The Persistent Consequences of Sexual Violence:

*A Case for Continued International Intervention following the Mt. Sinjar Genocide*

**ABSTRACT**: In August of 2014, ISIS staged numerous attacks on the Yazidi communities within the Mt. Sinjar region, massacring those who would not convert to Islam and taking the remaining Yazidis as slaves of the caliphate. Male Yazidis over seven were taken to militia training camps while females and young children were forced into domestic and sexual servitude. This paper details how international councils have failed to recognize the extent of the sexual violence committed during the Yazidi genocide. This failure is apparent in three key manifestations: (1) an overt emphasis on military action; (2) an unanswered call for further international humanitarian support, particularly for survivors of sexual violence; and (3) a lack of international criminal prosecution. Though the military efforts to reclaim the region are, as of now, successful, the impact sexual violence has had on the community is ongoing. In the refugee camps, Yazidi survivors are still extremely vulnerable, particularly Yazidi women and children. International committees must specifically focus on providing greater resources towards the Yazidi refugees, particularly those in dire need of psychological and medical support.

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May 1, 2020

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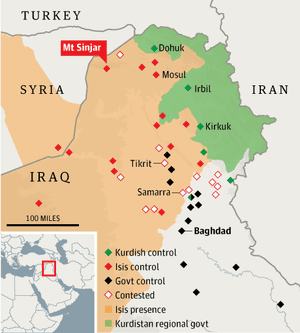
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**ACKNOWLEDGEMENTS**: This paper would not have been possible without the support of the Keck Center for International Diplomacy and the guidance of the author’s faculty sponsor, Professor Hicham Bou Nassif.

### **Introduction: Overview of Yazidi Genocide**

**Figure 1: August 4th, ISIS Offensive[[1]](#footnote-0)**

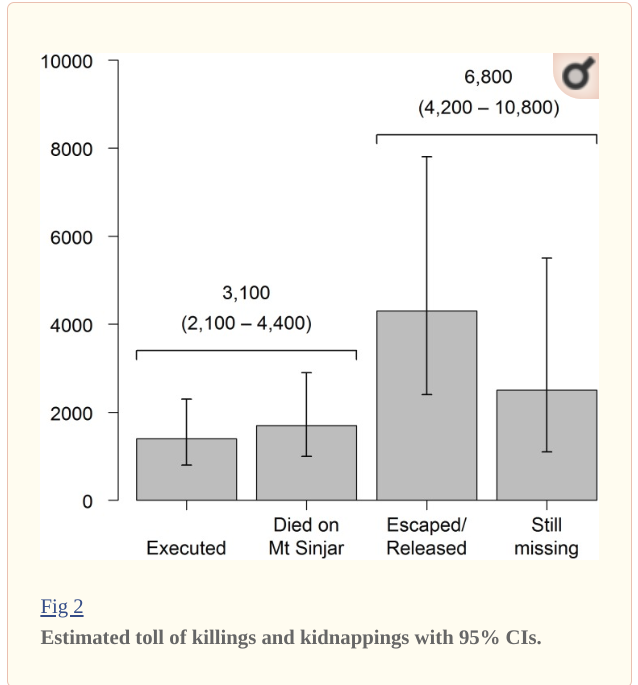


The summer of 2014 marked the beginning of a terrifying era for the free world. As of June 10th that year, the Islamic State of Iraq and Syria (ISIS) took Mosul, Tikrit, and Kirkuk, threatening the livelihood of millions of Iraqi Muslims. By the end of June, ISIS controlled such a significant amount of territory that it officially declared a caliphate in Mosul, Iraq’s second largest city. ISIS was only getting stronger, threatening the already tenuous control the Iraqi government held over Iraq’s Northern provinces.

While ISIS’s control over Iraq’s north-western regions was undoubtedly harrowing for most Iraqis, Iraq’s Yazidi communities had the most to fear from ISIS expansion. They were not only culturally targeted by ISIS for their distinct religious belief, but also, the Yazidi’s homeland was particularly vulnerable to the ISIS offensive. Most Yazidi resided in the mountainous Sinjar region of Northern Iraq. Since the 2003 fall of Saddam Hussein, local militias from the Peshmerga, the Kurdish defensive unit, protected Mt. Sinjar. In the summer of 2014, however, ISIS offensives on major Kurdish cities led to Peshmerga forces moving East to protect Kirkuk and Irbil frontlines. As demonstrated by Figure 1, when ISIS overtook Mosul, Sinjar’s Yazidi residents were cut off from the Peshmerga in the East. The Yazidi people were left with few to no local militias to protect their towns.[[2]](#footnote-1) Mount Sinjar’s remaining defense was its treacherous terrain. However, as Yazidi villagers found in the coming days, this subversive landscape with no defense system transformed their home from a fortress into a prison.

The vulnerability of the Yazidis was quickly exploited by ISIS fighters--on August 2nd, 2014, ISIS launched its offensive campaign against Mt. Sinjar. Within 72 hours, almost all Yazidi villages had been emptied.[[3]](#footnote-2) ISIS executed roughly 1,500 Yazidis in the span of three days. Figure 2 partially reflects these Yazidi casualties, yet the exact estimates vary widely. Many of the mass graves in the region are yet to be exhumed, and the UN is unable to independently verify these figures. Regardless, ISIS forces are thought to have directly killed between 1,000 to 2,000 Yazidis. 1,500 to 2,500 Yazidis are still reported missing by their families. Due to a lack of critical supplies, these 1,500 to 2,500 Yazidis are likely to have died during their escape from ISIS.[[4]](#footnote-3) Local temperatures in August occasionally rose above 122°F, making food, water, and shelter even more critical for survival. In total, it is thought that roughly 2.5% of a Yezidi population of 400,000 were killed in just the first few days of ISIS’ Mt. Sinjar offensive.[[5]](#footnote-4)

**Figure 2: Total Casualties and Kidnapping Estimates[[6]](#footnote-5)**



Moreover, these estimates only represent the initial physical traumas of the genocide. The Yazidi women who, after months or years, were finally able to escape from their captors, suffered significant on-going physical and mental health problems due to the sexual and physical violence they experienced within their forced marriages. However, escaping ISIS does not mean Yazidi women can always be reunited with their families and neighbors. Many of these women cannot return to their ancestral homes; in some cases, entire Yazidi villages now live in the squalid conditions of Northern Syria’s refugee camps. And many women and children, who have finally been able to find their families again, have been turned away. In captivity, Yazidi women were often forced to convert--an act in the Yazidi faith that is considered worse than death. Most of the women and girls kidnapped by ISIS were also subject to sexual violence. In Yazidi culture, sexual activity that occurs outside of a monogamous Yazidi marriage, even if it is forced, can lead women to be excommunicated from their communities. Finally, if a Yazidi woman returned with a child from a forced marriage with an ISIS fighter, she was often met with a choice--abandon your child or remain banished from the community. Clearly, because of societal stigmas within the Yazidi community that ISIS exploited, the Yazidi genocide is by no means over for its female survivors.

The implication of the Yazidi genocide’s ongoing effect is that international intervention, in regard to sexual violence of the Yazidi genocide, cannot be limited only to traditional humanitarian aid. This paper will detail four key elements in post-genocide Yazidi community reconstruction: (1) the internationally coordinated military offensive against ISIS; (2) the legal work of genocidal classification; (3) the international community’s subsequent aid efforts towards the Yazidi people; and (4) future policy recommendations. The latter three categories have a specific focus on sexual violence as ISIS’ key genocidal tactic.

Ultimately, analyzing the four key components of international and domestic efforts to fight back against ISIS’ genocidal tactics demonstrates the significant shortcomings in international policy. While the international community robustly responded to ISIS in the first two stages--military effort and genocidal classification--international aid distribution has been entirely inadequate. Particularly, Yazidi women and girls who have survived the additional traumas of forced marriages, physical abuse, and sexual violence have received few specific resources to aid their recovery. This failure has put pressure on the Yazidi community, an already disparaged, resource-lacking demographic, to do the work of sexual violence rehabilitation.

The conclusion of this paper will reflect potential policy proposals to alleviate some of this responsibility from the Yazidi community. There is significant work to do in mitigating the horrific atrocities ISIS committed--including criminal prosecution, village reconstruction in Sinjar, and refugee support. While the author will survey these suggestions, she will focus on the Yazidi survivors of sexual violence as refugees that need specific aid--further physical health resources, psychological treatment, intermediaries to assist with community re-acclimation, and protection from further trauma.

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### **Military Offensives**

#### *Operation “Inherent Resolve” and its International Partners*

Before the United Nations even classified ISIS’ Mt. Sinjar offensive as a genocide, international actors began striking back. On August 7th, 2014, President Obama announced a long-awaited US military campaign against the Islamic State. This military intervention did include some humanitarian aid. The US military, with the support of Iraq, Great Britain, France, and Australia, airdropped food, water, and medical supplies onto Mt. Sinjar.[[7]](#footnote-6) While ISIS fighters shot at the planes that attempted to airdrop humanitarian goods, the supplies that made it to the roughly 40,000 Yazidis stranded on the mountain were vital. According to US military estimates, 5,300 gallons of fresh drinking water and 8,000 ready-to-eat meals were delivered.[[8]](#footnote-7) Starting on August 8th, the US also conducted helicopter rescue missions to evacuate the most vulnerable of the Yazidis.[[9]](#footnote-8) These helicopters were also shot at. Due to the danger of the missions as well as projections that many Yazidis were able to flee over the Syrian border, the helicopter rescue missions were ultimately called off after a week.[[10]](#footnote-9) However, in the days the helicopters were active, they were able to rescue dozens of Yazidis, including a well-known member of Iraq’s parliament, Vian Dakhil.[[11]](#footnote-10) As refugees continued to move quickly from Mt. Sinjar to Syria, further international aid primarily targeted distribution to Syria’s refugee camps.

The US military’s airstrikes, which had also begun on August 7th, predictably proved more controversial than its humanitarian efforts. The initial controversy for US drone strikes boiled down to two main issues. First, US troops had finally ended a highly unpopular occupation of Iraq just three years prior. President Obama’s rhetoric towards the Middle East since his 2008 election was extremely isolationist; any military action in the region could jeopardize the legitimacy of Obama’s anti-interventionist stance. Thus, when Obama decided to intervene on August 7, his word choice was quite careful:

I’ve said before, the United States cannot and should not intervene every time there’s a crisis in the world. So let me be clear about why we must act, and act now. When we face a situation like we do on that mountain—with innocent people facing the prospect of violence on a horrific scale, when we have a mandate to help—in this case, a request from the Iraqi government—and when we have the unique capabilities to help avert a massacre, then I believe the United States of America cannot turn a blind eye. We can act, carefully and responsibly, to prevent a potential act of genocide. That’s what we’re doing on that mountain.[[12]](#footnote-11)

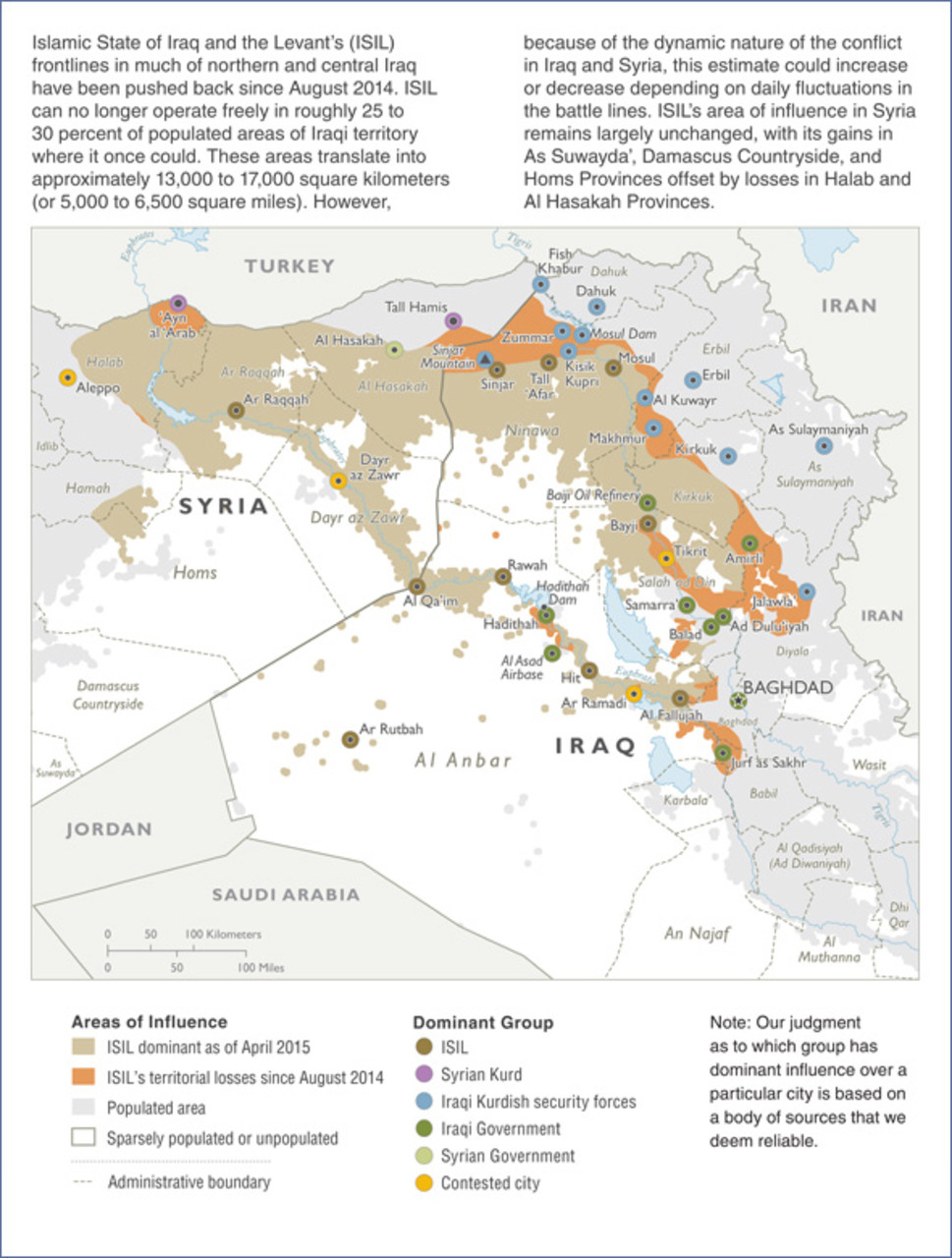
Obama’s invocation of humanitarian necessity, at least in the first stages of the US military offensive against ISIS, helped to legitimize the cause. His sole use of an air offensive also worked to ease concerns that the US would be entangled in yet another Iraqi conflict.[[13]](#footnote-12) Yet, most importantly, Obama cites a direct request from Iraqi government which he had received on July 18th.[[14]](#footnote-13) While the request was left unfulfilled for three weeks, the unique overlaying dynamic of ISIS’ major territorial advances combined with a massive humanitarian catastrophe of an American ally, the Kurds, finally tipped the scale in favor of intervention.[[15]](#footnote-14)

However, readers must note that there is a key shift in US military strategy between August and September. This shift is likely due to the second controversial aspect of the US campaign--the lack of consent for US intervention by the Syrian government. As Yazidi refugees travelled over the Syrian border, the US faced a key issue: “Under international law, a state can use military force in another state’s territory in three situations: (1) with the latter’s consent, or (2) with Security Council authorization, or (3) when acting in self-defense against an armed attack.”[[16]](#footnote-15) The US had neither the consent of the Syrian state nor the justification of “self-defense against an armed attack.” Hopes of an authorization by the Security Council were quickly dashed when Russia used its Permanent Member veto to block the resolution in the Security Council.[[17]](#footnote-16) To move forward in its fight against ISIS, the US would have to expand its campaign into Syria; however, it had no legal grounds on the international scale to do so.

Regardless, the United States launched its major ISIS offensive, Operation Inherent Resolve (OIR), on September 23rd. In the infamous words of the US State Department’s spokesperson at the time, “‘We’re not looking for the approval of the Syrian regime.’”[[18]](#footnote-17) For the time being, international laws were overlooked. ISIS was deemed too big of a threat for, in the words of President Obama, nations to “turn a blind eye.”[[19]](#footnote-18)

Operation Inherent Resolve became a fundamental tool of unification for the many different positions various states took following ISIS’ successful 2014 summer. On the 17th of October as the Department of the Defense launched the “Combined Joint Task Force--Operation Inherent Resolve” (CJTF-OIR). Its mission was to “formalize ongoing military actions against the rising threat posed by ISIS in Iraq and Syria.”[[20]](#footnote-19) In short, CJTF-OIR enveloped the missions of many states into one military policy led by the US. As of November 2014, CJTF-OIR was most supported in its Syrian airstrikes by the United States’ Arab partners-- Bahrain, Qatar, Jordan, Saudi Arabia, and the United Arab Emirates.[[21]](#footnote-20) In Iraq, the CJTF-OIR had much more international support. The first country to pledge support for the US airstrikes in Iraq was France, followed by the UK (30th of September), the Netherlands (2nd of October), Belgium (6th of October), Australia (8th of October), Denmark (16h of October), and Canada (30th of October).[[22]](#footnote-21) These countries were joined by Jordan and Turkey in 2015.[[23]](#footnote-22) Currently, the coalition represents sixty-eight states; twenty-three of which have more than nine thousand troops in Iraq and Syria to defeat the Islamic State

**Figure 3: April 2015[[24]](#footnote-23)**



This centralization was incredibly successful from 2014 to 2016 in gaining back ISIS-controlled territory; but, more importantly for the purposes of this paper, the CJTF-OIR achieved its catalyzing goal of regaining Mount Sinjar. In December 2014, Northern Sinjar was liberated and by November 2015, the entire Sinjar mountain was freed. Figure 3 demonstrates the impact of only eight months of the Coalition offensive- roughly twenty-five to thirty percent of the Iraqi territory was regained from ISIS.[[25]](#footnote-24) Notably though, as of April 2015, ISIS remained unable to regain Mt. Sinjar, ISIS still occupied the surrounding area to the South. Until mid-2017, ISIS sustained control over Southern Sinjar, which ISIS used as a base from which to launch attacks on the mountain.[[26]](#footnote-25) As CJTF-OIR efforts continued, however, ISIS was pushed completely out of the area. As of January 2017, ISIS lost sixty-two percent of the Iraqi territory and thirty percent of the Syrian territory it held in August, 2014.[[27]](#footnote-26) Currently, ISIS lives on in sleeper cells and prisons.[[28]](#footnote-27) Theoretically, at this point, the historic Yazidi homeland is now safe for its refugees to return to.

However, most of the Yazidi villages on and surrounding Mount Sinjar were razed by ISIS and the major airstrike campaigns of the CJTF-OIR; meaning that entire communities remain stranded in refugee camps. Nearly all Yazidis were displaced because of the ISIS offensive. It is thought that:

More than 300,000 Yazidis have settled in Kurdistan, with over half in camps managed by the Kurdistan regional government and the balance still scattered in construction sites and unofficial tented settlements. A relatively low number of Yazidis have settled elsewhere: by 2015, it was estimated that some 10,000 remained in tents on the north side of Mount Sinjar under Kurdish control, nearly 15,000 were reportedly in refugee camps in Syria, and at least 30,000 were known to have crossed into Turkey.[[29]](#footnote-28)

Like estimates on fatalities, many statistics regarding Yazidi migration patterns during and since the genocide have a wide range of error and have not been independently verified by the UN. Regardless, combining the refugee and fatality estimates suggests that the ISIS offensive and subsequent international military response led to the homelessness of an entire people.

This result does not suggest that the military campaign was unnecessary; certainly, without foreign military intervention ISIS would have continued to massacre the Yazidis. Moreover, in the initial days of the conflict, ISIS did destroy some Yazidi villages while leaving other Yazidi homes for their former Sunni neighbors to loot and live in.[[30]](#footnote-29) However, the airstrikes also had significant impacts. In four years, CJTF-OIR launched more than 19,000 airstrikes.[[31]](#footnote-30) Yet, to cut ISIS off from its revenue strains, the international coalition targeted oil fields and public facilities that ISIS had co-opted from the local populations. These resources had supported the livelihood of entire villages. When OJTF-OIR bombed Mt. Sinjar with the intent of driving out ISIS, it simultaneously reduced infrastructures that Yazidi refugees could utilize when they returned.[[32]](#footnote-31) According to local Kurdish officials, Sinjar is sixty to eighty percent destroyed.[[33]](#footnote-32) With no stable homes to return to, many Yazidis do not have adequate access to shelter. And with destroyed oil fields, Kurds and Yazidis alike were out of jobs and meaningful income.

#### *Kurdish Power Struggles*

Despite the effectiveness of international actors’ airstrikes against ISIS, the Yazidi’s Kurdish allies-- most notably, the Peshmerga-- played vital roles in ground support. As a brief aside, the hegemony Peshmerga demonstrated over Northern Iraq in 2014 illustrates the concurrent absence of power in the region from the Iraqi government. If viewed favorably, the Iraqi government did have a role in protecting its Northern, Kurdish territory. As demonstrated in Figure 3, the Iraqi government did play a substantial role in protecting Southern stronghold cities, as well as the Iraqi capital of Baghdad. In an indirect sense, the Iraqi government’s request for the United States to enter the country allowed the CJTF-OIR to be successful. With the International Coalition, Iraqi troops-- which had been previously woefully undertrained, mismanaged, and underfunded-- received substantial weaponry and training.[[34]](#footnote-33) The Iraqi government also had a direct role in pushing ISIS out of Northern Iraq. As of January 24, 2017, Iraqi security forces were able to liberate Eastern Mosul, the biggest Iraqi city just West of Mount Sinjar.[[35]](#footnote-34) Additionally, liberating Mosul meant reclaiming substantial oil pipelines that run through the area, significantly limiting the Islamic state’s resources and revenue.

Just as the boundaries of Northern Kurdish territory was not officially defined and were still considered to be part of the Iraqi government’s control, the split between the Kurdish fighters and Iraqi army is not entirely clear. Prior to the rise of ISIS in 2013, it was thought that the division between the Peshmerga forces and the Iraqi army was not absolute; about “35,000 Peshmerga [were] nominally incorporated in the Iraqi armed forces.”[[36]](#footnote-35) Yet, as both groups faced increasing attacks on key regional targets, they appeared merely to defend their traditional alliances. The Peshmerga focused on protecting the Kurdish North, and the Iraqi government stationed most of its troops in Southern and Central Iraq. The CJTF-OIR brought resources to both groups, meaning that each had increased cooperation towards the shared goal of pushing ISIS out of Iraq. As the Iraqi government’s ability to liberate Mosul made clear, neither Peshmerga nor the international coalition alone could defeat ISIS. The Iraqi army, though generally inadequate in preventing the ISIS take-over, was, at the least, significant in helping the CJTF-OIR to regain control over Iraq.

In fact, the Iraqi army for all its faults was more politically attractive to the Coalition than, potentially, the Kurdish forces in the region. As initially described, the Peshmerga were the primary defense mechanism for the Yazidis of Mount Sinjar. Yet the Peshmerga was by no means a monolith; the Kurdish force was racked by internal division. The Peshmerga is predominately divided into two groups: (1) the Patriotic Union of Kurdistan (PUK) in the North-Eastern Kurdish Iraqi territory and North-Western Kurdish Syrian territory; and (2) the Kurdish Democratic Party (KDP) which resides primarily in North-Western Kurdish Iraq. While both parties are united under the Peshmerga, their operations remain significantly separated. Often, fighters are identified as PUK Peshmerga or KDP Peshmerga, as opposed to simply Peshmerga. The Peshmerga have worked with the Yazidi since 2003, providing employment and humanitarian support.[[37]](#footnote-36) Even so, the split between the PUK and KDP is thought to have contributed to the lack of defense for Mount Sinjar. According to some KDP operatives, their forces were told to retreat and those that stayed were only light armed.[[38]](#footnote-37) This confusion points to issues of leadership. As the International Crisis Group reflects, “The inability or unwillingness [of the Kurdish parties’ intelligence services] to share evidence” led to the fall of Mount Sinjar.

In addition to the bifurcated Peshmerga forces, there are other Kurdish fighting forces. The most significant group is the Kurdistan Workers’ Party (PKK). The PKK has historically been a pariah in Western Nation eyes due to its militant activity on the Southern border of Turkey. Turkey, fearing the political upheaval that could potentially arise from a Kurdish state, has consistently pressured its NATO allies not to work with the PKK. Turkey even has labelled the PKK as a terrorist organization. To complicate the picture further, the PKK is considered to have created its own Yazidi offshoot, the Sinjar Resistance Units (YBS).[[39]](#footnote-38) Because Turkey considered the YBS to be a puppet of the PKK, Western military support could not officially go to the Sinjari militia.

The complicated relationship between Turkey and the PKK also accounts for significant division between the Kurdish groups. In order to increase the Kurdish Regional Government (KRG)’s autonomy over the region, the KDP supported Turkey’s anti-PKK stance. However, moving against the PKK meant that the relationship between the KDP and YBS was also tainted. The issue does not end there, as Figure 4 helps to illustrate. The Iraqi government, which received monetary support from the CJTF-OIR, paid YBS salaries.[[40]](#footnote-39) Limited evidence has also revealed that the international coalition may have aided the PKK directly with weaponry and training.[[41]](#footnote-40) At the time, the coalition strongly denied these charges, for it was worried about upsetting Turkey. Yet in 2017, due to pressure from Prime Minister Erdogan, President Trump officially announced the end of covert US support to the People’s Protection Units (YPG), an all-female Kurdish affiliate of the PKK.[[42]](#footnote-41)

**Figure 4: Kurdish Inter/Intra-Group Rivalries**

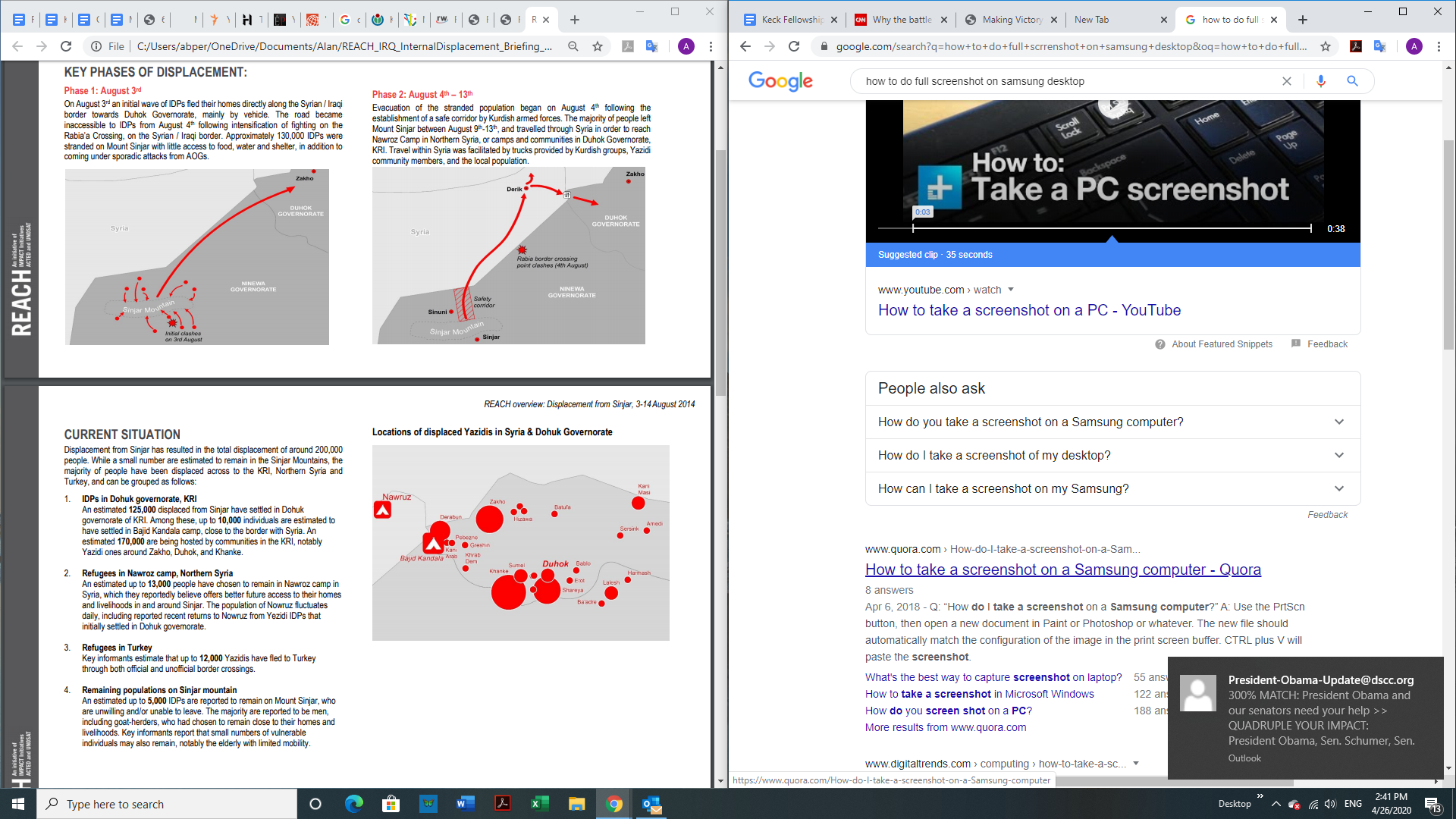


The reason why the United State chose to covertly back the PKK is quite clear: to truly make a difference, the US-led coalition needed partners on the ground. Given that the YBS was most native to the region and the US was wary about being seen as an occupying force, the YBS was an attractive ally, albeit an enemy of Turkey. Moreover, after the Peshmerga fled from ISIS, the PKK became the Yazidi’s strongest military alliance outside of the International Coalition. The US-led coalition had to choose between upsetting Turkey or being most militarily effective. Therefore, the US formally backed Turkey and the Peshmerga, while unofficially providing support to the YBS, YPG, and PKK.

Thankfully for the sake of the Yazidis, after ISIS overtook Mount Sinjar, an official allyship formed between some of the Kurdish groups. When the Peshmerga fled Mount Sinjar in August 2014, the PKK and YBS quickly scrambled to win back control. They were also aided by the People’s Protection Units (YPG), an all woman Kurdish militia group, which provided the YBS military training.[[43]](#footnote-42) The alliance was finally supported by Sinjar’s Protection Forces (HPS), even though the HPS had ties to the PUK. As of August 2014, the PKK-YBS-YPG-HPS coalition, popularly known as the Sinjar Alliance, officially fought together against ISIS.[[44]](#footnote-43) Though the Sinjar Alliance was not officially declared until October 2015, reports suggest that the joint efforts between the YBS and PKK began in the second week of August. By the end of August, a pseudo-alliance between the YPG, PKK, YBS, and HPS was in full swing, occasionally even fighting alongside the Peshmerga forces.[[45]](#footnote-44)

The Peshmerga tend to receive the highest praise by Western military officials, likely due to the inability of Turkey’s allies to profess their support for the PKK. However, in terms of militaristic humanitarian intervention, it is likely that the PKK-YBS efforts were the most successful. In the days immediately following the ISIS offensive, the PKK and YBS fought to open a safe corridor of escape for the Yezidi refugees stranded on the mountain. Most of the refugees were able to evacuate from August 9th-13th 2014, not because of the helicopter rescue missions; but rather, because of this safe corridor.[[46]](#footnote-45) Figure 5 demonstrates how the PKK-YBS forces were able to fend off ISIS fighters so that Yazidis could flee behind Peshmerga lines in Dohuk, Iraq and Northern Syria. It is estimated that, with the exception of one village, almost all Yazidi villages were emptied within 72 hours of the attack.[[47]](#footnote-46) In the words of a Yazidi refugee, “Thank God for the PKK and YPG. If it wasn’t [sic] for the Kurdish fighters, we would have died up there.”[[48]](#footnote-47)

**Figure 5: Safe Corridor From Mt. Sinjar[[49]](#footnote-48)**



However, the Kurdish alliance did not last long. As the control of ISIS waned by the end of 2016, internal Kurdish rivalries came to the forefront once again. The break primarily occurred between the Peshmerga and the PKK. The Peshmerga break was likely primarily motivated by the KDP. As earlier suggested, the KDP had a tentative alliance with Turkey against the PKK, with the hope that the KRG could one day assert power over Northern Iraq. The PKK, on the other hand, desired a regional Kurdish state that included parts of Turkey, Syria, and Iraq.[[50]](#footnote-49) Even more important, was the KDP’s desire to reassert influence over the Mount Sinjar region. Prior to the ISIS offensives in 2014, the KDP was a significant, emerging partner with the Yazidi community. This relationship was quickly undermined by the Peshmerga’s hasty abandonment of Mount Sinjar. Regardless, the KDP hoped that by undermining PKK influence on the Yazidis, the KRG could ultimately subsume the Yazidi community. The increased KDP concern over the future leadership of Mount Sinjar reverberated through the Peshmerga, leading to tension within the Sinjar Alliance. In March 2017, HPS, the PUK affiliate, officially left the Sinjar Alliance.[[51]](#footnote-50) HPS’ leader, Haider Shasho, repeated earlier KDP statements that the PKK was “an occupational force.”[[52]](#footnote-51)

Currently, the Kurdish militia rivalries exacerbate the humanitarian crisis of Mount Sinjar . The PKK is blocked from entering Dohuk, the KDP stronghold, and even Yazidis who are part of the Peshmerga report not being allowed adequate military equipment.[[53]](#footnote-52) The KDP’s suspicion of the PKK continues to transfer to the YBS, meaning that it is very difficult to get supplies into Mount Sinjar . A common phrase of Sinjaris is, “You cannot take a packet of sugar into Sinjar,” reflecting the frustration over the blockades, tariffs, and high taxes on certain items.[[54]](#footnote-53) For a bomb-stricken region attempting to rebuild itself, these shortages in supplies only serve to exacerbate the crisis.

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### **Classifications of Genocide**

#### *Legal Historiography: Genocide and Sexual Abuse*

Though the military efforts were quite successful in restoring Yazidi territory, with the exception of immediate support, humanitarian aid was slow-coming to the Yazidi refugees. Even when some aid was delivered, its supplies were limited in their capacity to support survivors of sexual violence, as the next section will detail. However, it is important to first explore the convoluted process that preceded the delivery of such aid. This chapter reviews the specific process through which a genocide is determined. Moreover, it focuses on how sexual abuse has only recently been considered as an integral component of genocide.

There are four primary categories the International Criminal Court (ICC) uses to define crimes. Starting from most to least severe, these categories include genocide, crimes against humanity, war crimes, and crimes of aggression. Each is distinguished by different elements and each requires different responses from the international community. Most notably, a genocide is the only level of crime that specifies the duty of state intervention. The elements for a genocide, nonetheless, are the most demanding. According to Article II of the 1948 Geneva Convention:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.[[55]](#footnote-54)

Thus, to be considered a genocide, a crisis must have three necessary characteristics: (1) intent to destroy a group; (2) targetting on national, ethnic, racial, or religious grounds; and (3) the aforementioned physical acts. Notably, the article does not specifically prevent targeting on grounds of gender, though it does highlight the forcible transfer of children and prevention of birth as significant offenses.

Gender and sexual-based violence as elements of genocide were not introduced until the Rwandan genocide. Though gender based violence has occurred throughout all of history, the media coverage of systematic rape, abduction, and other tools of gendered violence during the Rwandan genocide brought significant awareness of the issue to the global public. As trials followed the genocide, a legal precedent was finally established. With the International Criminal Tribunal for Rwanda *Akayesu* (1997) judgment-- a Rwandan genocide case that prosecuted a Taba mayor for the rape, murder, and torture of Tutsis[[56]](#footnote-55)-- rape was finally considered as a tool of genocide.[[57]](#footnote-56) The *Akayesu* judgment importantly “provided the first international tribunal definition of rape.”[[58]](#footnote-57) The ICTR tribunals signalled a new era of international criminal prosecution; sexual violence was formally introduced to international law.

Partially because of the progress made during the ICTR trials, gender-based violence was able to be considered within international legal frameworks. After the crimes during the Sierra Leone Civil War in the late 20th and early 21st century, both the *AFRC Trial* (2007) and the *RUF Trial* (2009)were held. Each of these trials independently established legal precedents for forced marriages to be recognized as crimes against humanity.[[59]](#footnote-58) The combination of these three cases’ rulings account for major advances in how ICC prosecutors can defend the Yazidi’s gender-based crimes.

The final, but arguably, the most powerful change of international legal standards’ of gender-based violence is the ICC’s adoption of The Rome Statute. The Rome Statute was adopted on July 17, 1998 and ratified on July 1, 2002. It was revolutionary for numerous reasons. The Rome Statue responded to sexual violence committed by armed forces “in an unprecedented fashion-- for example, by including sexual violence in an enumerated list of war crimes and crimes against humanity, codifying ‘gender’ as a chargeable element of the crime of persecution, and establishing prosecutorial obligations to take special note of gender when conducting investigations and prosecutions.”[[60]](#footnote-59) Essentially, gender and sexual violence were no longer vague terms; the Rome Statute created specific international legal definitions to prosecute gender and sexual based violence. Assuming that the codification of crime deters potential criminal activity, as some social scientists argue, the Rome Statute was extremely significant.[[61]](#footnote-60)

The social deterrence theory may not be as applicable to ISIS proper, given that flouting international norms and utilizing violence is fundamental to its strategy. However, as social pscyhologist Philip Zimbardo argues, the legal codification of sexual violence *does* significantly impact partners of rogue actors. Zimbardo’s research has been widely verified and praised by his own social science colleagues, and also reflects similar trends in genocidal theory. As Gregory H. Stanton describes in “The Eight Stages of Genocide,” genocidal behavior is typically preempted by formal and informal legitimization of “in group” versus “out group” divisions.[[62]](#footnote-61) Ruth Seinfert, who focuses on sexual violence in armed conflict similarly argues that rape is used to demonstrate that the “in group” can easily violate the boundaries of the “out group.”[[63]](#footnote-62) Zimbardo’s theory validates both of these conclusions, additionally suggesting that “command complicity”-- an actor committing horrific acts solely because of their deference to authority-- can be most effectively undermined with different modicums of authority.[[64]](#footnote-63) According to his work, if local Sunni Iraqis felt the presence of international actors-- specifically, the UN and ICC--Sunni Iraqis would be less likely to commit acts of sexual violence. This result does not end up being the case in the Yazidi genocide-- many local Sunnis did assist ISIS with the massacre-- but does offer a strategic argument for future intervention if ISIS returns.

Just as the impact of Zimbardo’s work on the Rome Statute is emerging slowly, data is only just beginning to emerge on how international efforts to prosecute sexual violence in the past two decades has impacted current armed conflicts. However, as extensive academic work on sexual violence continues to be published and the after-shocks of landmark ICC cases settle, there is still a legal precedent. This result means that there is at least the potential to prosecute ISIS’ extensive use of sexual violence.

As this chapter will argue, the significant scholarship on the topic of sexual violence has been *rhetorically* applied to the Yazidi genocide, but has yet to elicit the formal and necessary international interventions this scholarship recommends. In other words, the United Nations recognizes that ISIS actions are clearly a genocide and that sexual violence is a key component, but has failed to follow its own guidelines on how to respond to this atrocity.

#### *Application of Legal Precedent- Article II 1948 Geneva Convention*

There is little question that ISIS’ actions explicitly violated all three of the aforementioned standards of Article II in the 1948 Geneva Convention that gave the Mount Sinjar massacre the status of a genocide. Most blatantly, the Yazidis were targeted on their religious grounds. ISIS representatives even specify in *Daaqib*, a popular ISIS magazine, “Our war with Kurds is a religious war.”[[65]](#footnote-64) The reason for ISIS’ genocidal objective reflects years of tension between Muslims and Yazidis.[[66]](#footnote-65) A reclusive community, Yazidis throughout their history developed religious traditions distinct from their Arab neighbors. Most notably, Yazidis commemoralize a key story similar to that in the Old Testament --Angel Azaziel’s refusal to prostrate himself before Adam-- in a far more positive manner than the Abrahamic faiths.[[67]](#footnote-66) The Abrahamic religions believe Azaziel’s refusal to bow was why he was banished to hell; the Abrahamic version is the origin story for the Devil. Conversely, the Yazidis believe that Azaziel’s refusal to bow was forgiven by God. Rather than condemn Angel Azaziel as a Satanic figure, the Yazidis venerate him as *Azaziel Melk Taus* (The Peacock Angel), and he is a central religious figure in their worship.[[68]](#footnote-67)

Due to the Yazidis’ veneration for “The Peacock Angel,” ISIS views Yazidis as *mushrik* (idolaters)-- a damning classification. As religious scholar, Steven L. Jacobs writes, “The theological dispensation of conditional tolerance for religious difference extended to the ‘scriptural peoples,’ was not available for idolaters or pagans. The alternatives for them were conversion or destruction.”[[69]](#footnote-68) Thus, while ISIS abused Iraqi Christians, “malpracticing” Sunnis, and Shi’a, ISIS’ strategy with the Yazidis was utter extermination. It is important to note that many Islamic scholars throughout history were far more lenient with *mushrik*. While *mushrik* were always threatened by the potential for violence by Muslims, they were typically at least given ample opportunities to convert or to live as second-class citizens.[[70]](#footnote-69) ISIS’ theological interpretations attempt to return to the “true” Islam that does not include these interpretations.

What ISIS characterizes as the pure, original Islam also manifests itself in its codification of sexual violence. The practice of slavery and concubinage do exist in the Qur’an. In *Daqib,* as well as other ISIS pamphlets with *fatwas* (religious decrees), ISIS cites numerous Qur’anic verse and hadiths to justify its practice of sexual violence. However, like ISIS’ policies on *mushrik*, ISIS overlooks centuries of Qur’anic interpretations that invalidate its practices of sexual slavery, domestic abuse, and other crimes of sexual violence.[[71]](#footnote-70)

ISIS’ doctrinal inconsitencies highlight not only its questionable legitimacy when it comes to its practice of Islam, but also, how sexual violence was a necessary modicum of control (in addition to religion). Steven L. Jacobs also argues, “religious difference is often superimposed on other elements of differentiation.”[[72]](#footnote-71) Religion alone often is not enough to compel the “in group/out group” dynamics that precede genocide. Jacob’s statement is even reflected in the Rome Statute-- gender is often used as a tool for differentiation and otherization.

This theoretical application reflects that ISIS likely justified the practice of sexual violence retroactively as an additional form of control. In other words, ISIS’ haphazard and poorly enforced religious interpretations on the practice of sexual violence suggests that gender-based violence was potentially utilized more as a genocidal tactic than as a legitimate theological doctrine.[[73]](#footnote-72) Religious scholar Ariel Ahram argues that “ISIS is developing a hypermasculine state that is ‘instrumentalising sexual violence as a tool of state building.’”[[74]](#footnote-73) Extensive records of the Yazidi sex-slave trade reflect this very trend. Particularly when money was tight for the Islamic State, it would pay its fighters with Yazidi slaves. By reducing Yazidi women to mere currency, ISIS had a clear message-- you are not human. Academics studying the very topic of ISIS’ use of sexual violence describe:

By raping victims, selling them as slaves, forcing assimilation, and removing genitals, the in-group is showing not only its dominance and masculinity, but also the power of the patriarchal nation-state or empire. The message is, “we control your lives” and “we control your identity.” Further, “we control those most intimate parts of your life: your sexuality and in the end your sexual reproduction. You are no longer allowed to procreate. Only we – the dominant culture group – are allowed to exist.[[75]](#footnote-74)

This clear message of extermination explicitly reflects violations Article II of the Genocide Convention-- let alone, the Rome Statute-- on numerous counts. Sexual and gender-based violence was fundamental to the Islamic State’s strategy to massacre the Yazidi people.

Indeed, when the United Nations’ Commission for the Inquiry on the Syria Arab Republic made a report on June 15, 2016 to the UN Human Rights Council, it noted the dominant role sexual violence had in ISIS’ many attrocities. Moreover, in an extensively detailed forty-page report, the Commission dedicates ten complete pages to denoting the sexual violence committed by ISIS as a crime of genocide. The Commission ably cites the aforementioned legal precedents to justify their classification. In comparison, the sections “Crimes Against Humanity” and “War Crimes” each fill half of a page. The section, “Human Rights Abuses,” is merely one paragraph. The relative brevity of these latter sections does not suggest that ISIS did not commit crimes against humanity, war crimes, or human rights abuses. Rather, sexual violence was so fundamental to the Islamic State’s genocidal goals that by the time the Council analyzes ISIS’ other international crimes, there is little to expand upon. The general nature of the genocidal crimes are reiterated in the latter sections, but there is little doubt that ISIS used a dual strategy of theological and sexual violence in its attempt to destroy the Yazidi people.

#### *Role of Media and NGOs*

Before continuing, it would be remiss to note the delayed timing of the UN Commission’s report; it emerged nearly two years after the beginning of the Yazidi genocide. In the years preceding the UN’s formal classification, many non-Governmental Organizations (NGOs) and media groups advocated for ISIS’ atrocities against the Yazidi to be considered a genocide. Two NGOs, the Free Yezidis Foundation and Defend International, particularly led the pack.[[76]](#footnote-75) Founded two weeks after the Yazidi genocide began, the Free Yezidis Foundation created monumental programs to assist Yazidis, including legal assistance for Yazidi victims, women’s centers to help Yazidi survivors of sexual violence cope with their trauma, and children’s centers to assist with the unique emotional and educational needs of Yazidi children abused by ISIS. Defend International was the first NGO to respond to the crisis. Beginning on August 4, 2014, Defend International sounded the alarm to the international community. Since then, the majority of its efforts have been aligned with advocacy to the global public.

Other notable organizations include, but are not limited to: the Global Justice System, the International Committee on Red Cross (ICRC), the Asia Pacific Centre for Responsibility to Protect, and Global Citizen-- Global Centre for the Responsibility to Protect.[[77]](#footnote-76) While aid of the formal international community will be discussed in the next section, these NGOs were fundamental to early aid efforts. These organizations provided channels of survivor advocacy which were crucial to the classification of the crimes committed against the Yazidis as a genocide.

Additionally, the media coverage of the Yazidis maltreatment was extensive and haunting. In November, 2015, the United State Holocaust Museum released a thirty-page report on ISIS’ targetting of the Yazidis and the status of the Yazidis since the ISIS attacks. The same month, National Geographic photo journalists published a moving photography series. The photographs depicted Yazidi victims of ISIS’ sex-slave trade wearing traditional Yazidi wedding dresses, with the hopes that the imagery would highlight the tragedy of the sexual violence the women suffered.[[78]](#footnote-77) Subsequent scholarly reports and news articles at refugee camps in the coming years continued extensively to photograph and document post-conflict realities with the intended target of the public consumption.

Even during the first stages of the genocide, there was not a shortage of journalists and researchers documenting nearly every horror the Yazidis faced. Because of this, many reporters’ testimony is incredibly raw. A BBC reporter, Jiyar Gol, was even in OIR helicopters as Yazidi refugees scrambled to get inside immediately after ISIS overtook Mount Sinjar. When Gol writes about the helicopter ride he describes:

The people we brought back are now on their way to the relative safety of a refugee camp. They had [sic] lost everything, but they are the lucky ones. As I drove back to Irbil, all I could see in my head were the faces of all those other people that we had to leave behind. They are ordinary people who, until last week, had ordinary lives, and who are now facing another night of fear on a besieged mountain.[[79]](#footnote-78)

Stories like Gol’s, and certainly, stories far more graphically disturbing than Gol’s, were quickly circulated around the globe during the crisis. Most early reports by government agencies include substantial references to articles by local Kurdish news agencies and by Iraqi branches of international media companies. Many Kurdish news articles were immediately translated into English, likely to serve this exact purpose.[[80]](#footnote-79) Moreover, media coverage helped direct attention to NGOs like those previously mentioned.

Without this extensive journalism and advocacy, international governments may not have felt as intense pressure to declare ISIS’ crimes as a genocide. Armenia was the first to recognize the genocide in December of 2014.[[81]](#footnote-80) The European Parliament followed just over two years later in February, 2016.[[82]](#footnote-81) The following month, the United States Congress also declared the acts against the Yazidis to be a genocide.[[83]](#footnote-82) Additionally, The Arab League was the first to condemn the crisis as an international crime, declaring ISIS’ actions as crimes against humanity in August, 2014.[[84]](#footnote-83) Notably, these declarations all preceded the UNHCR Report on the Yazidis that was released in mid-June, 2016.

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### **Current Aid Efforts**

#### *Internationally Coordinated Efforts*

Despite major NGO campaigns, extensive media coverage, and formal classification by the United Nations as a genocide, international governments have pledged little to no direct aid to the Yazidi community. The primary reason for this inaction is that there are few stipulations attached to the United Nations Genocide Convention. States that sign the convention are required to specify their own legal definitions. Essentially, the convention provides the framework, but there can easily be variations. Notably, Iraq is not a signatory on the Convention, though the Syrian Arab Republic, Turkey, and Armenia are all signatories.[[85]](#footnote-84) For the sake of clarity, it is important to note that not agreeing to the UN Genocide Convention does not mean that a state can commit genocide. Nor is the reverse true-- that only states that signed the Convention can be punished for committing genocide. Genocide is considered *ius cogens* which means it is “a preemptory norm of international law.”[[86]](#footnote-85) What being a signatory *does* mean, however, is that signatories have a responsibility to “prevent and punish” genocide.[[87]](#footnote-86)

Additionally, beyond the clause “prevent and punish” there is no further discussion of these words’ definitions nor of any examples of enforcement for a state to “prevent and punish” genocide. Though the obligation purposely remains vague to ensure that weaker states are not held to the same standard of administration as stronger states, the lack of clarity breeds inaction. This inaction makes the work of NGOs and journalists ever more important in pressuring states towards intervention. Without independent, non-governmental entities, victims of genocide are forced to rely on a state’s good will.

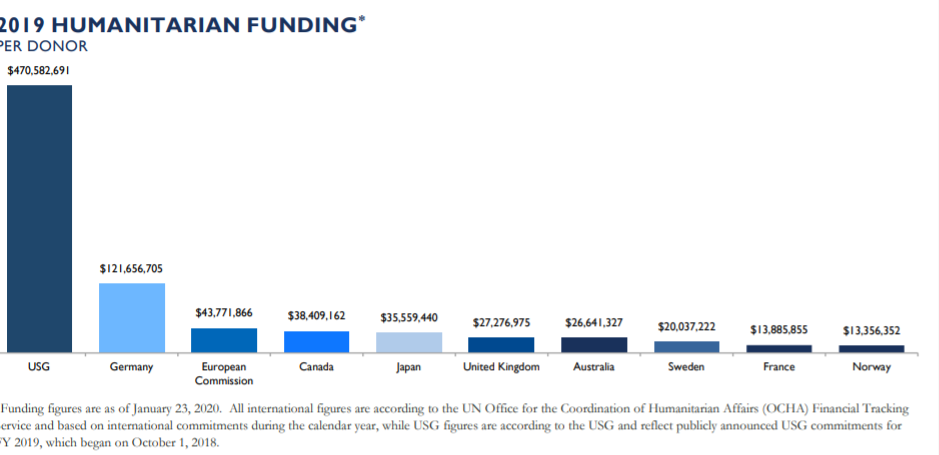
Realist political science theories aside, there are significant steps that states can take to end genocides and punish genocidal actors. As previously described, genocides often end due to military intervention. However, there are many resources which can be provided to ease the suffering of a genocide’s victims. This section will focus on state policies to provide humanitarian aid and refugee resettlement. Due to the specific needs of survivors of sexual violence, the additional limited provision of psychological services will also be discussed.

Notably absent from this section is the latter of the two key stipulations of the Genocide Convention: punishment of genocidal actors. There are many types of punishments possible, but the two most popular in genocides are economic sanctions and legal prosecution. Unfortunately, no government has substantively taken either course of action. However, the final section will discuss potential ways these tools can be implemented to hold ISIS members accountable for their horrific actions and to give Yazidis an, albeit limited, sense of justice.

#### *Humanitarian Aid*

Humanitarian aid efforts to the Yazidis largely reflected independent, state policies and did not result from internationally coordinated efforts. The two exceptions to this was the humanitarian assistance provided during Operation Inherent Resolve and efforts by the European Union. However, OIR’s humanitarian efforts remained limited to the first few weeks following the genocide; as Yazidi refugees left Mount Sinjar, OIR’s humanitarian focus waned and its military offensive grew. The European Union did attempt to directly assist Yazidis, providing €350 million (almost $480 million) in humanitarian aid for Iraq.[[88]](#footnote-87) Yet it was claimed that none of the funding has reached the Yazidis.[[89]](#footnote-88) The problem appears to lie in the rift between the Yazidis and the Kurdish parties that control the local government. Though it is likely funding is being sent to Mount Sinjar’s Ninewa Province, as the EU maintains, the Yazidis have very little control over resources entering the region, as previously described. Thus, it is unlikely that even specifically allocated resources are currently being received by the Yazidi refugees, unless the resources are personally distributed by local NGOs.

The Yazidis’ struggle to receive humanitarian aid also reflects how many international governments address the refugee crises in Syria and Iraq as a monolith. Even states which have acknowledged the Yazidi genocide, such as the United States, UK, and France, have no records of funding pledged to the Yazidis. Rather, in 2017, the UK and France pledged £59.5 million (roughly $74.1 million) and €10 million (almost $11 million), respectively, for humanitarian emergency relief for Iraqi and Syrian refugees.[[90]](#footnote-89) The US far surpassed both the UK and France, as demonstrated by Figure 6. USAID, the United States’ government-sponsored humanitarian aid program, has been, by far, Iraq’s largest humanitarian donor since the Yazidi genocide.[[91]](#footnote-90) Nonetheless, like the UK and France’s programs, USAID does not report any specific funds for the Yazidis; its aid reports do not even mention the Yazidi population, let alone the Yazidi genocide. USAID aid, like the EU aid programs, do detail specific provinces for assistance to be provided. These include the Ninewa province, where Mount Sinjar is located, as well as Dohuk, where the majority of Yazidi refugees now live in refugee camps.

**Figure 6: Humanitarian Funding for Iraqi[[92]](#footnote-91)**

USAID programs may well be assisting Yazidis and even Yazidi survivors of sexual violence. In the USAID report on its 2019 aid efforts in Iraq it describes, “In October, community health worker teams reached more than 3,000 people through household visits in Anbar; nearly 2,900 people in Salah al-Din; nearly 12,900 people in Erbil and Ninewa’s Mosul city; and approximately 4,600 people in other areas of Ninewa.”[[93]](#footnote-92) The report even continues to suggest that mental health and psychological support (MHPSS) services have provided care to 2,000 women and girls in the Anbar, Baghdad, and Ninewa provinces.[[94]](#footnote-93) MHPSS does not further specify how many of these women and girls were treated in each respective province.

Despite these hopeful figures, the lack of data on specific aid recipients makes it hard to know if Yazidis are specifically receiving aid. Like with the EU aid attempts, there is a high chance that local Kurdish governments are able to utilize international funds for their own needy refugees. While it is undeniable that there is a plethora of refugees from the region that need support, Yazidis face the additional challenge of being minorities within a minority. Because there is both the acute need in many other Kurdish communities and no specific stipulations that Yazidis must receive the aid, there is little incentive for the KRG *not* to help its own Internally Displaced Persons (IDPs). The limited evidence from reports with Yazidi aid workers report these very trends. Funding is extremely limited, particularly for health care, meaning that the few health care providers must make do with the scant resources they are able to obtain. Yazidi survivors of sexual violence are in dire need of many more additional resources, as one testimonal describes:

Dr. Nagham Nawzat is a Yezidi gynecologist who has treated over eight hundred female Yezidi survivors. She reports that 90 percent of her patients were raped and most now suffer from depression and psychological problems, exacerbated by the fact that many now live in camps that resemble prisons, surrounded by fences with no privacy and little hope for the future. In addition to suffering from PTSD, her patients have pelvic infections, irregular periods, and urinary tract infections, as a result of the sexual assaults and filthy living conditions. The women arrive at her clinic emaciated, and often have anemia and skin diseases such as scabies and leishmaniasis, which is spread by sand fly bites.[[95]](#footnote-94)

Records like Dr. Nawzat’s serve as vital reminders that any misdirected funding only serves to leave the Yazidis further behind in the reconstruction of post-ISIS Iraq. Yazidi survivors of sexual violence face uniquely horrific daily realities in an already dire humanitarian crisis. For Yazidis to actually receive international support, however, aid must be distributed with significant oversight and intent direction.

#### *Refugee Resettlement*

Like humanitarian aid distribution, policies for Yazidi refugee support vary widely between states. As previously detailed, around 300,000 Yazidis refugees are Internally Displaced Persons (IDPs) that relocated to Dohuk's refugee campus or other Kurdish Iraqi territory. Around 10,000 Yazidis remain in Northern Sinjar, 15,000 in Syrian refugee camps, and about 30,000 in Turkey. These estimates were taken in 2015, however, reflecting how little current data there are on Yazidi IDP migration patterns. Regardless, there are a multitude of factors that prevent Yazidis from returning to their homes. In addition to the lack of infrastructure from bombings, ISIS attacks, and looting from local Sunnis, the Ninewa terrain is still littered with land mines and booby traps.[[96]](#footnote-95) Moreover, many Yazidis suffer severe PTSD symptoms; returning to decayed villages can sometimes be immensely triggering to survivors. Additionally, ISIS still poses a significant threat to Iraqi communities, even though it has largely moved underground. Many Yazidis, concerned about another rise of ISIS, feel vulnerable in their surroundings and have a deep mistrust for their Sunni neighbors.[[97]](#footnote-96) Though development projects and funding to Iraqi territories can help to rebuild these communities, this psychological component will require far more time and resources to overcome. In some cases, in which the trauma is so intense, repatriation may be the only way that Yazidi survivors can begin to live normal lives.

As the closest friendly territory to the Yazidis, Turkey has borne the brunt of Yazidi refugee settlement. Importantly, the classification of Turkey as “friendly” to the Yazidis should not be overstated; Turkey has adopted a policy of begrudging support for the Yazidis. Turkey, in general, is not enthusiastic about Syrian and Iraqi refugees because it remains concerned about an influx of Kurds associated with the PKK and YBG. For many years, Turkey did not want to accept Kurds from the Syrian town of Kobanë for this very reason. Turkey’s refugee approach particularly reflects selective policies of the Islamist Justice and Development Party (AKP), a major political force within the Turkish government. Turkey only allows European nationals to submit asylum applications, while all other non-European asylum seekers are only granted temporary asylum if they qualify under international standards as refugees.[[98]](#footnote-97) Yet, under the influence of AKP, the Turkish government often uses its own discretion to determine refugee qualifications. A government note uncovered from December 11, 2014, described that “around 230,000 refugees from Kobanë as well as Sengal (the region where Yazidis are left in Iraq) should not have access to temporary protection status and, hence, should not have similar protection to other Syrians such as health care assistance.”[[99]](#footnote-98) The Turkish government’s justification for such policies was that the Kurds, particularly Iraqi Kurds, were not impacted by the Syrian civil war, and thus, were not refugees like Syrian Muslims fleeing Assad’s regime. This statement is both factually incorrect and a gross politicization of refugee issues. Clearly, Yazidi refugees fleeing ISIS and Syrian Kurds escaping the civil war were in dire need of humanitarian assistance.

Turkey likely discriminated against the Yazidis due to both the Yazidis’ non-Muslim status and the Yazidis’ Kurdish affiliations. In theory, Turkey has made space for 17,000 Yazidis. However, reports suggest that Yazidis are often afraid to enter Turkish refugee camps due to Yazidi perception that AKC collaborates with the Islamic State.[[100]](#footnote-99) The former Prime Minister of Turkey, Ahmet Davutoğlu, even stated that Turkey supported 200,000 refugees from Kobanë, but records demonstrated that “there were only around 6,000 Kurds from Kobanë and 2,500 Yazidis in camps, while around 220,000 people stayed outside the camps.”[[101]](#footnote-100) Plainly, the mistrust between the Yazidi refugees and Turkish government goes both ways. Turkey, in its geographic position, has the best chance of helping the Yazidis, but it does not appear that meaningful support will come any time soon.

The United Kingdom,, also has refugee policies that, like Turkey, favor Syrian refugees. Unlike Turkey, though, the UK does not actively discriminate against Kurdish refugees nor does it discriminate due to refugees’ religious affiliations. The UK’s issue with accepting Yazidi refugees stems from its Vulnerable Persons Resettlement Scheme (VPRS)’s focus on letting in Syria refugees. When VPRS was designed in January, 2014, it was created solely in response to the Syrian conflict. It designates that by 2020, 20,000 Syrian refugees will be resettled in the UK. Even though the UK recognizes the Yazidi genocide, VPRS’s requirement that the accepted refugees must be from Syria has barred Yazidis from receiving VPRS services. When Parliamentary members petitioned in 2016 to expand the program to refugees from Iraq, other programs were offered for the Yazidis.[[102]](#footnote-101) However, the same year, Brexit was announced, resulting in a surge of anti-immigrant hostility.[[103]](#footnote-102) The state of the resettlement of Yazidis in the UK, accordingly, continues to remain in flux.

The United States faces a similar challenge of nationalism amidst the Yazidi refugee crisis. While it is estimated that around three thousand Yazidis were resettled in the United States between 2014 to 2016, the election of President Trump has seen a dramatic decline in accepted refugees.[[104]](#footnote-103) In 2017, only 447 Yazidi refugees resettled in the United States.[[105]](#footnote-104) Trumps’ 2018 ban on migration from many Muslim-majority countries included Iraq, making it far more difficult for Yazidis to seek asylum. The US only accepted five Yazidi refugees in 2018.[[106]](#footnote-105)

In comparison to Turkey, the UK, and the US, France and Armenia have specific refugee programs for Yazidi refugees. As of 2019, France began hosting 130 Yazidi refugees. Though this number is significantly smaller than other nations’ refugee acceptance, France’s actions were motivated by significant lobbying by Yazidi activist and Nobel Peace Prize Winner, Nadia Murad, and her NGO, the International Organization for Migration. With this immense pressure, France is likely to continue expanding its Yazidi refugee assistance in the coming years. Armenia also may also offer increased refugee support. Around 30,000 Yazidis settled in Armenia in the early twentieth century, making Armenia a natural hub for Yazidi refugees. While initially Iraqi Yazidis fled to Armenia, many found the cultural differences between them and their Armenian counterparts quite striking. The numbers of Yazidis who entered Armenia and subsequently left are not reported, making it hard to track the effectiveness of Armenian refugee programs. Nevertheless, the religious ties between Armenian and Iraqi Yazidis does provide an opportunity for future resettlement.

Canada and Germany currently offer the two strongest refugee resettlement programs for Yazidis. By December, 2017, Canada offered 1,200 Yazidis visas with a specific priority to the most vulnerable Yazidis-- the LGBTQ, single parents, the disabled, the elderly, and women/girls.[[107]](#footnote-106) Unlike other resettlement programs, Canada ensured that visas would be directly issued to Yazidis to ensure they did not have to wait in refugee camps for the average two to six years that asylum seekers often endure while their visas are processed.[[108]](#footnote-107) In other words, Canada ensured there would not be a long waiting process for Yazidis to be resettled. Canada also supported the Yazidi refugees with whatever resources it could. All refugees emigrating to Canada received a three to five day “orientation” program and many were encouraged to access legal support to help the refugee’s other family members join him or her in Canada. Upon entry to the country, the refugees also received English classes, transitional housing, and modest stipends to pay for expenses. About five hundred Yazidis are thought to have received psychological services, though the services are, admittedly, somewhat informal.[[109]](#footnote-108) The Canadian government reports itself that the refugee program has a long way to go. Some of these issues are logistical, such as the extremely limited number of translators that speak the local Yazidi language, while other issues are due to a lack of funding or organization. Nevertheless, the Canadian government took its own initiative to launch inquiries on how to make improvements, suggesting a strong commitment to ensuring the best possible experience for the Yazidi refugees.

Germany’s program, like Canada’s, extensively provides many resources for Yazidi refugees. However, Germany went even one step further when formulating its Yazidi refugee programs-- Germany has the only program specifically for Yazidi survivors of sexual violence. Canada’s programs do provide some psychological support, but serve the entire Yazidi community’s issues of trauma. While this is valuable, many female survivors report feeling uncomfortable speaking in front of male therapists or translators. By creating specific spaces with mental health professionals extensively trained addressing trauma from sexual violence, Germany has been able to focus on one of the most vulnerable Yazidi demographics. Moreover, program coordinators took extensive steps to prepare for the refugees, including setting up a camp in Duhok in January, 2015 to search for Yazidi women and girls in most dire need of treatment. An official who heads German’s program describes:

In tandem, preparatory work was done in 22 cities and towns in Baden-Württemberg, which accepted 1000 women, and in Niedersachsen and Schleswig-Holstein, which accepted 70 and 30 women, respectively. As well as preparations for medical and social care, preparations were made to help the women integrate into society. The women, the last of whom arrived in Germany in February this year [2016], are given German lessons, their children are given schooling, and all medical care and housing is provided for free.[[110]](#footnote-109)

Though the program has received some criticism for not being held in the womens’ native homeland, the location of the program reflects the continuing lack of safety and development in the Mount Sinjar region. Moreover, the Ministry of Science in Baden-Württemberg, the host university for the program, granted the program’s head official €1,000,000 (about $1,086,000) to train psychologists in northern Iraq and set up an Institute of Psychotraumatology and Psychotherapy at the University of Dohuk.[[111]](#footnote-110) This project began in 2017 and still continues as of the time of this paper. Germany’s programming will likely continue to be at the forefront of trauma support for Yazidi refugees, particularly Yazidi women and girls who escaped the Islamic State.

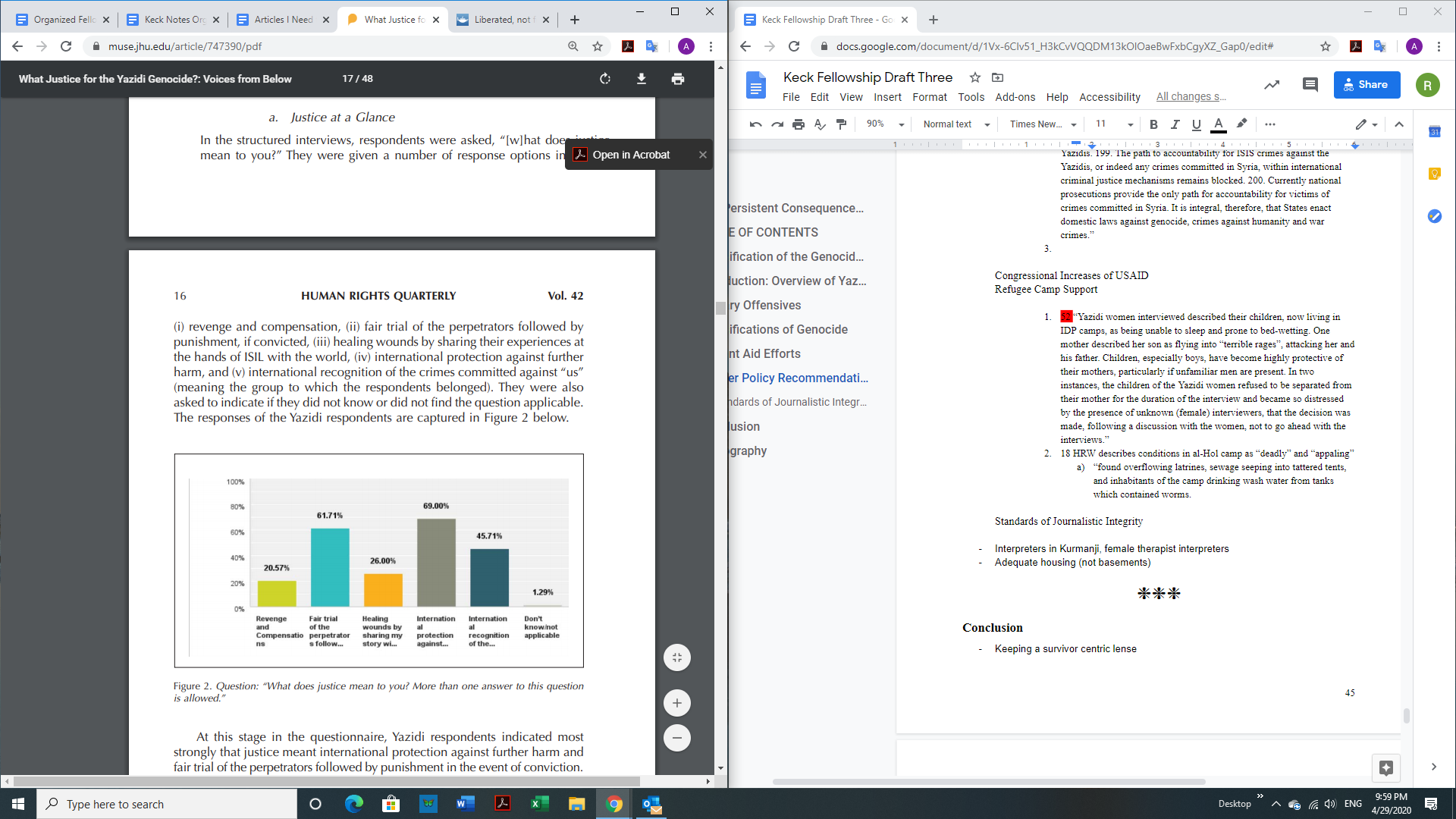
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### **Further Policy Recommendations**

#### *What is Justice?*

The UN Genocide Conventions’ clause “prevent and punish” makes clear that policies must be made to ease the suffering and ongoing persecution of the Yazidia. Yazidis continue to die at high rates from illnesses contracted in squalid, cramped living conditions, suicide, and lack of adequate food, clean water, and shelter. With ongoing Yazidi deaths, (albeit predictable) as well as the Yazidis’ inability to return to their sacred homeland, ISIS continues to succeed in its mission to destroy the Yazidi people and religion. Furthermore, ISIS has not faced criminal retribution for the many atrocities it committed, including its crimes of sexual violence, undermining the legitimacy of any international moral authority.

In the spirit of this research and Yazidi advocacy, any future international policies regarding the Yazidis should specifically focus on the Yazidis’ best interests. For far too long, many states’ inaction, discrimination, and prioritization of self-interests have overlooked a key question: What do the Yazidis want? Yet, due to the immense coverage of the Yazidi genocide, the international community already has insight into answering this very question. One researcher even asked Yazidis the obvious, “What does justice mean to you?” The results, as depicted by Figure 7, demonstrate Yazidis’ desire for criminal prosecution, protection, and international recognition. The following policy recommendations made in this paper will attempt to stay true to the spirit of the Yazidis’ requests.

**Figure 7: Yazidis Respond- “What does justice mean to you?”** (Graphics edited for clarity.)[[112]](#footnote-111)



#### *Criminal Prosecution*

States’ most clear-cut violation of the Genocide Convention statute to “prevent and punish” is their near uniform disregard for prosecuting ISIS crimes. As such, ICC criminal prosecution is the area of policy reform that needs the most improvement. In fact, when the UN Commission for the Inquiry on the Syrian Arab Republic officially labelled ISIS’ behavior as a genocide, criminal prosecution through the ICC was one of its main requests. It describes:

The International Criminal Court (ICC) is, at present, the only international criminal tribunal that could have jurisdiction over ISIS crimes against the Yazidis. Neither Syria nor Iraq are parties to the Rome Statute. Consequently, for the ICC to be seized of the matter requires a referral of the situations in Syria and/or Iraq by the UN Security Council, the members of which are all contracting parties to the Genocide Convention. On 22 May 2014, a draft Resolution that would have referred the situation in Syria to the ICC failed after the Governments of Russia and China exercised their veto. There have been no subsequent attempts to refer.[[113]](#footnote-112)

In other words, trying a case in the ICC is by no means easy. To try an individual from states that are not members of the ICC, the case must be referred by the state on whose soil the crimes were committed. In Syria and Iraq’s case, as of 2016, no referral had occurred. As the Commission notes, this result is largely due to China and Russia vetoing the referral. China and Russia, as two of the five permanent member states of the United Nations Security Council (UNSC), are granted this power. Russia’s act was likely a “publicity stunt.”[[114]](#footnote-113) Russia wanted to contradict the claims that its close ally, the Assad regime, committed human rights violations. It remains to be seen why China also vetoed the referral-- it had remained silent in the leadup to the vote.[[115]](#footnote-114) Regardless, initial attempts to try ISIS had fallen through.

There is some argument to be had that the ICC process is too complicated and ineffective to be worth the effort. ICC critics will note that in the twenty years since the Rome Statute founded the ICC, the ICC has only convicted three criminals for war crimes and crimes against humanity.[[116]](#footnote-115) These cases cost roughly $1.5 billion USD, further discouraging potential case referral.[[117]](#footnote-116)

Yet there are other options to be explored with the ICC, including the principle of complementarity. In essence, legal scholars argue that a state is allowed to act “when a national court is unable or unwilling to act.”[[118]](#footnote-117) These arguments are consistent with the *ad hoc* tribunals that preceded the cases of Sierra Leone, Cambodia, and Yugoslavia. Instituting the principles of *ad hoc* and complementarianism would allow states jurisdiction over ISIS crimes, allowing Rome Statute member states to fulfill the ICC goals without formally implicating the ICC.

Such is the case, as of this paper’s publication in May 2020. An Iraqi man, thought to be part of ISIS, stands trial in Germany, accused of genocide and the murder of a Yazidi child.[[119]](#footnote-118) It is the first trial related to the Yazidi genocide to ever occur. Currently, celebrities in the field of human rights law, Amal Clooney and Nadia Murad, are part of the German prosecutorial team. [[120]](#footnote-119) Hopefully, their presence will bring greater notoriety to the case, as well as to the judicial complementarity approach. Unfortunately, however, the case does not have any specific mention of sexual violence. While it does specifically indict the ISIS member for “killing, trafficking or enslavement, torture, and deprivation of liberty as a crime against humanity,” it does not remain consistent with the recommended charges from the UN Commission.[[121]](#footnote-120) At this time, it is unclear why the German court does not indict the man on these charges. Gender and sexual-based violence is clearly elicited in the Rome Statute and are fundamental to ISIS’ strategy. This shortcoming has sparked confusion and disappointment from Yazidi advocates from around the world.[[122]](#footnote-121) Ideally, these charges will be included in future cases trying ISIS’ members for their crimes of genocide against the Yazidi people.

Even without the international community, Yazidis potentially can still seek justice from Kurdish or Iraqi courts. However, both of these justice systems are rife with issues. Beyond mere resource issues, many Yazidis have good reason to not trust that the courts will act in their best interests. Kurdish courts, like Kurdish politics, are deeply divided by political factions.[[123]](#footnote-122) KRG courts may be somewhat more attractive to Yazidis than Iraqi courts because Kurdish courts do not allow the accused the same standards of amnesty. Essentially, Iraq’s General Amnesty Law (No.27/2016) dictates that Iraqis can claim amnesty from offenses if they are able to prove they joined a terrorist group against their will.[[124]](#footnote-123) Yet there is much confusion over the exact laws applicable to Kurdish territory as a semi-autonomous region in Iraq, making prosecution of terrorist-related activities all the more difficult.[[125]](#footnote-124) Moreover, Iraqi and Kurdish courts alike suffer from immense political corruption-- it is largely believed that judiciaries can bribe their appointments to the bench and that the prosecuted can pay their way out of rulings.

Finally, Iraqi and Kurdish court systems struggle from antiquated legal codes that are highly inconsistent with the UN’s modern definition of human rights. Iraq’s Criminal Code (no. 111/1969) does not adhere to the standards laid out in the Rome Statute, particularly specific notions of prohibited sexual violence. As of May 6, 2016, Mohamed Ali Al Hakim, Representative of Iraq to the UN, asked the UN to “…set up a specific international legal mechanism for investigating and bringing to justice the criminals of ISIL.”[[126]](#footnote-125) Yet what this would necessitate if the UN were to holistically prosecute the genocidal crimes would be a revision to Iraq’s Criminal Code or “to ensure that domestic courts have jurisdiction in relation to international crimes committed in Iraq.”[[127]](#footnote-126) Neither of these actions have yet to transpire.

In order for any legal cases to be taken up against ISIS criminals, it is vital that further evidence is collected. While Yazidi testimonials are plentiful, mass graves must be excavated and exhumed. If done carefully, this work should provide further evidence as to the sheer number and nature of ISIS’ crimes against the Yazidis, as well as potential information that can be used to identify individuals. It may also provide family members with important closure.

#### *Standards of Journalistic Integrity*

All future investigations must be conducted in a responsible and ethical manner. As previously detailed, a significant amount of work has been conducted to chronicle the plight of the Yazidis. While much of this work is well-meaning and has been important for public awareness, it has, nonetheless, been extremely harmful to many Yazidis. Talking about trauma is certainly one way of processing it, and Yazidi women do mention the desire to share their stories as a form of therapeutic release. Yet many Yazidis also desire to share their stories with the belief that doing so will improve their situation. An important report on journalist practices with the Yazidis concludes: “Two years after the initial attacks, most Yazidi women simply did not understand how such powerful countries, knowing of the horrific abuse being inflicted onto their community in captivity, did not prioritize their rescue from ISIS. For those who do understand, many were appalled by the continued global apathy on moral grounds and were outraged.”[[128]](#footnote-127)

Unfortunately, this same study’s reports of journalist practices are deeply troubling. It found that eighty-five percent of Yazidi women surveyed had experienced unethical reporting practices.[[129]](#footnote-128) Many Yazidis were not consulted or even lied to about whether reports would remain anonymous, raising concerns that they or their family members would face repercussions. Journalists often pressured Yazidi survivors of sexual violence to tell their stories in explicit details numerous times. This created immense emotional distress and retraumatization for these survivors. One of the even more tragic components of the study suggested that many of the reports produced by these unethical practices did little to help the Yazidis interviewed. Instead, many of these articles played into voyeuristic media narratives of sex slavery and rape.[[130]](#footnote-129)

Future reporting and investigation with the Yazidis must be done with greater journalistic integrity. These, as well as any future ethical breaches, are inexcusable. Consistent with the findings of the study regarding journalist abuses, the author recommends more than just a sheer recommendation for journalists to abide by ethical guidelines.[[131]](#footnote-130) UN and other government sponsored agencies must ensure that future scholars studying the Yazidis undergo training prior to working with Yazidi victims. The author recommends for psychological assistance to be available during interviews that recount traumatic experiences and for Yazidis to be compensated in some form for their participation. Finally, it may be helpful for the UN to form independent guidelines on reporting practices with Yezidis, with specific attention to sexual violence being a triggering subject.

*Increase of Vital Resources*

While legal prosecution and journalistic standards are new policies that must be implemented, current aid efforts must be changed and bolstered. The Canadian refugee program is a strong example of how resettlement efforts can be improved. As Canada reports, housing remains a serious issue. When Yazidis were given shelter in basements, the basements were noted to be triggering environments because many Yazidis were detained by ISIS in similar spaces.[[132]](#footnote-131) This housing issue also reflects the shortcomings of cramped refugee camps. As Dr. Nawzat earlier was quoted, the barbed wire, lack of control over one’s space, and other aspects of refugee camps can “resemble prisons.” Yazidi refugees, the vast majority of whom are thought to have complex post-traumatic stress disorder (CPTSD), require stable spaces that provide ample freedom of movement.[[133]](#footnote-132)

Even on a direct physical level, the state of camps pose health risks to the Yazidi refugees, demonstrating the dire need for increased international aid. The Human Rights Watch (HRW) describes one camp many Yazidis reside in on the Northern Syrian-Iraq border, al-Hol, as “deadly” and “appaling.” HRW reports it “found overflowing latrines, sewage seeping into tattered tents, and inhabitants of the camp drinking wash water from tanks which contained worms.”[[134]](#footnote-133) The conditions of the camp may be due to the fact that aid has not specifically been designated Yazidis. Aid has been procured by Kurdish parties, sme of which are not friendly to the Yazidis, who chose to whom and where the aid is given. And, as many aid workers in the region suggest, aid needs to increase quite drastically for conditions to improve.

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### **Conclusion**

Even to staunch advocates of the benefits of international coalitions, the international community’s response to the Yazidi genocide represents a failure. This failure occurred on two key levels: prevention and punishment. While this research focused immensely on the latter, lack of punishment does significantly impact future deterrence. To terror groups and, arguably, certain state actors, solely classifying actions as genocidal does nothing to prevent individuals from replicating the same horrific abuses in the future. ISIS’ treatment of the Yazidis did not change after international condemnation. The international coalition’s military response may have weakened ISIS, but it did nothing to alter ISIS’ problematic theological doctrines. If anything, extensive international coverage of unpunished crimes could serve as a message to other conservative terrorist organizations that ISIS’ strategy towards the Yazidis was somewhat effective. ISIS may have lost much of its territory, but continues to succeed in its devastation of the Yazidi community. By not punishing the Islamic State, UN reports on ISIS’ crimes may simply serve as roadmaps for future terrorists.

Failing to prevent and punish ISIS also brings into question the very purpose of the 1948 Geneva Convention as a whole. If merely agreeing to the convention is symbolic, how can genocide survivors have any hope they will receive substantive international support? International networks of humanitarian aid, though not specifically stipulated in the Geneva Convention or Rome Statute, could help to ease the impact of genocidal actors’ crimes. Yet, what the Yazidi genocide reflects, is that the classification of genocide has little impact on patterns of international aid. Iraq’s biggest humanitarian donor, USAID, does not even explicitly reference the Yazidis in any of its aid briefs. As humanitarian aid programs and refugee resettlement patterns reflect, the ability of journalists and NGOs to raise awareness of genocidal crimes, seems to be the most effective tool in pressuring states to actually provide support.

Importantly, as this paper details, media coverage can often have extremely adverse effects on genocide refugees and only produce minimal effects. Germany and Canada’s refugee programs are the best examples for other nations to replicate, but, together, Germany and Canada only host around two thousand Yazidi refugees. The Yazidi genocide displaced hundreds of thousands of Yazidis. Formal international resettlement and aid efforts *must* result from genocidal classification. If not for the sake of the 1948 Geneva Convention’s integrity, for the sake of the genocide survivors. International efforts may be the only way to address the sheer number of genocidal refugees; one state alone cannot host an entire displaced population. And, with international coordination, universal ethics standards can be formally applied to any investigations, decreasing the chance for independent journalists to re-traumatize genocide survivors.

While this paper focuses on the international community’s response to the Yazidi genocide with a particular emphasis on opportunities for sexual violence rehabilitation, there are many other angles that future research should explore. As earlier suggested, if ISIS members face criminal prosecution for the genocide, future standards of international law may be impacted. At present, however, more research should be done that explores non-traditional implications of gender theory. For instance, the role of ISIS wives in perpetuating ISIS crimes and the impact of all-female militias, such as the YPG, are relatively ignored in the field because they do not neatly fit into conventional gender norms. Adam Jones, renowned genocide theorist, has begun to expand the implications of gender norms on genocidal crimes. By utilizing his framework, researchers may find a valuable starting point to link alternative gender theory to the Yazidi genocide. Current research should also explore the Yazidi genocide’s impact on young girls and boys. These Yazidi children, who spent many of their formative years suffering from abuse and captivity, receive significantly less attention than Yazidi adults. By being able to more comprehensively understand these recommended areas of study, future research will ideally be able to suggest more survivor-centric aid.

Though one would be hard-pressed to find positive reflections from the lived experience of Yazidis to date, the breadth of legally justifiable policies that can be implemented is a source of optimism. With concerted effort, states can independently enact resettlement and aid policies that benefit Yazidis. The research and mandate is there, all it will take for the Yazidis to truly be supported is meaningful effort by the international community. Particularly, by increasing focus on trauma rehabilitation and prosecution of genocidal criminals, the Yazidi community may be able to feel safe again.

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