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Committee on Foreign Affairs, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
May 26, 2015, The ISIS Genocide Declaration: What Next?

Thank you, Chairman Smith and Ranking Member Bass for holding a hearing on this important issue and for your role in raising the profile of the situation facing civilians in northern Iraq. I ask that you include with my written statement the text of the Holocaust Museum report issued last November "Our Generation is Gone: The Islamic State's Targeting of Iraqi Minorities in Ninewa."

Last month I was sitting with a Yezidi woman in a displaced persons camp outside Dohuk, in the Kurdistan Region of Iraq. She was kidnapped by Islamic State (IS) fighters in the village of Kocho during an attack where almost every Yezidi man they captured was massacred. When I met her she, along with her two young children, had escaped her IS captor in Syria only two weeks earlier. She had been forcibly converted to Islam and for almost two years she was held as a sex slave. She, and her children, are the face of a modern-day genocide that is being perpetrated by the Islamic State. For those still being held today, that genocide is ongoing.

The Administration's determination that the self-proclaimed Islamic State committed genocide and crimes against humanity against religious minorities is an important recognition of the heinous crimes committed by IS and the suffering of victims like the woman I met and her children.

However, if the label of genocide is truly going to have meaning for the victims of that crime then this discussion should evolve from a question of what happened, to how to protect vulnerable communities using military and non-military tools from future threats by IS and other extremist groups, this includes how to secure justice and accountability for the victims of their crimes.

Genocide is a rare occurrence. There is no blue print for how the US government responds in situations where genocide has been committed, or is taking place. With this in mind, we at the Simon-Skjodt Center for the Prevention of Genocide travelled last month to the Kurdistan Region of Iraq, and to newly liberated areas by Mount Sinjar to assess what needs to be done to protect vulnerable minorities as a follow-up to the report we released in November 2015 documenting the commission of genocide, crimes against humanity and ethnic cleansing committed by IS against minorities. We met with displaced communities, religious leaders, security forces, civil society and Kurdish regional government and coalition officials.

Our trip starkly revealed that these communities remain at risk of future atrocities. Those who stay in exile in the Kurdistan Region of Iraq are physically safe yet they yearn to return home. Should they seek to return home to areas not liberated from IS they face the risk of atrocities, while new threats and vulnerabilities to minorities and other civilians are also emerging.

As long as the Islamic State exists, these communities will remain vulnerable. IS still occupies large swaths of land in Ninewa making it impossible for minority communities to return home. Certain liberated areas are also too dangerous for civilians to return home as they are within the range of IS mortar fire. This is particularly true for communities on the south side of Mount Sinjar and those close to Mosul.

Defeating IS therefore should remain a key priority for the US government if our hope is to ensure the survival of these communities. To animate this objective, civilian protection and the prevention of atrocities should be at the core of the strategy.

We know, from past cases, that this requires a comprehensive and sustained strategy using military and non-military tools that is calibrated to respond to evolving conditions on the ground, to prevent genocide and other mass atrocities. In this context, a strategy would include 'day-after' planning to identify scenarios and tools that would mitigate potential future flashpoints and implement strategies to address them: including rebuilding liberated areas; promoting reconciliation between groups; advancing justice and accountability efforts; and securing a political resolution between the Government of Iraq and the Kurdish Regional Government to the disputed areas in which many of Iraq's minorities live.

The most common sentiment that we heard from displaced minority communities, and that needs to be addressed, is their lack of trust in the officials and institutions that are responsible for their physical protection and for guaranteeing their legal rights, as well as their distrust of their former Sunni Arab neighbours who they perceive as having been complicit in IS' attacks. Religious minorities continue to feel little trust towards the Iraqi Security Forces and Kurdish Peshmerga who they feel abandoned them when IS attacked Ninewa. Many also continued to feel that they are being used as political pawns by the government of Iraq, and the Kurdish regional government, in the ongoing contest over the disputed areas, this leaves them nervous about who and how their land will be administered should they return home.

For over ten years religious minorities were targeted, on the basis of their identity, by extremists groups and were politically marginalized. Little was done to protect them physically or legally, and many saw their only protection option being to flee Iraq. Today, minorities often express concern that IS is only the latest iteration of that phenomenon and that in its wake a new extremist group will emerge and target them again. Thus, in the absence of what they see as being credible actors to provide for their physical protection, many communities are seeking to arm themselves.

New threats are also emerging for not just religious minorities, but also for the Sunni Arab population. The proliferation of unregulated, poorly trained religious militias may pose additional threats to civilians in areas liberated from ISIS, and as they seek to liberate additional territory. Many that we interviewed expressed concerns about the potential for conflict between militias within particular religious communities, and amongst religious groups.

There is the potential that Sunni Arabs, some of whom face threats from ISIS, may also be the victims of revenge killings and displacement. We were repeatedly told by religious minorities that they could not trust their former Sunni Arab neighbours and that Sunni Arabs could not return to their former homes in Ninewa, if they did, they will be killed

This underscores that defeating ISIL and protecting vulnerable communities will require more than a military strategy if civilians are to be protected from a recurrence of atrocities. It requires tackling the conditions that allowed IS to rise, and that enhanced the vulnerabilities of minority communities. Many of those conditions and vulnerabilities, including weak rule of law, a culture of impunity, sectarianism, gaps in minorities legal protection and political marginalization, lack of trust, and the ongoing territorial dispute over parts of Ninewa between the governments in Baghdad and Erbil, remain today.

Going Forward:

In recognition of this, we believe that there are four principal areas where additional effort could be paid to ensure both the immediate protection needs of vulnerable communities seeking to return home and that the long term and systemic drivers of conflict are mitigated:

Those are:

First, an explicit policy to provide genuine physical protection to vulnerable populations. Protection could include strategies for employing local, domestic, and international actors to provide security to ethnic and religious minorities returning to liberated lands and Sunni-Arab populations at risk of reprisal killings.

In planning military operations and broader policy objectives, actors should consider the possible unintended consequences of the actions taken and whether they will heighten risks for civilian populations living under IS control, and/or might contribute to future cycles of violence. The Iraqi government and international donors should ensure that all Iraqi security forces, Iraqi Kurdish Peshmerga, and local militias fully adhere to international human rights and humanitarian law standards and are held accountable for violations in accordance with international standards. Withholding military assistance to those groups who do not adhere to these standards could be a powerful tool in addressing the behavior of any bad actors.

Second, is support for stabilization and reconstruction efforts in liberated areas. This includes increasing the presence of development assistance of relevant agencies/departments. Many of the displaced expressed concerns that they will be unable to return home in the absence of economic opportunity and reconstruction of their devastated region. High rates of unemployment within the Sunni population and perceived economic inequity was a driver of the rise of IS. Affected regions must be rebuilt and the engagement of the international community sustained in the years to come. A critical component of stabilization and reconstruction efforts is investing in reconciliation so that diverse communities can once again live alongside each other. In

the absence of such efforts there is a grave potential for future conflict between communities.

Third, transitional justice efforts are central to responding the commission of past crimes and the deterrence of future crimes. The clearest obligation in the Convention on the Prevention and Punishment of the Crime of Genocide is to punish the perpetrators of genocide and international justice is the cornerstone upon which the international community has responded to the crime of genocide—from Nuremberg 70 years ago to the international criminal tribunals for Rwanda, Yugoslavia, and Cambodia. Today substantial support is needed to investigate, collect and analyze evidence, secure mass grave sites and detain perpetrators for the purpose of future prosecutions.

In this effort, we cannot loose sight of the importance of holding individuals accountable for crimes committed at the local level. The most common answer to the question of "how can trust be built between minorities and the Sunni Arab population" was that those who committed crimes in their towns and villages needed to be held accountable in a court. The rampant culture of impunity has left high levels of distrust amongst ordinary Iraqi's. They need to see justice advanced not only against IS' leaders for genocide, but also for the crimes committed by their neighbours in their own communities. This necessitates detaining fighters, investigating their crimes, and then prosecuting them at the national, as well as possibly the international level.

Fourth, is securing a political resolution to the ongoing dispute between the Kurdish Regional Government and the Iraqi central government over the Ninewa plain. Our report was very clear in identifying the ongoing dispute as a key factor that exacerbated the vulnerability of minority communities, in part because the dispute is perceived as having contributed to growing support for extremist groups and when ISIS advanced there were no clear lines of responsibility. As long as responsibility for protecting these communities remains in question vulnerabilities will remain acute and create a vacuum that IS or a successor group could again exploit.

Finally, to recognize that genocide has happened is to acknowledge a collective failure to prevent the crime of all crimes and uphold the commitment to 'Never Again.' Going forward the US and other governments will need to place civilian protection and the prevention of atrocities at the core of their counter-ISIL strategies. But the commitment to prevent and protect minorities must extend beyond the current threat posed by IS. We must endeavor to ensure that in ten years we are not yet again meeting in the wake of another failure to protect vulnerable minorities in Iraq and Syria. Countering IS and preventing future atrocities perpetrated by other groups, necessitates an ongoing assessment of their motivations, organization, and capabilities for committing atrocity crimes, and of vulnerabilities of at-risk communities. Continuous monitoring and analysis of the warning signs and risk indicators on the ground will be needed and strategies developed to ensure that threats facing Minorities in the future are mitigated. This is what upholding the commitment to prevent, enshrined in the genocide convention, should mean.