



Sinjar Town, December 2015

## Before It's Too Late - A Report Concerning the Ongoing Genocide and Persecution Endured by the Yazidis in Iraq, and Their Need for Immediate Protection

A report authored by the Persecution Prevention Project, June 2019

**Yale** MACMILLAN CENTER  
*Genocide Studies Program*

Executive Summary .....	3
INTRODUCTION .....	4
1. The risk of persecution faced by Yazidis in Iraq, following the military ‘defeat’ of the ISIS caliphate, and its loss of territorial control .....	4
1.1 The right to religious freedom .....	4
1.2 The right to life and security .....	6
1.3 The right to health and rehabilitation .....	10
1.4 The right to self-determination and political representation .....	14
1.5 The right to protection of the law, and accountability .....	16
1.6 The right to freedom of movement, and protection against forced displacement .....	17
1.7 The right to recognition as a person under the law .....	22
1.8 The right to education .....	23
1.9 The right to housing .....	25
1.10 The right to employment .....	26
2. Whether the degree of persecution, and the extent of vulnerability is such that there is a serious risk that atrocity crimes will be committed against the Yazidis in Iraq .....	30
2.1 Risk Factor 1 – Situations of armed conflict or other forms of instability .....	30
2.2 Risk Factor 2 - Record of serious violations of international human rights and humanitarian law .....	31
2.3 Risk Factors 3 and 4: Weakness of State Structures, and Capacity to Commit Further Atrocity Crimes .....	32
2.4 Special Risk Factors for Genocide (Factors 9 and 10): Intergroup tensions or patterns of discrimination against protected groups, and signs of an intent to destroy in whole or in part a protected group .....	34
Acknowledgements .....	36

## Executive Summary

This report provides an assessment of the risk of persecution faced by Yazidis in Iraq following the military ‘defeat’ of the ISIS caliphate and its loss of territorial control. It also considers whether the degree of persecution correlates to a serious risk of future atrocity crimes being committed against the Yazidi.

The Persecution Prevention Project (PPP) identified ten fundamental rights which were being denied to individuals on discriminatory grounds. These rights included, for example, the right to religious freedom and the right to freedom of movement and protection against forced displacement. The Report summarises a number of examples where the rights of Yazidis have been denied on the basis of their religious beliefs. Importantly, the Report highlights that the fact ISIS has lost control over certain areas in Iraq has not eliminated the capacity and willingness to execute attacks on Yazidi communities. This means persecution is ongoing.

Continuing patterns of persecution correlate to a serious risk of future atrocity crimes. This analysis is undertaken with reference to risk factors set out in the ‘Framework of Analysis of Atrocity Crimes’. Four relevant risk factors are considered in addition to two special risk factors associated with genocide. The Report reveals a continuum of violence and persecution that spans decades, continues today, and that is compounded by a prolonged a pervasive climate of impunity. Even where ISIS has lost control in areas of Iraq, the Report found no sign that the genocidal ideology directed against Yazidis has abated. A consideration of the established indicators point strongly towards a serious and continued risk that the Yazidis are victims of atrocity crimes, including genocide, in Iraq.

The **Persecution Prevention Project** is a pro bono project, established in 2019, which aims to provide impartial expertise on the question as to whether:

- a) certain groups or populations face a particular risk of persecution, based on an assessment as to extent to which they are able to enjoy the protection of fundamental human rights, without discrimination; and
- b) whether the level of this risk suggests that the population or group in question might face a risk of being subjected to mass atrocity crimes, such as genocide, war crimes, and crimes against humanity.

The Persecution Prevention Project is composed of international lawyers with particular experience in documenting and analysing human rights violations, and mass atrocity crimes.

## INTRODUCTION

1. The Persecution Prevention Project was requested by the Yazidi Asylum Project<sup>1</sup> to provide an assessment of:
  - firstly, the risk of persecution faced by Yazidis in Iraq, following the military ‘defeat’ of the ISIS caliphate, and its loss of territorial control; and
  - secondly, whether the degree of persecution, and the extent of vulnerability is such that there is a serious risk that atrocity crimes will be committed against the Yazidis in Iraq.

### *Terminology and methodology*

2. This report considers **persecution** to arise where an individual has been severely deprived of a fundamental right or rights, for reasons associated with discriminatory grounds, such as religion, ethnicity and/or gender. The specific fundamental rights that have been considered in this report are:
  - i. The right to religious freedom;
  - ii. The right to life and security;
  - iii. The right to health and rehabilitation;
  - iv. The right to self-determination and political representation;
  - v. The right to protection of the law, and accountability;
  - vi. The right to freedom of movement, and protection against forced displacement;
  - vii. The right to recognition as a person before the law;
  - viii. The right to education;
  - ix. The right to housing; and
  - x. The right to employment.
3. The **risk of future atrocity crimes** has been evaluated by reference to the risk factors set out in the ‘Framework of Analysis for Atrocity Crimes’, which was developed by the UN Special Advisor for the Prevention of Genocide.<sup>2</sup>
4. This report has been based primarily on credible open source information, which has been verified with *in situ* experts and analysts.

## **1. The risk of persecution faced by Yazidis in Iraq, following the military ‘defeat’ of the ISIS caliphate, and its loss of territorial control**

### **1.1 The right to religious freedom**

---

<sup>1</sup> The Yazidi Asylum Project provides assistance to Yazidi asylum seekers in Germany. For more information, see [yazidiasylumproject.org](http://yazidiasylumproject.org)

<sup>2</sup> [Framework of Analysis for Atrocity Crimes](#)

5. The ability of Yazidis to enjoy the protection of fundamental human rights in Iraq is linked to, and undermined, by religious prejudices, which are deeply engrained in Iraqi society and institutions.
6. The Yazidi religion is monotheistic, and pre-dates Islam.<sup>3</sup> There are no paths to conversion within the Yazidi faith: it is not possible to convert outsiders and proselytism is forbidden.<sup>4</sup> Their culture and religion is transferred through oral means.<sup>5</sup> As a result, they are not considered, under the Islamic faith, to be “People of the Book”.<sup>6</sup> In practice, this means that they are not considered to fall within the protection of religious edicts that exhort Muslim believers not to kill ‘people of the book’ (which is understood to refer to religious faiths that follow a religious text, such as the written the Bible, the Torah, or the Koran). And, as described by Maisel, “[t]heir veneration for Tausi Melek, the Peacock Angel, and subsequent alienation from the religious majority led to the unjust accusation of worshipping the devil”.<sup>7</sup>
7. This (false) association with devil worship has given rise to the corollary belief that it is permissible to kill Yazidis. For example, in March 2004, flyers were distributed in Mosul, “calling for divine rewards for those who kill Yazidis”, and in the same year, an imam in Sheikhan requested Yazidis to convert to Islam and threatened that they would face punishment if they did not.<sup>8</sup> Public posters, witnessed by UNHCR in Mosul in 2007, exhorted that it was ‘halal’ (that is permissible) to kill Yazidis.<sup>9</sup>
8. This belief manifested itself in violence, and the targeted killings of Yazidis. This included the attempted assassinations of the leader of the Yazidi community, Mir Tahsin Beg, in 2004, and a Yazidi Minister without portfolio, in 2005, and the extermination of all 23 Yazidis on a bus carrying migrant workers, in 2007.<sup>10</sup>
9. These pre-existing prejudices were then amplified within the ideology of the Islamic State. In September 2014, ISIS's English language magazine Dabiq published an article "The Revival of Slavery before the Hour" about what they believe to be their theologically mandated treatment of the Yazidis, saying "[t]heir continual existence to this day is a matter that Muslims should question as they will be asked about it on Judgment Day".<sup>11</sup> Also, in 2014, the Research and Fatwa Department of Islamic State published a pamphlet “providing ideological justifications for human trafficking including: freeing enslaved women from ‘shirk’ (disbelief) and bolstering conversions to Islam, punishment of ‘kuffar’ (disbelievers), illustrating the supremacy of Islamic

---

<sup>3</sup>S. Maisel, ‘Social Change Amidst Terror and Discrimination: Yezidis in the New Iraq’, *The Middle East Policy Brief*, August 2008, p. 2.

<sup>4</sup>S. Maisel, ‘Social Change Amidst Terror and Discrimination: Yezidis in the New Iraq’, *The Middle East Policy Brief*, August 2008, p. 2.

<sup>5</sup>S. Maisel, ‘Social Change Amidst Terror and Discrimination: Yezidis in the New Iraq’, *The Middle East Policy Brief*, August 2008, p. 2.

<sup>6</sup> A/HRC/32/CRP.2, paras. 153-154.

<sup>7</sup> S. Maisel, ‘Social Change Amidst Terror and Discrimination: Yezidis in the New Iraq’, *The Middle East Policy Brief*, August 2008, no. 18, p. 2.

<sup>8</sup> S. Maisel, ‘Social Change Amidst Terror and Discrimination: Yezidis in the New Iraq’, *The Middle East Policy Brief*, August 2008, no. 18, p. 4.

<sup>9</sup> ‘[UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum Seekers](#) August 2007, p. 80

<sup>10</sup> S. Maisel, ‘Social Change Amidst Terror and Discrimination: Yezidis in the New Iraq’, *The Middle East Policy Brief*, August 2008, no. 18, p. 4.

<sup>11</sup> Dabiq, Issue 4, *The Renewal of Slavery before the Hour*", September 2014, p. 14.

State captors, increasing the offspring of the 'mujahideen' (fighters), and as a reward for the 'mujahideen'." <sup>12</sup>In November 2015, the US Holocaust Memorial Museum released a report "Our Generation is Gone: The Islamic State's Targeting of Iraqi Minorities in Ninewa", which found that "[a]n analysis of that material, notably editions of IS's English-language magazine, *Dabiq*, suggests that the Yazidis were intentionally targeted for the purpose of destroying in whole or in part their religious group. In these public statements, IS says that the Yazidis' polytheistic religion cannot exist alongside IS's puritanical interpretation of Islam. In IS's propaganda material, it refers to Yazidis as devil worshippers. IS writings suggest the group does not regard the Yazidis as worthy of living as Yazidi." <sup>13</sup>

## 1.2 The right to life and security

10. The ideological dehumanization and 'othering' of Yazidis has threatened, and continues to threaten, the security of Yazidis and their very right to physical existence.

### *Threats preceding ISIS*

11. Sinjar, the homeland of the Yazidi community is located in the Province of Ninewa. As explained in a 2019 report by the European Asylum Support Office (EASO), in this specific area, "the ISIL occupation was preceded by 'years of overlapping violent extremism and organized crime by militia groups, some of which were IS progenitors and/or rivals'. With its location within Iraq's disputed territories and its diverse ethnic composition, Ninewa is considered to be a 'longtime center of Sunni Arab nationalism in Iraq' and was once the 'center of gravity for al-Qaeda in Iraq'." <sup>14</sup> In the summer of 2007, four explosive trucks driven by Al Qaeda operatives targeted four Yazidi towns in South Sinjar, namely Til Azer, Siba Sheikh Khider, Gir Zarik and Til Qasab. <sup>15</sup> Two of these trucks exploded in Til Azer and Siba Sheikh Khider, killing around 800 individuals and injuring a further 1500. This was reported as the heaviest bombing by Al Qaeda in Iraq. <sup>16</sup>

### *The persisting threat of ISIS*

12. This violence continued with ISIS, which took active steps to make the ideological goal, of eliminating the Yazidi people, a reality. The intensity and cumulative impact of these actions led the UN Commission of Inquiry on the Syrian Arab Republic (hereafter "the Commission of Inquiry") to conclude in 2016 that ISIS was committing genocide, as well as multiple crimes against humanity and war crimes, against the Yazidis, as reflected by "public statements and conduct of ISIS [which] strongly indicate that ISIS intended to destroy the Yazidis of Sinjar, composing the majority of the world's Yazidi population, in whole or in part." <sup>17</sup>

---

<sup>12</sup> N. Malik, ["Surviving Islamic State: The Plight of the Yazidi Community"](#), 18 September 2018,

<sup>13</sup> United States Holocaust Memorial Museum, "Our Generation is Gone: The Islamic State's Targeting of Iraqi Minorities in Ninewa", November 2015, pp. 18-19.

<sup>14</sup> [EASO Country of Origin Report, Iraq](#), March 2019, p.114, citing Rise Foundation, Mosul and Tel Afar Context Analysis, December 2017, p. 6, and Ahn, J. et al., The Politics of Security in Ninewa: Preventing an ISIS Resurgence in Northern Iraq, 7 May 2018, p. 6

<sup>15</sup> Institut Kurde de Paris and CBS News, ["Up to 500 Dead in Iraq's Worst Attack"](#) (August 16, 2007)(August 16, 2007)

<sup>16</sup> D. Cave, J. Glanz, ["Toll in Iraq Truck Bombings Is Raised to More Than 500"](#). *The New York Times*, 21 August, 2007.

13. The Commission of Inquiry affirmed in 2017 that the genocide against the Yazidis was ongoing,<sup>18</sup> and there are also well-founded grounds to conclude that it continues in the present day. Thousands of Yazidi women and children are still believed to remain in ISIS captivity: in November 2018, “the Directorate of Yazidi Affairs within the Kurdistan Region Ministry of Endowment and Religious Affairs reported to UNAMI/OHCHR that some 3,117 Yazidis were believed to remain in ISIL captivity (1,452 women, including girls and 1,665 men, including boys)”.<sup>19</sup> Their ongoing disappearance and enslavement constitutes a distinct source of risk to family members, since “[s]ome are still making payments to ISIS fighters, who regularly call to threaten them.”<sup>20</sup> This ongoing crime marks the continuation of the Yazidi genocide, and reflects the stark risk to Yazidi females, and the ongoing vulnerability of all Yazidis.
14. The fact that ISIS has lost territorial control over certain areas in Iraq has also not eliminated its capacity, and willingness to execute attacks in these areas.
15. A November 2018 report by the United States Department of Defence Lead Inspector General (Lead IG) to the United States Congress on ISIS activities in Iraq and Syria concluded that “an effective clandestine ISIS organization has moved underground and is acting as an insurgency”.<sup>21</sup>
16. The group has a network of tunnels and safe houses among and beyond the multiple communities supportive of its activities.<sup>22</sup> It continues to recruit foreign fighters, who cross into Iraq from the Syrian border. The frequency of such border crossings is also likely to increase now that the United States’ forces have withdrawn from Syria.
17. The loss of the organisation’s territories in Syria has contributed to the reactivation of ISIS in the Iraqi provinces of Ninewa, Salahaddin, Anbar, Kirkuk, and Diyala.<sup>23</sup> In his November 2018 briefing to the Security Council, the SRSO of the United Nations Mission in Iraq further observed that:<sup>24</sup>

*Most Da’esh movements in recent months have been reportedly through the desert joining central Iraq and its Anbar and Ninewa provinces to the western border with Syria. (...) Also, Da’esh remains active in some other Iraqi provinces, notably in Kirkuk, Salah ad-Din and Diyala.*

---

<sup>17</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, para. 163

<sup>18</sup> [ISIL's Genocide Against the Yazidis Ongoing](#), 3 August 2017

<sup>19</sup> Office of the High Commissioner for Human Rights & United Nations Mission for Iraq, [UNAMI Report on Mass Graves](#) November 2018

<sup>20</sup> [They Came to Destroy: ISIS Crimes against the Yazidis](#) p. 2, para. 76.

<sup>21</sup> U.S. Department of Defense, [Operation Inherent Resolve -Lead Inspector General Report to the United States Congress](#) published 3 February, 2019, pp. 32-33

<sup>22</sup> [Operation Inherent Resolve -Lead Inspector General Report to the United States Congress](#) pp. 32-33

<sup>23</sup> Information received from Ali Simoqy, Independent Researcher (28 March 2019).

<sup>24</sup> [UN SRSO Briefing Iraq November 2018](#)

18. Based on an analysis of geo-located security incidents up to December 2018, an Iraq security expert assessed ISIS to be operating 27 permanent attack cells in different areas in Iraq- this included Sinjar.<sup>25</sup>
19. The Iraqi Security Forces (ISF) do not have the capacity to control rural areas, and checkpoints are set up only on major roads. As a result, ISIS has been able to evade security forces and conduct multiple attacks, including bombings, kidnapping for ransom, and targeted assassinations. Civilian casualties amounted to 69 Iraqi civilians killed and 105 injured in October 2018, 41 killed and 73 injured in November 2018, and 32 killed and 32 injured in December 2018.<sup>26</sup>
20. Since October 2018, there have been at least three explosions targeting civilians in Ninewa Province (in Qiarrah, Mosul and Talafar).<sup>27</sup> In February 2019, Iraqi security services reported that they had identified ISIS suicide bombers, and several sleeper cells.<sup>28</sup> In response to other reported ISIS attacks, “Locals in the provinces of Salahuddin, Diyala, Kirkuk, Anbar, and Ninewa have repeatedly warned Iraqi military officials of growing activity by Islamic State militants in the area. The group’s fighters often use mountainous areas or other rural regions as bases or hiding spots, making it challenging for security forces and the US-led coalition to find or track them.”<sup>29</sup>
21. On 24 March, 2019, there was an armed confrontation in the village of Gir Zarak, in the Sinjar district,<sup>30</sup> when three individuals, believed to be members of ISIS, detonated suicide vests during a confrontation with Sunni components of the Popular Mobilisation Forces. The incident occurred 40 kilometres from the Iraqi-Syrian border.
22. A May 2019 announcement from Brigadier-General Najm al-Jabouri, the head of the Iraqi army’s Nineweh Operations Command, that the Iraq army intends to provide weapons to citizens in villages around Mosul as a form of defense against ISIS resurgence,<sup>31</sup> speaks both to the ongoing risk of further attacks from ISIS, and the likelihood of ongoing conflict generated by the increased circulation of weapons within the civilian population. This risk of ongoing conflict, and high level of insecurity also presents particular risks for Yazidi children, who are vulnerable to forced recruitment into militia, both in Sinjar and elsewhere.<sup>32</sup>
23. Most recently, on 12 June 2019, it was reported that the Islamic State had accepted responsibility for an attack carried out against the Shingal Resistance Units (YBS) in

---

<sup>25</sup> M. Knights, *The Islamic State Inside Iraq: Losing Power or Preserving Strength?*, CTC, Vol. 11, Issue 11, December 2018, p. 2, cited in [EASO Country of Origin Report, Iraq](#) p. 32.

<sup>26</sup> [Operation Inherent Resolve -Lead Inspector General Report to the United States Congress](#) p. 41

<sup>27</sup> [Reuters Car Bomb Kills at Least One in Iraqi Border Town](#)

[CNN Iraq Bomb ISIS Claim](#)

[Rudaw, Iraqi parliament leadership condemns 'Daesh' attack in Qayyarah](#)

[France 24 Six Killed by Car Bomb Near Mosul](#)

<sup>28</sup> [Kurdistan 24 Iraqi forces kill ten ISIS members in Anbar and Nineveh](#)

<sup>29</sup> [Kurdistan 24 Kidnapped while picking truffles: Abductors execute six, release five](#)

<sup>30</sup> [Kurdistan 24 ISIS Members Detonate Themselves During Clash With Iraqi Forces In Shingal](#),

See also [The Jerusalem Post, Three ISIS Suicide Bombers Detonate Near Iraq’s Sinjar](#)

<sup>31</sup> [Kurdistan 24 ‘Iraqi army plans to arm residents in 50 Mosul villages as ISIS threat persists’](#)

<sup>32</sup> Nadia’s Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) 2018, p. 49.



Sinjar.<sup>33</sup> This also coincides with both a statement from the Islamic State, claiming to have targeted the farms of ‘apostates’, and widespread fires in Kocho (a village in Sinjar), which destroyed Yazidi crops, and threatened the integrity of the sites of mass graves of Yazidi victims of the ISIS genocide.<sup>34</sup>

### *Landmines and Militias*

24. The ability of the Yazidi people to enjoy the right to life and security is also undermined by the continued existence of landmines and unexploded ordinances, which were placed in Sinjar in an attempt to destroy the Yazidi people and displace them from their homeland.
25. In general, Iraq faces a contamination of 10-15 million persistent landmines, unexploded ordinances (UXOs), and explosive remnants of war.<sup>35</sup> According to the Mines Advisory Group, this makes Iraq the most heavily mined country in the world.<sup>36</sup> Wherever ISIS was present, homes and public spaces were mined and booby-trapped.<sup>37</sup> Between March and May 2018, the International Organisation for Migration documented 40 mining-related incidents in Ninewa Governorate, resulting in the death and injury of 63 minors.<sup>38</sup> Many Internally Displaced Persons express insecurity due to contamination as the obstacle to their return.<sup>39</sup> In North Sinjar, retaken from ISIS within a few months, the Mines Advisory Group assessed the contamination to be ‘extensive.’<sup>40</sup> Unexploded munitions and trapped buildings prevent the displaced from returning.<sup>41</sup> As a result, only 12% of the district’s pre-ISIS population has returned to North Sinjar.<sup>42</sup> There has been no exploration of South Sinjar,<sup>43</sup> where ISIS occupation lasted three years.<sup>44</sup> There is therefore no assessment of the area’s level of destruction and contamination.<sup>45</sup> However, the Mines Advisory Group anticipates South Sinjar to be in much worse condition than North Sinjar, in light of ISIS’s extended embedding in the area.<sup>46</sup> To date, no decontamination activities have been undertaken.

---

<sup>33</sup> W. van Wilgenburg, ‘[ISIS carries out rare attack in Shingal region](#)’, Kurdistan 24, 12 June 2019

<sup>34</sup> [ISIS carries out rare attack in Shingal region](#),

[Shingal fires spark Yezidi evacuation, threaten mass grave sites](#) Rudaw, 12 June 2019

<sup>35</sup> Department of State, [U.S. Conventional Weapons Destruction Program – Iraq, Fact Sheet](#) Bureau Of Political-Military Affairs, 20 November 2018)

<sup>36</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>37</sup> [U.S. Conventional Weapons Destruction Program – Iraq, Fact Sheet](#)

<sup>38</sup> [International Organisation for Migration, Integrated Location Assessment III \(March-May 2018\)](#)

<sup>39</sup> [International Organisation for Migration, Integrated Location Assessment III \(March-May 2018\)](#)

<sup>40</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>41</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>42</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>43</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>44</sup> Nadia’s Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p.13.

<sup>45</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>46</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

26. International, national, and local conflicts have also continued to impact on the level of security in Sinjar and surrounding areas.<sup>47</sup> Turkish Kurdistan Workers' Party (PKK) groups are present in the district, making it the target of airstrikes by the Turkish armed forces.<sup>48</sup> The Turkish air force frequently launches airstrikes targeting PKK positions in Northern Iraq and the Kurdistan Region of Iraq.<sup>49</sup> In 2018, Turkish airstrikes targeting PKK members killed 12 civilians in Dohuk Governorate, injured 3 civilians, and forced 10 schools to close.<sup>50</sup> Local officials claim that the residents of 360 villages were compelled to relocate due to the airstrikes, and that up to 35% of Dohuk Governorate is unsafe.<sup>51</sup> The Iraqi government has afforded no protection to the Yazidis against these airstrikes, and civilian casualties and damage to civilian property have gone uncompensated.<sup>52</sup> In December 2018, Nobel Peace Prize winner Nadia Murad met with the Turkish Foreign Minister to call upon Turkey and Iraq to cease all bombings in Sinjar, since this is a prerequisite if Yazidis are to return.<sup>53</sup> However, the Turkish military continued to conduct airstrikes in Northern Iraq on 6 January 2019, with seven casualties,<sup>54</sup> and on January 20, 2019, with six casualties.<sup>55</sup> On 23 and 24 March 2019,<sup>56</sup> Turkish warplanes bombed Sharansh village in Dohuk Governorate's Zakho district, where displaced Yazidis reside. The fact that such airstrikes have occurred with impunity has continued to prevent displaced Yazidis from returning and rebuilding Sinjar.

### 1.3 The right to health and rehabilitation

27. Due to the factual matrix of the mass atrocities perpetrated against them, Yazidis have specific medical and rehabilitation needs that are not met by existing services in Iraq.
28. There is, in particular, an extremely high incidence of Post-Traumatic Stress Disorder (PTSD) amongst survivors. In 2017, trained local assessors (clinical psychologists) conducted an evaluation of over 400 Yazidi women and girls in Internally Displaced Persons' (IDP) camps. Approximately 15% of the sample had been subjected to sexual enslavement by ISIS, but when the assessors "used the culturally validated cut-off score of 23 [42], [they] found that all formerly enslaved and 97.2% of non-enslaved participants fulfilled the DSM-5 criteria for a PTSD diagnosis"<sup>57</sup> – that is, the group as a whole, had experienced a severe level of trauma. The trauma stemmed from a range of different factors, which are consonant with the systemic persecution experienced by Yazidis during the genocide and subsequently: "85.1% of participants reported that they had experienced food and water deprivation, 63.7% had direct exposure to armed- and combat-related events, and half of the participants were separated from their family members by force. Regarding general life events during the period of genocide,

<sup>47</sup> Nadia's Initiative, [In the Aftermath of Genocide. Report on the Status of Sinjar](#) p. 9.

<sup>48</sup> Nadia's Initiative, [In the Aftermath of Genocide. Report on the Status of Sinjar](#) p. 9.

<sup>49</sup> Rudaw, [Nadia Murad urges Turkish FM to halt airstrikes in Shingal](#) 16 December 2018

<sup>50</sup> Rudaw, [Turkish airstrikes killed 12 in Duhok over 11 months of 2018](#) 19 November 2018

<sup>51</sup> Rudaw, [Turkish airstrikes killed 12 in Duhok over 11 months of 2018](#) 19 November 2018

<sup>52</sup> Rudaw, [Turkish airstrikes killed 12 in Duhok over 11 months of 2018](#) 19 November 2018

<sup>53</sup> Rudaw, [Nadia Murad urges Turkish FM to halt airstrikes in Shingal](#) 16 December 2018

<sup>54</sup> [7 militants 'neutralized' in Northern Iraq](#) 6 January 2019

<sup>55</sup> [Turkish jets 'neutralize' 6 PKK militants in N Iraq](#) 21 January 2019

<sup>56</sup> NRT English, [Turkish Warplane Continue To Bomb Suspected PKK Positions In Kurdistan](#) 24 March 2019

<sup>57</sup> [Trauma and perceived social rejection among Yazidi women and girls who survived enslavement and genocide'](#)

Hawkar Ibrahim, Verena Ertl, Claudia Catani, Azad Ali Ismail, Frank Neuner) *BMC Medicine* 2018 16:154

witnessing fire or explosion (43.5%), natural disaster (29.3%), and transportation accidents (26%) were among the most common traumatic life events.” The medical report that accompanied this study further notes that these findings are consistent with similar studies conducted with other groups of genocide survivors in Bosnia and Rwanda, that is, that approximately 70% of those evaluated showed continuing symptoms of severe trauma.

29. Moreover, Yazidi men whose relatives were held captive by ISIS have suffered trauma as a result of their inability to protect their families and community members, with some continuing to suffer the profound distress of not knowing the fate or whereabouts of relatives. In strongly patriarchal cultures, violence - and particularly sexual violence - against a group’s female members is also often perpetrated and understood as a means of deliberate attack on the group’s men, or more specifically on the gender roles that men are expected to play. Where men are expected to act as protectors of their female relatives and the female members of their particular group more generally, they may interpret the attack on “their” women as evidence of their own powerlessness, and thus, as a cogent assault on their identity as men. The trauma of male relatives of female survivors has been unrecognised, with little outreach to Yazidi men and in circumstances where relevant psycho-social services are often unavailable.
30. Additionally, the environment many Yazidis find themselves in after surviving ISIS captivity is unfavourable to recovery,<sup>58</sup> and for Yazidis suffering from mental health challenges, these conditions of survival are hard to endure and have resulted in multiple suicides.<sup>59</sup> The physical and mental health issues for Yazidis are also particularly exacerbated in IDP camps. Displacement camps do not offer the resources necessary for healing, and homes have been completely looted or physically demolished in areas of return.<sup>60</sup> For children, it has been reported that the overall climate of having to appear ‘tough’, which pervades such camps, acts as a direct disincentive to speaking out and seeking help in relation to the severe trauma and mental harm that they have experienced.<sup>61</sup> Based on studies conducted with other vulnerable IDP groups (such as the Tawargha, in Libya, who were victims of systemic ethnic cleansing), the mental harm suffered by Yazidi genocide survivors is also likely to manifest itself in increased physical vulnerability and susceptibility to psychosomatic illnesses.<sup>62</sup>
31. In terms of the ability of Yazidis to access healthcare in Iraq that can respond to their specific needs, the physical, psychological, and social services in Sinjar and

---

<sup>58</sup> Matthew Barber, [\*Notes and Policy Recommendations on the Resettlement of Yazidi Survivors of Sexual Enslavement to Canada; Prepared for a Briefing for the Standing Committee on Citizenship and Immigration\*](#) 9 November 2017, p. 6.

<sup>59</sup> Matthew Barber, [\*Notes and Policy Recommendations on the Resettlement of Yazidi Survivors of Sexual Enslavement to Canada; Prepared for a Briefing for the Standing Committee on Citizenship and Immigration\*](#) 9 November 2017, p. 6.

<sup>60</sup> Matthew Barber, [\*Notes and Policy Recommendations on the Resettlement of Yazidi Survivors of Sexual Enslavement to Canada; Prepared for a Briefing for the Standing Committee on Citizenship and Immigration\*](#) 9 November 2017, p. 6.

<sup>61</sup> Ceri V, Özlü-Erkilic Z, Özer Ü, Yalcin M, Popow C, Akkaya-Kalayci T. Psychiatric symptoms and disorders among Yazidi children and adolescents immediately after forced migration following ISIS attacks. *Neuropsychiatrie*. 2016; 30(3):145–50.

<sup>62</sup> P. Jäger, "Stress and Health of Internally Displaced Female Yezidis in Northern Iraq." *Journal of immigrant and minority health* (2018): 1-7.

neighbouring areas are very limited,<sup>63</sup> and there is no centre dedicated to survivor care, which could provide survivors with psycho-social support.<sup>64</sup> Healthcare was limited even prior to the ISIS invasion,<sup>65</sup> and afterwards, health facilities were damaged or destroyed, and medical staff fled.<sup>66</sup> At present, three out of eleven sampled communities in Sinjar do not have access to any local healthcare.<sup>67</sup> Essential elements of healthcare remain unavailable, including specialised care (women's health services) and emergency services.<sup>68</sup> When basic healthcare is available, the efficiency of services is cited as majorly to severely problematic in all of the district's communities - individuals needing healthcare find it repeatedly unavailable, and severe infrastructural issues such as lack of consistent water and electricity prevent proper care.<sup>69</sup>

32. Sinjar district has only one general hospital, which is facing extreme shortages of medicine and equipment. Only two doctors, one pharmacist, and six patient beds are available to respond to the needs of the few thousands of Yazidis who have returned to Sinjar.<sup>70</sup> The hospital has no X-ray machine, no ventilation equipment, no laboratory, no resuscitation equipment, and no heaters. This has resulted in unnecessary patient deaths, including middle-aged adults who could not receive elementary treatment for heart disease, and children unable to stay at the hospital because it is too cold.<sup>71</sup> The infrastructure of the hospital does not allow for heating, due to the large holes in the walls from coalition airstrikes, and made by ISIS in the walls to install weaponry.<sup>72</sup>
33. Access to medical supplies is reported a major to severe problem in seven out of eleven sampled communities in Sinjar.<sup>73</sup> When individuals are able to see a medical practitioner, they do not have access to the medicine they need; basic analgesics such as Paracetamol are sometimes unavailable.<sup>74</sup>
34. The ability of Yazidis to access fundamental health-care and medical supplies is further impeded by geo-political disputes concerning Sinjar. Concretely, Government officials have claimed that it is necessary to restrict the import of goods into Sinjar in order to prevent terrorist groups from accessing supplies.<sup>75</sup> Since late 2014, the Sinjar Region has also been the subject of territorial dispute between the Kurdistan Regional Government and the Iraqi central Government. As part of this dispute, Kurdish armed factions implemented an economic blockade preventing public or private import of

---

<sup>63</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>64</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>65</sup> Nadia's Initiative, [In the Aftermath of Genocide. Report on the Status of Sinjar](#) p. 39. See also T. Westcott, 'IRIN, [The quest to heal Iraq's Yazidis](#), 19 March 2018

<sup>66</sup> Nadia's Initiative, [In the Aftermath of Genocide. Report on the Status of Sinjar](#) p. 39.

<sup>67</sup> Nadia's Initiative, [In the Aftermath of Genocide. Report on the Status of Sinjar](#) p. 40.

<sup>68</sup> Nadia's Initiative, [In the Aftermath of Genocide. Report on the Status of Sinjar](#) p. 39.

<sup>69</sup> Nadia's Initiative, [In the Aftermath of Genocide. Report on the Status of Sinjar](#) p. 43.

<sup>70</sup> [The quest to heal Iraq's Yazidis](#)

<sup>71</sup> [The quest to heal Iraq's Yazidis](#)

<sup>72</sup> [The quest to heal Iraq's Yazidis](#)

<sup>73</sup> Nadia's Initiative, [In the Aftermath of Genocide. Report on the Status of Sinjar](#) p. 40.

<sup>74</sup> Nadia's Initiative, [In the Aftermath of Genocide. Report on the Status of Sinjar](#) p. 41.

<sup>75</sup> Nadia's Initiative, [In the Aftermath of Genocide. Report on the Status of Sinjar](#) p. 43.

basic livelihood goods to Sinjar.<sup>76</sup> This includes the transfer of all types of medicine and medical supplies.<sup>77</sup> Multiple checkpoints frequently forbid the import of medicines and foreign aid workers.<sup>78</sup>

35. Non-governmental organisations are present in Northern Iraq, but sparsely so in Sinjar. Moreover, the combined resources of NGOs to appropriately respond to the mental health needs of survivors and the displaced community are completely insufficient.<sup>79</sup> Iraq and the Kurdistan Region face a severe shortage of Kurdish Kurmanji-speaking mental health practitioners, who have completed practical training and not merely studied psychology at university.<sup>80</sup> As a result, many survivors have not received any psycho-social support.<sup>81</sup> This is particularly the case for Yazidi child survivors of ISIS - a group which includes boys and girls held and sold on with their mothers, girls who were sold into sexual enslavement, and boys who were forcibly trained and made to fight with ISIS.
36. In terms of the latter, propaganda videos, and the first-hand account of released Yazidi child soldiers have also evidenced that, after kidnapping, forcibly conscripting and brainwashing children, ISIS trained them to kill their ‘infidel’ parents,<sup>82</sup> and to be suicide bombers.<sup>83</sup> These acts continue to have long term consequences for the Yazidi community: freed children are viewed as a source of risk and future insurrection – ‘ticking time bombs’. Re-integration and rehabilitation cannot occur unless appropriate counselling and support is provided at a personal, family, and community level, in order to eliminate not only the brainwashing itself, but also the trauma and fear that ISIS actions engendered in the community at large. Nonetheless, the diverse traumatic experiences of children held by ISIS is poorly understood, and there are no specialist psycho-social support services available with expertise in supporting traumatised children.
37. Dohuk Governorate, where most displaced Yazidis reside, also only offers one Survivors’ Centre, which is largely insufficient to meet the community’s needs.<sup>84</sup> There is also no institutionalised system of home visits or travel assistance for individuals

---

<sup>76</sup> Matthew Barber, [Notes and Policy Recommendations on the Resettlement of Yazidi Survivors of Sexual Enslavement to Canada; Prepared for a Briefing for the Standing Committee on Citizenship and Immigration](#) 9 November 2017, p. 6.

<sup>77</sup> Nadia’s Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 11

<sup>78</sup> Nadia’s Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 15.

<sup>79</sup> Matthew Barber, [Notes and Policy Recommendations on the Resettlement of Yazidi Survivors of Sexual Enslavement to Canada; Prepared for a Briefing for the Standing Committee on Citizenship and Immigration](#) 9 November 2017, p. 5.

<sup>80</sup> Matthew Barber, [Notes and Policy Recommendations on the Resettlement of Yazidi Survivors of Sexual Enslavement to Canada; Prepared for a Briefing for the Standing Committee on Citizenship and Immigration](#) 9 November 2017, p. 5.

<sup>81</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>82</sup> J. Hall, [‘Isis is brainwashing children to murder their own parents, child soldier who escaped from Raqqa reveals’](#), The Independent, 18 January 2016

<sup>83</sup> Y. Fisch, [‘Isis starved Yazidi children and told them they could eat in paradise if they carried out suicide bombings’](#), The Independent 11 May 2017, <https://www.independent.co.uk/news/world/middle-east/isis-yazidi-children-syria-iraq-starved-suicide-bombings-eat-in-paradise-a7729581.html>

M. Mostafa, [‘Islamic State video depicts final hours of Yazidi child suicide bomber’](#), Iraqi news 15 February 2017

<sup>84</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

who are unable to travel to Dohuk.<sup>85</sup> This includes Yazidi women, including by not limited to survivors of sexual enslavement, who are often not willing to take taxis which are almost always driven by male drivers. Survivors whose male relatives were executed by ISIS at the time of capture face serious limitations on their ability to access specialised medical care not available within walking distance. Dohuk Governorate also only has five psychiatrists for 330,000 inhabitants and patients from all surrounding areas, and cannot respond to the overwhelming need.<sup>86</sup>

38. This lack of specialised psychiatric and psychological care extends across Iraq and the Kurdistan Region of Iraq.<sup>87</sup> Iraq has less than one hundred psychologists, with the majority being academics without clinical background. There are approximately two hundred psychiatrists most of whom are in private practice. An assessment conducted in four Primary Healthcare Centres in six Governorates found that none had staff trained on bipolar and alcohol/drug disorders, and only one had staff trained in responding to self-harm. Very few facilities had any specialised mental health staff members, or training on the most basic interventions. No facilities had protocols for responding to persons at risk of suicide. Most facilities did not have the key medication for mental health disorders. 272 cases of mental health disorders were reported over a two-week period across facilities. Patients sought help primarily for major depression, anxiety, and post-traumatic stress disorder (PTSD). Of these, only 10% were treated in the facility, and 3% referred to specialised services. As a result, 87% of cases went untreated. Where treatment is received, it is inappropriate for the disorder faced. Benzodiazepines (Valium) are prescribed for depression and PTSD when it is counter-indicated. Access to basic anti-depressants such as Selective Serotonin Re-uptake Inhibitors (SSRIs) is extremely limited. Under these circumstances, the Iraqi health system is not equipped to respond to persons with depression, stress-related disorders, or at risk of suicide or self-harm. As genocide survivors, Yazidis are particularly prone to such conflict-related disorders; the absence of appropriate services for such disorders therefore impacts them specifically as a group.

#### **1.4 The right to self-determination and political representation**

39. Iraqi authorities have continued to fail to implement specific measures to ensure that rights and interests of Yazidis, as a religious minority, are represented within Iraqi decision-making processes. As set out in a November 2018 Yazda press release concerning the reinstatement of the pre-2014 local administration of Sinjar district,<sup>88</sup>

*The officials currently holding positions were not elected by the people of Sinjar and consequently hold no democratic mandate. They are political appointees who, in our considered view, failed in their responsibilities to the people of Sinjar following Daesh's attack on the region in August 2014, including the period after which Daesh was ousted.*

---

<sup>85</sup> CORDAID, [Psychosocial support for ISIS survivors](#) 30 October 2018

<sup>86</sup> CORDAID, [Psychosocial support for ISIS survivors](#) 30 October 2018

<sup>87</sup> Heartland Alliance International, Assessment of 24 Primary Healthcare Centre Across Iraq and the Kurdistan Region of Iraq – May 2018 (Interview with Global Fellow in February 2019)

<sup>88</sup> [Yazda Statement on the Re-Establishment of the Local Administration in Sinjar](#)

40. Indeed, whereas both the Kurdish authorities and the Iraqi central government have sought to assert control over the area of Sinjar, neither have done so in a manner that assist or protects the fundamental rights of Yazidis. Political representation is framed by the dynamics of this conflict, to the exclusion of Yazidi interests. As observed by Van Zoonen and Wiyra,<sup>89</sup>

*The ongoing Arab-Kurdish competition also impacts the political representation of minorities in the disputed territories. In their struggle for control over the areas, each party has an interest in binding the various minority communities, including Yazidis, to either side of the conflict. This has resulted in Yazidis being faced with intense pressure to identify as either Kurd or Arab, subverting their distinct religious identity. In the KRI, the number of reserved seats for non-Kurdish minority communities is 11 out of 111, reserved for Christians, Turkmen and Armenians. Yazidis however do not get any reserved seats. The only way for Yazidis to acquire some level of political representation is for its representatives to affiliate themselves with one of the major Kurdish political parties which have been more focused on Erbil-Baghdad rivalry than catering for the needs of the various ethnic and religious communities in Sinjar and the rest of the disputed territories. This situation leads to problems with representation especially when the aspirations of the Yazidi community are not in line with Kurdish political party objectives. This often results in political leaders communicating and presenting their party's interest towards their community, rather than the other way around. Similarly, in Baghdad, Yazidis are only entitled to one seat in Parliament as they are considered part of the Kurdish entity rather than a distinct minority.*

41. A May 2018 Minority Rights Group report observes, in the same vein, that,<sup>90</sup>

*In Iraqi Kurdistan, which became a host region for many minority IDPs fleeing violence after 2014, many have accused the authorities of discrimination, suppression of civil liberties, and demographic engineering in service of Kurdish political aims. Turkmen IDPs report being subjected to humiliating and discriminatory treatment at Kurdish checkpoints when trying to enter the region. The Kurdish authorities have also continued to maintain a tight control over the flow of goods into the Yezidi area of Sinjar, curbing the flow of food, water and other essential supplies in and out of the region. There were also reports of Kurdish Peshmerga units destroying property and harassing and expelling civilians in areas recovered from ISIS.*

*As a result, inter-community relations in Iraq remain fraught with tension. Minorities from the Ninewa plains, including Yezidis, Christians, Turkmen and Shabak, continue to be distrustful of their Arab and Kurdish neighbors whom they accuse of being complicit in violations against them. Although many minority areas, including Sinjar, have been liberated from ISIS control, very few IDPs have returned. Minorities' feelings of insecurity are compounded by the lack of infrastructure and basic services in their areas of origin. Even prior*

---

<sup>89</sup> D. van Zoonen, K Wiryra, '[The Yazidis Perceptions of Reconciliation and Conflict](#)', Meri Policy Paper, October 2017, pp. 11-12.

<sup>90</sup> Minority Rights Group International, [World Directory of Minorities and Indigenous Peoples - Iraq](#), May 2018

*to the ISIS advance, many minority villages in the Ninewa plains were neglected in terms of provision of public services, including education. This in turn contributed to the marginalization of minorities from the public life of the country, especially minority women, for whom rural patriarchal norms worked in tandem with poor service provision to restrict their access to education.*

## **1.5 The right to protection of the law, and accountability**

42. Notwithstanding the fact that a range of different international legal instruments, including the Genocide Convention and Convention against Torture, oblige Iraqi authorities to conduct effective investigations and prosecutions concerning the crimes committed against the Yazidis, there have been no such proceedings in the five years that have elapsed since ISIS started committing the genocide against the Yazidi people.<sup>91</sup>
43. Many challenges prevent the investigations and exhumations that are needed to provide the Yazidi community with accountability and the possibility to mourn their loved ones. Thus far, authorities have discovered 95 mass graves in Ninewa Governorate,<sup>92</sup> with 70 mass graves across Sinjar,<sup>93</sup> and 14 mass graves in Kocho alone.<sup>94</sup> The Mass Graves Directorate in charge of exhumations nonetheless only has a capacity of 43 staff to begin operations.<sup>95</sup> A November 2018 report also noted that ISIS' continued presence impeded investigators from carrying out their work.<sup>96</sup> As a stark testament to this difficulty, in June 2019, fires rampaged through Sinjar, and threatened to destroy mass graves in the area.<sup>97</sup> The Islamic State issued statements claiming responsibility for the fires in Iraq and Syria, as a means to punish apostates.<sup>98</sup>
44. In March 2019, the United Nations Investigative Team started to exhume mass graves in Kocho, which are believed to contain Yazidi remains.<sup>99</sup> Although this was an important step, it also underscores the very preliminary nature of the investigations. The possibility of effective prosecutions is also hindered by the absence of specific legislation that criminalises genocide under domestic law, or which otherwise provides protection to potential witnesses.<sup>100</sup> Article 398 of the Penal code also provides that 'marriage' of the victim is a complete defence to allegations of rape or sexual assault;

---

<sup>91</sup> A. Radhakrishnan, '[No Justice for Yazidi Women Yet: Why Not?](#)', 10 August 2018

<sup>92</sup> Office of the High Commissioner for Human Rights & United Nations Mission for Iraq, [Report on Mass Graves](#) November 2018

<sup>93</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>94</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>95</sup> Office of the High Commissioner for Human Rights & United Nations Mission for Iraq, [Report on Mass Graves](#) November 2018, p. 12.

<sup>96</sup> Office of the High Commissioner for Human Rights & United Nations Mission for Iraq, [Report on Mass Graves](#) November 2018, p. 13.

<sup>97</sup> '[Shingal fires spark Yazidi evacuation, threaten mass grave sites](#)', Rudaw, 12 June 2019

<sup>98</sup> W. van Wilgenburg, '[ISIS carries out rare attack in Shingal region](#)', Kurdistan 24, 12 June 2019

<sup>99</sup> France 24, '[UN exhumes Yazidi mass graves from Islamic State massacre in northern Iraq](#)'

<sup>100</sup> A. Radhakrishnan, '[No Justice for Yazidi Women Yet: Why Not?](#)', 10 August 2018



this means that Yazidis victims might have no recourse if their perpetrators ‘married’ them (which occurred in some instances, to avoid having to purchase them).<sup>101</sup>

45. Iraq’s National Reconciliation Committee’s planned activities include establishing a criminal court to register complaints and try cases related to IS criminality in Sinjar, but it has yet to open an office in Sinjar.<sup>102</sup>
46. This lack of accountability has also undermined the ability of Yazidis to enjoy other fundamental rights. As noted by the President of the ICRC, accountability in Iraq is a necessary precondition for security and reconciliation, but in order to have accountability, it is necessary for survivors to know the fate of their loved ones.<sup>103</sup> The ongoing failure of the Iraqi authorities to take the necessary steps to clarify this information acts as an obstacle as concerns the overall security of Yazidis in Iraq.
47. Moreover, notwithstanding the extremely dire circumstances in IDP camps, a very concrete effect of this lack of accountability is that Yazidis are unwilling and indeed unable to return to their villages if their security cannot be assured. Bearing in mind the extent to which ISIS was able to draw support against the Yazidis from local communities, Yazidi figures have also emphasised the impossibility of returning to their homes, unless there are effective accountability and reconciliation efforts between local communities, notably Arab communities – efforts that have not yet been undertaken.<sup>104</sup>
48. The link between security and reconciliation appears to be a vicious cycle: Yazidis have not returned because of the lack of accountability, but, as noted by a representative of the European External Action services, the process of reconciliation has not commenced because of the lack of returns.<sup>105</sup>

## 1.6 The right to freedom of movement, and protection against forced displacement

49. In his expert testimony to a Canadian Standing Committee on Citizenship and Immigration, Mathew Barber provided a comprehensive overview of spiritual and cultural importance of Sinjar to the Yazidi people.<sup>106</sup> Barber noted the importance of holy sites, which are pre-dominantly located in Sinjar, to Yazidis, and the impossibility of creating new sites or transferring old sites to other locations.<sup>107</sup> Barber further

---

<sup>101</sup> [‘Iraq’s Criminal Laws Preclude Justice for Women and Girls’](#), Global Justice Center Report, March 2018, p. 4.

<sup>102</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>103</sup> L. Schlein, [‘Iraq Faces Daunting Challenges in Unifying Its People’](#), 9 February 2019

<sup>104</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>105</sup> Intervention of Guy Harrison, [Parliamentary Assembly session on the situation of the Yazidis](#), 2 April 2019

<sup>106</sup> M. Travis Barber, [‘Notes and Policy Recommendations on the Resettlement of Yazidi \(Ezidi\) Survivors of Sexual Enslavement to Canada; Prepared for a Briefing for the Standing Committee on Citizenship and Immigration to Be Held November 9, 2017’](#) 7 November 2017

<sup>107</sup> “temples/shrines are established on sites where mythic figures of Yazidi religious lore are believed to have been active upon the earth (...) there is also no portability of religious structures; as their establishment consecrates the soil beneath them, all Yazidi shrines become permanent” [Notes and Policy Recommendations on the](#)

observes firstly, that as a result of these restrictions, no shrines had been established in IDP camps, and secondly, that “the loss of the Sinjar homeland could potentially have devastating effects on the survival of the Yazidi religious and cultural tradition.”<sup>108</sup>

50. The importance of this region to Yazidi people underscores both the reason why there have been multiple attempts to displace Yazidis from Sinjar, and the extremely deleterious impact of such efforts on the resilience and preservation of the Yazidi people.
51. The attempt to permanently dislodge Yazidis from this area pre-dates ISIS, and spans over decades. For example, a 2015 UN Habitat report found that extensive interviews and research into the situation of Yazidis in Iraq:<sup>109</sup>.

*substantiate the claims of discrimination and violation by the former regime of the Yazidis’ human rights – aside from the violence its people have suffered at the hands of ISIL in 2014. Subjected to forceful deportation from their home villages to collective townships purposely established in 1975 by the former Regime, as a means of sociopolitical and ethnic control, Yazidis never received any restorative justice.*

52. Following the 1975 Algiers Agreement, the Government of Iraq engaged in a campaign of forced demographic change in the ethnically diverse Northern provinces.<sup>110</sup> Many Yazidis have documents dating from the 1970s and prior, that attest to their ownership of agricultural land in Sinjar. However, in 1977, the Iraqi government forced Yazidis to register as Arabs in a national census, and denied resettled Yazidis the right to register plots of land in their name.<sup>111</sup> Following the Iraq-Iran War of 1980 to 1988, a large portion of Yazidi land surrounding Sinjar town was distributed to Arab families of men who had died in the War. The Yazidi population of Sinjar Town subsequently decreased to 20 percent of its original capacity. With the election of the Kurdish Democratic Party (KDP) in Sinjar in 2003, Yazidis sought to regain their land. However, Yazidis who were not members of the KDP were not able to retrieve their original land titles.
53. As a result of these discriminatory policies and discriminatory political bias, many Yazidis lack the civil documentation to prove property ownership, and the State could, at any time, claim property without compensation.<sup>112</sup> Yazidis could only register

---

[Resettlement of Yazidi \(Ezidi\) Survivors of Sexual Enslavement to Canada; Prepared for a Briefing for the Standing Committee on Citizenship and Immigration to Be Held November 9, 2017](#) p. 2.

<sup>109</sup> [Notes and Policy Recommendations on the Resettlement of Yazidi \(Ezidi\) Survivors of Sexual Enslavement to Canada; Prepared for a Briefing for the Standing Committee on Citizenship and Immigration to Be Held November 9, 2017](#), p. 2.

<sup>109</sup> ‘[Emerging Land Tenure Issues Among Displaced Yazidis From Sinjar](#), Iraq’ UN Habitat Report, November 2015, p. 22

<sup>110</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>112</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

property if they changed their ethnicity to ‘Arab’.<sup>113</sup> This system was never amended with the result that displaced Yazidis possess no means to assert their ownership over land or property: a 2015 UN Habitat report estimated that “up to some 250,000 Yazidis may lack land tenure documents.”<sup>114</sup> Given that many Yazidi genocide survivors were forcibly displaced from their property (which was then destroyed or occupied), returnees may not be able to pursue compensation claims to due lack of an original legal title to their own land.

54. In more recent years, the expulsion and displacement of Yazidis from their traditional areas constituted a core plank of ISIS discriminatory policy to repress religious minorities: as determined by UNHCR,<sup>115</sup>

*Reports indicate that ISIS targeted, and continues to target, members of ethnic and religious minority communities as part of a wider policy that aims at systematically suppressing, expelling or destroying many of these communities in areas under its control. Yazidis, Christians, Kaka’is, Kurds, Sabaeen-Mandaeans, Shi’ites, Turkmen and Shabaks reportedly suffered serious ill-treatment at the hands of ISIS, including execution, kidnapping, forced conversion, rape, enslavement, forced marriage, forced abortion and forced displacement. Most members of ethnic and religious minority groups in areas under ISIS control have reportedly either been killed, abducted or displaced.*

55. The UN Commission of Inquiry for Syria further affirmed the existence of an ISIS policy to displace Yazidis, render traditional Yazidi villages unliveable, and destroy the scaffolding of their existence, as a people.<sup>116</sup> The sheer scale of this campaign is evidenced by the following:<sup>117</sup>

*[i]n its aftermath, no free Yazidis remained in the Sinjar region. The 400,000-strong community had all been displaced, captured, or killed. Slow progress is being made in re-capturing Sinjar and clearing villages of improvised explosive devices intentionally left behind by ISIS. While Yazidis are gradually, and fearfully, returning to the retaken areas of Sinjar north of the mountain, the majority of the region’s Yazidis live difficult and impoverished existences in IDP camps scattered throughout the Duhok region of northern Iraq.*

56. With respect to the conditions of life upon displacement, most of the Sinjari Yazidis in the Kurdistan Region of Iraq continue to live in or just outside of tented IDP camps - camps which are currently at capacity, and do not provide sufficient schooling, psycho-

---

<sup>113</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>113</sup> [Emerging Land Tenure Issues Among Displaced Yazidis From Sinjar](#), Iraq’ UN Habitat Report November 2015, pp. 11-12.

<sup>114</sup> [Emerging Land Tenure Issues Among Displaced Yazidis From Sinjar](#), Iraq’ UN Habitat Report November 2015, p. 12.

<sup>115</sup> UNHCR, [Guidance on Forcible Returns to Iraq](#), 14 November 2016, para. 9.

<sup>116</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, paras. 5, 30 (forcible transfer), paras.98-99 (destruction of Yazidi shrines and Yazidi homes).

<sup>117</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, paras. 175-176.

social support, medical treatment or opportunities to sustain a livelihood.<sup>118</sup> According to 31 December 2018 IOM report, the provinces of Dohuk and Ninewa (which is where Sinjar is located) have borne the heaviest brunt of conflict related displacement, with Ninewa hosting 576 030 IDPs, and Dohuk, 337 596 IDPs.<sup>119</sup> After assessing the conditions of IDP camps in Iraq, the United Nations Office for Coordination of Humanitarian Affairs (UNOCHA) determined that “at least 155,000 IDPs living in critical shelters remain severely underserved and may resort to negative coping strategies to survive”.<sup>120</sup> The conditions of displacement raise particular protection concerns for women and children: “child labour and child marriage among IDP and returnee children is more prevalent than in recent years, while over 10 per cent of children are reported to experience psychosocial distress”.<sup>121</sup> Physical security in the KRI is also linked to the identity of the perpetrator and the victim; according to a source interviewed by the Danish Immigration Service, the “possibility of protection can depend on ‘who the persecutor is’ and those in conflict with politicians would not be protected by authorities”.<sup>122</sup> The entrenched discrimination against Yazidis is therefore likely to undermine their right to physical protection, in such an environment.

57. Within the specific context of minority IDPs in Iraq, Minority Rights Group has documented the following pernicious effects of forcible displacement:<sup>123</sup>

*In addition to these humanitarian challenges common to all IDPs, minorities are also contending with the psychological impact of witnessing the destruction of their places of worship and other built cultural heritage, and in some cases their complete ejection from their historical homelands. Since most of those killed in the fighting have been men, thousands of women and girls have been made widows and orphans and thrust into the role of breadwinner. Women and girls without a male protector are more vulnerable to harassment, and are often pressured into marriages as a means of protection and financial support. Many of these marriages are concluded by a religious figure without being officially registered, which leaves women with no legal rights in cases of divorce or abandonment and means children born of the marriage will be undocumented.*

58. The ongoing nature of this displacement is also evidenced by a December 2018 IOM Iraq report, which details that of the 337,596 IDPs in Duhok, 62% are from Sinjar (i.e. the Yazidi homeland).<sup>124</sup> The same report also does not refer to any significant numbers of returns to Sinjar,<sup>125</sup> and notes that the Ninewa district continues to have the highest number of IDPs living in critical shelters (rather than habitual residences).<sup>126</sup> In its

---

<sup>118</sup> See, for instance the [Amnesty International 2018 Report on Iraq](#) and Reach 2016 Report, [Iraq: Assessing Needs and Gaps in Formal IDP Camps Across the Country](#)

See also recent Yazda [Video of conditions of IDP camps on Mt Sinjar](#)

<sup>119</sup> IOM, Iraq: DTM Round 107, December 2018, p. 3, cited in [EASO Country of Origin Report, Iraq](#) p. 52.

<sup>120</sup> UNOCHA, [Humanitarian Needs Overview 2019](#), November 2018, p.4.

<sup>121</sup> UNOCHA, [Humanitarian Needs Overview 2019](#), November 2018, p.4.

<sup>122</sup> [EASO Country of Origin Report, Iraq](#) p. 156, citing Denmark, DIS, The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, April 2016, p. 45

<sup>123</sup> Minority Rights Group International, [World Directory of Minorities and Indigenous Peoples - Iraq](#), May 2018

<sup>124</sup> [Iraq, Displacement Tracking Matrix, IOM Iraq, December 2018](#), p.2

<sup>126</sup> [Iraq, Displacement Tracking Matrix, IOM Iraq, December 2018](#) pp. 5-6.

March 2019 report, EASO (the European Asylum Support Office) also refers to deliberate efforts to obstruct the safe and secure return of Yazidis to Sinjar:<sup>127</sup>

*Very few Yazidi IDPs have returned to Sinjar primarily due to the unstable security situation, the presence of different security actors in the area, and perceptions of insecurity. Moreover, the KRG is reported to hinder the return of Yazidi IDPs living in KRI to Sinjar, allegedly through pressure and incentives.*

59. The reconstruction of Yazidi areas has also fallen victim to territorial disputes between Iraqi and Kurdish authorities:<sup>128</sup>

*The Yazidi community is mainly concentrated in areas contested by Baghdad and Erbil. The administrative status of areas such as Sinjar and Bashiqa has been the source of ongoing tensions between the Kurds and Arabs of Iraq. The failure to implement the only legal mechanism able to solve the issue – Article 140 of the Iraqi Constitution – has led to a problematic lack of ownership regarding Yazidi areas. As neither side can be confident they will hold on to these territories in the future, and the political representation of religious minorities in Iraq lacks the ability to successfully advocate for minority rights, the disputed territories suffer from underdevelopment and systemic negligence in public investment and service provision.*

60. This systemic negligence towards Yazidi areas has directly impacted on the feasibility of returns: as set out in a 29 October 2018 statement from UNHCR representatives,<sup>129</sup>

*In parts of West Mosul, Sinjar, the Ninewa Plains, and Anbar, rubble is not yet cleared of explosives and services like water and electricity are not fully functional. In such instances, conditions for sustainable return are not yet met. It is of the utmost importance that assistance for displaced Iraqis continues to avoid premature returns to these areas, which could result in further displacement. At the same time, the communities hosting displaced people also face increased hardship, and resources are stretched.*

61. Similarly, a December 2018 UNICEF report notes that:<sup>130</sup>

*By the end of November 2018, 106,572 individuals, including 55,000 children were recorded entering IDP camps in Ninewa Province, with around 52% being in secondary displacement. One major reason for return to camps is continued financial and economic hardship, including no access to adequate shelter due*

---

<sup>127</sup> [Iraq, Displacement Tracking Matrix, IOM Iraq, December 2018](#) p. 5.

<sup>127</sup> [EASO Country of Origin Report, Iraq](#) p. 130, citing, Human Rights Watch, EASO interview with Senior Iraq Researcher, 19 January 2019, and Denmark, DIS, Norway, Landinfo, Iraq: Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI), 5 November 2018, p. 32.

<sup>128</sup> D. van Zoonen, K Wirya, '[The Yazidis Perceptions of Reconciliation and Conflict](#)', Meri Policy Paper, October 2017, p. 11.

<sup>129</sup> [UNHCR provides ongoing support to vulnerable people in Iraq with new funds from the United States of America](#)

<sup>130</sup> UNICEF, [Iraq Humanitarian Situation Report as of December 31, 2018](#), p. 2

*to damaged houses in areas of origin. As of mid-December, almost 2 million Iraqis remain internally displaced. 80% of Internally Displaced reside in IDP camps in Ninewa (52%) and Dohuk (27%). Key issues hindering return include lack of housing, accessing basic services, social cohesion, security, and mental health issues. The lack of appropriate housing in areas of origin is the most prevalent self-reported reason for continued displacement. IDPs from Sinjar in Ninewa are the least willing to return to their areas of origin. As per 2019 projection, it is anticipated that the remaining IDP population is likely to stay in protracted displacement over 2019. 64% of IDPs indicate their intention to stay in displacement.*

62. Although some reconstruction efforts have been undertaken by Iraqi authorities, Yazidi villages have yet to benefit from these efforts. Nadia's Initiative- the non-governmental organisation created by Nobel Peace Prize Winner Nadia Murad that works to document the needs of Sinjar and advance reconstruction efforts - is attempting to resettle some of the northern villages of Sinjar. The Initiative has nonetheless reported a list of obstacles, which is all-encompassing; from security to housing to water to infrastructure to education and healthcare – with the conclusion being that unless substantial assistance is provided in these areas, re-settlement is not feasible.<sup>131</sup>
63. The disputed status of Sinjar district between the Government of Iraq and the Government of the Kurdistan Region has also politicised reconstruction, and therefore the possibility of return of displaced Yazidis.<sup>132</sup> Without a determined status, there is no authority in charge of either issuing compensation for the homes to enable their reconstruction, or providing basic services.
64. Quite simply, given the Iraqi authorities' continued unwillingness and inability to provide basic services and housing in Sinjar, return is not an option for Yazidi IDPs.
65. Alongside their ongoing displacement from Sinjar, the ability of Yazidis to exercise the right to freedom of movement has been curtailed by discriminatory policies concerning identity documents (including passports). This will be addressed in further detail in the next section.

## **1.7 The right to recognition as a person under the law**

66. In Iraq, an identity card is required to access basic rights, such as health care, employment and education,<sup>133</sup> but for the reasons set out below, it is often very difficult for Yazidis to obtain such documentation, and in many cases, they are forced to sacrifice their right to freely express their religion and identity as a Yazidi, in order to do so.

---

<sup>131</sup> Nadia's Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 51.

<sup>133</sup> Nadia's Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 51.

<sup>133</sup> UK, [Country Policy and Information Note Iraq: Return/Internal relocation](#), February 2019, paras. 5.3.2, 5.4.6-5.4.7; see also UN High Commissioner for Refugees (UNHCR), ['Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative \(IFA/IRA\) in Baghdad for Sunni Arabs from ISIS-Held Areas'](#), May 2016, p. 27

See also [AAH \(Iraqi Kurds - internal relocation\) Iraq CG UKUT 212 \(IAC\)](#), para. 98.

67. As noted in the United Kingdom Home Office Country information and guidance for Iraq, Yazidis, who have been forcibly converted to Islam, cannot subsequently obtain identity documents which reflect their true faith, because Iraqi law allows conversion to Islam, but not from Islam to another faith.<sup>134</sup> However, if a Yazidi continues to identify as a Muslim (for the purpose of having an identity document), this means that their children will be forced to identify as a Muslim (Iraqi law specifies that if a parent is identified as being of the Islamic faith, the children must also be so identified).<sup>135</sup>
68. The children of Yazidi women, who were raped by ISIS, are also identified as ‘Muslim’, if they obtain documentation. Many such children also lack proof of paternity (particularly if their fathers were killed or fled), which makes it extremely difficult for them to obtain legal documentation concerning their identity.<sup>136</sup> The United Nations Office for Coordination of Humanitarian Affairs (UNOCHA) concluded in this regard that Ninewa was one of the four governorates with the highest number of conflict-affected children, and further expressed its concern that these children “may be at serious risk of being unable to access services due to lack of civil documentation”.<sup>137</sup>
69. These difficulties of obtaining identity documentation are also heightened as concerns female Yazidis, without living male relatives, as some documentation requires a male signature.<sup>138</sup>

## 1.8 The right to education

70. In Sinjar, the substantive education system is heavily connected to the presence of various military forces. Since 2014, the primary school curricula have been divided between the Iraqi Kurdistan Regional system, the Iraqi Federal System, and the PKK educational ideology respectively, depending on which military force was present in the various towns in Sinjar.<sup>139</sup> Children attending PKK-affiliated schools are only taught a Kurdish-Latin curriculum, which does not have any connection to the Federal curriculum. As a result, pupils who are able to finish secondary school, will not be able to attend universities in Iraq, or in any foreign country.<sup>140</sup> Similarly, students who have attended Kurdistan-affiliated schools, cannot subsequently attend Federal schools. This

<sup>134</sup> UK Home Office, [Country Information and Guidance Iraq: Religious minorities \(5.3 Conversion\)](#), quoting UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Iraq (2012).

<sup>135</sup> UK Home Office, [Country Information and Guidance Iraq: Religious minorities \(5.3 Conversion\)](#), quoting UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Iraq (2012).

<sup>136</sup> K. al-Taeie, ‘[Iraq addresses legal, humanitarian issue of ISIS children](#)’, 8 August 2018, Diyaruna

<sup>137</sup> UNOCHA, [2019 Humanitarian Needs Overview, Iraq](#), 16 December 2018, p. 9

<sup>138</sup> “Getting new passports, identity cards, and birth certificates is a complex, bureaucracy layered process in Iraq. Often, the fees involved are beyond the reach of most of the now displaced Yazidis. Additionally, where documents require a male relative’s signature, families are often, understandably, unwilling to make a necessary declaration that a missing father or husband is deceased”, Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, para. 181.

See also [AAH \(Iraqi Kurds - internal relocation\) Iraq CG UKUT 212 \(IAC\)](#), which concludes that “A woman without a male relative to assist with the process of redocumentation would face very significant obstacles in that officials may refuse to deal with her case at all.”

<sup>139</sup> Information received from Ali Simoqy, Independent Researcher (March 28, 2019).

<sup>140</sup> Information received from Ali Simoqy, Independent Researcher (March 28, 2019).

fragmented curricula system significantly impacts on the education and employment opportunities of displaced Yazidis, and their ability to adapt, and accept opportunities, in different locations.

71. Due to the dispute over governance in Sinjar between the Government of Iraq and the Government of the Kurdistan Region, both educational directorates are now absent from Sinjar. Consequently, there are almost no undamaged, fully functioning schools in the area.<sup>141</sup> The uncertainty concerning which Government will control Sinjar and the surrounding areas has also meant that neither of Government will commit resources to repair and invest in schools and other basic communal necessities. The majority of communities in Sinjar report critical or severely problematic educational conditions.<sup>142</sup> For example, according to Nadia's Initiative, out of 11 different locations surveyed across Sinjar the district, 10 reported access to school as a severe, to critical problem, 8 out of 11 reported a critical understaffing of teachers, and all locations reflected a critical lack of school supplies.<sup>143</sup> Damaged government schools have also not been repaired; instead, *ad hoc* caravan schools similar to the ones in displacement camps have been temporarily established by aid agencies.<sup>144</sup> The absence of any functioning security structures for Yazidis has also impacted directly on their ability to physically access education: 67% of individuals surveyed by Nadia's Initiative responded that a school was not available within a safe walking distance of their homes.<sup>145</sup>
72. The absence of security, coupled with the lack of functioning schools, has also created a fertile breeding ground for recruitment of child soldiers into militias. According to government statistics, 62% of children in Sinjar do not attend school, or do not do so, on a regular basis. Since 2014, children have been illegally recruited into militias: into the Peshmerga, to gain income for their families, or into the PKK, to help liberate Yazidis, who are still kidnapped.<sup>146</sup> The lack of functioning education structures in Yazidi areas thus increases the vulnerability of children to non-consensual military recruitment, and serves to further entrench the systemic inequality and vulnerability of Yazidis in Iraq.
73. In contrast to other districts in Iraq, Sinjar also does not have a university, even though it is the largest district of Iraq. It is also difficult for Yazidis to obtain an education in other areas, For example, in 2005, after calls from religious leaders, Yazidis were targeted in Mosul, with the result that many Yazidi university students were compelled to forgo their studies at the University of Mosul.<sup>147</sup> A 2005 UNHCR report on Iraq further describes the departure of 1500 non-Muslim females from this University, after they were targeted and harassed for not adhering to strict Islamic dress code.<sup>148</sup> This level of discrimination and harassment appears to continue in the present day, as

---

<sup>141</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

<sup>142</sup> Nadia's Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 35.

<sup>143</sup> Nadia's Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 34.

<sup>144</sup> Nadia's Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 35.

<sup>145</sup> Nadia's Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 36.

<sup>146</sup> Nadia's Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 37.

<sup>147</sup> Information received from Ali Simoqy, Independent Researcher, 28 March, 2019.

<sup>148</sup> UNHCR, [Background Information on the Situation of Non-Muslim Religious Minorities in Iraq](#) (October 2005)', p. 3.



illustrated by a report concerning Yazidi females who felt unable to live on campus in Mosul due to security concerns.<sup>149</sup>

74. Effective access to education is also impacted by employment opportunities in the region. From the 1990s to 2014, most of the Yazidi population were dependent on local agricultural work. During the plantation season from March to early December, families would be required to leave the Sinjar region and reside in nearby districts where farming occurred. As a result, children would not be able to continue studying at school, and were taken out of school during half of the year.<sup>150</sup> When a child was able to continue their schooling, male children were favoured, due to the fact that it was considered more acceptable for them to leave the family and stay with other relatives or families.<sup>151</sup> In the present day, the diminished Yazidi community in Sinjar makes this option less likely. The situation in Sinjar also means that it is now necessary to travel further afield to find employment/agricultural work in a secure location, which, in turn, means that until there are more stable employment opportunities in Sinjar, the education of Yazidi children will suffer greatly.
75. Successive governments have also failed to document literacy and mortality rates for Yazidis with the consequence that there is little data available from official Iraqi sources. Nonetheless, alternative documentation, predating the most recent genocide, found a pattern of early marriages of Yazidi girls, with corresponding low literacy rates in part because married girls are often pulled out of school to perform domestic tasks, bear children, and assist in subsistence farming.<sup>152</sup> A 2011 IOM report noted that illiteracy/lack of access to education for Yazidi females was a contributing factor to high incidents of suicide/mental health issues.<sup>153</sup> Illiteracy impacts directly on the ability of individuals to obtain information about mental health services, and to be sufficiently empowered to access them. Bearing in mind the specific trauma occasioned by the genocide, the diminished education opportunities are likely to further undermine the prospects for meaningful rehabilitation and recovery.

## 1.9 The right to housing

76. The destruction of Yazidi homes has rendered Yazidi villages uninhabitable: according to UN Habitat, 3000 homes have been destroyed in North Sinjar, and after the liberation of North Sinjar, 80% of homes were damaged, 30% due to arson and 50% due to bombings and explosions.<sup>154</sup>
77. In North Sinjar, most Yazidis are living in shelters/homes that require reconstruction assistance: 60% of people reside in tents, damaged homes, or homes that were in the process of being built when ISIS invaded. Some reported living in tents even three years

---

<sup>149</sup> [‘Yezidi students in Mosul scared to live in university dormitories’](#), 12 January 2019, Associated Press

<sup>150</sup> Information received from Ali Simoqy, Independent Researcher (March 28, 2019).

<sup>151</sup> Information received from Ali Simoqy, Independent Researcher (March 28, 2019).

<sup>152</sup> IOM-IRAQ SPECIAL REPORT, [Increased Incidents of Suicide Among Yazidis in Sinjar, Ninewa](#), July 2011 p. 4.

<sup>153</sup> IOM-IRAQ SPECIAL REPORT, [Increased Incidents of Suicide Among Yazidis in Sinjar, Ninewa](#), July 2011 p. 4.

<sup>154</sup> Nadia’s Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 28.

after the crisis began.<sup>155</sup> Almost five years after the ISIS attack, most Yazidis, who were displaced Sinjar to the Kurdistan Region of Iraq continue to live in tented IDP camps, which are currently at capacity, and do not provide sufficient schooling, psycho-social support, medical treatment or opportunities for a livelihood.<sup>156</sup>

78. Although some reconstruction efforts have been undertaken by Iraqi authorities, Yazidi villages have yet to benefit from these efforts. Special Representative of the United Nations Secretary-General for Iraq and Head of the United Nations Assistance Mission in Iraq Jeanine Hennis-Plasschaert reported back to the United Nations in May 2019 that “[o]bstacles are varied and often complex, painfully resulting in stalled returns on the ground”, noting further: “I was shocked to see that now, nearly five years after the capture of Sinjar by Da’esh [Islamic State] and the area’s subsequent liberation, many people are still living in tents, on the very mountain top they fled to at the onset of the terror campaign.”<sup>157</sup>

### 1.10 The right to employment.

79. Key structural issues adversely impact on the ability of Yazidis to maintain a basic level of subsistence. This includes:
1. Yazidis’ dependence on agricultural activities, that were destroyed during the ISIS genocide;
  2. failure by the authorities to restore basic infrastructure (roads) and to ensure security to enable movement to access employment opportunities;
  3. systemic religious discrimination which means that Yazidis cannot be hired in many traditional industries; and
  4. high levels of military conscription due to the overall lack of security for Yazidis, coupled with the inability of Yazidi women to obtain employment or alternative financial support.
80. As concerns the first aspect, after 2003, the Yazidi male community found employment in two areas:<sup>158</sup> firstly, construction companies in the Kurdistan Region provided opportunities for daily labour for thousands of Yazidi men; and secondly, after the Federal Iraqi army was established, thousands of Yazidi men joined the army. These areas afforded members of the male population working opportunities other than farming. As a result, families were not required to leave their hometowns during the farming season, which, in turn, meant that children could continue to attend school. These sources of employment no longer exist: the war against the Islamic State brought investment and the construction industry to a standstill, and the ensuing tensions between Yazidi and Arab communities has closed off enlistment in the Federal Army as a viable option, as it is mostly constituted of Arab Iraqis. Yazidis are increasingly dependent on agricultural work, that no longer exists in Sinjar.

---

<sup>155</sup> Nadia’s Initiative, *In the Aftermath of Genocide, Report on the Status of Sinjar* p. 28.

<sup>156</sup> , for instance the [Amnesty International 2018 Report on Iraq](#) and Reach 2016 Report, [Iraq: Assessing Needs and Gaps in Formal IDP Camps Across the Country](#)

See also recent Yazda [Video of conditions of IDP camps on Mt Sinjar](#)

<sup>157</sup> ‘[Briefing to the UN Security Council by SRSG Jeanine Hennis-Plasschaert](#)’, 21 May 2019

<sup>158</sup> Information received from Ali Simoqy, Independent Researcher (28 March 2019).

81. As detailed in a March 2019 EASO report, there is evidence that ISIS deliberately destroyed the agriculture industry in the area of Sinjar, in order to eliminate the livelihood of those who lived there:<sup>159</sup>

*During a September 2018 research focusing on the destruction of Iraq's rural environment and the subsequent effects in the area around Sinjar district in Ninewa, AI [Amnesty International] 'found evidence that IS deliberately targeted the rural environment that underpins the livelihoods of people living off the land'. The area around Sinjar was considered to have suffered some of the most extensive destruction: irrigation wells were often sabotaged with rubble, oil, or other foreign objects, and pumps, cables, generators and transformers stolen or destroyed. IS also burnt or chopped down orchards and pulled down and stole vital electricity lines. Although Iraq adopted a reconstruction plan in 2018 AI observed that the government hasn't managed to 'meaningfully address the full scale of destruction of agricultural livelihoods or implement plans to assist farmers to rebuild Iraq's shattered land and the livelihoods it enables'.*

82. In December 2018, Nadia's Initiative also noted, '*In the Aftermath of Genocide, Report on the Status of Sinjar*', that "[a]ccording to statistics provided by the U.N., nearly 70% of household income prior to the invasion of IS stemmed from agricultural activities. The loss of this sector has had an enormous impact."<sup>160</sup> Shortly thereafter, Amnesty International issued an extensive report on the purposeful and nearly complete destruction of the agricultural sector in Sinjar by ISIS and the difficulties inherent in rehabilitating it.<sup>161</sup> Although this critical need for aid in this sector has been recognized in these reports, because of the dispute in territorial control, Sinjar is no longer included in much of the work accomplished by NGOs and aid agencies coordinating with the KRG, but has not yet been taken up by NGOs and aid agencies based in Baghdad.<sup>162</sup>
83. Following the genocide, Yazidis no longer have secure access to agricultural lands. The lands in Sinjar were excluded from irrigation channels, which were laid down prior to the Iraq-Iran war (1980 – 1988).<sup>163</sup> Irrigation channels were only laid down in Arab areas, neighbouring the Sinjar district, which is where Yazidis used to look for work with local landowners. In light of the participation of local villages in ISIS attacks against the Yazidi community during the genocide, Yazidis now fear working in these local areas surrounding Sinjar. The only fertile land within Yazidi areas is Kojo village, which is now a crime scene. The rest of Kojo and surrounding areas are equally unfit for plantation, as they are the sites of mass killings (which need to be preserved and exhumed for future criminal investigations). The practical consequence is that the Yazidi community cannot use the land, and it would, in any case, be traumatic for them to do so. In June 2019, severe fires destroyed existing crops in Kocho, thereby

---

<sup>159</sup> [EASO Country of Origin Report, Iraq](#) March 2019, *ibid.*, p. 130, citing AI, *Dead land: Islamic State's deliberate destruction of Iraq's farmland* [MDE 14/9510/2018], 13 December 2018, pp. 5-6

<sup>160</sup> Nadia's Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 27/

<sup>161</sup> Amnesty International, [Iraq: Dead Land: Islamic State's Deliberate Destruction of Iraq's Farmland](#)

<sup>162</sup> Nadia's Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 26.

<sup>163</sup> Information received from Ali Simoqy, Independent Researcher (March 28, 2019).

depriving Yazidis of a primary source of subsistence.<sup>164</sup> It has been reported that the Islamic State has taken responsibility for igniting such fires, as a means of punishing ‘apostates’.<sup>165</sup>

84. Regarding the second, as detailed by Nadia’s Initiative,<sup>166</sup> since 2014, access to North Sinjar has been through the Feshabour checkpoint controlled by the KRG. Access from other directions was restricted by the south side of the mountain (blocking entry), and pockets of volatility. Due to the Kurdish Referendum of September 2017, the Feshabour checkpoint was closed, and access to the region is now controlled by the Iraqi central government. The route for Yazidis to reach Sinjar now runs through Mosul. Many Yazidis are continually traumatised by having to travel through Mosul, where many were held as slaves, and some continue to be held. The inability to exercise the right to freedom of movement in a safe and effective manner both prevents Yazidis from accessing employment opportunities and impedes the flow of food and goods into their areas.
85. The roads connecting Zummar to Sihela were closed in October 2017, after the Iraqi government seized control of the area. After Nadia Murad travelled to the area in December 2018, the Iraqi government and Peshmerga officials reached an agreement to open it for a limited number of hours per day, though a Kurdish security official cautioned that Iraqi security forces would be unable to secure the road without the assistance of the Peshmerga.<sup>167</sup> This suggests that the opening will remain precarious, and subject to political disputes over the control of the impacted territory.
86. As concerns the third aspect (religious discrimination), as a result of the false perception that Yazidis are devil worshippers, and strict Islamic precepts concerning Halal food preparation and handling, it is very difficult for Yazidis to obtain employment in many traditional areas of employment. Within a self-contained community, the effects of this discrimination can be mitigated but for Yazidi IDPs (which is currently, the majority of Yazidis in Iraq), the consequence is that they are effectively denied any form of sustainable employment.<sup>168</sup>
87. With respect to the fourth factor, the level of ongoing insecurity (and continued disappearances and enslavement of Yazidis) has triggered a high level of conscription amongst Yazidi men and children. While this might result in a form of immediate support for families,<sup>169</sup> participation in militia is both highly risky and unsustainable on a community level. Ongoing participation in militia also serves to heighten the vulnerability of female Yazidis, since female Yazidis do not have access to the Iraqi social security network and pensions, to which other widows or divorced Iraqi women are entitled.<sup>170</sup> There is therefore no financial support for survivors who are unable to work, and need to seek care.

---

<sup>164</sup> ‘[Shingal fires spark Yezidi evacuation, threaten mass grave sites](#)’, Rudaw, 12 June 2019.

<sup>165</sup> W. van Wilgenburg, ‘[ISIS carries out rare attack in Shingal region](#)’, Kurdistan 24, 12 June 2019

<sup>166</sup> Nadia’s Initiative, *[In the Aftermath of Genocide, Report on the Status of Sinjar](#)* p. 25.

<sup>167</sup> [Roads leading to Shingal officially reopen](#)

<sup>168</sup> [Hearing, Iraq and Syria Genocide Emergency Relief and Accountability](#), 3 October 2017, p. 74.

<sup>169</sup> Nadia’s Initiative, *[In the Aftermath of Genocide, Report on the Status of Sinjar](#)* p. 21.

<sup>170</sup> European Council on Foreign Relations, [When the weapons fall silent - Reconciliation in Sinjar after ISIS](#), Policy Brief, 31 October 2018

88. Under the current legal civil compensation framework, Iraqi families whose relatives have lost their lives or disappeared due to terrorist groups such as ISIS can report the disappearance of their relatives.<sup>171</sup> Following successful proof of disappearance, families may be entitled to government privileges within two to four years. Privileges include a piece of land, 40 million Iraqi Dinars (33 512.00 USD), and 1 900 000 Iraqi Dinars (1591.00 USD) every two months, as a salary from the Martyrs Foundation. However, there are no Martyrs Foundation offices in Yazidi areas.<sup>172</sup> As a result, not a single Yazidi family has benefited from these theoretical privileges.
89. In terms of the collective impact of these factors, though there are no official figures on unemployment in the Kurdistan Region, in written testimony to the US Committee on Foreign Affairs, Yazda reported that:<sup>173</sup>

*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.*

90. IDPs are generally allocated a tent and 20,000 Iraqi dinars per capita per month (approx.12-13€) from World Food Programme.<sup>174</sup> This assistance must cover everything. However, even the cost of a taxi-ride to see a doctor in Zakho or Duhok exceeds this sum. This funding is also precarious: no financial assistance was given in September and October last year due to a budget shortfall.<sup>175</sup> This uncertainty combined with the low level of assistance has undermined the ability of Yazidi IDPs to obtain self-sufficiency: a recent World Food Programme survey conducted in November and December 2018 “to assess the household food security of WFP assisted IDPs in central and north Iraq including the Kurdistan Region - showed that the majority of people assisted are still buying food on credit, which may affect their longer-term ability to cope.”<sup>176</sup> This conclusion is in line with the findings in an earlier 2017 Reach Report that:<sup>177</sup>

*The lack of livelihood opportunities in camps across Iraq impacts the ability of IDPs to meet their basic needs, increasing their reliance on coping strategies and subsequently reducing their resilience in the long term. The proportion of IDPs in camps reporting having no income source has increased - from 19% in April 2016 (Round V) to 32% in May 2017. The lack of livelihood opportunities was particularly high in camps in Anbar (58%) and Kerbala (53%) as well as in Ninewa.*

---

<sup>171</sup> Center for Civilians in Conflict, [“We Hope But We Are Hopeless”](#) - Civilians’ Perception of the Compensation Process in Iraq (2018) pp. 8-9.

<sup>172</sup> Information received from Ali Simoqy, Independent Researcher (March 28, 2019).

<sup>173</sup> [Hearing, Iraq and Syria Genocide Emergency Relief and Accountability](#), 3 October 2017, p. 74.

<sup>174</sup> ‘Our life is hell’: Iraq’s IDPs suffer interminable wait for home’ Al Jazeera, 29 July 2018, <https://www.aljazeera.com/news/2018/07/life-hell-iraq-idps-suffer-interminable-wait-home-180729>

<sup>175</sup> ‘[World Food Programme Cuts Cash Transfers due to Budget Shortfall](#)’, 8 October 2018

See also [WFP Iraq Country Brief, November and December 2018](#), p. 2.

<sup>176</sup> [WFP Iraq Country Brief, November and December 2018](#), p. 2.

<sup>177</sup> Reach Report Iraq: Assessing Needs and Gaps in Formal IDP Camps Across The CountryFRAME September 26, 2017

91. Employment opportunities are also highly politicised. There is therefore a direct nexus between the Yazidi community's lack of political representation, and their lack of employment opportunities. Government jobs are offered according to political affiliations, based on ethno-religious ties (Shia Arab, Sunni Arab, and Kurd).<sup>178</sup> The largest political parties have the highest rate of employment in areas where their representatives were elected. Ministers constituting cabinet will hire staff and local administrative officials from their own political party. However, there is only one Yazidi representative in the Federal Parliament, and not a single Minister in cabinet – in either the Federal or the Kurdistan Government – is Yazidi or from another minority group.

## **2. Whether the degree of persecution, and the extent of vulnerability is such that there is a serious risk that atrocity crimes will be committed against the Yazidis in Iraq**

92. The UN framework analysis for mass atrocities sets out 14 different risk factors, which operate as predictors concerning the risk that mass atrocities are likely to be committed in the future: eight factors concerning the general risk that such crimes will be committed, and six additional factors predict the risk of specific types of crimes (such as genocide or crimes against humanity).<sup>179</sup> It is not necessary for all 14 factors to be present in order to establish a risk that mass atrocities crimes will be committed – it depends on the particular context of the country in question.<sup>180</sup> With that in mind, the following most relevant factors have been assessed.

### **2.1 Risk Factor 1 – Situations of armed conflict or other forms of instability**

93. The analysis elaborates that although an armed conflict is one obvious indicator that this factor is present, other examples can include: a security crisis generated by the threat of external intervention or terrorism; security instability caused by changes in authority, or through territorial and political disputes between armed groups; humanitarian crises; and social instability caused by exclusion or tensions based on identity issues.<sup>181</sup>

94. All these elements are present in Sinjar, and Iraq itself. As set out in the sections above, Iraq continues to experience a high level of threat from insurgent ISIS elements. Local governance remains unstable and ineffective, due to the ISIS invasion and related political upheavals, and as a result of the competing political agendas between rival militias and groups in Sinjar. Yazidis have continued to experience a humanitarian crisis: they continued to be displaced, scattered, and denied the necessary basic services necessary to establish a secure livelihood. The capacity of IDP camps is exceeded, with the result that the inhabitants are extremely vulnerable to economic shortfalls or natural events such as flooding. There is also extremely social instability in both Sinjar and elsewhere in Iraq due to the fact that the genocidal ideology towards Yazidis, which has been embedded in Iraq for decades, has not been addressed or eliminated. Rather,

---

<sup>178</sup> Information received from Ali Simoqy, Independent Researcher (March 28, 2019).

<sup>179</sup> [Framework of Analysis for Atrocity Crimes](#) p. 6

<sup>180</sup> [Framework of Analysis for Atrocity Crimes](#) p. 7.

<sup>181</sup> [Framework of Analysis for Atrocity Crimes](#) p. 10.

it continues to manifest itself through ongoing incidents of persecution, and political and social exclusion, as set out in the above sections.

## **2.2 Risk Factor 2 - Record of serious violations of international human rights and humanitarian law**

95. This factor entails an assessment of:

1. *Past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals;*
2. *Past acts of genocide, crimes against humanity, war crimes or their incitement;*
3. *Policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes, or of their incitement;*
4. *Inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing serious violations of international human rights and humanitarian law or likely atrocity crimes, or their incitement;*
5. *Continuation of support to groups accused of involvement in serious violations of international human rights and humanitarian law, including atrocity crimes, or failure to condemn their actions;*
6. *Justification, biased accounts or denial of serious violations of international human rights and humanitarian law or atrocity crimes;*
7. *Politicization or absence of reconciliation or transitional justice processes following conflict;*
8. *Widespread mistrust in State institutions or among different groups as a result of impunity.*

96. These indicators are also present as concerns the situation of Yazidis in Iraq. The 2014 genocide was part of a continuum of violence and persecution that spans decades, and which has manifested itself in regular acts of extreme violence, targeting the Yazidis as a group. This violence (including mass killings) was accompanied by public statements, which incited the extermination of the Yazidi people.

97. There has been a prolonged and pervasive climate of impunity as concerns these atrocities. No-one has been held to account for crimes committed against Yazidis, either before ISIS or afterwards, and Government authorities persistently failed to condemn or deprecate the hate speech, propaganda, and incitement directed against Yazidis. Of key and lasting concern, during the genocide, the Iraqi Government forces and the Peshmerga (the Kurdish security forces) left the Yazidis to their own fate, after first disarming them. The Peshmerga's decision to withdraw was not communicated to the Yazidis, who were left behind.<sup>182</sup> The Yazidis perceive this as an act of betrayal, if not collusion, which has, in turn, eliminated any trust between Yazidis and either the Iraqi Government or the Kurdish authorities.<sup>183</sup>

---

<sup>182</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, para. 24.

<sup>183</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, para. 185.

98. During its attack, ISIS was also assisted by local Arab villagers, who reportedly identified Yazidi houses and individuals,<sup>184</sup> thus enabling ISIS to execute its genocidal plan against the Yazidis. The absence of accountability or reconciliation has created an environment in which the prospect of different groups returning to Sinjar (including individuals whom the Yazidis hold responsible for either committing or contributing to the genocide) creates a serious risk of future violence and conflict.

### **2.3 Risk Factors 3 and 4: Weakness of State Structures, and Capacity to Commit Further Atrocity Crimes**

99. There are concrete grounds for concluding that after being fundamentally weakened by ISIS, the Iraqi Government lacks the capacity and willingness to take the necessary steps to protect Yazidis from the ongoing risk of violence and persecution, set out in the above sections.

100. On 19 June 2018, the United States Institute for Peace reported that the Government was fundamentally weakened by ISIS, and remained fragile.<sup>185</sup> The 2017 US State Department Human Rights Report further attested to the Government's inability to provide appropriate assistance to returning refugees and vulnerable populations, observing that:<sup>186</sup>

*The government did not have effective systems to assist all of these individuals, largely due to funding shortfalls, lack of capacity, and lack of access. The security situation and armed clashes between the ISF and ISIS throughout the year caused significant movement of civilians, further complicating the government's coordination of relief efforts. Security considerations in and near active combat areas, unexploded ordnance, destruction of infrastructure, and official and unofficial restrictions limited humanitarian access to IDP communities.*

101. This assessment of ongoing fragility was reiterated by EASO (European Asylum Support Office) in its March 2019 Country of Origin Assessment of Iraq:<sup>187</sup>

*The armed campaign against ISIL may have brought an end to the organisation's territorial control in Iraq, but it has not fully secured the situation in the country. The security situation remains fragile, particularly in areas earlier controlled by ISIL, where remnants of ISIL insurgency continue to operate.*

102. The prognosis for future stability and security is also not positive:<sup>188</sup>

---

<sup>184</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, para. 184.

<sup>185</sup> S. Hamasaheed, '[Iraq's Protests Show the Fragility that Gave Rise to ISIS Remains](#)', 19 June 2018

<sup>186</sup> [US State Department Human Rights Report, Iraq](#), p. 28

<sup>187</sup> [EASO Country of Origin Report, Iraq](#), March 2019, p.21.

<sup>188</sup> [EASO Country of Origin Report, Iraq](#), March 2019, pp. 22-23.



*A security analyst based in Iraq commented that with the US and Coalition withdrawal expected at some point following the end of military operations against ISIL, Iraq will be placed back in a similar situation as it was in 2012-2013 following the US troop withdrawal in 2011 (ending the 2003 operations there), which saw a clear resurgence of IS/AQ operations leading up to the ISIL conflict. The analyst remarked that the root causes of Sunni insurgencies have not yet been addressed, and the environment still exists where extremists can gain popular support and acceptance among the population in predominantly Sunni areas.*

103. Apart from security concerns generated by the Islamic State resurgence, the ability of the Iraqi Government to assert effective control and security over various areas, including Sinjar, is undermined by the number of militias, which operate across Iraq outside of Iraqi Government control. Different territories are under various militias of Iraq's Popular Mobilisation Forces (PMF), an umbrella organisation of 50 paramilitary groups over which the Iraqi Government has been unable to centralise control.<sup>189</sup> The PMF set up their own checkpoints and security requirements based on their ethno-religious affiliations. This has led to an increase in violence, abuse, and tension in areas controlled by the PMF, and as a result, fear of militia abuse has delayed the return home of displaced populations.<sup>190</sup>
104. These problems are amplified in Sinjar, where there is no cohesive or coherent protection response. In Sinjar district, disputes between the Iraqi Government and the Kurdish Regional Government over the control of the area have resulted in a plethora of militias (the YBS Sinjar Resistance Units, the PKK Kurdistan Workers' Party People's Protection Units, and the political bureaus of the Patriotic Union of Kurdistan and the Kurdistan Democratic Party, with affiliated militias), each controlling different areas of North Sinjar.<sup>191</sup>
105. The lack of effective State protection mechanisms serves to entrench the systemic vulnerability of Yazidis to further and future human rights abuses, and mass atrocities. Even before the ISIS invasion, the community was unable to thrive due to poor educational and economic opportunities, exacerbated by the lack of infrastructure in Sinjar and continued social exclusion due to their religious beliefs. The subsequent situation of immense crisis and attack rendered the population dangerously vulnerable in that they are forced to confront these issues of systemic discrimination at a time when they are less resilient and when they lack resources to recover and reinstate themselves. The fact that they have been systematically denied education opportunities - which may result in functional illiteracy - makes it difficult, if not impossible to assert themselves in the face of bureaucracies. This impacts both on their reporting and recall of violations, their ability to apply for new Iraqi official identification documentation or apply for reparations, and to understand what is being demanded of them in asylum applications. The lack of effective political representation also renders them voiceless in the face of both catastrophic events, and ongoing persecution.

---

<sup>189</sup> [Operation Inherent Resolve -Lead Inspector General Report to the United States Congress](#) p. 41.

<sup>190</sup> [Operation Inherent Resolve -Lead Inspector General Report to the United States Congress](#) p. 41.

<sup>191</sup> Nadia's Initiative, [In the Aftermath of Genocide, Report on the Status of Sinjar](#) p. 9.

## 2.4 Special Risk Factors for Genocide (Factors 9 and 10): Intergroup tensions or patterns of discrimination against protected groups, and signs of an intent to destroy in whole or in part a protected group

106. Section 1 of this Report has addressed the ongoing patterns of discrimination that are directed against Yazidis, and related tensions between groups. There is also no sign that the genocidal ideology directed against Yazidis has abated in Iraq. Instead, the fact that thousands of Yazidi women and children remain enslaved by ISIS and supporters of ISIS is a stark testament to the ongoing nature of this genocidal ideology, the intent and ability of ISIS to carry it out, and the inability of Iraqi authorities to protect the victims.
107. The genocide also continues to impact on the survival of the Yazidi people in a range of different ways. When ISIS targeted Yazidi individuals as part of its genocidal ideology, they did so with the intention of destroying the group itself (in whole or in part). Their strategy encompassed a range of inter-locking crimes, which cumulatively aimed to destroy and fragment the Yazidi people, and thereby eliminate their religious identity. As described by the United Nations Commission of Inquiry, the genocidal campaign waged by ISIS was multi-dimensional, encompassing the “killing of the men and boys who did not convert, its sexual enslavement and enslavement of Yazidi women and girls, and its forced abduction, indoctrination and recruitment of Yazidi boys to be used in hostilities, de facto converting them”.<sup>192</sup> In order to permanently destroy their religious identity, ISIS destroyed religious temples and shrines in Sinjar,<sup>193</sup> and mounted a pervasive campaign of persecution, which in addition to the above crimes, included severe deprivation of liberty, forced labour, and beatings.<sup>194</sup>
108. These physical manifestations of the genocide were accompanied by a campaign of terror and mental torture, which included the forced separation of family members.<sup>195</sup> As described by the Commission of Inquiry:<sup>196</sup>

*Many of the Yazidi women and girls interviewed bore physical wounds and scars of the abuse they suffered. More apparent, however, was the mental trauma all are enduring. Most spoke of thoughts of suicide, of being unable to sleep due to nightmares about ISIS fighters at their door. “I wish I was dead. I wish the ground would open and kill me and my children”, said one woman, held for 17 months. Many reported feeling angry and hopeless. “I don’t sleep, I don’t eat, my body feels very heavy”, said one 17- year old girl who had been held for more than a year. Women and girls who were rescued or sold back are consumed by thoughts of their missing husbands, fathers and brothers, and by the distress of not knowing the locations and fate of young sons taken for training and/or daughters who were sold into sexual slavery and remain in the*

---

<sup>192</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, para. 155.

<sup>193</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, para. 157.

<sup>194</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, para. 168.

<sup>195</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, *Summary*.

<sup>196</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, paras. 77-78.

*hands of ISIS. One Yazidi woman, in her early twenties and married with children, has over twenty members of her family missing, including most of her close male relatives. She described overcoming thoughts of suicide by the need to care for her young children and her hope that her husband, father, and brothers are alive and waiting to be rescued. One woman, whose daughters had been taken from her at a holding site and sold and whose whereabouts were still unknown at the time of interview, said she could not take her youngest daughter to the school in the IDP camp because the sight of seeing children at play was too much for her to bear.*

109. A narrow focus on the ‘physical’ nature of ISIS attacks – both past, and present –and the physical victims of ISIS, to the exclusion of survivors who emerged physically intact but mentally scarred, ignores the ongoing risk of psychological harm, due to the absence of any appropriate facilities in Iraq to counsel and treat Yazidi genocide survivors, and the lack of accountability.
110. The ongoing displacement of Yazidis from Sinjar to an ongoing form of persecution, and mental anguish. They are forced to exist in an invidious form of limbo: they are not free to express their Yazidi identity in their points of displacement, but nor can they safely return to their original homes. Apart from the mental anguish this occasions, the prolonged fragmentation of the Yazidi people also undermines their right to exist, as a people.
111. For centuries, Yazidis had managed to secure their continuing identity and existence in what was often a hostile environment by marrying only from within the Yazidi community: Yazidi children must have two Yazidi parents and conversion to Yazidism is theologically impossible.<sup>197</sup> They also secured their existence by having large families and living in specific regions that are geographically isolated. With the destruction of Sinjar, the death of thousands of young Yazidi men, the sexual violation of young Yazidi women and the scattering of Yazidis across different areas, all three of these survival strategies remain under threat, in Iraq.

---

<sup>197</sup> Commission of Inquiry on the Syrian Arab Republic, [They Came to Destroy: ISIS Crimes against the Yazidis](#) A/HRC/32/CRP.1, 15 June 2016, para. 19.

## **Acknowledgements**

This report was authored by Melinda Taylor, Naomi Prodeau, and Keilin Anderson, with particular input and expertise provided by Sareta Ashraph and Sister Makrina Finlay.

Melinda Taylor is an international criminal law, and human rights attorney, who appears before the International Criminal Court.

Sister Makrina Finlay has a doctorate in Modern History from University of Oxford, and assists Yazidi asylum seekers in Germany.

Sareta Ashraph is a barrister from Trinidad, specialised in international law, who is currently focused on ISIS's crimes against the Yazidis.

Naomi Prodeau is a Columbia Law School Public Interest and Government Fellow, specialised in international law and criminal accountability. She is currently based in Iraq.

Keilin Anderson holds a Bachelors of Law and Arts from the University of Queensland. She currently works at the Federal Court of Australia and previously spent six months interning with a Judge of the International Criminal Court.

This report also benefited from the expertise and insight of various accountability and protection experts, who attended a symposium a 'Prosecution, Protection, and Preservation of the Yazidi People' symposium, organised by the Genocide Studies Program at the Whitney and Betty MacMillan Center for International and Area Studies at Yale, on 19 April 2019.

We would also like to acknowledge the support and assistance of the following individuals:

- Dr. Said Saydo, Vice Chairman of Zentralrat der Êzîden in Deutschland
- Ali Simoqy, Independent Researcher
- Hannibal Travis, Assistant Professor, Florida University of Law

The photographs were also kindly provided by Ali Simoqy.