



I. EXECUTIVE SUMMARY

1. The following report is submitted on behalf of the Assyrian Universal Alliance - Americas Chapter (AUA Americas) in response to Iraq's 15th-21st periodic reports to the Committee on the Elimination of Racial Discrimination (the Committee) for consideration in its upcoming 85th session. Founded in 2007, and in Consultative Status with the United Nations since 2013, AUA Americas works to increase public awareness and understanding of the Assyrian culture and people, to promote human rights and indigenous rights at the national and international level.

2. Serious violations of Iraq's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) persist throughout Iraq since the state underwent its last review before the Committee in August 1999. This report examines those abuses pertaining to Iraq's indigenous Assyrian Christian minority.¹ These abuses stem largely from instances of *de jure* and *de facto* discrimination, inadequate security, escalating tension over Disputed Internal Borders (DIB) and targeted persecution by members of the terrorist organization the Islamic State (IS) (previously known as the Islamic State of Iraq and the Levant) and their affiliates who have recently taken large swaths of northern Iraq from government administration.² Ongoing sectarian discord among the state's politicians continues to impede the Iraqi Government from providing a timely and effective response to such abuses.

3. Four provisions of ICERD will be at issue in this report: Article 4 prohibition to incitement; Article 5(c) freedom from discrimination in the enjoyment of political rights; Article 5(d)(v) freedom from discrimination in the right to own property; and Article 5(d)(vii) freedom from discrimination in the right to religious freedom. In order to help cure the human rights violations alleged here, AUA Americas offers the following recommendations to the Government of Iraq:

- Amend the penal code to include stronger penalties against those who attack minority places of worship.
- Commit to investigating and prosecuting those responsible for past violent offenses targeting Assyrian Christians and ending future attacks with impunity.
- Amend the draft law on incitement to racism to remove provisions mandating prison sentences for invalid allegations of discrimination.
- Amend electoral laws to allow for the election of representatives per multiple geographically based districts across each governorate.
- Adopt necessary security measures and prosecute acts of undue influence that infringe on the right of Assyrian Christians and other vulnerable groups to exercise their right to vote freely.
- Amend election laws to guarantee minorities are proportionally represented in parliamentary and provincial councils throughout Iraq.
- End discriminatory hiring practices and implement special measures to ensure that Assyrian Christians are adequately represented in all levels of unelected public service positions, including police and security forces.
- Promptly resolve property disputes between Assyrian Christians and Kurdish officials and tribal leaders.
- Ensure Assyrian Christians and minorities in the Kurdistan Region enjoy equal access



to the judiciary and law enforcement to raise property disputes.

- Implement administrative processes to allow displaced Assyrian Christians the ability to quickly and efficiently redeem all property deprived by past conflict.
- Promptly end all policies aimed at changing the demographic composition of the Nineveh Plain.
- Obtain the free, prior and informed consent of Assyrian Christians in the Nineveh Plain on all development projects impacting their interests.
- Amend existing laws or implement new legislation to end discrimination against religious minorities in their commitment to their personal status.
- Amend existing laws or implement new legislation allowing all Iraqis the right to change their religious designation on identity cards and other government documents to the religion of their choice.
- Establish civil defense mechanisms and protocols that would allow for cross-agency emergency management during times of suspected violence, such as religious celebrations, minority holidays, or events taking place at minority places of worship.
- Implement education and training programs for security officers, public officials, and religious leaders of all faiths on issues of religious freedom, including the rights of religious minorities.

4. Additionally, in light of the state's recent recent periodic reports, AUA Americas presents the following questions for consideration by the Committee during its dialogue with the Government of Iraq:

- How many individuals have been convicted under Article 372 under Iraq's Penal Code since 2003?
- What measures have been taken to end violence against minorities with impunity?
- What measures have been taken to address lower voter turnout among Assyrian Christians in previous elections?
- How does the Government of Iraq assess the need for minority reserved seats in the state's parliament and provincial councils?
- How has the Government of Iraq worked to fulfill its obligations to ensure security forces represent Iraq's various components?
- What necessary measures have been taken to ensure that equal opportunities are guaranteed to all Iraqis?
- How many claims involving properties belonging to Assyrian Christians has the Iraqi Property Claims Commission resolved and what is the success rate of these claims?
- Does the Government of Iraq recognize Assyrian Christian as an indigenous people in Iraq with particular rights?
- How has the Government of Iraq worked to ensure the safety and security of Assyrian Christians as they take part in religious services?



II. INTRODUCTION

5. The situation of Assyrian Christians and other vulnerable groups in Iraq remains precarious. Between 2010 to 2013, Iraq has consistently been ranked among the top four most dangerous countries for minorities by Minority Rights Group International (MRG),³ labeled a “Country of Particular Concern” by the US Commission on International Religious Freedom (USCIRF)⁴ and received “Not Free” status in Freedom House’s annual *Freedom in the World* report.⁵ The rampant rate of emigration is also indicative of the reality that many Assyrian Christians are deciding to leave the country in the face of protracted human rights challenges. While Assyrian Christians were believed to number 1.4 million before the 2003 invasion,⁶ current estimates place the community at less than half that size.⁷ Their population continues to dwindle as church officials claim that roughly six Assyrian Christian families leave Iraq everyday.⁸ In 2011, Assyrian Christians represented 52 percent of new UNHCR-registered Iraqi refugees in Turkey⁹ and more than half of new UNHCR-registered Iraqi refugees in Lebanon.¹⁰ The statistic is alarming when considering that the community represented just 3 percent of Iraq’s population before 2003.¹¹

6. Since the members of the Islamic State captured Mosul in early June 2014, Assyrian Christians and other minorities in the city have endured targeted persecution in the form of ethnic cleansing and other violations of international humanitarian law. All 30 churches and monasteries inside the city are believed to be in the hands of IS militants, who have reportedly removed the building’s crosses and burned, looted, or destroyed much of the property.¹² By late July, the last Assyrian Christians have escaped the city following an edict by members of IS offering minorities the option to either convert to Islam, pay a tax, flee, or be killed.¹³ The UN Security Council issued a statement on July 21 expressing “deep concern” over reports of such threats and condemning “in the strongest terms the systematic persecution of individuals from minority populations.”¹⁴ Secretary General Ban Ki Moon also condemned the actions claiming that such systematic targeting may amount to a “crime against humanity.”¹⁵

7. Without increased protection by all levels of the Iraqi Government, Assyrian Christians face the reality of no longer remaining a viable component in Iraq’s ancient social fabric.

III. SELECT PROVISIONS

A. Article 4 Incitement to Racial Discrimination

8. Despite the existence of laws protecting the security of religious minorities as well as their places of worship, inadequate sanctions and lack of enforcement fail to effectively deter continued violence and incitement to violence against Iraq’s Assyrian Christians.

9. Iraq’s 1969 Penal Code subjects those who, *inter alia*, disrupt a religious festival or destroy, deface, or desecrate buildings set aside for ceremonies of religious minorities with a maximum penalty of three years in detention or a fine of 300 Iraqi dinars.¹⁶ The trivial fine prescribed by the law is unlikely to fulfill the aim of effectively deterring attacks against churches and other non-Muslim places of worship. Moreover, according to the Institute for International Law and Human Rights



(IILHR), the Penal Code does not guarantee that all crimes will be prosecuted or victims' rights protected.¹⁷ This perpetuates the climate of impunity rampant across Iraq since the start of the conflict. Aside from the more notorious 2010 attacks at the Saidat al-Najat Church in Baghdad or the 2011 riots against businesses owned by non-Muslims in Dohuk, authorities have made little progress in investigating and prosecuting those responsible for the vast majority of violent offenses against Assyrian Christians.¹⁸ In a 2012 MRG report, 78 percent of minorities surveyed believed that prosecuting and punishing those responsible for attacks on innocent civilians "was very likely to improve security"¹⁹

10. Provisions of a draft bill prohibiting entities that espouse racism and other similar acts pose obstacles in effectively penalizing incitement to racial discrimination, violence as well as acts of violence. Namely, the bill's mandatory prison sentence for "any person who alleges to have been subject to discrimination on sectarian, religious or ethnic grounds whose allegation the court finds to be invalid,"²⁰ will likely serve to deter both ungrounded allegations of discrimination as well as legitimate complaints. This concern is particularly poignant among Iraq's ethno-religious minorities who question the veracity and impartiality of the country's increasingly sectarian judicial system.

11. Iraq's obligations under Article 4 of the ICERD to "declare an offence punishable by law all [...] incitement to racial discrimination, as well as acts of violence or incitement to such acts" should extend beyond efforts to implement unenforced or otherwise inadequate legislation. While the 1969 Penal Code outlaws only specific types of incitement and provides too lax of a penalty against violence targeting non-Muslims, the new draft law includes provisions that may discourage Iraq's most vulnerable communities from asserting genuine charges of racially motivated discrimination and violence as well as incitement to such acts. In either case, the lack of enforcement threatens to prevent these and other future pieces of legislation from affording such groups the rights contained within Article 4. Only after the widespread climate of impunity in Iraq concludes can the imposition of any such laws enjoy meaningful effect.

RECOMMENDATIONS TO THE GOVERNMENT OF IRAQ

- Amend the penal code to include stronger penalties against those who attack minority places of worship.
- Commit to investigating and prosecuting those responsible for past violent offenses targeting Assyrian Christians and ending future attacks with impunity.
- Amend the draft law prohibiting incitement to racism to remove provisions mandating prison sentences for invalid allegations of discrimination.

QUESTIONS FOR THE COMMITTEE

- How many individuals have been convicted under Article 372 under Iraq's Penal Code since 2003?
- What measures have been taken to end violence against minorities with impunity?

B. Article 5 Non-discrimination in Guaranteeing Human Rights

1. Article 5(c) Political Rights



12. Iraq's constitution affords all citizens the right to participate in public life, including the right to vote, elect, and run for office.²¹ Targeted violence along with inequitable laws and discriminatory practices, however, have left many Assyrian Christians disenfranchised and the community underrepresented in government institutions.

i. *Right to Vote*

13. Both unjust electoral laws and Instances of coercion, violence and the threat of violence continue to prevent Assyrians from exercising their right to vote without discrimination.

14. Current electoral laws inside the Kurdistan Region and throughout Iraq require the election of candidates to Governorate Councils at large from a single province-wide district.²² Such a system often dilutes the vote of minority citizens, like Assyrian Christians, who may not constitute a great enough share of the entire province's population to influence the election's outcome, but may nonetheless form a substantial portion of a particular region. This framework, coupled with Iraq's history of altering administrative borders to disfavor non-Arab communities, has, in effect, undermined the one person, one vote principle. An alternative and more equitable approach would be to allow for the election of candidates per several geographically proscribed electoral districts across each of the country's 19 governorates. This, in turn, would ensure that areas housing a higher percentage of minorities are better able to influence the election results and the selection of candidates that more closely represent their interests.

15. In addition, voting rights of Assyrian Christians and other minorities residing territories in dispute between the Kurdistan Region and the central government are also infringed by Arab and Kurdish political groups seeking to gain their votes and secure control of the area.²³ MRG reports that such actions are especially apparent in the Nineveh Plain, where minorities have come under substantial pressure to identify either as Arabs or Kurds, or pledge their support to a particular political party.²⁴ Those who resist such pressures often lose access to jobs and services.²⁵ Other organizations also report on allegations that the Kurdistan Regional Government (KRG) has denied churches and Christian aid organizations funding for assistance programs geared at IDPs after refusing to pledge support to the Kurdish political parties.²⁶ In a pattern reminiscent of prior election cycles, Assyrian Christians in Mosul experienced targeted violence in the weeks leading up to the 2010 Parliamentary Elections.²⁷ As evidenced by voter turnout, the attacks deterred Assyrian Christians from participating at the polls. While 62 percent of registered voters casted ballots nationwide,²⁸ only 37 percent of voters turned out in the exclusively Assyrian Christian area of Alqosh.²⁹

16. As a basic principle of equal suffrage enshrined in Article 5(c) of the ICERD and Article 2 and 25(b) of the International Covenant on Civil and Political Rights (ICCPR), minorities must be afforded the equal enjoyment of the right to meaningfully participate in public life, including the right to cast a vote for public officials representing their local communities. The Human Rights Committee has clarified that "[a]lthough the Covenant does not impose any particular electoral system [...] [t]he drawing of electoral boundaries [...] should not exclude or restrict unreasonably the right of citizens to choose their representatives freely."³⁰ However Iraq's current framework establishing districts at large unduly limits the extent to which Assyrian Christians can influence the outcome elections in relation to the size of their population.

17. Indeed, the right to vote goes beyond granting universal suffrage. According to the Human



Rights Committee, Article 25(b) of the ICCPR obligates parties to ensure that those entitled to vote are “free to support or to oppose government, without undue influence or coercion”³¹ and can exercise such a right “free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”³² The effect of election-related violence and ongoing instances of intimidation directed at Assyrian Christian voters infringes on their right to cast their ballot without discrimination.

RECOMMENDATIONS TO THE GOVERNMENT OF IRAQ

- Amend electoral laws to allow for the election of representatives per multiple geographically based districts across each governorate.
- Adopt necessary security measures and prosecute acts of undue influence that infringe on the right of Assyrian Christians and other vulnerable groups to exercise their right to vote freely.

QUESTION FOR THE COMMITTEE

- What measures have been taken to address low voter turnout among Assyrian Christians in previous elections?

ii. *Right to Take Part in the Conduct of Public Affairs*

18. Deficient quota systems at both the local and national level along practices aimed at unduly influencing the election of minority candidates serve to bar Assyrian Christians from the equal enjoyment of the right to take part in the conduct of public affairs.

19. Iraq’s Council of Representatives (CoR) is comprised of 325 seats, with Article 43(1) of the constitution requiring one representative per one hundred thousand Iraqi persons.³³ Law No. 26 of 2009, which amends a previous electoral law, reserves five of these seats for Assyrian Christians in Iraq, distributed in the provinces of Baghdad, Ninewa, Kirkuk, Erbil and Dohuk.³⁴ With Assyrian Christians comprising well above 500,000 in 2009, the allotment of reserved seats underrepresents the size of the community at the time it was enacted. The CoR has nevertheless been attentive to minority issues through the work of the parliamentary minorities caucus, which has helped pass important legislation concerning the situation of Assyrian Christians and other groups.³⁵

20. The issue of underrepresentation is most acute at the subnational level, particularly among regions and provinces where government authority is most expansive. Under Law No. 36 of 2008 and its subsequent amendments, Assyrian Christians are granted a single reserved seat in the provincial councils of Baghdad, Ninewa and Basra, which are comprised of 58, 39 and 35 members respectively.³⁶ While Assyrian Christians are guaranteed a presence in these legislative bodies by virtue of such quotas, the relatively modest allocation is seemingly more tokenistic than meaningful. Among the 41 seats available in each of the three provincial councils within the Kurdistan Region, Law No. 4 of 2009 reserves Assyrian Christians two seats in Dohuk, two seats in Erbil and one seats in Sulaimaniya.³⁷ In the Kurdistan Parliament, Assyrian Christians are apportioned five of its 111 seats under Law No. 1 of 2009.³⁸ Legislative quotas at the parliamentary and provincial level appear to be more proportional in the Kurdistan Region than other parts of Iraq yet Assyrian Christian leaders still express concerns of being politically underrepresented. Following recent amendments to KRG’s election law, Assyrian Christian leaders voiced disappointment that the changes failed to include



demands for reserved seats in the Kurdistan Region's district and sub-district councils.³⁹

21. Notwithstanding the existence of reserved seats across various levels of Iraq's elected bodies, human rights monitors report that Assyrian Christians do not consider members of such quotas to represent the interest of their community. The monitors claim that the ability for any voter to cast a ballot for candidates campaigning for reserved seats has easily allowed non-minority components to control the outcome of such elections.⁴⁰ Taking into account the small size of minority communities served by such quotas, it is very easy for non-minority components to allocate a part of their collective votes to those members of minority lists most sympathetic to their own political interests.⁴¹ Several allegations were raised in the 2014 Parliamentary elections that certain minority political parties were established by non-minority components for the sole purpose of running for reserved seats.⁴² The same problem also exists in the Kurdistan Region, despite the existence of Article 32(5) of Law No. 4 of 2009 mandating the election of quota candidates by members of their respective minority community.⁴³

22. The right to take part in the conduct of public affairs is a fundamental aspect of any democratic government. When *de facto* barriers prevent disadvantaged racial or ethnic groups from equal enjoyment of the right to participate in public affairs at any level, the ICERD requires parties to implement necessary steps to cure such imbalances. By adopting quotas, Iraqi government recognizes the need to supplement constitutional safeguards against legal discrimination with positive measures aimed at ensuring that Assyrian Christians are able to participate in various decision-making bodies. Yet the relatively few seats reserved for the community fall short of satisfying Iraq's commitment to ensure that such participation is full and equal, particularly at local levels where decisions most affecting Assyrian Christians are made. The problem of underrepresentation is further compounded by a voting system that thwarts the aim of ensuring certain communities are genuinely represented in the legislature. Permitting non-minority components to largely determine the selection of candidates running for reserved seats has allowed politically dominant communities to manipulate the electoral process for their own gain.

RECOMMENDATION TO THE GOVERNMENT OF IRAQ

- Amend election laws to guarantee minorities are proportionally represented in parliamentary and provincial councils throughout Iraq.

QUESTION FOR THE COMMITTEE

- How does the Government of Iraq assess the need for minority reserved seats in the state's parliament and provincial councils?

iii. Right to Equal Access to Public Service

23. In unelected public workforce positions, Assyrian Christians faced discrimination as a result of sectarian hiring practices.⁴⁴ The disparity is apparent in the composition of Iraq's security and police forces. Article 9(1)(A) of Iraq's constitution requires that security services maintain a balanced representation of the country's various components.⁴⁵ Nonetheless, reports by NGOs claim that Assyrian Christians constitute an inequitable proportion of local police forces in the Nineveh Plain. In 2010, Assyrian Christians represented only 32 percent of the total number of police officers in Hamdaniya and 12 percent in Tel Keiff, despite constituting at least half of the total population in the



two districts.⁴⁶ Moreover, 63 percent of minorities surveyed in 2012 believed that recruiting more members of their own communities to the police and army would improve their security.⁴⁷ While the number of Assyrian Christians in these police forces is reportedly improving, concerns remain that the community is still largely unrepresented in high-ranking positions.

24. The state's obligation to implement positive measures to cure discrimination in fact also extends to the right of equal access to public service, enshrined under Article 25(c) of the ICCPR. Furthermore, Iraq's Constitution guarantees equal opportunities to all citizens and requires the state to "ensure that the necessary measures to achieve this are taken." Such measures should reflect those "preferential regimes in areas such as employment," for members of disfavored groups as voiced by the Committee in its General Recommendation 32.⁴⁸ In implementing measures like preferential regimes to hire more Assyrian Christians in Iraq's security forces and positions of command, Iraq's government will help fulfill both its constitutional and international obligations to cure disparities in the ethnic composition of its unelected public workforce.

RECOMMENDATION TO THE GOVERNMENT OF IRAQ

- **End discriminatory hiring practices and implement special measures to ensure that Assyrian Christians are adequately represented in all levels of unelected public service positions, including police and security forces.**

QUESTIONS FOR THE COMMITTEE

- **How has the Government of Iraq worked to fulfill its obligations to ensure security forces represent Iraq's various ethnic and religious components?**
- **What necessary measures have been taken to ensure that equal opportunities are guaranteed to all Iraqis?**

2. Article 5(d)(v) Right to Own Property

25. In the Kurdistan Region, unconstitutional confiscation and illegal occupation of lands belonging to Assyrian Christians has escalated inter-ethnic conflict and continues to undermine the right of minorities to own property without discrimination. Challenges in resolving such issues have also highlighted the bias held by both law enforcement and the region's judicial system against aggrieved Assyrian Christian landowners.

26. In the KRG-controlled Governorate of Dohuk, Assyrian Christians have complained that Kurdish officials and tribal leaders have illegally occupied and used their agricultural lands for commercial and investment purposes.⁴⁹ In June of 2013, tensions escalated when Kurdish security forces arrived at the village of Cham Rabatki with materials to construct a house on land that local Assyrian Christians claimed legally belonged to them.⁵⁰ Following protests against the construction, armed men in civilian clothes arrived firing ammunition into the air and attacking residents.⁵¹ Police turned up two hours later and allegedly refused to take complaints from residents at the police station.⁵² Reports in 2009 from local organizations also contend that the KRG has seized more than 4,300 hectares of land from eight Assyrian Christian villages in the region and illegally expropriated four other such villages in their entirety.⁵³

27. Despite the KRG's declaration that it has not taken land from Assyrian Christians, and that any property disputes must be solved through courts of law, Assyrian Christians and other minorities



have claimed on several occasions that court judgments on return of property have not been upheld.⁵⁴ According to the United Nations Assistance Mission in Iraq (UNAMI), the President of the Kurdistan Region issued a decree (No. 2226 of December 2012) establishing a committee to inquire into the allegations raised by Assyrian Christians concerning the affected lands.⁵⁵ The Committee recommended that most of the property should be return to the original Assyrian Christian owners but favored giving some of the contested land to the current occupants.⁵⁶ The proposition was rejected by the affected Assyrian Christians who perceived the arrangement as a way of circumventing their right to have all the property at issue fully restored.

28. Article 23 of Iraq's Constitution limits the use of expropriation to "purposes of public benefit in return for just compensation."⁵⁷ The provision aims to ensure an end to policies implemented under Saddam Hussein's government aimed at forcibly relocating non-Arab communities throughout Iraq. Notwithstanding the existence of such constitutional protections, Assyrian Christians continue to endure violations to their right to freely and equally own and enjoy property within both Iraq's domestic framework as well as its international obligations under Article 5(d)(v).

RECOMMENDATIONS TO THE GOVERNMENT OF IRAQ

- Promptly resolve property disputes between Assyrian Christians and Kurdish officials and tribal leaders.
- Ensure Assyrian Christians and minorities in the Kurdistan Region enjoy equal access to the judiciary and law enforcement to raise property disputes.

QUESTION FOR THE COMMITTEE

- How many claims involving properties belonging to Assyrian Christians has the Iraqi Property Claims Commission resolved and what is the success rate of these claims?

i. *Rights of the Displaced*

29. Threats and targeted bombings of Assyrian Christians since 2010 produced three large-scale waves of displacement from Iraq's major cities to the Nineveh Plain and territories controlled by the Kurdish Regional Government (KRG).

30. In weeks leading up to the March 2010 parliamentary elections, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that over 800 Assyrian Christian families were displaced from Mosul after sporadic violence directed at the community left at least 12 dead.⁵⁸ Soon after the attack at Baghdad's Saidat al-Najat Church in October of the same year, the International Organization for Migration (IOM) reported that as many as 1,300 Assyrian Christian families endured displacement.⁵⁹ Individuals exploited the panic held by Assyrian Christians in major cities by publishing rumors of impending violence against the community in order to drive down home prices and encourage them to flee.⁶⁰ As a result, Assyrian Christians from Baghdad were largely unable to sell their homes at fair value, leading many to either undersell properties or leave them abandoned and vulnerable to squatters. In June 2014, one-third of Mosul's 35,000 Assyrian Christian residents fled the city shortly after the recent takeover by the Islamic State of Iraq and the Levant (ISIL) and their associated armed groups.⁶¹ Those remaining in Mosul sought to escape after militants threatened to kill members of the community who do not convert to Islam or pay a tax.⁶² As they left, militants marked Assyrian Christian homes with an Arabic letter to symbolize the word



“Nasrani,” meaning “Christian.” Militants also posted an inscription on the building that reads, “Property of the Islamic State of Iraq” and Muslims who rent property from Christians in Mosul were directed to no longer pay rent.⁶³ This reality points to a particular need for robust policies to help Assyrian Christian IDPs redeem properties affected by the conflict.

31. The most recent property restitution framework for displaced Iraqis includes Council of Ministers Decree 262 and Prime Minister’s Order No. 101.⁶⁴ The measures establish administrative services to help returnees recover their real property and offer one million Iraqi dinars in cash assistance per returnee family.⁶⁵ They also hold those occupying the home of an IDP responsible as a participant to that person’s forcible displacement under the state’s Anti-Terrorism Law.⁶⁶ However, only those returning to their home after being displaced between 2006 and 2008 are governed by this framework. Assyrian Christian IDPs wishing to integrate locally in their places of displacement as well as those fleeing from violence targeting the community after 2008 are presumably left with the costly and time-consuming burden of pursuing their property claims in court. While governorate-level programs in Baghdad have provided financial support for returnee families to repair or reconstruct their damaged or destroyed houses, the initiative excludes damages to businesses, including the several Assyrian Christian-owned liquor stores targeted by extremists.⁶⁷

32. These measures, although significant, do not discharge Iraq’s obligation under Article 5(d)(i) the ICERD to guarantee, without distinction as to ethnic origin, equal enjoyment of the right to freedom of movement within the state. The right to own property under Article 5(d)(v), as interpreted by the Committee on the Elimination of Racial Discrimination, encompasses “the right to have restored to [IDPs] property of which they were deprived in the course of the conflict and to be compensated appropriately for any such property that cannot be restored to them.”⁶⁸ Limiting available administrative processes for property restitution to those displaced between 2006 and 2008 violates Article 5 by effectively creating a disparate legal framework that disfavors the thousands of Assyrian Christians uprooted years later. Furthermore, years of concerted policies among various non-state actors to usurp the homes and businesses of Assyrian Christians in Mosul and Baghdad also necessitates the implementation of positive measures aimed at swiftly restoring their right to own property without discrimination.

RECOMMENDATION TO THE GOVERNMENT OF IRAQ

- **Implement administrative processes to allow displaced Assyrian Christians the ability to quickly and efficiently redeem all property deprived by past conflicts.**

ii. Rights of Indigenous Peoples

33. Failure to recognize the indigenous status of Assyrian Christians in Iraq along with their particular rights has allowed for the implementation of politically motivated development projects in territories considered to be their ancestral homeland. Such development occurs despite Constitutional safeguards against the “ownership of property for the purposes of demographic change.”⁶⁹

34. The Nineveh Plain, which encompasses the districts of Hamdaniya, Tel Keiff and Sheikhan in the province of Ninewa, forms part of Iraq’s Disputed Internal Borders (DIB) in contention between the Kurdistan Region and the federal government in Baghdad. The region is one of the only areas



demographically dominated by non-Muslim and non-Arab communities and houses the greatest concentration of Assyrian Christians in Iraq.⁷⁰ Indeed, certain towns have been settled and inhabited exclusively by Assyrian Christians for millennia. However, as a result of population transfers carried out pursuant to Saddam Hussein's Arabization policies, these areas encountered significant influx of residents from non-native communities. Recently, the concern surrounding the composition of the region was further escalated by the construction of a thousand-unit housing project in the largely Assyrian Christian town of Bartella. Opponents believed that the project, which was approved by the sub-district council against the consent of the town's indigenous Assyrian Christian community, looks to settle Shabaks from a neighboring village *en masse* in order to shift Bartella's demographic composition.⁷¹ Similar instances of politically motivated development projects occurred in the neighboring Assyrian Christian district of Hamdaniya (referred to locally as Baghdede). According to International Organization of Migration's (IOM) human rights monitors, 1,250 hectares (or 3,088 acres) of land used for residential purposes was expropriated in 2009 by the Office of Municipalities in Ninewa Governorate. The monitors believe that the intended purpose is to alter the demographics of the area, and that there is a systematic plan to take land from the original Assyrian Christian inhabitants and redistribute it to non-inhabitants.⁷²

35. Assyrians Christians in Iraq identify as a distinct ethno-religious community with a heritage linked to the civilizations of Mesopotamia. They are largely Syriac speaking, politically non-dominant, profess to various ancient traditions of Christianity and were historically the first to settle in many of the territories they currently reside.⁷³ As such, Assyrian Christians fall within the commonly referred to criteria of indigenous peoples and should be entitled to those particular rights afforded to members of such communities.⁷⁴ This includes obtaining their free, prior and informed consent on all policies affecting their communal lands, territories and resources. As mentioned by the Committee, in cases in which their property has been used without their consent, states should take steps to return those lands and territories.⁷⁵ In Iraq, however, failure to recognize the indigenous status of Assyrian Christians in their ancestral homeland of the Nineveh Plain bars the realization of these and other rights and allows for the implementation of policies aimed at undermining the historic connection to their indigenous territories.

RECOMMENDATIONS TO THE GOVERNMENT OF IRAQ

- Promptly end all policies aimed at changing the demographic composition of the Nineveh Plain.
- Obtain the free, prior and informed consent of Assyrian Christians in the Nineveh Plain on all development projects impacting their interests.

QUESTION FOR THE COMMITTEE

- Does the Government of Iraq recognize Assyrian Christian as an indigenous people in Iraq with particular rights?

3. Article 5(d)(vii) Freedom of Religion

36. Legal and structural barriers continue to prevent the Government of Iraq from fulfilling its obligation to respect and protect the freedom of religion or belief of individuals within the state.



i. Freedom to Have or Adopt a Religion of One's Choice

37. Although Article 2(2) of Iraq's constitution "guarantees the full religious rights to freedom of religious belief and practice of all individuals, such as Christians [...]"⁷⁶ an earlier provision establishes Islam as the official religion of the State and bars any law that "contradicts the established provisions of Islam."⁷⁷ This potential conflict within the constitution may adversely affect a range of rights of Assyrian Christians and other non-Muslim minorities. For instance, the constitution grants Iraqis freedom "in their commitment to their personal status according to their religions, sects, beliefs, or choices,"⁷⁸ but implementing legislation has not yet been passed.⁷⁹ As a result, courts continue to apply the 1959 Personal Status Law, which includes principles of Shari'a.⁸⁰ The law largely exempts non-Muslims by requiring civil courts to apply the opinion of the religious authority of non-Muslims parties in court.⁸¹ Despite this exemption, there remain instances in which religious minorities continue to endure legal discrimination in their commitment to their personal status.

38. One example is found in the 1972 Law of Civil Affairs, which forms part of the larger Personal Status Code. While the law explicitly allows non-Muslims to convert to Islam, principles of Shari'a prohibit converting away from the faith.⁸² Although there is no penalty for converting from Islam, the many non-Muslims who converted voluntarily or to avoid discrimination during the Ba'athist regime are now unable to change their religion on identity documents.⁸³ The law also requires the conversion of minor children to Islam if either parent converts to Islam, even if the other parent objects.⁸⁴ Until recently, minor children of a parent who converts to Islam also lacked the ability to change their religious designation upon reaching the age of maturity. However, in 2012, the Court of Appeals in Baghdad granted an 18-year-old's request to change his religion back to Christian on his identity card after his father converted to Islam while the plaintiff was still a minor, thereby automatically changing the minor's religious designation to the same.⁸⁵ Some human rights organizations claim that the court's holding does not allow all children of convert parents the opportunity to correct their religion on identity cards.

39. Secondly, the present legal framework proves particularly problematic for non-Muslim girls whose parents have converted to Islam when the girls were minors. While the 1959 Personal Status Law allows inter-religious marriage between Muslim men and non-Muslim women, it bars Muslim women from marrying non-Muslim men.⁸⁶ Minor girls who are otherwise unable to legally change their religious designation from Islam following a parent's conversion are thus prohibited to marry within the religious community of their birth. In Iraq, Assyrian Christians represent not only an indigenous religious community, but also a distinct ethnic and linguistic segment of society. Preventing such girls from marrying other Christians not only leaves some Assyrian women culturally isolated but also threatens the continued vitality of the community as a whole. Furthermore, the discriminatory aspects of the Personal Status Law have caused some Iraqi families to marry in religious services and hide the marriage from state authorities.⁸⁷ Consequently, children born from such marriages may not receive governmental identification documents, which prevent them from enrolling in school and accessing other services.⁸⁸

40. These provisions are inconsistent with Article 14 of Iraq's constitution, which ensures equal protection before the law without discrimination as to religion.⁸⁹ Legal barriers preventing citizens from freely replacing their religious designation serves, in effect, to discriminate Assyrian Christians from adopting a religion of their choice. As such, the law also contravenes Iraq's non-derogable commitment to guarantee the freedom to adopt, change or renounce a religion under Article 18 of



both the Universal Declaration of Human Rights and the ICCPR. Lastly, the ban on marriages between Muslim women and non-Muslim men clearly violates Iraq's obligation to ensure men and women have the "same right to freely choose a spouse" stipulated within Article 16(b) of Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

RECOMMENDATIONS TO THE GOVERNMENT OF IRAQ

- Amend existing laws or implement new legislation to end discrimination against religious minorities in their commitment to their personal status.
- Amend existing laws or implement new legislation allowing all Iraqis the right to change their religious designation on identity cards and other government documents to the religion of their choice.

ii. Freedom to Manifest One's Religion

41. Despite Article 43(2) of Iraq's constitution guaranteeing "the freedom of worship and the protection of places of worship,"⁹⁰ violations of the right to manifest one's religion or belief persist.

42. Between 2010-2013, insurgents bombed or attacked eight churches in major cities throughout Iraq.⁹¹ The most violent of these attacks occurred on October 31, 2010 inside the Saidat al-Najat (Our Lady of Salvation) Syriac Catholic Cathedral in Baghdad's al-Karrada District.⁹² During a Sunday evening mass, five terrorists entered the church and took some 120 people hostage and detonated explosives.⁹³ The final death count totaled 58: 41 civilians inside the church including two priests, seven policemen, five passers-by and five gunmen.⁹⁴ Human rights reports indicate that roughly one hundred Assyrian Christians have been killed in targeted attacks throughout the country during the past four years.⁹⁵ Following the takeover of Mosul by the Islamic state, all 30 churches and monasteries inside the city are believed to be in the hands of IS militants, who have reportedly removed the building's crosses and burned, looted or destroyed much of the property. In late June, Chaldean Catholic Church's Archbishop of Erbil stated that for the first time in 1,600 years, mass was not celebrated in Mosul.

43. Even in the relatively secure Kurdistan Region there occurred instances of religiously motivated violence against religious minorities. In December 2011, an imam affiliated with the Kurdistan Islamic Union incited followers to attack businesses owned by Assyrian Christians and other non-Muslims during a midday prayer in the northern province of Dohuk.⁹⁶ His remarks led 300 to 1,000 rioters to burn or destroy several stores deemed "anti-Islamic," including 26 legally operating liquor stores, a massage parlor, four hotels which serve alcohol, and a casino.⁹⁷ The riots lasted four days and caused an estimated four million US dollars in damages.⁹⁸ In other parts of Iraq, Assyrian Christians continue to face obstacles abridging their freedom to express their faith openly. Assyrian Christian women in Mosul reported feeling compelled to wear the hijab or hide religious symbols from view.⁹⁹ In Baghdad, anonymous letters threatening non-Muslim minorities were circulated in neighborhoods home to Assyrian Christians.¹⁰⁰

44. Just over 60 percent of Assyrian Christians surveyed in a 2012 report published by MRG admitted feeling unsafe when leaving their home, traveling, or at work/school/university.¹⁰¹ Poor perception of security has caused a significant decline in attendance in church services among Assyrian Christians outside of the Kurdistan Region and has often quelled celebrations of Christian



holidays and events.¹⁰² Efforts by authorities to improve protection around churches and expedite investigations of high-profile attacks against religious minorities have helped decrease the number of further attacks against Assyrian Christians since the height of Iraq's sectarian conflict.¹⁰³ Nonetheless, inadequate legal protections and the state's general failure to prosecute offenders continue to pose challenges in ensuring Assyrian Christians enjoy the right to manifest their religion publicly.

45. Continuing attacks against Assyrian Christians with impunity and lax legal protections of minority places of worship abridge both the right to manifest their religion publicly. Though Iraq's Constitution has recognized the protection of religious sites as a fundamental freedom, negligent enforcement makes enjoyment of this right non-practicable and non-existent. The right to security of person under Article (9)(1) of the ICCPR is understood by the Human Rights Committee to concern "freedom from injury to the body, or bodily integrity" arising from either government or private sources. In order to discharge such obligation, the Human Rights Committee requires states to enforce criminal laws in response to past injury. Similarly, the Human Rights Committee noted that the right to an effective remedy under Article 2(3) should be "adapted so as to take account of the special vulnerability of certain categories of person."

RECOMMENDATIONS TO THE GOVERNMENT OF IRAQ

- Establish civil defense mechanisms and protocols that would allow for cross-agency emergency management during times of suspected violence, such as religious celebrations, minority holidays, or events taking place at minority places of worship.
- Implement education and training programs for security officers, public officials, and religious leaders of all faiths on issues of religious freedom, including the rights of religious minorities.

QUESTION FOR THE COMMITTEE

- How has the Government of Iraq worked to ensure the safety and security of Assyrian Christians as they take part in religious services?

IV. CONCLUSION

46. The aforementioned violations of the ICERD prove particularly troubling in light of Iraq's current political crisis. The takeover of Mosul and other parts of Northern Iraq by militant Islamists has caused Assyrian Christians to face egregious attacks, discrimination and even war crimes by those looking to cleanse the region of their historic presence. As emigration forces the community's population to dwindle by more than half since 2003, the notion of an Iraq without its indigenous Christians has become an increasingly real possibility. It is for such reasons that the state must strive to ensure that Assyrian Christians are preserved within Iraq's once-vibrant social fabric through laws, policies and practices that better uphold the state's international human rights obligations.



¹ Referred to at times as Chaldeans, Syriacs, Chaldo-Assyrians or other variant names, Assyrians maintain they are a single community and should be treated as such.
¹ *Assyria*, Unrepresented Nations and Peoples Organization, March 28, 2008, <http://www.unpo.org/members/7859> (accessed March 14, 2014).
² "Violence Erupts in Mosul," *IOM Iraq Flash Report*, June 10 2014, http://iomiraq.net/file/920/download?token=HHaztAJoO3XZ7jZ8APo-rd68yLH_9BpyrgDAP1z-ISA.
³ *People Under Threat 2013*, Minority Rights Group International, <http://www.minorityrights.org/11989/peoples-under-threat/peoples-under-threat-2013.html> (accessed March 14, 2014).
⁴ "Countries of Particular Concern 2013," US Commission on International Religious Freedom, <http://www.uscirf.gov/all-countries/countries-of-particular-concern-tier-1> (accessed March 14, 2014).
⁵ "Iraq - Freedom in the World 2013," Freedom House International, <http://www.freedomhouse.org/report/freedom-world/2013/iraq#.U9IAplZgYds>
⁶ "Iraq: Christians live in fear of death squads," IRIN News, October 18, 2006, <http://www.irinnews.org/report/61897/iraq-christians-live-in-fear-of-death-squads> (accessed March 14, 2014).
⁷ *Annual Report 2013*, United States Commission on International Religious Freedom, April 2013, 88, [http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf).
⁸ Amjad Salah, "Chaldean Church: Six Christian families leave Iraq every day," *Alsumaria*, December 18, 2013, <http://www.alsumaria.tv/news/88513/chaldean-church-six-christian-families-l/en> (accessed March 14, 2014).
⁹ *Mid-Year Review of the Regional Response Plan for Iraqi Refugees 2012*, United Nations Office for the Coordination of Humanitarian Affairs, September 10, 2012, 115: https://docs.unocha.org/sites/dms/CAP/MYR_2012_Iraq_RP.pdf (accessed March 14, 2014).
¹⁰ *Id.* at 76.
¹¹ Steven Lee Myers, "More Christians Flee Iraq After New Violence," *The New York Times*, December 12, 2010, <http://www.nytimes.com/2010/12/13/world/middleeast/13iraq.html?pagewanted=all> (accessed March 14, 2014).
¹² "ISIS, Kurds Clash Near Assyrian Town, 2000 Families Driven from Mosul," *Assyrian International News Agency*, July 23, 2014, <http://www.aina.org/news/20140723101146.htm> (accessed July 24, 2014).
¹³ Louisa Loveluck, "Christians flee Iraq's Mosul after Islamists tell them: convert, pay or die," *Telegraph*, July 19, 2014, [http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/10977698/Christians-flee-Iraqs-Mosul-after-Islamists-](http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/10977698/Christians-flee-Iraqs-Mosul-after-Islamists-tell-them-convert-pay-or-die.html)

[tell-them-convert-pay-or-die.html](http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/10977698/Christians-flee-Iraqs-Mosul-after-Islamists-tell-them-convert-pay-or-die.html), (accessed, July 24, 2014).
¹⁴ "Security Council Press Statement on Persecution of Minorities in Mosul, Iraq," UN Security Council, July 21, 2014, <http://www.un.org/News/Press/docs/2014/sc11484.doc.htm>
¹⁵ "Statement attributable to the Spokesman for the Secretary-General on the systematic persecution of minorities in Mosul," UN Secretary General, July 20, 2014, <http://www.un.org/sg/statements/index.asp?nid=7880>.
¹⁶ Penal Code No. 111 of 1969 Article 372.
¹⁷ *Supra* note 21 at 58
¹⁸ *Supra* note 9 at 89
¹⁹ Chris Chapman, *Briefing: Improving security for minorities in Iraq*, Minority Rights Group International, July 2012, 8, <http://www.refworld.org/pdfid/528497244.pdf> (accessed March 14, 2014).
²⁰ "Fifteenth to twenty-first periodic reports of States parties due in 2011 - Iraq," Committee on the Elimination of Racial Discrimination, October 2, 2013, CERD/C/IRQ/15-21
²¹ *Supra* note 18 at 20.
²² Law No. 36 of 2008, Article 22
²³ Preti Taneja, *Iraq's Minorities: Participation in Public Life*, Minority Rights Group International, 2011, 13, <http://www.refworld.org/docid/4ed612bc2.html>.
²⁴ *Id.* at 18.
²⁵ *Id.*
²⁶ *The Struggle to Exist Part II: Violence against Assyrian Communities in Nineveh Province's Disputed Territories*, Assyrian Council of Europe, February 2010, 11, <http://www.assyriacouncil.eu/resources/The%2BStruggle%2Bto%2BExist%2B-%2BPart%2B2.pdf>.
²⁷ *2010 Report on Human Rights in Iraq*, United Nations Assistance Mission for Iraq, January 2011, 53-54. <http://unamissions.org/LinkClick.aspx?fileticket=9hA1KMfch41%3d&tabid=3174&language=en-US> (accessed March 14, 2014).
²⁸ "Turnout for Iraq election solid at 62 percent," *Al Arabiya News*, March 8, 2010, <http://www.alarabiya.net/articles/2010/03/08/102483.html> (accessed March 14, 2014).
²⁹ *The Last Generation? The Situation of Assyrians in Northern Iraq- Fact-finding Mission Report*, Assyria Council of Europe, April 2011, 23, <http://www.unpo.org/downloads/263.pdf>.
³⁰ General Comment 25, Par. 25, Human Rights Committee.
³¹ *Id.* at Par. 19.
³² *Id.*
³³ Constitution of Iraq, 43(1).
³⁴ Law No. 26 of 2009 Article 1(3).
³⁵ Jason Gluck, "On the Issues: Iraqi Parliamentary Minority Caucus," United States Institute of Peace, November 9, 2010, <http://www.usip.org/publications/the->



issues-iraqi-parliamentary-minority-caucus (accessed March 14, 2014).

³⁶ *Supra* note 22 at Article 1.

³⁷ Regulation 9 of 2012, Candidates Seat Allocation for the Components, Independent High Electoral Commission, Part 2.

³⁸ Law No. 1 of 2009 Article 36, Par. 2(1).

<http://unami.unmissions.org/LinkClick.aspx?fileticket=Qm7VT2Rpppg%3D&tabid=5464&language=en-US>.

³⁹ *Report on Human Rights in Iraq: 2011*, United Nations Assistance Mission in Iraq, May 2012, 32, <http://unami.unmissions.org/LinkClick.aspx?fileticket=uGUYYVCu7UBs%3d&tabid=3174&language=en-US>.

⁴⁰ "Election Observation Mission Report," Unrepresented Nations and Peoples Organizations, April 30, 2014, 40, <http://www.unpo.org/downloads/954.pdf>

⁴¹ *Id.*

⁴² *Id.*

⁴³ Law No. 4 of 2009, Article 32(5)

⁴⁴ *International Religious Freedom Report July- December 2010*, U.S. Department of State Bureau of Democracy, Human Rights, and Labor, July 2011, (accessed March 14, 2014), (available at:

<http://www.state.gov/documents/organization/1171735.pdf>)

⁴⁵ *Supra* note 33 at Article 9(1)(A).

⁴⁶ *Ethnic discrimination in the Iraqi police force The case of Assyrians in the Nineveh Plain of northern Iraq*, Assyria Council of Europe, December 2010, 3,

[http://www.assyriacouncil.eu/resources/ACES2B-\\$2BEthnic\\$2BDiscrimination\\$2Bin\\$2Bthe\\$2BIraq\\$2BPoli ce\\$2BForce.pdf](http://www.assyriacouncil.eu/resources/ACES2B-$2BEthnic$2BDiscrimination$2Bin$2Bthe$2BIraq$2BPoli ce$2BForce.pdf) (accessed March 14, 2014).

⁴⁷ Chris Chapman, *Briefing: Improving security for minorities in Iraq*, Minority Rights Group International, July 2012, 10,

<http://www.refworld.org/pdfid/528497244.pdf> (accessed March 14, 2014).

⁴⁸ General Recommendation 32, Par. 13, Committee on the Elimination of Racial Discrimination.

⁴⁹ *July-December 2013 Report on Human Rights in Iraq*, United Nations Assistance Mission for Iraq, June 2014, 22, http://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=496_013743d58623666e26b230b389012eb0&lang=en.

⁵⁰ *January-June 2013 Report on Human Rights in Iraq*, United Nations Assistance Mission for Iraq, August 2013, 14, http://www.protectingeducation.org/sites/default/files/documents/hro_human_rights_report_january_-_june_2013_final_eng_15dec2013_2.pdf.

⁵¹ *Id.*

⁵² *Id.*

⁵³ "The Struggle to Exist," *Assyria Council of Europe and Hammurabi Human Rights Organization*, February 2010, 103, <http://www.aina.org/reports/acetste.pdf>

⁵⁴ Mumtaz Lalani. *Still Targeted: Continued Persecution of*

Iraq's Minorities, Minority Rights Group International, June 10, 2010, 21,

<http://www.refworld.org/docid/4c43f4322.html>.

⁵⁵ *Supra* note 50.

⁵⁶ *Id.*

⁵⁷ *Supra* note 33 at Article 23(2).

⁵⁸ *Iraq, Displacement in Mosul: Situation Report No. 3*, Office for the Coordination of Humanitarian Affairs, March 6, 2010, 2, <http://www.jauiraq.org/documents/78/OCHA-Iraq-SitRep-No-3-Displacement-in-Mosul-6-March-2010.pdf>.

⁵⁹ *IOM Emergency needs assessments: Displacement of Christians to the north of Iraq*, International Organization for Migration, January 31, 2011, 5, <http://www.iomiraq.net/Documents/Christian%20Displacement%2031%20January%202011%20EN%20Final.pdf>.

⁶⁰ *Id.* at 2

⁶¹ *Supra* note 13.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Supra* note 23 at 21.

⁶⁵ *Id.*

⁶⁶ Mumtaz Lalani. *Still Targeted: Continued Persecution of Iraq's Minorities*, Minority Rights Group International, June 10, 2010, 20,

<http://www.refworld.org/docid/4c43f4322.html>.

⁶⁷ *Id.*

⁶⁸ *Supra* note 44 at Par .2.

⁶⁹ *Supra* note 33 at 23(3)(b)

⁷⁰ Sean Kane, *Iraq's Disputed Territories*, US Institute of Peace, 18, March 2011

<http://www.usip.org/sites/default/files/resources/PW69.pdf>

⁷¹ "The CSAPOA Important statement about what is happening in Bartella," Ishtar TV, June 19, 2012, <http://www.ishtartv.com/en/viewarticle,36092.html> (accessed July 24, 2014).

⁷² *Supra* note 23.

⁷³ *Assyria*, Unrepresented Nations and Peoples Organization, March 28, 2008,

<http://www.unpo.org/members/7859> (accessed March 14, 2014).

⁷⁴ "Who are indigenous peoples?" *Factsheet*, United Nations Permanent Forum on Indigenous Issues, http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf (accessed March 14, 2014).

⁷⁵ General Recommendation 23, Par. 5, Committee on the Elimination of Racial Discrimination.

⁷⁶ *Supra* note 33 at Article 2(2).

⁷⁷ *Id.* at Article 2(1).

⁷⁸ *Id.* at Article 41.

⁷⁹ *Iraq's Minorities and Other Vulnerable Groups: Legal Framework, Documentation and Human Rights*, Institute for International Law and Human Rights, May 2013, 56, http://lawandhumanrights.org/documents/MinorityHB_EN.pdf (accessed March 14, 2014).

⁸⁰ Law No. 188 of 1959, Article 1(2), (available at:



http://gjpi.org/wp-content/uploads/2009/01/iraq_personal_status_law_1959_english_translation.pdf.

⁸¹ *International Religious Freedom Report 2010*, U.S.

Department of State Bureau of Democracy, Human Rights, and Labor, November 17, 2010,

<http://www.state.gov/j/drl/rls/irf/2010/148821.htm>

(accessed March 14, 2014).

⁸² *Id.*

⁸³ *Supra* note 79.

⁸⁴ *Supra* note 7 at 86.

⁸⁵ *Iraq 2012 International Religious Freedom Report*, U.S.

Department of State Bureau of Democracy, Human Rights, and Labor, May 20, 2013, 9,

<http://www.state.gov/documents/organization/208602.pdf>

(accessed March 14, 2014).

⁸⁶ *Supra* note 80 at Article 17.

⁸⁷ *Supra* note 79.

⁸⁸ *Id.*

⁸⁹ *Supra* note 33 at Article 14.

⁹⁰ *Id.* at Article 43(2).

⁹¹ "Church Bombings in Iraq Since 2004," *Assyrian*

International News Agency, September 22, 2012,

<http://www.aina.org/news/20080107163014.htm> (accessed

March 14, 2014).

⁹² *2010 Report on Human Rights in Iraq*, United Nations

Assistance Mission for Iraq, January 2011, 42,

<http://unami.unmissions.org/LinkClick.aspx?fileticket=9hA1KMfch4I%3d&tabid=3174&language=en-US> (accessed

March 14, 2014).

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Report of Hammurabi Human Rights Organization*

(*HHRO*) *About The Situation of Iraqi Minorities 2011*,

Hammurabi Human Rights Organization, 2011,

http://www.hhro.org/hhro/file_art/hhro_report_2011_english/hhro_report_2011_en.pdf (accessed March 14, 2014).

⁹⁶ *Supra* note 85 at 7.

⁹⁷ *Id.*

⁹⁸ "About four million dollars of losses resulting from the

burning of tourist places in the Dohuk riots," *Ankawa News*,

December 7, 2011,

<http://www.ankawa.com/forum/index.php/topic,547957.0.html>

(accessed March 14, 2014).

⁹⁹ "Christian Students in Mosul Forced to Wear Hijab,"

Ishtar Broadcasting Corporation, October 21, 2011,

<http://www.ishtartv.com/en/viewarticle,35577.html>

(accessed March 14, 2014).

¹⁰⁰ *Supra* note 81.

¹⁰¹ *Supra* note 7 at 9.

¹⁰² John Leland, "Iraqi Christians Exercise Caution for

Christmas," *New York Times*, December 24, 2010,

<http://www.nytimes.com/2010/12/25/world/middleeast/25iraq.html>

(accessed March 14, 2014).

¹⁰³ *Supra* note 81.