



COALITION
FOR JUST
REPARATIONS

COMPARATIVE STUDY

The Yazidi Survivors Law & Camp Speicher Law Implementation & Intersections

2026



Jiyan Foundation
for Human Rights

C4
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Jiyan Foundation for Human Rights is a charitable organization supporting survivors of human rights violations, defending fundamental freedoms, and promoting democratic values throughout the world. In addition to human rights awareness raising and advocacy, Jiyan Foundation provides, mental health and medical treatment as well as other support services to survivors of trauma, terror, domestic violence and human rights violations throughout Kurdistan-Iraq, Iraq, and Syria.

Coalition for Just Reparations (C4JR) is an alliance of Iraqi NGOs calling for comprehensive reparations for civilian victims of atrocity crimes perpetrated during the ISIL conflict in Iraq. C4JR uses Iraqi law and international human rights law to support reparation claims of survivors and encourage Iraqi authorities to meet their obligation to provide reparations.

The Victims of Iraq in Speicher-1700 NGO is a non-governmental organization established in 2016 by the families of victims of the Camp Speicher massacre. It aims to follow up on the rights of victims and survivors, advocate for their causes, document the crime, and preserve the national memory related to it.

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Disclaimer

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List of Acronyms

C4JR	Coalition for Just Reparations
CAH	Crime against humanity
CRSV	Conflict-related sexual violence
CSL	Camp Speicher Law
CSOs	Civil Society Organizations
FGD	Focus Group Discussion
GDSA	General Directorate for (Female Yazidi) Survivors Affairs
ICC	International Criminal Court
ICMP	International Commission for Missing Persons
ISIL	Islamic State in Iraq and the Levant
JF	Jiyan Foundation for Human Rights
KII	Key Informant Interview
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq
MF	Martyrs Foundation
MFL	Martyrs Foundation Law No. 2/2016
MGD	Mass-Graves Directorate
MLD	Medico-Legal Directorate
MoD	Ministry of Defence
MoE	Ministry of Education
MoLSA	Ministry of Labor and Social Affairs
NGO	Non-Governmental Organisation
PMF	Popular Mobilization Forces (government umbrella organisation that oversees various paramilitary groups)
PPO	Peace Paradigms Organisation
RCC	Revolutionary Command Council
UNAMI	UN Assistance Mission for Iraq
UNITAD	UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL
YSL	Yazidi Survivors Law

1. EXECUTIVE SUMMARY

This comparative study examines the implementation of, and the intersection between the Yazidi [Female] Survivors Law (YSL, 8/2021) and the Law on the Rights of the Martyrs of the Majid al-Tamimi Air Base Crime, commonly known as the Camp Speicher Law (CSL, 12/2019). Commissioned by the Jiyān Foundation for Human Rights, this study investigates who the laws recognize (and overlook), what standard of proof they require, how applications move through different channels, and how institutions coordinate across federal, provincial, and Kurdistan Region of Iraq (KRI) levels. It analyses the text of the two laws (YSL/CSL) and related legal frameworks, and explores their implementation based on secondary literature, key informant interviews, and focus groups conducted across multiple governorates of Iraq.

The discussion of findings in this report is organized around three pillars:

- **Legal and institutional processes:** It investigates the lack of participation of survivors and civil society in drafting of both laws, the ambiguity in the definitions of victimhood, the Camp Speicher Law (CSL) integration into Martyrs Foundation framework, and the challenges related to appeals.
- **Application and delivery:** It examines the provisions specific to the Yazidi Survivors Law (YSL) and their implementation, the application process under the Camp Speicher Law, the Medico-Legal role and the Mass-graves, the implementation of benefits under both laws, and the question of criminal accountability.
- **Survivor-centeredness:** This section focuses on institutional attitudes and practices, survivor agency and participation, and feedback mechanisms.

This report concludes with recommendations that could contribute to addressing some of the key findings, mainly on extended research on the CSL implementation, as well as on improving institutional coordination and survivor experience and agency.

2. BACKGROUND

On 12 June 2014, the Islamic State in Iraq and the Levant (ISIL) intercepted mostly Shia cadets and soldiers from the Tikrit Air Academy (Camp Speicher), who were unarmed at that time, and carried out mass executions at trenches and riverbanks along riverbanks at the Presidential Palace in Tikrit, Salah al-Din Governorate. Credible estimates place the death toll at over 2,000 young cadets (2018 men).¹ The killings were widely circulated on social media, triggering large demonstrations by victims' families and intense public pressure on the state to act.

Shortly after, on 3 August 2014, ISIL forces swept across Sinjar and the Nineveh Plains, attacking Yazidi and other minority communities, including Christians, Turkmen, and Shabak. Men and boys were separated and executed or disappeared; women and children were taken into captivity and subjected to forced conversion, forced marriage, and systematic sexual violence. Entire districts emptied within days, leaving mass graves, long lists of the missing, and protracted displacement that continues to shape community life. Estimates of killed and kidnapped Yazidis during ISIL's Sinjar campaign stand at roughly 10,000 people.²

1. Speicher 1700 Organization, Speicher Massacre: 10 years onwards. Families of Speicher victims' Access to Redress Mechanisms in Iraq. 2024. p.3
2. Valeria Cetorelli et al., "Mortality and Kidnapping Estimates for the Yazidi Population in the Area of Mount Sinjar, Iraq in August 2014: A Retrospective Household Survey" PLOS Medicine, 2017. Available at: <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002297>

The Federal Government responded by passing two separate yet related legislations to address the distinct atrocities committed by ISIL in Tikrit - Salah al-Din, and Sinjar - Nineveh. In August 2019, the Iraqi Parliament adopted the Camp Speicher Law (CSL, 12/2019), recognizing Speicher victims as “martyrs” and linking entitlements to existing pension and compensation frameworks. In March 2021, it enacted the Yazidi Survivors Law (YSL, 8/2021), a landmark statute that recognizes survivors of ISIL captivity, particularly women and girls subjected to sexual violence and other crimes as specified in Art. 1, para. 1 of the law, from Yazidi and other minority communities³ and establishes a specialized implementing directorate. Both YSL and CSL interface with other existing laws and regulations, which will be explained in section 4.1 (Institutional and Legal Processes) and section 4.2 (Application and Delivery).

These two laws represent significant steps in Iraq’s efforts to acknowledge and address the legacy of ISIL atrocities, offering formal recognition and reparations to survivors and victims’ families. They represent meaningful, albeit partial, steps within broader aspirations toward transitional justice. The YSL is the first law to recognize ISIL crimes as genocide, and to establish collective memorialization and accountability, and individual reparations for survivors. It is also the first legal instrument in Iraq focused on gender-based crimes, explicitly recognizing sexual violence. The CSL on the other hand recognizing victims as martyrs and acknowledging collective accountability also marks a significant advancement, providing reparations to families of atrocity victims.

Alongside the state response, international actors supported documentation, medico-legal work, and service delivery. The UN Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD), established in 2017, collected and analysed evidence to international standards and reported reasonable grounds to believe ISIL committed war crimes, crimes against humanity (CAH), and genocide, including in Sinjar and around Tikrit.⁴

Within this landscape, the Jyan Foundation for Human Rights (JF) operates a network of trauma-rehabilitation centres across northern Iraq, providing mental-health, medical, and socio-legal services to survivors, including specialized care for women liberated from ISIL captivity. JF also spearheaded the Coalition for Just Reparations (C4JR), an alliance of Iraqi Non-Governmental Organizations (NGOs) calling for comprehensive reparations for survivors of atrocity crimes perpetrated during the ISIL conflict in Iraq, with the objective to strengthen survivor-centred implementation of the YSL, co-developing practical monitoring tools and contributing to periodic implementation reviews. Building on that engagement, JF seeks to extend evidence-based support to families affected by the Speicher massacre and to understand intersections and divergences between the CSL and YSL. Peace Paradigms Organisation (PPO) was, therefore, engaged to produce this comparative, implementation-focused analysis, grounded in key-informant interviews (KIIs), focus group discussions (FGDs), and a review of primary legal texts and secondary literature, to inform JF’s future strategy and the broader field’s transitional-justice practice, addressing remaining gaps and challenges of these two legislations.

3. Yazidi Survivors Law No. 8 of 2021, Art. 1, para. 1-2, Art. 2, para. 1-2.

4. UNITAD, “UNITAD Publishes Findings of International Crimes, Including Genocide, Committed by ISIL against the Yazidi Community in Iraq”, 11 September 2024, Baghdad. Available at: <https://www.unitad.un.org/news/unitad-publishes-detailed-findings-international-crimes-including-genocide-committed-isil-da>https://www.unitad.un.org/news/unitad-publishes-detailed-findings-international-crimes-including-genocide-committed-isil-da?utm_source=chatgpt.com

UNITAD, Camp Speicher: A Pattern of Mass Killing and Genocidal Intent, June 2024, p. 4. Available at: https://www.unitad.un.org/sites/www.unitad.un.org/files/camp_speicher-pattern_of_mass_killing_and_genocidal_intent_en.pdf

3. STUDY METHODOLOGY

3.1 Design and Approach

The study used a qualitative, mixed-methods design oriented to comparative, implementation-focused analysis. We combined (i) a structured literature and legal-text review; (ii) semi-structured Key Informant Interviews (KIIs); and (iii) Focus Group Discussions (FGDs) with affected constituencies. Findings were organized and coded against the report's focus areas: legal and institutional processes; application and delivery; and survivor-centeredness.

3.2 Literature Review and Legal Analysis

Research commenced with a targeted literature review of secondary sources, including C4JR YSL newsletters and reports, UN and International/Local NGO publications, and relevant academic/policy analyses. C4JR newsletters and reports were primarily used to understand the background and context of YSL implementation. To maintain analytical balance, these were complemented by external analyses and a close reading of Arabic and English legal texts (YSL and CSL) and other relevant legal frameworks (e.g., Martyrs Foundation Law No. 2/2016; Compensation Law No. 20/2009; Mass Graves regulations). The legal reading focused on: (a) eligibility/beneficiary definitions; (b) entitlements and methods used in both laws to determine compensations or entitlements; (c) implementing mandates; and (d) intersections and potential conflicts across laws. This phase also shaped the hypotheses that informed our field work.

3.3 Instrument Design and Sampling

Drawing on Phase I, semi-structured KII and FGD guides were drafted, focused on procedural steps (intake, verification, certification, benefit delivery, appeals), medico-legal steps, and survivor-centred safeguards. Draft instruments were shared with JF for validation and endorsement. Sampling and selection of FGD participants and Key Informants was purposive: JF collaborated in identifying relevant officials, practitioners, and survivor representatives, and facilitated access to FGD participants targeting adults formally eligible under each Law (Yazidi, Christian, Shabak, and Turkmen survivors; Speicher families), with attention to geographic spread and community diversity. Participation was voluntary and consented.

3.4 Data Collection

A total of 16 KIIs and 4 FGDs were conducted:

Key Informant Interviews (n = 16).

- Government (n = 8): officials from Erbil, Nineveh, Baghdad, and Kirkuk; included Martyrs Foundation (MF) personnel, mass-graves, medico-legal/forensic actors, parliamentary and education authorities.
- Civil society & legal experts (n = 8): activists, service providers, and legal experts with direct engagement on YSL/CSL.

Interviews were conducted in person and online (especially with those who preferred to do the interview after work hours), using the validated guide, with follow-ups for document clarification where feasible and relevant.

Focus Group Discussions (n = 4; all in person).

- Duhok (Yazidi beneficiaries of the YSL): 12 participants (8 female / 4 male).
- Ba'ashiqa (Christian & Shabak beneficiaries of the YSL): 12 participants (2 Christian female / 10 Shabak female).
- Baghdad (Speicher families): 10 participants (6 female / 4 male).
- Nassiriyah (Speicher families): 10 participants (5 female / 5 male).

3.5 Ethics, Consent, and Protection

FGDs used a tailored consent form based on JF's Toolkit for Ethical Engagement with Survivors and established research ethics. Participation was voluntary; individuals could pause or withdraw at any time. Names and identifiers were coded to protect privacy. Discussions avoided graphic detail unless initiated by participants; facilitators were prepared to pause or redirect the conversations to avoid re-traumatization.

3.6 Data Handling, Analysis, and Validation

Field notes and transcripts were consolidated, and thematically coded. Claims were categorized as established when corroborated across at least two sources (e.g., KII + legal text; FGD + civil society reports) and as indicative when supported by a single source pending further confirmation. Preliminary findings were presented to JF; feedback was incorporated and the framing validated before final drafting.

3.7 Limitations

Community access. We were unable to convene a Turkmen-specific FGD due to access issues; Turkmen perspectives are represented through KIIs and mixed-group inputs rather than a dedicated session.

Institutional actors access. Several key YSL actors were not able to participate or to share formal administrative data (e.g., beneficiary counts by category, service delivery breakdowns, acceptance/rejection rates), limiting quantitative validation. On the CSL side, some authorities cited sensitivity and permission requirements; others declined interviews. As a result, some figures related to processed applications, issued martyrdom certificates or benefit delivery could not be cross-checked against consolidated federal datasets.

Resource constraints. Project resources did not permit additional FGDs to widen coverage (e.g., other governorates, diaspora cohorts) or further KIIs with ministries such as Defence, Justice, and Foreign Affairs, which may have been useful for deeper triangulation.

Literature asymmetry. The CSL has a thinner public literature base than the YSL, consistent with lower international engagement, which constrained background contextualization and necessitated heavier reliance on primary data for Speicher-related practice.

Sampling deviation (Ba'ashiqa FGD). A subset of Shabak participants were survivors whose applications were still pending, i.e. neither accepted nor rejected, whereas our original criterion was "beneficiaries with completed files." This deviation is flagged in the analysis where relevant, and their inputs are treated as indicative of barriers at the early stages of the process.

4. DISCUSSION OF FINDINGS

4.1 Focus Area 1: Legal and Institutional Processes

The development of the Yazidi Survivors Law (YSL, 8/2021) and the Camp Speicher Law (CSL, 12/2019) reveal significant procedural, legal, and political gaps. Both laws emerged in contexts of political pressure rather than participatory design, leaving survivors and victims' families generally excluded from shaping provisions that directly affect them.

4.1.1 Exclusion of Survivors and Civil Society Organizations (CSOs) from Drafting

Key informants across sectors, including civil society leaders and judicial officials, emphasized that survivors were not meaningfully consulted during the drafting of either law. For YSL, a Turkmen activist noted that Turkmen survivors were “neither informed nor engaged” and only became aware of the YSL after its passage.⁵ Similarly, representatives working with Shabak survivors confirmed that initial engagement was limited to a small subset of Yazidi survivors, with broader minority groups marginalized.⁶ They referred to a consultation process supported by GIZ in 2019, that a judicial official described as a “belated action”, as the bill had already been drafted by the time consultations concluded.⁷

It is to be mentioned, for sake of transparency, that civil society actors, namely the C4JR undertook their own advocacy efforts on the YSL draft law in 2020. These efforts included organizing briefings for Members of Parliament, an online conference in partnership with UNAMI, visits to the Iraqi Parliament and their Legal Committee, and participation at an IOM facilitated expert workshop in December 2020 to improve the initial YSL text. These activities were however a consequence of the C4JR initiative rather than a structured or proactive consultation process led by lawmakers to engage civil society actors.

A similar pattern regarding consultation with affected groups prior to its enactment was reported for the CSL. Speicher families and CSOs were not included in bill drafting, and interactions with authorities largely occurred after adoption, focused on verification of names, memorialization ceremonies, or administrative processing through the Martyrs Foundation – not on shaping the statute itself.⁸ Family representatives described being invited to public events or meetings with pre-set agendas, characterizing participation as symbolic rather than consultative.⁹

This was corroborated by all FGDs, where participants unanimously stated they had not been consulted before the laws were drafted. The process was described by FGD participants as “a top-down imposition,”¹⁰ reinforcing civil society activists' perceptions that state institutions saw survivors as passive beneficiaries rather than active rights-holders,¹¹ which has practical implications affecting the implementation of both laws (CSL/YSL). This specific aspect is further discussed in section 4.2 (Application and Delivery).

5. KII-LEX-NIN-14

6. KII-CSO-NIN-09

7. KII-GOV-ERB-01: The report drafted by the Commission for Investigation & Gathering Evidence (CIGE) titled: “CONSULTATIONS FOR REPARATIONS Enhancing Victims Participation towards the development of a Comprehensive Reparation Policy” was published in August 2020, available at: <https://c4jr.org/wp-content/uploads/2020/09/Final-Report-EN-CIGE-Consultations-Project.pdf>

8. KII-GOV-BAG-05

9. FGD-SPE-BAG

10. FGD-YAZ-DHK

11. KII-CSO-NIN-11

4.1.2 Ambiguity and Discriminatory Definitions of Victimhood

The laws introduced eligibility criteria that may be perceived as restrictive or subject to varying interpretations. The YSL defines “The female survivor” as follows: “Every woman or girl who has been subjected to crimes of sexual violence from her 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 ISIL since the date 3/8/2014 and was freed afterwards.”¹² The YSL bill was initially inconsistent, with article 2 mentioning that the law applied to “Yazidi women survivors who were abducted by the Da’esh terrorist gangs after 10/6/2014 and released after this date” and article 13 stating that “law shall apply to all women abductees who survived the terrorist organization Daesh and who were subjected to enslavement”. It was therefore unclear whether only Yazidi would benefit from the law, and whether it targeted victims of abduction, sexual slavery or both.¹³ The scope was later expanded under political pressure and national and international advocacy to include Christian, Shabak, and Turkmen survivors, as well as a broader range of Conflict Related Sexual Violence (CRSV) crimes. However, in the view of legal experts and activists interviewed, this expansion was not grounded in a rights-based approach, but rather in political bargaining and communal competition. For instance, a judicial official interviewed confirmed that the inclusion of other minorities was “an afterthought, lacking legal clarity.”¹⁴

FGD participants from Christian and Shabak groups reiterated this oversight, pointing out that many survivors were excluded because their abductions occurred before the YSL’s reference date of 3 August 2014,¹⁵ effectively erasing entire categories of eligible victims. A Turkmen activist in Tal Afar reported being rejected on this basis, despite enduring the same crimes.

A recurring concern is the effect of wording on eligibility. The YSL directly refers to Christian, Shabak and Turkmen women and adolescent girls,¹⁶ but as pointed out by the C4JR it never defines “adolescent” or set an age range, creating ambiguity and exclusion risks.¹⁷ The Juveniles’ Law No. 11 of 1962 differentiate between “child” and “youth.” Under this law, “youth”, including those referred to as fatāh, the Arabic term used in the YSL and translated in this report as adolescent girls, are individuals between the ages of 15 and 18. The C4JR emphasized that this lack of clarity in definition, paired with translation and language issues, has led to misinterpretations which led some girls who experienced sexual violence to be denied eligibility under the YSL while still have been subjected to the investigation process and the social shaming associated with CRSV.¹⁸

Another ambiguity is that the YSL does not mention how children born of ISIL captivity/conflict-related sexual violence are to be documented or protected nor entitled to reparations. FGD participants, especially Yazidi participants, highlighted that this issue had been deferred to community norms rather than clear formal pathways handled by the state.

12. Yazidi Survivors Law No. 8 of 2021, Art. 1, para. 1.

13. Güley Bor, “Iraq’s Reparation Bill for Yazidi Female Survivors: More Progress Needed”, April 26, 2019. Blogpost, Reforming Legal Responses to Conflict-Related Sexual Violence in Iraq and the Kurdistan Region. Available at: <https://blogs.lse.ac.uk/mec/2019/04/26/iraqs-reparation-bill-for-yazidi-female-survivors-more-progress-needed/>

14. KII-GOV-ERB-01

15. FGD-NYZ-BSH

16. Yazidi Survivors Law No. 8 of 2021, Art. 2, para. 2,

17. Coalition for Just Reparations, C4JR, Jiyān Foundation for Human Rights, Joint Submission to the 4th Cycle of the Universal Periodic Review on Justice and Reparations for Survivors of ISIL Conflict in Iraq, 15th July 2024. p. 8. Available at: <https://c4jr.org/wp-content/uploads/2024/11/wp-content-uploads-2024-08-C4JR-UPR-Submission-Justice-and-Reparations-for-Survivors-of-ISIL-Conflict-in-Iraq.pdf>.pdf UPR Submission; Justice and Reparations for Survivors of ISIL Conflict in Iraq, Jul. 2024

18. Coalition for Just Reparations, More than “ink on paper”, Third Yazidi’s Survivors Law Monitoring Report, 2025, p. 11. Available at: <https://c4jr.org/wp-content/uploads/2025/02/C4JR-Report-2025-Four-Years-After-YSL.pdf>

On the CSL side, the cross-referencing of the Martyrs Foundation Law No. 2/2016 (MFL), has come to dominate in practice the procedural interpretation and application. Namely, whereas the CSL recognizes victims “whether remains are found or missing,” in practice, Martyrs Foundation’s procedures require proof of martyrdom (whether through forensic identification or formal processes for missing persons) before victimhood is recognized and families can receive the CSL entitlements. In addition, the CSL does not recognize survivors who lived through the massacre, leaving them excluded from most entitlements.

The implications of these issues on the implementation of CSL and YSL are further discussed in subsequent sections.

4.1.3 CSL Integration into the Martyrs Framework

From the moment families submit a CSL claim, they are routed into the Martyrs Foundation rather than a customized, Speicher-specific procedure. In legal terms, CSL cross-refers core entitlements to pre-existing frameworks (Military Service & Retirement Law No. 3/2010 and Compensation Law No. 20/2009) and operationally depends on lists of martyrs approved by the Ministry of Defence (MoD) and the Martyrs Foundation’s (MF) administration. In institutional terms, this means the MF’s “martyrdom certificate”, issued under the MFL and its instructions, remains a condition, not a CSL-specific recognition mechanism.

The CSL itself does not designate a standalone administrative institution for its implementation. The law assigns the MF two roles explicitly: issuing instructions to facilitate the implementation of the law (Art. 13) and providing monetary and non-monetary support to those who sheltered surviving cadets from the Massacre (Art. 11). However, across all CSL related KIIs and FGDs, respondents provided that the implementation of the law is fully administered and coordinated through the MF. The foundation’s staff interviewed confirmed that a dedicated unit to coordinate CSL implementation has been recently established within the MF’s structure,¹⁹ effectively placing the law within the MF’s broader martyrs’ administration.

This cross-referential design has a decisive consequence for legal hierarchy. Although the CSL is more recent (2019) and subject-specific (*lex specialis* for the Speicher atrocity), in practice the Martyrs Foundation Law operates as the superior framework: MF eligibility definitions, evidentiary rules, and procedural instructions govern access to pensions, compensation, and related benefits. The practical impact is that the MFL supersedes the CSL on specific points that matter the most to families, namely recognition and payment. Thus, even where the CSL’s text is generous (e.g., recognizing victim status irrespective of whether remains are found or missing),²⁰ access to benefits in practice depends on completing MF’s certification procedures, including forensic identification when remains are recovered or formal processes applicable to missing persons. For missing persons whose remains have not been found, certification is based on the official lists of missing cadets provided by the Ministry of Defence and proceeds through the administrative steps used to establish death in cases of disappearance linked to terrorist acts.²¹ This process, rather than DNA matching, is the basis for issuing a martyrdom certificate in missing-person cases.

This folds Speicher into a generic “victims of terrorism” category alongside other categories such as victims of the Ba’ath era or PMF martyrs, diluting the atrocity-specific recognition that the CSL was meant to

19. KII-GOV-BAG-05

20. CSL, Article 1.

21. Republic of Iraq; Minors Care Law No. 78 of 1980, 1980. Article 93, para. 3.

establish. KII and FGDs described this as a process designed for administrative uniformity rather than for the particularities of the Speicher case, with the martyrdom certificate functioning as the single point of entry to all associated entitlements.²²

4.1.4 Appeal Mechanisms: Insufficiently Codified

Survivors and victim families consistently reported that appeal mechanisms were opaque, slow, and largely symbolic. FGD participants in Baghdad (Speicher families) noted that appeals “changed nothing” in practice, with rejections upheld despite new evidence.

Civil society actors who support or monitor the implementation of the YSL, particularly C4JR, similarly highlighted that appeal processes lack transparency and judicial oversight, undermining trust.²³ Survivors whose applications were rejected receive only verbal notification, with no written decision to support an appeal,²⁴ effectively leaving them without recourse. C4JR has repeatedly called²⁵ for the adoption of standardized practice, such as issuing decision letters to applicants and provide clear appeal information leaflets, to no avail. As YSL does not specify any deadline for filing an appeal to the court of first instance, different interpretations of the applicable deadline within which the appeal is to be submitted contribute to the legal uncertainty and, thus, further complicate the appeal process.

On the face of the statutes, YSL Art. 10 para. 3 provides reconsideration and judicial review, but in practice the absence of enforceable procedural guarantees (reasoned and dated written decisions, clear timeframes, consistent record-keeping) renders the appeal process impracticable and discouraging for many applicants. CSL contains no explicit appeal mechanism, pushing families into discretionary administrative petitions or general administrative litigation, which prolongs uncertainty. These structural features help explain why participants described appeals as largely symbolic even when new evidence was available.

4.2 Focus Area 2: Application & Delivery

The implementation of the Yazidi Survivors Law (YSL) and Camp Speicher Law (CSL) illustrates the gap between legislative ambition and operational reality. While both laws mark historic recognition, their delivery is mediated by a dense web of administrative procedures, medico-legal requirements, and political sensitivities. Below is a detailed assessment of application processes, benefits, medico-legal roles, and accountability linkages under both laws.

4.2.1 Provisions Specific to the Yazidi Survivors Law and its Implementation

A. Role of the General Directorate for Survivors' Affairs

Established under the Ministry of Labour and Social Affairs (MoLSA), the General Directorate for Survivors Affairs (GDSA) serves as the central administrative body mandated with YSL implementation. The directorate is responsible for producing statistics and compiling datasets on survivors, drawing on

22. KII-CSO-BAG-10; FGD-SPE-MIX.

23. Jiyon Foundation for Human Rights and Coalition for Just Reparations, Joint Submission to the 4th Cycle of the Universal Periodic Review on Justice and Reparations for Survivors of ISIL Conflict in Iraq, 15th July 2024, p. 8. Available at: <https://c4jr.org/wp-content/uploads/2024/11/wp-content-uploads-2024-08-C4JR-UPR-Submission-Justice-and-Reparations-for-Survivors-of-ISIL-Conflict-in-Iraq.pdf>.

24. Coalition for Just Reparations, More than “ink on paper”. Taking Stock Three Years After the Yazidi [Female] Survivors Law, March 2024, p. 14. Available at: <https://c4jr.org/wp-content/uploads/2024/03/C4JR-Report-2024-Three-Years-After-YSL-1.pdf>

25. Coalition for Just Reparations, More than “ink on paper”, Third Yazidi's Survivors Law Monitoring Report, 2025, p. 13.

information from governmental and non-governmental bodies, and maintaining these records as the reference point for decision-making and inter-agency work (YSL, 8/2021, Art. 5, para. 1; see also Art. 3). On that foundation, the GDSA is mandated to provide care to survivors and coordinate across all relevant government departments and with local and international organizations (Art. 5, para. 2-3). In addition, the law specifies that Director General shall be of the Yazidi component (Art. 3, para. 2). The law also places within the directorate's remit education measures—ensuring survivors can access and continue formal study—and economic empowerment, by securing job opportunities that enable survivors to regain social and economic stability (Art. 5, para.4-5).

Health and rehabilitation are treated as core operational functions: the GDSA is tasked to open health and psychological rehabilitation centres and to arrange clinical care inside and outside Iraq (Art. 5. Para. 6). The mandate extends beyond service delivery into the search for missing persons; the directorate must search for abducted men, women and children from the Yazidi, Turkmen, Christian, and Shabak communities whose fate remains unknown, in coordination with domestically and internationally competent authorities and victims' families, and regularize their legal status and entitlements in line with applicable laws (Art. 5, para. 7). Closely linked is a medico-legal coordination role: in partnership with the Martyrs Foundation's Mass Graves Affairs, the GDSA coordinates search, investigation, and exhumation of mass graves, the identification of remains, and their return to families for dignified burial, completing all necessary procedures (Art. 5, para. 8). Finally, the directorate serves as an institutional bridge to accountability processes; it coordinates with investigative and judicial bodies and with international fact-finding entities, providing statistics, datasets, and material that help document and prove the crimes committed by ISIL and support proceedings against perpetrators (Art. 5. para. 9). In addition, based on the YSL Bylaws No. 4/2021,²⁶ the GDSA has both an administrative and awareness-raising role (Art.2), as it is tasked with registering and following up on survivors' applications, coordinating with relevant bodies to provide social, health, and psychological support, managing records and reports, and organizing training, conferences, and workshops to highlight the crimes committed against survivors. It is also mandated to work with the Ministries of Education, Higher Education, and Health (Art. 3) to facilitate survivors' return to study, develop educational materials promoting coexistence, and ensure access to medical and psychological rehabilitation, housing, and other forms of assistance.

Yazidi survivors in the FGDs and Yazidi activists interviewed consistently described the GDSA as accessible and empathetic, noting cultural/linguistic proximity and community-embedded staff. Several respondents explicitly linked positive perceptions to the directorate's Yazidi leadership, which they felt enhanced trust and responsiveness.²⁷ However, Christian and Shabak survivors reported less targeted outreach/liaison to their communities compared with their Yazidi counterparts, and weaker representation among directorate's employees affecting perceived inclusion. These factors shaped perceptions of the directorate's role as less oriented to their communities, even while they recognized GDSA's formal mandate as cross-community.²⁸

B. Steps and Challenges in the Application Process

An application under the YSL typically begins at the GDSA, where staff register the case, open a file, and guide the applicant through assembling a basic dossier. At minimum, survivors are asked to submit civil status documents (identity and family papers) alongside evidence that an abduction or captivity occurred. Once a file is complete enough to proceed, the GDSA transmits the dossier for verification to a set of

26. YSL Bylaws No.4 of 2021. Available at: https://c4jr.org/wp-content/uploads/2024/01/Survivors-Law-prepress_3mm-full-bleed_231122_185532.pdf.

27. CFGD-YAZ-DHK; .

28. FG-NYZ-BSH; .

external actors – most commonly security and intelligence services for background checks, and judicial bodies for confirmation that the events alleged align with cases or complaints already on record. This back-and-forth may generate further requests for clarification or supplements, which are relayed to the applicant through the GDSA.

Some survivors in the FGDs reported being asked to provide proof that they have filed a criminal complaint for their reparation application to be receivable. Where the claim involves conflict-related sexual violence, some judges have requested additional supporting material, such as the submission of clinical evidence, witness statements or other types of proof that validates the survivors' claim.²⁹ In practice, this raises the evidentiary bar well above a typical administrative standard and moves the process closer to a criminal-law level.³⁰ Survivors, especially Christian, Shabak and Turkmen applicants, described this requirement as intrusive and retraumatizing, noting that it often entails recounting abuse in formal settings and navigating unfamiliar legal procedures before their reparations claim can move forward.³¹

Survivors based outside Iraq face the steepest climb; except those that can benefit from the remote testimony mechanism through Iraqi diplomatic missions in Paris (France), Berlin or Frankfurt (Germany),³² others must either travel to Iraq to apply or depend on relatives or intermediaries to file, respond to queries, and collect documents on their behalf, which introduces delay and risk of error.

Reported timelines range from 6 to 24 months,³³ depending on documentation and clearances. Delays often stem from repeated requests for proof or discrepancies between survivor testimonies and official records.

Taken together, the process is linear on paper—intake, dossier assembly, external verification, return to the YSL committee for decision—but circular in practice, with repeated verification cycles driven by evidentiary demands that are closer to prosecutorial rather than administrative standards. This assumption was heavily emphasized by Christian, Shabak and Turkmen survivors, stemming from their own experience with the application process. In their view, these challenges explain why some survivors withhold from applying, whereas others disengage mid-process when additional court-grade documentation is requested.³⁴

4.2.2 Application Challenges under the CSL

A. The Legal Frictions on Remains Verification

As mentioned above, CSL (Art. 1) recognizes Speicher victims as martyrs irrespective of whether remains are found or missing. Accordingly, the families of all victims are entitled to all benefits without any waiting period, including cash compensation, retirement salary and retroactive financial differences, pilgrimage allocation, allocation of residential land plots and the other administrative rights associated with martyrs. Nonetheless, based on testimonies shared by study respondents, accessing CSL benefits in practice has

29. FGD-NYZ-BSH.

30. "Statement on the implementation of the Yazidi Survivors Law: NGOs and experts raise concerns over requirement for survivors to file criminal complaints to receive reparation". April 2023. Available at: <https://www.icj.org/ngos-and-experts-raise-concerns-over-requirement-for-survivors-to-file-criminal-complaints-to-receive-reparation/>.

31. FGD-NYZ-BSH.

32. Coalition for Just Reparations, More than "ink on paper". Third Yazidi Survivors' Law Monitoring Report. 2025. p.13.

33. FGD-YAZ-DHK; FGD-NYZ-BSH.

34. FGD-NYZ-BSH.

been delayed by procedural requirements applied through the Martyrs' Foundation framework. The martyrdom certificate (the document that unlocks pensions, land, and related entitlements based on the Martyrs' Foundation law), is ordinarily issued once the Medico-Legal Directorate (MLD) in Baghdad confirms identity through forensic/DNA findings transmitted to the Martyrs Foundation. Where remains are identified and extracted DNA successfully matched with that of victim's family members, certification proceeds and benefits begin; where remains are unrecovered or unmatched, MLD issues an official letter providing the status (remains unrecovered or unmatched) to MF to communicate with victim families.³⁵ In such cases, the Martyrs Foundation treats the file as a missing-person case and proceeds based on the official lists of missing cadets provided by the Ministry of Defence. Practically, this includes confirming the cadet's status on the MoD list, completing the relevant administrative file within the Foundation, and pursuing the formal procedures used to establish death in terrorism-related disappearance cases, in line with Iraqi law, which allows a missing person to be legally considered dead after a defined period of absence (two years' time thresholds in cases linked to terrorist acts). These procedures are drawing on the Iraqi laws governing missing persons, that entail (i) inclusive evidence of death is discovered, or (ii) four years have passed since reported missing, or (iii) the person is missing in circumstances in which they can reasonably be presumed to have perished and if two years passed since the person was reported missing.³⁶ This process then enables the issuance of a martyrdom certificate.

Although neither the CSL No. 12/2019 nor the Compensation Law No. 20/2009 expressly require DNA confirmation as a precondition for entitlements, administrative practice tends to align with the MF evidentiary and certification procedures in order to ensure consistency across different schemes. This leaves many families in administrative limbo³⁷ until the certification procedure is completed.

The core friction is not whether CSL recognizes the victim—it does—but that certification of martyrdom is treated as the gateway to most material entitlements: not only pensions/compensation, but also land plot allocations and other linked administrative benefits.

B. DNA Testing and Practical Barriers

Years after the massacre, the condition of many victims' remains complicates identification. Field teams and medico-legal staff described graves with intermixed and weathered remains, sometimes disturbed by earlier recoveries or environmental exposure, yielding partial or degraded DNA profiles that are difficult to match to a required standard. Sorting, re-cataloguing, and the detailed reconstruction of biological kinship lines extend timelines well beyond what victim families had anticipated. Each technical step demands strict chain-of-custody and documentation, which, while necessary³⁸, adds to the delay.³⁸

Capacity constraints within the forensic system amplify these technical hurdles. DNA analysis is concentrated in a limited number of laboratories, leading to unprocessed cases that fluctuate with staffing levels, availability of laboratory supplies, and the volume of cases transferred from governorates to Baghdad. Provincial officials reported that files often queue multiple times; first for anthropological sorting, then for extraction and profiling, and again for kinship analysis once family reference samples are available. A single case can occupy the system for months at a time even without any issue with the case documentation which would delay the process further.³⁹

35. KII-GOV-BAG-04

36. Minors Care Law No. 78 of 1980, Article 93.

37. UNAMI, *Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL*, 2018, pp. 14-15. Available at: https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/UNAMI_Report_on_Mass_Graves4Nov2018_EN.pdf

38. KII-GOV-BAG-04.

39. KII-GOV-BAG-05; KII-GOV-BAG-04.

For families, the process is iterative, taking 2.7 years as an average processing time for compensation since the time of submission of application.⁴⁰ Although legally families of the missing and family of identified martyrs share the same status under the CSL, families are asked to provide reference DNA samples and to align their case with Ministry of Defence missing-person lists, then to supply or re-supply civil and court documents that corroborate identity. Where the initial DNA profile is weak or mixed, families are summoned for re-sampling, sometimes more than once. Each loop generates new travel and administrative costs, particularly for those living far from collection points (designated public hospitals in city centres) or with caregiving responsibilities. Families described the practical burden of repeated trips and the emotional strain of being told that results are “in progress” without a clear horizon for completion.⁴¹

The figures shared, underscore the scale and unevenness of progress:

- Kirkuk Governorate: 17 registered Speicher families; 100% DNA matched and certificates issued.⁴²
- Muthanna: ~90 registered; ~50 with DNA match/ certification issued; the remainder pending further profiling/verification.⁴³
- CSL in Total: ⁴⁴ 1,134 remains recovered,⁴⁵ 1,121 matched⁴⁶ (~99%); approximately ~800 persons still listed as missing⁴⁷ by the Ministry of Defence.

Across interviews and FGDs, families characterized the period between sampling and definitive notification as a prolonged limbo, being unable to bury loved ones with certainty. The practical burdens—repeat sampling, document re-issuance, and travel to Baghdad—were repeatedly described as re-traumatizing and negatively affecting trust in institutions. As a medico-legal official summarized, the system’s technical safeguards, while essential to accuracy, have become the primary obstacle to closure and to the entitlements that depend on it.⁴⁸

4.2.3 Medico-Legal Role and Mass Graves (Both Laws)

Iraq’s post-ISIL landscape contains documented mass-grave sites across the country, with 12 mass graves related to the Speicher atrocity discovered within Tikrit’s Presidential Palace Complex between 2016 and 2025. Approximately 1,121 human remains were recovered from these graves.⁴⁹ In Nineveh, KRG officials publicly reported 81 mass-grave sites documented in Sinjar.⁵⁰ The Mass Graves Directorate (MGD) under the Martyrs Foundation oversees excavation and documentation, while MLD under the Ministry of Health conducts DNA profiling and forensic identification. After identification, MF finalizes certification required for compensations under the CSL.

40. 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. Jiyon Foundation for Human Rights and Coalition for Just Reparations, Joint Submission to the 4th Cycle of the Universal Periodic Review on Justice and Reparations for Survivors of ISIL Conflict in Iraq, 15th July 2024. p. 10.

41. FGD-SPE-MIX.

42. KII-GOV-KRK-06

43. KII-LEX-MTH-12

44. Speicher 1700 Organisation.

45. Recovered= Exhumated/collected

46. Matched= Identified via DNA

47. Missing= On official lists without confirmed identification

48. KII-GOV-BAG-04

49. Speicher 1700 Organization.

50. Public Statement, “81 mass graves of Yazidis found in Iraq’s Sinjar since 2014”, March 2022, Available at: <https://www.aa.com.tr/en/middle-east/81-mass-graves-of-yazidis-found-in-iraqs-sinjar-since-2014-official/2538307?>

In practice, these processes are interconnected but not always synchronized. MGD and MLD officials interviewed, indicated coordination challenges, mainly stemming from multi-stage workflow across the two offices (MGD/MLD), budget limitations, equipment, staffing and staff capacities. The coordination between Baghdad and Erbil (under the YSL) adds another layer. Officials in both locations confirmed that coordination at the directorate level is generally effective, but communication and decision-making at the ministerial level remain slow.⁵¹ United Nations reporting similarly highlights persistent coordination gaps among the institutions involved and capacity constraints across excavation, documentation, storage, and identification pipelines.⁵² These challenges pose administrative delays negatively affecting victim families under both laws who described prolonged delays between initial site marking, exhumation, and eventual handover of remains.

Cooperation with local and international organizations was positively perceived by Baghdad and Erbil officials. NGOs, such as Yazda and Farida Global Organization, have provided psychosocial support to Yazidi families during the handover of remains and burial rituals, helping ensure respect to survivors' dignity and reduce emotional distress during this process. Speicher 1700 Organization, an organization dedicated to the victims of Speicher massacre, has been actively supporting victims' families since 2016; they have provided them with extensive services, such psychological support, legal assistance and counselling services, supporting them through processes related to exhumation of mass graves and handover of remains, and beyond. They have also acted as a direct liaison between victims' families and government institutions. International organizations, namely UNITAD and the International Commission on Missing Persons (ICMP), provided important technical and operational support to the MGD and MLD, facilitating work from site marking to remains identification, and assisting with sampling missions abroad for diaspora families. MLD and MGD officials also highlighted the importance of extending such cooperation given the capacity and budget constrains their offices are facing. They specifically emphasized the need for close inter-agency coordination between Baghdad and Erbil, support overseas sampling missions to conclude diaspora cases more efficiently, prioritize excavation of remaining mass-grave sites in Salah al-Din and Nineveh, and expand collaboration with local and international organisations to maximise psychosocial support to families and survivors. Interviewed officials believe that these measures would improve efficiency and communication, shorten case timelines, and help reduce the administrative and emotional burdens on families who have already endured severe trauma.⁵³

4.2.4 Implementation of Benefits

The table below compares the entitlements stated by each law (YSL and CSL) and the actual application according to the input provided by research participants, as well as secondary sources:

51. KII-GOV-ERB-01; KII-GOV-BAG-03; KII-GOV-BAG-04

52. UNAMI, *Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL*, 2018. pp.14-16

53. KII-GOV-BAG-03; KII-GOV-BAG-04

Entitlement area	Law, article(s) & provision	Application
Monthly salary / pension	YSL: Monthly salary $\geq 2 \times$ the minimum retirement salary under Unified Retirement Law 9/2014 (Art. 6, para. 1).	~IQD 800,000 monthly after successful completion of application.
	CSL: Pension via Law 3/2010 or compensation via Law 20/2009; families choose between the two (Art. 2).	Amount ranges between IQD 600,000 to 1,000,000 depending on a variety of criteria, i.e. marital status, number of children as well as on the choice of the family (pension vs compensation).
Compensation (lump-sum)	YSL: The law provides monetary compensations and Art. 11 clarifies that it does not prevent survivors from accessing other compensations under other Iraqi Laws or international mechanisms	This article lacks implementing guidance on how multiple entitlements would be handled, and unclarity regarding "special international decisions" as stated in the text of the law (Art. 11). Survivors participating in FGDs confirmed that no direct cash compensation has been provided for them.
	CSL: Compensation route explicitly via Law 20/2009 (Art. 2).	IQD 5,000,000 for burial and mourning ritual after receiving the remains of the victim. Victims whose remains were not found, their families are not eligible to receive this amount.
Land / housing	YSL: Residential plot + loan + exemption from Revolutionary Command Council RCC Decision 120/1982; or free housing unit (Art. 6/ Second).	250 land-plots allocated in Sinjar for Yazidis & 12 in Tal Afar for Turkmen. ⁵⁴ Christian and Shabak survivors participated in the FGD reported they did not receive land plots to-date. ⁵⁵
	CSL: Land plots to martyrs' families within 90 days of entry into force (Art. 8).	Victim families in Baghdad did not receive land-plots, instead, families are given cash compensation totalling IQD 50M to be delivered in 5 instalments of IQD 10M each. So far, one instalment has been delivered only. No evidence of how many received land-plots in other governorates.
Education	YSL: Ensure educational opportunities and age-requirement exemption for return to study (Art. 5, para. 4; Art. 6, para. 3).	Systemic barriers continue to block access to trauma-informed learning. Inconsistent application due to complex and unclear procedures: accounts of survivors who registered with the GDSA to receive exemptions but did not receive responses; lack of consistent interpretation and understanding among staff; insufficient support from caseworkers, who do not systematically accompany the process or provide tailored advice; delays or prevention of re-enrolment due to difficulties in proving prior educational background or obtaining required documentation. ⁵⁶

54. Farida Global, 262 "Plots of Land Distributed to Survivors under Yazidi Female Survivors Law on 29 May 2024", 31 May 2024. Available at: <https://faridaglobal.org/blog/2024/05/31/262-plots-of-land-distributed-to-survivors-under-yazidi-female-survivors-law-on-29-may-2024>

55. FGD-NYZ-BSH

56. Global Survivors Fund, Access to education as a form of reparation for survivors of ISIL captivity in Iraq, April 2025. Available at: https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/Task_Team_Report_Iraq_April2025_EN_web.pdf

Entitlement area	Law, article(s) & provision	Application
	CSL: No direct education-access entitlement for families in statute.	Not applicable.
Employment	YSL: Public-sector priority (2%) for survivors (Art. 6, para 4.).	Inconsistent application due to public employment freezing decision, unclarity whether receiving double salaries is permitted or prohibited (the law does not prohibit it but GDSA's guide/leaflets does)
	CSL: No quota in CSL text; any preference is through broader MF/civil-service frameworks.	Not applicable.
Health & psychosocial	YSL: Open health and psychological rehabilitation centres; enable clinics inside/outside Iraq (Art. 5, para. 6).	Survivors could not confirm if this service was provided via GDSA or Int. Orgs. No governmental service was provided to date (neither in nor outside of Iraq) although health cards that will allow survivors to access governmental health services free of charge started being issued for survivors in January 2025. ⁵⁷
	CSL: Health facilitation via cross-referenced frameworks; no CSL-specific clinical entitlement (see Art. 8 for general measures).	No application
Memorialization & symbolic measures	YSL: National day (3 August); monuments/commemoration/curricula (YSL Art. 8, bylaws Art. 3).	KRG sponsors annual ceremonies on August 3rd. KRG included the crime in the curricula. No systematic commemoration on the genocide anniversary by the federal government; an event was held for the 10-year commemoration. ⁵⁸ Memorials at mass grave sites in Sinjar and Tal Afar have been accounted by Gol. ⁵⁹
	CSL: Building memorials, naming streets/schools, organizing annual anniversaries, building central memorial in Salah al-Din (Art. 6; Art. 8). Curricular memorialization of the Air Base crime (Art. 12);	Federal and provincial level sponsorship of annual ceremonies on June 12th. Unveiling and inauguration of the Speicher Martyrs Monument in Kut (Wasit Governorate) in 2023, on the occasion of the 10th anniversary of the Speicher massacre (12 June 2014). The monument was established through cooperation between families of the victims, local activists and support from the Wasit local government. ⁶⁰

57. Coalition for Just Reparations, More than "ink on paper", Third Yazidi's Survivors Law Monitoring Report, 2025, p. 20

58. Ibid, p.21.

59. Ibid, p.24.

60 Speicher 1700 Organisation.

Entitlement area	Law, article(s) & provision	Application
Recognition of crimes as genocide and/or crimes against humanity	YSL: Crimes against Yazidis, Christian, Turkmen and Shabak are recognized as genocide and crimes against humanity (Art. 7: para.1)	Perceived by participants in this study as symbolic and declarative form of recognition with no domestic legal mechanism to operationalize it in terms of: prosecution of perpetrators for genocide, the provision of reparations aligned with international standards for victims, or an avenue for survivors or the state to pursue perpetrators through international courts.
	CSL: Speicher atrocity is recognized as a genocide and a crime against humanity, “after it is proven before the competent courts” (Art. 7: para.1).	Recognition of Speicher atrocity as a genocide and a crime against humanity is conditional upon judicial confirmation. To date, no Iraqi court has issued a ruling legally classifying Speicher as genocide or crime against humanity.

On the CSL side, Martyrs Foundation staff emphasized that weak inter-agency cooperation—particularly with provincial authorities (municipalities, land registries, planning directorates) and sectoral ministries—is the principal reason certain entitlements stall. In practice, this affects: (i) allocation of land plots (site availability, zoning approvals, title transfer); (ii) curricular integration of the Speicher atrocity (dependence on Ministry of Education approvals and textbook cycles); and (iii) allocation of memorial sites (municipal siting and budget execution).⁶¹ These coordination and mandate frictions—not the legal basis itself—were repeatedly cited as the proximate cause of non-delivery. Of note, on the YSL side, a survivor consulted through FGDs reported no consultation on land plots location took place.

4.2.5 Criminal Accountability

A. Barriers to International Crimes Prosecution

Iraq does not have domestic legal provisions criminalizing genocide, crimes against humanity, and war crimes, despite binding obligations under international law.⁶² This legislative gap is particularly consequential for the CSL, which explicitly conditions recognition of Speicher atrocity as genocide and CAH on a judicial determination (Art. 7, para. 1). As Iraq is not a state party to the Rome Statute of the International Criminal Court and has not domesticated international crimes into its national framework, ISIL atrocities cannot be prosecuted and labelled as required under the CSL. In practice, prosecutions of ISIL members for atrocities against Yazidis and Speicher victims have proceeded almost exclusively under the 2005 Counter-Terrorism Law.

⁶¹ KII-GOV-BAG-05

⁶² Iraq is obliged under the Convention on the Prevention and Punishment of the Crime of Genocide (1948) to criminalize genocide, and under the Geneva Conventions (1949) and their Additional Protocols (1977) to enact penal sanctions for grave breaches of international humanitarian law. It has also ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1968). While crimes against humanity are prohibited under customary international law, Iraq has not enacted specific domestic provisions enabling their prosecution.

Proposals to introduce an “International Crimes Law” were circulated after the YSL’s passage in 2021 but stalled following the 2021 elections. Although this should be pursued by the Council of Ministers and Council of Representatives, the High Judicial Council reportedly continues to discuss a draft, and progress remains limited.⁶³ In the absence of such legislation, as mentioned, prosecution of ISIL members proceeds primarily under the Counter-Terrorism Law No. 13/2005. The result is that survivors’ demands for genocide, crimes against humanity, or war crimes recognition cannot be met, as evidence prepared to international crimes standards by UNITAD lacks a domestic legal basis. Within this constraint, UNITAD has been widely welcomed for collecting, preserving, and analysing evidence to international standards. Yet interviewees noted that materials assembled for international-crimes charges are not readily usable in terrorism prosecutions; judges often treat them as external support rather than admissible proof,⁶⁴ and survivors worry their testimonies will remain “in storage rather than in court.”⁶⁵

KIIs described predictable consequences: mass trials with expedited timelines, an evidentiary focus on affiliation/confession, limited survivor participation, and high rates of capital sentences.⁶⁶ Study respondents, including a legal expert, emphasized that this reliance on terrorism legislation reflects both political expediency and the absence of a legislative framework for international crimes. The legal expert interviewed called the approach “expedient for the state, but destructive to justice.”⁶⁷

In addition, both CSL Article 5 and YSL Article 9 explicitly prohibit any pardon or amnesty for perpetrators of crimes stipulated therein. A persistent challenge, however, lies in the lack of distinction made during prosecutions of ISIL affiliates. All alleged perpetrators were tried solely under counter-terrorism legislation – often charged only with ISIL membership, without differentiation according to the gravity of their acts or prioritization of the most serious international crimes. This prosecutorial gap has made it difficult to identify and hold those responsible for the gravest atrocities accountable, and it risks enabling impunity through broad amnesty measures.⁶⁸

Several Speicher victim family members said, “our children were killed because of who they were, but in court, this truth disappears.”⁶⁹ Indeed, delivering verdicts that reduce ISIL atrocities to generic “terrorist acts” rather than international crimes with unique elements such as intent to destroy a group, obscure the true nature and extent of ISIL’s brutal violence.⁷⁰ The effect has been to prioritize collective security narratives over individualized survivor justice. In 2024, Iraqi courts started referencing YSL Article 7 which recognizes ISIL crimes against Yazidi, Shabak, Turkmen, and Christian minorities as genocide and crimes against humanity in judgments delivered under Iraq’s counter-terrorism legislation.⁷¹ Such judicial recognition of genocide through a reference is, however, an inadequate substitute for proper labelling of ISIL atrocities as international crimes.

63 KII-LEX-MTH-12

64 KII-LEX-BAG-13

65 FGD-SPE-NAS

66 KII-LEX-MTH-12; KII-CSO-NIN-11

67 KII-LEX-BAG-13

68 See C4JR Statement on the Potential Inclusion of Perpetrators of Mass Atrocity Crimes under the General Amnesty Law (November 4, 2025) available at: <https://c4jr.org/0411202530544>

69 FGD-SPE-NAS

70 Ghafoor, Kosar & Omer, Amanj, “Prosecuting the perpetrators of the Camp Speicher crime according to Iraqi laws or the jurisdiction of the International Criminal Court”, 2021. pp. 39-41

71 Coalition for Just Reparations, More than “ink on paper”. Third Yazidi Survivors’ Law Monitoring Report. 2025. pp. 31-32

B. Survivor Perspectives on Justice & Civil Society Advocacy

Informants noted that discussions about referring the situation in Iraq to the International Criminal Court (ICC), were generally avoided, citing sovereignty concerns and political sensitivities, even as UN bodies and civil society have pointed to the inadequacy of domestic prosecutions.⁷² As such, accountability for the atrocities underpinning the YSL and CSL remains constrained by Iraq's reliance on counter-terrorism frameworks, perpetuating a level of impunity for crimes that meet core international crimes elements.⁷³ Across FGDs, survivors described the accountability gap as "one of the greatest betrayals," saying financial reparations "mean little without justice." Christian, Turkmen and Shabak participants emphasized the invisibility of their harms in court narratives, while Speicher families characterized proceedings as "procedural formalities" that neither invite their participation nor acknowledge the targeted nature of the killings.⁷⁴ This sense of invisibility is compounded by survivors' frustration that their suffering is legally framed under counter-terrorism categories rather than recognized as genocide or crimes against humanity.⁷⁵ As expressed by a Yazidi male survivor, "ISIL members are tried based on the [Iraqi Antiterrorism Law] and not according to [adequate laws]. The current law cannot cover the magnitude of crimes and genocide committed by ISIL. We need a more comprehensive law to achieve true justice".⁷⁶

In parallel, CSOs and survivor networks—notably C4JR and its Criminal Justice Working Group⁷⁷—continue to press for domestication of international crimes⁷⁸ and a national transitional justice mechanism. Even though advocacy remains persistent, the reforms are still out of reach.⁷⁹

These perspectives reinforce the pattern traced above: reliance on terrorism frameworks yields a narrow justice track prioritizing harms against the state instead of survivor-specific harms. In the absence of legislation incorporating international crimes into national law, even robust evidentiary archives remain under-utilized, leaving a persistent misalignment between survivors' experiences and judicial recognition.

4.3 Focus Area 3: Survivor-Centeredness

The YSL and CSL were framed as victim and survivor-oriented instruments, yet the extent to which implementation reflects survivor-centred practice remains uneven. The YSL's explicit recognition of conflict-related sexual violence marked a significant advance; however, practice has been constrained by evidentiary burdens and inconsistent service pathways, linking survivors to services promised under the law. The CSL, by contrast, has been administered largely through an administrative compensation lens with limited attention to survivor victim agency beyond the martyrs' foundation framework.

72 KII-LEX-BAG-13

73 KII-LEX-BAG-15

74 FGD-SPE-MIX

75 FGD-YAZ-DHK

76 Coalition for Just Reparations. Iraqi Civil Society and Survivor Networks Position on the Request of Iraq to Terminate UNITAD's Mandate in September 2024. April 2024. p. 3. Available at: https://c4jr.org/wp-content/uploads/2024/04/C4JR-report_ENG.pdf

77 <https://justice-iraq.com/>

78 Coalition for Just Reparations, "C4JR Urges Legal Reform in Iraq Following Genocide Sentences Against ISIL Members", July 17, 2024. Available at: <https://c4jr.org/1707202429424>

79 KII-CSO-NIN-11

4.3.1 Institutional Attitudes and Practices

Across beneficiary groups, FGDs described a lack of formal, trauma-informed protocols within implementing bodies. Survivors and victims' families reported feeling dismissed or blamed during administrative interactions;⁸⁰ one widow of a Speicher victim characterized engagements with local offices as “a daily reopening of wounds, where instead of empathy we receive suspicion.” While some long-serving Martyrs Foundation staff have developed informal coping techniques to de-escalate crises, these practices are uneven and depend on individual dedication rather than standardized training.⁸¹ As for the GDSA staff, they have received training on ethical engagement with survivors through Farida Global Organization, based on a C4JR Toolkit for Ethical Engagement with Survivors⁸² developed to this end. The GDSA staff, along with 22 judges and judicial investigators, were trained on survivor-centred approaches also by Physicians for Human Rights (PHR).⁸³ Moreover, the creation of a survivor-centred guideline, including best practices, such as procedures for arranging interviews, is underway.⁸⁴ A Declaration on Protecting Confidentiality and a Code of Conduct for Survivor-Centred Engagement was suggested to be included in the YSL bylaws by the C4JR, but this suggestion was not considered in the bylaws. Such Code of Conduct could ensure adherence to survivor-centred principles, including identity protection and data confidentiality, right to be informed, obtaining informed consent, principle of do no harm and safeguards ensuring equal treatment with dignity and respect.⁸⁵

Yazidi Survivors frequently described feeling more “understood” within GDSA offices than in other government settings,⁸⁶ attributing this to visible Yazidi leadership and staff and to respectful treatment. Several FGD participants reported having received direct support and guidance on their application from the head of the GDSA and expressed gratitude in this regard. At the same time, the requirement for court-level evidence undermines a survivor-centred posture by compelling re-exposure to trauma and discouraging applications. Participants from Yazidi, Christian and Shabak groups reported weak institutional sensitivity when filing criminal complaint with the judiciary, being harassed and stigmatized, recounting giving statements “to males” in crowded investigative offices, with the judge, clerks, security personnel (and at times other applicants) within earshot. Several described “telling everything with the door open,” or being asked to repeat intimate details in front of multiple strangers. The lack of privacy and the formality of the setting left many feeling exposed, ashamed, and re-traumatized, prompting some to truncate their testimony or disengage from the process altogether.⁸⁷ From the institutional side, MLD and MGD officials acknowledged that frontline staff are rarely trained to interact with survivors in a trauma-informed manner. They reported asking several organizations for capacity-building support—especially on survivor-sensitive communication—but said responses had been minimal to date. In their views, the proof burdens and the absence of consistent, trauma-informed practice combine to prolong cases and compound harm, even when staff are acting in good faith.

80 FGD-SPE-MIX; FGD-NYZ-BSH

81 KII-GOV-KRK-06

82 Jiyana Foundation for Human Rights. Toolkit for Ethical Engagement with Survivors. 2024. Available at: https://c4jr.org/wp-content/uploads/2024/07/Toolkit-for-Ethical-Engagement-with-Survivors_English.pdf

83 Abdulrazzaq Al-Saiedi and Maram Haddad. “A City Finds Its Voice: Mosul Establishes Survivor-Centered Justice”. Physicians for Human Rights: July 3, 2025. Available at: <https://phr.org/our-work/resources/a-city-finds-its-voice-mosul-establishes-survivor-centered-justice/>

84 See transcripts of the C4JR’s “More Than Ink on Paper” podcast episode 7 featuring Maram Haddad, Deputy Director of Capacity Development and Evidence-Based Practice and Abdulrazzaq Al-Saiedi, Technical Expert for Iraq at the Physicians for Human Rights, October 2015, available at: <https://c4jr.org/wp-content/uploads/2025/10/C4JR-podcast-with-PHR-English-transcript.pdf>

85 See C4JR Key Recommendations to the Iraqi Council of Ministers for Implementing Regulations of the Yazidi [Female] Survivors Law, 2021, para.1.6, available at: <https://c4jr.org/wp-content/uploads/2021/06/C4JR-Rec-to-CoM-ENG.pdf>

86 FGD-YAZ-DHK

87 FGD-NYZ-BSH; FGD-YAZ-DHK

The net effect is a process that routinely re-exposes survivors and victim families to investigative environments that resemble criminal proceedings. This position prioritizes evidentiary stringency over dignity, privacy, and equal access, which in turn undermines trust in institutions charged with delivering reparations.

4.3.2 Survivor Agency and Participation

As discussed in section 4.1.1 above, targeted beneficiaries (only Yazidis) were consulted late in the YSL drafting process and not at all in the CSL case; this pattern has carried into implementation. Most participants reported that feedback is rarely solicited and, when provided through CSOs, seldom acknowledged or translated into procedural adjustments.⁸⁸ One activist noted that joint NGO feedback “was submitted to the government but never acknowledged, let alone translated into reforms”.⁸⁹ C4JR had consolidated recommendations⁹⁰ to the Iraqi Council of Ministers and presented to the YSL Bylaws Working Group to improve drafting of YSL Bylaws, but adoption was limited.

KIIs and FGDs, revealed that several constituencies emerged as disadvantaged despite formal recognition under the YSL. Christian, Shabak and Turkmen survivors repeatedly characterized themselves as “secondary” in both visibility and access to services,⁹¹ citing social media attacks suggesting that only Yazidis should be recognized as survivors. They noted that this perception is reinforced by the YSL’s title, which omits non-Yazidis, and by the predominance of the Yazidi leadership and staff in the GDSA. Christian and Shabak survivors consulted, believe that there is unequal access to YSL entitlements, such as allocation of land plots and psychosocial support across survivor groups (Yazidi, Christian, Shabak, Turkmen), although psychosocial support has not been provided through governmental services at all.

Speicher families asserted that their participation in events (conferences, annual ceremonies, or meetings with officials) is pre-screened and controlled. Some FGD participants described this attitude as “an orchestrated participation,” noting that refusal to comply can result in exclusion from invitations. Others for example stressed that their emotional and physical conditions are rarely considered. Indeed, elderly family members recounted the financial and logistical burden of repeated travel between districts and Baghdad to complete administrative procedures, despite requests for minimizing administrative burdens or designating a one-stop office for all reparation related queries.⁹²

While efforts have been made to facilitate processes for diaspora survivors to access their right to reparations under the YSL via Iraqi embassies/consulates in Berlin, Frankfurt, and Paris—with regular interview days and substantial uptake reported (120 of 150 registered interviewed⁹³ as of May 2025) barriers still exist. The evidentiary requirements and high standard of proof,⁹⁴ remain a significant burden on survivors, and can lead to re-traumatisation as previously discussed.

88 FGD-SPE-MIX

89 KII-CSO-NIN-09

90 Coalition for Just Reparations, Key Recommendations to the Iraqi Council of Ministers for Implementing Regulations of the Yazidi [Female] Survivors Law, 2021 Available at: <https://c4jr.org/wp-content/uploads/2021/06/C4JR-Rec-to-CoM-ENG.pdf>

91 FGD-NYZ-BSH

92 FGD-SPE-MIX

93 C4JR. Newsletter #10. p.1 Available at: https://c4jr.org/wp-content/uploads/2025/05/C4JR-NL_10-ENG-1.pdf

94 Coalition for Just Reparations, More than “ink on paper”. Third Yazidi Survivors’ Law Monitoring Report. 2025. p.13

Across both laws, survivors' participation remains limited. Communication is largely one-way, and survivor input rarely shapes implementation practices. As a result, survivor agency, central to the legitimacy and responsiveness of reparations processes, remains largely unfulfilled in practice.

4.3.3 Feedback Mechanisms

Neither law embeds a clear, enforceable channel for survivors or victims' families to provide feedback or receive structured updates. In practice, communication remains ad-hoc and fragmented. For example, and as previously mentioned, YSL applicants commonly described receiving decision results on their file verbally and without clear reasons, which leaves them uncertain how to correct files or frame appeals. Several also reported long gaps between decisions and notification, compressing already tight appeal window.⁹⁵ Civil society organizations have stepped in to gather experiences and relay them to authorities,⁹⁶ but respondents said official follow-up is inconsistent and rarely documented. Some participatory steps do occur, such as periodic consultations convened with families, or information sessions about documentation – mainly organized by civil society organizations, but these are episodic and depend on project cycles rather than being a part of a standing, institutional process.

Under the CSL, families described a comparable pattern, with no routine channel to check case progress, investigate delays, or receive formal updates. Often, families are expected to seek information themselves rather than being proactively informed. One Speicher family from Nassiriyah reported waiting nearly two years before they could bury their son. During this time, they were uncertain about their son's fate: killed or missing. They added that they had to personally collect their son's remains from Baghdad.⁹⁷ Such experiences illustrate how information gaps prolong emotional distress and delay closure.

Across both laws, the absence of systematic feedback channels and transparent communication leaves survivors with uncertainty about where they are in the process or what to do next, navigating bureaucratic systems in search of information that should, by right, come to them.

⁹⁵ FGD-YAZ-DHK; FGD-NYZ-BSH

⁹⁶ KII-CSO-NIN-09

⁹⁷ FGD-SPE-NAS

5. LESSONS LEARNED & RECOMMENDATIONS

5.1. Lessons Learned

The analysis across the three focus areas reveals several lessons learned regarding the implementation of both the YSL and the CSL that could improve future implementation of these laws and inform reparations legislations more broadly:

1. Progressive legal provisions require equally strong implementation systems

Both laws go beyond financial compensation and include a range of reparative measures, such as education, health, memorialization, and land/housing assistance. The breadth of these complex reparation laws is comparatively advanced relative to many post-conflict settings. However, the practical impact of these provisions is weakened when implementation systems are not aligned with the intent of the law.

Key procedural elements including application, review, verification, and appeals, as well as delivery of reparative measures, require clearer rules, consistent practice, and timely communication. Without these, the progressive elements of the YSL and CSL do not fully translate into accessible benefits for survivors and families.

2. Evidentiary standards should be flexible to avoid re-traumatisation

A core lesson across both laws is the importance of applying survivor-friendly application and verification procedures. When administrative procedures adopt criminal-level requirements, survivors face unnecessary hurdles and repeated exposure to traumatic events. Simplified evidentiary requirements, consistent with international standards, are essential to avoid placing additional burdens on survivors and families already affected by grave violations, as well as on the Iraqi judicial system.

3. Survivors and civil society must be consulted in drafting of the laws from the start

Survivors and CSOs were not systematically included in drafting the YSL or the CSL. While actors such as C4JR undertook advocacy efforts, these were not part of a structured, state-led consultation process. A key lesson is that reparation laws and administrative processes must be co-designed with survivors and relevant organizations from the outset. Early engagement improves clarity and relevance, strengthens legitimacy, and reduces implementation challenges.

4. Survivor-centred practice requires concrete measures and accountability

The study found that survivor-centred elements were not systematically built into institutional practice. Staff lack clear codes of conduct, there is no standardized training on trauma-sensitive interaction, and there is no consistent mechanism to ensure accountability when procedures are not followed. Therefore, a lesson emerging from both laws is the need to formalize survivor-centred practice through:

- ethical and confidentiality protocols,
- clear conduct standards for staff,
- regular training, and
- oversight mechanisms to ensure adherence.

5. Criminal accountability and administrative reparations should not be regulated in the same law

Mandating criminal accountability in administrative reparation programs has evidently led to confusion, elevated evidentiary thresholds, and did not lead to criminal accountability outcomes. Administrative reparation programs should remain distinct from criminal justice processes. Criminal accountability must be pursued separately, through dedicated legal frameworks.

6. Institutional coordination and information flows remain central to effective implementation

Coordination issues—between Baghdad and Erbil under the YSL, and between MGD, MLD, MF, and provincial offices under both laws—directly affect timelines, verification, and delivery of entitlements. Ineffective coordination increases delays and creates information gaps for survivors. Therefore, multi-institutional reparations frameworks require clear coordination mechanisms and transparent data-sharing.

7. Meaningful participation must extend across all stages of the process

Doing right by survivors and families requires more than drafting progressive laws. Participation must be continuous, from outreach and documentation, to review, appeals, and final delivery of entitlements. Feedback mechanisms are necessary to ensure survivor-centredness and must be formalised, accessible, and accompanied by timely written responses.

8. Institutions must build internal expertise and long-term capacities

Both laws rely on administrative systems that face staffing, budgetary, and technical constraints. Without strengthening institutional capacity, including forensic, legal, documentation, and survivor-support roles, progress remains slow, and burdens fall disproportionately on survivors. To realise their full potential, reparation programs require sustained institutional learning, adequate staffing, and investment in technical capability.

5.2. Recommendations

The following recommendations reflect priorities identified through KIIs, FGDs, and secondary sources. They are directed at the appropriate institutions and focus on practical steps to strengthen implementation.

A. Federal Authorities (Executive, Legislative and Judiciary)

1. Institutionalize survivor and civil society consultations.

Establish structured consultation mechanisms with survivors, victim families, and relevant civil society organizations to provide input on how the laws are applied, raise challenges they encounter, and ensure their feedback informs procedural improvements and periodic implementation reviews.

2. Standardize written communication.

Ensure all applicants receive written decisions that explain the outcome, the reasons behind it, and the timelines for appeal. Provide simple information sheets that clearly outline requirements such as required documents, acceptable forms of evidence, and the main steps of the application and appeal process.

3. Issue clear guidance on evidentiary thresholds.

Issue clear written instructions to all offices involved in implementing the laws to ensure that evidence requirements are applied consistently across governorates and do not exceed what the laws actually require. This will help prevent unnecessary or burdensome requests for additional proof.

4. Strengthen Baghdad-Erbil coordination on YSL implementation.

Establish systemic, regular, and documented coordination between federal and KRG institutions to share information, align procedures on mass graves and DNA sampling, and maintain consistent case tracking and delivery of entitlements for survivors and families.

5. Improve case tracking and notification.

Provide clear and timely updates for survivors and families of victims on remains identification, application progress, delivery of entitlements, and other key information, to reduce the need for repeated in-person visits.

6. Facilitate diaspora applications.

Enhance the ability of Iraqi embassies and consulates to receive applications, take complaints, and support required interviews for survivors and families living abroad, building on existing practices and pilots.

7. Enhance psychosocial support.

Strengthen cooperation between government institutions and specialized NGOs to ensure survivors and families receive psychosocial support during burial, handover of remains, and other sensitive procedures.

8. Clarify beneficiary definitions.

Address the key ambiguities in both laws by clearly defining who qualifies as a beneficiary. Under the YSL, this includes specifying the age range intended under the term “adolescent girls”; determining the eligibility of Christian, Shabak and Turkmen survivors abducted before 3 August 2014; and clarifying the eligibility of children born of CRSV.

9. Enact legislation on core international crimes.

Prioritize the adoption of a national law that criminalizes genocide, crimes against humanity, and war crimes in Iraq’s domestic legal framework. This will give legal effect to the international crime references embedded in both the YSL and the CSL.

10. Apply trauma-informed procedures.

Improve the way courts and relevant investigative bodies handle sensitive testimonies—particularly those involving sexual violence and captivity—by ensuring privacy, dignity, and respectful interaction throughout the process. This includes adopting practices that minimize re-traumatisation and provide survivors with safe and appropriate conditions to share their experiences.

B. Civil Society Organizations and Survivor Networks

1. Civil society alliance for CSL.

Expand the C4JR model as a civil society platform that brings together organisations supporting families of victims. Such a coalition can strengthen legal support, advocacy, psychosocial assistance, and data

gathering related to CSL implementation, providing families with more coherent support and offering a unified voice for policy improvements.

2. Facilitate survivor participation.

Facilitate safe and direct engagements between survivors/victim families, and relevant government institutions. These engagements allow survivors and families to share their priorities and concerns, while also learning about the constraints and challenges institutions face. This will help build mutual understanding and strengthens trust between state institutions and citizens.

C. International Organizations

1. Provide targeted technical and forensic support.

Continue strengthening the technical capacities of the Mass Graves Directorate and the Medico-Legal Directorate, including support for forensic equipment, DNA analysis, case management systems, and chain-of-custody procedures. This will help reduce backlogs and improve the accuracy and efficiency of identification processes.

2. Strengthen survivor-centred practice.

Building capacities of frontline staff in relevant institutions who interact with survivors and victim families on trauma-aware and gender-sensitive case handling and ensuring that the relevant institutions adopt clear privacy and confidentiality standards. These measures will help create safer, more respectful and dignified interactions.

3. Support diaspora outreach and documentation missions.

Assist Iraqi institutions by providing logistical support for DNA sampling missions abroad, helping ensure that technical teams can reach diaspora communities when required. In parallel, support existing efforts that enable survivors living abroad to submit documents and participate in remote interviews through Iraqi embassies and consulates, including strengthening the consistency, accessibility, and reach of these services.

4. Advance transitional justice discussions.

Support inclusive national discussions on Iraq's transitional justice priorities, including how the country can strengthen its legal and institutional frameworks to address past crimes, acknowledge the harm experienced by affected communities, and domesticate international crimes in a manner consistent with global good practice. Such dialogue can help build shared understanding, inform future reforms, and align long-term justice efforts with the needs of survivors and victim families.

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