

The Yazidi Genocide: A Case for The International Criminal Court



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Course: Principles of Public International law

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Assignment: Essay 1 – 750 words

Date: 10 November 2016 – 23:00

Extended Deadline: N.A.

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In 2014 the peaceful villages of the Yazidis around the Sinjar region in North of Iraq were transformed into a living hell by the ISIS terrorist group. The Yazidi's are an ethnic Kurdish and religious minority, and this ancient group has been rooted in Northern Mesopotamia for the last 4000 years. Around 3000 to 6000 Yazidi's were killed, and more than 6500 women and children were enslaved by ISIS, of which many women are abused as sex slaves. The article analysed regarding this major affair has been published in *TIME: Yazidi Activist Nadia Murad speaks out on the 'holocaust' of Her People in Iraq.*¹ Nadia Murad, is one of the few survivors of this genocide, and she is currently appointed the first Goodwill Ambassador for the Dignity of Survivors of Human Trafficking for the United Nations. Moreover, prominent human rights lawyer, Amal Clooney, is bringing the Yazidi genocide case to the International Criminal Court in The Hague.

The article essentially projects the first-hand evidence of eyewitness, Nadia Murad, and subsequently proceeds to illustrates what atrocities have been committed by ISIS and clarifies the doctrine that drove ISIS to target these people. Moreover, it reflects upon the fundamental questions how this genocide could have happened in the 21st century, and more importantly, why the world remained silent and refrained from initiating substantial action against this terrorist group. Tragically, Nadia Murad states in the article that this is in fact the 75th genocide against the Yazidi people by radical Muslim groups. Another interesting point made is that the 'West' - the U.S. and the U.K. - are indirectly accountable for the atrocities that have occurred in that region, for the fact that these two countries initiated and conducted the Iraq invasion, or argued, 'liberation' of Iraq. Furthermore, another striking point is made by Murad, for she argues that "ISIS did not fall from the sky" and thus, the large stockpile of food, weapons and ammunition must be supplied and sustained by certain regional powers. Here, it would also be interesting to investigate to what extent these regional powers are accountable and prone to prosecution by legal structures.

First, it is vital to note that ISIS deliberately targeted the Yazidi people, for they considered this group as 'infidels', which is also stated in the article and commonly propagated by ISIS propaganda. Thus, this creates an extensive legal foundation for a genocide case, as is argued that ISIS has primarily conducted the following crimes against the Yazidi people: A) genocide by killing; B) genocide by causing serious bodily and mental harm; C) Crimes against humanity and/or war crimes of murder, enslavement, torture, rape, sexual slavery, prostitution, and persecution.²

¹ Eve, Enslar. "Yazidi Activist Nadia Murad speaks out on the 'holocaust' of Her People in Iraq." *TIME*, (2016)

² International Criminal Court, "Elements of Crimes", *ICC*, (2011)

Furthermore, it is commonly perceived that some these grave crimes committed are ‘ordinary’ consequences of conflict; however, in fact these conducts are war strategies deliberately utilized by this terror group, to consolidate power, penetrate and destroy the communal structures and stigmatize women by rape and abduction.³

For the fact that these atrocities are codified in the Rome statute of the International Criminal Court, it must be noted that the ICC has jurisdiction for these crimes over states or individuals who are under ICC jurisdiction. Considering that Iraq and Syria are no state-parties to the Rome statute, a case against ISIS members who are nationals of state-parties to the Rome Statute are susceptible to ICC investigation and prosecution for the crimes they have committed against various (ethnic) minority groups in Iraq and Syria; especially in the case of the genocidal campaign against the Yazidi’s.

From Sinjar to The Hague; from the annulled community to the international city of peace and justice, may that be a viable case? There is a variety of challenges and structural obstacles that the ICC must deal with to bring these perpetrators to justice. How can the ICC prevail over the intertwined legal, political and practical complications? Despite the duty of the ICC to prosecute those who have committed the gravest crimes and the fundamental obligation of the international community to facilitate and enhance such a legal case by all means possible, it may take years to bring the perpetrators of these crimes to justice. But it is a good shot, and justice shall prevail.

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³ Nazand Begikhani, “Sexual Violence as a War Strategy in Iraq.” *Your Middle East*, (2014)