

Welcome to the Third C4JR YSL NEWSLETTER

The Coalition for Just Reparations (C4JR) is publishing regular newsletters on the Yazidi Survivors' Law (YSL) starting July 2023 in three languages; Arabic, English, and Kurdish (Kurmanji and Sorani). Our goal is to share accurate and up-to-date information regarding the YSL and share the views and experiences of all actors included in the implementation of this seminal transitional justice framework to address atrocities committed by ISIL in Iraq.

Latest News on the YSL

Application Statistics

The Directorate of Survivors Affairs (Directorate) and the Ministry of Labor and Social Affairs announced the release of reparations payments for 868 survivors of ISIL covered by the Yazidi Survivors' Law in September. The Director General for Survivors Affairs, Ms. Sarab Elias, said that the total number of beneficiaries had reached 1,052 to date. The Directorate is in the process of completing procedures for issuing Mastercards to those granted reparation payments under the YSL. More details can be found on the Directorate's Facebook page: <https://facebook.com/profile.php?id=100076062182514>.

Implementation of the YSL

The YSL includes reparation benefits to be provided to each individual who is approved as a survivor. These include 1) monthly reparation payments; 2) rehabilitation services; 3) return to education; 4) priority in public employment; and 5) a housing unit or land. The Directorate is actively rolling out certain benefits like reparations payments and referring survivors to supporting NGOs for rehabilitation support while continuing to address more complex benefits for future implementation.

Important updates:

- The Directorate has announced that it is receiving the names and details of male and female survivors covered by the YSL who wish to return to school in the new academic year. The Directorate requests the following information be sent via text message to the Directorate's number at +9647511002977 or

via the Directorate's Facebook page: full name; date and place of birth; level of education reached; and previous and current residence. More information can be found on the Directorate's Facebook page: <https://facebook.com/profile.php?id=100076062182514>.

- The Directorate has announced that male and female survivors living outside of Iraq who lack identification documents can provide the Directorate with the following information through the Directorate's Facebook page: country; city; full name; and phone number. A special committee has been formed tasked to receive and meet the demands of survivors abroad. The committee is designed to receive data on missing documents and work with relevant authorities to issue identity documentation and collect information on the needs of survivors outside Iraq. For more information see the Directorate's Facebook page: <https://www.facebook.com/profile.php?id=100076062182514&rdc=2&rdc=2&rdc=2>.
- On 16th October, Director General for Survivors Affairs, Ms. Sarab Elias met with the Assistant for Administrative Affairs to the Governor of Nineweh, Mr. Rifaat Smo Rasho, to discuss the latest procedures related to the allocation of plots of land, in accordance with Article 6.2 of the YSL. Mr. Rasho confirmed the Governor's approval had been obtained to allocate 250 plots of residential land, as the first batch, in coordination with Nineweh Municipality Directorate and the District Municipality in Sinjar. Ms. Elias indicated that 250 plots of land have been prepared in Sinjar District and 12 plots in Tel Afar District as part of the first batch of land allocations. For more information, visit the Directorate's Facebook page here: <https://www.facebook.com/profile.php?id=100076062182514>.



The Director General for Survivors Affairs meets with the Assistant for Administrative Affairs to the Governor of Nineweh. For more information, see <https://web.facebook.com/Rifaat.S.Rasho/?rdc=1&rdi>.

- To mark one year since YSL applications began, the Free Yezidi Foundation published a new report based on survivor feedback. The report entitled “Iraq’s Yezidi Survivors Law: Report on Year One of Reparation Applications” reviews the year’s successes, challenges, and areas for improvement. As well as commending the GDSA for its implementation of reparation payments and the MHPSS referral system, the report outlines a series of recommendations. These include the removal of investigative papers from the criminal court as an evidentiary requirement, the widening of YSL eligibility to include children born in captivity to Yezidi parents, the opening of a Directorate branch in Duhok, improved communication channels of GDSA statistics, and the development of alternative means of directly communicating with survivors beyond Facebook. For more information, see the full text here: <https://t.co/ueteOqMBz1>.
- In October, C4JR member SEED Foundation coordinated advocacy efforts among coalition members to ensure that the Directorate is properly resourced in order to fulfill its mandate and manage the expansive reparations program envisaged under the YSL.

Accountability Efforts

- At the request of the Government of Iraq, the UN Security Council unanimously adopted Resolution 2697, granting a non-extendable one-year extension to UNITAD’s mandate until 17 September 2024. Since its establishment in 2017, UNITAD has been supporting domestic efforts to document ISIL crimes, interviewing survivors, supporting exhumations of

mass graves, and supporting national prosecutions in third countries. The UNSC requested UNITAD’s Special Advisor to continue to submit reports on the Team’s activities every 180 days and develop a road map for the completion of its mandate by 15 March 2024. As per the resolution, UNITAD and Iraq must work out the modalities of sharing evidence with third states before UNITAD can continue implementing this aspect of its mandate and requests a report setting out recommendations for sharing evidence by 15 January 2024. To read Deputy Prime Minister and Minister of Foreign Affairs Fuad Hussein’s letter to the UNSC, see here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/263/38/PDF/N2326338.pdf?OpenElement>. For more information see the resolution here: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S-RES-2697.pdf>.

- Following the announcement, Yazda published a statement endorsed by 50 local and international organizations, including survivor groups, calling upon Iraq, the UN Security Council, and the international community to renew UNITAD’s mandate beyond September 2024 for as long as necessary. In addition, the statement requests: the development of a strategy for the prosecution of ISIL crimes both in Iraq and other jurisdictions; supporting Iraq in adopting a legal framework for the survivor-centered prosecution of core international crimes; and ensuring UNITAD’s continued support of Iraq until the country is able to fully implement survivor-centered and fair trial prosecutions. Read Yazda’s full statement here: <https://www.yazda.org/concerns-about-the-non-renewal-of-unitads-mandate-in-iraq>.

Challenges

Each newsletter will highlight one or more challenges for survivors or other stakeholders in the implementation of the YSL. In this third issue, C4JR is drawing attention to the challenges of Shabak survivors after C4JR hosted a consultation in September to hear about their experiences with the YSL application process.

While the additional requirement of the criminal complaint has been noted in previous newsletters as an obstacle for survivors, C4JR’s meeting with Shabak survivors further revealed survivors’ varying struggles in obtaining investigative papers. The challenges below though highlighted by Shabak survivors are not limited to their experiences alone but are shared among survivors from other components to

varying degrees. These struggles stem not only from risks of re-traumatization but structural issues pertaining to the judicial system itself.

There is a need for all authorities involved in YSL implementation to consider the unique crimes perpetrated by ISIL against each component. While Yazidis faced captivity from the beginning of genocidal events against the community in 2014, Shabak women were held in captivity at later dates when attempting to leave ISIL territory to flee to safety. They were, as a result, imprisoned and condemned as *murtadd*, or apostate, for doing so. This means that the date and duration of their captivity differ from that of Yazidi survivors. Although the YSL does not set a limit on the number of days a survivor is captured as a condition for eligibility, Shabak survivors report that their experiences and eligibility to the YSL are being put under additional scrutiny in courts. Despite survivors including ISIL-issued documentation of their captivity in ISIL prisons with their applications to the YSL. This has resulted in Shabak survivors' experiences of captivity being minimized and at various stages of the application and verification process inappropriate language has been reported. Obtaining reliable information on crimes committed by ISIL in Shabak areas can clarify the applicant's eligibility based on the legal requirements.

Shabak survivors stated that some court officials were not fully aware of what the YSL pertains to and who is eligible to apply to receive benefits under the law, resulting in the dissemination of incorrect information and survivors' files being transferred to irrelevant Ministries. Therefore, it is recommended that all actors involved in facilitating survivors' judicial complaints be informed of the full scope of the YSL in order to facilitate survivors' access to the law, including making available female translators to applicants during each step of the application process and employing survivor-centered approaches to judicial processes to protect survivors against potential harassment and stigmatization.

Shabak applicants must undergo an additional requirement, namely, obtaining biometric vetting from Iraq's security authorities to confirm that the applicant or her family has not been involved with ISIL and to ensure the information provided by the survivor is valid. Survivors are often required to obtain biometrics for varying reasons. This is a process that involves survivors making multiple visits to authorities concerned, including intelligence agencies, police, and national security. After submitting an application to the YSL, the applicant's name is sent to the relevant security authorities to initiate the biometrics process. The result of the biometrics must be sent directly to the Directorate by the intelligence office to confirm a survivor's eligibility. However, survivors reported having to follow up on results of biometrics themselves. The Directorate must ensure there is clarity regarding this procedure and maintain direct communication with the authorities involved to follow up on results of biometrics.

Further, many Shabak survivors reported that they were not informed of the results of their application in writing, only orally. This means that in the absence of formal mechanisms for communicating the results of submitted applications, survivors' right to appeal decisions within a 30-day period may be affected, as the date of issue of the decision cannot be verified. It is recommended that the Committee communicate in a formal, written format, the results of all applications, along with the reason for refusal.

Lastly, C4JR notes that Article 1 of the YSL states that the law applies to "Every woman or girl who has been subjected to crimes of sexual violence," some confusion arose during C4JR's meeting with Shabak survivors over the term "girl" and its applicability with regards to survivors. One survivor explained that when she and her daughter attempted to apply to YSL, her daughter was refused from applying due to being considered a minor at the time of the incidents. A clarification is recommended on the meaning of "girl," including the ages covered by the YSL.

THERE IS NO DEADLINE TO APPLY TO THE YSL! HERE IS HOW YOU CAN APPLY IF YOU ARE A SURVIVOR

The YSL provides reparations if you are a member of one of the following groups:

- Adult and minor female survivors of ISIS captivity from the Yazidi, Shabak, Christian, or Turkmen communities;
- Male Yazidis who were abducted by ISIS when they were under the age of 18 at the time they were abducted by ISIS;
- All persons from the Yazidi, Shabak, Christian, or Turkmen communities who were abducted by ISIS and personally survived a specific incident of ISIS mass killing.

Applications are made to the General Directorate for Survivors' Affairs. You can apply in three ways:

- Making an appointment with the Directorate in their Sinjar or Mosul offices and visiting the office at the appointment time. You can make the appointment at <https://ur.gov.iq/login>. See this video on how to make an appointment: https://www.youtube.com/watch?v=6ARulcl4gYU&ab_channel=IOMIRAQ ;
- Filling out a hard copy form and take it to the Directorate physically. You still need to register online using the link above to get your unique registration code;
- Applying online: You may submit your application, together with copies of your ID and any supporting documents you have to the link above. See this video on how to apply online: https://www.youtube.com/watch?v=QfoDfQWwErE&ab_channel=IOMIRAQ

You can apply on your own - you do not need a lawyer or NGO to apply. If you would like any support with the application, you can contact NGOs in your area. **There is no deadline to apply for the YSL. There is also no fee to apply.**

You can follow the Directorate's announcements on Facebook:
<https://www.facebook.com/profile.php?id=100076062182514>

From The Survivors

The newsletter's goals are to share the views and experiences of all actors involved in the YSL implementation process and to continuously include survivors' views on the process to ensure a survivor-centered implementation of the law.

Message from Shabak Survivors

As mentioned, in September C4JR sat down with Shabak survivors to hear about the specific challenges this community faces in applying to the YSL. Read their views below:

"We have gone through a lot of challenges and difficulties in obtaining investigation papers, hoping that eventually, we will get our right to reparations which will help us overcome all the obstacles that we faced during the process, and we have reconciled with this. However, we are shocked by the rejection of our applications and the complications and burdens faced during applying for the law. We are very disappointed that despite obtaining investigation papers we have been rejected."

Preliminary Survey Data

The C4JR has been working closely with five implementing partners on an anonymous survey to learn about survivors’ perceptions of the application process for the YSL. As of October 01, C4JR has surveyed 158 survivors who applied to YSL, over the age of 18, from Yazidi, Shabak, Turkmen, and Christian components in Nineveh, Duhok, and Erbil governorates. Of those surveyed, 87% are female and 66% are aged between 18-37.

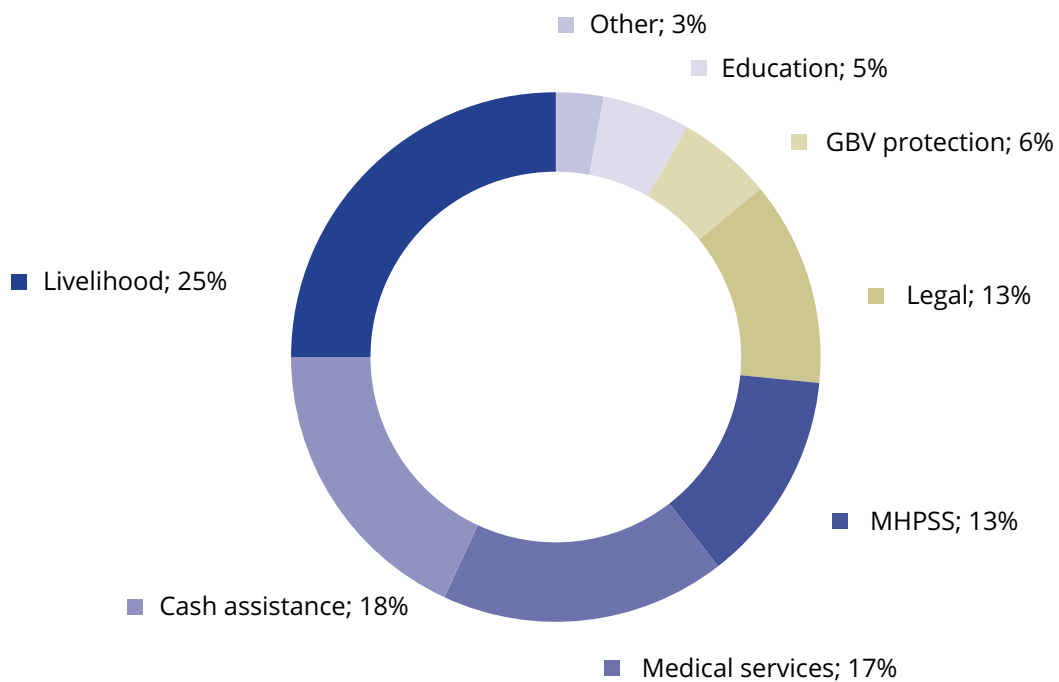
The majority of survivors (46%) have made online submissions via the Directorate’s online portal, with only 15% applying with a hardcopy submission to the Directorate, and

39% making an in-person appointment at the Directorate. Of applicants surveyed, 84% have sought support with their application largely from a family member or friend, or from an NGO. However, when requesting information about YSL applications, the survey finds that survivors prefer to ask NGOs (27%) rather than family members (23%). Survivors’ main reason for seeking support in applying to the YSL is fear of stigmatization by government bodies (23%), and secondly, confidentiality concerns (16%).

In terms of the most urgently needed services identified by survivors, 25% of those surveyed reported “livelihood,” 18% “cash assistance,” and 17% “medical services.”

Urgent Needs of Survivors

Which of the following services do you need most urgently?

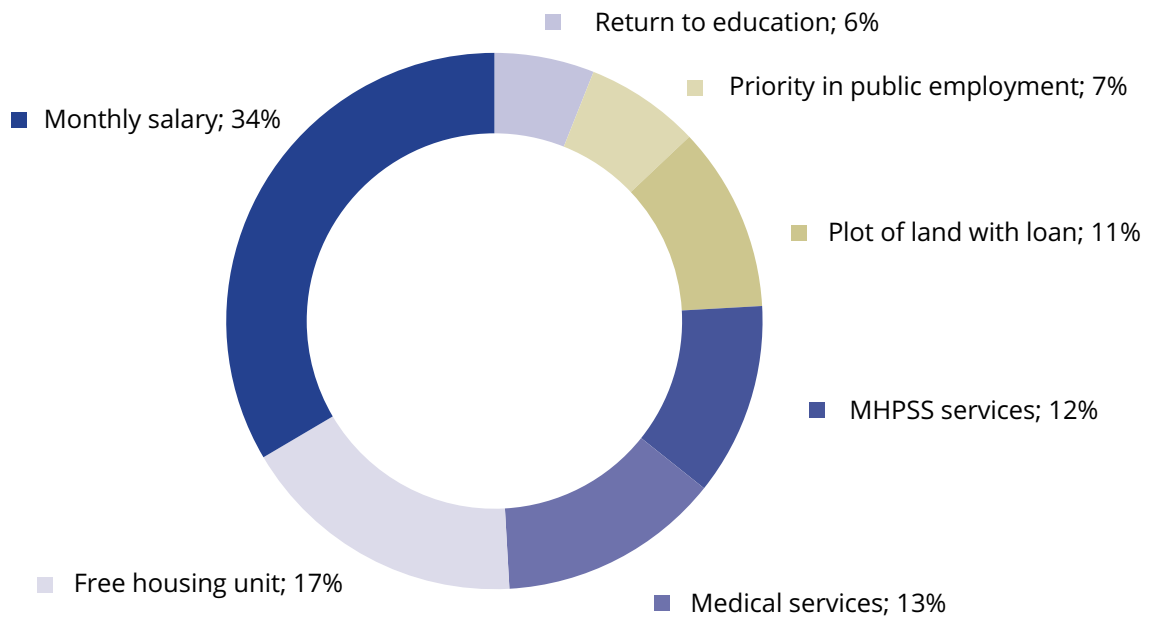


Regarding individual benefits listed within the YSL, survivors state the most important benefits to them are monthly

compensation (33%), free housing units (17%), and medical services (13%).

Most important YSL benefits

Which of the individual benefits listed under the YSL is most important to you?



Coming up in the next newsletter

In the next newsletter, C4JR will continue to publish preliminary survey findings, focusing on the accessibility and survivor-centeredness of the YSL and survivors' experiences engaging with the Directorate and Committee. The C4JR continues to work closely with implementing partners conducting the survey which is due to be completed at the end of October.

Get To Know C4JR Members

In each newsletter, C4JR will highlight the YSL-related work of two C4JR member organizations, including information on where and how to reach them.

Nadia's Initiative



Nadia's Initiative is working to support survivors located in Sinjar and Duhok by providing:

- Interim Reparative Measures for male and female survivors of ISIS captivity in collaboration with Global Survivors Fund, supporting survivors by individual reparations including cash and livelihood support, and collective reparations [a memorial symbolizing genocide and represents the suffering of female survivors- currently being implemented];
- Restoration of survivors' homes in north and south Sinjar;
- Providing legal, health, psychological, and educational support to survivors in Sinjar;
- Awareness session on YSL regarding how to apply, and the benefits it provides to survivors.

Nadia's Initiative's team can be contacted at +964 750 828 3883.

Harikar NGO



Harikar's legal team provides support to survivors in all IDP camps and urban areas within the Dohuk governorate by:

- Providing legal counseling to applicants of the YSL;
- Conducting legal awareness sessions on various legal topics from the YSL to civil documentation, guardianship, trusteeship, and marriage;
- Providing legal services on other identity and civil documentation applications.

Harikar's legal team focal points can be contacted by survivors at the following numbers:

For Mamrashan and Khanki Camp:

+9647504582169

For Kabarto Camps 1 & 2:

+9647507020206

For Dawodiya and Rwanga Camps:

+9647503460494

For Esiyan and Sheikhan Camps:

+9647504199004

Bajid Kandala Camp:

+9647515352008

For Bersive Camps 1 & 2:

+9647504695714

Chamisko Camp:

+9647504194499

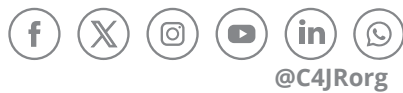
For Shariya and Mamilyan Camps:

+9647504177376

About the C4JR

The Coalition for Just Reparations (C4JR) is an alliance of 33 NGOs calling for comprehensive reparations for civilian victims of atrocity crimes perpetrated during the ISIL conflict in Iraq. C4JR uses Iraqi law and international human rights law to support reparation claims of survivors and to encourage Iraqi authorities to meet their obligation to provide reparations. C4JR also works to inform, advocate, offer viable solutions, and engage with different stakeholders to ensure survivors realize their right to reparations by providing space for deliberation, collaboration, and reflection.

You can visit our website at www.c4jr.org for more information.



C4JR updates
WhatsApp group



This publication was made possible through support provided by the International Organization for Migration (IOM), under the terms of the Government of the Netherlands. The opinions expressed herein are those of the Coalition for Just Reparations and do not necessarily reflect the views of IOM Iraq.