

Mandates of the Special Rapporteur on minority issues; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

REFERENCE: UA
IRQ 4/2014:

24 July 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on minority issues; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/5 and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **acts of violence against, and forced displacement of Chaldean Assyrian Christians and other ethnic and religious minority groups in northern Iraq in areas under the control of the so called Islamic State.**

According to information received:

On 7 June 2014, heavy fighting between the Iraqi Security Forces (ISF) and alleged militants of the Islamic State (IS) took place in Mosul, Iraq's second largest city. Violence resulted in an estimated 100 casualties and the takeover of the city, including government buildings, police and military bases and Mosul International airport by the Islamic State militants. Reportedly 2,400 prisoners from Mosul's jails were released during the taking of the city, and there are concerns they may have joined the Islamic State.

According to reliable sources, following Mosul's takeover around 35,000 Chaldean Assyrian Christians fled the city seeking safety in the Niniveh Plain area, a traditional Christian area in Iraq. On 26 June 2014, Islamic State militants reached Niniveh Plain and fighting began between Islamic State militants and Kurdish forces, causing several Chaldean Assyrian Christians to flee en masse. Reportedly, 50,000 thousand people left the town of Baghdede seeking refuge in neighboring cities, including Al-Qosh, Tel-Keif, and Telsqop, as well as in Erbil and Dohuk.

Between 11 and 12 June 2014 it was reported that members from the Yezidi community as well as Shabak and Turkmen Shia were being targeted in Mosul and in other areas in Sinjar and Ninewa controlled by the Islamic State, and subjected to gross human rights violations, including abductions, targeted killings and destruction of their properties.

According to reliable information, around 17 June 2014, the Islamic State commenced to issue rulings requiring all civilians, irrespective of their religious background, to adhere to their interpretation of Sharia'a law or face death. Reportedly, Shabak and Turkmen Shi'a and Yezidi community members were brought before Shari'a courts where they were declared apostates (kafir) and given the option "to repent" and convert to Islam or face death. It has been reported that some individuals from these minority groups who refused to convert to Islam were summarily executed.

Further reliable information received indicates that in the course of July 2014, Christians in Mosul received letters from the Islamic State with an ultimatum to convert to Islam, pay a tax (jezyah) or die. Another order issued by the Islamic State posed an ultimatum to Christians to convert to Islam or to leave Mosul by 19 July 2014, or be killed. Reportedly, the houses of Christians and Shi'a in Mosul were being marked as "property of the Islamic State". Reports indicate that all Christians who are able to leave have fled Mosul including nearly 350 families had fled to areas in northern Ninewa and Dohuk under Peshmerga control.

Without making any judgment as to the accuracy of the information made available to us, we would like to express our concerns regarding the physical safety of all minority groups and persons belonging to minorities who may be subjected to gross human rights violations, including summary executions. Grave concern is also expressed that the massive displacement of people escaping from the violence is resulting in a dire humanitarian crisis, with thousands of internal displaced people lacking access to water, food, healthcare and adequate shelter. In this regard we would be most grateful to receive your Government's information and updates regarding the status of affected minority groups.

In connection with above alleged facts and concerns, we would like to recall that the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, in particular to article 1 of the Declaration, which refers to the obligation of States to protect the existence and identity of national or ethnic, cultural, religious and linguistic minorities within their territories and to "adopt appropriate legislative and other measures to achieve those ends". Additionally, article 2 states that persons belonging to national or ethnic, religious and linguistic minorities have, inter alia, the right to enjoy their own culture and to profess and practice their own religion without

discrimination. Furthermore, article 4.1 notes the obligation of States to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law.

In addition, we would like to refer to your Excellency's Government to the article 27 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Iraq on 25 January 1971, which provides that the right of persons belonging to minorities to enjoy their own culture, to profess and practice their own religion and to use their own language shall be guaranteed.

We would like to refer your Excellency's Government to article 6(1) of the ICCPR which states that everyone has the fundamental right to life and security of the person, and to paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 according to which it is incumbent upon States to provide "effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats".

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org /can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify the facts in all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations and concerns.
2. Please indicate which concrete measures are being taken to provide security support and other protection measures to vulnerable minority groups in the country, particularly ethnic and religious minorities in northern Iraq.
3. Which measures are being taken to provide emergency humanitarian assistance to the internal displaced people in Iraq, particularly in the northern part? Please, provide details.

4. Please indicate which concrete measures are being taken to carry out thorough, prompt and impartial investigations on these allegations and to bring the perpetrators to account.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for the alleged violations.

Please note that a Press Release relating to the concerns contained in this communication will be made public shortly by a number of concerned Special Procedures mandate holders.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

IZSÁK Rita
Special Rapporteur on minority issues

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions