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The Slow Slog of Genocide: New Understandings of Yezidi Approaches to Survival and Justice

Abstract:

There is a misconception that the crime that is genocide ends when the immediate killing ends. Yet, the Rome Statute Article[1] (c) argues that genocide includes "deliberately inflicting conditions of life calculated to destroy"[1]. This article argues this slow, grinding aspect of genocide must be interpreted with attention to (a) how communities themselves articulate this violence and (b) how the international community, nation-state and aid organizations respond to this violence. In light of Native activists and academics' work on mass violence, this article adapts aspects of their work alongside Yezidi frameworks to expose how the slow slog of genocide continues through three gaps in international response: (1) the lack of appropriate conditions of life (2) the abandonment and radicalization of those in Al-Hol style camps; and (3) how Yezidi are practicing survivance. Through interviews, it reveals how Yezidi "conditions of life" and Al-Hol's radicalization incubate genocide and how Yezidis practice "survivance" through spiritual and legal resistance. As such, this article offers a new interpretation of the Yezidi case – one that insists justice requires not only prosecuting killers but also necessitates restoring the "conditions of survival".

Keywords:

Yezidi, Genocide, Survival and Justice, ISIL, Iraq, Al-Hol camp.

Introduction: The Unfinished Crime

The majority of genocide coverage focuses on mass killings, but genocide must be understood not as an event but a range that spans the gamut from mass violence to overall indifference. It exists in the sudden astonishments of violence and also the less visible unraveling of land, memory, and possibility in a steady grinding aggression. Yet as Kathleen Ho notes, "the idea of a disparity between actual and possible abilities to meet one's needs and the notion of avoidability in Galtung's definition of structural violence are directly applicable to the discourse of human rights".[2] To articulate this in

[1] Rome Statute of the International Criminal Court (last amended 2010) (Rome Statute) 1998: Art. 6 (c).

[2] Ho 2007: 3.

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the aftermath of mass killings in Iraq, this article interweaves the work of Indigenous scholars on slow violence like Woolford and Weaver's work building on Vizenor's articulation of "survivance" alongside Yezidi experiences of international abandonment to argue that this violence in the aftermath of mass killings should be seen in relation to the slow slog of genocide and not merely an aspect of its aftermath.[3]

As Lemkin's notes point out, genocide targets "the essential foundations of group life"[4] – not merely the physical bodies of those targeted, but also the land they till and the mirid institutions be they religious, cultural or practical like schools, hospitals and sacred spaces that allow the group to survive and to live together and, sometimes, thrive as a whole.

When these aspects are destroyed the group as a whole suffers not only the deaths of the community but also the inability on the individual level to maintain independence and autonomy to grow or obtain their own food and have their own income, ensure the education of their children, or simply not die grinding deaths due to lack of food, medical care or other violence caused deaths. At the same time, the solace of religion and sacred spaces have been targeted and with it the marking of the days through ritual and shared events. In this, survivors become unmoored from time, place, familial relations and culture.

This inordinate unmooring is what happened to the Yezidis in the aftermath of the Islamic State of Iraq and the Levant (ISIL)'s attacks on Sinjar, when many who had endured or escaped great physical violence entered another era of internally displaced persons (IDP) or refugee camps. Located in a space nominally removed from the killings but also often removed from a sense of home, these camps are by necessity made of immediately accessible materials and are not intended to be lived in for a period of more than a few months. Yet for Yezidi survivors like many others who have had to leave due to violence, these camps are occupied many years after the initial event.[5] The camps are, due to lack of available sanitation services, more likely to spread disease and they are often unsafe or become so due to their immediate construction or lack of resources. In Iraq and the Kurdistan Regional Government (KRG) territory, these camps are also prone to fires and floods which cause preventable deaths and injuries. Then there have been waves of suicides as reported by the Free Yezidi Foundation.[6]

[3] Cf. June and Woolford 2024; Weaver 2022; Vizenor 2008.

[4] Lemkin 1944: 79.

[5] Norwegian Refugee Council 2022.

[6] Cf. Free Yezidi Foundation 2021.

In many ways, these issues are not unique to the Yezidi survivors. Many populations have found themselves displaced into "temporary accommodations" that become permanent. The difference is that in the case of the Yezidi people and others who have survived genocide (or famine) is that these camps may indicate that the genocide is continuing through the lack of appropriate conditions of life as defined in the Rome Statute Article 6 (c).[7]

Yet these camps often are the only option for survivors as they wait for the conflict to come to an end. Then they may have to wait for their homes to be rebuilt or their land to be demined. If, of course, they feel safe enough to return at all.

In the meantime, these stays may mean unchecked disease, either infectious or chronic, and poor nutrition that may have been easily addressed in the time before mass killing. Then there are deaths and debilities caused by the mental, physical and sexual violence that may remain untreated or undertreated as a result or a lack of resources. In addition to these sufferings, there are also the unseen mental scars that may result in suicide as the Free Yezidi Organization has recorded.

These slow-violence aspects of large-scale atrocity crimes that impact upon the "conditions of life" are the most often overlooked aspects of genocide as well as one of the oldest aspects. They may also be the most preventable.

What Are the "Conditions of Life"?

The Rome Statue defines the deprivation of the "conditions of life" as the intentional infliction of situations, such as lack of access to food and medicine, that are calculated to bring about the destruction of a group in part or in whole.[8] In lieu of the Covid-19 pandemic, it may be appropriate to argue that it is the removal of essential resources like safe drinking water, food, access to medication for acute or chronic conditions as well as safe surroundings that constitute the loss of conditions of life. In the aftermath of mass murder, there is another aspect I would include which is acknowledgement.

ISIL's actions have been acknowledged as genocidal by a majority of nations and many international courts of law on the basis of mass murder, sexual violence, the use of child soldiers, and the destruction of shrines and other sacred spaces. Yet there are also the aforementioned "conditions of life" that have been impacted through loss of home, long-term impacts of that loss through avoidable losses of life related to that displacement.

[7] Cf. Rome Statute 1998.

[8] *Cf. Ibid*.

However, the long-term impacts of these "conditions of life" are not solely due to ISIL's actions. Hardi notes that there was a three-year period of time before the land claimed by ISIL was restored.[9] It was during this time that the Central Government of Iraq (CGI) and the KRG as well as international organizations like the United Nations (UN) and the European Union (EU) declared ISIL's crimes against the Yezidi to be genocide.[10] In those three years, Baghdad would also request assistance from the United Nations in documenting the atrocities and arguments between the CGI and the KRG would come to a head.[11] It would also see the establishment of insurgent camps like Al-Hol that held the families of ISIL members.[12]

The UN Investigator requested by Iraq "to support domestic efforts to hold ISIL accountable" and in their own words "focus its initial investigative efforts on those most responsible for the atrocities committed by ISIL, including through the ordering of such acts. This will necessitate an emphasis on senior ISIL leadership, as well as regional or mid-level commanders could conduct thorough and admirable investigations into ISIL violence, complete multiple levels of documentations and begin excavations of mass graves" as well as offer specialized psychological support and assistance to witnesses and victims with the support of the Netherlands.[13]

This support was an accompaniment to the influx of international aid from Non-Governmental Organizations (NGOs) that enabled schools, basic aid and a measure of medical attention, including mental health resources, to become available to either the evacuated or immediate (female) survivors of ISIL violence.

Thus, this three-year period between 2014 to 2017 was a moment of media attention and action. Many groups were fighting ISIL. There was also infighting among factions, movements of recognition of the genocide in spaces of international law, and an influx of aid from NGOs. Issues related to conditions of life were addressed as well as could be and blame for these losses would be laid almost unequivocally on ISIL.

After ISIL lost the land they claimed, issues related to the "conditions of life" must be considered in a more nuanced manner as the country entered a "post-conflict" period. An era intended to be one of documentation, rebuilding and reweaving society and overall restoration.

Instead, what occurred in practice, as often occurs, was anything but an advancement towards justice in a rewoven society.

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[9] Cf. Hardi 2019: 4.

[10] Cf. Anadolu Agency 2015; Human Rights Watch 2017.

[11] Cf. Firat News Agency (ANF) 2017.

[12] Cf. Rights and Security International (RSI) 2021.

[13] United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) 2018: 2; *Ibid*: 7.

Not all land was restored to the Yezidi (and others) who had lost their land nor did immediate demining occur making it more difficult to do so later. Nor did the Yezidi case garner international legislation through the International Criminal Court (ICC) regardless of how it filled the international stage with multiple appeals from lawyers like Amal Clooney and activists like Nadia Murad.[14] Then the pandemic saw the stagnation or cancellation of many of these programs when non-local staff no longer had access to the country or materials were unable to be transported. Some programs would not return after the pandemic as funding remained inaccessible.[15] Others would continue although survivors may have preferred other programs all together.

This is due to how many NGOs in the area are forced to operate a donor driven approach that shifts accountability leaving donors to enact their priorities over those who are "helped". Indeed, this model has long been the existent model in the area, with Hardi noting "the shift in funding focus post-2014 and its consequences for the local community; second, lack of NGO inclusion in funders' decision-making; and, third, NGOs' perceptions of funder inadequacies".[16]

And while these issues may dominate all areas addressed by NGOs, these issues are particularly acute in the years following mass violence for, they impact most directly on the conditions of life of a targeted community like the Yezidi and also may inadvertently subjugate the communities' goals to those of the NGOs.

The Architecture of Destruction

Scholars like Rosenberg have long acknowledged that genocide must not be seen as an event but rather a process.[17] Meanwhile, native scholars like Woolford and Estes[18] have argued that this process must be further expanded to incorporate a range of harsh events that may take place long after the immediate killing has ended during that period when culpability may be more nuanced.

As Woolford notes in his work, "Disease is conveniently removed as relevant evidence because it is classified as a natural process. But diseases such as smallpox and tuberculosis, and industrial ailments such as mercury poisoning, were experienced by Aboriginal peoples as consequences of enforced contact with non-Aboriginal peoples, and as part of a structured set of destructive relations, that cannot simply be cat-

[14] Cf. Lederer 2020.
[15] Cf. Carlson 2023.
[16] Hardi 2019: 4.
[17] Cf. Rosenberg 2012: 16–23.
[18] Cf. Estes 2017: 115–122.

egorized as natural".[19] And while Woolford indicts those who colonized North America, his work also raises questions about who is culpable in the aftermath of other mass killing events.

The Nazis, were undoubtedly the architects of the Holocaust and the Porajmos, but they were not wholly responsible for the suffering of survivors that occurred before and after the mass killing. For example, there were the visa limits against targeted refugees.[20] Moreover, there are many Romani who were never compensated and who struggled to memorialize their dead in the years after the Second World War.[21] Similarly, ISIL were the architects of the Yezidi genocide but they are not wholly culpable for those deaths caused by preventable illness or accidents that take place in IDP or refugee camps, on the trip to Europe or the lack of solace offered by a truth and reconciliation style commission or an international trial.

Instead, the Yezidi genocide continues apace with reduced support for survivors from the international community or the societal reweaving in post-conflict and post-genocidal settings. Rather, many Western authors continue to imbibe the prejudice of their Muslim contacts when discussing the Yezidi.[22] A condition that once led Western observers to propagate negative stereotypes that had been used to sanction land grabs and Ottoman aggressions while disregarding Yezidi's own concept of self.[23] These self-same stereotypes allowed for ISIL aggression in the past and they continue to be referenced in modern society. A situation that continues to impact on Yezidi lives and social marginalization within the Iraqi mosaic.[24] And yet, many Yezidis continue to practice a form of survival, resistance and advocacy that makes them a force in the local, national and international communities.

Along the same lines, North American indigenous peoples remain a force within the dominant society, despite living in conditions that set them apart in terms of poverty, health, economic opportunity, education, and other indicators of social marginalization. This practice of care, survival, resistance and advocacy has been termed survivance.

Opposing to this survivance, in the Yezidi case, is the fact that the Yezidi genocide is not a moment but a systematic lack of outside care that leaves Yezidi vulnerable in

[19] Woolford 2009: 91.

[20] Cf. Strum 1984: 393–394; see also: Wyman n.d.

[21] Selling 2022: 54. Jan Selling records (Until 2017: 54, 76) that a pig farm stood in place of memorial at the site of a Romani concentration camp.

[22] Cf. Maisel 2013.

[23] Cf. Ali 2019: 77.

[24] Cf. Carlson 2019: 1–3.

the aftermath of the mass violence, othered in their society, rejected by other societies and also leaves another radicalized other in close proximity.

This relates to the combined impact of aid withdrawal, and lack of progress on justice efforts – be they trials or truth and reconciliation efforts or simple monuments of remembrance intended to reweave society into a whole as well as the unwillingness of members of the international community to reintegrate their ISIL adjacent citizens from Al-Hol has a profoundly negative impact on survivors. Yet, like the native nations profiled by indigenous scholars like Weaver, the Yezidi continue to practice survivance in spite of these difficulties.[25]

On Lagging Laws and Survivance

One group that continued to work with Yezidi survivors after the pandemic was United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) whose work had been pivotal in excavating mass graves, identifying victims and documenting ISIL crimes against all aspects of Iraqi society. They were in effect stood down in 2024 when the Iraqi government did not request an extension of their mandate.

This, however, has raised the question of how to enforce victims' right to truth and what will happen to the documentation UNITAD have accumulated. The UN will not hand over this information to the CGI as Iraq maintains the death penalty under the rules for evidence-sharing under Rule 73 of the ICC Rules of Procedure.[26] The Iraqi government and some militias have been condemned for acting without due process or for sectarian and/or financial reasons.

The question remains open as to this information's potential inclusion in a truth or reconciliation style tribunal as unlikely as this may seem presently. Nor could it be ascertained if this documentation would become available to national trials in other countries, like those conducted in the UK, upon request. Other organizations, like Yazda made their material available for this style of trials, for example.[27]

Yet the legal loophole that continues to fester are those ISIL sympathizers held in al-Hol style camps. Those held in these camps are often young. Nearly half in these camps are children whose mothers have been radicalized and left their nations of origin to attend to ISIL. They are held where they are because they are often foreign nationals in Iraq, whose government has resisted their return. Thus, these other governments are

[25] Cf. Weaver 2022; cf. also: Wanda and Woolford 2024; *idem et al*. 2021: 44–67.

[26] Cf. United Nations General Assembly (UNGA) 2005.

[27] Cf. Hadi 2025.

shirking the responsibility to (a) attend to their societies radicalized member (b) enabling the slow slog of genocide to continue because Yezidi survivors know that these camps may increase radicalization, increasing anxiety that the mass killing aspect of the genocide may simply be paused and (c) these nation states that abandon their citizens to radicalization that turns them into murderers are now implicitly culpable in the murders they cause. Not least because the areas where they are living are areas overwhelmed with their own issues. In the Kurdish area also, there are an estimated 2 million individuals who had been forcibly displaced, meaning that one in five people are either refugees or had lost their homes.[28]

After World War II, Lemkin's work would come to be enshrined in laws around the world but most notably in the United Nations and the Rome Statute of the International Criminal Court. To quote, "For the purpose of this Statute, "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".[29]

In the years after the adoption of this definition, certain genocides would be acknowledged while others would not until long after they had happened like what happened in the Soviet republics. A few like the Armenian genocide or the past and present Nakba of the Palestinians are still subject to political wrangling. Still other charges of genocide like the in/famous "We Charge Genocide" 1951 petition which was written by Civil Rights Congress (CRC) argued that the then steady lynchings and systematic inequalities, including access to healthcare, in America should be seen as an intent to destroy, have been dismissed.[30]

Yet this 1951 petition raised the specter of culpability for the creation and acceptance of conditions that, if they do not overtly cause genocide, still allow genocide to continue. And though it was sidestepped at the time of the petition, later provisions were made to address the issue of "slow death" in international tribunals.[31] This includes steps such as the "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" which included provisions for the dignity of survivors and repa-

[28] Cf. *ibid*: 1.

[29] Rome Statute 1998: Art. 6. For clarity's sake the exact definitions of international crimes discussed in this section are drawn from the Rome Statute, an international treaty, which binds only States who are Party to it. However, the same crimes also exist in customary international law with minor deviations.

[30] Cf. Martin 1997: 35–61.

[31] Cf. Van Schaack 2018: 11–12.

rations for the suffering they've endured. More broadly, it is now generally acknowledged that governments have a responsibility to ensure, if not the dignity, then the survival of the impacted group.[32]

Most often, this is dependent on a determination that a grave crime like genocide has taken place. In the Yezidi case, as in many others, the details of the crimes committed against the people are known. They have even been unequivocally declared to have been genocide by various international courts, countless countries and religious leaders.[33] And while some would argue that Iraq's not ratifying the Rome Statutes complicates the push for traditional justice at the international level, as RASHID (Research Assessment and Safeguarding of the Heritage of Iraq in Danger) authors noted in the past, "National courts of States not Party to the Rome Statute can rely on customary international law to prosecute international crimes, if relevant treaty law or statutory law is not present".[34] Moreover, many of the formerly enslaved know the names of ISIL perpetrators and indeed, Yezidi testimony has been invaluable in multiple prosecutions locally and internationally.[35]

But, in the Yezidi case, the transnational nature of the perpetrating organization among other aspects complicates the push for, if not justice than closure, in international courts. This may have less to do with Iraq's choice to not ratify or the fact that many of the perpetrators coming from many countries as it has to do with a reluctance on the part of various nations to set a precedent of trying a trying a transnational organization, even one such as ISIL in international court.

Yet in his work on famines, de Waal has noted that most famines now occur for political reasons. That, in effect, these famines that are allowed to occur expose geopolitical realities.[36] Similarly, the unwillingness of the international community member states who have not returned, deradicalized and reintegrated their members are highlighting an unspoken political reality. These states are abrogating their responsibility for (a) the radicalization of their citizens, (b) the conditions that allowed for that radicalization and (c) the acts those citizens committed.

Similarly, these self-same states that have not taken active measures may then be considered culpable for the actions of their citizens or have a degree of responsibility for those harmed by them per the International Court of Justice's 2007 Bosnia ruling looking at the responsibilities of a state to prevent genocide.[37]

[32] Bakht *et al*. 2021: 24–26; see also UNGA 1985.

[33] Cf. Van Schaack 2018: 9.

[34] RASHID International *et al*. 2019: 39.

[35] Cf. Human Rights Watch 2017.

[36] Cf. Waal de 2017.

[37] Cf. International Court of Justice (ICJ) 2007.

That has left the bulk of prosecution and reparations for the Yezidi people in the hands of the KRG and Iraqi government. There are some benefits to this. For while many worked for the gold standard in international justice, a trial at the ICC with all the support it could bring, more local prosecutions would be considered less sullied by the UN which many Iraqis still see as being culpable in the harsh sanctions that harmed so many during Saddam's reign.[38]

In both the KRG[39] and CGI, international organizations have found prosecutions to be flawed affairs with the accused alleging torture and trial focusing heavily on their membership in ISIL over the suffering of their victims and for prosecuting ISIL suspects mainly under the counterterrorism law and not including charges of slavery and rape.[40] Additionally, although proceedings are open, victims are rarely asked to be present at trials and at least one Ninevah based judge argued that to do so would be too great a burden on the present system.[41] Moreover, the seeming abandonment of the Yezidi by Peshmerga forces on 3 August 2014 has led to a degree of distrust between some members of the Yezidi community and the official governments.[42] And while Iraqi courts can also exercise universal jurisdiction over human trafficking networks that are active in Iraq and neighbouring Syria, they may not have the wherewithal to take action against these networks.[43] Lastly, many consider the UN's documentation of the crimes committed by the Iraq Independent Investigative Team to be skewed due to its emphasis on the crimes committed by ISIL to the exclusion of crimes committed by other armed groups.[44]

Meanwhile, many foreign governments like those of the French refuse to repatriate their citizens to stand trial in their national courts and repudiate Iraqi efforts to try these nationals. Although some foreign governments like the US and Germany have made efforts to try their nationals in domestic courts for their actions that include the murder, kidnapping and enslavement of the Yezidi people. In this way, traditional justice, imperfect though it may be, has been stymied in terms of prosecuting ISIL.

[38] Cf. Van Schaack 2018: 27.

[39] The judicial system in Iraq has evolved differently in the Kurdish Region of Iraq and in the rest of the country. In the former, the KRG, which has jurisdiction in the governorates of Dohuk, Erbil, and Sulaimaniya, has passed and applied its own distinct laws since 1992; Cf. Human Rights Watch 2017: 15.

[40] Cf. *ibid*: 39.

[41] One Nineveh judge told Human Rights Watch that while all hearings are open to the public, the court does not seek the testimony or participation of victims, and in fact would discourage it, saying it would put too great a burden on the system to maintain contact with victims; Cf. *ibid*: 37.

[42] Cf. Van Schaack 2018: 23, 33.

[43] Cf. Human Rights Watch 2023.

[44] Cf. Schaack 2018: 3.

An awareness of this, perhaps, spurred the creation of the Yezidi Survivors Law by the Iraqi government. This law includes provisions for the mental and physical health of minority survivors of ISIL violence as well as a housing, a living allowance, educational support and memorialization of the fallen. It is in many ways groundbreaking legislation. It has, however, been criticized by NGOs who argue that survivors should not have to file a criminal complaint to be eligible for reparations.[45] More damning, still, is the lack of awareness of the bill in the years after it has been passed indicating that it has been applied haltingly when applied at all.[46]

And so, regardless of the stated provisions in place, the Yezidi despite having multiple pleas to the international community have yet to, to quote Nadia Murad, "What we want is an international commission to examine the Yezidi genocide and draw up an accurate historical narrative. We want these people to have to stand up and explain why they did what they did, so we can all learn from this. We don't want everyone simply to be silenced and killed".[47]

Thus, instead of an overwhelming admixture of prosecutions in the international and domestic courts, reparations and excavation and burials of those in mass graves, many displaced Yezidis have found themselves in a struggle to survive. Indeed, as is known from labour studies, the marginalized can find themselves more marginalized if their access to the few resources they have such as access to the commons or ownership over small parcels of land are taken or spoiled as noted by Kaup.[48] This accurately represents what happened to the majority of Yezidis who were displaced from their homes during the killings. It is also a contributing factor to their struggle to survive.

In the words of one man interviewed by Isakhan and Shahab:

> When a lot of Yezidis were displaced – the vast majority of them were displaced into refugee camps – the Yezidi people then had no way of practising their religion and their culture and their religious holidays and so on. Those days were like we had lost our culture. Because there was no way to practise our religion… [in the refugee camps] many of the children and young people were starting to forget about their identity. Unfortunately, it is very hard when you are no longer in your homeland and when everything has been destroyed. The priority for you and your family becomes survival. You want to survive, you want to feed your family. Everything else comes second: education and culture and all that.[49]

[45] Cf. Human Rights Watch 2023.

[46] Cf. Travers 2023.

[47] Human Rights Watch 2017: 41.

[48] Cf. Kaup 2013: 112.

[49] Isakhan and Shahab 2020: 14.

It is this battle for survival that many have come to see as an ongoing aspect of the genocide. Many families remain in the same internally displaced camps they were thrown into either in the immediate aftermath of ISIL's siege or upon their escape. These camps bake in the summer and freeze in the winter. Fires are a frequent occurrence as members of the community struggle to both cook and heat their homes. Floods are not unknown. Medical care and educational opportunities are often hampered by the numbers of people striving for both. At the same time, such living standards create additional stress on the body and IDP camps are known to be prone to infectious disease and diseases of the poor. Moreover, in the aftermath of the pandemic, many of the services made available to (female) Yezidi survivors, particularly mental health care has been limited as NGOs that left at the beginning of the COVID pandemic and have yet to return. For those youth who were turned into child soldiers and sent against their own community there is nothing available. Even access to religious solace is hampered by the destruction of certain shrines and the inaccessibility of others due to cost and/or fear of travel.[50] All these factors combine to create such a potent admixture of despair that the IDP camps are known to have a "pandemic of suicides".[51]

Added to this stress is the awareness of Yezidi refugees abroad who die on their journey and an impending sense of doom as camps holding ISIL members like Al-Hol continue to be unaddressed. There is a great fear among survivors that Iraq and the KRG are not safe harbours. That the Yezidi homeland may be well and truly lost to its people as hate crimes against the Yezidi and other minority groups continue apace.

An end to this slow slog of genocide is what many Yezidi survivors see as vital. International recognition and traditional justice may be ideals that will help enshrine safety and security but they are only one step. Similarly, the Yezidi Survivors Law includes reparations and provides a potential framework for reconciliation in the future. The more difficult task is meeting the requirements that can halt the losses.

Unlike international tribunals this requires simpler solutions, many of which are already enshrined in the Yezidi Survivors Law and can be accomplished far easier with the return of the NGOs who left during the first wave of the Covid pandemic. Some of which will require support from other governments most especially when they take responsibility for the actions of their citizens.

Similarly, religious leaders of various faiths may seek to foster dialogue or offer a degree of redress not to outside media but to those survivors most directly impacted by the misguided or malicious actions of their followers. This is important in cases

[50] Cf. *ibid*: 9; Spät 2016: 163–169.

[51] Free Yezidi Foundation 2021.

where young children were subjected not only to Islamification but a particularly radical imagining that does not allow for other paths to exist.

Yet all these efforts will come to nothing if they do not involve a greater inclusion of people within the reparations and an unpacking of mistakes made. Sarkin, in his work on Uganda, has noted the importance of unpacking the past not only in terms of transitional justice, usually defined as "the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation" but also more generally for it's impact on human rights and the rule of law in order to prevent a repetition of past mistakes and create groundwork for eventual reconciliation. And achieving reconciliation is essential to ensuring not only stability but also an end and not a pause to violence.[52]

Such unpacking of the past revolves around the legal concept known as the right to truth. On the international stage, the right to truth is enshrined in article 32 of protocol I of the Geneva Conventions, also article 24 of the 2006 Convention for the Protection of All Persons Against Enforced Disappearances and the amended Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity of 5 February 2005 reaffirms the right to truth as an 'inalienable' right.[53] The right to truth argues that survivors and relatives of those missing have a right to know what happened to their loved ones in order to provide closure. In the Yezidi case, this includes what happened to those women and children still believed to be enslaved and the location and excavation of the mass graves in addition to a general documentation of crimes committed. This documentation has been recorded by the UNITAD at Iraq's request. However, there have been issues with evidence sharing as UNITAD is required by law to refuse to share evidence with a country that has the death penalty. This conflict may be behind Iraq's request for UNITAD to cease documentation efforts. At present it is unknown what will happen to UNITAD records and without access to these records it is difficult to imagine reconciliation taking place.[54]

Moreover, it is important to remember that even if reparations and the right to truth are brought to bear in full, they are still taking place in a war-exhausted society with a government that has been called a kleptocracy. For as activist Ahmed Abd al-Hussein argued in *Tuk Tuk*[55] in 2019:

[52] Sarkin 2015: 112, 117.

[53] Cf. Protocol Additional to the Geneva Conventions… 1977: Art. 32; International Convention for the Protection of All Persons from Enforced Disappearance 2006: Art. 24; Orentlicher 2005.

[54] Cf. Ochab 2023.

[55] The first issue of the revolutionary Iraqi newspaper named Tuk Tuk, published in November 2019.

> [T]he Iraqi people had been expected to endure all manner of indignities in support of a corrupt bargain. Poverty, the collapse of essential services, violent coercion, foreign interference—everything had to be tolerated simply to prop up the political system.[56]

And yet this is not the only challenge to reconciliation. It may not even be the largest one. The largest challenge to reconciliation is the continued existence of internment camps like Al Hol which have been described as bastions of radicalization. It is the existence of these internment camps more than anything else that causes survivors to see their current situation as an ongoing genocide that has merely seen a pause in the killings.[57]

In light of this, addressing the internment camps should be a key step in halting what many see as the ongoing genocide. The largest and most infamous of these camps is al-Hol camp opened in 2019 which is administered by the Democratic Autonomous Administration of North and East Syria [AANES] in Northeast Syria. AANES has argued almost from the beginning that they do not have the infrastructure or capacity to indefinitely detain or prosecute the mainly ISIL families held in camps like al-Hol.[58] And while 3,000 individuals were repatriated in 2022, many governments remain reluctant to repatriate and prosecute or deradicalize their citizens who are held in these camps. Indeed, a handful of governments, mainly in European countries, have even drawn up legislation to remove citizenship rather than repatriate from their citizens.[59] Many of whom, it is worth noting are children under the age of twelve that are exposed to the potent combination of poor living conditions and radical rhetoric.[60] The reason for this is reluctance is unclear.[61] The UK argues that their citizens held in al-Hol and like camps represent a security threat if they should return to the UK.[62] How these self-same citizens are not a threat when held abroad in camps noted for their radicalism and their occasional permeable borders is also unclear.

In addition, it is known that these internment camps also house Yezidi women and children who are unable to come forward due to fears of violent reprisals.[63] The presence of Yezidi women and children in these camps and, it is believed in human trafficking rings, also constrains other pushes for justice. As one survivor stated in 2017:

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[56] Alkhudary 2023: 1–19.

[57] Cf. Ochab 2023.

[58] Cf. RSI 2021: 42.

[59] Cf. *Ibid*: 35.

[60] *Ibid:* 3.

[61] It is however worth noting many of the European women interned in these camps argue that they were first drawn to ISIL because of Islamophobic treatment in their countries of origin; ibid: 35.

[62] Cf. *Ibid*.

[63] Cf. Rudaw 2024.

> I would love to have justice for what was done to us. But I am worried about what would happen to the eight members of my family still being held by ISIS. Once my family is out, I hope that these men go to trial.[64]

Here, then, arises the largest issue related to the missing and with them any understanding of Yezidi survivance and modern articulation of international justice. As without international support, the return of those missing and dead through excavations and investigations and safe places to return to has been left more or less in the hands of the community. In this case, international trials may be desired but the survival, the safeguarding of those known to live but who are out of reach is survivance and if this means that other methods understanding justice remain beyond reach, this, also, may be survivance.

Conclusion

One reason the international community should take action to find Yezidi survivors and prosecute perpetrators is the importance in uprooting what has become an organized trade in human beings and antiquities that is being used to fund attacks not just against nation states but, often the most vulnerable members of the nation state. It was not, after all, not by chance that ISIL so violently attacked those it saw as being on the margins of both Iraqi and Kurdish society. The Yezidi, Christian, Shia Turkmen Shabak, Kaka'i all represented the region's rich and interconnected history and were less likely to be protected by others or have protections available to defend themselves. A similar pattern has followed ISIL affiliates in other parts of the world. While various governments may care for their vulnerable populations to differing degrees, these attacks make any nation state or, indeed, organization look weak and unable to defend itself.

Moreover, if the situation in camps like al-Hol are not addressed the worst fears of Yezidi survivors may be proven accurate foreshadowing of a future in which not only has the genocide continued but the killings have begun again.

In the meantime, justice requires centering Yezidi definitions of survival – just legalistic "event-based" genocide. The international community's abandonment of Yezidis to further marginalization and poor conditions that impact life and abdication of responsibility and rule of law in regards to those in Al-Hol by members of the international community fulfills genocide by omission.

[64] Human Rights Watch: 39.

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ჯანელ კარლსონი

გენოციდის გრძელი და რთული პროცესი: გადარჩენისა და სამართლიანობის ეზიდური მიდგომის ახალი გააზრება

აბსტრაქტი:

არსებობს მცდარი შეხედულება, დანაშაული, რომელსაც გენოციდი ჰქვია, სრულდება მკვლელობების დასრულებასთან ერთად. თუმცა, რომის სტატუტის მე-6(გ) მუხლის თანახმად, გენოციდი მოიცავს "განზრახ შექმნილ ისეთ სიცოცხლის პირობებს, რომლებიც გამიზნულია განადგურებისთვის". ეს სტატია ამტკიცებს, რომ გენოციდის ეს ნელი, დამქანცველი ასპექტი უნდა განიმარტოს იმის გათვალისწინებით, თუ (ა) როგორ აღიქვამს ძალადობას თავად საზოგადოება და (ბ) როგორ რეაგირებენ ამ ძალადობაზე საერთაშორისო საზოგადოება, ერი-სახელმწიფო და დამხმარე ორგანიზაციები. მკვიდრი მოსახლეობის აქტივისტებისა და მეცნიერების მიერ მასობრივი ძალადობის საკითხზე შრომების გათვალისწინებით, ეს სტატია მათ ნაშრომებს ეზიდების მიდგომებთან ერთად იყენებს, რათა აჩვენოს, თუ როგორ გრძელდება გენოციდის ნელი, დამქანცველი პროცესი საერთაშორისო რეაგირების სამი ხარვეზის მეშვეობით: 1) ცხოვრების პირობების არასათანადოობა (2) Al-Hol ტიპის ბანაკებში მყოფთა მიტოვება და რადიკალიზაცია; და 3) როგორ ახორციელებენ ეზიდები ყოველდღიურობაში survivanc-ს (მყოფობის, გამძლეობის, არა გადარჩენის, არამედ წინააღმდეგობის აქტიურ განცდას); ინტერვიუების მეშვეობით ნაჩვენებია, თუ როგორ განაპირობებს ეზიდების "ცხოვრების პირობები" და Al-Hol რადიკალიზაცია გენოციდს და როგორ იცავენ ეზიდები “survivance”-ს სულიერი და სამართლებრივი წინააღმდეგობის გზით. ამგვარად, ეს სტატია ეზიდების საქმის ახალ ინტერპრეტაციას გვთავაზობს — ინტერპრეტაციას, რომელიც ამტკიცებს, რომ სამართლიანობა მოითხოვს არა მხოლოდ მკვლელების დასჯას, არამედ "გადარჩენის პირობების" აღდგენასაც.

საკვანძო სიტყვები: ეზიდი, იეზიდი, გენოციდი, გადარჩენა და სამართალი, ISIL, ერაყი, Al-Hol ბანაკი.

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Janelle Carlson

Hêdî-hêdîyê ya Jenosayîdê: têgihîştinên nû li ser rêbazên êzîdiyan ji bo mayîn û dadperweriyê

Kurte:

Têgihîştinek şaş heye ku dibêje gunehbarî û sûcê ku jêra jenosayîd tê gotin bi dawî tê demê ku kuştina yekser çêdibe. Lê, maddaya 6 (c) ya Statûya Romayê diyar dike ku jenosayîd her weha têda “bi qesd şertên jiyanê yên ku ji bo têkbirin û jinavbirna komkujî hatine hesabkirin” tê avakirin. Ev gotar diyar dike, ku ev aliyê hêdî-hêdî û jinavbirnê ya jenosayîdê divê bi çavdêrî were şirovekirin, bi taybetî li ser (a) awayê ku civakên ew bi xwe ev tundîyê çawa bi zimanê xwe xuya bikin û (b) dîsa mêkanîzma ku civaka navnetewî, dewlet û rêxistinên alîkariyê cawabê didin vê tund û tûjîyê. Di çarçove û ronaya karên çalakvan û akademîsiyên xwecî (native) li ser tund û tûjîya girseyîda, ev gotar hindek aliyên xebata wan bi çarçoveyên êzdiyanra têk dike, da nîşan

bike û bide dîyarkirin ka hêdî-hêdîyê ya jenosayîdê çawa di nav sê valahiyanda berdewam dibe: (1) nebûna şertên jiyanê yên guncav; (2) berdan û radîkalbûna wan kesên di kampên wek Al-Hol de; (3) çawaniya ku êzdî pêkol û berxwedana mayînê "survivance" dikin û pêk tînin. Bi riya dîtin û hevpeyvînan, ev gotar diyar dike ka şertên jiyana êzdiyan û şertên radîkalîzasyona kampê Al-Hol çawa şertên jenosayîdê zêdetir dikin, û ka êzdî çawa bi berxwedana rûhî û qanûnî "survivance" pêk tînin. Ji ber vê yekê, ev gotar şirovekirineke nû ya doza êzdiyan pêşkêş dike, şirovekirinek ku li ser vê yekê zextê dike ku dadperwerî tenê bi dadgehkirina gunehbaran nake, lê her weha lazime ku şertên "mayînê û jiyanê" werne dubarekirin.

Peyvên sereke:

Êzdî, jenosayd, mayîn û dadperwerî, DAIŞ (ISIL), Îraq, kampa Al-Hol.