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Reconciliation efforts in Iraq after the fall of ISIS: Policy discourse analysis on the reconciling of former perpetrators and victims

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Reconciliation efforts in Iraq after the fall of ISIS
policy discourse analysis on the reconciling of former perpetrators and victims

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Table of contents

1. Introduction.....	3
2. Theoretical framework.....	7
2.1 Categorising the crimes committed by ISIS as genocide.....	9
3. Methodology.....	11
4. Analysis.....	13
4.1 Prosecution.....	13
4.2 Displacement.....	15
4.3 Child survivors.....	16
4.4 Female survivors.....	17
4.5 The absence of adequate services and the lack of an unified administration.....	19
5 .Conclusion.....	20
References.....	23

1. Introduction

Jean-Paul Sartre who stated that ‘the fact of genocide is as old as humanity’ (Schabas, p.1, 2000) and the statement of the International Criminal Tribunal for Rwanda stating that genocide is the ‘crime of crimes’ (Akhavan, p. 501, 1996) captures the seriousness of this kind of political violence. History has endured many genocides such as the violence that took place in Rwanda and Germany and still knows genocide to this present day (Schabas, p. 1, 2000). One of these contemporary cases of presumed genocide is the violence conducted by the Islamic State of Iraq and Syria (ISIS) against the Yazidi and Shia Muslims in Iraq (e.g. Whiteside, 2015; Badar, 2016). However, there is still an ongoing debate about the classification of the crimes committed by ISIS as genocide. For some, the crimes by ISIS have inextricably proven to be genocidal in nature and for others this claim is indefensible and inconclusive. This debate is in interesting juxtaposition with the debate on the definition of genocide, where scholars interchangeably interpret and apply this definition in the political and legal realm.

The International Criminal Court (ICC) recognizes political violence as genocide when ‘the targeted people are members of an ethnic, national, racial or religious group’ and ‘the attack on this group has to be with the intent of destruction’ (Rome Statute of the International Criminal Court, 2010). The ICC has stated that its aim is to protect the existence of a specific group of people during the incidence of genocidal violence (Rome Statute of the International Criminal Court, 2010). We speak of genocide when the requirement of five physical distinguishable acts can be identified (Raben, p. 246, 2018). These genocidal acts are enlisted in the definition of genocide by the United Nations Convention on Genocide, which is adopted by the ICC, and need to be present to legally recognize the crimes as genocide (Kreß & Stahn, p. 3, 2015). Apart from the physical occurrence of genocide, difficult life conditions and persistent group conflict can psychologically trigger genocidal acts since these frustrate core psychological needs such as identity, security and control (Staub, p. 577, 2013). Increased connection and identification to a group can satisfy these psychological needs however this could provoke participation in destructive processes inciting genocide (Staub, p. 577, 2013).

Several scholars have argued that the Convention's list of protected groups is too narrow and too restrictive where the application to the targeted groups is not sufficient in covering the scope of genocidal violence (Schabas, p. 7, 2000). Opponents of this definition either aim to stretch the definition or propose new definitions to enlarge its scope (Schabas, p. 103, 2000). However, when enlarging or diluting the concept of genocide it is paired with undesired consequences where the stigma of the crime is weakened and the suffering of the victims demeans (Schabas, p. 9, 2000). The broader, and the more uncertain the definition becomes, the less responsibility the states will be prepared to assume (Schabas, p. 9, 2000).

When developing the definition of genocide an *ad hoc* Committee had the responsibility to decide whether the groups set out in the Secretariat draft had to be included (Schabas, p. 106, 2000). Political groups were removed from the definition substantiated by the argument that the protected groups should be immutable and not be subject to individual decisions of joining or leaving the group (Schabas, p. 106, 2000). There is a close association between genocide and crimes against humanity however the lack of a legal hierarchy between international crimes coupled with the fact that the substance of both crimes is shaped to suit specific offences prove that there is no need to alter the definition of genocide in order to include political or social groups (Inkuša, p. 94, 2009). Therefore this research will adapt and follow the fixed definition of genocide listed above, which is adopted by the ICC and developed by the United Nations Convention on Genocide.

Firstly, the research will follow a discussion on whether the political violence conducted by the Islamic State of Iraq and Syria (ISIS) against Yazidi and Shia Muslims can be identified as genocide. In 2016 the United Nations (UN) established an International Commission of Inquiry on Syria where the Yazidi were acknowledged to be victims of genocide (Raben, p. 244, 2018). The acknowledgement of genocide by the UN seems promising however the accountability of the crimes of ISIS could be regarded as inconclusive (Raben, p. 239, 2018).

One of the reasons why the accountability of the genocidal crimes of ISIS is compromised is the fact that Iraq and Syria are not members of the ICC, therefore fighters from ISIS are unlikely to be the subject of jurisdiction of any proceeding by the Court (Raben, p. 239, 2018). Additionally, national policies of Iraq on ISIS have been subject to critique, for instance by Human Rights Watch who pointed out the arbitrary detention of ISIS suspects and the persecution of children who are under the minimum age of criminal responsibility

under international law (Roth, 2020). Additionally, Amnesty International stressed that women and children in Iraq with perceived ties to ISIS had to suffer from serious human rights violations and collective punishment in the aftermath of the ISIS conflict (p. 5, 2018).

ISIS has been able to capitalize on political fragmentation across Iraq and Syria where there are a number of similarities regarding the conditions in these countries where increasingly marginalized communities turned away from the state to ensure that their basic needs were met (Mabon, p. 971, 2017). The lack of an effective strategy to guide post-ISIS efforts in Iraq and Syria could potentially result in a breeding ground for conflict and extremism again where this risk is particularly high in Iraq (European Council on Foreign Relations, p. 1, 2017). Additionally, after an analysis on the first ten issues of *Dabiq*, ISIS's online magazine, Iraq is the country which is most frequently mentioned and is high on the propaganda agenda (Fuhriman, Medina & Brewer, p. 9, 2020). What is also important to consider is that the crimes of ISIS against the Shia Muslims have largely taken place in Iraq where Shias are the governing majority (Hawley, p. 160, 2018). Considering these facts, Iraq is an interesting case study for the investigation on reconciliation efforts in relationship with the political violence conducted by ISIS and has therefore been selected for this research instead of the neighbouring country Syria. The focus on a typical case study of Iraq allows for an in depth discourse analysis which is representative for the impact of the presumed genocidal violence conducted by ISIS on the reconciliation process.

Iraq is currently in the post-conflict reconstruction phase and therefore there is a strong relevance to investigating the relationship between the presumed genocide conducted by ISIS and the reconciliation process. This will be investigated through policy discourse analysis, which is sensitive to international and national perspectives. In order to unravel this inquiry the research will closely follow the research question: *What is the impact of the presumed genocide conducted by the Islamic State of Iraq and Syria for the reconciliation process in Iraq?* From a theoretical perspective this is significant to investigate since historically only states with the monopoly on the use of force had the resources to conduct genocide where the international community focuses mainly on state behavior in this regard (Whiteside, p. 232, 2015). Therefore, the analysis of a non-state actor who presumably conducted genocide in relationship to the reconciliation process adds a contribution to the field from another angle. Additionally, the research contributes to the understanding of the reconciliation process in Iraq since it is investigated whether the implications of former reconciliation processes, or

other implications, also apply to this topical case study. From a practical point of view the research is significant since examining the reconciliation framework that is currently adopted by domestic actors and the international community could be valuable when translating these policies into practice. To investigate whether the presumed genocidal nature of the crimes conducted by ISIS influence the reconciliation process could be influential for the formalization of future policies that will be implemented.

Reconciliation is understood as the aim to reconcile former enemies while addressing truth telling, accountability and the concerns of the victims (Verdeja, p. 1, 2009). The research will follow the conceptualization of reconciliation by Verdeja where it refers to a condition of mutual respect between former enemies where the moral dignity of others is recognized (p. 3, 2009). Reconciliation is achieved when the primary cleavages in politics are no longer the previous conflict identities, thus citizens acquire new identities that cut across fault lines that were prominent earlier (Verdeja, p. 3, 2009). Therefore, these societies are reconciled to the extent where the new ways of organization of political demands and loyalties are signified by the new identities that were formed (Verdeja, p. 24, 2009).

Firstly, the discussion regarding the presumed genocide in relationship with reconciliation and whether the crimes committed by ISIS in Iraq can be categorized as genocide will be introduced in the theoretical framework. Next, the methodology will be discussed followed up by a qualitative policy discourse analysis on the reconciliation in Iraq. The research is closed by the discussion and a reflection of the findings where recommendations for future research will be provided.

2. Theoretical framework

Genocide can create psychological wounds for everyone involved (Staub, 2013, p. 578). Therefore, healing is important for the reconciliation process and for the prevention of future violence (Staub, 2013, p. 578). However, reconciliation after (presumed) genocide has proven to be paired with many challenges that impede the reconciliation process (e.g. Clark, 2010; Komar, 2020). The following discussion will consider reconciliation in relationship to genocide, the current peace processes in Iraq and the classification of the crimes from ISIS as genocide.

The aim of reconciling former enemies in (presumed) post-genocidal states is coupled with challenges in many cases (e.g. Clark, 2010; Komar, 2020). The legal avenue of reconciliation which is concerned with prosecution and accountability could be compromised such as the instances of the post-genocide Rwandan gacaca trials (Clark, p. 130-131, 2010), the lack of accountability regarding structural forms of violence in East Timor (Nevins, p. 677, 2003) or the fact that court proceedings after genocide suffer from shortcomings due to the non-inclusion of forensic scientific evidence and expertise (Komar et al, p. 1, 2020). These examples illuminate that reconciliation after (presumed) genocide is a delicate process. Therefore, it is important to be aware of post-genocidal reconciliation fragilities when considering the current reconciliation efforts in Iraq.

After the fall of ISIS the process of reconciliation and reconstruction was commenced. The crimes committed by ISIS have not confirmed to be genocide by a competent court and have not been universally recognized as genocide, however there have been legal actions taken by international institutions and states to address their crimes (Omzigt & Ochab, p. 77, 2018). The United Kingdom Foreign Secretary, alongside the Foreign Ministers of Iraq and Belgium, launched an international campaign stressing the need for accountability of ISIS's crimes in Iraq (Omzigt & Ochab, p. 80, 2018). This was followed up by the official request of assistance by Iraq from the UN that set up an Investigate Team that would work together with Iraqi domestic courts to prosecute ISIS fighters (Omzigt & Ochab, p. 81, 2018). However, it is unclear whether the domestic courts have the capacity to prosecute the ISIS fighters in accordance with the standards of international law, and if not, how the Iraqi courts will prepare this task (Omzigt & Ochab, p. 81, 2018).

In the domestic realm Iraqi policymakers, local peacebuilders and Non-Governmental Organizations are working on fostering reconciliation in small communities which have been torn apart as a result of ISIS's rule (Abouzeid, 2018). Iraq's National Reconciliation Committee intends to open an office in Sinjar to establish a direct link with the few Yazidi residents who have returned in order to tackle the question of local reconciliation with their Sunni neighbours (Abouzeid, 2018). This is salient considering that the biggest obstacle to reconciliation is the lack of trust between the Yazidi and Arabs (Abouzeid, 2018). This obstacle could be mitigated through the involvement of religious actors in the advancement of social reconciliation at the local level which would be accepted or even desired by Iraqi citizens (United States Institute of Peace, p. 2 & p. 4, 2019). Another obstacle for reconciliation in Iraq is the phenomenon of transgenerational trauma where the consequences of the presumed genocide of the Yazidi is passed on to their descendants (Jäger et al., p. 11, 2019).

The research on reconciliation in Iraq follows the model of Verdeja where reconciliation is best understood as a multilevel process where specific strategies and logics operate at four levels: institutional, political, civil society and interpersonal (p. 20, 2009). These four levels could all be impeded, such as the institutional level regarding legal prosecutions (e.g. Clark, 2010; Nevins, 2003). The model is paired with four normative concepts that are considered to play a salient role in achieving reconciliation: truth, accountability, recognition of victims and the rule of law (Verdeja, p. 25, 2009). According to Verdeja, reconciliation develops through the contextual strategies and specific actions of actors and therefore the theory must be sensitive to these contexts (p. 22, 2009). It is important to note that reconciliation does not occur harmoniously across different levels and rather is theorized by being disjunctured where reconciliation through smooth integrations across the four levels is rare (Verdeja, p. 22, 2009). Nonetheless, by following an ideal model the actions and developments at different levels and how these affect the larger effort of reconciliation can be identified (Verdeja, p. 22, 2009). Therefore this analytical device is legitimately applicable to the research in order to investigate the strengths and weaknesses of the reconciliation process in Iraq in relationship to the presumed genocide conducted by ISIS.

2.1 Categorising the crimes committed by ISIS as genocide

When connecting genocide to the political violence of ISIS it is important to outline the history and the ideology of the organization and why this terrorist group specifically targets Shia Muslims and Yezidis. The origins of ISIS can be traced back to the link with the Al Qaeda franchise in Iraq, consisting of Salafist jihadists, under the leadership of Abu Musab al Zarqawi (Mabon, p. 698, 2017). When Zarqawi passed away his successors merged with smaller local resistance groups and formed the Islamic State of Iraq in 2006 (Whiteside, p. 234, 2015). In 2014 ISIS declared a caliphate, a religious state, and has tried to organize political life and populate territory since (Mabon, p. 971, 2016).

The ideology of ISIS is based on the need for jihad to be directed at local apostate governments with the intention to purify the inhabitants of the future Islamic State where only the Sunnah or traditional Muslims are allowed (Whiteside, p. 235, 2015). Therefore, ISIS leveraged the fault line between the Shia and Sunni Muslims in order to conquer and rule territory which for instance translated in mass suicide attacks targeting the Shia (Beccaro, p. 411, 2017). The Yazidi, a pre-Islamic religion, are labelled as devil-worshippers and non-believers by ISIS and are also considered to be a deserving target for the ideologies that aim to establish a purified Islamic utopia (Minwalla, Foster & McGrail, p. 1, 2020). An important distinction between ISIS's view of the Shia and Yazidi is that the Shias are perceived as both polytheistic and apostate where ISIS claims that the Shia turned away from the Islamic religion (Hawley, p. 166, 2018). In contrast, the Yazidi never were Muslims and are only accused of polytheism (Hawley, p. 166, 2018).

When investigating whether ISIS conducted genocide against the Yezidi and the Shia it is more feasible to build a strong case for genocide against the Yezidi than the Shia Muslims. The Shia Muslims, who constitute one of the largest groups of victims, have been neglected where crimes of ISIS they have been subjected to have not undergone extensive legal analysis (Hawley, p. 160, 2018). In contrast, it is generally recognized that the attacks of ISIS against the Yezidi were designed to destroy the religious minority group through a genocidal campaign (Minwalla, Foster & McGrail, p. 1, 2020).

Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on Syria, emphasized that genocide against the Yazidi has occurred and is ongoing (UN News, 2016). Additionally, the Parliamentary Assembly of the Council of Europe (Council of Europe Resolution, 2016) and the European Parliament (European Parliament Resolution, 2016) adopted resolutions that declared that ISIS has conducted genocide in the Middle east, where the specifically targeted groups were recognized to be the Yazidi and other religious minorities. Other countries and institutions followed and denounced the atrocities committed by ISIS against the Yazidi and other religious minorities as genocide, for instance the United States (US) (The Senate of the United States, 2016), the United Kingdom House of Commons (UK House of Commons, 2016), the Canadian government and the parliament (The Canadian House of Commons, 2016), the French Assembly (Assemblée Nationale, 2016) and the Dutch government (Tweede Kamer, 2017).

The Shia who are well represented in the Iraqi government possess very powerful popular mobilization and state forces making this a problematic case since the political violence targeted against them could also be considered politicicide (Whiteside, p. 236, 2015). In order to determine whether ISIS conducted genocide instead of politicicide it is required to confirm that ISIS wants to permanently alter the demographics of the region for ideological and religious requirements instead of their goal simply being to achieve power (Whiteside, p. 236, 2015). However, the violence conducted by ISIS against the Shia Muslims as directly and indirectly recognized as genocide by several states and institutions (e.g. The Senate of the United States, 2016; Tweede Kamer, 2017; UK House of Commons, 2016).

There are significant parallels and distinctions to the presumed genocide conducted by ISIS against the Shia and Yazidi (Hawley, p. 170, 2018). They both are targeted for their religious beliefs where ISIS has been particularly transparent regarding its genocidal ambitions against both groups (Hawley, p. 171, 2018). Therefore, it be argued that the crimes against the Shia and Yazidi both qualify as genocidal conduct under the Genocide Convention (Hawley, p. 172, 2018). Both cases differ in the nature of the violence where enslavement was a core component of the violence against the Yazidi while it seems to be an exception rather than the rule in terms of the treatment of Shia women (Hawley, p. 172, 2018).

According to Whiteside, ISIS has long communicated genocidal rhetoric against the Shia Muslims and Yazidis (p. 233, 2015). Additionally, the analysis of the data of the attacks conducted by ISIS reveal examples of the declared intent to destroy the Iraqi Shia population

and the Yazidi by ISIS which eventually resulted in genocide (Whiteside, p. 241, 2015). An example of these attacks is the execution of a high number of Shia prisoners in Mosul, conducted by ISIS (UNAMI/OHCHR, p. 15, 2014). The categorization of the atrocities as genocide is enforced by the statement that the intent to destroy the Yazidi group can be inferred from the systematic and deliberate targeting of the community by ISIS (UN Human Rights Council, p. 16, 2017).

It is argued that the online publications of ISIS prove that their propaganda is used for public incitement where ISIS is responsible for genocidal crimes and for persuading others to conduct genocide against the West and Shia Muslims (Badar, p. 410, 2016). An example of this propaganda is ISIS's condemnation of the Shia while calling for an open, and implicitly even violent, confrontation (Dabiq 13, 2016). The argument that ISIS enacted mass genocidal crimes while actively targeting Shia populations across Iraq and Syria is also substantiated by Iksahan (p. 724, 2018). Furthermore, it is argued that ISIS also undertook a systematic campaign to ensure the erasure of the entire legacy of Yazidi life (p. 13), where heritage destruction prevented the ability of the Yazidi to pass on their unique culture to future generations (Iksahan & Shabab, p. 19, 2020).

3. Methodology

A typical case has been selected, where Iraq is representative to investigate the relationship between the presumed genocide and reconciliation. Iraq is undoubtedly linked to ISIS where the fighters established a vast and complex network linked to the local population and former regime officers where the Iraqi city of Mosul serves as an important propaganda tool while it represents the core of the ISIS' proto state (Beccaro, p. 411, 2017). In order to investigate the impact of the presumed genocidal acts of ISIS on the reconciliation process in Iraq, international and national policies will be analyzed. The national policies from Iraq are also indirectly analyzed when considering international policies that regularly discuss the domestic Iraqi policies. It is salient to recognize that besides effectiveness policy can also be shaped by interests (Halpin & Thomas, p. 582, 2011).

Therefore, the scope of this analysis will encompass policies from governments, International Organizations and Non-Governmental Organizations in order to follow an inclusive scope where possible selection bias and policy development bias is excluded.

In order to examine the reconciliation policies in Iraq different kinds of documents were selected. These encompass policy reports, policy research and recommendations and resolutions by International Organizations. Examples of these are reports and resolutions from the UN and its institutions, policies drafted by the European Union, resolutions from the European Parliament, policies from the US and policies of the government of Iraq. Policy research and recommendations from Non-Governmental Organizations such as PAX for Peace, Human rights Watch and Amnesty International will be analyzed as well.

The research method that is adopted in order to analyze these policies is qualitative policy discourse analysis. The analysis will draw focus on the discourse produced to shape policies, policy recommendations and resolutions by international and national actors. Operationalised in analysis, the emerged patterned use of language from engagement in social practices is what is understood by discourse (Montessori et al., p. 11, 2019). Therefore, discourse shapes and reflects social practice (Montessori et al., p. 11, 2019). The framing of a perceived reality emphasizes saliency of certain aspects when suggesting a definition of the policy problem, an elucidation of its causes and the proposed solution (Khan et al., p. 179, 2019). Therefore, framing reflects the understanding and underlying normative values about proposed solutions for the problem through policy (Khan et al., p. 179, 2019). The analysis of the policies will focus on the framing of the crimes by ISIS and whether these are considered in the reconciliation policy discourse, if the crimes committed by IS are recognized as genocide and whether the fulfillment of these conditions illuminates implications on the reconciliation process in Iraq. Therefore, the analysis will be guided by the following three questions:

- 1. Is the role of ISIS in Iraq considered in the policy discourse regarding the development of a reconciliation framework?*
- 2. Are the crimes recognized as such, or implied to be, genocidal in nature?*
- 3. When the role of ISIS in Iraq taken into account and when their crimes are recognized or implied to be genocide, does this influence the policies regarding reconciliation processes?*

4. Analysis

The policy discourse analysis on the reconciliation process in Iraq has illuminated the fact that the peace process is not callous to the presumed genocide conducted by ISIS where the reconciliation policies are shaped by the presumed genocidal crimes committed. After thorough analysis the themes that influence the reconciliation process were uncovered. The themes that inextricably connect reconciliation with the genocidal crimes in Iraq are: prosecution, displacement, child survivors, female survivors and the absence of adequate services and lack of a unified administration.

4.1 Prosecution

Victim recognition, factual accounts of the past and institutional accountability is not in itself satisfactory to achieve reconciliation, however it is still a salient level of the reconciliation process (Verdeja, p. 20, 2014). It is important that reconciliation at this level is executed effectively, however the implementation of sufficient institutional reconciliation in the Iraqi case is reprehensible. The research has illuminated that the prosecution of ISIS fighters is compromised due to the problematic mass executions of suspected ISIS fighters in Iraq, the lack of adherence to due process and the guarantee of free trials, the lack of meaningful participation of presumed genocidal victims and the lack of a creation of a judicial record of the crimes committed. Furthermore, the lack of criminalization of genocide by the Iraqi legal system, the lack of inclusion of additional charges and the persecution of child suspects with alleged ISIS affiliation impede reconciliation. Therefore, legal prosecution and accountability as a means to foster reconciliation could spillover into aggravating the process of reconciliation in the Iraqi case.

The mass executions of the suspected ISIS fighters in Iraq is problematic since the trials in Iraq are argued to suffer from process shortcomings where trials were rushed and process rights were violated (Human Rights Watch, 2020). These unfair trials and convictions could foster new violence and risk further injustices and thereby impede community reconciliation (European Parliament, 2018). When accountability is not achieved in a legitimate way the perpetrators are not being held accountable and punished accordingly. Therefore, there is no valid reason to assume that the trials would foster a feeling of recognition for the victims, a sense of security or a guarantee of non-repetition of these presumed genocidal crimes.

Genocide is not criminalized in the Iraqi legal system and therefore none of the perpetrators have been charged for the presumed genocidal crimes (PAX for Peace, 2016). This is in conflict with the formal recognition of genocidal crimes while holding the perpetrators accountable, which is argued to be a key measure for preventing future atrocities (UN Office for the Coordination of Humanitarian Affairs, 2016). Therefore, this could influence reconciliation practices where future violence is not effectively prevented. These implications for the reconciliation process are enforced by the fact that the Yazidi are neglected and excluded in trial participation where the victims of the abuses by ISIS have not been able to participate in court proceedings (Human Rights Watch, 2020). When these victims are not able to participate in the institutional level of reconciliation and when the perpetrators are not charged for the crimes of presumed genocide it could mean that justice and accountability is not accounted for.

The institutional reconciliation avenue regarding factual accounts of the past is neglected considering the prosecutions in Iraq. The factual accounts of the past, such as the large documentation initiatives of the crimes committed by ISIS by the Genocide Committee are completely disregarded by the courts (Human Rights Watch, 2019). Additionally, not a single ISIS member has been prosecuted or convicted for the crimes that they have committed that encompass organized rape, forced marriage and sexual slavery (Human Rights Watch, 2020). When these abuses are not recognized by the legal system and when the perpetrators are not being held accountable, the ability of local communities to deal with the past in order to achieve peaceful coexistence could deteriorate.

Lastly, the persecution of children who are suspected to be affiliated with ISIS implicates the reconciliation process. The Iraqi authorities can prosecute children as young as 9 who are suspected to be affiliated with ISIS (Human Rights Watch, 2020). These children who have been recruited by armed groups, which has happened to Yazidi boys on a large scale (Amnesty International, 2020), should be recognized as victims and should be reintegrated and rehabilitated into society (Human Rights Watch, 2020). The integration and rehabilitation of children would foster reconciliation whereas their prosecution provides a strong impediment. The persecution could lead to the fragmentation of communities who have been subjected to presumed genocide where feelings of injustice and anger towards the perpetrators could be cultivated while compromising reconciliation.

The findings confirm that the concern regarding the capacity of the Iraqi courts to prosecute the ISIS fighters in accordance with international law (Omzigt & Ochab, p. 81, 2018) is indeed valid. Additionally, the normative concepts of accountability, recognition and the rule of law that play a salient role in achieving reconciliation (Verdeja, p. 25, 2009) have proven to be compromised (e.g. Human Rights Watch, 2020; European Parliament, 2018). Lastly, the non-inclusion of forensic scientific evidence and expertise in post-genocidal court proceedings (Komar et al, p. 1, 2020) is also present in the Iraqi case, where large documentation efforts of the crimes committed by ISIS have been neglected by the domestic courts (Human Rights Watch, 2019).

4.2 Displacement

After the presumed genocide that was conducted by ISIS, many Yazidi and Shia Muslims had to take refuge elsewhere which lead to large amounts of displacement of these communities. The internal displacement, as a result of the presumed genocide, could spillover into impeding reconciliation since the failure to provide appropriate remedies to internally displaced people and refugees can increase the risk of further displacement, perpetuate grievances and undermine reconciliation (Bradley, p. 47, 2015). This phenomenon is outlined by post-ISIS conflicts where the Shia Muslims who were able to flee from ISIS are looking to return to their city of origin under the protection of Shia-led paramilitary groups (European Council on Foreign Relations, 2017). In order to revitalize areas with a high risk of returning to violent extremism, which could be translated into genocidal crimes, sustainable returns should be promoted and community reconciliation should be accelerated (Security Council, 2018).

There are many proposals that emphasize that necessary measures should be taken to ensure that displaced people have the right to return to their places of origin (United Nations Human Rights Office, 2016). Additionally, the government of the US and Iraq recognize the need for improved access for humanitarian organizations in order to provide durable solutions for displaced people and to help communities who have been targeted for presumed genocide by ISIS (Government of Iraq, 2020). If the measures to remedy the consequences of the internal displacement fail then the presumed genocide could irrefutably compromise the reconciliation process where the displacement is already an implication in itself which needs to be resolved in order to achieve reconciliation.

These findings emphasize the fact that the reconciliation policy regarding the establishment of a link between Yazidi residents who have returned to Sinjar and their Sunni neighbours (Abouzeid, 2018) is important. When this is effectively executed it could possibly foster reintegration and encourage the Yazidi to return home. When further connecting the challenges of displacement to the theoretical framework it is apparent that for overcoming the gap between sectarian identities for reconciliation through the formation of a unified Iraqi state (United States Institute of Peace, p. 4, 2019) sustainable returns should be promoted (Security Council, 2018).

4.3 Child survivors

Violence in Iraq continues to directly and indirectly affect children who have been subjected to atrocities committed by ISIS (Australian Government, p. 22, 2017). It is reported that there is a mental health crisis among conflict-affected children in Iraq which must be resolved in order to achieve peace and stability, and therefore reconciliation, in the country (Save the Children, p. 37, 2017). Integrating them back into their families and communities is impeded since these children sometimes cannot speak or understand the dialect spoken by their families because after captivity by ISIS their primary language became Arabic (Amnesty International, 2020). This could compromise the reconciliation process since reconciling with former enemies is difficult when these children have difficulty integrating back into their own families in the first place, which in turn could also foster grievances of these families towards their former enemies.

Former Yazidi child soldiers, who suffer from the after-effects of brainwashing and military training, can be reluctant to return to a school environment due to the trauma they experienced at the ISIS 'institutes' that they were forced to attend (Amnesty International, 2020). Additionally, their access to education has also been jeopardized by the growing displacement crisis after the Yazidi fled from ISIS (United Nations, p. 13, 2015). This could impede the peace process since education provides a key contribution to post-conflict reconciliation, for instance by promoting social reintegration (Smith, p. 13-14, 2010).

These former child soldiers are often reluctant to return to their communities that they were forced to fight against since many of these children have been recruited by ISIS (UN General Assembly, p. 12, 2018). These children were forced to turn their backs on their native

language, identity and religion while they were being trained for killing Yazedis (Amnesty International, 2020). As a result, a new identity was forcibly imposed where the boys were transferred out of their own communities into ISIS which makes returning back to their families and the reconciliation process very challenging (Amnesty International, 2020).

The boys who return to their families need support from long-term specialized programmes (Amnesty International, 2020). However, the needs of the Yazidi former child soldiers are not being met since there are no programmes that address the challenges of these children (Amnesty International, 2020). Therefore, the interpersonal level of reconciliation, which is concerned with addressing the legacies from trauma's and the atrocities at the micro level, is compromised. Additionally, these children are considered to be a possible threat to national and international security where the lack of attention paid to these children could evolve into the next cycle of radicalization to terrorism and future violence (Capone, p. 1, 2017).

The recruitment of child soldiers to kill Yazedis on a large scale and the indoctrination which led to renewed identities strengthens the statement of Iksahan and Shabab who argued that ISIS undertook a systematic campaign to ensure the erasure of the entire legacy of Yazedi life and Yazidism (p. 13, 2020). Additionally, the argument that the transgenerational trauma of the Yazidi could impede reconciliation (Jäger et al., p. 11, 2019) is enforced by the fact that the lack of support for the children could lead to a new cycle of human rights abuses (Capone, p. 1, 2017) where their trauma is directly and indirectly passed on to their descendants and future generations.

4.4 Female survivors

It is argued that women have suffered the most from the presumed genocide where the enslavement of the Yazedi women was a part of ISIS's strategy to eradicate Yazedis completely (Nicolaus & Yuce, p. 198, 2017). PAX for Peace stated that the return of Yazedi women who have been kidnapped and enslaved by ISIS should be prioritized where building confidence with the Yazidi community is urgent (2016). Additionally, the changed gender roles should be addressed within the Yazidi community where a combined approach towards women empowerment and masculinity dynamics should be enforced (PAX for Peace, 2016). It is very salient that these challenges are effectively alleviated in order to achieve reconciliation. When these policy proposals, that could be categorized under the civil society

avenue of reconciliation which brings attention to specific crimes while fostering discussions on responsibility and complicity, fail then reconciliation is compromised.

In reality women have to face a continuation of violence that they experienced during the war besides experiencing new forms of violence (Pankhurst, p. 9, 2014). This is also the case for the female survivors of presumed genocide in Iraq where some women and girl victims are not able to return to their communities (Human Rights Watch, 2019). This is a result of the reluctance to welcome the children born of rape by ISIS members into the community where the mothers are forced to abandon their children or to not return to their families or communities at all (Human Rights Watch, 2019). This often leads to serious emotional distress for the mothers which in turn seriously implicates the reconciliation process. Additionally, the fact that Yazidi women had sex before they were married is perceived by their community as 'a loss of honour' which had led to 'honour killings' where the women were executed by their close male relatives (Nicolaus & Yuce, p. 209, 2017). When these female survivors can not integrate back into their communities it is likely that reconciliation with former enemies is compromised. Feelings of injustice, loneliness and depression could be fostered and therefore integrating back into society, let alone reconciling with perpetrators of rape and genocidal crimes, is difficult to realize.

Another possible implication for the reconciliation process is that in post-conflict policies women's needs are marginalized where they are merely recognized as victims while their own agency is being disregarded (Pankhurst, p. 9, 2014). However, evidence proves that women's substantive involvement in peace processes leads to long lasting peace and stability (UNAMI, 2017). Therefore, it is problematic that the Iraqi's National Action Plan does not address key areas such as the participation of women in conflict resolution and reconciliation (Government of Iraq, 2018). The lack of women's representation in the peace process, who have been largely affected by ISIS's presumed genocidal crimes, could impede reconciliation and therefore the participation of Iraqi women in all decision-making processes should be ensured (UNAMI, 2017).

These findings confirm the argument of Hawley who stated that enslavement was very common in the violence targeted against the Yazidi by ISIS but an exception for the treatment of Shia women (p. 172, 2018) who not have been incorporated in policy proposals regarding these atrocities (e.g. PAX for Peace, 2016; Human Rights Watch, 2019). The

analysis on female survivors can be linked to the political level of reconciliation where the political society represents the political elite who controls the state as well as the major actors outside the government who represent sectors of the population (Verdeja, p. 21-22, 2009). It is problematic that the female survivors are not included in the process of conflict resolution and reconciliation (Government of Iraq, 2018) because the major actors who represent sectors of the population do not include women and therefore it is unsure whether they are effectively represented in the reconciliation process which could therefore be impeded.

4.5 The absence of adequate services and lack of an unified administration

The absence of adequate services and a lack of a unified administration leads to documentation issues that in turn impede the reconciliation process. For instance, Iraqi citizens who do not have civil documents, that have been lost on a large scale due to the post-genocidal displacement, can be denied the exercise of human rights such as access to education and freedom of movement (Amnesty International, 2020). Children with ‘unknown’ or Muslim fathers are automatically registered as Muslim, therefore the Yazidi mothers with children from ISIS members are reluctant to seek civil documents (Amnesty International, 2020). When they would register their children it would solidify the identity and status of these children as non-Yazidi, consequently further ostracizing them from the Yazidi community (Amnesty International, 2020). This would mean that when the children are registered it hinders community integration which could in turn impede reconciliation with former enemies.

Another implication for reconciliation are the several documentation issues regarding the lack of granting death certificates of the spouses of women which they need in order to inherit property or remarry (Human Rights Watch, 2019). When these women can not inherit property, such as housing, it is probable that they will remain to be displaced which impedes reintegration and therefore the reconciliation process. Additionally, the requirement of providing civil documentation for getting a job, having access to healthcare and the application for welfare benefits provides new challenges after the genocidal violence by ISIS. When these victims are not able to rebuild their life, reconciliation is improbable to be effectively realized (e.g. Abouzeid, 2018; Mansour, 2017).

Connecting the findings to the theory, reconciliation is achieved when the previous conflict identities are no longer the primary cleavages in politics where citizens acquire new identities that cut across fault lines that were prominent before (Verdeja, p. 3, 2009). When the children who were born as a result of rape are registered as Muslim these ‘new identities’ will contradict function in a manner that enforces the previous conflict identities, where the identities of these children of Yazedi women are shaped by the violence of ISIS. Therefore, reconciliation is seriously compromised (e.g. Amnesty International, 2020; Human Rights Watch, 2019).

5. Conclusion

The research question ‘*What is the impact of the presumed genocide conducted by the Islamic State of Iraq and Syria for the reconciliation process in Iraq?*’ can be answered by considering several avenues that compromise the reconciliation process. When considering Verdeja’s multivalent approach, it can be concluded that the presumed genocide conducted by ISIS in Iraq brings about implications on all the levels of reconciliation. Firstly, the reconciliation process is compromised on the institutional level regarding the problematic prosecution of suspected ISIS members. Secondly, internal displacement has also proven to be a predicament for the reconciliation process. Thirdly, the interpersonal level of reconciliation is weakened considering the challenges that child survivors are subjected to. The level of civil society reconciliation is compromised as well when considering the female survivors. Lastly, the political level of reconciliation is compromised when looking at both the female survivors and the absence of adequate services and a unified administration. Therefore, it can be concluded that the previous conflict identities are still the primary cleavages in politics meaning that reconciliation is not achieved and is impacted by the presumed genocide conducted by ISIS in Iraq.

According to Verdeja, reconciliation is achieved when former enemies are reconciled while addressing accountability, truth telling and the concerns of the victims (Verdeja, p. 1, 2009). After the discourse analysis it became evident that there are significant shortcomings regarding these requirements which have been influenced by the genocide conducted by ISIS in Iraq. Secondly, reconciliation could be strengthened when the post-genocide internal displacement is effectively remedied (Bradley, p. 47, 2015), however several challenges of displacement have been uncovered that illuminate impediments for the reconciliation process.

Another means for reconciliation would be to promote the healing of Yazidi children who have been subjected to ISIS captivity and recruitment (Amnesty International, 2020). When the challenges of the presumed post-genocide child survivors, such as difficulties regarding reintegration and indoctrination, are not effectively addressed the reconciliation process will continue to be compromised. Reconciliation must also go hand in hand with women's participation in reconciliation processes, governance and security (UNAMI, 2017). However, the female survivors who have been dealing with very particular challenges, have been disregarded when it comes to participation in the peace process (Government of Iraq, 2018). Finally, the Iraqi government must provide adequate services and a sufficient unified administration in order to address the presumed post-genocide challenges while guiding the victims in reclaiming and rebuilding their life in order to promote reconciliation. When the bureaucratic hurdles regarding post-genocide reconstruction remain present reconciling with former enemies becomes a distant goal.

The findings of this research enforce the findings of other academic scholars who stated that the genocide in Iraq has impacted the reconciliation process. According to Sanbar, ISIS arose in an environment where ethno-sectarian disputes were unresolved where ISIS reactivated these disputes in order to serve their own goals by conducting genocide against the Shia and Yazidi (p. 14, 2020). A failure to address the grievances and to reconcile will lead to a repeated cycle of violence (Sanbar, p. 14, 2020), which is also uncovered in the findings of the research (e.g. Capone, 2017; Security Council, 2018). Sanbar made similar recommendations for reconciliation, such as women's participation in the reconciliation process and the guarantee of free trials (p. 14, 2020). Revkin found similar policy implications for the reconciliation process in Iraq where the importance of building trust in the Iraqi legal system, accountability and the facilitation of inclusive dialogue is emphasized (p. 29, 2018). However, the findings from Revkin are not directly linked to the genocide conducted by ISIS.

The research has both strengths and weaknesses. A weakness of this research is that reconciliation is a wide-encompassing phenomenon, which is best understood when approached from different interdisciplinary levels and not solely by looking at resolutions, policies, policy reports and proposals. This could possibly politicize the genocide and shape an one-dimensional understanding of reconciliation. However, the policy discourse in this

research was surprisingly able to give several insights into the impact of the presumed genocidal crimes on the reconciliation efforts while being sensitive to human feelings and perceptions. Furthermore, it should be kept in mind that the reconciliation process could be influenced by other avenues of the conflict in Iraq as well, where the impediments do not entirely uncover direct effects of the presumed genocide but are also sensitive to indirect influences. A strength of this research is that it concerns reconciliation after presumed genocide conducted by ISIS in Iraq, which is not widely researched yet and therefore adds a contribution to the field. Additionally, the research did not only consider the violence conducted against the Yazidi but also included the atrocities committed against the Shia Muslims who have been neglected in the presumed post-genocidal research (Hawley, p. 160, 2018).

Recommendations for future research would be to directly interview victims of the presumed genocide in Iraq to examine how they perceive the reconciliation processes and whether these are compromised by the nature of the crimes. Additionally, the translation of these policies in the field could be examined by looking at their implementation and whether there are any impediments which could be related to the presumed genocide. When including an analysis on the implementation of policies and the perceptions of the participants in the reconciliation process, being the perpetrators and victims of the presumed genocide, a more inclusive understanding on possible impediments is developed where the peace process could be refined.

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