

Why calls for transitional justice of Yazidi genocide survivors must not go unheard



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On Aug. 3, 2014, Daesh, the self-proclaimed Islamic State of Iraq and Syria, invaded and occupied Sinjar, in northern Iraq, calling for the extermination and purging of Yazidis from their homeland.

On the first day of the genocide, 1,268 Yazidis were murdered¹. Within weeks, 6,417 Yazidis had been kidnapped², including 3,548 women and girls³, who were thrown into sexual slavery and forced labor⁴.

Those who survived the onslaught fled to the Sinjar Mountains⁵ for safety, along with other minority groups living in the area. By the time Daesh claimed Sinjar, at least 360,000 Yazidis, or more 65 percent of the entire community⁶, had been displaced.

A few months into the genocide, Yazidis in Sinjar and the US set up the Yazda Organization as a Yazidi-led grassroots emergency response unit to save their

community from extinction⁷.

An immediate focus was to harness all stakeholder efforts toward the women of the community. As some Yazidi women began to escape Daesh captivity, the community began to understand that the militants were specifically targeting and enslaving Yazidi women in sexual trafficking trades because of their ethnoreligious identity⁸.

Fatwas featured in the Daesh magazine Dabiq⁹ called for militants to enslave Yazidi women because the Yazidis were classified as “mushriqin” (devil worshippers)¹⁰. It was believed that enslavement, violation and separation of Yazidi women from their families would destroy the community¹¹. Yazda is in possession of numerous survivor testimonials revealing that Daesh militants told their victims they would never be taken back after what had been done to them. This became a pillar of the “purification strategy” adopted by the terror group as it began to claim territory¹².



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SEXUAL ENSLAVEMENT AS A WEAPON OF GENOCIDE

To date, 3,545 Yazidis have returned to their families, including 1,205 women who risked their lives to escape captivity¹³. They have returned physically, sexually, mentally and spiritually devastated¹⁴. Every woman and girl has a personal story to tell. Excruciating tales of sexual slavery, abuse, impregnations and forced abortions are common. In some instances, if one of the captured Yazidi women learned the militant holding them hostage wanted to keep the child, they began to self-harm, sometimes fatally, in an attempt to force a miscarriage. In others, the women took their pregnancies to term, and did their best to raise their children¹⁵, protecting them against Daesh brainwashing and re-education programs.

These testimonies have been collected by the documentation team at Yazda since 2015, with every Yazidi female survivor willing to speak and present her

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case given full access to psychosocial and protection services.

Many of these women and girls today live dull, unstimulating lives in camps for internally displaced people in Sinjar, sharing their time with family members who survived the genocide. The camps are in abominable condition, with a lack of critical services, including sexual health and psychosocial therapy, basic food and water security, electricity and safe housing¹⁶. There is little access to schooling for many who never had the chance to complete their education. There are no recreational spaces to encourage physical, social and community-building activities. These needs, challenges and frustrations continue to be brought up by survivors.

Global literature confirms that these women are being disproportionately harmed, while facing social and institutional persecution with little access to humanitarian, educational and legal support¹⁷. Barriers to

self-determination, justice and healing are exacerbated by misconceptions of cultural norms, institutional barriers and oblivion to the potential of women.

YAZIDI WOMEN WANT TO ADVOCATE FOR THEIR RIGHTS

In 2019, Yazidi female survivors set up an advocacy platform in Yazda, the Yazidi Survivors Network, to bring together women who wanted to become advocates for female survivors and the Yazidi community¹⁸.

Survivors are being extensively trained in concepts of transitional justice and advocacy campaigning. They are also receiving technical training on computer literacy, Arabic speechwriting and English-language literacy. Many believe that delivering their demands to the international community in English will have more impact. Their impetus is to make sure that international and national stakeholders do not make decisions without them at the table. As one member said during a consultative workshop: “We want to participate in every decision that affects us as survivors. We want to be our own voice in all projects that concern us because only we know what we have been through and what we need in order to achieve the peace and security we desire, as well as to recover from our sufferings.”

However, self-determination is not a required ethical protocol in diplomacy governance and humanitarian response efforts. Yazidi female survivors must constantly elbow their way into diplomatic and decision-making stages. Rapid decision-making processes tend to not allow the necessary time for community-centered research and strategic planning with deep inclusion of diverse voices.

The lack of meaningful inclusion is institutionalized, making it difficult for a nascent survivor-led platform to build leadership and influence. As one survivor said: “Women’s peace and security increases when women are supported to play an active role in post-conflict peace-building processes, and this is what we need as women who have survived Daesh captivity.”

Some survivors have even experienced being “tokenized” in advocacy campaigns, increasing their wariness about participating on global stages that ask for speeches but do


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not expect action. Another said: “Survivors should be active in ensuring women’s peace and security for both themselves and others; they should lead the activities that provide them with peace and security so that they feel like collaborators rather than victims.”

Survivors are today indispensable to advocating for transitional justice. “As the saying goes, ‘one hand can’t clap.’ As women or survivors, we cannot do anything alone; no one can do anything for them without the survivors themselves. That is what we as survivors can do as survivors, along with everyone who supports, to make a difference,” said one Yazidi.

Another added: “We survivors have a very important case, and without advocating for it, justice will not be achieved, and we will not be able to pursue the transitional justice we desire. Therefore, we must emphasize how the organization of advocacy events works and how it is followed up on later.”

Advocacy cycles are tightening as justice efforts grow on multiple scientific, investigative and legal fronts. The more Yazidi female survivors are excluded due to poor governance and an overextended emergency mindset in Sinjar, the more the risks of non-inclusion will be felt not only by women, but also by the Yazidi community at large.

JUSTICE IS THE RIGHT OF EVERY YAZIDI SURVIVOR

“Women’s peace and security, in my opinion as a survivor, is my physical and psychological recovery from all the suffering I’ve endured while in Daesh captivity. I can heal when I have a secure and safe environment to live in, when I have my missing family members back, when I have my own rights and the rights of my family members (who were killed by Daesh) to reparations, when I can continue my education, and when I can work as an independent person,” a Yazidi survivor said, to which many in the same workshop agreed.

Survivors seeing their day in court to prosecute Daesh militants for crimes of genocide

Yazidi female survivors are demanding that they testify against their genocide perpetrators in court, with many working on their mental health and public speaking skills

to ensure that they are in the best fit position to recount their stories.

Today, evidence for many survivor cases is more than ample. However, no law and judicial process¹⁹ to prosecute international crimes has been established in Iraq and the Kurdistan region for women to seek justice for crimes of genocide and testify against their perpetrators. To date, Iraq has limited any judiciary processes to prosecutions on charges of terrorism. These cases do not bring in survivors as plaintiffs nor do they include their testimonies. The absence of facilitated judicial mechanisms for Yazidi female survivors has been blamed on the lack of political will. While they are willing and ready to each open their cases, the longer they wait, the less motivated they will be to call for justice to be served.

Some survivors are calling for international involvement because they do not trust tribunal proceedings in Irbil or Baghdad.

As one YSN member remarked after the fifth conviction²⁰ of a Daesh member in German courts: “We strongly support international involvement in all trials against ISIL (referring to Daesh) members in Iraq. We have concerns that, without external oversight, corruption and arbitrary interference of political parties might flaw the judicial system and consequently our chances for justice.

“We don’t want our cases to become a political battlefield of opposing religious and political groups. An international presence in the courtroom would ensure that the process is objective and fair and that we obtain the justice we are looking for, and most importantly, the justice we can trust.”

The need for criminal accountability at home today requires institutional reforms and proof of an independent judiciary as co-requisites to building trust and ensuring justice. The international community, with the exception of Germany, has not proposed or supported any alternative independent and credible jurisdictions for trials against genocide. On July 27, 2022 — one week before the eighth annual commemoration of the Yazidi genocide — the sixth conviction²¹ against a Daesh member was issued by a German court. This sends a negative message: Survivors need to leave their country in order to get justice, and their chances of returning are further reduced.

Returning home to Sinjar as safe and empowered citizens

Today, Sinjar remains a disputed area²² between the Republic of Iraq and the Kurdistan Regional Government. The Sinjar Agreement²³, which was brought into force in October 2020, did not include the voices of historic inhabitants of the area, largely minority groups who were displaced by the occupation of Daesh. No survivor was included in the drafting of the agreement. These communities are still suffering from lack of representation and inclusion²⁴ in local government and public administration.


Cornered in a political vacuum, Sinjar has become a quagmire of geopolitical security threats, with over a dozen armed groups controlling various areas. Iranian interests²⁵ have visibly infiltrated the area. The Turkish air force continues to bomb villages²⁶, claiming the presence of the Kurdistan Workers’ Party.

With no trusted security, the international community of donors and investors has shown little interest in supporting and investing in the stabilization, rebuilding and recovery of Sinjar. Basic and socioeconomic services are unavailable for survivors and their families who wish to return. There is still no foundation for economic development and livelihood opportunities. Many who have tried have been forced back to the displaced persons camps, with waves of redisplacement growing²⁷.

In a consultative session with YSN members, one survivor explained: “Women find peace, security and empowerment when they are secure and protected, when they receive adequate support and when they are empowered to be independent.” Today, many survivors are especially highlighting their rights to education, employment and livelihood, and psychological recovery from their chronic trauma.

Yazidi female survivors on multiple occasions have shared their strong critical sense that they and the broader community are treated as second class citizens in Iraq²⁸. Despite a recent history of shared violence and suffering under Daesh where Iraqis and Kurds all suffered, no efforts have been done to encourage reconciliation and resolve these deep-rooted forms of discrimination.

In the first Yazidi community leadership²⁹ convened since the genocide by Daesh began,


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survivors explained that the Yazidi cause continues to be put on the defensive as a peripheral problem, fueling systemic non-inclusion on multiple levels. At a personal level, this non-inclusion affects survivors' ability to achieve a purposeful sense of self, productivity and independence.

YSN member Zena Hajji told diplomats at the seventh annual commemoration³⁰ of the Yazidi genocide in 2021: "I cannot be confident about the future, my future in Sinjar, if there is no guarantee that all the heinous crimes that happened to me and to my community will not be repeated in the future. I will not have a future in Sinjar."

Mass graves that are yet to be exhumed or are still unaccounted for have dissuaded Yazidis from returning to their historic villages in Sinjar.

3 Recovering missing family members and receiving reparations for time in captivity

In September 2015, Yazda called on the UN Security Council to launch an international investigation task force to study the crimes of Daesh on the Yazidi people and minority communities³¹. On Sept. 21, 2017, the council mandated the UN Investigative Team to Promote Accountability Against Daesh Crimes, or UNITAD³². Strong evidence of genocide committed by Daesh can be found in the 82 mass graves so far discovered³³. Of these, an estimated 30 sites have been exhumed using scientific investigative methods.

The exhumation of mass graves is becoming a more community-centered process, with family members invited to collect DNA samples through blood tests to match them against uncovered bodies. This is a critical step to resolving the cases of missing Yazidi women and children.

According to the Office of Rescued Yazidis in Kurdistan, 6,417 Yazidis were kidnapped by Daesh in the early days of the genocide³⁴. With no official statistics released since 2021³⁵, the count of rescued and returned survivors stands at 3,545. As exhumations continue, a recent workshop between officials and Yazda has put the count at 2,760.

For years following the start of the genocide, the Yazidi community has known of the whereabouts of many of the women sexually enslaved by Daesh. Families who were able to

make contact have saved, taken on debt and tried to raise funds to pay for smugglers to rescue their girls. In some cases, families have received calls from Daesh militants informing them that they are holding their loved ones and asking for ransom. With no official or national search-and-rescue task force in place, private rescue missions and ransom calls have financially deprived families.

In 2021, the Yazidi Survivors Bill³⁶ was voted into law. A reparations framework was established³⁷ with a compensation system for women enslaved by Daesh, but it does not give recourse for children born as a result of sexual enslavement. Article 6 states that female survivors eligible under this law will receive a monthly salary no less than double the minimum retirement salary as stated in Retirement Law No. 9 of 2014. She will also be granted a piece of residential land with either an exceptional mortgage or a housing unit. She will also be able to return to school with no barriers or age restrictions. Lastly, she will receive some facilitations for employment.

However, poor and incomplete implementation has further fueled a sense of distrust toward the Iraqi government and parliament as a competent public governance system. This distrust has been validated by the lack of funding mechanisms being activated for the Yazidi Female Survivors Law to effectively come into force. At the seventh annual commemoration³⁸ of the Yazidi genocide, survivor and YSN member Salwa Saido said that there has been a "failure to begin the enforcement of the Yazidi Female Survivors Law."

THE UNMET NEED FOR TRANSITIONAL JUSTICE

After three years of on-the-ground investigations, UNITAD head Karim Khan presented his conclusions to the UN Security Council, saying: "I am able to announce, that based on independent and impartial investigations, complying with international standards and UN best practice, there is clear and convincing evidence that the crimes against the Yazidi people clearly constituted genocide³⁹."

While the global Yazidi community and Yazda have been advocating with international legislators, with 13 parliaments recognizing the Yazidi genocide as an undisputed principle of human rights,



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unprecedented scientific studies had finally proven that it was their right to do so⁴⁰.

Members of the YSN responded, saying: "This genocide recognition by UNITAD is very important for all Yazidis. For us, the genocide qualification of the crimes is very important since it is the only way to prevent other genocides against the Yazidis and other minorities from happening again in the future⁴¹."

A few months later, Iraq legally recognized the Yazidi genocide in Article no. 7 of the Yazidi Female Survivors Law. However, today, Yazidi female survivors are facing the hard truth: National and global recognition has become a vote of confidence toward the Yazidi cause, but with no action plans to follow.

Beyond criminal justice, bringing the community back home and reparations, it is important that Iraq, with the support of the international community, adopt a holistic approach to the Yazidi genocide.

To date, no efforts have been made to seed and champion reconciliation between the Yazidi community and other Iraqi groups, especially Muslim communities. A nationwide reckoning that the government of Iraq and the KRG both failed to protect the Yazidis from genocide is still overdue. No efforts have been made to acknowledge

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and uproot systemic discrimination and persecution of the Yazidis and other minority groups in Iraq. Dangerously, without these intentional and strategic efforts, the preconditions that fueled genocide will continue to grow and threaten the existence of the Yazidi people.

Women and survivors are indispensable peacebuilders and leaders for the Yazidi people to fully achieve and claim ownership of transitional justice on their own terms. The Iraqi government and the KRG have a responsibility to welcome Yazidi female survivors to the decision-making table with seats that represent meaningful inclusion and empowerment.

Importantly, with no example in the Middle East of a successful post-conflict reintegration and redevelopment effort, the need for innovative community-led governance is overdue. Eight years after a genocide that still sees no end, the Yazidi people have much to teach and inspire.

By honoring the Yazidi genocide, Sinjar can become a case for justice built on community self-determination and international law that empowers peace-building efforts in other conflict zones. For survivors, the least the Yazidi genocide can guarantee is that this will never happen again; not to them, and not to others.

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ABOUT THE YAZIDI SURVIVORS NETWORK

The Yazidi Survivors Network is a survivors-led platform advocating for Yazidi female survivors' human rights and calling for international accountability over the Yazidi genocide. Today, 15 female survivors are represented in YSN, serving as ambassadors for Yazidi women and their community.

Since 2019, YSN members have been generously available for consultative and focus group sessions to ensure that all public advocacy and communications directly include their voices. Interventions are always done with the strictest adherence to their psycho-social wellbeing, in line with Yazda's survivor-centered protocols and international standards for survivor protection.

ABOUT YAZDA

Yazda is a global community-led institution that protects and champions all religious and ethnic minority communities, including Assyrians, Chaldeans, Kakais, Shabak, Yazidis, other ethno-religious minorities in Iraq, the Kurdistan Region of Iraq, and Syria. Yazda was founded in 2014 at the onset of the Yazidi Genocide and crimes against humanity towards minority groups perpetuated by Da'esh.

Yazda is the lead advocacy organization for Yazidi and minority communities in Iraq and the Kurdistan Region of Iraq (KRI). Yazda also leads a portfolio of strategic humanitarian and community development projects for minority groups in Dohuk, Sinjar, and the Nineveh Plains, as well as global Yazidi diaspora hubs. The Yazda teams work together with global partners, including United Nations Assistance Mission in Iraq (UNAMI), Investigative Team to Promote Accountability for Crimes Committed by Da'esh / ISIL (UNITAD), International Organization for Migration (IOM), donor governments, the Iraqi and Kurdistan Regional Governments, and community-based organizations.

ABOUT THE ZOVIGHIAN PARTNERSHIP

The Zovighian Partnership is a family-owned social investment platform, established by

father and daughter in 2013. The team of researchers, strategists, and analysts serve communities, nation-builders, organizations, and governments, enabling early-stage ideas to already-established impact initiatives, programs, and ventures. Since 2015, The Zovighian Partnership Public Office, the peace-building commitment of the family and team, has been working hand-in-hand with Yazda to deliver a deep impact portfolio of co-created survivor-centered humanitarian and community development projects for the global Yazidi community.

NOTE ON THE METHODOLOGY:

Poor quality and politicized data on the Yazidi genocide continues to hinder efforts to resolve and recover from Daesh's occupation and subjugation of Sinjar. Given the dearth of official and independent statistics, some of the above data points are directly collected from Yazidi community organizations and initiatives. This data represents the latest information available to the co-authors at the time of writing.

To honor survivors-centered protection protocols for personal security, quotes from members of the Yazidi Survivors Network during workshops and consultative sessions have been anonymized to preserve confidentiality. Public speeches made by members are directly quoted and translated from the Arabic or Kurmanji language.

To date, these submissions have resulted in six convictions in Germany of genocide against Daesh members for crimes against Yazidi victims. She works closely with the Yazidi Survivors Network, which she helped establish, as well as UNITAD, mandated by the UN Security Council, and the Office of Amal Clooney. Yazda Organization and the Office of Amal Clooney seek to take to court Daesh militants who have committed crimes of genocide against Yazidi women and children and were successful in several jurisdictions including in Germany, France and the US. The Yazda Legal Advocacy team also contributed to this report.

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