
JOHN KERRY: ISIS IS COMMITTING GENOCIDE IN SYRIA AND IRAQ

-

18.03.2016

The Guardian, 17 March 2016

The US has declared that Islamic State is committing genocide against Christians and other minorities, amid mounting global pressure to recognise atrocities committed in Iraq and Syria as a deliberate drive to wipe out certain religious groups.

US secretary of state John Kerry said that Isis, known in Arabic by its acronym Daesh, was genocidal by self-proclamation, by ideology and by actions, in what it says, in what believes and in what it does.

He said: In my judgment, Daesh is responsible for genocide against groups in areas under its control including Yazidis, Christians and Shia Muslims.

Christians and members of other religious groups have been killed, tortured, raped and driven out of their homes. Isis has taken women and girls as sex slaves and forced children and teenagers into battle at an unprecedented rate, according to US researchers.

In August 2014, at least 40,000 members of the Yazidi sect were trapped on Mount Sinjar, where they faced slaughter by Isis if they fled, and dehydration if they stayed.

Kerry said the full facts must be established by an independent investigation and justice sought by a competent court or tribunal.

Analysis Calls grow to label attacks on Middle East Christians as genocide

The United States would strongly support efforts to collect, document, preserve and analyze the evidence of atrocities. And we will do all we can to see that the perpetrators are held accountable.

He added: I hope that my statement today will assure the victims of Daeshs atrocities that the United States recognizes and confirms the despicable nature of the crimes that have been committed against them.

Daesh is also responsible for crimes against humanity and ethnic cleansing, directed at these same groups and in some cases also against Sunni Muslims, Kurds and other minorities. I say this even though the ongoing conflict and lack of access to key areas has made it impossible to develop a fully detailed and comprehensive picture of all that Daesh is doing and all that it has done.

He did not say how such a declaration would affect US involvement in areas controlled by Isis.

The announcement came amid mounting international pressure to declare the acts against Christians and other religious minorities as genocide.

Displaced people from minority Yazidi sect, fleeing violence from forces loyal to Islamic State in Sinjar town, walk towards Syrian border in August 2014. Photograph: Rodi Said/Reuters

Last month, the European parliament unanimously backed a resolution to label the atrocities as genocide. Presidential candidates Hillary Clinton, the former secretary of state, and Republican candidate Ted Cruz have also said they consider the acts genocide.

Barack Obama has hesitated to make such a declaration, though he has spoken about the brutal atrocities committed against Christians and other religious and ethnic minorities.

Last year, speaking about the Middle East, Pope Francis said: In this third world war, waged piecemeal, which we are now experiencing, a form of genocide is taking place.

Organisations which monitor religious persecution have warned that Christianity is in danger of being wiped out in the Middle East. Welcoming Kerrys statement, Lisa Pearce of the global NGO Open Doors said: Its clear that the region is being purged of Christians and there are clear elements of religious cleansing. Its easy to see why many people including the Pope and European Parliament have called their actions genocide.

In his announcement, Kerry said that Shia Muslims, Christians and Yazidis were targets of genocide, but also said Sunni Muslims, Kurds and other minorities experienced crimes against humanity and ethnic cleansing at the hands of Isis.

It is not entirely clear why Kerry made the distinction between religious and ethnic groups, but Cameron Hudson, director of the Simon-Skjodt Center for the Prevention of Genocide at the US Holocaust Memorial Museum, suggested that it had to do with qualitative differences in how each group has been targeted.

All of these groups have experienced ethnic cleansing and war crimes, its really though the Shia, the Yazidi and the Christian that have experienced I think a more systematic targeting based very specifically on their group identity, Hudson said.

There has been qualitative differences on the ground between how certain groups have been treated, in one respect, Hudson said, adding that Isis has treated everyone somewhat the same in the sense of theyve just gone in and cleansed entire areas.

Kerrys declaration came the same week the US House voted 383-0 in favor of classifying the

atrocities as a genocide against Christians, Yazidis and other ethnic and religious minorities.

The House resolution said that Christians and other ethnic and religious minorities have been murdered, subjugated, forced to emigrate and suffered grievous bodily and psychological harm, including sexual enslavement and abuse, inflicted in a deliberate and calculated manner in violation of the laws of their respective nations, the laws of war, laws and treaties forbidding crimes against humanity.

But some have hesitated to use the word genocide out of fear of playing into a perception of a Christian crusade against Islam. Others say there are simply too many unknowns. Accurate data on the killing of Christians and members of religious minorities in Iraq and Syria by Isis is impossible to obtain.

The UN 1948 convention on the prevention and punishment of the crime of genocide states: Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, listing killing, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to destroy the group in whole or in part, preventing births and the forcible transfer of children.

The convention compels nations that recognize genocide to prevent and punish those responsible, but intervention is not mandatory, rather it is how the declaration has been interpreted in the decades since it was enacted.

Further, the legal and policy architecture of the genocide convention is predicated on the idea that states or countries commit this crime, but this declaration challenges that assumption, said Hudson.

Now that were acknowledging that Isis, a non-state group, has the power and the intention to commit this crime, it represents a very new challenge to how we treat terrorist groups and what our policy is for combatting it, because its not simply about defeating Isis now, its also about holding them for accountable for these crimes, Hudson said.

Heavy smoke rises following an airstrike by the US-led coalition aircraft in Kobani, Syria, during fighting between Syrian Kurds and Isis militants. Photograph: Gokhan Sahin/Getty Images

The US has already conducted airstrikes in Syria and deployed special forces troops to Syria, Iraq and Libya to target Isis militants.

The international community still carries collective guilt over its failure to recognise the Rwandan genocide in 1994, in which an estimated 800,000 people were killed in 100 days.

The last time the US declared genocide was in 2004, when then secretary of state, Colin Powell, said the acts of killing and destruction in Darfur were genocide.

International law experts said Kerrys declaration that Isis was committing genocide in the Middle East would be politically influential but would not in itself trigger any formal war crimes investigation.

Rodney Dixon QC, of Temple Garden Chambers, an expert in international law said: The International Criminal Court (ICC) has jurisdiction over the territories of those countries that have signed up to it. Neither Iraq nor Syria have done so.

However an allegation of genocide could be considered by the United Nations Security Council which could then decide to refer the situation to the ICC if it is deemed to affect international peace and security. That was done in the cases of Sudan and Libya.

Another way the ICC could consider action against Islamic State is if the acts took place on the territory of a country that has signed up, for example France where the Bataclan massacre took place, or if nationals of States who are parties to the ICC are perpetrating crimes even on territories that are not signed up.

Mark Ellis, executive director of the London-based International Bar Association, said: The US has previously been reluctant to engage with the debate on genocide. By elevating this to crimes of genocide it will focus the international communitys attention of accountability.

This may also assist other states to focus on the responsibility of all countries to help to bring to justice those who have comitted these crimes. The Genocide Convention does not have universal jurisdiction but if [the US] designates something as genocide it forces the international community to respond more aggressively to the problem.

At the International Criminal Court in The Hague, the office of the prosecutor said: The decision on whether to initiate an investigation as well as the selection of cases within a situation, is for the prosecutor to decide following a preliminary examination to determine whether there is a reasonable basis to proceed with an investigation.

The courts intervention is normally triggered by a referral from a state, the UN security council, a non-state party accepting jurisdiction of the ICC or the prosecutors initiating an investigation using his/her own powers where s/he believes crimes falling under the jurisdiction of the Court may have been committed.

Kaynak/Source: