



Six years on

**ÊZÎDÎS FACE RENEWED THREAT OF
ELIMINATION SINCE OCTOBER 2020**



**DEMOCRATIC SELF-GOVERNMENT COUNCIL OF SINJAR
(MXDŞ)**

**AFTER HAVING BEEN SUBJECTED TO GENOCIDE,
FEMINICIDE, RELIGIOUS PERSECUTION, BETRAYAL,
DISPLACEMENT AND SEX SLAVERY FOR DECADES:**

**SHOULD ÊZÎDÎS NOT HAVE THE RIGHT TO
FORM THEIR OWN SELF-ADMINISTRATION
AND SELF-DEFENSE, GUARANTEED BY
INTERNATIONAL LAW, THE UN CHARTER
AND UN DECLARATIONS?**





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Population of Sinjar protests against Erbil-Baghdad deal

This report addresses the current situation of the Êzîdîs, specifically their subjection to a renewed policy of annihilation (Erbil-Baghdad deal of October 9, 2020). The report begins with providing a general background on Êzîdîs and their history. This will be followed by an account of the IS attack and its heinous crimes against the Êzîdîs on August 3, 2014. The report argues that, despite the physical defeat of ISIS, the crime against the Êzîdîs is still ongoing. The recent developments that point to such a threat of renewed elimination will also be discussed below. The report concludes that unless the Êzîdîs are not granted the status of a protected group under the Genocide Convention or other mechanisms of international law and unless their right to self-governance is not respected, it is very likely that they will face complete extinction as a community and that their existence will be jeopardized for the sake of political and economic gains.

Chapter 1 - Who are the Êzîdîs?

The Êzîdîs are a Kurdish speaking community. They follow a mixture of mystical principles and religious-theological traditions dating back to the ancient religions of the Middle East. Their religion is 4000 years old. Êzîdîs are dualists, believing in a Creator God and Malak Ta'us (Peacock Angel), the executive organ of divine will¹. Radical and even many moderate Muslims consider Êzîdîs 'devil worshippers' due to a misinterpretation of their Peacock Angel figure². Therefore, the religion's place in Iraq's mosaic of different religions and belief systems is often disputed. Although many Êzîdîs speak Kurdish and the great majority of them consider

1 MRG, World Directory of Minorities and Indigenous Peoples – Iraq : Yezidis, London, MRG, <http://www.unhcr.org/refworld/topic_463af2212_49747e742_49749d0641_0.htm>

2 HRW, On Vulnerable Ground, New York, HRW, <http://www.hrw.org/en/reports/2009/11/10/vulnerable-ground>

themselves ethnically Kurdish, they are religiously distinct from Iraq's predominantly Sunni Kurdish population. Before the IS attack in 2014, there were about 700,000 (in 2005) Êzîdîs living mainly in Sinjar district, Nineveh governorate of northern Iraq. Ever since this figure has decreased to 500,000³.

Chapter 2 - Crimes Committed Against the Êzîdîs

Throughout history, Êzîdîs have become victims of attacks and massacres because of their religion. Following the rise of the Ottoman Empire in the region, the attacks against them intensified. Êzîdîs state that they have suffered nearly 73 Fermans ('order to eliminate') until the collapse of the Ottoman Empire in 1918. The killing of Êzîdîs was officially permitted under Ottoman rule based on fatwas⁴, permissions based on Islamic law. Ottoman fatwas permitted kidnapping and killing Êzîdîs and looting their property. Abu Saud Al-Emadi, a well-known Ottoman jurist who issued fatwas, is highly responsible for the massacres. In one of his fatwas Al-Emadi permitted the killing of Êzîdîs and the capture of their women and offspring after describing them as being "more infidels than the original infidels". He described the Êzîdîs as the descendants of the Zayed bin Mahaways. This alleged association aimed at increasing hatred towards them.

From 1560 until 1918, the Ottoman Empire committed 101 massacres against the Êzîdî population. 73 of them are considered 'fermans' or genocides under the current international law. Genocide, unlike other international crimes, is distinctive because of the targeting of individuals due to their membership in a distinctive group. While some of the genocides were committed by the Ottoman Empire directly, others were carried out by their allied forces including certain Kurdish tribes.

During the collapse of the Ottoman Empire and the establishment of new nation states such as Iraq, Syria and Turkey, the Êzîdîs faced further discrimination. In 1935, Major General Hussein Fawzi Pasha launched a criminal campaign against Sinjar and killed hundreds of Êzîdî civilians. Sinjar's villages were depopulated and its population forced into camps. Especially following the collapse of the Kurdish movement in 1975, hundreds of Êzîdî villages in Sinjar were destroyed, and its people were forcefully transferred to camps. Many Arabs were brought from different parts of Iraq and settled down in the region. In some areas, the original Êzîdî population was completely replaced with newly arrived Sunni Arabs. Today, the Sinjar is almost completely surrounded by Arab villages. Sinjar itself is only connected to other Kurdish regions by narrow and muddy roads which are in poor shape. Even the population of the remaining Êzîdî villages was mixed with new Arab arrivals.

After the US led attack on Iraq in 2003 and the fall of Saddam Hussein, discrimination against the Êzîdîs continued. On August 14, 2007, several simultaneous attacks with a fuel tanker and three trucks loaded with explosives took place in Sinjar's Tal Uzair district leading to the destruction of almost all homes in the district, due to the magnitude of the explosion. Nearly one thousand people were killed and several thousands wounded. The Iraqi government, the Kurdistan Regional Government (KRG) under the leading authority of the KDP (Kurdistan Democratic Party) and the US failed to prevent many bombings, attacks and assassinations against the Êzîdîs of Sinjar. Yet, they still claim to protect them.

This ignorance and the use of a divide-and-rule policy by the authorities in the region, especially the KDP, has paved the way for a new genocide carried out by the Islamic State (IS), a terrorist non-state actor (NSA). On August 3, 2014, IS launched a genocidal military campaign against

3 USCIRF, Annual Report 2010, <<http://www.uscirf.gov/images/annual%20report%202010.pdf>>

4 A fatwā is a nonbinding legal opinion on a point of Islamic law given by a qualified jurist in response to a question posed by a private individual, judge or government. A jurist issuing fatwas is called a mufti.

Sinjar after the KDP authorities had abandoned the region under suspicious circumstances. The Êzîdîs call this campaign the '74th Ferman' following the atrocities of the Ottoman Empire during World War I. IS was only stopped from killing and kidnapping even more Êzîdîs when a small group of 12 PKK (Kurdistan Worker's Party) fighters rushed to Sinjar and established a defense line on Mount Sinjar.



An Êzîdî woman and her children flee from IS attacks in August 2014.

Chapter 3 - IS Attacks on Êzîdîs

Only a few hundred IS members had launched the attack on Sinjar. They were later joined by some local Sunni tribes who also started to attack the Êzîdî population. The multiple attacks by IS as well as some Sunnis and the sudden withdrawal of the KDP under suspicious circumstances without consulting the Êzîdîs created a chaotic situation. The Êzîdî population was left with no choice but to escape to Mount Sinjar. Within several hours, more than 250,000 of them left their home without taking any personal belongings. Some were captured on their way and stripped of the few things they had managed to bring with them. Êzîdî men were taken away and killed immediately while young women and their children were abducted.

The criminal IS campaign against the Êzîdîs is defined as a genocide in the Human Rights Council (HRC) report 'They came to destroy: ISIS Crimes Against the Yazidis'. The attack forced the entire community to flee and leave their homeland. Those who could not escape were either kidnapped or killed. An estimated 5,000 men were massacred. The men who refused to convert to Islam were executed and dumped into mass graves. Many young boys were kidnapped and brainwashed in line with IS teachings of Islam, forced to become child soldiers and sold to IS families. Many of these children were later found in Turkey. Even after the military defeat of IS, many Êzîdî parents still find their children with the help of mediators in Turkey. An estimated 7,000 women and children were kidnapped, enslaved and forcibly transferred to locations in Iraq and north-eastern Syria. The entire population of Kocho village

was either killed or kidnapped on August 14 and 15, 2014. According to a research, the number of victims from Kocho village amounts to 1,170 with around half of them being men. Nearly 301 of them were under 10 years and 558 under 20 years old⁵. The young women from the village were used for sex slavery. Survivors reported being repeatedly sold, given away as presents or passed around among IS fighters. To date, more than 2800 women and children still find themselves in IS captivity, suffering unimaginable brutalities in unknown places on a daily basis. Apart from the efforts of the Êzîdî community itself, there is still no clear strategy for rescuing those still in captivity. Families, most of them living in displaced peoples' camps, are selling all they have and borrowing as much money as they can to buy their relatives back from the fighters who are abusing them and to pay smugglers to retrieve them. Until today, many women and children are still being found in Turkey under unclear circumstances.

Most of the surviving victims of the genocide are female. Êzîdî religious leaders have called for survivors to be embraced by their community. For the most part, this has protected Êzîdî women and girls from banishing from the community and helped to maintain its unity. Survivors are suffering from severe trauma, with limited psycho-social support available to them. For many women, especially those with young and/or highly traumatized children, it is difficult to regularly attend counseling.

Ever since the liberation of Sinjar from IS, over 35 mass graves have been found around Kocho village. According to media reports, there are over 80 mass graves in Sinjar. So far, the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) has only exhumed 18 of them in the areas of Kocho and Solagh.

Chapter 4 - Committing Crime of Genocide

According to Article II of the Genocide 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.”

Article II(a-e) defines genocide as being committed through any acts that can bring about the destruction of a group as listed above. This includes preventing births within the group, separating children from their families, denying basic necessities such as food and water and inflicting physical or mental harm, including through torture and rape. These crimes primarily target women and have so far rarely been prosecuted. IS members committed all these crimes listed under Article II mainly because of the religious belief and possibly the ethnicity of the Êzîdîs. Genocide is primarily a crime of intent, rather than of scale and it is the intent that transforms a series of conducts into a genocidal act. Thus, addressing these gendered non-killing crimes as genocide is essential in order to effectively intervene and stop the genocide and prosecute those responsible.

The HRC report mentioned above examines IS crimes against Êzîdîs and concludes that they amount to genocide. In addition to killing Êzîdî men, IS specifically subjected women and girls to rape and other forms of sexual violence, forced marriage, sexual slavery, forced abortion,

5 Further information on victims and demographic analyses: http://eprints.lse.ac.uk/101098/1/Cetorelli_Demographic_documentation_ISIS_attack.pdf

forced conversion and murder⁶. Therefore, the requirements under Article II are met including specific intention. Article II of the Convention was incorporated into the Rome Statute. Thus, genocide can be tried by the International Criminal Court (ICC) pursuant to Article 6(a-e) of the Rome Statute.

IS targeted the Êzîdîs because it considered them infidels – so called ‘mushrikiin’ which means polytheists as opposed to Christians or Jews who are theoretically protected from outright genocide as ‘People of the Book’⁷. IS used its extreme understanding of the Sharia to justify its actions against Êzîdîs⁸. IS members did not hide their *dolus specialis* to commit their attacks on Êzîdîs. In the Dabiq newsletter (IS periodical), IS referred to “Yazidis, [as] a pagan minority” and instructs that they must be hunted and killed⁹. The newsletter further notes that women should be “enslaved... and then distributed according to the Sharī’ah amongst the fighters... after one fifth of the slaves were transferred to the Islamic State’s authority to be shared as khums (‘spoils of war’ tribute to Islamic military leadership).”¹⁰ Once the women and girls were captured, IS typically separated them into three groups: married with children, married without children and young women and girls¹¹. Following separation, elderly women, too old to be sold as sex slaves or used for physical labor, were killed and buried in mass graves¹². Young men were sent to camps and forced to convert to Islam, indoctrinated with IS extremist views and given military training. Those who refused or resisted were killed. IS sought to annihilate the religious identity, traditions and the very existence of the Êzîdîs¹³.

Many international organizations and states have recognized the crimes against the Êzîdîs as genocide. The UN’s High Commissioner for Human Rights, too, found that IS’s “conduct may amount to genocide”¹⁴. In October 2015, the UN Secretary General stated that IS acts

6 “Letter and Annex in Support of Filing OTP-CR-397/15”. Global Justice Center: New York, <<http://peacewomen.org/sites/default/files/OTPCR.pdf>>.

7 Independent International Commission of Inquiry on the Syrian Arab Republic, Rule of Terror: Living under ISIS in Syria, 53-55. See also Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, U.N. Doc. A/HRC/30/48; Human Rights Council, Report of the Office of the United Nations Commissioner for Human Rights on the Human Rights Situation in Iraq in the Light of the Abuses Committed by the So-called Islamic State in Iraq and the Levant and Associated Groups, U.N. Doc. A/HRC/28/18; Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, U.N. Doc. A/HRC/28/69.

8 Blair, Tony, At a Glance: How ISIS Justifies Genocide, Faith Foundation, <<http://tonyblairfaithfoundation.org/religion-geopolitics/commentaries/glance/how-isis-justifies-genocide>>

9 Dabiq, 1435, The Failed Crusade, Issue 14, p. 14, <<https://azelin.files.wordpress.com/2016/04/the-islamic-state-22dacc84biq-magazine-1422.pdf>>.

10 Dabiq, 1435, The Failed Crusade, Issue 14, p. 14, <<https://azelin.files.wordpress.com/2016/04/the-islamic-state-22dacc84biq-magazine-1422.pdf>>.

11 Human Rights Council, Report of the Office of the United Nations Commissioner for Human Rights on the Human Rights Situation in Iraq in the Light of the Abuses Committed by the So-called Islamic State in Iraq and the Levant and Associated Groups, U.N. Doc. A/HRC/28/18, p. 36.

12 Westcott, Lucy, More Yazidi Mass Graves Discovered Near Sinjar by Iraqi Officials, Newsweek, <http://www.newsweek.com/more-yazidi-mass-graves-discovered-near-sinjar-iraqi-officials-399446>; Reuters, Iraq: Yazidi Mass Grave Discovered in Sinjar, The Guardian, <http://www.theguardian.com/world/2015/nov/15/iraq-yazidi-mass-grave-sinjar-kocho>; Sophia Barbarani, Mass Graves ‘of Yazidi Women’ Found Near Sinjar, The Telegraph, UK, <<http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/11997164/Mass-graves-of-Yazidi-women-found-near-Sinjar.html>>.

13 Independent International Commission of Inquiry on the Syrian Arab Republic, Rule of Terror: Living under ISIS in Syria, 53-55. See also Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, U.N. Doc. A/HRC/30/48; Human Rights Council, Report of the Office of the United Nations Commissioner for Human Rights on the Human Rights Situation in Iraq in the Light of the Abuses Committed by the So-called Islamic State in Iraq and the Levant and Associated Groups, U.N. Doc. A/HRC/28/18; Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, U.N. Doc. A/HRC/28/69.

14 Human Rights Council, Report of the Office of the United Nations Commissioner for Human Rights

may amount to genocide¹⁵. Most recently, a report by the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Assistance Mission for Iraq (UNAMI) found that IS acts “may, in some instances, amount to war crimes, crimes against humanity and possibly genocide”¹⁶. Similarly, the UN Human Rights Council’s Independent International Commission of Inquiry on Syria concluded that IS’s “attacks on the Yazidis, taken together with ISIS’s public statements over social media, suggests a denial of this religious group’s right to exist”¹⁷.

Further, U.S. Secretary of State John Kerry asserted on March 17, 2016 that IS was responsible for committing genocide against groups in areas under its control, including Êzîdîs, Christians and Shia Muslims¹⁸. In addition, several UN bodies and EU member states have referred to these crimes as genocide¹⁹.

However, Êzîdîs are still waiting for justice. IS has been physically defeated and has to a large extent disappeared from the area, but the threat of destroying the Êzîdî community remains imminent. These existential threats are obvious and publicly acknowledged, yet they are mostly disregarded just like the early warnings before the IS attack in August 2014. Before its attack on Sinjar, IS had publicly announced its intention to exterminate the Êzîdîs. IS used its media channels, such as satellite TV and social media channels to show its atrocities against the Êzîdîs and other communities that did not swear allegiance to IS authority. In addition to leaked evidence, the internet and social media sites have made it possible for conversations and statements of IS to be monitored. IS attacks were preceded by the distribution of leaflets in Sunni areas of Iraq, especially in Mosul, describing Êzîdîs as infidels and calling for their annihilation on the grounds that they are “anti-Islam”. Êzîdîs were also informed by some of their Arab neighbors about the intention of IS to conduct a criminal campaign against them. Yet, IS received aid and assistance by multiple entities in the region.

Evidence and documents show that IS was formed out of multiple groups which had close contacts with regional powers. Despite these early warnings and the crimes committed by IS, aiding and assistance by these local and regional powers to the group continued. Neither the authorities in the region, war-torn Iraq, international forces or the immediate neighboring countries tried to prevent the attack. While Iraq had already withdrawn its forces from Sinjar weeks before the IS attack, various international forces provided different reasons for failing to prevent the attack or immediately intervene especially during the initial two weeks during which the greatest atrocities were committed. The sudden withdrawal of over 11,000 KDP Peshmerga and civil administration members led to a power vacuum that enabled IS fighters to on the Human Rights Situation in Iraq in the Light of the Abuses Committed by the So-called Islamic 11 State in Iraq and the Levant and Associated Groups, U.N. Doc. A/HRC/28/18, 17, 18, 35-37, 41-43, 51.

15 UN Secretary General, ISIL may have committed war crimes, crimes against humanity and genocide: UN Report.

16 Office of the UN High Commissioner for Human Rights and the UN Assistance Mission for Iraq – Human Rights Office, Report of the Protections of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015, at p. i.

17 Independent International Commission of Inquiry on the Syrian Arab Republic, Rule of Terror: Living under ISIS in Syria, 57.

18 “Remarks on Daesh and Genocide. U.S. Department of State”, <<http://1.usa.gov/1R4vJdB>>.

19 “Report on the Protection of Civilians in the Armed Conflict in Iraq (1 May – 31 October 2015)”. Office of the United Nations High Commissioner for Human Rights and United Nations Assistance Mission for Iraq – Human Rights Office, <<http://bit.ly/1Rp85f0>>; “Statement by Adama Dieng, Special Adviser of the Secretary-General on the Prevention of Genocide, and Jennifer Welsh, Special Adviser of the Secretary-General on the Responsibility to Protect, on the situation in Iraq”, United Nations, <<http://bit.ly/1pyB58b>>; “Merkel bezeichnet IS-Terror als Völkermord”, Die Welt, <<http://bit.ly/1pyCbkl>>; “Remarks at the Security Council Open Debate on Victims of Attacks and Abuses on Ethnic or Religious Grounds in the Middle East”. 7419th meeting of the Security Council. United Nations, Ref. S/PV.7419, <<http://bit.ly/21zhgci>>. See also “Special Session of the UN Human Rights Council on the human rights situation in Iraq”, United Nations, <<http://bit.ly/1pyCyLL>>.

take control over the Sinjar region. Thus, IS was able to take over the town and more than 250 villages in only a few hours. Êzîdîs consider the KDP's withdrawal a betrayal because the KDP did not even inform them although it had promised them protection.



Since the beginning of December 2020, residents of Sinjar have been protesting for the protection of their Asayish forces every day.

Evidence clearly shows that a few PKK members who were later joined by other young Êzîdî men and women managed to prevent IS from moving up to Mount Sinjar where more than 250,000 Êzîdîs had escaped to. As soon as they had identified the IS threat against the Êzîdîs, twelve PKK members went to Sinjar to assist and organize the local population against the expected IS attack. However, the KDP reacted by arresting five PKK members and launching a propaganda campaign claiming that the PKK had arrived to assist IS. Hence, only seven PKK members managed to remain secretly in the region. A few days before the IS attack, they assisted some Êzîdîs to set up an organization for training the population to defend themselves. They also asked their headquarter in the Qendil region to send cadres to train the Êzîdîs and prepare them to confront IS. Yet, the Qendil headquarter declined in the light of a possible military reaction by the KDP and the danger of igniting a civil war. They later asked the Kurdish authorities in Syria to help the Êzîdîs. But before the arrival of YPG/YPJ members, IS started its attack on the region. At the time, only seven PKK members were left to assist the Êzîdîs and halt the advance of IS. In the morning of August 3, 2014, they set up a defense line on Mount Sinjar. On the same day, many members of the local Êzîdî population that had escaped from the IS attacks regrouped and spread over Sinjar mountain to defend their community with only light rifles. On August 7, 2014, YPG/YPJ fighters were sent by the Kurdish authorities in Syria and arrived in Sinjar. They opened a corridor for the stranded Êzîdîs to seek safety in Kurdish held areas in Iraq and Syria. The YPG/YPJ fighters managed to keep the corridor open for nearly a week. Almost 200 members of the YPG/YPJ were killed during the operation due to a new IS offensive against the Kurdish held area in the north of Syria adjacent to Sinjar region. The Êzîdîs that had regrouped on the mountain later expanded their organization and trained

more men and women. The organization was later named YBŞ (Sinjar Resistance Units)/YJŞ (Sinjar Women's Protection Units).

The attack on Sinjar facilitated further IS advances towards Kurdish held areas in Syria (Rojava) which was also being attacked by IS, Turkey and other jihadist organizations on multiple other frontlines. By October 2014, IS - with the assistance of Turkey - controlled huge swaths of land including almost all of the Kurdish city of Kobane. This only changed when the US began assisting the Kurds in fighting back IS and ultimately defeating it in March 2019.

However, the question still arises whether this genocide could have been prevented since there were clear indications for IS intentions to completely annihilate the Êzîdîs. Why do certain forces continue to provide assistance to IS despite the atrocities it has committed? It seems that the plan of destroying Êzîdîs as a people is still being pursued by the same entities that allowed IS to expand its territorial control. Yet today, other means are used to achieve this goal.

Chapter 5 - Political and Legal Issues Encountered by Êzîdîs

It is undeniable that weeks and months after the IS attacks, the international community began providing the Êzîdîs with humanitarian aid. Some countries even opened their borders for Êzîdîs to apply for asylum. Êzîdî women were granted residency in Germany, some other European countries and Canada. Nonetheless, the root causes of Êzîdî suffering have not been addressed yet. Six years on, Êzîdîs are being traded off by regional and international powers for political and economic gains.

Immediately after its liberation, the Sinjar region became a center of the struggle between multiple forces. The PKK members and local Êzîdî groups who had participated in fighting against IS established military bases fearing new IS attacks on Sinjar and Rojava. Similarly, the local population established its own military units. The KDP, with the support of Turkey, tried to regain control over the region. However, the Êzîdîs as well as other forces in the region accused the KDP forces of abandoning the Êzîdîs and facilitating IS crimes. Therefore, they demanded that the KDP should not be allowed to regain authority over the region.

The KDP and Turkey tried to establish proxy groups in Sinjar and Rojava. They began increasing their support for Kurdish armed proxies and other extremist groups against the Kurdish authorities in Syria. They also established a force named 'Roj' (Kurdish: 'sun'). The Roj force was deployed around Sinjar and close to the Kurdish region of Rojava in Syria.

Ever since, the region has been divided between different non-state actors. The Êzîdî land is occupied by different Kurdish and Arab groups with their territory being under a KDP installed blockade. The KDP and Turkey assist Êzîdîs who support their policy and target locals who try to limit their influence. Following the death of the Êzîdî's sheikh (highest spiritual authority) in late 2020, the KDP supported a new sheikh who was in favor of the Turkish policy. Consequently, when the spiritual leader Baba Sheikh passed away, KDP affiliated Êzîdîs chose a new spiritual leader without consulting the majority of Êzîdî representatives.

Even the draft constitution of the Kurdistan Region (KR) which was written under the KDP's leading authority does not account for the rights of Êzîdîs. Article 2 of the constitution states:

"The Kurdistan Region consists of the Provinces of Kirkuk, Sulaimaniyah and Erbil in their administrative boundaries prior to 1970 and the Province of Duhok along with the districts of Aqra, Sheikhan, Sinjar and the sub-district of Zimar in the Province of Ninevah, the district of Khaniqin and Mandali in the Province of Diyala, and the district of Badra in the Province of Al-Wasit."

Article 6 states:

"The people of Kurdistan-Iraq are composed of Kurds and other nations (Turkmen, Kurds,

Assyrians, Armenians and Arabs) who are not citizens of the region in accordance with the law.”

Article 20:

“Equality of opportunity is a protected right of all citizens of the region and the authorities of the region shall take the necessary measures to implement it.”

Article 65:

“Religion is not enforced. Everyone is free to choose their own religion and belief. The government of the region is free of the citizens of Kurdistan from Muslims, Christians and Yazidis and others to do their worship and the rituals and worship of mosques, churches and other places of worship and their development.”



International support for the Êzîdî's demands has been strong.

The latest political developments further prove that Êzîdîs face existential threats. An indication for this imminent threat is the agreement that was signed on the October 9, 2020 by the KRG and the Iraqi government under the coordination of UN representatives²⁰ and with the support of Turkey and USA²¹. The parties signed this 'Sinjar Agreement' to once again bring the region under the control of the KDP and the Iraqi army. The agreement was reached after intense negotiations between Turkey, Iraq and the KRG, mainly the Barzani family. It allows the Iraqi government to redeploy its forces in Sinjar while other forces are asked to leave the area. The agreement also grants the KDP the right to govern the region and appoint a new mayor. Both the Iraqi government and the KDP had lost control and legitimacy over the region after withdrawing their forces prior to the IS attack.

In order to fully understand the political and economic aims behind the agreement, it is necessary to be aware of the importance of the Sinjar region. Since the start of the 'Arab spring' and especially after the beginning of the Syrian uprising, the geographic location of Sinjar has increasingly won the attention of regional and international powers. Located adjacent to Syria and Turkey, it constitutes a hub for connecting Iraq to Western countries. Turkey sees Sinjar as essential for taking control over Mosul that used to be part of the Ottoman Empire

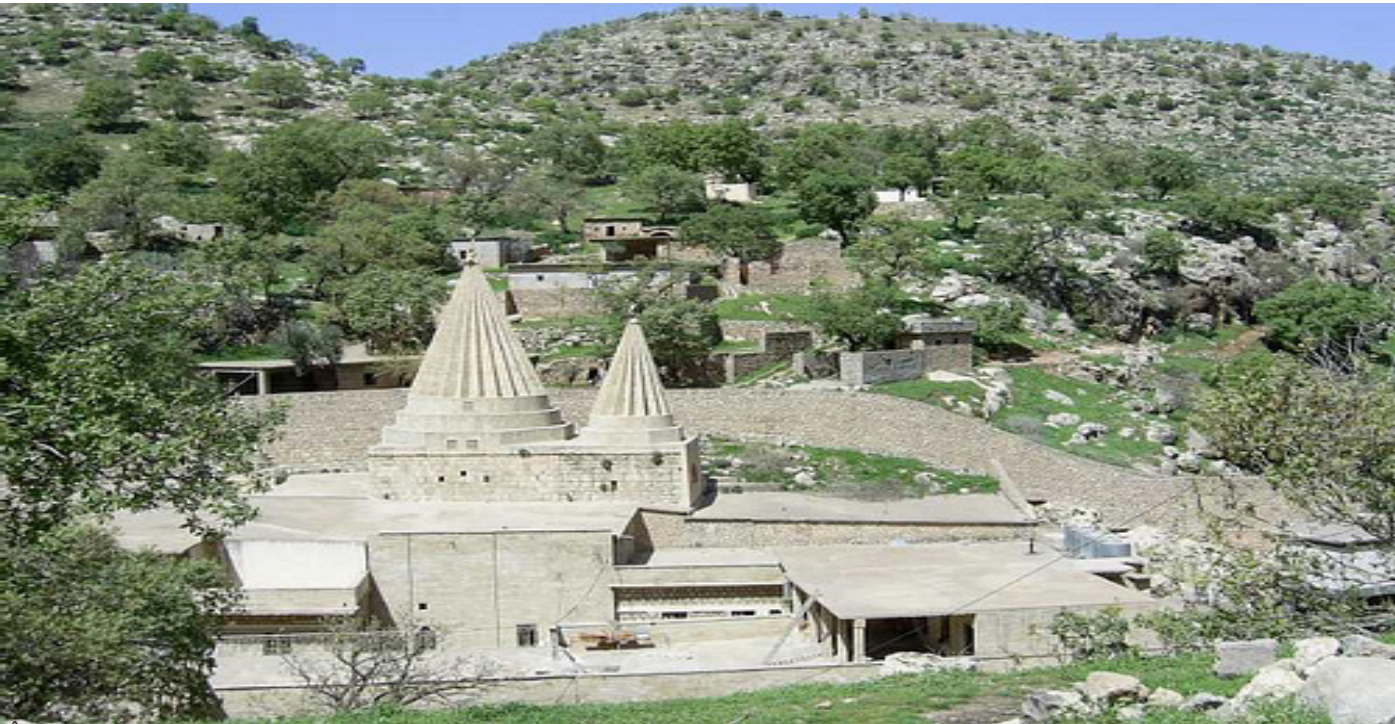
²⁰ <https://news.un.org/en/story/2020/10/1075102>

²¹ <https://www.kurdistan24.net/en/story/23301-KRG-and-Baghdad-reach-administrative,-security-agreement-on-Sinjar>

before its collapse in 1918. Especially since the beginning of the Syrian civil war in 2011, Turkey has tried to expand its control over the former Ottoman territories in Iraq and Syria, especially Mosul and Aleppo. Based on the goal of putting its neo-Ottoman plans into practice, Turkey has tried to directly and indirectly crush any obstacle that prevents the achievement of these foreign policy goals. By establishing control over these regions, Turkey would be able to establish an economic zone that reaches other parts of Iraq, Syria and the Gulf countries. In 2014, Turkey focused its attention on the Kurds in Syria who resisted against the IS advance. Turkey considered the Kurds a much bigger threat than IS. While it obstructed the Kurds from forming alliances with other groups of the Syrian opposition and from receiving funds provided by Western countries to overthrow the Assad regime, Turkey provided assistance to many groups that worked to weaken the Kurds, such as Jabhat al-Nusra out of which IS was formed in 2013. While Turkey had assisted IS prior the attack on Sinjar, it intensified its support after August 4, 2014 to assist IS in starting a new offensive against Rojava. This allowed IS to win control over nearly all areas populated by Kurds in Syria by October 2014. Ultimately, IS territory stretched over a vast area including several border crossings to Turkey. At the time, Turkey was accused of allowing IS to attack Kobane from its own state territory²². Turkey's assistance to IS and its blind eye for the attacks on the Êzîdî community allowed IS to establish control over Mosul and Aleppo provinces that had once been under Ottoman control. Turkish support for IS became increasingly clear when Turkey began attacking Sinjar and other Kurdish held areas after IS had been physically defeated in March 2019. Turkey directly and indirectly attacked the Kurds with the help dozens of proxy groups trying take control over the aforementioned areas in Syria and Iraq and has been accused of war crimes especially in Afrin where many Êzîdîs were subjected to brutal crimes²³. Turkey has used the KDP, its diplomatic relations with Iraq and the US to directly attack Êzîdî self-defense units in Sinjar. After IS occupied Sinjar, the PKK and Kurdish resistance groups from Syria did not stop fighting until they finally, alongside other forces in Iraq and with the assistance of US forces, liberated Sinjar. Since then, as briefly mentioned above, Turkey has used the KDP to attack the PKK presence in the region. After Sinjar's liberation, the KDP tried to reestablish its authority and appointed a mayor. Turkey and the KDP also used their newly established 'Roj' forces. These forces are comprised of Kurds from Syria - who oppose the Kurdish authorities in Syria -, Turkmens and other Kurds who are willing to collaborate with Turkey. With the help of the Roj forces, Turkey and the KDP have carried out attacks against the PKK and local Êzîdî self-defense forces in Sinjar. However, the PKK forces did not respond to the Roj attacks despite two members of the YBŞ having being killed as a result. Despite many attempts, the KDP influence further decreased when Masoud Barzani - then president of the KR - insisted on holding a referendum on the independence of the KR on September 25, 2017. As a result, in October 2017, Iraqi army forces alongside the PMF (Popular Mobilization Forces) expelled Peshmerga forces from the disputed areas between Iraq and the KRG including Sinjar and Kirkuk. Consequently, the PKK, YBŞ and PMF as well as the Ezidkhan Protection Force (EPF) and other smaller Êzîdî armed units further increased their presence in the area to fill the power vacuum. Fearing the influence of Turkey and the KDP which were accused of assisting IS, the Iraqi government accepted that the YBŞ joins the payroll of the PMU which is funded by the Iraqi federal government. Protest by Turkey and the KDP against these developments did not yield any results.

22 <https://www.telegraph.co.uk/news/worldnews/middleeast/syria/11697764/Isil-reenters-key-Syria-border-town-of-Kobane-live.html>

23 <https://www.amnesty.org/en/latest/news/2019/10/syria-damning-evidence-of-war-crimes-and-other-violations-by-turkish-forces-and-their-allies/>



Êzîdî shrine

In April 2017 Turkish planes bombarded the Sinjar region for the first time claiming PKK fighters were present in the region. As a result, in addition to the damages suffered by the YBŞ, five members of the KDP Peshmerga were killed and nine wounded. Turkey claimed that its attack on the Peshmerga had been an accident and asked the PKK to withdraw. Yet, many observers believe that Turkey's attack on the Peshmerga aimed at inciting them against the PKK presence. The Peshmerga Ministry called the attack "unacceptable" but also condemned the PKK presence in Sinjar and called on the group to withdraw. Ever since, Turkey's attacks have become increasingly frequent. In August 2018, a Turkish drone attack killed an Êzîdî leader allegedly a member of the PKK. In March 2018, the PKK officially withdrew all its forces from Sinjar. However, Turkey continued its airstrikes in 2018, 2019 and 2020 killing and wounding dozens of civilians and YBŞ fighters. Turkey further expanded its air strikes and started attacking the South Kurdish Makhmour UN refugee camp close to Sinjar killing many of its civilian inhabitants. The Iraqi government has repeatedly accused Turkey of violating Iraq's sovereignty. International media outlets reported that Turkey had never bombed Sinjar when the region was under IS siege but had started its attacks when the Êzîdî population began returning to its homeland. They accused Turkey of turning a blind eye to Abu Bakr al-Baghdadi living close to Turkey's border in Syria and his family escaping abroad via Turkey before he was killed by the US with the help of Syrian Kurdish forces. IS members who fled from Raqqa to Turkey also brought Êzîdî women they had kidnapped with them²⁴. Even today, many kidnapped women and children are still being recovered in Turkey under sketchy circumstances. Until now, Turkey has expanded its military and intelligence bases in KDP controlled areas of South Kurdistan. Today, there are 40 Turkish military bases and 20 intelligence offices. Turkey has intensified its attacks on civilians throughout the KR including Duhok, Erbil and Sulaymaniyah governorates. In late 2020, after receiving Iraqi Prime Minister Mustafa al-Kadhimi and the Foreign Minister of Iraq, Foad Hussein, who is a member of KDP, the implementation of the October agreement between Erbil and Baghdad started. Despite all of

24 <https://www.jpost.com/middle-east/turkey-carries-out-airstrikes-against-yazidi-areas-of-iraqs-sinjar-631514>

these political developments the international community has remained silent. In the absence of an independent international mechanism to monitor the situation, Êzîdîs are faced with a slow and implicit assimilation and annihilation. Many politicians and activists from the region, including the former member of the European Parliament Feleknaş Uca, have openly called this a policy of assimilation through various means²⁵.

Further, it is widely acknowledged that Turkey's aggression in the KR has been facilitated by the KDP. The airstrikes in Êzîdî regions have made it tremendously difficult for Êzîdîs to return to their homeland. Since the expulsion of IS from Sinjar, the KRG government has prevented the return of Êzîdîs to their homeland. The difficulties in Sinjar are further intensified by the economic blockade implemented by the KDP on Sinjar. Its forces don't allow humanitarian aid and commercial goods to enter the region. Especially prior to the October agreement, the KDP tightened this blockade²⁶.

In late 2020, the president of the KR, Nechirvan Barzani, visited Turkey and met Erdogan as well Hakan Fidan, head of the Turkish intelligence service MIT. After his return, the October agreement between Iraq and the KRG was signed with the active support of UN representatives. The aim was for the KRG to regain authority or at least increase its influence in Sinjar and to dissolve the Êzîdî self-defense forces and self-administration. The agreement does not allow for the return of Peshmerga forces to Sinjar, but mentions a new civil administration of the district which may allow the KDP to regain some of its influence. The agreement also calls for all current forces in Sinjar to leave and be replaced by Iraqi forces. This would eventually allow Turkey to gain further influence in the region via the KDP. Recently, Iraqi forces entered Sinjar and started replacing the YBŞ and PMF fighters. Mr. Barzani called the agreement the result of "months of hard work and negotiations" between Erbil and Baghdad. He promised that it would "help to allow the people of Sinjar, including Yazidis and others who suffered so appallingly [...] to return to their ancestral homes in safety and with dignity."²⁷ Yet, as a result of the agreement YBŞ members, representatives of the Sinjar council and the population have been under constant attack.

These kinds of problems have evolved because Sinjar is being handed over to the forces that abandoned the Êzîdîs when the IS carried out its attack in 2014. Then and now, Turkey has been the main supporter of the KDP and the Sunnis who participated in the atrocities against the Êzîdîs. Whether the Baghdad-Erbil deal will be fully implemented remains yet to be seen as the resistance of the local population continues.

Since the deal was signed, the population of Sinjar, have taken to the streets and protested many times. They fear that this agreement will allow Turkey to push its policy in the region and criticize that the agreement was signed by the very forces that abandoned the Êzîdîs in 2014.

The agreement has also been rejected by Sunni Arabs in Nineveh province claiming that their demands were not considered and pointing to their own dire situation. In the past, the stance of them towards IS was different. While certain local Sunni tribes have been accused of assisting IS, some other tribes either escaped or stood by and did not participate in the crimes committed against the Êzîdîs and other communities such as Christians, Yarsans and Shiites. But many IS sleeper cells are still operating in the region. The latest Baghdad-Erbil deal allows those who aided and assisted the rise of IS and its crimes against Êzîdîs to pursue a policy of elimination and inflict even more harm on Sinjar's population. While this may benefit some Sunni Arab and

25 https://anfenglishmobile.com/news/hdp-mp-feleknaş-uca-the-agreement-aims-to-depopulate-shengal-48938?fbclid=IwAR0NKb3DXi5AoBeEOzILTWN97fRGbPC0D1oOe1EIE80n_Q3QKDugfMInc

26 <https://www.hrw.org/news/2016/12/04/iraq-kr-g-restrictions-harm-yezidi-recovery>; <https://www.genocidewatch.com/single-post/2017/01/31/the-kr-g-s-relationship-with-the-yazidi-minority-and-the-future-of-the-yazidis-in-shingal>

27 <https://news.un.org/en/story/2020/10/1075102>

Turkmen tribes and the KDP, it certainly brings about further disenfranchisement and suffering for less powerful groups and provides an opportunity for IS to exploit the situation and cause new harm for the Êzîdîs.



November 2020: Êzîdî residents following the work of UNITAD in Sinjar.

Today, justice is yet to be done to Êzîdîs. Soon after its withdrawal from Sinjar, the KDP was criticized by other political parties, groups and organizations for abandoning the Êzîdîs. In response, Barzani promised an investigation and vowed to punish those who carried out the withdrawal plan. However, after six years, the perpetrators were promoted and avoided punishment.

A month after the IS attack, a delegation of the KRG Human Rights Committee visited the ICC office in the Netherlands. The ICC informed the members of the delegation that due to the lack of ICC jurisdiction in Iraq and Syria, it was impossible to start a direct investigation into IS crimes, but that the KRG had the right to refer IS perpetrators to the ICC. Yet, after the delegation returned, the KRG did not cooperate with the Human Rights Committee. Hence, the KRG neither established a court nor cooperated with the ICC even after a delegation from the KRG had visited the ICC prosecutor²⁸. Those who criticized Barzani for this were punished.

So far, no court has been established that could try the perpetrators of the Êzîdî genocide in Iraq. In some European countries, such as in Germany, IS members have been put on trial for crimes against the Êzîdîs. On October 9, 2019, Taha A.J., a 27-year-old Iraqi national, was put on trial. He had been transferred from Greece to Germany to stand trial for alleged crimes he had committed against an Êzîdî child and its mother. But thousands of IS fighters have reportedly gotten away without punishment and still remain in Syria, Iraq or Turkey.

Chapter 6 - New Threat: Baghdad-Erbil Deal Signed in October 2020

The deal between the Iraqi government and the KRG was signed on October 9, 2020 by the pro-KDP Minister of Interior, Rebar Ahmad Khalid, and the Representative for the Federal Government, Hameed Raseed Faleeh, Deputy Head of National Security Apparatus. It was officially announced on October 9 and includes security, administrative and reconstruction

²⁸ <http://www.ezidipress.com/en/2-years-later-krp-continues-to-conceal-peshmerga-commanders-complicity-in-genocide/>

measures. According to media information obtained from regional and international media coverage, the content of the deal can be summarized as follows:

- The federal government will be responsible for the security of Sinjar. It will establish a new armed force for the region.
- The reorganization of security and administrative matters in Sinjar will be realized by the federal government in coordination with the KRG.
- All foreign armed groups currently present in Sinjar are expected to leave the region.
- It explicitly asks for the end of the alleged presence of the Kurdistan Workers Party (PKK) in Sinjar and its surrounding areas.
- A new mayor will be appointed.
- Other administrative positions will be handled by a joint committee formed by the two sides after appointing the mayor.
- A joint committee between the Federal Government and the Kurdistan Regional Government for the purpose of reconstruction in the district, in coordination with the local Nineveh province administration is planned to be set up.
- The agreement promises to make possible the return of Sinjar's population to the region.
- For the purpose of overseeing all administrative and security aspects a joint committee between entities from both sides will be formed.

The announcement of the agreement between Baghdad and Erbil came as a surprise to many observers and discussions about the consequences are still ongoing. It remains unclear in how far the Iraqi government and the KDP-led KRG will be able to implement their plan amidst wide-ranging criticism.

Various regional and international institutions and organizations have either stated their support for or rejected the deal. Since many observers describe the latest agreement as a result of a US-initiative it does not come as a surprise that the spokesperson of the US-State Department was quick to welcome the deal on October 10, 2020: "The United States welcomes recent efforts by the Government of Iraq and the Kurdistan Regional Government, in coordination with the UN Assistance Mission for Iraq". The Special Representative of the UN Secretary-General for Iraq, Jeanine Hennis-Plasschaert, on October 9 also expressed her support: "Today's agreement between the Federal and the Kurdish Regional governments is a first and important step in the right direction."

In its statement shortly after the public announcement of the deal, our Democratic Self-Government Council of Sinjar made clear: "We will not accept any changes or discussions that we are not a party to", and added, "for the talks to be successful, we must be one of the main parties so that our rights are recognized, otherwise we do not accept any discussion or negotiation." In a joint statement the Central Association of Ezidi Associations (NAV-YÊK), the Umbrella Organization of the Ezidi Women's Council (SMJE), Exile Council Sinjar (MSD), the Association of the Ezidi Youth (HCE), the Alliance of Ezidis from Syria (YES) and the Coordination of the Ezidi Village Communities from Turkey (KMGE) also voiced their criticism shortly after the deal had been made public: "We see with great dismay that the Iraqi government is giving in to pressure from the despot Erdogan by concluding agreements regarding the Ezidis, which completely undermine the interests of the Ezidis. It is more than astonishing to see that the Iraqi government, together with the KDP, makes decisions for the "protection of the Ezidis" without consulting the Ezidis and their representatives." The organizations blamed the KDP for withdrawing "thousands of Peshmerga without fighting during the genocide in Sinjar on August 3, 2014 and thus [handing] over hundreds of thousands of Ezidis to the Islamic State. To make matters worse, an agreement has been reached which fully corresponds to Erdogan's wishes and his political and geostrategic objectives. This is

a catastrophic development for the Ezidi society and, therefore, completely unacceptable.” Following the announcement of the Baghdad-KDP deal a demonstration took place in Sinjar on October 11. Hundreds of Ezidis, Sunni, Shiite and Arab inhabitants of the region as well as religious leaders, politicians and representatives of the civil society took part in the protest. In an interview on October 14, Riham Hiço, co-chair of the Executive Council of the Democratic Autonomous Administration of Sinjar, criticized the agreement: “You [the KDP and the Iraqi army] were in Sinjar two days before August 3. But when the IS came, both fled and left the Ezidis to the genocide. Therefore, both forces are guilty. The Iraqi government has committed a crime by withdrawing from the Sinjar region. The KDP has committed not only that, but also treason. They have absolutely nothing to say about the Sinjar region.” Feleknaş Uca, former member of the European Parliament and currently member of the Turkish Parliament for the HDP, stated in October 2020: “One of the goals of the IS onslaught was to depopulate the Sinjar region. What the IS did not manage to do is now meant to be accomplished through the agreement. It is a decision that completely disregards Sinjar. Had they really cared about Sinjar and the Ezidis, they would have asked for the opinion of those who have resisted in Sinjar for years and have built up a system with great sacrifices.” Ever since the protests have continued and the above mentioned Êzîdî organisations, institutions and individuals have repeatedly demanded the stop of the Baghdad-Erbil deal.

Chapter 7 - Quest for Solution under International Law

The crimes against Êzîdîs and other communities in Syria have not stopped. Even after the defeat of IS, the Êzîdî community, Christians and other vulnerable communities are still under constant attack by extremist groups supported by Turkey. This report shows that there is lack of political will to grant the Êzîdîs their legitimate rights. As long as there is no political will to grant non-Muslim communities the right to exercise their religious beliefs, Êzîdîs won't experience justice. The Iraqi constitution grants diverse communities exactly this right. In Article 2 the Iraqi constitution states:

“This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabians.”

Article 14 states:

“Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.”

However, the report shows that these constitutional rights have yet to be put into practice.

International law provides multiple solutions to the case. Since the Êzîdîs have been subject to genocide under the international law of genocide, effective measurements are required to avoid the extinction of this group. Yet, so far neither Iraq nor the international community have shown the will to implement such measurements locally or internationally through the International Court of Justice (ICJ) or the ICC.

According to Article 1 of the UN Charter the doctrine of self-determination constitutes a prerequisite for developing “friendly relations among nations”. The theory of self-determination justifies the secession of a people from its state as a matter of last resort only. This applies to situations where the people is oppressed or the state's government does not legitimately represent the people's interests. This theory has been upheld throughout the development of international law during the 20th century. The concept was affirmed by the 1966 United Nations Covenants on Human Rights stating that “all peoples have the right of self-determination”²⁹.

Correspondingly, this also applies to minority groups that qualify as “peoples”. Thus, they have the right to self-determination, i.e. the ability to freely determine their political fate and form a representative government. Although no international treaty clearly defines the term “people” in relation to the matter of self-determination, it is generally accepted that this classification entails a subjective element, such as a common belief by members of the group. These members share the same characteristics and beliefs and thus form a common unit, as well as an objective element, such as a common racial background, culture, ethnicity, religion, language, and history³⁰.



Representatives of the Democratic Self-Government Council of Sinjar (MXDŞ) protest against Sinjar deal.

The political origin of the modern concept of self-determination can be traced back to the Declaration of Independence of the United States of America on July 4, 1776. It proclaimed that governments derived “their just powers from the consent of the governed” and that “whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or to abolish it”.

The French Revolution and the aftermath of WWI further shaped the principle of self-determination. After the end of World War I, the losing powers Germany, Austria-Hungary and the Ottoman Empire were stripped of their colonies. Several new states were created out of the territory of these former empires. Using this newly-articulated principle, in 1920, the Swedish-speaking people of the Åland Islands, an archipelago of about 300 small islands that had been incorporated into the recently-created state of Finland, insisted on holding a plebiscite in order to clarify their will as to whether they wished to separate from Finland in order to unite with Sweden. The Ålanders’ claim was ultimately resolved by a committee of lawyers within the League of Nations, which determined that the Ålanders did not have a right to separate from Finland because “[t]he separation of a minority from the State of which it forms a part [...] can only be considered as an altogether exceptional solution, a last resort when the State lacks

on Civil and Political Rights, Dec 16, 1966, 999 UNTS 171.

30 Michael P. Scharf, *Earned Sovereignty: Judicial Underpinnings*, 31 DENV. J. INT’L L. & POL’Y 373, 373–79 (2003); - Milena Sterio, *The Right to Self-Determination under International Law* 10, 27 (2013).

either the will or the power to enact and apply just and effective guarantees”³¹.

Two UN declarations, in addition to the UN Charter itself, have addressed the issue of self-determination – the 1960 Declaration on the Granting of Independence to Colonial Countries and the 1970 Friendly Relations Declaration³². Both declarations, however, envisioned self-determination leading to secession as a matter of last resort only within the decolonization paradigm: Here, both conditions for a right to self-determination were met insofar as colonized peoples were oppressed and their colonial governments did not adequately represent their interests. Both declarations also confirmed the importance of the principle of territorial integrity of existing states thus embracing the idea that self-determination could lead to the territorial disruption of existing states only in extreme instances of oppression or colonization.

It may be argued that international law subsequently developed to embrace the principle of self-determination in a binary form, as entailing rights to internal or external self-determination depending on the circumstances. Peoples that do not fall into the category of colonized or oppressed groups may exercise their right to self-determination through internal means, such as free association and autonomy. Peoples who are oppressed or colonized, however, have the right to external self-determination, which they may exercise through secession from their mother state.

This view of self-determination was confirmed in 1998, in the Canadian Supreme Court opinion regarding the proposed secession of Quebec from Canada. The Court stated that all peoples are entitled to various modes of internal self-determination, but that only some peoples, such as those subjected to conquest, colonization, and perhaps oppression, may acquire the right to external self-determination through remedial secession. Today, it may be concluded that international law bestows the right to self-determination on all peoples, but that the right to external self-determination, exercised through remedial secession, only applies in extreme circumstances, to colonized and severely persecuted peoples³³.

This report clearly shows that Sinjar’s population has not been protected by any of the authorities that ruled the region in the past millennium. According to international law formed by the members of the current international system, Êzîdîs deserve the right to self-determination. On the basis of assuming that they constitute a people, they have to be granted the right to self-determination. The Êzîdîs have suffered human rights abuses throughout history. International law grants oppressed people the right to self-determination. The Êzîdîs clearly fulfill this criteria. In recent years, the Iraqi authorities and KR security forces have failed to protect the Êzîdîs. Therefore, the Êzîdîs have the right to demand internal self-determination (such as federalism). But if their rights and protection continue to be violated, the Êzîdîs have the right to demand external self-determination in line with international law and the Convention on Rights and Duties of States³⁴. The Êzîdîs constitute a permanent population and possess a defined territory, government and the capacity to establish relations with other states. Finally, this report suggests, that unless Êzîdîs are not protected discrimination against their community

31 The Aaland Islands Question: Report Submitted to the Council of the League of Nations by the Commission of Rapporteurs, League of Nations Doc. B7/21/68/106 (1921).

32 Declaration on the Granting of Independence to Colonial Countries and Peoples, G.A. Res. 1514 (Dec. 14, 1960); Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations, G.A. Res. 2625 (Oct. 24, 1970) [hereinafter Friendly Relations Declaration].

33 Reference Secession of Quebec, [1998] 2 S.C.R. 217. The Canadian Supreme Court indicated that it may be possible to argue that international law recognizes the right to external self-determination for a people who has been “blocked from the meaningful exercise of its right to self-determination internally.” The Canadian Supreme Court declined, however, to issue a definitive ruling on this issue because it decided that the people of Quebec had not been denied self-determination rights within Canada.

34 Convention on Rights and Duties of States, Dec 26, 1933, Art.I, 49 Stat 3097, TS No 881, 16 5LNTS. 19

and ignorance towards the right of less powerful groups for political and economic reasons will continue. Thus, the diverse land of Êzîdîs, Christians, Kakayees and Armenians continues to be threatened with being turned into a homogenous society which will create more instability in the region and the whole world.

Chapter 8 - Demands of Êzîdîs and Declarations of International Institutions

Êzîdîs need a secure future, a homeland in which they can have a say and in whose security they can permanently trust. In this report we have referred to international law, the UN charter and UN declarations which guarantee the right of oppressed people to self-rule and self-defense. It is obvious that the Êzîdîs from Sinjar have been one of the most oppressed people ever since the IS attacks and the betrayal of the official security forces as a result of their withdrawal in 2014. The UN is expected to fulfill its obligations and grant security and prosperity to the people in Sinjar based on their involvement and acceptance. Unfortunately, the UN representative in Iraq has facilitated an agreement between Erbil and Baghdad which the Êzîdîs from Sinjar consider a renewed threat of genocide and a violation of their will. Instead of forcing the people of Sinjar to accept and obey forces they have lost all their trust in, the UN representative in Iraq needs to help Sinjar's population strengthen their self-administration and self-defense that were established six years ago. The UN representative in Iraq needs to convince the Iraqi authorities to take the necessary political and legal decisions to support the Êzîdîs' demand for self-rule and self-defense.

Therefore, they call on the democratic public, the USA, UN, EU and all relevant international organizations to:

1. install a no-fly-zone over Sinjar;
2. protest against the deal of October 9, 2020 between Erbil and the Iraqi government;
3. recognize the social, political and democratic self-administration council in Sinjar;
4. officially recognize the Ezidi self-defense units YBŞ and YJŞ and the 'Ezidxan Asayîş' as the legitimate security forces of Sinjar's population;
5. prosecute the perpetrators, instigators, assistants and supporters of the genocide/femicide committed against our population nationally and internationally, in particular the KDP, Turkey and IS;
6. offer material and financial support for the reconstruction of Sinjar.

Conference on Sinjar, Tal Afar and Nineveh Plains in European Parliament

In correspondance with its demands, the Êzîdî population of Sinjar has strengthened its relations with the peoples of neighboring areas, such as Turkmens in Tal Afar and Chaldean-Syriac-Assyrians in the Nineveh plain. On November 19, 2016, representatives of these three communities and of all political groups of the European Parliaments took part in a conference in the EP on that matter. In the final resolution passed by the conference Êzîdîs, Turkmens and Chaldean-Syriac-Assyrians demand not "to be treated as victims, we want to be recognized as equal citizens of Iraq" and "to live [in their home areas] as citizens and recognized peoples of Iraq and not as tolerated minorities". In order for this to be put into practice the resolutions states: "For this reason it is necessary that we will have local autonomy and self-administration in cooperation both with the Iraqi Kurdistan Regional government and the Iraqi central government." As a first practical step the three communities call for "the creation of a new province (muhafaza) that will unite our homelands of Sinjar, Tal Afar and Nineveh Plain. Provisionally we will call our Province 'Upper Mesopotamia'." The resolution states that "we will elect our own councils in Sinjar, Tal Afar and Nineveh Plain districts and we maintain our

self-defence forces under responsibility of these councils. Under these councils we will govern our affairs. Each of the districts will have a fixed number of seats allocated at the level of the new Provincial Council. The councils will allow that all living in these areas will have a voice and can be represented. All will have equal democratic and fundamental rights.”

Resolution of European Parliament on Sinjar

In line with the demands of the local peoples, on July 4, 2018, the European Parliament passed a resolution regarding the “EU-Iraq Partnership and Cooperation Agreement” (PV 04/07/2018 - P8_TA(2018)0286). In it the Parliament addresses the diversity of Iraq and explicitly calls for suitable political mechanisms of local self-rule to be put in place: “[The European Parliament] Encourages the international community and the EU to provide support for preserving the diversity of ethnic, cultural and religious identities in Iraq; calls, within the framework of the Constitution of Iraq, for ways to be explored to recognise, protect and enhance the local self-rule of ethnic and religious minorities living in areas where they have historically had a strong presence and lived peacefully alongside each other - for example in the Sinjar mountains (Yazidis) and the Nineveh plains (Chaldean-Syriac-Assyrian peoples); calls on the Iraqi authorities to allow Kurds, Christians and Yezidis to return to their original areas of residence and to ensure it is safe for them to do so”.



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