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# COMMUNITIES AT RISK: PROTECTING CIVILIANS IN THE FIGHT AGAINST THE ISLAMIC STATE



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## COMMUNITIES AT RISK: PROTECTING CIVILIANS IN THE FIGHT AGAINST THE ISLAMIC STATE

### INTRODUCTION

Two years after the self-proclaimed Islamic State (IS) perpetrated genocide, crimes against humanity, war crimes, and ethnic cleansing against religious minorities in Ninewa province, northern Iraq, these communities remain at risk of future atrocities.<sup>1</sup>

In the summer of 2014, hundreds of thousands of people were driven from their homes, mostly into exile in the Kurdistan Region of Iraq, and thousands were killed and kidnapped. IS continues to perpetrate genocide against the estimated 3,200 Yezidi women and children it kidnapped and who are still being held. Minorities who seek to return to areas not yet liberated from IS face a risk of atrocities perpetrated by IS. Religious minorities and Sunni Arabs continue to be vulnerable, and new threats emerge—including those related to the recently launched military offensive to drive IS from Mosul. The treatment of Sunni Arabs fleeing Mosul will have a determining effect on future risks to religious minorities.

In March 2016, the United States Secretary of State determined that IS had perpetrated genocide against minorities, including Yezidis, Christians, Shia Shabak, Shia Turkmen, Sabaeans-Mandaeans, and Kaka'i. That finding of genocide, only the second by the US government in an ongoing conflict, is an important acknowledgement of IS's heinous crimes. Yet, if the label of genocide and crimes against humanity is truly going to have substantial meaning for the victims of these crimes and those still at risk, there is an urgent need to focus today on how to protect these vulnerable communities, using the full range of diplomatic, development, and defensive options available.

Degrading and defeating IS militarily will remove a formidable threat to minorities' existence. Yet for these communities, their vulnerability will persist and possibly increase after the defeat of IS. Protecting civilians from a recurrence of atrocities will require more than a military strategy to defeat IS. It requires planning for post-liberation Iraq, including the stabilization of territory to allow for the safe return of displaced Iraqis and the guarantee of legal and physical protection for minorities. It also requires tackling the conditions that allowed IS to rise and that made minority communities increasingly vulnerable.

The failure to protect civilians might undermine the long-term goals of the counter-IS strategy. This is especially true in Ninewa. The region—including its capital, Mosul—has a myriad of pre-existing tensions that may, without a clear plan for post-IS security provision and political administration, be exacerbated. New fissures could emerge, leading to violence and further atrocities. Furthermore, the focus and the tactics used to defeat IS, including providing military

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<sup>1</sup> In November 2015, the Simon-Skjoldt Center for the Prevention of Genocide released a report outlining the commission of atrocity crimes by IS, "Our Generation is Gone: The Islamic State's Targeting of Minorities in Iraq." See: [www.ushmm.org/m/pdfs/Iraq-Bearing-Witness-Report-111215.pdf](http://www.ushmm.org/m/pdfs/Iraq-Bearing-Witness-Report-111215.pdf).

assistance to an array of armed groups, may have the unintended consequence of heightening the vulnerability of minorities following a military defeat of IS. This has left religious minorities from Ninewa wondering not if, but when, post-IS conflict will emerge and if they will again be the victims of genocide, crimes against humanity, war crimes, and ethnic cleansing.

With the Mosul offensive underway, there is an urgent need to put civilian protection at the core of counter-IS efforts. The obligation to prevent genocide and other mass atrocities is an enduring one that exists during efforts to defeat IS as well as after it has been overthrown. If domestic, regional, and international actors do not take preventive and protective action to address the unique threats and conditions in Ninewa, religious minorities who seek to return and remain in Iraq will again be the victims of atrocities. This brief, based on interviews conducted in northern Iraq, assesses risks to civilians in Ninewa, with a particular focus on religious minorities, and the steps that can be taken to protect vulnerable communities.<sup>2</sup> It argues that actions to prevent and protect must be taken concurrently, recognizing that while conflict is ongoing in Mosul and surrounding areas, parts of Ninewa have already been liberated. All areas require immediate and long-term efforts to: ensure physical protection; stabilize, reconstruct, and promote reconciliation in liberated areas; advance accountability; and resolve the territorial dispute between the Government of Iraq and the Kurdish Regional Government.

## RISKS TO CIVILIANS IN NINEWA

For more than ten years, religious minorities in Iraq have been targeted by extremist groups on the basis of their identity and were politically marginalized. Little was done to protect them physically or legally, and many saw fleeing Iraq as their only protection option. Today, the situation remains dire.

The work of the Simon-Skjoldt Center for the Prevention of Genocide has focused on minorities living in Ninewa province, home to the largest number of Iraq's religious minorities and an area that has faced a heightened risk of violence. Though constitutionally under the control of Iraq's central government (GoI), parts of Ninewa are regarded as disputed areas. Both the central government in Baghdad and the Kurdistan Regional Government (KRG) in Erbil have vied to control these areas for over a decade. The territorial dispute has contributed to chronic neglect of the province, one of Iraq's poorest, with many areas lacking basic services. For minority communities, the territorial dispute has made them pawns in a broader political struggle, at the mercy of patronage politics. Their physical and legal protection has not been a priority to either

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<sup>2</sup> This brief follows the aforementioned Simon-Skjoldt Center for the Prevention of Genocide report and is based on interviews conducted in northern Iraq. While there we met with a wide-range of stakeholders, including internally displaced persons in rented homes and camps in Erbil, Dohuk, and surrounding areas; political and religious leaders representing minority communities; religious and sect-specific militia leaders; Kurdish Regional Government officials; United States Government officials; and United Kingdom Government officials. It is critical to underscore that all Iraqis face grave security threats. This is particularly true for Sunni Arabs living today under the control of IS.

government. The vulnerability of minority communities was further heightened by rising sectarianism and extremism in Iraq that was particularly acute in Ninewa—especially its capital, Mosul—prior to IS’s 2014 attack. The ongoing territorial dispute remains a persistent source of insecurity for minorities and—in the absence of a clear plan to provide political administration and security to the province post-IS—the area is at risk of future violence.

In our interviews, we identified five key threats facing civilians in Ninewa: 1) continued violence perpetrated by IS; 2) the risk of future extremism by successors to IS; 3) the proliferation of under- and un-regulated religion- and sect-specific militias; 4) revenge killings by those returning home, targeting primarily Sunni Arabs because they are perceived to have perpetrated past violence; and 5) violence occurring during the military offensive to drive IS from Mosul and surrounding towns.

### **1. Ongoing Threats Posed by IS**

Despite being significantly weakened by the counter-IS coalition, IS continues to pose a serious threat to Ninewa’s religious minorities. An estimated 3,200 kidnapped Yezidi women and children are still being held in locations in Iraq and Syria, many for the purpose of sexual slavery. There has been little concerted international effort to identify their location or secure their release. Their families were desperate to see their loved ones freed before the start of military offensives to counter IS in Mosul and Raqqa, as Yezidi captives are believed to be held in these cities. These women and children may be used as human shields by IS and face a risk of being killed in coalition air strikes and during fighting in the two IS strongholds.

As long as IS exists, religious minorities will remain vulnerable. IS still controls large swaths of land in Ninewa, making it impossible for minorities to return home. If they were to return they would face a grave risk of atrocities, simply because of their religious identity. As a result, they face indefinite displacement in the Iraqi Kurdistan Region. Even in certain areas liberated from IS, it is too dangerous for civilians to return home as their homes are within the range of IS mortar fire. This includes the primarily Yezidi areas near the south side of Mount Sinjar, including parts of Sinjar City. The threat of mortar fire also makes it difficult to liberate, and impossible for communities to return to, areas close to IS-held Mosul, including the largely Christian Nineveh Plains. Furthermore, widespread use of improvised explosive devices by IS has rendered large areas uninhabitable. In the absence of demining efforts, these weapons will kill or maim returnees.

### **2. The Rise of Future Extremist Groups—IS’s Successors**

Many members of religious minorities are fearful that even if IS is degraded and removed, they will face future extremists attacks. Targeted for decades because of their religious identity, the most common concern of those we interviewed was that a new extremist group would quickly emerge and target them anew.

For these communities the conflict is local. Foreign fighters perpetrate crimes, but so do local fighters, and the seeds of the conflict lie at the local and domestic level. Religious minorities understand implicitly that their security is contingent on domestic political actors addressing the political insecurity, rampant culture of impunity, and underlying grievances that helped fuel IS's rise, particularly among Sunni Arabs. They have little faith in the Iraqi government's ability or will to address grievances, nor in Baghdad and Erbil's commitment to de-escalate tensions over control of the disputed areas.

They also are deeply distrustful of their former Sunni Arab neighbors, many of whom they perceive as complicit in IS's attacks. They are nervous that IS fighters will be able to escape efforts to destroy the group, evade justice, and return to their local communities to live alongside minorities as 'sleeper cells.' Similarly, religious minorities believe that IS's supporters will continue to harbor ill will toward them. In this environment they are worried that future extremist groups will gain support by exploiting the presence of sympathetic individuals, ongoing grievances, and future political and security vacuums, leading their neighbors to turn on them once again.

Minorities' fear is informed by their distrust of the officials and institutions responsible for their physical protection and for guaranteeing their legal rights. Individuals whom we interviewed repeatedly stated that they did not feel they could rely on the Iraqi Security Forces, or the Kurdish Peshmerga, who, as we outlined in our first report, many feel abandoned them when IS attacked Ninewa. In the absence of credible actors to provide for their physical protection, many communities are seeking to arm themselves as a means of protection, contributing to a rise in weapons in the region and in religious-based self-defense militias.

### **3. The Proliferation of Under-regulated Religious- and Sect-specific Militias**

Religious minorities are profoundly concerned about who will protect them from future threats and how their land and political rights will be administered should they return home. Many also continue to feel that they are being used as political pawns by the Government of Iraq and the KRG in the ongoing contest over the disputed areas. Thus, they see establishing and arming religious militias as a way to protect their communities from attacks by future extremists, as well as to secure political influence and territorial control in a disputed area.

However, these militias often lack clear command and control structures and have divided patronage. Some are receiving financial and military support from the KRG, including by being integrated into the Peshmerga. Others are allied with the central government in Baghdad, and some assert they are independent. Our interviews with militia leaders, however, suggest their primary allegiance is to themselves and the members of their religious community or sub-sections thereof, not to a particular government. They will lean toward the political actor who will meet

their demands for greater political autonomy and control over local security. Their allegiances are weak and there are multiple scenarios whereby they could be severed entirely, raising the specter of conflict.

Concern was repeatedly expressed that following the defeat of IS, conflict between militias within particular religious communities would break out. Efforts initiated within some religious communities to unite various militias into a cohesive fighting force representing a particular community have largely failed. Those we interviewed perceived this as being due in part to outside interference by actors who seek to benefit from minorities' ongoing division.

There is also a risk of violence between militias from different religious groups over preexisting conflicts, such as between Christian and Shabak communities over property disputes. New tensions are also emerging in the course and aftermath of liberating land from IS, as actors vie for political and territorial control. There is the potential for fracturing, infighting, and the commission of atrocities among these groups.

The proliferation of unregulated, poorly trained religious militias also poses threats to civilians, as those militias seek to liberate territory still held by IS and in areas already liberated from IS. Many of the militias are simply an ad hoc mix of displaced men ranging from teens to seniors. Most lack basic training in military tactics and international humanitarian and human rights law and standards. One militia leader we spoke with, when asked about what training his members received said, "We give them a gun and tell them to go." We were told repeatedly, including by members of militias and by religious minorities in the Peshmerga, that Sunni Arabs will be the victims of revenge attacks should they seek to return to their homes in close proximity with religious minorities.

The many Kurdish political parties and military factions vying for control of newly liberated areas also pose threats to civilians. The main political parties in the KRG, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), and armed actors such as the Iraqi Peshmerga and the People's Protection Units (YPG) (aligned with the predominantly Turkey-based Kurdistan Workers Party (PKK)) are all operating in the Sinjar area of Ninewa. Independent Yezidi forces, such as the Yezidi Protection Forces, are operating there as well. Many people told us that military and political contestation of the area is already a roadblock to the safe return of displaced people. These groups' presence will further increase Yezidis' sense of physical and political vulnerability and could lead to conflict between the various Kurdish and Yezidi forces. Some noted that divisions in allegiance between Yezidi militia aligned with different Kurdish entities, but also with Baghdad, may lead to conflict. The potential for conflict between Kurdish armed entities was also cited as posing a risk to civilians who may be caught in between.

#### **4. The Risk of Revenge Killings of Sunni Arabs**

If Sunni Arabs return to their homes in newly liberated areas close to religious minorities, they may be targeted for revenge killing. The destruction of Sunni Arab homes and businesses has already occurred, as have attacks on Sunni Arabs.

Most people we spoke with expressed a deep distrust toward their former Sunni Arab neighbors, who they believe supported IS. Sunni Arab communities are found throughout Ninewa, including in areas around Mount Sinjar and Nineveh Plains. Some members of religious minorities that we spoke with said that they did not think there would be killings. They grounded this assertion by stating that Sunni Arabs are outsiders because many arrived in Ninewa during Saddam Hussein's Arabization campaign and therefore cannot, and will not, return. Yet we saw signs that Sunni Arabs are returning and, as IS is driven out of other parts of Ninewa including Mosul, more may try to return, raising the possibility of violence.

In particular, members of the Juhaysh tribe from around Mount Sinjar, whose leaders declared allegiance to IS, might be targeted by minority militias and unaffiliated individuals. When asked what happens to Sunni Arabs found during fighting against IS, one fighter told us simply that they will "disappear." If such killings, disappearances, and forced displacement of Sunni Arabs is allowed to persist, and those responsible are not held accountable, this may contribute to retaliatory killings and a cycle of violence.

#### **5. Risks to Civilians During the Military Offensive to Defeat IS in Mosul and Surrounding Areas**

An estimated 1.5 to 2 million people live in Mosul, the largest city held by IS, and surrounding areas. The area will be extremely difficult to liberate without large-scale civilian casualties, including Yazidi women and children who remain captive. IS has reportedly embedded itself within the population—now almost exclusively Sunni Arab—and the city's urban infrastructure. This raises the possibility of bloody street battles and the risk that civilians will perish from coalition airstrikes. IS has used human shields in previous battles and likely will again. Should civilians seek to flee, IS will target them, as they have shown in the first few days of fighting.

The composition of the counter-IS forces will likely determine the extent to which they perpetrate atrocities, and the sustainability of the effort to counter-IS. Sunni Arab or Sunni Arab-affiliated forces will have to play an integral role in order to avoid the perception that the offensive is a sectarian (including Kurdish) power grab. Shia Popular Mobilization Forces, launched by the Iraqi Ministry of Interior in 2014 as a way to combat IS, have been used elsewhere and have committed atrocities against Sunni Arab populations. Mosul political officials in exile have explicitly requested that the Shia forces not be used in liberating the city of Mosul. If they are, there is a grave risk that they will commit atrocities again.

As we noted in our first report, some local Sunni Arabs and religious minorities welcomed the removal of the largely Shia Iraqi Security Forces (ISF). This was largely because of the ISF's ill treatment of the local, predominantly Sunni Arab, population. The ISF will need to reassure local populations that they will not target civilians or be predatory as they seek to regain control of the city. Irrespective of the composition of forces, serious risks to civilians exist as a result of the forces' inadequate training and preparation in international human rights and humanitarian law and civilian protection strategies.

Many Sunni Arabs currently living in Mosul face an uncertain future during and after the counter-IS efforts. There are serious concerns that Sunni Arab men in Mosul will be arrested en masse, suspected of being IS fighters or their supporters, and harshly treated. It is unclear where Sunni Arabs fleeing Mosul during and after the offensive can go. Where they seek to flee, and the forces they encounter, will determine the level of risk they face. If they go south of Mosul, they may face slaughter at the hands of one of the many Shia Popular Mobilization Forces. In other directions they may meet Kurdish forces and religious militias with explicit animosity toward them.

The treatment of Sunni Arabs fleeing Mosul will have a determining impact on future risks to religious minorities. Poor treatment of the Sunni-Arab population during the liberation and/or the failure to administer the predominantly Sunni-Arab Mosul in a fair and inclusive manner, following IS's removal, may fuel grievances and a rise in extremist sentiment. Instability in Mosul, the capital of Ninewa, will create destabilizing dynamics for the entire region and will likely further compromise the safety of religious minorities—both those who were driven from the city by IS and seek to return, and those who live in surrounding areas.

## GOING FORWARD

The military defeat of IS in Mosul and throughout Ninewa is part of the larger process of finding durable solutions to Iraq's political, economic, and security instability, which would prevent a recurrence of extremism and atrocities. In those areas already liberated from IS, we can see the challenges that lie ahead for the region as a whole. The international community cannot lose sight of these and must immediately put in place strategies to mitigate the risks.

While the conflict is ongoing around Mosul, in other areas of Ninewa, IS was driven out one to two years ago. Those areas remain at risk of future atrocities, especially as displaced persons return to their homes. The dynamics related to the risk of violence there differ from those in areas experiencing active conflict. Mass graves lie accessible and exposed to the elements. Perpetrators have been detained, but few have been brought to justice. Strategies must be developed to reflect the diverse conditions and risks that exist not just in Mosul, but in the rest of Ninewa, where the majority of religious minorities lived.

The priority strategies that need to be developed and implemented pertain to: 1) ensuring physical security; 2) rebuilding liberated areas and promoting reconciliation between groups; 3) advancing justice and accountability efforts; and 4) securing a political resolution between the Government of Iraq and the Kurdish Regional Government to the disputed areas in which many of Iraq's minorities live.

We know from past cases that effective civilian protection and the prevention of mass atrocities requires a comprehensive and sustained strategy, using military and non-military tools, that is calibrated to respond to evolving conditions on the ground. Countering IS and preventing future atrocities perpetrated by other groups necessitates an ongoing assessment of their motivations, organization, and capabilities for committing atrocity crimes, and of the vulnerabilities of at-risk communities. Continuous monitoring and analysis of the warning signs and risk indicators on the ground will be needed. Strategies must be developed to mitigate future threats to minorities. These could include:

*The first priority for the international community, Iraqi government, and Kurdistan Regional Government should be ensuring physical security to all people living in Ninewa, especially in Mosul.*

Protecting civilians during the offensive to drive IS out of Mosul raises serious challenges for coalition forces. The risks are high, but so are the consequences of failing to protect them, in terms of lives lost and the potential to ignite future conflict.

In the coalition effort to retake Mosul, every effort should be made to:

- Use forces trained in civilian protection strategies to minimize harm to civilians and property destruction
- Use forces trained in international human rights and humanitarian law and standards, including the principles of civilian/combatant distinction and proportionality of attack to counter IS-forces
- Cease immediate military support by the coalition to forces that have committed or commit atrocities, and hold security forces accountable
- Identify the location of captive women and children in Mosul and elsewhere, attempt to secure their release, and ensure their protection during counter-IS offensives
- Open and protect evacuation routes for civilians from Mosul to protected sites for internally displaced persons
- Reassure Sunni Arabs that they will be presumed innocent and that independent international monitors have access to detained individuals suspected to be part of IS
- Mitigate the risk of harm and provide compensation for civilians injured/killed during

coalition airstrikes

- As soon as safely possible, ensure the return and continued protection of Mosulawis who were driven from Mosul by IS, including religious minorities and Sunni Arabs

The distrust minority communities feel toward the Iraqi Kurdish Peshmerga and Iraqi Security Forces needs to be overcome by ensuring legitimate protection. Protection could include strategies for employing local, domestic, and international actors to provide security to minorities returning to liberated lands and to Sunni-Arab populations at risk of reprisal killings. This is a prerequisite to an environment where safe returns can occur. The training and deploying of police who are reflective of Iraq's diverse population should be accelerated in order to help stabilize newly liberated areas and provide ongoing security.

In planning military operations and broader policy objectives, actors should consider the possible unintended consequences of the actions taken and whether they will heighten risks for civilian populations living under IS control, and/or contribute to future cycles of violence. This includes those associated with the provision of military assistance to an array of armed forces—an infusion of weapons and armed entities may have implications for disputed areas in a post-IS context. There is a grave risk that actors may seek a military rather than political or legal resolution to disputes. With the influx of weapons, it will be hard to disarm militias or regulate them if they are not integrated into the Iraqi Security Forces or the Iraqi Kurdish Peshmerga.

*Second, and simultaneously, the international community needs to invest in stabilization, reconstruction, and reconciliation to address the immediate risks and long-term drivers of violence.*

Stabilization, reconstruction, and reconciliation have both proximate and long-term elements that need to be advanced in conjunction with each other to help avert atrocities. In the immediate term, religious minorities need to see that they can return home, that they will be physically safe, and that their human rights will be respected. Sunni Arabs similarly need to see that they will not be targeted on the presumption of being affiliated with IS. They also need to be shown that services can be administered fairly and swiftly, allowing them to begin to rebuild their lives, especially as many have lived under brutal IS control for more than two years. All groups need to see that what prevails is the rule of law and governance by the state, rather than rule by the gun. In the absence of the return of basic services and plans for political administration and security provision, communities will be unable to return home. This has already proved a reality for many Yezidi who have had to delay their return to liberated areas of Sinjar.

Another critical component of stabilization efforts is investment in reconciliation so that diverse communities can once again live alongside each other. This is particularly true for relations

between religious minorities and Sunni Arabs, but also between religious minorities, Sunni Arabs, and Iraqi and Kurdish governing authorities. The United States Institute of Peace has shown through its mediation work with aggrieved parties in Tikrit that investing in local-level conflict dispute resolution is a powerful tool in averting proximate threats of conflict and atrocities.<sup>3</sup> Iraqi mediation experts and peacemakers must be deployed, with the goal of strengthening local resilience. Ninewa is in particular need of such engagement.

Affected regions must be rebuilt with sustained engagement by the international community to tackle the long-term drivers of conflict. Many of the conditions that led to the past atrocities—including weak rule of law, a culture of impunity, sectarianism, gaps in minorities’ legal protections, political marginalization, lack of trust, and the ongoing territorial dispute over parts of Ninewa between the governments in Baghdad and Erbil—remain today.

For the international community, this means providing more development assistance and having the necessary civilian staff on the ground to carry out programming. This includes creating economic opportunities, particularly for those marginalized. High rates of unemployment within the Sunni Arab population and perceived economic inequity was a driver of the rise of IS. Coalition partners are turning to the United Nations Development Programme (UNDP) to lead these efforts. Increased financial support for UNDP’s Funding Facility for Immediate Stabilization and the Expanded Facility is a start, but it will require many more resources, and additional partners, to tend to and sustain over many years the effort to rebuild and reconcile. For these efforts to be successful, coalition members will need to remain politically engaged. The post-IS period will be one that will necessitate a re-doubling of investments in Iraq, rather than a retreat. The military defeat is only the start of a longer process to find durable solutions to Iraq’s political, economic, and security instability to prevent a recurrence of extremism and atrocities.

*Third, the international community, Government of Iraq, and Kurdish Regional Government must commit to pursue justice and accountability for the thousands of victims of IS violence in northern Iraq.*

Transitional justice efforts are central to responding to the commission of past crimes and to the deterrence of future crimes. Justice begins at home and is an essential element of efforts to tackle distrust between communities and toward authorities, and aid in reconciliation. The most common answer to the question of “how can trust be built between minorities and the Sunni-Arab population” was that those who committed crimes in their towns and villages needed to be held accountable in a court. The rampant culture of impunity has left high levels of distrust amongst

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<sup>3</sup> Giola Gienger, *In the Shadow of a Massacre, a Peaceful Return in Iraq, Part I*, July 16, 2015, <http://www.usip.org/publications/2015/07/16/in-the-shadow-of-massacre-peaceful-return-in-iraq-part-i>.

ordinary Iraqis. They need to see justice advanced not only against IS's leaders for genocide, but also for the crimes committed by their fellow Iraqis in their own communities.

Parts of Ninewa are accessible: They have been liberated for close to two years, with mass graves lying exposed to the elements. IS fighters have been captured, yet few have been brought to justice for their crimes. This need not be the case. Efforts to prosecute IS fighters within Iraq and in the Kurdish region should begin immediately. The KRG and Baghdad should begin prosecuting crimes such as murder, sexual violence, and illegal property seizure to build trust in the accountability process and show what the end of pervasive immunity looks like. Simultaneously, the Government of Iraq and the Kurdish Regional Government should enact legislation criminalizing genocide and crimes against humanity to allow for future domestic prosecutions. The international community has an important role in this effort. Support for capacity building, including providing funding, political support, and, in some cases, international legal experts to assist, will be critical.

This effort at the national level would be aided dramatically if foreign governments took their genocide convention obligations seriously and established an international independent investigation into IS crimes. The clearest obligation in the Convention on the Prevention and Punishment of the Crime of Genocide is to punish the perpetrators of genocide. This is the cornerstone upon which the international community has responded to the crime of genocide—from Nuremberg 70 years ago to the international criminal tribunals for Rwanda, Yugoslavia, and Cambodia. For such justice to be possible, substantial support is needed to investigate, collect and analyze evidence, secure mass graves, and detain perpetrators.

Today, there is a critical need for United Nations Security Council members to take a step toward fulfilling their obligation by creating, under Chapter 7, an international independent investigation. The investigation would explore the full extent of the crimes committed by IS against minorities in Ninewa. No other institution has the ability to 1) compel the KRG and Baghdad to cooperate; 2) implement necessary international standards to gather, analyze, and preserve evidence needed for establishing a historical record of the crimes committed, which would allow for future prosecutions as well as truth and reconciliation processes; and 3) effectively explore accountability routes for senior IS leaders. The Council has created such a mechanism with investigatory powers before, including in Lebanon to look into the assassination of former President Rafic Hariri.

Establishing an international independent investigation would be a concrete step toward advancing justice. It would send an important signal to affected communities that the process has international legitimacy. Many religious minorities that we spoke with stressed the need for international participation in the pursuit of justice. This includes calls for a mixed domestic/international court, or the involvement of the International Criminal Court should the

Government of Iraq and the Kurdish Regional Government prove unable or unwilling to prosecute IS. This would take place alongside efforts by foreign governments to prosecute foreign fighters present in their countries.

*Fourth, a political resolution regarding disputed areas must be secured between the Government of Iraq and the Kurdish Regional Government.*

Preventing extremism and a recurrence of atrocities in northern Iraq necessitates a resolution to the ongoing dispute between the Kurdish Regional Government and Government of Iraq over Ninewa. The dispute was a key factor that exacerbated the vulnerability of minority communities, in part because the dispute was perceived as having contributed to growing support for extremist groups and when IS advanced there were no clear lines of responsibility for physical protection. As long as responsibility for protecting these communities remains in question, vulnerability will remain acute and create a vacuum that IS or a successor group could again exploit. Furthermore, religious minorities continue to be used as pawns by both sides to advance political and territorial aspirations.

In the course of liberating territory from IS, the Kurdish Regional Government has de facto annexed land, including the city of Kirkuk (outside of Ninewa) and around Mount Sinjar, and has stated that it will not return control of current or future seized land to the Government of Iraq. This has heightened minorities' sense of insecurity, including for those whose land remains under IS's control, including the Nineveh Plains. Many of those whom we interviewed, despite their gratitude to the Kurdish Regional Government for providing them with safe haven, expressed a desire to remain under the authority of the Government of Iraq. Others were explicit that they would be content under either government, so long as religious minorities were given greater political autonomy and control over local security provision. This contestation is contributing to divisions within religious self-defense militias aligned with Baghdad or Erbil that, as noted earlier, could engage in conflict with each other.

The common refrain is that resolution of the status of the disputed areas will have to wait until after the demise of IS. Delaying a political resolution of this dispute will only create further disincentives for religious minorities to return. It will compromise their future physical safety as questions about governance, the administration of justice, and provision of physical protection will remain outstanding. The international community has a critical role to play in using its military, political, and economic leverage to bring both parties to the negotiating table and facilitate dialogue.

## CONCLUSION

Thus far, there is little indication that the international community is taking measurable steps to uphold its responsibility to protect civilians. Efforts to place civilian protection and the prevention of atrocities at the core of the counter-IS strategy appear nascent. With the offensive to retake Mosul under way, the potential for atrocities to be perpetrated by a range of actors is high. Additionally, there has been marginal change in terms of funding priorities and in providing increased aid to displaced minority communities, and no change in provisions relating to granting asylum to those most affected by IS's crimes in Ninewa. Similarly, while support has been given to organizations to collect evidence, no steps have been taken to concretely call for, or establish, accountability mechanisms.

To recognize that genocide has happened is to acknowledge a collective failure to prevent the crime of all crimes -- one that has created a reality in which Iraq's religious minorities face a dire threat to their very existence. We must endeavor to ensure that similar failures do not occur in the future and that those minorities who choose to return to their homes when they are liberated can live free of fear of again becoming the victims of genocide, crimes against humanity, war crimes, and ethnic cleansing. This is what the commitment to prevent, enshrined in the genocide convention, should mean.

### The Simon-Skjodt Center for the Prevention of Genocide

of the United States Holocaust Memorial Museum works to prevent genocide and related crimes against humanity. The Simon-Skjodt Center is dedicated to stimulating timely global action to prevent genocide and to catalyze an international response when it occurs. Our goal is to make the prevention of genocide a core foreign policy priority for leaders around the world through a multi-pronged program of research, education, and public outreach. We work to equip decision makers, starting with officials in the United States but also extending to other governments, with the knowledge, tools, and institutional support required to prevent—or, if necessary, halt—genocide and related crimes against humanity.

Cover: Residents of Shariya IDP camp talk in the evening shade.

*Mackenzie Knowles-Coursin for the United States Holocaust Memorial Museum*



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