The Applicable International Instruments in Preventing Genocide Against Minorities: The Case of ISIS

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Abstract

In recent history, minorities have faced gross violations of international humanitarian law. Due to their ethnic, religious, cultural identity they have been discriminated and oppressed by ruling majority that runs the State. They have been deprived of their basic human rights and isolated from participating in any sort of country’s decision making. In fact, in some instances, minorities have been subjected to recognized international crimes such as ethnic cleansing and crime of genocide.

This research paper reviews the emergence of minority problems, which have become a serious threat to international peace and security. Specifically, after the collapse of Soviet bloc and the eruption of Yugoslavian armed conflict, the international community had to react and develop strategies to address these new emerging issues. The adequate response by the international community was extremely necessary with aim to handle the further tension against minorities and the discriminative policies against them.

This research analyses the problem of minorities as a sources of armed conflict as has been the serious case of atrocious crimes committed by the ISIS terrorist group against minorities in both Iraq and Syria. It also argues for the establishment of legal mechanism as a possible venue to prosecute and bring the perpetrators to justice. This research recommends that the international community, through United Nations Security Council, establish an international tribunal to prosecute ISIS’s international crimes similar to the case of former Yugoslavia. This is because the UN Security Council has an obligation to adopt a resolution to put an end to the continuation of gross humanitarian violation against minorities and civilian population.

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Introduction

This paper will explore the issue of minorities in Iraq from legal point of view that has gained a new prominence with the upsurge in ethnic, religious conflict, after the removal of Saddam Hussein in 2003 and the establishment of occupation authority according to United Nation Security Council Resolution (UNSC) 1483. In this research paper, priority is given to the legal status of minorities as well as political challenges and humanitarian crisis currently taking place in Iraq. Today, on the one hand, the situation of minority groups has dramatically worsened and the clashes over the issues such as religious freedom, access to education, regional autonomy have become at the heart of conflicts between minority groups and the ruling majority. On the other hand, between the new controlled territories runs by the Islamic State in Iraq and Syria (ISIS), where they have controlled more than 30% of Iraqi’s territory. Accordingly, de facto minorities that have been living in this region have been falling under their arbitrary authority, especially non-Muslims minorities such as Christians and Yazidis, as well as Turkmens and Shabaks.

In 2013, ISIS was formed as a jihadi militant group and declared caliphate to rule all Muslims in the world motivated by religious ideology pretending that they are the right representatives of Islam and Sharia Law. In past three years, the group after establishing their authority in some part of both Syria and Iraq, has committed horrendous crimes including beheadings, burning alive, rape, kidnappings, and suicide attacks. This has amounted to not only crimes against humanity and war crimes, but also crime of genocide. The atrocities of its crimes are not only against minorities but Muslims of different view. However, minorities are the standout victims of this group in their pursuit to create a caliphate. This research argues that the treatment and the targeting of non-Muslims such as Christian, Yazidis, and Assyrian amounts to crime of genocide.

The current potential threats and massive attacks that have faced these minorities in their historical land are not only a policy of discrimination, but systematically have been subjected to religious and ethnic cleansing by ISIS militants. In fact, the discriminative policy conducted by this terrorist group has taken a new dimension, in terms of using new methods in conducting religious cleansing (such as: dismantling families, rape and enslavement). This has occurred in particular against Yazidis: non-Muslims minority, which is considered as the most persecuted minorities in the Middle East countries after the Jewish people.

This research firstly, highlights the breaching of international conventions by ISIS terrorist group from international law perspectives. The research then argues that it is the full responsibility of international community to take effective steps in order to stop anti-human and atrocious activities in the areas controlled by the ISIS.

This research will show that UN Human Rights Council, European Parliament, national parliaments, many scholars and politicians worldwide have voiced their concerns and asked international legal bodies’ involvement in this matter, particularly the role of the UN Security Council in using its authority by applying Chapter VII of the UN Charter to prevent further atrocious to occur. This paper raises the question of necessity in providing safe haven for these minorities. Such step from international law and international humanitarian law is legally relevant. Hence, it is imperative for the UNSC members to adopt a special resolution within the framework of Chapter VII in order to identify a legal mechanism or establish an international tribunal to prosecute ISIS’s international crimes.

This paper explores the possibility of prosecuting ISIS’s crimes before the International Criminal Court (ICC) and then addresses the obstacles facing the ICC to bring the ISIS perpetrators to justice. In particular focusing on the territorial jurisdiction of the ICC. The question that this research raises is that what role, if any, can ICC play in bringing ISIS perpetrators to justice?

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Minorities as Sources of Armed Conflicts

Before discussing the minorities as sources of armed conflicts and wars, it is important to define minority from legal point of view. Francesco Capotorti, special reporter of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities has defined minorities as ‘a group numerically inferior to the rest of the population of a State, in a non-dominate position, whose members -being nationals of the State- possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preservation their culture, traditions, religion or language’.

In recent history, after the collapse of Soviet Bloc, many governments of Eastern Europe driven by nationalism ideology are increasingly taking over power and have adopted policy of discrimination and ethnic cleansing towards minorities and disregarding their human rights standard. Such policies have become the main source of internal and international conflicts. This shows that the armed conflict against minorities in Iraq and Syria are not standing alone. In the former Yugoslavia similar conflicts have been occurred and handled appropriately by the international intervention. The case of former Yugoslavia shows that when the conflicts turn to confrontation and armed conflicts and atrocities have been committed against minorities, it has been the immediate reaction of the Security Council to adopt resolution, and warn all parties of conflicts to comply fully with stated resolution. The Security Council next action was to establish a tribunal in the form of ad hoc court, International Criminal Tribunal for the former Yugoslavia (ICTY), in order to bring the perpetrators of recognized international crimes to justice.

The case of ethnic and religious conflict in Yugoslavia is considered a platform for international community to address the situation of minorities in Iraq and Syria and to put an end to these atrocities against minorities in the region, establish ad hoc court to bring ISIS criminals before the court.

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6 Sarbsat A. Tawfiq, ‘Minorities, Ethnic Conflict and Federalism’ (Post-Doctoral Research Award Institute of International Law, University of Warsaw, October 2014) 6-10.
The ISIS Crimes Against Minorities

This section of research will review the heinous international crimes committed against minority groups that has shocked the international community and voiced concern of many international organizations concerning human rights and the rights of minorities. The main perpetrator and instigator of such crimes are so-called terrorist group calling themselves Islamic State.

In 2014, shortly after taking over large part of Sunni dominated Iraq, ISIS began targeting ethnic and religious minorities mentioned above and any other Muslim who slightly disagreed with their interpretation of Islam.\(^{11}\) This included a large number of Yazidis in the town of Sinjar. ISIS perpetrators executed any Yazidi who did not convert to Islam, and took Yazidi women as ‘jihadi brides’. These atrocities resulted in displacement of more than forty thousand Yazidis and the death of hundreds of women and children.\(^{12}\)

In the words of ICC Prosecutor, since the establishment of the ISIS, this terrorist group has ‘committed […] unspeakable cruelty […] such as mass executions, sexual slavery, rape and other forms of sexual and gender-based violence, torture, mutilation, enlistment and forced recruitment of children and the persecution of ethnic and religious minorities, not to mention the wanton destruction of cultural property’.\(^{13}\) These crimes, the ICC Prosecutor argued, ‘undoubtedly constitute serious crimes of concern to the international community and threaten the peace, security and well-being of the region, and the world’.\(^{14}\) In her Statement, the ICC Prosecutor further noted that she remains profoundly concerned by this situation and she emphasized that it is the collective duty as a global community to respond to the plight of ISIS victims whose rights and dignity have been violated. To date, ISIS continues to spread terror on a massive scale in Iraq and Syria and it is the


\(^{14}\) ibid.
responsibility of international community not to allow such appalling crimes that deeply shock the conscience of humanity go unpunished.\(^{15}\)

The UN Security Council under pressure from the international community and many international organizations had to respond to such systematic atrocities occurring in Syria and Iraq. Initially, the UN Security Council, acting under Chapter VII of the UN Charter, through a resolution strongly condemning ‘the indiscriminate killing and deliberate targeting of civilians, numerous atrocities, mass executions and extrajudicial killings, including of soldiers, persecution of individuals and entire communities on the basis of their religion or belief, kidnapping of civilians, forced displacement of members of minority groups, killing and maiming of children, recruitment and use of children, rape and other forms of sexual violence, arbitrary detention, attacks on schools and hospitals, destruction of cultural and religious sites and obstructing the exercise of economic, social and cultural rights, including the right to education’.\(^{16}\)

In 2015, the UN Security Council once again through resolution 2249/2015 has determined that ISIS actions constitute ‘a global and unprecedented threat to international peace and security’.\(^{17}\) Regrettably, the UNSC has already failed to adopt two resolutions in respect of Syria as it was vetoed by both Russia and China,\(^{18}\) despite appeals by the international community and majority of UNSC members for action to prevent impending the humanitarian catastrophe occurring in Syria.

Recently, France has indicated that it would try for another referral. However, unlike the above resolution that focused on all the crimes occurred in Syria, this time the referral will focus on ISIS actions and other extremist groups only.\(^{19}\) The motivation behind France’s referral of ISIS to Security Council is the consequence of consistent discriminative attacks occurring not only in Syria and Iraq but spreading to many European cities (such as Paris, Brussels, Istanbul, Munich) resulting in

\(^{15}\) ibid.  
\(^{16}\) UNSC Res. 2170, ‘Condemning Gross, Widespread Abuse of Human Rights by Extremist Groups in Iraq, Syria’ (7242nd Meeting, 15 August 2014) UN Doc. SC/11520.  
in massacre of thousand of civilian and ordinary people. As UN Security Council noted in above resolution it is now indeed this terrorist group threatens the international peace and security.

On 22 August 2011, The UN Human Rights Council approved the establishment of the Independent International Commission of Inquiry on the Syrian Arab Republic with a mandate to investigate all alleged violations of international human rights law in the Syria since March 2011. The Commission was also tasked ‘to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable’.\(^{20}\)

On the 15 June 2016, the Commission published a report on the crimes of the ISIS against minorities such as Yazidis. The report found that Yazidis are subjected to almost ‘unimaginable horrors’. These include ‘killings; sexual slavery, enslavement, torture and inhuman and degrading treatment and forcible transfer causing serious bodily and mental harm; the infliction of conditions of life that bring about a slow death; the imposition of measures to prevent Yazidi children from being born, including forced conversion of adults, the separation of Yazidi men and women, and mental trauma; and the transfer of Yazidi children from their own families and placing them with ISIS fighters, thereby cutting them off from beliefs and practices of their own religious community, and erasing their identity as Yazidis’.\(^{21}\) In fact, to date, over 3,200 Yazidi women and children are still held by ISIS where females continue to be sexually enslaved and boys, indoctrinated, trained and used in hostilities, while thousands of men and boys are missing, most expected to be dead. What is more devastating that the report highlights that the crime of genocide of the Yazidis is still on going.\(^{22}\)

The report concludes that the ISIS has committed war crimes, crimes against humanity and the crime of genocide against the Yazidis. The evidence gathered by the report, the public statements of the ISIS through their own media, and their conduct clearly demonstrate that this groups has intended to destroy the Yazidi community and erase them from Sinjar area, composing the majority of the world’s Yazidi population, in whole or in part. Such acts qualify as a crime of ethnic cleansing in

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\(^{22}\) ibid
accordance with the international Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).\textsuperscript{23}

While noting States’ obligations under the Genocide Convention, the Commission recommends that it is the duty of the United Nations, the Governments of Syria and Iraq, and the wider international community to protect and rescue Yazidi community. The Commission urges UNSC to refer the situation in Syria to the ICC, or to establish an ad hoc tribunal with relevant geographic and temporal jurisdiction.\textsuperscript{24} Similar approach was taken in Darfur situation, where ICC successfully initiated an investigation and found that recognized international crimes have been occurred in Darfur.\textsuperscript{25} Consequently, the ICC Prosecutor issued an arrest warrant for a number of high-ranking officials from the government and rebel groups including the President of Sudan Omar Al Bashir. This\textsuperscript{26} is a landmark decision by the ICC because it is the first time that the ICC has issued an arrest warrant for a sitting head of state based of Security Council resolution 1593 (2005).\textsuperscript{27}

The European Parliament, likewise, through a number of its resolutions from the beginning of the armed conflict to date has urged international community to stop the atrocities committed by the ISIS perpetrators against minorities.\textsuperscript{28}

\textsuperscript{23} Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951) 78 UNTS 277. Art. 2. ‘Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (e) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group’.

\textsuperscript{24} ibid


\textsuperscript{26} The Prosecutor v. Omar Hassan Ahmad Al Bashir, Case No. ICC-02/05-01/09, ICC Pre-Trial Chamber, 4 March 2009.


Parliament has remained extremely concerned at ISIS’s deliberate targeting of Christians (Chaldeans/Syriacs/Assyrians, Melkites, Armenians), Yazidis, Turkmens, Shi’ites, Shabaks, Sabeans, Kaka’i. These acts are part of its attempts to exterminate any religious and ethnic minorities from the areas under its control. Therefore, European Parliament stresses that the ISIS is committing genocide against Christians and Yazidis, and other religious and ethnic minorities. It also urges State parties to the Genocide Convention and Rome Statute to prevent war crimes, crimes against humanity and crime of genocide within their territory, and urges both Syria and Iraq to accept the jurisdiction of the ICC in order to allow the ICC Prosecutor to open an investigation.29 Accordingly, it is suggested in this research that Iraqi authority to take serious steps to cooperate with the ICC investigating procedure by joining and signing the Rome Statute to facilitate the process of prosecution and investigation from the ICC Prosecutor and to compensate the damages has been occurring against victims.

In fact, UN Security Council, Human Rights Council and European Parliament are not the only bodies who have recognized the crimes committed by the ISIS against minorities as crime of genocide, the US State Department30, the US Congress31, a number of national parliaments such as UK32 and Australian33, and other national and international institutions have recognized that the atrocities perpetrated by ISIS against religious and ethnic minorities constitutes to war crimes, crimes against humanity and crimes of genocide. These bodies have urged both Iraq and Syria to join the ICC Statute in order to allow the Court to investigate the brutal crimes committed by ISIS personals in both countries.

The situation unfolding in Iraq and Syria against non-Muslim minorities are distinctly similar to the situation occurred in former Yugoslavia. In 2003, the ICTY Trial Chamber in the case of Momir Nikolic asserted that the Court, through its

criminal proceedings, is ‘intended to send the message to all persons that any violations of international humanitarian law — and particularly the practice of “ethnic cleansing” — would not be tolerated and must stop’.\(^{34}\) Once the gross violations of international humanitarian law have occurred, the UNSC, has an obligation to intervene aiming at applying the relevant international instruments. As noted by the ICTY Trial Chamber in the above case, it is the responsibility of international community represented by the Security Council to incorporate the model of former Yugoslavia into the case of Middle East (Syria and Iraq) as well.

**The Territorial Jurisdiction of the ICC**

It has gone far too long, a legal mechanism is urgently required by the international community to combat the atrocities committed by the ISIS in Iraq and Syria. One has to agree with Ahmed that ‘the international community’s current approach of military bombardment and alliance with local rebel forces, while perhaps necessary in the short-term, needs to be paired with legal mechanisms to combat ISIS’s current atrocities and possible political expansion in areas surrounding Iraq and Syria’.\(^{35}\) The ICC was established to prosecute serious crimes such as war crimes, crimes against humanity and crime of genocide committed by States or groups. The crimes committed by the ISIS, as mentioned in previous section, is falling within the provisions of the Rome Statute. Therefore, ICC has a big role to play in initiating an investigation into this situation by bringing ISIS perpetrators before the Court.

Recently, there has been a growing urgency among the international community, international organizations and the supporters of ICC for the Court to open a case to investigate the ISIS crimes. This is because not only it would be a great victory for the international criminal justice and providing peace and tranquility for the victims of ISIS barbaric crimes, but also gives the Court great credibility after difficult recent periods because of lack of cooperation from many States such as Libya and Sudan, and the withdrawal of many States such as Russia, Burundi, Gambia and South Africa.\(^{36}\)

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\(^{34}\) Prosecutor v. Momir Nikolic, Case No. IT-02-60/1-S, the ICTY Trial Chamber, para 59.


From its establishment to date, the ICC has faced serious challenges in relation to credibility, legitimacy, and expectations. The Court has been criticized for its selectivity, statutory limitations, and potential overreach.\(^37\) The Court has been accused that it lacks effectiveness in its scope because to date has only prosecuted African leaders.\(^38\)

Against this background, today the ICC on behalf of international community has good opportunity to bolster its legitimacy by prosecuting high-level officials within ISIS. It is most certain that the ICC would get support from major power States since they are in favor of prosecuting ISIS’s barbaric acts, as discussed in previous section.

The question arises does ICC has jurisdiction to investigate ISIS crimes and bring them before the Court. There are three mechanisms available for the ICC Prosecutor to investigate a situation as outlined in its Statute. Firstly, an investigation commenced pursuant to the powers of the Court is initiated by Member States that refer situations to the Court according to Articles 13(a) and 14, where there is a reasonable basis to believe one or more crimes within the Court’s jurisdiction have occurred. Secondly, the Prosecutor initiates an investigation, proprio motu, pursuant to Articles 13(c) and 15(1). Initially, this process goes through a preliminary examination phase where the ICC Prosecutor considers a wide range of evidence to determine whether there is a reasonable basis to proceed to a formal investigation. If the situation is commenced proprio motu the Pre-Trial Chamber has to authorize the Prosecutor’s determination in order to commence an investigation in accordance with Article 15(3).\(^39\) This prosecutorial process is ICC Prosecutor’s personal jurisdiction to initiate investigation.

The other type of investigation is that generated by referrals to the ICC by the UNSC, acting under Chapter VII of the UN Charter. This type of investigation is


more effective and has mandatory status that obligates States to cooperate with the ICC investigation procedure.

The first referral to the ICC by the UNSC was the Darfur then followed by Libya. Both situations have been referred by Security Council Resolution 1593 (2005)\(^{40}\) and Resolution 1970 (2011)\(^{41}\) to the ICC since both Sudan and Libya are not a party to the ICC Statute. Given the Security Council’s overarching authority, the referral to the ICC of cases by the Security Council could arguably permit investigators to obtain the assistance of Member States that are not parties to the Rome Statute.\(^{42}\) The advantage of this system is that it would allow the ICC to operate under Chapter VII in a manner similar to the former ad hoc tribunals: ICTY and the International Criminal Tribunal for Rwanda (ICTR).\(^{43}\)

However, in accordance with Article 27(3) of the UN Charter,\(^{44}\) referring matters to the UNSC is still subject to veto by the five permanent members of the Security Council. In this situation, so far, the UNSC has not asked or referred the ISIS group to be investigated by the ICC. This is difficult to be done because permanent members might veto any resolution as UNSC has already failed to adopt two resolutions in respect of Syria as it was vetoed by Russia and China,\(^{45}\) as discussed above. The only possibility for Security Council to succeed in referring the situation of Syria and Iraq is by accepting the proposal forwarded by France in focusing on crimes of ISIS and other extremist groups against minority groups and civilians population worldwide.


These investigations will be governed by the Rome Statute and conducted with the assistance of States Parties mandated by Article 86.\textsuperscript{46} However, States that are not parties to the Rome Statute have no prima facie obligation to cooperate with ICC investigators. Except in circumstances where the Court may invite a non-state party to provide assistance in an investigation on an ad hoc basis.\textsuperscript{47} Therefore, it should be noted that irrespective of the referral method to the ICC, the Rome Statute has Temporal and jurisdictional limitations, whereby only those acts committed after 1 July 2002 where ICC Statute came into force, can be investigated by the ICC Prosecutor. Also, the ICC Prosecutor can only investigate acts committed on the territory of a State Party or by the national of a State Party. The latter limitation on the territorial jurisdiction is the reason so far the ICC has not been able to open preliminary examination into ISIS crimes because neither Iraq nor Syria are parties to the Rome Statute. This limitation means that the Court cannot legitimately commence an investigation into the group’s alleged crimes. This is also noted by the ICC’s Prosecutor in her Statement where she noted that although ‘[t]he atrocities allegedly committed by ISIS undoubtedly constitute serious crimes of concern to the international community. However, since Syria and Iraq are not Parties to the Rome Statute, the Court does not have territorial jurisdiction to initiate an investigation. There is no doubt that the lack of ratification of the ICC Statute by the Iraqi government has hindered the ICC jurisdiction in taking measures to bring ISIS perpetrators to justice and before the court. In fact, Iraq so far has neither signaled any intention to ratify the Rome Statute, nor chosen to refer the current conflict to the jurisdiction of the ICC pursuant to Article 12 of its Statute.\textsuperscript{48}

Conclusion

The research explored the reason behind the escalation of humanitarian disaster as a result of the ethnic cleansing committed against minorities by the so-called Islamic State. The lack of adequate reaction by the international community has

\textsuperscript{46} For in-depth analysis see, for example International Criminal Court, ‘Understanding the International Criminal Court’ available at: <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf> accessed 20 January 2017; and William A. Schabas, An Introduction to the International Criminal Court (CUP 2001) 101.


resulted in this terrorist group to spread terror and commit atrocious crimes in both Iraq and Syria and has been behind many terror attacks in worldwide resulting in massacring large civilian population. In fact, the lack of establishment of legal mechanism to arrest and prosecute the ISIS perpetrators has been the main contributing factor that this group has continued to commit heinous crimes against minorities.

This research has shown that international legal mechanism exists in the form of ICC that can initiate an investigation. Although it was recognized that the ICC has statutory limitation in terms of territorial jurisdiction to open an investigation; however, as outlined in the Rome Statute, there are mechanisms available for the ICC Prosecutor to investigate a situation. This includes the referral by the UN Security Council, under the mandate of the Chapter VII of the UN Charter. The referral of the UN Security Council just like the former Yugoslavia is the only legal relevant option in this case to persecute ISS perpetrators. This is because Article 42 of the UN Charter explicitly states that when there are serious violation of international humanitarian law and international convention, the Security Council has an obligation to act accordingly and to intervene.50 In addition, after the establishment of the ICC, the first case was investigated by this Court on the crimes under its jurisdiction based on Security Council referral was Darfur situation in 2005. Indeed this case has opened the door and created a precedent for similar investigations to occur in the future. It is suggested in this research that the international community, through UN Security Council, replicate the Darfur situation and adopt a resolution to authorize the ICC to intervene and open an investigation on ISIS crime against ethnic and religious minority groups.

The research has further elaborated that minorities have been subjected to ethnic cleansing, rape, deportation, forced labor, dismantling families, enslavement, forcibly transferring children, and many more unspeakable acts amounting to crime of genocide, falling into the 1948 Genocide Convention. Communities such as Christians (Chaldeans/Syriacs/Assyrians, Melkites, Armenians), Yazidis, Turkmens, Shi’ites, Shabaks, Sabeans, and Kaka’i have been subjected to discrimination just because they are from different religious, ethnic and cultural affiliation.

The worsening situation of minorities has mandated the UN Security Council in many instances in the past to intervene in order to prevent further commit of crime of genocide.

As discussed, in this research minorities in their position have become the source of internal and international armed conflict such as: Crimea, former Yugoslavia, Kosovo, Iraq, Rwanda, and Syria.

Recommendations and Suggestions

Due to the brutality of repression of human rights in Iraq and the right of minorities, it is necessary to carry out the following recommendations.

1. These new developments in the international relation bring about the fact that the international community cannot sit idly by as the violations of international humanitarian law has been systematically breached by States concerned. Hence, it is recommended that an institution of safe heaven to be created under the mandate of United Nations to prevent further commit of crime of genocide against minorities and to put an end to the discriminative policies against them, and to provide collect rights in accordance with the international instruments.

2. This research recommends that it is the responsibility of the international community, including UN Security Council members, the Iraqi and Syrian governments, and the ICC Prosecutor to put an end to the massive human rights violations and human devastation being wrought by the ISIS to these atrocious acts and brings those responsible before the Court. Accordingly establish a legal mechanism immediately to initiate an investigation.

3. It is further recommended that the international community, international organizations, and civil societies pressurize the Iraqi government by creating a lobby to work with the government to ratify the Rome Statute.

4. It is also suggested that the international community to ask the Security Council, as an option, to establish an ad hoc court just like the former Yugoslavia to prosecute the perpetrators of the crimes against non-Muslim minorities: Yazidis and Christians. Establishing this court would be less time consuming and more cost effective than the ICC procedure which is more indoctrinated and would take long process to achieve the goals.

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