

Kurdistan Regional Government

Presidency of the Council of Ministers

Office of the Coordinator for International Advocacy



Summary Response to the United States Independent Commission for Religious Freedom Report

June 2019

Overview:

United States Committee for International Religious Freedom (USCIRF) has published its annual religious freedom 2018 report. Similar to other countries, part of the report is dedicated to religious freedom in Iraq and in Kurdistan. The report has illustrated the role of the KRG in protecting people from all religions in Kurdistan and in the disputed territories including the IDPs and refugees, and has described Kurdistan as a safe refuge for all religious minorities. It has commended the steps taken by the KRG in protecting and improving the situation of people from different religions. However, a few concerns have been stated regarding local authorities' procedures in dealing a number of cases relevant to the religious minorities, such as the issue of Christian land issues.

Office of the KRG Coordinator for International Advocacy has followed up with the stated concerns in coordination with the relevant departments in the government, and is presenting the findings of the follow-up in this report. The present summary response report also highlights other facts regarding various religious communities' peaceful coexistence in Kurdistan.

Constitutional background to the rights of religious minorities in Kurdistan

Article 6 in the draft constitution states that Kurdistan is composed of Kurds, Arabs, Turkmens, Chaldeans, Assyrians, Armenians and other people living in the region. Those who practice other religions are not considered minorities, but they are rather considered as constituents in the society since Kurdistan is multi-ethnic and harbors multiple religions. Article 7 in that draft states that "the principles of Islamic Sharia is one of the main driving sources of the legislation. Likewise, this Constitution upholds and respects all the religious rights of Christians, Yezidis and others, and guarantees to every individual in the Region freedom of belief and the freedom to practice their religious rights and rituals." To this end, the Constitution prohibits enacting any laws that are inconsistent with democratic principles.

Article 124/1 in the constitution states that the terms that no other religion must be imposed on the practitioners of other religions. Thus, religious beliefs should not be

imposed on the civilians and should not be enforced. In addition, Article 124/2 states that worshippers of other religions, as Christians and Yezidis, are allowed to have their own spiritual councils and have their own religious instructions and management in personal matters until a specific personal status law is passed (Section 3 in the article). For practicing one's religion is not frowned upon but is rather an organizational status law.

Political participation

In terms of political participation, upon the establishment of the Kurdistan National Council in 1992, a quota of 5 seats, out of 100 main seats, were dedicated to Christians. In 2005, this quota number was augmented to 11 seats for minorities, with five seats reserved for Turkmens, five for Chaldeans and Assyrians and one seat for Armenians.

Christian Land Issues

The USCIRF's prime concern in the report is the issue of a few pending cases of Christian's land and their compensation. Prior to the 1991 uprising and the formation of the KRG, the Ba'ath Regime had violated the rights of the Christians. Hence, it has been challenging for the local authorities to properly resolve this issue as it is an old one and other people live on those lands. For instance, in order to deteriorate relations between Muslims and Christians, the Ba'ath Regime transferred and settled people from Choman town on Christian lands in Gavana village. Similar communities were also created on Muslim lands. Post-uprising, as the KRG was not financially stable, these communities remained, as the KRG was not willing to destroy the communities and did not have the means to relocate and compensate the residents.

Ministry of Agriculture

The Ministry of Agriculture has done its part to fulfill requests of Christians who have property issues, and in solving some land disputes. Deficiencies in the work of the ministry have existed, due to the following reasons:

1. In 1974, 23 farmers (21 Christians and 2 Muslims) in Gavana village were granted lands. Following the destruction of Gavana in 1974, the residents immigrated and many of them went to Baghdad and did not return.

2. After the uprising, regulations specific to those destructed villages were issued. Regulation No. 2 of 1992 demands the allocation of lands to those farmers whose properties were demolished with the condition of appearing before the investigation committee. The investigation committee began its work in 1996. Farmers who appeared before the committee were granted their rights back, whether Christian or Muslim. As some lands remained, they were given to 36 other farmers in the villages.
3. Nevertheless, the Presidency of Kurdistan respects the rights of the Christians as they are one of the most ancient components in Kurdistan, and has formed a special committee to follow-up with the lost land cases. The committee came up with the resolution that it should make an “exception of law” to return lands back to the Christian farmers.

Under the authorization of the President’s order, the Ministry of Agriculture and Water Resources and the Duhok Administration were ordered to implement the decision. However, 13 other Christian and Muslim farmers are disadvantaged from the decision as they have been legal owners of those lands since 1996. Nevertheless, the KRG continues its efforts to solve the issues.

Presidency of the Kurdistan Region

The presidency of Kurdistan approved and forwarded a letter (No. D-66) based on the request it had received from the International Board of Human Rights (IBHR) to the Presidency of the Council of Ministers on February 8, 2017 for the follow-up of appeals from Christians from Nahle Valley, and from the Kahke village in Akre.

Additionally, the Presidency of Kurdistan had previously (May 10, 2016) forwarded another request (No. D-232) for Christians of other villages, based on their appeals and IBHR request to speed up the process of resolving the remaining land cases.

Presidency of the Council of Ministers

On March 19, 2015, a number of Christians and their organizations gathered in Duhok province to protest changing the demography of Chaldean, Assyrian and Christian areas. In response, the Presidency of the KRG Council of Ministers (CoM) directed a request

(No. 2485), in which the Parliament was also made aware of (No. 1405), to the Ministry of Interior, on March 25, 2015, with a list of participants for follow-up and resolving the cases.

The presidency of the CoM issued an order (No. 731) on August 28, 2016 to form a committee supervised by Duhok Governor and with the membership of Ministries of Agriculture and Water Resources, of Finance and Justice, as well as the General Directorate of Housing-Duhok, aimed at resolving the Christian land issues in compliance with applicable KRG laws.

Ministry of Justice

Referencing letters that were addressed to the Council of Ministers and Parliament to the public persecutor's presidency (concerning the failure in implementing Act No. 5 of 2015), Ministry of Justice issued a letter (No. 6/356) on June 29, 2016. The letter requests the Ministry of Interior to apply Act No. 5, particularly Article 3, Section 5, to resolve damages conducted against locals including Christians and to later brief them about the outcome.

Judicial Authority

- Duhok Court of Appeals has issued an order on the case of Choole village by the virtue of its order No. (5/TS, March 23, 2017) to resolve the conflict
- Many court decisions have been issued by the specialized courts regarding the case of Bibad village on the private land No. (1/A)
- Duhok Court of Appeals has issued an order to reject the claim made against a civilian, Aziz Tahir Abdul-Aziz, on the accusation of confiscating Safra village.

Requests from a number of Christian villagers

A number of returned Christians have requested facilitation for them to return to their areas of origin and begin farming again on their lands. The requests of each Christian village in the past have been as the following:

Mize village: Christians of Sarsang (Chamanke), which belongs to Amedi in Duhok province, request that they return to areas of origin in whose lands have been seized by the villagers of the surrounding villages. Christians of Mize village migrated due to the atrocities of the former Ba'ath Regime in the years 1963, 1970, 1974, 1980 and 1988.

Cham Rebetke village: villagers of Cham Rebetke, which is a Christian village and of Berishke, which is a Muslim village, signed an agreement with the presence of government and political representatives. Nevertheless, the terms of the agreement have still not been implemented.

Chule village: an illegally-built house, which is owned and inhabited by Ibrahim Haji Yaseen, who lives also in Bakrman, and refuses to commit to the government decisions.

Kichina village in Akre: an issue dated to 2006: a large number of its lands had been sold and around 2000 Christian owners demand compensation.

Erbil International Airport (EIA) land issues

Background of the issue:

The EIA is located North-West of Erbil, near Ainkawa, a part of the Christian populated area. For this purpose, 10000 acres of Ainkawa's agricultural lands were used. Due to EIA's expansion, 1000 additional acres of farmers' land fell under the project's area.

Decree

MP, Srud Selim Meti, along with the Ministry of Agriculture, has been working on this file. The case was forwarded to the CoM, in which an advisor was assigned to follow up with the case. On January 31, 2017, the CoM's Secretariat confirmed that 70% of the compensation requests had been finalized.

On May 20, 2009, 40 Christians were compensated their losses, according to Decree No. 1307 from the CoM. The total number of the Christians who needed compensation in this case was 223 farmers. The Ministry of Agriculture indicated that according to Decree No. 890 of August 17, 1983, in case a project was built on private farmlands, owners would

be compensated with alternative farmlands. Otherwise, according to Act No. 520 of 1976, they will be financially compensated.

Legal Protection

The KRG has put great significance to eliminate any racial and religious discrimination among all the people of Kurdistan. In 2007, Kurdistan Parliament changed the name of the Ministry of Endowment and Islamic Affairs to the Ministry of Endowment and Religious Affairs. To further ensure the protection of all the components living in Kurdistan and ensuring that all their rights are granted, the Parliament passed Law No. (5) of the protection of the rights of all components with an absolute vote. The law protects the rights of ethnic components like Turkmen, Assyrians and Chaldeans, Syriacs, and religious components such as Christians, Yezidis, Sabea-Mandeans, Kakayis, and Zoroastrians. The law works to hinder direct and indirect efforts by individuals or groups of people intended to raise hatred, discrimination and violence on the basis of ethnic, religious, racial or language backgrounds. This legislation is one of the most crucial accomplishments by the KRG towards protecting ethnic and religious components.

The situation of Yezidis and the rescued women

The Yezidis have continuously been the target of extremist groups. Their areas near Mosul province, in other Kurdish areas outside Kurdistan administration, such as Shingal district, Zummar, Bashik, Behzane; other areas in Duhok Governorate: Sheikhan, Alqush, the Semel, Khanke compounds and the Deraboon areas, all came under ISIL attack. Their population was displaced to Kurdistan until their areas were liberated by the Peshmerga.

Prior to ISIL attacks on Ninevah Plains and the invasion of Shingal in August 2014, there were 550,000 Yezidis living in Iraq. During the attack and in its aftermath, Yezidis were not the only targets of ISIL genocidal acts, but also Christians, Shabaks, and the Turkmen.

In the first days of the attack, 1293 Yezidis were killed and left 1759 kids without a father, 407 kids without a mother, and 359 kids without both parents. The fathers of 229 kids are in the hands of ISIL.

Kurdistan received the refugees and the IDPs with open arms. In coordination with other entities, i.e. local and international NGOs, it provided them with all types of aid such as shelter, food, healthcare and education.

The Directorate of Yezidi Affairs in the Ministry of Endowment and Religious Affairs

Following invasion of Shingal, 6,417 Yezidis were kidnapped by ISIL, including 3,548 females and 2,869 males. The KRG put all its efforts to rescue the kidnapped Yezidis. For that purpose, a special committee was formed on November 25, 2014, with a dedicated budget and an emphasis on the Yezidi women. The KRG also made arrangements for their social rehabilitation, providing the opportunity for a dignified life.

The number of the rescued Yezidis until May 2nd, 2019:

Table 1.1:

| Rescued | | | | |
|----------------|------------|--------------|-------------------|--------------------|
| Total | Men | Women | Young Boys | Young Girls |
| 3,451 | 337 | 1178 | 926 | 1010 |

The KRG continues its efforts to rescue the remaining kidnapped Yezidis, of which the numbers are: Total of 2966, 1360 of whom are women and 1606 are men.

Similarly, a women rights committee in the Kurdistan Parliament began its efforts to collect support for the Yezidi girls and women. The members of the committee met with Iraqi Minister of Social Affairs to in Baghdad to find an urgent solution for the case of the kidnapped Yezidi women. As a result, the federal government sent a fact-finding committee to the region and the IDP camps to evaluate the needed aid and compensation, as well as the already provided ones, for the rescued Yezidi women.

After liberating the Yezidi-populated areas, around 71 individual and mass graves were found, where most victims were indeed Yezidis. Special teams continue to search for additional mass graves. In addition to kidnappings and mass killings, ISIL exploded and

destroyed many historical, holy religious sites and shrines. Before the arrival of ISIL, there were 315 holy sites for Yezidis; ISIL destroyed 68 of them, in addition to destroying sites sacred to followers of other religions, such as Christians.

ISIL committed war crimes and crimes against humanity indiscriminately against people from all ethnic and religious backgrounds. Christians were also one of the targets of ISIL; ISIL kidnapped many of them, and 20,000 Christians fled to Kurdistan.

On another side, 2,036 sexual violence cases against Yezidi women and girls have been recorded, among whom 1,052 are above 18 years old and 984 are under 18 years old.

Recognition of the Yezidis Genocide

The injustices committed against the Yezidis by ISIL are considered war crimes and genocide; however, this comes with lots of legal obstacles as Iraq is not part of the Treaty of Rome or the International Criminal Court (ICC). The KRG has continuously urged international institutions to investigate into the genocide perpetrated against the Yezidis.

For this reason, a special committee that consists of KRG representatives from various departments to appeal for the cause of the Yezidi genocide has been formed. A large amount of evidence has been gathered and the KRG will continue its efforts to collect more information while following all legal procedures to transfer them to the International Criminal Court.

The High Commission for recognizing the genocide against Yezidis and other religious groups works to document evidence of ISIL crimes and conducts interviews with witnesses and victims of all genders. As a result of that work, the commission has been able to record 4,206 cases. The investigation into 1,778 cases has ended and 2,428 cases are still under investigation. Among the completed cases, 1,191 cases were specific to Yezidi women and girls. The missing Yezidis are recorded as 2,495 people among whom 845 are female. There is no information about 2,303 of the missing people.

The KRG is also in close coordination with the United Nations to allow the ICC carry out its job on both national and international levels.

Religious ceremonies and holidays

It is worth mentioning that all the religions practice their religious ceremonies, rites, and rituals in a peaceful environment that is free from any restrictions. Correspondingly, all major religious celebrations, such as Eid, Christmas, and Yezidi New Year are considered official public holidays in Kurdistan. The religious communities also have cultural directorates and offices in all provinces. There are numerous schools that teach in the Assyrian language, predominantly in Christian-populated areas like Erbil/Ainkawa, Shaqlawa, Koya, Dyana, Harmota, and Hawdyan. There are similar schools in areas outside Kurdistan administration, such as schools in Hamdaniyah, Bertella, Tal-Kayf, Qereqush, Kremli, and Alqosh. For the Yezidis, a special committee in the General Directorate of Education in the Governorate of Duhok administers the Yezidi educational curriculum in the areas of Duhok and Mosul.

The KRG provides financial support to various cultural or artistic groups and centers that focus on the Turkmen, Chaldean, Assyrian, and Yezidi cultural units. Thus, these attempts are made for the preservation of their distinctive culture. For instance, these endeavors also include the establishment of Assyrian museums and the printing of thousands of books in Kurdish, Arabic, Assyrian and Turkmen languages.

Concluding remarks

The protection of religious minorities has been and continues to be on highest of KRG's agenda in all areas of life, such as political participation, provision of services, and providing security for them inside Kurdistan and beyond. The Christian land issues are a judicial matter and has been dealt with in the judicial departments accordingly. With the formation of the new cabinet, there are prospects for allocating more budgets in order to continue the compensation process.