

The Yazidis are a Kurmanji-speaking ethno-religious minority whose heartland is Sinjar province, in northwest Iraq, and who are also found in Syria, Turkey and Iran. The monotheistic and endogamous community has faced historical persecution¹ on account of its non-Abrahamic, pre-Zoroastrian religious belief, which was deemed heretical by successive authorities as Islam established itself as the predominant religion in the Middle East. During the 18th and 19th centuries, the Yazidis were reportedly subjected to [72 genocidal massacres](#).

In 2014 the Islamic State (IS), which viewed the Yazidis as ‘devil-worshippers’ and sought to convert or enslave all those deemed to be ‘non-believers’, swept across vast swathes of Iraq and Syria, including Sinjar province. [1,298 Yazidis](#) were murdered on the first day of the IS attack on Sinjar. Men and boys over 12 were massacred; those under 12 were seized, brainwashed, and trained to fight their own people, while women and girls were forced into sexual slavery, being bought and sold like chattel. One study [estimates](#) that IS killed 3,100 Yazidis in a matter of days, and 6,000 were captured. Over 2,000 women and children are believed to still be in the hands of IS.

Genocide

‘Genocide’ is defined in the UN Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention), as referring to any of the following acts that are committed with the intent to destroy a national, ethnical, racial or religious group in whole or in part:

- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent births within the group; or
- forcibly transferring children of the group to another group.

The UK is party to several international agreements on the prevention of Genocide, the protection of potential victims and the punishment of perpetrators: the UN Genocide Convention; the Rome Statute of the International Criminal Court; the Responsibility to Protect (R2P) principle; and the Accountability, Coherence and Transparency Group’s Code of Conduct.

However, all too often, a genocide is not addressed while it is underway, and early warnings are disregarded, because efforts to raise concerns become mired in international politic interests, militating against accountability and redress.

Recognition of the Yazidi Genocide

United Nations: In May 2021 Karim Asad Ahmad Khan, Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant (UNITAD) [told](#) the UN Security Council: “I can confirm to the Council that based on our independent criminal investigations, UNITAD has established clear and convincing evidence that genocide was committed by ISIL against the Yazidi as a religious group”. UNITAD established that numerous other international crimes were committed against the Yazidis, including extermination, enslavement, sexual violence, forcible transfer, persecution on religious and gender grounds, and conscription of children into an armed group.

Germany: In November 2021 a [landmark trial](#) found a member of IS guilty of genocide, crimes against humanity, war crimes resulting in death, aiding and abetting war crimes, and bodily harm resulting in death. Taha al-Jumailly, who reportedly joined IS in 2013, is its first member to be convicted of genocide against the Yazidis. The court found that he had enslaved a five-year-old Yazidi girl in 2015, chaining her up and leaving her to die of thirst. Al-Jumailly received a life sentence, while his German wife, Jennifer Wenisch, was jailed for 10 years for crimes against humanity on account of her failure to assist the enslaved child.

Germany’s [International Criminal Code](#) allows its courts to assume universal jurisdiction over genocide, crimes against humanity, and war crimes. Consequently, it is one of the few countries to have prosecuted IS members for their crimes against the Yazidis so far.

United Kingdom: In April 2016 the House of Commons [voted unanimously](#) that Christians, Yazidis, and other ethnic and religious minorities in Iraq and Syria were suffering genocide at the hands of IS; and called on the Government to make an immediate referral to the UN Security Council with a view to conferring jurisdiction upon the International Criminal Court so that perpetrators could be brought to justice. As neither Iraq or Syria are state parties to the Rome Statute of the International Criminal Court (ICC), any case would have to be referred through the UN Security Council to have jurisdiction. As yet, the UN Security has not referred this case to the ICC.

The UK government has not yet formally recognised IS atrocities against Yazidis, Christians and other religious minorities as genocide. However, the German ruling ought to influence the government’s thinking on this issue, as it has long maintained a policy that genocide can only be determined by competent courts, including domestic criminal courts.

However, no domestic court is currently empowered

1 “‘Persecution’ means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity” on political, racial, national, ethnic, cultural, religious, gender “or other grounds that are universally recognized as impermissible under international law”, [Rome Statute of the International Criminal Court](#) (ICC)

to issue such a ruling, and ICC referrals by the Security Council remain problematic due to the political interests of permanent members, with China recently declared by the independent UK-based [Uyghur Tribunal](#) to have been committing genocide in its Xinjiang region.

In 2021 an amendment to the UK Trade Bill which would have facilitated a judicial ruling when credible reports of genocide emerge against a trading partner, while maintaining Parliamentary scrutiny of trade agreements, was [narrowly defeated](#) in the Commons.

Ongoing Freedom or Religion or Belief Violations Against the Yazidis

Syria

In March 2018 the Turkish army captured the city of Afrin in north-west Syria after a fierce battle with Partiya Yekitiya Demokrat (PYD) forces. Turkey justified the attacks on the PYD as a defensive measure; however, this is questionable, as the PYD and related groups have restricted their activities to Syria. Having now seized vast swathes of northern Syria, Turkish-backed Islamist militia have enforced a strict interpretation of Shari'a law.

Since then, CSW has received regular reports of grave human rights violations perpetrated against local people, and particularly against Yazidis, by Islamist militias loyal to Turkey. These violations include rape, assassination, kidnapping for ransom, confiscation of property and desecration of cemeteries and places of worship. Yazidi activists have also reported many cases of forced conversions and marriages.

Alongside discrimination in law, targeted attacks against the Yazidi people have been allowed to continue unabated and with impunity.

On 4 December 2020, armed men belonging to the Islamist group Faylaq Al-Sham (Al-Sham Battalion), which is affiliated to the Muslim Brotherhood, launched a series of arrests in several Yazidi villages near Afrin in northwest Syria. CSW sources report that five men were arrested in the village of Basofan and taken to a detention centre in a nearby village called Iskan. The men were named as Ali Kazem Ali, 22; Basel Hussein, 22; Samer Hussein, 35; Delbrin Aarbo and Ahmed Hindi, 32. They were accused of joining the Democratic Union Party (PYD), a Kurdish political party whose military wing has been fighting Turkey.

According to CSW sources, Mr Aarbo was particularly badly beaten and released a few hours after his arrest because he was bleeding profusely. Mr Aarbo had previously been the subject of an assassination attempt when armed men from Faylaq Al-Sham shot him twice in the abdomen on 30 April 2020. He had reportedly refused to evacuate his home in Basofan when an Islamist commander had attempted to confiscate it.

The Al-Sham Battalion members also arrested a number of civilians in the nearby villages of Kabashin and Baaya. CSW sources suggest the arrests are part of an ongoing campaign

to terrorise local Yazidis and force them either to leave or convert to Islam.

On 5 December 2020 Baba Shawish, the custodian and Grand Priest of the Lalish Temple, the Yazidi's holiest site, pleaded with the international community to assist the Yazidis of the Afrin region to return to their homes. He said: "Everyone has been treated badly in Afrin, but it was worse for the Yazidis because of their religion."

CSW is also aware of provocations in the region by Turkish forces. On 6 October 2020, a jihadist group loyal to Turkey began to build a mosque on a sacred Yazidi cemetery in Basofan, a Yazidi village in the Afrin region.

This ongoing incursion was further exacerbated by a Turkish military offensive in March 2020 which created a severe security, humanitarian and refugee crisis and risks the re-emergence of IS as well as creating an enabling environment in which crimes against humanity can occur once again.

In government controlled Syria, the Ministry of Justice has rejected a request from the Yazidi community to be recognised as a religious group and to be granted permission to establish courts mandated to resolve civil and personal matters in accordance with their faith. The Council for Syrian Yazidis issued a statement condemning this ruling and describing it as "a flagrant violation of basic human rights," warning that such laws "threaten the Syrian heritage and social fabric to which the Yazidis are indigenous. Such laws are not different from the restrictions imposed by the Islamist groups loyal to Turkey in Afrin and Northwest Syria which forced the majority of Yazidis into displacement, causing a deliberate and systematic demographic change." The ruling also calls into question the regimes self-vaunted credentials with regard to protecting minority religious communities.

Mrs Mesgin Joseph, the Chair of the Council for Syrian Yazidis, told CSW: "During their history, the Yazidi people suffered over 200 massacres to this day. The ideologies that justified these massacres still exist. We feel trapped between the jaws of the Syrian government on one side and the Islamist groups on the other."

Iraq

Iraq's Christian and Yazidi communities remain vulnerable and could disappear due to insecurity, displacement or migration if both the Iraqi government and the international community fail to take measures to assist them.

Yazidi and Christian community leaders have expressed grave concerns regarding tension between the central government in Baghdad and the Kurdistan Regional Government in Erbil (KRG). Local community leaders and activists have reported intensified efforts by the KRG to 'Kurdify' their territories by making it difficult for individuals displaced by IS violence to return.

Tactics employed by the KRG have included forcibly appropriating land and property, and intimidation, while

also attempting to 'divide and rule' by offering financial and status privileges to selected political and religious figures within these communities. Many Yazidi activists report increased pressure from the KRG on the Yazidi community to identify as Kurds, even when they do not wish to do so. The KRG has also reportedly intensified efforts to impose Kurdish identity on the region's Christian community.

On 1 October 2020 the Spiritual Leader of the Yazidi community, Baba Sheikh Khurto Hajji Ismail, passed away due to chronic health problems at the age of 87. CSW met with Baba Sheikh during the December 2019 visit, when he expressed dismay that his community was receiving insufficient assistance in rescuing 3,000 Yazidi women and girls who remain missing. He said: "When we needed them, the international community failed us and the Christians. The failure to return our loved ones, to restore our homes in Sinjar, to provide security and protection makes a mockery of all their claims to care about our betrayed and abandoned people. We cannot achieve peace without justice. Many of the ISIS terrorists are living among us but no one is held to account."

Recommendations to the UK Government

On Syria

The UK government must:

- Urge the Turkish authorities to:
 - restrain extremist groups functioning under their command, ensure the sanctity of religious and cultural locations and ensure that minorities in the areas under its influence are afforded sufficient protections, including Yazidis, and that those responsible for human rights violations are brought to justice.
 - end sectarian violence, human rights violations and religious extremism in Afrin and surrounding areas, and comply with international human rights standards and humanitarian law.
- Urge the Syrian authorities to:
 - recognise the Yazidi community as a religious group and grant them permission to establish courts mandated to resolve civil and personal matters in accordance with their faith.

On Iraq

The UK government must:

- Urge all relevant United Nations (UN) mechanisms, including the Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their

reporting on Iraq, acknowledging the vulnerabilities and violations faced by religious or belief communities.

- Ensure that the situation of freedom of religion or belief is consistently raised with the Iraqi government, both in public and private.
- Urge Iraq to contain and counter sectarian narratives, including by amending discriminatory legislation, and to continue to combat terrorism, providing adequate security for vulnerable communities and religious minorities, and ensuring that all counterterrorism efforts are executed in compliance with international law.

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free to believe**

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