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Genocide or not?

*An Analysis of the Ordeal of Christians and Yazidis in Iraq and
Syria since the Rise of the Islamic State*

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Abstract

Genocide was recognized as an international crime in 1948, and since then numerous political leaders have promised to never let such atrocities happen again. However, it seems that these promises are forgotten every time a new case of genocide is about to emerge, or is already under way. Such is the case with the current situation in which two Iraqi and Syrian religious minorities find themselves since the rise of the so-called Islamic State. This thesis will offer a qualitative analysis of the situation of Christians and Yazidis in Iraq and Syria between 2014 and 2017. Firstly, their situation will be explored and analyzed through the lens of known risk factors for genocide and in the light of elements of the definition of genocide from 1948. Secondly, an analysis of how the UN responded to the situation, based on reports and (draft) resolutions from its main organs will be presented. Finally, the thesis will analyze the responses of the five permanent members of the United Nations Security Council to the plight of Christians and Yazidis, especially their responsibility to protect the victims and punish the perpetrators.

Key words: Christians, Genocide, Iraq, Responsibility to Protect (R2P), religious minorities, Islamic State, UN, Syria, Yazidis.

List of Acronyms

Al- Nusra Front or Jabhat Fatah al-Sham (ANF)

European Center for Law and Justice (ECLJ)

International Criminal Court (ICC)

International Syrian Support Group (ISSG)

Office of the United Nations High Commissioner for Human Rights (OHCHR)

The Islamic State in Iraq and the Levant (IS)

The United Kingdom (UK)

The United States of America (US)

United Nations Assistance Mission for Iraq (UNAMI)

United Nations Disengagement Observer Force (UNDOF)

United States Commission on International Religious Freedom (USCIRF)

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1 Introduction

Current conflicts that the world is witnessing have common fault lines such as religion, and ethnicity¹. Such differences have seen neighbors killing neighbors and friends becoming enemies. There is an increase and stigmatization of “the other”: “us versus them”, and “our way or no way”². However, this is not new. This kind of polarization has seen the escalation of past conflicts into (attempted) genocide. Some well-known cases have been the genocides that occurred in the 20th century such as the Holocaust during the Second World War (WWII) and the Rwandan genocide of 1994. Since the end of WWII, several members of the international community promised never to allow another genocide to happen again³. Moreover, after WWII, there was widespread recognition of the need to protect human rights, mainly in the light of the atrocities committed by the Nazis and other Axis powers⁴. Because the international community had failed to prevent previous mass killings, international instruments were developed with the purpose to never allow another genocide to happen again. Two of those instruments are: the Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted in 1948 and the doctrine Responsibility to Protect (R2P), which emerged in the 1990s, when the international community explored what was the best way to protect the lives of civilians when faced with large-scale human rights violations from the hands of their own governments or non-state actors⁵.

Large-scale human rights violations are currently occurring in Iraq and Syria, targeting Christians and Yazidis, especially since the rise of the so-called Islamic State (IS). IS has been

¹ The Security Council 7155th meeting on 16 April 2014 is available at: http://repository.un.org/bitstream/handle/11176/32593/S_PV.7155-EN.pdf?sequence=3&isAllowed=y

² Ibid.

³ Salk, R. (2015) Strengthening the Responsibilities to Prevent: Reforming the United Nations and Mass Atrocity Prevention Efforts Through Emphasis on Rule of Law *Georgetown Journal of International Law* Vol. 46 No. 2 pp. 561- 586

⁴ Fernekes, W., R. & Gaudelli, W. (2010) Teaching about Global Human Rights for Global Citizenship *The Social Studies* Vol. 95 No. 1 pp. 16-26

⁵Who is responsible for protecting people from gross violations of human rights? is available at: <http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml>

identified by the United States Commission on International Religious Freedom (USCIRF) as the largest perpetrator of violence against religious minorities⁶. Christian and Yazidi families have been torn apart by militants from IS. Yazidi women have been sold as slaves, categorized and given a monetary value like cattle. Men have been forced to witness their wives being taken from them and parents have witnessed the abduction of their boys and girls. Boys as young as seven years have been separated from their families and have been indoctrinated with the ideology of the IS while girls have been sexually abused⁷.

As has been documented by a number of non-governmental organizations (e.g. Amnesty International and Human Rights Watch), IS has been the cause of numerous human rights violations on Iraqi and Syrian territories. IS broke down the border between Iraq and Syria and both countries have seen civilians suffer enormously – a situation made worse by external military interventions, both direct and through proxies. Members of IS have committed numerous crimes against humanity in order to solidify their power, including rape, slavery, and torture. IS also engages in cruel methods of murder such as electrocution and beheadings⁸. This has been termed a “genocidal terror campaign”⁹; religious minorities, in particular, are suffering from such atrocities¹⁰.

In addition to destroying religious minorities, IS seeks to eradicate part of the historical memory of the region¹¹. IS has an extremely violent political and religious ideology which does not allow other religions or beliefs to be practiced. It has been responsible for attacks on

⁶ The complete Report of the United States Commission on International Freedom Report, Iraq 2017 is available at : <http://www.uscirtf.gov/sites/default/files/Iraq.2017.pdf>

⁷ The Human Rights Watch “Iraq: Sunni Women Tell of ISIS Detention, Torture”. Retrieved May 30, 2017, <https://www.hrw.org/news/2017/02/20/iraq-sunni-women-tell-isis-detention-torture>

⁸ The complete USCIRF Iraq 2016 is available at: http://www.uscirtf.gov/sites/default/files/USCIRF_AR_2016_Tier1_2_Iraq.pdf

⁹ The complete Report of the Special Rapporteur on minority issues on her mission to Iraq, 2017 is available page 1 contains the information presented above at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/002/44/PDF/G1700244.pdf?OpenElement>

¹⁰ Belz, M. (2016) Christian’s Response to Persecution Under ISIS *Review of Faith and International Affairs* Vol. 15 No.1 pp. 12-20

¹¹ Breedon, J. (2016) Why Are We Ignoring the Victims of Genocide in the Refugee Debates? The Clarion Project Retrieved December 20,2016, <http://m.clarionproject.org/category/tags/islamic-state?page=3>

a variety of religious communities that do not submit to its particular interpretation of Islam. The survival of religious minorities such as Christians, and Yazidis, is one of the main problems with which the region has to contend¹².

Historically, many crimes against humanity and mass atrocities have taken place while the international community has simply borne witness or intervened too late. The Rwandan genocide is an illustration of this. However, in the case of Christians and Yazidis in Iraq and Syria, political leaders such as John Kerry (2016), Angela Merkel (2015), as well as spokespersons of international organizations and religious leaders have raised their voices and labeled the situation as genocide. The United States Commission on International Religious Freedom (USCIRF) also concluded in 2015 that IS was perpetrating genocide against Christians, Yazidis and other religious minorities in Iraq and Syria¹³.

While there is ongoing research on how the Islamic State has affected the lives of millions of civilians in both Iraq and Syria, this thesis will focus exclusively on Christians and Yazidis. The decision behind choosing only Christians and Yazidis and leaving out Muslims, who are also suffering, stems from the fact that IS is attacking those religious minorities “with intent”¹⁴; their situation matches as shall be demonstrated, the criteria of the legal definition of genocide. Both religious minority groups are in danger of disappearing in their traditional homelands due to IS attacks¹⁵.

Christians were chosen for this thesis because the West contains a high percentage of Christians; and most of the responses investigated in this thesis come from Western countries. The Yazidis, the most endangered religious minority in the region¹⁶, were selected

¹² Senate Human Rights Caucus (2016) Protection of Religious Minorities in Syria and Iraq from Non-State Actors Retrieved May 5, 2017, <http://www.humanrights.gov/dyn/04/protection-of-religious-minorities-in-syria-and-iraq-from-non-state-actors/>

¹³ The complete USCIRF Syria 2015 is available at: http://www.uscirf.gov/sites/default/files/USCIRF_AR_2016_Tier1_2_Syria.pdf

¹⁴ Belz, M. (2016) Christian’s Response to Persecution Under ISIS *Review of Faith and International Affairs* Vol. 15 No.1 pp. 12-20

¹⁵ Ibid.

¹⁶Allison, C. (2017) The Yazidis *Oxford Research Encyclopedia of Religion* Retrieved May 20, 2017,

due to the fact that at the time of writing this thesis, there is an on-going debate about the labeling of their persecution as genocide.

In order to delimit the scope of this thesis, the decision was made to start the analysis in mid-2014, (when the IS Caliphate was proclaimed) and carry it until the beginning of 2017. The situation is analyzed through the prism of the definition of genocide (and the risk factors linked to genocide), the reaction of relevant UN organs and the responses of the permanent members of the UN Security Council regarding their responsibility to protect the victims and punish the perpetrators.

1.1 Academic Relevance

This thesis aims to contribute to existing knowledge in the academic field in several ways. Firstly, it will contribute by providing an analysis of the situation experienced by Christians and Yazidis in Syria and Iraq and exploring whether or not their situation amounts to genocide under the terms of the 1948 definition of genocide. It will also look at the early warning indicators pointing towards a potential genocide. Secondly, this research will provide an analysis of how the United Nations' main organs and the permanent members of the Security Council have reacted to the situation of a potential genocide. This analysis will add to existing research on how the UN's procedural apparatus works and identify the UN's weak points in order for it to be better able to tackle the issue of genocide in a future humanitarian emergency. It should be mentioned that religious minorities suffering from the hands of IS are regularly discussed among scholars. Numerous studies have been conducted on gross human right violations by IS¹⁷. However, the case of Christians and Yazidis in Iraq

<http://religion.oxfordre.com/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-254>

¹⁷ Research on this topic: Article by Caroline Nabity "Its Genocide, Now What: the Obligations of the United States Under the Convention To Prevent and Punish Genocide Being Committed at the Hands of ISIS for the Creighton International and Comparative Law Journal is available at: <http://dspace.creighton.edu:8080/xmlui/bitstream/handle/10504/108322/Its%20Genocide,%20Now%20What%20The%20Obligations%20of%20the%20US%20Under%20the%20Convention%20....pdf?sequence=1&isAllowed=y>

Article by Cindy Bels "Christian's Response to the Persecution Under ISIS for the Review of Faith & International Affairs is available at:

2 Research Design

2.1 Research Method

The thesis' research is exploratory in nature. Firstly, by regarding the situation of Christians and Yazidis in Iraq and Syria in relationship to known risk factors linked to the emergence of a genocide and constituent elements of the 1948 genocide definition of the UN. Secondly, by analyzing the Islamic State's communiqués in order to establish genocidal "intent" behind the mass killings. This should help to answer the main research question about the presence or absence of a genocide. Chapter five provides an answer to the first sub-question by analyzing how the UN has presented and handled the situation regarding these two religious minorities in Iraq and Syria. In order to do this, this thesis uses qualitative content analysis of public statements and official documents of the United Nations (UN Secretary-General, UN Security Council, UN General Assembly, UN Human Rights Council, UN Special Rapporteur on the Prevention of Genocide). Chapter seven explores the impact that the precarious situation for Christians and Yazidis has had on the responses of the permanent members of the UNSC and explores how these states have responded in relation to the 'responsibility to protect' doctrine. This provides answers to the second sub- question.

2.2 Units of Analysis and Units of Observation

In chapter three, the units of observation are Christians and Yazidis in Iraq and Syria. Units of analysis are the UN framework for assessing the risk of genocide and the definition of genocide from the 1948 Genocide convention. In chapter five the units of observation are the UN's main reports, and drafts resolutions etc. and the units of analysis are the actions of the UN main organs - the UN Secretary-General, the Security Council and the General Assembly. In chapter seven, the units of observation are the permanent members of the UNSC while the units of analysis are the responses in relation to the ordeal of these two religious minorities.

2.3 Data Gathering

The author of this thesis collected information in the following way. Data collection for the first part, which provides information of the past and present situation of Christians and Yazidis in Iraq and Syria, has been conducted on the basis of a study of secondary literature – books, and peer-reviewed articles which can be found in the bibliography. In addition, reports of the United States Commission on International Religious Freedom on Iraq and Syria were used as sources for this section. The Islamic State magazines “Dabiq” and “Rumiyah” and IS communiqués referring to Christians and Yazidis were the main sources to assess the motivation and objective of IS. One major source to present the Yazidis situation in Iraq and Syria in the light of the Genocide Convention was the UN Human Rights Council document “They Came to Destroy Us”¹⁸.

For the definition and terms of the analytical framework, the main documents used were the UN Framework of Analysis for Atrocity Crimes¹⁹, the Report of the international Commission on Intervention and State Sovereignty – “The Responsibility to Protect”²⁰, and the analytical framework of the Office of the UN Special Adviser on the Prevention of Genocide (OSAPG)²¹.

For the collection of information for this thesis, the procedure consisted of a search of all relevant UN documents from the secretariat of the UN Secretary-General, from the UN Security Council, the UN General Assembly and the UN Human Rights Council. In nearly all cases, this thesis refers to the period mid-2014 to January/February 2017 insofar as these

¹⁸ OHCHR “They Came to Destroy Us” 2016 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

¹⁹ The UN Framework of Analysis for the investigation of Atrocity Crimes is available at: http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf

²⁰ The Report of the international Commission on Intervention and State Sovereignty “The Responsibility to Protect” is available at: <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

²¹ The Analytical Framework from the Office of the UN Special Adviser on the Prevention of Genocide (OSAPG) is available at: <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

related to Yazidis and Christians in Iraq and Syria. The data-gathering also chronicles some of the requests addressed to the UN. After reviewing all the information, the next step was to analyze what was being done, e.g. what actions has the Security Council taken - or not taken - after the humanitarian crisis situation was placed on its agenda? The next part consisted of analyzing the situation from the point of view of the permanent members of the Security Council: what actions have these five states taken- or prevented from being taken due to their veto power?

2.4 Limitations

Throughout the process of research, several challenges were encountered. The first challenge was the analysis of the UN main organs reports and resolutions, and the selection of relevant information from all of these sources. There were numerous documents regarding Syria and Iraq; however, the decision to choose which documents were the most appropriate for this thesis was often difficult to make. The second challenge was to provide equal or near equal treatment to both of the religious minorities under consideration here. Even though both of them share a similar experience, some of the reports consulted referred to only one or the other of the two religious minority groups. The challenge was to provide roughly equal information on either; however, in some cases, this was not possible due to the lack of information, particularly when it came to the Yazidis. Another challenge was to organize and process the information, while not transgressing the limits of a thesis. A third challenge was to select the information without going into too many details, particularly given the fact that at the time of writing of this thesis, news on new atrocities experienced by both religious minorities surfaced.

2.5 Operationalization of Concepts

The following section explains the main concepts used throughout this thesis.

2.5.1 Genocide

In the aftermath of the holocaust and other atrocities perpetrated during World War II, measures were taken by the international community to prevent a recurrence of such crimes against humanity, war crimes and other forms of gross human right violations targeting civilians in the course of armed conflicts. One of these measures was the Convention on the Prevention and Punishment of the Crime of Genocide, agreed upon by the General Assembly of the United Nations on 9 December 1948.

Concept	Definition	Indicators
Genocide	<p>The concept of Genocide was introduced by the Polish lawyer Raphael Lemkin in 1944²². Four years later his initiative and lobbying led to the Convention on Genocide. Article II of the Convention on the Prevention and Punishment of the Crime of Genocide provides the following definition:</p> <p><i>“Genocide means any of the following acts committed to the</i></p>	<p>(a) Killing members of the group;</p> <p>(b) Causing serious bodily or mental harm to members of the group;</p> <p>(c) Deliberately inflicting on the group condition of life calculated to bring about its physical destruction in whole or in part;</p> <p>(d) Imposing measures intended to prevent births</p>

²² Gellately, R. (2003) *The Spectre of Genocide* Florida: Cambridge University Press

	<i>intent to destroy, in whole or in part, a national, ethnical, racial or religious group”²³</i>	within the group; (e) Forcibly transferring children of the group to another group.
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It is, in most instances of mass murder, not easy to designate such actions as genocide in the sense of the 1948 convention. Partly this is due to the difficulty to prove “intent”. While a number of political leaders and UN organs have labeled what was perpetrated against Christians and Yazidis as genocide, some of them have designated as genocide only those atrocities perpetrated by IS against Christians or only those perpetrated against the Yazidis. Therefore, this thesis is frequently using the qualifier “potential” when referring to genocide.

2.5.2 Risk of Genocide

Researchers have identified a number of factors which, alone or in combination, increase the risk of an impending genocide. The presence or absence of such risk factors will be explored when it comes to the plight of Christians and Yazidis in Iraq and Syria.

Concept	Definition	Indicators
Risk of Genocide	According to the Office of the UN Special Adviser on the Prevention of Genocide (OSAPG) there are eight	(1) “Inter-group relations, including record of discrimination and/or other

²³ Convention on the Prevention and Punishment of the Crime of Genocide is available at: <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>

	<p>indicators to look for where there is a potential threat of genocide²⁴:</p>	<p>human rights violations committed against a group”.</p> <p>(2) “Circumstances that affect the capacity to prevent genocide”.</p> <p>(3) “Presence of illegal arms and armed elements”.</p> <p>(4) “Motivation of leading actors in the State/region; acts which serve to encourage divisions between national, racial, ethnic, and religious groups”.</p> <p>(5) “Circumstances that facilitate perpetration of genocide (dynamic factors)”</p> <p>(6) “Genocidal acts”</p> <p>(7) “Evidence of intent “to destroy in whole or in part””.</p> <p>(8) “Triggering factors”</p>
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²⁴ The Analysis Framework from the Office of the UN Special Adviser on the Prevention of Genocide is available at: http://www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf

2.5.3 Responsibility to Protect (R2P) (RtoP)

While the concept of genocide emerged in the 1940s, the concept “responsibility to protect” did not emerge until half a century later.

Concept	Definition	Indicators
Responsibility to protect (R2P) (RtoP)	According to the Report of the International Commission on Intervention and State Sovereignty, (2011), ²⁵ this concept can be defined as follows: when the state itself cannot provide security and safety to its citizens, and the citizens from such country are suffering due to the consequences of an internal war, insurgency, repression or the state’s inadequate capabilities, an international responsibility to protect arises and the principle of non-intervention can be side-stepped.	There are three pillars of the responsibility to protect: 1) “The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement”. 2) “The international community has a responsibility to encourage and assist States in fulfilling this responsibility”. 3) “The international community has a

²⁵ The Report of the International Commission on Intervention and State Sovereignty, 2011 is available at: <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

		<p>responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its population, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations”.²⁶</p>
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²⁶ The 2005 World Summit Outcome is available at: <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf>

2.5.4 Prevention of Genocide

CONCEPT	DEFINITION	INDICATORS
<p>Prevention of Genocide</p>	<p>According to the Office of the Special Adviser on the Prevention of Genocide: Prevention of genocide can be achieved “by, inter alia, supporting equitable economic development and the fair distribution of political power; promoting tolerance and respect for ethnic, religious and cultural diversity, and the protection of human rights; providing humanitarian assistance; and interceding to ensure peace, security and stability.” (p.10)²⁷</p>	<ol style="list-style-type: none"> 1) Raising Awareness on the risk of genocide. 2) Early warning, identifying the early risk factors. 3) Early action, providing up to date information on the issue, taking emergency measures.

²⁷ The Report from the Office of the Special Adviser on the Prevention of Genocide is available at: http://www.un.org/en/preventgenocide/adviser/pdf/osapg_booklet_eng.pdf

3 Situation of Christians and Yazidis

The following section aims to document how the situation was for Christians and Yazidis before the rise of IS and how the situation has changed for them since. In addition, this thesis intends to document which challenges they have to face after IS' seizure of political power in parts of Syria and Iraq. The purpose of going back in time is to present the situation and the challenges both minority groups have encountered over time. With this information provided and after exploring the communiqués emanating from IS regarding these two minority groups, it should be possible to assess the relevance of the charge of genocide in the subsequent analysis.

3.1 Christians

The Middle East region was the birthplace for Christians. It was there where Christianity began approximately 2000 years ago in Judea, nowadays West Bank²⁸. Islam was brought to the region by Arabs and replaced Christianity as the predominant faith in many parts of North Africa and the Middle East²⁹. That process was often violent, and Western countries intervened in some cases to protect Christians. For instance, in 1860 a major massacre occurred in Damascus, when Muslims attacked Christians, killing thousands of them and destroying some of their villages around Damascus. At that time, Western countries took immediate action to save the Christians: France, Great Britain and Russia made credible threats about sanctioning the Ottoman Empire if the massacre of Christians in Syria was not brought to a halt³⁰. The French government sent 6,000 soldiers to provide protection for the Christians in Syria (but also to establish a local French presence). The British government sent Lord Dufferin to the area to supervise the investigations into the background of the slaughter³¹. In this way, it only took one week to end the violence against Christians³². That

²⁸ Isakhan, B. (2015) *The Legacy of Iraq: From the 2003 War to the 'Islamic State'* Edinburgh University Press

²⁹ Flamini, R. (2013) *Forced Exodus Christians in the Middle East* World Affairs Vol. 176, No.4 pp. 65-71

³⁰ Fakhouri, Y. (2015) *The West Must Save Persecuted Christians* The Catholic Thing Retrieved June 23, 2016 <https://www.thecatholicthing.org/2015/07/12/the-west-must-savepersecuted-christians/>

³¹ Rogan, L., E. (2004) *Sectarianism and Social Conflict in Damascus: the 1860 Events Reconsidered* Retrieved May 25, 2016, https://www.jstor.org/stable/27667683?seq=4#page_scan_tab_contents Mas info del tema: <https://adonis49.wordpress.com/2013/10/25/massacres-of-1860-between-druze-andmaronite-eye-witness-account-of-french-diplomat-on-the-field-part-1/>

particular response from the West may also have been due to political or economic reasons but one rationale given at the time was “to save Christianity in the Levant”³³.

Christians as well as the other minorities have suffered in the conflicts affecting countries in the Middle East. Christians have found themselves in frequent confrontations since the rise of Islam and the backlash from the crusades. Currently, their situation in Iraq and Syria worsened due to several factors. In Iraq it was the fall of Saddam Hussein in 2003 and the subsequent presence of the United States³⁴. In Syria the Arab uprising in 2011, acted as triggers for their situation to deteriorate³⁵.

3.1.1 Iraq

Christians have lived in Iraq for nearly 2000 years³⁶. Baghdad and Mosul, in particular, have been home to hundreds of thousands of Christians. Christians in Iraq belong to the Greek Orthodox Church of Antioch, the Syrian Orthodox Church, the Armenian Apostolic Church or the Coptic Orthodox Church. The Catholic Church has congregations linked to the Chaldean Catholic Church, the Armenian Catholic Church, and the Greek Catholic Church³⁷.

In 1990 there were between 1.2 and 1.4 million Christians living in Iraq. More than ten years later, after the U.S. had intervened in Iraq, and sectarian violence had broken out, often targeting Christians, their numbers declined to 500,000³⁸. Prior to the US-led Western intervention in Iraq in 2003, the situation for Christians was completely different from what it is now. However, they did suffer before 2003 as well. For instance, in the late 70’s, even though there was freedom of religion, Christians suffered discrimination³⁹. At that time

³² Fakhouri, Y. (2015) The West Must Save Persecuted Christians The Catholic Thing Retrieved June 23, 2016 [https://www.thecatholicthing.org/2015/07/12/the-west-must- savepersecuted-christians/](https://www.thecatholicthing.org/2015/07/12/the-west-must-savepersecuted-christians/)

³³ Ibid.

³⁴ Shortt, R. (2012). Christianophobia. UK: Rider

³⁵ Ibid.

³⁶ Isakhan, B. (2015) The Legacy of Iraq: From the 2003 War to the 'Islamic State' Edinburgh University Press

³⁷ Bailey, B., J. & Bailey J., M. (2010). Who are the Christians in the Middle East? (2nd ed.) Cambridge, UK: William B. Eerdmans

³⁸ Shortt, R. (2012). Christianophobia. UK: Rider

³⁹ Hanish, S. (2009) Christians, Yazidis and Mandaean in Iraq: a Survival Issue Digest of Middle East Studies

under the Ba'ath regime, the language they spoke (Aramaic) was forbidden by the Syrian government in schools. Christians had to adopt either the Assyrian or Chaldean identity⁴⁰. Before 2003, the Christian community in Iraq felt reasonably secure under Saddam Hussein who followed the secular Arab Nationalist Ba'athist ideology. In fact, the Armenian Christians once described Saddam Hussein as 'the best possible protector of Christians' ⁴¹. During this time, Christians enjoyed economic freedom and also had access to higher education⁴².

The years following 2003 marked a turning point for Christians in Iraq. Since then the situation for Christians living in Iraq has been one of the hardest among Christian communities anywhere in the world⁴³. Chapman (2012)⁴⁴ described the Christians as being subject to "ethnic cleansing". After the defeat of Saddam Hussein, Christians became targets of vicarious revenge for both Sunnis and Shiites. It has been said that one of the main reasons for Christian persecution was their association with the Western world and their alleged support for the U.S. intervention in 2003⁴⁵. Some militant Muslims continue to believe that Christians in Iraq helped the U.S. and the other coalition forces⁴⁶. For this reason, some members of the Iraqi Muslim community have perpetrated acts of aggression against them⁴⁷, such as violently closing down Christian shops where alcohol was sold. Some Christians have been attacked because of their privileged economic status⁴⁸. Some reports

Vol. 19 No.1 pp.1-16

⁴⁰ Ibid.

⁴¹ Chapman, C. (2012) Christians in the Middle East- Past, Present and Future *International Journal of Holistic Mission Studies* Vol. 29 pp.91-110

⁴² Bailey, B., J. & Bailey J., M. (2010). *Who are the Christians in the Middle East?* (2nd ed.) Cambridge, UK: William B. Eerdmans

⁴³ Shortt, R. (2012). *Christianophobia*. UK: Rider

⁴⁴ Chapman, C. (2012) Christians in the Middle East- Past, Present and Future *International Journal of Holistic Mission Studies* Vol. 29 pp.91-110

⁴⁵ Ferris, E., & Stoltz, K. (2008) Minorities, Displacement and Iraq's Future Retrieved June 29, 2016, http://www.brookings.edu/~media/research/files/papers/2008/12/23-minoritiesferris/1223_minorities_ferris.pdf

⁴⁶ Bailey, B., J. & Bailey J., M. (2010). *Who are the Christians in the Middle East?* (2nd ed.) Cambridge, UK: William B. Eerdmans

⁴⁷ Hanish, S. (2009) Christians, Yazidis and Mandaeans in Iraq: a Survival Issue *Digest of Middle East Studies* Vol. 19 No.1 p.4

⁴⁸ Ibid.

indicate that some Christian Iraqis who were working for American companies had to quit their jobs in order to stop the threats that they were receiving⁴⁹.

In 2004 and 2005, the U.S. administration appeared to be willing to offer special protection to the Christians in Iraq. However, the Christians rejected the offer due to their belief that if non-Christians noticed that Americans troops were protecting Christian properties, churches and schools, attacks towards them would increase rather than decrease⁵⁰. Many Christians began to leave the country because of the worsening conditions under which they had to live. They were forced to pay protection money to the Muslims, but also had to pay excessive amounts of money to militants at roadblocks when leaving the country – fees ironically also known as “protection fees”⁵¹.

In 2010, Al Qaeda tried to further undermine Christianity in Iraq. It took advantage of the country’s difficult situation caused by the instability that resulted from the lack of agreement among Sunnis and Shias and among Kurds, Arabs, Turkmen, Christians and Yazidis in Iraq. According to a report by the Council of Europe (2011)⁵², 2010 was the year that had the highest number of murders of Assyrian Christians since 2004.

After July 2013, the situation worsened and religious and ethnic minorities became IS’s main targets. Crimes committed by IS included capturing and selling Christian children and women as slaves, using children as soldiers and destroying historical religious monuments⁵³. IS did not allow Christians and some other religious minorities to return to their jobs if these were government-related⁵⁴.

⁴⁹ Bailey, B., J. & Bailey J., M. (2010). *Who are the Christians in the Middle East?* (2nd ed.) Cambridge, UK: William B. Eerdmans

⁵⁰ *Ibid.*

⁵¹ *Ibid.* pp.171

⁵²The Human Rights Report on Assyrians in Iraq 2010, Available at: <http://www.aina.org/reports/acehrr2010.pdf>

⁵³ The “Human Rights Watch Report Iraq 2014” is available at: <https://www.hrw.org/world-report/2015/country-chapters/iraq>

⁵⁴ *Ibid.*

In mid-2014 Mosul was conquered by IS. The critical situation for religious minorities got much worse in Iraq in regions in which IS ruled. Between 17 and 20 July 2014, thousands of Christians had to leave Mosul and other territories of the Niniveh governorate. In the city of Mosul, about 30,000 Christians had been living before IS took control. Many fled after functionaries from IS told Christians that they had to convert to Islam, pay the *yizah* (protection tax) or die⁵⁵. The houses where Christians were living were marked with an “N”⁵⁶ written in Arabic to identify them⁵⁷.

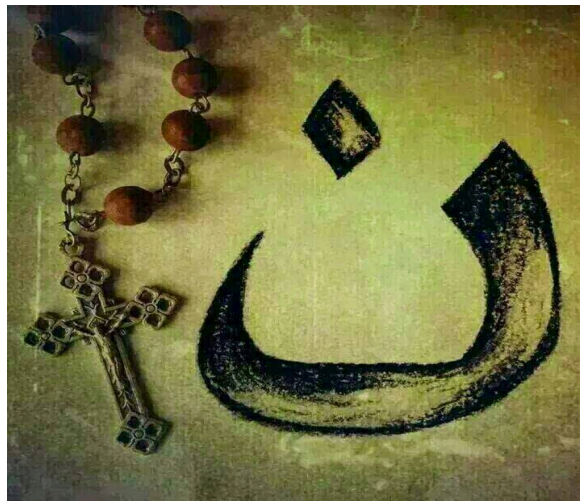


Figure 1. Nazarene symbol and a rosary

Source: Sos Cristianos en Siria

URL: <https://sos cristianos en siria.wordpress.com/2016/07/17/los-nazarenos-quienes-somos/>

In August 2014, IS also took control of Qaraqosh, a city in the north of Iraq, which was home to the largest Christian community. At the time that IS took control of the city, 100,000 Christians had already fled the country. When the town al-Kosh was conquered by IS, all Christians who lived there had left their homes⁵⁸.

To this day, the decrease in the number of Christians in Iraq is continuing, and if continues at this rate, Christianity will soon completely disappear from the region (Open Doors Watch List, Iraq, 2016). According to the report of the USCIRF (2017), there are currently less than

⁵⁵ The first report of the Secretary- General the 31st of October 2014 is available at: <http://www.uniraq.com/images/SGReports/S2014774%20ENGLISH.pdf>

⁵⁶ The “N” stands for “Nusairi/ Nasara”, which is the term used in the Qur’an to refer to Christians

⁵⁷ The Report of the Special Rapporteur on minority issues on her mission to Iraq, 2017 is available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/002/44/PDF/G1700244.pdf?OpenElement>

⁵⁸ *Ibid.*

250,000 Christians left from the 1.4 million who were in Iraq before the U.S. invasion in 2003⁵⁹. Most Christians have gone to neighboring countries such as Syria, Lebanon and Jordan. Those Christians remaining behind are living in fear⁶⁰.

3.1.2 Syria

Christians in Syria live mainly in areas surrounding Damascus, Aleppo, Homs, Hama and Latakia. Some of them live in the northeastern part of the country, in the Al- Hasakah governorate. After the independence of Syria from France in the 1940s, Christians had the right to practice their religion freely, while the government played an important role in their lives, e.g. giving them the opportunity to buy land and to build churches. The country's constitution granted citizens freedom of religion. However, there was a rule that the president should always be Muslim⁶¹. Until 2011, Syrian society was known for being largely peaceful, with some interruptions in the early 1980s, allowing ethnic and religious groups to live together in harmony (Spencer, 2014). Before 2011, Christians in Syria were in a better situation than in countries such as Saudi Arabia or Iraq⁶². Syria had been a welcoming country for Christian refugees before 2011. For example, in 2009 Syria was home to 80,000 Iraqi Christians refugees⁶³.

Even though before 2011 Christians in Syria only constituted 10% of the population they coexisted peacefully with other religious groups⁶⁴. Christians were able to practice their religion freely as long as they did not challenge the regime In Syria passports and identity

⁵⁹ The report of the United States Commission on International Religious Freedom Iraq 2017 is available at: <http://www.uscifr.gov/reports-briefs/annual-report>

⁶⁰ Global Trends 2015 Forced Displacement in 2015 is available at: <http://www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>

⁶¹ Bailey, B., J. & Bailey J., M. (2010). Who are the Christians in the Middle East? (2nd ed.) Cambridge, UK: William B. Eerdmans

⁶² Beck, M. & Collet, L. (2010) On Syrian Politics and The Situation of its Christian Minority Kas International Reports pp. 72- 86

⁶³ Bailey, B., J. & Bailey J., M. (2010). Who are the Christians in the Middle East? (2nd ed.) Cambridge, UK: William B. Eerdmans

⁶⁴ Flamini, R. (2013) FORCED EXODUS Christians in the Middle East World Affairs Vol. 176, No.4 pp. 65- 71

cards do not contain information regarding which religion a person belongs to, which contributed to a degree of tolerance for all religions⁶⁵.

Christians enjoyed the support of President Bashar al-Assad and, before him, the support of his father Haféz al-Assad (1930-2000). This was partly because a Syrian Greek Orthodox Christian, Michel Aflaq, had played an important role in establishing the Assad regime. President Bashar- al Assad used to send Christians messages when they had their festivities and sometimes even made a personal appearance and joined them for the celebrations⁶⁶. Christians could openly celebrate religious festivities such as Easter⁶⁷ and also could have places and buildings for worship⁶⁸. The Assad regime promoted peaceful relations between Christians and Alawite Muslims. At the same time, the regime was also spreading fear of what the outcome of sectarianism could be and how damaging a victory of Sunni insurgents would be for Christians⁶⁹.

In 2011, as the uprising against President Assad turned into a civil war, atrocities against Christians and other minority groups in Syria became frequent. Even though the regime in Syria was not targeting Christians, regional tensions created anxiety among the Christians⁷⁰. On top of that, Christians in Syria reacted with anxiety when news of a tragic event which had taken place in Egypt on October 9, 2011 - the “Maspero tragedy”⁷¹. They started to wonder whether the Arab Spring would affect Christian minorities in Syria negatively as well.

⁶⁵ Beck, M. & Collet, L. (2010) On Syrian Politics and The Situation of its Christian Minority Kas International Reports pp. 72- 86

⁶⁶ *Ibid.*

⁶⁷ Flamini, R. (2013) FORCED EXODUS Christians in the Middle East World Affairs Vol. 176, No.4 pp. 65-71

⁶⁸ Beck, M. & Collet, L. (2010) On Syrian Politics and The Situation of its Christian Minority Kas International Reports pp. 72- 86

⁶⁹ Khoury, D. (2011) Is Winter or Spring for Christians in Syria? Heinrich-Böll-Stiftung - Middle East Office, retrieved 20, 2017, http://www.tajaddod.org/img/file/Doreen_Khoury-Is_it_Winter_or_Spring_for_Christians_in_Syria.pdf

⁷⁰ *Ibid.*

⁷¹ A confrontation, which took place in Egypt in 2011, leaving 30 people killed and 300 injured – most of them Coptic Christians. The confrontation was between religious minorities and the Egyptian army. More information available at: <https://timep.org/commentary/maspero-massacre-revisited/>

On 8 September 2012, Syrian Christians were forced to create militias of their own and formed the Syrian National Council⁷². They collaborated with Kurds on the Iraqi border to defend themselves against Muslim militias in general and against IS in particular.

In 2013, extremist jihadist groups began to gain power and influence, IS was one of them, cooperating, for a while with Al Qaeda's Nusra Front⁷³. Since the beginning of 2013, Christians in the governorate of al-Hasakah in the northern part of Syria, began experiencing increased violence from IS⁷⁴. A report from The Knights of Columbus⁷⁵ stated that in January 2013, over 25,000 Christians had become victims of attacks, robberies, and kidnappings. However, lack of security made it almost impossible to send them aid. On 22 April 2013, IS abducted in the city of Aleppo the Syriac Orthodox Archbishop Gregorios Yohanna Ibrahim, the Greek Orthodox Archbishop Baulos Yazig and the Syriac Orthodox Deacon Fatha'Allah Kabboud. On 21st of October 2013, in Saddad & Haffar, IS fighters killed between 450 and 470 Christians and also destroyed churches, schools, and houses⁷⁶. By the end of 2013⁷⁷, estimated that 10,000 Christians had left Syrian cities, including Aleppo, Homs and al-Qusayr, due to attacks by IS.

In 2014, IS intensified its draconian, Shari'a based restrictions against those Christians who still remained in the city of Raqqa. One of these restrictions was that Christians were not allowed to pray⁷⁸.

In 2015, IS committed a series of abductions and attacks targeting Christians. On 26 February 2015, IS abducted 220 people from an Assyrian Christian community. On 19 April

⁷² More information of the Syrian National Council is available at: <http://en.etilaf.org/>

⁷³ BBC (2014) Timeline: How the Syrian conflict has spread, retrieved May 30, 2017, <http://www.bbc.com/news/world-middle-east-28850956>

⁷⁴ Gusten, S. (2013) Christians Squeezed Out by Violent Struggle in North Syria The New York Times, Retrieved May 20, 2016, <http://www.nytimes.com/2013/02/14/world/middleeast/christians-squeezed-out-by-violent-struggle-in-north-syria.html?pagewanted=all>

⁷⁵ The Report by the Knights of Columbus and In Defense of Christians "Genocide against Christians in the Middle East" is available at: <http://www.stopthechristiangenocide.org/en/resources/Genocide-report.pdf>

⁷⁶ *Ibid.*

⁷⁷ Flamini, R. (2013) Forced Exodus Christians in the Middle East World Affairs Vol. 176, No.4 pp. 65-71

⁷⁸ The Christian Solidarity International (2014) Genocide Alert: The Syrian Arab Republic, is available at: <http://www.csi-usa.org/Syria%20Genocide%20Alert.pdf>

2015, 30 Christians lost their lives in two attacks one in the Fezzan province and the other in the Barqa province. On 4 July 2015, 250 Christians were abducted in al-Qaryatain. IS abducted between 220 and 230 Christians in al-Hasakah on 23 February 2015⁷⁹.

On 6 August 2016, more than 200 Christians were abducted in al-Qaryatain (Homs)⁸⁰. On 6 October 2015, IS killed 12 Christians, eight of them were beheaded and crucified, including one boy. In this attack two victims were raped, four suffered from torture and eight other were harmed in other ways⁸¹. In the course of 2016, the situation deteriorated further for Christians, as IS killed many more of them. For instance, in al-Qaryatain, 21 Christians were killed, some of them because they allegedly broke the terms of their “dhimmi contracts”, which forced them to accept a subordinate position as second-class citizens who have to pay protection money to IS⁸².

According to the 2016 Report of the United States Commission on International Religious Freedom, IS has also been responsible for the kidnaping of 450 Christians since 2014 with 45 of them still in captivity⁸³. Some of them were release in groups of 10 to 20, after negotiations involving members of IS and Sunni Arab tribes⁸⁴. Christian leaders in Syria also suffered from attacks by IS. The Italian Jesuit Priest Paolo Dall'Oglio was kidnapped and still remains captive⁸⁵. IS has also attacked and closed churches in areas under its control. Sometimes they convert Christian churches into IS offices or military bases. There are reports of Christian relics that have been sold on the black market by members of IS. According to the USCIRF report 2017, the remaining Christians in Syria have gone to areas under the control Assad protected areas, or to Lebanon, Armenia or Western countries⁸⁶.

⁷⁹ The Report by the Knights of Columbus and In Defense of Christians “Genocide against Christians in the Middle East” is available at: <http://www.stopthechristiangenocide.org/en/resources/Genocide-report.pdf>

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² BBC (2016) Syria war: IS group killed 21 Christians in al-Qaryatain, says patriarch Retrieved May 20, 2017, <http://www.bbc.com/news/world-middle-east-36011663>

⁸³ The report “Syria: Six Years of War is available at: <http://www.uscirf.gov/news-room/press-releases/syria-six-years-war> .

⁸⁴ *Ibid.*

⁸⁵ The USCIRF Report 2017 is available at: <http://www.uscirf.gov/sites/default/files/Syria.2017.pdf>

⁸⁶ *Ibid.*

3.2 Yazidis

The origin of the Yazidis lies in the 12th and 13th century⁸⁷. Yazidis are of Kurdish ethnicity⁸⁸ and speak a Kurdish dialect called Krmanji⁸⁹. They mainly live in the northern part of Iraq and the Nineveh province and in a Kurdish-administered region⁹⁰. Yazidis also lived in Syria, Turkey and Iran⁹¹. The Yazidis spread their religion orally and with the use of one sacred text known as the Meshef Resh⁹². They forbid the use of books to pass on their religion⁹³. Yazidism contains elements from Christianity, Islam, and Judaism⁹⁴. From Christianity they have adopted rituals, such as baptism, from Islam they have accepted the tradition of removing their shoes before entering a temple⁹⁵. Yazidis are one of the most persecuted religious minorities in the world⁹⁶ and have suffered throughout time. Despite an attempt to eliminate them in the Abbasid period of the Ottoman Empire rule⁹⁷, and no less than 72 massacres in the 18th and 19th centuries⁹⁸, they still survived.

⁸⁷ Fuccaro, N. (1997) Ethnicity, State Formation, and Conscriptation in Postcolonial Iraq: The Case of the Yazidi Kurds of Jabal Sinjar *Journal Middle East Studies* Vol. 29 pp. 559-580

⁸⁸ Allison, C. (2017) The Yazidis *Oxford Research Encyclopedia of Religion* Retrieved May 20, 2017, <http://religion.oxfordre.com/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-254>

⁸⁹ Hanish, S. (2009) Christians, Yazidis and Mandaeans in Iraq: a Survival Issue *Digest of Middle East Studies* Vol. 19 No.1 p.9

⁹⁰ *Ibid.*

⁹¹ Fuccaro, N. (1997) Ethnicity, State Formation, and Conscriptation in Postcolonial Iraq: The Case of the Yazidi Kurds of Jabal Sinjar *Journal Middle East Studies* Vol. 29 pp. 559-580

⁹² *Ibid.*

⁹³ Macfarquhar, N. (2003) Bashiq Journal; A Sect Shuns Lettuce and Gives the Devil His Due *The New York Times* Retrieved May 20, 2017, <http://www.nytimes.com/2003/01/03/world/bashiq-journal-a-sect-shuns-lettuce-and-gives-the-devil-his-due.html>

⁹⁴ Allison, C. (2017) The Yazidis *Oxford Research Encyclopedia of Religion* Retrieved May 20, 2017, <http://religion.oxfordre.com/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-254>

⁹⁵ Macfarquhar, N. (2003) Bashiq Journal; A Sect Shuns Lettuce and Gives the Devil His Due *The New York Times* Retrieved May 20, 2017, <http://www.nytimes.com/2003/01/03/world/bashiq-journal-a-sect-shuns-lettuce-and-gives-the-devil-his-due.html>

⁹⁶ Allison, C. (2017) The Yazidis *Oxford Research Encyclopedia of Religion* Retrieved May 20, 2017, <http://religion.oxfordre.com/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-254>

⁹⁷ Hanish, S. (2009) Christians, Yazidis and Mandaeans in Iraq: a Survival Issue *Digest of Middle East Studies* Vol. 19 No.1 p.9

⁹⁸ Macfarquhar, N. (2003) Bashiq Journal; A Sect Shuns Lettuce and Gives the Devil His Due *The New York Times* Retrieved May 20, 2017, <http://www.nytimes.com/2003/01/03/world/bashiq-journal-a-sect-shuns-lettuce-and-gives-the-devil-his-due.html>

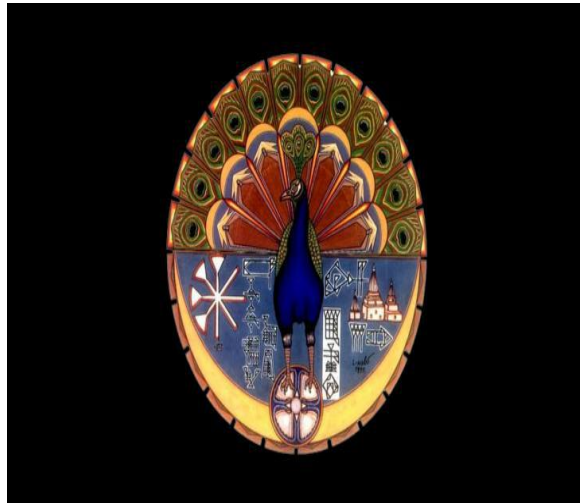


Figure 2: Malak Taus (Peacock Angel)

Source: ABC internacional

URL: <http://www.abc.es/internacional/20150513/abci-yazidismo-misteriosa-religion-angel-201505122000.html>

Under the Bath's regime, Yazidis had to undergo policy of Arabization. The Iraqi government removed 150 Yazidi from their villages, forcing them into "modern villages"⁹⁹ outside their traditional lands.

Certain Muslims do not recognize Yazidis, because they are not mentioned in the Qur'an¹⁰⁰. IS, in specific, characterize Yazidis as "unbelievers" and "devil worshippers"¹⁰¹ and therefore deserve oppression¹⁰². Some, maybe intentionally, mistake the archangel of the Yazidis (The Peacock Angel) as, a depiction of Satan¹⁰³. In the ideology of IS, it is allowed to kill them and in 2014, when IS started its attacks, Yazidis were among the main targets¹⁰⁴.

⁹⁹ Hanish, S. (2009) Christians, Yazidis and Mandaean in Iraq: a Survival Issue Digest of Middle East Studies Vol. 19 No.1 p.10

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.* pp. 1

¹⁰² *Ibid.*

¹⁰³ Basci, (E.) 2016 Yazidis: A community scattered in between geographies and its current immigration experience International Journal of Humanities and Cultural Studies Vol.3 No. 2 pp. 340- 351

¹⁰⁴ Burnham, G., Cetorelli, V., & Sassonn, et al. (2017) Mortality and kidnapping estimates for the Yazidi population in the area of Mount Sinjar, Iraq, in August 2014: A retrospective household survey PLOS Medicine, Retrieved May 6, 2017, <http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002297>

3.2.1 Iraq

The Yazidis are one of Iraq's oldest religious minorities¹⁰⁵. Most of them live in the northern part of Mosul, known as Sheikhan, while others are living in the surroundings of the town of Sinjar, which is on the border with Iraq¹⁰⁶. However, since 2003, like in the case of some other religious minorities, their numbers have decreased¹⁰⁷. Both Sunni and Shite militants have perpetrated attacks on them, intending to "eliminate them physically or to destroy their places of worship, shops and even their homes"¹⁰⁸. Since 2003 Yazidis faced kidnappings as well as assassinations¹⁰⁹.

After the American invasion of 2003, Yazidis suffered, like many others Iraqis, from some the consequences of the invasion, even though they had already experienced persecutions and mass killings before 2003, although on a lesser scale¹¹⁰. The situation of the Yazidis was similar to that of the Christians after the fall of Saddam Hussein. Yazidis shops which sold alcohol suffered from attacks and their business premises were robbed¹¹¹. They also became targets of bombings¹¹².

During the election time in 2005, some of the Yazidis were prevented from participating in the elections. The authorities decided not to send to some of their villages ballot boxes, and since the Yazidis did not have buses, they could not go to the polling stations¹¹³.

In June 2007, extremist Muslims killed 25 Yazidis on a bus on their way to work in a textile factory. First, the attackers separated the Muslims workers from the Yazidis, and then killed

¹⁰⁵ Jalabi, R. (2014) Who are the Yazidis and why is Isis hunting them? *The Guardian* Retrieved May 20, 2017, <https://www.theguardian.com/world/2014/aug/07/who-yazidi-isis-iraq-religion-ethnicity-mountains>

¹⁰⁶ Allison, C. (2017) The Yazidis *Oxford Research Encyclopedia of Religion* Retrieved May 20, 2017, <http://religion.oxfordre.com/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-254>

¹⁰⁷ Hanish, S. (2009) Christians, Yazidis and Mandaeans in Iraq: a Survival Issue *Digest of Middle East Studies* Vol. 19 No.1 p.10

¹⁰⁸ Ibid. pp.1

¹⁰⁹ Ibid. pp.4

¹¹⁰ Ibid. pp.9

¹¹¹ Sassoon, J. (2008) *Iraqi Refugees: The New Crisis in the Middle-East* London, GBR: I.B.Tauris,

¹¹² Hanish, S. (2009) Christians, Yazidis and Mandaeans in Iraq: a Survival Issue *Digest of Middle East Studies* p.9

¹¹³ Ibid. pp. 10

the Yazidis¹¹⁴. On 7 August 2007, Yazidis suffered an attack in two of their villages, as a consequence 600 children died¹¹⁵. This was, according to Hanish (2009)¹¹⁶, the most severe single attack that they faced since 2003. However, it was not the first attack. Before 2013, attacks on Yazidis were mostly perpetrated by Arab and Kurdish Muslims¹¹⁷. Since 2013, IS attacked Yazidis, kidnapping and selling their children and using them as well as grown up women as slaves¹¹⁸.

One of the main goals of IS has been to eradicate religious minorities, since IS considers them as infidels. One clear example of this, were the atrocities perpetrated on 3 August 2014. On that date the situation for Yazidis drastically changed for the worse when IS took control of the Yazidi village Qiniyeh in the Nineveh governorate, in northern Iraq, killing 70 men. During the summer of 2014, 1500 Yazidi died, some of them from starvation and dehydration¹¹⁹. After the attack the U.S. sent water and other supplies and try to rescue surviving Yazidis in a humanitarian rescue operation.

On the 15th of August 2014, IS fighters killed 400 men in another Yazidi village, Kocho. Fearing for their lives, an estimated 350,000 Yazidis fled from their homes and looked for shelter in the Kurdish part of Iraq, where they stayed in camps for internally displaced people¹²⁰.

¹¹⁴ *Ibid.*

¹¹⁵ Sassoon, J. (2008) *Iraqi Refugees: The New Crisis in the Middle-East* London, GBR: I.B.Tauris,

¹¹⁶ Hanish, S. (2009) Christians, Yazidis and Mandaeans in Iraq: a Survival Issue Digest of Middle East Studies p.9

¹¹⁷ Sassoon, J. (2008) *Iraqi Refugees: The New Crisis in the Middle-East* London, GBR: I.B.Tauris,

¹¹⁸ UNAMI "Report on Human Rights in Iraq: January- June 2014" is available at:

http://www.ohchr.org/Documents/Countries/IQ/HRO_Jan-Jun2014Report_en.pdf

¹¹⁹ USCIRF Report Ira 2016 is available at:

http://www.uscifr.gov/sites/default/files/USCIRF_AR_2016_Tier1_2_Iraq.pdf

¹²⁰ Allison, C. (2017) The Yazidis *Oxford Research Encyclopedia of Religion* Retrieved May 20, 2017,

<http://religion.oxfordre.com/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-254>

Islamic State officials forced Yazidis to either convert to Islam or die¹²¹. IS has been responsible for the killing of thousands of Yazidis since August 2014, according to the UNAMI-OHCHR¹²². Approximately, 6,400 Yazidi abductions have been recorded since the August 2014. More than 400,000 Yazidis have been displaced¹²³. By 2017 displaced Yazidis, especially young ones, have either left their homeland or were planning to leave¹²⁴.

IS members have perpetrated several types of attacks on Yazidis in Iraq, including killings, executions and enslavement. They have also forced child boys to join them and raped girls as young as 9 years old, causing serious bodily and mental harm to them. They have prevented births by separating men and women, and forced adults to convert or die¹²⁵. They gave the most humiliating treatment to Yazidis in an effort to destroy the identity of Yazidis, taking children away from their parents and not allowing them to practice their religion. In August 2014, there had been 500,000 Yazidis living in Iraq; after the attacks 350,000 of those Yazidis found refuge in Duhok and Zakho; 120,000 fled to Syria; while 30,000 went to Turkey. All this was the result of the attacks of IS¹²⁶.

¹²¹ The complete document is available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/002/44/PDF/G1700244.pdf?OpenElement>

¹²² The complete document is available at: http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport12Aug2016_en.pdf

¹²³ The Report of the Special Rapporteur on minority issues on her mission to Iraq 9 January 2017 is available at: <http://www.hhro.org/uploads/files/pdfs/report%20english.pdf>

¹²⁴ The complete document is available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/002/44/PDF/G1700244.pdf?OpenElement>

¹²⁵ OHCHR “They Came to Destroy Us” 2016 p. 7 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

¹²⁶ Basci, E. (2016) Yazidis: A community scattered in between geographies and its current immigration experience *International Journal of Humanities and Cultural Studies* Vol.3 No. 2 pp. 340- 351

3.2.2 Syria

As previously mentioned Syria was known as a welcoming country for minorities and refugees until 2011. There was some kind of “inter-religious balance” in the country¹²⁷. Many Iraqi refugees found shelter in this country after fleeing from the atrocities they had faced in Iraq. Some of those refugees were Yazidis¹²⁸. After the attack in Sinjar in August 2014, IS captured and brought to Syria thousands of Yazidi women and girls. Girls as young as nine years old were sold in the markets around the governorates of Raqqa, Aleppo, Homs, al-Hasakah and Dayr Az- Zawr. Some were given as gifts to members of IS. One of the victims interviewed stated that she could not remember how many men had bought her.

IS fighters and civilians supporting IS were among those who bought girls and women on the markets. The girls and women suffered both physical and sexual violence¹²⁹. However, the practice of selling women was also done in other places under the control of IS. Girls were forced into marriage with IS fighters, most of them were under 18 years of age. Some of them were kept as slaves inside IS houses around Syria and have also suffered gang rape¹³⁰.

Initially, some of the buyers sold the girls and women back to their families. However, this practice was soon forbidden by IS. There was a case of a Libyan fighter who held a Yazidi girl and kept her in Dayr Az- Zawr. After suffering from more than 100 rapes and having been sold and bought eight times, she went back to her family, after her family had paid the equivalent of more than 20,000 US dollars¹³¹. Boys as young as six years old were forcibly recruited by IS, trained in weapons and forced to join IS in their fight. After IS attacked Sinjar, Yazidi boys were taken to Syria and separated from their families. There are camps,

¹²⁷ Statement pronounced by the Metropolitan Hilarion of Volokolamsk is available at: <http://www.pravmir.com/we-are-witnessing-the-wholesale-uprooting-ofchristianity-in-the-place-where-they-came-into-being/>

¹²⁸ OHCHR “They Came to Destroy Us” 2016 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

which specialized in the training of these children, the so-called “cub camps”, Dayr Az-Zawr and al-Hasakah are the regions where according to the UN, such camps are operated¹³².

The conflict in Syria has become very complex as it now also includes elements of a class conflict, while also feeding on the ‘rural’ - urban division. Minorities in particular are placed in a very vulnerable position¹³³. On 2016 a Statement by the Commission of Inquiry on Syria concluded that the atrocities perpetrated by IS, which is labeled genocide were still ongoing¹³⁴.

3.3 The Islamic State’s Communiqués

In October 2006, the Islamic State of Iraq (ISI) was announced to the world and Abu Omar al-Baghdadi pronounced himself as the leader¹³⁵. Since then, IS has not stopped attempting to show and express the desire to eradicate any religious group that do not share their same ideology. It has used different propaganda campaigns to do so. At first, the IS propaganda campaign focused only on Iraq, then it spread to Syria, and finally it focused on all Muslims around the world¹³⁶. In 2013, the IS propaganda transformed, as so the war in Syria increased, and IS name changed from ISI to ISIS, the Islamic State of Iraq and Syria¹³⁷. The strategy of IS is to present itself as the “true apostle of a sovereign faith”¹³⁸.

With its propaganda, IS endeavors to spread fear and intimidate its enemies. In addition, IS also encourages other Muslims to join IS’s battle by stating that it is a religious duty, and convinces them to restore the Caliphate¹³⁹. For instance, in a video named “Windows”,

¹³² The Report of the Independent International Commission of Inquiry on the Syrian Arab Republic is available at: <http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-31-68.pdf>

¹³³ The Open Doors World Watch List, Syria 2016 is available at: <https://www.opendoorsusa.org/christian-persecution/world-watch-list/syria/>

¹³⁴ OHCHR “They Came to Destroy Us” 2016 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

¹³⁵ Fernandez, M., A. (2015) Here to stay and growing: Combating ISIS propaganda networks U.S-Islamic World Forum Papers 2015 Retrieved May 29, 2017, https://www.brookings.edu/wp-content/uploads/2016/07/IS-Propaganda_Web_English_v2.pdf

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ Farwell, P., J. (2014) The Media Strategy of ISIS *Survival* Vol. 56 No.6 pp. 49

¹³⁹ *Ibid.*

which was released in the summer of 2013, a 75 year- old IS fighter is interviewed. During his interview, he states that IS battle will not stop between the “unbelief and belief”¹⁴⁰ until the judgment day. This shows how IS is trying to spread the fight against those who do not follow their ideology.

The purpose of IS videos is to gather the attention of Muslims around the world. These videos are made with the purpose to show how strong and powerful IS is, and persuade the audience that they will defeat their enemies and end up victorious¹⁴¹. In those videos, they attempted to show how much territory they have won. A good example is the video called “End of Sykes- Picot”. Or the video named “There is No Life Without Jihad”, which calls on others to join them and aims to convince them to leave everything behind and join their fight against the “infidels”¹⁴². These tools are to enhance the spirit to fight, to join them, and to destroy what they consider is not part or should not be part of this world. These are examples of the intent they have, they want more fighters and they are investing in the propaganda to spread their ideals¹⁴³.

IS also produces magazines and reports to present and justify its activities to selected audiences¹⁴⁴. IS provides propaganda by means of their own magazine ‘Dabiq’ (name after a small town in Aleppo), which is available in several languages including English, French, German, Russian, and Arabic¹⁴⁵. This magazine is used to familiarize readers with its vision of the world¹⁴⁶. It is also used to justify IS actions based on its religious beliefs¹⁴⁷. There were

¹⁴⁰ Fernandez, M., A. (2015) Here to stay and growing: Combating ISIS propaganda networks U.S.-Islamic World Forum Papers 2015 Retrieved May 29, 2017 p.9, https://www.brookings.edu/wp-content/uploads/2016/07/IS-Propaganda_Web_English_v2.pdf

¹⁴¹ Farwell, P., J. (2014) The Media Strategy of ISIS *Survival* Vol. 56 No.6 pp. 49

¹⁴² Fernandez, M., A. (2015) Here to stay and growing: Combating ISIS propaganda networks U.S.-Islamic World Forum Papers 2015 Retrieved May 29, 2017 p.9, https://www.brookings.edu/wp-content/uploads/2016/07/IS-Propaganda_Web_English_v2.pdf

¹⁴³ Gambhir, K., H. (2014) Dabiq: The Strategic Messaging of the Islamic State Institute for the War Retrieved May 30, 2017, <https://pdfs.semanticscholar.org/5a52/fa4981379be0b5fbd11a4d610a9247d0b937.pdf>

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ O'Halloran, L., K., Tan, S. & Wignell, P. (2017) Under the shade of AK47s: a multimodal approach to violent extremist recruitment strategies for foreign fighters *Critical Studies on Terrorism* pp.1-24

¹⁴⁷ Gambhir, K., H. (2014) Dabiq: The Strategic Messaging of the Islamic State Institute for the War Retrieved May 30, 2017, <https://pdfs.semanticscholar.org/5a52/fa4981379be0b5fbd11a4d610a9247d0b937.pdf>

15 issues of Dabiq produced by IS before it was replaced by another magazine titled Rumiyah¹⁴⁸. It appears that Rumiyah took the place of “the organization’s flagship non-Arabic propaganda magazine”¹⁴⁹. Rumiyah (which means Rome) is presenting the same apocalyptic message as Dabiq, stressing that IS will continue its jihad until it conquers Rome, the seat of the Catholic Church Rumiyah¹⁵⁰.

3.3.1 The Rationale behind IS’s Attacks on Christians and Yazidis

The following section aims to explore IS’s stance regarding Christians and Yazidis. In order to do so, several statements from the Dabiq and Rumiyah magazines are quoted and analyzed.

Since 2006, the leaders of AQI/ISIS/ISIL/IS have been explicit about their primary goals and intentions, including the resurrection of the caliphate and waging war against infidels, including Christians and Yazidis¹⁵¹. IS has clearly stated its intentions of destroying Christianity in several issues of Dabiq and Rumiyah magazines. In the October 2014 issue of “Dabiq”¹⁵², the magazine features on its cover page a photograph of St. Peters Square in the Vatican with IS’ flag on top of the Egyptian obelisk at its center. The picture was accompanied with the title “The Failed Crusade”(See Figure 3). This cover page clearly depicts one of its main intentions to conquer the Vatican.

¹⁴⁸ Milton, D. (2016) Communication Breakdown: Unraveling the Islamic State’s Media Efforts, Combating Terrorism Center, Retrieved May 30, 2017, https://www.ctc.usma.edu/v2/wp-content/uploads/2016/10/ISMedia_Online.pdf

¹⁴⁹ Lange, R., O’Halloran, L., K., Tan, S. & Wignell, P. (2017) A Mixed Methods Empirical Examination of Changes in Emphasis and Style in the Extremist Magazines Dabiq and Rumiyah Perspectives on Terrorism Vol. 11 No. 2 pp. 1- 19

¹⁵⁰ *Ibid.*

¹⁵¹ Fernandez, M., A. (2015) Here to stay and growing: Combating ISIS propaganda networks U.S.-Islamic World Forum Papers 2015 Retrieved May 29, 2017 p.9, https://www.brookings.edu/wp-content/uploads/2016/07/IS-Propaganda_Web_English_v2.pdf

¹⁵² Dabiq 4th issue “The Failed Crusade” is available at: <https://clarionproject.org/docs/islamic-state-isis-magazine-Issue-4-the-failed-crusade.pdf>

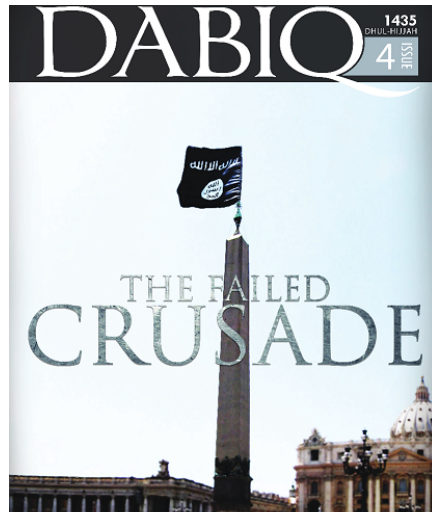


Figure 3: Dabiq “The Failed Crusade”

Source: The Clarion Project

URL: <https://clarionproject.org/docs/islamic-state-isis-magazine-Issue-4-the-failed-crusade.pdf>

In the same issue of Dabiq, in an article titled “The Revival of Slavery Before the Hour”¹⁵³ the author presents reasons why IS’ hatred is also directed towards Yazidis. IS referred to them as a “pagan minority existent for ages in regions of Iraq”¹⁵⁴ and discusses its attack on Yazidis in Sinjar (mentioned above), using the Qur’an as justification:

*“And when the sacred months have passed, then kill the mushrikīn wherever you find them, and capture them, and besiege them, and sit in wait for them at every place of ambush”.*¹⁵⁵

The author refers to a command of Allah to destroy these “mushrik”, to capture and kill them. The author adds that Yazidis were given the opportunity to convert and then save their lives. However, there have also been reports, which state that Yazidis have been killed even after converting to Islam. In this article, the author criticized the Yazidi faith, claiming that even Christians consider them as “devil worshippers and Satanists”¹⁵⁶. Such vilifications leave little doubts about IS’ intention of killing the Yazidis. The article also discussed the

¹⁵³ Ibid. pp. 14

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

intervention of US President Obama on their behalf, stating that it was ironic that the intervention was to protect “devil worshippers”¹⁵⁷.

Furthermore, in the same issue of Dabiq, the author also explains why Yazidis were not given the option of paying the Jizyah (the tax payment which allows Christians to buy protection from Muslims)¹⁵⁸. IS claimed to have acted in line with the fuqaha guidelines which state that Yazidi women can, unlike Christian women, be turned into slaves. The captured women and children were divided among the IS fighters who have caught them in the Sinjar operation; again this separation was said to be approved by Shariah. After this, the women were sold.

The 15th issue of Dabiq titled “Break the Cross”¹⁵⁹ was published in 2016. In this issue IS presented six main reasons why IS hates the West and why its inhabitants are “infidels”:

- 1) **“Because of Allah’s oneness rejection”**. IS claims that one of the main reasons for its hatred is because people in the West are disbelievers, adding that that IS will continue to hate them, unless they either submit to Islam or pay the Jizyah.
- 2) **“Because your secular and liberal societies”**. IS states that the hate is there because they do not follow Allah’s teachings.
- 3) **“Because you disbelieve in the existence of your Lord and Creator”**. IS believes and calls atheist those who do not share their beliefs.
- 4) **“For your crimes against Islam”**. IS claims that it hates the people of the West because of the attacks that the West has perpetrated towards Islam.
- 5) **“For your crimes against the Muslims”**. IS claims that it is fighting to stop the killing of Muslim women, men and children who are targeted by Western drones, jet bombs and fighters.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid. pp.15

¹⁵⁹ Dabiq 15 issue “Break the Cross” is available at: <http://clarionproject.org/factsheets-files/islamic-state-magazine-dabiq-fifteen-breaking-the-cross.pdf>

6) **“For invading our lands”**. IS states that it will continue to fight until it has re-conquered every piece of land which belonged to Muslims¹⁶⁰.

This lists why members of IS keep fighting against the West and have so much hatred towards all those who do not share their beliefs. IS believes that past crimes against Muslims justify the killing of infidels and the re-conquest of territories that were once under Muslim rule. In addition, this issue of Dabiq also lists the options that are given to Christians in order to continue to live on its lands: they can convert to Islam or, if they refuse to accept Allah’s truth, they can choose to pay the “Jizyah” (protection tax). If they do not accept any of these two options and decide to reject the offer, they are to be killed. In the same issue, Dabiq provides additional reasons why IS is opposed to the West and, in particular, to Christians¹⁶¹. Another section of the 15th issue of Dabiq talks about how Westerners claim they are Christians, but, according to IS, do not practice the religion:

*“You say you just need to believe in Jesus and you’ll go to Heaven, but how does it make sense that somebody died on your behalf and then you’re free to do whatever you please, whatever bad things that come to your mind, to live without any rules or regulations and then expect to be taken to Heaven.”*¹⁶²

In other words, IS finds the way in which Christians practice their religion unacceptable. The same issue of Dabiq also contains an interview with a former Christian who converted to Islam. In this interview, Abu Sa’d at-Trinidad explains how, when and why he - a foreign fighter from Trinidad - became a Muslim. He is currently a sniper who, in his own words, fights in the battles “against the various enemies of the IS”¹⁶³.

On May 2017, IS presented the 9th issue of the magazine Rumiyah under the heading “The Ruling on the Belligerent Christians”¹⁶⁴. This issue offers further evidence of IS’ explicit

¹⁶⁰ Ibid. pp. 31

¹⁶¹ Ibid. pp. 33

¹⁶² Ibid. pp. 30

¹⁶³ Ibid. pp. 67

¹⁶⁴ Rumiyah 9 issue “The Ruling on the Belligerent Christians” is available at: <https://qb5cc3pam3y2ad0tm1zxuhho-wpengine.netdna-ssl.com/wp-content/uploads/2017/05/Rumiyah-9.pdf>

intent to kill Christians. In one of the first sections of this issue, the author urges all supporters of IS to kill the Mushrikin, wherever they can be found:

“So when you meet those who disbelieve [in battle], strike [their] necks until, when you have inflicted slaughter upon them, then secure their bonds, and either [confer] favor afterwards or ransom [them] until the war lays down its burdens”¹⁶⁵.

The same article also gives Muslims authorization - even ordering them - to continue with the imprisonment of Christians after having perpetrated a massacre amongst them, they advise them to take the women, the men, the old and the young¹⁶⁶.

3.4 The Christian and Yazidi Situation in relation to:

3.4.1 Risk of Genocide

There are eight categories which can help determine whether a certain situation is giving rise to the risk of genocide. In order to assess the risk of genocide in the situation of Christians and Yazidis in Iraq and Syria, this thesis presents an analysis of the situation taking the eight categories of the framework used by the Office of the UN Special Adviser on the Prevention of Genocide (OSAPG)¹⁶⁷. According to the OSAPG framework, all of the eight indicators are of equal importance. The absence of some of these factors might be a case of lacking data in some cases. Additionally, not all eight have to be present for assessing a situation as critical. The following paragraphs present the situation of Christians and Yazidis in Iraq and Syria through the lens of each of the eight categories.

- 1) **Inter-group relations, including a record of discrimination and/or other human rights violations committed against a group:** The first category analyzes tensions among groups in terms of power and economic relations. One of the examples in the case of Christians and Yazidis is the closing of liquor stores in Iraq. By doing this IS

¹⁶⁵ Ibid. pp. 5

¹⁶⁶ Ibid.

¹⁶⁷ OSAGPG Analysis Framework is available at: http://www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf

did not allow them to make their living and therefore cut them off from their economic resources. This category also analyzes conflicts regarding land, identity, expression, and culture. Christians and Yazidis are forced to convert to Islam. In the case of Christians, they are forced pay a tax in order for them to survive. This illustrates how IS intends to eradicate their culture and their identities. Compulsory identification is part of this category as well. As stated above, IS identifies Christians' houses by writing the letter "N" on their doors in Mosul. There also exist discriminatory practices at the government level, e.g. IS does not allow Christians or members of other religious minorities to seek employment.

2) **Circumstances that affect the capacity to prevent genocide:** Both Syria and Iraq are States where there is no independent judiciary, where there are no effective human rights protection institutions and freedom of expression in the media is limited; they cannot said to be acting as a watchdog for their respective governments. The armed forces and militias on the territory of the two countries (including Hezbollah, Iranians, Turkish, Russian and American troops are for the most part not primarily interested in protecting vulnerable groups.

3) **Presence of illegal arms and armed elements:** This category analyzes if the presence of armed groups could be conducive to genocide. This is clearly present in the situation analyzed by the presence of the terrorist groups such as the Islamic State, and Al- Nusra Front/ Jabhat Fatah al- Sham. The evidence presented earlier has shown how these groups have the capability to perpetrate massive killings and perpetrate atrocities against religions minority groups.

4) **Motivation of leading actors in the State/region; acts which serve to encourage divisions between national, racial, ethnic, and religious groups**

This category includes ideologies that exclude certain types of people making a distinction between "us" and "them. The Islamic State labels all those who do not follow their exclusionary ideology as "infidels". The propaganda campaigns of IS,

their videos and the magazines Dabiq and Rumiya explain openly why IS attacks infidels. Intent to eliminate them and engage in genocide can be detected in the statements as well as in the practices of the Islamic State.

- 5) **Circumstances that facilitate the perpetration of genocide (dynamic factors):** In the case of Syria and Iraq relevant circumstances include the presence of a civil war, the absence of a central authority in parts of the territory, and the lack of international observers who can monitor the situation.

- 6) **Genocidal acts:** The sixth category is the occurrence of genocidal acts. This factor is covered by the many atrocities, war crimes, crimes against humanity, gross human rights violations that the IS has perpetrated against both Christians and Yazidis. IS is guilty of killing, raping, torturing as well of sexual violence. All of these activities have been perpetrated by IS on multiple occasions against these two religious minorities. IS has deprived these groups from access to water and other vital resources. IS has committed abortions on women, separated men from women, forcibly transferred children and threatened the lives of Christians and Yazidis if they did not convert to Islam. In some cases they even killed those who had undergone a humiliating conversion.

All of this is further explained in the section on Genocide.

- 7) **Evidence of the intent “to destroy in whole or in part ...”:** Some of the content of IS propaganda hate speech provides such evidence. Statements made in the magazine “Dabiq” and “Rumiya” contain many examples of hate speech towards Christians and Yazidis. Moreover, IS also uses other sources of propaganda such as videos to explain and show case the reasons behind its lethal attacks¹⁶⁸. The destruction of cultural religious property in Iraq and Syria, has been paralleled by the killing of community and church leaders.

¹⁶⁸ Neer, T. & O’Toole, M., E. (2014) The Violence of the Islamic State of Syria A Behavioral Perspective Violence and Gender Vol. 1 No. 4 pp. 145- 156

8) Triggering factors

One of the triggers of genocide has historically been war, both interstate wars of conquest and intra-state civil wars. Iraq has been at war since 2003, and Syria since 2011. These have allowed the emergence of conditions which have triggered atrocities that are genocidal in nature.

After having analyzed the violence perpetrated by IS and having categorized the different crimes against Christians and Yazidis, the result indicates that most of the eight categories from the framework utilized are indeed present. Moreover, IS has violated the following articles of the Universal Declaration of Human Rights: **Art. 1 Right to Equality:** IS infringes on this right by denying those who do not subscribe to their ideology equality before the law. **Art. 2 Freedom from Discrimination:** IS discriminates Christians and Yazidis on the basis of their religion, which constitutes one of the main violations of this article. **Art. 3 Right to Life, Liberty and Security:** This is the main article that IS is infringing. The consequence of IS presence in Iraq and Syria is the perfect example of the violation to this article. They are denying the right to life by killing all who do not convert to Islam, they force abortions on girls and women, which is to impose measures intended to prevent birth of a group. They are capturing Christians and Yazidis denying their rights to liberty, they are using women as slaves and forcing children to join them in their fight. **Art. 4 Freedom from Slavery:** IS is violating this article by enslaving girls and boys. Reports affirm that IS is taking boys as young as seven, and, using girls as sex slaves, and in some cases they force them to do the cleaning and the cooking in IS members houses. Moreover, girls and women are used as objects, they are sold in markets, and they are given a price. In order to get back to their families the families need to pay large sums of money to IS ranging in amounts from 300 to 500 US dollars. **Art. 5 Freedom from Torture and Degrading Treatment:** Acts of torture, attacks, mutilation, sexual violation, are part of the human rights violations indicating that Christians and Yazidis are not living freely due to IS. **Art. 13 Right to Free Movement in an out of the Country:** IS is not allowing people to move. They have to pay high fees to live under IS control. They are forced to go with IS members, such as the case of children and

women. Moreover, Christians and Yazidis are afraid to return to their homes, they are afraid of IS. **Art. 16 Right to Marry and Family:** IS is forcing women to “marry IS fighters”. They called it marriage but is actually rape what they are committing. They take away girls and women and sell them to members of IS. Moreover, they are forcibly taking boys to join them in their fight, not allowing them to be with their families. **Art. 18 Freedom of Belief and Religion:** IS is not allowing other religious groups to have freedom of religion in the places it controls. **Art. 19 Freedom of Opinion and Information:** IS is killing people who express their own opinion, and which IS believes to be against Islam. **Art. 25 Right to Adequate Living Standard:** Christians and Yazidis forced to live under IS do so in deplorable conditions.

Christians and Yazidis have become victims of mass violence experiencing many of the elements contained in the eight categories. Therefore, it can be said that Iraq and Syria were, after the withdrawal of the American troops from Iraq and the outbreak of a popular uprising during the Arab Spring in Syria, both in 2011, indeed experiencing the conditions associated with the risk of genocide.

3.4.2 Genocide Convention Definition Components

Furthermore, in order to complete the analysis, now that it has been stated that there are several indicators that prove the risk for genocide, it is time to analyze the Christian and Yazidi situation in relation to five elements from the definition of the Genocide Convention from 1948. According to the Genocide Convention, there are five main acts, which indicate a situation of genocide:

- a) **Killing members of the group:** Since IS started its campaign to eradicate minority groups in 2014, it focused strongly on Christians and Yazidis¹⁶⁹. The reports referred to above have provided information indicating that members of IS have intentionally killed thousands of male members of the Yazidi people. IS has killed some of them when they refused to convert to Islam. In Syria, IS fighters have intentionally killed

¹⁶⁹ Borda, A., Z., Darkhil, V., & Murray, A., R., J. (2017) Calling ISIL Atrocities Against the Yezidis by Their Rightful Name': Do They Constitute the Crime of Genocide? Human Rights Law Review pp. 1-23

some of the children and women purchased by them. Many Yazidi women have been driven to suicide in an attempt to save themselves from the hands of IS¹⁷⁰. IS has also killed people because they did something prohibited under the Islamist interpretation of Sharia Law. For instance, they have killed persons because of homosexuality or adultery.¹⁷¹ A UN Human Rights Council Report from March 2015¹⁷², documents that IS has perpetrated acts of individual murder as well as mass executions against Christians and Yazidis. Even though IS offered some of them the option to convert to Islam, there is evidence that, in some cases, they even killed some Yazidi males who underwent conversion at gunpoint¹⁷³. By 2014, according to the UN, IS had been responsible for the killing of some 5,000 Yazidis.

- b) **Causing Bodily or Mental harm to members of the group:** IS has committed crimes which cause bodily and mental harm, namely: “severe deprivation of physical liberty, torture, rape, sexual slavery, sexual violence and persecution”¹⁷⁴. The UNHRC (2015)¹⁷⁵ report quoted documents that IS has also perpetrated acts of mutilation and engaged in cruel treatment by using children for military operations or as human shields. Members of IS purchased and sold women and girls, put prices on them and brought them to the slave market. If they refused to be sold, they were beaten, underwent gang rapes and, in some cases, were put to death. Yazidi girls as young as 9 have been raped. They were sold into sexual slavery for the equivalent of 300 to 500

¹⁷⁰ OHCHR “They Came to Destroy Us” 2016 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

¹⁷¹ The Human Rights Watch Iraq 2015 Report is available at: <https://www.hrw.org/world-report/2016/country-chapters/iraq>

¹⁷² The Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups is available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15755&LangID=E>

¹⁷³ Ibid.

¹⁷⁴ The Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups is available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15755&LangID=E>

¹⁷⁵ Ibid.

dollars¹⁷⁶ Women and girls were also forced to work for members of IS. They were treated without dignity. IS justified this by claiming they were “dirty infidels”¹⁷⁷. IS also has caused mental harm to women and children they captured. Family members were separated and frequently forced to witness the brutal murder of their relatives. Parents suffer mental harm when they witness their girls being taken into slavery and their sons brainwashed to accept the IS ideology. Children as young as seven, were taken away from their parents, indoctrinated, and sent for military training. They were also trained for suicide bombings and were forced to watch violent IS propaganda. According to a Human Rights Council Report from 2015¹⁷⁸; many survivors are left with mental damage, suffering depression, being traumatized after witnessing violence and after losing family members.

- c) **Deliberately inflicting on the group condition of life calculated to bring about its physical destruction in whole or in part:** IS has withheld the supply of food, water and medical care to Mount Sinjar, the place of refuge of many Yazidis. IS has attacked airplanes that were trying to supply the displaced persons with vital resources. During the attack on Mount Sinjar on 3 August 2014, Yazidis had to leave their homes without having time to take with them water or food while the temperature was up to 50 degrees Celsius¹⁷⁹. Many children and women died as a consequence of such severe conditions such as not being able to escape because IS had surrounded the mountain where they tried to hide.

¹⁷⁶ Neer, T. & O’Toole, M., E. (2014) The Violence of the Islamic State of Syria A Behavioral Perspective Violence and Gender Vol. 1 No. 4 pp. 145- 156

¹⁷⁷ OHCHR “They Came to Destroy Us” 2016 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

¹⁷⁸ The Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups is available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15755&LangID=E>

¹⁷⁹ Burnham, G., Cetorelli, V., & Sassonn, et al. (2017) Mortality and kidnapping estimates for the Yazidi population in the area of Mount Sinjar, Iraq, in August 2014: A retrospective household survey PLOS Medicine, Retrieved May 6, 2017, <http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002297>

- d) **Imposing Measures to prevent birth:** IS forced women to take birth control pills, separated women from men, forbid some types of marriages and inflicted mental harm that affected women's willingness to become a mother¹⁸⁰. According to a Human Rights Council report, witnesses saw a doctor performing abortions on a women, while a member of IS was claiming that IS did not wanted any more Yazidis to be born ¹⁸¹.
- e) **Transferring children:** Girls and boys were separated from each other by IS. Girls as young as nine years old were sold as sex slaves, while boys seven years or older were sent to training camps to become IS fighters and suicide bombers. IS tries to eliminate Yazidism by forcing these boys to stop practicing their faith. Girls are not allowed to practice their religion while boys are indoctrinated with IS' ideology¹⁸².

3.5 The Case for Using the Label Genocide for Describing what Happened to Christians and Yazidis between mid-2014 and Early 2017.

Genocide consists of two main elements, the material element and the mental element¹⁸³. The material element consists of the physical elimination of the targeted population. IS has perpetrated mass killings on both Christians and Yazidis. IS has also tortured and kidnapped Christians and Yazidis causing them serious bodily or mental harm. By not allowing them to access food and, when they were trapped on mount Sinjar, IS deliberately inflicted on Yazidis conditions of life calculated to bring about their physical destruction in whole or in part. IS has also imposed measures to prevent births, and has also transferred children from one group to another.

¹⁸⁰ OHCHR "They Came to Destroy Us" 2016 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

¹⁸¹ The Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups is available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15755&LangID=E>

¹⁸² OHCHR "They Came to Destroy Us" 2016 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

¹⁸³ Borda, A., Z., Darkhil, V., & Murray, A., R., J. (2017) Calling ISIL Atrocities Against the Yezidis by Their Rightful Name': Do They Constitute the Crime of Genocide? Human Rights Law Review pp. 1-23,

Genocide is not something that occurs from one day to the other without any early warnings¹⁸⁴. In most cases, it starts with several actions that point to the possibility that the risk for genocide is growing¹⁸⁵. Several twentieth century genocides have shown that it takes a process to achieve the final outcome of a genocide¹⁸⁶. In the case of Christians and Yazidis, IS created conditions to that effect by words and deeds pointing towards mass violence against these two religious minorities.

Furthermore, there are some parallels between some of the activities of the Islamic State and the perpetrators of genocides. First of all, high levels of discrimination towards these two religious minorities could already be witnessed before the rise of IS. However, with IS taking control these greatly increased. During World War II, at the time prior to the Jewish Holocaust, the Nazis forced the Jews to use the yellow star of David as a sign of identification; this star had also the word “Jew” in its midst¹⁸⁷. In the same way, IS has been marking Christians homes in Iraq with the “N” (for Nazareth). IS has committed many human right violations listed throughout this thesis. Another parallel to the Holocaust is IS deprived Christians and Yazidis freedom of movement. Yazidi women living under the rule of IS, were - and are - forced to be IS slaves. Many of them also were stopped from engaging in business as in the case of Jews in Germany. Another similarity is the motivation behind the mass murder. Hitler encouraged Germans to attack and occupy other territories as ‘Lebensraum for its “Aryan race”¹⁸⁸. The Islamic State with its motto ‘ maintain and expand’ also seeks to take over the homeland of Christians and Yazidis and enslave or annihilate them. All of the violations mentioned amount to genocide, as in the words of the 1948 Genocide

¹⁸⁴ The Outreach Programme on the Rwanda Genocide and the United Nations is available at: <http://www.un.org/en/preventgenocide/rwanda/about/bgpreventgenocide.shtml>

¹⁸⁵ Staub, E. (1999) The origins and prevention of genocide, mass killings and other collective violence *Journal of Peace Physiology* Vol. 5 No.4 pp. 303-371

¹⁸⁶ Triffterer, O. (2001) Genocide, Its Particular Intent to Destroy in Whole or in Part the Group as Such *Leiden Journal of International Law* Vol. 14 No. 2 pp. 399-408

¹⁸⁷ “The Yellow Star” is available at: <http://www.bl.uk/learning/histcitizen/voices/info/yellowstar/theyellowstar.html>

¹⁸⁸ Triffterer, O. (2001) Genocide, Its Particular Intent to Destroy in Whole or in Part the Group as Such *Leiden Journal of International Law* Vol. 14 No. 2 p. 400

Convention. However, in order for such actions to be fully compatible with the terms of the genocide definition, there needs to be present also a “special intention or *dolus specialis*”¹⁸⁹.

3.5.1 The Issue of “Intent”

IS has stated publicly that its aim is to destroy religious minorities, specifically Christians and Yazidis. IS has also stated openly its intention to kill them for being ‘infidels’ and ‘devil worshippers’. In addition, IS has invited others to join its ranks and do likewise. This intent is justified by IS’ idiosyncratic interpretation of Islamic scriptures.

This above analysis has been made to investigate the situation of Christians and Yazidis in Iraq and Syria in the period 2014-2017 in the light of known risk factors linked to a potential genocide and in relation to the official definition of genocide from the UN Convention of 9 December 1948. The purpose of this exercise has been to gather empirical evidence that supports the argument that the conditions for the use of the term ‘genocide’ are indeed present. It has found empirical evidence that there is proof that there was intent behind the violent actions of the Islamic State targeting Christians and Yazidis. At this point, we can conclude that it has become clear that IS has perpetrated acts meeting every category of the definition of genocide of the 1948 convention. The conclusion that a genocide has been taking place is unavoidable. It is therefore important that states in the Security Council of the United Nations take action and label the situation for what it: genocide. The issue should therefore be addressed as a matter of urgency in the Security Council so that a resolution can be adopted creating the legal basis for taking the necessary steps to halt this genocide and to invite the International Criminal Court to prepare trials for the perpetrators while also living up to the responsibility to protect (R2P).

¹⁸⁹ ICC “The Prosecutor versus Jean- Paul Akayesu” is available at: <http://unictr.unmict.org/sites/unictr.org/files/case-documents/ictr-96-4/trial-judgements/en/980902.pdf>

4 Designation of the Situation of Christians and Yazidis under IS Rule as Genocide by Selected Political Actors and Parliaments

There have been several political leaders who have raised their voices to make the international community aware of the situation experienced by both Christians and Yazidis. These leaders have denounced the mass violence and called it genocide. However, even though they denounced it, so far the only consequence was to raise awareness, since there have been few or no visible positive results emerging after these declarations were made. Some might question, the reason behind the international community's hesitance of labeling the mass murders in Syria and Iraq 'genocide'. Labeling, using a concept, naming something one way or the other can have moral and legal consequences¹⁹⁰. Even in the case of a terrorist group, the consequences of using a certain term need to be taken into account before going public with it. For instance, the Obama administration used the term ISIL to refer to the Islamic State of Iraq and the Levant. The purpose of this was not to highlight the name of Syria in the terrorist name designation. By not naming Syria, the U.S. administration at that time drew a line implying that no action was required specifically in that country¹⁹¹. Designating certain names can have implications for understanding or misunderstanding a situation and can imply the necessity for military intervention - in Syria in this case.

4.1 Former U.S. Secretary of State John Kerry

It took a long time for someone in the upper echelons of the U.S. government to use the label genocide to describe the atrocities perpetrated by the Islamic State against Christians and Yazidis in Iraq and Syria. One of the reasons for the hesitancy of using the term 'genocide' for describing the crimes perpetrated against Christians and Yazidis in the Middle East is that it has legal and political implications for those states, which signed and ratified the Genocide Convention of 1948¹⁹². It took a great deal of pressure from international

¹⁹⁰ Siniver, A. & Lucas, S. (2016) The Islamic State lexical battleground: US foreign policy and the abstraction of threat *International Affairs* Vol. 92 No.1 pp. 63- 79

¹⁹¹ Ibid.

¹⁹² Trudo, H. (2015) Clinton breaks with Obama over "genocide of Middle East Christians" *Politico Magazine* Retrieved July 4, 2016, <http://www.politico.com/story/2015/12/hillaryclinton-christian-genocide-217215>

groups, Christian organizations and members of the American Congress for the U.S. State Department to call the Islamic State's persecution of Christians a genocide. First of all, U.S. officials require clear proof to be sure that a genocide was unfolding. IS communiqués threatening Christians and expressing their anger against them were not deemed enough. Neither was the dramatic decline in numbers of Christians in Iraq since the U.S. intervention a clear indication. It was only on March 17, 2016, that the U.S. Secretary of State, John Kerry, addressed the United States and the world and designated the Islamic State's atrocities against Christians and other minorities in the Middle East as genocide.

"[I]n my judgment, IS is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims. IS is genocidal by self-proclamation, by ideology, and by actions – in what it says, what it believes, and what it does. IS is also responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities"....

"IS kills Christians because they are Christians; Yezidis because they are Yezidis"....¹⁹³.

Even though the speech might have been considered as reflecting a personal interpretation, this statement was presented days after the United States House of Representatives adopted Resolution 75¹⁹⁴. This resolution presents the atrocities committed by IS to Christians and Yazidis and other religious minorities and states that they constitute war crimes, crimes against humanity and genocide. Furthermore, this resolution called for other governments to name IS atrocities with the correct name; reminds member state of the UN, and international organizations and the Office of the Secretary-General to work together and take action against these crimes.

The aftermath of the speech and of the resolution 75 was that it raised awareness of the issue and might also have been influencing other politicians. But, apart from minor initiatives like creating programs to help Yazidi women who have gone through sexual exploitation and

¹⁹³ The complete statement of John Kerry is available at: <https://2009-2017.state.gov/secretary/remarks/2016/03/254782.htm>

¹⁹⁴ The Resolution 75 is available at: <https://www.congress.gov/bill/114th-congress/house-concurrent-resolution/75/text>

gender violence¹⁹⁵, few concrete steps were taken. However, the U.S. did host in July 2016 a “Conference on Threats to Religious and Ethnic Minorities”¹⁹⁶. This conference main purpose was to discuss the issue on how to protect religious minorities and cultural heritage.

4.2 German Chancellor Angela Merkel

Angela Merkel has made two important statements regarding Christians and Yazidis. She was one of the first political leaders who labeled the situation for minority groups in Iraq as genocide in 2014. It was during an interview on an online video on the Christian Democrat’s online program when she stated the following: “*awful*” *treatment of minority groups and non-Sunni Muslims by “IS... ”one can speak of a genocide”*¹⁹⁷. However, that was the only time she used the term genocide. Even though, she has continued to address the situation of the plight of religious minorities, she has not mentioned the word genocide. For instance, in another announcement on 6 February 2015, she expressed her government’s support in the fight against IS. In her speech she referred to the atrocities against Christians and Yazidis with the following speech:

*“The Islamist terrorist militia IS is exerting enormous military pressure. People in the region, especially in northern Iraq and Syria, have been suffering horrendous violence at the hands of IS since early summer. Many have been killed; hundreds of thousands have been forced to flee their homes. Members of religious minorities, including Yazidis and Christians, are particularly at risk”*¹⁹⁸

Chancellor Merkel in this second statement, addressed the Christian and Yazidi situation. She raised awareness of the hard situation in which both religious are suffering due to IS.

¹⁹⁵ The USCIRF Iraq 2017 is available at: <http://www.uscirf.gov/sites/default/files/Iraq.2017.pdf>

¹⁹⁶ The Complete Report “Threats to Religious and Ethnic Minorities under the Islamic State” is available at: <https://s3.amazonaws.com/berkley-center/160728RFPThreatsReligiousEthnicMinoritiesIslamicState.pdf>

¹⁹⁷ The news of Angela Merkel is available at: <http://www.dw.com/en/merkel-speaks-of-genocide-by-is-as-germany-readies-arms/a-17885408> and is also available at: <https://www.thelocal.de/20140827/merkel-accuses-isis-in-iraq-of-genocide>

¹⁹⁸ Angela Merkel speech on 6 February 2015 is available at: https://www.bundesregierung.de/Content/EN/Artikel/2015/02_en/2015-02-06-irak-is_en.html

However, this time she decided not to use the term genocide, like she did before.

4.3 European Parliament

On February 4, 2016, the European Parliament passed the “European Parliament resolution on the systematic mass murder of religious minorities by the so -called ‘ISIS/Daesh’”. The resolution stated that the crimes perpetrated by IS amounted to genocide against Christians, Yazidis and other religious minorities. It referred to the need to take action based on the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, and called upon Iraq and Syria to accept the jurisdiction of the International Criminal Court. The resolution also appealed to the UN Security Council to support an International Criminal Court investigation of the atrocities committed in Iraq and Syria, including those committed by IS against Christians, Yazidis and other religious minorities.

This was the first time that the Parliament demanded for European Union member states to act upon their responsibilities under the UN Genocide Convention, while the conflict is still on-going¹⁹⁹.

4.4 UK House of Commons

In April 2016, the British House of Commons unanimously declared the crimes against ethnic and religious minorities in Iraq and Syria by IS as amounting to genocide²⁰⁰. This came as a surprise for some, due to the fact that before this declaration, there were several attempts from the Foreign Office to prevent this from happening. The Foreign Office considered that it was not the government’s duty to take that call and “act as a jury”²⁰¹. Tobias Ellwood stated that he considered the crimes were genocide. However, he believed and advised that the best way to deal with it as a government was to support the collection of

¹⁹⁹ Global Justice Center (2016) European Parliament Recognizes ISIS Atrocities as Genocide and Urges States to Act, retrieved May 30, 2017, <http://globaljusticecenter.net/press-center/press-releases/240-european-parliament-recognizes-isis-atrocities-as-genocide-and-urges-states-to-act>

²⁰⁰ House of Commons Library “Declaring Daesh massacres genocide” is available at: [file:///vuw/Personal\\$/Homes/17/s1752162/Downloads/CBP-7561.pdf](file:///vuw/Personal$/Homes/17/s1752162/Downloads/CBP-7561.pdf)

²⁰¹ Wintour, P. (2016) MPs unanimously declare Yazidis and Christians victims of Isis genocide *The Guardian*, retrieved June 7, 2017, <https://www.theguardian.com/politics/2016/apr/20/mps-unanimously-declare-yazidis-victims-of-isis-genocide>

evidence. Others encourage the motion of labeling genocide to the situation for Christians and Yazidis. For instance MP Fiona Bruce who proposed the motion²⁰² expressed her concerns and stated evidence that she personally have heard from one Yazidi teenager²⁰³.

Moreover, this was a call to the government with the purpose to refer it to the Security Council, so that then the Security Council could refer it to the International Criminal Court.

5 What is the UN's Role in the Prevention of Genocide of Christians and Yazidis in Iraq and Syria?

The UN is the most appropriate forum for the international community to come together in attempts to prevent acts of genocide²⁰⁴. However, the UN has not been able to prevent recent genocides such those in Rwanda and Darfur. Currently, the circumstances for Christians and Yazidis in Iraq and Syria are similar to the causal factors associated with past genocides and match the elements in the definition of genocide. Moreover, the labeling of the mass murders against Christians and Yazidis in Syria and Iraq by John Kerry, Angela Merkel and others enhanced the possibility of a joint response under the UN flag. If the situation is in fact a genocide, it would be correct to say that the UN is currently allowing another genocide to take place in Iraq and Syria.

As mentioned above, genocide does not occur from one day to the other, it is a process. If the root causes are faced on time it might be possible to prevent a genocide from happening. There are several measures that can be taken to prevent genocide. Some can be found in the responsibility to prevent, one of the elements of the responsibility to protect. Kofi Annan was UN Secretary General from January 1997 to December 2006. He came up with an action

²⁰² Whiting, A. (2016) UK parliament condemns Islamic State violence as genocide *Reuters* Retrieved June 7, 2017, <http://www.reuters.com/article/us-britain-parliament-genocide-islamic-s-idUSKCN0XH2EM>

²⁰³ Whiting, A. (2016) UK parliament condemns Islamic State violence as genocide *Reuters*, retrieved May 30, 2017, <http://www.reuters.com/article/us-britain-parliament-genocide-islamic-s-idUSKCN0XH2EM>

²⁰⁴ Lebor, A. (2006) *"Complicity with Evil": The United Nations in the Age of Modern Genocide* New Haven: Yale University Press

plan which contained five measures to prevent genocide on April 7, 2004²⁰⁵. The five measures are: 1) prevent armed conflict, 2) protect civilians in armed conflict, 3) end impunity 4) gather information with an early warning system, and 5) take decisive action. The following paragraphs briefly presents how the situation for Christians and Yazidis has been handled throughout the UN main organs since 2014 to the beginning of 2017.

5.1 UN Secretary -General

The UN Secretary-General is the person who speaks for the interests of the world's inhabitants, especially those who are suffering or facing vulnerable circumstances ²⁰⁶. As of the 1st of January 2017, António Guterres holds this position. He was preceded by Ban Ki-moon who was UNSC from 1st of January 2007 onwards. The UN Secretary-General has the duty to bring to the UN Security Council attention those situations which are of mayor concern and which might endanger the international peace and security ²⁰⁷.

Former Secretary-General Ban Ki-moon issued several statements addressing the critical situation of Christians and Yazidis. On 9 December 2013, Ban Ki-moon stated his concerns regarding the situation in Syria, condemning attacks against civilians based on their religion or ethnicity. The statement also included his concerns about the fate of twelve nuns who had gone missing in Syria from a Convent²⁰⁸. This has been one of the few times that Ban-Ki moon raised his concerns by stating the number of victims and mentioned the specific situation, in this case the plight of a number of Christians.

Ban Ki-moon made several statements to raise awareness about a potential genocide. For instance, on April 7, 2014, while participating in the commemoration of the Rwandan genocide of 1994, he used the phrase *"We must not be left to utter the words "never again", again*

²⁰⁵ <http://www.un.org/apps/news/story.asp?NewsID=10337&Cr=&Cr1=#.WThrRPqLQ6U>

²⁰⁶ The role of the Secretary-General is available at: <https://www.un.org/sg/en/content/role-secretary-general>

²⁰⁷ Ibid.

²⁰⁸ The Statement attributable to the Spokesperson for the Secretary-General on the situation of Nuns from Saint Tecla Orthodox Convent in Ma'aloula, Syria is available at: <https://www.un.org/sg/en/content/sg/statement/2013-12-09/statement-attributable-spokesperson-secretary-general-situation-nuns>

and again”²⁰⁹. This has become a well-known phrase that makes reference to the promises that international leaders have made in the past in order to prevent or halt future genocides from happening. However, at the time of this declaration, the critical situation of Christian and Yazidis in Syria and Iraq was already known. More than one month before this statement, the SC had adopted resolution 2139 which raised, inter alia, concerns about religious minorities in Syria. One report by the Secretary-General which made particular reference to attacks perpetrated against Christians and Yazidis by IS had already been released by the time when Ban Ki-moon used the formula “never again”.. He recalled the responsibility that states have to protect vulnerable civilians and reminded the world that atrocities were not exclusively a domestic concern anymore. Nevertheless, he did not specifically mention the situation of religious minorities.

On 28 March 2015, Ban Ki-moon met with the Pope Francis²¹⁰. During the meeting they did not discuss the situation of the plight of Christians. This would have been an opportunity to call for international support against the persecution of Christians. However, other issues were discussed but not this one, according to the public record.

Furthermore, one preventive measure for addressing genocidal situations are appeals to the Security Council ²¹¹. On 7 September 2015, Secretary-General Ban Ki-moon called upon China and Russia and urged them to stop using their veto to a draft UNSC resolution that could help achieve peace in Syria. He claimed that the UNSC was failing due to internal conflicts between key member states. In an interview of Ban Ki-moon with *The Guardian*, he called upon member states to “look beyond their national interests” and to stop using their veto power in UNSC resolutions to block action on Syria. He said that as long as UN

²⁰⁹ Remarks at the commemoration of the 20th anniversary of the Rwandan genocide on 7 April 2014 is available at: <https://www.un.org/sg/en/content/sg/statement/2014-04-07/remarks-commemoration-20th-anniversary-rwandan-genocide-english-and>

²¹⁰ Ban Ki-Moon speaks to Vatican Radio after Pope Francis meeting is available at: Ban Ki-Moon speaks to Vatican Radio after Pope Francis meeting is available at: http://en.radiovaticana.va/news/2016/10/05/ban_ki-moon_vatican_radio_after_pope_francis_meeti/1263159

²¹¹ Preventing Genocide by the Outreach Programme on the Rwanda Genocide and the United Nations is available at: <http://www.un.org/en/preventgenocide/rwanda/pdf/bgpreventgenocide.pdf>

member states keep contradicting each other and were not working together, the UN could not provide an effective response to the conflict and bring aid to those in need. In this interview, he stated that the UN's reputation was affected and there was a lack of credibility due to the lack of action by the international community to stop the conflict in Syria ²¹².

On another occasion when Ban Ki-moon addressed the issue, he was referring to Yazidis only was visiting Iraq. On 26 March 2016, he highlighted the suffering that minority communities had been facing due to murders, abductions, rape, and sexual violence. He mentioned that some 3,500 Yazidi women were still kept as slaves and had to suffer to human right violations every day ²¹³. He also admonished the Iraqi government of the importance of restoring the rule of law. This time, he mentioned the first pillar of the R2P doctrine which stipulates that States have the responsibility to protect its civilians from genocide. He did, however, not use the word 'genocide', but he did mention some of the indicators for the risk of genocide - those from the first category of the OSAPG framework mentioned in a previous section (murders, abduction, rape and sexual violence) of this thesis.

On another occasion, Ban Ki-moon did mention the risk of a possible genocide. On August 3, 2016, two years after the IS attack in Sinjar, a statement from the General-Secretary's spokesperson claimed that the crimes perpetrated by IS in Iraq might constitute as genocide ²¹⁴. The statement also requested those states involved in military operations in the region to target IS as their first objective²¹⁵. This statement referred implicitly to the responsibility to protect, since one of its main elements is the responsibility to react and as a last source the obligation to engage in military intervention - even though there had not been a SC

²¹² The interview is available at: <https://www.theguardian.com/world/2015/sep/07/un-security-council-is-failing-syria-ban-ki-moon>

²¹³ Secretary-General's press conference following his meeting with Iraq's Prime Minister Haider al-Abadi is available at: <https://www.un.org/sg/en/content/sg/press-encounter/2016-03-26/secretary-general%E2%80%99s-press-conference-following-his-meeting>

²¹⁴ The complete Statement Attributable to the Spokesman for the Secretary-General on the second anniversary of Sinjar's tragedy is available at: <https://www.un.org/sg/en/content/sg/statement/2016-08-03/statement-attributable-spokesman-secretary-general-second>

²¹⁵ Ibid.

resolution which requested military intervention. Ban Ki-moon was implying that the military intervention by UN member states should target IS, the main perpetrator of atrocities against Christians and Yazidis.

On 21 September 2016, Secretary-General Ban Ki-moon called upon the sixteen members of the SC and blamed them for its lack of action regarding the Syrian situation. He stated the following: *“The collective failure of the international community should haunt every member of this Council”* ²¹⁶. He stated that humanitarian law violations had been carried out by terrorists in Syria - but also blamed the Syrian government. He did mention some of the measures taken by the UN to protect civilians, first and foremost, the humanitarian aid in Syria. Secondly, by acting upon the responsibility that the UN has to promote dialogue, he made a reference to the Geneva talks to bring peace to Syria ²¹⁷.

Ban Ki-moon’s role consisted mainly of raising awareness regarding the situation in Iraq and Syria. During his tenure of the office of the Secretary-General, several reports were issued. Some clearly addressed the intentions and objectives behind the attacks on Christians and Yazidis. The most relevant reports for the research question of this thesis are the following:

A report presented on 14 March 2014²¹⁸ provided evidence of attacks on Iraqi religious and ethnic groups. The report addresses the issue of Christians and Yazidis. It presented evidence and claimed that IS, together with other terrorist groups, were attacking the religious minorities with special intention to violate their human rights. It confirmed that Christians and Yazidis had been specific targets of IS’s attacks. This supports the existence of “intent” to destroy Christians and Yazidis.

²¹⁶ The Secretary-General's remarks to the Security Council on the situation in Syria on 21 September 2016 is available at: <https://www.un.org/sg/en/content/sg/statement/2016-09-21/secretary-generals-remarks-security-council-situation-syria>

²¹⁷ The Secretary-General's remarks to the Security Council on the situation in Syria on 21 September 2016 is available at: <https://www.un.org/sg/en/content/sg/statement/2016-09-21/secretary-generals-remarks-security-council-situation-syria>

²¹⁸ The second report of the Secretary- General submitted pursuant to paragraph 6 of resolution 2110 (2013) is available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/190

The following report also added materials meriting the genocide designation that this thesis aims to corroborate. The report submitted on 31 October 2014,²¹⁹ contained the term genocide. This report provided information about IS attacks against civilians that constituted war crimes and crimes against humanity. It also focused on specific attacks which took place between the 2nd and the 7th of August 2012, as a result of which more than 200,000 civilians were displaced, including Christians and Yazidis. This report observed that those who fled did so because they were fearing a genocide: “*Yazidi, Christian and Shabak minorities, who fled for fear of genocide..*”²²⁰. This report also documented that IS fighters had attacked civilians, targeted civilian infrastructures, had abducted women and girls and engaged in rape and other forms of sexual and physical violence against children and women. Furthermore, the report noted that members of IS recruited children, engaged in wanton destructions and in the looting of property, while also denying to those abducted basic necessities of life. This report noted that religious communities in particular were affected by these attacks, among them Christians and Yazidis. Again, this report mentioned that IS was intentionally hurting religious minority groups. The report concluded that IS was engaged in the systematic persecution of religious minorities and engaged in practices of ethnic/religious cleansing. Due to the severity of the attacks, the UN described the situation as a “level 3 emergency”²²¹. Some of the atrocities presented add further evidence that a genocide was indeed under way. There were references to physical violence, abductions, and rape.

Another UN report, issued on 13 July 2015,²²² referred to 2,500 children and women who had been taken prisoners by IS. This also is evidence that IS also violated the last element in the Genocide definition, the one referring to “transferring children”.

²¹⁹ The first report of the Secretary-General submitted pursuant to paragraph 6 of resolution 2169(2014) is available at: <http://www.uniraq.com/images/SGReports/S2014774%20ENGLISH.pdf>

²²⁰ The complete paragraph is in the First report of the Secretary-General submitted pursuant to paragraph 6 of resolution 2169 (2014) * report pp. 4, is available at: <http://www.uniraq.com/images/SGReports/S2014774%20ENGLISH.pdf>

²²¹ Ibid. pp.13 The highest level of emergency level is level 3.

²²² Ibid.

Yet another report, issued on 26 October 2015²²³, reminded UN member states who had signed the Paris Action Plan²²⁴ to take measures to prevent further atrocities from happening in Iraq. It also reminded them that they had responsibilities to protect religious communities that were under attack by IS in Iraq and Syria.

One of the main responsibilities of the Secretary-General is to bring to the attention of the Security Council matters affecting international peace and security²²⁵. The Special Representative of the United Nations Secretary-General for Iraq addressed the Security Council on 6 May 2016. He clearly presented the situation that IS had caused in Iraq by stating the following: *“I also condemn in the strongest possible terms the continued killings, kidnapping, rape and torture of Iraqis by ISIL, which may constitute crimes against humanity, war crimes and even genocide. I call on the international community to take steps to ensure the accountability of members of ISIL for the atrocious crimes they have perpetrated”*²²⁶. Two months later, after this report had been issued, the UNSC adopted resolution 2299 emphasizing the important responsibility that all state parties have to protect civilians, children, women and specifically also members of religious and minority groups. Following this resolution, the Secretary-General was requested to issue a report every three months regarding the activities linked to the mandate of the UNAMI. UNAMI’s presence near the conflict zone enabled it to provide evidence of atrocities committed by conflict parties.

Secretary-General António Guterres has only been a few months in his office during the time this thesis was written. The following paragraphs present his activities in relation to the issue of prevention of a genocide of Christians and Yazidis. While he has made statements on Syria and Iraq on several occasions, so far he has not provided any statement which refers to the situation as a (potential) genocide under consideration here. However, he has discussed

²²³ *Ibid.*

²²⁴ The Paris Action Plan is available at: <http://www.diplomatie.gouv.fr/en/country-files/north-africa-and-middle-east/events/article/the-paris-action-plan-09-08-2015>

²²⁵ The role of the Secretary-General is available at: <https://www.un.org/sg/en/content/role-secretary-general>

²²⁶ Briefing by SRSG for Iraq Jan Kubiš to the Security Council is available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/160506SRSGUNSCBriefing-ASPREPARED.doc.pdf>

some related issues relevant for the topic of this thesis. For instance, he has raised the issue of punishment of perpetrators. On 30 May 2017, he condemned the attacks by terrorist groups in Iraq and stated that he supports the Iraqi government in its fight against terrorism, also expressing his hopes that the perpetrators (terrorists) would be punished²²⁷. In another statement, issued on 25 May 2017, he addressed health issues in Syria. He claimed that more than the half of the hospitals and medical infrastructures were only partially working²²⁸. During his visit to Iraq in March 2017, he spoke with a Yazidi delegation. They raised their concerns to him. He said that he would discuss matters with the Prime Minister of Iraq and the President of the Kurdish Regional Government, especially regarding the Yazidi situation. He said, that he had ordered the UNAMI mission to guarantee that the ones who had lived under IS but managed to flee were given UN support, especially women and girls. He concluded by saying that the perpetrators of attacks to Yazidis should be held accountable for their deeds²²⁹. On 30 March 2017, during his remarks with Iraqi Prime Minister Haider al Abadi, he expressed his concerns for Christians and other Iraqis who have suffered at the hands of IS. It said that those responsible should be held accountable in the proper mechanism²³⁰. In other reports from the Secretary-General, issued since January 2017, there have been no specific mentioning's of Christians, Yazidis or other religious minorities. Most of the current reports address the devastating situation in Syria, and the civilian sufferings.

²²⁷ The statement by the Secretary-General spokesman is available at: <https://www.un.org/press/en/2017/sgsm18541.doc.htm>

²²⁸ Secretary-General Says 'No One Is Winning Today's Wars, Everybody Is Losing', as Security Council Debates Protection of Civilians in Armed Conflict is available at: <https://www.un.org/press/en/2017/sgsm18537.doc.htm>

²²⁹ Secretary-General's remarks at press encounter with Iraqi Prime Minister Haider al-Abadi on 30 March 2017 is available at: <https://www.un.org/sg/en/content/sg/press-encounter/2017-03-30/secretary-general%E2%80%99s-remarks-press-encounter-iraqi-prime>

²³⁰ António Guterres "Remarks at press encounter with Iraqi Prime Minister Haider al-Abadi" is available at: <https://www.un.org/sg/en/content/sg/speeches/2017-03-30/secretary-general%E2%80%99s-remarks-iraqi-prime-minister-haider-al-abadi>

5.2 The Security Council

The Security Council has the obligation to maintain international peace and security. It has the power to authorize as last measure military interventions. There are five permanent UNSC members: China, France, the United Kingdom, the United States and the Russian Federation. Those five members have the power to veto any resolution. If they do so, the resolution cannot pass²³¹. In the case of resolutions specifically supporting Christians and Yazidis in Syria and Iraq more forcefully, China and Russia have used their veto power to prevent such resolutions from being passed²³².

Russia and China have used their veto powers for preventing UN Security Council resolutions regarding Syria and Iraq to pass eight times up to the 12th April 2017. The UNSC was not allowed to pass the first resolution regarding Syria six months after the conflict had begun²³³. Russia was one of the veto countries, together with China, which vetoed a resolution, the title of which made reference to the situation in Syria. This was repeated on the 4th of February 2012. This time, the draft expressed concern about the killings of civilians; Russia and China vetoed the resolution. On the 19th of July 2012, China and Russia used their veto power again against a draft resolution which was condemning the Syrian authorities. One of the most important resolutions related to the issue at hand was a resolution, which China and Russia vetoed on the 22nd of May 2014. This resolution was meant to make accountable the perpetrators of crimes against humanity. On the 8th October and, the 5th of December 2016, China and Russia used their power of veto against two resolutions in relation to civilians and in Syria. On the 28 of February 2017, another draft resolution was vetoed, this one referring to sanctions against parties behind the use of chemical weapons. The most recent resolution was one proposed on April 12, 2017, which

²³¹ Lebor, A. (2006) *“Complicity with Evil”: The United Nations in the Age of Modern Genocide* New Haven: Yale University Press

²³² United Nations Security Council “Voting System and Records” is available at: <http://www.un.org/en/sc/meetings/voting.shtml>

²³³ McKirdy, E. (2017) 8 times Russia blocked a UN Security Council resolution on Syria CNN Retrieved April 13 2017, <http://edition.cnn.com/2017/04/13/middleeast/russia-unsc-syria-resolutions/index.html>

was only vetoed by Russia. It made reference to the perpetrators of chemical attacks in the Idlib province, aiming to open an international investigation²³⁴.

Having Russia and China using their power of veto was not allowing the UN to engage in decisive action for preventing a genocide in Iraq and Syria. Moreover, these vetoes from China and Russia are allowing crimes against Christians and Yazidis to continue (Adams, 2015).

As stated earlier, this thesis is focusing on the years 2014 to 2017. Therefore, the resolutions used here will be from February 22, 2014, until the 13 of February 2017. Due to the limited scope of this thesis, the information that was analyzed and presented in the following paragraphs refers only to religious minorities in Iraq and Syria, the crimes of members of the IS or those committed by ANF towards civilians in both countries, and the recommendations that these resolutions stated. The following resolutions are the ones relevant for this thesis:

On February 22, 2014, the Security Council adopted resolution 2139²³⁵. The resolution also called for protection of civilian objects. This resolution further stressed the importance to protect civilians, specifically mentioning members of religious and ethnic communities. Under this point, it is also stated that the party chiefly responsible for providing protection to civilians is the state. Moreover, it demanded that all parties be to allow access towards humanitarian aid. One of the outcomes of this resolution was that one month later, on 20 March 2014, the UN was able to send humanitarian aid to civilians in the northern part of Syria. It was the first time that Turkey made possible for a UN convoy of 79 trucks to pass

²³⁴ *Ibid.*

²³⁵ Security Council resolution 2139 is available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2139\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2139(2014))

through there to reach the civilians in need²³⁶. This was one of the humanitarian activities that the UN was able to provide – thereby contributing in the prevention of genocide²³⁷.

On the 14th of July 2014, the Security Council adopted resolution 2165²³⁸. In one of this resolution’s paragraphs, the SC expressed alarm in relation to the attacks perpetrated by extremist groups against civilians due to their “*ethnicity, religion, and/or confessional affiliations*”²³⁹. This resolution had as a result the provision of UN humanitarian assistance to reach three million civilians in hard to reach areas²⁴⁰. This is one example of a preventive measure for genocide.

On the 30th of July 2014 the Security Council adopted the resolution 2169²⁴¹ regarding Iraq. This resolution states the importance that all parties observe their obligation to protect civilians, children, women and also members of religious and ethnic minority groups. One of the most important outcomes of this resolution in relation to preventive measures for genocide was that the UNAMI (UN Assistance Mission for Iraq) and the Special Representative of the Secretary- General would continue their duties in Iraq for one more year. This can be considered as a preventive UN measure to monitor the situation and gather evidence feeding into early warning systems for atrocities of this nature²⁴².

²³⁶ First UN humanitarian aid convoy from Turkey sets out for Syria UN News Centre is available at: <http://www.un.org/apps/news/story.asp?NewsID=47389&Cr=syria&Cr1=#.WTcIJfryg6U>

²³⁷ Outreach Programme on the Rwandan Genocide and the United Nations “Preventing genocide” is available at: <http://www.un.org/en/preventgenocide/rwanda/pdf/bgpreventgenocide.pdf>

²³⁸ Security Council resolution 2165 is available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2165\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2165(2014))

²³⁹ *Ibid.*

²⁴⁰ European Civil Protection and Humanitarian Aid Operations “Commissioner Georgieva welcomes UN Resolution 2165 on Syria” is available at: http://ec.europa.eu/echo/news/commissioner-georgieva-welcomes-un-resolution-2165-syria_en

²⁴¹ Security Council resolution 2169 is available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2169\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2169(2014))

²⁴² Outreach Programme on the Rwandan Genocide and the United Nations “Background Information on Preventing Genocide” is available at: <http://www.un.org/en/preventgenocide/rwanda/about/bgpreventgenocide.shtml>

On 15th of August, 2014, the Security Council adopted resolution 2170²⁴³ on both Syria and Iraq. It condemned the atrocities that both of these groups were facing due to IS and ANF and also condemned the destruction of cultural and religious sites.

On 25 July 2016, the Security Council adopted resolution 2299²⁴⁴ Iraq. The resolution presented great concern about those children who were taken away and forced to join IS, and also expressed concerns regarding the violence faced by minority communities.

The most decisive action that the Security Council could do is to pass a resolution that invites states to establish a joint- military response to the situation facing Christians and Yazidis. Evidence has already been given, that human rights were violated on a massive scale. The Security Council needs to take further action in addressing the issue in a manner that can provide an effective response to the plight of religious minorities.

5.3 UN General Assembly

The UN General Assembly is one of the main organs of the UN. In relation to the situation of Christians and Yazidis, the General Assembly adopted resolution 69/174²⁴⁵ on 18 December 2014. This resolution called upon states to promote and assure that religious groups have the freedom to practice their religion. It did, however, not specifically discuss the situation in Iraq and Syria. On the same day, the General Assembly adopted resolution 69/189, titled 'Situation of human rights in the Syrian Arab Republic'²⁴⁶. This resolution expressed concerns in regard to the violence in Syria, noting that the number of deaths was higher than 191,000. It also expressed concern about the increase of terrorism in the region, especially by IS.

²⁴³ Security Council resolution 2170 is available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2170\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2170(2014))

²⁴⁴ Security Council resolution 2299 is available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2299\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2299(2016))

²⁴⁵ General Assembly resolution 69/174 is available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/174

²⁴⁶ General Assembly resolution 69/189 is available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/189

On the 19 of December 2016, the General Assembly adopted resolution 71/196 on 'Freedom of religion or belief'²⁴⁷. This resolution expressed concern regarding the violence and intolerance faced by civilians due to their religious beliefs and took note of the high number of attacks towards them for this reason. It noted the slow progress in eliminating this kind of attacks due to the religion or beliefs. It also condemned the attacks against religious minorities. It reminded states that they have the obligation to prevent, investigate and punish acts of violence against civilians from religious minority groups, no matter who is the perpetrator.

One of the most important resolutions concerning the punishment of perpetrators in the situation for Christians and Yazidis in Iraq and Syria was the resolution 71/248; it was adopted on 21 of December 2016. This resolution presented the decision to establish an International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. This mechanism is meant to work together with the Independent International Commission of Inquiry on the Syrian Arab Republic. There are two main goals expected from this fusion: 1) to gather and keep the evidence of the violations of international humanitarian law and human right violations. 2) to prepare reports and files for the facilitation of independent criminal proceedings, within the international law standards, and for courts or tribunals national, regional or international. Also for future tribunals that might have the jurisdiction over the crimes committed in this situation²⁴⁸. This resolution falls under the third theme from Kofi Annan plan "to end impunity".

²⁴⁷ General Assembly resolution 71/196 is available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/196

²⁴⁸ The Note to Correspondents: International, Impartial and Independent Mechanism to assist in the Investigation and Prosecution of those Responsible for the Most Serious Crimes under International Law committed in the Syrian Arab Republic since March 2011 on 26 January 2017 is available at: <https://www.un.org/sg/en/content/sg/note-correspondents/2017-01-26/note-correspondents-international-impartial-and>

This mechanism could lead to the punishment of the perpetrators (high-ranking IS members) who had committed crimes against Christians and Yazidis in Syria. This, together with the reports which clearly provide evidence of the enormous crimes committed might be able to accomplish justice for the victims. One of the main purposes of the labeling of such acts as ‘genocide’ is for the victims to be recognized, and also to be able to punish the perpetrators. This mechanism could help achieve the latter. However, this mechanism only works for Syria. In Iraq, UNAMI has been in Iraq since 2003 and has reported cases of the atrocities directed against the Yazidis²⁴⁹. This reports can also provide evidence of the crimes perpetrated by IS.

5.4 Human Rights Council

The role of the Human Rights Council in the current crisis has been to issue reports, present testimonies, and raise awareness of the situation in Syria. On 16 June 2015, the Human Rights Council presented the “Report of the Special Rapporteur [Ben Emmerson] on the promotion and protection of human rights and fundamental freedoms while countering terrorism”. This report took evidence from 17 December 2013 to 31 December 2014. This report recognized that IS had committed crimes against humanity, war crimes, as well as genocide.

The Human Rights Council had already established an Independent International Commission of Inquiry on the Syrian Arab Republic on 22 August 2011. One of the most important documents relevant for this thesis was released on June 16 2016 “They Came to Destroy”: ISIS Crimes Against the Yazidis”²⁵⁰. The 41 pages long report contains information of some of the most extreme atrocities that Yazidis have suffered at the hands of IS. This document specifically states that IS has been perpetrating genocide against the Yazidis. The

²⁴⁹ UNAMI- OHCHR A Call for Accountability and Protection: Yezidi Survivors of Atrocities Committed by ISIL is available at: http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport12Aug2016_en.pdf

²⁵⁰ OHCHR “They Came to Destroy Us” 2016 p. 7 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

report presented the Yazidis situation in Iraq in 2014 and how they were forced to flee to Syria. It also contains a summary of attacks faced by children and women. This document was important to back up the presence of explicit “intent” which is required for the presence of ‘genocide’. The Commission of Inquiry found that IS’ conduct demonstrates “relevant intent”²⁵¹.

Moreover, the most recent report from the Independent International Commission of Inquiry on the Syrian Arab Republic covering the period 21 July 2016 to 28 February 2017 noted that IS was continuing to attack those who live under its control. Atrocities such as: death penalty for those who do not follow IS rules, public executions as punishment, stoning to death of women who accused of committing adultery, and throwing boys and men who are said to be homosexual from buildings. Also, IS is using civilians as human shields while combat²⁵².

The Commission of Inquiry has been preparing such reports and documents (Sadat, 2015) to help gather the information for the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

In terms of prevention one of the most important action has been raising awareness and gather evidence of the situation and most importantly labeling it as genocide.

²⁵¹ Ibid. pp.4

²⁵² The Human rights abuses and international humanitarian law violations in the Syrian Arab Republic, 21 July 2016- 28 February 2017 is available at: <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>

5.5 Analysis of the UN Activities regarding Christians and Yazidis in Syria and Iraq

After the Second World War, one of the first goals of the UN was, in the wake of the revelations surfacing during the Nuremberg trials of Nazi war crimes, to be able to prevent in the future such atrocities – some of which came to be labeled genocide in 1948²⁵³. However, during the Cold War, several genocides took place and the UN was incapable of preventing them due to the stalemate between the two main powers, the United States and the Soviet Union²⁵⁴. Both of them were responsible for not allowing the other party to intervene when a genocide was taking place within one of their zones of influence²⁵⁵.

It seems that the situation is happening again, the UN has been unable to come up with an effective response that would diminish the killings and mass atrocities against civilians in intrastate conflicts. Since 2013, the Security Council has passed some resolutions regarding the situation in Syria. Resolutions which allow limited humanitarian access and the initiation of peace talks. However, these resolutions fell short of what needs to be done. As Adams (2015)²⁵⁶ stated it seems that the UNSC has failed in doing its basic function of providing international peace and security. So far, it has also “failed to uphold its Responsibility to Protect the Syrian people”²⁵⁷. Not only the Syrian people also the Iraqi Christians and Yazidis who are in constant suffer due to IS. The last time the UNSC passes a resolution in relation to Iraq was in 2002.

There are only a few accomplishments that the UN has achieved that so far will not form part of the prevention of genocide, however, can provide with supports to the victims and held accountable to the perpetrators of those acts. . For instance, with the adoption of the resolution “71/248 International, Impartial and Independent Mechanism to Assist in the

²⁵³ Mayersen, D. (2011) Current and Potential Capacity for the Prevention of Genocide and Mass Atrocities within the United Nations System Global Responsibility to Protect Vol. 3. No. 2, pp. 197 - 222

²⁵⁴ Lebor, A. (2006) “*Complicity with Evil*”: *The United Nations in the Age of Modern Genocide* New Haven: Yale University Press

²⁵⁵ Totten, S. (2005) The United Nations and Genocide, *Society* Vol. 42 No. 4 pp. 6- 13

²⁵⁶ Adams, S. (2015) Failure to Protect: Syria and the UN Security Council *Global Centre for the Responsibility to Protect* is available at: http://www.globalr2p.org/media/files/syriapaper_final.pdf

²⁵⁷ Ibid. pp. 10

investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011”, the UN has been enabled to engage in investigations in order to find evidence of the crimes that have been perpetrated against the civilians. This mechanism is working, together with the Independent International Commission of Inquiry on Syria²⁵⁸. This mechanism can be one step further to act upon the crimes against these religious minorities. If the UNSC is not able to address the issue to the ICC. This mechanism can work to make justice for those who have been suffer.

In terms of political and humanitarian response to the plight of Christians and Yazidis in this case only in Syria was when the UN enabled peace talks relating to the Syrian situation. During the intra- Syrian talks which took place in Brussels on 4 and 5 April 2017, donations to the amount of six of billion dollars for humanitarian assistance in Syria were pledged²⁵⁹.

In the reports presented by the Secretary General and the Security Council, have clearly demanded action for states to act upon those perpetrators (IS) from the crimes against Christians and Yazidis. Moreover, the reports also have presented the enormous amount of atrocities that both religious minorities have had to face in both countries. There is already an existential action of raising awareness and to call upon states to act upon those responsibilities that they have. UN reports presented above have label genocide the situation by IS in Iraq and Syria. However, the UNSC have not approved a resolution or have not call states to act upon the R2P like it has done before.

Based on the evidence available, in particular the recognition of the existence of ‘genocide’ by the Human Rights Council, and in light of the demands from the victims themselves, the UN Secretary-General should take a stand and make an official formal statement which terms the atrocities perpetrated by IS against Christians and Yazidis ‘genocide’. However,

²⁵⁸ The Independent International Commission of Inquiry of Syria is available at <http://www.un.org/apps/news/story.asp?NewsID=55862#.WSwZuVV9670>

²⁵⁹Global Centre for the Responsibility to Protect “Syria ”is available at: <http://www.globalr2p.org/regions/syria>.

without a strong Security Council such a statement alone will not help the affected Christians and Yazidis in Syria and Iraq.

6 Responsibility to Protect (R2P)

The Responsibility to Protect can be described as a new norm of international law²⁶⁰ and a global commitment²⁶¹. The norm was adopted at the 2005 UN World Summit. One of its main functions is to establish obligations for states when another states engage in practices that harm its own people in a massive way. Its purpose is to protect civilians from mass violence²⁶².

There are three main pillars of the responsibility to protect and what to do in case of an emerging genocide. These can be found in the Outcome Document of the 2005 United Nations World Summit p.31²⁶³. The following is a summary of the three main pillars

²⁶⁰ Cronogue, G. (2012) Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya International Humanitarian Legal Studies Vol. 3No. 1 pp. 124-159

²⁶¹ Adams, S. (2015) Failure to Protect: Syria and the UN Security Council *Global Centre for the Responsibility to Protect* is available at: http://www.globalr2p.org/media/files/syriapaper_final.pdf

²⁶² Cronogue, G. (2012) Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya International Humanitarian Legal Studies Vol. 3No. 1 pp. 124-159

²⁶³ **Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity 138.** Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability. **139.** The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out. **140.** We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide. The complete resolution is available at: <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf>

presented in the booklet from the Office of the Special Adviser on the Prevention of Genocide²⁶⁴:

1. The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
2. The international community has a responsibility to encourage and assist States in fulfilling this responsibility;
3. The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations.

In cases in which one state lacks the power or will to do something to prevent a genocide from occurring, then other UN member states have a responsibility to act. In this kind of situations, “sovereignty” is by-passed due to the importance to protect imperiled people, which then becomes the chief priority.

In other words, other members of the international community have a moral responsibility to protect civilians who are facing atrocities but are unable to protect themselves. In addition to these responsibilities, there are also “well- established legal obligations” to protect them: the Convention on the Prevention and Punishment of the Crime of Genocide as well as various international human rights and humanitarian law instruments. These establish obligations which states have to respect and uphold. These responsibilities include the punishment of the perpetrators of such crimes as well as to the obligation of preventing atrocities from occurring in the first place. It does not matter whether states have or have not

²⁶⁴ The booklet from the Office of the Special Adviser on the Prevention of Genocide is available at:http://www.un.org/es/preventgenocide/adviser/pdf/osapg_booklet_eng.pdf

ratified the Convention on the Prevention and Punishment of the Crime of Genocide. In either case they still have the obligation to take action. The five permanent members of the UNSC are all parties to the Genocide Convention (France in 1950, Russia in 1954 the UK in 1970, China in 1983, and the U.S. in 1988) as are 138 other states.

Nevertheless, The R2P has been linked to justify interventions against sovereign states, when a population of such a state is facing gross human right violations²⁶⁵. However, Ban Ki-moon proposed that the best way from preventing the misused of the R2P was to “*develop fully the UN strategy, standards, processes, tools and practices for the R2P*”²⁶⁶. Some experienced have raised some doubts on the use of R2P, like it happened in the aftermath of the Libyan intervention.

6.1 Case of Libya

Libya was the first case in which the doctrine R2P was tested. The Libya situation in 2011 manifested the presence of all the criteria which conforms to the R2P doctrine²⁶⁷. One of the reasons for the intervention in Libya under the R2P norm was that it was the result of the atrocities that Qaddafi perpetrated against the civilians in Libya. The reports claimed that Qaddafi was guilty of committing war crimes and crimes against humanity. This enhanced the support for the R2P intervention²⁶⁸.

However, there were unexpected negative outcomes after the overthrow of Qaddafi. These unexpected (but not unforeseeable) outcomes might be one reason for a lack of political will among many members of the international community implement the R2P doctrine in another case. After the intervention under the R2P and the resolution 1970, the Libyan

²⁶⁵ Averde, D. & Davies, L. (2015) Russia, humanitarian intervention and the Responsibility to Protect: the case of Syria *International Affairs* Vol. 91 No. 4 pp. 813- 834

²⁶⁶ Implementing the Responsibility to Protect General Assembly is available at: <http://responsibilitytoprotect.org/implementing%20the%20rtop.pdf>

²⁶⁷ Thakur, R. (2013) R2P after Libya and Syria: Engaging Emerging Powers *The Washington Quarterly* Vol. 36 no.2 pp. 61-76

²⁶⁸ Roberts, A. (2016) The Yazidi and the Responsibility to Protect Oregon University is available at: https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/20521/Roberts_oregon_0171N_11609.pdf?sequence=1&isAllowed=y

situation kept worsening. War crimes were committed between the protestors who were armed and from the government²⁶⁹. As a result of this, and for other political reasons, countries like China and Russia are not supporting the R2P doctrine so far. Furthermore, some authors including Thakur (2013)²⁷⁰ state that it might be possible that Syria is now paying the price for the unintended results of the application of the R2P doctrine in the case of Libya.

6.2 Iraq and Syria

Iraq and Syria both acceded to the Genocide convention in 1956 and 1960 respectively. Both countries are also members of the UN since 1945. According to the UN, the responsibility of the prevention of genocide, war crimes, crimes against humanity and ethnic cleansing is in the hands of each State²⁷¹. In the case of Christians and Yazidis in Iraq and Syria, it has been well established that neither Iraq nor Syria were able to prevent these crimes from occurring due to the incomplete territorial control under conditions of civil war and lawlessness. Currently, both countries are not capable or willing to provide Christians and Yazidis any of those rights stated in the nine articles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992. The Declaration enumerates the obligations that states have: states should protect the survival of national, ethnical, cultural, religious and linguistic identity of minorities in their territories; persons belonging to minorities should have the freedom to live according to their beliefs, adhere to their own religion without any form of discrimination; they should be able to participate in “cultural, religious, social, economic and public life”; states have the responsibility to make sure that persons from minorities do not become victims of human rights violations and that they are not subject to discrimination;

²⁶⁹ Roberts, A. (2016) The Yazidi and the Responsibility to Protect Oregon University is available at: https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/20521/Roberts_oregon_0171N_11609.pdf?sequence=1&isAllowed=y

²⁷⁰ Thakur, R. (2013) R2P after Libya and Syria: Engaging Emerging Powers *The Washington Quarterly* Vol. 36 no.2 pp. 61-76

²⁷¹ The “Framework of Analysis for Atrocity Crimes “ is available at: http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf

states should promote the mutual understanding of minorities; states should do what is outlined in the international treaties they committed themselves to be part of²⁷².

Additionally, according to the R2P doctrine, states have the responsibility to provide protection to citizens from catastrophes that can be avoided, such as mass murder and starvation²⁷³. The previous chapters have present evidence of Christians and Yazidis in Syria and Iraq suffering from catastrophes. Moreover, since 2011, Christians and Yazidis (and partly before 2011), have not been allowed to live in accordance with the articles above mentioned.

Neither the Iraqi nor the Syrian government has been willing or able to protect their citizens from such crimes. The situation in these two countries, especially for religious minorities matches the criteria of the Libyan situation. IS has already declared that they want to kill the “infidels”, this statement is similar to the one pronounced by Qaddafi in 2011. The statement was one of the triggering factors for the use of R2P in Libya²⁷⁴.

Even though the human rights of Christians and Yazidis are being violated at a large scale, and this sets the rules under the R2P to take action from the international community under the second pillar of R2P. The use of R2P in this case does not seem that it will happen soon. The UNSC needs to pass a resolution to be able to apply the R2P in this case, and so far it seems unlikely to occur.

²⁷² The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is available at: <http://www.un.org/documents/ga/res/47/a47r135.htm>

²⁷³ Report of the International Commission on Intervention and State Sovereignty “The Responsibility to Protect” 2001 is available at: <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

²⁷⁴ Roberts, A. (2016) The Yazidi and the Responsibility to Protect Oregon University is available at: https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/20521/Roberts_oregon_0171N_11609.pdf?sequence=1&isAllowed=y

7 How have the Permanent Members of the UNSC Reacted to the Crimes Perpetrated by IS against these Minority Groups in Terms of their Responsibility to Protect and the Punishment of Perpetrators?

In countering IS, the five permanent members of the UNSC have repeatedly acted independently not as whole or as executing agents of the UNSC. Four of them have conducted military interventions in Syria or Iraq. China has been the only one of the big five who has not engaged in a military intervention. The U.S. has formed a coalition, together with France, the U.K. and more than other 60 states to combat IS. All three have conducted military interventions in both Iraq and Syria, utilizing what some others consider “legal excuses” to do so. However, the U.S. acted upon the call from Iraq, which requested its assistance in order to subdue IS²⁷⁵. France and the U.K. as well as other states intervened under various pretexts. One year later Russia intervened in Syria at the request of president Assad.

All five of them have sent various amounts of humanitarian assistance. However, so far they have not provided a joint response to the plight of Christians and Yazidis in the region. They have supported and counter-acted each other in different ways. China and Russia have vetoed UNSC resolutions meant to punish the perpetrators of the attacks in and Yazidis in Syria. This behavior has probably been influenced by what had happened in Libya in 2011. They do not want that the West take a humanitarian emergency as a pretext for military intervention while motivated by other considerations (e.g. control of oil fields). They saw the UK's, France', and the American intervention in Libya as an attack on the principle of sovereignty and felt that the United States was again pushing for a regime change in Syria as happened in Libya.

²⁷⁵ Savage, C. & Sengupta, S. (2014) U.S. Invokes Iraq's Defense in Legal Justification of Syria Strikes The New York Times, Retrieved May 30, 2017, https://www.nytimes.com/2014/09/24/us/politics/us-invokes-defense-of-iraq-in-saying-strikes-on-syria-are-legal.html?_r=0

In response to the plight of Christians and Yazidis, states have acted by providing humanitarian aid and have passed UNSC resolutions that have allowed access for humanitarian aid in hard to reach areas in the region. In the case of Yazidis, the U.S. took action and claimed that it was taking preventive measures for genocide on August 2014²⁷⁶. The U.S. provided aid to Yazidis who had fled to Mount Sinjar, delivered food and water.

The following section focuses on the reactions of the five permanent members of the Security Council to the plight of Christians and Yazidis in Iraq and Syria after being attacked by the Islamic State looks at the situation in terms of action (and inaction) when it comes to Responsibility to Protect.

7.1 The United States of America

The U.S. did not wait for the UNSC to pass a resolution in order to send special military forces into Iraq and Syria after the declaration of the Caliphate²⁷⁷. In late August 2014, when the first American airstrikes against IS were conducted, Samantha Power, American Ambassador to the UN, claimed that her government was acting in collective self-defense, based on article 51 of the UN Charter²⁷⁸. To support this, she wrote a letter to UN Secretary-General Ban Ki-moon, explaining that the government of Iraq had asked for a U.S. intervention.

In August 2014, the U.S. military opened a campaign of air strikes against the Islamic State. According to a Human Rights Council publication issued on June 15, 2016, the U.S. had

²⁷⁶ OHCHR “They Came to Destroy Us” 2016 p. 7 is available at:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

²⁷⁷ Savage, C. & Sengupta, S. (2014) U.S. Invokes Iraq’s Defense in Legal Justification of Syria Strikes The New York Times, Retrieved May 30, 2017, https://www.nytimes.com/2014/09/24/us/politics/us-invokes-defense-of-iraq-in-saying-strikes-on-syria-are-legal.html?_r=0

²⁷⁸ Art. 51: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”

acted with an eye on the prevention of genocide²⁷⁹. “The U.S. Religious Freedom Report, Iraq 2015”, also mentioned that Yazidi civilians were threatened by genocide. The U.S. was providing humanitarian aid, and offered training to Iraqi forces. With the arrival of the USAID Disaster Assistance Response Team (DART), Yazidis were receiving emergency assistance²⁸⁰. On August 7, 2014, after ordering the first airstrikes against the Islamic State, President Obama addressed the nation and mentioned IS’ threat to religious minorities²⁸¹. Even though his remarks were not focusing on Christians, it was about the protection of the Yazidis and addressed the humanitarian crisis in Iraq. He mentioned the following:

“the United States cannot and should not intervene every time there’s a crisis in the world. So let me be clear about why we must act, and act now. When we face a situation like we do on that mountain - with innocent people facing the prospect of violence on a horrific scale, when we have a mandate to help - in this case, a request from the Iraqi government - and when we have the unique capabilities to help avert a massacre, then I believe the United States of America cannot turn a blind eye. We can act, carefully and responsibly, to prevent a potential act of genocide. That’s what we’re doing on that mountain.”²⁸²

This speech by Obama is the clearest available evidence that the U.S. armed forces acted in order to prevent a potential genocide. According to the report “They Came to Destroy Us”, issued by the UN Human Rights Council two years later, on June 15, 2016, president Obama was the only head of government who had publicly announced that his government’s actions were conducted with the purpose to prevent a potential genocide²⁸³.

²⁷⁹ OHCHR “They Came to Destroy Us” 2016 is available at:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

²⁸⁰ USCIRF Iraq 2015 Report is available at: <https://www.uscirf.gov/sites/default/files/Iraq%202015.pdf>

²⁸¹ The complete statement by Obama on August 7 2014 is available at: <https://obamawhitehouse.archives.gov/the-press-office/2014/08/07/statement-president>

²⁸² *Ibid.*

²⁸³ OHCHR “They Came to Destroy Us” 2016 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

7.2 The United Kingdom

The U.K. forms part of a Global Coalition of more than 60 states which are fighting to defeat IS. The U.K. has intervened with military means in both Syria and Iraq. In Iraq, it has done so since the end of September 2014 (and back in 2003). In July 2015, the UK's Secretary of Defense sought parliamentary approval to conduct military operations in Syria. On 3 December 2015, after a parliamentary vote which took place the day before, the U.K. expanded operations in Syria²⁸⁴. Acting together with other members of the Global Coalition, the U.K. attacked, among other targets, facilities on oil fields used by IS.

Second only to the U.S. the British air force has contributed the most to the air campaign against IS²⁸⁵. The U.K. has also contributed by training Kurdish Peshmerga forces and has been given advice to the Iraqi Security forces²⁸⁶. The U.K. has also provided non-military assistance by renovating water facilities, power networks and by rebuild schools and clinics. Iraqi civilians has received from the United Kingdom shelters, medicine and clean water²⁸⁷.

7.3 French Republic

France, together with the U.S., began to conduct airstrikes against IS in September 2014. It was the first country to join the United States in an air campaign against IS²⁸⁸. This was the first time France intervened militarily in Iraq since 2003²⁸⁹. The operation code-named Chammal began on 19 September 2014 from a base in the United Arab Emirates.

At first, President Francois Hollande stated that the intervention against IS was only going to be conducted in Iraq. However, on 7 September 2015 president François Hollande, publicly

²⁸⁴ The complete House of Commons Defense Committee is available at: <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmdfence/106/106.pdf>

²⁸⁵ Ibid. pp.21

²⁸⁶ Ibid. pp.22

²⁸⁷ UK action to combat DAESH is available at: <https://www.gov.uk/government/topical-events/daesh/about>

²⁸⁸ The complete House of Commons Defense Committee is available at: <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmdfence/106/106.pdf>

²⁸⁹ After the U.S. invasion, France helped a no-fly zone in Iraq.

announced that his government was reviewing the situation²⁹⁰. Twenty days later, on 27 September 2015, France began attacking IS in Syria (Brumfield, 2015). France also began sending humanitarian assistance²⁹¹. Moreover, France is supporting the UN work and organizations who are gathering evidence on the atrocities perpetrated by IS. France supports these actions with the goal that incriminating evidence is referred to the ICC²⁹². France also offers support in order to assist populations who need to escape from the violence. France co-chaired the “International Conference on the Victims of Ethnic and Religious Violence in the Middle East”. The outcome of that conference was a three points action plan in order to support persecuted populations²⁹³.

7.4 Russian Federation

Russia’s role in the Syrian conflict has been crucial if not decisive in turning the tide. Russia began its air campaign in Syria on 30 September 2015. Russia claimed to act based on the principle of intervention by invitation meaning President Assad had ask president Putin to help the Syrian government in the fight against terrorism²⁹⁴. Russia claimed that regime change should not be what foreign military interventions are for²⁹⁵. The country has been using its veto power for blocking the United States from intervening in other states under the umbrella of a United Nations mandate²⁹⁶. Russia claims that U.S. interventions conducted after the end of the Cold War have destabilized the international system, citing interventions in Kosovo, Afghanistan, Iraq and Libya as examples²⁹⁷. Russia still regrets that it abstaining from blocking UNSC Resolution 1973 which enabled the French and British intervention in Libya which was supported by the United States. After witnessing the outcome of the

²⁹⁰ The complete House of Commons Defense Committee is available at: <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmdfence/106/106.pdf>

²⁹¹ France Diplomatie “What is France doing to help the civilian populations subject to the barbarity of Daesh?” is available at: <http://www.diplomatie.gouv.fr/en/country-files/north-africa-and-middle-east/what-is-france-doing-to-counter-daesh/article/what-is-france-doing-to-help-the-civilian-populations-subject-to-the-barbarity>

²⁹² *Ibid.*

²⁹³ *Ibid.*

²⁹⁴ Charap, S. (2013) Russia, Syria and the Doctrine of Intervention *Global Politics and Strategy* Vol. 55. No. 1 pp 34-41,

²⁹⁵ *Ibid.*

²⁹⁶ Adams, S. (2015) Failure to Protect: Syria and the UN Security Council *Global Centre for the Responsibility to Protect* is available at: http://www.globalr2p.org/media/files/syriapaper_final.pdf

²⁹⁷ *Ibid.*

intervention in Libya, Russia was strengthened in its belief that the use of “humanitarian intervention when is under the banner of the R2P is simply an elaborate cover for regime change”²⁹⁸.

In a statement made on October 4 2013, the Permanent Representative of the Russian Federation to the United Nations, Ambassador Vitaly Churkin stated his government’s concerns about inter-communal and inter-faith conflicts in the region.

“This is something which is very dangerous and which has to be dealt with. In Syria this is a particularly stark problem in the course of the conflict. This is another reason to put an end to it as quickly as possible and to reach political accommodation to bring about the situation in Syria, where all religious groups, including the Christians, can live in peace with others and would not be subjected to oppression, persecution and violence from whomever”²⁹⁹.

Again, on January 21, 2015, Ambassador Churkin stated how unbearable the situation was highlighted the atrocities perpetrated by terrorists, comparing them to those of the Nazis, and admonishing that nations should not be indifferent. However, the Russian intervention in Syria was not primarily directed against IS but against other forces opposing the Alawite regime in Damascus. Russia has also been accused of targeting civilian infrastructure ³⁰⁰.

After the Syrian and Russian airstrikes on Hama, Homs and Idlib in October 2015, France, Germany, Qatar, Saudi Arabia, Turkey, the U.K. and the U.S. presented a statement in which they condemned the actions of Russia. These countries expressed concern because these air strikes resulted in many civilians’ deaths. They demanded an end of these attacks on

²⁹⁸ Charap, S. (2013) Russia, Syria and the Doctrine of Intervention Global Politics and Strategy Vol. 55. No. 1 p. 38

²⁹⁹ The complete statement by Ambassador Vitaly Churkin on October 4 2013 is available at: http://russiaun.ru/en/news/interview_rt2

³⁰⁰ The complete House of Commons Defense Committee is available at: <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmdfence/106/106.pdf>

the Syrian opposition and on civilian targets, urging Russia to focus its attention on IS instead³⁰¹.

7.5 People's Republic of China

China, which upholds the principle of state sovereignty and abhors external interventions³⁰², has used its veto power on six UNSC resolutions related to Syria since the conflict began to escalate in 2011³⁰³. However, on the occasion of the last resolution of April 2017, China decided to abstain from voting. Given the history of Western interventions in China until the late 1940s, China is very critical of foreign interventions no matter what the overt rationale given by the United States and other Western powers. In this regard China is on the same side as Russia³⁰⁴. However, in the case of Libya, China had not used its veto power in the UNSC, thereby allowing the NATO intervention which led to the overthrow of Qaddafi³⁰⁵.

7.6 International Criminal Court (ICC)

In terms of punishment of perpetrators the International Criminal Court (ICC) has only jurisdiction with regard to those countries that are state parties under the Rome Statute or regarding certain crimes committed by civilians belonging to those countries which are parties under the Rome Statute. Iraq and Syria are not members of the Rome Statute. Therefore, the ICC is not able to start an inquiry, because it does not have "territorial jurisdiction"³⁰⁶.

³⁰¹ The complete joint declaration on recent military actions of the Russian Federation in Syria published the 2 October 2015 is available at: <https://www.gov.uk/government/news/joint-declaration-on-recent-military-actions-of-the-russian-federation-in-syria>

³⁰² Swaine, M. (2012) Chinese views on the Syrian conflict China Leader Monitor Vol. 39 No. 2 pp.1-26

³⁰³ Nichols, M. (2017) Russia blocks U.N. Security Council condemnation of Syria attack *Reuters*, Retrieved May 20, 2017, <http://www.reuters.com/article/us-mideast-crisis-syria-un-vote-idUSKBN17E2LK>

³⁰⁴ Swaine, M. (2012) Chinese views on the Syrian conflict China Leader Monitor Vol. 39 No. 2 pp.1-26

³⁰⁵ *Ibid.*

³⁰⁶ The complete statement by Fatou Bensouda on the alleged crimes committed by ISIS on April 8 2015 is available at: <https://www.icc-cpi.int/legalAidConsultations?name=otp-stat-08-04-2015-1>

In order for the ICC to be able to do something with regard to the situation in Syria and Iraq, it is a requirement to have a referral from the UN Security Council³⁰⁷. However, the draft resolutions above mentioned that have been presented to the UNSC have been vetoed by Russia and China. Consequently, it is impossible for the ICC to investigate the charges of genocide and prosecute the members of the Islamic State. Therefore, so far, IS members cannot be considered guilty of the crime of genocide. Two drafts resolutions regarding the punishment of perpetrators have been presented - the first one on May 22, 2014, and the second one on April 12, 2017. According to the Human Rights Council, the option of having an ad hoc tribunal to bring to trial those held responsible for the crimes committed by IS has not been chosen. Therefore at the moment, national prosecutions are the only ones that could provide “accountability for victims of crimes committed in Syria”³⁰⁸. So far, this has not happened.

However, in April 2015, Prosecutor of the ICC Fatou Bensouda recalled the fact that the ICC can start an inquiry on the base of *personal jurisdiction* if the perpetrators are members of a State Party. Under this jurisdiction, it does not matter if the act is committed like in this case in Iraq and Syria when the countries in which the crime is performed are not members of the Rome Statute. Due to the fact that there are several foreign fighters, that are members of IS, originate from Australia, Belgium, France, Germany, Jordan, the U.K., the Netherlands and Tunisia, the ICC can have jurisdiction. Some of these foreign fighters have perpetrated atrocities towards Christians and Yazidis³⁰⁹. For instance, the U.K. in this case could judge the U.K. foreign fighters that have joined IS and that have perpetrated crimes against Christians and Yazidis. This is a possibility due to the fact that the U.K. since 1991, can punish U.K. nationals or residents who participate in crimes against humanity, war crimes and acts of genocide outside the U.K.³¹⁰.

³⁰⁷ Mohammad, H., Z. (2016) To Bury a Situation Alive - A Critical Reading of the ICC Prosecutor's Statement on the ISIS Situation International Criminal Law Review Vol. 16 No. 4 pp. 613- 641

³⁰⁸ OHCHR “They Came to Destroy Us” 2016 is available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

³⁰⁹ The complete statement by Fatou Bensouda is available at: <https://www.icc-pi.int/legalAidConsultations?name=otp-stat-08-04-2015-1>

³¹⁰ House of Commons Library “Declaring Daesh massacres genocide” is available at: [file:///vuw/Personal\\$/Homes/17/s1752162/Downloads/CBP-7561.pdf](file:///vuw/Personal$/Homes/17/s1752162/Downloads/CBP-7561.pdf)

For the punishment of perpetrators the UN General Assembly resolution 71/248 offers a mechanism that will facilitate the punishment of the perpetrators of the atrocities committed in Syria. In order to proceed with the punishment of perpetrators, the UNSC needs to follow the steps taken in other cases such as in Bosnia and in Rwanda. It needs to establish a commission of experts on genocide. By doing this, the SC can send capable and well-prepared people to gather the information and the evidence needed, look what kind of information is missing, all of this under a legal mandate to do it. Also the same mechanism like the one in Syria could be an option for Iraq for the punishments of the perpetrators of atrocities towards Christians and Yazidis in Iraq³¹¹.

7.7 Analysis

Dr. Adams stated in “Failure to Protect: Syria and the UN Security Council” that the R2P was not to blame for the lack of response in the Syrian regarding the atrocities committed to the civilians. It is the responsibility of states, actors and institutions, which are not acting according to the norm³¹². First of all, in the case of Syria and Iraq, the countries are failing to provide to their civilians, in this case, Christians and Yazidis with protection stated in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities on the 18 of December 1992. Secondly, the UN has not been able to provide a response because of China and Russia using their veto powers. A veto power that, as explained above, is used because they do not want another Western intervention. Thirdly, the response from states like France, the U.K., and the U.S. is basically trying to do what they consider the best in their own interest, and at a level which they consider adequate. In a speech by Paulo Sérgio Pinheiro (Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic) called upon states to realize that they are playing the main role in this crisis and that they have to act together to stop the situation. The

³¹¹ Ochab, U., E. (2017) A New Mechanism for Syria. But what about Iraq? Forbes [Online publication] Retrieved May 31, 2017, <https://www.forbes.com/sites/ewelinaochab/2017/03/27/a-new-mechanism-for-syria-but-what-about-iraq/2/#38d61ee66542>

³¹² Adams, S. (2015) Failure to Protect: Syria and the UN Security Council *Global Centre for the Responsibility to Protect* is available at: http://www.globalr2p.org/media/files/syriapaper_final.pdf

involvement of external factors with different interests is making this situation more complex³¹³.

There are various explanations circulating when it comes to the question why Western (and Russian) responses have been like they were presented above. One is that the interventions in Afghanistan (2001- 2016) and Iraq (2003-2011) have been such traumatic failures. President Obama therefore did not want to make the same mistake as his predecessor by going into the Syrian quagmire. Without American leadership, no other Western power was willing and able to take the lead. Where Western states other than the United States took the lead - the United Kingdom and France in the case of Libya - the situation on the ground in the aftermath of the overthrow of Gadhafi, in 2012 also went from bad to worse.

France, for instance is playing an important role in trying to establish the principle that countries should not have absolute power to veto a Security Council resolution, like the five SC members have now. If the initiative proceed or at least raise awareness to put more support to be able to pass a resolution that can further achieve a response to act upon genocide in the 21st century.

³¹³The complete statement by Paulo Sérgio Pinheiro on 14 March 2017 is available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21369&LangID=E>

8 Findings

Can the crimes against Christians and Yazidis perpetrated by the Islamic State be qualified as a genocide?

This thesis has argued that a genocide has taken place and, to some extent, continues to take place in Iraq and Syria, and that the victims – Christians and Yazidis – are in need of protection. The evidence presented in the previous chapters clearly established that the situation faced by Christians and Yazidis has characteristics that match the eight indicators of the UN’s risk of genocide early warning signals. The elements for a genocide about to take place have all been in place when IS began attacking these religious minorities. From the moment when members of the Islamic State started to single them out and designate them as “infidels” and ‘devil worshippers’ they were separated from the rest of society. Furthermore, IS prepared the ground for their elimination by stating that Allah allows the killing of ‘infidels’.

This thesis found that operations IS conducted against Christians and Yazidis amount to genocide. The elements contained in the definition of genocide of the 1948 convention match the crimes perpetrated by IS in the case of Yazidis and Christians in Syria and Iraq in the period 2014-2017. The presence of each of these definitional components has been confirmed by substantial empirical evidence. Furthermore, the presence of an ‘intent’ to commit genocide could also be corroborated. IS statements clearly provide evidence of the intention to murder or enslave those “infidels”. The Islamic State’s communiqués in Dabiq and Rumiyah also signaled this intent to destroy in whole or in part Christians and Yazidis, as did the atrocities themselves.

The presence of genocide has also been confirmed by statements from a number of political leaders quoted in this thesis. They have analyzed the situation on the basis of both open source information and information obtained from their intelligence agencies and concluded that there is indeed enough ground to call this a genocide. In addition, reports from UN agencies have also reached the same conclusion: genocide.

9 Conclusion

Christians and Yazidis were and are being victims of a genocide by the Islamic State. Protection is not available from the weak and failing governments of Iraq or Syria. They have other priorities and lack the political will to offer effective protection against kidnappings, enslavement and mass murder of members from these two minority groups.

While their precarious situation has gained some attention at various moments in time since 2014, the one entity which could take decisive action, the Security Council of the United Nations, has not been able to act due to vetoes by Russia and China. It is true that there exists, on paper, a grand coalition of more than 60 states that have committed themselves to oppose the Islamic State. However, its members have their own agendas and priorities. Only on one occasion did one of its members – the United States under president Obama – take action to save hundreds of thousands of Yazidis stranded on a mountain top and surrounded by militants from the Islamic State. But once the siege was broken with the help of Kurdish forces supported by the U.S. air force and after some humanitarian assistance had been provided, the doctrine of ‘Responsibility to Protect’ (R2P) was shelved again. While all but one of the Security Council’s permanent members – the exception being China – have militarily intervened in Syria and/or Iraq after 2011, only in one case was the threat of an impending genocide cited as a rationale for intervention. The United States hesitated, after the debacle in Libya and the withdrawal from Iraq in 2011, to commit or re-commit itself forcefully again in Syria or Iraq. Russia’s military intervention, like the one of Iran and Turkey, had other objectives than protecting Christians and Yazidis.

The doctrine ‘Responsibility to Protect’ has not the same legal standing as the Genocide Convention of 1948. Russia and China have become suspicious of this doctrine, after the United States and some of its allies used it, in their view, as an excuse for regime change in the Balkans and in Libya. While attacks on Christians and Yazidis in Syria and Iraq are still continuing, the attention of the intervening powers and the Iraqi government is focused on the Islamic State - the days of which appear to be numbered at the time of this writing. The

impending collapse of IS will take the pressure from Yazidi and Christian communities. However, these communities have been traumatized and many of its younger members have left their homelands, probably for good, never to return. Whether the perpetrators of this genocide against Christians and Yazidis will be apprehended and tried in a court of law remains highly uncertain. The promise of 'never again', made when the United Nations was created after the Second World War, has been broken once more - with history repeating itself.

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