the return of unlawfully expropriated Assyrian Christian properties.**

B. Freedom from Discrimination in the Right to Housing for Internally Displaced Peoples

23. Successive waves of large-scale internal displacement of Assyrian Christians throughout Iraq have posed practical barriers to enjoying the right to adequate housing and the right to the highest attainable standard of health under Articles 11, and 12 of the ICESCR respectively. As a result of targeted attacks against Assyrian Christians between 2010 and 2014, an overwhelming number of the displaced Christian population fled from Iraq’s major cities to the Nineveh Plains and to the Kurdistan Region of Iraq, specifically to Erbil, Najaf, and Sulaymaniyah.²⁷ The KRI continues to host the largest number of

²⁴ U.S. Dep’t of State, Int’l Religious Freedom Report for 2016 - Iraq, at 15, <https://www.state.gov/j/drl/rls/irf/2016religiousfreedom/index.htm#wrapper> (accessed March 2019).

²⁵ Id.

²⁶ Supra note 19 IOM Access to Durable Solutions at 28

²⁷ IOM Iraq, Displacement Crisis 2014-2017 at 15, https://reliefweb.int/sites/reliefweb.int/files/resources/IOM-Iraq_Displacement_Crisis_2014-2017.pdf (accessed March 2019) (hereinafter IOM Access Displacement Crisis).

IDPs.²⁸ Since 2014, Christians, Shabaks, and Yazidis, all of whom were specifically targeted during the 2014 Mosul and Sinjar crisis, constitute a “significant portion” of IDPs in Iraq.²⁹ As of 2018, 60% of the 1.9 million IDPs currently in Iraq are originally from Ninewa, the historical home to Assyrian Christians. Problems include large scale damage and an inability to physically access property that they still owned.³⁰

24. Despite the number of families returning to their places of origin after the declaration of the fall of ISIL in December 2017, “locations in Iraq with high levels of residential destruction and/or presence of illegal house or property occupation” are experiencing significantly lower rates of return.³¹ Those districts where discrimination is perceived as high are the same districts reporting more severe housing and property ownership issues in the country.³² An estimated 20,000 IDP families belonging to Iraq’s ethno-religious minority groups reported “fear due to a change in ethno–religious composition of the place of origin” as their reason for not returning.³³ For IDPs from Ninewa and Kirkuk, 20% expressed fear of ethno-religious change as one of their top 3 reasons for not returning.³⁴

25. In sum, the three main issues obstructing displaced Assyrian Christians from enjoying the right to housing under Article 11(1) of the ICESCR, include: situational safety and discrimination; the extent of physical damage making it difficult (if not impossible) to resume residence in the property; and financial obstacles to being able to afford the cost of construction and renovation. To fully guarantee equal access to housing, the central government must prioritize the needs of Assyrian Christian IDPs and other disadvantaged groups by implementing necessary measures that will help overcome such threats to their physical and financial security. The central government and the KRG should place a greater focus on post-conflict property restitution both as a means of reducing the number of IDPs and as a means of resolution of “long-term disputes which might give rise to future conflicts and displacement.”³⁵

²⁸ Id. at 12

²⁹ IOM, RWG, Social Inquiry, Reasons to Remain: Categorizing Protracted Displacement in Iraq (November 2018) at 12 https://reliefweb.int/sites/reliefweb.int/files/resources/Categorizing_Protracted_Displacement_in_Iraq_2018-11_IOM_RWG_SI.pdf (accessed March 2019) (hereinafter IOM Reasons to Remain).

³⁰ Supra note 19 IOM Access to Durable Solutions at 18

³¹ IOM, RWG, Social Inquiry, Reasons to Remain: Categorizing Protracted Displacement in Iraq (November 2018) at 12

³² Supra note 27 IOM Reasons to Remain at 16.

³³ Supra note 25 IOM Iraq, Displacement Crisis at 31.

³⁴ Id. See also USIP and Social Inquiry, “Conflict and Stabilization Monitoring Framework for Ninewa,” February and August 2018; Sanad for Peacebuilding and Social Inquiry, Conflict Fragility and Social Cohesion in Diyala Governorate: Khalis, Muqdadia, Kifri, and Baladrooz (Baghdad: Sanad for Peacebuilding, 2018); and Erica Gaston and Andrés Derzsi-Horváth, Iraq After ISIL: Sub-State Actors, Local Forces, and the Micro-Politics of Control (Berlin: GPPI, 2018)

³⁵ Sila Sonmez, Shahaan Murray and Martin Clutterbuck, Protecting property: the Iraqi experience, Forced Migration Review (October 2018), <https://www.fmreview.org/GuidingPrinciples20/sonmez-murray-clutterbuck> (accessed March 2019).

26. Despite the existence of some IOM programming designed to alleviate the financial limitations of displaced persons re-accessing their former homes, the Iraqi Government must do more to address the root causes keeping marginalized individuals from their homes.

Recommendations

- **Implement long-term subsidized housing programs and income-generating opportunities for IDPs in areas where they are displaced.**
- **Increase the capacity of judicial and quasi-judicial authorities to enforce property rights and decree monetary sanctions and/or reparations for loss or damage of real and personal property.**