



POSITION PAPER

Permanent Committee for Foreign Affairs of the Netherlands House of Representatives

On 3 August 2014, fighters from the Islamic State of Iraq and the Levant (ISIL, ISIS, IS, also known by its Arabic acronym, Da'esh) attacked the Sinjar region of northern Iraq. Within days of the initial attack, reports emerged of ISIL committing almost unimaginable atrocities against the Yezidi community: of men, adolescent boys and women past child-bearing age being killed; of younger women and girls, some scarcely older than nine, sold at market, beaten, forced to labour, and held in sexual slavery; and of young Yezidi boys taken from their mothers, indoctrinated, forced into ISIL training camps, and made to fight.

In the months and years that have followed, the US Holocaust Memorial Museum, the UN Human Rights Council, several national governments, and most recently UNITAD have determined that ISIL has committed genocide, as well as crimes against humanity and war crimes, against the Yezidi community. The understanding of the devastation ISIL owes much to mass documentation efforts by a panoply of organisations, including the Free Yezidi Foundation. Following our most recent documentation project, Free Yezidi Foundation produced an analytical paper, *The Hardan Atrocities*. This has now been disclosed to UN entities and multiple national prosecutors, in line with the informed consent of the interviewees and having regard to security and other protection concerns.

This position paper focuses on the current situation of the Yezidis and the priorities for urgent action that spring forth from that situation:

Justice

○ Criminal Accountability

There is a pressing need for accountability in the form of criminal prosecutions in fair and independent court proceedings. We are starting to see sparks of accountability, mainly in Europe, including the first genocide conviction in Germany's Taha A-J case only last year. For the Yezidi community, progress is slow, and many are losing hope that the perpetrators will see meaningful justice.

▪ *Inside Iraq*

Inside Iraq, the path to criminal accountability remains blocked. We ask for your continued diplomatic encouragement to Iraq to establish laws allowing for the prosecution of core international crimes, that is to say, for genocide, crimes against humanity and war crimes. Such laws would allow for prosecutions for the crimes committed against the Yezidis, instead of for terrorism offences. Trials under such laws would provide a forum in which surviving Yezidis could testify, with the resulting transcripts and judgment reflecting the true range of horrors that ISIL perpetrated. Such laws would also provide a basis for further conversation with UNITAD about information-sharing with the Iraqi government, and have the potential to place Iraq as a hub of international criminal justice in the Middle East, where impunity has long held sway.

There is also discussion of establishing a special court or chamber within the existing Iraqi system with a statute and rules of procedure and evidence that would permit the prosecution of ISIL members and affiliates with core international crimes. This idea deserves more

attention and support, including potentially having international advisers to the prosecution, judges, and the defence.

- *In third countries*

We continue to applaud the efforts of third countries, including The Netherlands, to bring to justice members of ISIL, both men and women, for their crimes against the Yezidi people. The war crimes offices in The Netherlands and other European countries have forged strong links with Yezidi civil society, who continue to document survivors' accounts. We are also encouraged by their continuing support of UNITAD, which has the backing of the UN Security Council to deliver its mandate of accountability for ISIL crimes. We know that there are many situations, at home here in The Netherlands and abroad, which demand your attention and resources, and we thank you for your continued support to the Yezidi community and your commitment to justice.

- Accounting for the fate and whereabouts of the missing

If you speak to surviving Yezidis, their foremost concern is discovering the fate and whereabouts of their missing relatives. Nearly 3000 Yezidis remain unaccounted. The anguish of the families is multi-layered and includes deteriorating physical and psychological health of adults and children, coupled with economic hardship. One survivor remarked to our legal team, "Every morning, I forget. I will think to myself, 'I didn't call my mother', and then I remember she is gone... It's like each day she disappears again."

We know there are Yezidis, and notably Yezidi women and children, who are still being held – whether they are captive in the houses of ISIL supporters inside Iraq, trapped in Al Hol camp in eastern Syria, or trafficked over borders into Turkey, across north Africa, or farther afield. The community needs more support to find our people – to locate the living and to provide dignified burials for the dead.

- Other forms of transformative justice

Discussions about achieving justice have largely focussed on clearing a path to criminal prosecutions. There should be greater discussion about the value of broader transitional justice measures, which have the potential to bring dignity to victims and communities—and afford the opportunity to build trust and collective memory.

We welcome passage of the Yezidi Survivors' Law through the Iraqi Parliament and FYF is working to support its implementation. Reparations are an important part of transitional justice and have the power to be transformative. We hope that conversations around memorialisation and truth-telling also emerge in the discussions of transformative justice models, in addition to the pursuit of criminal prosecutions.

Assistance for Yezidi mothers with children born of rape by ISIL members

It is impossible to over-emphasise the urgent need for assistance for Yezidi mothers with children born of rape by ISIL members. Yezidi women in this situation – traumatised by the many horrors suffered in captivity, including the loss of their children captured with them – then suffer additional traumas through the non-acceptance by the Yezidi community of the children born of rape. In some instances, mothers have been forcibly separated from the child; in other cases, mothers have refused to return to their families because of fears that the child will be taken from them. Some mothers, given the choice

between their families and their child, have effectively been forced to leave the community and raise their child elsewhere.

I do wish to emphasise that this heart-breaking situation is not specific to the Yezidis. It has been faced by many societies where rape was a facet of the attack, including in Rwanda where the resulting children were referred to as “the children of bad memories”.

Yet the situation of the Yezidis living in Iraq poses barriers. Yezidis live with a history of persecution. When one also considers that the child was born out of an act of annihilative violence against the group, one can also recognise the traumatic impact informing the entire community’s responses. Many in the Yezidi community do have empathy for these mothers but cannot find a place within their community and within the bounds of Yezidi society, as historically and currently understood, to accept these children. Also important are the legal barriers: Iraqi law holds that the child will carry the religion of its father, and there are legal obstacles to registering children in circumstances where the father is absent. Our organisation is trying to support all Yezidis, including Yezidi women with special circumstances, wherever we can.

It will take time for Yezidi society to reform, and we ask for support to flow to those activists within the Yezidi community who are continuing to discuss this idea. More urgently, we implore the international community to create a viable path for these Yezidi mothers and their children to find refuge outside of Iraq, where they have a better chance to build healthy lives for themselves and their children, and where their trauma can be addressed and not compounded.

Economic opportunity, particularly for Yezidi women

For decades prior to the 3 August ISIL attack, the Yezidi community in the disputed region of Sinjar was among the most marginalised in Iraq. With little investment in Sinjar, there was little opportunity for economic growth for everyone. Across the board, there needs to be greater effort to create economic opportunities for the Yezidis, including through grants to Yezidi civil society designed to lead to sustainable independent business.

This was especially so for women and girls who left school and married early and who worked inside family homes or on small family farms. With so many men and older boys dead or missing, Yezidi women need support as they seek to shoulder financial responsibility, particularly in situation where they now find themselves to be heads of households. Female economic autonomy also protects against women entering unwelcome marriages to survive, and also protects against the possibility of early marriages of girls where their own household cannot financially support their upbringing.

In 2021, FYF, using grant funding, set up a bakery and patisserie selling products baked and decorated by Yazidis. Setting up such a bakery is beyond the economic means of most Yezidis, coupled with the fact that continued prejudice against our community means that many people in Iraq refuse to eat food prepared by Yezidi hands. We are working to combat this discrimination while providing training and business skills for hundreds of Yezidis which they can deploy in the future.

Education

The foundation of long-term economic opportunity is education. For those who are now adults, this largely takes the form of skill-training and mentorships.

Today, however, we focus on the situation of Yezidi children who lost valuable years of education due to the ISIL attack and either their displacement from Sinjar or their being taken captive by ISIL. Both boys and girls have had long stretches outside of education, in addition to the trauma they sustained as a result of ISIL's attack. Many have lost their parents and have been taken in by relatives who are struggling to cope.

We need more support getting Yezidi children back into education, and particularly the children – both boys and girls – who were held for long stretches by ISIL.

Trauma services for under-served segments of the community

We are grateful for the international community's continued funding and general support to the Yezidi community, including through the provision of psycho-social support. This support has mainly focussed on female victims of sexual and physical violence, with an emphasis on women and older girls.

There are segments of the Yezidi community whose trauma has been less visible in the reporting on ISIL's attack on the Yezidis and for whom such necessary support has been less well-resourced. Perhaps principal among them are Yezidi boys – some of whom are still young – who were abducted, trained, and forced to fight with ISIL.

The experience of the Yezidi boy soldiers contains within it a continuum of violence and violations including physical and mental torture (including but not limited to severe beatings and being forced to participate in mock and real executions); enslavement; forcible transfer; forced conversions; being denied adequate food, water, and medical care; and being forced to witness the killing of family members, and later of other boy soldiers.

There are also fewer services available for young Yezidi girls and boys held in captivity with their enslaved mothers and who were subjected to abuse within the ISIL fighters' households, and who also may have been aware of the violence being directed against their mother. More often than not, children who were captive in the ISIL-declared Caliphate have family members who are dead or missing.

The traumatic experience of Yezidi children writ large remains poorly understood. The consequence of this is that few services are specifically directed to them, and notably to former boy soldiers who experienced significant trauma and face significant challenges, including trauma, gaps in education, and in some cases and to varying degrees, continued indoctrination.

Security

The situation in Sinjar continues to be highly unstable. Not only are ISIL elements sporadically launching attacks to remind the population writ large of its existence and continued capacity to terrorise, but the area is riddled with armed groups. This includes various militias who have de facto control of different parts of Sinjar. In northern Sinjar, Turkey continues to launch attacks against what it claims are PKK elements, but which strike Yezidi areas, endangering the lives of those who are trying to reimagine a life on their own land.

Consistent addressing of the continued prejudice against Yezidis

One of Iraq's most marginalised religious groups, the Yezidis have suffered waves of persecutory and annihilative campaigns since at least the 13th century. ISIL weaponized misconceptions of the Yezidi faith long present in Iraqi society, publicly and wrongly reviling the Yezidis as polytheists and devil worshippers.

It would be a mistake to view ISIL's attack on the Yazidis of northern Iraq as a standalone cataclysm of violence, unconnected to the Iraq of years prior and the Iraq of today. Rather it has its roots in the entrenched and largely unquestioned prejudice against the Yazidis in Iraqi society, which informed the architecture of ISIL's genocide. Unless this prejudice is brought out into the light, examined, and dismantled, there will always be the risk of further annihilative violence against the Yazidis.