



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

SDIR • NUMBER 032 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Thursday, November 17, 2016

—
Chair

Mr. Michael Levitt

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

Thursday, November 17, 2016

• (1310)

[English]

The Chair (Mr. Michael Levitt (York Centre, Lib.)): Good afternoon, everyone. We'll get started here at the Subcommittee on International Human Rights.

We are very honoured to welcome Naomi Kikoler, deputy director of the Simon-Skjoldt Center for the Prevention of Genocide. She works with the United States Holocaust Memorial Museum. In her role with the centre, Ms. Kikoler works with populations at risk of genocide and has travelled to Iraq to meet with religious minorities. She's also a senior fellow at the Global Centre for the Responsibility to Protect and an adjunct professor at The New School in New York City. Previously she served as the director of policy for the Global Centre for the Responsibility to Protect, consultant to United Nations Officer of the Special Adviser on the Prevention of Genocide, and legal fellow at Amnesty International Canada. She is also the author of numerous publications, including *"Our Generation Is Gone": The Islamic State's Targeting of Iraqi Minorities in Ninewa*, a report published by the centre in 2015 detailing her fact-finding mission to minority communities in northern Iraq.

With that rather long introduction, I want to welcome you again. Thank you for being here. Can we have you lead off with maybe 10 to 12 minutes' worth of comments? We'll then open it up to members of the subcommittee for questions and answers. Thank you very much.

Ms. Naomi Kikoler (Deputy Director, Simon-Skjoldt Center for the Prevention of Genocide, United States Holocaust Memorial Museum): Wonderful. Thank you very much, Michael. I appreciate that.

Thank you very much for the opportunity to speak to you today. It's a real honour, especially as a Canadian human rights lawyer, to be able to contribute to your discussion today.

As was mentioned, I travelled to Iraq on behalf of our centre first to document and do the first analysis of the crimes committed by ISIS. The determination we reached was that the Islamic State had committed genocide against the Yazidi and crimes against humanity against a broader group of religious minorities in Iraq, with a particular focus on Nineveh, which is, as you know, where the majority of Iraq's minorities lived. I subsequently travelled back to better examine the current risks facing civilians, both religious minorities and others, including Sunni Arabs living in Nineveh, and

to understand the obligations to help protect these communities going forward.

I want to start by providing three overarching points.

First, it's important to recall that genocide did take place and is still occurring for the over 3,000 women and children, primarily Yazidi, who are being held. They are the victims of an ongoing genocide.

The second point is that our obligations to prevent these crimes, not just genocide but also crimes against humanity, are enduring obligations. They are ones we need to be thinking about as we look forward, because these particular communities, which have been targeted and marginalized for over a decade, continue to remain at risk.

Third, as we talk about what is happening in Iraq, we also need to focus on how the Canadian government and other governments can better prioritize the prevention of mass atrocities. This includes improving our ability to do early warning and early action, as well as issues such as the processes by which one determines whether or not crimes have taken place.

Very briefly, as I mentioned, in the summer of 2014 the self-proclaimed Islamic State committed genocide, crimes against humanity, war crimes, and ethnic cleansing against religious minorities in Nineveh. Hundreds of thousands of people were driven from their homes, mostly into exile in the Kurdistan region of Iraq, and thousands were killed and kidnapped. Nearly two years later, these communities remain at risk of future atrocities. ISIS continues to perpetrate genocide against an estimated 3,200 Yazidi women and children who are still being held. Though we've seen governments declare that genocide has occurred, if the label of genocide and crimes against humanity is truly going to have substantial meaning for the victims of these crimes and those still at risk, there's an urgent need to focus on how to protect these victims today and to protect vulnerable communities, using a full range of diplomatic, development, and defensive options available.

Degrading and defeating ISIS militarily will remove a formidable threat to their existence, yet for these communities, their vulnerability will persist and possibly grow after the defeat of the Islamic State. Protecting civilians from recurrence of atrocities will require, therefore, more than just a military strategy. It requires planning for post-liberation Iraq, including that of stabilizing areas to allow for the safe return of displaced Iraqis and ensuring the legal and physical protection of minorities. It also requires tackling the conditions that allowed ISIS to rise, and that enhanced the vulnerabilities of these communities. The failure to do so may very well undermine achieving the long-term goals of the counter-ISIS strategy.

This is particularly true for Nineveh. I really have to stress that Nineveh is unique in comparison to the rest of the country because of the specific vulnerabilities minorities face there. Pre-existing tensions may be exacerbated in the absence of a clear plan for a post-ISIS security provision and political administration, and new fissures emerge, leading to violence and further atrocities.

In that regard, through our visits to Iraq we have identified a couple of areas where we believe that minorities in particular face a heightened risk. The first is what I have already mentioned, the ongoing threat posed by the Islamic State. As I mentioned, women and children continue to be held by them. We also see that the Islamic State continues to control land, and that those who seek to return home are deterred at times in part by the existence of mortar fire, given the ongoing conflict, but also by the widespread existence of explosive devices. I travelled to the north part of Sinjar on the mountain, and this is an extremely dire situation that prohibits a lot of people from returning home or from harvesting their fields because of the existence of explosive devices. That particularly affects religious minorities.

●(1315)

A second key risk we have identified is the risk of future extremist groups. The most common retort you hear from religious minorities when you speak to them is that ISIS is only the latest iteration of that phenomenon. They believe that in the wake of ISIS, a new extremist group will emerge.

I think it's really important to underscore that when I've been interviewing survivors, the trend that emerges is that the perpetrators of these crimes were local fighters. They were neighbours. They were people who they knew or they were other Iraqis or Syrians. Yes, there are foreign fighters, but this is very much a local conflict for which the local context is really important. Religious minorities understand that implicitly. They understand that their security is contingent on domestic political actors addressing the underlying grievances, particularly of Sunni Arabs, and the political insecurity and rampant culture of impunity that exists in Iraq. As a result, these minorities have very little faith in the Iraqi government's ability or will to address those grievances, and similarly are concerned about the intentions of the Kurdish regional government. They're also very distrustful of their Sunni Arab neighbours, which I'll mention shortly. They are nervous that ISIS fighters may very well be able to evade justice. They talk a lot about the concerns about sleeper cells and their neighbours turning on them once again.

A third concern that we highlighted is the proliferation of underregulated and unregulated religion- and sex-specific militias.

Understandably, religious minorities are very concerned about their physical protection. They feel that both the Iraqi security forces and the Kurdish peshmerga failed to protect them as ISIS was attacking their particular communities. They feel a deep sense of betrayal. As a result, they're seeking to arm themselves to protect themselves from possible future extremists, but they're also seeking to arm themselves to ensure that they will have political and economic influence in the future. This is one means by which they're trying to assert some control in a disputed area.

What is worrying—we met with a number of militias from different communities—is the lack of a clear command and control structure and also the divided patronage that these groups have. The allegiances that they might ascribe to the peshmerga or to the Iraqi security forces and the central government are very weak. We were repeatedly told about the potential for conflict and fighting, including even within particular religious groups where you would have different factions, for example, of Christian militias that might begin fighting with each other. There was also a concern about the influx of weapons and the inability to disarm people afterwards should there be a national force created. There was concerns about fighting between religious groups. As you might know, there have been pre-existing tensions, including over property, between certain groups such as the Christians and Shabak.

There are a number of reasons why these sex-specific and religious-specific militias are particularly worrying, in addition to the fact that they lack, in many cases, the adequate training in human rights and humanitarian law standards, and that there have been calls for revenge among some of the militia groups and their supporters.

We have highlighted, as a fourth risk, a risk to Sunni Arabs. The reason we highlighted that was because we had so frequently in our trips to Iraq been told that religious minorities may very well seek revenge against those who they perceive to have supported ISIS or believe to have committed crimes. That was a very widespread perception. In many cases, people said they simply did not think that Sunni Arabs would return home. Yet, as many of you know, Nineveh is a multiethnic region in which Sunni Arabs had lived. Many people would argue to us that Sunni Arabs were not from Nineveh, and that they came there as a result of Saddam Hussein's Arabization process, so therefore people will not return home. Sunni Arabs that we spoke to said that they did want to return home, so there's a real concern about the potential for revenge killings. We've already seen destruction of property and attacks on some Sunni Arabs over the course of the past year that would lend credence to that.

Finally, we highlighted risks to civilians that we saw emerging during the counter-ISIL operation in Mosul. Unfortunately, many of those have come to reality, including the use of civilians as human shields, challenges around the securing of evacuation routes, and concerns about the use of Shia militias and where they might be deployed not just in regard to Mosul but also in regard to areas nearby, such as Tal Afar, where there is believed to be a Sunni population.

Those were the five areas of risk that we see as being challenges for religious minorities going forward.

• (1320)

Very briefly, with regard to the action needed going forward, we feel it's critical that there be effective civilian protection, which is ingrained within a sustained strategy of using military and non-military tools to respond to the evolving situations on the ground. It's important to try to anticipate where there might be flashpoints, and identify vulnerable communities, those that seek to return home, and ensure their protection both in the immediate and long term. There needs to be continuous monitoring and analysis of the warning signs and risk indicators on the ground. Of course we've stressed the need for day-after planning. It's unfortunate to see that not enough day-after planning has taken place.

We feel four core priority areas need to be addressed, both in the immediate and long term.

The first is ensuring that the international community, Iraqi government, and KRG ensure the physical security of all people living within Nineveh. Many of our recommendations focused on the counter-ISIL strategy. As a result, right now we seem to see events on the ground outpacing the need for more appropriate training. I think the most critical going forward is the need to ensure that we have local Iraqi forces trained—police forces, in particular—that represent each of the communities in Nineveh and that are able to be deployed to help stabilize areas that are going to be newly liberated or have already been liberated.

It's very important that we ensure that security forces that are on the ground already in areas like Sinjar are protecting local communities. There is a struggle right now among many Kurdish factions in Sinjar, which has created heightened vulnerabilities for the Yazidis who have returned home or who were able to remain.

The second area we focused our efforts on has been ensuring that there is an investment in stabilization, reconstruction, and reconciliation to address the immediate risks and the long-term drivers. We need to ensure that there is rule by law and not rule by gun going forward.

I can speak a little further about some of the reconciliation efforts that we feel should be scaled up, but of course the most immediate concerns are the provision of security and ensuring that there is political administration of newly liberated areas that takes into account the specific needs of religious minorities and allows them to actually be represented. They're very fearful that their voices will not be heard and that Kurdish or other Iraqi voices will kind of silence them.

The third is the need for pursuing justice and accountability. With that, we're quite preoccupied with trying to ensure that there's an international independent investigation created that allows for the gathering, analysis, and preservation of evidence for future criminal prosecutions but also for a whole host of transitional justice purposes, be that seeking remedies, a truth and reconciliation process, or helping family members identify their loved ones. Right now the efforts that have been taken thus far, though commendable, fall well short of what they should. We still have mass graves exposed, and we don't see a rigorous process under way to analyze evidence in accordance with international standards to meet the ever-growing needs, on a daily basis, of victims. I have to stress—I know

there has been a lot of focus on the role of the International Criminal Court—that this is a local conflict, and we need to see a local emphasis on justice and accountability.

The fourth and final one is the need to secure a political resolution, between the Government of Iraq and the Kurdish regional government, to the disputed areas. Religious minorities live in a precarious part of Iraq, where their needs have consistently been neglected, they have consistently been marginalized, and they have been made into pawns by both the Government of Iraq and the Kurdish regional government, who have been struggling to seek control of Nineveh. That has to be addressed going forward. We can't continue to say that later, 10 years from now, we'll deal with this. It has to be dealt with today, because it is exactly what speaks to who is going to provide physical protection and who is going to be responsible for politically administering an area where minorities live.

I'll conclude by saying that I think Canada has a very unique role to play in each of those four areas with regard to the response, and I'm happy to speak more directly to that.

I also think that part of the discussion about what has happened in Iraq and what needs to happen must include a conversation about how to create better structures in all governments on how to do early warning analysis and response so that we don't find ourselves in a situation again, in five or 10 years, where we're talking about genocide and crimes against humanity committed against religious minorities in Iraq.

Thank you very much.

• (1325)

The Chair: Thank you very much for your opening remarks.

We'll go straight into some questions. We're lead off with MP Sweet, please.

Mr. David Sweet (Flamborough—Glanbrook, CPC): Thank you very much, Chair.

Thank you very much, Ms. Kikoler, for the great work you've done.

There are all kinds of questions I'd like to ask you, but the clock is always our enemy here. First, you made a statement that this should be considered a local conflict. With ISIS/Daesh spanning from Iraq to Syria, why do you feel that would be the case?

Ms. Naomi Kikoler: There has been a lot of focus on the transnational implications of Daesh, and I think it's very important that we have that focus. What's problematic is that in thinking about the solutions and what's needed on a local level to protect minorities going forward, you have to look at the local context. When I interview Yazidis or Christians, they talk very much about the need to feel safe and secure in order to return home. The only way they're going to feel safe and secure is in knowing that their neighbours, who they believe committed crimes against them, will be held responsible and that steps will be taken to ensure that their neighbours don't, yet again, resort to either supporting an extremist group or being complicit in the commission of crimes.

That speaks to changing local dynamics. The majority of the people I interviewed, even those from the worst massacres that were committed against Yazidis, when I would ask them about the dialect, when I would ask them about where the individuals were from who committed the crimes, nine times out of ten it was someone from their own region, their own part of Iraq, who had committed the crimes.

I think we have to look at what the incentives and motivations are of local individuals to participate in and support ISIS, and that's where we need to start changing. We can talk about the military fight—and that has to happen—but we should also be talking about local level reconciliation, because people are going to have to live next door to each other again. What that means is we have to start finding the money to invest in booking local mediators on the ground, shoring up opportunities for aggrieved Sunni Arabs to find economic opportunity, and finding ways to ensure that local police forces are representative of the communities that are there.

That's why I put the emphasis on the local. When we think about the solutions, I think we tend to focus so much on how to dissuade foreign fighters from supporting ISIS rather than on how you dissuade a neighbour from turning on a neighbour.

Mr. David Sweet: You don't have any concern about a broader evidence collection and prosecution by the International Criminal Court, as long as the justice gets on the ground so that people recognize that it's being dealt with at that level.

Ms. Naomi Kikoler: Exactly. When we look at the International Criminal Court, the reality is, if we're lucky, we're going to see maybe two or three people ever held responsible, for example, before the ICC. We're going to see that a lot of the senior leaders are either going to be killed or will blow themselves up, for example, on the battlefield.

The majority of the crimes have been committed at the local level. What people want to see is that the individual who raped their mother, stole their house, or killed their brother is held responsible. Those people will never go before the ICC. What we need to be investing in is, first of all, gathering evidence, because it exists and we're at the risk of losing it very quickly, and second, trying to support local efforts of prosecution.

• (1330)

Mr. David Sweet: Sorry, I just wanted to ask, while you were giving your answer, who's the driving force behind evidence collection right now on the ground?

Ms. Naomi Kikoler: It's a great question. There are a couple of different actors. There are some wonderful NGOs that have been doing work. There's a local NGO called Yazda, which has been working to try to document crimes committed against Yazidis, including around Mount Sinjar. They've been doing mapping exercises.

The International Commission on Missing Persons, ICMP, has been also working to support efforts to preserve evidence around mass graves. You have organizations like CIJA and Bill Wiley's team, who've been working to build specific cases through talking to victims to compile evidence. There are a number of different efforts currently under way. There's publicly available information about it.

The challenge is that it is not necessarily being undertaken across Nineveh. It's tended to focus particularly, for example, on crimes against Yazidis, not so much on crimes against Christians, Shabak, Turkmen, and others. Some focus on physical evidence; some focus on testimony; we need a more comprehensive approach, and we need it to be done by an entity, an independent and international entity, that can make that material available to all relevant actors who are going to seek justice and accountability efforts going forward.

Mr. David Sweet: Thank you.

You mentioned in your summary of key findings that building trust and fostering accountability between communities, especially between Sunni Arab and minority populations, must accompany a counter-IS strategy. Your testimony—from what you gained from the conversations—that this isn't the last development of an extremist organization is very concerning. How would you go about building this trust?

Ms. Naomi Kikoler: It's a really challenging question. I think there are examples of projects that have been undertaken to address short-term risks and needs. I'm going to give you an example of one that was undertaken by colleagues from the U.S. Institute of Peace. They have a project that works on fostering reconciliation between different religious minorities [*Technical difficulty—Editor*] and kind of at-risk or vulnerable, moments of vulnerability. One example was Tikrit, where there was the potential for there be, in the wake of a massacre, a kind of explosion of violence. They deployed a rapid response team of local moderators, who were able to work between communities to address their grievances and de-escalate the tension.

We need to see that essentially on a much broader scale. In my testimony I mentioned, for example, tensions between Christians and Shabaks over property. That's a flashpoint that we know exists, and as people start to return home, we can anticipate that there will be more tension. You could invest in local-level reconciliation efforts to try to build trust between those communities. You can invest in projects, right now, for people who were displaced in Erbil and Dohuk, bringing together leaders of religious communities, or focusing on the promotion of education targeting youth and children living in displaced persons camps or in various other forms of shelter, to bring them together in a form of dialogue. There are Sunni Arabs who are living in displacement in the KRG as well.

There are lots of opportunities to actually start the dialogue. It's just not happening, and it isn't being scaled up where it is happening currently.

Mr. David Sweet: Thank you, Mr. Chair.

The Chair: Thank you very much.

We are now going to move to MP Miller, please.

Mr. Marc Miller (Ville-Marie—Le Sud-Ouest—Île-des-Sœurs, Lib.): Thank you, Ms. Kikoler, for coming in and presenting to us.

I'd like to go back to one of the things you said at the very beginning. I may have ascribed more weight to it than you intended, but you said you had found a number of groups guilty of crimes against humanity or genocide. That's one of the distinctions we've been trying to focus on in the House, and indeed we've recognized unanimously the Yazidi genocide. I'd like you to expand on how you came to the conclusions with respect to which groups had suffered crimes against humanity vis-à-vis genocide.

Some of the words that get lost in the definition of "genocide", particularly in the political field, are the words "intent", "to destroy", and "as such". The knee-jerk reaction, when something horrible has occurred—indeed, a crime against humanity—is to assume immediately that it's genocide, and it gets lost, particularly in the political narrative or even sometimes in the legal narrative. Can you just develop on what you've seen and what your study focused on?

• (1335)

Ms. Naomi Kikoler: Thank you for the question. We will be providing copies of the first report, which provides a more detailed kind of explanation to that.

Let me answer your question by being very clear in saying that, yes, genocide has a very specific legal definition. Because of that legal definition and the focus on the intent to destroy in whole or in part, we, after doing a very rigorous legal analysis, found that genocide had been committed against the Yazidis. We were also very concerned about the treatment of particular Shia communities. We found that crimes against humanity had been committed against a broader group, which included Christians, Shia Turkmen, Shabak, Kaka'i.

I have to say that what I have found unfortunate is the preoccupation with focusing on genocide. Genocide is unique and is the crime of all crimes, but we have obligations towards vulnerable populations that extend beyond genocide. Canada championed the commitment in 2005 to the responsibility to protect, which suggests that all governments have the responsibility to protect populations from genocide, war crimes, crimes against humanity, and ethnic cleansing. All four of those crimes were committed in Iraq, and all four of those crimes require the international community to take action to prevent and protect communities from them. It's been frustrating to see the focus on genocide, insofar as I think it has created a politicization of the term that is unfortunate.

Having said that, genocide is the one for which we have a convention that creates a clear legal definition and that outlines some obligations. The genocide convention's clearest obligation is to hold perpetrators accountable. That's why one of our recommendations is around accountability, because we're actually doing a pretty bad job at this particular point, two years out, of even achieving that one obligation that's spelled out in the genocide convention.

In regard to the other obligations, the obligation to protect is less clearly defined. But in terms of our actual findings, our report, as you'll see, outlines that there was a very systematic effort to particularly target the Yazidi. When Yazidi were found by the Islamic State, they were shot at; they were raped; we saw an intentional effort to starve tens of thousands of people around Mount

Sinjar for the sole purpose of trying to essentially destroy that particular community as a people.

In the course of the rampant sexual violence and sexual slavery, we saw that women were forcibly converted. Their children, if born, would no longer be Yazidi. We saw Yazidi children taken—boys in particular—to be fighters and forcibly converted. Each of the actions committed by the Islamic State showed an intent to destroy this particular community. The actions were married with their actual statements, by which they publicly made it very clear that they were targeting this particular group with the intent to destroy. They were very clear, in their statements, that they did not think the Yazidi should even have existed by 2014; that they should have been long destroyed before then.

When we did the legal analysis and compared the actions against different groups, for each of the categories—it's not necessary that each category be met in the genocide convention, but in this particular case it was—we saw not just the stated intention but the actual actions taking place. That was not necessarily true for the crimes committed against other groups, but I would say that the crimes that were committed against other groups, crimes against humanity, war crimes, and ethnic cleansing, merit our attention and concern as well.

Mr. Marc Miller: Thanks.

Again, in the last part of your address you mentioned doing a better job of early detection, but indeed, if you look back at the genocide convention, the two stated purposes are to punish, but obviously even more importantly to prevent. Obviously someone has done a bad job of detecting in this case. We all probably share responsibility.

I'd like you to develop the elements that you see as important in early detection.

Ms. Naomi Kikoler: For me, I think, as a starting point, it's really important for any government to have a stated commitment to atrocity prevention and to explain quite clearly to their public that the prevention of mass atrocity crimes is a core national security priority. I think that high-level statement of political will helps to create the space within bureaucracy to allocate necessary political and economic resources toward early warning and early action. It would be useful for there to be a stock-taking, not just by the Canadian government but by like-minded governments, of what is the current decision-making process by which you would go through to determine whether or not crimes are at risk or are occurring, and what happens when you see the early warning signs of genocide and of large-scale crimes against humanity. Where does that information go within the Canadian system, and what type of response does it trigger from whom?

There have been reports done—the Will to Intervene project, the genocide prevention task force, which was conducted by my centre about 10 years ago—that outline how bureaucracies can be better structured to allow for early warning analysis and early action. It doesn't necessarily mean that you need to appoint one particular person who serves as a focal point for atrocity prevention, but I would say that governments that have are better attuned and able to act quickly when they see the warning signs of atrocities.

Not every government has the ability, nor the will, nor should be taking military action, for example, but all governments have some capacity that they can take and some role that they would be able to play in helping to mitigate the risks. More times than not, if it's early engagement, that focuses on using development assistance and different forms of diplomatic engagement to help lower risks and mitigate the risks of mass atrocity crimes.

A number of particular efforts are out there: to create responsibility to protect, R2P, focal points, to help facilitate that; the creation of inter-agency working groups between relevant actors, be that from foreign affairs or defence, to be able to share information better and ensure there's a better flow of information that you're getting from the field up to capital to be able to make those types of decision-making processes.

I think doing a review of Canada's existing capacity for early warning, early analysis, and action is an important step to come out of what we can collectively say has been a failure in the case of Iraq.

• (1340)

Mr. Marc Miller: Thank you.

The Chair: Thank you.

We're moving right along to MP Hardcastle.

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): Thank you.

Just in the interest of time, can we hear a little more on the issue of local emphasis on justice and accountability? What role can the international community play? Do you see a synergy there with some of that early warning and detection in the bureaucracy you were talking about?

Ms. Naomi Kikoler: That's a great question. Thank you for that.

I'll answer it in two ways. The first is, as I mentioned before, many of Iraq's religious minorities that we've been particularly concerned about live in Nineveh, which is a disputed area, so in order to actually be able to advance some of the efforts around the collection of evidence, the analysis of that evidence, and identifying, if we're looking at criminal prosecution, forums for cases to be held, we need to see co-operation between Baghdad and Erbil.

The international community has a really important role to play to make sure that those two actors are co-operating on prioritizing accountability. They're involved in a military effort to defeat the Islamic State. For them, accountability is not a top-tier priority, but it should be if they are concerned about preventing a recurrence of atrocities and creating conditions in which minorities will feel safe and will feel that they can return home. Providing constructive engagement to both capitals about the need to prioritize justice and

accountability is one critical role that your government and all governments can play.

The second is in providing actual capacity-building support to those two governments. One of the things that's very interesting is that neither Baghdad nor Erbil have laws on the books that allow them to actually prosecute perpetrators for genocide, crimes against humanity, or war crimes. So people are being arrested—if they are now—and they are being charged only for counterterrorism crimes. Counterterrorism crimes are critical, and they need to be held responsible for them, but that differs from large-scale sexual slavery and the commission of rape.

We need to see both governments create legislation and actually start prosecuting people for these crimes, and we need them to determine whether they will be prosecuted in Erbil or in Baghdad. Will they be prosecuted in courts that will be stood up in Mosul and in Sinjar? That has to involve a conversation, and the international community very much has to be part of it, both to help compel and explain to these governments why accountability is a critical component of a counter-ISIS strategy and a prevention of atrocities strategy, and too, to provide them with the support to be able to do that at the local level.

In terms of how to better inform, for example, your government, there are certain countries that have created ambassador posts for global criminal justice to help oversee these types of difficult issues, not just in Iraq, in Syria, but in South Sudan and elsewhere. That could be one particular step that could also be taken in terms of just institutionalizing a commitment to atrocity prevention and the pursuit of justice and accountability.

Hopefully I answered your question in terms of what's needed a little bit at the local level and why Nineveh and the disputed status of that again creates so many challenges, not just in terms of physical protection and stabilization but also in terms of justice and accountability.

• (1345)

The Chair: You still have time.

Ms. Cheryl Hardcastle: Okay.

Our role in helping develop at that local level, in terms of persecution.... I guess I'll go back to the earlier question from my colleague Mr. Sweet: what is our role with...?

Is this a hurdle to not have the International Criminal Court? Is that a distraction when we say, "Oh, my goodness, we need to use this"? Is that actually a distraction from the practical local-level support and mentoring that we could be doing? I guess that is the essence of my question.

Ms. Naomi Kikoler: I would say that there's an urgency around supporting local-level efforts. I think it's important to continue to advance conversations around the role of the International Criminal Court, but I think we have to be focusing very much on building local-level capacity, the capacity of the Iraqis and the KRG to prosecute for these crimes at the local level. It's not an either-or situation, but there is an urgency.

I'll give you one example. I had the same conversation with a Yazidi gentleman and a Christian gentleman, who both said to me that they anticipated that there would be revenge killings. The Yazidi man I spoke with had lost virtually every single family member. I asked him what would need to exist for him to not feel the same desire for revenge. It was really interesting, because his reply was, well, if someone were held responsible.

I said to him, "You've never seen real accountability in Iraq. Are you really saying that if there were a court case 12 miles away for this man who killed your wife and your children, you would feel as though that would lessen your desire for resorting to the use of guns or something other than the rule of law?" He said yes.

We started asking different people, and people kept coming back with a similar answer: if they actually saw justice through a court, that would counter other options they would be considering to seek justice through more harmful means.

There's something there in what the local requests are for the type of response they would like to see that I think we have to take very seriously. We have to invest more time and resources into understanding what the options are and supporting capacity building. However, I have to underscore again that for this to happen, both the central government in Baghdad and the Kurdish regional government have to prioritize these cases. I will again stress that they have to prioritize the cases for all communities that were victimized.

The Chair: We'll move now to MP Tabbara.

Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.): Thank you, Mr. Chair.

Thank you for sharing your testimony with us and for some of the comments you've been giving the committee today.

I want to continue the flow of this conversation. One thing I'm interested in is that we're looking at some of the short-term solutions, which are critical, but I also want to talk about some of the long-term solutions. You mentioned in your opening statement mediation on the ground and local-level consideration. I want to try to relate this a little bit—I know it involves a totally different conflict zone—to what has been stable in the former Yugoslavia right now. We've seen a lot of distrust of neighbours—Serbs, Croats, Bosnians, etc.—and they're living alongside each other in relative peace, although there might be still some distrust.

As we see in northern Iraq, it was a region with a lot of different ethnic cultures. You mentioned that there's a lot of distrust. What can we learn from the former Yugoslavia and maybe implement in Iraq?

• (1350)

Ms. Naomi Kikoler: It's a really great question.

One of the things that we've tried to underscore in all of our reports and our work is that there are the immediate needs and then there are the long-term needs. What we often see in situations where atrocities have occurred, unfortunately, is a recurrence of them, and usually within a 10-year time frame. That's true for Iraq, and that's true for most conflicts around the world.

With the former Yugoslavia, I think there have been a couple of things that played a critical role. One was the role of international justice. In that case it was the creation of an ad hoc tribunal and the

fairly swift gathering of evidence to allow for cases to come forward. I think it's also important in the Yugoslavia case that in some cases people waited 20 years for justice. There was also a great investment in local reconciliation.

Each of the options are going to differ based on the context, the cultures, and the societies that you are working with. It depends on which country you're looking at, but in Bosnia and elsewhere, there was a real emphasis on trying to ensure the inclusion of minority communities into the political life of the various states.

I think in Iraq that's really critical to underscore. As I mentioned before, many of these communities are living in a contested area. For many of the Yazidi, when you talk to them, they feel a lot of distrust against the Kurdish regional government because they feel as though their political interests were never taken to heart and they were marginalized and excluded in the political life in the area around Sinjar, which had been de facto annexed by the KRG. When you speak to Christians from Karkush, they'll also talk about frustration with the local election, and we're talking local elections for mayors, because they felt that their voices were not being heard.

So ensuring in a very swift way not just the provision of security for these communities but also their inclusion in the political administration of the areas in which they live will be very important. That's where I think the voice of the international community to urge all sides to include minorities in that political process will help build more trust.

As I mentioned at the start, one of the reasons why people are self-arming is not just for physical protection; it's to be able to assert greater influence in the political and economic life of Nineveh going forward. We need to be reassuring minorities that they will have a voice. I think there are things that were done in the former Yugoslavia and in each of the countries that helped to create that space that we can use potentially as a model going forward.

Mr. Marwan Tabbara: I'm going to share my time with my colleague Ms. Khalid.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you very much, Mr. Tabbara.

The Chair: Very quickly.

Ms. Iqra Khalid: Yes, I'll be very quick. Thank you, Mr. Chair.

I really appreciated what you said today, specifically with respect to accountability and looking forward as to how we go post-Daesh and try to bring all these communities together. I really liked the question that MP Tabbara asked. I was wondering if you could talk a bit further on the very specific role that Canada, as a country, can play in trying to establish a post-Daesh Iraq and the inclusion of minority communities.

Ms. Naomi Kikoler: Thank you for that.

I do want to underscore, too, that in our report we highlight the risk to Sunni Arabs in Nineveh, the challenges they will face, and why a focus on accountability and reconciliation is so important to also ensure their protection in a very uncertain time going forward. I think Canada has an important role to give voice to some of their concerns and the concerns of religious minorities.

When we think about the four categories that I talked about, security, stabilization, addressing the political dispute, and accountability, I think Canada has a unique role to play in each. First and foremost on the security side, there has been a lot of discussion about the training of security forces, training of the military. I think what we need to be focusing a lot on is the training of police. At the end of the day, the job of maintaining peace and security in areas where religious minorities are living, be it Sinjar, or be it Nineveh plains or Mosul, will at some stage fall on the shoulders of police, and we simply do not have enough trained police to be deployed to those areas.

If we were able to invest in ensuring that there was a multi-ethnic representative police force that could be deployed to some of these areas, a force that knows how to respond to the local threats and challenges in a way that's in accordance with international human rights and humanitarian law standards, that would be a real value-add. The Canadians with some of the European partners could prioritize that. It has to happen fairly swiftly. There are already efforts under way, but that's one key way in which Canada can contribute in that first part around physical protection.

Second, in terms of stabilization, this is going to be an enduring challenge. The idea that once we defeat ISIS the problem has gone away has to be countered on a daily basis, and it's going to take actors like Canada constantly reiterating the need for long-term investment in Iraq to ensure that this happens.

I think Canada already, though its support for efforts undertaken by the UNDP and supporting some of the initiatives focused on reconstruction.... That's a role that we're going to need to continue to engage in and redouble efforts on. Finding a way to financially support some of these targeted reconciliation projects I think should be a critical component of a strategy going forward. Doing the mapping to identify where the at-risk communities are, as I mentioned, is one particular thing that needs to be undertaken fairly swiftly.

• (1355)

The Chair: I need to cut you off there, because I want to give MP Anderson a chance for a short question. I know he had a couple.

Ms. Naomi Kikoler: I'm so sorry about that.

The Chair: No, no, don't worry.

MP Anderson, please go ahead.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): I just have two questions.

I was going to talk about whether there's potential for an endless cycle of sectarian violence. You seem to think that can be broken. In other conflict areas, we've had court systems and justice systems which, once the conflict was over, people had already had some exposure to and gave credibility to. When you're talking about the frustrations that the minorities have had in this system, do you think

those structures can be set up so that they will actually have the confidence of the people? That's one question.

Second, what would early detection have done in terms of stopping what happened here? This issue arose, and it took from 2005; with the Iraqi government alienating its people, there were a lot of different things developing over the years. We probably should have had a good idea of what was going to happen. It was that sudden rise of ISIS that really was the surprise, and it swept across that area so quickly. I'm just wondering what early detection would have accomplished, because there still doesn't seem to be a coordinated international response to what has happened there.

Ms. Naomi Kikoler: That's a great question. I couldn't agree with you more on that one.

I think when we talk about justice, and when I talk about the local conflict and the need for a local response, it has to be backed up by international community support, a sense that the international community is following and is supporting efforts that are being undertaken at the local level, be it justice or reconciliation. If these initiatives are seen as strictly Iraqi- or KRG-led, they won't necessarily have the credibility for local communities because there is that high level of distrust.

What that can mean in a very tangible sense is deploying Canadian or Danish constitutional law experts or criminal law experts to help advise and stand up local processes. There are lots of different iterations by which the international community can show that it remains concerned and engaged. One reason for an international independent investigation, created ideally by the Security Council so it has a chapter VII kind of mandate, which calls for co-operation between both Baghdad and Erbil, is that it shows the international community is taking it seriously and is concerned about justice and accountability. You need that to help shore up the credibility of a process. There needs to be that hand-in-hand of the international community and local efforts for the initial period of time.

In terms of early detection, it's a really good question, because the question is when do you start looking at this scenario? We saw a drawdown for many years, not just in the military presence in Nineveh but also even development funding from across the board. I spoke with many different government officials who were involved in a response, really from 2011 on, who said that the attitude and the orientation was, at the time, that, well, Iraq's on its road to recovery, and it has the capacity to protect minorities. As a result, we saw a disengagement, even just on the diplomatic side, from raising concerns about the protection of minorities and creating programming that would have addressed some of the grievances in Nineveh and elsewhere.

To get to an earlier question, Canada putting more of a focus on addressing the political dispute between Baghdad and Erbil, there has to be a voice or multiple voices from within the international community stressing the need to resolve this particular problem. I'm very concerned that we keep punting it year after year to some situation when we think that Iraq is going to be better and more stable. For communities that are trapped there, the reality is that the uncertainty continues to create inherent vulnerabilities, and those who suffer the most are vulnerable minorities. It could be an area where Canada could have a unique role to play. Given our own history, I think we might perhaps have more credibility on that issue in trying to deal with it than many others.

● (1400)

Mr. David Anderson: Thank you.

The Chair: Thank you very much for your testimony before this committee today. It was valuable to hear your perspective.

Ms. Naomi Kikoler: Thank you very much for the opportunity. I wish you all the best of luck.

The Chair: Thank you.

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>