



**Testimony of Sunjeev Bery, Middle East & North Africa Advocacy Director
Amnesty International USA**

**Hearing: Human Rights Violations Committed by the Islamic State
Wednesday, March 18, 2015**

**Tom Lantos Human Rights Commission
United States Congress**

Thank you Co-Chairman Pitts, Co-Chairman McGovern, and Members of Congress, for the opportunity to testify on behalf of Amnesty International USA before the Tom Lantos Human Rights Commission.

The rise of the armed group calling itself Islamic State, as well as the broader human rights crises in Iraq and Syria, represent a tangled knot of geopolitics and extraordinary human suffering that evades a simple answer. Today I join my esteemed colleagues on this panel in helping to define the problem and highlight key components of the solution.

Through the hard work of our on-the-ground researchers, Amnesty International has documented firsthand the war crimes and crimes against humanity committed by the Islamic State. In partnership with local advocates for human rights, including the Syrian Observatory for Human Rights, we have documented the crimes committed by many of the parties to this conflict. In addition to the abuses of Islamic State, these include the war crimes and crimes against humanity committed by the Syrian government, abuses committed by some of the 1,500 armed groups in Syria, violations by the Iraqi government, abductions and killings by Shi'a militias, and even abuses including revenge attacks by Kurdish Peshmerga soldiers.

March 15th marked the fourth year of Syria's crisis. It is worth remembering that before Islamic State arrived on the scene, there were many long months in which

civilians suffered crimes against humanity committed by the Syrian government and extensive war crimes and gross human rights abuses by government forces and some armed groups. It wasn't until late 2012 that the Islamist armed groups with their radical interpretations of Shari'a began establishing areas of military dominance.

In 2014, Islamic State (IS) swept across Northern Iraq and into global prominence. Over the ensuing months, IS carried out a campaign of ethnic cleansing in which countless Iraqi religious minorities were given the choice of leaving, converting, or being enslaved or killed. Because of IS and other violence, more than 2 million Iraqis were displaced during 2014. Nearly half of them, some 950,000, are now in the Kurdistan Region of Iraq (KRI).

Among the ethnic and religious minorities that have been targeted in northern Iraq are Assyrian Christians, Turkmen Shi'a, Shabak Shi'a, members of the Yezidi faith, Kakai and Sabeen Mandaeans. Many Arabs and Sunni Muslims known or believed to oppose IS have also been targeted in apparent reprisal attacks.

Hundreds and possibly thousands of Yezidi women and girls have been forcibly married, "sold" or given as "gifts" to IS fighters or their supporters. Often, captives have been forced to convert to Islam. As described by Donatella Rovera, Amnesty International's Senior Crisis Response Advisor, "Hundreds of Yezidi women and girls have had their lives shattered by the horrors of sexual violence and sexual slavery in IS captivity."

Through private negotiations, some Yezidi women and girls were able to return to their families, but many remain trapped in horrifying circumstances. In some cases, women and girls have been reportedly moved by their captors or "husbands" to locations far from their original communities.

Of course, the so-called Islamic State's history of grave abuses of international human rights law and violations of international humanitarian law extends across both Iraq and Syria. In Syria, Amnesty International has documented IS prison camps where

sentences are handed down by Islamic State judges following reports of torture and forced confessions. Those abducted by IS include human rights defenders and peaceful activists, such as the al-Raqqa lawyer Abdullah al-Khalil.

Meanwhile, the larger refugee crisis stemming from the armed conflict in Syria continues unabated. 7 million people are internally displaced (IDPs) in Syria, and 4 million are refugees who have fled the country. They aren't just fleeing the violence of Islamic State. The long-standing crimes against humanity committed by the Syrian government, as well extensive war crimes and gross human rights abuses by both government forces and armed groups, have been key factors in the refugee crisis. 95% of these 4 million refugees are sheltered in just five neighboring countries: Jordan, Lebanon, Iraq, Turkey, and Egypt.

Collectively, these challenges evade a simple solution. But there are key steps that U.S. policymakers can take to reduce suffering and begin to address the human rights crisis.

Recommendations:

The present and future protection of civilians must be an overriding theme in any conversation about Islamic State and the broader crises in Iraq and Syria. Policies pursued by the U.S. must prioritize protection of civilians in order to ensure that U.S. actions do not run the risk of either making the problem worse – or of introducing new factors that could trigger future human rights crises.

This is true across multiple areas of concern:

- Combat and armed conflict
- U.S. military assistance
- Refugees and internally displaced people
- Survivors of sexual and gender-based violence

- Accountability and international justice

U.S. Military Action:

Amnesty International's focus is on holding all parties in an armed conflict to their binding obligations under international law. We take no position on the question of military intervention per se. In situations of armed conflict, we focus on ensuring full respect for the rules of international humanitarian law (the laws of war) and applicable human rights law.

In terms of ongoing U.S. combat and military operations in Iraq and Syria, the U.S. must take all reasonable precautions to prevent death or injury to civilians. This is both an imperative under international humanitarian law, as well as smart policy. The armed group Islamic State came to power within pre-existing power vacuums in Iraq and Syria caused by governments that have either been indifferent to or extraordinarily violent towards their civilian populations. If other parties to the conflict fail to take all reasonable precautions to prevent death or injury to civilians, the suffering of these civilian populations will only be made worse.

For these reasons, any airstrikes authorized by the U.S. in either Syria or Iraq should be strictly limited to bona fide military targets. In the event that there are plausible reports of civilian casualties caused by U.S. military operations, the U.S. must undertake prompt, thorough, and impartial investigations. The results of these investigations must be published, with those responsible for civilian casualties held accountable, and families and survivors must be provided with reparations.

Congress is presently engaged in a debate over a potential new Authorization to Use Military Force (AUMF). Though such an AUMF might be proposed in the context of the U.S. armed conflict with Islamic State, Congress should be mindful of the following human rights concerns. Sweeping grants of war authority, including for military actions against vaguely defined "associated persons" or "associated forces,"

could further entrench the U.S. in a permanent “global war” framework, without identifiable geographic or temporal limits, in which broad executive discretion and secrecy are the rule.

For example, as with the 2001 AUMF, a broad war authorization could lead the Executive Branch to claim authority to use lethal force *anywhere* in the world at *any time* and regardless of the circumstances, limited only by the laws of armed conflict. Indeed, since 2006 Amnesty International has called for repeal of the 2001 AUMF because it was a central part of establishing a legal vacuum in which individuals were denied the rights to which they would ordinarily be denied under national and international laws.

U.S. Military Assistance

Amnesty International is concerned that without adequate safeguards, U.S. arms transfers and military assistance in Syria and Iraq could lead to additional human rights abuses and violations of international humanitarian law. Key U.S. allies in the armed conflict with Islamic State have highly problematic human rights records.

In the armed conflict with Islamic State in 2014, the Iraqi government used indiscriminate shelling in Fallujah, including on hospitals and in residential areas. In addition, when Iraqi forces fled Mosul and other locations, they left military equipment behind for IS to take. Meanwhile, Shi’a militias affiliated with the Iraqi government have waged bloody campaigns of kidnapping and murder targeting primarily Sunni communities. And there are reports that the lines between Iraqi soldiers and Shi’a militiamen are increasingly blurred, with individuals being members of both.

Given these realities, it is problematic that legislation recently passed by Congress and signed into law by the President enables the Obama Administration to waive important monitoring and human rights screening requirements for recipients of U.S. arms and military training in Iraq and Syria. As stated in the legislation, those

recipients can include Iraqi military and security forces, Kurdish and tribal security forces, and other local security forces.

Congress must closely monitor how the Obama Administration provides military aid, assistance, and training. If U.S. weapons end up being used to commit war crimes and human rights abuses, the U.S. risks perpetuating the underlying political problems that facilitated the rise of Islamic State. US-manufactured weapons and ammunition have been found across the region, in the hands of IS and many other armed groups. Given the extreme risks of diversion and proliferation in such a fluid situation, the U.S. must implement strict safeguards to ensure any fresh supplies of weapons and ammunition do not end up in the hands of unauthorized end-users.

Refugees and Internally Displaced People

In Iraq, more than 2 million Iraqis were displaced during 2014. Nearly half of them, some 950,000, are now in the Kurdistan Region of Iraq (KRI). The Iraqi Central Government, the Kurdish Regional Government, donor countries, and international agencies should take concerted action to provide adequate shelter and humanitarian assistance to the men, women and children who have been forced to flee their homes and communities, in line with international standards.

Roughly half of Syria's population is displaced. There are now 7 million internally displaced people, and 4 million more Syrians have fled the country as refugees. 95% of those refugees are taking shelter within the borders of Syria's five neighbors: Jordan, Lebanon, Turkey, Iraq, and Egypt. We urge all states and organizations with the means to do so to significantly boost their financial contributions to the UN's humanitarian appeal for Syria and Syrians, which is inadequately funded.

Opportunities for resettlement and other forms of humanitarian admission are one tangible contribution that the international community can make to help some of those caught up in the worst humanitarian crisis of our time. That's why Amnesty International is calling on the high income countries of the world to permanently

resettle the most vulnerable 10% of refugees from Syria, including Palestinian refugees from Syria, by the end of 2016.

That means a collective resettlement of 380,000 refugees from Syria. Priority should go to the most vulnerable refugees, including unaccompanied children, women and girls at risk, torture survivors, single parents, LGBTI people, people with serious medical needs, people with legal and physical protection needs, and those who have experienced sexual and gender-based violence.

The figure of 380,000 is based on the needs identified by the Office of the United Nations High Commissioner for Refugees (UNHCR); the agency estimates that 378,684 people in the five main host countries are in need of resettlement, in accordance with their vulnerability criteria. So far, roughly 84,000 resettlement places and other forms of admission have been pledged to refugees from Syria – a small fraction of what is needed.

Women Survivors of Sexual and Gender-Based Violence

The minority of Yezidi women who escaped Islamic State captivity have brought with them terrible accounts of sexual and gender-based violence. Other women inside Iraq and Syria – as well as refugees -- may also be survivors of such violence themselves.

The trauma of survivors of sexual violence is further exacerbated by the stigma surrounding rape. Survivors are made to feel that their “honor,” and that of their families, has been tarnished and fear that their standing in society will be diminished as a result.

Some second-hand reports have emerged that members of the male Yezidi religious leadership are reported to have insisted that these women are martyrs and should be welcomed back into families and communities. If accurate, this would be a significant and positive sign.

The Kurdistan Regional Government, UN and other humanitarian organizations who are providing medical and other support services to survivors of sexual violence should ensure that they are swiftly and proactively reaching out to all those who may need them, and that women and girls are made aware of the support available to them. Such services should include sexual and reproductive health services as well as counselling and trauma support.

Investigation, Prosecution, Accountability:

Any political solution to this problem must have human rights at its heart. As the global #WithSyria coalition has declared, a halt to the suffering of so many civilians can only be achieved if negotiations include safeguards to ensure respect for international humanitarian and human rights law.

The international community must push to refer the situation in Syria to the International Criminal Court (ICC). The time is long overdue to investigate war crimes and crimes against humanity committed in Syria, whether by the Syrian government, Islamic State, or other armed groups. Those who violate international law must face trial. Because Syria has not ratified the ICC treaty, the only way for the ICC to open an investigation is for the UN Security Council to refer the situation to the ICC, but Russia and China have repeatedly blocked such efforts.

National governments should also investigate and prosecute serious crimes committed in Syria via their own court systems, both for any of its nationals who may have gone to Syria and are suspected of committing abuses as well as for nationals of any other countries who may enter one's country, using the principle of universal jurisdiction. That means investigating alleged crimes and bringing suspects to trial before national courts in fair trials without recourse to the death penalty.

Summary:

The terrible human rights record of the armed group Islamic State is best understood within the broader context of the long-term impunity that governments and armed groups alike have enjoyed for grave and widespread abuses in both Syria and Iraq.

Any lasting solution to this human rights crisis must elevate the protection of civilians to a top priority. No weapons or military assistance should go to parties with a record of abuses, and the U.S. must also take all reasonable precautions to prevent death or injury to civilians. Refugees and internally displaced people will continue to depend on the international community for assistance; permanent resettlement for the most vulnerable 10% must be accomplished by the end of 2016. And any political solution must prioritize human rights principles in order to be a long-term success.

Thank you.