



Pathways to Protection

**A report calling for immediate solutions
to the ongoing destruction of the
Yazidi community of Sinjar**

A report authored by the *Persecution Prevention Project*

November 2024

Sponsored by:
Yale University's Genocide Studies Program and
the International Bar Association's Human Rights Law Committee

Table of Contents

Foreword	2
Executive Summary	4
Introduction	6
Part 1: Specific Ongoing Risks of Persecution Faced by Yazidis in Iraq	7
I. The Threat from ISIL.....	7
II. The Threat from the Kurdistan Regional Government.....	8
<u>The KDP’s Role in the ISIL Attacks in 2014</u>	9
<u>The KDP’s Ongoing Persecution of Yazidis Post-2014</u>	13
III. Immediate Threats: No Self-Governance of Yazidis in Iraq.....	15
<u>Massive Scale of Misappropriated Funds Intended for Sinjar</u>	16
IV. Immediate Threats: Access.....	17
IV. Immediate Threats: Humanitarian Crisis and Mental Health.....	18
<u>Physical Infrastructure</u>	18
<u>Public Health Infrastructure</u>	19
<u>Educational Infrastructure</u>	21
VI. Immediate Threats: Militias and Airstrikes.....	21
VII. Immediate Threats: Hate Speech and Incitement of Violence against Yazidis.....	24
VIII. Immediate Threats: Nowhere to go for Displaced Yazidis.....	25
<u>Untenable Conditions in IDP Camps</u>	25
<u>Intimidation and Indoctrination</u>	27
<u>Obstacles for Returning to Sinjar</u>	29
<u>Closure of IDP Camps</u>	31
Part 2: Legal Analysis	33
I. Lack of Accountability and Obstacles for Accessing Justice.....	33
<u>Lack of Effective Domestic Remedies</u>	33
<u>Justice at the International Level</u>	40
II. A Way Forward through Asylum Policy Outside of Iraq.....	44
<u>Understanding the Asylum Law Framework</u>	45
<u>Current and Concerning Developments in EU Asylum Policy</u>	46
<u>Granting Yazidis Asylum is Both Legally Justified and in Everyone’s Best Interest</u>	50
Part 3: Urgent Recommendations and Appeals	51
To German, US, and EU Policy and Decision-Makers.....	51
To Iraqi and Kurdish Policy and Decision-Makers.....	52
To Investigative and Prosecutorial Bodies.....	52
To the Broader International Community.....	52
Acknowledgements	53

Foreword

As the self-proclaimed Islamic State overtook Sinjar in August 2014, Yazidis reached out in anguish to relatives around the world for assistance. I and many other Yazidis living in the diaspora were in constant communication with our relatives in Iraq and alerted the international community. As indirect witnesses to the genocide, we, too, experienced the terrible suffering of our loved ones. We had no way of providing our relatives with any form of help.

Yazidis in and beyond Iraq helplessly faced the international community's inadequate response to protect them. A variety of actors, both in and outside of Iraq, had the ability, opportunity, and obligation to prevent, end, or at the very least mitigate the genocidal activities of the Islamic State in Sinjar in 2014, and so long as the Islamic State held territorial control. The international community still has the obligation to protect the Yazidi community and fulfil its rights to reparations for the genocide and its drastic consequences. More than ten years later, these obligations remain grossly unfulfilled.

The Yazidis who were unable to leave Iraq or sought to stay in their homeland are now held hostage in a forlorn humanitarian impasse. Tens of thousands still live in IDP camps, sometimes in inhumane conditions. In spite of substantial investment by the humanitarian community, Sinjar remains nearly completely destroyed.

Against this tenuous political backdrop, Yazidis in Iraq have been increasingly targeted with repeated and massive waves of hate speech and incitement of violence. There has been no governmental response to this renewed genocidal rhetoric.

Reparations and justice for survivors have also made very little progress since 2014. The termination of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh in September 2024 did not culminate in any accountability process. Ten years after ISIL's takeover of Sinjar, thousands of Yazidi women, men, and children are still missing and the danger of loss of identity for the Yazidi people is acute.

The conditions and persisting threats throughout Iraq continue to drive Yazidis out of Iraq and into exile. Thousands are still making the perilous journey to Europe. The largest Yazidi diaspora is now in Germany. In 2023, the Bundestag, in a landmark decision, formally recognized the 2014 genocide of the Yazidi people. That same summer, Germany resumed the deportation of Iraqi asylum seekers, including Yazidis. To date, efforts to permanently halt the deportation of Yazidi refugees seeking protection in Germany have been unsuccessful.

Human rights are not just a promise, they are non-negotiable. States are obligated to respect, protect, and fulfil them. Standing up for the rights of the weakest is the duty of those privileged with the benefits of an open and democratic society.

I would therefore like to thank all the committed and courageous human rights defenders who have made this report possible with their expertise and passion. I hope for our Yazidi people that the report reaches as many decision-makers as possible and helps them to find the right solutions.

A handwritten signature in black ink, appearing to read 'Kareba Hagemann', written in a cursive style.

Kareba Hagemann

Executive Summary

In June 2019, the Persecution Prevention Project (PPP) published its inaugural report in which we assessed several factors¹ to help indicate the risk of persecution faced by Yazidis in Iraq following the military 'defeat' of the Islamic State of Iraq and the Levant (ISIL) caliphate and its loss of territorial control. We also assessed whether the degree of persecution and vulnerability correlated to a serious risk of future atrocity crimes being committed against the Yazidi.

In making this assessment and determination, we identified ten fundamental rights which were being denied to Yazidi individuals on discriminatory grounds:

- 1. The right to religious freedom;*
- 2. The right to life and security;*
- 3. The right to health and rehabilitation;*
- 4. The right to self-determination and political representation;*
- 5. The right to protection of the law, and accountability;*
- 6. The right to freedom of movement, and protection against forced displacement;*
- 7. The right to recognition as a person before the law;*
- 8. The right to education;*
- 9. The right to housing; and*
- 10. The right to employment.*

Based primarily on credible open source information, which we verified with in situ experts and analysts, we concluded that there was a serious risk that atrocity crimes would continue to be committed against the Yazidi community in Iraq. The report summarised a number of examples where the rights of Yazidis had been denied on the basis of their religious beliefs and a widespread unwillingness to identify as Kurdish. Importantly, the report highlighted the fact that although ISIL had lost control over certain areas in Iraq, this had not eliminated their capacity and willingness to execute attacks on Yazidi communities. This meant persecution was ongoing.

Five years later, the PPP is unfortunately compelled to publish this follow-up report, following the 10-year commemoration of the Yazidi genocide, which both substantiates the efficacy of our 2019 risk factor assessment and highlights that the prognosis for future stability and security for Yazidis in Iraq is not positive. Today, the Yazidi community continues to endure immense suffering, which is exacerbated by inadequate access to justice, safety, and security within Iraq.

This follow-up report incorporates the experiences of activists and scholars who were on the ground in Sinjar and Kurdistan between 2014 and the present and who are themselves eyewitnesses or spoke to eyewitnesses of the events reported. It also includes extensive

¹ U.N., [Framework of Analysis for Atrocity Crimes: A tool for prevention](#) (2014).

eyewitness testimonies from more than 1,500 interviews recorded between 2015 and 2024 in Germany. While this report works hard to respect the anonymity of interviewers and interviewees who require protection, those interested in utilising these testimonies as evidence can request access to redacted versions through the PPP. These underlying materials reinforce and add new elements to what the initial report revealed: that there is a continuum of violence against and persecution of Yazidis that spans centuries, continues today, and is compounded by a prolonged and pervasive climate of impunity.

In addition, even where ISIL has lost control in areas of Iraq, this report finds no sign that the genocidal ideology directed against Yazidis has abated. Yet this report goes further, finding that other grave threats persist against the Yazidi in Iraq, with ongoing instability, a growing record of serious international human rights and humanitarian law violations, a continuing weakness of state structures, capacity of various groups to commit further atrocity crimes with ongoing impunity, growing intergroup tensions, and patterns of discrimination against the Yazidi. These findings indicate that neither the structural causes that led to the creation of ISIL nor the combination of actors that enabled ISIL to carry out the Yazidi genocide have been addressed, leaving the Yazidi vulnerable to threats from ISIL and other actors in Iraq. This leaves them in need of and legally entitled to safe refuge elsewhere.

In detailing these findings on the persisting untenable conditions for the Yazidi in Iraq, this follow-up report specifically aims to highlight the crucial role of European countries in protecting the Yazidi community, namely through refugee policy. We call on them to fulfil their commitments and obligations under international law.

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

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

The Project is composed of international lawyers, investigators, and subject-matter experts with particular experience in documenting and analysing human rights violations and mass atrocity crimes.

Introduction

The ISIL atrocities in August 2014 are well known: 5,000 Yazidis killed, 6,000 enslaved, 400,000 displaced, and the entire region of Sinjar destroyed. The attack amounted to genocide of one of the most vulnerable communities in the world and ecocide in a country that is already ranked the fifth-most threatened globally.²

Ten years have passed since the genocide against the Yazidi began, yet neither the structural causes that led to the creation of ISIL nor the combination of actors that enabled ISIL to carry out the Yazidi genocide have been adequately addressed. The continuing violence,³ increasing discrimination, and credible threats against the Yazidi combine to instil a reasonable fear in many Yazidis that their lives are at risk in Iraq. A severe absence of basic infrastructure and security⁴ and lack of prospects for reconstruction in northern Iraq make it impossible for Yazidis to sustainably and safely return to their homeland. The continuing, harmful impact of these unresolved systemic issues as well as the failure to bring known criminals to justice enable this ongoing insecurity. The failure to investigate allegations against parties not directly associated with ISIL also leaves the Yazidi vulnerable. As long as this situation continues, the Yazidi will not obtain justice or live in peace.

This harsh reality illuminates a clear path forward for the Yazidi community – refuge in Europe, where hundreds of thousands of Yazidis have already sought asylum, with the largest such population of approximately 250,000 in Germany.⁵ Other western European countries like the Netherlands, Belgium, and France have also become temporary safe havens for Yazidis as their governments have publicly recognised the genocide and promised justice.⁶ Members of the European Union (EU) are thus uniquely positioned to provide the Yazidi survivor community justice in the form of security and protection.

International law requires EU countries to fulfil their promise of justice in practice. In addition to their duty to prevent and punish genocide under the Genocide Convention, EU countries are also obligated to satisfy the principle of *non-refoulement*, a fundamental tenet of modern refugee law.⁷ Recent developments in asylum policy across Europe demonstrate that many EU countries are not satisfying this obligation

² U.N. IOM Iraq, "[Migration, Environment, and Climate Change in Iraq | United Nations in Iraq](#)," August 11, 2022.

³ U.S. Commission on International Religious Freedom, "[Country Update: Iraq](#) (March 2022); "[Fire Burns Five Caravans in Yazidi IDP Camp in Duhok Province](#)," *Rudaw*, January 9, 2024.

⁴ Zeynep Kaya, "[IRAQ'S YAZIDIS AND ISIS](#)," *LSE Middle East Centre*, November 2019.

⁵ Flavia Togni, "[Towards a More Meaningful Transitional Justice Approach for the Yazidi Diaspora in Europe](#)," *International Centre for Counter-Terrorism*, December 23, 2022.

⁶ International Organization for Migration, *Global News*, "[France Welcomes Final Yazidi Families From Iraq Through Humanitarian Admissions Programme](#)," November 22, 2019; EU Council Press Release, "[YAZIDI: Statement by the High Representative on Behalf of the EU on the Situation of the Yazidi Community in Iraq](#)," August 3, 2023.

⁷ 1951 Convention Relating to the Status of Refugees, [U.N.G.A. Res. 2198 \(XXI\)](#), Article 33.

and are instead increasing deportations to Iraq where Yazidis continue to face a founded risk of future harm.⁸

Legal and humanitarian action must be taken to achieve sustainable justice for the Yazidi people. However, this can only be accomplished effectively by identifying and understanding the systemic issues impeding resolution and progress through the lens of those directly affected, and by Yazidis gaining access to appropriate remedies. Part 1 of this report, therefore, outlines the specific ongoing risks of persecution faced by Yazidis in Iraq. Part 2 examines the legal elements that enable impunity to persist and proposes both interim and long-term legal remedies. In conclusion, Part 3 of this report makes concise and urgent recommendations and appeals to implement these legal remedies.

Part 1: Specific Ongoing Risks of Persecution Faced by Yazidis in Iraq

Although ISIL was formally “defeated” in 2017, its lingering presence in the region, threats from other entities including the Kurdistan Regional Government and rivalling militias, and systemic issues threatening Yazidis safety and security leave no doubt that Yazidis in Iraq face a real risk of irreparable harm.

I. The Threat from ISIL

Numerous recent reports issued by the United Nations, US government, and investigative bodies have found that ISIL “continues to threaten the lives and livelihoods of Iraq’s citizens”.⁹ They describe ISIL’s deployment of new and increasingly sophisticated technologies to spread propaganda, incite violence,¹⁰ “exploit local fragilities and intercommunal tensions” and “recruit[] terrorists”.¹¹ These findings are especially grave in the context of ISIL’s active targeting and indoctrination of displaced persons in IDP camps such as al-Hol in Syria, which is located less than 100 km from Sinjar. Of the 44,000 people currently living in al-Hol, where ISIL ideology persists, approximately 28,000 children remain vulnerable.¹² Further, US Central Command’s 2022 annual review assessed that there is a “literal ‘ISI[L] army’ in detention in Iraq and Syria” with “more than 10,000 ISI[L] leaders and fighters in detention facilities throughout Syria and more than 20,000 ISI[L] leaders and fighters in detention facilities in Iraq”, where they are reportedly further radicalised.¹³

⁸ German Bundestag Human Rights Committee, “[Criticism of deportations of Yazidis in Iraq](#)”, (translated), November 16, 2023.

⁹ U.N. Department of Defense, “[Secretary of Defense Lloyd J. Austin III Addresses Media in Erbil, Iraq](#)” (Transcript), March 7, 2023.

¹⁰ U.N. Security Council, Sixteenth report of the Secretary-General on the threat posed by ISIL (Da’esh), [S/2023/76](#), February 1, 2023.

¹¹ U.N. Info, “[The threat posed by Daesh in the world has not diminished, according to the UN](#)”, February 9, 2023.

¹² U.S. Central Command Press Release, [CENTCOM – Year in Review 2022: The Fight Against ISIS](#),” December 29, 2022; Lead Inspector General Report to the U.S. Congress, [Operation Inherent Resolve and Other U.S. Government Activities Related to Iraq & Syria](#), July 1, 2023 – September 30, 2023, p. 32.

¹³ *Id.*

The detention of over 30,000 ISIL leaders and fighters in Iraq and Syria does not eliminate their threat. In January 2022, approximately 200 ISIL combatants led an attack on al-Sina prison in Al-Hasakah, Syria, aiming to free detained ISIL members.¹⁴ They successfully freed hundreds and killed 200 Kurdish fighters and civilians. Security expert and professor Paul Rogers called this attack a “direct repeat” of ISIL’s conduct in 2012 and 2013 preceding the genocide.¹⁵ There are reports of subsequent breakouts from prisons in Syria in June and August 2023, triggering a state of high alert on the Iraqi border near Sinjar and IDP camps in the Kurdistan Region.¹⁶

What is more, on August 3, 2024, the tenth anniversary of the ISIL genocide, the Iraqi Parliament introduced a bill that would provide general amnesty for thousands of prisoners including suspected ISIL members. This bill also looks to revise the definition of terrorism.¹⁷ Yazidis and international bodies fear that if Iraq adopts this bill, ISIL members will be released from prison without a trial.¹⁸

The threat from ISIL sympathisers extends beyond the prisons. Due to the closure of camps in Nineveh, thousands of suspected ISIL affiliates have been left homeless. In April 2023, several families with alleged ties to ISIL attempted to return to Sinjar. Muslims and Yazidis, including witnesses to the atrocities that ISIL committed, joined together to protest the return of these families, stating clearly that they were not protesting the return of Muslims but of ISIL supporters. Even so, the event sparked massive hate speech and incitement to kill Yazidis spurred on by false accusations that Yazidis had defamed a mosque in Sinjar.¹⁹

The lingering presence of ISIL in the region and the strong likelihood that incarcerated ISIL supporters will soon be given amnesty provides “substantial grounds for believing that” Yazidis in Iraq face “a real risk of irreparable harm” in Iraq.

II. The Threat from the Kurdistan Regional Government

Responsibility for the genocide is generally placed solely on ISIL. However, substantial evidence indicates that the Kurdistan Regional Government (KRG)²⁰ significantly enabled the genocide. Although it is well-known that the Peshmerga (the military of the KRG)²¹ withdrew from Sinjar in 2014, the KRG’s role during the genocide through present day has been overlooked. Instead of being treated with

¹⁴ Human Rights Watch, “[Northeast Syria: Fate of Hundreds of Boys Trapped in Siege Unknown](#)”, February 4, 2022.

¹⁵ Mo Abbas and Ammar Omar Cheikh, “[Huge ISIS Jail Break Raises Specter of Reenergized Extremists](#),” *NBC News*, January 24, 2022.

¹⁶ “[Spotlight on Global Jihad \(August 24-30, 2023\)](#),” *The Meir Amit Intelligence and Terrorism Information Center* (blog), August 31, 2023.

¹⁷ “[Iraqi Parliament Holds First Reading for General Amnesty, Personal Status Bills](#),” *Rudaw*, April 8, 2024.

¹⁸ Shahab Al-Sameer, “[How the SDF’s Release of IS Prisoners Could Impact Iraq](#),” *The New Arab*, August 21, 2024. Ammar Aziz,

“[Controversy over Draft Amendment to General Amnesty Law](#),” *Kirkuknow*, September 4, 2024. “[Iraqi Parliament Completes Amnesty Law Reading amid Yazidi Boycott over ‘Terrorists’ Release’ Concerns](#),” *Shafaq News*, September 16, 2024.

¹⁹ “[French Embassy to Iraq Condemns Hate Speech against Yazidis](#),” *Rudaw*, March 5, 2023.

²⁰ The KRG is a parliamentary democracy with executive authority over the Kurdistan Region of Iraq (KRI). The KRI is a constitutionally recognized autonomous region.

²¹ There is both the PUK Peshmerga and the KRG Peshmerga. In this report, we refer to the latter, which was present in Sinjar during the instances described.

caution or investigated for potential crimes, Western states have entrusted the KRG with both the reconstruction and rehabilitation of the Yazidi community in Sinjar, with all major NGOs and UN bodies who work in Sinjar having their primary base in Kurdistan.²² They operate as if the KRG were an absolute ally to the Yazidis, although thousands of Yazidis have provided testimonies that detail KRG involvement in the genocide.²³ These testimonies indicate that the KRG actively enabled ISIL in the lead up to the execution of ISIL's attack in August 2014, and that their stance against the Yazidi persists to this day.

The KDP's Role in the ISIL Attacks in 2014

The Peshmerga had military control over the Sinjar region in August 2014, when ISIL attacked. Hundreds of Yazidis reported that the Peshmerga prevented Yazidis from leaving their villages as ISIL encircled Sinjar, blocking all but one escape route. Notably, their Muslim neighbours, whether Kurdish or Arab, were permitted to leave Sinjar. One Yazidi woman from Tel Qassab, on the southern side of Mount Sinjar, described the situation as follows:

"The Peshmerga banned us from leaving Sinjar from June 2014. Even sick people who had doctor's appointments in the KRG were not allowed out. All other possible ways out were under ISIL's control. We were trapped. Some worked in Kurdistan. They commuted. From June 2014, the Peshmerga always searched their vehicles; anyone who had even one pot in their vehicle was prevented from leaving Sinjar. For the Peshmerga, this was a sign that they wanted to settle in Kurdistan".²⁴ (translated)

Yazidis also report that starting in July 2014, the Peshmerga systematically confiscated weapons. A young man from Sinun said:

"...the Pershmerga came and asked us Yazidi men to hand over our weapons. Muslims in Sinjar were allowed to keep their weapons. We were even told to hand over our ammunition. We actually trusted that they would protect us".²⁵ (translated)

By August 3, 2014, Iraqi Kurdistan remained the only escape destination for the Yazidis of Sinjar.

On August 2, the day before the genocide, the Yazidis of Sinjar knew that an attack was imminent. One witness explained:

²² Members of the PPP team have spoken with more than 1,000 witnesses that attest to this dynamic.

²³ This issue was the impetus for the August 2024 demonstration in Berlin which was attended by more than 5,000 Yazidis from Sinjar. Notably, although several media outlets interviewed protesters, they did not provide coverage on the underlying reason for the protest. German Parliament member Helge Lindh sent a video to a small group of leaders of the protest in which he acknowledged the reason for the protest and promised that he would attempt to provide support. Members of the PPP team are in conversation with the Commissioner for Global Freedom of Religion at the German Federal Ministry for Economic Cooperation and Development about establishing a "Truth Archive" to address the concerns of Yazidis in Iraq.

²⁴ Testimony 001.

²⁵ Testimony 002.

*“The night before the attack, my father contacted Kurdistan. They had assured him that a large army was on its way to rescue us. We should stay put. It was only a matter of hours before this army would reach us. I calmed down a little and slept”.*²⁶ (translated)

Others tried to flee and bring their children to safety, but the Kurdistan Democratic Party (KDP) prevented them from escaping. Families were forced back into their homes at the checkpoints of the Peshmerga, who guarded the entrances to all Yazidi villages. One Yazidi from Rambozi testified:

*“After Daesh took Mosul, it was clear that they would also attack Sinjar. We tried to flee to Kurdistan but the Peshmerga stopped us and blocked our way, while Daesh continued to encircle us. There were repeated clashes with the Peshmerga because people wanted to leave out of fear of ISIL. The Peshmerga even shot some of them during these clashes”.*²⁷ (translated)

After insisting that Yazidis stay in Sinjar, the Peshmerga and the Asayish (Kurdish Security Forces) prepared to withdraw from Sinjar in the early hours of August 3, 2014, without warning Yazidis and without resistance from ISIL. Notably, in many instances, Peshmerga troops, including commanders, said that they had received the order to retreat from the highest level and that this command included them taking their military vehicles and weapons with them. Former Executive Director of Yazda Iraq, Matthew Barber, writes: the “withdrawal happened over a course of hours [...]” and that in “almost no cases [...] did they conduct any defensive action” against ISIL, leaving civilians “completely unprotected”.²⁸ This event led to the popularisation of the statement: “The Peshmerga left without firing a single bullet”.²⁹

However, bullets were fired in the other direction. When Yazidis saw that the Peshmerga was leaving, they begged the soldiers to give them weapons so that they could at least defend themselves. Their cries were ignored. In the town of Zorava, where Yazidis stood in the way of the retreating Peshmerga troops pleading for weapons and protection, the Peshmerga responded with brute force. They shot at the Yazidis indiscriminately.³⁰

The Peshmerga also actively blocked the only escape route to Mount Sinjar, the road from Sinjar city leading up to Sardesht Valley at the top of the mountain. Although tens of thousands of Yazidis attempted to escape via this road, the Peshmerga only allowed their own vehicles through. As a direct result, more than 1,000 Yazidis fell into the hands of ISIL. Survivors report that the Peshmerga turned their weapons on

²⁶ Testimony 001.

²⁷ Testimony 004.

²⁸ Matthew Travis Barber, “[A Survey of the Political History of the First Year of the Yazidi Genocide](#),” in *Yezidism: Between Continuity and Transformation*, January 1, 2022, pp. 14–7 [hereinafter “Barber 2022”]. See also Payam Akhavan et al., [“What Justice for the Yazidi Genocide?: Voices from Below](#),” 42 HUM. RTS. Q. 1, 26 (2022); Tracey Shelton, “[If It Wasn’t for the Kurdish Fighters, We Would Have Died up There](#),” *The World*, July 30, 2016; Mehemet Alaca, “[Iraqi Yazidis: Trapped Between the KDP and the PKK](#),” The Washington Institute, December 23, 2020.

²⁹ See [Barber 2022](#).

³⁰ *Id.*; See also Testimony 016.

them, preventing them from fleeing further into the mountain with their vehicles. They were forced to continue their escape on foot.³¹

Whereas most able-bodied women and children immediately fled to the mountain, many of the men stayed behind to fight. Several people reported that the Peshmerga even fired on Yazidis who were defending the town of Gir Zarek:

*“There was an attack and fierce fighting on Gerzarek. ISIL was well prepared. Two Peshmerga vehicles drove behind Rambuzi. They were loaded with heavy weapons. They stopped at the side of the road and fired three rockets at Gerzarek. I can see it before my eyes as if it were today. One of these rockets landed in a house with a gas tank. There was an unimaginable explosion. Everything was ablaze. We wanted to rush to Gerzarek’s aid, but the Peshmerga blocked our way. We had to take detours. Eight to ten vehicles, fully loaded with willing men from Rambozi, my older brother was one of them, went to Gerzarek. We were in constant telephone contact with them. Daesh had the upper hand and had completely taken Gerzarek”.*³² (translated).



Gir Zarek, 2023. Only a handful of families have been able to return to the village due to the level of destruction and a complete lack of basic services.

Most reports agree that the Peshmerga left Sinjar without helping the Yazidis.³³ However, the PPP team has collected substantial evidence from thousands of eyewitnesses indicating that their withdrawal was not merely negligent.³⁴ Moreover, in an interview following the events of August 2014, Sarbast Babiri, who was then the

³¹ See e.g., Testimonies 004 and 016.

³² Testimony 004.

³³ See e.g., Dr. Ewelina U. Ochab, [“Can The Peshmerga Fighters Be Held Liable For Abandoning The Yazidis In Sinjar?”](#) *Forbes*, July 31, 2017, sec. World Affairs.

³⁴ See e.g., Testimonies 001-004.

commander in charge of the Peshmerga forces in Sinjar, clearly stated in a television interview that the order to withdraw did not come from him and asked for an investigation into the matter:

“Sarbast Babiri: I will not apologise because I was not the cause of the crimes, but I want an investigation to be opened, whether of me or someone else! The compounds in South Sinjar, al-Qahtaniya, al-Adnaniya and al-Jazeera fell. The Peshmerga immediately withdrew from North Sinjar. None of the Peshmerga or anyone affiliated with us can say explicitly and truthfully that Sarbast Babiri ordered them to withdraw from Sinjar.

Presenter: People ask why, when Sarbast Babiri knew that there would be no resistance in Sinjar, he had to tell the people of Sinjar to run away and save yourselves? This is what caused the killing of men, the captivity of women and the slaughter of the elderly and children!

Sarbast Babiri: If I had known that ISIS would reach Sinjar, I would have told the people of Sinjar!

I want one person from the Peshmerga to come to me and say that you were the one who ordered us to retreat, not other people. We were here and the Peshmerga command was not in my hands but under the control of Sheikh Ali in the western Tigris axis and there were large Peshmerga forces here and we had an impressive presence in terms of numbers.

Reporter: What do you say to the Yazidis who accuse you of treason and what is your attitude towards this?

Sarbast Babiri: I demand an investigation into this issue because I am not negligent and I have been telling the situation of Sinjar to both Nechirovan Barzani and Masoud Barzani and asking them to protect Sinjar”.³⁵ (translated)

On October 14, 2015, Bafel Jalal Talabani, the leader of the Patriotic Union of Kurdistan (PUK), a political party in the Kurdistan Region, said explicitly who he considered to be responsible, openly acknowledging that Kurdish forces betrayed the Yazidis by selling them to ISIL.³⁶ He also confirmed that when Yazidis asked for weapons as Kurdish forces were retreating, their requests were denied, leaving them defenceless, saying: “What did [the PDK] do with the Yazidi? [They] sold them! I have seen it. I will not forget it. The Yazidis begged and pleaded: ‘At least give us weapons.’ But [the PDK] didn't even give them weapons”.³⁷

³⁵ Azad Shingali, [Facebook Post](#), August 6, 2021 [hereinafter “Azad Facebook”].

³⁶ Êzidi [@EzidiKhan], [Post on Twitter \(X\)](#), October 14, 2024.

³⁷ *Id.*

A Yazidi man who personally witnessed exchanges between the Peshmerga and ISIL on Mount Sinjar speaks for many others who the PPP team has interviewed when he recalls:

“The Peshmerga did not flee. [...] There is a big difference between betrayal and escape. [...] You can ask any Yazidi from Sinjar who has not been bought out by the Kurds. Of course, those who belong to the KDP will not tell the truth.

*Many Yazidis [in Germany] are afraid. They say that if we tell the truth [of what we’ve seen], our relatives who are still in Iraq will be punished. Or we will no longer be able to go to Iraq anymore. They are not willing to tell the truth. Why? Because [the Kurds] have sown fear and terror in their hearts”.*³⁸ (translated)

The KRG’s alleged role as enablers of ISIL in the genocide serves as essential context into which understanding ongoing persecution, security concerns, and access to justice in the IDP camps in the Kurdistan Region must be set.

[The KDP’s Ongoing Persecution of Yazidis Post-2014](#)

The context of the KRG-ISIL relationship is all the more essential looking at how, over the past ten years, the KRG has actively hindered the return of Yazidis to Sinjar in numerous ways. To begin with, the Peshmerga chose not to free all of Sinjar from ISIL in 2014, although they were apparently equipped to do so. Middle East policy expert Michael Rubin wrote in 2016:

*“Last August, shortly before Masoud Barzani’s term in office expired, his security forces convoyed through the streets of the Iraqi Kurdish capital of Erbil weaponry and equipment donated by the international community to fight ISIS. Rather than use the weaponry to fight ISIS, he had apparently stockpiled it to bolster his own political militia relative to rival Kurds. More recently, Kurdish forces have sold donated German weaponry for personal gain. While the KRG has said it has no money to pay salaries, senior leaders have found millions to buy mega-mansions”.*³⁹

In the same article, he goes on to say:

*“Now, a KRG official has said that it might not be a Kurdish interest to defeat the Islamic State. Hiwa Afandi, a managing director in the KRG Department of Information Technology tweeted, “Strategically, it’s a huge mistake to eliminate ISIS before we are done with Hashd [an Iraqi state-sponsored paramilitary network] militiamen. They represent a much bigger danger to Iraqis”.*⁴⁰

³⁸ Testimony 002.

³⁹ Michael Rubin, [“Kurdish Official Calls Defeating ISIS ‘a Huge Mistake’](#), American Enterprise Institute - AEI (blog), April 26, 2016 [hereinafter “Rubin 2016”]. See also [Azad Facebook](#); [“Bundeswehr Weapons ‘resold’ by Kurdish Peshmerga](#),” DW.com, January 21, 2016; Michael Rubin, [“To Fight Corruption, Barzani Needs to Clean House](#),” The Kurdistan Tribune, September 10, 2011.

⁴⁰ See [Rubin 2016](#).

As a result of this clear choice, the southern side of Sinjar was not freed until 2017 when Yazidis and Iranian-backed militias, the very “Hashd militiamen” mentioned above, took control of the territory.⁴¹

In 2016, Matthew Barber wrote about the Kurdish refusal to free all of Sinjar, establishing the context in which to understand this decision:

*“Fearing that a large-scale return of Yazidi civilians could further degrade KDP influence in the area (while the PKK [Turkish Kurdistan Workers’ Party] remains a very present competitor) and preclude the chance for the KDP to regain total control, the KDP has not moved forward on the liberation of the southern collectives and the Peshmerga have sat idle on the front line for a year and a half. Despite official rhetoric on “reclaiming Sinjar for the Yazidi people,” from November 2015 to the present, all of the Yazidi towns south of Sinjar have remained under IS control, even though in many cases these towns have been guarded by a minimal IS presence, and in all cases a presence far less significant than had been the case in Sinjar City. [...] These policies have contributed to significant frustrations among the Yazidi Peshmerga, who have not been equipped with the weaponry necessary to liberate their own villages—lying just a few kilometres away—and has produced the conditions favourable for the shift of support toward the Hashd al-Sha’bi, which is underway now”.*⁴²

Another way in which the KRG actively hindered the return of Yazidis to Sinjar, and thereby prolonged the genocide, was by establishing an economic blockade. Starting in 2015 and continuing until they lost control of the checkpoints on the road to Sinjar in 2017, the KRG implemented an economic blockade that prevented Yazidis from bringing basic goods to Sinjar that would have allowed them to rebuild their homes and infrastructure. These goods included auto parts and motor oil, which farmers depended on for their livelihood. In some instances, even small amounts of bulk food items for single family use were seized. Cement and cinder blocks for rebuilding homes destroyed by ISIL, furniture and tents to live in, and even, in some instances, a single sheep or lamb were not allowed to enter Sinjar prior to 2017. The unofficial nature of the blockade enabled the KRG to implement it on a discriminatory basis; those who the KRG wanted to allow entry with these and other items were permitted access, while those they wanted to prevent from moving back or rebuilding were subject to the blockade.⁴³

The blockade extended to aid organisations. A representative of Hawar Hilfswerk, an organisation that supports youth rights in Iraq, reported to members of the PPP team

⁴¹ Matthew Barber, “[The End of the PKK in Sinjar? How the Hashd al-Sha’bi Can Help Resolve the Yazidi Genocide](#)”, *ÊzîdiPress* (blog), June 1, 2017.

⁴² Matthew Barber, “[The KRG’s Relationship with the Yazidi Minority and the Future of the Yazidis in Shingal](#),” January 31, 2017 [hereinafter “Barber Jan. 2017”].

⁴³ *Id.* See e.g., Human Rights Watch, “[Iraq: KRG Restrictions Harm Yazidi Recovery](#)”, December 4, 2016.

that between 2015 and 2017 Peshmerga-run checkpoints regularly refused them entry into Sinjar. Although Hawar Hilfswerk's annual reports indicate that members of their team in Germany were allowed to enter Sinjar three times to deliver 10,000-20,000 Euros worth of school supplies for children living displaced on the mountain⁴⁴, what they do not mention is that their other less publicised interventions were regularly blocked. According to the director of Hawar Hilfswerk, their organisation was not the only one prevented from entering Sinjar. The only organisations with open access to Sinjar at that time were those directly affiliated with the Barzani Foundation, directed by the leaders of the KRG themselves.⁴⁵

III. Immediate Threats: No Self-Governance of Yazidis in Iraq

Since 2003, Sinjar has been one of the "disputed territories" in Iraq. As a result, the population has almost no agency to represent their needs on a regional or national scale. While Yazidis are recognised as a distinct ethnicity and have representation in the Iraqi Parliament in Baghdad, the delegation of parliamentary seats is directly related to population, leaving Yazidis with only one of 325 seats. In the KRG, the situation is even worse. Unlike all other minorities in Kurdistan, Yazidis do not have any distinct representation in the KRG Parliament.⁴⁶ The reasoning put forth for this is that Yazidis are Kurds and do not need representation of their own, although many Yazidis do not identify as Kurdish.

When compounded with Sinjar's continued status as a disputed territory – and the disputes that other countries wage over the region – no viable plan has been produced for the recovery of Sinjar. The one attempt to develop a strategy took the form of the 2020 Sinjar Agreement, which was developed by the governments of Iraq and the Kurdistan Region without Yazidi consultation. This agreement committed the equivalent of \$18 million USD annually toward new governance, security, and reconstruction.⁴⁷

This agreement was never implemented so, in April 2023, the Iraqi Prime Minister Mohammed Shia al-Sudani ordered an allocation of \$34 million USD to support reconstruction of Sinjar, essentially the equivalent of two years of the money allocated in 2020. However, this campaign failed to progress because Sinjar still lacks a local government that is acknowledged by both the KRG and the Iraqi Republic. To date, these funds have not been made available to support reconstruction and basic services like electricity, water, health, housing and education, although Mosul and Muslim villages in the region have been successfully reconstructed.⁴⁸

⁴⁴ "Genocide of the Yazidis: The Forgotten Children in Northern Iraq," *Hawar-Hilfswerk*, January 28, 2020.

⁴⁵ This information was relayed directly to a member of the PPP team; see Testimony 019.

⁴⁶ Julian Bechocha, "Kurdistan Minorities Allocated Five Seats in Parliament," *Rudaw*, May 21, 2024.

⁴⁷ Human Rights Watch, "Iraq: Political Infighting Blocking Reconstruction of Sinjar," June 6, 2023.

⁴⁸ U.S. Commission on International Religious Freedom, [Iraq: USCIRF-Recommended for Special Watch List](#) (May 2024); Human Rights Watch, "Iraq: Political Infighting Blocking Reconstruction of Sinjar," June 6, 2023.



Hardan Village, Sinjar, October 2024. The view from Hardan village, which is still almost completely destroyed. In the background is the neighbouring Muslim village, which is almost entirely reconstructed.

A failure to provide allocated funding is one problem and almost overshadows the much bigger concern of how disproportionate this sum of money is to the amount needed. For instance, \$18 million USD is 1% of the \$1.5 billion USD that civil society organisations have estimated for the cost of reconstruction.⁴⁹ Any concern about whether Iraq is capable of paying this amount dissolves when recognising that the amount needed for full recovery in Sinjar is just 1% of Iraq's current annual budget of \$153 billion USD.⁵⁰ In a 2023 joint letter, 27 Yazidi NGOs rightly pointed to the injustice of the situation, saying:

“Sinjar and other areas inhabited mostly by minorities have received disproportionately low funding over the past nine years, and our communities are outraged by the inequality of this budget allocation, considering the severe level of destruction in Sinjar and other areas”.⁵¹

Massive Scale of Misappropriated Funds Intended for Sinjar

Whereas the Iraqi government has failed almost entirely to support recovery in Sinjar, it is important to highlight that substantial financial aid has been made available by the international community. In August 2024, the US claimed to have already spent \$500 million USD for recovery in Sinjar.⁵² According to the German Federal Foreign Office, since 2014 Germany “has supported Iraq with more than 3.4 billion euro within the context of development cooperation, stabilisation and humanitarian assistance. This makes it one of the country's three largest donors, alongside the United States

⁴⁹ Free Yazidi Foundation, “[Demand for \\$1.5 Billion Sinjar Reconstruction Fund by 3 August 2024](#),” July 27, 2023.

⁵⁰ “[Iraq approves record \\$153 billion budget including big public hiring](#)”, *Reuters*, June 11, 2023.

⁵¹ Free Yazidi Foundation, “[Demand for \\$1.5 Billion Sinjar Reconstruction Fund by 3 August 2024](#),” July 27, 2023.

⁵² U.S. Embassy in Baghdad, “[U.S. Support to Yazidis People](#),” August 5, 2024.

and Japan”.⁵³ In January 2023, Germany earmarked an additional 500 million Euros for the Yazidis of Sinjar.⁵⁴

Thus, the failure to sustainably rebuild Sinjar is not due to lack of funding allocated to recovery by foreign entities, but to what is happening with the funds once they reach Iraq. One thing is certain: very little of these funds have made their way to Sinjar for their intended purpose. The enduring, catastrophic situation in Sinjar suggests that funds are being misappropriated somewhere along the way.⁵⁵ This is a matter that urgently needs to be investigated and remedied both from a practical and legal standpoint.

IV. Immediate Threats: Access

The apparent successful misappropriation of substantial funds intended for Sinjar can be understood in part by the lack of access to Sinjar, seemingly by design. The many checkpoints leading into Sinjar make it very difficult to access the region. Any foreigner, who is not a reporter with explicit permission, must fly via Baghdad and obtain permission through an Iraqi-based NGO that works in Sinjar. It can take up to two weeks after arrival on land to receive this permission, and even then it is not a given.⁵⁶ Waiting this long is not feasible for many travellers and is particularly challenging since the standard visa for Iraq is for a period of only 30 days. Anyone who tries to enter the region without such permission may be rejected by any one of the eight militias and military groups that operate the checkpoints.⁵⁷

More high-profile groups, including UN observers, are allowed to enter Sinjar. However, as their schedules are organised for them and they have no freedom of movement in Sinjar, there is nothing to ensure that they leave with a thorough or accurate understanding of the situation, and there are many opportunities to ensure that they do not.⁵⁸ For instance, hospital workers have shared that the number of doctors registered as working in Sinjar is far higher than the actual number of doctors in the hospitals. Yet, on occasions when high-ranking foreign officials visit, the hospitals are suddenly fully staffed.⁵⁹

Access to Sinjar is not only a challenge for foreigners. Even Yazidis who are Iraqi citizens now living as refugees abroad are subject to similar obstacles when trying to visit their homeland. Dozens of Yazidis, two as recently as October 2024, have

⁵³ Federal Foreign Office, “[Germany and Iraq: Bilateral Relations - Federal Foreign Office](#),” October 22, 2024.

⁵⁴ *Id.*; U.S. Embassy in Baghdad, “[U.S. Support to Yazidis People](#),” August 5, 2024; International Crisis Group, “[Iraq: Stabilising the Contested District of Sinjar](#),” May 31, 2022, pp. 6-7; “[Yazidis Denounce Iraqi Government’s Funding Allocations, Demand Fair Share to Rebuild Sinjar](#),” *Medya News*, July 30, 2023.

⁵⁵ *Id.*

⁵⁶ This is based on the experience of members of the PPP team and their attempts to secure permission to visit Sinjar. While this procedure became normalised in 2022, it results in a mere “understanding” and not a formal visa.

⁵⁷ This is based on the experience of members of the PPP team and their colleagues.

⁵⁸ This is based on the experience of members of the PPP team and their colleagues.

⁵⁹ Members of the PPP team received this information from two individuals working in hospitals in the Sinjar area.

reported to members of the PPP team that they were not permitted to go through the normal controls at Erbil International Airport. Although their passports and European residency cards do not indicate that they are Yazidi, they were identified as Yazidi, taken into a private room for questioning, and asked to provide phone numbers and share their itineraries before being allowed to re-enter Iraq.⁶⁰ Gaining access to Sinjar can be even more precarious. One Yazidi man with a German residency card and an Iraqi passport who was initially refused access to Sinjar when at a checkpoint later reported with wry humour: “I know that the Iraq passport is weak – but I was surprised that it was not even strong enough to get me into parts of Iraq”.⁶¹

Access to Sinjar is not only limited to foreigners and refugees, but even to residents of Sinjar. During the night especially, controls can take hours.⁶² Even during the day, residents, especially those with cameras and computers, are often stopped and the contents of their cameras closely examined. One man who was travelling to Kurdistan in 2023 to purchase a bigger hard drive for his desktop computer said:

*“They looked through my camera and my USB sticks and were very suspicious that I had my computer with me. When I told them that I needed the shop to install the new internal hard drive, they wrote down the serial number and said that if I did not return to Sinjar within 48 hours, I would never be given permission to leave again. When I returned, they again checked the serial number to ensure that it was the same computer I had left with”.*⁶³ (translated)

IV. Immediate Threats: Humanitarian Crisis and Mental Health

Physical Infrastructure

Sinjar suffered heavy damage during ISIL’s genocidal campaign against the Yazidi and other ethno-religious minorities, with approximately 80% of public infrastructure and 70% of homes destroyed.⁶⁴ Ten years later, the humanitarian crisis is all-encompassing.

⁶⁰ The PPP team has spoken with dozens of Yazidis who have been subject to this treatment when flying through Erbil, including two known cases as recent as October 2024.

⁶¹ Members of the PPP team received this information from a Yazidi man from Southern Sinjar after he visited the region in April 2023.

⁶² Anyone who lives in or visits Sinjar, including members of the PPP team, has this experience. The day’s schedule has to be planned around the closure of the checkpoints.

⁶³ Members of the PPP team received this information from a Yazidi man from Southern Sinjar who attempted to take his computer through a checkpoint in October 2023; see Testimony 020.

⁶⁴ International Organization for Migration, “[More Support Needed for Survivors of the Sinjar Massacre](#),” August 4, 2022.



Sinjar's historic city centre, April 2024.

In large part, because of the blockade and the failure of allocated funds reaching Sinjar, the majority of roads, houses, wells, farms, and shops remain in ruins.⁶⁵ Electricity cuts out regularly, requiring families to have some form of an alternative power generator, especially in the winter where power outages regularly last 12 hours or more.⁶⁶ According to a June 2024 report by the International Organization for Migration in Iraq, in December 2023, 88% of the community was considered to be living in severe conditions.⁶⁷

Public Health Infrastructure

Sinjar has two functioning hospitals, but as of April 2024 it only had 12 doctors, including one dentist, two paediatricians, and one eye doctor working in the region with a population of 125,000 people.⁶⁸ Not a single OB-GYN works full-time in Sinjar. The hospitals are equipped with some x-ray and sonogram machines but there is no

⁶⁵ Izat Noah, "[Sinjar: Challenges and Resilience Nine Years after Genocide](#)", The Washington Institute, July 25, 2023.

⁶⁶ This is based on the personal experience of members of the PPP team and the testimony of six Yazidis living in southern Sinjar.

⁶⁷ International Organization for Migration, "[Progress Toward Durable Solutions in Iraq: Sinjar District](#)" (June 2024), June 11, 2024.

⁶⁸ *Id.* See also Testimonies 017-18.

trained personnel to run them.⁶⁹ One surgeon who is equipped to perform minor surgeries is available part-time in Sinjar.⁷⁰

In addition to these more general concerns that would affect any healthy population, the special context of Yazidi suffering must be taken into account. Given the various stresses they have endured, most Yazidis over the age of 40 suffer from diabetes, heart disease, high blood pressure, or some combination of these.⁷¹ These illnesses often go untreated because of high costs of treatment, even in Kurdistan. In Sinjar, treatment is completely cost-prohibitive for the vast majority. This is in part because of a general shortage of basic medical supplies in Iraq, but also because medications are only allowed to enter Sinjar via specific channels. NGOs that attempt to bring free medications into Sinjar for distribution are charged with tariffs that are higher than the costs of the medications themselves.⁷²

The experiences of Yazidis over the past ten years have also culminated in a massive mental health epidemic, making it virtually impossible to access adequate mental health support to address both individual and “acute community-wide trauma”.⁷³ The trauma and mental illnesses that Yazidis endure following the genocide include ongoing severe depression, anxiety, and post-traumatic stress disorder, with high rates of attempted suicide, suicide, and self-immolation.⁷⁴ All of these debilitating ailments require long-term, specialised care, which currently does not exist anywhere in Iraq.

Both federal Iraq and the Kurdistan Region face a severe shortage of mental health practitioners. There are approximately 100 psychiatrists in Iraq, which equates to 0.34 per 100,000 population, in comparison with 8 per 100,000 in the United Kingdom.⁷⁵ The situation is even more severe in Sinjar where much of the population suffers from some form of trauma or mental illness.⁷⁶ Since Sinjar also has no laboratory technicians

⁶⁹ Ammar Aziz, “[Shingal \(Sinjar\) in Need of Doctors](#),” *KirkukNow*, April 30, 2022 (The number of doctors has changed slightly since this article was written in 2022, but it describes the problem accurately).

⁷⁰ A member of the PPP team received this information from four individuals working in the health sector in Sinjar in response to a request by the German government in spring 2024; *see e.g.*, Testimonies 017-19.

⁷¹ This is an observation based on PPP team members’ interactions with hundreds of Yazidis in Europe and Iraq, and a conversation in 2024 with the director of a mobile medical team that serves the population on Mount Sinjar; *see e.g.*, Testimony 017. The situation is likely related to the high level of PTSD in the community. *See generally* Samih Abed Odhaib et al., [Impact of Humanitarian Crises on Diabetes Care in Iraq and Syria—IDF-MENA Region](#), 13 *J. OF DIABETOLOGY* S38-S47 (2022).

⁷² A member of the PPP team received this information from the director of an NGO that works in the health sector in Sinjar. The information provided reflects his personal experience; *see e.g.*, Testimony 017.

⁷³ *See e.g.*, Free Yazidi Foundation, “[EYF Statement: Yazidi Suicide Crisis and Threat of Camp Closures](#)”, January 27, 2021; Coalition for Just Reparations, “[Joint NGO Statement on Increased Number of Suicide Cases and the Deteriorating Mental Health Crisis Facing Atrocity Crimes Survivors in Iraq](#),” January 19, 2021; Jan Ilhan Kizilhan et al., [The Psychological Impact of Genocide on the Yazidis](#), 14 *FRONTIERS IN PSYCHOLOGY* (2023); Omar S. Rasheed et al., [Withstanding Psychological Distress among Internally Displaced Yazidis in Iraq: 6 Years after Attack by the Islamic State of Iraq and the Levant](#), 10 *BMC PSYCHOLOGY* (2022) [hereinafter “Rasheed 2022”].

⁷⁴ Sophia Lobanov-Rostovsky and Ligia Kiss, [The Mental Health and Well-Being of Internally Displaced Female Yazidis in the Kurdistan Region of Iraq: A Realist Review of Psychosocial Interventions and the Impact of COVID-19](#), 9 *GLOBAL MENTAL HEALTH* (2022); MSF Press Release, “[MSF Warns of Mental Health Crisis among Yazidis in Iraq](#)”, October 4, 2019; [Rasheed 2022](#).

⁷⁵ Aws Sadiq, [A Snapshot of Iraqi Psychiatry](#), 18(1) *BJPSYCH INT’L* (2021).

⁷⁶ Matthew Barber, “[Notes and Policy Recommendations on the Resettlement of Yazidi \(Ezidi\) Survivors of Sexual Enslavement to Canada: Prepared for a Briefing for the Standing Committee on Citizenship and Immigration to Be Held November 9, 2017](#),” November 7, 2017, p. 5. *See also* UNHCR, [COI Note on the Situation of Yazidi IDPs in the Kurdistan Region of Iraq](#), May 6, 2019.

to run blood tests, the prescription of antidepressants and other medications is little more than guesswork.⁷⁷

While non-governmental organisations are making valiant efforts to provide psychotherapy support in both Sinjar and the Kurdistan Region, the need far surpasses capacity and causes a deficit in immediate short-term access to care.⁷⁸ Critically, these services are not suited to address the severity of trauma that victims of the genocide live with, do not have the ability or capacity to provide requisite long-term care, and do not take into account collective trauma and the particular needs associated with it.⁷⁹

Educational Infrastructure

Sinjar's schools are also understaffed and under-equipped. School is offered half-time at best and generally takes place in over-crowded classrooms with no computers and few books.⁸⁰ Although most Yazidis are glad that the teaching language in most schools in Sinjar is Arabic, children are not given Arabic classes prior to beginning school and spend the first year trying to learn the language in addition to how to read, write, and do arithmetic in it.⁸¹ Teachers, administrators, and other pedagogical professionals are in very short supply.⁸²

VI. Immediate Threats: Militias and Airstrikes

The long period of insecurity in Sinjar following the genocide and destruction of infrastructure allowed for the rise of militias. At present, at least eight militias are vying for control in Sinjar, perpetuating instability in the region. As documented by Human Rights Watch, these armed groups encroach on civilian property for military use, using schools in Sinjar for military and recruitment purposes.⁸³

At present, the Turkish Kurdistan Workers' Party (PKK) is the strongest of these militias. This is not surprising since the PKK and their Syrian counterpart were the primary forces responsible for rescuing Yazidis from Mount Sinjar in 2014.⁸⁴ This act

⁷⁷ This information is based on interviews conducted by a member of the PPP team with health care professionals and patients; *see e.g.*, Testimony 018.

⁷⁸ Prior to 2014, there was already very low capacity to provide state or private psychosocial services (PSS). NGOs provide 90%+ of PSS, and they rely on limited external funding that is insufficient even for *ad hoc* emergency relief, let alone long-term support.

⁷⁹ Lynzy Billing, "[Psychotherapists Help Yazidis Heal Layers of Trauma in Iraq](#)," *Al Jazeera*, July 10, 2022.

⁸⁰ Some schools in northern Sinjar are better equipped than in the south. Members of the PPP team received details about the education system in discussions with children at five different schools across Sinjar and their parents; *see e.g.*, Testimony 020.

⁸¹ In conversations with ten families about education, several families, especially in southern Sinjar, mentioned explicitly to members of the PPP team that a reason why they wanted to return to Sinjar was to ensure that their children learned Arabic in school; *see e.g.*, Testimony 020.

⁸² "[Students in Shingal Forced to Walk Long Distances to Attend Classes](#)," *Rudaw*, February 14, 2024.

⁸³ U.S. Commission on International Religious Freedom, [Iraq: USCIRF-Recommended for Special Watch List](#) (May 2024); Rights Watch, "[Iraq: Political Infighting Blocking Reconstruction of Sinjar](#)," June 6, 2023.

⁸⁴ *Id.*

won them the sympathy and trust of many Yazidis who felt betrayed by the Peshmerga and their Arab neighbours.

However, from the very beginning of the genocide, the PKK has seemingly taken advantage of the instability in Sinjar, securing their role as “protectors” and, at the same time, asserting their right to determine its future in ways that undermine Yazidi agency in their homeland. At times this has come cloaked in benign or even positive gestures. For instance, before any Yazidi temples had been rebuilt, the PKK built a large cemetery complex with extensive landscaping and ornately decorated graves in the same style as other temples in Sinjar to honour the PKK “martyrs” who died when freeing Sinjar.⁸⁵ They also built six schools with a Kurdish curriculum each of which is named after a PKK “martyr” who assisted in saving Yazidis against ISIL.⁸⁶ At the same time, however, they refused to let NGOs into Sinjar city to begin rebuilding and have not supported the rebuilding of historical Yazidi temples.⁸⁷

Although many Yazidis are sympathetic to the PKK, their presence is not welcomed by all. This is in part because the PKK is accused of having kidnapped hundreds of Yazidi children since 2015 for recruitment purposes.⁸⁸ One Yazidi refugee in Germany explained that the PKK was the primary reason why he left Iraq. Part of his asylum-related court hearing reads:

When asked about his reasons for fleeing, the claimant stated that there were currently various Shiite militias, the PKK, the Iraqi army and smaller terrorist organisations and parties in the Shingal region. These parties had always accused him of belonging to the other side [...] In addition, the PKK had also tried to recruit him and his brother as members immediately before he left the country. Members of the PKK had visited them a total of three times and had told them that the plaintiff and his brother could be sent to a training camp and given weapons training. However, the plaintiff did not want this. Three days before his departure, members of the PKK came to them again. Their commander gave the plaintiff two days to join the PKK and threatened to kill him if he did not join. The plaintiff had taken this threat - which had also been made to his brother - seriously and had therefore left Iraq.⁸⁹

In the words of a Yazidi human rights activist, “It’s like the genocide is still continuing. Two thousand women are still in captivity, there are no job prospects, we have no political power. We are the property of political factions”.⁹⁰

The Sinjar Resistance Units (YBS) pose a particular challenge to long-term stability. They are an entirely Yazidi force now formally affiliated with the Iraqi Army.

⁸⁵ The memorial cemetery is located outside the village of Karsi in close proximity to the temple Shebel Qasim on the top of Mount Sinjar.

⁸⁶ “[PKK Opens Schools for Kurdish Yazidis in Shingal](#),” *Rudaw*, March 31, 2015.

⁸⁷ “[PKK-Armed Wing in Shingal Prevents Reconstruction of City](#),” *Kurdistan24*, June 19, 2016.

⁸⁸ European Union Agency for Asylum, “[2.15.2. Yazidis](#)”, last updated June 2022.

⁸⁹ Testimony 006.

⁹⁰ Melissa Gronlund, “[Ancient Yazidi Heritage Still under Threat after Isis Genocide](#),” *The Art Newspaper*, September 5, 2023.

However, they were originally affiliated with and are still considered to be sympathetic to the PKK. Since the PKK is considered a terrorist group by many countries, including Turkey, Germany, and the US, the YBŞ's affiliation with the PKK makes the YBŞ a regular target of Turkish airstrikes, with Turkey justifying the attacks by saying that they are targeting terrorists.⁹¹

Notably, the targets of these airstrikes are not limited to military personnel or PKK sympathisers. In August 2021, Turkish airstrikes hit a civilian hospital in northern Sinjar, killing eight Yazidis and injuring more than 20.⁹² Since then, nearly daily sightings of Turkish planes above Sinjar and regular airstrikes have created a general fear among the Yazidi population. A member of the PPP team even saw a Turkish drone flying above Sinjar when visiting the region in 2023. As Yazidis there explained, the knowledge that these drones, which are equipped with explosives that can precisely track individuals,⁹³ could attack at any time, leads to an ever-present sense of danger. One Yazidi woman in Sinjar explained that two of her uncles as well as her cousin had been killed by Turkish airstrikes in 2021 and 2022, respectively. She explained: "We do not know why they were killed; we do not know if they were all targets or if it was accidental. My cousin was 22 years old. I do not know who will be next".⁹⁴

Most recently, on October 25, 2024, Turkey killed six Yazidis, including a 14 year old boy, in an airstrike on the northern Sinjar town of Dugare. Notably, there were no PKK casualties.⁹⁵ Yazidi activist Murad Ismael pointedly wrote on X:

"Yazidis, Kurds and others in the region are hostages to the Turkey-PKK equation. PKK stupidly goes and attacks a Turkish defence company with two solo fighters amid a growing potential for peace. Then Turkey goes and stupidly attacks Kurds of Syria and Yazidis of Sinjar. Our people are paying the price of a conflict they have no stake in. PKK Turkish fight is not our fight. They came to help in 2014 and they should have left in 2016. Just the way Turkey and their support for ISIS is a problem for us, PKK is a problem for us too".⁹⁶

The Cradle puts this in even more damning terms, claiming that Turkey assisted ISIL in carrying out the genocide against Yazidis and that the PKK used Yazidi vulnerability to gain a foothold in Sinjar for their own military and political purposes:

⁹¹ "Iraq's Top Security Advisor in Erbil as Baghdad Condemns Turkish Operation," *Rudaw*, July 11, 2024.

⁹² U.S. Commission on International Religious Freedom, [Iraq: USCIRF-Recommended for Special Watch List](#) (May 2024); Rights Watch, ["Iraq: Political Infighting Blocking Reconstruction of Sinjar."](#) June 6, 2023. ["Estimated 3,000 People Flee Armed Clashes in Northern Iraq."](#) *Al Jazeera*, May 2, 2022. Patrick Wintour, ["UN Complaint Lodged over Turkish Airstrikes on Hospital in Iraq."](#) *The Guardian*, July 31, 2023.

⁹³ ["Turkish Drone Kills PKK Commander in Shingal: Kurdish Counterterrorism."](#) *Rudaw*, April 2, 2024.

⁹⁴ Testimony 021 (from a 29-year-old Yazidi woman from northern Sinjar in 2023).

⁹⁵ ["Turkish Drone Kills PKK Commander in Shingal: Kurdish Counterterrorism."](#) *Rudaw*, April 2, 2024.

⁹⁶ ["Turkish Airstrikes Kill Five Yazidis in Iraq's Sinjar Region."](#) *The Cradle*, October 25, 2024; Murad Ismael [@Ismale_Murad], [Post on Twitter \(X\)](#), October 25, 2024.

*“The Kurdish PKK, which has been fighting the Turkish state for decades, gained a foothold in the strategic, Yezidi-majority Sinjar region near the Syrian border after ISIS carried out a genocide against Yezidis in 2014. ISIS carried out the genocide, massacring thousands of Yezidi men and enslaving thousands of Yezidi women and children in partnership with Turkish intelligence and Peshmerga forces from Masoud Barzani’s Kurdistan Democratic Party (KDP)”.*⁹⁷

The fact that Iraq and the broader international community freely allow Turkey to bomb Sinjar⁹⁸ – in most instances without even issuing a warning or condemning the attack – and that effective action has not been taken against the PKK ensures that these attacks will continue and that Yazidis will remain at risk.

VII. Immediate Threats: Hate Speech and Incitement of Violence against Yazidis

Iraq’s unwillingness to protect Yazidis has led not only to such brazen acts by Turkey, but has also fostered an increase in violent and discriminatory rhetoric in Iraq against the Yazidi, making them vulnerable to targeted violence, especially in Kurdistan. As mentioned above, in April 2023, several families connected with ISIL attempted to return to Sinjar. Although both Yazidis and Muslims protested their return, Yazidis in Sinjar were falsely accused of burning a mosque during a peaceful demonstration against the repatriation of ISIL refugees from al-Jada 5 camp in Nineveh province. The Sunni Endowment Office, which is responsible for Sunni mosques in Iraq, confirmed that these reports were false and that there was no damage to the mosque.⁹⁹ However, Muslim leaders, especially in Iraqi Kurdistan, proceeded to call for the murder of Yazidis, referring to them as “devil worshippers” or “infidels,” terminology identical to ISIL references of the community.¹⁰⁰ Following the April 2023 false report, the Masarat Foundation, an NGO focusing on minorities, collective memory studies, and interfaith dialogue, documented 334,000 incidents of hate speech against the Yazidi in a single day,¹⁰¹ and 4 million in under a month, which included comments inciting violence against them and primarily originated throughout the Kurdistan Region.¹⁰² Thousands of social media posts reiterated these calls with credible threats, including of bringing a machine gun to an IDP camp in the Kurdistan Region and killing as many Yazidis as possible.¹⁰³

More recently, in August 2024 during an event commemorating the 10-year anniversary of the Yazidi genocide, Yazidi military leader Qasim Shesho gave a

⁹⁷ [“Turkish Airstrikes Kill Five Yezidis in Iraq’s Sinjar Region.”](#) *The Cradle*, October 25, 2024.

⁹⁸ Amina Ismail, [“Insight: Turkey’s Push into Iraq Risks Deeper Conflict.”](#) *Reuters*, January 31, 2023.

⁹⁹ Frankie Vetch, [“Hate Speech Sparks Fears of Violence against Yazidis in Iraq.”](#) *Coda Story* (blog), May 18, 2023; [“Iraqi Sunni Endowment Confirms No Mosques Were Attacked in Sinjar.”](#) *Kurdistan24*, April 30, 2023; [“Iraq Government Silent amid Hate Speech against Yazidis.”](#) *Medya News*, May 5, 2023.

¹⁰⁰ [“French Embassy to Iraq Condemns Hate Speech against Yazidis.”](#) *Rudaw*, March 5, 2023.

¹⁰¹ Natia Navrouzov and Lynn Zovighian, [“The New Humanitarian | 10 Years into Genocide, Yazidi Survivors Continue to Demand Their Rights.”](#) August 5, 2024.

¹⁰² [“Hate Speech: Statement Condemning Hate Speech Against the Yazidis”](#), *Bellwether International*, February 28, 2024.

¹⁰³ Frankie Vetch, [“Hate Speech Sparks Fears of Violence against Yazidis in Iraq.”](#) *Coda Story* (blog), May 18, 2023.

speech in which he made a statement pertaining to Yazidi resilience. This statement was interpreted by some as offensive toward the Prophet Muhammad, causing backlash and generating an extreme increase in anti-Yazidi hate speech.¹⁰⁴ This reaction led to the Iraqi government's Nineveh Investigation Court issuing a warrant for Shesho's arrest for "insulting the Prophet Muhammad and inciting war between religions".¹⁰⁵ Shesho responded to this backlash, clarifying that the controversial statement was taken out of context, referencing the Yazidi religion's prohibition of insulting prophets, religious individuals, and inanimate objects revered by any religion, sect, or belief.¹⁰⁶

Even so, this controversy led to an extreme increase in anti-Yazidi hate speech on social media and in mosques throughout the Kurdistan Region, which included credible threats of another genocide and more than one million instances of hate speech against Yazidis recorded within eight days of Shesho's statement.¹⁰⁷ These threats were so severe that they resulted in approximately 1,000 Yazidi families – or 25,000 Yazidi individuals – fleeing IDP camps in the Kurdistan Region out of fear for their life.¹⁰⁸ It is deeply concerning that the Iraqi government could target Shesho but continue to fail to address the millions of hateful comments and threats against the Yazidi community, causing Yazidis to reasonably fear for their life. These ongoing systemic issues of violent competition and impunity have fostered and escalated diverse threats against the Yazidi, beyond ISIL.¹⁰⁹

VIII. Immediate Threats: Nowhere to go for Displaced Yazidis

Untenable Conditions in IDP Camps

For the past ten years, hundreds of thousands of Yazidis in Iraq who are unable to return to Sinjar have been displaced across 15 IDP camps in the Kurdistan Region in untenable conditions. At present, approximately 200,000 displaced Yazidis remain in the camps.¹¹⁰ The camps are severely overcrowded and resources, including medical supplies and nutritious food, are scarce.

Access to nutritious food is irregular and insufficient to meet the nutritional needs of the population in the camps,¹¹¹ particularly for children and the elderly who are at heightened risk of malnutrition. Food insecurity will only become a larger issue as

¹⁰⁴ "[Hate Speech against Yazidis Surges Online Following 'Misinterpreted' Speech](#)," *964media*, August 8, 2024.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ "[Yezidis Flee Iraqi Kurdistan Camps Following Hate Speech Campaign by Kurdish Extremists](#)," *The Cradle*, August 9, 2024; Sinjar Open Space Dialogue, [Facebook Post](#), August 13, 2024 (this Yazidi NGO claims to have monitored more than one million instances of hate speech against Yazidis between 4-12 August, 2024).

¹⁰⁸ *Id.*

¹⁰⁹ "[Wie Gewalt gegen Jesiden eskaliert](#)," *FAZ.NET*, May 13, 2023.

¹¹⁰ "[Ten Years after Yazidi Genocide, Survivors Struggle to Rebuild Lives](#)," *Al Jazeera*, May 31, 2024.

¹¹¹ Christine Nisbet et. al, [Food Security Interventions among Refugees around the Globe: A Scoping Review](#), 14(3) *NUTRIENTS* 522 (2022).

funding from international agencies decreases and camps are set to close at the end of 2024.

Air quality and sanitation in the camps are also poor, and residents are exposed to extreme weather conditions with inadequate housing and temperature controls.¹¹²



Sharya, Iraq, 2023. A Yazidi man in Sharya camp repairs a hole in his tent. Tents have not been replaced since 2014 and, after ten years, most are threadbare.

These conditions make the camps prone to fires. In 2021 a fire destroyed large sections of Sharya camp, leaving 1,400 Yazidis temporarily homeless. They all lost the majority of their possessions. In July 2024, a fire in the Dawdia camp burned at least 17 caravans, and another in January 2024 burned at least five caravans to ashes.¹¹³ In the aftermath of the Sharya fire, families were granted between 500,000 - 1,000,000 Dinar (\$342 - \$685 USD), “in addition to mattresses, blankets and clothing”, not nearly enough to replace all of their belongings.¹¹⁴ These degrading living conditions inevitably cause irreparable harm to Yazidis forced to return after such a traumatic event. A psychologist, who was in contact with refugees in these camps, noted that she spoke “to women who sleep for just two hours at a time, because they wake up through the night to check that their tent is still safe”.¹¹⁵

¹¹² UNHCR, [COI Note on the Situation of Yazidi IDPs in the Kurdistan Region of Iraq](#), May 6, 2019.

¹¹³ U.S. Commission on International Religious Freedom, [Country Update: Iraq](#) (March 2022); “[Fire Burns Five Caravans in Yazidi IDP Camp in Duhok Province](#),” *Rudaw*, January 9, 2024.

¹¹⁴ “[Financial Compensation for Families Affected by Sharia Fire: Iraqi Migration Ministry](#),” *Rudaw*, June 5, 2021.

¹¹⁵ Louisa Loveluck and Mustafa Salim, “[Fire Burns through Yazidi Displacement Camp Seven Years after ISIS Genocide](#),” *Washington Post*, June 4, 2021.

Intimidation and Indoctrination

Yazidis in the camps are also subject to intimidation and indoctrination. Beginning in 2014, the Kurdistan Democratic Party's (KDP) secret police (Asayish) were stationed inside every camp in Duhok to tightly control Yazidi activities and speech. Yazidis who participated in peaceful demonstrations risked arbitrary detainment and beatings. Yazidis report that they were not even allowed to organise their own ceremonies to commemorate August 3. Secret police have shut down numerous local Yazidi humanitarian projects when the organisers were not affiliated with the KDP. The Asayish also terrorised activists, journalists, and others in the camps for speaking critically about KDP behaviour. These tactics included arbitrary detention, torture, and nighttime raids on family tents conducted by secret police wearing masks that made them appear as jihadists.¹¹⁶ One Yazidi man explained: "Thousands of young Yazidi men are currently imprisoned in Kurdish prisons such as Zarka, Erbil, and Sulayymanie. Why? Because they shared or liked a post (Kurdish-critical) on social media. It is not a democracy. It is a reign of terror. It is the mafia!"¹¹⁷

The camps also became spaces of what Yazidis have described as collective psychological torment, since the same population that was victimised by the KDP was subsequently forced to publicly celebrate the Peshmerga. For instance, Yazidis were forced to display the KRG flag in community spaces and to "thank the Peshmerga" for "Saving the Ezidis" during public ceremonies. Kurdish schoolteachers who were brought to work in the camps taught Yazidi children Peshmerga songs that praised the "bravery of the heroes who defended Sinjar".¹¹⁸

The *New Humanitarian* reported in 2017, shortly before Kurdistan voted on the Independence Referendum, that the "suffering of the Yazidis had been manipulated in support of the referendum" and that a commemoration of the 2014 Yazidi massacres had been "hijacked by pro-referendum propaganda".¹¹⁹ The commemoration "included an elaborate dance performance that appeared to show peshmerga saving the Yazidis from IS".¹²⁰ A witness to the event went on to say that, given the Peshmerga's alleged withdrawal from Sinjar: "the performance was quite embarrassing to watch and the whole event seemed far more focused on referendum propaganda than on the Yazidi genocide it was supposed to be commemorating".¹²¹

Even in his 2021 speech commemorating the genocide, Prime Minister of the Kurdistan Region Masrour Barzani described the genocide as a "brutal crime" but

¹¹⁶ [Barber Jan. 2017](#). See also Amnesty International, "[Marked for Life: Displaced Iraqis in Cycle of Abuse and Stigmatization](#)", November 2020.

¹¹⁷ Testimony 002.

¹¹⁸ [Barber Jan. 2017](#). See also Testimony 014.

¹¹⁹ Tom Wescott, "[What Do Yazidis Make of Kurdish Independence?](#)", *The New Humanitarian*, September 19, 2017.

¹²⁰ *Id.*

¹²¹ *Id.*

insisted that it was necessary to “honour the sacrifices of the Peshmerga forces in liberating Shingal, led by President Masoud Barzani”.¹²²

A serious consequence of the KDP’s tactics is self-censoring. In 2017 Matthew Barber wrote:

*“Yazidis in the camps holding peaceful demonstrations or speaking out on social media to protest the political policies that harm them have often been arrested, beaten, or threatened. In general, the asa’ish have succeeded in suppressing the voices of Yazidis who are broken and frustrated about their situation”.*¹²³

Notably, the 2024 European Union Agency for Asylum (EUAA) Country Report indicates that not much has changed since then, pointing out that “due to the risk of criminal penalties, retaliation by government authorities, political parties and armed groups”, many people have turned to self-censorship to protect themselves and their families.¹²⁴

The EUAA Country Report further states that between June 2022 and May 2023, authorities launched “a crackdown on social media users’, restricting internet freedom in both Federal Iraq and the KRI” and targeting and physically assaulting “journalists, activists, and social media users”.¹²⁵

A Yazidi who now lives in Germany, whose appeal was heard by a court in Lower Saxony in August 2024 and was subsequently granted refugee status, permitted us to reference his court case with anonymity:

“Around three months before his departure from Iraq in September 2017, the plaintiff took part in an art competition organised by the management of one of IDP camps and international organisations. He contributed four paintings to the exhibition. When he arrived, he realised that one of his paintings had not been exhibited. When he asked the camp staff why the picture was not being exhibited, he was told that political pictures are not exhibited. After the presentation of the works, the plaintiff was supposed to receive a gift from a French non-governmental organisation for his participation in the competition, but refused, citing the censorship of his artwork. When he then spoke to the French woman about the reasons for his refusal, he was interrupted by a camp employee and initially locked in a storage room. From there he was taken to a small detention cell in the camp. He had to wait there for three days, during which he was given little to eat and drink and was not allowed to go to the toilet. He was beaten once by the security staff. After three days, he was taken to a prison. There he was regularly

¹²² Kurdistan Regional Government, “[A Message from PM Masrour Barzani on Anniversary of Yazidi Genocide](#),” August 3, 2021.

¹²³ Barber Jan. 2017. See also Testimony 015.

¹²⁴ European Union Agency for Asylum, “[Iraq – Country Focus](#)”, May 28, 2024, p. 20.

¹²⁵ *Id.*

beaten on his back and arms. After ten days, he was told that he would be released, but only if he never spoke to international organisations again. If he did so again, he was threatened with sexualized violence. Among other things, the plaintiff suffered a fracture to his elbow and was barely able to move for several weeks. The single judge is convinced that the plaintiff actually experienced the events described".¹²⁶ (modified to preserve anonymity)

The KDP also uses the threat of expulsion from camps in Sinjar to coerce the Yazidi population into compliance and allegiance. In particular, poor, uneducated, and illiterate Yazidis have shared that they were expelled from the camps because of a child or relative who joined the Sinjar Resistance Forces. These tactics ensured that Yazidis knew that there would be a cost to an entire family if one family member wanted to join such a group.¹²⁷ Moreover, when the Hashd al-Sha'bi (an Iranian state-sponsored paramilitary network active in Iraq) liberated the south side of Sinjar in 2017 – following years of non-action on the part of the KDP when Yazidis had begged for a Peshmerga operation to liberate the south – many enthusiastic young men rushed to join new Hashd affiliates created for Yazidis. The KDP responded through a wave of expulsions of entire families. One Yazidi man reported:

"Two of my brothers and two cousins joined the Hashd al shahbi so that they could at least have an income. That was around April 2017. We were expelled from the camp by the KRG".¹²⁸

It seems that the choice of militia made little difference. As Matthew Barber testifies:

"One of my employees when I was leading Yazda in Iraq and Kurdistan was an uneducated, destitute man who worked as a cleaner in Yazda's health care centre. He had no interest in politics, but several of his grown children decided that they would join the YBŞ to defend their homeland. One day, he was taken by the asa'ish to an office where he was interrogated and told that he would be made to disappear (i.e., imprisoned without charges or trial) if he did not convince his children to disaffiliate from the YBŞ. He could not convince them to leave their cause of defending Shingal, so he had to leave the Kurdistan Region. He moved back to Shingal where he has no work and no resources, out of fear for his safety. Such stories are commonplace".¹²⁹

Obstacles for Returning to Sinjar

Remaining in Kurdistan, especially in IDPs camps, is not a viable option for many Yazidis who are understandably unwilling to overlook the role that the KRG played in the genocide. However, returning to Sinjar is not a simple task.

¹²⁶ Testimony 008.

¹²⁷ [Barber Jan. 2017](#).

¹²⁸ Testimony 003.

¹²⁹ [Barber Jan. 2017](#). See also Human Rights Watch, "[Kurdistan Region of Iraq: Yazidi Fighters' Families Expelled](#)", July 9, 2017.

The height of the Covid-19 pandemic provided an existential threat to Yazidis in Kurdistan. At that time, the conditions described above were compounded by the fact that the virus was rampant in the camps, lockdowns prevented people from working, and travelling from Sinjar to Kurdistan was not allowed. By mid-2020, much of the community was in existential danger due to scarcity of food, water, and medical supplies. As a consequence, between June 2020 and January 2021, at the height of the pandemic, 8,488 Yazidi families attempted to leave Kurdistan for their ancestral home districts in Iraq. These families, however, soon had to return to Kurdistan because they had nowhere to live, no access to clean water or medical care, and no way of making a livelihood in Sinjar.¹³⁰ For these and many other Yazidis, returning to Sinjar is simply not viable financially, given that their homes are still destroyed and there are no prospects of making a livelihood.

While reconstruction in Sinjar has been severely hindered over the past decade, there are, in theory, avenues for return. Yazidis are eligible for the Yazidi Survivor Fund, and all Yazidis from Sinjar are eligible for compensation under Law No. 20 of 2009. This Law entitles Iraqis to make compensation claims for damages “as a result of the war operations, military mistakes, and terrorist operations”.¹³¹ However, even though at least 5,000 families have been approved for compensation under Law No. 20, no one has received any such compensation to date.¹³²



Tel Azeer, 2024. The family of seven who lived in this house was promised \$7,000 USD to restore it in 2024. They have not yet received the payment, which is barely enough to remove the rubble.

For many Yazidis, the only hope of being able to afford even the moving costs associated with returning to Sinjar is to apply for permission documents. This is

¹³⁰ Yazda, “[We Cannot Return – Part 1: Collapsed Security Threatens the Future of Yazidis & Minorities in Sinjar](#)”, September 2022;

Zmkan Saleem and Renad Mansour, “[Responding to Instability in Iraq’s Sinjar District](#)” (Chatham House, May 15, 2024).

¹³¹ Iraqi National Authorities, [Law No. 20 of 2009: Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations](#) (December 28, 2009), Article 1.

¹³² Human Rights Watch, “[Iraq: Compensation for ISIS Victims Too Little, Too Late](#)”, May 9, 2023.

because families whose applications are approved receive a one-time payment of \$3,000 USD for their return.¹³³ Although this is only a fraction of the cost that families need to rebuild their homes and establish livelihoods in Sinjar, nearly all Yazidis apply for permission. Without this payment, they cannot afford the move, and without explicit permission, they have no assurance that they will be allowed through the checkpoints with their belongings. This, however, means waiting for approval, which can take weeks or months and can result in missed opportunities, especially for farmers who can only plant crops at specific times of the year.¹³⁴ In essence, requiring Yazidis to apply for permission to return home turns the camps into a quasi-prison where Yazidis have no choice but to wait until they are given permission to leave.

Closure of IDP Camps

The situation in the camps remains dire. Although Yazidis still have to apply to return home, in 2023 UNHCR cut funding for IDP camps by approximately 80%¹³⁵ and began to shift away from a “humanitarian-only response plan to a development-focused approach”. In 2024, UNHCR Iraq then withdrew all funding to the camps. The intended transition was supposed to involve the Iraqi and Kurdistan Regional governments taking greater responsibility and to support returns to places of origin. Instead, it has only led to significant decreases in UN presence, aid, coordination, and advocacy, and an announcement by the Iraqi government that all camps will be closed by the end of 2024.¹³⁶

Although residents have not been actively expelled, the imminent closure of the camps leaves IDPs with very few options, as they require permission to return to Sinjar and, according to Human Rights Watch, “Sinjar remains unsafe and lacks adequate social services to ensure the economic, social, and cultural rights of thousands of displaced people who may soon be forced to return”.¹³⁷ UNHCR in Iraq stated plainly: “No-one should be made to return to a place where they may be at risk of irreparable harm, or not have access to basics like water, healthcare, housing and jobs to help them resume a decent life”.¹³⁸ However, for the past ten years these basic conditions have not been secured for Yazidis in Iraq. This being the case, it is up to the international community, where Iraq falls short, to guarantee that Yazidis do in fact get access to basic services, justice, and the right to a dignified life, which includes complying with the principle of non-refoulement.

¹³³ Timour Azhari, “[Yazidis Fear Returning to Their Homeland, 10 Years after Massacre](#),” *Reuters*, August 2, 2024.

¹³⁴ This information is based on the experience and observations of members of the PPP team and other colleagues. See also Human Rights Watch, “[Iraq: Compensation for ISIS Victims Too Little, Too Late](#)”, May 9, 2023; Human Rights Watch, “[Iraq: Looming Camp Closures in Kurdistan](#),” May 13, 2024.

¹³⁵ UNHCR, “[UNHCR Iraq – Critical Funding Needs Overview \(April 2023\)](#)”, April 30, 2023.

¹³⁶ Alannah Travers, “[Taking Stock of the UN’s Shift Away from Emergency Aid in Iraq](#),” *The New Humanitarian*, March 20, 2023; OCHA, “[Iraq Humanitarian Transition Overview 2023 \(February 2023\)](#)”, February 27, 2023.

¹³⁷ Human Rights Watch, “[Iraq: Looming Camp Closures in Kurdistan](#),” May 13, 2024.

¹³⁸ Caroline Hawley, “[Yazidi Women Fear Return to a Broken Land of Rubble and Brutality](#),” *BBC News*, June 29, 2024.

As detailed above, neither Kurdistan nor Sinjar presents a viable option for Yazidis to live in safety. Central and southern Iraq do not present tenable solutions either as there is no Yazidi presence in those areas. In the context of a country where family and community serve as a primary form of insurance, Yazidis have no ties, community, or support network in these regions. Many Yazidis, especially those who did not go to school, do not even speak the language spoken in these areas.¹³⁹ These factors, in conjunction with the growing prejudice and hateful rhetoric against the Yazidi, increase their vulnerability.

The untenable conditions in the IDP camps, the intimidation and indoctrination employed by the KDP, the obstacles for returning to Sinjar, and the closure of IDP camps together create an immense burden for Yazidis in Iraq. The system of fear that the KDP has employed in concert with fostering severe insecurity has produced a deep reluctance among many Yazidis to speak fully about the details of their experience. This has created an additional barrier for Yazidis when seeking asylum. Most lawyers do not understand this complex dynamic and do not know how to draw out the full story from their clients. Many Yazidi clients also fear revealing the full details of their story through a translator, whose political alignment is unknown to them. A translator who is a sympathiser of, or even informant for, the KDP or PKK poses a real and serious risk to the safety of asylum seekers and to the integrity of their cases. An exemplary case is that of a Yazidi man who has sought refuge in Germany after the Asayish forcibly took him from an IDP camp and arbitrarily detained him due to his father's criticism of the KRG. In an interview at Germany's Federal Office for Migration and Refugees, he detailed his traumatic memories of sexual abuse by the Asayish in detention. In August 2024, he reported to a member of the PPP team that, during the interview, his Kurdish interpreter laughed at him when he said the Kurds carried out these acts against him. The interpreter "said that wasn't true and shook his head".¹⁴⁰ Members of the PPP team have regularly received reports of such bias impacting asylum-related interviews. As long as Yazidi asylum seekers have a reasonable fear of recounting the full truth of their experiences, they will not have a fair chance of receiving a favourable asylum ruling.¹⁴¹

¹³⁹ The native language of Yazidis in Sinjar is Kurmanji. Although most schools teach in Arabic, many people, in particular women, never attended school and have a cursory knowledge of Arabic at best.

¹⁴⁰ Testimony 011.

¹⁴¹ This is based on the personal experiences and observations of members of the PPP team.

Part 2: Legal Analysis

I. Lack of Accountability and Obstacles for Accessing Justice

Yazidi women, children, and men of all ages have suffered at the hands of ISIL and other actors that enabled the genocide. This suffering has been exacerbated by systemic impunity within Iraq and numerous obstacles for accessing justice, ultimately undermining the ability of Yazidis to enjoy their fundamental rights.

Lack of Effective Domestic Remedies

Yazidi survivors have struggled to access justice and reparation at the national level for numerous reasons, including failures in the enactment and implementation of Iraqi legislation, and lack of capacity and willingness of the Iraqi justice system to competently investigate and prosecute.

i. Domestic Reparations

In March 2021, the Iraqi government adopted the Yazidi Survivors Law to support and compensate the Yazidi community for what they endured during and in the aftermath of the Yazidi genocide, specifically by ISIL.¹⁴² It is the primary protective and compensatory legislation in place in Iraq for the Yazidi, and was successfully passed into law on the condition that it also apply to non-Yazidi victims of ISIL.¹⁴³

On paper, the Law recognises that the crimes ISIL committed against the Yazidi constitute crimes against humanity and acts of genocide, and expresses a commitment to prosecute these crimes.¹⁴⁴ The Law further allows survivors to apply for compensation for crimes committed against the Yazidi by ISIL in the form of a monthly salary and to receive other forms of reparation, such as provisions for land ownership, continued education, employment, medical and mental rehabilitative support, and search efforts for the approximately 2,700 Yazidis who remain missing.¹⁴⁵ However, in practice, the Law has failed to provide such reparation adequately, effectively, and promptly with the survivors' reality and lived experiences in mind, particularly that of child survivors. For instance, in implementing the Law, the Iraqi government has imposed an additional requirement for survivors to file a criminal complaint, to be presented before a semi-judicial committee, in order to be eligible for reparation. In April 2023, a coalition of human rights organisations published a joint

¹⁴² Human Rights Watch, "[Iraq: Compensation for ISIS Victims Too Little, Too Late](#)", May 9, 2023; Iraqi National Authorities, [Law No. 8 of 2021: Yazidi Female Survivors Law \(2021\)](#) [hereinafter "Iraq Law No. 8"].

¹⁴³ Nadia's Initiative, "[Iraqi Parliament Passes Yazidi Survivors Bill](#)," March 2, 2021.

¹⁴⁴ [Iraq Law No. 8](#), Articles 7, 9.

¹⁴⁵ U.S. Department of State, Office of International Religious Freedom, Joint Statement, "[Statement on Missing Yazidi Women and Children](#)," October 18, 2021; Yazda, "[Robbed of Their Childhood and Still No Justice: The Voices of Yazidi Children at the Heart of Child-Centered Documentation, Investigation, and Prosecution Processes](#)", July 2023, pp. 31-2; Human Rights Watch, "[Iraq: Flawed Implementation of Yazidi Compensation Law](#)", April 14, 2023.

statement in which they argued that such a requirement by a non-judicial and administrative domestic reparation program is unfair. They submitted that to not simplify evidentiary thresholds in this context “would go against international practice and the right to an effective remedy under international human rights law”.¹⁴⁶ Further, the location of courts in Mosul and Tel Keif, where ISIL members still reside and move freely, has led many survivors to view this requirement as a great risk that might outweigh the potential reward.¹⁴⁷ By creating greater barriers, burdens, and delays, this requirement has ultimately increased fears of reprisals and risks to safety and of retraumatisation and stigmatisation, which are common in cases where victims are pressured to submit public complaints in the absence of other more accessible and trauma-informed pathways toward justice.¹⁴⁸

Additionally, despite the Law’s provision of a guide to how compensation and reparation measures would be implemented,¹⁴⁹ human rights organisations report widespread failures in its implementation.¹⁵⁰ Specifically, testimonies from Yazidi children and Yazidis who were children at the time of capture or forced conscription by ISIL reveal challenges to genuinely benefitting from the Law.¹⁵¹ Many have reported being found ineligible for the very reparations that should have been made expressly and effectively available to them. For example, in relation to accessing education under the Law, Yazidi survivors who were captured by ISIL as children and are no longer children have recounted that the Iraqi authorities denied them access to education under the Law because they were over the age of 18 at the time of applying. Yazidi orphans have also recounted ineligibility since they lack guardianship and appropriate documentation.¹⁵²

In relation to accessing compensation under the Law, some Yazidi child victims who were under the age of 18 at the time of applying were either granted only half of the monthly salary of which the Law promises since they are minors, or entirely disenfranchised, recounting that only those over 18 years old were granted any compensation.¹⁵³ These outcomes are in part due to Iraq’s failure to cohesively adopt international human rights law into its domestic legal framework, leading to different committees and agencies using varying definitions of “the child”.¹⁵⁴

¹⁴⁶ Human Rights Watch, “[Joint Statement on the Implementation of the Yazidi Survivors Law](#)”, April 14, 2023; Joint NGO Statement, “[Statement on the Implementation of the Yazidi Survivors Law](#)” (Amnesty International et al., April 14, 2023).

¹⁴⁷ Yazda, “[Robbed of Their Childhood and Still No Justice: The Voices of Yazidi Children at the Heart of Child-Centered Documentation, Investigation, and Prosecution Processes](#)”, July 2023, pp. 31-2; Coalition for Just Reparations, “[More than ‘Ink on Paper’: Taking Stock Three Years After the Adoption of the Yazidi \[Female\] Survivors Law](#)” (2024), pp. 11-3.

¹⁴⁸ Human Rights Watch, “[Joint Statement on the Implementation of the Yazidi Survivors Law](#)”, April 14, 2023; Joint NGO Statement, “[Statement on the Implementation of the Yazidi Survivors Law](#)” (Amnesty International et al., April 14, 2023).

¹⁴⁹ [Iraq Law No. 8](#).

¹⁵⁰ Human Rights Watch, “[Iraq: Flawed Implementation of Yazidi Compensation Law](#)”, April 14, 2023; Human Rights Watch, “[Iraq: Compensation for ISIS Victims Too Little, Too Late](#),” May 9, 2023.

¹⁵¹ Yazda, “[Robbed of Their Childhood and Still No Justice: The Voices of Yazidi Children at the Heart of Child-Centered Documentation, Investigation, and Prosecution Processes](#)”, July 2023, pp. 31-2.

¹⁵² *Id.* at p. 31.

¹⁵³ *Id.*; Free Yazidi Foundation, “[Iraq’s Yazidi Survivors Law: Report on Year One of Reparation Applications](#)”. September 7, 2023.

¹⁵⁴ Amnesty International, “[Human Rights in Iraq](#)” (2023); U.S. Department of State, “[2023 Country Reports on Human Rights Practices: Iraq](#)” (2023), sec. “Children”.

This framework gravely impacts its promised beneficiaries, as children have similar if not increased healthcare, educational, and nutritional needs that cannot be met with only half of the compensation amount. These testimonies demonstrate that the Law was not designed, implemented, or adapted in consideration of child survivors, in contravention of basic principles on the right to remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law.¹⁵⁵

More recently, on July 2, 2024, Prime Minister of the Kurdistan Region Masrour Barzani announced a new aid package that is intended to provide financial support for 3,000 Yazidi women.¹⁵⁶ These are the very women that should already be receiving support from the Yazidi Survivors Law. Given the timing of this announcement, just prior to the tenth anniversary of the Yazidi Genocide, and a complete dearth of details, there is little assurance that this package will be implemented and have any more effect than the Yazidi Survivors Law.

While promised compensation has not been delivered even to Yazidi survivors of ISIL's forced conscription or slavery, it is important to point out that these survivors make up only a small percentage of the Yazidi community from Sinjar. No bill has been proposed to provide compensation for the 400,000 Yazidis who were displaced from Sinjar and whose homes, equipment, and businesses were destroyed. Instead, families hoping to return to Sinjar are afforded only \$3,000 USD, and this is only given if they register for a permit.¹⁵⁷ This amount is not nearly sufficient to enable Yazidi families to return and rebuild, and the provision of this payment is not accompanied by an admission that they have a right to compensation as victims of genocide.

ii. Domestic Investigations and Prosecutions for International Crimes

The Iraqi government is not currently able to competently investigate or prosecute ISIL's international crimes against the Yazidi, or that of enabling actors such as the KRG. As noted by the President of the ICRC, accountability in Iraq is a necessary precondition for security and reconciliation.¹⁵⁸ The ongoing failure of the Iraqi authorities to take the necessary steps toward genuine and sustainable accountability is an obstacle to the overall security of Yazidis in Iraq.

¹⁵⁵ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, [U.N.G.A. Res. 60/147](#), December, 16 2005 (*see e.g.*, Preamble (State's obligation to treat survivors "with compassion and respect for their dignity"); Principle 9 ("a person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim"); Principle 10 ("appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families"); Principle 12(b) (State's obligation to "minimise the inconvenience to victims and their representatives, protect against unlawful interference with their privacy, and ensure their safety"); and Principle 12(c) ("special consideration and care to avoid re-traumatisation" and to "minimise the inconvenience to victims"))).

¹⁵⁶ Kurdistan Regional Government, "[KRG Prime Minister Reiterates Support for the Yazidis, Calls for End to Sinjar Emergency Situation and Implementation of Sinjar Agreement](#)," July 2, 2024.

¹⁵⁷ Timour Azhari, "[Yazidis Fear Returning to Their Homeland, 10 Years after Massacre](#)," *Reuters*, August 2, 2024.

¹⁵⁸ ICRC, "[Iraq: Massive Challenges Prevent Iraqis From Returning Home, ICRC President Says](#)", February 4, 2019.

Iraq's Anti-terrorism Law

Iraq has not incorporated international crimes into its criminal code, leaving the state with no legal authorisation or infrastructure to investigate and prosecute such crimes. Instead, the government has implemented prosecutions of ISIL's crimes under ambiguous and overly broad domestic anti-terrorism legislation, specifically the Counter-Terrorism Act No. 13 of 2005,¹⁵⁹ which targets boys who were forcibly conscripted and does not meet international standards.

The Iraqi government has detained Yazidi boys who were forcibly conscripted by ISIL for their alleged association with ISIL. The government can convict these boys under the Counter-Terrorism Act without proof that crimes were committed,¹⁶⁰ as it is sufficient to prove only that the individual provided "any manner of support" to ISIL's war efforts, without regard to the coercive and genocidal nature of Yazidi boys' forced conscription.¹⁶¹ Further, this Act is applied in conjunction with an Iraqi law that considers children over 9 years of age to be criminally responsible for their conduct, contrary to the UN Committee on the Rights of the Child's appeal for the absolute minimum age of criminal responsibility to be 12 years old.¹⁶² The UN Human Rights Committee has urged the Iraqi government to amend the Act to avoid sweeping application "including with respect to children" in order to comply with international standards.¹⁶³ Human Rights Watch reported that authorities have subjected children detained under this Act to torture, inadequate legal representation, and non-impartial trials.¹⁶⁴

Further, Iraq's anti-terrorism legislation imposes a death sentence on convicted perpetrators.¹⁶⁵ This is problematic in at least two regards. First, Iraq's imposition of the death sentence is not in compliance with international law. Pursuant to Article 6 of the International Covenant on Civil and Political Rights (ICCPR), the right to life must be guaranteed.¹⁶⁶ A state that still imposes the death penalty is required to strictly apply it to "most serious crimes", or intentional killing or murder. Otherwise, the state would further violate Article 14 of the ICCPR's fair trial guarantees, rendering the death sentence arbitrary.¹⁶⁷ Iraq's cases under the anti-terrorism law can cover conduct that constitutes far less serious crimes that do not amount to intentional killing or

¹⁵⁹ Iraqi National Authorities, [Counter-Terrorism Act No. 13 \(2005\)](#) (unofficial English translation), Article 1.

¹⁶⁰ Iraqi National Authorities, [Juvenile Welfare Law No. 76 \(1983\)](#), Articles 47(1) and 108 (cited in Child Rights International Network, "[The Minimum Age of Criminal Responsibility](#)").

¹⁶¹ Iraqi National Authorities, [Counter-Terrorism Act No. 13 \(2005\)](#), sec. "Compelling Reasons".

¹⁶² Right to Education Project, "[International Instruments: Minimum Age of Criminal Responsibility](#)", January 2014, para. 32.

¹⁶³ U.N. Human Rights Committee, Concluding Observations on the Fifth Periodic Report of Iraq, [CCPR/C/IRO/CO/5](#), December 3, 2015, pp. 2-3, paras. 9-10.

¹⁶⁴ Phil C. Langer and Aisha-Nusrat Ahmad, "[Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq](#)," (Int'l Psychoanalytic Univ., December 2019), p. 16.

¹⁶⁵ Iraqi National Authorities, [Counter-Terrorism Act No. 13 \(2005\)](#), Article 4(1). See also "[Iraq sentences a widow of ISIL leader al-Baghdadi to death](#)", *Al Jazeera*, July 10, 2024.

¹⁶⁶ International Covenant on Civil and Political Rights, [U.N.G.A. Res. 2200A \(XXI\)](#), Article 6 [hereinafter "ICCPR"].

¹⁶⁷ U.N. Human Rights Committee, General Comment No. 36 on Article 6 of the ICCPR, on the Right to Life, [CCPR/C/GC/36](#), September 3, 2019, paras. 5, 16, 20-1.

murder.¹⁶⁸ Further, while Iraq’s Juvenile Welfare Law reduces death sentences to 15 years’ imprisonment for persons under the age of 18 at the time of the offence,¹⁶⁹ it is not unusual for Yazidi children to lack documentation that certifies their age, leaving open the possibility of Yazidis under the age of 18 being sentenced to death.¹⁷⁰

Second, the imposition of a death sentence for crimes under Iraq’s anti-terrorism legislation precludes the UN from lawfully sharing pertinent evidence with the Iraqi government. The UN Investigative Team to Promote Accountability for Crimes Committed by Daesh/ISIL (UNITAD) was established in 2017 by the UN Security Council through Resolution 2379,¹⁷¹ and its mandate concluded on September 17, 2024, pursuant to UN Security Council Resolution 2697.¹⁷² During its mandate, UNITAD was the primary UN mechanism for holding ISIL accountable for the international crimes it committed in Iraq, namely war crimes, crimes against humanity, and genocide. Resolution 2379 stipulated that UNITAD had to adhere to “United Nations best practice”, prohibiting it from providing evidence for criminal proceedings where capital punishment may be imposed.¹⁷³ UNITAD was thus unable to provide the Iraqi government with evidence of potential crimes that members of ISIL committed because Iraq prosecutes these crimes through its anti-terrorism legislation, for which defendants face the death penalty. As a result of this severe limitation on information sharing between UNITAD and Iraq, Iraq’s terrorism cases relating to ISIL crimes against the Yazidi have been deprived of pertinent evidence.

These findings demonstrate that Iraq’s domestic investigations and prosecutions of crimes against the Yazidi are severely limited in scope – not least because they extend only to ISIL, not other potentially culpable actors, are carried out in contravention of key international legal standards that further limits its ability to review and present pertinent evidence, and are neither gender nor child-sensitive in their approach, failing to appreciate the full range of crimes committed against Yazidis.

Obstacles for the Genuine Participation of Victims and Witnesses

Without effective, accessible, and well-implemented legislation, and incorporation of relevant international legal principles and standards, criminal courts and other domestic accountability mechanisms in Iraq face significant challenges in contributing to accountability for the Yazidi.¹⁷⁴ Not only are prosecutions of alleged ISIL perpetrators few in number and “predominantly for terror-related offences”, as described above, but the legal system itself has not inspired confidence in Yazidi

¹⁶⁸ Iraqi National Authorities, [Counter-Terrorism Act No. 13](#) (2005), Article 2.

¹⁶⁹ Iraqi National Authorities, [Juvenile Welfare Law No. 76](#) (1983), Articles 47, 77, 79.

¹⁷⁰ European Union Agency for Asylum, “[2.17.7. Children Born under ISIL Who Lack Civil Documentation](#)”, January 2021.

¹⁷¹ U.N. Security Council, [S/Res/2379 \(2017\)](#), September 21, 2017.

¹⁷² U.N. Security Council, [S/Res/2697 \(2023\)](#), September 15, 2023, para. 2.

¹⁷³ *Id.* at para. 6.

¹⁷⁴ Coalition for Just Reparations, “[Position Paper on an ISIL Accountability Mechanism in Iraq](#)”, August 2022.

victims.¹⁷⁵ Victims and witnesses have reported ample fair trial concerns, including corruption among lawyers, poor protection of victim and witness rights, and the closed-door nature of proceedings, which are exacerbated by the lack of media freedom in Iraq.¹⁷⁶ These critical deficiencies perpetuate for the Yazidi the feeling that they are not safe or secure, even in Sinjar, and that the Iraqi and Kurdish authorities are, in addition to not being able to provide recourse, not able to prevent ongoing or future violence against them.¹⁷⁷

Another obstacle preventing Yazidis from accessing this limited domestic recourse is the lack of incentive and security in reporting crimes. A large portion of Yazidi victims of ISIL and its collaborators are women and girls, thousands of whom were kidnapped, murdered, endured practices of forced marriage, forced conversion, torture, sexual violence, and genocidal reproductive control, and witnessed atrocities.¹⁷⁸ Thus, sufficient and sustainable accountability would require Yazidi women and girls' genuine participation. However, patriarchal structures make them extremely vulnerable. Both this and a range of stigmas, primarily against children born of rape by ISIL perpetrators,¹⁷⁹ limit their ability to speak out. For instance, Yazidi women traditionally have not owned their own land or pursued education, and many victims of ISIL now live in extreme poverty, remain illiterate, and often suffer from serious physical and psychological complications due to the crimes against them.¹⁸⁰ As a result, the testimonies of an enormous portion of Yazidi victims of ISIL crimes might never be heard and taken into account.

In all these ways, Iraq's domestic investigations and prosecutions of ISIL crimes against the Yazidi fail to ensure their safe participation in the process.

Other Domestic Accountability Mechanisms in Iraq

In the face of these obstacles, there have been some efforts to establish domestic accountability mechanisms in Iraq to address crimes against the Yazidi in a way that the domestic criminal court system cannot. For instance, in 2021 the Kurdish government proposed a draft law to create a domestic criminal tribunal to prosecute ISIL for crimes committed in the Kurdistan Region. However, this proposal was deemed unconstitutional, as the Iraqi constitution prohibits the creation of "special or extraordinary courts".¹⁸¹

¹⁷⁵ IBAHRI, [Justice and Accountability for the Atrocities of Daesh – Progress Made and the Way Forward \(Working Draft\)](#), March 2023, pp. 2-3.

¹⁷⁶ *Id.*

¹⁷⁷ Caroline Hawley, "[Yazidi Women Fear Return to a Broken Land of Rubble and Brutality](#)," *BBC News*, June 29, 2024.

¹⁷⁸ Annkathryn Goodman et al., [Survival after Sexual Violence and Genocide: Trauma and Healing for Yazidi Women in Northern Iraq](#), 12(6) *HEALTH* 612–28.

¹⁷⁹ See e.g., Seed Foundation, [Children Born of the ISIS War](#), January 2020, p. 12.

¹⁸⁰ COE News, "[Promoting Yazidi Girls' and Women's Right to Education in Armenia](#)", December 21, 2021.

¹⁸¹ "[Iraq Rejects Kurdish Attempts to Establish Court for ISIS Crimes](#)," *Rudaw*, June 27, 2021. See also [Iraqi Constitution](#), Article 95 (unofficial English translation).

UNITAD provided technical legal assistance to Iraqi government officials to draft national legislation that would enable the government to prosecute ISIL members who perpetrated atrocity crimes against the Yazidi,¹⁸² and Iraq has “expressed its commitment to adopting” such legislation.¹⁸³ However, the government has yet to do so.

While the Iraqi government alone could remedy these failures tomorrow through legislative and/or constitutional reform, domestic avenues for both reparative and punitive justice in Iraq are currently inadequate. Instead of providing effective protection and accountability, the rule of law framework in Iraq actively harms and exacerbates Yazidi suffering and prohibits the establishment of more innovative and responsive domestic accountability mechanisms.

Ongoing High Rates of Enforced Disappearances and Impunity in Iraq

Beginning in August 2014, ISIL abducted and enslaved approximately 6,500 Yazidi women and children.¹⁸⁴ The Free Yezidi Foundation estimates that approximately 2,700 Yazidis – 1,262 female and 1,431 male – remain missing.¹⁸⁵

The extent and severity of enforced disappearances that the Yazidi have endured is extreme. UNITAD helped excavate 67 mass graves of Yazidi victims and identified over 100 Yazidi heritage sites that ISIL destroyed.¹⁸⁶ However, despite the presence of UNITAD prior to the recent conclusion of its mandate, these sites have not always been handled responsibly. For instance, after the exhumation of the mass grave in the village of Hardan, when relatives of victims went to build graves at the site of the mass grave, they came across forgotten remains.¹⁸⁷ There are fears that something similar has happened at the other mass graves that have already been excavated. An estimated 24 known mass graves have yet to be exhumed, and it is likely that additional mass graves have simply not yet been found.¹⁸⁸

While the Yazidi are victims of enforced disappearance by ISIL, they have also found themselves within a broader national context in Iraq that has fostered, and continues to foster, impunity. The Office of the UN High Commission for Human Rights

¹⁸² U.N.S.C., [Letter S/2024/238](#), March 14, 2024, para. 20.

¹⁸³ *Id.*

¹⁸⁴ “[Missing Yazidis](#),” *Free Yezidi Foundation* (blog), last accessed November 19, 2024.

¹⁸⁵ *Id.*

¹⁸⁶ U.N.S.C., [Letter S/2024/238](#), March 14, 2024.

¹⁸⁷ This was reported by a variety of news sources and can still be seen at the following: Rudaw Kurmanci, Facebook Video, “[SINGAL - Dema Gor Dihhat Kolan Hestiyên Mirovan Hatin Dîtin](#)”, January 11, 2024. The PPP team has also interviewed witnesses who were part of the grave-building effort and who saw firsthand the bones that were left behind.

¹⁸⁸ Natia Navrouzov and Lynn Zovighian, “[The New Humanitarian | 10 Years into Genocide, Yazidi Survivors Continue to Demand Their Rights](#),” August 5, 2024.

estimates that over the past five decades in Iraq, up to one million people have been victims of enforced disappearance.¹⁸⁹

The recent end of UNITAD’s mandate in September 2024 raises questions about which actors will continue the process of mass grave exhumations, with adequate capacity, enforcement, and integrity. In November of 2022, the UN Committee on Enforced Disappearances conducted a country visit in Iraq. While the Committee recognised and appreciated the cooperation and assistance that the state provided, the Committee was “deeply concerned that the practice of enforced disappearance has been widespread in much of the territory of Iraq over different periods, and that impunity and revictimization prevail”.¹⁹⁰ Through direct interviews with victims, the Committee learned that children who were born as a result of their Yazidi mothers being raped in ISIL camps faced an “ongoing pattern” of enforced disappearance.¹⁹¹ Victims informed the Committee of specific instances where Yazidi mothers who returned to Iraq had to leave their children in orphanages and intended to return to them as soon as possible. Yet when these mothers returned to the orphanages, they were informed that their children had been given to other families, allegedly with the cooperation of government parties. In its full report, the Committee notes that the mothers were not provided with any information about the location of their children. Locating the children is further complicated by the fact that hundreds or thousands of children born to members of ISIL do not have birth certificates or any form of civil documentation.¹⁹² While in Iraq there is “a legal framework in place to allow children born of sexual violence to obtain identity documents,” the Committee learned that in practice the system seldom functions effectively because it “requires women to publicly expose what they have survived – experiences that their families, culture, tribe and religion consider to be deeply shameful”.¹⁹³

The ongoing enforced disappearances and systemic impunity in Iraq – in conjunction with UNITAD’s recent termination and the Iraqi government’s inability to competently carry out investigations and prosecutions – raise grave concerns about Iraq’s ability and willingness to adequately exhume mass graves, bring accountability for enforced disappearances of Yazidis, and prevent future risks of enforced disappearance upon their return.

[Justice at the International Level](#)

Alleged international crimes should ideally be investigated and prosecuted domestically. However, when national governments are unable or unwilling to competently pursue accountability, the international community is obligated to

¹⁸⁹ U.N. OHCHR Press Release, “[Iraq: UN Committee Urges Urgent Investigation and Legislation to Eradicate Enforced Disappearances](#),” April 4, 2023.

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² European Union Agency for Asylum, “[2.17.7. Children Born under ISIL Who Lack Civil Documentation](#)”, January 2021.

¹⁹³ U.N. Committee on Enforced Disappearances, [Report CED/C/IRQ/VR/1](#), April 19, 2023, para. 31.

ensure accountability and prevention of future atrocities.¹⁹⁴ While many survivors might prefer to seek justice closer to where atrocities occurred, others might find value in proceedings in foreign jurisdictions, before a judiciary completely impartial and removed from the atrocities at issue. This is especially the case in the context of genocide and ongoing marginalisation such as that of the Yazidi.

When no international court or tribunal has jurisdiction to hear a case for individual criminal accountability, the international community is increasingly relying on the principle of universal jurisdiction. This is relevant for the Yazidi context since neither Iraq nor Syria has ratified the Rome Statute of the International Criminal Court and since neither they nor the UNSC have referred the case to the Court.

To this end, international cooperation is crucial. In 2021, Sweden and France established a joint investigation team (JIT) with the support of Eurojust and the International, Impartial and Independent Mechanism on Syria. Belgium and the Netherlands joined the JIT in 2023, and Canada and Germany cooperate with and support the JIT. This cooperative network has led to successful investigations and prosecutions involving core international crimes committed by foreign terrorist fighters against the Yazidi.¹⁹⁵ Germany and the Netherlands have carried out criminal investigations and prosecutions against ISIL members based on the principle of universal jurisdiction, as displayed in the table below.

It is important to note that the actual prosecution of these cases have only been possible with the critical and credible testimony of Yazidi victims and witnesses who testified in the prosecuting jurisdictions.

Universal jurisdiction cases against ISIL members for international crimes against Yazidis

Prosecuting State	Defendant	Alleged conduct	Case status
Germany	Taha al-Jumailly ¹⁹⁶	Purchasing, enslaving, and abusing a 5-year-old Yazidi girl and her mother in Iraq and Syria in 2015	Higher Regional Court of Frankfurt (November 2021) <u>Conviction:</u> Genocide; Crimes Against Humanity; War crimes; Human trafficking <u>Sentence:</u> Life sentence German Federal Court of Justice (January 2023) Affirmed conviction and sentence
	Jennifer W. (wife of Taha al-Jumailly) ¹⁹⁷	Purchasing, enslaving, and abusing a 5-year-old	Higher Regional Court of Munich (October 2021)

¹⁹⁴ Convention on the Prevention and Punishment of the Crime of Genocide, [U.N.G.A. Res. 260A \(III\)](#), December 9, 1948, Article 1.

U.N.G.A., Report of the Secretary-General, Implementing the responsibility to protect, [A/63/677](#), January 12, 2009, para. 3.

¹⁹⁵ EUROJUST Press Release, “[Belgium and Netherlands Sign up to Joint Investigation Team Targeting Crimes against Yazidi Victims in Syria and Iraq](#)”, June 26, 2023.

¹⁹⁶ ICCT Interlinkages Database, [Case: Taha al-J.](#)

¹⁹⁷ ICCT Interlinkages Database, [Case: Jennifer W.](#)

		Yazidi girl and her mother; exposing them to inhumane living conditions in Iraq and Syria in 2015	<p><u>Conviction:</u> Crimes against humanity of enslavement and murder; war crime of murder; membership in a terrorist organisation</p> <p><u>Sentence:</u> Imprisonment of 10 years</p> <p><i>Federal Court of Justice (August 2023)</i></p> <p>On appeal, extended sentence to 14 years' imprisonment</p>
	Jalda A. ¹⁹⁸	Enslaving and abusing a Yazidi woman in Syria in 2017	<p><i>Higher Regional Court of Hamburg (July 2022)</i></p> <p><u>Conviction:</u> Aiding and abetting genocide; crimes against humanity; war crimes</p> <p><u>Sentence:</u> Imprisonment of 5 years and 6 months</p>
	Nadine K. ¹⁹⁹	Enslaving and abusing a Yazidi woman from 2016 to 2019	<p><i>Higher Regional Court of Koblenz (June 2023)</i></p> <p><u>Conviction:</u> Aiding and abetting genocide; crimes against humanity; war crimes</p> <p><u>Sentence:</u> Imprisonment of 9 years and 3 months</p>
	Nurten J. ²⁰⁰	Using a Yazidi woman, who had been kidnapped and imprisoned by ISIL, for slave labour at her home approximately 50 times in Syria in 2016 and 2017	<p><i>Higher Regional Court of Düsseldorf (April 2021)</i></p> <p><u>Conviction:</u> War crimes against property; aiding and abetting crimes against humanity (enslavement); serious deprivation of liberty; membership in a foreign terrorist organisation; violations of the German War Weapons Control Act; neglecting parental duties</p> <p><u>Sentence:</u> Imprisonment of 4 years and 3 months</p>
	Sarah O. ²⁰¹	Enslaving Yazidi women and girls who had been kidnapped and sold to ISIL; forcing them into slave labour, aiding and abetting sexual violence against some of them by her husband	<p><i>Higher Regional Court of Düsseldorf (June 2021)</i></p> <p><u>Conviction:</u> Membership in a foreign terrorist organisation; assault; deprivation of liberty; aiding and abetting rape, enslavement and religious and gender-based persecution as crimes against humanity</p>

¹⁹⁸ ICCT Interlinkages Database, [Case: Jalda A.](#)

¹⁹⁹ ICCT Interlinkages Database, [Case: Nadine K.](#)

²⁰⁰ ICCT Interlinkages Database, [Case: Nurten J.](#)

²⁰¹ ICCT Interlinkages Database, [Case: Sarah O.](#)

			<u>Sentence</u> : Imprisonment of 6 years and 6 months
	Leonora M. ²⁰²	Enslaving a Yazidi woman in Syria in 2015	<i>Higher Regional Court of Naumburg (May 2022)</i> <u>Conviction</u> : Membership in a terrorism organisation; violations of the German War Weapons Control Act *Acquitted of crimes against humanity relating to alleged human trafficking <u>Sentence</u> : Imprisonment of 2 years
	Omaima A. ²⁰³	Trial #1: Enslaving a Yazidi child Trial #2: Enslaving two Yazidi women who were kidnapped by ISIL	<i>Trial #1: Higher Regional Court of Hamburg (October 2020)</i> <u>Conviction</u> : Membership in a terrorist organisation; neglecting parental duties; possessing illegal firearms; aiding and abetting the crime against humanity of enslavement <u>Sentence</u> : Imprisonment of 3.5 years <i>Trial #2: Higher Regional Court of Hamburg (July 2021)</i> <u>Conviction</u> : Aiding and abetting crimes against humanity of enslavement <u>Sentence</u> : Increased total sentence to imprisonment of 4 years
	Romiena S. ²⁰⁴	Taking her daughter to Syria, joining ISIL, and taking advantage of an enslaved Yazidi woman	<i>Higher Regional Court Celle (June 2022)</i> <u>Conviction</u> : Membership in a terrorist organisation; accessory to crimes against humanity of enslavement; abducting a minor; breaching duties of welfare and education <u>Sentence</u> : Imprisonment of 3 years and 3 months
Netherlands	Hasna A. ²⁰⁵	Enslaving a Yazidi woman and terrorism in Syria	<i>Hague District Court</i> In progress; judgement expected in December 2024

²⁰² ICCT Interlinkages Database, [Case: Leonora M.](#)

²⁰³ ICCT Interlinkages Database, [Case: Omaima A.](#)

²⁰⁴ ICCT Interlinkages Database, [Case: Romiena S.](#)

²⁰⁵ ICCT Interlinkages Database, [Case: Hasna A.](#); The Nuhanovic Foundation, "[Trial Monitoring | Day 3 in Substantive Hearing in Hasna A. Case.](#)" October 17, 2024.

	11 other women repatriated to NL with Hasna A. from camps in northern Syria in November 2022	Each stands accused of terrorism-related charges One defendant, Krista van T., stands accused of pillaging as a war crime	In progress
--	--	--	-------------

These cases mark significant developments in cooperative investigations and prosecutions for international crimes and access to justice for Yazidis. However, they also demonstrate a need for future investigations and prosecutions against actors that enabled ISIL’s crimes during the genocide and continue to pose a threat to Yazidis in Iraq.

UNITAD played a crucial role in the cases that have been prosecuted thus far. From its establishment in 2017 through the conclusion of its mandate in 2024, UNITAD strategically shared relevant evidence and coordinated with prosecuting authorities.²⁰⁶ UNITAD has supported universal jurisdiction cases against ISIL members, including in a German case in which a member was convicted for aiding and abetting genocide.²⁰⁷ The September 2024 conclusion of UNITAD’s mandate, without plans for a residual mechanism, has brought reasonable concerns regarding accountability efforts. Access to justice for the Yazidi is dependent not only on robust, independent, and impartial investigative and legal infrastructure, but also on global cooperation to support this infrastructure. As demonstrated above, the justice systems of federal Iraq and the Kurdistan Region are not currently equipped to appropriately use evidence collected by UNITAD in a trauma-informed or victim-sensitive manner. Further, absent adequate judicial and administrative procedures and reparations, Yazidis risk further stigmatisation and retraumatisation without ever seeing justice.

Universal jurisdiction cases, like those listed in the above table, demonstrate how there is another pathway for Yazidis to access justice, such as in Europe, with the support of a residual UNITAD system or other robust and cooperative accountability efforts. To ensure this justice is meaningful and sustainable, European countries not only need to prioritise a trauma-informed approach and victim-specific crimes in their investigations and prosecutions, but also need to continue to protect the Yazidi, including through adhering to the principle of non-refoulement, as per their obligations under international law.

II. A Way Forward through Asylum Policy Outside of Iraq

While German and Dutch criminal investigations and prosecutions under the principle of universal jurisdiction are an important piece of the puzzle toward justice,

²⁰⁶ U.N. Security Council, [S/RES/2379](#) (2017), September 21, 2017.

²⁰⁷ UNITAD Statement, “[Relentless Pursuit of Justice and Accountability Continues: 9 Years Since the Yazidi Genocide](#)”, August 3, 2023.

there is more to the Yazidi diaspora's perception of justice. Numerous studies with Yazidi survivors have illuminated that, in addition to fair trials of perpetrators and reparations, justice for the Yazidi genocide also requires international protection against further harm.²⁰⁸

While approximately 200,000 Yazidis remain internally displaced in and around IDP camps in the Kurdistan Region of Iraq, unable to return to their ancestral land in Sinjar,²⁰⁹ tens of thousands of Yazidis have sought asylum in Europe since 2014, with the largest such population of approximately 250,000 in Germany.²¹⁰ Other western European countries like the Netherlands, Belgium and France have also become temporary safe havens for Yazidis as their governments have publicly recognised the genocide and promised justice.²¹¹

Members of the European Union are thus uniquely positioned to provide the Yazidi survivor community justice in the form of security and protection.

Understanding the Asylum Law Framework

Security is a right to which Yazidis are entitled and which EU countries are obligated to provide. In addition to their duty to prevent and punish genocide under the Genocide Convention, EU countries are also obligated to satisfy the principle of *non-refoulement*, a fundamental tenet of modern refugee law. As laid out in Article 33 of the 1951 Refugee Convention, to which all EU countries are State Parties, this principle requires that no state "shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".²¹² The European Commission on Human Rights has recognised this principle as a peremptory norm of *jus cogens*, prohibiting derogation insofar as it is a subsidiary of prohibitions on torture, which is without debate a peremptory norm of *jus cogens*.²¹³

Article 3 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which all EU countries are also State Parties, elaborates that "the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the state concerned of a

²⁰⁸ See e.g., Payam Akhavan et al., *What Justice for the Yazidi Genocide?: Voices from Below*, 42 HUM. RTS. Q. 1-47 (2022).

²⁰⁹ Yazda, "We Cannot Return – Part 1: Collapsed Security Threatens the Future of Yazidis & Minorities in Sinjar", September 2022, fn. 6.

²¹⁰ Flavia Togni, "Towards a More Meaningful Transitional Justice Approach for the Yazidi Diaspora in Europe," International Centre for Counter-Terrorism, December 23, 2022.

²¹¹ International Organization for Migration, Global News, "France Welcomes Final Yazidi Families From Iraq Through Humanitarian Admissions Programme," November 22, 2019; EU Council Press Release, "YAZIDI: Statement by the High Representative on Behalf of the EU on the Situation of the Yazidi Community in Iraq," August 3, 2023.

²¹² 1951 Convention Relating to the Status of Refugees, U.N.G.A. Res. 2198 (XXI), Article 33; see also [European Convention on Human Rights](#), Article 3; [ICCPR](#), Articles 6-7.

²¹³ Rene Bruin and Kees Wouters, *Terrorism and the Non-derogability of Non-refoulement*, 15(1) INT'L J. OF REFUGEE L. 5-29 (2003); Vijay Padmanabhan, *To Transfer or Not to Transfer: Identifying and Protecting Relevant Human Rights Interests in Non-Refoulement*, 80 FORDHAM L. REV. 73 (2011).

consistent pattern of gross, flagrant or mass violations of human rights”.²¹⁴ The UN Human Rights Committee (HRC) and the European Court of Human Rights (ECtHR) have inclusively interpreted the application of this principle. The HRC has interpreted the principle to prohibit refoulement “where there are substantial grounds for believing that there is a real risk of irreparable harm [...] either in the country to which removal is to be effected or in any country to which the person may subsequently be removed”,²¹⁵ and the ECtHR has interpreted it to prohibit refoulement if one would face degrading living conditions, which it has found to include overcrowding and an acute lack of basic necessities.²¹⁶ This report has detailed numerous substantial grounds that indicate that the Yazidi community remains at a real risk of irreparable harm in Iraq, including and beyond degrading living conditions and an acute lack of basic necessities.

Current and Concerning Developments in EU Asylum Policy

In many respects, the German authorities are to be commended. They officially recognised the Yazidi genocide in January 2023 and took steps to ensure accountability by bringing perpetrators of the genocide to justice before German courts. They also received significantly more Yazidi refugees than any other country. However, due to recent developments in their asylum policy, the German authorities, along with authorities throughout the EU, have not fully discharged their duty to prevent and punish genocide or respect the principle of non-refoulement.

To begin with, rather than supporting asylum seekers to gain protection from the country they were fleeing, a 2023 investigation led by German media asserted that Germany agreed to share with Iraq biometric details of asylum seekers. Such an attempt to establish the identities of asylum seekers fails to take seriously “reports that authorities [in Iraq] continue to hold ‘responsibility for numerous human rights violations’”.²¹⁷ The sharing of such data places asylum seekers at risk and is contrary to Germany’s obligation to ensure the confidentiality and privacy of asylum seekers vis-à-vis the state from which they are seeking protection.²¹⁸

Also of grave concern is how, in the spring of 2023, only months after recognising the genocide, Germany allegedly concluded an agreement with Iraq, with the result that Germany no longer designates Iraq as an unsafe country.²¹⁹ This, in turn, cleared the

²¹⁴ [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), December 10, 1984, Article 3.

²¹⁵ U.N. Human Rights Committee, General Comment No. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, [CCPR/C/21/Rev.1/Add. 13](#), May 26, 2004, para. 12; *See also* Jona Höni, “[Germany and the Yazidis – Going Back on a Promise?: Why International Law Obligates Germany to Stop Deportations of Yazidis to Iraq](#),” *Völkerrechtsblog*, February 5, 2024.

²¹⁶ Case of *MSS v. Belgium and Greece*, ECtHR Judgment, [Application No. 30696/09](#) (January 21, 2011), paras. 367-68.

²¹⁷ Sertan Sanderson, “[A Thorn in the Government’s Side: Germany’s Secret Deportation Deal with Iraq](#),” *InfoMigrants*, December 22, 2023.

²¹⁸ *See* UNHCR, [Advisory Opinion on the Rule of Confidentiality Regarding Asylum Information](#), March 31, 2005.

²¹⁹ Sertan Sanderson, “[A Thorn in the Government’s Side: Germany’s Secret Deportation Deal with Iraq](#),” *InfoMigrants*, December 22, 2023. The German government denied the existence of any such agreement; *see* “[Germany deported over 500 Iraqis in 2023](#)”, *Rudaw*, January 6, 2024.

way for Yazidis to be deported to Iraq where they continue to face a founded risk of future harm.²²⁰

Both this and the “rising asylum denial rate”²²¹ fly in the face of credible reports concerning the ongoing risks to the Yazidis in Iraq,²²² such as an August 2023 press statement issued by the High Representative of the European Union, which states:

*“The Yazidi community in Iraq continues to face significant challenges. These include various obstacles preventing displaced persons from returning to their homes, particularly in Sinjar/Shingal, limited access to basic social services, and security concerns, such as recent episodes of hate speech, which the EU strongly condemns”.*²²³

The actions of the German government even contradict the statement made by the German Parliament when they recognised the genocide in 2023:

*“Ezidis should continue to be granted protection within the framework of the asylum procedure, taking into account their persistent persecution and discrimination, and to recognize that an important part of overcoming and dealing with trauma is reunification with one’s own family and that this should be made possible within the framework of the legal foundations”.*²²⁴ (translated)

Further, in its 2024 country situation report on Iraq, Germany admits that the German government is not able to fully observe and accurately assess the situation in Iraq because of safety concerns and limited access. The report details these obstacles:

*“Due to the continuing extremely precarious security situation in Iraq, the German Embassy in Baghdad and the Consulate General in Erbil have very limited freedom of movement and capacity to work. The Embassy has - also due to very limited staff capacities - limited means of getting a realistic picture of the situation in the country based on its own observations or by talking to the population and verifying official statements and media reports. [...] On certain points, the report must remain general and cursory due to a lack of empirical basis”.*²²⁵ (translated)

²²⁰ As of November 2023, 135 individuals, including Yazidis, were forcibly deported to Iraq. See Bundestag Human Rights Committee, [Criticism of deportations of Yazidis to Iraq](#), 16 November 2023.

²²¹ See Yael Schacher and Farhad Shamo Roto, [“Humanitarian Pathways and Ezidi Family Unification in Europe Ten Years After Genocide”](#), *Refugees International*, 31 May 2024.

²²² Benjamin Bathke, [“Yazidi Refugees in Germany Suffer Severely from 2014 Genocide, Study Says”](#), *InfoMigrants*, July 31, 2019 (For example, there have been discrepancies between findings of Germany’s Federal Foreign Office (FFO) and German courts. During the same week in July 2019 that the FFO stated that the security situation in the Sinjar region was “precarious” and the Iraqi government had “limited” ability to provide safety, a German court rejected asylum requests of Yazidi siblings due to a claim that there was no danger left in northern Iraq.); Sertan Sanderson, [“Protection Rate of Iraqi Yazidis in Germany Falling”](#), *InfoMigrants*, February 17, 2023 (Germany’s deviation from its own findings of the precarious and unsafe situation in Iraq continued into 2022, during which Germany’s Federal Office for Migration and Refugees recognised fewer than half of Yazidi asylum applicants as being in need of protection.)

²²³ EU Council Press Release, [“YAZIDI: Statement by the High Representative on Behalf of the EU on the Situation of the Yazidi Community in Iraq”](#), August 3, 2023.

²²⁴ German Bundestag, [“Recognition and Commemoration of the Genocide of the Ezidis in 2014”](#) (translated), 20/5228, January 18, 2023, para. 19.

²²⁵ Federal Foreign Office, [Situation Report Iraq 04/2024](#), April 2024, para. 7.

Nevertheless, individual Yazidi men and women as well as whole Yazidi families with small children have been forcibly deported to Iraq. In some cases, families have been torn apart, such as where older children who are doing vocational training have been permitted to stay in Germany even as their parents and younger siblings have been forced to leave.²²⁶ In many cases, Yazidis deported to Iraq are required to fly into Baghdad International Airport, which poses an added challenge since many Yazidis are not proficient in Arabic. Moreover, very few of them have family or social ties in the area that would enable them to establish themselves or even secure transportation to another location. That said, the alternative of flying into Erbil is hardly a preferable alternative.

Yazidis who are deported to Iraq are not only incredibly vulnerable because of their physical circumstances. Forced deportation, at a time when they are still suffering psychologically from the unspeakable horrors they endured, can also engender further mental harm both to those deported and to others in the community who live in fear of being deported themselves or having family members or friends be deported. As explained by Yazidi-German lawyer Kareba Hagemann,

*“Because the genocide they suffered had finally been recognised, people had the hope that they would be released from their tolerated status and granted the right to stay on humanitarian grounds. They did not expect that just five months later the first federal states would be preparing to deport them to Iraq. Nothing has improved. The Bundestag’s recognition of the genocide was a purely symbolic act. There should be a moral obligation to offer people a safe place to stay. For those affected, the threat of deportation leads to retraumatization because they believed that they would finally be safe in Germany”.*²²⁷

An example of this impact is John Saadi Slo, a 27-year-old Yazidi man who had been living in Germany since 2012. In August 2023, he was deported to Erbil. Within hours of his arrival, he was found dead under a bridge. His family was not notified in advance of his deportation and was unable to provide either psychological or logistical support to their son, whom they described as ‘mentally fatigued’.²²⁸

When this and several other similar cases were reported in the German news, the disconnect of acknowledging the genocide and then deporting Yazidis back to the place of the genocide evoked a certain level of discontent both in the general public and amongst politicians.²²⁹ Several months after these deportations began, some parts of the German government acknowledged how problematic they were. In December

²²⁶ Erkan Pehlivan, “[Deportation tears apart Yazidi family – only two daughters remain](#)”, *Frankfurter Rundschau*, November 21, 2023.

²²⁷ “[We Need Public Pressure: Interview with lawyer Kareba Hagemann about the Deportation of Yazidis from Germany](#)”, IZ3W, Issue 403, June 20, 2024.

²²⁸ “[Yazidi Man Deported after 11 Years in Germany Dies in Erbil](#),” *Rudaw*, August 28, 2023.

²²⁹ Erkan Pehlivan, “[Deportation tears apart Yazidi family – only two daughters remain](#)”, *Frankfurter Rundschau*, November 21, 2023.

2023, the German state of North-Rhine Westphalia banned the deportation of Yazidi women and children to Iraq, aligning partially with Germany's Federal Foreign Office's finding that "the Iraqi government is not in a position to guarantee the protection of religious minorities in many regions".²³⁰ The state of Thuringia followed by adopting the same ban in January 2024,²³¹ and Lower Saxony followed suit in June 2024.²³²

These bans were certainly a step in the right direction, since they acknowledge the continued existence of genocide and persecution risk factors. However, they were, at best, a temporary and partial reprieve, since these measures were only enforceable for three months and could only be renewed once for a total of six months.²³³

These measures are also insufficient because they exclude men from protection,²³⁴ even though the existing risk factors are not unique to women and children. Yazidi men continue to face reprisals by active elements of ISIL, forced conscription by militias, including the PKK, and risk of persecution by the KRG if they insist on their distinctive Yazidi identity or call into question KRG policies. Moreover, men, like women and children, have an ongoing right to family reunification and a continuing need for rehabilitation, stability and security.

Placing the plight of Yazidis in the hands of individual states also renders Yazidis vulnerable to the vagaries of regional politics, which is particularly problematic when viewed in conjunction with the rise of anti-refugee sentiment in Europe. A more long-term solution is therefore required at the federal level to give effect to Germany's obligation to ensure effective protection to Yazidis on its territory. A possible solution, as proposed by Refugees International, would be to "Give Ezidis who have come to Germany from Iraq since the summer of 2014 residence permits for international law and humanitarian reasons in accordance with Section 23 of the Residence Act".²³⁵ This, however, seems unlikely in Germany, especially since a call for a nationwide ban on the deportation of Yazidis was made in June 2024 and rejected several weeks later.²³⁶

The situation of Yazidis, therefore, remains precarious, and is exacerbated by the current geopolitical climate. The developing conflict between Israel and Iran, which necessarily involves, at the very least, Iraqi airspace, combined with the imminent withdrawal of US forces from Iraq raises the spectre of a security vacuum and

²³⁰ ["German State Halts Deportation of Yazidi Women and Children,"](#) *InfoMigrants*, December 19, 2023.

²³¹ ["Zunächst bis April 2024: Auch Thüringen erlässt Abschiebestopp für Jesiden,"](#) *Der Tagesspiegel Online*, May 1, 2024.

²³² Lilli Uhrmacher, ["Stop Deporting Ezidis: Lower Saxony Wants to be a Role Model,"](#) *Taz*, June 18, 2024.

²³³ ["Federal Law Needed to Stop Yazidi Deportations: German State Minister,"](#) *Rudaw*, December 23, 2023.

²³⁴ *Id.*; Lilli Uhrmacher, ["Stop Deporting Ezidis: Lower Saxony Wants to be a Role Model,"](#) *Taz*, June 18, 2024.

²³⁵ See Yael Schacher and Farhad Shamo Roto, ["Humanitarian Pathways and Ezidi Family Unification in Europe Ten Years After Genocide,"](#) *Refugees International*, 31 May 2024.

²³⁶ Lilli Uhrmacher, ["Stop Deporting Ezidis: Lower Saxony Wants to be a Role Model,"](#) *Taz*, June 18, 2024.

increases the capability of ISIL and other hostile actors to pursue their genocidal ideology against Yazidis.²³⁷

Granting Yazidis Asylum is Both Legally Justified and in Everyone's Best Interest

In many respects, deporting Yazidis also proves harmful for the deporting country. Many Yazidis have shown that, when given a chance, they can be of great value to the societies into which they have integrated, not least by taking on essential roles as healthcare workers, police officers,²³⁸ manual labourers, community leaders, and volunteers. However, in addition to those who join the educated workforce, those who support them also need to be protected. This is the role that many older Yazidi refugees embrace, including parents and grandparents who take on menial but important jobs and help run the household when younger family members work and go to school.

Unfortunately, many of these older Yazidis who provide indispensable long-term stability and the basis of healthy integration for their families are now in danger of deportation simply because they are unable to learn a sufficient amount of German or complete a vocational training, or because their children with whom they were reunited have reached the age of 18 and are no longer "dependents". For instance, the case of two daughters who were permitted to stay in Germany while their parents and younger siblings were deported to Iraq is exemplary of this. The media at least picked up on this problematic situation. Stephan Dünnwald, the spokesperson for the Bavarian Refugee Council, expressed:

"The circumstances of the deportation are also scandalous: the family is picked up early in the morning, one daughter suffers a nervous breakdown and is taken to a psychiatric ward. [...] The daughters, who are both training to be carers for the elderly, are allowed to stay, while the father, mother and siblings are being deported. Is this the new model for securing skilled workers?"²³⁹

Dünnwald's question remains unanswered.

Yazidi refugees forced to make a new life for themselves outside of Iraq often take on work in much-needed areas – serving as essential labourers and community leaders and supporting their loved ones. Their dedication to and appreciation for rebuilding their lives results in significant contributions to their new communities, including in Germany and other European societies. Although state responsibilities and obligations under international law should be sufficient grounds for Yazidis to obtain

²³⁷ ["US and Iraq Agree to Start Talks to End Presence of US-Led Coalition"](#), *Al Jazeera*, January 25, 2024.

²³⁸ See Bjorn Hadem, ["Yazidis mourn the death of Rouven Laur in Kreuztal: 'Whoever attacks our police is attacking us all'"](#), *Siegener Zeitung*, June 16, 2024 (One of two reported stabbing incidents involving asylum seekers, which prompted Germany to deport them, involved a "German" Yazidi. However, this Yazidi man, Rouven Laur, was the hero police officer who was stabbed by a refugee.).

²³⁹ Erkan Pehlivan, ["Deportation tears apart Yazidi family – only two daughters remain"](#), *Frankfurter Rundschau*, November 21, 2023.

protection, these countries are acting in their own best interest by satisfying their obligations under international law and providing Yazidis protection.

Part 3: Urgent Recommendations and Appeals

The violence and instability in Sinjar, constituting legal justification for asylum claims, as well as the migration crisis in Europe continue in part because of the failure of Iraq and Western governments to engage meaningfully in resolving the status of Sinjar. To be able to alter this in a positive and sustainable way, stakeholders must listen to Yazidis who, for the past decade, have consistently presented three primary demands, all of which focus on the need for Yazidi self-determination and self-governance: (1) international protection for the Yazidi within Iraq, (2) local security within Iraq controlled by Yazidis or non-partisan actors that understand and support Yazidi needs and rights, and (3) non-partisan local administration. The PPP team urges Iraq and Western countries to respond to these three basic demands so that Sinjar can be a secure, stable, and viable site for sustainable return.

As these reasonable demands for basic human rights have not been addressed or satisfied for over ten years, leaving Yazidis unsafe in Iraq, Yazidis already in Europe, Australia, and North America should be given the chance to build a life in the places where they have ended up and should serve as in-country partners for helping Western countries to determine how best to support Yazidis in and from Sinjar.

Thus, the PPP team urgently appeals to various actors – who can have a vital role in sustainably improving the situation for Yazidis both within and beyond Iraq – with the following recommendations:

To German, US, and EU Policy and Decision-Makers:

1. Support Iraq in adopting a legal framework to fairly prosecute core international crimes that can support meaningful survivor participation;
2. Include men, in addition to women and children, in asylum policies; and
3. Satisfy obligations under the 1951 Refugee Convention, recounted by the UN Human Rights Committee and European Court of Human Rights, by providing refuge to Iraqi Yazidis until they can return to Iraq without risk of irreparable harm and degrading living conditions.

To Iraqi and Kurdish Policy and Decision-Makers:

1. Adopt a legal framework to fairly prosecute core international crimes that can support meaningful survivor participation;
2. Provide financial support for the restoration of Sinjar and ensure its direct application for this purpose; and
3. Establish a system of governance in Sinjar which is representative of the local population and can represent the community's needs both regionally and nationally.

To Investigative and Prosecutorial Bodies:

1. Follow the lead of countries investigating and prosecuting ISIL crimes in the context of the genocide under the principle of universal jurisdiction, and expand these efforts to other alleged perpetrators who enabled ISIL crimes; and
2. Initiate structural investigations focused on gathering and collecting evidence and witness testimony from those persons who may be present in the investigating state's territory.

To the Broader International Community:

1. Support Iraq in adopting a legal framework to fairly prosecute core international crimes that can support meaningful survivor participation;
2. Ensure that there is a residual system in place for preserving and sharing evidence gathered and analysed by UNITAD that supports prosecutions in Iraq and other jurisdictions even after the UNITAD mandate has ended;
3. Educate European and other countries on their obligations under international law to prevent and punish genocide;
4. Encourage European and other countries to adhere to the principle of non-refoulement;
5. Provide protection and legal pathways for resettlement;
6. Place pressure on and hold accountable the Iraqi government to provide necessary state-sponsored support for the sustainable rebuilding of Sinjar; and
7. Listen directly to Yazidi genocide survivors from Sinjar to ensure that support and accountability efforts are informed by and in consultation with the survivor community itself.

Acknowledgements

This report was authored by Marissa Kardon Weber, Melinda Taylor, and Kareba Hagemann, with support from Judy Mionki and L.N. Mthethwa.

Marissa Kardon Weber is an international criminal and human rights lawyer who specialises in strategic litigation and sustainable justice processes.

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

Kareba Hagemann is a Yazidi-German immigration lawyer specialised in Iraq and Syria.

Judy Mionki is an international lawyer specialised in international criminal law and procedure.

L.N. Mthethwa is a refugee and asylum specialist.

Other experts significantly contributed to this report but must remain anonymous in order to safely and securely continue working directly with the Yazidi community in Iraq and Europe.

This report also benefited from the expertise and insight of various accountability and protection experts, including genocide expert Professor David Simon and former Executive Director of Yazda Iraq Matthew Barber.

Many thanks are due to Yale University student researchers Gabriela Mitrushy, Faisal al Saud, Razel Suansing, and Isabella Panico.

We also appreciate the insights and advice of our external reviewer, Professor Jonathan Hafetz.

We would also like to express our gratitude to **Yale University's Genocide Studies Program**, namely its Director, Professor David Simon, and the **International Bar Association's Human Rights Law Committee** for co-sponsoring this report and for together making the *Persecution Prevention Project* possible.

The photographs were kindly provided by members of the PPP team.