



التحالف للتعويضات العادلة  
Coalition for Just Reparations  
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## JOINT SUBMISSION TO THE 4TH CYCLE OF THE UNIVERSAL PERIODIC REVIEW (UPR) ON JUSTICE AND REPARATIONS FOR SURVIVORS OF ISIL CONFLICT IN IRAQ

SUBMITTED BY:  
**JIYAN FOUNDATION FOR HUMAN RIGHTS  
&  
COALITION FOR JUST REPARATIONS**

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*Jiyan Foundation for Human Rights (<https://jiyan.org/>) is a non-profit organization, established in 2005, promoting the mental well-being, physical rehabilitation, and social reintegration of survivors of violence, torture and trauma in Iraq. Today the Jiyan Foundation runs a network of eleven trauma rehabilitation centers across northern Iraq, including special departments for traumatized women and children and a clinic for Yazidi women who survived ISIL captivity. Clients receive free-of-charge psychotherapeutic treatment, medical care and socio-legal counselling regardless of ethnicity, religion, gender or political affiliation. In addition, the Jiyan Foundation seeks to protect survivors of human rights violations and prevent future acts of abuse through professional training, human rights education, public awareness-raising and political advocacy.*

*Coalition for Just Reparations (C4JR, <https://c4jr.org/>) is an alliance of Iraqi NGOs, launched in 2019, 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 encourage Iraqi authorities to meet their obligation to provide reparations. C4JR currently consists of 34 NGOs: ASUDA, BWO, CAPNI, CDO, Dak, Emma, EOD, Farida Global, Ghasin Alzaiton, HHRO, Harikar, HAWAR., Iraq victims in Spyker 1700, IEA, IID, Jinda Organization, JOMR, Methra, Nadia's Initiative, NHCR, Nisha, PFO, SEED Foundation, SPF, TAJDID, FYF, Jiyan Foundation for Human Rights, Lotus Flower, OHRC, TRO, TRF, WLI WOLA, Yazda.*

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# Summary

1. This submission provides an overview of Iraq's efforts to deliver justice and reparations to survivors and families of victims of the self-declared Islamic State of Iraq and the Levant's (ISIL) genocide, war crimes, and crimes against humanity. It reviews the Iraqi government's actions to date in granting rights and benefits to victims and highlights the challenges that continue to impede justice efforts.
2. Jiyan Foundation for Human Rights and the Coalition of Just Reparations recommendations include: Remove barriers for survivors in accessing reparations by streamlining application, review and appeal process as well as delivery of critical reparative measures including holistic rehabilitation as promoted by CAT under the Yazidi Survivors and Speicher law, respectively. Take measures to put evidence of ISIL crimes UNITAD collected to their intended use by: codifying international crimes, setting up a criminal accountability mechanism aligned with international human rights standards and putting survivor front and center in any accountability efforts.

## Key Issues:

3. **Restricted Accesses to YSL Application Process:** Despite the Yazidi [Female] Survivors' Law (YSL) enacted in 2021, many survivors face barriers due to restrictive evidentiary requirements, lack of transparency, and insufficient rehabilitation measures. An extra-legal requirement for criminal complaints and investigation documents hinders access, especially for those outside Iraq. Recommendations include halting this demand and improving access for survivors outside Iraq.
4. **Transparency and Appeals:** The YSL lacks clarity on eligibility and appeals. Ambiguous criteria for women and girls subjected to sexual violence and unclear rejection decisions hinder appeals. Recommendations include clarifying eligibility, issuing detailed rejection letters, and defining appeal deadlines.
5. **Implementation of Rehabilitation and Restitution Measures:** Implementation of rehabilitation measures is uncoordinated and insufficient. Survivors need comprehensive support including psychological, medical, educational, and vocational services. Recommendations include establishing holistic state-sponsored rehabilitation services as promoted by CAT under the YSL and Speicher law, respectively, and targeted education reintegration programs.
6. **Speicher Victim Families' Compensation:** Families of Speicher Massacre victims face lengthy and unclear bureaucratic processes under Speicher and Memorialization Laws. Recommendations include awareness sessions on reparation application processes and streamlining application processes.
7. **Accountability for ISIL Crimes:** Efforts to prosecute ISIL members are hindered by the lack of a domestic legal framework for genocide, crimes against humanity, and war crimes. Current prosecutions fail to capture the full extent of their crimes. Recommendations include take measures to put evidence of ISIL crimes UNITAD collected to their intended use by: codifying international crimes, setting up a criminal accountability mechanism aligned with international human rights standards and putting survivor front and center in any accountability efforts.

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# I. Introduction

8. This submission reviews Iraq's efforts to provide justice and reparations to survivors and families of ISIL's genocide, war crimes, and crimes against humanity. It examines the Iraqi government's actions to date and highlights both progress and ongoing challenges in granting rights and benefits to victims. Despite the enactment of the Yazidi [Female] Survivors' Law (YSL) in 2021, many survivors face barriers to accessing reparations. Restrictive evidentiary requirements, lack of transparency, and insufficient implementation of rehabilitation measures hinder the process. Specifically, the requirement for applicants to file a criminal complaint and submit investigation documents contradicts the non-judicial nature of the law, lacks a legal basis, and prevents many eligible survivors, especially those outside Iraq, from accessing reparations due to stigma, safety concerns, and logistical challenges.
9. Three years post-enactment, the YSL still lacks clarity regarding eligibility and the appeals process. Ambiguous terms and criteria, particularly for survivors of sexual violence, kidnappings, and detentions, along with unclear rejection decisions and unspecified appeal deadlines, create legal uncertainty. Implementation of rehabilitation and restitution measures remains insufficient and uncoordinated. Survivors need comprehensive support, including psychological, medical, social, educational, vocational, and legal rehabilitation, which is currently lacking. Promised education and employment opportunities are not fully realized due to the lack of specialized reintegration programs and a hiring freeze in public sector employment.
10. Victim families of the Speicher Massacre face lengthy, unclear bureaucratic processes under the Speicher Law and Memorialization Law, with an average processing time of 2.7 years.<sup>1</sup> Many families lack information on their legal entitlements, complicating their access to financial compensation.
11. Efforts to hold ISIL members accountable for international crimes in Iraq are hindered by the lack of a domestic legal framework to prosecute genocide, crimes against humanity, and war crimes. Current prosecutions fail to capture the full extent of their crimes, setting flawed legal precedents and contributing to inaccuracies in historical recording. Measure must be taken to put evidence of ISIL crimes UNITAD collected to their intended use by: codifying international crimes, setting up a criminal accountability mechanism aligned with international human rights standards and putting survivor front and center in any accountability efforts.
12. If properly implemented, the YSL has the potential to reshape Iraq's transitional justice landscape, improve the status of minority groups, reduce sexual and gender-based violence, and pave the way for community-based reconciliation and lasting peace. Additionally, it can serve as a model for addressing other gross human rights violations through reparations. The Speicher Law and Memorialization Law, if fully executed, offers a path to justice for victims' families by providing adequate memorialization and compensation, improving their conditions, and recognizing their suffering.

# II. Context

13. The self-declared Islamic State of Iraq and the Levant (ISIL, also known as Daesh and ISIS) targeted individuals based on religion and gender. These were the two main factors determining

the crimes committed against victims. Sexual crimes—including rape, sexual slavery, forced pregnancy, enforced sterilization—against women and girls were central to ISIL’s reign of terror.<sup>2</sup>

14. Under ISIL’s ideological framework, those perceived as *mushrik* (pagans), such as Yazidis, were targeted for destruction. Men and older boys were systematically killed, while women, girls, and children were enslaved, often subjected to CRSV. Boys deemed to have reached puberty were conscripted and underwent military training.
15. Those identified as *murtaddin* or apostates, such as Shi’a Muslims, were specifically targeted by ISIL. Shi’a Turkmen faced severe violence, including killings, kidnappings, the destruction of their places of worship and homes.<sup>3</sup> Shi’a Turkmen girls were forcibly married to ISIL fighters, enduring rape and physical violence.<sup>4</sup> Meanwhile, Shi’a Turkmen boys were forcibly recruited into ISIL’s military ranks for training and later combat.
16. Shi’a Shabak properties were marked with the Arabic letter “R,” symbolizing the derogatory term *ranafid* or rejectors, used against Shi’a Muslims.<sup>5</sup> Women and girls captured, arrested, or detained by ISIL faced heightened risks of torture and sexual violence.<sup>6</sup> Additionally, Sunni Shabak women experienced sexual assault and rape either during their detention or after attempting to escape ISIL-controlled territory.<sup>7</sup> Male Shi’a Shabaks were arrested or captured, often targeted due to their affiliation with the Iraqi security forces or their Shi’a identity, subjected to torture, and some sentenced to death.
17. Christians were given a choice by ISIL to either convert or pay a tax—*jizyah*—and enter into a covenant of protection, although UNITAD has documented ISIL’s efforts to forcibly convert Christians. After capturing and detaining Christians, both male and females endured physical violence, torture, and in some cases, sexual violence.<sup>8</sup> UNITAD has also documented isolated instances where Christian women were subjected to sexual slavery.<sup>9</sup>
18. ISIL executed Shi’a Arab captives at Badush Prison and committed a brutal massacre of 1,500 unarmed Shi’a Air Force cadets outside Camp Speicher in Tikrit.<sup>10</sup> In response to these atrocities, the Iraqi government passed Law No. 81 in 2017, titled “Memorializing Sacrifices of Victims of War Against Daesh, Expediting their Applications Processes, and Providing Care to the Wounded.”<sup>11</sup> In 2019, Speicher Law came into effect.<sup>12</sup> This law acknowledges the massacre as potentially constituting genocide or a crime against humanity, pending determination by competent courts<sup>13</sup> and provides the families of victims the right to receive a salary and retirement rights<sup>14</sup> as stipulated by the Military Service and Retirement Law of 2010 [Military Service and Retirement Law] and the Law of Compensation for Victims of Military Mistakes and Terrorist Operations No. 20 of 2009. Additionally, the Speicher Law mandates the moral commemoration of the victims through measures such as erecting memorials and naming schools and streets in their honor.<sup>15</sup>
19. On March 1, 2021, the Government of Iraq (GoI) passed the Yazidi [Female] Survivors Law (YSL),<sup>16</sup> a pivotal step in Iraq’s efforts to address the legacy of ISIL crimes. The law provides access to a variety of rights and benefits to Yazidi, Turkmen, Christian, and Shabak women and girls victims of conflict-related sexual violence (CRSV) including victims of kidnapping, sexual enslavement, forced marriage, pregnancy, and abortion;<sup>17</sup> Yazidi, Christian, Shabak, and Turkmen who survived mass killing operations carried out by ISIL; and Yazidi children who were kidnapped by ISIL. The YSL mandates several critical state-sponsored reparative measures such as financial support;<sup>18</sup> medical and psychological care;<sup>19</sup> the provision of land, housing, education and a quota in public sector employment. Moreover, it officially recognizes that ISIL committed genocide and crimes against humanity against Yazidi, Christian, Turkmen and Shabak minority

groups,<sup>20</sup> and mandates memorialization,<sup>21</sup> the search for those still in captivity, opening of mass graves, identification of remains and their return to the families<sup>22</sup> and calls Iraqi institutions to ensure that perpetrators of genocide and crimes against humanity are held accountable.<sup>23</sup> The associated bylaws further extend these obligations, including developing specialized curricular on ISIL conflict to promote peaceful coexistence and renunciation of violence.<sup>24</sup> The YSL envisages rehabilitation as a form of reparation for survivors of the ISIL conflict, marking the first time rehabilitation has been explicitly recognized as a form of reparation in Iraq. Finally, the YSL explicitly stipulates an objective to, *inter alia*, prevent the recurrence of the violations that occurred against the indicated minorities.<sup>25</sup>

20. The General Directorate for Survivors' Affairs (GDSA) is the main implementing body for this legislation established under the Federal Ministry of Labor and Social Affairs (MoLSA) and located in Mosul with a branch office in Sinjar. The GDSA and the independent, eight-member Committee are authorized to review and decide on applications and appeals. While the GDSA coordinates outreach, application, and verification processes, as well as the distribution of services,<sup>26</sup> the Committee is tasked with verifying the submitted applications within 90 days from the moment of the submission<sup>27</sup> and determining the amount of the monthly reparation payment according to the material or moral damage suffered by the eligible applicant.<sup>28</sup>
21. Since the implementation of the YSL, over 1,700 applications for reparation have been approved for Yazidi women and children, as well as for Turkmen, Shabak, and Christian women who were held in captivity by ISIL, and male Yazidi survivors of mass graves. With the support of the UN, the GDSA under MoLSA developed a cooperation agreement with Iraqi non-governmental organizations to set up a referral system for survivors, as part of which up to 90 survivors have accessed mental health and psychological support funded by the GDSA under the Ministry of Labor and Social Affairs.
22. This submission examines the Iraqi government's current efforts to provide rights and benefits to victims, highlighting ongoing challenges that hinder justice efforts. These challenges include restrictive evidentiary requirements, lack of transparency in implementation, and an apparent lack of progress in execution of rehabilitation measures, all of which limit access to reparations. Furthermore, families' eligible for financial compensation under Memorialization Law (2017) and Speicher Law, (2019) face prolonged and unclear bureaucratic application processes.<sup>29</sup> Moreover, prosecuting ISIL members for international crimes in Iraq is severely hindered by the absence of a domestic legal framework to address genocide, crimes against humanity, and war crimes.

### III. Issues

#### A. Restricted access to the YSL Application Process

23. **Despite the enactment of the YSL, many eligible applicants, including those who reside outside Iraq, remain unable to access reparations due to an extra-legal evidentiary requirement. This requirement necessitates applicants to file a criminal complaint and submit investigation documents with their application. Introducing this requirement not only contradicts the non-judicial process intended by the law but also contravenes international best practices for evidentiary requirements in domestic reparation programs and the right to an effective remedy under international human rights law.**

24. The YSL application portal was launched by the GDSA on September 7, 2022.<sup>30</sup> Initially, it was indicated that the Committee authorized to decide on applications will adopt a relaxed evidentiary standard, where official court documents would be given due evidentiary weight but would not be a prerequisite for a positive decision.<sup>31</sup> However, two months after the GDSA began receiving applications, an extra-legal evidentiary requirement was introduced by the Committee Chair, who is the appointee of the High Judicial Council.<sup>32</sup> This requirement necessitates YSL applicants to file a criminal complaint to be deemed eligible for reparations.
25. This new requirement lacks a legal basis within the YSL and its by-laws, whereby according to the by-laws, the Committee shall first exhaust official evidence before resorting to other proof<sup>33</sup> and applicants may submit a wide range of documents to support their reparation claims such as government records, NGO reports, and eyewitness testimony, among others.<sup>34</sup> Despite this, the additional evidentiary requirement requires YSL applicants to first file a criminal complaint with a Federal Iraq court to obtain investigation documents to be submitted with their YSL application. **Applicants who do not submit investigation documents will be rejected, regardless of other available pre-existing evidence collected by official bodies and NGOs.**
26. In addition to being contrary to the spirit and letter of the law, the extra-legal requirement for YSL applicant to file a criminal complaint also contravenes international standards and best practice for domestic reparation programs and the right to an effective remedy under international human rights law.<sup>35</sup> This position is echoed in the UN Secretary-General's recent report on conflict-related sexual violence, which calls for the removal of the requirement for criminal investigation documentation.<sup>36</sup> **The requirement effectively prevents thousands of eligible survivors from accessing their rights to reparation under the YSL due to fear of stigma, personal safety, and risk of self-incrimination,** particularly impacting Yazidi children forcibly conscripted by ISIL. Additionally, the requirement is **especially prohibitive for eligible applicants residing outside Iraq.** Although the online YSL application system has been accessible to YSL applicants residing abroad since May 2023, applicants must return to Iraq to testify in a Federal court and obtain the necessary investigation documents to meet the evidentiary requirement limiting survivors outside Iraq from accessing their rightful reparations under the YSL.
27. The use of video conferencing for witness testimonies is permitted by a Supreme Judicial Council decision made in July 2023. Since doing so, the Court of Appeal in Nineveh has utilized video conferencing to facilitate witness testimony, which could set a precedent that hopefully would facilitate ability of survivors residing abroad to give statements in investigative courts to satisfy the evidentiary requirements and obtain investigation papers.
28. Recommendations:
- a. Stop the practice of asking survivors to submit investigation documents together with their YSL application and evaluate applications submitted against the standards laid out in the YSL and its bylaws;
  - b. Increase efforts between the GDSA, NGOs, and diplomatic stakeholders to overcome the barriers impeding survivors outside Iraq from accessing their rightful reparations under the YSL, including making video conferencing available to satisfy the YSL's evidentiary requirements.

## **B. Lack of Transparency around YSL Eligibility Parameters and Appeals Process**

29. **After more than three years since the passing of the YSL, transparency is still needed regarding the eligibility parameters laid out in the YSL and a lack of clarity continues to surround the YSL appeals process.**
30. The YSL states that the law applies to women and adolescent girls subjected to crimes of sexual violence,<sup>37</sup> however, the definition of “girls” has led to confusion over the laws applicability. **The law does not provide a definition of adolescent girls and the age parameters of this category.** In addition, eligibility criteria surrounding the crimes or violations suffering by applicants has also caused issues for YSL applicants.<sup>38</sup> Survivors of kidnappings are eligible under the YSL, provided they have also experienced another violation from listed crimes of sexual violence. YSL applicants that were victims of detention in their homes or villages, rather than being kidnapped and moved to another location, and experienced **one of the severe violations of sexual violence listed while in detention may be eligible**, setting an unfair precedent considering the law should cover all survivors of CRSV regardless of the circumstances surrounding the occurrence of the violation.
31. In addition to confusion over eligibility parameters, **the YSL Committee does not provide clear, written communication of decisions of initial YSL applications and appeals.**<sup>39</sup> Applicants whose cases are rejected by the Committee often do not know why the Committee denied their applications which makes it difficult to appeal their cases. The absence of a written decision that include the date the case was denied as well as the reasons for rejection, negatively impacts an individual’s due process rights including the right of appeal, risking YSL applicants missing the 30-day filing deadline to submit their appeal to the Committee. As it stands, only an oral explanation of the decision is provided by the GDSA’s legal department and a rejection letter presented to the applicant to sign. Moreover, time limit for submitting an appeal in the second instance before the Court of First Instance, whose decision is final as no further legal remedies are possible, is not explicitly stipulated in the YSL. It is therefore unclear which general deadline applies in this case, opening the way to different interpretations and thus legal uncertainty.
32. Recommendations:
  - a. Clarify eligibility criteria around applicants’ age by defining meaning of “girl” and resolve the eligibility challenges for survivors of CRSV who suffered the violation while in detention;
  - b. Issue dated application decision letters to YSL applicants upon request detailing the grounds on which the application was rejected to better inform applicants and those supporting applicants of their eligibility to the law ensuring applicants can prepare their appeals within the allocated time;
  - c. Specify and clearly communicate the applicable deadline for submitting an appeal in the second instance.

## **C. Insufficient and Uncoordinated Implementation of Rehabilitation and Restitution Measures outlined in YSL**



33. **Despite progress in establishing a provisional MHPSS referral system, more effort is needed to adequately address the rehabilitation needs of ISIL survivors. Psychological and medical services are insufficient; survivors require and are entitled to holistic support that includes specialist psychological, medical, social, educational, vocational, and legal rehabilitation components to rebuild their lives and facilitate their reintegration into society. Despite mandating restitution measures, the YSL's implementation of restitution measures such as education and employment remain unattainable.**
34. On March 26, 2023, the GDSA and eight Iraqi NGOs signed an Agreement of Cooperation to establish and activate a formal referral system for MHPSS support services for YSL beneficiaries in their areas of residence.<sup>40</sup> Under this Agreement, GDSA staff will refer survivors to these organizations and follow up on the provision of services, which the organizations have committed to offering ethically and within their capacities. This Referral System is currently the primary framework through which YSL beneficiaries can access MHPSS services, facilitating up to 90 referrals to date. Additionally, the GDSA has initiated the strategic planning of a specialized psychological and psychiatric facility for YSL beneficiaries in collaboration with the Iraqi and Kurdistan Region's Ministry of Health and other relevant institutions.<sup>41</sup>
35. While these efforts by the GDSA are commendable, the current services provided by NGOs and international organizations are **uncoordinated, insufficient, and heavily dependent on external funding, making them unsustainable.** International law recognizes rehabilitation as a form of reparation, affirming the right of victims of gross human rights violations to reconstruct their lives and restore their dignity as far as possible. Therefore, rehabilitation must be specialized and holistic, encompassing psychological, medical social educational, vocation, and legal support. According to the UN Committee Against Torture: "Rehabilitation for victims should aim to restore, as far as possible, their independence, physical, mental, social and vocational ability; and full inclusion and participation in society."<sup>42</sup> This cannot be achieved through MHPSS services alone.
36. With regards to education, the YSL entitles survivors to resume their studies, making an exception to the legal age limit outlined by the Iraqi Ministry of Education that, as a result of captivity, many survivors of ISIL violence have passed.<sup>43</sup> While the GDSA has taken measures to support the return of survivors who were previously excluded from education due to this age requirement, in coordination with a number of illiteracy eradication and accelerated learning centers, these measures remain general rather than specifically tailored to the needs of survivors. **In the absence of a state-sponsored system, local NGOs again fill the GDSA's service provision gap which is another untenable situation.**
37. While the YSL outlines employment opportunities and tasks the GDSA with securing them, which would enable survivors to achieve a standard of economic and social well-being,<sup>44</sup> **this benefit has yet to be implemented due to a hiring freeze on public sector employment introduced in the general budget of the Iraq.** In addition, Iraqi legislation explicitly prohibits receiving a dual salary, monthly compensation, which in the original Arabic text is termed *salary*, cannot be realized together with public employment as a reparative measure.
38. Recommendations:
- a. Intensify efforts to set up a viable state-sponsored system for providing holistic rehabilitation services in line with best practices on the ground and within reach of survivors and their families;

- b. Develop a specialized state-sponsored system of reintegration to education targeted specifically at survivors of ISIL;
- c. Make an exception to the constraint on receiving a dual salary for beneficiaries of the YSL to ensure that monthly compensation can be enjoyed with public employment and consider removing the hiring freeze also for survivors declared eligible to receive priority in public employment as a form of reparation under the YSL;

## **D. Need for Ease of Access to Speicher Law and Memorialization Law for Victim Families**

- 39. **Access to information on financial compensation and knowledge of legal frameworks remains a challenge for victim families' of the Speicher Massacre. Lengthy, unclear, and bureaucratic application procedures affect victim families' access to entitlements under Speicher Law and Memorialization Law.**
- 40. As reported by C4JR member Speicher 1700, average processing time for compensation since the time of submission of application stands at 2.7 years.<sup>45</sup> In addition, victim families' lack information on the law and access to reparations in general.
- 41. Recommendations:
  - a. Conduct awareness raising sessions to encourage families of victims to choose between benefits of Law No. 20 of 2009 and Military Retirement Law No. 3 of 2010 [salary and retirement rights], pursuant to their choice and best interests, as stipulated in Art. 2. of Speicher Law;
  - b. Enhance cooperation and coordination among government bodies across all governorates to streamline and expedite procedures for families of victims to access their right to reparation and implement a one-stop application procedure, as per the Memorialization Law and related bylaws.

## **E. Impediments to Accountability for International Crimes Committed by ISIL Members and Lack of Guarantees of Non-Repetition**

- 42. **The lack of an appropriate domestic legal framework to try international crimes impedes efforts to end impunity for ISIL committed atrocities in Iraq.**
- 43. While one of the stated aims of the YSL is to “prevent the recurrence of violations” against those covered by the law,<sup>46</sup> the YSL does not directly address legal reform or enable prosecution. It does, however, prevent the application of amnesties or the remission of legally prescribed sentences for certain crimes and requires the GDSA to coordinate with investigative and judicial bodies and international committees to facilitate documentation and prosecution.<sup>47</sup> Despite this, **Iraq is still yet to enact legislation to incorporate genocide, crimes against humanity, and war crimes into its national law, to ensure that crimes committed by ISIL can be prosecuted in Iraq.**<sup>48</sup>
- 44. In March 2023, UNITAD and Iraqi authorities announced the establishment of a Joint Working Group on pathways to accountability for ISIL's international crimes, bringing together Iraqi lawmakers and legal experts, the National Permanent Committee for International Humanitarian

Law, and the Iraqi State Council.<sup>49</sup> On December 28, 2023, the Iraqi Prime Minister, Mohammed Shia‘ Al-Sudani, completed a draft law on countering international crime which has been sent to the Council of State for review and comment. This draft law has been developed by the National Permanent Committee for International Humanitarian Law, of which GDSA Director General is a member. It will return to Cabinet for a vote before being sent to the Council of Representatives of Iraq for enactment though no timeline on the vote has been set forth.

45. Following a request sent by Iraqi Foreign Minister to the UN Security Council requesting the renewal of UNITAD’s mandate for one year without the possibility of extension, on September 15, 2023, the UNSC voted unanimously to adopt resolution 2697, granting a final one-year non-extendable term to UNITAD until September 17, 2024. This seriously undermined strides towards justice and accountability achieved thus far. **This abrupt decision was taken without consultation with any ISIL survivors and CSOs, leaving survivors and victims’ families in a state of fear that the efforts to hold ISIL members accountable for their atrocities will be jeopardized.** In response, C4JR developed a report on *Iraqi Civil Society and Survivor Networks Position on the Request of Iraq to Terminate UNITAD’s Mandate* in March 2024.<sup>50</sup> In addition, C4JR conveyed their views to UNITAD and the UN Secretary-General was tasked, under UNSC resolution 2697/2023, to prepare a report on the sharing of evidence collected by UNITAD.<sup>51</sup> While UNITAD and GoI reached an understanding on the modalities of sharing evidence with third states, clear conditions are yet to be outlined regarding Iraq’s authorities’ governing of evidence collected by UNITAD. Adequate safeguards must be established to ensure evidence is stored, preserved, and managed in a confidential manner in line with international standards. Iraq should request from the UN to delegate a narrow mandate to some of the remaining UN entities in Iraq to obtain informed consent from the survivors so that their statements collected by UNITAD and other related evidence could be shared with national Iraqi authorities, when necessary conditions are met.
46. Any accountability mechanism to bring ISIL members responsible for genocide, war crimes, and crimes against humanity to justice must establish clear procedures, guarantee fair trials without resort to torture, and should not be able to impose the death penalty. Involving survivors and civil society in all stages of creating and implementing a criminal accountability mechanism is an essential precondition for successful efforts to provide justice for genocide and other mass atrocity crimes.
47. Recommendations:
  - a. Incorporate genocide, crimes against humanity, and war crimes into national law, establishing a survivor-friendly criminal accountability mechanism consistent with international standards of human rights, with jurisdiction over international crimes committed by ISIL in Iraq or outside of Iraq against Iraqi nationals or non-Iraq nationals residing in Iraq;
  - b. Enact domestic legislation and/or implement measures necessary to guarantee fair and independent criminal proceedings for ISIL crimes, conducted in a survivor-centered manner and in accordance with international law, including adequate witness protection, victim participation, and public trials;
  - c. Set clear conditions governing handing over of evidence collected by UNITAD, including the creation an independent body or working group mandated with overseeing the receipt, preservation, and storage of evidence handed over by UNITAD, if conditions for sharing meet those outlined in UNSC Resolution 2379 (2017)<sup>52</sup> and UNITAD Terms of Reference agreed between the UN Security Council and the Iraqi Government;<sup>53</sup>

- d. Continue the sharing of evidence collected by UNITAD with third states or with international courts and other bodies, and cooperation between Iraq and others to achieve accountability of ISIL crimes.

## **F. Need for Improved Collaboration between Federal and Regional Authorities in Iraq on YSL Implementation**

48. **Lack of effective collaboration between KRG and GoI impedes the swift and survivor-centric implementation of the YSL. Effective implementation of such a complex and far-reaching legislation requires continuous commitment and putting survivors rights beyond the current political discourse.**
49. In addition to reparation payments, setting up rehabilitation services, proper YSL implementation necessitates providing access to education, job opportunities, land and housing, memorialization, search for those still missing. This requires close collaboration between the relevant authorities (Government of Iraq (GoI) and Kurdistan Regional Government (KRG)). While the GDSA has facilitated collaboration between the GoI and KRG, it has not been to a satisfactory level in that **they failed to establish effective collaboration pathways aimed at sharing investigative documents and collected DNA samples as well as to support durable solutions for internally displaced persons from Sinjar currently residing in the KRI.**<sup>54</sup> Moreover, **contrary to YSL requirements, the KRG is currently not represented on the YSL Committee and a GDSA sub-office in Duhok has yet to be established,** despite the fact that the majority of eligible Yazidi survivors reside in the vicinity.
50. Recommendations:
  - a. KRG and GoI should enhance cooperation by, for example, establishing GDSA sub-office in Dohuk, sharing and mutually recognizing court documents and collected DNA samples to facilitate swift access to application, verification and distribution of reparative services;
  - b. KRG and GoI should collaborate in enabling IDPs to make an informed and voluntary decision on one of the three models to end their displacement: sustainable return to Sinjar as their place of origin, local integration in the KRI where most of them took refuge, or integration in another part of the country.

## **G. Additional Requirements:**

51. Conduct regular outreach with all four eligible communities of the YSL and victims' families of Speicher Massacre during all stages of the YSL and Speicher law's implementation process;
52. Conduct regular mandatory training on ethical and trauma-informed engagement with survivors, including basic trauma understanding and awareness, confidentiality requirements, do-no-harm, and informed consent for all staff working on the YSL, Speicher Law, and Memorialization Law;
53. Designate August 3 as a public holiday and national day of commemoration for the crimes ISIL committed against the Yazidis and other components and establish an educational outreach program on the 2014 Genocide and Crimes Against Humanity committed under ISIL;

54. Hire staff, especially women from conflict-affected communities, for the implementation of the YSL.

<sup>1</sup> Speicher 1700. “Speicher Massacre: 10 years onwards. Families of Speicher Victims’ Access to Redress Mechanisms in Iraq. A Summary Report in Consultations with Families of Victims.” June 2024.

<sup>2</sup> For a detailed overview of sexual violence against women and girls ISIL committed in Iraq see UNITAD, “Report on sexual violence against women and girls committed by ISIL in Iraq,” 2023, available at: [https://www.unitad.un.org/sites/www.unitad.un.org/files/scgb\\_report\\_e-report\\_en-.pdf](https://www.unitad.un.org/sites/www.unitad.un.org/files/scgb_report_e-report_en-.pdf).

<sup>3</sup> Human Rights Watch. “Iraq: ISIS Kidnaps Shia Turkmen, Destroys Shrines,” June 27, 2014. Available at: <https://www.hrw.org/news/2014/06/27/iraq-isis-kidnaps-shia-turkmen-destroys-shrines>.

<sup>4</sup> UNITAD, “Report on sexual violence against women and girls committed by ISIL in Iraq,” 03 December, 2023, pg. 26. Available at: [https://www.unitad.un.org/sites/www.unitad.un.org/files/scgb\\_report\\_e-report\\_en-.pdf](https://www.unitad.un.org/sites/www.unitad.un.org/files/scgb_report_e-report_en-.pdf).

<sup>5</sup> UNITAD, “Report on sexual violence against women and girls,” pg. 4.

<sup>6</sup> UNITAD, “Report on sexual violence against women and girls,” pg. 28.

<sup>7</sup> UNITAD, “Report on sexual violence against women and girls,” pg. 31.

<sup>8</sup> UNITAD, “Report on sexual violence against women and girls,” pg. 22.

<sup>9</sup> Ibid.

<sup>10</sup> UNITAD, “Five year anniversary of Camp Speicher massacre on 12<sup>th</sup> June,” 12 June, 2019. Available at: <https://www.unitad.un.org/news/five-year-anniversary-camp-speicher-massacre-12th-june>.

<sup>11</sup> This is an unofficial English translation. The original Arabic text available at: <https://moj.gov.iq/upload/pdf/4626.pdf>.

<sup>12</sup> Officially known as the Law of the Martyrs’ Rights of the Crime of Martyr Pilot Majid al-Tamimi Air Base No. 12.

<sup>13</sup> Speicher Law, Art. 7, Para. 1.

<sup>14</sup> Speicher Law, Art. 2.

<sup>15</sup> Speicher Law, Art. 6. Para. 1, Para. 2.

<sup>16</sup> Yazidi [Female] Survivors Law, No.8. March 1, 2021. Available at: <https://c4jr.org/ysl>.

<sup>17</sup> Indicated beneficiaries are defined as women and girls who survived “sexual violence, kidnapping, sexual slavery, selling her in slavery markets, separating her from her family, forcing her to change her religion, forced marriage, pregnancy and forced abortion or inflicting physical and psychological harm to her by ISIS since the date 3.8.2014 and was freed afterwards,” YSL Art. 1, Art. 2, Para 1, Art. 2, Para 2.

<sup>18</sup> Amount not less than 8000,000 IQD which amounts to approximately 600 USD, YSL, Art. 6, Para 1.

<sup>19</sup> YSL, Art. 4, Para. 2 and Art. 5, Para. 6.

<sup>20</sup> YSL, Art. 7.

<sup>21</sup> YSL, Art. 8.

<sup>22</sup> YSL, Art. 5. Para. 8.

<sup>23</sup> YSL, Art. 9. Para. 1.

<sup>24</sup> YSL Bylaws, Art. 3, Para. 1.B.

<sup>25</sup> YSL, Art. 4. Para. 2.

<sup>26</sup> YSL, Art 5; YSL Bylaws, Art. 2-3.

<sup>27</sup> YSL, Art. 10. Para. 2.

<sup>28</sup> YSL Bylaws, Art 8. Para. 5.

<sup>29</sup> Speicher 1700. “Speicher Massacre: 10 years onwards. Families of Speicher Victims’ Access to Redress Mechanisms in Iraq. A Summary Report in Consultations with Families of Victims.” June 2024.

<sup>30</sup> See Ministry of Labor and Social Affairs and General Directorate for Survivors’ Affairs and General Directorate for Survivors’ Affairs, “Launch of Application Process for the Yazidi Survivors’ Law,” September 7, 2022. Available at: <https://iraq.iom.int/sites/g/files/tmzbd11316/files/2022-09/ENG%20Factsheet%20YSL%20Application%20Process%20Announcement-Sept%207-FF.pdf>.

<sup>31</sup> Sherizaan Minwalla, “In Iraq, Minority Survivors of ISIS Genocide Cautiously Anticipate Reparations,” *Women’s Media Center*, August 26, 2022. Available at: <https://womensmediacenter.com/women-under-siege/eight-years-after-the-genocide-survivors-in-iraq-cautiously-anticipate-reparations>.

<sup>32</sup> YSL, Art. 10.

<sup>33</sup> YSL Bylaws, Art. 8. Para. 2.

<sup>34</sup> YSL Bylaws, Art. 8. Para. 1.

<sup>35</sup> See Global Survivors Fund, “Iraq: Flexibility is needed for Yazidi Survivors say NGOs,” Press Release, April 13, 2023. Available at: <https://www.globalsurvivorsfund.org/iraq-flexibility-is-needed-for-yazidi-survivors-say-ngos/>; Nadia’s Initiative, “Nadia Murad’s Statement on the Change to the Eligibility Requirements for the Yazidi Survivors Law,” April 3, 2023. Available at: <https://www.nadiasinitiative.org/news/nadia-murads-statement-on-the-change-to-the-eligibilityrequirements-for-the-yazidi-survivors-law>; Coalition for Just Reparations, “C4JR Urges Committee Established Under Yazidi Survivors Law to Drop Requirement of Filing Criminal Complaint to Receive Reparations,” April 6, 2023. Available at: <https://c4jr.org/0604202327288>. Coalition for Just Reparations, “NGOs and Experts Raise Concerns over

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<sup>36</sup> UNSC “Conflict-related sexual violence. Report of the Secretary-General.” April 04, 2024. UN Doc S/2024/292. Available at: <https://digitallibrary.un.org/record/4044629?ln=en&v=pdf>.

<sup>37</sup> YSL Art. 1. Para. 1.

<sup>38</sup> See C4JR YSL Newsletter, Issue 3, October 2023. Accessible at: [https://c4jr.org/wp-content/uploads/2023/11/C4JR-NL\\_3ENG.pdf](https://c4jr.org/wp-content/uploads/2023/11/C4JR-NL_3ENG.pdf)

<sup>39</sup> See C4JR YSL Newsletter, Issue 4, December 2023. Accessible at: [https://c4jr.org/wp-content/uploads/2023/12/C4JR-NL\\_4ENG.pdf](https://c4jr.org/wp-content/uploads/2023/12/C4JR-NL_4ENG.pdf).

<sup>40</sup> International Organization for Migration. “Toward Comprehensive Rehabilitation: Mental Health Service Referral System Launched for Genocide Survivors in Iraq.” March 28, 2023. Available at: <https://iraq.iom.int/news/toward-comprehensive-rehabilitation-mental-health-service-referral-system-launched-genocide-survivors-iraq>.

<sup>41</sup> YSL Art. 4. Para. 2. states that the YSL aims to “rehabilitate and take care of [female] survivors and those covered by the provisions of this law and to prepare the necessary means to integrate them into society.” YSL Art. 5. Para. 6 further stipulates that the GDSA will open “health and psychological rehabilitation centers to treat [female] survivors.”

<sup>42</sup> Committee against Torture, General comment No. 3 (2012). Implementation of Article 14 by States parties, Para. 11.

<sup>43</sup> YSL Bylaws Art. 3. Para. 1.A.

<sup>44</sup> YSL Art. 5. Para. 5. and Art. 6. Para. 4.

<sup>45</sup> Speicher 1700. “Speicher Massacre: 10 years onwards. Families of Speicher Victims’ Access to Redress Mechanisms in Iraq. A Summary Report in Consultations with Families of Victims.” June 2024.

<sup>46</sup> YSL Art. 4. Para. 2.

<sup>47</sup> YSL Art. 5. Para. 9.

<sup>48</sup> For more details on C4JR members’ consensus on the legal, policy, and practical contours a criminal accountability mechanism for ISIL should be based upon, see C4JR *Position Paper on an ISIL Accountability Mechanism in Iraq*. August 2022. Accessible at: [https://c4jr.org/wp-content/uploads/2022/08/Final-position-paper-ISIL-mechanism-ENG\\_FINAL\\_Hyperlinks.pdf](https://c4jr.org/wp-content/uploads/2022/08/Final-position-paper-ISIL-mechanism-ENG_FINAL_Hyperlinks.pdf).

<sup>49</sup> United Nations, Press Release: “International Experts Discuss with Iraqi Parliamentarians and Legal Experts Interplay between International and Domestic Criminal Law.” September 13, 2023: <https://iraq.un.org/en/245721-international-experts-discuss-iraqi-parliamentarians-and-legal-experts-interplay-between>

<sup>50</sup> Coalition for Just Reparations, “Iraqi Civil Society and Survivor Networks Position on the Request of Iraq to Terminate UNITAD’s Mandate in September 2024.” March 12, 2024. Available at: <https://c4jr.org/1203202428508>.

<sup>51</sup> UNSC “Implementation of resolution 2697 (2023): Report of the Secretary-General, 15 January 2024. UN Doc S/2024/20. Available at:

<https://documents.un.org/doc/undoc/gen/n23/425/40/pdf/n2342540.pdf?token=rA369J3PfGpOBuiWKQ&fe=true>.

<sup>52</sup> UNSCR Resolution 2379(2017), Para. 2 and 5.

<sup>53</sup> UNITAD Terms of Reference, S/2018/118, Para. 10. Accessible here:

[https://www.unitad.un.org/sites/www.unitad.un.org/files/general/tor\\_1.pdf](https://www.unitad.un.org/sites/www.unitad.un.org/files/general/tor_1.pdf).

<sup>54</sup> Kawaar Mahmoud, “Return to Sinjar: The Yazidi Community’s Journey Home and the Challenges Ahead, report published by Peace and Freedom Organization (PFO),” July 1, 2024. Accessible here: <https://pfo-ku.org/images/2017/pdf/Yazydy.pdf>