



Podcast “*More Than Ink on Paper,*” | Ep.07 – Physicians for Human Rights (PHR)

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Yusra:

Welcome to a new episode of “*More Than Ink on Paper,*” the podcast series by the Coalition for Just Reparations (C4JR).

This podcast serves as a platform for conversations with experts and practitioners who are demonstrating that the Yazidi Survivors Law (YSL) is not merely “*ink on paper.*” When the law was passed, many survivors expressed doubts that it would ever be implemented, but rather, as countless other legislation, end up being just words without action.

Through this series, we shine a light on the ongoing efforts, the dedicated professionals, and the different areas of expertise working tirelessly to strengthen YSL’s implementation. We also discuss themes related to transitional justice and explore how this law can support survivors and contribute to justice.

My name is Yusra Al Kailani, and I work as a trainer on psychological resilience programs with the Center for Victims of Torture (CVT).

It’s my pleasure today to host two distinguished guests from an exceptional organization — Physicians for Human Rights (PHR).

Founded in 1986 by a group of doctors who defended their detained colleagues during the Pinochet regime in Chile, PHR uses medicine and science to fight torture, document human rights violations and mass atrocities, and hold human rights violators accountable.

Among its most notable achievements are uncovering the use of chemical weapons against the Kurds, exhuming mass graves in the Balkans, contributing to the work of the International Criminal Tribunal for the former Yugoslavia, and helping to develop the Istanbul and Minnesota Protocols. The organization has also been at the forefront of addressing conflict-related sexual violence and played a key role in the International Campaign to Ban Landmines, which received the Nobel Peace Prize.

Today, PHR operates in the United States, Kenya, the Democratic Republic of the Congo, Ukraine, Gaza, Syria, and Iraq.

Welcome again to both of you. I'd like to begin by inviting each guest to introduce themselves. Joining me are Ms. Maram Haddad and Mr. Abdulrazzaq Al-Saadi. Let's start with you, Ms. Maram.

Maram:

Thank you for such kind introduction and for managing to summarize the organization's history, even though it's such a challenge to condense. And thank you as well for having us here today.

I'm Maram Haddad, and I serve as the Program Lead for Capacity Development in the Documentation of Torture and Sexual Violence at Physicians for Human Rights. I work with our teams in multiple countries—including the ones you mentioned, as well as Ethiopia and others—helping to build stronger documentation practices for torture and conflict-related sexual violence. This involves working across sectors: the health sector, the judiciary, the legal sector, and even with the police in some countries.

The goal is to improve documentation practices, to preserve, understand, and use evidence in ways that foster genuine justice for survivors of these violations. In addition, I contribute to research on health sector violations in the Middle East, and I support our teams in different countries whenever I can.

I'm very pleased to be here with you again today.

Yusra:

Thank you, Maram. Your expertise is invaluable, and the support you provide across the countries where you work is truly significant. Please, go ahead, Abdulrazzaq.

Abdulrazzaq:

Thank you very much for having me. My name is Abdulrazzaq Al-Saadi, and I serve as the Technical Expert for Iraq with Physicians for Human Rights. My work focuses on human rights and transitional justice in Iraq, as well as across the Middle East and North Africa.

I have worked with the UN missions in the region, with a particular focus on human rights and transitional justice. I also participated in research at Harvard University that surveyed communities affected by war, violence, and conflict. These surveys explored their priorities, needs, and perspectives on issues of justice, peace, and related themes.

Yusra:

Welcome—it's a pleasure to have you with us. We've touched on your work at the international level, but let's turn our attention to Iraq. Could you tell us more about the nature of your work here and what projects you are currently engaged in?

Maram:

I'll start, and then my colleague Abdulrazzaq can continue. I won't go back into the organization's long history; instead, I'll focus on the more recent years. I began working with PHR in late 2016 and early 2017. At that time, we aimed to launch a project focused on forensic medical documentation of sexual violence crimes, following ISIS's takeover of Mosul and northern and western Iraq.

During the first six to seven months, we conducted an initial assessment of the existing capacities for documenting sexual violence in conflict zones. We spoke with many colleagues from different geographic areas—across both governmental institutions and NGOs. The purpose was to understand what capacities already existed, and also to learn more about the legal framework that was in place at the time to adjudicate such cases.

The report we produced contained a number of recommendations. It became clear that while many organizations were documenting violations, particularly sexual violence perpetrated by ISIS, the forensic medical component of documentation was relatively weak. We also found a duplication in documentation efforts.

Colleagues and partners advised us that if we were going to launch a project to build capacity for forensic medical documentation of sexual violence, we should also integrate the documentation of torture, since torture was so widespread in Iraq, and incorporating it would strengthen the approach.

On this basis, we launched a series of trainings aimed at building and strengthening capacity for forensic medical documentation of both torture and sexual violence in conflict-affected areas. These trainings engaged various sectors, including health, legal, and judicial, as well as relevant civil society organizations.

Over the past years, we have continued these trainings. Of course, the objectives of each phase have evolved. What we aimed for at the beginning is quite different from where we are today. Our current focus is on creating a standardized forensic medical documentation form for cases of torture, developed together with the relevant institutions. We see this as the best way to ensure the sustainability of these efforts. Perhaps my colleague Abdulrazzaq can provide more details on the subsequent phases.

Abdulrazzaq:

As Maram mentioned, we began our work in late 2016 with specific goals in mind. Over time, however, those goals evolved as we identified gaps and needs on the ground. We noticed a lack of standardization—and in fact a certain randomness—in forensic medical documentation. Practices varied widely depending on the doctor’s level of experience, workload, and the geographic area in which they worked. As a result, protocols and procedures differed from one place to another, and even from one doctor to another. Naturally, this inconsistency reduced the quality of services provided to victims and survivors, particularly in cases of sexual violence and torture.

To ensure equality and guarantee that all victims receive the same level of forensic medical evaluation—both physical and psychological—we worked to standardize the medical protocol for assessment and examination. Questions such as: How does the doctor conduct the exam? What information should be emphasized? How is the evaluation process carried out? These were addressed through the creation of what we called the “Unified Forensic Medical Form.”

We developed this form over an extended period, in collaboration with forensic medicine institutes and directorates in Baghdad, the Kurdistan Region, and across Iraq. It was built on international standards such as the Istanbul Protocol, the Murad Code, and other protocols addressing sexual violence in conflict. At the same time, we carefully adapted it to the Iraqi context and procedural framework. We piloted the form in different regions, refined it through feedback, and eventually finalized and printed it. Starting July 30, 2025, the form will be officially adopted throughout Iraq, including the Kurdistan Region—a significant step toward unifying procedures.

The second step in standardizing procedures is the creation of a guidance manual for both judicial and medical authorities—particularly forensic medicine—on how to coordinate and

communicate with each other, and on best practices for handling cases of sexual violence or other gender-based crimes. We found major gaps here too, with frequent miscommunication and misunderstandings between judges and doctors. Judges speak a different professional “language” than doctors; judges request certain things that doctors do not necessarily prioritize, and vice versa.

We are therefore developing this manual in partnership with the Supreme Judicial Council and the Directorate of Forensic Medicine. We hope that once finalized, it will also be adopted in the Kurdistan Region, given the similarities in legal frameworks. We will present it to colleagues there to ensure consistent application across all of Iraq.

Ultimately, this guideline could even become part of the curriculum in judicial training institutes, so that all doctors can graduate based on it. With this step, we would have standardized procedures and developed capacities in accordance with international standards that protect the rights of victims and survivors.

Yusra:

Thank you for this detailed explanation. What surprised me is that you have been engaged in documenting violations since the time of Saddam Hussein, and later during the ISIS conflict, and that you have never relied solely on what you already knew. Instead, you consistently based your work on ongoing assessments of needs, contexts, and gaps. These efforts are truly commendable.

Now, if we shift a bit to discuss the Unified Forensic Medical Examination—which you mentioned had not previously existed among forensic doctors—and also the link between the judiciary and the guidance manual you are currently developing: How can the introduction of this examination contribute to producing reliable results in cases of sexual violence and torture?

Maram:

In principle, if we take a step back, forensic medical reports carry tremendous weight in any legal process, regardless of the nature of the violation. Such reports can either fully support or completely undermine the claims being made. In Iraq in particular, judges and the judicial system are bound to consider forensic medical reports as primary evidence in any case, whether it concerns torture, sexual violence, or other abuses.

This is why the very act of standardizing the method of forensic medical documentation for cases of torture and sexual violence is a crucial first step. It ensures that survivors receive a strong report—one that goes beyond a few words and is instead grounded in the principles of

informed consent and “do no harm.” It involves collecting complete information and a detailed history from survivors, alongside conducting a full examination that respects their dignity, whether the case involves torture or sexual violence.

This means a head-to-toe medical examination, even in cases of sexual violence, where the focus should not be reduced to the hymen or so-called “virginity testing.” These procedures, after all, have no scientific or medical basis. Instead, the examination treats the survivor as a whole person, taking into account all physical and psychological aspects.

Unfortunately, in Iraq at present, no psychiatrists are working within the forensic medicine departments. However, the standardized form we have developed does include a preliminary assessment of psychological evidence and symptoms, such as anxiety, depression, and post-traumatic stress disorder (PTSD). The availability of this form, which enables physicians to carry out all these steps in line with international protocols, produces a comprehensive report that covers both physical evidence and an initial psychological evaluation. This, in turn, strengthens the survivor’s path to justice and accountability within the Iraqi legal framework.

Yusra:

Thank you very much for this clarification. Since you mentioned the issue of virginity testing in cases of sexual violence and rape, my question is: How can the unified forensic medical examination ensure that such procedures are not carried out, given that virginity testing is considered unethical and deeply degrading for survivors? And how can we also ensure that this examination does not involve any other practices that might negatively affect the dignity and privacy of survivors?

Maram:

To be realistic, the issue of “virginity testing” is deeply rooted in the culture and prevailing mindset across parts of the Arab region. Sustainably changing this practice requires long-term advocacy and joint efforts with both governmental and non-governmental institutions to raise awareness that such tests have no scientific or medical basis.

At Physicians for Human Rights, through our work with the health sector, the judiciary, and forensic medicine, we emphasize in all our trainings that virginity testing does not respect the dignity of the victim. Using the unified forensic medical form, we train medical professionals that the presence of a sexual violence survivor does not automatically justify an examination of the hymen. Instead, the focus should be on other evidence. If there is a genuine need to examine the genital area, this may only be done after obtaining informed consent from the

survivor, who has the full right to agree to a physical evidence examination but refuse a genital examination. These are the principles we integrate into our training.

In addition, through the guidance manual we are currently developing in cooperation with the Supreme Judicial Council, we are working on creating a unified referral form between the judiciary and medical professionals. This aims to move judges away from relying on requests for “virginity testing” and replace them with a comprehensive list of questions that ensure the use of precise scientific terminology, instead of unprofessional expressions such as “virginity test” or “hymen examination.”

Yusra:

This means that you are providing them with clear guidance on what kinds of questions and procedures can be used in a way that preserves the dignity of survivors, and what should be avoided so as not to cause any further harm.

Now, Mr. Abdulrazzaq, I would like to turn to some of the challenges survivors face in accessing the reparations provided for under the Yazidi Survivors Law. These challenges have been documented in many reports by the Coalition for Just Reparations, and one of the most pressing relates to proving eligibility for compensation.

Among these challenges are:

- Filing criminal complaints, which may expose survivors to stigma or even self-incrimination.
- The requirement of having two witnesses, who themselves must be YSL recognized survivors.
- Undergoing a security check by the intelligence services.
- Obtaining certification from the local *mukhtar* (community leader) confirming that they were abducted, which becomes a key factor in determining eligibility.

We also know that the documentation and testimonies collected by UNITAD or by the Kurdistan Regional Government Commission for Investigation and Gathering Evidence (CIGE) did not carry binding legal weight, and it is not known how its records can be used to support survivors’ claims. Similarly, documentation gathered by civil society organizations is unclear in terms of its legal value.

In addition, many survivors face the rejection of their applications without receiving any written decision explaining the reasons. Appeals must also be filed within 30 days, which presents another significant challenge.

In your view, how can the forms of documentation you are working on—particularly the unified forensic medical form—help support survivors’ applications for reparations? Especially considering that survivors’ experiences vary in that some were freed years ago, while others have only recently returned. How can the value or weight of documentation prepared long after the violations took place be assessed?

Abdulrazzaq:

To clarify the matter from the outset, one of the key gaps we have identified in Iraq in recent years—and which is likely to persist in the coming years—is the lack of cooperation and coordination among the different institutions involved in documenting survivors’ testimonies. These institutions include judicial bodies, government entities, and civil society organizations, whether affiliated with the Kurdistan Region or with the federal government. This represents one of the main challenges we hope can be addressed through improved coordination and mitigation of the obstacles.

With respect to proving the eligibility of survivors—particularly women—to obtain reparations, the current procedures are based on Iraqi law, especially the requirement of two witnesses, which comes from the Iraqi evidence law. We were told that the eight-member committee responsible for reviewing survivors’ applications does not require the applicants to submit medical or forensic medical reports. According to what we were told, it is enough to prove that the survivor was abducted, and that alone is considered fair enough to qualify her for the reparations program. She is not required to undergo examinations or prove that she was subjected to sexual violence. If she were indeed a victim of sexual violence, this could strengthen her case, but the fact of abduction alone is considered sufficient by the committee. We regard this as a positive point, as it helps ease procedures and reduces bureaucratic burdens on survivors.

As for the role of forensic medical reports in supporting survivors’ applications, it is crucial that any such evaluation be thorough, comprehensive, and grounded in international standards. As we noted earlier in relation to the unified forensic medical form, certain physical effects may last for varying periods of time on a survivor’s body, depending on the nature of the harm. Some effects may disappear within a day or two, others after a week or a month, while in some cases they can last for years.

In many cases—particularly when sexual violence has taken place over an extended period—it is possible to rely on forensic psychological assessments. However, one of the problems we have identified in Iraq is the shortage of expertise in this area, since forensic medicine departments

generally do not include psychiatrists or psychologists among their staff. As a result, survivors are usually referred to external mental health professionals.

To address this gap, we included in the unified forensic medical form an initial screening element, enabling the forensic physician to determine whether the survivor exhibits symptoms such as anxiety, depression, or post-traumatic stress disorder.

Here, forensic psychological evaluation can play a role when physical evidence is no longer present, though it requires time. Nevertheless, as I mentioned, survivors are not currently required to submit such reports. For now, all that is required of them is proof of abduction.

Yusra:

I was actually thinking about the issue of forensic psychiatry, since there currently isn't anyone specialized in meeting with survivors to assess their psychological condition and to examine the impact of past traumatic experiences on their mental health. From what you've said, I gather that if such a specialization existed, it could potentially contribute to supporting survivors' claims in the YSL review process. What are your recommendations or views on this matter? Do you have a plan to support the integration of forensic psychiatry—or what is also referred to as forensic mental health—into your work with the High Judicial Council? And is such a plan currently in place?

Abdulrazzaq:

In fact, this matter is not limited to our organization — Physicians for Human Rights — developing a plan and moving forward with its implementation. It also requires initiatives from Iraqi partners themselves. For instance, we have heard from several entities, such as the judicial authorities and the Medico-Legal Directorate, about the potential establishment of a forensic psychiatry unit in Baghdad, which already hosts the largest psychiatric division within the Medico-Legal Department.

Naturally, this would require routine administrative procedures, ministerial approval, and the establishment of a dedicated section. Therefore, it is not merely a matter of us setting out a plan. If we begin with this step, it could serve as a model for replication elsewhere and represent a solid starting point for laying the groundwork, developing the necessary capacities, and advancing this field further. That said, it is important to note that we are still at a very early stage of this process.

Yusra:

Thank you for your attention to this important issue and for your work in identifying the gaps and areas that can be strengthened and further developed.

Drawing on my own experience working with trauma survivors and individuals who have endured severe violations, I would like to note that the effects of trauma are not limited to psychological symptoms such as depression, post-traumatic stress disorder, or anxiety. They often manifest physically as well. Trauma can be *stored in the body* — it may influence how pain is perceived, cause restrictions in movement, or even alter a person's posture and physical expression.

For this reason, I believe that the field of forensic or psychological medicine has great potential to evolve further and make a valuable contribution to existing efforts. I also want to thank you for highlighting these important gaps.

We also learned that in May, your organization conducted a training on Survivor-Centered Justice, targeting investigators and judges — particularly those handling criminal cases filed by survivors. The training was attended by representatives of the General Directorate for Survivors' Affairs (GDSA).

We would like to hear more about this workshop: what key themes or topics were covered, and whether you have plans to follow up with additional training sessions. This kind of initiative is of high significance as it addresses a critical and long-standing need within Iraq's justice efforts.

Maram:

Thank you, Yusra. You've actually summarized much of what we did in May. Our team traveled to Mosul, and before I discuss the training itself, I'd like to note that this trip held deep personal significance for me. Although Abdulrazzaq is Iraqi, for me, visiting Mosul carried great symbolic significance. When we first started our work, even the thought of traveling along the road leading to Mosul's outskirts required extreme caution due to ISIS's control of the area at that time. That's why this trip will remain in my memory for a long time.

We conducted the training at the Nineveh Court of Appeals in Mosul, with the participation of 22 judges and judicial investigators who directly handle cases under the Yazidi Survivors Law. The Chair of the YSL Committee and the GDSA's Director General of the were also present.

The reason behind this specific training was that our previous sessions and meetings were usually multi-sectoral or focused on the medical/health sector. However, this time, the training was held at the request of the GDSA's Director General, given our ongoing cooperation and

coordination with her. She specifically asked us to provide specialized training on the survivor-centered approach.

So, this training was somewhat different from our usual sessions on forensic medicine. We focused primarily on how to engage with survivors during the judicial process under the Yazidi Survivors Law, particularly concerning the concept of informed consent—its legal definition and its practical application when taking testimonies.

We also addressed techniques for interviewing survivors, including which questions to ask, which to avoid, and the importance of ensuring a safe and supportive environment during sessions. We even discussed small details that judges might overlook, but that can make a significant difference in a survivor's experience when giving testimony.

Additionally, mental health experts joined to discuss the importance of psychological evidence, and why it is essential for judges to recognize psychological symptoms that may appear during interviews—such as signs of trauma reactivation or emotional distress—and to know how to respond when survivors are triggered by memories of what they endured.

At the end of the training, we were asked to deliver a special session on best practices for taking remote testimonies, particularly now when the law allows judges to obtain testimonies from survivors residing outside Iraq.

This was our first training of this kind, and as an organization, we truly hope these sessions will continue. However, our current priority is to finalize the survivor-centered guideline, which we are now drafting. The first version will include all the best practices we have been training on, such as procedures for arranging interviews. Once future trainings are based on an officially endorsed document within the Supreme Judicial Council, it will lay a solid foundation for ensuring the sustainability and institutionalization of these efforts.

Yusra:

That's excellent. As you were speaking, I was thinking about the judges who handle a large number of cases. However, cases involving sexual violence — particularly those related to conflict — carry immense emotional weight and sensitivity for survivors when giving their testimonies. We've heard from some survivors that their experiences during testifying did not respect their privacy and that they were not psychologically prepared to answer such questions.

Through our own work, we also know that trauma can affect memory and the ability to recall information, especially when individuals are under stress, feel unsafe, or lack trust — all of which make giving testimony even more challenging.

Your efforts to develop the survivor-centered guideline are therefore incredibly important. Do you have any future plans to monitor how this guideline will be used? How will different institutions — whether medical professionals or judicial departments — engage with it?

Maram:

Frankly, at this stage, our primary focus is on finalizing the development of the guideline. We are currently working on the first draft, which is under review by the Supreme Judicial Council. We hope that once it is finalized, we can meet with our partners to determine the next steps.

It's important to note that this guideline is not being developed by our organization alone; it is a joint effort in partnership with the Supreme Judicial Council and the Directorate of Forensic Medicine.

Among the key steps we consider essential is establishing a comprehensive capacity building plan before moving on to any follow-up or monitoring. It is crucial to ensure that judges are properly trained on how to use this guideline.

Furthermore, the guideline does not focus exclusively on conflict-related sexual violence, but addresses sexual violence cases in general. Therefore, the training should include not only judges working under the Yazidi Survivors Law but also those who handle other types of sexual violence cases.

Abdulrazzaq:

Once this guideline is officially adopted, it will establish a strong legal and medical foundation for professionals working in both forensic medical evaluation and judicial investigation. Upon its adoption, the guideline will become the primary reference to be circulated and distributed among all judicial authorities as well as forensic medical institutions.

Looking ahead, the goal is for this guideline to be formally incorporated into the curriculum of the Judicial Institute, where it will be taught to new judges. In this way, it will not remain merely a medical article in a journal or an optional opinion, but rather a comprehensive and authoritative framework that regulates the work of both the judicial and medical authorities.

This effort comes as part of a broader collaboration with these institutions, driven by a shared commitment to development, reform, and improving procedures. We have clearly sensed this willingness from our partners in both the judicial and medical sectors, who have shown genuine dedication to collaborative work. The common goal is to serve victims of human rights violations—particularly survivors of sexual violence—and to harness all available capacities to safeguard their rights and dignity.

From this shared purpose, a process of trust-building has emerged. The work is grounded in partnership rather than pressure—we are not dictating, but supporting and assisting. Ultimately, whether it's the unified forensic medical form or the new guideline, both will belong to Iraq and to its national institutions. Our role is simply to provide support and technical assistance.

Yusra:

You have clearly placed a strong emphasis on the rights, dignity, and best interests of survivors. For our part, one of the key initiatives of the Coalition for Just Reparations is the development of a *Toolkit for Ethical Engagement with Survivors*. Through this toolkit, we focus heavily on ensuring informed consent and preparing survivors before they share their stories. We also work to raise their awareness about their rights when participating in such efforts—whether through the media, at conferences, or as part of advocacy and documentation initiatives.

Given your organization's work with the Supreme Judicial Council, as well as with forensic medicine departments and the development of related guidelines, we would like to hear your recommendations on how documentation processes can be conducted ethically and, in a trauma-informed manner, particularly when documenting cases of conflict-related sexual violence.

Maram:

Would you like to answer this one, or shall I? Alright. For us, our current focus is primarily on the *Guidance Manual*. This manual is composed of several sections and chapters—one of which addresses the survivor-centered approach, while another focuses on procedures for handling cases of ISIL-perpetrated sexual violence. There are also chapters outlining procedures for dealing with children.

Within this framework, the enhancement of forensic medical documentation will fall under the section that addresses cases of sexual violence in general. However, these procedural guidelines—or what the manual as a whole encompasses—will provide detailed explanations for both current and future judges on how to apply best practices when dealing with such cases and with survivors themselves.

That is what we are concentrating on at this stage: raising awareness of the survivor-centered approach and ensuring it becomes an integral part of practice.

Yusra:

What often happens is that survivors are required to repeat their testimonies and personal accounts multiple times and in different places. I truly hope that these guidelines will also help reduce the number of times survivors are asked to share their stories. I imagine this would also be among the key recommendations.

Maram:

Indeed, that recommendation is already included in the first draft, which clearly emphasizes that survivors should not be asked to repeat their stories multiple times throughout legal proceedings.

Yusra:

Certainly, thank you very much. Would you like to add anything, Mr. Abdulrazzaq? No, alright. According to the information published on your organization's website, it seems there is growing interest within the Iraqi judiciary to collaborate with you on addressing cases of sexual violence.

We know that the *Yazidi Survivors Law* is an administrative compensation law—it does not establish a special criminal framework for prosecuting perpetrators of international crimes. Members of ISIS who committed such crimes have been prosecuted under Iraq's Counter-Terrorism Law, without any explicit reference to the specific crimes committed, such as slavery or sexual violence, despite their brutality and impact on survivors.

In such a context, how can evidence-based prosecutions be strengthened while also ensuring that the process remains centered on survivors' rights and interests?

Abdulrazzaq:

This is a very important question. The debate has been going on for more than ten years and focuses on whether Iraqi law—particularly the Penal Code—can adequately address the crimes committed by ISIS. For example, the Counter-Terrorism Law does not specifically define sexual crimes, even though it can provide a legal basis to prosecute offenses that may include sexual violations. Iraqi law criminalizes rape and sexual assault, but what happened to the Yazidi community and other groups went beyond rape: it constituted sexual enslavement and genocidal acts.

The current Iraqi legal framework does not include explicit definitions for the crimes of sexual slavery or genocide. Although the *Yazidi Survivors* law referred to genocide, that reference was

largely symbolic: there is no explicit legal instrument in Iraqi law that treats what occurred as genocide. In other words, while the YSL mentions that the acts against the Yazidi community amount to genocide, Iraqi law does not formally recognize genocide as a prosecutable crime in this context.

The YSL establishes the basis for reparation procedures and programs—some material, some moral, and some rehabilitative—for survivors. There has been extensive debate and a range of views among local and international officials, and several scenarios have been proposed:

- **Scenario 1:** Establish a special court to try ISIS members—an option advocated by the UN-backed UNITAD mission. UNITAD even attempted to establish such a special court in the Kurdistan Region, but that effort failed because Iraq's Federal Supreme Court ruled that creating special courts is impermissible and also inconsistent with the Iraqi Constitution, which prohibits special courts.
- **Scenario 2:** Amend the jurisdiction of the Higher Criminal Court (the court that tried the former regime), whose statute includes definitions of genocide, war crimes, and crimes against humanity. However, that court's temporal jurisdiction was limited to crimes committed between 1968 and 2003, so it could not be used for the ISIS-era crimes.
- **Scenario 3:** Amend domestic Iraqi laws to bring them into conformity with international law. Many Iraqi legal experts consider this the most feasible route. Given that Iraq has a functioning Supreme Judicial Council and legislative authorities, it is possible to introduce the necessary amendments, most notably revisions to the 2005 Counter-Terrorism Law. We hope these amendments will be made, because it is essential that the legal texts explicitly address the sexual crimes committed by ISIS in a way that reflects the true scale and character of those violations—recognizing that sexual violence was used as a tool to destroy and break apart communities and, in some respects, as an instrument of genocide. Consequently, these crimes must be treated with that understanding in the law.

Yusra:

Thank you very much, Mr. Abdul Razzaq. Accountability remains one of the key demands of survivors, and we continue to hear increasing calls for enacting a dedicated law and designating special courts—particularly in light of the horrific experiences survivors have endured. This is also a crucial part of acknowledging the violations they suffered.

We'll stay with you in this discussion. I'm not sure if, Maram, you would like to add anything on this point?

Maram:

No, that was sufficient.

Yusra:

All right. You are an expert in transitional justice and have worked extensively on the Iraqi experience, as well as on lessons learned for our dear neighbor, Syria. In your view, could the Yazidi Survivors Law serve as a model to be replicated or adapted in Syria? Specifically, regarding the way it combines compensation with criminal accountability, do you think such an approach could be applied in the Syrian context? And in your opinion, is it better to integrate both paths or keep them parallel? I'd like to hear your perspective.

Maram:

If you'll allow me, as a Syrian, I'd like to comment on the first part of the question.

Abdul Razzaq:

You may go ahead and comment on the first part of the question.

Maram:

Regarding the first part of the question, honestly, just yesterday I was speaking with Abdul Razzaq, and he said something that stuck with me: *"There is no perfect law; every law has its gaps."* And that's true. The Yazidi Survivors Law, for example, is a very important piece of legislation that carries many positive aspects, yet it also contains shortcomings.

For me, the most significant aspect is that it formally acknowledged the genocide committed against certain communities — and that acknowledgment, in itself, is a positive step.

There are certainly many lessons that Syrians can learn from this experience, and I hope that in the future there will be more exchange and cooperation, not only with Iraq as a neighboring country but also with other regional and international experiences.

However, from my perspective as a Syrian — and I hope this is well received — any law, policy, or measure developed by victims' associations, survivors, or families of victims must be drafted and implemented in a way that reflects the *Syrian context* and the nature of the crimes committed in Syria. While our two countries are neighbors, there are contextual differences that must be taken into account.

Perhaps the word “*drafting*” is not the most precise, but what I mean is that such a law must be “written by Syrian hands” and accepted by Syrians themselves — especially by the families of victims. Nearly every Syrian family has suffered over the past fourteen years: some have lost loved ones, others were tortured, many have missing relatives, and countless homes have been destroyed. There is hardly a family in Syria that has not been affected.

Therefore, any law or measure must originate from within the Syrian people and from victims’ families — and it must be accepted by them. I would also like to note that Syria has a wealth of expertise: there are long-established victims’ associations that have worked for years on advocacy, and there are also legal experts specializing in transitional justice. I truly hope there will be collaboration to build on the lessons learned by colleagues in Iraq through the implementation of the Yazidi Survivors Law. As for me, I am not an expert in transitional justice.

Abdul Razzaq:

Building on what Maram mentioned — and before I answer the second part of your question — I completely agree with her that every country has its own context, legal framework, and unique needs of victims that differ from one place to another. When any law or program on reparations is being drafted, two key factors must be considered:

First, who are the beneficiaries, and how many are they? Are we talking about one or two thousand people, or one hundred thousand, or even a million?

Second, the issue of resources: are there sufficient financial resources, and what is the approved budget?

These two factors vary greatly from one country to another. For example, in Iraq since 2003, more than five billion dollars have been allocated to various reparation laws and programs. Therefore, when we say that Syria can benefit from the Iraqi experience, it doesn’t mean that Syria should replicate or copy it exactly. Experiences cannot be duplicated, but they can provide valuable lessons that may be applied differently depending on contextual similarities.

The other point is that accountability and reparations may differ procedurally, but in essence, they are deeply interconnected. We cannot tell victims, “*We will compensate you, but forget about justice,*” because that would sound like we are trying to buy their silence.

From my experience working with victims in different countries, I’ve found that many refuse financial compensation because they see it as diminishing their rights. Many tell us: *We don’t need bribes. We want to preserve our dignity. We want to know the truth. We want to know the fate of the missing. We want to know what happened. We want the memory to live on.*”

So, while accountability and reparations may be two separate processes, they are intrinsically linked. This connection is also tied to another critical area — memorialization — which I hope will receive greater attention in Iraq and also be embraced by our colleagues in Syria. The acts of violence, crimes, and abuses that both countries have endured for decades must be remembered, studied, documented, and memorialized.

The processes of accountability and reparations play a central role in this, as they provide the necessary data. For instance, the Yazidi Survivors Law has given us precise numbers on victims. Similarly, when we open accountability files, this data becomes an indispensable reference. Therefore, one cannot advance one process in isolation from the other.

Of course, the order of priorities may differ depending on time and circumstance, but ultimately, it comes back to a crucial point Maram mentioned: What are the victims' own priorities?

Maram:

What does justice mean to them?

Abdul Razzaq:

Is the victims' current priority the trials, while the reparations program can be postponed or delayed a little? If so, then we must listen to them, understand their perspectives, and seek their opinions — because they are the primary stakeholders before anyone else.

Yusra:

From what I hear from you, there is a clear emphasis on the centrality of victims and survivors — on their own perception of justice and how it can be achieved — while recognizing that the context differs from one place to another. The Iraqi experience, as you've described, could serve as a potential model to reflect on.

When we speak about transitional justice, we see that there is currently a peace process underway in Turkey, which could open the door for regional transitional justice initiatives.

In your opinion, is the transitional justice approach realistic in a region like the Middle East, given the ongoing competition among major powers for influence, where human rights are often instrumentalized for political purposes? Do you think that the tools of transitional justice and human rights can be practically applied in our region, especially since the credibility of the

West's discourse on human rights has been shaken by what is happening in Gaza? How applicable is this approach to our regional context?

Abdulrazzaq:

Allow me to respond first, and then Maram can add if she wishes. Based on my work in transitional justice across the Middle East and North Africa, I can say that it is an extremely complex process, and each experience is very different from the other. The Moroccan experience, for instance, differs from the Libyan one, which in turn differs from the Iraqi and Syrian experiences — even if there are certain similarities.

Let me focus on Iraq, so we can see what lessons might be useful for the Syrian context. After the fall of the former regime in 2003, all transitional justice measures were designed and implemented by institutions or individuals who were not Iraqis — mostly British, American, or Iraqis who had been living in exile. As a result, these measures were both rushed and disorganized, and they were not based on a clear, long-term transitional justice strategy.

For example, the army and security forces were dissolved by the US-led Coalition Provisional Authority within the first week, and the process of de-Ba'athification began within the first month. Later came the trial of Saddam Hussein and other members of the former regime before a court that, while Iraqi in name, was in fact created under a new law that drew directly from international law — effectively making it a hybrid or foreign model.

While the principle of accountability was important and necessary, procedurally these steps were taken according to standards that did not reflect the aspirations or opinions of Iraqis themselves — perhaps due to time constraints or lack of resources. Therefore, we cannot accept a ready-made Western model as our blueprint for implementing transitional justice in Iraq.

I want to emphasize once again that when developing a methodology or strategy for transitional justice, it must be comprehensive, ensuring that all processes are interconnected: institutional reform, accountability, memorialization, and reparation programs. This organic link is crucial.

Secondly, there must be a clear assessment: *How many victims are we talking about? How many perpetrators?* And what was the level of their involvement — not only their official rank, but the degree of their participation in these crimes? When we design mechanisms for accountability or amnesty, we need to understand *who* deserves exoneration and *who* deserves prosecution.

Of course, this depends first and foremost on the views of the people and the victims themselves, but also on available resources. For instance, when I was in Syria speaking with my

colleague Maram, she said, “Let’s hold accountable everyone who worked for the former regime.” But the practical question then becomes: *How many judges do we have? How many courts? How long would that take?* That is why we need a clear strategy that defines priorities — which cases should come first, and what types of courts are needed.

In Iraq, for example, it was very important for people to see Saddam Hussein in the defendant’s cage — and that did happen. However, the problem was that the process of case selection and referral was not clear enough. He was convicted and executed for a single case, and although it was indeed a serious crime, there is, in principle, no such thing as a “minor” or “major” crime when it comes to justice. Still, that particular case was relatively small compared to the many other crimes and charges against him. As a result, many Iraqis felt deprived as they wanted to know more — to see broader accountability that covered the full scope of the atrocities committed.

Maram:

I can add something here: Transitional justice, although it is a complex and lengthy process, remains an essential prerequisite for the progress of our societies. There can be no peace without justice.

No matter how long or complicated the strategies may be, there must be national mechanisms through which everyone works collectively, with full transparency regarding the steps to be taken and the expected timeframe — whether that is one year, two, ten, or even twenty — because these issues naturally require many years to address.

But as a general principle, I firmly believe that we will never be able to coexist peacefully within our societies and within this homeland unless justice is achieved.

Yusra:

Absolutely. One could say that transitional justice helps break the ongoing cycles of violence.

Maram:

And it prevents violence from happening again. This is what has exhausted our societies — in both Iraq and Syria. I believe that if you ask anyone on the street what they want, their answer would be simply: to live in peace, to have a home that shelters them, a decent job and income, and for peace to prevail.

Yusra:

Exactly. Thank you so much for your valuable insights and reflections on the topic of transitional justice. From my own experience in this field, I know how extremely challenging this work can be — it comes with a great deal of pressure, exhaustion, and emotional strain.

That's why I would like to sincerely thank you for your remarkable efforts.

As we come to the end of this episode, I'd like to ask: what keeps you going in this line of work? How do you maintain your energy, well-being, and ability to continue — especially given that I work on supporting activists, human rights defenders, and civil society members in preserving their well-being while carrying out their work?

Maram:

That's the hardest question! In fact, in all our trainings, the final session is always dedicated to self-care, and it's a difficult one, because the global human rights situation continues to deteriorate sharply. Many times, while working in Syria or elsewhere, we find ourselves asking: *Why do we keep going if nothing seems to change on the ground and victims continue to face the same experiences?*

But then, every so often, small success stories remind me that our work still matters — that our role as human rights practitioners is to keep trying to make a difference, even if through modest, minor change.

For example, during one of our trainings — and I'm not claiming that the forensic medical form is now applied perfectly or fully — we heard a meaningful story: one of the judges shared that his court had received a very detailed forensic medical report, including the full history and even an initial psychological assessment. That report helped them reach the right decision in a sexual assault case.

Stories like that reaffirm that real change happens in small but steady steps and that the process of building continues.

These small stories motivate me to keep going — especially because I hope the experience we've gained here in Iraq and in other countries can also help others. As a Syrian, I aspire to contribute that knowledge to support people in my own country, too.

As for self-care, after trying many approaches, I found that what works best for me is completely deleting social media apps from my phone and limiting myself to reading the news once a day — or only on weekends. Constant exposure to negative news can drain you emotionally and lead to burnout. So, when I need to take care of myself, I disconnect from all platforms for two full days over the weekend. That helps me recharge and return to work with renewed energy and a positive mindset.

Abdulrazzaq:

For me, I always put the interests of victims and survivors above many other considerations. Perhaps that's because my own family suffered greatly under the former regime — they were among its victims. After the fall of Saddam Hussein and the start of the trials, I worked as an international observer, attending all the court sessions and documenting them.

At one point, some of the court staff asked me, "Were you yourself a victim?" I told them, yes — but this is not about revenge. On the contrary, I always emphasized that Saddam and others should receive a fair trial, even though they denied justice to others. We are living in a new era, and revenge has no place in it.

That's why I always focus on the well-being of victims. Whenever we achieve even a small improvement in how survivors are treated, or when I see that practitioners have begun to understand their psychological suffering and respond with empathy, that brings me genuine joy — even if it's a modest achievement.

Of course, this work is deeply exhausting. That's why, as my colleague Maram mentioned about self-care, our team makes sure to meet every three months or so with a psychotherapist who provides us with regular support. I also try to do some exercise.

Maram:

But in Iraq, tea is still the best therapy!

Abdulrazzaq:

True — and sometimes I even find myself going back to smoking, as if returning to the old system!

Yusra:

Thank you both so much. There's something you share that really stood out to me — your ability to celebrate small successes. You may see them as modest, but they are in fact the seeds of greater change, with immense benefits for survivors and real improvements to institutional practices. May God bless your efforts, and thank you sincerely for joining us and for this meaningful and heartfelt conversation about the remarkable work you're doing. It was an honor to meet you, and I hope we'll have other opportunities to speak again and follow the progress of your initiatives.

Maram:

Thank you as well. I'd also like to note how skillfully you moderated the discussion — especially given that there were two of us! We truly hope to meet again and to see a positive evaluation of this experience, particularly regarding the forensic forms now being implemented in Iraq.

Thanks again.

Abdulrazzaq:

Many thanks for having us, Yusra, and thanks also to the entire production and editing team. We hope to join you again in the future.