

Policy Brief

POLICY@SUSSEX

Trifold Agenda for Action Prevent-Punish, Support and Empower



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THIS POLICY BRIEF FOCUSES ON COMPLEMENTARY STRATEGIES IN LAW, GOVERNANCE, AND CIVIL SOCIETY THAT ARE NEEDED FOR ATROCITY-AFFECTED POPULATIONS, WITH A FOCUS ON THE EZIDI (YAZIDI) COMMUNITY AND THE 2014 GENOCIDE.

There is an urgent need to provide justice and accountability, as well as holistic mechanisms for valuing and protecting human rights, supporting vulnerable people's lives, heritage and cultures, and enhancing their sense of dignity as part of a trifold agenda for action. This should include the following:

- (1) Address the Genocide Convention and initiate domestic court prosecutions on the basis of **universal jurisdiction** of returning Daesh foreign fighters for genocide;
- (2) Provide sufficient **support** for Ezidi people to rebuild their lives, economically, socially, culturally, and mentally, in safe environments;
- (3) Provide diverse and equitable opportunities to **empower** Ezidi lives through educational, creative, research and professional avenues while **promoting and raising awareness** of the rich diversity of their heritage, culture, and contributions to the world.

Key Recommendations

Actions for the UK Cabinet; Home Office; Foreign, Commonwealth and Development Office; Ministry of Defence; Ministry of Justice; Department for Digital, Culture, Media and Sport; Department for Education; Department of Health and Social Care; Councils; legal bodies; media organisations; schools, colleges and Universities; research, heritage and arts funders; NGOs, community-based organisations and venues:

1. Galvanise actions with politicians, prosecutors, and media to make a **moral argument** about the need to respect legal conventions for atrocity-affected people – this should include the implementation of sustained, safe and legal **routes** for those fleeing atrocities and family reunification as has been granted before on occasion;
2. Fund and support more **mentoring, apprenticeships and co-produced and inclusive research, educational and creative projects** with displaced communities paying due attention to internal hierarchies and social expectations;
3. Support and implement **equitable partnerships** with community-led organisations, and engage the artistic and heritage skills of vulnerable groups, ensuring that they are at the fore of **decision-making** processes;

continues

Key Recommendations continued

5. Provide **accessible, low-cost, and/or no-cost spaces** for skills-sharing, cross-group dialogues, and creative, educational and recreational activities at grassroots levels;
6. Integrate more diverse representation in **national educational curricula**, and enable more support for relevant **resource-development, capacity-building, opportunities and outlets** for vulnerable groups more widely;
7. Provide more funds and support for atrocity-prevention, monitoring, and remedial work in **post-conflict areas** amongst survivor groups including establishing a **UN regional office and human rights defence team** to document and monitor the local political situation, address human rights violations, and identify early warnings of harmful speech and acts;
8. Advocate for these recommendations on a **global stage**.



Ruins of Sinjar in July 2019, following war with Daesh



Bones of Ezi victims massacréd in the village of Qinei near Sinjar. 2015

WHY THIS TRIFOLD AGENDA FOR ACTION IS NECESSARY

In 2016, the United Nations Human Rights Council declared that 'ISIS has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis'.¹ This was followed by declarations by the European Parliament and several governments, including the UK, in 2023. All five counts of Article 2 of the **Convention on the Prevention and Punishment of the Crime of Genocide** (Genocide Convention) have been recognised. **Cultural genocide** is also notable in the systematic destruction of Ezidi heritage and arts.

Governments who have declared the crimes committed to be genocide, and that are party to the Geneva Convention, have a **duty 'to prevent and to punish'** under international law. However, many states have not enacted domestic genocide laws, opting to charge perpetrators with terrorism-related crimes unconnected with the Ezidi people.

- If inertia around a genocide determination remains, it **risks weakening the anti-impunity agenda** and **international human rights protections** for everyone – this does not bode well for cases of other atrocities, our global commitment to R2P (Responsibility to Protect), nor for the continuing effectiveness of the Genocide Convention;
- New **skills-learning and creative fora** are critical to provide a tool for expression as well as offering **educational and career possibilities and opportunities**, which in turn can increase individual and community resilience in the wake of traumatic events and processes;
- Trauma-informed creative and participatory activities demonstrate that literacy, language and/or social status do not constitute a barrier to **people's expressions** of difficult experiences – drawing, storytelling, poetry and music, for instance, can provide avenues of release in **safe, ethical and equitable** spaces;
- Those suffering isolation, trauma or mental health issues can benefit from collaborative activities with facilitators that can enable their **personal, cultural and social growth**;
- Young people from vulnerable groups need support and access to **educational, skills and training provisions** for sustainable, diverse representation at all levels in society;
- The Ezidi case is not just a minority interest but has **much to instruct us all** about genocide; gender-based violence; international mechanisms; perpetrators' ambitions; implications for social integration, resilience and refugee/foreign policies; democratisation; the need for respecting multiethnic societies and the wealth of contributions that minority groups make; and future learning.

¹ UNHCR and Independent International Commission of Inquiry on the Syrian Arab Republic. (2016) "They Came to Destroy": ISIS Crimes Against the Yazidis' A/HRC/32/CRP2. Ezidi is also spelt Yazidi, Yezidi, Êzîdî or Êzîdî; and ISIS is also known as Daesh, Islamic State, IS, or ISIL.



'Mabruka's Lament', a theatre play on Ezidi lives and the genocide

Many Ezidi people now reside in internally displaced persons (IDP) camps in the Iraq and Kurdistan regions. Other Ezidi people are overseas with about 200,000 people living in Germany, about 50,000 in other European countries including the UK, around 12,000 in USA and Canada, and approximately 3,000 in Australia.

1. 'PREVENT AND PUNISH'

The **International Bar Association's Human Rights Institute** made the following recommendations for addressing the genocide of the Ezidis:²

- States and international bodies to map all initiatives engaged in **collecting and preserving evidence** of Daesh atrocities and identify best practices for indexing the evidence and **collaborating with prosecutors globally**;
- States to facilitate the collaboration of their war crimes units with those who hold evidence of Daesh crimes, to **facilitate prosecutions** of returned foreign fighters;
- States and international bodies to identify challenges preventing courts from prosecuting Daesh for their involvement in atrocity crimes and introduce steps to **rectify the challenges**;
- Work towards establishing an **ad hoc tribunal** for Daesh atrocities, pursuing state responsibility under the Genocide Convention;
- States to consider bringing proceedings before the **International Court of Justice** for States' failures to prevent and punish this genocide.

2. SUPPORTING GENOCIDE-AFFECTED GROUPS

Similar endorsements have been made in other national contexts – **HÁWAR.help** have campaigned in Germany and globally on further recommendations to incentivise support for victim-survivors including the following:³

- Continue to support international and regional partners in the identification and search for **abducted women and children** and missing relatives;
- Continue to target children enslaved in Daesh captivity or recruited as child soldiers through **deradicalisation programmes**; and to urge the Iraqi government, due to the early age of criminal responsibility (9-11 years old), to ensure that prosecution is appropriate for **juveniles**;
- Contribute to the limited **psychosocial care** in IDP camps, and to expand local psychotherapeutic care structures in the long-term through **targeted training**;
- Place **women at the centre of foreign and development policy**, and continue to support and promote them as **'agents of change'** to enable them to lead a self-determined life;
- Continue to grant protection to Ezidi, taking into account their ongoing persecution and discrimination in **asylum process protection**, and to recognise that an important part of overcoming and dealing with trauma is **reunification** with one's own family;
- Promote and support **educational and research programmes**, particularly research projects to encourage academic debate, and to **break down prejudices** against Ezidism.

² www.ibanet.org/document?id=JUSTICE-AND-ACCOUNTABILITY-FOR-THE-ATROCITIES-OF-DAESH

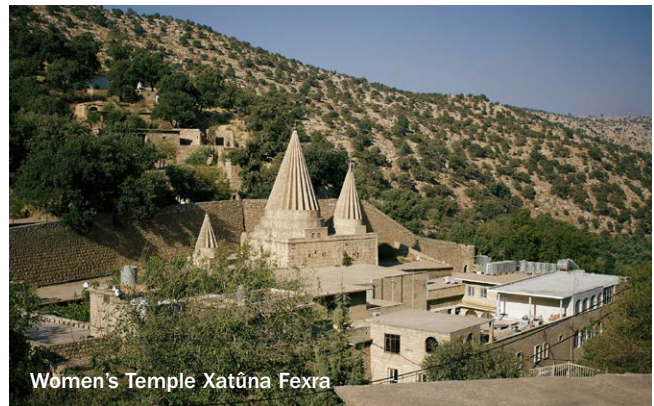
³ Full details: <https://dserver.bundestag.de/btd/20/052/2005228.pdf>

Their acceptance: <https://www.bundestag.de/dokumente/textarchiv/2023/kw03-de-jesiden-927032>

3. EMPOWERING VULNERABLE LIVES

Following the above, there is a complementary need to counter the objectification of Ezidi people and empower them by engaging them fully in creative, educational, research, and professional work in a safe and supportive environment as recommended above in this trifold agenda for action.

The complementary proposals require ensuring a **balance** between (i) contextual specificities of particular atrocities and (ii) their universal relevance – ‘crimes against humanity could affect anyone’ – by making **cross-connections** between genocide-affected communities. These might include groups targeted in the Holocaust, the Cambodian genocide, Sikhs in 1984 India, Muslim communities in the former Yugoslavia, Tutsi people in 1994 Rwanda, Rohingya people in Myanmar, Uyghur, Kazakh and other Turkic people, as well as the Ezidi case among many other instances of systemic violence against ethnic/racial/religious groups across the world. The policy therefore has wider relevance to all countries with atrocity-affected and displaced populations.



Women's Temple Xatûna Fexra



Woman at wishing tree



'Mabruka's Lament', a theatre play on Ezidi lives and the genocide



'Mabruka's Lament', a theatre play on Ezidi lives and the genocide

For further information

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