



# **AN UNCERTAIN FUTURE FOR YAZIDIS: A REPORT MARKING THREE YEARS OF AN ONGOING GENOCIDE**

September 2017



Remains of Yazidi victims at a mass grave in Sinjar. Photo @Yazda.

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# Abbreviations

CGI	Central Government of Iraq / Iraqi Central Government
ICC	International Criminal Court
IDP	Internally displaced person
IS	Islamic State
KRG	Kurdish Regional Government
KRI	Kurdistan Region of Iraq
NG	Nineveh Province Local Government
NGO	Non-government organization
PKK	Kurdistan Workers Party
PDK	Kurdistan Democratic Party
PMU	Popular Mobilization Units
UN	United Nations
UNODC	United Nations Office on Drugs and Crimes
USA	United States of America
UK	United Kingdom
YPG	Syrian Kurdish forces

# Introduction

Yazda is a global Yazidi organization established in August 2014 by Yazidi students and professionals in the USA and Europe, with the aim of supporting the Yazidi community following the genocidal campaign against Yazidis by the so-called Islamic State (referred to in this report as “IS”).

IS’s campaign sought to eradicate not only the Yazidi people, but also the Yazidi religion and identity from the region – and three years on, the Yazidi community continues to be disempowered and silenced. Yazda was formed to respond to the various needs of the displaced and traumatized Yazidi community. In addition to implementing multiple humanitarian projects, Yazda engages in public advocacy on behalf of the Yazidi people to ensure they have a voice on major political and social issues. Yazda is active in most areas inhabited by Yazidis in Iraq and in other countries where Yazidis are based. It is registered as a non-profit in Iraq, the USA, the UK, Germany, Sweden and is in the process of registration in Australia and Canada.

Three years after IS’s genocidal attacks, as the military campaign against IS progresses, this report intends to evaluate the current situation of Yazidis living in Iraq and the Kurdistan Region of Iraq (KRI), highlighting the main challenges and areas of concern. This report will focus in particular on the current situation and needs of the Yazidi survivors, as well as those Yazidis who are still in captivity. It outlines the achievements to date of the advocacy campaign for genocide accountability and justice, as well as future priorities, and highlights work to secure the civil and political rights of Yazidis in Iraq. Political and military complications in the Yazidi homeland in Iraq are covered, as are the humanitarian situation of internally displaced persons (IDPs), the status in Yazidi liberated areas, and key factors that are preventing Yazidis from returning to their homes. These current geopolitical issues are serving to further disempower Yazidi survivors, and to continue the genocide that IS began. This report contains recommendations to improve the situation of Yazidis and promotes some key solutions for the future of Yazidis in Iraq.



# Genocide: Recognition and Accountability

## IS committed international crimes including genocide against the Yazidis

In the early hours of 3 August 2014, IS launched a coordinated attack across the Sinjar region of Northern Iraq, homeland to the Yazidi ethno-religious minority. The attack came from Mosul and Tal Afar in Iraq, and from Al-Shaddadi and the Tel Hamis region in Syria, besieging the population from all four sides. The Kurdish Peshmerga forces mandated to protect the area abandoned bases and checkpoints, leaving the local population unprotected and largely defenseless in the face of IS's advance.<sup>1</sup>

In the hours and days that followed, approximately 12,000 Yazidis were killed or abducted by IS.<sup>2</sup> The perpetrators systematically divided Yazidis into different groups:

- Young women and girls, some as young as 9 years of age, were forcibly converted and transferred to and between various holding sites in Iraq and Syria to be used as *sabaya* (sex slaves) or forced wives by IS fighters, a practice that was officially endorsed and regulated by IS leadership;
- Yazidi boys who had not yet reached puberty were considered to have malleable identities. They were therefore separated from their mothers, brain-washed, radicalized, and trained as child soldiers; and
- Older boys and men who refused to convert to Islam, or in some cases even those who agreed to convert under pressure, as well as some of the older women, were summarily executed by shooting or having their throats cut, their bodies often left onsite or dumped in mass graves. Those who were forced to convert to Islam and spared were relocated by IS to abandoned villages and exploited as forced laborers.

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<sup>1</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, 'They came to destroy': IS Crimes against the Yazidi, U.N. Doc. A/HRC/32/CRP.2 (Jun. 15, 2016), p.6.

<sup>2</sup> V. Cetorelli, I. Sasson, N. Shabila and G. Burnham, 'Mortality and kidnapping estimates for the Yazidi population in the area of Mount Sinjar, Iraq, in August 2014: A retrospective household survey', 9 May 2017, available at: <http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002297>.

IS's attack also caused an estimated 250,000 Yazidis to flee to Mount Sinjar, where they were surrounded by IS for days in temperatures above 40 degrees Celsius. IS prevented any access to food, water or medical care in a deliberate attempt to cause large numbers of deaths. Hundreds of Yazidis perished before a coordinated rescue operation involving Yazidi volunteer defenders, the Syrian Kurdish forces (YPG) and Kurdistan Workers Party (PKK), along with an international coalition led by the United States, led to the opening of a safe passage from Mount Sinjar to Syria from 7 to 13 August 2014.



*Yazidis fleeing toward Mount Sinjar 3rd August, 2014.  
Photo by Yazda/Faris Mishko*

IS destroyed Yazidi religious sites in the territories it occupied.<sup>3</sup> Yazidi homes and properties were destroyed or looted, severely hampering the prospects of surviving Yazidis returning to their homeland swiftly after liberation.

The United Nations Independent International Commission of Inquiry on the Syrian Arab Republic ('Inquiry on Syria') found that IS's actions against the Yazidis amounted to multiple war crimes and crimes against humanity, as well as genocide.<sup>4</sup>

There is a range of compelling evidence that a genocide took place against the Yazidis and *is ongoing*. The accepted definition of genocide is set out in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which was ratified by virtually all countries in the world including both Iraq and Syria. That definition requires the existence of various constitutive elements, all of which are met in the case of the Yazidi genocide by IS:

- *Protected group*: Genocide must be committed against a 'national, ethnical, racial or religious group'. The Yazidis, as an ethno-religious minority, clearly fall within this category.

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<sup>3</sup> See e.g. I. Al-Marashi, 'The impact of the Islamic State of Iraq and Syria's campaign on Yazidi religious structures and pilgrimage practices', in *Pilgrimage and tourism to holy cities: ideological and management perspectives*, by M. Leppakari and K. Griffin (Cabi, 2017).

<sup>4</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, 'They came to destroy': IS Crimes against the Yazidi, U.N. Doc. A/HRC/32/CRP.2 (Jun. 15, 2016), pp. 20-32.

- Acts of Genocide: Genocide may be committed by any of the following: (a) killing members of the group; (b) causing serious bodily or mental harm; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and/or (e) forcibly transferring children of the group to another group. In addition, in 1998, rape was recognized in international law as a constitutive act of genocide. The UN Inquiry on Syria found evidence that IS perpetrated all categories of genocidal acts set out above against the Yazidis, including systematic sexual violence as a strategy of genocide.<sup>5</sup>
- Intent: The crime of genocide requires that the perpetrator has a special intent to destroy, in whole or in part, a protected group. The genocidal acts must be committed against a person because of his or her membership in that group and as an incremental step in the overall objective of destroying the group. IS has openly stated that its aim is to destroy the Yazidi minority. In an article published in its English language magazine *Dabiq*, for instance, IS declared that ‘upon conquering the region of Sinjar... the Islamic State faced a population of Yazidis, a pagan minority existent for ages in the regions of Iraq and Sham [Syria]. Their continual existence to this day is a matter that Muslims should question as they will be asked about it on Judgment Day.’<sup>6</sup>

Many states and organizations have already recognized that the crimes committed by IS against the Yazidis constitute genocide. These have included the United Nations,<sup>7</sup>

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<sup>5</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, “They came to destroy”: IS Crimes against the Yazidi, U.N. Doc. A/HRC/32/CRP.2 (Jun. 15, 2016), pp. 21-28.

<sup>6</sup> *Dabiq*, 1435, Issue 4: ‘The Failed Crusade’, p. 14, available at: <http://www.ieproject.org/projects/dabiq4.html>.

<sup>7</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, “They came to destroy”: IS Crimes against the Yazidi, U.N. Doc. A/HRC/32/CRP.2 (Jun. 15, 2016).

the European Union<sup>8</sup> and the Council of Europe,<sup>9</sup> the United States,<sup>10</sup> the United Kingdom,<sup>11</sup> Canada,<sup>12</sup> France,<sup>13</sup> and Scotland.<sup>14</sup>

Yazda, together with advocate Nadia Murad and other Yazidi survivors, have worked tirelessly to ensure this recognition, which has two important consequences. First, it acknowledges the gravity of the offenses perpetrated against the Yazidis. Genocide is indeed considered to be ‘the crime of crimes’.<sup>15</sup> Second, states are under an international legal obligation to prevent and punish acts of genocide.<sup>16</sup> The international community failed to prevent the genocide against the Yazidis in 2014; it continues to have a duty to punish those responsible. Recognition of the Yazidi genocide therefore represents a step towards holding IS accountable for its heinous crimes in a suitable judicial forum. The genocide continues to this day, and will continue until all captives are liberated and IDPs are able to return home.



*Unprotected mass grave in the north side of Sinjar. Photo by Yazda/Faris Mishko.*

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<sup>8</sup> European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called ‘IS/IS’ (2016/2529(RSP)).

<sup>9</sup> Council of Europe Parliamentary Assembly, *Resolution 2091* (2016).

<sup>10</sup> On 14 March 2016, the US House of Representatives voted unanimously for a resolution recognizing that the atrocities perpetrated by IS against the Yazidis constituted genocide, see H.Con.Res.75, available at <https://www.congress.gov/bills/114/congress/house-concurrent-resolution/75>; On 17 March 2016, US Secretary of State, John Kerry, recognized that IS is responsible for genocide against groups in areas under its control, including Yazidis, Christians, and Shia Muslims, see e.g. The Guardian, ‘John Kerry: IS is committing genocide in Syria and Iraq’, 17 March 2016, available at: <https://www.theguardian.com/world/2016/mar/17/john-kerry-isis-genocide-syria-iraq>.

<sup>11</sup> UK House of Commons, 20 April 2016, ‘IS: Genocide of Minorities’, available at: <https://hansard.parliament.uk/commons/2016-04-20/debates/16042036000001/DaeshGenocideOfMinorities>.

<sup>12</sup> House of Commons, Debates, 1st Session, 42nd Parliament, 16 June 2016, p. 1420 (Hon. Stéphane Dion (Minister of Foreign Affairs)).

<sup>13</sup> Resolution of the France National Assembly, 8 December 2016, available at: <http://www.assemblee-nationale.fr/14/cr/2016-2017/20170075.asp>.

<sup>14</sup> Scottish Parliament Motion S5M-04130 taken in the Chamber on 23 March 2017, available at: <http://www.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S5M-04130>.

<sup>15</sup> W. Schabas, *Genocide in International Law: The Crime of Crimes* (2<sup>nd</sup> ed., CUP, 2009).

<sup>16</sup> See Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948.



## **Yazda's efforts to achieve accountability for IS crimes against the Yazidis**

IS is the most brutal terror group in the world today, representing what the UN Security Council has called an “unprecedented threat” to international peace and security.<sup>17</sup> Efforts to defeat IS on the battlefield have been increasingly successful over recent months. However, this alone is not enough. It is just as crucial to eliminate the ideology behind IS by exposing its brutality and bringing individual criminals to justice.

Past conflicts have shown that there can be no lasting peace without justice and that a lack of accountability simply leads to continuing cycles of vengeful violence. Conversely, holding individual criminals accountable for their crimes may deter future violations and promote respect for the rule of law. Justice is also critical for the healing process of survivors of IS atrocities. They are entitled to the chance to face their abusers in a fair and independent court of law, with legal judgments on the crimes committed by IS made public in order to prevent the genocide from later being denied.

Yazda and UNODC Goodwill Ambassador Nadia Murad, together with a team of lawyers led by Amal Clooney, are seeking to achieve accountability for the international crimes perpetrated by IS against the Yazidis by simultaneously pursuing actions at different levels to achieve this goal, as detailed below.

### **Awareness as a step towards accountability**

Since December 2015, Nadia Murad has attended and convened numerous meetings as part of her campaign to build awareness of the treatment of ethnic and religious minorities in Iraq, including the Yazidis. She has met, among others, the UN Secretary General, the US Secretary of State, his Holiness the Pope, the Prime Ministers of Norway, Greece, Canada, Australia and Italy, the Presidents of Greece, Egypt and Ireland, the German Chancellor, the Prince of Kuwait as well as prominent Ministers from several countries and representatives of national parliaments.

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<sup>17</sup> United Nations Security Council Resolution 2249 (2015), S/RES/2249 (2015) of 20 November 2015, available at: [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2249.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2249.pdf).

Ms Murad has spoken about the Yazidis' plight, and her own, before the United Nations, the Council of Europe and several domestic and international institutions, often alongside her legal counsel Amal Clooney.<sup>18</sup> Interviews given by Ms Murad have been equally instrumental in raising awareness of the atrocities perpetrated by IS,<sup>19</sup> and a book recounting her experience in IS captivity will be published in September 2017. Yazda has supported Nadia Murad throughout these efforts.

Ms Murad's advocacy work prompted the UN Office on Drugs and Crimes to appoint her as the UNODC Goodwill Ambassador for the Dignity of Survivors of Human Trafficking<sup>20</sup> and the European Parliament to award her and Lamiya Aji Bashar the prestigious Sakharov Prize for Freedom of Thought.<sup>21</sup> She also obtained several other awards such as *Vaclav Havel Human Rights Prize* by the Council of Europe and the 2016 *Battle of Crete Award* for courage by Oxi Day Foundation. She was also a 2016 Nobel Prize nominee. Most importantly, Nadia's efforts have ensured that diplomats, politicians and citizens all over the world have become aware of the brutal criminality of IS and the tragedy of the Yazidi genocide, and prompted widespread support for efforts to hold IS accountable at all levels. Other Yazidi women have joined the campaign to raise awareness, including; Farida Abbas, Samia Sleman, Shireen Ibrahim, among others.

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<sup>18</sup> See e.g. a video of Nadia Murad addressing the UN Security Council during its 7585<sup>th</sup> meeting on 16 December 2015, available at: <http://webtv.un.org/meetings-events/security-council/watch/nadia-murad-basee-taha-isil-victim-on-trafficking-of-persons-in-situations-of-conflict-security-council-7585th-meeting/4665835954001>; Nadia Murad delivered a speech at the UN General Assembly opening session of 19 September 2016, available at: <https://www.youtube.com/watch?v=BfNsCG-S3-U>; Nadia Murad and Amal Clooney both addressed the UN in New York on the occasion of Nadia Murad's appointment as UN Goodwill Ambassador on 16 September 2016; Nadia Murad delivered her acceptance speech for the Vaclav Havel human rights prize before the Council of Europe on 10 October 2016, video available at: <https://www.youtube.com/watch?v=b2KB6X3MCgE>.

<sup>19</sup> The Economist, 'Two Women, One Cause', February 2017, available at: <https://www.1843magazine.com/features/two-women-one-cause>; BBC HARDtalk interview with Nadia Murad of 29 February 2016, available at: <http://www.bbc.co.uk/iplayer/episode/b0728jkb/hardtalk-nadia-murad-yazidi-activist>; Reuters, 'Amal Clooney to Iraq: Allow U.N. probe of Islamic State Yazidi crimes', 9 March 2017, available at: <http://www.reuters.com/article/us-jordan-israel-security-idUSKBN1A80SE>; Time, 'Yazidi Activist Nadia Murad Speaks Out on the 'Holocaust' of Her People in Iraq', 3 August 2016, available at: <http://time.com/4435297/sinjar-anniversary-yazidi-nadia-murad/>.

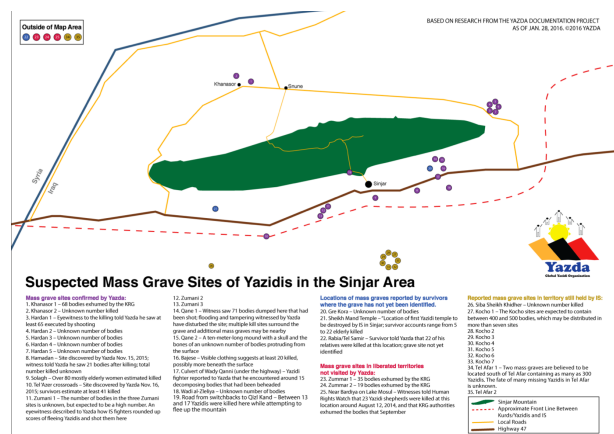
<sup>20</sup> UNODC, 'Human trafficking survivor Nadia Murad named UNODC Goodwill Ambassador', 16 September 2016, available at: <https://www.unodc.org/unodc/en/frontpage/2016/September/human-trafficking-survivor-nadia-murad-named-unodc-goodwill-ambassador.html>.

<sup>21</sup> European Parliament, 'Nadia Murad and Lamiya Aji Bashar winners of 2016 Sakharov Prize', 27 October 2016, available at: <http://www.europarl.europa.eu/news/en/headlines/eu-affairs/20161024STO48414/nadia-murad-and-lamiya-aji-bashar-winners-of-2016-sakharov-prize>.

## Collecting and preserving evidence of crimes against the Yazidis

IS bureaucratic with published documents about its systematic crimes. It has left behind a trail of evidence but no official and independent collection of this evidence is taking place. Over 70 mass graves suspected to contain the remains of IS victims lie unexhumed; documentation left behind by IS in liberated areas is not being gathered; and there is no official international effort to interview witnesses and survivors.

In order to prevent crucial evidence from being lost, Yazda and its legal counsel are gathering and analyzing evidence of atrocities committed by IS in the hope that this will one day be used to hold IS members accountable for their heinous crimes in national and international courts. Ongoing efforts include interviews with survivors and witnesses, as well as the collection and preservation of documentary evidence, such as photographic and video materials published online.



*Sites of 35 mass graves in Sinjar identified by Yazda. Full report [here](#)*

In addition, Yazda's legal counsel Amal Clooney has urged the UN to take a leading role in the investigation of IS crimes against all Iraqis. In particular, Yazda supports a proposed UN Security Council resolution put forward by the UK Government to establish a mechanism to collect evidence of the international crimes committed by IS in Iraq. The establishment of this investigation by the UN has been called for and endorsed by the highest-ranking Iraqi officials, including Prime Minister Haider Al-Abadi,<sup>22</sup> Foreign Minister Ibrahim Al-Jaafari,<sup>23</sup> and then Ambassador to the UN Mohamed Alhakim.<sup>24</sup> However, the resolution creating this mechanism is yet to be put

<sup>22</sup> Statement by Prime Minister Haider Al-Abadi on Facebook of 3 March 2017, available at: [https://m.facebook.com/story.php?story\\_fbid=10155176278673633&substory\\_index=0&id=204803838632](https://m.facebook.com/story.php?story_fbid=10155176278673633&substory_index=0&id=204803838632).

<sup>23</sup> UK Government, 'Joint statement by the UK and Iraq following a Ministerial Joint Committee on 12 October 2016 at Lancaster House, London', available at: <https://www.gov.uk/government/world-location-news/uk-iraq-ministerial-joint-committee-communique>.

<sup>24</sup> UN Security Council report of the 7689<sup>th</sup> meeting on 6 May 2016 in New York, S/PV.7689, p. 5, available at: [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_pv\\_7689.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7689.pdf).

to a vote before the UN Security Council. Yazda and its legal team continue their work to ensure this resolution is adopted without further delay and results in a meaningful Security Council mandate on the investigation of IS crimes.

At the same time, Yazda will assist and cooperate with the International, Impartial and Independent Mechanism (IIIM) on international crimes committed in the Syrian Arab Republic that was created by the UN General Assembly in December 2016, once this becomes operative.<sup>25</sup> The Mechanism is mandated to ‘collect, consolidate, preserve and analyze’ evidence of international crimes and human rights violations and ‘prepare files in order to facilitate and expedite [future] criminal proceedings’. This includes the many crimes perpetrated by IS against Yazidi victims in Syria.

## **International and domestic prosecutions of IS crimes**

While some legal avenues for accountability may be more suitable than others, Yazda would support any court proceedings against IS members that meet international due process standards and achieve genuine justice for victims and survivors.

Domestic courts in Iraq are presently unlikely to meet those requirements. The UN and prominent NGOs have stated that the Iraqi criminal justice system remains ‘deeply flawed’,<sup>26</sup> with trials that are ‘systematically unfair’ and marred by serious due process failures.<sup>27</sup> The Iraqi legal system’s inability to deal with these crimes is confirmed by the fact that three years after the beginning of the genocide, not one IS militant has been tried for crimes committed against the Yazidis. The current Iraqi legal framework is inadequate to address those cases, as it does not criminalize international crimes such as genocide, sexual violence during conflict, or the recruitment of child soldiers.

By contrast, the International Criminal Court (ICC) in The Hague was established by the international community to prosecute exactly the types of international crimes that were committed by IS against the Yazidis. But the ICC cannot currently investigate or

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<sup>25</sup> UNGA Resolution A/71/L.48 of 10 December 2016, available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/71/L.48](http://www.un.org/ga/search/view_doc.asp?symbol=A/71/L.48).

<sup>26</sup> Amnesty International, Annual Report, Iraq 2016/17, available at: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iraq/report-iraq/>.

<sup>27</sup> UN News, ‘UN rights chief ‘deeply dismayed’ at execution of 36 people in Iraq’, 23 August 2016, available at: <http://www.un.org/apps/news/story.asp?NewsID=54733#.WSiJBRhh2CQ>.



prosecute the totality of the crimes committed by IS members in Iraq and Syria, because neither state is a party to the ICC and, while the UN Security Council could refer the situation in Syria and Iraq to the ICC without those countries' consent, there appears to be no realistic prospect of this happening in the near future.

The ICC can, however, already exercise jurisdiction over those IS foreign fighters who are nationals of ICC member states.<sup>28</sup> The ICC Prosecutor concluded in April 2015 that 'the jurisdictional basis for opening a preliminary examination into this situation is too narrow at this stage', but stressed that her office remained open to receive additional information on the involvement of IS foreign fighters in international crimes and their hierarchical position.<sup>29</sup> Since then, Yazda has worked to collect that information and provide it to the ICC Office of the Prosecutor, including through a joint submission with the Free Yezidi Foundation supported by the Kurdistan Regional Government (KRG) and filed in September 2015.<sup>30</sup> Yazda and its legal counsel are preparing further submissions with a view to prompting the ICC Prosecutor to open an investigation on this matter.

But the ICC is by no means the only available avenue to bring IS criminals to justice. A specially created UN court or a hybrid tribunal could be set up to deal with crimes committed by IS, including against the Yazidis.

In addition, justice and accountability can be pursued through domestic prosecutions in jurisdictions that comply with internationally recognized due process standards. Yazda and its legal counsel are working closely with national prosecutors who are identifying IS members for prosecution, including in Germany where an arrest

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<sup>28</sup> ICC member states as of July 2017: Afghanistan; Albania; Andorra; Antigua and Barbuda; Argentina; Australia; Austria; Bangladesh; Barbados; Belgium; Belize; Benin; Bolivia; Bosnia and Herzegovina; Botswana; Brazil; Bulgaria; Burkina Faso; Burundi; Cabo Verde; Cambodia; Canada; Central African Republic; Chad; Chile; Colombia; Comoros; Congo; Cook Islands; Costa Rica; Côte d'Ivoire; Croatia; Cyprus; Czech Republic; Democratic Republic of the Congo; Denmark; Djibouti; Dominica; Dominican Republic; Ecuador; El Salvador; Estonia; Fiji; Finland; France; Gabon; Gambia; Georgia; Germany; Ghana; Greece; Grenada; Guatemala; Guinea; Guyana; Honduras; Hungary; Iceland; Ireland; Italy; Japan; Jordan; Kenya; Latvia; Lesotho; Liberia; Liechtenstein; Lithuania; Luxembourg; Madagascar; Malawi; Maldives; Mali; Malta; Marshall Islands; Mauritius; Mexico; Mongolia; Montenegro; Namibia; Nauru; Netherlands; New Zealand; Niger; Nigeria; Norway; Palestine, State of; Panama; Paraguay; Peru; Philippines; Poland; Portugal; Republic of Korea; Republic of Moldova; Romania; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Samoa; San Marino; Senegal; Serbia; Seychelles; Sierra Leone; Slovakia; Slovenia; South Africa; Spain; Suriname; Sweden; Switzerland; Tajikistan; The Former Yugoslav Republic of Macedonia; Timor-Leste; Trinidad and Tobago; Tunisia; Uganda; United Kingdom; United Republic of Tanzania; Uruguay; Vanuatu; Venezuela; Zambia.

<sup>29</sup> ICC, Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the alleged crimes committed by IS, 8 April 2015, available at: <https://www.icc-cpi.int/legalAidConsultations?name=otp-stat-08-04-2015-1>.

<sup>30</sup> Yazda and the Free Yezidi Foundation, 'ISIL: Nationals of ICC states parties committing genocide and other crimes against the Yazidis', September 2015, available at: <https://www.freeyezidi.org/wp-content/uploads/Corr-RED-ISIL-committing-genocide-against-the-Yazidis.pdf>.

warrant was issued in December 2016 against an IS commander allegedly responsible for genocide and other crimes against the Yazidi minority.<sup>31</sup> In the USA, a case has been opened against a captured IS member suspected of various crimes including the enslavement of several Yazidi girls.<sup>32</sup> Yazda is currently supporting the survivors' efforts to achieve justice before US courts.

The Iraqi government announced the creation of a new domestic investigation body in June 2017 to be based in Baaj and Sinjar. However, this mechanism is inadequate and unacceptable to victims for the reasons mentioned above.

## Situation and needs of Yazidis in captivity

### Yazidis living in IS captivity

It is estimated that approximately 7,000 Yazidis were captured by IS as they attacked Sinjar in August 2014.<sup>33</sup> The latest figures from the Directorate of Yazidi Affairs in the KRG (as of June 2017) shows that 3,048 people have been able to return to freedom from IS captivity over the last three years, of whom 1,092 are women and 334 are men, and 1,622 children; 819 females and 803 males. But as many as 1,636 abducted women and girls and 1,733 men and boys remain unaccounted for,<sup>34</sup> and many more have died in captivity. According to Yazda, 58 women and girls over age of 10 and 22 children under this age were liberated since start of Mosul operation/

The captives' treatment at the hands of IS militants is invariably brutal but differs based on the genocidal strategy employed against them: young women and girls were exploited as sex slaves, forcibly converted and in some cases forcibly married; boys who have not yet reached puberty were brainwashed and trained as child

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<sup>31</sup> Yazda, 'Press Release: Arrest Warrant against IS militant in Germany recognizes crimes committed against Yazidis as genocide', 20 February 2017, available at: <https://www.yazda.org/press/press-release-arrest-warrant-against-isis-militant-in-germany-recognises-crimes-committed-against-yazidis-as-genocide/>.

<sup>32</sup> AO 91 (Rev. 08/09) Criminal Complaint, filed with the US District Court for the Eastern District of Virginia on 8 February 2016, available at: <https://www.justice.gov/opa/file/822211/download>.

<sup>33</sup> The precise number of Yazidis taken captive is unknown, so estimates have varied from 7,000 (J Stern & JM Berger, *IS: The State of Terror* (Harper Collins, 2015) 216) and 6,800 (V. Cetorelli, I. Sasson, N. Shabila and G. Burnham, 'Mortality and kidnapping estimates for the Yazidi population in the area of Mount Sinjar, Iraq, in August 2014: A retrospective household survey', 9 May 2017, available at: <http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002297>).

<sup>34</sup> Office of the High Commissioner for Human Rights, *Accountability and reconciliation key to heal Iraq's ISIL wounds – Zeid*, 11 July 2017, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21860&LangID=E>.

soldiers; and in some cases, men and older women who were forced to convert to Islam were relocated and used as forced laborers.

## **Yazidi women and girls in captivity**

Widespread abduction and enslavement of Yazidi women and girls was planned in advance as a core strategy of IS's genocidal assault on the Yazidi community.<sup>35</sup> Enslavement, which continues to this day for thousands of women and girls, was intended to harm the victims both physically and psychologically, and cause long-term damage and stigma which would limit the ability for survivors to rejoin their community. It was also intended to contribute to the genocide by causing harm to the entire community, by separating family members, and even by deliberately tormenting relatives who were forced to witness or listen over the phone as their daughters and sisters were abused.

For three years now, these women and girls have suffered ongoing sexual violence and trafficking. They have been dehumanized and sold in slave markets (souk sabaya) organized by IS's Committee for the Buying and Selling of Slaves, or traded among militants through online auctions – IS fighters often use encrypted Telegram messaging to circulate photos of captured Yazidis for sale. The sex trafficking system is highly regulated, with women registered as 'slaves' in a contract, sanctioned by an IS court. Various reports have found that women were transported and held in large buildings already set up, where they were separated and categorized systematically by age, marital status and virginity. In addition to sex trafficking, some Yazidi women and girls have been forcibly married to IS fighters, and subjected to forced pregnancy in some cases, and forced contraception or abortion in other cases. All of these tactics were accompanied by forced conversion, the forced abandonment of Yazidi customs, and name changes. Yazidi women and girls in captivity are subjected to constant verbal and psychological abuse, with severe punishments for speaking their own language or practicing Yazidi traditions. Insults are particularly directed at their faith – captives are accused of being "devil worshippers" and referred to derogatorily as 'kuffar' and told to forget their families and their God. They are also often taunted

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<sup>35</sup> Nikki Marczak, 'A Century Apart: The Genocidal Enslavement of Armenian and Yazidi Women', in *A Gendered Lens for Genocide Prevention*, Connellan, Mary Michele, Fröhlich, Christiane (Eds.), (Palgrave, 2017), available at: <http://www.palgrave.com/us/book/9781137601162#>.

by IS fighters with references to their families having been slaughtered or to their 'honor' being tainted as a result of the rapes. Physical violence and inadequate living conditions are also commonplace for Yazidi captives. All of these strategies, endorsed by the highest levels of IS leadership and with supposedly religious justification, were genocidal in intent and evidence of this is contained in publicly available documents.

### **Yazidi boys held as child soldiers**

As IS advanced over Sinjar in August 2014, Yazidi boys who had yet to reach puberty were considered malleable enough for brainwashing. They were therefore separated from their families and taken to military camps where they would be trained to become the 'cubs of the caliphate'.

In these camps, young Yazidi children are taught IS's extremist ideology and Quranic interpretations, and brainwashed to hate Yazidism, their own families and their community. They are trained to use weapons, including firearms and knives, and made to watch videos depicting decapitations of hostages and to practice this over dummies, or even human beings.

For some such children, this military training and indoctrination has led to a tragic epilogue: earlier this year, two Yazidi brothers called Amjad and Assad were sent to commit a suicide attack in Mosul on IS's behalf.<sup>36</sup> Other Yazidi boys have been brainwashed to such an extent that they refuse to escape captivity and return to their families, even when they have a chance to, or are unable to re-adjust to free life after they flee.

### **Yazidis forced to convert and exploited as forced laborers**

Some men and older women who ostensibly accepted to convert to Islam were initially spared execution and relocated to abandoned Shia villages such as Qasr Mahrab and Qasr Qrio. They were forced to work for IS, including by laboring on construction projects, tunnels and farms. Yazidi men and boys were required to go to mosque for prayers and no one was allowed to leave the village to which they had been assigned, while IS militants would control all aspects of life in these enslaved

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<sup>36</sup> Iraqi News, 'Islamic State video depicts final hours of Yazidi child suicide bombers', 15 February 2017, available at: <http://www.iraqinews.com/iraq-war/video-depicts-last-minutes-life-minor-yazidi-suicide-bombers/>.



communities.

After several months of forced labor, however, and in spite of their forced conversion to Islam, IS decided to dismantle these communities and emptied Qasr Mahrab and Qasr Qrio. While some captives were transferred to other areas under IS's control, many of the men and older boys are feared to have since been killed, as their families suddenly lost all contact with them. An estimated 600 men among the captive community in Tal Afar and the two villages were separated from the rest of the Yazidis. It is presumed that these men were executed in nearby Tal Afar, however, no solid evidence has been found to date.

### **The domestic and international failure to rescue Yazidi captives**

Although it has been three years since the attack on Sinjar, thousands of Yazidis remain in IS captivity, but the Iraqi authorities and the international community have failed to take meaningful action to assist or rescue them. In many cases, their location was known, as is the identity of their captors, and some of the captives remain in telephone contact with their families in camps for IDPs in the KRI.

Nevertheless, while there have been reports of raids by Peshmerga and US forces to free foreign and Iraqi citizens,<sup>37</sup> Yazda is aware of no such raids having been organized to rescue the thousands of Yazidi girls and women held by IS for almost three years.

While an office supported by KRG provided financial assistance in considerable number of cases, <sup>38</sup> however, the financial contribution of the KRG is limited in the amount and captives' relatives have been forced to take matters in their own hands often. Many Yazidi families living in poverty in IDP camps in the KRI had no choice but to run up immense debt to put together the sum needed to pay networks of organized rescuers or to 'buy back' family members directly from their IS 'owners'. Rescuing costs vary per person, but it ranges from 10 to 20 thousand US dollars.

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<sup>37</sup> Reuters, 'Kurdish special forces rescue Swedish girl from Islamic State', 23 February 2016, available at: <http://www.reuters.com/article/us-mideast-crisis-islamicstate-hostage-idUSKCN0VW18J>; The Guardian, Iraq rescue: video shows US prison raid freeing 70 hostages from IS, 24 October 2015, available at <https://www.theguardian.com/world/2015/oct/25/video-released-us-kurdish-rescue-operation-iraq-isis-hawija>

<sup>38</sup> Hurriyetdailynews, July 31 2017, available at <http://www.hurriyetdailynews.com/we-pay-isil-to-save-yazidi-women-krq-says.aspx?pageID=238&nID=81726&NewsCatID=352>

And while Iraqi, Kurdish and Coalition forces have made progress in defeating IS in Iraq, this has aggravated the dire humanitarian situation on the ground and taken little account of the fact that Yazidi women and girls are being held by their IS captors within IS-controlled areas, in the homes of IS commanders and in IS centers which are the very targets of their bombing. Several Yazidi captives have been killed in airstrikes during the liberation of Mosul, Tal Afar and other towns, and more such incidents are expected to occur, particularly as IS uses Yazidi captives and other civilians as human shields.<sup>39</sup>

Other issues are emerging with the release of captives who have been held for a long period of time in captivity, including the inability of families to recognize children even when areas are recaptured from IS. In addition, the psychological symptoms exhibited by those who have recently escaped are severe and the trauma deeply entrenched.

## **Situation and needs of Yazidi survivors and IDPs**

### **The magnitude of displacement**

IS's advance over Northern Iraq caused unprecedented levels of forced displacement among the Yazidi population. According to the UN Inquiry on Syria, in the aftermath of the attack 'no free Yazidis remained in the Sinjar region... the 400,000-strong community had all been displaced, captured, or killed'.<sup>40</sup>

To this day, there are an estimated 360,000 Yazidis living in camps for internally-displaced persons in the KRI, while a further 90,000 have fled from Iraq since 2014.<sup>41</sup> Currently, there are around 1,800 Iraqi-Yazidis in Turkey, 1,500 in Syria and 1,000 in Greece. The number of Syrian-Yazidis who sought refuge in Jordan, Lebanon, Turkey

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<sup>39</sup> OHCHR, *Mosul: ISIL use of 'human shields' underscores need to protect civilians – Zeid*, 21 October 2016, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20729>.

<sup>40</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, "They came to destroy": IS Crimes against the Yazidi, U.N. Doc. A/HRC/32/CRP.2 (Jun. 15, 2016), p. 33

<sup>41</sup> Iraqi News, July 13, 2017, available at <http://www.iraqinews.com/iraq-war/90000-yazidis-fled-iraq-since-emergence-kurdish-official/>

and Europe is unknown.

Rates of return have increased since July 2017 to about 60 to 120 families per day. However, fewer than 52,000 Yazidis have returned to Sinjar, and fewer than 10,000 in Bashiqa and Bahzani in total.

## **Humanitarian response in the immediate aftermath of IS attack**

As IS attacked in August 2014, an estimated 250,000 Yazidis fled to Mount Sinjar. Yazidi villagers left in fear and panic, taking little with them. The Yazidis who reached the upper plateaus of Mount Sinjar were quickly surrounded by IS. A humanitarian crisis unfolded as Yazidi civilians were trapped on the mountain for days and forced to endure extremely hot temperatures with little access to food, water or medical care. Many Yazidis, particularly the most vulnerable - the children and the elderly – died on Mount Sinjar as a result of those extreme conditions, deliberately created by IS via systematic attacks and entrapment.

On 7 August 2014, at the request of the Iraqi Government, an international coalition led by the US, announced military action to help the Yazidis and started dropping water and other supplies to the besieged Yazidis on Mount Sinjar.<sup>42</sup> IS targeted the planes airdropping aid and at the helicopters which attempted to evacuate the most vulnerable Yazidis from the mountains.

With nowhere to go, fleeing Yazidis settled on nearby roads, in unfinished buildings and in schools in the KRI, Turkey and Rojava (Syrian Kurdistan). After a few weeks, they were transferred to IDP camps in the KRI and some of them were ultimately able to reach third countries and apply for asylum, or eventually to apply for humanitarian visas from within camps in Turkey and KRI. Humanitarian organizations, the Kurdish people of Zakho, Duhok, Hasaka, and southern Turkey as well as teams of volunteers made great effort to provide humanitarian aid to Yazidi survivors from the very early days of the genocide, delivering large amounts of relief items to displaced Yazidis. However, during the subsequent three years, the level of humanitarian assistance has not been sufficient to meet the needs of displaced Yazidis.

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<sup>42</sup> The White House, Statement by the President, 7 August 2014, available at: <https://www.whitehouse.gov/the-press-office/2014/08/07/statement-president>.

## Humanitarian situation in IDP camps in the KRI

Over 360,000 Yazidis in IDP camps in the KRI live in precarious conditions, and do not receive adequate humanitarian support. Among other concerns, Yazidis in IDP camps in the KRI frequently mention that:

- The tents in which Yazidi families live have not been replaced for nearly three years and many are in a terrible condition. These tents are not warm enough for the next winter;
- Electricity is available only a few hours per day which is especially difficult during summer when average temperatures fall between 40 - 50 C. Heating of tents is another issue;
- The frequent burning of garbage in and nearby camps, and the vicinity of the camps to oil wells, means the quality of the air Yazidis breathe on a daily basis is poor;
- The sanitation profile in the camps is deteriorating, which has led to outbreaks of diseases such as diarrhea, respiratory tract infections and skin diseases. The sewage system requires structural improvements, while access to clean drinking water needs to be guaranteed; and
- Health centers in the camps do not have adequate medicines, medical supplies or specialized staff (including specialist doctors and nurses).

## Mental health services and psychosocial support

Humanitarian aid workers have identified a serious lack of access to mental health and psychosocial support services in camps and shelters for displaced Yazidis, including those who were formerly held captive by IS. The risk of suicide among Yazidi women and girls who have escaped IS captivity is high, and there have been documented incidents of suicide and attempted suicide by displaced Yazidis in these camps and shelters.<sup>43</sup>

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<sup>43</sup> Human Rights Watch, *Iraq: Forced Marriage, Conversion for Yazidis*, 11 October 2014, available at: <https://www.hrw.org/news/2014/10/11/iraq-forced-marriage-conversion-yezidis>.



Yazidi boys recruited by IS to undergo forced conversion and military training require ongoing psychological support to address the impact such abuse has caused. Yazidi women and girls will require ongoing post-trauma care. In addition, every effort needs to be made to ensure that the abuse suffered by survivors can be forensically documented so that the perpetrators can one day be held accountable for their crimes. Access to professionals with specialist expertise in treating children and victims of sexual and gender-based violence is essential to ensuring survivors are provided the best services possible.

As IS-controlled cities and towns where Yazidis are being held captive are liberated, increasing numbers of Yazidis are managing to escape from captivity every day. Once they escape, survivors require urgent and specialized support. Some of this support is, and has been, provided on the frontline by the KRG, the UN and its various agencies, foreign state institutions, aid agencies and NGOs including Yazda, but the resources have not been sufficient. They must be ongoing and tailored to each survivor, some of whom have now endured years of sexual abuse and torture. The needs of these survivors must be analyzed by professionals and specific programs developed in response.

A ground-breaking initiative to support women and girls returning from IS captivity and their families was implemented by the German State of Baden-Württemberg. In 2015, Baden-Württemberg dispatched a dedicated team to the KRI to identify the most vulnerable women and girls, 1,100 of whom were relocated to Germany and provided with specialized support under the Special Quota program.<sup>44</sup> Nadia Murad was one of the beneficiaries of this program, which has been replicated in part by other countries such as Canada and Australia. Canada is expected to resettle 1,200 Yazidis while Australia has to date granted several hundred humanitarian visas to Yazidi refugees, including some IS survivors. But around 2,000 survivors are in urgent need in Iraq and as more and more are expected return to freedom with the liberation of remaining IS areas, there will be a particular need for similar initiatives to be replicated on a large scale.

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<sup>44</sup> The Guardian, *Germany opens its doors to Yazidi women and children enslaved by IS*, 2 March 2016, available at: <https://www.theguardian.com/global-development/2016/mar/02/germany-opens-doors-yazidi-women-children-northern-iraq-enslaved-isis>.

In addition, Yazda would welcome the creation of special programs to temporarily send those survivors who are suffering from critical health conditions that cannot be adequately treated in Iraq to obtain specialist treatment abroad. This is especially relevant for children and survivors of sexual crimes.

## Education

Education is crucial for vulnerable minorities such as Yazidis to be equipped with skills and knowledge that will ultimately empower individuals and their community. For decades, however, Yazidis and other Iraqi minorities encountered institutional discrimination in the education sector, and this continues to be the case both in Iraq and within the KRI.

Education infrastructure was limited even before IS attacked in August 2014. Larger Yazidi villages like Tel-Azer, Sibaia, Dogry and Khanasor, with populations of between 25,000 to 35,000, had only one to three primary schools and one high school. Many smaller villages like Bakra, Bahrava, Hardan, Karsi and Bara, had none.

In general, the quality of schooling was poor.<sup>45</sup> Yazidi areas were deliberately excluded from the KRG and Iraqi education plan that resulted in the construction of thousands of schools, institutes and universities across the country since 2003. Despite these government education policies, no universities were built in Sinjar or other Yazidi areas and therefore access to higher education for Yazidis has been extremely limited. Further educational challenges arise from the fact that Yazidi villages are in a disputed area. The KRG and Central Government of Iraq (CGI) each imposed its curriculum on Yazidis in different languages. The Arabic curriculum is necessary to be eligible to apply for Iraqi universities. KRG offered the Kurdish curriculum for its schools only. Yazidis who were able to access Iraqi universities, for instance in Mosul, suffered episodes of persecution and violence, such as being threatened and targeted by Sunni extremists as early as 2003. Many lost their lives, and others were forced to abandon their studies or were transferred to universities in the KRI. The KRG has continued to accommodate some Yazidi students in KRI universities.

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<sup>45</sup> Minority Rights Group International, available at <http://minorityrights.org/minorities/yezidis/>; Bahzani net, November 11, 2013, available in this link <http://bahzani.yazidi.net>

IS's occupation of Sinjar exacerbated existing problems. Most of the schools in Yazidi villages were bombed and destroyed and very few in the northern side of the district were re-opened. Thousands of Yazidis were forced to leave school and have now been out of the education system for over three years.

Although international NGOs such as UNICEF provide education programs in some IDP camps in KRI, these are insufficient to meet the needs of thousands of Yazidi children. There remain issues with lack of staff, security, unsafe buildings, and basic services such as electricity and drinking water. Access to schooling by Yazidi children has been worsened by the presence of armed forces in the area and difficulties in returning to Sinjar.

The provision of education by Yazda has included the construction of a school in Bakra village for more than 300 children, as well as informal mobile education programs in the Sinjar area for those who have not been able to learn for the past three years. Yazda has also been providing informal education and training for survivors of IS enslavement as part of the psychological and psychosocial program, and cultural preservation courses for children to ensure the continuity of Yazidi religious and cultural tradition. In 2015, Yazda opened Al-Taakhi high school with the support of the KRG in Duhok city, for more than 1000 students. Finally, Yazda was able to facilitate the acceptance of 10 students to study at the University of Milano-Bicocca in 2016.

It is only with government support and action though, that Yazidi children will be able to access adequate schooling, and higher education. This will require supporting the rebuilding of educational facilities in the Sinjar region, funding the construction of a university in Sinjar, and removing obstacles to Yazidi tertiary students in the meantime. More broadly, it requires consultation by governments with the Yazidi communities as part of the development of future education policies.

## **Financial and employment challenges**

As a result of the genocide perpetrated by IS, most Yazidis have lost almost everything they once owned. The 3 August 2014 attack led the vast majority of Yazidis to flee their homes with only a few clothes and personal belongings, leaving behind

properties and official documents. IS looted all Yazidi possessions and destroyed most of their houses, schools, institutions and religious shrines in the Sinjar and Nineveh Plain regions.

As well as having no remaining assets, Yazidi IDPs and refugees face unemployment and poverty. The unemployment rate in Yazidi areas in Iraq and KRI is over 70%, much higher than in any other region, as Yazidis continue to suffer employment discrimination on the basis of their religion and due to lack of jobs generally.<sup>46</sup>

Reducing discrimination against Yazidis via education programs and legislative changes would assist Yazidis to access the job market. For those who cannot find work, options for governments to consider include a monthly financial assistance program for those with special needs (orphans, those with medical conditions etc), and a micro-financing scheme that could provide small grants or loans to assist Yazidi families in setting up small businesses.

## **Obstacles to Return**

Survivors of the genocide, including those who were able to flee before being captured, yearn to return to their homeland with assurances of security, peace and stability. To date, this has been possible only for a small minority of Yazidis – fewer than 52,000 people are estimated to have been able to resettle in Sinjar including approximately 10,000 in Sardishte camp on the Sinjar Mountain.

Return rates have increased over July and August 2017. Yazda estimates that 60 to 120 families are returning to Sinjar each day. This has been accelerated by several factors, including widespread feelings of instability due to the forthcoming KRI independence referendum scheduled to take place on 25 September 2017.

However, there are still serious obstacles to return, including the lack of inhabitable homes and suitable infrastructure, with entire villages and towns having been flattened. On 28 April 2016, the Iraqi Parliament passed a bill under which the town of Sinjar was considered a 'disaster city'. According to the Mayor of Sinjar, Mahama

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<sup>46</sup> Waad Matto, the head of Yazidi Progress Party in an open message to Masoud Barzani, the Kurdistan President, June 11, 2011, available at <http://spyav.alafdal.net/t40-topic>



Khalil, about 80-85% of Sinjar District has been destroyed by IS and rebuilding the district will require significant investment.<sup>47</sup> Many of the houses and buildings in the Yazidi areas, especially on the southern side of Sinjar District, are still covered with landmines and other explosives, making it extremely dangerous to enter. In addition, while the whole of Sinjar has now been liberated from IS, in-fighting between various factions and armed groups means that the security situation in the area is still volatile, and Yazidis do not feel empowered to begin the rebuilding process.

Conflict among rival groups for control over Sinjar areas has created additional administrative and security hurdles, such as the restriction of movement of goods and denial of permission to access liberated areas, thereby impeding reconstruction works.<sup>48</sup> Since the liberation of some Yazidi areas in 2015, no new service projects have been initiated because of this economic blockade.<sup>49</sup> As a result, the lack of essential services such as the provision of clean drinking water, electricity and fuel, and access to basic medical services makes the living conditions in these regions extremely hard. In order for Yazidis who wish to contribute to the rebuilding process and return to the liberated areas, the movement of goods and building materials needs to be facilitated by authorities. Further, the cost of rebuilding Yazidi areas in Sinjar and Nineveh Plain must be supported by the establishment of a dedicated fund, which would be administered and supervised efficiently and transparently.

## Resettlement in Third Countries

The solutions to the issues outlined above are complex and long term. In the meantime, and with little hope for rebuilding in the near future, many Yazidis are applying for refugee status in third countries. According to the Directorate of Yazidi affairs in the KRI, 90,000 Yazidis have fled Iraq since 2014 and about 500 people

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<sup>47</sup> NRT, available at <http://www.nrtv.com/AR/Detail.aspx?Jidare=22196>; Alsumaria TV, April 28, 2016, available at <http://www.alsumaria.tv/mobile/news/166898/البرلمان-يصوت-على-اعتبار-سنجار-مدينة-منك>

<sup>48</sup> HRW: Iraq: KRG Restrictions Harm Yazidi Recovery, December 4, 2016, available at <https://www.hrw.org/news/2016/12/04/iraq-krg-restrictions-harm-yezidi-recovery>

<sup>49</sup> HRW, December 4, 2016, available at <https://www.hrw.org/news/2016/12/04/iraq-krg-restrictions-harm-yezidi-recovery>

were killed or are missing while attempting to flee Iraq.

To date, Yazidis have been accepted as refugees in Germany, Canada, Australia, France, Netherlands and Portugal. It is important that other countries take into consideration the situation facing Yazidis in Iraq in the development of their humanitarian visa and refugee programs, and take the initiative to provide safe haven to Yazidis applying for refugee status. The challenges described above will be further elaborated on in the next section, with specific focus on discrimination and persecution of Yazidis in Iraq and KRI, and the ongoing denial of Yazidi rights which is contributing to the genocide.

## **Denial of rights and discrimination against the Yazidi Minority in the region**

### **Historical persecution**

The Yazidis are among the world's most marginalized communities. As adherents of one of the oldest remaining religions, they continue to suffer varying degrees of persecution in their native lands in Iraq, Turkey, the KRI and Syria.

Historically, the Yazidis have suffered persecution on a large scale, having faced 74 genocidal campaigns against them throughout their history and periods of severe oppression during the past century.<sup>50</sup>

For instance, large numbers of Yazidis were forced to convert during the Ottoman Empire. It is estimated that more than 80,000 Yazidis lived in Turkey until the 1970s, but only 350 Yazidis remain there today,<sup>51</sup> the rest having fled to Western Europe. This exodus arose for a number of reasons, including persecution on the basis of

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<sup>50</sup> The Guardian, *Who are the Yazidis and why is IS hunting them?*, 11 August 2014, available at: <https://www.theguardian.com/world/2014/aug/07/who-yazidi-isis-iraq-religion-ethnicity-mountains>.

<sup>51</sup> Bahzani net July 2, 2016, available at <http://www.bahzani.net/services/forum/showthread.php?115684--جولة-لباحث-في-قرى-ايزيدية>; This figure does not include Yazidis who have been displaced to Turkey following IS's attack on Sinjar and live in makeshift refugee camps.

religion, denial of Yazidi rights, and forced Islamization of Yazidis.<sup>52</sup>

## Syria

In Syria, estimated 150,000 Yazidis inhabited 110 villages and towns in the Aleppo and Hasakah regions until unrest erupted in 2011.<sup>53</sup> Several factors caused the Yazidi inhabitants to flee, including of course, civil war and the emergence of fundamentalist Islamist groups. But importantly, this was also the result of systematic persecution under successive governments in Syria, especially the Ba'ath party.<sup>54</sup> Institutional discrimination pervaded every sphere of life for Yazidis, from being prohibited from building religious centers or practicing their faith freely, to being forced to study Islam at school. In the legal system, Yazidis were forced to follow Islamic Sharia law and their testimonies were not accepted in court. Yazidi-made products are not considered Halal and are therefore not eaten by almost all Muslims including Arabs, Kurds and Turkmen.

Further, Yazidis are not allowed to obtain Syrian nationality and therefore live as foreigners despite their long history in Syria. Following the war crimes, crimes against humanity and genocide committed by IS against Syria's Yazidis, today there are fewer than 5,000 'free'<sup>55</sup> Yazidis remaining in the country.<sup>56</sup>

## Iraq and KRI

Iraq is considered the homeland of the Yazidi community, as Yazidism's holiest sites are located in the KRI. Between 700,000 to 750,000 Yazidis lived in Iraq in 2005. By 2014, this had decreased by 200,000<sup>57</sup> and then by a further 90,000 between 2014

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<sup>52</sup> Israel National News, 27/04/2017, available at <http://www.israelnationalnews.com/Articles/Article.aspx/20447>; see also Uzay Bulut, *Turkey Uncensored: Yazidis – A History of Persecution*, Philos Project, 4 November 2016, available at: <https://philosproject.org/yazidis-history-persecution/>. Nearly 300 Yazidi villages were taken by force and their inhabitants were either killed, forced to convert, or forced to flee during genocidal campaigns in the Ottoman Empire in the 19<sup>th</sup> and 20<sup>th</sup> century alone.

<sup>53</sup> Yazidi Council in Syria, March 10, 2012, available at [http://ezidenrat.de/?page\\_id=196](http://ezidenrat.de/?page_id=196)

<sup>54</sup> Yazidi Council in Syria, March 10, 2012, available at [http://ezidenrat.de/?page\\_id=196](http://ezidenrat.de/?page_id=196); see also Democracy Website, November 19, 2013, available at <http://www.dimoqrati.info/?p=7938>; Aranews, June 16, 2015, available at <http://aranews.org/2015/06/الإيزيديون-في-سوريا-من-الوجود-إلى-الهج-2015/06/>

<sup>55</sup> This figure does not include Yazidi women and children who were captured in Iraq and who are now kept under captivity in Syria by IS.

<sup>56</sup> Aranews, June 11, 2017, available at <http://aranews.org/2017/06/المعارضة-تهجر-سكان-قرية-كردية-ايزيدية-ENKS-محلية>

<sup>57</sup> Refworld, July 10, 2014, available at <http://www.refworld.org/docid/54bf62684.html>

and 2017.<sup>58</sup>

Systematic persecution of the Yazidi minority was a consistent feature under successive Iraqi governments, especially the former Baathist regime which came to power in the late 1970s. During Saddam Hussein's rule, efforts were made to strip the Yazidi minority of their true identity, as Yazidis were formally designated as Arabs and Yazidism was considered as a sect of Sunni Islam. These policies were contrary to the views of the Yazidi community, and to historical, social, and linguistic facts. Yazidis were excluded from any political and social involvement. According to Islamic law, they were not allowed to hold any positions of authority over Muslims (such as judges, police officers, etc).<sup>59</sup> Yazidi faith is considered by the majority of the Iraqi population as illegitimate; Yazidis are falsely and commonly referred to as "devil-worshippers", and not "People of the Book". As a result, Yazidi religious sites are often neglected, with a lack of funding for their care and maintenance remaining an ongoing issue.<sup>60</sup>

The types of discrimination against Yazidis transformed as conflicts in Iraq gave rise to new actors and new regimes. As Iraq became gripped with an increasingly violent and disparate insurgency, the Yazidis were specifically targeted by Sunni extremist groups such as Al-Qaida and IS, and like-minded groups.<sup>61</sup> This culminated in full scale genocide, perpetrated by IS, from 3 August 2014 to today.

## **Ongoing Prejudice and discrimination against Yazidis in the CGI and KRI**

Even outside areas overrun by IS, the hardship suffered by Yazidis is severe and discrimination against Yazidis continues to be rife in political, economic and social affairs.

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<sup>58</sup> Iraqi news, July 13, 2017, available at <http://www.iraqinews.com/iraq-war/90000-yazidis-fled-iraq-since-emergence-kurdish-official/>

<sup>59</sup> See e.g. Qur'anic verses such as [an-nisa , the women 141](#) (never will Allah give the disbelievers over the believers a way).

<sup>60</sup> USCIRF, May 7, 2017, available at [http://www.uscifr.gov/sites/default/files/KurdistanReport\\_short\\_FINAL\\_lowres.pdf](http://www.uscifr.gov/sites/default/files/KurdistanReport_short_FINAL_lowres.pdf)

<sup>61</sup> BBC, August 17, 2007, available at [http://news.bbc.co.uk/2/hi/middle\\_east/6951221.stm](http://news.bbc.co.uk/2/hi/middle_east/6951221.stm)

## *Discriminatory laws and property ownership*

Civil laws in Iraq and the KRI are sometimes openly discriminatory against the Yazidis. For example, under [Article 26](#) of the Iraqi National Identity Card, when a non-Muslim parent converts to Islam, their children will be registered as Muslim, regardless of the will of the second parent or the children themselves. On the other hand, conversion from Islam to any other religion is forbidden. No personal status law exists to decide on cases related to the rights of the Yazidi such as marriage, divorcement, or ownership of property. Indeed, Yazidi rights to ownership are not recognized in Iraqi law. Thus, most of the properties belonging to Yazidis in Sinjar are not legally owned.<sup>62</sup>

## *Systematic underrepresentation*

The discrimination against Yazidis in every aspect of life is exacerbated by the fact that Yazidis are underrepresented in all key institutions in both Iraq and the KRI, as they have little opportunity to make changes to government policy or programs:

- a. The CGI and KRG, both drawn from multiple political factions, have no Yazidi participation at the ministerial level;
- b. The Iraqi and KRI Parliaments have only two Yazidi MPs in Baghdad (out of 328 MPs) and only one Yazidi MP in Erbil (out of 111 MPs). Based on the percentage of Yazidis in the Iraqi and KRI population, there should be at least 7 Yazidi MPs in the Iraqi Parliament and 10 Yazidi MPs in the KRI Parliament in order to be representative;
- c. The Independent High Electoral Commission, the Commission on Integrity and other monitoring institutions, do not include even one member of the Yazidi minority;
- d. The only Yazidi representation on the Iraq High Commission for Human

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<sup>62</sup> Bahzani net, December 10, 2013, available at <http://www.bahzani.net/services/forum/showthread.php?70475--ناحية-كاملة-في-سنجار-من-دون-سندات-تمليك-الدور-السكنية>; Almadapress, November 11, 2015, available at <http://www.almadapress.com/ar/NewsDetails.aspx?NewsID=60507> منظمات دوليتان تكشفان عن مشروع لإعمار سنجار ودخيل تطالب بتمليك منازل اليزيديين



Rights, was terminated in 2017;<sup>63</sup>

- e. Within the Iraqi military and Kurdish Peshmerga, security and intelligence services, Yazidis have no or very limited access to important military positions.

### ***Voting and political rights***

Yazidis of the Sinjar and Shehkan districts are *de facto* part of the KRI region, but do not have the right to vote in KRI elections on the basis that the Yazidi areas are not a formally recognized part of the KRI. Yazidis have, until recently, not been permitted to create their own political parties in Iraq,<sup>64</sup> and even now the views of Yazidi organizations and leaders are not taken into account when policy decisions are made by major political parties, governments and parliaments in either Iraq or the KRI.<sup>65</sup> Posts for local governments, mayors and municipalities in the Yazidi areas are not elected, but are rather appointed by political parties, mainly by the PDK. This underrepresentation or outright exclusion of Yazidis from political processes serves to entrench Yazidi disempowerment and prevent Yazidi voices from being heard in relation to matters that affect the community.

### ***Freedom of opinion and expression***

While Yazda welcomes the recently increased flexibility from the KRG and CGI in allowing Yazidi political representation, it is concerned about the suppression of certain political opinions. Yazidis in the KRI are discriminated against when they refuse to self-identify as Kurdish, and only those Yazidis who consider themselves as Kurdish have been able to obtain senior positions in the KRI leadership.<sup>66</sup> Those who

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<sup>63</sup> Alsumaria TV, January 12, 2017, available at <http://www.alsumaria.tv/news/210419/السومرية-تيوز-تنشر-اسماء-اعضاء-المفوضية-العليا-الحق> ar

<sup>64</sup> <http://www.iraqinews.com/baghdad-politics/yazidis-get-approval-set-first-political-party/>; Several Yazidi political parties have been formed since 2014 and Yazda welcomes the openness from the KRG and the Iraqi central government for allowing wider Yazidi political representation.

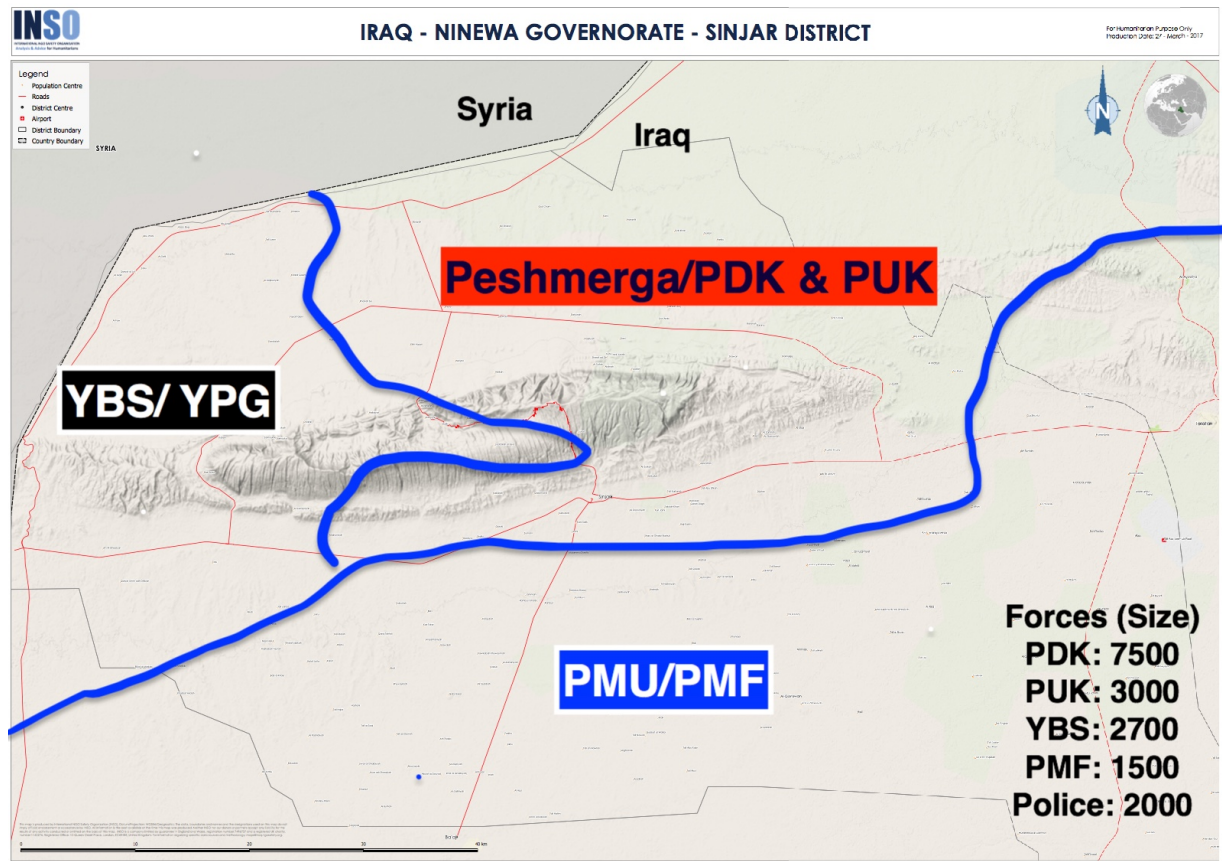
<sup>65</sup> [USCRIF.GOV](http://www.uscifr.gov/sites/default/files/KurdistanReport_short_FINAL_lowres.pdf), May 7, 2017, available at [http://www.uscifr.gov/sites/default/files/KurdistanReport\\_short\\_FINAL\\_lowres.pdf](http://www.uscifr.gov/sites/default/files/KurdistanReport_short_FINAL_lowres.pdf),

<sup>66</sup> [USCRIF.GOV](https://www.state.gov/j/drl/rls/irf/2013/nea/222291.htm), July 28, 2014, available at <https://www.state.gov/j/drl/rls/irf/2013/nea/222291.htm>.

do not identify themselves as Kurdish find even simple aspects of life a challenge. For example, gaining a residency card or driver's license is impossible unless a Yazidi registers as ethnically Kurdish. It is important that KRI authorities accept and support Yazidis regardless of the way they wish to identify themselves from an ethnic perspective.

The above examples of systematic marginalization of the Yazidi population in Iraq and the KRI show that the defeat of IS and the end of the genocide against the Yazidis is only the first step towards ensuring that the basic rights and aspiration of Yazidis living in Iraq and the KRI are respected. It is essential that the Iraqi and KRI governments guarantee the Yazidis the same rights as are guaranteed to the rest of the population in their territories, so that the Yazidi minority can live without discrimination and fear of further persecution.

# Current political and geopolitical situation in Yazidi areas



*A map showing Sinjar District, northwestern Iraq. Blue lines represent approximate boundaries of influence or security and administrative control of rival forces; PDK Peshmerga have control of Northern Sinjar, including parts of southern side; YBS or YPG - groups close to PKK - control northwestern Sinjar; and PMF groups control southern side of the district. Force size in number indicated on the map.*

The current political and geopolitical issues in Iraq and the KRI are having significant detrimental effects on the Yazidi community, and must be addressed for the future administration, governance and security of Sinjar.

Sinjar is an important geopolitical territory. Located within Iraq, it borders Syria and Turkey. It serves as a decisive buffer zone between the Syrian Kurdish territory, Rojava, and the KRI. Control and sovereignty over Sinjar territory is disputed between the CGI, the local Nineveh government, and the KRG. Key international, regional and local parties have sought to influence the situation in the region with differing visions and agendas, into which the Yazidi population is given no say, and

which has the overall effect of keeping Yazidis powerless in determining their own future. Control over the territories that are occupied, at least in part, by the Yazidi population has been, and continues to be, subject to constant challenge.<sup>67</sup>

Partly this has been caused by the withdrawal of Kurdish Peshmerga in August 2014, as IS approached. According to the UN Inquiry on Syria,<sup>68</sup> that decision of the Kurdish Peshmerga, ‘was not effectively communicated to the local population’<sup>69</sup> and left the Sinjar region exposed.<sup>70</sup> This is because the Peshmerga had ‘maintained bases and checkpoints throughout the Sinjar region and were the only security force in the region’ at the time of IS’s attacks.<sup>71</sup>

Their departure from Sinjar created a vacuum in which other local and regional actors emerged, stifling the liberation of Sinjar from IS, and inhibiting subsequent reconciliation, humanitarian and rebuilding efforts.<sup>72</sup> These actors included the Hashd Al-Shabi Popular Mobilization Units (PMUs), a predominately Shi’a militia group backed by the GCI and formally designated as part of the Iraqi Armed Forces in February 2016,<sup>73</sup> as well as the PKK. The rise of the PKK in the region prompted concern in Turkey, which considers it a terrorist organization, resulting in reported Turkish airstrikes targeting Kurdish fighters in the Sinjar region and further destabilizing the area following liberation.<sup>74</sup>

Some of the other local and regional actors include the Patriotic Union of Kurdistan (PUK), the Yazidi Movement for Reform and Progress, the Yazidi Progress Party, as

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<sup>67</sup> <http://www.al-monitor.com/pulse/originals/2017/05/iraq-kurdistan-peshmerga-pmu-sinjar.html>; <http://www.al-monitor.com/pulse/originals/2017/03/turkey-iraqi-kurdistan-ankara-is-getting-entangled-sinjar.html>; <http://www.al-monitor.com/pulse/originals/2017/05/turkey-iraq-sinjar-what-is-happening-in-yazidi-land.html>

<sup>68</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, “‘They came to destroy: ISIS Crimes Against the Yazidis’, UN Doc A/HRC/32/CRP.2, 16 June 2016 (hereinafter, “Col Syria, “They Came To Destroy”), para. 24.

<sup>69</sup> *Ibid.*

<sup>70</sup> Col Syria, “They Came To Destroy”, para. 185.

<sup>71</sup> Col Syria, “They Came To Destroy”, para. 21.

<sup>72</sup> Col Syria, “They Came To Destroy”, para. 185.

<sup>73</sup> Amnesty International, *Iraq: Nowhere to Turn*, available at <<https://www.amnesty.org/en/latest/news/2016/12/iraq-nowhere-to-turn/>>.

<sup>74</sup> See, e.g., I Coles & J Davison, ‘Turkish jets strike Kurdish fighters in Syria, Iraq’s Sinjar’, *Reuters World News*, available at: <http://www.reuters.com/article/us-mideast-crisis-turkey-iraq-idUSKBN17R0D2..>

well as two recently-established political parties: the Democratic and Freedom Party (BADI) and the Yazidi Democratic Party.

As well as concerns about the instability caused by disputes of control of the area, there is also a concern about the informal militarization of Yazidi communities in Sinjar and the Nineveh Plain by the PMU, Iraqi Kurdish parties and the PKK, outside the framework of the state's law and military apparatus. In some cases, Yazda has become aware of the recruitment of Yazidi children, which constitutes a grave violation of international and national laws.

## Key Political Actors and their Role and Objectives

### *Kurdish political parties and military groups*

#### **Kurdistan Democratic Party (PDK)**

Prior to August 2014, the PDK was the dominant political party in the regions of Sinjar and Shikhan. It had political, administrative and security control over the areas where the majority of Iraqi Yazidis lived, which was agreed upon by the CGI as part of a larger agreement with the KRG. The PDK still retains a strong presence in the Sinjar region and holds all administrative positions within the local government, i.e. mayoral and municipality leadership is appointed by the PDK. The PDK has also established a local Peshmerga force called 'Farmanda Shingal' that includes a number of Yazidis. It comprises around 7,000 fighters and is commanded by Qasim Shesho, a Yazidi tribal leader and former PDK political leader. The PDK has also contributed about 2,000 foreign fighters, largely sourced by Syrian Kurds who came to the KRI as refugees, operating under the moniker the "Rojava Peshmerga". The PDK also draws on contributions from the Zerivani Peshmerga Elite unit.



The PDK has made efforts to promote itself to the Yazidi population in the Sinjar region and to encourage Yazidi support and recruitment. However, the PDK has been subject to increasing pressure and influence from Turkey and has sought the removal of rival parties and groups aligned to the PKK from north-western Sinjar and Sinjar Mountain. Turkey has repeatedly and publicly called on withdrawal of the PKK and PKK-aligned groups from Sinjar. PDK policies suggest that they may not have an interest in the region of southern Sinjar. A prevailing view is that, had the PDK desired control of the entirety of Sinjar, southern Sinjar would have been liberated in December 2014 when the PDK Peshmerga liberated the northern side.

The PDK has emphasized its regional political influence on Yazidi communities in the Sinjar region and in the IDP camps where most Yazidis reside. Via its military bases and checkpoints in various parts of Sinjar and control over IDP camps, the PDK has sought to prevent Yazidis from returning to southern Sinjar, on the grounds of continuing instability and security issues. To date, fewer than 200 families have returned to southern Sinjar. One view, unofficial but often quietly expressed, is that keeping Yazidis in the camps for as long as possible promotes the establishment of political unions between the PDK and the Yazidi community, to the political benefit of the PDK.

The PDK still controls all civilian authorities in Sinjar region. Indeed, no elections have taken place since 2003 for the Sinjar District Council or for Municipality Councils in Sinone, Tel Azir, or Qirawan. Consequently, the PDK, through its appointees, maintains undiluted control. The PDK has appointed its own representatives in all directorates and offices, including the position of Mayor of Sinjar. That there are no representatives in the Council who have been elected by the people of Sinjar is a matter of profound frustration. In practice, this means that Yazidis and other Sinjari communities have no say in the decision-making which affects their interests at a political level. The resulting dissatisfaction has been exacerbated by what many in the Yazidi community see as the PDK's failure to accept the distinctive ethno-religious status of Yazidis, preferring instead to group the Yazidis into a homogenous Kurdish identity. Such views are supported by the introduction of policies that seemingly militate against Yazidi self-identity, a deeply-held need that - understandably - has



grown increasingly relevant in light of atrocities committed against the Yazidi community by IS.

### **The Patriotic Kurdistan Union (PUK)**

The PUK is the partner of the PDK in the KRG but it has less influence in the Yazidi-populated areas. Nonetheless, the PUK maintains offices in Yazidi-populated areas and it has several thousand Peshmerga fighters stationed in Sinjar and Shikhan. The PUK policy position on the Yazidi areas remain unclear. The PUK has not been involved in the conflict in Sinjar and appears to maintain a neutral position. It appears to adopt a view that Sinjar and Yazidi areas generally fall within the authority of the PDK and, unlike Khaniqueen and Kirkuk, is not an area of focus for the PUK, however, they are part of the KRG government.

### **The Kurdistan Workers' Party (PKK)**

The PKK is actively operating in Yazidi-populated areas in conjunction with a number of political and military groups such as the YPJ, the YAJ STAR, the PYD and others. Within these groups there are hundreds of non-Yazidi fighters, mostly Kurds from Turkey, Syria, Iraq and Iran.

The YBS is a Yazidi force comprising 3,000 Yazidi fighters, and is reportedly supported by PKK -affiliated groups. It controls northwestern Sinjar. The YBS was created following the withdrawal of the Peshmerga in August 2014 during IS's siege of Sinjar. Most of the fighters in the YBS have joined the force to defend Sinjar and the Yazidi people, rather than for political or ideological affiliations with the PKK.



The PKK has maintained an interest in a continued presence in Sinjar, directly or indirectly through a Yazidi-populated representative group. A new political party,

closely aligned politically to the PKK, was created for the Yazidi communities in Sinjar, named the BADE (which is the Kurdish language acronym of the Yazidi Democratic and Freedom Party). This new party claims to have no military group and to operate under the Iraqi government and Iraqi flag only. The PKK has another political branch, a formally registered party in Baghdad, named TEVDA (The Yazidi Democratic Movement).



The PKK wishes to impose a new religious and national ideology on its supporters that does not easily fit with Yazidi cultural and religious identity.<sup>75</sup> For example, the political views which form the bedrock of PKK ideology are not historically aligned with Yazidi culture and serve to embed misperceptions about Yazidi identity and diminish traditional Yazidi values. An entirely new philosophy on Yazidi identity has been proposed by the PKK suggesting that Yazidis are Zoroastrians and Kurds. The PKK is also using political and military influence in Sinjar as a means to influence the politics of KRG and to counter any influence exerted by PDK in the region.

Yazidis remain grateful to the crucial role of the PKK in securing a corridor in Sinjar during IS genocidal campaign in August 2014. Yazidis acknowledge that it was the PKK's actions, along with the air campaign by the US and Iraqi Air force, which ultimately led to the breaking of IS's siege of Yazidis trapped atop Mount Sinjar. However, it is fervently hoped that PKK support for the Yazidi community will not translate into the forced involvement of the Yazidi community in the PKK axis, which would only increase tensions with the PDK, the KRG, and the CGI. For Yazidis, this would adversely affect their safety and security, and compound the hardship for what is already a highly traumatized community as a result of the ongoing genocide and of being constantly buffeted by political forces and agendas not of its own making.

Most Yazidis hope that PKK will withdraw after a solution for the Yazidi regions is developed and security for people in Sinjar is assured.

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<sup>75</sup> <http://www.kurdistan24.net/en/news/3f2da59d-2f9d-434c-9023-aa93a965dbfd/Human-Rights-Watch--PKK-armed-wings-recruit-child-soldiers-in-Iraq>

## Shia military groups or groups affiliated with the CGI in Yazidi areas

### Central Government of Iraq (CGI)

The CGI is the least involved political actor among those identified, especially in the aftermath of IS's initial attack against Yazidis in 2014. The CGI remains largely disengaged with the politics and geopolitics of Sinjar. It has shown no interest in exerting influence or exercising power in Sinjar; establishing a new force for territorial control; or providing security to assist IDPs to return. It has shown little motivation to deflect external pressures and influences, such as those from Turkey and Iran that manifest themselves either directly, such as through Turkish airstrikes in Sinjar, or through armed militia groups and factions of regional political parties.



The CGI appears reliant on the PMU to achieve its goals and to repel strong Kurdish influences and efforts for territorial control of Sinjar and the region of Kurdistan more broadly. The CGI has not allocated funds to re-establish life in Sinjar for its former inhabitants, as it has done in other areas of Iraq that have been liberated from IS control. As a result, it is a commonly-held view among the Yazidi population that the CGI has neglected its responsibility for ensuring that the inhabitants of the Sinjar region are able to return to their homes and to aid in the repair and rebuilding of crucial infrastructure, such as roads, schools, medical facilities, etc.

### Hashd Al-Shabi (PMU)

The PMU is the second most influential force in Sinjar and the principal political presence in southern Sinjar. The PMU controls a swathe of land along the Iraq-Syria border and most of Nineveh Province. The two most prominent groups of the PMU in Sinjar are *Kata'ib al-Imam Ali* (the Imam Ali Battalions) and the Badar Organization. The PMU is said to be under the authority of Deputy Commander, Mahdi al Muhandis. Its presence has drawn further Turkish interests into Sinjar and created a potentially combustible situation with the PDK, as the latter reportedly perceives PMU as its 'next generation' enemy.



The PMU in Sinjar comprises mostly Shi'a fighters from different brigades. However, a new Yazidi force is being established and is currently made up of approximately 2,000 Yazidi fighters under three organized battalions – Kocho, Lalish, and Ezidkhan. These are likely to increase in size in the coming months. A training base has been established in southern Sinjar to train Yazidi fighters in the battalions. Two Yazidi commanders, Murad Shero and Naif Jaso, are the highest-ranking Yazidi leaders within the PMU. Other tribal leaders have also joined. Both the Yazidi Movement for Reform and Progress and the Yazidi Progress Party are supporting the CGI, the presence of the PMU forces and the Iraqi Military in Sinjar, but they oppose all Kurdish politics in Sinjar and all Yazidi areas. Some civil and independent groups as well as NGOs hold a similar position.



The PMU, at least according to its public statements, appears to conform with Yazidi objectives for the population in Sinjar. It has promised Yazidis self-rule for their areas; the formation of a force under Yazidi leadership; and the bringing to justice of all those who participated in the genocide. As a natural consequence, the PMU seems to be a more suitable partner for the Yazidi population in terms of securing a positive future in Sinjar and ensuring Yazidi views are heard and taken into account. The PMU is also working with the Yazidi community in Sinjar to establish a new civilian authority in the south, which is currently under the authority of the PDK.



### ***Yazidi Political and Military groups in Iraq***

**Farmanda Shingal** is a force consisting of an estimated 7,000 fighters and is controlled by the PDK. It is an unofficial force and has not yet been registered with the Peshmerga Ministry despite its successful efforts against IS in liberating Sinjar.

### **HPE (Hêza Parastina Ezidkhane or Ezidkhan Protection**

**Force)** is a force that was formed by Yazidis directly after the IS attack on Sinjar and was known as the ‘Sinjar Defense Forces’. In the first three months following the attack, HPE protected many villages and holy sites within Sinjar. The force consists of approximately 7,000 Yazidi fighters and was established by Haider Shesho, a former political leader of the PUK. Nearly 1,000 fighters receive a monthly salary from the Peshmerga Command but the remainder are not registered.



This force joined the PMU forces at the beginning of 2015. It appears that it was for this reason that the leader of the HPE, Haider Shesho, was arrested by the PDK in Duhok at the start of April 2015. As soon as Mr. Shesho was released, he announced that he would no longer accept any support from the CGI or the PMU forces.

Mr. Shesho has recently established a political party called the Yazidi Democratic Party, which is the political arm of the HPE. HPE is now working under the Peshmerga Ministry, but this force has not yet been registered officially by the KRG.

**Yazidi Peshmerga** comprise about 3,000 fighters and are affiliated with the PUK. They also have a positive relationship with the YBS and its affiliates in Sinjar. In contrast with the PDK’s position, the Yazidi Peshmerga do not appear to object to the presence of PMU forces,



**Yazidi fighters in the YPJ, the PKK and their affiliates** include an estimated 3,000 in the YBS, which is one of the PKK-affiliated actors. Yazidis affiliated to the PKK are working under the following political and military groups:



The YBS: ‘Yekîneyên Berxwedana Şengalê,’ ‘Sinjar Resistance Units’



The female forces of the YBŞ militia ('Yekîneyên Jinên Şengalê,' 'Shingali Women's Units')



TEVDA: the Iraqi registered branch of PKK



PADÊ: Democratic and Freedom Yazidi party, newly registered party in Iraq.



The Self-Administrative Council (Majlis al-'Idara al-Thaatiya).

### *Regional Players in the Yazidi areas*

**Turkey** plays a strong role in Sinjar and has acted unambiguously against the YBS via two campaigns of airstrikes in 2017. The Turkish Government is working indirectly with the PDK and “Rojava Peshmerga Brigade” to limit territorial control of the YBS in Sinjar, as it sees YBS as affiliated with the PKK. Turkish long-term policies in the area are aimed at empowering Sunni Turkmen in Tal Afar. Accordingly, Sinjar is seen as an important strategic region in which it can consolidate its control. Turkey also has established a military base in Bashika, another Yazidi subdistrict belonging to Shekhan district.<sup>76 77</sup>



**Iran** plays a role indirectly through the PMU forces in Sinjar. Iran's interest is twofold: to establish a corridor in southern Iraqi Kurdistan, in the disputed areas; and to limit the extent of Kurdish and Turkish influence in these areas, thereby strengthening the position of the CGI in Kurdistan. Iran has not been directly involved in Yazidi politics to date.

<sup>76</sup> <https://citeam.org/turkish-bases-in-northern-iraq/>

<sup>77</sup> <http://www.kurdistan24.net/en/news/66c632b4-f005-4c73-8b7e-3feafa523a09/bashika-turkish-base-not-attacked-by-is>



# Recommendations

## Recommendations for the international community (countries and institutions)

1. Officially recognize crimes committed against the Yazidis by IS as genocide as an important step towards justice and healing.
2. Coordinate intelligence and technical / military support to rescue 3,000 Yazidis who remain in captivity.
3. Provide support to survivors of the Yazidi Genocide, with a focus on those with particular needs such as women and girls who suffered sexual violence, boys who have survived IS captivity, and survivors with serious medical issues. Develop and support evidence-based programs for effective psychological assistance.
4. Take into account the needs of the Yazidi community in the development of humanitarian / refugee programs, and consider the Yazidi population as a priority group for resettlement, given ongoing humanitarian concerns and persecution.
5. Support accountability for perpetrators of war crimes, crimes against humanity and genocide, by endorsing the resolution by the UK and Belgium (and supported by Iraq) to establish a mechanism for investigating and prosecuting crimes committed by IS, and advocate for this resolution to be adopted by the UN Security Council.
6. Encourage Iraq to become a signatory of the Rome Statue, or to accept the creation of a tribunal court to investigate and prosecute IS for its crimes.
7. Continue efforts to defeat IS militarily and reduce its influence ideologically via deradicalization programs.
8. Support the establishment of a security zone / protected area in Sinjar and Nineveh Plain for Yazidis, Christian and other minorities, under the supervision of the United Nations and in cooperation with minorities living in these areas, for a transitional period of three years.
9. Support an international mediation process to negotiate an ultimate solution for the disputed areas between the KRI and CGI, in consultation with the groups who live in these regions, to apply after the transitional period.

10. Encourage a new and transparent election process for Municipality and District Levels in Iraq and KRI which facilitates equal participation by all groups in the area, with representatives from each community.
11. Support the rebuilding of Sinjar and humanitarian needs of returning Yazidis, via international funding for the removal of mines, and for rebuilding of critical infrastructure.
12. Support the needs of Yazidis in education and health, by providing: scholarships to Yazidi students to study outside of Iraq and access to overseas medical treatment for Yazidi survivors.
13. Support Yazidi communities in the diaspora to preserve their identity, history and culture; encourage academic research on Yazidi history and include the Yazidi genocide in education curricula around the world; encourage acceptance of Yazidis and support them to integrate positively into their new societies.
14. Support the protection and preservation of two major Yazidi religious sites: Lalish and Sharfaddeen temple under international regulations for the protection of heritage sites.

## **Recommendations for the Central Government of Iraq**

1. Officially recognize crimes committed against the Yazidis by IS as genocide; announce August 3rd as an official commemoration date of the Yazidi genocide.
2. Accept international assistance to rescue 3,000 Yazidis who remain in captivity. Support survivors of the Yazidi Genocide by providing: a monthly income for them; psychological and medical treatment; compensation to the families of those killed or missing; and compensation for Yazidis for their economic losses.
3. Cooperate with UK and Belgium to present a resolution to establish a mechanism for investigating and prosecuting crimes committed by IS to the UN Security Council; cooperate with the needs of such an investigation, eg, by allowing the exhumation of mass graves in Sinjar and the collection of other evidence.
4. Consider the importance of Iraq becoming a signatory to the Rome Statute; accept the creation of a tribunal court to investigate and prosecute IS for its crimes. Accept the establishment of a security zone / protected area in Sinjar and Nineveh Plain for Yazidis, Christian and other minorities, under the supervision of the United Nations

and in cooperation with minorities living in these areas, for a transitional period of three years. Support a peaceful resolution for the conflict in the disputed areas and accept mediation from the international community to negotiate a sustainable solution between CGI and KRG after conclusion of the transitional period.

5. Support the rebuilding of Sinjar and humanitarian needs of returning Yazidis, via international funding for the removal of mines, and for rebuilding of critical infrastructure.
6. Take into account the needs of the Yazidi community in developing government policies on education, employment and health by ensuring consultation with Yazidis on all matters that affect them. Practical actions could include financial support to rebuild destroyed schools and to establish a university in the Sinjar region to accommodate thousands of students who are unable to access tertiary education.
7. Allocate a special budget for rebuilding of Yazidi infrastructure and facilitate the return of displaced Yazidis; ensure the preservation of Yazidi religious and holy sites.
8. Develop and fund education programs and amend legislation with a view to eliminating entrenched prejudice against the Yazidi people among the broader population and discourage public insults against the Yazidi people and faith.
9. Implement legislative changes to ensure Yazidis are treated as equal citizens with the same rights as other Iraqis, including the right to practice their own religion, the right to own property, to be consulted on issues that affect them, to obtain an education and job opportunities.
10. Develop strategies to increase Yazidi representation in the Iraqi parliament and other government institutions in order to reflect the population; hold new and transparent elections for Municipality and District Levels. Facilitate equal participation by all groups in the area, with representatives from each community.

## Recommendations for the Kurdistan Regional Government

1. Officially recognize crimes committed against the Yazidis by IS as genocide via a resolution in the KRI parliament; announce August 3rd as an official commemoration date of the Yazidi genocide; and adopt the term 'Yazidi Genocide' rather than 'Shingal Genocide' in formal KRG communication.
2. Cooperate with, and support, international assistance to rescue 3,000 Yazidis who remain in captivity.
3. Support survivors of the Yazidi Genocide by providing: a monthly income for them; psychological and medical treatment; compensation to the families of those killed or missing; and compensation for Yazidis for their economic losses.
4. Support international efforts to establish a mechanism for investigating and prosecuting crimes committed by IS to the UN Security Council. Cooperate with the needs of such an investigation, eg, by allowing the exhumation of mass graves in Sinjar and the collection of other evidence.
5. Investigate the role of Kurdish forces in the fall of Sinjar to IS in August 2014.
6. Accept the establishment of a security zone / protected area in Sinjar and Nineveh Plain for Yazidis, Christian and other minorities, under the supervision of the United Nations and in cooperation with minorities living in these areas, for a transitional period of three years. Cease the current practice of putting forces on the ground and producing geopolitical conflicts.
7. Support a peaceful resolution for the conflict in the disputed areas and accept mediation from the international community to negotiate a sustainable solution between CGI and KRG after conclusion of the transitional period.
8. Support the reconstruction of Sinjar and humanitarian needs of returning Yazidis, by facilitating the movement of goods and building materials to and from liberated areas, and supporting the provision of basic necessities such as clean drinking water and sewage facilities.
9. Consider and respect Yazidis as a unique group and cease all policies that impose a Kurdish identity on Yazidis; allow Yazidis the right to self-express religiously and ethnically and end discrimination on the basis of ethnic identity.
10. Take into account the needs of the Yazidi community in developing government policies on education, employment and health by ensuring consultation with

Yazidis on all matters that affect them. Practical actions could include financial support to rebuild destroyed schools and to establish a university in the Sinjar region and one in Shekhan, to accommodate thousands of students who are unable to access tertiary education, as well as to accept the transfer of Yazidi students to its universities until the security situation in other parts of Iraq improves.

11. Allocate a special budget for rebuilding of Yazidi infrastructure and facilitate the return of displaced Yazidis; ensure the preservation of Yazidi religious and holy sites.
12. Develop and fund education programs and amend legislation with a view to eliminating entrenched prejudice against the Yazidi people among the broader population and discourage public insults against the Yazidi people and faith
13. Implement legislative changes to ensure Yazidis are treated as equal citizens, including the right to practice their own religion, the right to own property, to be consulted on issues that affect them, to obtain an education and job opportunities.
14. Develop strategies to increase Yazidi representation in the KRI parliament and other government institutions in order to reflect the population; hold new and transparent elections for Municipality and District Levels.
15. Develop financial assistance strategies for Yazidis living in IDP camps in KRI to improve job opportunities, facilitate the growth in small businesses, such as via micro-financing schemes, and reduce discrimination in the employment sector. Provide monthly financial assistance to the most vulnerable, such as those in need of medical care, orphans, and survivors of sexual violence.

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