



10 steps to ensure Justice, Reparations, Recovery and Return for the Yazidis

Policy Paper

10 policy recommendations to secure the future of the Yazidi

The systematic attacks on community and identity of the Yazidis by the so-called Islamic State (ISIS) In August 2014 resulted in the killing and enslaving of tens of thousands of men, women, and children. Five years later, the genocide is ongoing. Almost 3,000 Yazidis are still held captive while the majority of the community, 350 000 people, remain internally displaced. The security situation of the ancestral homeland of Yazidis, Sinjar, remains fragile. With the local administration of the district not re-established and amidst the presence of multiple security players, ongoing attempts by ISIS to re-infiltrate continue to cause serious harm. The future of the Yazidis remains under critical threat.

On August 1st, 2019, Yazda organised a Commemoration Conference for the 5th Anniversary of the Yazidi Genocide, bringing together over 200 government and diplomatic corps dignitaries, leaders and activists of civil society, Yazidi survivors, and friends of the Yazidi Cause in Baghdad. The current situation of the Yazidis and the need for Justice, Recovery, Reparations and Return, were addressed. As an outcome of the Conference, Yazda has collected 10 policy recommendations to secure a safe future for the Yazidi.

1. UN and Government of Iraq must recognise the Yazidi genocide

"Lasting peace is important but will only be secured once Iraq is able to overcome division and achieve national unity. That means finding a way to recognise the tragedy of those who were killed, suffered sexual violence or were enslaved by Da'esh."

- John Tucknott, Deputy Ambassador,
British Embassy in Iraq

The ISIS attack on the Yazidi in Iraq in 2014 was a systematic and premeditated attempt to destroy the Yazidi as a group, constituting a genocide. It must be recognised as such by the UN and the Iraqi government. Between 2,500 and 3,000 Yazidi are still missing. Consistent efforts from the Iraqi authorities and the international community are needed to look for them. The federal government should establish a committee dedicated to the search.

2. Living conditions of IDP's need to be improved to meet basic human rights

"So many people still living in tents on the mountain to which they fled at the onset of the terror campaign five years ago. So many people traumatized. So many people still living in camps desperately waiting for better times to come. So many children growing up in an environment that you would never allow for your own family. And let me be clear: these inhumane conditions affect everyone without discrimination as suffering knows no age or gender."

- Jeanine Hennis-Plasschaert, Special Representative of
the United Nations Secretary-General for Iraq

Adequate financial support and decent housing needs urgently to be secured for the IDP's in the formal and informal camps. This requires immediate action from Erbil and Baghdad and the international community alike.

3. Situation of Sinjar and other disputed areas needs to be resolved

"More than 80% of the population is suffering from the bitterness of displacement, and our once-secure areas have unfortunately become arenas for conflicts. Little has changed since their liberation. This is a situation of instability and risk that may be disastrous if not addressed with wisdom and decisiveness."

- Hala Safil, Yazidi survivor

While negotiations between the Iraqi Central Government and Kurdistan Regional Government have progressed, critical administrative and security issues instrumental to the stabilization of Sinjar remain unresolved. The issue of a dual administration in Sinjar needs to be resolved without delay, in coordination with the Yazidi community. Security must be restored and the serious issues related to the many non-state armed groups operating in the region addressed.

4. Basic services in Sinjar must be urgently restored

"As we pay our tributes and honour the past, we must also look towards the future and thus take decisive action to facilitate and accelerate the reconstruction of affected areas, enabling the safe return of the people, as a very first priority to cope with deep tragedy."

- Jeanine Hennis-Plasschaert, Special Representative of
the United Nations Secretary-General for Iraq

The provision of basic services to Sinjar, including electricity, water, healthcare and education, as well as smooth access to and from Sinjar, must be ensured urgently. Yazidi representatives – importantly, Yazidi women – must be included in all decision-making processes that are determining the return and future chances of survival of the community.

5. Female victims must receive the support they are entitled for

"Many survivors are still living in very difficult conditions in displacement context, where they struggle to access adequate relief. The need for an effective remedy is clear."

- Matt Alexander, Acting Deputy Head of Mission of the Australian Embassy in Iraq

Women should be recognised as a part of the national reconciliation. Procedures should be simplified to ensure the survivors are able to get the benefits they are entitled to. Gender based laws stating that only male members of the family can access certain rights and benefits should be revised to allow women the access to their rights.

6. The draft law on female survivors needs to be adjusted before passing

"Survivors should be consulted in developing transitional justice mechanisms that address their unique needs, mitigate the risk of further violence, strengthen the rule of law, rebuild social cohesion and restore trust in institutions."

- Matthew Tueller,
Ambassador of the United States in Iraq

The draft law is the most significant piece of legislation ever with respect to the Yazidis in Iraq. However, adjustments are needed to ensure that the bill addresses the needs of the survivors. All victims of ISIS who should be entitled for assistance should be covered by the law, and guarantees of non-repetition should be added to ensure that ISIS or its continuation does not rise again. Finally, practical implementation of the rights under the bill has to be guaranteed.

7. The situation of children born of rape needs to be solved

"Baba Sheikh's resolve in emphasising women should come back home and be supported is one to be applauded. It is my very sincere, my very humble and heartfelt prayer, that the wisdom and resolve that has already been indicated by Baba Sheikh will continue to extend and benefit other areas of Yazidi life. No woman should have to choose between the right of coming back to her family or losing her child, irrespective of how the child was conceived. This is a profound issue that Iraq is facing."

- Karim Khan, Special Adviser and Head of the United Nations investigative team to promote accountability for Da'esh / ISIL crimes (UNITAD)

Children born of rape are innocent to their fate. If the survivors wish to return with their children, it should be their decision. The Iraqi law stating that any child with a missing father will automatically be registered as a Muslim, must be changed to allow the children born of rape to be registered to their mothers' religion.

8. Justice and accountability are essential preconditions for recovery

"There is a legitimate claim by the Yazidis to call for justice. There is no actual reconciliation without applying justice."

- Bruno Aubert, Ambassador of France to Iraq

Accountability of all those who committed crimes under ISIS must be ensured. All perpetrators should be brought to justice fairly and transparently. Convictions must be based on the specific crimes – war crimes, crimes against humanity, and genocide – and not only on the Terrorism Act 4, and appropriate legislation enacted so that perpetrators can be held to account for these crimes in Iraq.

9. Exhumations of mass graves should be done swiftly and with dignity

"We are asking for the removal of the remains from the mass graves as soon as possible because, as you know, Sinjar is a mountainous area. Most of the graves are exposed and the evidence is lost by time."

- Hala Safil, Yazidi survivor

The identification of the victims in the mass graves must be done without delay to offer the community certainty of the faith of loved ones and the opportunity for decent burials. The exhumation and identification should be concluded as close to the Yazidi community as possible and the community must be closely involved in the process and provided with impartial information.

10. Iraq's diversity must be recognised as its biggest strength

"The targeting of Yazidis by Daesh targeted all Iraqis, not just Yazidis alone. Daesh targeted civil peace, the unifying force of our society, and the pluralism of Iraq."

- Ammar al-Hakim, Leader of the al-Hikmah Movement

As Imam of Abu Hanifa Mosque, Abdul Wahab Al-Samarai said, "we need citizenship that sponsors and nurtures diversity, despite the different identities. We need to put our country first and not our ethnicities and religions".

For more information:

Haider Elias
President

Phone: +1 832 298 9584
haider.elias@yazda.org

Natia Navrouzov
Documentation Project Manager
Phone: +964 751 864 1407
Email: natia.navrouzov@yazda.org