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# RELIGIOUS CONFLICTS IN IRAQ

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## Preface

Until the beginning of the 20th century, the world map did not contain a country named Iraq. It is a product of European colonial expansion. European superpowers, England, France and Russia, fought to expand their territories and secure their interests there. The southern regions of Mesopotamia, transformed into Iraq in 1921, encompassed three provinces called vilayets: Mosul, Baghdad and Basra.

Curiously, no Middle East existed in the early 20th century either. What is the Middle East, then? The geographical and political nomenclature of this part of the world is full of ambiguities. The terms 'the Middle East' and 'the Far East' are used, but there is also 'the Near East'. What is the difference?

Nations and circles of civilisation often give the parts of the world political significance. In post-WWII Poland, the West was surrounded by the mythical aura of a lost land of happiness. The East, on the other hand, did not have a positive connotation, even though earlier the East, or rather the Orient, was associated with exoticism, and the charms of the Orient have always been alluring, just like Orientalism, i.e. the study of the mysterious and exotic Orient.

Some say ironically that these names are ethnocentric. Well, what else are they supposed to be? Exocentric? Although indeed, exocentricity did play an important role in the case of the Middle East, considering that the East has borne its name since ancient times: 'Anatolia' is Greek for 'sunrise' (ανατολή), 'Oriens' is Latin for 'east', and 'Levant' is French for 'east'. Additionally, there was Arabic Mašriq (East), which was the eastern part of the caliphate empire, and Mağrib – its western part. Later on, the French gave part of the Middle East the name 'Levant' to denote the so-called Great Syria (Arabic: Aš-Šām). This name, like the Greek one, comes from the term 'sunrise' (levant du soleil) metonymised to mean a piece of earth. The Germans used the phrase 'Morgenland' in this fashion (hence Deutsche Morgenländische Gesellschaft).

The Polish 'Bliski Wschód' reflects traditional European naming patterns: Proche Orient, Near East, Naher Osten, Ближний Восток etc. The 19th century, however, brought the name 'Middle East', which could be considered exocentric, having come from the United States. New names of the same region began to spring up throughout Europe, despite the fact that they were basically synonyms for the existing ones. 'Moyen Orient' appeared in addition to 'Proche Orient' in France. In Germany, 'Naher Osten' remained, because 'Mittlerer Osten' denotes the Middle East

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including India. In English, 'Middle East' is used alongside 'Near East'. Due to Americanisation, the entire Western Europe uses the name 'Middle East' nowadays: Sweden – 'Mellanöstern', Spain – 'Oriente Medio' or 'Medio Oriente', Italy – 'Medio Oriente'. This has even reached the Middle East itself, as Arabs call it 'Aš-Šarq al-Awsaṭ' (Middle East), while the Israelis use the phrase 'המזרח התיכון' ha-Mizrakh ha-Tikhon (Middle East). The Turks are decent enough because although they use the term 'Yakın Doğu' (Near East), they are also attached to 'Orta Doğu' (Middle East). The same applies to Persians; to them, the region is the centre of the world – 'Ḥāvar-e Miyāne' (Middle, or maybe even Central, East).

Attempts have been made to differentiate the names – the English 'Near East' would refer to the traditional Near East, once researched by archaeologists and antiquarians, and 'Middle East' to the political entity. This is evidenced by the following journal names: the Journal of Near Eastern Studies from Chicago deals only with antiquity, while the Middle East Journal from Washington DC deals with modernity. It should be remembered, however, that the term Middle East was invented and popularised by an American, an outstanding naval warfare theoretician, Alfred Thayer Mahan (1840–1914).<sup>1</sup>

In Poland, the names were materially diversified back in the era of the USSR and its subordinate states. 'Bliski Wschód' (Near East) is completely different from 'Środkowy Wschód' (Middle East), although the borders are defined quite imprecisely. 'Bliski Wschód' roughly covers countries from Turkey to the Indian Ocean and from Egypt to Iran, while 'Środkowy Wschód' is Afghanistan and Pakistan. Occasionally, the latter term also applies to part of the Caucasus and Central Asia (once referred to as 'Middle Asia'), which has been fighting for its territories, including the Caucasus, since it started to use this name again. The Caucasus and parts of Central Asia are included either for civilisational (Islam) or political reasons (the Greater Middle East of US President George H.W. Bush).

In terms of politics, North Africa, or Maghreb, is incorporated into the Middle East. The region is known under the acronym MENA – Middle East and North Africa.

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<sup>1</sup> In 1902, Mahan published an article in the London paper National Review entitled The Persian Gulf and International Relations in which he claimed that British naval bases should be built around the Persian Gulf to defend the Suez Canal against Russian expansion and stop Emperor William's plans. On that occasion, he used the name 'Middle East': 'The Middle East, if I may adopt a term which I have not seen...'

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The point is that North Africa is almost entirely Muslim and largely Arabic, similarly to the Middle East.

The notion of the Greater Middle East was introduced by George H.W. Bush (although Dulles used this phrase before him) when the United States got involved in their first row with Iraq (1991–1992). The term covers North Africa (Maghreb), the Near East, the Middle East, the Caucasus and Central Asia.<sup>2</sup> It is understood individually by some, for example by Roby C. Barrett, who used the term coined by Dulles to refer to the region from Morocco to India (*The Greater Middle East and the Cold War*, Tauris 2007).

This part of the Ottoman Empire, i.e. the Middle East, has proved particularly valuable for the European superpowers. For England – because it was an alternative route to India, the most important British colony, that bypassed the Suez Canal. For France and England together – all the more so because of the discovered oil deposits, which was a strategic fuel even at that time, especially for the fleet. For the Germans, the entire Ottoman Empire was an ally and a great investment market. It was the Germans who at the beginning of the 20th century built the Baghdad Railway but also created and armed the Ottoman army, so that German generals could lead the Ottoman army to fight the English and the French in Mesopotamia and Syria.

With the outbreak of World War I, the French and the English found themselves in one camp, and the Germans and the Turks – in another. The British army set off from India with an expedition to seize Mesopotamia and take control of it already in the first weeks of the war with Turkey. The Turkish-German army defended Mesopotamia for three years. In the end, the British managed to take over Mesopotamia with the main town of Baghdad in 1917, having sustained enormous losses.

Another important factor in the creation of contemporary Iraq was the vision of dividing the Ottoman Empire by the Triple Entente states: England, France and Russia during World War I. Plans for the demarcation of the Middle East were modified in successive ways, and were finally approved in 1920, when Russia had already opted

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<sup>2</sup> Mehdi Parvizeh Amineh declares authoritatively: "Greater Middle East" (GME) comprises (1) the countries of North Africa; (2) the countries of the Arab Middle East (Syria, Lebanon, Palestine, Jordan, Iraq, Saudi Arabia, and the Persian Gulf states); (3) the non-Arab Middle Eastern countries of Iran, Turkey, and Israel; (4) the countries Afghanistan and Pakistan; and (5) the Central Eurasian countries (i.e., the five Central Asian republics and the three new states in the south Caucasus). *The Greater Middle East in Global Politics*, Leiden 2007, p. 1.

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out of the division of the spoils. They were implemented for the next three years with the blessing of the League of Nations.

First, in 1916, the British, the French and the Russian signed a secret document known as the Sykes-Picot-Sazonov Agreement, which established future divisions in the Middle East, i.e. in South-Eastern Anatolia, Greater Syria and Mesopotamia. Russia's exit from the agreement after the Russian Revolution limited the division plans to Great Syria and Mesopotamia. France and England split the area between themselves: France got Syria (with Lebanon), while Great Britain got Mesopotamia with Palestine. For Jews opposed to assimilationism, i.e. Zionists, this was a chance to win a state within Palestine (the Jewish State – *Judenstaat* – of Th. Herzl). Thanks to the efforts of Haim Weizman, in 1917 the British government adopted the Balfour Declaration guaranteeing the Jews the establishment of a national home in Palestine.

A new political system was proposed to replace the existing colonies and protectorates: mandates confirmed by the international community, the League of Nations. The mandate system provided for the establishment of local Arab authorities under the supervision, or mandate, of colonial states until political independence was achieved.

The next stage was imposing the British order in areas won and obtained in negotiations by the United Kingdom. First of all, they had to fulfil their promises to the Arabs and Jews. Therefore, Palestine was no longer an international territory and became a British mandate. In addition, it was divided into Cis-Jordan, where Jews were allowed to build a 'national home', and Arab-only Transjordan. In March 1921, a conference was held in Cairo under the supervision of Winston Churchill, commonly known as the Conference of the Forty Thieves. It was attended by senior British officials and experts. It made the most important decisions concerning both British mandates: Palestine and Mesopotamia. The Palestinian mandate was divided into Cis-Jordan (today's Israel and the Palestinian National Authority) and Transjordan (today's Jordan). An emirate was established in Transjordan and handed over to Emir Abd Allah, son of Al-Husayn, Sharif of Mecca. Mesopotamia was given to Al-Husayn's second son, Faysal. Still in 1921, after a referendum, Faysal was proclaimed king of the new state of Iraq. The name Iraq was proposed by Gertrude Bell, a British expert on the Middle East. She referred to the terminology of two lands in southern Mesopotamia and western Iran: Al-Iraq al-Arabi and Al-Iraq al-Ajami.



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A parliamentary monarchy, the Hashemite Kingdom of Iraq (al-Mamlakah al-Iraqiyyah al-Hashimiyyah), was created under the mandate of the United Kingdom. It consisted of three different regions of Mesopotamia: the south, inhabited mainly by Shiite Arabs, the centre with the capital in Baghdad inhabited by Sunni Arabs, and the north with the centre in Mosul inhabited by Kurds, Arabs and numerous religious groups. The Hashemite Kingdom of Iraq remained a mandate until 1930, when the Anglo-Iraqi Treaty was signed. In 1932, the English recognised the full independence of the state, but reserved the right to maintain a military presence and control of the Iraqi Petroleum Company, in which the Iraqi authorities had no share. Then, Iraq joined the League of Nations.

The next year, 1933, was marked by the death of King Faysal and the enthronement of his son, Ghazi (who reigned from 1933 to 1939). His short reign started a period of political instability in the country: clashing factions, revolutions, and unstable rule. There was a great massacre of Assyrians in Simele (1933), several Shiite uprisings and a Yazidi revolt. Ghazi was killed in a car accident, and was succeeded by the under-age Faysal II, who was represented by a regent, Abd al-Ilah (first cousin of Ghazi, Faysal II's father, and his brother-in-law), between 1939 and 1953.

During World War II, Iraq was occupied by British troops. The immediate reason for the occupation was an officers' coup, in which the prospective Prime Minister Nuri as-Sa'id was replaced by the pronazi Ali Rashid al-Gaylani. The British Army quickly overthrew the putschists' rule, restored the pro-British authorities and began the occupation of the country, which lasted until the end of the war.

After the war, the independent Kingdom of Iraq became a member of the UN and a founder of the League of Arab States. The Iraqi army participated in the Arab-Israeli war of 1948. The defeat of the Arab troops caused a stir in the country and strengthened the officer opposition towards the authorities – the government and Faisal II, who became king in 1953 after coming of age. In 1956, Iraq joined the pro-American and anti-Soviet Baghdad Pact (England, Turkey, Iran, Iraq and Pakistan). The country was gripped by social unrest, demonstrations, uprisings (Al-Wathbah in 1948, Intifada in 1952) and finally, in 1958, a coup took place.

The year 1958 marked the beginning of a new Republican era in Iraq. In July, Iraqi free officers carried out a bloody coup d'état and overthrew the monarchy, thus leading to the creation of a republic. Until 1968, there was a constant changeover of

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power in which left-wing Nasserist, Baathist and communist movements fought each other. Finally, in 1968 the Ba'ath Party (Arab Socialist Revival Party), first led by Ahmad Hasan al-Bakr and then, since 1979, by Saddam Husayn, took over power in Iraq. The Iraqi Baathists were focused on the policy of the all-Arab national idea and advocated the unity of all Arabs more than the Syrian branch. They also promoted moderate socialism, and Saddam Husayn pursued an aggressive international policy. In 1980, with the full support of the United States, he started a disastrous war with Iran, and after it ended (in 1988) he invaded neighbouring Kuwait in 1990. However, he was driven away by American troops, and, consequently, international sanctions bordering on genocide (according to the Iraqis) were imposed on Iraq.<sup>3</sup>

After 11 September 2001, the United States accused Iraq of supporting international terrorism simply to take revenge on someone, anyone. First, Afghanistan was attacked, leading to a catastrophe that continues to this day. In 2003, the American army easily overthrew Saddam Husayn's Baathist rule. The social structure of Iraq was destroyed, and thanks to the participation of Great Britain the colonial 'divide and rule' policy was re-established. An American and British concept of democracy was imposed, including a fair constitution of 2005. The American army occupied Iraq until 2011, introducing its own seemingly democratic system of power.

After the withdrawal of the Americans, the order established under occupation turned out to be to a large extent impermanent. The lack of stable authorities, army and police led to chaos. From 2014 onwards, a significant area of Iraq was conquered by the Islamic State (the Islamic State of Iraq and Great Syria, Da'ish: ad-Dawlah al-Islamiyah fi l-Iraq wa-sh-Sham, also known as ISIS – the Islamic State in Iraq and Syria), which operated not only in Iraq and Syria, but in the entire Muslim world. A devastating civil war, taking the roots in the divisions established by the 2005 Constitution, began in Iraq. Frustrated Sunni people took the side of the Islamic State, while Shiites, who were once wronged, took the side of the Iraqi authorities. The Islamic State was largely a result of American intervention. The idea of global Islam was spread among hundreds of thousands of well-educated unemployed Sunni administrators, policemen and soldiers. And the idea was not to contest the West (as Al-Qa'ida aspired), but to

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<sup>3</sup> A considerable amount of legal literature is devoted to the issue of the legal basis and effects of these sanctions, cf. L. Oette, A Decade of Sanctions against Iraq: Never Again! The End of Unlimited Sanctions in the Recent Practice of the UN Security Council, *European Journal of International Law*, Vol. 13, Issue 1, 2002, pp. 93–103.

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build a separate power, a global state. Thanks to the participation of external forces, including the USA once again, but also Russia, Iran, Turkey, and finally the Iraqi Kurds, the Islamic State was overthrown at the end of 2017. Unfortunately, it was not eliminated completely.

The period of the rule of the Islamic State proved tragic for Syrians and Iraqis (although not exclusively, because the State operated and is still operating in many other parts of the world, including Libya and Nigeria). Referring to puritanical Wahhabi ideas (supported also by Western empires) was not compatible with the modern world and led the downfall. However, it must be remembered that the downfall is not yet complete.

## Basic demographics

Historically, Iraq consists of three different regions of Mesopotamia. The Shiite south is the cradle of Shia Islam, which began to take shape there in the 7th century and spread over time to the entire Islamic world and today comprises 10% of the Muslims. In Iraq, however, the Shiites make up the majority of at least 60%. The area contains some of the sacred cities of Shia Islam, for example An-Najaf with Al-Kufah and Karbala, where the graves of Ali (death: 661) and Al-Husayn (death: 680), the fathers of Shiism, are located. What is more, great centres of Shiite teaching can be found in the region. The centre of Iraq is inhabited by Sunni, who are the majority in Islam, although they are a significant minority in Iraq. This is also where the Iraqi capital Baghdad is located and has long attracted representatives of various nationalities and religions: Kurds, Turkmen, Christians, Shiites, Mandaeans and many others. The Kurds live in the north of Iraq, which holds the largest oil deposits in Iraq. The Kurds are mostly Sunni, with only a small group of Shiites (called the Feyli/Faili Kurds) living in the town of Chanakin. In addition, some Kurds are followers of esoteric religions: Yazidism, Ahl al-Haqq, Shabakism and Alawism, and some of them have also turned to Zoroastrianism in the recent years. Apart from the Kurds, there are Turks and Turkmen in northern Iraq.

The folk trend, i.e. Sufism, also known as Islamic mysticism, is an important factor in both Sunni and Shia Islam. Fakirs or dervishes, once immensely popular, today see the Sufi devotion to spiritual masters as a way of getting to know God. This is not guaranteed by official Islam, as it is limited to dogmas of faith and religious obligations.

Christians (Assyrians) live in northern Iraq, while Orthodox Christians (Syrians) can be found in three provinces: Baghdad, Kirkuk and Nineveh. Every second Christian in Iraq lives in the Baghdad area. Other urban centres inhabited by Christians include Mosul, Erbil, Duhok and Kirkuk. In the past, the Christians of Baghdad, similarly to the Jews, used their own dialect of the Arabic language; today both are extinct.<sup>4</sup>

The Republic of Iraq (Al-Jumhuriya al-Iraqiyya) inherited the social composition from an artificially merged British mandate from 1921. The social divisions are based

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<sup>4</sup> F. Abu-Haidar, *Christian Arabic of Baghdad*, Wiesbaden 1991; H. Blanc, *Communal Dialects in Baghdad*, Harvard University Press 1964.

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on the tribal structure, as the vast majority of Iraqis identify with a particular tribe. Tribes often have millions of members, and spread over neighbouring countries. For example, the Anazzah tribe lives in Iraq, Saudi Arabia, Syria, Kuwait, and Bahrain, while the approximately seven million strong Sunni tribe of Dulaim resides in Iraq, Jordan, and Kuwait. Tribal affiliation, as well as national affiliation, is based on a fictitious awareness of one's imaginary identity, which means that people imagine that they identify with a certain community and follow this idea. The tribes have their own history, ancestors, and their own culture, i.e. anonymous literature. They play an important political role to this day.

During the Ba'ath period, the political authorities tried to limit the role of the tribes. There are about 150 tribes (*ashira* in Arabic) in Iraq, one fifth of which have an important political function. The tribe – *ashira* – comprises tribal federations called *kabila*, consisting of tribal branches (*fakhdh*), as well as houses (*bayt*), which are divided into families (*khams*).<sup>5</sup>

The statistics on the number of individual denominations are imprecise. This is due to the unstable political situation in Iraq, which has been going on for almost two decades, forcing different population groups, especially ethnic and religious minorities, to migrate. According to a report by the Minority Rights Group, the number of people belonging to minorities has already halved after 2003, and the arrival of the Islamic State in 2014 led to their almost complete extermination.<sup>6</sup>

Studies on Iraq's demographic structure, especially the religious structure, rely upon data collected by the Iraqi government in 2010,<sup>7</sup> even though the authors refer to a report by the US Department of State and not to Iraqi studies. According to these figures, 97% of Iraq's population is Muslim, with 55% to 60% Shiite and about 40% Sunni. The remaining 3% is accounted for by religious minorities. The data from the CIA are even more general: 95–98% of Iraq's population is Muslim (including 64–69% of Shiites and 29–34% of Sunnis), 1% is Christian and other faiths make up for 1 to 4%.<sup>8</sup> The Minority Rights Group, citing 'reliable estimates', states that Muslims account

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<sup>5</sup> For more on Iraqi tribes, see the four-volume encyclopaedia *Mausu'at asha'ir al-Iraq* by Abbas al-Azzawi, Beirut 2005, Dar al-'Arabiyya li-al-Mawsu'at. It contains a detailed description of the tribes living on Iraqi territory.

<sup>6</sup> Crossroads: The future of Iraq's minorities after ISIS, Minority Rights Group, 07.06.2017, p. 7.

<sup>7</sup> Cf. e.g. The Security situation of religious and ethnic minorities: Iraq, Documentation and Research Division, French Office for the Protection of Refugees and Stateless Persons, 14.11.2017, p. 3.

<sup>8</sup> Iraq, CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>

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for approximately 99%, including 60–65% of Shiites, and 32–37% of Sunnis.<sup>9</sup> It is plain to see that the data for Shiites and Sunnis differ by up to 10 per cent, i.e. several million people each time. This is for two reasons. The first reason is the discrepancy resulting from different dates, which, combined with large population migrations, could cause such large fluctuations over several years. The second and fundamental one is the lack of a census, as none has been carried out in Iraq for 33 years. The last data are from 1987. A census was planned for 2009 and 2010 but was not carried out for political reasons. It seems that the Lebanese scenario has come true – it is better not to officially know the size of certain ethnic groups (in this case the Kurds), as this may lead to social unrest, especially since Iraq is a federation. The next census is planned for 2020, and it remains to be seen whether it will actually take place.<sup>10</sup>

The number of Christians is estimated based on information from local community leaders. The available reports mention about 250,000 people, including about 200,000 in Nineveh and Kurdish-inhabited areas. The majority of Christians are Chaldeans (about 160,000 people) and about 50,000 are Assyrians.<sup>11</sup> According to European Parliamentary Research Service estimates, the number of Christians in Iraq is 500,000. The authors also provide estimates of other religious groups: Mandaean – 3,000, Ahl al-Haqq – 200,000, Yazidi – 500,000, Baha'i – 1,000, and some followers of Judaism.<sup>12</sup> The available data do not include the number of atheists.

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<sup>9</sup> Iraq, Minority Rights Group, <https://minorityrights.org/country/iraq/>

<sup>10</sup> Timing of 2020 census bodes ill for Kurds in Iraq, Rûdaw, 12.09.2019, <https://www.rudaw.net/english/opinion/12092019>

<sup>11</sup> Iraq. International Religious Freedom Report for 2018, United States Department of State, Bureau of Democracy, Human Rights, and Labor, 2018, p. 3.

<sup>12</sup> E. Pichon, Minorities in Iraq Pushed to the brink of existence. Briefing, European Parliamentary Research Service, February 2015, pp. 3–4.

## Legal status of individual religious groups

Iraq is a federal republic, which means that individual provinces are relatively strong. In addition, for historical reasons, there is one autonomous administrative unit, the Kurdistan Region, which consists of three provinces. From a legal point of view, this means that the status of individual religious groups is determined by law at federal level, and additional regulations may apply in the case of the Kurdistan Region. The last Iraqi constitution of 2005 gives the region the right to legislate, as well as executive and judiciary powers in addition to those indicated in Article 110.<sup>13</sup> The laws that regulate the legal status of individual religious groups at the federal level include: the Constitution of 2005, the Criminal Code, the Civil Code and the Personal Law Code.

According to the Iraqi Constitution (Article 2(1)), 'Islam is the official state religion and the primary legislative source'. It is also an overriding source of law in the sense that no other law may conflict it (Article 2 point 1 A). Interestingly, two sections (B and C) indicate that no law can be contrary to democratic principles or the rights and fundamental freedoms enshrined in the Constitution. It can therefore be said that Islam is not only a source of law of a religious nature, but also of the principles of democratic order and fundamental human rights. Or maybe it is the way around?<sup>14</sup>

Moreover, the system of Muslim law, or Sharia law, is interpreted differently by Shiites and Sunnis. In addition to the basic sources of law, i.e. the Quran and the tradition of the Prophet Muhammad, the tradition of Shiite imams contained in four basic books created between the 10th and 11th centuries applies. What is more, there is a lively tradition of interpreters of the law, quite imprecisely called the Shia clergy. They represent the absent 12th Imam, the Mahdi (meaning 'guided by God'), in the everyday life, which puts them in a particularly high position. This position has been defined in political terms as wilayat al-faqih, or the Guardianship of the Islamic Jurist (faqih). Faqihs, also called Maraji' ('source of religious knowledge), have the right to decide on the political system and are the best candidates to rule. The theory was

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<sup>13</sup> Iraq – Kurdistan Regional Government (KRG). Comprehensive review of legislation, World Bank 2018, p. 21.

<sup>14</sup> More about the relationship between Islam and the Constitution in Iraq: Intisar A. Rabb, „We the Jurists”: Islamic Constitutionalism in Iraq, *Journal of Constitutional Law*, Vol. 10, Issue 3, 2008, pp. 527–579.

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created by Khomeini, an Iranian Shiite, but was later spread in Iraq. Both Shia and Sunni Muslim scholars have created great theological and legal literature.

In other words, the sovereignty of Islam confirmed by the Constitution has no clear dimension and can be interpreted in many ways, including in democratic terms. This gives Islam specialists a particularly high position in the legal, social and political system of Iraq.

The Iraqi Constitution supports the Muslim identity of the majority of Iraqi society and guarantees 'the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabians' (Article 2(2)). Moreover, the Constitution emphasises the multinational and multi-religious nature of Iraq: 'Iraq is a country of many nationalities, religions and sects.' (Article 2(3)). This suggests the following:

- There is no division between Sunism and Shiism – both of these denominations are included in the broader category of 'Islam'. In this respect, the Iraqi Constitution seems to unite the two largest groups of Islam followers.
- Some other faiths are mentioned explicitly in the Constitution and others are not. Perhaps the differentiating criterion is the number of believers, although mentioning Ahl al-Ḥaqq would be justified in such a case; perhaps the differentiating criterion was the history of presence in Iraq, but then Judaism should appear among the listed religions. Either way, another provision of the Constitution guarantees the right of all people to profess and practise their religion.
- The legislator has distinguished between religions and religious movements. Interestingly, in the English version of the Constitution, the Arabic word *madhahib* (from *madhhab* – school of religious law) is translated as 'sect', which has a pejorative connotation in English but not in Arabic.
- It is difficult to say what rights have been granted to atheists who, for understandable reasons, are not covered by the article on religious freedoms.

Despite egalitarian constitutional provisions, some religions are not fully recognised. Some laws applicable in the Ba'ath Iraq restricted the freedom of Baha'i followers. Regulation 105 issued in 1970 did not recognise the Baha'i. At that time, the Baha'i Faith was perceived as a heresy (in the case of Iraq, practising the Baha'i Faith was punishable by 10 years' imprisonment), and Regulation 358 issued by the Office of Personal Affairs in 1975 forbade entering the Baha'i Faith into official documents.



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Although the latter law was cancelled in 2007, Regulation 105 of 1970 was not cancelled. In November 2017, Iraqi MPs promised to annul Regulation 105 to celebrate the 200th anniversary of Baha'ullah's birthday.<sup>15</sup>

Wahhabism is forbidden. It is an extremely conservative branch of Sunni Islam originating from Saudi Arabia, and is not a religion or a religious movement, but only a safeguard against the radicalisation of society. It seems that this is not simply about Wahhabism, which is not a popular trend in Iraq, but rather about Wahhabi influence in organisations such as the Society of the Muslim Brothers, Al-Qa'ida, al-Nusra Front or finally the Islamic State.

There are no penalties for practising unregistered religions but representatives of such religions do not have institutionalised legal capacity and the law does not provide for the registration of a new religious associations. The situation is slightly different in Kurdistan. To be registered, a religious union must have at least 150 members, be financially independent and prove that it is not against Islam.<sup>16</sup>

The Civil Code officially recognises the following religions registered by the State: Islam, Christianity (the Chaldean Church, the Assyrian Church, the Assyrian Catholic Church, the Syrian Orthodox Church, the Syrian Catholic Church, the Armenian Apostolic Church, the Armenian Catholic Church, the Roman Catholic Church, the National Protestant Church, the Anglican Church, the Assyrian Protestant Evangelical Church, the Seventh-day Adventist Church, the Coptic Orthodox Church), Yazidism, Mandaism and Judaism. On one hand we have local churches, and imported churches brought by European immigrants on the other. However, the local ancient persecuted religions, such as the Baha'i Faith or Zoroastrianism, are excluded. The religious affairs of the followers of these religions are divided between three offices (Arabic: *diwan*): one for Sunni Muslims, one for Shiite Muslims and one for other denominations except for Judaism. The following religions are registered in the Kurdistan Region: Islam, Christianity, Ahl al-Haqq (Yarsani, Kaka'i), the Baha'i Faith, Yazidism, Judaism, Mandaism and Zoroastrianism.<sup>17</sup>

Religions officially recognized by the state have their own separate religious courts that deal with issues of personal law in marriage, divorce, child custody and

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<sup>15</sup> Ali al-Karmali, Baha'is in Iraq openly celebrate their faith for the first time in over 47 years, As-Sura 8.01.2018, <https://al-sura.com/bahais-in-iraq-openly-celebrate-their-faith-for-the-first-time-in-over-47-year/> and <https://www.iraq-businessnews.com/2017/12/18/after-decades-of-suppression-bahais-celebrate-publicly-in-baghdad/>, access 19.11.2019.

<sup>16</sup> Iraq. International Religious Freedom Report for 2018, op. cit., pp. 5–6.

<sup>17</sup> Ibid., p. 5.

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inheritance, or, in other words, issues that are close to people and can be governed by religious principles. It seems that the inclusion of inheritance among these matters in particular is linked to the role of Islam in this respect. The return to a religious judicial system in personal matters implicates not only a return to highlighting religious identities in modern Iraq (as secular civil law was in force previously), but also the differentiation of citizens by religion in the application of the law. In particular, it should be stressed that the Personal Status Law of 1959 that was in force in Iraq was seen as progressive, and thus the return to religious courts was opposed (ineffectively) by liberal and women's groups.<sup>18</sup>

Article 41 of the Iraqi Constitution, which gives Iraqis the right to decide on their personal status in accordance with their religious beliefs or their own choice in line with separate legislation seems helpful in this regard. The possible interpretation of this article has raised considerable doubts. It is not known on what principles non-religious courts would operate, and such wording enables changing the religious court depending on one's beliefs (or perhaps even in an instrumental way – for example a Sunni Muslim may swerve towards Shia Islam to avoid paying maintenance).<sup>19</sup> In cases between persons where one party is a Muslim, the Muslim religious court has priority, while civil courts should consult their decisions with the competent religious institutions of the non-Muslim party. In the Kurdistan Region, personal status cases between Muslims are settled by Muslim courts and all others by civil courts.<sup>20</sup>

Religious minorities have seven seats in the Parliament (out of 329); five of them are for Christians from Baghdad, Duhok, Erbil, Kirkuk and Nineveh (i.e. from the north and the centre of the country), and the remaining two are for a Yazidi and a Mandaean representative. However, it should be added that the relative share of representatives of religious minorities has decreased in recent years, as the number of seats in the Parliament has increased slightly.<sup>21</sup> In the case of the Kurdistan Region, some seats in Parliament are indeed reserved for ethnic minorities,<sup>22</sup> but more than

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<sup>18</sup> S. Jawad, *The Iraqi constitution: structural flaws and political implications*, LSE Middle East Centre Paper Series, 01. LSE Middle East Centre, London, UK 2013, p. 15.

<sup>19</sup> N. Brown, *The Final Draft of the Iraqi Constitution: Analysis and Commentary*, Carnegie Endowment, 13.09.2005, <https://carnegieendowment.org/FILES/FINALDRAFTIRAQICONSTITUTION.PDF>

<sup>20</sup> Iraq. *International Religious Freedom Report for 2018*, op. cit., p. 5.

<sup>21</sup> There were 325 seats in 2005 – cf. O. Oehring, *Christians and Yazidis in Iraq: Current situation and prospects*, Konrad Adenauer Stiftung, 2017, p. 15.

<sup>22</sup> Iraq. *International Religious Freedom Report for 2018*, op. cit., p. 8.

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half of them (6 out of 11) are basically religious minorities. These include: Chaldeans, Syrians and Assyrians (5 seats in total) and Armenians (1 seat).

Some religious minorities do not have full access to employment in the public sector, especially in the police and other uniformed services, or in public administration. This was the most frequently raised problem when it comes to discriminatory access to public services and the public sector as such. An additional problem for some religious minorities is the use of Arabic or Kurdish (in the Kurdistan Region). This applies not only to Christian minorities or, in part, Mandeans, who often do not use Arabic or Kurdish as their mother tongue, but above all to the numerous groups of refugees who have fled to the Kurdistan Region. To apply for a job, they have to submit documents in Kurdish, a language they do not speak, which seriously undermines their already slim chances of finding a job.<sup>23</sup>

The specificity of the current Iraqi Constitution is that, for the first time in the history of the country, its provisions contain references to specific religious groups. Although there is no distinction between Sunnis and Shiites (except for the mention in Article 43 of religious Husseinite (Shiite) rituals), it is still visible that ethnic and religious diversity is much more emphasised. In the Ba'ath era, the emphasis was on the unity of the Iraqi people. In the current federal formula, the separate identities of different groups of Iraqis can (and in a way must) be highlighted and many provisions guarantee religious rights and freedoms for certain minorities. At the same time, it cannot be overlooked that the emphasis on the Muslim nature of the state and on the fact that nothing can be contrary to Islam provides a significant freedom of interpretation, which in extreme cases can lead to abuse.<sup>24</sup>

According to the Iraqi constitution, holy shrines and religious sites should be protected by the state and used for religious rituals (Article 10). Believers of particular religions have the right to manage religious property, their affairs and religious institutions on the basis of separate provisions (Article 43). The right to practise a religion must not be violated. Desecration of a temple or disturbance of religious rituals is punishable by fine or imprisonment.<sup>25</sup> Three state waqfs (religious foundations) – one Sunni, one Shiite and one for other officially recognised religions –

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<sup>23</sup> P. Taneja, Report: Iraq's Minorities Participation in Public Life, Minority Rights Group International, 2011, pp. 15–16.

<sup>24</sup> S. Jawad, op. cit., p. 15.

<sup>25</sup> Iraq. International Religious Freedom Report for 2018, op. cit., p. 5.

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report to the Prime Minister and manage the religious infrastructure.<sup>26</sup> In the Kurdistan Region, the regional government finances the construction and maintenance of Christian, Yazidi and Muslim temples. In addition, the state provides support to Muslims in their pilgrimage (Arabic: *Hajj*) to Mecca through lotteries, where the prize is a visa for the pilgrimage, as well as by organising the whole trip.<sup>27</sup>

The Constitution of Iraq guarantees the right to freedom of religion, belief and choice (Article 41). Furthermore, each individual has the freedom of thought, conscience, and belief (Article 42). The two most important general Muslim (either Sunni or Shiite) holidays, i.e. 'Id al-Fitr (Festival of Breaking the Fast) and 'Id al-Adha (Offering Day), but also many others (Ashura' – the most important Shiite holiday commemorating the death of Imam Al-Husayn, Mawlid – Prophet Muhammad's birthday, Muharram – the beginning of the Muslim year), are recognised as national holidays. The observed non-Muslim holidays include Christmas (25 December), and, additionally, Kurdistan celebrates Nowruz, the Kurdish and Iranian New Year during the spring equinox.<sup>28</sup>

Compared to the Ba'ath era, when the catalogue of works under censorship was very extensive and included not only religious materials but also scientific and fictional literature,<sup>29</sup> the situation of religious minorities in terms of religious publications is much better nowadays – obviously within the limits set by the regulations discussed above. As far as freedom of the press is concerned, Iraq is not a free country, but the difficulties mainly concern journalists, as Iraq is one of the most dangerous countries to exercise this profession.<sup>30</sup>

The provisions of the Civil Code under Sharia law prohibit conversion of Muslims to another religion; however, it is possible and relatively simple to adopt Islam.<sup>31</sup> Where one parent adopts Islam, minor children automatically also become Muslims.<sup>32</sup>

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<sup>26</sup> H. Mycroft, *Religious Freedom Issues in Iraq*, Nova Science Publishers, 2010, p. 65.

<sup>27</sup> Iraq. *International Religious Freedom Report for 2018*, op. cit., pp. 6–7.

<sup>28</sup> National holidays and key dates in the Kurdistan Region's history, Kurdistan Regional Government, <http://previous.cabinet.gov.krd/p/page.aspx?l=12&s=050000&r=302&p=212>

<sup>29</sup> S. Ali, *Ideology, Censorship, and Literature: Iraq as a Case Study*, "Primerjalna Knjizevnost", Issue 31, January 2008.

<sup>30</sup> Freedom of the press: Iraq, 2017, <https://freedomhouse.org/report/freedom-press/2017/iraq>

<sup>31</sup> Iraq. *International Religious Freedom Report for 2018*, op. cit., pp. 5 and 8.

<sup>32</sup> H. Mycroft, op. cit., p. 65.

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In a country as ethnically and religiously diverse as Iraq, religious diversity is often associated with linguistic diversity. In other words, religious minorities also use different languages than Arabic or Kurdish (although they know these two languages) for liturgy or for communication. In the case of religious education, access to teaching in the mother tongue of a given minority is also important. Access to education in the mother tongue depends largely on where the minority lives. In the Kurdistan Region, the Kurdish language is widely used, while in Basra the local Kurdish community does not have a single school teaching in Kurdish. Christian communities and communities living in the Kurdistan Region enjoy a relatively good situation.<sup>33</sup>

Islam classes used to be optional for non-Muslims, while Muslim students had to attend them to complete schooling.<sup>34</sup> Currently, outside the Kurdistan Region of Iraq, every primary and secondary school student, regardless of their faith, is obliged to learn Islam. If there are enough Christian children in the area, the government provides them with the opportunity to learn the Christian religion.<sup>35</sup> Putting teaching about religious minorities on the Iraqi school curriculum is another issue. Representatives of certain minorities, especially Sabians and Christians, point out that information about them is not included in the curriculum or is not presented properly.<sup>36</sup>

It can be said that interreligious marriages are quite frequent in Iraq, if marriages between the different denominations are taken into account. This is especially true of mixed Sunni and Shia Islam marriages. This is due to the history of the country, where a sense of belonging to the Iraqi people and the Muslim community has been built up in the society over the years without giving attention to religious factions.<sup>37</sup> The issue of marriages between members of different religions is much more complex, as a result of the traditionally strong reluctance for such relationships not only in Iraq but also in many other Arab countries.<sup>38</sup> Under the Personal Status Law of 1959 (Article 17), non-Muslim men are not allowed to marry Muslim women, while non-Muslim women who belong to *ahl al-kitab*, or People of the Book, can become

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<sup>33</sup> P. Taneja, op. cit., p. 18.

<sup>34</sup> H. Mycroft, op. cit., p. 65.

<sup>35</sup> Iraq. International Religious Freedom Report for 2018, op. cit., p. 8.

<sup>36</sup> P. Taneja, op. cit., p. 18.

<sup>37</sup> Iraq: Inter-sect marriage between Sunni and Shia Muslims, including prevalence; treatment of inter-sect spouses and their children by society and authorities, including in Baghdad; state protection available (2016-January 2018), 29.01.2018, IRQ106049.E, Canada: Immigration and Refugee Board of Canada, <https://www.refworld.org/docid/5aa916bb7.html>

<sup>38</sup> Cf. J. van Niekerk, M. Verkuyten, Interfaith marriage attitudes in Muslim majority countries: A multilevel approach, "The International Journal for the Psychology of Religion", Issue 28, 2018.

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wives of Muslim men. Another article argues that if one of the spouses departs from Islam, this may be enough for an annulment and separation.

The woman is definitely the weaker party in mixed marriages. First of all, she is the one depleting her religious group by leaving to her husband of a different religion, and so is exposed to negative sanctions from her family. Second of all, by entering her husband's family as a representative of a minority group recognised by Islam, but nevertheless perceived as lower, she is exposed to worse treatment. Finally, the geopolitical conditions must also be mentioned. If religious tensions and conflicts persist in the country, they are directly reflected in the number of inter- and intra-religious marriages and the way they are perceived by society and the immediate environment.

## Characteristics of religious groups

Muslims make up the majority of the Iraqi population. Almost all Arabs are Muslims, and the majority of the Kurdish population is Muslim as well. Islam is the third monotheistic religion after Judaism and Christianity, a successor of both earlier religions. It was revealed at the beginning of the 7th century (between 610-632) in Mecca to Muhammad ibn Abdullah of the Quraysh tribe, widely known as the Prophet Muhammad. For the next 200 years after his death in 632, theologians and lawyers developed the main foundations of this religion, including the sources, dogma and rituals.

The basic source of Islam is the revealed Book, the Quran, given to Muhammad in a series of revelations sent by the angel Gabriel (Jibril) from 610 to 632. The oral Quranic revelation was written down after Muhammad's death in 656, and in the following years and centuries it was edited to establish a canonical version.

The second source of the Muslim faith is the Prophet's Tradition called Sunnah, a code of behaviour for Muslims to follow. It consists of stories about Muhammad, his words and comments on various life situations called hadith (narratives). They were first compiled one hundred and fifty years after the Prophet's death, and have since been grouped together into many different collections. The six earliest books written between the 9th and 10th centuries are considered particularly authoritative.

These written revelations and collections were the basis for the formation of Muslim dogmas developed by theologians (ulama) and lawyers (faqih), who form numerous schools and movements.

However, common dogmas have been established for all these directions: faith in the oneness of (unknowable) God, faith in the prophets transmitting divine revelation, faith in the revealed holy books (the Old and New Testaments apart from the Quran), faith in unearthly beings (angels and Satan), faith in the resurrection and Final Judgement.

Lawyers, on the other hand, have defined essential obligatory rituals of Islam. There are also five of them: the declaration of the Muslim faith called the Testimony of Faith (Shahada), prayer five times a day, fasting in the month of Ramadan, obligatory alms-giving and a pilgrimage to Mecca at least once in a lifetime.

Between the 9th and 10th centuries, a doctrinal division between the Sunni majority and the Shiites began. Although the supporters of Ali and his family were

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active since the very beginning of Islam, the theological and legal principles were created later than in the majority Islam. The Shiites expanded their dogma and began to interpret the duties in their own way.

Not all Muslim societies are divided into Sunnis and Shiites. Sometimes Shiites dominate, in Iran for example, in other areas they are a significant majority, as in Lebanon, Bahrain and Yemen, and in yet other places, including Afghanistan, Pakistan, Syria, Lebanon, Kuwait and Saudi Arabia, they are a minority. Sometimes they are virtually non-existent, for example in Muslim North Africa.

In Iraq, the Shiites make up the majority of the country's population and have a great advantage when it comes to the Arab population. This results from the history of Shiism: it was created in Mesopotamia in the 7th century, where it was developed ideologically between the 9th and 13th centuries, and then spread to the whole Islamic world. Today, Shia Islam is a minority fraction – Shiites account for about 10% of all followers of Islam. The largest Shiite state is Iran, Iraq's eastern neighbour, where about 80% of almost a hundred million inhabitants practice Shia Islam. Apart from Iraq, large groups of Shiites live in Lebanon, Yemen, Pakistan, India and Afghanistan.

Sunni Islam is therefore a majority. The differences between the two factions are numerous, although they do not concern the main dogmas of faith. Both Shiites and Sunni acknowledge strict monotheism (there is no deity other than God), but they no longer emphasise the exclusivity of Muhammad's mission (they add the phrase 'and Ali is the protector of Allah' to the creed after 'and Muhammad is the messenger of God'). According to the Shiites, the Prophet's first cousin Ali and his descendants played an important political and religious role. The Sunni people disagree. The Shiite doctrine and a vision of Islam which differs from that represented by Sunnis stemmed from respect for Ali and his descendants, imams. Shiites believe that imams, and consequently Shiites, were wronged by oppressive Sunni authorities.

In other words, the Sunni-Shia differences involve an important political element concerning the exercise of supreme authority in Islam. And these, in turn, contribute to the modification of many matters related to faith and religion. This refers for example to the conviction that imams are the primary authority figures in addition to scholars because of the possessed quality of holiness called ismah (infallibility).



### SHIITES

In 656, Caliph Uthman from the Meccan Umayyad family was killed in an attack. Ali ibn Abi Talib, Muhammad's first cousin and son-in-law, was chosen as his successor, as he was married to the Prophet's only daughter, Fatimah. Ali chose the town of Kufah in southern Mesopotamia as his seat. Later on, Ali was accused of having failed to bring Uthman's murderers to justice. A civil war broke out between the Umayyad family and Ali and his supporters, the party of Ali, or *shi'at Ali* in Arabic – hence the name Shiites. Aisha, a widow of the Prophet Mohammed, also spoke against Ali. In 661, Ali was murdered and the Umayyads took over power, establishing a dynastic rule in Islam (the previous caliphs were elected).

However, Ali's family and followers, Shiites, believed that the Umayyads' power had no legitimacy, was usurped and unjust. They claimed that the sons of Ali and Fatimah should rule because of the blood of Prophet Mohammed in their veins. In this way, they proposed a concept of legitimising power in Islam based on blood relationships. Unfortunately, the Alids and Shiites did not manage to regain power, they remained in opposition to the rulers.

Ali and Fatimah had two sons, Al-Hasan and Al-Husayn, recognised as legitimate heads of the Muslim community. They were called imams – the leaders. The older of the sons, Al-Hasan, handed power to his younger brother Al-Husayn. In 680, the Shiites of Kufah declared Al-Husayn caliph, taking advantage of the interregnum, which ended in a great tragedy. Al-Husayn was surprised by Umayyad soldiers near Karbala and killed together with a handful of guards. He was hailed as a martyr and the day of his death, 10 Muharram, is celebrated by Shiites every year. The killing of Al-Husayn is re-enacted in passion plays known as *taziya* – 'expression of grief'.

Ali, Al-Husayn's under-age son, survived the Karbala massacre and thus began the lineage of Shiite imams. Ali was the fourth Shiite imam after his grandfather, uncle and father. He turned out to be a pacifist devoted to God and faith, without ambitions for power. No wonder that his death was followed by a break-up in Shia Islam. Some took the side of his son Muhammad, others decided that Zayd, who was politically active, should be the leader, which meant that there were two fifth imams. The followers of Zayd, known as the Zaidis, eventually moved to Yemen, and constitute a Zaydi Shia minority that recognised politically active imams, not necessarily

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descendants of Ali. However, most Shiites, known as Twelvers, accepted Ali's direct descendant, Muhammad, and then his subsequent descendants as their imams.

As is known, certain historical events led to yet another schism. The sixth imam named Ja'far outlived his own son Isma'il and was succeeded by the younger son, Musa. Unfortunately, some Shiites did not believe that Isma'il had died, claimed that he was still alive and paid homage to his descendants. They are called Ismailis, after Isma'il. The Ismaili were a particularly interesting grouping. They ruled in Egypt, and after their fall at the hands of Saladin, they scattered around the world to reach Syria, Iran, Central Asia, Yemen and India. Aga Khan, who are currently the intellectual elite of the Islamic world, are their descendants.

However, the main Twelver branch developed in Mesopotamia until 874, when the 11th imam (Al-Hasan) died and left no male child. It was later discovered that he did have a son, a small boy, who appeared at his father's funeral. His name was Muhammad, the same as the Prophet's. Alas, Shiites did not get the chance to enjoy his presence, as he disappeared in heavens on the day of the funeral, and Twelver Shiites are still waiting for his return. This absence has been the most important element of the Shiite doctrine since 874. The arrival of the 12th Imam is supposed to bring justice and happiness to the world but the time of his return is unknown. The Shiites have been waiting for him for 13 centuries.

There were two decisive events in the history of the main Shia Islam branch: the tragic death of Ali's son and Muhammad's grandson, Al-Husayn, in 680 and the disappearance of the 12th Imam Muhammad in 874. These two events shaped the specific characteristics of Shia Islam as opposed to Sunni Islam. After all, their mysterious and impressive nature required interpretation. Thus, interpreters and representatives of the absent 12th Imam have gained special significance in Shia Islam. They are called clerics in the West, although they have little in common with the clergy and instead are interpreters of the Shiite doctrine and the history of Shiism, and experts in the Shiite Muslim law, which is based not only on the Quran, the tradition of the Prophet Mohammed, but also on the tradition of the twelve imams. A system of knowledge transfer, development and specialist training was created. The task of the specialists was to teach Shiites their rights and solve their legal problems in the often unfavourable Sunni environment. Universities were established in Mesopotamia, then in Lebanon, and finally in Iran to educate scholars under a strict hierarchy, in accordance with the rules of the scientific world.

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Mesopotamia was the leader of this movement. The main centres included Baghdad, Al-Hilla, Kufah and Karbala. From there, Shiite teachings spread over the whole world. To this day, the main education centres are located in Mesopotamia, despite the fact that Shia education developed concurrently in Iran after Shia Islam was introduced there in the 16th century, and the city of Qom is considered its main centre.

In Mesopotamia, however, it was primarily the religion of Arabs, while the Kurds and Turks were Sunnis. Only a small group of Kurds, called the Faili Kurds, who speak the Luri dialect, professes Shiism. The Luri people live in western Iran and in eastern Iraq (Al-Kut, Khanaqin in Diyala Governorate). Since the 19th century, the Faili Kurds moved westwards, to Baghdad, among others. They proved to be capable merchants and businessmen. When an exodus of Iraqi Jews took place after 1948, the Kurds replaced them, for example at the famous Baghdad Shorja and Jamila markets.<sup>39</sup> Despite their important economic position, the Iraqi authorities treated them unfavourably. Under the Nationality Law of 1924, descendants of Ottoman citizens were recognised as Iraqis, while Persians had to apply for Iraqi citizenship. The latter included the Faili Kurds. The law was renewed in 1963, which led the Ba'ath authorities to recognise them as Iranians and, as a result, to deport them en masse to Iran from 1971. In total, almost 200,000 people were deported.<sup>40</sup> Iran, on the other hand, denied them Iranian citizenship. After 2003, the new Constitution of 2005 recognised the Faili Kurds as victims of persecution. The Faili Kurds started returning to the country, obtained Iraqi citizenship and formed their own political parties.

In the 16th century, the divisions in Shia Islam deepened even further. There was the main Twelver branch in Mesopotamia, Iran and Lebanon, Zaidism in Yemen and Ismailism in India, Central Asia, and, thanks to merchants, in East Africa and even the Caribbean. In addition, there are esoteric branches more or less combining elements of Shia Islam: Druze, Alawites, Alevis.

When the English were preparing for the occupation of Mesopotamia in 1920, Shiites were the main political force fighting for independence. In the summer, they

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<sup>39</sup> Faili Kurds - <https://minorityrights.org/minorities/faili-kurds/>

<sup>40</sup> Beth K. Dougherty, Edmund A. Ghareeb, *Historical Dictionary of Iraq*, Second Edition, Lanham 2013, s. 209. Extensive information can be found in the paper by Martin van Bruinessen: *Faylis, Kurds and Lurs: Ambiguity on the frontier of Iran and Iraq* An overview of the literature, presented at the Third International Conference on Faylee Kurds, Brussels, European Parliament, 12.04.2018. The name fayli is perhaps related to the Persian word pahla denoting Partia/Parthians.

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started an uprising that united the Mesopotamian Arabs. The English used military aviation and managed to suppress the uprising, but they realised that concessions had to be made. They created a kingdom, but made the Sunni minority the rulers. This probably resulted from the experience gained in India, where the prevailing Muslims were replaced with Hindus to set one religious group against another. What is more, the Sunnis brought to Iraq by the English were from the noble family of the Prophet, the Hashimites, but at the same time came from Hejaz, as King Faysal I was a son of the Ottoman Sharif of Mecca.

The kingdom of Sunnis ruling over Shiites survived until 1958. The monarchy collapsed and was replaced by a republican government of a secular and socialist nature (Ba'ath), in which Sunnis played a special role. Nonetheless, the Sunni majority remained disadvantaged until 2003. The Americans and the English decided to restore balance, but as usual, went overboard. As the army, police and secret services consisted mainly of Sunni Muslims, they were liquidated and the new state became defenceless. The new authorities were made up of Shia Muslims, which led Sunni Muslims to self-organise. First there was a wave of terrorist attacks, and in 2015 a Sunni Muslim state was created. It was a new and extremely effective concept of fundamentalist revival. Unlike Al-Qaida, whose goal was to fight the West, the Islamic State was rebuilding its former Muslim splendour in the world. Its leader, hiding under the suggestive alias of Abu Bakr al-Baghdadi (Abu Bakr was the name of the first caliph, successor of the Prophet, while al-Baghdadi simply means 'Baghdadi', 'from Baghdad') proved to be a capable Sunni leader not only in Iraq but also in Syria and many parts of the Islamic world which lacked despotic power. Despotism turned out to be a better system than the monarchy or the republic imposed by the West but incomprehensible in the Islamic world.

The botched imposed decisions that were called 'democratic' (Shiites instead of Sunnis) led not only to the rioting, but also to the rise of terrorism. The chaos in Iraq stemmed from an arbitrary decision made for Iraqis that Shiites were to hold power instead of the Sunnis. However, the birth of terrorism took place even earlier and was related to the Palestinian issue and the struggle for independence, and then to the arbitrary resolution of Afghan, Iraqi-Iranian and Iraqi-Kuwaiti conflicts.

## SUNNIS

The name of the main branch of Islam comes from the Arabic term *ahl as-sunna wa-al-jama'a*: 'people who stick to tradition and make up the majority' coined in the seventh century, in the early period of Islam. Tradition means everything that has been adopted among most Muslims. In other words, the term simply means the people who form the majority. Others, like Shiites, are just a minority. This is not so much about ideological differences as about recognition of the system of power established by the will of the majority. Sunni Muslims support what has been established in the Islamic world, while Shia Muslims are a branch that has its own concept of power and of the majority of Islam: that power should be held by the family of the Prophet Muhammad.

The history of Islam is the history of Sunnis, because Shiites and other groups have always been in the minority. Sunnis and Shiites have established general rules concerning the dogmas and rituals of Islam common for both branches. Shiites, on the other hand, modified only the interpretation of the main doctrine of Islam by adding their own traditions, referring to the traditions of the imams from Ali to Mahdi. Sunni Muslims have always followed the tradition of the Prophet Muhammad and did not go beyond it. And only those findings of the Shiite tradition which, in their opinion, are contrary to the Prophet's Sunnah, are in dispute.

Their interpretation of Islam has been shaped solely by the tradition of the Prophet Muhammad. This interpretation was created by scholars who were recognised as the creators of their own interpretations of the precepts of Islam called schools, or madhhab, meaning 'way of acting'. Four such madhhabs were created in the first three centuries of Islam and they still operate in the Islamic world today: the Maliki school adopted mainly in North Africa, the Hanafi school in the former Ottoman Empire, the Shafi'i school in the south of the Islamic world and the Hanbali school in Saudi Arabia. Unlike Shiites, these schools interpret only the traditions of the Prophet Mohammed. However, the madhhabs are not Islamic factions but only offer interpretations that every Muslim can choose freely and in a completely democratic manner. What is more, each person can choose the most convenient interpretation, which is called *tafliq* (combining/intertwining).

It is therefore no wonder that Sunnism has gained popularity among most Muslims. Being a Muslim is mostly about being a Sunni. Shia Muslims have to stand out, Sunni Muslims do not. Hence the practice of hiding one's religion and pretending

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to be a Sunni Muslim. This is expressed by the term *taqiya* or *kitman* popularised in Poland by Czesław Miłosz as *ketman*, the act of pretending to be a communist.

The differences between Sunnis and others (and, above all, Shiites) are not dogmatic. The principles of faith are common. The differences, on the other hand, revolve around the question of who should hold power or, in other words, who should be the Muslim Pope. Sunni Muslims believe that the supreme power should be held by those who have seized it, while Shia Muslims want the Prophet's relatives and descendants to rule. This division has survived until the present times, and the only difference is that Sunnis ruled Muslim empires. Shiites managed to gain control only at the beginning of the 16th century in Iran, and then after the Muslim Revolution in 1979. Sunni Muslims prevailed in all other regions, including Iraq.

Major differences can be found in theological interpretations and the legal system. As has been already mentioned, Shiites use additional sources of law, while Sunnis use interpretations from theological and legal schools. Out of the four Sunni law schools called *madhhab* – ways of acting (Hanafi, Hanbali, Maliki, Shafi'i), the Hanafi school is the most popular among the Arabs and the Shafi'i school among the Kurds, as dictated by the tradition inherited from the Ottoman Empire.

Abu Hanifa (death: 767), a theologian and lawyer from Mesopotamia, is considered to be the founder of the Hanafi school. Being a theologian, he formulated the *Murji'ah* school, which advocated lenient treatment of sinners. The Hanafi school of law is also considered liberal: it accepts a multitude of views and decisions, and is based on rational principles and not ready-made legal formulas. This is probably the reason for its popularity in the Sunni world. It is the most numerous school.

The Shafi'i school refers to the concept devised by Al-Shafi'i (d.820). It is closely related to the Ashari theology, which is the basis of today's understanding of the problems of faith in Sunnism. It was the most popular school of law before the creation of the Ottoman Empire in the 16th century. The rules of this school are less liberal than Hanafism. More attention is paid to written sources than to individual interpretation.

When the Iraqi state was founded in 1921, it was ruled by the Sunnis. King Faysal I belonged to the family of the Prophet and came from the holy city of Mecca. For this reason, the kingdom was called the Hashimite Kingdom of Iraq, because the Hashimites are the family of the Prophet Mohammed. Saddam Husayn and the Baathists were also Sunnis, even though the 'Land of the Two Great Rivers' (Wadi ar-Rafidayn) was inhabited mostly by Shiites.

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Such a situation where a religious-political minority exercises power is comfortable for both parties as long as the rulers do not impose their religious beliefs. The country is peaceful and free of conflicts in this respect. This was the case in Iraq: the state tried not to be Sunni, but socialist and religiously indifferent, like France. Religion was citizens' business from 1921 until 2003.

## CHRISTIANS

For many years, Iraq belonged to the group of Middle Eastern Arab countries with a relatively large Christian community. This was for two reasons. The first was the traditional presence of Christian communities in Mesopotamia since ancient times, owing to the fact that the presence of Christianity in Iraq dates back to the beginning of this religion. This was the starting point from which Christianity radiated to the whole of Asia – to the east towards China and to the south towards India. With the advent of Islam, part of the Christian population has become Islamicised, but significant and well integrated Christian groups have remained in Iraq nevertheless. Integration with the Muslim majority was the second reason for the significant presence of Christians in Iraq.

In the 5th century, before the Arab conquest, Mesopotamian Christians adopted the doctrine of Nestorius, Archbishop of Constantinople (death: 451), who taught about the dual divine and human nature of Christ. In 1552 there was a split: some Nestorians joined the Catholic Church, the rest remained with Nestorianism. Those who have entered into a union with Rome call themselves Chaldeans. The name was introduced in the early 17th century, referring to the ancient Chaldean people who once lived in Babylonia. Members of the Jacobite Church form a separate group. Jacob (death: 578), Bishop of Edessa, accepted the monophysite doctrine that Christ had only one, i.e. divine, nature. Monophysitism has been rejected by both the Catholic and Greek Orthodox Church. There are also small groups of Christians from other churches in Iraq: Catholics (called Latin Catholics: *kathulik latini*), Protestants, Greek Orthodox Catholics and Greek Catholics.

According to the last census of 1987, Christians made up 8.5% of the Iraqi population; there were therefore almost 1.5 million Christians, and a few years earlier (in 1980) they were 10.25% of the population. Nowadays, there are hundreds of

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thousands of Christians, and the number is constantly decreasing. The Christian population is shrinking due to the unstable political situation in Iraq, or rather a series of instabilities – including in particular the American invasion of Iraq and the civil war in Iraq related to the emergence of the Islamic State.

The largest group of Christians are Chaldeans, followed by Assyrians, Jacobites and finally Armenians, who came from Turkey in the early 20th century. Most Christians use Arabic, a small number speak Neo-Aramaic, while Armenians speak their own language.

### Assyrians

Assyrians are (imprecisely) called Nestorians. Nestorianism, created by Patriarch Nestorius, was condemned by the Council of Ephesus in 431, but the followers of Nestorianism survived and the Nestorian church exists to this day.

The Eastern Assyrians are Semitic people living in areas of north-eastern Iraq, south-eastern Turkey and north-eastern Syria. The Western Assyrians live to the west of them. They are considered to be descendants of the ancient Assyrians who ruled since the second millennium BC in Assyria, in northern Mesopotamia. The Assyrians describe themselves as Suryaya, or Syrians. However, the name Assyrians was adopted by the British at the end of the 19th century. It turned out to be a useful name because it distinguished them from modern Syrians (Syrian Arabs), with whom they are not related. On the other hand, it suggests their (completely legendary) connections with the ancient Assyrians. The Assyrians use Arabic and Neo-Aramaic dialects, i.e. variations of the Neo-Aramaic language, which uses the Aramaic writing system (abjad). The majority of Assyrians are Christians belonging to the Assyrian Church of the East (Edhta dh-Madhnha dh-Athurai – Kanisat al-Mashrik al-Ashuriyya).

The Assyrians played an important role in the history of the Middle East, operating mainly in the east of the Muslim empires after China and India. They were persecuted from the earliest times. The first Assyrian massacres date back to the times of Timur (end of 14th century). Since then, they have been protecting themselves in inaccessible areas: first in the Hakkari highlands (today south-eastern Turkey north of the Iraqi border). Then, they travelled east to Persia, to Lake Urmia, and south to what is now northern Iraq. All Catholicos-Patriarchs of the Nestorian Assyrian Church are given the title of Mar/Mor (Aramaic: 'my lord'). Mar Gewargis III (from 2015) born in 1941 in Habbaniyya is the current Catholicos-Patriarch. In the Ottoman Empire, they



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were considered a Christian millet (a recognised religious grouping), and the patriarch was therefore paid by the state.

Conflicts between the Assyrian population and the Kurdish majority have been springing up since the 19th century. As early as 1843-1846, the Assyrians of Hakkari were subject to constant repression by the Kurdish population. During World War I, the Ottoman authorities persecuted the Assyrians and the Armenians for their cooperation with Russia and Great Britain.

The problems began with the rise of Turkish nationalist movements on the eve of WWI. The Assyrians sought help in Russia, which resulted in their displacement from the Hakkari highlands, massacres, escapes to Russia and Mesopotamia/Iraq. In Iraq, they were recognised as citizens of the state under the Nationality Law of 1924.

They proved useful to the British from the very beginning, as they formed the basis of a paramilitary organisation created by the UK to support British troops called Imperial Levies (imperial mercenary army) recruited from volunteering Assyrians, Kurds and Turkmens. They took the side of the British in the Arab anti-British uprising of 1920.<sup>41</sup> This, obviously, did not increase their popularity among Arabic and, of course, Kurdish society.

After the end of the mandate the army was dissolved, but the memory remained. When the Assyrians began to demand autonomy even at the international level,<sup>42</sup> the new Iraqi authorities responded.

When the Kingdom of Iraq gained independence in 1932, Iraqi nationalism was slowly emerging. In August 1933, the Iraqi army under the command of General Bakr Sidqi (of Kurdish origin) was ordered to establish order among 'Assyrian separatists' on the Syrian border. This led to a great Assyrian massacre near Simele/Summayl in the Mosul region. At the same time, Mar Shimun XXI was banished to Cyprus and then to the United States, where he resided until 2015.

During the republican period, and especially in the 1970s, the situation began to improve for the Assyrians. The Neo-Aramaic ('Assyrian') language was taught in schools and an Assyrian magazine was first published. Unfortunately, during Saddam

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<sup>41</sup> D. Omissi, Britain, the Assyrians and the Iraq Levies 1919–1932, "The Journal of Imperial and Commonwealth History", 17:3 (1989) pp. 301–322.

<sup>42</sup> In 1932, Mar Shimun XXI Eshai demanded autonomy from the League of Nations and Great Britain. He also proposed to move the Assyrians out of Iraq because he predicted that they were in danger of being exterminated.

Hussein's reign these reforms were reversed,<sup>43</sup> and repression of national minorities, including the Assyrians, began. The Assyrian Democratic Movement (Zowa'a Demoqrataya Ashraya), founded in 1979 in Kirkuk, was persecuted.

When the Kurdish autonomous area in Iraq was created in 1991 (after the war of Kuwait) the Assyrians gained extensive autonomous rights. In 2015, the Patriarchate of the Assyrian Church of the East returned from the United States to Erbil, Iraq. After the fall of the Islamic State, the idea of autonomy was raised once again. At the same time, a proposal was made to create the 19th province of Iraq, including the Nineveh Plains.

### Chaldeans

Chaldeans are the largest Christian group in Iraq and belong to the Catholic Chaldean Church (Itha Kaldetha Qathuliqetha). They are in a union with the Roman Catholic Church. The head of the Chaldean Church (and the Chaldean Catholic Patriarchate of Babylon) bears the title of the Patriarch of Babylon (*Patriarchatus Babylonensis Chaldaeorum*) and is based in Baghdad. Louis Raphaël I Sako has been the patriarch since 2013.

Apart from northern Iraq, the followers of this church live in Syria, Turkey, Lebanon, Jordan, and Palestine and in a diaspora in the USA and Europe. The total estimated number of Chaldeans is 600,000. The Chaldean Church uses Syrian (Aramaic) for liturgy instead of Latin.

### Jacobites

Jacobites (Arabic: *ya'aqiba, ya'qubiyyun*) are followers of Bishop Jacob bar Addai/Baradaeus (death: 578), founder of the miaphysite Syrian Church.<sup>44</sup> Jacob converted the pagan Arab Ghassanid tribe to Christianity. In present times, Jacobites are members of the Syrian Orthodox Church, which has about 3 million followers in Great Syria, Iraq and India (Malankara Church). Since 2014, Ignatius Ephrem II, based in Damascus, has been the Patriarch of the Church (Patriarch of Antioch).

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<sup>43</sup> Report: Iraq: Continuous and silent ethnic cleansing. Displaced persons in Iraqi Kurdistan and Iraqi refugees in Iran, International Federation for Human Rights, January 2003, p. 17.

<sup>44</sup> His biography: H.G. Kleyn, Jacobus Baradaeus. De stichter der syrische monophysietische Kerk, Leiden 1882.

### Armenians

Armenians came to Mesopotamia in two waves. First, during the reign of the Shiite Safavid dynasty in Iran, they were deported to Iraq. In the early twentieth century, during the Armenian genocide conducted by the Turkish authorities of the Ottoman Empire, another wave of Armenian refugees came to Mesopotamia.<sup>45</sup>

Armenian Christians were treated favourably by the Iraqi authorities, including the Ba'ath authorities. During the war with Iran, the Armenians served in the army of Saddam Hussein, and several thousand of them took refuge in Kurdistan or left Iraq, mainly to Jordan, during the American occupation. In Kurdistan, the Armenian population has one seat in the Parliament.

The Armenians have retained their own West Armenian language, and are generally bilingual. They speak both the Arabic dialect and the literary Arabic language. Currently, their number is estimated at a dozen thousand or so<sup>46</sup>; they live mainly in Baghdad, Mosul, Kirkuk and Basra.

The Armenians belong mostly to the Armenian Apostolic Church. Catholicos of All Armenians, Karekin II (since 1999) residing in Etchmiadzin is the head of this church. In Iraq, Archbishop Avak Asadourian is the head of the Armenian Apostolic Church. The Armenians also belong to the Armenian Catholic Church (*Ecclesia armeno-catholica*), which is subordinate to the Patriarchate of Cilicia based in Beirut. Krikor Bedros XX Gabroyan has served as head of the Armenian Catholic Church since 2015.

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<sup>45</sup> More about the Armenians in the Middle East: Richard G. Hovannisian, The Ebb and Flow of the Armenian Minority in the Arab Middle East, "Middle East Journal" Vol. 28, Issue 1, 2003, pp. 19–32; more about the diaspora in Iraq: R. Hrair Dekmejian, The Armenian diaspora, in: R.G. Hovannisian, The Armenian People from Ancient to Modern Times, vol. 2. Foreign Dominion to Statehood: The Fifteenth Century to the Twentieth Century, London 1997, pp. 413–443.

<sup>46</sup> The Armenian Embassy in Iraq estimates their number at 200-250 families The Armenian Community in Iraq, <http://iraq.mfa.am/en/community-overview/>, access: 01.12.2019.

## YAZIDI<sup>47</sup>

Yazidism is practised by a small group of the Kurds. The followers of this religion are called either Yezidis or Yazidis. The first version takes into account the Kurdish origin of the name (*ezdi*), the second is an Arabic, not exactly correct version of the name, but is used in the official naming of Iraq and Syria. The latter is used throughout this paper. Yazidis live in different areas of the eastern Middle East: Iraq, Turkey, Iran, the South Caucasus and Syria. Their number is estimated at about 500,000 (including the diaspora in Europe and America). Mesopotamia, and later Iraq, has always been the home of most of the Yazidi, because their most important holy places are located in the Lalish Valley in the Iraqi region of Sheikhan (Duhok Governorate), and the seat of their spiritual leader (Mir, emir) is in Ba'adra. Their number is estimated at about 200,000.<sup>48</sup> In July 2019, a new mir, Hazim, son of the former Mir Tahsin, was elected.

Similarly to the Mandaeans, the Yazidis form a closed religious community; they do not carry out missionary activities and do not accept new believers. Only people with both Yazidi parents can become Yazidis themselves. The name of the religion is associated with the Iranian word *yazata*, Kurdish *ezdan*, meaning 'deity'. Although Yazidism is considered a polytheist religion by Islam, the Yazidi see themselves as monotheists. The Yazidi confession of faith is as follows: *shahda dine min ek Allah* (the testimony of my faith is One God).

The Yazidi religion was established at the beginning of the 12th century in the mountains of Kurdistan – in the northern Mesopotamia region of Sinjar. Its sources are related to the pre-Indo-European beliefs and practices of Middle Eastern communities. Yazidism is believed to have been founded by Sheikh Adi born in the Beqaa Valley (present-day Lebanon), who lived in the town and Valley of Lalish. He was the creator of the Sufi brotherhood of Adawiyya, popular in Syria and Egypt. Among the

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<sup>47</sup> Information about the Yazidi religion come partly from the following paper: J. Danecki, K. Górak-Sosnowska, Problemy wyznaniowe w Syrii, report prepared as part of the project titled 'Extension of the Library of the Country of Origin Information Unit' co-financed by the European Refugee Fund, OFF Country of Origin Information Unit, June 2014, pp. 47–49. Detailed information about Kurdish and Arabic religions related to Islam were published for the first time in Poland in Podstawowe wiadomości o islamie J. Danecki Vol. I, pp. 303–337, 1st Edition, Warsaw 2002.

<sup>48</sup> G. Asatrian, V. Arakelova, The Religion of the Peacock Angel. The Yezidis and Their Spirit World, London and New York 2014, p. vii.

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Kurds, the Adawiyya concepts gave rise to the Yazidi faith. The basic principles of the religion are contained in two holy texts: *Kiteba Jilwe* (Book of Revelation) and *Mishefa Resh* (Black Book).

The followers of Yazidism are divided into three castes: sheikhs, pirs, or masters, which consists of two sub-castes, and the murids, or novices. This terminology has been taken from Sufi traditions, where the teacher is called either sheikh or pir and the student murid. Caste membership and functions in the community are connected with one's family background. Marriages should only be concluded within the castes.

Sheikhs and pirs are responsible for ensuring that the principles of faith, rituals, and ceremonies take place in accordance with the rules. They also resolve disputes and are the foundation of the whole Yazidi community.

The leader of the Yazidi is a hereditary secular Mir (Emir) of Sheikhan (district). He is believed to be an avatar of Sheikh Adi and Peacock Angel (Melek Tawus). The Mir of Sheikhan can only come from the Katani family. Tahsin Sayyed Beg is the current mir. The mir holds the highest position among the following dignitaries:

- Baba Sheikh – a spiritual leader,
- Peshimam (leader) – responsible for marriages,
- Kocheks (little ones) – servants to Sheikh Adi,
- Chaush, the Lalish temple guards, who observe celibacy.

The Yazidi religion is syncretic, as there is no single main source but rather components from different religions combined together. While the cosmology comes from Zoroastrianism, Muslim, Jewish, Christian, and gnostic influences can also be observed. The Yazidi consider themselves monotheists. They believe in one God who created the world and entrusted it to the care of seven holy beings, seven angels called the Seven Mysteries (*heft sirr*), which are its emanations shaped by divine light. Melek Tawus, Peacock Angel, is the most important one.

Muslims and Christians often identified him with Satan, hence they wrongly called Yazidis the worshipers of Satan. However, the Yazidi believe that Melek Tawus is not a source of sins or misdeeds, even though he disobeyed God. He is considered the leader of all angels, not a fallen angel. The soul of Melek Tawus is at the same time the soul of Sheikh Adi.

The history of creation is a remarkable reproduction of other monotheistic renditions. God ordered his hierarchically structured angels to bring him the dust of

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the earth and shape Adam's body. Then, he breathed life into him and made the angels pay homage to him, which they all did, except for Melek Tawus. He replied that he will not submit to Adam, who was made of dust, because he himself was made of divine light. God praised him and made him the chief of angels and his representative on earth. Yazidis believe that God tested the angel by making him kneel. Melek Tawus appears on earth to fulfil his duty as God's representative on the first Wednesday of the month of Nisan (April), the day Melek Tawus was created. In addition, this day marks the beginning of the new year, and is the reason why the Yazidi celebrate Wednesday as their holy day (but rest on Saturday).

The Yazidi pray five times a day, similarly to Muslims, and turn towards the sun during the prayer. At noon, they pray facing Lalish.

Initiation rituals are particularly varied and numerous. There is a hair-cutting ritual in the seventh or ninth month of life (*bisla pora*), baptism (*mor kirin*) and circumcision (*sinet*). One of the most interesting initiation rituals is the brotherhood (*bira-ye akhirateh*) or sisterhood ritual (*chushk-a akhirateh*). It involves choosing a person who will be obliged to be faithful and to support the person making the choice throughout his or her life. Moreover, tradition requires that the dead should be buried immediately after death. They are put in tombs with their hands crossed on their chests.

Yazidis are monogamous, except for the leaders, who have the right to polygamy. Just like other syncretic religions of the Middle East, the Yazidi believe in transmigration. The transition to a different body is treated as a change of clothes, which is similar to the Druze concept of *taqamus* – changing the shirt. The transition to another body depends on one's actions during his or her life and therefore can be either a reward or a punishment.

Every Yazidi should make a pilgrimage to Lalish once in a lifetime. The pilgrimage should take place in autumn because the Yazidi gather in Lalish every year between the end of September and the beginning of October to celebrate the Feast of the Assembly (*jashne jima'iye*) that lasts seven days. During this time, seven mysteries are celebrated in Lalish and decisions for the whole coming year are made. Another crucial holiday is the circulation of the peacock (*tawusgeran*). Qewals, religious storytellers, and other religious dignitaries visit Yazidi villages with bronze statues of the holy peacock. Donations are collected, sermons are given and holy water from Lalish is distributed.

Maintaining the purity of the four elements: earth, air, fire, and water, is another important aspect of the Yazidi faith. The elements are to be treated with respect, which means, for example, that it is forbidden to spit on the ground, into water or fire. Moreover, eating head lettuce is forbidden because it resembles a human ear. Yazidis must not share personal belongings, including dishes, razors, etc., with strangers. The blue colour is taboo and must not be worn.

When the Islamic State of Iraq and Greater Syria was created in 2013 in the area of Northern Syria and Northern Iraq and was expanding over the next few years, orthodox religious doctrine led to a return to the classic rigorous principles of puritanical Islam. This caused other religions to be treated in accordance with the principles of the classical Sharia law of radical schools. This meant that the infidels were treated as the People of the Book, i.e. they were considered believers but had to pay the per capita taxation (*jizya*). Others were classified as pagans (*kuffar*) and forcefully converted to Islam. Yazidis were seen as pagans by the Islamic State, so not only were they persecuted, but also converted or exterminated by force.

### AHL AL-HAQQ/KAKA'I (YARSANIS)

Among the Kurdish population of Iran and Iraq, there is a mysterious sect called Ahl e-Haq (Ahl al-Haqq in Arabic), 'People of Truth', also known as Ali Ilahi (the admirers of Ali)<sup>49</sup> or Kaka'i in Iraq.<sup>50</sup> Members of this sect call themselves *din-i yari*, 'religion of brotherhood', hence their other name *yar(e)san*. It is a religious movement similar to Sufism, showing many similarities to esoteric and syncretic faiths of these areas, for example to Yazidism and Alawizm (in Syria) but also to Iranian and Iraqi Shabakism.

This syncretic system of beliefs is based on the doctrines of Mithraism, Mazdism, Zoroastrianism, Christianity and Shia Islam synthesised into one religion.

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<sup>49</sup> Many, though not all, Yarsanis consider themselves Shia Muslims: Z. Mir-Hosseini, *Inner Truth...*, 1994, Ph.G. Kreyenbroek i Marzolph, p. 73.

<sup>50</sup> This name was derived from the Kurdish word *kak* meaning (older) brother, and thus refers to the Sufi concept of brotherhood.

Moreover, it shares many dogmas and religious practices with other Iraqi faiths, such as Yazidism.<sup>51</sup>

Both Shia and Sunni Muslims often consider Yarsani to be heretics, even pagans, and so they have been persecuted. The members of the Yarsan movement, or Ahl al-Haqq, try to hide their identity and beliefs. Perhaps this is why they often declare that they are Shiites, which is a typical manifestation of *ketman*, the act of hiding one's own religion.

Yarsanis use the north-western Iranian Gorani language, closely related to Kurdish, often considered a Kurdish dialect. It is used by about a million to 3 million ethnic Kurds in Iran and Iraq. Sometimes it is considered to be the holy language of the Yarsani. The Ahl al-Haqq live mainly in Azerbaijan, Iranian Lorestan and Kermanshah, as well as in Kirkuk and Sulaymaniyah in Iraq.

The Ahl al-Haqq faith is a relatively new belief system. Its creation is connected with Sultan Sahak/Ishak, who lived in the eventful 16th century. He played a special role in the Sufi sects turning towards mysticism that spread among the Kurds of north-eastern Mesopotamia. Sultan Sahak (Ishak/Isaak) is not only regarded as the founder of the group but also as God's incarnation. His tomb in Sheikhan is surrounded by special reverence and is the destination of Yarsani pilgrimages. Many aspects of Yaresan beliefs and customs originate from Sufi practices. The believers call themselves a brotherhood. It is a widespread practice for a student (*murid*) to learn from a master (*pir*), with the whole process of education ending with an initiation consisting in breaking nutmeg on the student's head (known as *sar sepordan* – entrusting the head).

The student learns the individual components of knowledge in four stages of his journey. The first stage is *shari'at* (law) discussing the principles of human behaviour. The second one is *tarik* (path), the third one *marifat* (knowledge, gnosis, cognition) and the fourth one – *hakikat* (truth). The first three stages concern man's inner development – his thoughts and intentions, while the fourth one is the culmination. The aim of Yarsanism is to show believers how to achieve the ultimate truth (*haqq* or *hakikat*), hence the name Ahl al-Haqq, 'People of Truth'.

Yarsanism is based on the belief that there is an internal and external world. People think that they live in the external world but are in fact controlled by the internal

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<sup>51</sup> Kreyenbroek, *The Yezidi and Yarsan Traditions*, in: *The Wiley Blackwell Companion to Zoroastrianism*, First Edition. Edited by Michael Stausberg and Yuhan Sohrab-Dinshaw Vevaina, 2015, p. 499–504.



world. Divine emanations (*mazhariyyat*) play an important part in the history of Ahl al-Haqq. God has manifested himself as seven people. There are seven emanations (*haft tan* – seven incarnations): from Khawandagar, the Creator, through Ali ibn Abi Talib (the main figure in Shia Islam), to Sultan Sahak, considered to be the founder of the religion, who ultimately revealed the Truth (*hakikat*). The last emanation in the future will be Mahdi, 'master of time', followed by the Final Judgment.

The Ahl al-Haqq believe in transmigration, metempsychosis, which they call *takamus* (changing the shirt), like the Alawites. The purpose of transmigration is afterlife (*dun-a dun*), purification by 1001 rebirths until perfection. However, only Yarsani can be reborn, while others are condemned to eternal damnation.

The Yarsani are divided into the common people and the Sayyids. Sayyids are descendants of the founder Sultan Sahak. There were eleven Sayyids (seven of whom lived during Sultan Sahak's lifetime and four were born later), and, consequently, there are eleven families called *khandan*. Every *khandan* is headed by a pir, or sheikh – an elder (a term derived from the Sufi tradition). *Khandans* are independent from each other and do not form any hierarchical structures. As a result, they do not have a uniform system of beliefs, a single holy book or a common religious leader. Their beliefs are passed down orally in the form of the so-called *kalams* (words, statements), the most important of which is the *Kalam-i Saranjam* (Closing Word), a book of poems attributed to Sultan Sahak.

The basic Yarsani ritual is *jam'* – a congregation where sacred texts (*kalam*) are recited to the sounds of a special lute (*tanbur*). The celebrations include a ceremonial meal (*qurbani, khidmat*) and sacrifice (*niyaz*)<sup>52</sup>.

## SHABAKS

The Kurdish Shabak religious group lives in the Nineveh Plains between the Tigris and the Great Zab, sometimes called the 'ethnic museum of Iraq', because there are various religious and ethnic groups, including Ahl al-Haqq, Yazidis, Shiites, Sunnis, Kurds, Turkmens, and Arabs. The Shabaks are ethnically Kurdish, although they use an

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<sup>52</sup> M. Reza Hamzeh'ee, *The Yaresan: a sociological, historical and religiohistorical study of a Kurdish community*. (Islamkundige Untersuchungen Bd. 138.) [xiv] 308 pp., plate. Berlin: Klaus Schwartz Verlag, 1990.

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important specific dialect that has been under considerable Turkmen and Arabic lexical influence. They also practice a specific syncretic religion similar to Yarsanism and Yazidism.

As in the case of Yarsanism, the syncretic religious system of Shabaks was born in the 15th/16th century as a result of the evolution of the Sufi movements originating from the Safavid brotherhood. They appeared in the 17th century east of Mosul. The social organisation of Shabaks is typical of Sufi brotherhoods. They were recognised as a separate ethnic group in the Kingdom of Iraq in 1952. Currently, the estimated number of members is 250,000.<sup>53</sup>

The Shabak community is hierarchical. The community is led by pirs (sheikhs) who educate their disciples, murids. Pirs form a hierarchical system subordinated to a supreme leader called Baba.

Since most of the Shabaks are farmers (several dozen villages to the east of Mosul), they are controlled by Arab landowners living in Mosul. The latter are called sayyids (*sada*), as opposed to *miskins* (the poor ones) – the name that Shabaks use to describe themselves.

The Shabak belief system is little known, especially since most of them hide their religion for fear of persecution.<sup>54</sup> The majority (70%) declare that they are Shia Muslims, while the minority claim that they are Sunni Muslims. However, their faith and rituals feature certain specific elements, for example recognising Isma'il (Shah of Iran 1601-1624) as their great ancestor. Their sacred book is *Kitab al-Manaqib* (Book of Exemplary Acts) or the Buyruk (in Turkmen) but they also recite poetry attributed to Shah Isma'il (also in the Turkmen language), who brought Shia Islam to Iran. Some rituals indicate Christian influences, such as confession and drinking wine. Additionally, Shabaks make pilgrimages to Lalish, the holy city of the Yazidis, as well as to An-Najaf and Karbala, the holy cities of Shia Muslims. Their own central temple is located in the village of Ali Rash and is called Zayn al-Abidin (Adornment of the Worshipers – from the nickname of the 4th Shiite Imam Ali ibn Husayn Zayn al-Abidin, who died in 713). It is suspected that the seemingly folk name 'Shabak' comes from the Arabic verb *shabak* – 'to intertwine'.

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<sup>53</sup> <https://minorityrights.org/minorities/shabak/> access: 18.11.2019. MERI Policy Paper quoted below mentions as many as 500,000.

<sup>54</sup> Their beliefs are presented in detail in Matti Moosa's book: *Extremist Shiites. The Ghulat Sects*, Syracuse University Press, New York 1988, pp. 1–9.

For radical Muslims, especially Sunnis and the Islamic State, Shabaks are heretics like Yazidis and Yarsanis, and are thus persecuted. Even earlier, in the Ottoman and later the Ba'ath times, there have been fruitless attempts to Arabise Shabaks. During the Iraqi-Iranian war, Shabaks, like other Kurds, were murdered en masse, the same happened in the Islamic State period, and in 2017, after the fall of the Islamic State, the Kurds also joined the persecution.<sup>55</sup>

## MANDEANS

Mandaeans are a religious grouping living in southern Iraq. Their settlements occupied mainly the vast swamp areas of southern Iraq between the Tigris and the Euphrates (Al-Ahwar in Arabic). Some Mandaeans also lived in the neighbouring Iranian areas in Khuzestan. They were jewellery makers (silver and gold) and boat builders by tradition. In addition, a significant number of the Mandaean people lived in Baghdad and Mosul, as well as in scattered groups in Europe (primarily Sweden), Canada, Australia and the United States. Since 1991, the Baathist authorities began to regulate water conditions in the swamps of southern Iraq, which led to their drying out and desertification, and the people living there were forced to leave their homes. This was meant as a punishment for the Shia Muslims and Mandaeans living there. After 2003, much of the swamp was restored, some of the population returned, but the majority of Iraqi Mandaean emigrated to Syria and then to other parts of the world. It is difficult to determine the number of Mandaeans – estimates vary from 10,000 to 100,000.

The Iraqi Mandaeans speak Arabic and its South Iraqi dialect. The liturgical language, on the other hand, is Classical Mandaic, which is the eastern branch of the Aramaic language used by Jews and Syrian Churches. Classical Mandaic uses its own extremely interesting writing system, Mandaic abjad, of unknown origin, although clearly related to North-Semitic scripts. There is also a modern Mandaic language (known as *ratna* – 'dialect'), which is disappearing and is used only in Khuzestan, Iraq,

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<sup>55</sup> The Shabak Minority of Iraq Pays the Price for Political Change, <https://fanack.com/religions/shabak-minority/?highlight=shabak>, access 18.11.2019. See also the Polish version of Wikipedia under 'szabakowie', access – *ibid.* – information about the attacks by the Kurdistan Democratic Party.

and by Mandaeans in the diaspora. It belongs to the group of the Eastern languages and Neo-Aramaic dialects and has no writing system.

The history of the Mandaeans and the development of their religious doctrine are clouded in mystery. There are several theories about their origin. Some speculated that they came from Palestinian Jewish and Christian communities. According to other hypotheses, they are local people of southern Mesopotamia. The most recent theory assumes that they came to the present area of settlement from the Sasanian/Iranian Media in the 3rd century AD.

The name 'Mandaean' comes from Aramaic *manda* – 'knowledge', 'gnosis'. They are also called Nasoraeans (from Aramaic *nazor* 'to observe' – i.e. obey rituals), and finally Sabians – Arabic: *sabi'un* – from Aramaic *saba*: 'to baptise'). Since ancient Muslim times they have also been called *al-mughtasila* – 'self-ablutionists'. Sabians are mentioned in the Quran together with Jews and Christians as the 'People of the Book',<sup>56</sup> i.e. followers of a religion with a revealed book. They are referred to as non-Christian gnostics. In the Iraqi Constitution of 2005 (Article 2.2) they are called Mandaean Sabians (*as-sabi'a al-manda'iyyun* – الصابئة المندائيون).

At the beginning of the 9th century AD, another religious (polytheistic) sect from Harran adopted the name of *sabi'un* to obtain the status of a religion protected by the Muslim authorities. As a consequence, the Mandaeans are often mistaken for the Harranian Sabians regarded as 'star-worshippers'.<sup>57</sup> This often led to persecution and massacres of the Mandaean people.

The esoteric Mandaean religion is based on the dualism of good and evil represented by the world of light (*alma d-nhura*) and the world of darkness (*alma d-shuka*). The Mandaeans are the only people that belong to the world of light – the rest belong to the world of darkness. The world of light is ruled by the Great Life (*hiya raba*) or the King of Greatness (*mara d-rabuta*). The King has his utras (literally: 'wealth') that look out for Mandaeans. The most important utras are Manda d-Hiya (Gnosis of Life) and three brothers: Anush (equivalent to Enoch), Shitil (equivalent to Seth) and Hibil (equivalent to Abel). Their enemies are the forces of darkness represented by demons,

<sup>56</sup> Quran 2:69, 5:69, 22:17.

<sup>57</sup> In Muslim times, the ancient city of Harran in northern Mesopotamia was an important scholarly centre where the most important works of Greek and Hellenistic culture were translated into Arabic. Many of the inhabitants were probably free thinkers or atheists and that is why they hid under the name of the Quranic Sabians to avoid persecution – cf. C.E. Bosworth, Ḥarrān in: Encyclopedia Iranica online (Vol. XII, Fasc. 1, pp. 13–14).

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jinns, evil spirits and fallen angels created by the King of Darkness (*malka d-shuka*). Ruha, the mother of the King of Darkness, plays an important role among them. After creating the world, God first brought the Mandaean saviour Manda d-Hiye (Gnosis of Life) to hell and told him to overcome evil powers, and then sent him to earth to pass revelation to Adam and Eve.

The Mandeans worship three holy books: *Ginza* (The Treasure), *Sidra d-Yahya* (The Book of John) and *Qulasta* (The Collection). *Ginza*, also known as *Sidra Rabba*, (The Collection) was created between the 7th and 8th centuries AD and contains earlier Mandaean texts. It is divided into two parts: *Ginza Yamina* (The Right Treasure) and *Ginza Smala* (The Left Treasure). The Right Treasure contains mythological, cosmological and moralising treatises, as well as a divine revelation. The Left Treasure consists of hymns and songs describing the journey of the soul into the afterlife. They are recited during the funeral service. The Book of John, i.e. John the Baptist, considered to be the priest who formulated the Mandaean doctrine, is a set of 37 treatises on John's life and mythology, teaching and polemics with other religions. *Qulasta* is the basic collection of Mandaean prayers (more than four hundred) and contains the prayers performed during two most important rituals: baptisms (*masbuta*) and funerals (*masikta*). The Mandeans are a closed religious community – no converts are accepted. Any person who marries a non-Mandaean is excluded from the community.

The Mandaean belief system combines elements of many religions: Manichaeism, Judaism, Christianity and gnosis. John the Baptist is considered a reformer, Christ a false prophet. Baptism is the most important ritual repeated many times during the life of every Mandaean, hence the name Sabians. Baptism takes place every Sunday in the Jordan or in 'living' water as a recreation of Adam's baptism as performed by Hibil (Abel).

The soteriology (the study of salvation) of the Mandaean people concerns collective salvation (*purqana*). Every Mandaean has a soul (*nishimta* or *mana*) that comes from the world of light, and a spirit (*ruha*) associated with the life on earth. After death, every Mandaean soul has to pass through seven or eight watchtowers (purgatories: *matarta*) to be weighed by Abatur, an emanation of the supreme God. If the soul is worthy of salvation, it returns to the world of light.

The Ten Commandments are also mandatory, the Mandeans are encouraged to give alms (*zidqa*), and all forms of (self-)mutilation such as circumcision are

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prohibited. Drinking alcohol is also prohibited. The Mandeans are pacifists and do not carry arms. Killing is forbidden, and therefore Mandeans rarely eat meat – they are mostly vegetarians. Their pacifism made them easy prey in the troubled times of Iraq's post-2003 transition. Their persecution has been documented by the US Commission on Religious Freedom on Iraq, among others.

Mandean temples are very inconspicuous. They are called *mandi* or *mashkina* and are generally located by the water. Priests and believers have their separate rooms. The priests recite hymns, sacrifice pigeons and bake small loaves of bread without yeast called *fatiria*. Bread and holy water are served during a ritual dinner.

Mandeans pray three times a day: at dawn, at noon and in the evening, and face the North Star when praying. The priests (called Nasoreans) are organised in a hierarchical structure from *tarmida* (students, youth), through *shganda* (deacons) to *ganzibre* (treasurers, bishops). The high priest bears the title of *rish ama* (head of the people/nation). Priests must be married (celibacy is considered a sin) and must not be castrated or circumcised. They must observe the purity of rituals, which means that they must not touch unclean things and must wear white robes symbolising their connection with the world of light.

## ZOROASTRIANS

Zoroastrianism is one of the oldest religions in the world, as it takes its roots from the end of the 2nd millennium BC and has followers to this day. In Islam, Zoroastrianism has been legally recognised as a monotheistic religion, so its followers were protected People of the Book: *ahl adh-dhimma wa-al-kitab*). Indeed, the Zoroastrians believe in one God, Ahura Mazda (Wise Lord), in different emanations (Spenta Mainyu – the spirit of charity, opposed by Angra Mainyu, Ahriman – the spirit of destruction) locked in eternal combat.

Zoroaster (Zarathustra), who probably lived between the 2nd and 1st millennium BC, was the founder of Zoroastrianism, while Avesta, a collection of divine revelations, is the sacred book of Zoroastrianism. The meaning of the latter name is not clear. It is most likely related to the pra-Indo-European root *vid*, 'to know', and thus could mean knowledge. The text was probably established during the reign of the first Persian Sassanids from the period from 224 to 651 AD.

Back in the times of the Persian Empire in the early days of our era, Zoroastrianism was an important religion in eastern Mesopotamia but began to disappear under pressure from Islam. In Muslim times, its followers, the Persians, converted to Islam, all the more so because in Muslim ideology 'magicians' (*majus*), as they were called, were considered heretics and enemies of Islam.

Today, there are only about 100,000-300,000 followers of this religion (also known as the Mazdeans or Parsis). In the recent years Iraq has seen a revival of Zoroastrianism among the Kurds. It was becoming increasingly popular in that region after the rise and fall of the Islamic State.<sup>58</sup> Zoroastrian leaders claim that Zoroastrianism is the most appropriate religion for the Kurds (Sa'id Muhammad), because it allows them to protect themselves from aggression.<sup>59</sup> It must be remembered that the Kurds are an Iranian people.

## JEWS

The Jewish presence in Iraq is probably older than the Arabic presence. The Babylonian captivity of Jews in the 5th century BC has become a legend. Even today, the Iraqi Jews call themselves the 'new Babylonians'.<sup>60</sup> As suggested by O. Bashkin, the author of the cited book, the Iraqi Jews were and are proud not only of their Babylonian roots but also of their Iraqi patriotism.

The situation began to change when the United Kingdom, with a mandate in Iraq, Palestine and Transjordan, introduced the Balfour Declaration into its mandate agreements to ensure that the Jews would have a national home in Palestine. Actually, that happened only after a certain coincidence. On the one hand, European Jews, and primarily Zionists, ruthlessly exploited the rights to their national home without taking into account the Arab population (as proposed by the Balfour Declaration), while at the same time Hitler's anti-British Nazi government appeared in Germany. Hitler's anti-British attitude naturally was a sign that the Arabic anti-British attitude was not only justified in the Middle East but also existed in Europe. Germany became a natural ally

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<sup>58</sup> A. Latif, Die Anti-IS-Religion, "Franfurter Allgemeine Zeitung", 06.09.2015.

<sup>59</sup> <https://www.france24.com/en/20191023-iraqi-kurds-turn-to-zoroastrianism-as-faith-identity-entwine>

<sup>60</sup> Orit Bashkin wrote a book titled *New Babylonians. A History of Jews in Iraq* (Stanford 2012) that presents views on the Arabicness and patriotism of the Jews [sic].

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in the Arab fight against Great Britain – not only in Palestine, but also in Iraq, which remained under British control. When the Jews warmly welcomed regent Abd al-Ilah, who was returning from abroad on 31 May, after the British overthrew the al-Gaylani government, they met with hatred from anti-British Iraqi Arabs and pogrom known as Al-Farhūd ('looting' in Iraqi Arabic) took place in Baghdad and Al-Basra, resulting in the death of 180 Jews.

The effects of this geopolitical situation quickly came to light and led to anti-Jewish opposition in addition to the anti-British opposition. The presence and expansion of Jews was explained not only by British politics, but also by Jewish support for British politics. Because of this the Jews were identified with the British, and this led to the 1941 Farhud pogrom. The events of Farhud were connected with the coup d'état carried out by a pro-German officer Rashid Ali al-Gaylani in 1941. The government of Prime Minister al-Gaylani was supported by numerous political groups in Iraq including nationalists and communists for the simple reason that it was anti-British. The Jews were naturally anti-Nazi and against the al-Gaylani government. Consequently, they supported the pro-British movements (represented by Nuri al-Said, a former prime minister and officer in an anti-Ottoman uprising). Ergo, anti-British and anti-Jewish Germans were natural allies of the Arabs in Palestine and Iraq. It must be remembered that there were no Iraqis or Palestinians at the time, just as there were no Israelis, but only Arabs, Jews, the English and the German.

The Jewish community of Mesopotamia was divided into three groups differing in terms of languages used, traditions and education. The central-south group lived in Baghdad and southern cities: Al-Basra and Al-Hilla. They were well educated Jews who spoke the Arabic and Judeo-Arabic dialect (with the Hebrew abjad). They were involved in trade and, thanks to British influence, international trade that even reached India, China and East Africa. At the end of the 19th century, Jews constituted as much as 35% of the population of Baghdad. They even had their representative in the Ottoman parliament (Sassoon Eskell). The northern group lived in Kurdistan. They were poor people engaged in crafts – sheep shearing, weaving, goldsmithery, trade. These Jews used the Neo-Aramaic language. In the north, there was also a Jewish community of Mosul, between the central-southern and northern groups. The Jews of Mosul were mostly traders.

The Jewish community began to grow quickly after monarchy was established. Their population in 1919 was 87,488 among 2.8 million inhabitants and 180,000 in



1949. The Jews participated in political life: they were represented in the Iraqi Parliament (from 4 to 6 members in an 88-person chamber).

When the State of Israel was established in the 1950s, almost all Jews left Iraq. Today it is said that only a few Jewish people live in Baghdad. However, there are many Western researchers from Iraq, such as the British Arab Elie Keddouri (1926-1992) and the Israeli Sasson Somekh (born 1933), the author of *Baghdad, Yesterday: The Making of an Arab Jew*.

## BAHA'IS

Although the Baha'i Faith is related to Iraq, as the main creators of this religion, Bab, Baha'ullah and Qurrat al-Ayn, were active in the first half of the 19th century, it has few followers today.

In the 19th century the Shia and Sunni worlds were clearly divided. Sunni Islam was represented by the Ottoman Empire, while Shia Islam by the Persian Empire. Mesopotamia (today's Iraq), despite being the centre of Shia Islam, was within the Ottoman Empire.

Therefore the Baha'i Faith, which was connected with Shia Islam, originated in Iran. Ali Muhammad (born 1819) announced in 1844 in Iran that he was a 'gate' (Arabic and Persian: *bab*) that led to the 12th absent Shiite imam. This was connected with the thousandth anniversary (in lunar years) since the disappearance of the Shiite Mahdi in 874. Ali Muhammad quickly gained supporters in Iran and, of course, also in Mesopotamia. When he announced that he was an imam and Mahdi himself, Shiite scholars decided that enough was enough and made the Iranian authorities pass a death sentence on him. The sentence was executed in 1850.

His work was continued by Husayn Ali (1817-1892), who took the nickname Baha Allah (Baha'ullah, the Light/Glow of Allah). He started a new religion as a follower of the Bab, but soon his ideas went well beyond the Shiite sources and he created a universal Baha'i religion for all mankind.

He was banished from Iran to the Ottoman Empire, to Baghdad and Istanbul, and finally to Akka, Palestine in 1868, where he died in 1892. Since then, Akka and nearby Haifa have become a centre from which the emerging Baha'i Faith spread to the world.

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Baha Allah was succeeded by his eldest son, Abd al-Baha (Servant of Light, 1844-1921). The next leader of the Baha'ic community, Shoghi Efendi (1897-1957), was a descendant of the Bab and Abd al-Baha's daughter. After his death, the Baha'i community rejected one-man leadership and elected the Universal House of Justice (Bayt al-Adl al-Azam), making the religion itself universal. The Baha'i Faith has 8 million followers worldwide, from the United States to Australia, India and Poland.

The idea of unity of all people in the world and recognition of all religions and their holy books as a common heritage is of particular importance. The Baha'is have their own sacred books: *Al-Kitab al-Aqdas* (the Most Holy Book) and *Kitab al-Iqan* (the Book of Certitude) written by Baha'ullah.

The Baha'i Faith is monotheistic – there is one eternal, omnipotent and omniscient God who is the source of revelation. God is also omnipresent but unknowable – man is not able to fully comprehend him. Moreover, God reveals himself to mankind continuously, because mankind is constantly changing, and therefore revelation must also change. This is evidenced by successive monotheistic religions as a manifestation of divine revelation.

According to the Baha'i, man is closest to God of all creatures, has free will and an immortal soul. This is where the ethical principles of the Baha'i derive from, as set out in the 12 rules that preach the unity of the human race and the community of religions, the search for truth, the role of religion as an idea uniting people, the importance of reason and science, and finally equality between men and women. In other words, rationalism and opposition to particularism are the foundation of the Baha'i Faith. It is therefore no surprise that Islam and Christianity have difficulties with accepting this ideology.

The small Baha'i community in Iraq (about 1,000 people), although persecuted even by the supposedly secular Ba'athist authorities (the law of 1970, still in force, outlawed the Baha'i Faith), is now trying, so far unsuccessfully, to get official recognition.

## ATHEISTS

In the Muslim world the concept of an atheist is as bizarre as a same-sex marriage for an orthodox Catholic. Not only is there no such thing, but there simply

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cannot be. However, the modern world is full of surprises and there are both atheists and gay marriages.

In contrast to the groups described above, atheists do not constitute a separate ethnic, national or religious group in Iraq. Above all, however, compared to other groups, information about them is scarce, uncertain and often divergent. This is for several reasons. The first one is the traditionally low level of understanding and acceptance of atheism in classical Muslim doctrine, considering that *shirk*, ascribing partners to God, is seen as the greatest sin. This is how non-monotheistic religions were perceived – as faith in additional gods other than the Muslim God. Consequently, atheism, understood as the absence of god, was completely incomprehensible. The second reason is the connection between religion and politics in the Islamic world. Muhammad was both the last messenger of God and the leader who united the Arab tribes and implemented his own policy. Hence, actions that may or may not be related to atheism are sometimes seen in this context. This applies in particular to liberal and secularisation trends.<sup>61</sup> The third reason is the very high level of Iraqi religiousness – according to the 2012 WIN and Gallup poll, the Iraqi are among the most religious nations in the world (ranked 8th): 88% describe themselves as religious, 9% as not religious, while atheists account for 0%.<sup>62</sup>

Available studies on the number of atheists indicate that the group is marginal in Iraq, but has increased quite significantly. This is for two reasons. The first one is the relatively secular history of this country, which until the American invasion was based on the Ba'ath ideology. This choice was supported by the multi-ethnic and multi-religious nature of Iraq, which made it impossible to build a coherent state based on only one group (Shiites, Sunnis, Arabs, Kurds). The second, more important reason nowadays is that the society is tired of using religion for conflicts, wars and violence.

None of the available sources provide an estimate of the number of Iraqi atheists. For formal (the need to choose a religion in order to receive an identity card) and social reasons (conservatism, possible ostracism and even violence), atheists often do not reveal their beliefs even to their loved ones. Atheists have a little more freedom in the more secularised region of Kurdistan, but there too they have to take

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<sup>61</sup> Iraq, European Asylum Support Office, Q66, 11.04.2018, p. 3.

<sup>62</sup> Interestingly, the Iraqis declared strong religiousness more often than citizens of other Muslim countries such as Saudi Arabia, Afghanistan or Pakistan – cf. Global Index of Religiosity and atheism, WIN-Gallup International, 2012, pp. 5 and 10.

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social conservatism into account.<sup>63</sup> Moreover, admitting to being an atheist in public can be seen as acting against Islam.

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<sup>63</sup> Iraq: Information on the treatment of atheists and apostates by society and authorities in Erbil; state protection available (2013-September 2016), Canada: Immigration and Refugee Board of Canada, 2.09.2016, IRQ105624.E, <https://www.refworld.org/docid/57dfa5444.html>

## Application of legal, administrative, police or judicial measures

The axionormative system of Iraq is based on Islam and at the same time on democratic order. The former clearly emphasises the predominant role of a particular religion, while the latter points to respect for civil rights. In the event of long-term political instability and conflict, the dominant role of Islam may become a factor that causes tension, especially among religious minorities, but also between Muslims. Thus, on the one hand religion is used against other religious groups, and on the other – against its followers. At present, the second aspect seems to be important: Sunnis suspected of supporting jihadist groups, especially the Islamic State, are being detained in the name of the fight against terrorism. The fight against radical jihadist groups is fully justified, but the question arises as to whether all detainees were imprisoned in accordance with the rules and were given the right to a fair trial. Reports on the Sunni situation detail arrests of thousands of men and boys, especially after the recapture of Fallujah and Mosul. They are said to be kept in inhumane conditions, without trial, and many of them have been executed.<sup>64</sup> From 2014 to 2018, about 19 thousand people accused of cooperation with or membership in the Islamic State were detained or imprisoned, out of which over 10,000 cases were referred to courts, and 2,900 ended with a verdict, in the vast majority with conviction (98% of cases); at least 1,000 children accused of threatening national security are also in detention in connection with activities within the Islamic State.<sup>65</sup>

The permanent state of insecurity gives rise to abuse not only on the part of illegal groups, for example jihadist militias, but also on the part of government forces. Representatives of Christian and Jewish religious groups have, for example, reported cases of abuse by the Popular Mobilisation Forces, which formally remains under the Iraqi government.<sup>66</sup> These forces mainly include several dozen Shiite and Sunni militias whose task was to fight the Islamic State. The instability and weakness of state structures will probably continue to cause a situation where different minorities will be at risk of exclusion and violence for a long time to come, as the relevant state

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<sup>64</sup> The Security situation of religious and ethnic minorities, op. cit., p. 9.

<sup>65</sup> Country Guidance: Iraq, European Asylum Support Office, June 2019, p. 50.

<sup>66</sup> Iraq. International Religious Freedom Report for 2018, op. cit., p. 1.

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services will not be able to provide them with security and will sometimes exploit their position. This is particularly significant in the case of conflicts that take place between the many different factions and parties: only recently, Sunni Muslims used violence against Shia Muslims; Shia Muslims will now want to get their revenge on Sunni Muslims for the Islamic State; Sunni and Shia Muslims can use their position to attack other minorities; and finally – different groups will use the instability to carry out attacks or to commit acts of violence regardless of their religious beliefs simply because they can.

Although central Iraqi authorities have tried to ensure the safety of the followers of particular religions during their practice, there have been instances of abuse by local authorities. There have been insults, harassment, as well as restricted access to places of worship and thefts. Two militias from the Popular Mobilisation Forces are said to be primarily responsible for these actions directed at the local Christian community. The local Christian community of Hamdaniya and Tel Kaif districts believe that the aim of these militias (one Sunni and one Shiite) is to intimidate Christians and to drive them away from their homes so that Muslims can live there.<sup>67</sup> This was how Sunni families were treated by Shiite and Peshmerga<sup>68</sup> militias as well as by the local administration and Iraqi forces that made them leave their homes by destroying them or by ordering the families to live in special camps; living in the areas where the Islamic State operated and being a Sunni Muslim was often considered as satisfying evidence justifying such repercussions.<sup>69</sup> In the Kurdistan Region, there have been cases of similar behaviour towards Christians and Jews on the part of the Peshmerga and Asayîş, but with political rather than religious overtones.<sup>70</sup> Due to the involvement of some Yazidi people in the PKK forces, the Kurdish authorities have displaced some Yazidi families and threatened others with displacement.<sup>71</sup> Other militias hampered the return of Yazidi officials to Sinjar. Sunnis suspected of cooperation with the Islamic State and members of their families, on the other hand, experienced retaliation from Shiite militias that used similar methods – kidnapping, intimidation, seizure of property, and hampered return.<sup>72</sup> Since the Islamic State is a

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<sup>67</sup> *Ibid.*, pp. 9–10.

<sup>68</sup> The Security situation of religious and ethnic minorities, *op. cit.*, p. 10.

<sup>69</sup> Country Guidance: Iraq, *op. cit.*, p. 51.

<sup>70</sup> Iraq. International Religious Freedom Report for 2018, *op. cit.*, p. 11.

<sup>71</sup> The Security situation of religious and ethnic minorities, *op. cit.*, p. 7.

<sup>72</sup> Iraq. International Religious Freedom Report for 2018, *op. cit.*, p. 11.

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radical Sunni organisation, the followers of this Islamic faction have often been treated with suspicion by both Iraqi and Kurdish authorities.<sup>73</sup>

The same divisions and mutual animosity apply to clergy and religious property: Iraqi special forces invaded the Syrian Catholic Church in Bartalla to cut off Internet access. In the Kurdistan Region, on the other hand, the number of mosques where the Friday service is held has been reduced by one third, several imams have been sent for rehabilitation because of their views, and 10 books by Muslim clergy have been included in the list of prohibited publications.<sup>74</sup>

Discriminatory legal measures include the fact that information about religion must be provided in order to obtain an identity card. The form contains a closed catalogue of religions: Christianity, Islam, Yazidism, and Sabeism. Persons who do not identify with any of these faiths, or would like to provide more specific information (e.g. a branch of Islam or Christianity), do not have this possibility and thus have no right to an identity card. This in turn means a lack of access to basic public services or marriage.<sup>75</sup> The rule that if one of the parents is a Muslim, then the child automatically becomes a follower of Islam, has proved particularly troublesome, as it also applies to rape. In other words, children who were born of rape by Sunni jihadists became Muslims even though they had nothing in common with their fathers but DNA. Moreover, single mothers of these children, as mothers of Muslims, also had to change their religion to Islam in order to access public services.<sup>76</sup>

The above examples of discriminatory state practices give rise to several reflections. Firstly, any Iraqi citizen, regardless of his or her religion, can become a victim of repression. The divisions, mutual accusations and retaliation are provoked by both ethnic and religious criteria, with larger religious groups, or those in the local majority, dominating. Religious minorities, such as Christians and Jews, are in principle in a lost position. They can only count on the support of the authorities. Secondly, over the last decade or so, Iraq has been almost completely destabilised and the rule of law and the efficiency of government has significantly deteriorated. This is understandable, as the country has already been torn by two wars in the 21st century. Lack of social control, anomy and insecurity give people the temptation and opportunities to take matters into their own hands. This applies not only to ordinary

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<sup>73</sup> The Security situation of religious and ethnic minorities, op. cit., p. 7.

<sup>74</sup> Iraq. International Religious Freedom Report for 2018, op. cit., p. 13.

<sup>75</sup> Ibid., p. 7.

<sup>76</sup> Ibid., p. 9.

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militias, but also to militias affiliated with government structures, uniformed services, or officials. Thirdly, certain elements of Iraqi law did not withstand such a demanding test and need to be changed. This applies in particular to the need to register children from rape as Muslims, regardless of their mothers' religion, which in the context of the practices of the Islamic State has proved an additional stigma.



## Cases of mental and physical abuse

Iraq is among the countries with the highest tension index in the world – this is how the term ‘fragile’ of the Fragile State Index developed by The Fund for Peace can be explained. Today, Iraq ranks 13th in the world and third among the Arab countries, although only 12 years ago it took second place.<sup>77</sup> The Iraq's position has improved for two reasons. The first is that there have been wars and conflicts elsewhere in the world, so Iraq has fallen in the ranking. The second reason is the temporary and so far short-term stabilisation. It means, however, that even though the situation in the country is not dramatically bad, it is still very bad, and therefore the improvement, although visible, is nevertheless negligible.

Political instability and a string of devastating conflicts have caused group identities, including ethnic and religious identities, to gain greater importance, which may potentially spark inter-group hostility. Under conditions of anomy, i.e. when the axionormative system loses its cohesion and social norms disappear, minority groups are the victims. In the case of Iraq, it should be remembered that for the last 40 years there have been almost continuous wars and conflicts in the country – only 12 years were relatively calm. Taking into account that the median age of the Iraqis is just over 20 years and narrowing the period down to 1999-2019, one might conclude that there were only 3 years of stability. This suggests that the average Iraqi may not know any other reality than war and danger, and the trauma has accompanied these people for two generations.

First, it was the Iraqi-Iranian War (1980-1988), which was devastating for both sides and was later continued as the First Gulf War (1990-1991). Relative peace lasted just over a decade, as in 2003 a coalition of international forces led by the United States invaded Iraq, and the war, euphemistically called the Second Gulf War, lasted until 2005. It can hardly be expected that an invasion of a foreign country in order to democratise it would actually bring democracy and peace. Over the following years, Iraq faced internal ethnic and religious conflicts, while radical terrorist organisations were raging around the country. This refers in particular to Al-Qaida, which fought the American occupier, as well as all those on the other side. American troops left Iraq in 2010/2011.

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<sup>77</sup> Fragile States Index, The Fund for Peace, <https://fragilestatesindex.org/data/>

## RELIGIOUS CONFLICTS IN IRAQ

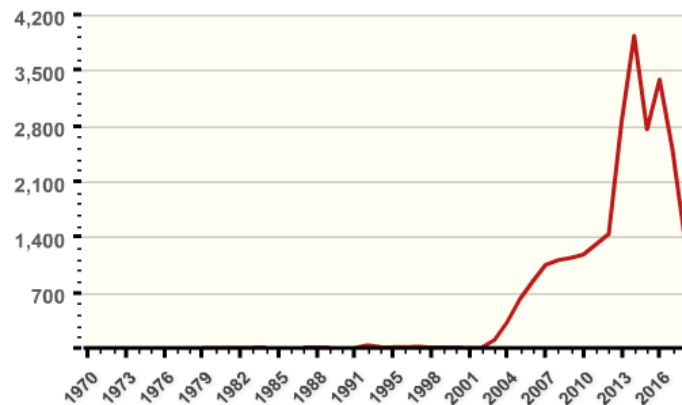
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Almost simultaneously, a wave of social protests, the so-called Arab Spring of Nations, swept through the Arab world. Iraq was one of the few Arab republics that managed to endure the demonstrations, as the people did not have the strength to protest; they remembered too well what mass unrest meant. Indeed, the Iraqis took to the streets in 2011, but they protested primarily against the poor economic situation of their country. Nobody wanted to overthrow the power then. Three years later, Iraq partially lost its territorial integrity, and its western part was subjugated to a terrorist organisation called the Islamic State, which claimed the right to become a caliphate. It should be noted that the original name of this organisation, ISIL (Islamic State of Iraq and Levant) and later ISIS (Islamic State of Iraq and Sham; the terms 'Levant' and 'Ash-Sham' mainly referred to Syria), referred to Iraq. The activity of the self-proclaimed caliphate became one of the main threats to the Middle East and the security of the Western world. Iraq and Syria, the main countries in which ISIL conducted its actions, have been particularly affected.

The scale of operations of illegal armed groups can be shown by presenting data from the Global Terrorism Database. From 1970 to 2001, with the exception of a few attacks in the early 1990s, Iraq was free from terrorism. The situation started to change at the beginning of the 21st century, reaching its first climax in 2007 when the Americans sent additional troops to Iraq to escalate danger. As a result, the number of terrorist attacks continued to increase, but it was already a little weaker. Iraq reached a second and much bigger turning point in 2013-2014, in the era of the self-proclaimed caliphate that seized almost one third of Iraqi territory. In the worst year of 2014, the number of terrorist attacks in Iraq reached 4,000, which means that there were about 10 attacks a day. The situation began to improve in 2017, with the anticipated end of the Islamic State, but there are still many terrorist attacks. Details are shown in the chart below.

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**The number of terrorist attacks in Iraq (1000's); *Global Terrorism Database, National Consortium for the Study of Terrorism and Responses to Terrorism, University of Maryland*, <https://www.start.umd.edu/gtd/>**

There are several dozen illegal paramilitary organisations in Iraq, or probably even more, as some of them are recognisable and large, and others are smaller and operate locally. Almost every major ethnic, religious or ideological grouping has or has had a paramilitary organisation that represented its interests. Some groups (especially the jihadist ones) were engaged in attacking foreign targets, others in inter-fraction battles (Sunni and Shiite militias), and yet others in fighting aggressors (Shiite, Turkmen and Kurdish militias fighting against the Islamic State) or providing defence against attacks (Assyrian forces).<sup>78</sup> It is impossible to list all of them for the purpose of this study, therefore only those organisations which have recently carried out a terrorist attack will be presented.

A certain critical point must be adopted when describing the activities of illegal armed groups. Groups related to Al-Qaida prevailed at the beginning of the 21st century, while the middle of the second decade was dominated by the self-proclaimed caliphate. The analysis of the last thousand terrorist attacks in Iraq covers the period from March to December 2018. During this period, more than half of all the attacks (516) were conducted by the Islamic State, and in the case of another 462 the perpetrator was unknown; 8 attacks were carried out by the Kurdistan Workers' Party, 3 by Asa'ib Ahl al-Haqq and one by Kata'ib Hizb Allah. The attacks were mainly directed against civilians (370), the police (116), military facilities (158), as well as government

<sup>78</sup> A list of armed groups involved in the war in Iraq, obviously incomplete but nonetheless giving the scope and number of parties involved in the conflict, can be found on Wikipedia: [https://en.wikipedia.org/wiki/List\\_of\\_armed\\_groups\\_in\\_the\\_Iraqi\\_Civil\\_War](https://en.wikipedia.org/wiki/List_of_armed_groups_in_the_Iraqi_Civil_War)

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representatives, infrastructure and business. At least 985 people were killed in the attacks (no data available for 46 attacks) and at least 1429 were wounded (no data available for 74 attacks).<sup>79</sup>

These data point to several conclusions. Firstly, although the end of the Islamic State was announced in 2017, a year later the organisation was still responsible for most terrorist attacks. Secondly, the number of attacks in Iraq continued to be alarming, even though there was indeed a significant decrease. Thirdly, the attacks were aimed at literally all kinds of targets and no one could feel safe. Finally, the perpetrator remains unknown in many cases, which means that no one has claimed them or no such information has been recorded. This strengthens the feeling of chaos and insecurity in the country.

The largest and most dangerous illegal organisation operating in Iraq is the Islamic State. At the time of its greatest territorial expansion, it seized almost one third of Iraq's territory, which was home to almost 5 million people. The Islamic State has become known as an organisation that tried to create an independent state body, and it must be said that international recognition was the only thing it lacked to match the definition of an independent state. The Islamic State occupied a specific territory, which also extended to neighbouring Syria, established central and local government units, had its budget and administration. However, the Islamic State was the greatest danger to the people who were under its influence.

The Islamic State was presented by the media above all as an organisation which exterminated all infidels. The term was mainly used to refer to non-Muslims, i.e. Christians and Yazidis (whose faith originated from Islam). Both these groups were almost completely annihilated or forced to flee. Christians could stay, if they paid the *jizya*, the per capita tax known from classical Islam collected from the People of the Book (Arabic: *ahl al-kitab*), i.e. those who possess a revealed book, similarly to Muslims. However, the Yazidis did not qualify, because from the point of view of fanatical ideologists of the Islamic State not only were they not Muslims, but they also distorted this religion. It should be emphasised that members of the Islamic State also used violence against other Muslims, both Shiites and (to a lesser extent) Sunnis, if they did not share the proposed black and white vision of the world. Muslims with a different opinion were described as *murtaddun* ('apostates'), and the rest were *kuffar*

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<sup>79</sup> Own calculations based on Global Terrorism Database, National Consortium for the Study of Terrorism and Responses to Terrorism, University of Maryland, <https://www.start.umd.edu/gtd/>

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('infidels'). The difference between the varying attitude towards Sunnis and Shiites was due to two reasons. First of all, the Islamic State is a Sunni organisation, and thus theologically it was closer to Sunni Islam. Secondly, the political order established by the United States reversed the roles. Sunni soldiers, who occupied high positions under Saddam Hussein, were downgraded and replaced by Shiites. A few years later, these militarily trained people with a sense of injustice became the local force of the self-proclaimed caliphate and, understandably, some of them wanted to take revenge on Shia Muslims.

Other organisations carried out only a few attacks, and therefore cannot be compared to the Islamic State. A brief description of these organisations can be found below:

- The Kurdistan Workers' Party (PKK, Partiya Karkerên Kurdistanê) is an organisation that fights for the independence of the Turkish Kurds and operates from Kurdistan, including Iraq Kurdistan. The PKK is considered a terrorist organisation largely due to its operations against the Turkish authorities and the use of violence. At the same time, while the territory of Syria and Iraq was penetrated by the Islamic State, the Kurdish forces, including the PKK, put up the most fierce resistance to it. Attacks by the PKK are mainly directed against Turkish forces. After the expulsion of the Islamic State from Syria and Iraq, Turkish forces launched an offensive against the Kurds in both countries.
- Asa'ib Ahl al-Haqq ('League of the Righteous') is a Shiite paramilitary organisation that evolved from the movement of cleric Muqtada as-Sadr, which organised terrorist attacks against the forces of the American coalition after the invasion of the country. During the war with the Islamic State, some of its members were incorporated into the Popular Mobilisation Forces to fight on the side of the Iraqi government and eventually became a political party.
- Kata'ib Hizb Allah ('Brigades of the Party of God') is another paramilitary Shia organisation formed as a result of the American invasion of Iraq; its goal was to oppose foreign forces. Then, in 2014, it launched an offensive against the Islamic State.

Several years of continuous wars and conflicts led to an escalation of violence on an unprecedented scale. Given that the Islamic State is a terrorist organisation that has based its ideology on the radical Islam of the Sunni branch, its attacks were

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targeted primarily at adherents of other religions. The violence, sometimes the most degenerate and unimaginable, has become one of the hallmarks of the self-proclaimed caliphate.

In the summer of 2014, the Islamic State launched a massive attack on the Yazidi living in Sinjar (town and region) located in the Nineveh/Neynewa Governorate in north-western Iraq. Hundreds of men were publicly executed and thousands of women and children were taken prisoner. The women became slaves and were sold or sexually abused, while the children were held captive or indoctrinated to fight for the Islamic State. Some Yazidi families were offered conversion to Sunni Islam to save their lives. The Islamic State's invasion of Sinjar caused a mass escape of civilians (about 200,000 people), including about 50,000 Yazidis, who hid in the mountains and were then surrounded by the forces of the Islamic State. Many people died not only at the hands of the Islamic State fighters, but also from dehydration and hunger. Iraqi, Kurdish and international forces alarmed by the situation in the Sinjar Mountains made efforts to help the Yazidi. Air raids on the positions of the Islamic State began and food, water and medical supplies were dropped for the refugees. When the situation on the ground calmed down a bit, Kurdish forces formed a humanitarian corridor which helped tens of thousands of refugees escape. About 5,000 men died in the Sinjar massacre, 5,000-7,000 women were taken prisoner and another 350,000 were forced to flee.<sup>80</sup>

An independent international commission of inquiry established by the United Nations in the Syrian case has accused members of the Islamic State of genocide committed in the country by 'by seeking to destroy the Yazidis through killings, sexual slavery, enslavement, torture, forcible displacement, the transfer of children and measures intended to prohibit the birth of Yazidi children.'<sup>81</sup> According to the Arab League, the violence of Islamic State against the Yazidi was a crime against humanity. Given that the fight against the Islamic State has almost formally ended and that its forces have been expelled from Syria and Iraq, it is difficult to say who and when will be held responsible for these crimes.

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<sup>80</sup> R. Spencer, Isis carried out massacres and mass sexual enslavement of Yazidis, UN confirms, "Daily Telegraph", 14.10.2014, <https://www.telegraph.co.uk/news/worldnews/islamic-state/11160906/Isil-carried-out-massacres-and-mass-sexual-enslavement-of-Yazidis-UN-confirms.html>

<sup>81</sup> ISIL's 'genocide' against Yazidis is ongoing, UN rights panel says, calling for international action, UN News, 3.08.2017, <https://news.un.org/en/story/2017/08/562772-isis-genocide-against-yazidis-ongoing-un-rights-panel-says-calling>

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The destruction of both countries, the number of victims, and the long duration of the war with the Islamic State, which has made the novelty wear off for us, do not inspire optimism in terms of the possible compensation for Yazidis or help in rebuilding their damaged homes. According to data as of the end of 2017, only 15% of people compared to the population before the massacre decided to return to Sinjar.<sup>82</sup> The international community has honoured the heroism of the Yazidi, and especially of the Yazidi women, through the Iraqi social activist Nadia Murad, who was one of the women kidnapped by the Islamic State fighters and then held as a sex slave. She managed to escape after a few months and get to Germany. In 2016, she was awarded the (anti-Arab) Sakharov Prize<sup>83</sup> with Lamiya Haji Bashar, another Yazidi woman, and two years later in 2018 she received the Nobel Peace Prize.

Christians are the second religious minority besides the Yazidi that is particularly vulnerable to violence from the Islamic State. As a result of the Islamic State's occupation of northern Iraq and the conquest of Mosul, some 100,000 Iraqi Christians have left their homes seeking refuge in Iraqi Kurdistan.<sup>84</sup> According to Muslims, Christians belong to the so-called People of the Book (Arabic: *ahl al-kitab*), i.e. people with a revealed holy book recognised by Muslims: the Torah, the Gospel or the Quran. As a People of the Book, Christians historically enjoyed certain rights in a Muslim state, but they had to pay a tax called *jizya*. The Islamic State sought to restore these principles by giving Christians a choice: they could accept Islam (which was already in principle contrary to these rules, as it was not necessary to convert Christians, People of the Book), pay *jizya*, or leave the territory of the self-proclaimed caliphate. Considering not only the difficult living conditions but also the amount of the new tax, many Christian families decided to leave their homes; for example, in Mosul there was a total exodus of the local Assyrian community.

Christians leaving their homes could only take a small part of their belongings. The rest of their property was plundered and places of worship demolished or converted into buildings for the needs of the self-proclaimed caliphate. Many Christians did not manage to avoid death at the hands of Islamic State fighters or were

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<sup>82</sup> R. Jalabi, Yazidis caught in 'political football' between Baghdad, Iraqi Kurds, Reuters, 10.12.2017, <https://www.reuters.com/article/us-mideast-crisis-iraq-yazidis/yazidis-caught-in-political-football-between-baghdad-iraqi-kurds-idUSKBN1E40FZ>

<sup>83</sup> In the 1970s and 1980s, Y. Bonner, Sakharov's wife, accused Arab children in Palestine of harassing Israeli troops.

<sup>84</sup> Iraq Christians flee as Islamic State takes Qaraqosh, BBC, 7.08.2014, <https://www.bbc.com/news/world-middle-east-28686998>

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taken prisoner. Christian women were sold at markets and sexually abused, just like the Yazidi women. In 2016, several Western countries (EU, USA) recognised the crimes committed by the Muslim state against Christians as genocide.

Shiites, despite being Muslims, also fell victim to Islamic State fighters, as their version of Islam was considered insufficiently Muslim. For this reason, they were called *rafida*, which means 'those who reject' (the leadership of the first three caliphs, the so-called Rightly Guided Caliphs, i.e. Abu Bakr, Umar and Usman), and their houses were marked with the Arabic letter 'ر' ('r'). The persecution of the Shiite population took place on a smaller scale than that of Jews and Christians, which does not make it less important. The only difference was that in the case of the Yazidi and Christian people there was an institutionalised extermination which was supposed to lead to their complete expulsion from Syria and Iraq, while the violence against Shiites was rather retaliatory and ad hoc. On the one hand, the motivation for the violence was undoubtedly theological differences, while on the other hand, the conflicts were related to the power structure in Iraq after the fall of Saddam Hussein. The overthrown Iraqi president was a Sunni Arab and therefore a representative of the ethnic majority and religious minority. As part of the democratisation of Iraq carried out by the United States, this order was reversed by depriving Arab Sunnis posts (often in uniformed services) and installing Arab Shiites in their place. No wonder that many demoted Sunni servicemen joined the ranks of the self-proclaimed caliphate not so much for ideological reasons as for the possibility of regaining their position.

Many Shiites died or were taken prisoner in the fight against the Islamic State militia. The victims of the Islamic State also included civilians from the Shiite branch of Islam. The property of Shia Muslims was confiscated and handed over to Muslims supporting the Islamic State; this applied to Shiite houses as well as to shops and craft businesses. As the Shiites were Muslims who, from the point of view of the militants of the Islamic State, professed a distorted form of Islam, their mosques and temples were demolished. Many Shiites left their homes when their regions came under the control of the self-proclaimed caliphate. In 2016, US Secretary of State John Kerry recognised the Islamic State's violence against Shiites as genocide.<sup>85</sup> This is all the more important because Shiites, being Muslims, are often not seen as victims of the Islamic State by public opinion.

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<sup>85</sup> Remarks on Daesh and Genocide, US Department of State, 17.03.2016, <https://2009-2017.state.gov/secretary/remarks/2016/03/254782.htm>.



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Summing up, three important issues should be highlighted in the context of the religious conflicts in Iraq. First of all, many people and groups used violence and everyone could become a victim. On the other hand, some social categories (children, women, Yazidis, Christians) were more vulnerable than others. The major culprit was the self-proclaimed caliphate, i.e. the Islamic State, but members of this organisation were by no means the only ones who resorted to the most brutal forms of violence against others. Unfortunately, war leads to anarchy. The majority of victims were Muslim, although in the case of religious minorities the scale of destruction and casualties is incomparably greater. Secondly, all the religious groups mentioned in this section of the study have been mixed with Sunni Muslims in Iraq for centuries. Each of them has experienced violence or persecution in the past but this happened when politics was at stake. In such cases, the religious and ethnic identities were exploited and used to antagonise individual groups against each other. Thirdly, although US President Donald Trump recently announced that the leader of the Islamic State, Abu Bakr al-Baghdadi had been killed, and the end of the era of his organisation had been celebrated several times before, the situation in Iraq and Syria is still not stable – the old conflicts are over but new ones have emerged. In other words, it will take a long time to realistically assess the damage and losses, both among the living and the dead, caused by so many years of devastating universal war.

## Institutional assistance

There is a tri-partite division of power in Iraq, which in the case of the judiciary means that it is autonomous and independent from the executive and the legislative. Judicial power is exercised in Iraq by the Federal Supreme Court, which is supervised by the Higher Judicial Council.

The judiciary is relatively ineffective, which is due to several reasons. The first reason is related to financial and infrastructural deficiencies. There is a lack of funding for adequate salaries, staff and infrastructure. All this translates into poor quality and efficiency of work, both in terms of forensic analysis and of waiting and processing time. It is worth adding that the vast majority of this time is currently spent by the Iraqi courts on cases concerning the activities of the self-proclaimed caliphate (the Islamic State).

The second problem is the limited independence of the Iraqi judiciary, despite the provisions of the Constitution. This is due both to historical conditions (many years of instability causing anomalies) and to political, ethnic, and religious divisions. The democratic system designed largely by the Americans after Saddam Hussein's overthrow was supposed to change that but eventually failed. The first issue was the exogenous nature of this project that turned the previous order upside down. This may have been aimed at a complete reform of the system but has instead led to a new kind of polarisation. Secondly, Iraq is not in a position to consolidate the rule of law because of conflicts and wars. After all, the judiciary does not operate on its own, it is a component of the state system. These two factors seem to explain why the Iraqi judiciary is susceptible to corruption, political influence as well as ethnic, religious and tribal influences. The independence of judges, in turn, is sometimes negatively impacted by their religious or tribal affiliation. In other words, the social identity of the judge and the parties being tried has a significant impact on the verdict. Various paramilitary groups that go unpunished and may never face criminal responsibility operate outside of the whole justice system.<sup>86</sup> With a weak judicial system and no guarantee of security, few will probably dare to oppose them.

The third reason for the ineffectiveness of the Iraqi judiciary, and at the same time a consequence of the factors mentioned above, is a kind of dualism – there are

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<sup>86</sup> Country Guidance: Iraq..., op. cit., p. 124.

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informal structures apart from the judicial system that enable the resolution of disputes or the recovery of claims. They are used, on the one hand, due to the inefficiency of the formal judicial system and, on the other hand, because of the significant role that they traditionally play in Iraqi society. Civil cases are therefore sometimes resolved by local religious or tribal authorities, and sometimes justice is served by paramilitary groups.

Law enforcement is difficult given the inefficiency of the judiciary. At present, ensuring law enforcement is the responsibility of various uniformed services who do not always exercise their duties effectively or in accordance with the law. The Iraqi Special Forces focus on combating terrorism, and therefore ensuring the security of citizens is often pushed into the background. Different military groups are often in conflict with each other (again, usually in accordance with ethnic or religious criteria because they were created on the basis of such criteria). Abuse and fighting between the various factions occur. Another important problem is the spontaneous establishment of order, not necessarily in accordance with the will of the federal authorities or the law, by various paramilitary groups, which partly derive their legitimacy from belonging to the Popular Mobilisation Forces, and partly from the principle of survival of the fittest. However, this does not mean that the entire Iraq is lawless. In some regions the relevant services operate efficiently, while in others this is problematic.<sup>87</sup>

The dysfunctionality of the Iraqi justice system paradoxically facilitates the prosecution of perpetrators of violence against minorities and hate crimes. Iraq has long had the death penalty, which is often and willingly used by different governments. Currently, people associated with the Islamic State are sentenced to death en masse. However, it seems worrying that trials are conducted very quickly, and the evidence is often questionable according to human rights organisations, as it is collected by torturing suspects and is based solely on their testimony. Some wives of members of the Islamic State have been convicted simply for marrying the wrong people; there have also been cases of collective accountability.<sup>88</sup> Moreover, some Western countries seem willing to use the Iraqi legal system by outsourcing the death penalty to their

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<sup>87</sup> Ibid.

<sup>88</sup> Iraq: Appeals Courts Ignoring Torture Claims, Human Rights Watch, 25.09.2019, <https://www.hrw.org/news/2019/09/25/iraq-appeals-courts-ignoring-torture-claims>

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Western jihadists.<sup>89</sup> The scenario known from other areas with a different legal culture used by Western countries with (allegedly) higher standards of legal culture is repeated. Interestingly, two such famous cases involved Iraq: Guantanamo, where the Muslims involved in the war in Iraq and Afghanistan were sent, as well as the Abu Ghraib prison, where Abu Bakr al-Baghdadi, the leader of the Islamic State, was held for some time. Having been used for purposes that could not have been accomplished on American territory, both prisons have forever entered the disgraceful part of the history of the US.

In the case of Iraq, in addition to the institutional and social factors mentioned above, it appears that the imposition of such harsh penalties raises another issue – the limited capacity of the Iraqi judiciary and the capacity of prisons. The scale of violence in Iraq, combined with the scale and brutality of the actions of the self-proclaimed caliphate (whose members to a large extent came from Iraq), has caused overcrowding of Iraqi prisons. Among the thousands of people detained and suspected of terrorist activity, there may have been innocent people who were simply in the wrong place at the wrong time and had a particular ethnic or religious affiliation (Arabs, Sunni Muslims). Moreover, with the scale of the destruction and devastation that has taken place in Iraq, it is difficult to expect that evidence can be collected in a conscientious, complete and sufficient manner in every single case. The actual extent of violence and its most tragic consequences, the deaths of innocent people, will probably never be determined. The strict application of the death penalty, extortion of testimony or choosing the easy way, therefore, seems to be a solution that makes it possible to process all these cases. However, given the low legal culture and the lack of judicial independence or respect for the rights of individuals, this is certainly not appropriate.

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<sup>89</sup> S. Foltyn, Inside the Iraqi courts sentencing foreign Isis fighters to death, "The Guardian", 2.06.2019, <https://www.theguardian.com/world/2019/jun/02/inside-the-iraqi-courts-sentencing-foreign-isis-fighters-to-death>

## Internal migration of the population

Iraq is a country with a long history of ethnic and religious diversity, which goes far beyond the time when it was founded. In other words, certain ethnic, religious and national groups inhabited their traditional areas for centuries. Still, this is not due to legal conditions, but to the historical events, and in the case of minorities this is also linked to the desire to cultivate their identity, considering that they could be assimilated if they were scattered throughout the country. The ethnic and religious divisions in the country can be seen on many levels. Not only do ethnic or religious minorities speak other languages (although they know the official language at the same time), but even in Baghdad the manner of speaking revealed the district in which a person lived, and the districts were inhabited by certain separate groups.

Today, the Iraqi Constitution guarantees citizens' freedom of movement within the country, as well as the free movement of goods and capital between regions and administrative units (Article 14). Moreover, every Iraqi has the right to move, travel and live within and outside Iraq, and no one may be expelled, transferred against his will or deprived of the right to return to his country (Article 44).

In practice, these provisions have proved difficult to comply with. Millions of people had to flee their homes. Some of them decided to come back (about 4 million people by the end of 2018), while others decided not to, often fearing what might have changed and whether they would be welcome in their villages (about 2 million people). The war in Iraq has led to demographic changes in many regions of the country and new, stronger tenants have replaced those who have left their homes or been driven out of them. Shiites and religious minorities who lived in areas under the control of the Islamic State cannot return to their homes despite the victory. At the same time, Sunni people are being chased away from the areas taken from the Islamic State.<sup>90</sup> Many of the displaced people live in refugee camps or in low-standard houses, but they do not return, hoping that living conditions in the new place will improve. However, they remain a burden on the local population, which has its own problems.<sup>91</sup>

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<sup>90</sup> Freedom in the world: Iraq, Freedom House, <https://freedomhouse.org/report/freedom-world/2019/iraq>

<sup>91</sup> EASO Country of Origin Information Report: Iraq. Security situation, European Asylum Support Office, March 2019, p. 53.

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Internally displaced people, or IDPs, are still a very large group that consisted of 3 million people in mid-2017, including 1.8 million victims of the recent war with the Muslim State displaced as a result of the US invasion of Iraq. According to the estimates of the International Organisation for Migration, in September the number of IDPs decreased to 1.4 million. Most IDPs have fled to three provinces: Duhok, Nineveh (about 300,000 each) and Erbil (over 200,000). As far as the origin of IDPs is concerned, the vast majority come from Nineveh (over 850,000 people).<sup>92</sup>

IDPs are particularly vulnerable to violence and socio-economic deprivation. Sunnis who are suspected of supporting the Islamic State are forbidden to leave the camps and face harassment (mainly women) and limited access to food and medical care. Even if they decide to return to their homes, there may be nothing to return to because their homes can already be occupied, which makes them displaced for the second time. Moreover, the principle of collective responsibility is sometimes applied, so the ban on return applies not only to members or supporters themselves but also to their families. In some regions returning is banned completely, in others documentation is needed to prove exoneration from the accusation of cooperation with the Islamic State, and in yet others people have to buy themselves out of such accusations. The Sunni people of Anbar, Salah ad-Din, Diyala and Nineveh encounter the greatest difficulties in this respect.<sup>93</sup>

In recent months, more people have returned to their homes than fled them<sup>94</sup> but help is still needed. According to UN OCHA data, out of 37 million Iraqis, 6.7 million are in need of assistance which requires more than USD 700 million in total. The majority of the people in need live in the province of Nineveh (2.1 million), Anbar (1.3 million), Salah ad-Din (0.7 million), and significant concentrations are still found in Duhok, Erbil and Kirkuk (0.4 million each). Currently, the population of the people in need is relatively heterogeneous: they are IDPs living in the camps, IDPs living outside the camps, people who have decided to return to their homes, and local communities with large concentrations of IDPs.<sup>95</sup> The scope of assistance is also very wide: people in need and members of local communities must have access to basic medical care, food and basic sanitation, including clean water and shelter. In addition, refugee children need education and refugees themselves need help to acquire new skills that

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<sup>92</sup> Iraq Misson. Displacement Tracking Matrix, <http://iraqdtm.iom.int/IDPsML.aspx>

<sup>93</sup> EASO Country of Origin Information Report, op. cit., p. 53.

<sup>94</sup> Cf. CCCM Cluster Iraq, [https://data2.unhcr.org/en/situations/iraq\\_cccm](https://data2.unhcr.org/en/situations/iraq_cccm)

<sup>95</sup> Humanitarian Response Plan. Monitoring Report: Iraq, 2019, OCHA, May 2019, pp. 2–4.

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will enable them to gain or rebuild their sources of income, often plundered or destroyed in warfare. Legal protection offered to internal refugees in civil cases or in relation to arrests is a crucial aspect of the assistance.

Legal aid is seen as one of the essential elements of the post-war order. Displaced persons require legal aid on issues such as the right of ownership of property they were forced to leave, claiming compensation for damage to property, obtaining documentation to prove their civil rights, as IDPs may not have been able to register the birth of their children, and may have lost documents proving their identity or rights. Legal aid must also encompass help for detainees, especially those detained without sufficient evidence, based only on circumstantial evidence. Representatives of international organisations and their partners are at the same time working with civil authorities and uniformed services to create an institutional framework for law enforcement. It should be noted in particular that the Iraqi government has adopted a document setting out the rules for the return of IDPs to their homes. According to these principles, they have the right to a safe and unforced return with a sense of personal dignity. No person should be discriminated against with regard to their right to return and restitution of property.<sup>96</sup> However, the effective application of the law, even though it has been written down, is largely hampered by the still fresh context of war and local interests. This applies in particular to people in the camps, who often do not have their full documentation, as well as to obtaining a certificate of no suspicion by the returning families. Such procedures (risk analysis and assessment, house searches) can only be carried out by Iraqi security services or Iraqi civil defence. This in turn extends the waiting time of residents and exposes them to unnecessary risks.<sup>97</sup>

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<sup>96</sup> Aide Memoire on Principles of Voluntary Return in Safety and Dignity, [http://www.globalprotectioncluster.org/\\_assets/files/field\\_protection\\_clusters/Iraq/files/aide-memoire-on-return-\\_final-draft\\_en.pdf](http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Iraq/files/aide-memoire-on-return-_final-draft_en.pdf).

<sup>97</sup> Humanitarian Response Plan, op. cit., p. 28.

## Conclusions

Iraq is a typical example of a Middle Eastern state created by the manipulation of the European powers that secured their interests not so much in the Middle East as in much larger parts of Asia and Africa. The French and the English had colonies there, so the Middle East served as a gateway as it was also on the way from North Africa, the Suez Canal and the Persian Gulf.

No wonder that the collapse of the Ottoman Empire during World War I proved to be a great opportunity for European superpowers to claim more territory in the Middle East. England and France ruthlessly pursued their goals and created their own mandate states. The French took Syria and Lebanon, while the English claimed Iraq, Palestine and Jordan. The rest had already been divided up before: France had Morocco, Algeria and Tunisia in North Africa, England had Egypt and Aden. Italy and Spain got some less juicy bits (Italy – Libya and the Dodecanese, Spain – part of Morocco). The Saudis were allowed to build an independent state on the sands of Arabia because nobody knew about the oil.

However, when after the Second World War both the English and the French proved financially and militarily incapable of sustaining their Middle East and North African estates, the victors of the Second World War, the United States and the Soviet Union, entered the stage. Everything changed since 1956, the French-English-Israeli aggression against Egypt. Control over the Middle East and oil was taken over by the Americans and the Soviet Union. When the USSR collapsed in the 1980s and the 1990s the United States became the only major force in the Middle East. After 11 September 2001, the Americans decided to take revenge in a proxy war first in Afghanistan and then in Iraq. They only showed that they were a superpower and nothing else. Chaos prevailed in the Near and Middle East, millions of people died. The Islamic State was created as an obvious result of the American introduction of democracy in Iraq and Afghanistan, dividing people and deciding who is democratically entitled to power.

Iraq symbolises all these misfortunes. Its history is also a lesson that maybe it is better not to get involved in foreign cultures or impose foreign patterns on them. Maybe it would be better to let those cultures choose what they want, like or hate. We accept this approach on our territory but try to impose our own ideas on people whom we do not understand. This is completely wrong. Both American and European specialists, not to mention Iraqi specialists, believe that this is the only rational



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approach and it is a shame that they were not listened. Politicians, as usual, know better.

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