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I. Introduction

1. This report, produced by the International Bar Association's Human Rights Institute (IBAHRI), Free Yezidi Foundation, Yazda, the Sinjar Academy, and the Coalition for Genocide Response, focuses on the atrocities perpetrated against the Yazidis in Iraq and their ongoing struggle for recognition, justice and accountability.
2. Established in 1947, the International Bar Association (IBA) is the world's leading international organisation of legal practitioners, bar associations and law societies. The IBAHRI works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.
3. The Free Yezidi Foundation (FYF) was established in August 2014 in response to Daesh's genocide against the Yazidi community in Iraq. FYF is an apolitical, Yazidi-led, and women-led nonprofit organisation dedicated to supporting the Yazidi and other religious and ethnic minority communities through advocacy, justice, mental health and psychosocial support, legal aid, education, and livelihood programs. The organisation places a particular emphasis on aiding women, girls, and survivors of sexual and gender-based violence (SGBV). FYF began its mission in 2015 by establishing a Women's Centre and Children's Centre in Khanke Internally Displaced Persons (IDPs) camp in Duhok, Iraq. Since then, FYF has provided vital programs for women, youth, and survivors. These initiatives include opening and operating an Enterprise and Training Centre (ETC) and bakery, assisting survivors in accessing reparations under the Yazidi Survivors Law (YSL), and advocating for justice for victims of genocide and conflict-related sexual violence. FYF's humanitarian and development efforts are grounded in the principles of empowerment and dignity, aiming to equip beneficiaries with the tools they need to sustainably improve their lives and secure a brighter future.
4. Yazda is a global community-led non-profit organisation which was established three weeks after Daesh started its genocidal campaign against the Yazidi community in Sinjar, Iraq. Since then, Yazda has worked to prevent future genocides against the Yazidi and other minority groups and to support the recovery of communities affected by the 2014 genocide committed by Daesh. To achieve these goals, Yazda employs a range of humanitarian, sustainable development, justice, advocacy, and cultural preservation initiatives and projects. Through these efforts, Yazda aims to protect vulnerable communities from harm and to help survivors rebuild their lives with dignity and respect.
5. Sinjar Academy is a modern academy in northern Iraq providing state-of-the-art educational services to the population.

6. The Coalition for Genocide Response is a UK-based charity that works towards a comprehensive response to genocide and other international crimes, engaging the UK, regional and international actors.

II. Genocide against the Yazidis

7. On 3 August 2014, Daesh (also known as ISIS, ISIL, or IS) launched a devastating attack on Sinjar, inflicting widespread atrocities on the Yazidi community. The terror group killed thousands, predominantly targeting men and elderly women, while abducting boys to forcibly conscript them as child soldiers. Thousands of women and girls were kidnapped and subjected to sexual slavery and violence. To this day, over 2,600 Yazidi women and children remain unaccounted for.
8. Daesh's crimes included murder, enslavement, deportation, and forced displacement. The group systematically imprisoned, tortured, abducted, exploited, abused, raped, and coerced women into marriages across the region. In the days following the Sinjar assault, Daesh expanded its campaign of terror to other communities in the Nineveh Plains, causing 120,000 people to flee in the dead of night in a desperate bid to save their lives.
9. The atrocities perpetrated by Daesh against the Yazidis, Christians, and other religious and ethnic minority communities have been recognised as meeting the legal definition of genocide by the United Nations and several countries (both governments and parliaments). In January 2016, the Parliamentary Assembly of the Council of Europe (PACE) passed a resolution making this determination in relation to the Yazidis, Christians and other religious or belief minorities.ⁱ This was followed by a similar recognition by the European Parliament in February 2016.ⁱⁱ In March 2016, the US State Department announced the conclusion of its assessment and recognised the atrocities as genocide.ⁱⁱⁱ In April 2016, the UK House of Commons unanimously recognised the atrocities against the Yazidis and other religious and ethnic minority communities as genocide.^{iv} Similarly, over a dozen Parliaments have made this determination, in addition to the governments of Canada and the Netherlands. In March 2021, Iraq enacted the Yazidi Survivors Law,^v which included the same critical determination in Article 7. In August 2021, UNITAD (United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL) officially recognised the genocide against the Yazidi people committed by Daesh. This recognition was based on extensive investigations and the collection of evidence by UNITAD. In August 2023, the UK Government formally recognised the atrocities against the Yazidis as genocide, following the findings of genocide by German criminal courts.
10. While most regions previously occupied by Daesh have now been liberated, over 2,600 Yazidi women and children remain enslaved. Despite knowing the locations of many of these individuals, efforts to rescue them have been limited. Consequently, the genocide against the Yazidis is considered as ongoing.

Missing Yazidi Women and Children

11. To this day, over 2,600 Yazidi women and children remain missing following their abduction in August 2014. Those who are still alive are assumed to have been enslaved and subjected to numerous abuses at various locations in Syria, Iraq, Turkey, and elsewhere.
12. Apart from private and individual attempts to locate and rescue those missing and the efforts of the Kurdistan Regional Government Office of Kidnapped, there has been no international effort to rescue them.
13. In June 2023, the UN General Assembly adopted a resolution establishing an Independent Institution on Missing Persons in Syria (IIMP).^{vi} Because many Yazidis are believed to be held captive in Syria, several Yazidi-focused NGOs, including Yazda and FYF, made submissions to include this issue in their scope of work. However, a dedicated mechanism for the search and rescue of missing Yazidis in Iraq, including cross-border efforts, has yet to be established. Survivors and civil society organisations (CSOs) have long called for such a mechanism.

III. Justice and Accountability

14. To date, it has not been possible to pursue criminal accountability of Daesh fighters for genocide or other international crimes in Iraq, because the Iraqi penal code does not criminalise these crimes. However, there have been a large number of trials of Daesh fighters for terrorism-related offences. For instance, from January 2018 to October 2019, the Iraqi judiciary processed over 20,000 terrorism-related cases, with thousands more pending.^{vii} According to reports, only one trial of Daesh members was for rape.^{viii}
15. It was reported that there is difficulty in bringing prosecutions and additional prosecutions against those who have already been prosecuted for terrorism-related offences, for several reasons:
 - Iraq applies the death penalty for terrorism crimes. The UN is unable to be involved in cases where the death penalty is possible, even if there is a moratorium (as in Kurdistan), on policy grounds. Thus, evidence collected by UNITAD cannot be supplied for cases of those already prosecuted to bring additional prosecutions for rape, sexual violence and other atrocities against the Yazidis, whether in Iraqi or Kurdish courts. While according to media reports and reports from UNITAD, some evidence has been submitted to Iraq, it is unclear how the evidence, if at all, will be used in the Iraqi courts.
 - Victims/survivors in-country do not feel safe to come forward for fear of repercussions for speaking out. (Some survivors continue to be concerned about

Daesh members. Some have family members who are still enslaved and are concerned about the consequences they may face. They are also afraid that the evidence they have submitted might be politicised, used to further worsen tribal tensions or be leaked, among others).^{ix}

- Many victims/survivors abroad do not feel safe, or not in a position, to return to the country to testify (or even to process their applications under the Yazidi Survivors Law).

Trials for Terror-Related Offences

16. In Iraq, all trials of Daesh members, apart from one reported in the news, have been for terror-related offences. This is problematic for several reasons.
17. Limiting Daesh prosecutions to terror-related offences excludes victims/survivors and witnesses from participating in these trials. As a result, their voices and stories remain unheard, hindering their paths to justice and their efforts to rebuild trust in state authorities. Terror-related charges fail to capture the full extent and gravity of the atrocities endured by survivor communities.
18. Reportedly, in Iraq, there has been only one prosecution and conviction of a Daesh member for rape. Ashwaq Haji Hamid Talo, a 20-year-old Yazidi woman, testified against Mohammed Rashid Sahab, who was ultimately found guilty of participating in a terrorist organisation and in the rape and abduction of Yazidi women.^x He was given the death penalty - this is because he was also convicted of terror-related offences. According to official statements, the hope was that this conviction would encourage other survivors to come forward.^{xi} However, several survivors have raised the issue that they have testified to law enforcement and are willing to testify in court, but there has been no progress with their cases. As long as terror trials are being seen as ‘quicker’ or ‘easier’ and carry the death penalty, which is a higher sentence than for rape and sexual violence, prosecutors will continue to rely on terror-related offences. Prosecution for terror-related offences only does not address the nature and scale of the crimes, and the specific targeting of the Yazidis, or women and girls.
19. To this date, the Iraqi penal code does not criminalise genocide. Several sources indicate that the proposed Iraqi legislation to criminalise international crimes is pending State Council approval and subsequent parliamentary procedures for adoption. Iraq has still not clarified publicly when it intends to pass this legislation. Even with the passage of such legislation, survivors will need guarantees, such as witness protection and assistance, and confidentiality, among others, and Iraq has not currently taken any concrete steps in that direction.

20. Prosecutions of Daesh fighters are based on the Iraqi anti-terrorism legal framework, which provides an overly broad and vague definition of terrorism and related offences, focused on ‘association’ with or ‘membership’ in a terrorist organisation, without sufficiently distinguishing between those who participated in violence and those who joined Daesh for survival and/or through coercion.^{xii}
21. Furthermore, under the Iraqi anti-terrorism laws, the death penalty is mandatory for a wide range of acts that do not meet the ‘most serious crimes’ threshold. The death penalty is the very reason why the UN and several states cannot support Iraqi courts in prosecuting Daesh fighters. Furthermore, when individuals receive the death penalty and are executed shortly afterwards, even if there is sufficient evidence for prosecuting other crimes such as rape and sexual violence, it often becomes impractical or impossible to do so. Consequently, victims/survivors are effectively denied their opportunity to seek justice in court.

Specialised Ad-Hoc Tribunal for Daesh

22. Currently, there is no specialised ad-hoc tribunal for the crimes of Daesh in Iraq. In 2014, the Kurdistan Regional Government (KRG) established the High Committee for the Recognition against Yazidi and other Ethnic and Religious Nationalities (the High Committee).^{xiii} The High Committee, recognised as a ‘sub-committee’ of the KRG Genocide Committee (similar to UNITAD), has sought to collect evidence in relation to crimes committed in Northern Iraq by Daesh.^{xiv} The High Committee has also sought to assist the local government in providing justice for ‘grave crimes,’ via proposals for a new law and the establishment of a KRG criminal tribunal.^{xv}
23. In April 2021, the Council of Ministers of the KRG announced its approval of a new criminal court to prosecute members of Daesh for international crimes.^{xvi} However, in June 2021, the Iraqi Federal Supreme Court declared that a KRG draft law to establish a criminal tribunal for Daesh crimes in the Kurdistan Region of Iraq could not move forward on constitutional grounds. Reportedly, this is as the proposed draft law from the KRG included the ‘*authority to appoint non-Iraqi judges and prosecutors and the authority to impose the death penalty in addition to its jurisdiction over Iraqi citizens and foreigners.*’^{xvii} While the KRG draft law criminalising international crimes and establishing a mechanism for their prosecution has been struck down, the Iraqi government has so far not acted to provide an alternative criminal accountability mechanism despite multiple calls from survivors and Iraqi-based CSOs.^{xviii}
24. As confirmed in the 2022 PACE report, there is a proposal for a ‘*hybrid tribunal within Iraqi national courts with assistance from international experts, (...) but this has not yet received the necessary political support from the Iraqi authorities.*’^{xix} It is crucial to consider this option, as it could significantly strengthen the efforts to ensure justice and accountability for the most egregious crimes perpetrated by Daesh.

25. It is noteworthy that, with respect to crimes committed in the Saddam Hussein era, Law No. 10 of 2005, adopted on 18 October 2005, established the Supreme Iraqi Criminal Tribunal with jurisdiction over genocide, crimes against humanity, war crimes and other serious crimes committed between 1968 and 2003. The Tribunal has its own Statute and Rules of Procedure and Evidence. A similar tribunal could be established for the Daesh crimes in Iraq.

The Closure of UNITAD

26. In 2017, the UN Security Council unanimously adopted resolution 2379 (2017), which established UNITAD. UNITAD has been collecting evidence and conducting investigations into Daesh's crimes in Iraq since 2018. UNITAD has gathered a significant amount of data, including testimonies, forensic evidence from mass grave sites, and digital data extracted from Daesh's hard drives. Investigators have also completed an initial case brief identifying individuals and companies that provided financial services to Daesh.^{xx} UNITAD has been working with investigators in at least 14 countries to ensure effective prosecutions of perpetrators (based on the principle of universal jurisdiction).

27. In September 2023, news circulated about the plans to close down UNITAD. The Yazidi community, the community most affected by the atrocities of Daesh, and other targeted religious and ethnic minority communities, were not consulted in relation to this decision.^{xxi}

28. The Iraqi Government's motives behind the plans to terminate UNITAD's work remain unclear. In September 2023, Iraq raised several concerns, particularly regarding the sharing of evidence. However, this issue is not novel. It has been understood since UNITAD's inception that, as a UN-established mechanism, it cannot share evidence with countries that retain the death penalty. Despite this knowledge, Iraq has taken little action over the past five years to conform to UNITAD's Terms of Reference which state that UNITAD '*shall share the evidence in accordance with United Nations policies and best practice and relevant international law, including international human rights law, rules and standards.*'^{xxii}

29. In addition, September 2023 brought reports of a newly proposed law in Iraq that aims to grant amnesty to numerous detainees. While the law is promoted as a means to release innocent individuals from prison, there is significant concern within communities that it could also lead to the release of Daesh members and others. This is a critical issue that demands further scrutiny and attention.

30. The legal achievements made in recent years will vanish once UNITAD concludes its operations. The international community must acknowledge UNITAD's crucial role in collecting and preserving evidence and its contribution to judicial proceedings globally.

Therefore, the closure of UNITAD cannot be seen as the final chapter. If UNITAD cannot continue with Iraq's consent, it should transform into a different mechanism, prioritising the needs of victims and survivors above anything else.

31. Furthermore, and crucially, the UNITAD's closure does not only raise questions on the continuation of access to the evidence but also on the imminent halting of exhumation, identification and return of remains processes in Iraq. Since its establishment, UNITAD has supported Iraq with this process. According to statistics obtained by Yazda from the Iraqi Mass Graves Directorate, there are 94 mass graves and 49 individual graves in different areas of Sinjar. So far, 61 mass graves have been exhumed and the remains of 696 people, including children, women, and men were uncovered. Out of 696, only 243 victims have been identified so far and 33 mass graves have not yet been excavated. With the closure of UNITAD, it is unclear who will support the Iraq Technical Team, the Mass Graves Directorate and the Medico-Legal Team, to continue this long and complex process.
32. The IBAHRI has been advocating for establishing a new mechanism to take over from UNITAD. Such a mechanism would be established by the UN General Assembly. The proposal is in **Annex B**.

Yazidi Survivors Law

33. In March 2021, the Iraqi Council of Representatives voted to adopt the Yazidi [Female] Survivor Law (YSL).^{xxiii} This law aims at providing assistance to survivors of the Daesh atrocities by introducing a system of reparations for female survivors of Daesh campaigns who were subject to sexual violence and other forms of abuse.^{xxiv} The law stipulates benefits in the form of monthly stipends and a piece of residential land with a mortgage or a free housing unit for female survivors, while it provides for special education and employment opportunities, and medical and psychological support for both the children and female survivors. The law is momentous because it explicitly recognised that the crimes committed against the Yazidis and other communities constituted not only crimes against humanity but also genocide.^{xxv}
34. Unfortunately, to this day the law is not fully implemented. As indicated in a recent report:

Survivors are required to file a criminal complaint to access reparations, a step that presents barriers. The process often fails to utilise existing evidence provided by survivors, and the eligibility criteria are narrowly interpreted. This narrow interpretation excludes children born during captivity to mothers who were pregnant at the time of their abduction, thereby denying them their right to reparations. Moreover, the absence of a Directorate branch in the Kurdistan Region of Iraq (KRI) creates serious accessibility issues for displaced Yazidi survivors.

Lack of information dissemination to survivors and civil society further exacerbates the problem, leading to potential misinformation and misunderstanding of developments related to the YSL.^{xxvi}

IV. Ongoing Humanitarian Issues and the Future of the Community

35. The future for Yazidis means different things to different people including justice and accountability, security and assurances that Yazidis will not face future genocides, restoration of their lives and communities after the genocide, or migration to a safe country, among others.
36. For the Yazidi community to thrive after the genocide several key steps should be taken to restore the trust of the community in the state institutions and the overall situation. Since the genocide, assessments suggest that over 120,000 Yazidis have left Iraq, which accounts for more than 25% of the Yazidi population in Iraq. Tens of thousands of the Yazidis seek opportunities to leave Iraq both legally and illegally. If no serious steps are taken, Yazidis will lose the resilience factor in a few decades and Iraq will no longer be a viable option for Yazidis' existence as a distinct group.
37. The safety of the Yazidi community and assurances that they will not face new systemic persecution must be a top priority. This includes the need for sustainable and effective security and the provision of functioning governance in the Yazidi areas.
38. Minority areas are mostly disputed between Baghdad and Erbil. For these areas to be protected and stable, disputes should be settled, and security and administrative issues should not be tied to political disputes.

The Closure of IDP camps

39. In January 2024, the Iraqi Ministry of Migration and Displacement announced the plans to close the IDP camps in the KRI by 30 July. According to the KRGs Interior Minister, across KRI, there are 23 camps hosting over 157,000 IDPs from Sinjar. In addition, close to 200,000 displaced Sinjaris live outside of these camps. To encourage returns, the Iraqi Ministry of Migration and Displacement announced a package of aid including a payment of 4 million Iraqi dinars (equivalent to approximately US\$2350) per family as a one-off payment. However, as Sinjar remains unsafe and lacks adequate social services to ensure economic, social, and cultural rights, the return of those displaced is impossible. According to reports, the Ministry of Migration and Displaced has publicly threatened to reduce the support to 1.5 million Iraqi Dinars (US\$900) if IDPs do not register for return by their unrealistic camp closure date. This requires further attention.
40. Reportedly, Erbil has refused to forcibly close the camps. As a result, in June 2024, media reported that Iraqi Minister of Migration and Displaced Evan Faeq Jabro filed a lawsuit

ordering the KRG to implement the decision of the Iraqi Council of Ministers to close camps in the region. The federal government is to cease all aid for IDPs^{xxvii} and is threatening to close the IDP camps along with all federal services provided to them, including access to education and healthcare. If these threats are acted upon, among others, tens of thousands of students will be cut from their education.

41. In June 2024, around 1,000 IDPs from Sharia and Khanke camps (Duhok province) returned to Sinjar. However, many families are reluctant to return because of the security situation in the region, lack of reconstruction and investment in the infrastructure, and lack of basic services. While no data are available, many families return to KRI after receiving support packages because of the lack of jobs, and services, as well as uncertainty related to security and administrative aspects of Sinjar.
42. Compelling Yazidis to return to a homeland lacking job opportunities, clean water, safety, security, and basic resources is unsustainable. Many Yazidis are unwilling to return to Sinjar, particularly the younger generation and women and girls. Displacement has provided many women and girls with empowerment, agency, and decision-making authority. They fear the prospect of giving up these newfound rights upon return to Sinjar.
43. Many women have established careers and found job opportunities that would not be available to them upon return to Sinjar. The lack of economic prospects in Sinjar could result in these women being confined to their homes, without employment, and deprived of their autonomy and decision-making power. Furthermore, for women who are caregivers and heads of households, the absence of stable housing and support networks in Sinjar presents a significant obstacle. Returning to a region where they lack basic necessities and support systems raises serious concerns about their ability to provide for their families and ensure their well-being.
44. Therefore, a blanket mandate for all Yazidis to return to Sinjar is not a reasonable solution. The region remains full of challenges, including toxic gender dynamics and the persistent threat of militia control, alongside looming dangers from external actors such as Turkey.
45. The issue of the IDPs' return to Sinjar is politicised and has been strongly tied to the political disagreement between various internal and external actors. This process needs to be depoliticised and carried out in steps, with concrete milestones which need to be implemented by both governments and monitored by the international community.

Assistance Inequalities and Discrimination

46. Many Yazidis, both IDPs and returnees, struggle to find stable employment. The lack of economic opportunities exacerbates their vulnerability and hinders their ability to rebuild their lives. Sustainable livelihood programs are urgently needed to provide financial stability and foster economic independence.

47. Access to education is limited, particularly for children and young adults. Many schools in Sinjar remain damaged or destroyed, and displaced Yazidi children often face barriers to enrolment and attendance in host communities. Investing in education is crucial for the future of Yazidi youth, enabling them to break the cycle of poverty and trauma. The Iraqi government announced it would build a public university in Sinjar, a step Yazidi organisations welcome and hope the university will be built in the near future.
48. Thousands of Yazidis still live in temporary shelters or makeshift camps, enduring harsh living conditions. The reconstruction of homes and infrastructure in Sinjar is slow, and there is an urgent need for safe and permanent housing solutions for both returnees and those still in displacement.
49. The trauma inflicted during the genocide has left deep scars on the Yazidi community. Many survivors, particularly those who endured captivity and SGBV, suffer from severe mental health issues, including post-traumatic stress disorder (PTSD), depression, and anxiety. The community grapples with collective trauma, compounded by the loss of loved ones, the uncertainty of those still missing, the destruction of their homes and livelihoods, and protracted displacement. Mental health services are often inadequate and inconsistent, thus revealing a critical need for culturally sensitive and sustainable psychosocial support to aid in the healing process.
50. Yazidis and minorities in the area continue to struggle economically. Infrastructure, such as access to the internet, electricity, and clean water, impede development in these regions.
51. Reportedly, the people of Sinjar have submitted over 14,000 applications for property reparation to the central government, a programme implemented across Iraq in areas destroyed by Daesh. However, unlike other areas of Iraq where large portions of reparations have been made, less than one per cent of these funds have been delivered.

Lack of Political Representation

52. Political representation is a fundamental human right that ensures fair competition and safety for all segments of society. Iraq employs a quota system in its federal parliament to facilitate minority political representation, including Christians, Yazidis, Feyli Kurds, Shabak, and Mandaeans.^{xxviii} However, the effectiveness of this system is questionable, as many religious and ethnic minority communities remain unrepresented or severely underrepresented.^{xxix} For instance, in the national parliament in Baghdad, despite their significant population, Yazidis typically have only one or two members. This is inadequate for their effective political representation.^{xxx} Moreover, Yazidis in the Kurdistan Region, where many reside in IDP camps post-genocide, face further challenges with no specific minority seats allocated to them.

53. Recently, the decision by the Federal Iraq government to nullify all 11 quota seats in the Kurdistan Region just before the 2024 parliamentary elections sparked significant controversy. This move, deemed unconstitutional, threatened religious and ethnic minority communities' political inclusion and engagement. Despite a subsequent compromise allocating five seats to minorities, criticisms remain that the new distribution fails to accurately reflect regional demographics and has disrupted the electoral process.^{xxxix}
54. While the quota system provides some representation, large political parties and militias continue to manipulate the electoral system and hence, hijack true minority representation. The minority seats require fewer votes which makes them easy to be grabbed by the larger parties and militias.

Hate Speech Against the Community

55. In 2023, reports suggested an increase in hate speech and rhetoric against the Yazidi community in Iraq. The uptick in hate speech corresponded to the concerns expressed by Yazidis regarding the return of suspected Daesh-affiliated families to Sinjar. Some groups are said to have falsely claimed that Yazidis had attacked and set fire to a mosque. Yazidi leaders, Nineva security authorities, and others confirmed that no such attack occurred. Despite these clarifications, thousands of inflammatory and hate-mongering statements were made on social media, including inciting hatred against the community and expressing support for Daesh such as '[Daesh] was right about what they did to Yezidis' and 'We should kill Yazidis. They are devil-worshippers.'^{xxxix}
56. To exacerbate matters further, many local clerics in the Kurdistan Region began spewing hatred against the Yazidis during their Friday prayers.^{xxxix} Videos posted on social media show the Mullahs describing Yazidis as 'infidels' and 'devil-worshippers' and calling for their immediate arrest.^{xxxix}
57. Such hate speech and rhetoric have spread across Iraq and sent waves of fear among the Yazidi communities.^{xxxix} More needs to be done to counter such hateful narratives, including investigating and prosecuting the perpetrators.

Security

58. The paramount concern facing religious minorities and all Iraqi citizens today is security.^{xxxix} In regions where people feel safe, other challenges can be addressed more effectively. A critical case in point is Sinjar, the ancestral homeland of the Yazidis, from which hundreds of thousands were displaced during the 2014 genocide. Despite the 2020 Sinjar Agreement's objective to implement robust security measures and stabilise the region for the safe return of displaced communities, the establishment of local security forces in Sinjar has become deeply politicised. This process seems less focused on ensuring

people's safety and more on dividing security authority among Iraq's influential political factions.

59. Iraq and the international community should work together to prevent Turkish airstrikes.^{xxxvii} During one of the attacks, on 17 August 2021, the Turkish air force hit a civilian hospital, Sikeniyeh Medical Clinic in Sinjar, killing eight civilians and seriously injuring over 15 others.^{xxxviii} To this day, there have been no formal investigations into the airstrikes, or accountability for the killing and serious injury to civilians resulting. Air strikes by the Turkish air force in Sinjar are ongoing, resulting in continuing insecurity in the region and hampering the return of survivors of the Yazidi genocide to their homeland.

VI. Recommendations

60. In view of the above, IBAHRI, the Free Yezidi Foundation, Yazda, the Sinjar Academy, and the Coalition for Genocide Response recommend the following to the Government of Iraq:

- To ensure that Iraq halts trials for terror-related offences which do not follow due process;
- To ensure that the Iraqi criminal law is amended, in consultation with survivors, Iraqi CSOs and legal experts to criminalise genocide and other international crimes;
- To ensure that the atrocities against the Yazidis are investigated and prosecuted for genocide and other international crimes;
- To ensure that the law includes clear protections and assistance for victims/survivors and witnesses of atrocity crimes;
- To ensure that evidence collected by UNITAD remains accessible to third states willing to prosecute Daesh members for international crimes;
- To ensure that Iraq complies with UNITAD's terms of reference to be able to use the collected evidence;
- To ensure that Iraq works with the international community to establish a specialised ad hoc tribunal to prosecute Daesh crimes;
- To ensure the establishment of a task force dedicated to Yazidi search and rescues, which would help streamline efforts, allocate resources more efficiently, and ensure that different organisations work collaboratively rather than in isolation;
- To ensure that exhumations in Iraq continue with international assistance until all graves are uncovered and all remains are identified and returned to the families for dignified burials;

- To ensure that all provisions of the Yazidis Survivors Law, not only the monthly compensation, are implemented in a survivor-centred manner;
- To ensure that the closure of the IDP camps is depoliticised and carried out in phases, with clear milestones including guarantees of security and availability of basic services;
- To ensure that any laws that are discriminatory against the Yazidis and other religious or ethnic minority communities are repealed;
- To ensure the creation of a mechanism to establish truth on gross human rights violations against the Yazidi community, and memorialise the findings to ensure that these are used as an educational and preventive tool;
- To ensure that the community is provided with holistic and sustainable assistance that would enable them to re-establish their lives outside of camps, whether they wish to remain in displacement or return to their areas of origin.

ⁱ Resolution 2091 (2016), Foreign fighters in Syria and Iraq. Available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22482&lang=en>.

ⁱⁱ European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' (2016/2529(RSP)). Available at: https://www.europarl.europa.eu/doceo/document/TA-8-2016-0051_EN.html.

ⁱⁱⁱ John Kerry, Remarks on Daesh and Genocide, 17 March 2016. Available at: <https://2009-2017.state.gov/secretary/remarks/2016/03/254782.htm>.

^{iv} House of Commons, Daesh: Genocide of Minorities, 20 April 2016. Available at: <https://hansard.parliament.uk/Commons/2016-04-20/division/2EB7838E-4BC5-4D43-A479-C85DDA177CDD/DaeshGenocideOfMinorities?outputType=Names>.

^v Law available here: <https://c4jr.org/wp-content/uploads/2022/01/Yazidi-Female-Survivors-Law-March-24-2021.pdf>.

^{vi} See: <https://press.un.org/en/2023/ga12514.doc.htm>.

^{vii} United Nations Assistance Mission for Iraq and the Office of the United Nations High Commissioner for Human Rights, Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL, (2020) iv. Available at: https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI_Report_HRAAdministrationJustice_Iraq_28January2020.pdf.

^{viii} Alissa Rubin, 'She Faced Her ISIS Rapist in Court, Then Watched Him Sentenced to Death' New York Times (2 March 2020). Available at: <https://www.nytimes.com/2020/03/02/world/middleeast/isis-iraq-trial.html>.

^{ix} See: Coalition for Just Reparations Report 'Iraqi Civil Society and Survivor Networks Position on the Request of Iraq to Terminate UNITAD's Mandate in September 2024' (March 2024). Available at: <https://c4jr.org/1203202428508> (See also: Annex A)

^x Alissa Rubin, 'She Faced Her ISIS Rapist in Court, Then Watched Him Sentenced to Death' New York Times (2 March 2020). Available at: <https://www.nytimes.com/2020/03/02/world/middleeast/isis-iraq-trial.html>.

^{xi} Ibid.

^{xii} Ibid.

^{xiii} International Federation for Human Rights, 'Iraq Sexual and Gender-Based Crimes against the Yazidi Community: The Role of ISIL Foreign Fighters'.

^{xiv} Bojan Gavrilovic and Stephanie Schweininger, 'Criminal Tribunal and a Wide-Ranging Reparation Programme Is Necessary for the Victims of Sexual Violence and Torture in Iraq' (2019) 29 Torture Journal: Journal on Rehabilitation of Torture Victims and Prevention of Torture 110, 120.

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- ^{xv} Ibid., 119.
- ^{xvi} UNITAD, ‘Sixth Report of the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Daesh/Islamic State in Iraq and the Levant’ (2021) S/2021/419.
- ^{xvii} Khazan Jangiz, ‘Iraq Rejects Kurdish Attempts to Establish Court for ISIS Crimes’ Rudaw.net. Available at: <https://www.rudaw.net/english/kurdistan/270620212>.
- ^{xviii} Position Paper on Daesh Accountability in Iraq (August 2022), Available at: https://c4jr.org/wp-content/uploads/2022/08/Final-position-paper-ISIL-mechanism-ENG_FINAL_Hyperlinks.pdf (See: Annex C).
- ^{xix} PACE, Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe Resolution 2475 (2023). Available at: <https://pace.coe.int/en/files/31550/html>.
- ^{xx} UN News, ‘ISIL Crimes against Yazidis Constitute Genocide, UN Investigation Team Finds’ (10 May 2021).
- ^{xxi} See: <https://www.yazda.org/concerns-about-the-non-renewal-of-unitads-mandate-in-iraq>.
- ^{xxii} See: UNITAD. Terms of Reference. Available at: https://www.unitad.un.org/sites/www.unitad.un.org/files/general/tor_1.pdf.
- ^{xxiii} Dr Ewelina U Ochab, ‘Iraq Adopts New Law to Assist Survivors Of The Daesh Genocide’ Forbes. Available at: <https://www.forbes.com/sites/ewelinaochab/2021/03/04/iraq-adopts-new-law-to-assist-survivors-of-the-daesh-genocide/>. This law was enacted following significant support from several international organisations, including the Coalition for Just Reparations. see: ‘C4JR Delegation Presented C4JR Draft Law on Reparations for CRSV Survivors at the Iraqi Parliament – C4JR’ (1 December 2020). See: <https://c4jr.org/011220202471>.
- ^{xxiv} Philip Loft and Nigel Walker, ‘UK House of Commons Library: Atrocities against the Yazidi Religious Community’ (2022) CDP-0027 (2022) 3.
- ^{xxv} Tatiana Rouhana, ‘Is Criminal Justice Enough to Address the Yazidi Genocide?’ The Tahrir Institute for Middle East Policy (2022). Available at: <https://timep.org/commentary/analysis/is-criminal-justice-enough-to-address-the-yazidi-genocide/>.
- ^{xxvi} See: FYF, ‘Status on the Implementation of the Yezidi Survivors Law’ (2024). Available at: https://freeyezidi.org/wp-content/uploads/2020/07/FYF_YSLJulyReport.pdf. See also: Annex G.
- ^{xxvii} See: <https://www.rudaw.net/english/kurdistan/300620242>.
- ^{xxviii} Al Sharq Research, ‘Political Representation of Iraq’s Minorities: Tool for Dominant Parties?’ (2022). Available at: <https://research.sharqforum.org/2022/03/18/political-representation-of-iraq/>. There is currently an effort to remove the Yazidi quota seat from the Iraq Parliament, see Rudaw, ‘Top Iraqi court revokes Yazidi parliamentary representation’ (February 2022). Available at: <https://www.rudaw.net/english/middleeast/iraq/220220222>.
- ^{xxix} See: <https://www.heartlandalliance.org/wp-content/uploads/2016/01/HumanRightsViolationsReport-English.pdf>.
- ^{xxx} See: <https://kirkuknow.com/en/news/62182>.
- ^{xxxi} ISPI, ‘Deferred Democracy: The Impact of Election Delays in Iraqi Kurdistan’ (June 2024).
- ^{xxxii} See: <https://freeyezidi.org/news-updates/fyf-statements/condemnation-of-anti-yezidi-rhetoric/>.
- ^{xxxiii} See: <https://freeyezidi.org/news-updates/fyf-statements/condemnation-of-anti-yezidi-rhetoric/#:~:text=To%20exacerbate%20matters%20further%2C%20many,calling%20for%20their%20immediate%20arrest>. See also: <https://www.kurdistan24.net/en/story/31355-France-condemns-hate-speech-against-Yezidi-community>.
- ^{xxxiv} Ibid.
- ^{xxxv} See also: Annex D: Overview of Recent Hate Speech Spread Against the Yazidi Community (Yazda, 2023).
- ^{xxxvi} See also: Annex E: Collapsed security threatens the future of Yazidis & minorities in Sinjar (Yazda, 2022).
- ^{xxxvii} See: <https://www.doughtystreet.co.uk/news/un-human-rights-committee-complaint-against-turkiye-regarding-airstrikes-against-yazidi>.
- ^{xxxviii} Ibid.