

Sinjar after ISIS

Returning to disputed territory



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Colophon

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The research for this study was conducted by Christine van den Toorn, Sarah Mathieu-Comtois (Institute for Regional and International Studies, American University of Iraq, Sulaimani (AUIS) and Wladimir van Wilgenburg (independent).

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About PAX

PAX works with committed citizens and partners to protect civilians against acts of war, to end armed violence, and to build just peace. PAX operates independently of political interests.

www.paxforpeace.nl

P.O. Box 19318

3501 DH Utrecht

The Netherlands

info@paxforpeace.nl

Photo cover: Civilians trained by the Yezidi militia of Hayder Shesho in the training camp of Duhola, Sinjar, 15 April 2016.

Photographer: Wladimir van Wilgenburg.

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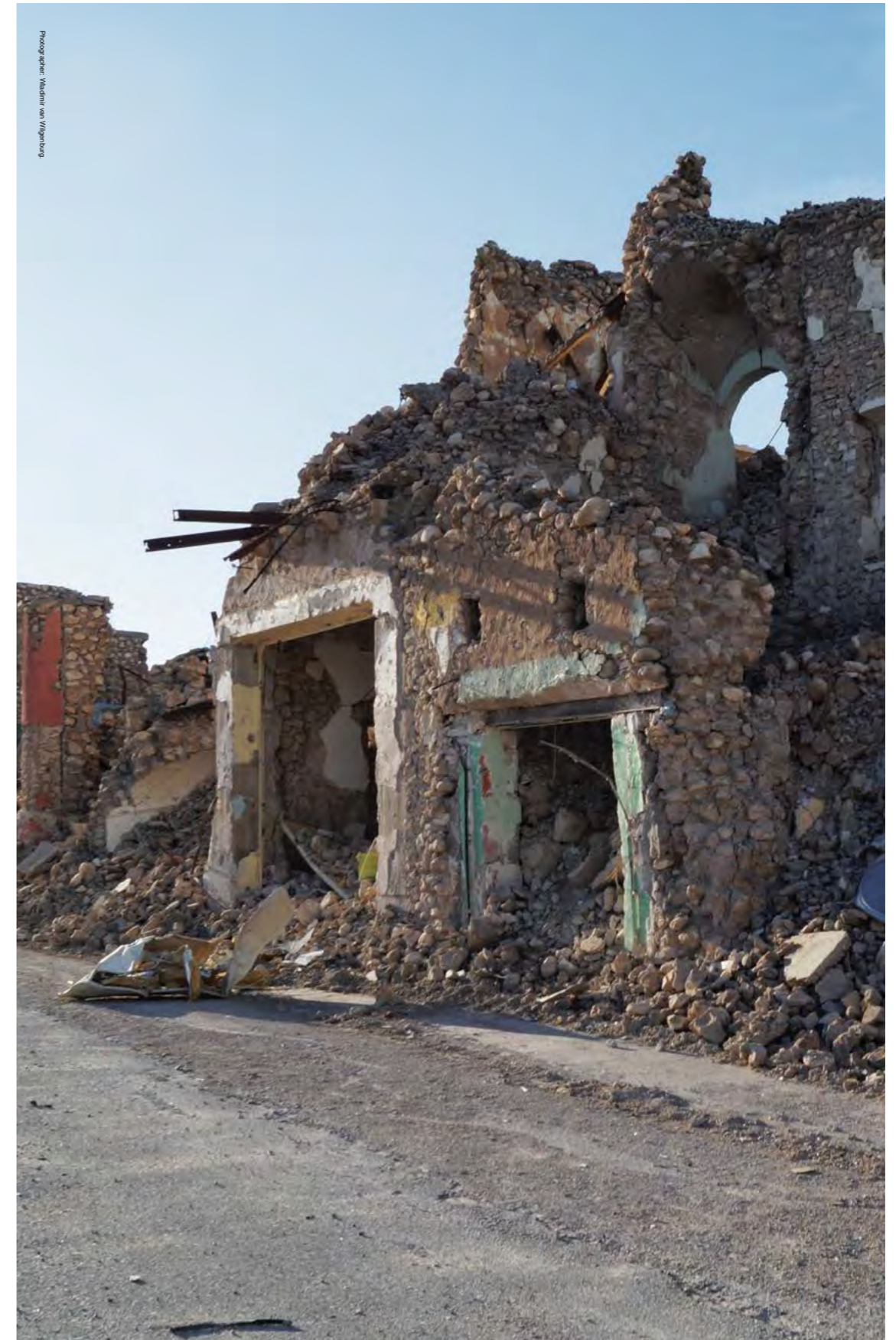
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Preface

Ongoing conflict in Iraq continues to affect millions of Iraqis. Interventions by the international coalition against the Islamic State in Iraq and al-Sham (ISIS), including military and logistical support to the Iraqi Security Forces and the Peshmerga, have resulted in the retreat of ISIS in many areas of Iraq. But it has also contributed to civilian casualties and unprecedented levels of displacement. Furthermore, the military campaign against ISIS has resulted in irreversible realities on the ground. This report on Sinjar provides an important understanding of new dynamics in areas where ISIS has retreated. In post-ISIS Sinjar, new security and political stakeholders have taken root, and local communities, affected by rounds of violence and frustrated by a lack of state protection, increasingly mobilize by joining non-state armed groups.

This case study of Sinjar also shows that Iraq after ISIS contains potential for new conflict, stimulated by both real and perceived threats to the human security of the different Iraqi communities vis-à-vis each other. This reality demands a pro-active and comprehensive conflict management strategy oriented to Iraq as a whole rather than “ISIS only”, while taking into account root drivers of conflict, such as the Disputed Internal Boundaries. It was precisely this lack of a political and security agreement, inclusive of all Iraqi communities, where ISIS was able to generate support and eventually control many parts of Iraq. Only an inclusive and long-term peacebuilding plan, critically assessing Iraq’s political and security disputes and developed in consultation with all local communities, can break the cycle of violence and contribute to sustainable peace and stability in Iraq. ♦

Jan Gruters,
General Director
PAX



Destruction in Sinjar, April 12, 2016

Executive Summary

Stabilization of territories that have been affected by ISIS, particularly in the territories that are disputed between the federal government of Iraq (GoI) and the Kurdistan Regional Government (KRG), is potentially one of the most complex issues facing Iraq and its Kurdistan Region today. Sinjar district, which witnessed horrific human rights violations with the attack of ISIS on mainly Yezidi communities in August 2014, which according to the UN may amount to genocide, provides an ultimate showcase of this trend. The legacy of Arabization and ongoing practice of similar policies of forced change of demographic composition continue to affect Sinjar until this day. Dynamics of conflict and discrimination existed in Sinjar for centuries, but the ISIS assault has greatly exacerbated the lack of trust between communities and between in particular Yezidi communities and the Kurdish Regional Government.

A variety of factors must be taken into account when designing mechanisms to prevent renewed conflict. Since the retreat of ISIS from Sinjar city by the end of 2015, the area not only continues to be victim of a power struggle between Erbil and Baghdad on the status of the Disputed Internal Boundaries (DIBs), but is also witnessing heightened intra Kurdish power struggles. The post ISIS era has fundamentally changed dynamics on further decentralization and fragmentation in all of Iraq and in Sinjar in particular. If these factors are not addressed, these areas will remain unstable even after ISIS fully retreats and will continue to obstruct opportunities for social and physical reconstruction while greatly affecting patterns of return of the various displaced communities.

This outline includes the main findings of an extensive study commissioned by PAX on Sinjar. Given the fact that Yezidis compose the majority in Sinjar district and were affected most by the ISIS assaults, this study focuses on Yezidi residents and returnees and their perspectives

are central to this study. The objective of this study is to explore preconditions for displaced communities to return to disputed territories and aims to identify opportunities for peace building in areas affected by ISIS. Sinjar has been selected as a case study because of its specific location and the significance of this area for Iraqi and Kurdish politics. The broader aim of this study is to improve the long-term response to the Iraq crisis and ensure the rights of civilians by influencing relevant decision-makers to, firstly, prioritise and exhaust all means to address underlying grievances of the conflict in Iraq and, secondly, fully support an effective and appropriately designed approach to stabilisation that is conflict-sensitive and recognises the risk of renewed conflict post-ISIS.

Recommendations

Following this study on Sinjar, PAX has designed the following recommendations to various local and international actors and parties to the conflict:

To the *International Coalition Against ISIS*, in particular the *Working Group on Stabilization*:

- ◆ Widen the objective of the Coalition from an “ISIS-only” military defeat focus to a consistent human security oriented political strategy, in which a peacebuilding plan for the newly accessible areas is developed which addresses deeper destabilizing factors, including Iraq’s Disputed Territories;
- ◆ Critically assess the outcomes of the Funding Facility for Immediate Stabilisation (FFIS) and ensure that the new UN Funding Facility for Expanded Stabilisation (FFES) will target deep-rooted conflict drivers and will also focus on reconciliation, compensation, social cohesion and truth finding instead of a mere timeframe extension;
- ◆ Pressure KRG and GoI to reopen lines of direct communication to come to security and governance agreements regarding the Disputed Internal Boundaries, in particular Sinjar, taking into account human security perspectives and demands of local communities;
- ◆ Critically assess the new realities on the ground where ISIS has retreated, such as north Sinjar, and pressure the various armed groups in these areas to take responsibility and accountability for human security dynamics, including upholding human rights and international legal standards;
- ◆ Prioritize the return of Yezidi women kidnapped by ISIS and other communities as a matter of utmost urgency and develop a communication strategy in order to build confidence with the Yezidi community of this priority.

To the *UN*, in particular *UNAMI* and *UNDP* in Iraq:

- ◆ Clarify distinct roles and responsibilities regarding community reconciliation in Iraq;

- ◆ Develop a joint strategy and process on community reconciliation that is based on feasible and realistic initiatives that meet community priorities and needs. These initiatives can serve as building blocks to address more difficult obstacles and aims for both immediate and long term stability as well as deeper transformation of political conflict drivers;
- ◆ Based on agreed roles and responsibilities, investigate potential community reconciliation entry points between the Yezidi community and Arab Sunni tribes that were not aligned with ISIS, such as the Shammar, in newly accessible areas in Ninewa;

To the *EU and EU member states*:

- ◆ Facilitate the development of a peacebuilding plan with involvement of KRG and GoI, as part of a consistent human security oriented political strategy, in areas recaptured from ISIS, that aims to address deeper destabilizing political factors, including Iraq's Disputed Territories also in the post-ISIS era;
- ◆ Actively pressure Iraqi and Kurdish authorities to reopen dialogue on the resolution of the status of the Disputed Internal Boundaries (article 140)
- ◆ Analyze and understand the historic context of different (political) initiatives for international recognition of the genocide against Yezidi and other communities, and support a conflict sensitive approach that centralizes the voice of victims, in order to avoid politisation of the Yezidi genocide recognition;
- ◆ Support local mediation and reconciliation efforts to address the intra-Kurdish conflict in Sinjar;
- ◆ Actively and systematically include civil society in policy consultations to facilitate mediation between militias, tribes and returning communities to avoid revenge, forced or denied return and renewed displacement;
- ◆ Invest in local and community reconciliation efforts that complement national reconciliation policies, and in particular involve youth and women.

To the *Kurdish Regional Government*:

- ◆ Reopen lines of direct communication with Baghdad to come to security and governance agreements regarding the Disputed Internal Boundaries, in particular Sinjar, taking into account human security perspectives and demands of local communities;
- ◆ Increase transparency and public communication on screening processes, criminal investigations and (military) trials of individuals suspected of ISIS related crimes;

- ◆ Establish a Peshmerga Military Inquiry Commission to attribute fault in security forces chain of command regarding the decision to desert Sinjar ahead of August 3rd attacks by ISIS;
- ◆ Address increased calls for Yezidi autonomy and decentralization by including Yezidi individuals in higher local government structures in Sinjar;
- ◆ Incorporate more Yezidis from Sinjar into the command structure of the Peshmerga, especially the division responsible for Sinjar and its surrounding areas;
- ◆ Support the development of the Sinjar region and the return of IDPs by allowing access of goods, freedom of movement and access of humanitarian and developmental actors to the newly accessible areas.

To the *Federal Government of Iraq*:

- ◆ Reopen lines of direct communication with Erbil to come to security and governance agreements regarding the Disputed Internal Boundaries, in particular Sinjar, taking into account human security perspectives and demands of local communities;
- ◆ Incorporate more Yezidis from Sinjar into the command structure of the ISF, especially the division responsible for Sinjar and its surrounding areas;
- ◆ Support the development of Sinjar and the other newly accessible areas by releasing reconstruction and humanitarian funds for these areas through the Ninewa Governor Office and the Provincial Council;
- ◆ Address Housing, Land and Property claims of Yezidi communities in Sinjar by establishing an equitable property return policy for displaced returnees.

To the *international and national NGOs* working in newly accessible areas:

- ◆ Design programs to carefully address the changed gender roles within the Yezidi community, including a combined approach towards women empowerment and masculinity dynamics;
- ◆ Facilitate dialogue and discussion with local communities on how to deal with the past to achieve peaceful coexistence.

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The case of Sinjar

1. Introduction

As of April 28th, 2016, the International Organization on Migration (IOM) estimated that 3,333,384 people had been internally displaced within Iraq as a result of the ISIS crisis and related conflicts since January 2014. Among those, 34% were reportedly from the Ninewa governorate.¹ Although Sinjar was retaken from ISIS in December 2015, a mere 12% have returned to Ninewa, and only 2% to the Sinjar district.² It is important to note that Ninewa and Sinjar have high rates of displacement within the region,³ which affects the way through which people view and experience displacement, and eventually return.

The August 2014 invasion of Sinjar by the so-called Islamic State in Iraq and al-Sham (ISIS), and the subsequent murder and displacement of large numbers of the area's mostly Yezidi residents, shocked the world. Around 300,000 Sinjar residents (almost the entire population) were forced to flee ISIS's initial offensive, and massacres there and in nearby villages over the subsequent weeks claimed the lives of around 15,000 Yezidis, according to UN figures.⁴ While a joint Iraqi-Kurdish military

1 1,130,124 IDPs in Iraq are from Ninewa, IOM. 2016. Displacement Tracking Matrix. URL:

http://iomiraq.net/sites/default/files/dtm/others/Round44_Report_English_2016_April_28_IOM_DTM_0.pdf

2 135,132 IDPs returned to Ninewa, of which 24,930 IDPs to Sinjar, *ibid*.

3 Yazda. 2016. Report on Humanitarian Aid and Development Opportunities in Sinjar: Caring for IDPs while Rebuilding and Facilitating Occurs.

4 Gee, H. 2014. "Iraq crisis: The Yazidi - a persecuted people driven to the edge." *The Independent*. URL:

<http://www.independent.co.uk/news/world/middle-east/iraq-crisis-the-yazidi-a-persecuted-people-driven-to-the-edge-9687850.html>

operation, backed by international-coalition support, liberated parts of Sinjar in December 2015,⁵ the legacy of the ISIS attacks has lingered, creating fragile sociopolitical and security conditions that threaten to exacerbate long-standing ethnic, sectarian and communal tensions.

2. Historical background

Sinjar is a district of Ninewa province in north-west Iraq. Covering an area of 2,928 square kilometers, it borders Syria to the north and west, and the Ninewa governorate districts and sub-districts of Rabiaa, Tel Afar, Baaj and Hathra. The Sinjar Mountains, a nearly 100-kilometer range extending from Syria almost to Tel Afar, divide the district into north and south sectors. Sinjar's geographic position makes it a strategic bridge between Federal Iraq, the Kurdistan Region, and Syria, giving the district strategic significance, particularly in light of current political disputes in the area and the national and international campaign against ISIS.

Subsequent Arabization policies, especially during Saddam Hussein's regime, led to further persecution of the Yezidis, including the destruction of several villages in Sinjar and Shekhan. Yezidis were also forced to register officially as Arabs in the 1977 census, despite their objections.⁶ The Kurdish uprising of 1991, which followed Iraq's defeat in the first Gulf war, created renewed momentum for Yezidis to assert their independent ethno-religious identity and push for better socio-economic conditions. Yezidism started to be officially taught in schools in Sinjar and Shekhan, and several Yezidis were granted public office in the KRG, which established a Directorate of Yezidi Affairs. After the fall of Saddam Hussein in 2003, Yezidis gained further recognition; representatives of the community were elected to the national Council of Representatives, and the Yezidis were officially granted protected status in the new constitution, approved by national referendum in 2005.

Implementation of these constitutional guarantees has been patchy, however, and Yezidis – along with other minorities – have not always been able to exercise the full range of fundamental rights formally granted to them.⁷ The ongoing quarrel between Baghdad and Erbil over the Disputed Internal Boundaries (DIBs) made the Yezidis a focal point of national confrontation, which has fueled local conflict and led to a lack of service provision to Yezidi villages.⁸ Sinjar officially remains under the administrative purview of the federal government, but *de facto* control of the territory was exercised by the KRG after 2003. Despite systematic discrimination from Kurdish Muslims, Yezidis used Dohuk in the Kurdistan Region as their administrative and socio-economic hub, rather than the Ninewa provincial capital of Mosul. For example, many Yezidis from Sinjar obtained *iqama* (residency cards) from the KRG, and the vast majority of Yezidi students who attended Mosul University transferred to Dohuk University or Salaheddin University in Erbil during the mid-to-late 2000s.

5 Oxfam. 2015. "Choosing to Return? Prospects for Durable Solutions in Iraq." URL:

<http://policy-practice.oxfam.org.uk/publications/choosing-to-return-prospects-for-durable-solutions-in-iraq-592523>

6 *Ibid*

7 Civil Development Organization. 2012. Minorities in Iraq: Looking for Equity and Equality. URL: http://osservatorioiraq.it/sites/default/files/file_allegati/rapporto20almessala_0.pdf

8 Domle. 2013. Op. cit. p. 75

THE AFTERMATH OF THE ISIS OFFENSIVE

The ISIS offensive and its aftermath have complicated administrative arrangements in Sinjar, and heightened political tension between Baghdad and Erbil as well as among their local Yezidi allies. The attacks have certainly sparked a revival of the Yezidi identity, as more and more Yezidis self-identify as neither Kurds nor Arabs, and seek greater autonomy as a result.⁹ But the vacuum created by the ISIS assault has also splintered the local community; rival political and territorial claims are now asserted not just by the federal government and the KRG, but also by competing Kurdish parties jostling for power within Iraqi Kurdistan.

INTRA KURDISH STRUGGLE

Sinjar has become a focus for transnational Kurdish competition, with the Kurdistan Democratic Party (KDP), the dominant faction in the KRG, engaged in a bitter struggle for local supremacy with the Turkish Kurdish rebel group PKK and both its Syrian affiliate (the YPG) and local Yezidi allies.¹⁰ PKK/YPG support was a critical lifeline for Yezidis during and after August 2014, providing a corridor between Iraq and Syria that allowed Yezidis to escape the ISIS invasion. These forces have remained in the area, and played a crucial role in its liberation. But the ongoing presence of the PKK and YPG is fueling Kurdish rivalries in Sinjar, creating local tension. Efforts by PKK/YPG allies to declare Sinjar a self-administered canton have heightened the local debate over administration and control, and encouraged a KDP/KRG backlash. It has also exacerbated Yezidi fears that they will once again become a pawn in bigger political games, to the detriment of the community's interests.

DISPUTED TERRITORIES STATUS

Under the Iraqi Constitution, the Disputed Internal Boundaries (DIBs) are areas along the border of the autonomous Iraqi Kurdistan Region that were subjected to "Arabization" policies under Saddam Hussein – engineered demographic manipulation meant to decrease the Kurdish influence in northern Iraq, which has traditionally been inhabited by a variety of minorities. These DIBs include Kirkuk Governorate, the Makhmour district of Erbil Governorate, and several districts of Diyala and Ninewa Governorates, including Sinjar.

Article 140 of the Iraqi Constitution directly addresses the issue of the country's DIBs, by calling for 1) a process of "normalization", including the return of all communities displaced under various "Arabization" policies; 2) a census to determine the area's demographic balance and 3) a referendum on the area's status. In practice, however, implementation of Article 140 has been delayed since 2007, which has led to political confusion (areas having different *de facto* and *de jure* administrations) and contributed to the exacerbation of rivalries on the ground. Implementation of Article 140 continues to be a major potential source of conflict and the "DIB status" in fact destabilizes Sinjar and other areas in a variety of ways. Most significantly, the rivalry between the two administrations translated into discreet, yet active local competition and gridlock on the ground. There is neither one power centre nor one chain of command. There is a significant lack of development in Sinjar, since both Baghdad and Erbil claim that the other is responsible for anything that goes wrong in order to avoid committing resources to areas they do not entirely control.

⁹ Matthew Barber, Yazda Organization (private conversation, April 2016)

¹⁰ International Crisis Group. 2015. "Arming Iraq's Kurds: Fighting IS, Inviting Conflict." URL: [http://www.crisisgroup.org/~media/Files/Middle East North Africa/Iraq Syria Lebanon/Iraq/158-arming-iraq-s-kurds-fighting-is-inviting-conflict.pdf](http://www.crisisgroup.org/~media/Files/Middle_East_North_Africa/Iraq_Syria_Lebanon/Iraq/158-arming-iraq-s-kurds-fighting-is-inviting-conflict.pdf), p. 28

3. The political and security game in Sinjar

Following the withdrawal of Peshmerga forces in August 2014, new armed groups gained power. First, regional security players dispatched forces to Sinjar. Second, some new, locally grounded players emerged. At present, therefore, a range of regional forces and militias representing rival political groups currently manage security and administration in Sinjar, showcasing the total overlap between security¹¹ and political actors. Four main camps with varying degrees of overlap dominate the political and security landscape in Sinjar: (1) groups that remain loyal to either the KDP or its rival, the Patriotic Union of Kurdistan (PUK), or to the KRG in general; (2) PKK-supported factions¹²; (3) pro-Baghdad Yezidis¹³; and (4) independents¹⁴, who reject the interference of external parties, and have yet to commit to either capital. As Yezidis swell the ranks of these political forces, the competition between them is growing.

POLITICAL AND SECURITY COMPETITION

Neither of the political groups described above have shown willingness to withdraw from the territory, and particularly PKK and KDP dispute the legitimacy of the other's claims. The KDP accuses the PKK/YPG of being an illegitimate foreign force in Sinjar that must withdraw back to Rojova in northern Syria and to Turkey. But having fought and died for Sinjar and the Yezidis, the PKK and YPG believe they have earned a say in the future of the area, and the groups are determined to establish a corridor from northern Syria through Sinjar and into Iraqi Federal government-controlled territory. Linked to this objective, the two groups are seeking to play a role in the liberation of Mosul, in the hope that the restoration of Iraqi army control will allow them to circumvent the KDP embargo against Syrian Kurdish areas.

Thus, the PKK and YPG will resist any efforts to dislodge them. "The PKK will never leave Sinjar," predicts a local PUK head, echoing the framework of the PKK as a pan-Kurdish movement. Over the past year and a half, PKK/YPG shrines for soldiers who have died in Sinjar have multiplied and expanded.¹⁵

Despite the mistrust of the electoral process due to widespread fraud and patronage in the past, local respondents highlighted the importance of holding elections to select a representative local government. "Elections could solve problems between the sides" said a commander of the *Yekîneyên Berxwedana Şengalê* (YBS) (Sinjar Resistance Units) female forces. A Yezidi PUK official in Sinjar also said that elections were the only way to solve a political crisis, "The PKK will never leave through military force only politically like with elections." A Sinjar PKK official concurred: "We need to make a council for Sinjar. Together, all the groups. All groups. Not YBS, KDP or *Hêza Parastina Êzîdxanê* (Protection Force of Êzîdxan) (HPE), but people should make it. Not parties. The people should make their decision."¹⁶

¹¹ This includes the Peshmerga (8000, both KDP and PUK), Iraqi Federal police (tens, mainly Yezidi), Yezidi Protection Units (1000, YBS), PKK/YPG (hundreds), Yezidi Protection Forces, (HPE, 1500). For an extensive description of Sinjar security stakeholders and the sources, please refer to the full report on www.paxforpeace.nl

¹² PKK (Kurdistan Workers Party) supports armed groups of YPG (the Syrian branch of the PKK) and YBS (Yezidi Protection Units).

¹³ This group is mostly represented by the Autonomous Administration Council, which consists mostly of pro-Baghdad Yezidi parties.

¹⁴ HPE (Yezidi Protection Forces) is an independent Yezidi force in Sinjar led by Hayder Shesho

¹⁵ Author (van den Toorn) fieldwork data from Sinjar in April 2015 and February 2016.

¹⁶ YBS official (survey interview, Sinjar Mountain, April 2016).

YEZIDI PERSPECTIVES ON ADMINISTRATION AND POLITICS

The ISIS offensive of August 2014 fundamentally altered Yezidis' view of the future administrative arrangement in Sinjar. Local communities have expressed that they will not be content to return to the pre-offensive framework, in which Sinjar was a district of a province dominated by non-Yezidi Kurds and Sunni Arabs, which they believe exacerbated social and religious discrimination against them and led to political and economic marginalization. While there is broad agreement on the need for greater autonomy, Yezidis express a range of different views over the precise structure that the future administration of Sinjar should take.

The most popular idea was that this autonomy comes in the form of a province.¹⁷ Others seek to further enhance Sinjar's administrative autonomy by establishing a regional government covering the Ninewa Plain¹⁸, which would encompass territory inhabited by the areas' main minorities: Yezidis; Christian; and Shabak. This region, which would enjoy the same legal and constitutional status in Iraq as Kurdistan does, would be divided into provinces -- Rabiaa, Tel Afar, Sinjar, and Mosul. However, the KRG claims Christian and Yezidi areas north and east of Mosul, such as Sheikhan, where a large Kurdish population now lives. The KDP has worked tirelessly over the past decade to build up a loyal constituency in the area through an intensive patronage system, considering that territory part of Kurdistan. In Baghdad, the federal government has resisted the creation of additional regions in Iraq, fearing a threat to territorial integrity over devolution of power from the centre to the periphery. Finally, many Yezidis would oppose that Mosul, with a majority Sunni Arab population, remains the centre of such a region.¹⁹ Many Yezidis see the establishment of a province or a region as a step to an independent Sinjar, separate from the control of both the KRG and the federal government of Iraq. "We want a completely independent Sinjar, no Baghdad no Erbil," said a Peshmerga in Sinjar.²⁰

Yezidi respondents mentioned that they are no longer willing to be governed by external parties or governments. "Yezidis must rule Yezidis" has become a political mantra for the vast majority of the population, who see it as critical to their political and economic security. Yezidis regard the August 2014 attacks as a product of their lack of representation in local government, and lack of economic and security decision-making power. Even before the ISIS attack, one of the Yezidis' main complaints was that Kurdish Muslims or Yezidis from Dohuk (not from Sinjar), who are "more KDP than Yezidi," held all the key high-level positions in the local government and security forces.²¹

4. Identity politics

Observations show that Yezidis of Sinjar represent a classic case of the survival politics of a minority, in which a minority group sides with the power or group who protects and provides for them. Yezidis who support the KDP do so not because of ideological attachment but because of patronage – money, hand-outs, and jobs. If another source provided such resources, opinions

¹⁷ KDP head and KRG President Massoud Barzani expressed support for declaring Sinjar a province in a speech after the liberation of the northern part of the district

¹⁸ Supporters of this option see Article 125 as constitutional framework for this: "the administrative, political, cultural, and educational rights of the various nationalities such as Turkomen, Chaldeans, Assyrians, and all other constituents," and stipulates: "this should be regulated by law."

¹⁹ Yezidis interviewed for this study offered varied responses about living in the same province or region as Sunni Arabs.

²⁰ Peshmerga in Khanasor, April 2016.

²¹ Author (van den Toorn) data from fieldwork among Yezidis from Sinjar from 2011-2014.

would shift. Similar observations are applicable to Yezidi loyalty to Baghdad and Iraq.²²

ARE YEZIDIS KURDS?

There are varying perspectives on the question of whether Yezidis are Kurds, and the answer varies from Yezidi to Yezidi. First, it is important to note that for Yezidis their religious identity comes first, and sometimes second and third, as well. This is the main difference between them and the majority of the Kurds of Iraq, who identify first and foremost with their ethnicity. Most Yezidis state that they are related to the Kurds. Additionally, there is nearly unanimous opinion that historically, all Yezidis were Kurds, and vice versa. However, many Yezidis note that while they were Kurds, they no longer identify as such.

Many Yezidis also claim Kurdish identity for political and economic reasons. Identifying as a Kurd, and, for example sending one's children to Kurdish-language schools, reaped benefits for a Yezidi from 2003 to 2014.²³ Yezidis affiliated with the Kurdish parties won an number of seats on the Ninewa provincial council, but the Yezidi Movement for Reform and Progress, favoring a relationship between Baghdad over Erbil, remained strong. With the August 2014 events, however, there seems to be a revival of the Yezidi identity, and many individuals distance themselves from the Kurds politically and culturally, when asked about their ethnic belonging.²⁴

That said, there are also many Yezidis who do not identify as Kurds. While Sinjaris speak Kurmanji at home, they also use Arabic in their everyday lives, and preferred to attend Iraqi-run Arabic schools to maintain the language.²⁵ Bashiqa Yezidis do not speak Kurdish, and speak a dialect of Arabic close to Mosul and Aleppo. There was and remains significant pro-Baghdad sentiment, though it was challenged and has decreased significantly from 2003 to 2014. However, highly aggressive KDP tactics and stance toward the pro-Baghdad party and individuals, such as threats and arrests, significantly decreased the support for and power of the party over the years. It should be noted that, under the KRG, Yezidis are considered as Kurds and therefore have no seat quota in Parliament in Erbil. This has weakened their ability to assert their identity within the framework of Kurdish politics.

5. Yezidi women as stakeholders in conflict

Women often bear the brunt of war and post-conflict challenges, and the case of Sinjar is no exception. The gendered nature of the crimes committed by ISIS in Sinjar has had the effect of making women *de facto* stakeholders in the conflict. Being targeted for abduction, rape, and trafficking has exposed them to a special type of victimhood to which men have not been subjected. Testimonies reflect this. "I feel more pain about the genocide than my brother or my father, because I am a girl and I know what happened to Yezidi women."²⁶ There seems to be

²² Author (van den Toorn) research in Sinjar from 2012-2014 showed support for KRG was widely based on patronage. See "Ninewa Pre-election: Fake parties, fraud and other strong-arm tactics" Niqash5/13; "Power, money, influence, God: Which will Iraqi voters choose?" Niqash4/13

"Iraq al Msagher: National politics challenge local peace in Bashiqa" Niqash12/12.

²³ Author (van den Toorn) research in Yezidi areas in Ninewa, 2010-present.

²⁴ Interviews, survey research, Sinjar, April 2016.

²⁵ Based on data from author (van den Toorn) research in Sinjar from 2011-2014.

²⁶ Civilian, female, HPE supporter (survey interview, Sinjar Mountain, April 2016).

an understanding, by both men and women, that those events “changed everything,” as was repeated several times during interviews. Whether or not that will translate into more gender equality and a greater participation of women in public life will largely depend on the way policies are implemented and institutions are designed with regards to processes of justice and reconciliation, political administration, and reconstruction.

YEZIDI EMANCIPATION?

The events of August 3rd, 2014, changed the attitudes of many women and some men in Sinjar, who now recognize that, had women been stronger, they could have helped to defend Sinjar; had women been more educated, they could have been able “to read signs about where they were when kidnapped.” While there seems to be a general sense within society that women must now be empowered, empowerment is actually restricted to limited military engagement on the part of some younger, unmarried women. “Many of my friends wish they had not gotten married because they would now be free to become fighters.”²⁷

Furthermore, some Yezidi women such as Vian Dakhil, a Yazidi member of parliament in Baghdad (Erbil) and Nadia Murad, a Yezidi victim of ISIS who escaped and now speaks internationally about the plight of Yezidi women, play a crucial role in showing the women of their community that they can speak up and become active members of society. However, the actions of more local, “on-the-ground” women should also be highlighted as a means of celebrating empowerment at different levels. Before the August 2014 attacks, the public role of Yezidi women was very limited, and the idea of women being active in combat would have therefore been unthinkable, as several participants highlighted. “Before the massacre, there were no female fighters. By god, no.”²⁸ The fact that, after August 2014, many women joined the YBS and the Peshmerga, and now the HPE, is not however indicative of a wider shift in attitudes and traditional gender roles in Sinjar society. Furthermore, the number of women having joined armed forces should not be overstated. Although there are now more female Yezidi role models, and women generally seem more aware of their individuality and potential, societal roles have not changed drastically. “There should be more Yezidi women in government and in the army, and their role should be recognized by other societies.”²⁹

Second, the question of masculinity within Yezidi communities should be understood following the August 2014 events. “Others were supposed to defend us, but they left and our women were taken, but now we have our own force with women and we can defend ourselves.”³⁰ While the blame for the attacks and the fate of kidnapped Yezidi girls and women usually falls on absent security forces, the idea that “men could not protect women” remains present. It has led some young women to adopt a self-reliant discourse. “Women fighters will protect Yezidi communities and especially Yezidi girls.” However, Yezidi men also express the desire to protect and shelter women as a reaction to August 3rd, which could potentially lead to the further ingraining of traditional gender roles.

FEMALE PERCEPTIONS ON RECONCILIATION

Based on testimonies gathered for this report, women will most likely be much more opposed to reconciliation than men. Some men recognize that there is still a possibility for Muslims to return,

if there is a judicial process. They have historically interacted with Arabs more than women, and do not bear the scars of the August 2014 attacks in the same way women do. Women, in fact, consistently claim that they will not accept the return of Muslims, under any conditions. Once again, the gendered nature of the crimes committed, and the special type of victimhood experienced by women, explains this position.

6. Demands for justice and opportunities for reconciliation

It is important to keep in mind that the August 2014 attacks against Yezidis have significantly altered the demographic composition of Sinjar: most Muslim Kurds and Arabs have left northern Sinjar and the city due to the fighting, and Yezidis completely oppose their return. Official figures have not been clearly established, but interviews with locals conducted over the course of this research project confirm this. Some Arab villages in Yezidi-dominated areas near the Syrian border were in fact destroyed during the fighting with ISIS, some on purpose. On January 25th, 2015, six months after the ISIS attacks, a Yezidi militia struck the villages, executing “21 civilians, half of them elderly men and women and children.” Amnesty International categorized the events as “revenge attacks.”³¹

The potential for Yezidi revenge killings and attacks against Arab and Kurdish Muslims who allegedly collaborated with ISIS before and after August 2014 represents one of the biggest threats to local stability in Sinjar. Almost any conversation with a Yezidi from Sinjar about return and the future is diverted to what will be done with their Muslim neighbours who collaborated with ISIS. “Information tells us that the Arabs helped ISIS. If they are brought back Yezidis will not only refuse to live with them, they will kill them.”³²

ONGOING CONFLICT AND LACK OF TRUST

“40% of our areas are not liberated, so how can we talk about reconciliation?”³³

It is also crucial to highlight the fact that many Yezidis currently remain victims of ISIS, exacerbating the local sense of injustice. Two main points are highlighted unanimously: (1) Yezidis – mostly women – who remain under the captivity of ISIS must be rescued; and (2) all of Sinjar, including the villages south of the mountain that remain under ISIS control, must be liberated and a security perimeter must be established. Referring to the frequent mortar attacks and front-line confrontations, a member of the Sinjar Council noted that “the town of Sinjar has been liberated but it has not been freed.”

Another important element in terms of ameliorating the Yezidi’s sense of injustice is the need for Yezidi forces to participate directly, either as an independent unit or as part of existing military organization (i.e. Peshmerga or Iraqi Security Forces), in liberation operations. There is a local sense that capacity building at all levels will be key in fostering sustainable living conditions for Yezidis in Sinjar, and in contributing to rebuilding lost trust between communities.

27 Civilian, woman, independent (survey interview, Snune, April 2016).

28 HPE female fighter (survey interview, Sinjar Mountain, April 2016).

29 HPE Commander (survey interview, Sulaimani, April 2016).

30 Civilian, YBS supporter (survey interview, Sinjar, April 2016).

31 Amnesty International. 2015. Iraq: Revenge attacks in Sinjar – Arab civilians pay the price for IS crimes. URL: <http://www.amnesty.ca/sites/amnesty/files/iraqsingarbriefing10June15.pdf>.

32 Humanitarian worker, Kurd (survey interview, Sinjar, April 2016).

33 Hayder Shesho, HPE Leader. “Yezidis Beyond ISIS” Conference, American University of Iraq, Sulaimani, February 10, 2016.



More than 30 female fighters are trained how to use weapons in the Duhola training camp of the HP-E, the Yezidi militia led by Haydar Shesho, 15 April 2016.

JUDICIAL PROCESSES

Implementation of post-crisis justice initiatives will be complicated, not least because justice means different things to different communities and people. Additionally, multiple crimes, of many different natures, were committed in Sinjar, and must all be addressed through appropriate justice frameworks. Discrimination of Yazidis on a larger scale will also need to be tackled, since the community has faced prejudice historically, and this view taints their perception of the way justice and compensation operate. According to Yazidis' testimony gathered since August 3rd, many crimes were perpetrated by locals -- Muslim Arabs and Kurds -- who decided to pledge allegiance to ISIS once attacks started.³⁴

MILITARY ACCOUNTABILITY

A military inquiry will also be necessary at the national level in order to clarify what happened ahead of August 3rd, when the Peshmerga forces withdrew while advising civilians to stay. The withdrawal of these protection forces remains a very sensitive issue, and is a source of tension between Yazidis and Kurds. "[The KDP] was involved and part of the reason for what happened with ISIS. They left people here for genocide. They could have told people to run away. They did not. They just left."³⁵ Interviewees expressed both anger and resentment towards what had happened, highlighting the fact that trust had been breached. "The Peshmerga left the Yazidis. How can we ever trust them now?"³⁶

An important step towards achieving justice for the Yazidi people and eventually reconciliation in Sinjar will therefore be to identify those responsible for the withdrawal of all protection forces in Sinjar ahead of the attacks³⁷. "Reconciliation with Arabs should not be insisted upon while ignoring the grievances Yazidis have experienced by Kurdish powers, or while ignoring the fact that the political environment makes the return to Sinjar very difficult for the people."³⁸

LOCAL AND INTERNATIONAL LEGAL INITIATIVES

The establishment of various committees by the KRG to collect testimonies to ensure future international recognition of the violations against Yazidis as genocide and explore legal structures to address this is an important step. These efforts, however, should be understood within the context of Kurdish demands for international recognition of crimes during the Anfal campaign.³⁹ Moreover, these commissions could be used to further establish Kurdish dominance over Sinjar by organising international attention for the suffering of the Yazidi community, as part of the Kurdish community, particularly when Baghdad is not part of this process.

Another issue is that Iraqi and KRG courts are sharia compliant, which breeds distrust among Yazidis. "We don't trust the Kurdish and Iraqi court systems, because they are based on the

Qur'an."⁴⁰ Given the fact that the mass crimes perpetrated on and after August 3rd were rooted and justified in religious beliefs makes it problematic, through Yazidis' perception, to use purely domestic, sharia-compliant courts in the judicial process. There are local concerns that national courts will not be impartial and independent.

Local communities stress the need for the establishment of an international legal institution, which is based on principles of international law on war crimes and crimes against humanity. As Andrew Slater from Yazda points out, the collection of information and documentation for legal prosecution, which has already started through, for example, the location and excavation of mass graves by the International Commission on Missing Persons (ICMP), must be public, transparent, and robust.

RECONCILIATION AND ACCUSATIONS BASED ON TRIBAL AFFILIATION

Tribal affiliation is dominating accusations of ISIS collaboration. Members of certain Arab Muslim tribes -- the Mitewait (Arab Muslim), the Jayaish (Arab Muslim), and the Tatan (Kurdish Muslim) also referred to as Kermanj, now living in the KRI) -- are often collectively blamed. "Many were involved with helping ISIS. Some were not, but then their cousins, relatives, family were with ISIS."⁴¹ The Shammar⁴² tribe are an exception to this trend. In other instances, entire tribes are suspected of having participated in the events of August 3rd: "The Jayish tribe was with ISIS. They took our women. They took our cars. They were one hundred per cent with ISIS."⁴³ Many also complained that neighbours helped ISIS identify who was Yazidi or Shi'a, and therefore contributed to the massacre. Furthermore, the fact that many of those individuals are currently enjoying a normal life within the Kurdish region further fuels sentiments of injustice. As a Yazidi civilian pointed out, "Muslim Kurds attacked villages and towns from the inside. They took our wives, our daughters. They took our money. And now they are free in Kurdistan."⁴⁴

While most, though not all, Yazidis expressed willingness to work with the Shammar in multiple conversations and interviews, there has certainly been a shift in Yazidi sentiment towards the tribe, even though they did not participate with ISIS. Some mentioned that they could live within the same area, but that they would never be friends again. Others vowed to never work with any Arab or Muslim, even the Shammar. The Shammar seem in fact to be "guilty by association" in the eyes of Yazidi, because of the fact that they are Arab Muslims. There are already some signs that ties are being rebuilt; nearly the entire population of Shammar has moved back to Rabiaa, their sub-district, which lies just northeast of Sinjar, on the way to Dohuk. There is also a joint Shammar-Yezidi armed brigade, fighting near the Syrian border, in western Sinjar. However, the current practice of screening procedures by Kurdish intelligence (*Ashaysh*) continues to impact the freedom of movement of Arab communities.

³⁴ Yousef, S. 2015. "More Arab tribal leaders pledge allegiance to ISIS in Syria and Iraq." Aranews. URL:<http://aranews.net/2015/10/more-arab-tribal-leaders-pledge-allegiance-to-isis-in-syria-and-iraq/>

³⁵ YBS/PKK Official, Yazidi (survey interview, Snune, April 2016)

³⁶ Civilian, independent, Yazidi (survey interview, Khanasor, April 2016)

³⁷ Informants reported that three Peshmerga commanders indeed have been arrested following their withdrawal from Sinjar in August 2014, but PAX has been unable to independently verify these statements.

³⁸ Matthew Barber, Yazda Organization (private conversation, April 2016)

³⁹ The Anfal campaign in the 80s was a genocidal campaign of Saddam Hussein's army against the Kurds; the KRG has established an Anfal Directorate under which crimes are being investigated.

⁴⁰ Civilian, teacher, YBS supporter (survey interview, Borek, April 2016).

⁴¹ PKK Official, Yazidi (survey interview, Snune, April 2016).

⁴² The Shammar tribe hails from Rabia, at the Northeastern Iraqi-Syrian border. The Shammar and Yazidis have an exceptionally long historic relationship, not only as neighbors but also social-economically: many Yazidi families work on Shammar farms in Rabia.

⁴³ Military official, KDP, Yazidi (survey interview, Snune, April 2016)

⁴⁴ Civilian, independent, Yazidi (survey interview, Khanasor, April 2016)

7. Politicized reconstruction

Distributions of aid and services since people have returned have reinforced fears of a politicized reconstruction effort and a return to the previous status quo. KDP officials, citing security concerns, are restricting the flow of goods and funds into Sinjar because of fear that they benefit rival political groups, such as the PKK or the YPG. As such, competition therefore has a considerable impact on the reconstruction of Sinjar, and on the immediate living conditions of its inhabitants. At the time of writing this report, in May 2016, the Fishkabr checkpoint at the Syrian-Iraqi border and the Suhaila checkpoint that leads to Rabia, Zummar and Sinjar are tightly controlled, as well as the Suhaila checkpoint between Dohuk and Sinjar and most goods are systematically turned away, effectively translating into some form of “embargo” on Sinjar.

HOUSING, LAND AND PROPERTY RIGHTS

Since long before August 3rd, the issue of land ownership in the disputed territories is contested and has become subject to strong politicization. The Property Claims Commission was established by the GoI in 2004 to compensate those whose property was confiscated before 2003. However, studies have found that this Commission has been inefficient in its treatment of claims, making for long waiting lists.⁴⁵ The vague situation reportedly particularly affected Iraq’s Yezidi community because of the discrimination they were experiencing from government authorities. In this sense, the events of August 3rd, which resulted in widespread housing, land, and property theft, only exacerbated an already dire situation. At this point in time, no government action has been taken to compensate and return “property, guarantees of land tenure rights or knowledge of security screening procedures or timelines.”⁴⁶ Furthermore, given the circumstances under which Yezidis had to flee their homes and villages in August 2014, this document also estimates that “up to 80%” of Yezidis currently displaced were not in possession of personal documentation, which was reportedly left behind in the scramble to escape Sinjar.⁴⁷

8. Post ISIS legacy

The ongoing security and political dynamics in Sinjar and other newly accessible areas show that the interventions of the international coalition against ISIS (including military and logistical support to the ISF and the Peshmerga) affect the reality on the ground in Iraq. As a result, post-ISIS reality in Iraq contains potential for new conflict, stimulated by both real and perceived threats to the human security of the different communities vis-à-vis others. Sinjar faces new security players on the ground, heightened intra-Kurdish struggle, low levels of confidence in authorities and conflicting perspectives on reconciliation and justice. Combined with the unsolved dispute on the Disputed Border Areas between Baghdad and Erbil, this leads to fears, especially among the Yezidi community, for their human security, and not in the least for IDPs that are hesitant to return. It is of vital importance that both Erbil and Baghdad governments, with active mediation support from UNAMI and UN agencies in Iraq and the international community, include perceptions of local communities in Sinjar within future political settlements on this disputed territory. Active engagement of women and IDP communities is

required to generate appropriate pre conditions for a safe return and community co-existence.

As this case study exemplifies, post-ISIS reality demands a pro-active and comprehensive conflict management strategy oriented to Iraq as a whole. A narrow “ISIS-only” focus, aiming at military defeat of ISIS followed by a short term stabilization effort, is extremely risky as this approach insufficiently addresses important post-ISIS conflict drivers such as, for example, the Disputed Internal Boundaries and the need for a political settlement between the various Iraqi and Kurdish stakeholders. Obviously, swift and short term “quick impact” stabilization efforts are important, but should be regarded as steps in such a longer term strategy definitively addressing human security needs of communities. UNAMI and UN agencies, especially UNDP, have an important role to play in the design and coordinated implementation of such a comprehensive strategy for Iraq, in order to avoid new communal violence to erupt in the post-ISIS era. ♦

45 Ali, A. 2015. “Security, Religion, and Gender in Ninewa Province, Iraq Conflict Analysis Study.” Iraqi Al-Amal Association. p. 3-6.

46 Oxfam. 2015. Op cit.

47 IOM. 2015. Op cit.

PAX

Godebaldkwartier 74
3511 DZ Utrecht
The Netherlands

www.paxforpeace.nl
info@paxforpeace.nl
+31 (0)30 233 33 46

P.O. Box 19318
3501 DH Utrecht
The Netherlands

