

RETURN TO SINJAR:

**THE YAZIDI COMMUNITY'S JOURNEY
HOME AND THE CHALLENGES AHEAD**



REPORT OF THE PEACE AND FREEDOM ORGANIZATION | PFO

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About Peace and Freedom Organization

The Peace and Freedom Organization is a non-governmental and non-profit organization in Iraq and the Kurdistan Region working on the protection of rights and freedoms to ensure peaceful coexistence through strengthening trust and support between the different components of society and as well as the support and sustaining to guarantee rights, freedom, and social justice according to international standards.

Table of Abbreviations

C4JR – Coalition for Just Reparations

FGD – Focus Group Discussion

GoI – Government of Iraq

HRW – Human Rights Watch

IDP – Internally Displaced Person

INP – Iraq’s National Plan for Returning the IDPs to Their Liberated Areas

IOM – International Organization for Migration

ISIL – Islamic State of Iraq and Levant

KRG – Kurdistan Regional Government

KRI – Kurdistan Region of Iraq

MHPSS – Mental Health and Psychosocial Support

NGO – Non-Government Organization

PFO – Peace and Freedom Organization

UNAMI – United Nations Assistance Mission for Iraq

UNHCR – United Nations High Commission for Refugees

UNHRC – United Nations Human Rights Council

YSL – Yazidi Survivors Law

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Executive Summary

On January 23, 2024, the Council of Ministers of the Iraqi Government adopted a decision to close all internally displaced persons (hereafter referred to as IDP) camps in the Kurdistan Region of Iraq (hereafter referred to as KRI) by July 31, 2024. According to the Government of Iraq (hereafter referred to as GoI), this decision is intended to encourage the safe and voluntary return of IDPs to their places of origin, as part of a broader policy to end displacement in Iraq, including the KRI. In June 2024, claims have emerged that the GoI plans to extend the July 31st deadline in response to concerns voiced by the Yazidi community. The PFO acknowledges that the possible extension by the GoI contributes to a safe and voluntary return. However, threats of unsafe and involuntary return still remain.

The vast majority of IDPs in the KRI are Yazidis, meaning they will be most affected by the potential closure of the camps. Iraq's National Plan for Returning the IDPs to Their Liberated Areas (hereafter referred to as INP), which highlights this policy, explicitly calls for the safe and voluntary return of all IDPs and suggests alternative resettlement options for those who do not wish to return to their places of origin. The current situation in the IDP camps hosting the Yazidi community is unbearable. Many Yazidi IDPs face worsening conditions due to a lack of economic and educational opportunities. The shelters are ill-equipped to cope with extreme heat or cold weather and lack sufficient space for Yazidi families. Therefore, keeping the Yazidi community displaced in such camps is not a viable solution, and efforts must be made to end displacement. However, ending displacement should be conducted according to guidelines and procedures that guarantee safe and voluntary return.

The potential decision by the GoI to close the IDP camps in the KRI may deviate from these guidelines. Consequently, there is concern, especially within the Yazidi community, that the GoI's potential decision could lead to unsafe and involuntary return. The purpose of this report is to examine the extent to which the attempt by the GoI might result in unsafe and involuntary returns. Additionally, this report investigates the factors discouraging the Yazidi community from returning to Sinjar.

In order for the Yazidi community to return to Sinjar, they must be sufficiently compensated, both financially and morally. However, the current Iraqi compensation scheme is limited, and many of the empowerment promises included in these schemes have been insufficiently implemented. Furthermore, the Sinjar district remains unsafe. Various militias, operating outside the Iraqi legal framework, are active both militarily and politically. These militias include armed groups that originate from or are supported by foreign countries. Consequently, the presence and ability of legitimate government forces to operate in Sinjar are limited.

Many potential Yazidi returnees have no home to return to and could potentially become internally displaced within Sinjar itself. Despite the GoI's pledge to provide each family returning to Sinjar with 4,000,000 Iraqi Dinars, many Yazidi returnees would still lack the economic means for long-term stability. Basic services such as education and healthcare are severely restricted. Additionally, economic opportunities, including jobs, livelihoods, and infrastructure, are exceedingly limited.

Yazidi female survivors of sexual violence are especially concerned about returning to Sinjar. Many of the survivors risk re-traumatization, as they could be forced to go back to locations where they faced grave human rights violations. The Yazidi survivors of sexual violence require mental health and psychosocial support (hereafter referred to as MHPSS). However, such support – which is already limited – would even be more limited if they returned to Sinjar. Many Yazidi female survivors highlight that they would feel unsafe to go back to Sinjar, namely due to the presence of various militia groups and possibility even former members of the so-called Islamic State (hereafter referred to as Da'esh or ISIL)

In short, the vast majority of Yazidis do not wish to return to the Sinjar district under its current circumstance. The impulsive manner by which the camps are potentially coming to closure could jeopardise safe and voluntary return. Moreover, various reasons still persist which constitute challenges for return, being mainly safety and absence of services concerns. Factors hindering safe and voluntary return include the following:

- The potential for the eruption of sectarian violence between different groups from Sinjar.
- Limited presence of legitimate security, administrative, and judicial bodies in Sinjar.
- Presence of various militias and armed groups operating unlawfully in Sinjar.
- Presence of active mines and other unexploded artillery.
- Absence of accountability for the genocide committed by Da'esh against the Yazidi community.
- Confrontation with poverty and lack of financial means to return, including widespread poverty in the Sinjar district.
- Inadequate effective compensation for the Yazidi community that has been subjected to grave human rights violations.
- Restricted livelihood opportunities for returnees.
- Limited access to public schools due to the destroyed buildings and absence of teachers.
- Limited health services, including MHPSS, for potential Yazidi returnees who suffered trauma as a result of grave human rights violations committed by Da'esh. This is especially in the case of Yazidi female survivors of sexual violence.
- Limited housing for the returnees as a result of the destruction of most property in Sinjar.
- Lack of usable infrastructure for the returnees, including roads, electricity, and drinkable water.

Introduction

This year marks the ten-year anniversary of the massacres perpetrated against the Yazidi community by Da'esh. A decade later, significant work still lies ahead to achieve justice for the Yazidi community and to formulate a comprehensive plan for the reconstruction of Sinjar. The Yazidi community continues to feel the enduring impact of the human rights violations and international crimes perpetrated by ISIL to this day. Similarly, there is an increasing concern that the Yazidi community is compelled to return to an unstable Sinjar.

On August the 3rd 2014, Da'esh invaded the Sinjar district, a region predominantly inhabited by the Yazidis. More than 400,000 Yazidis were forced to flee to Mount Sinjar, where they were trapped in rising temperatures without access to food, water or medical care.¹ This led to a humanitarian crisis in which hundreds of Yazidis – including women and children – lost their lives. The majority sought refuge within the KRI while others sought asylum abroad. Those Yazidis who could not leave Sinjar during ISIL's territorial control endured unimaginable terror, grave human rights violations, and mass executions. According to the United Nations Human Rights Council (hereafter referred to as UNHRC), the acts of ISIL amounted to genocide, due to their deliberate intention to destroy the Yazidi community.²

In November 2015, Sinjar was liberated from ISIL after heavy fighting. However, the situation remains volatile, characterized by a significant security vacuum. Official government authorities have yet to fully return to Sinjar, and the infrastructure remains devastated, posing challenges for its residents. Many Yazidis continue to be internally displaced, with some seeking to leave Iraq due to the absence of transitional justice and community rebuilding efforts. This year, the GoI announced its decision to close all camps housing Yazidi IDPs by the 31st of July 2024.³ However, claims now suggest that they intend to postpone the July 31st deadline due to concerns that the decision could lead to unsafe and involuntary returns.

Despite the potential extension, concerns persist that the return of Yazidi IDPs might be unsafe and involuntary due to a lack of preparation. The Kurdistan Regional Government's (hereafter referred to as KRG) Ministry of Interior has warned that the decision of the GoI to close all camps without sufficient preparation could lead to unsafe and involuntary return.⁴ In light of these challenges, the Peace and Freedom Organization (hereafter referred to as PFO) aims to further explore the factors hindering the Yazidi community's return to Sinjar. We also aim to examine the extent to which the potential decision by the GoI might result in unsafe and involuntary returns.

¹ Nadia's Initiative, 'About the Genocide' < <https://www.nadiasinitiative.org/the-genocide>>

² United Nations Human Rights Council, "They came to destroy": ISIS Crimes Against the Yazidis' A/HRC/32/CRP.2 (15 June 2016) Paragraphs 106-165

³ Government of Iraq; Council of Ministers, Decision No. 24007 of 2024 < [https://cabinet.iq/en/category/aDOu\\$GSzDnEA- z/aDOu\\$GSzDnEA- z](https://cabinet.iq/en/category/aDOu$GSzDnEA- z/aDOu$GSzDnEA- z)>

⁴ Shafaq News, 'Kurdistan Interior Minister warns of mass exodus if IDP camps closed' (2024) <[pg. 6](https://shafaq.com/en/Kurdistan/Kurdistan-Interior-Minister-warns-of-mass-exod-if-IDP-camps-closed#:~:text=Kurdistan%20Interior%20Minister%20warns%20of%20mass%20exodus%20if%20IDP%20camps%20closed,Kurdistan%20breaking%20breaking&text=Shafaq%20News%20%2F%20On%20Thursday%2C%20Kurdistan,exodus%20of%20Iraqi%20refugees%20abroad.></p></div><div data-bbox=)

Research Questions

- 1- To what extent do the Current Iraqi Legislation (Iraq: Law No. 20 of 2009: Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations + Iraq Law No.8 of 2021 - Yazidi Female Survivors Law) and its implementation facilitate stability and safe return?
- 2- Does the current situation in Sinjar allow for the safe return of the Yazidi community?
- 3- What specific obstacles does the Yazidi community encounter in their effort to return to Sinjar?
- 4- What challenges do Yazidi women encounter in particular making it challenging to return?
- 5- Does the decision of the Iraqi Government to potentially close all IDP camps in the KRI potentially endanger the Yazidi community?
- 6- What actions should the engaged actors take to facilitate the safe and voluntary return of the Yazidi community to Sinjar?

Justification for Report

The PFO recognizes the ten-year anniversary of the Yazidi genocide perpetrated by Da'esh. Unfortunately, little progress has been made in achieving justice for the Yazidi community and ensuring their safe and voluntary return. It is our firm belief that there exists a moral obligation to facilitate the Yazidis' voluntary return to a stable Sinjar where their dignity and safety is restored.

The aim of this report is to demonstrate the factors influencing the Yazidi community's reasons not to return to Sinjar. Our goal is to explore the current situation of Sinjar and identify the obstacles hindering return opportunities. Understanding the challenges faced by the Yazidi community is crucial for effectively addressing these obstacles and facilitating a safer and more voluntary return process. This report also seeks to dedicate a section to the challenges Yazidi women are enduring in regards to their return to Sinjar. Highlighting the challenges our Yazidi sisters have encountered is of paramount importance. We all share a collective responsibility to safeguard survivors of sexual violence from being exposed to future human rights violations and prevent their re-traumatization.

In addition, the report examines the extent to which the current Iraqi legislation, including its implementation, facilitate stability and safe return. This assessment is crucial because if the challenges faced by the Yazidi community remain unaddressed, there is a risk of them being subjected to unsafe and involuntary returns to Sinjar. Furthermore, the report explores the impact encountered by the Yazidi community regarding a decision of the GoI to close all IDP camps in the KRI. While it is important to end displacement, the potential decision to close all IDP camps could lead to unsafe and involuntary return of the Yazidis to an unstable Sinjar.

Report Methodology

This report primarily involved direct engagement, through interviews, with members/representatives of the Yazidi community and likeminded organizations. The aim was to gain a comprehensive understanding of the obstacles to their return. Engagement also encompassed individuals of the Yazidi community and partnering organizations. The perspective of Yazidi survivors were also considered as PFO was able to take part in a FGD (organized by the Emma Organization) with a group of Yazidi female survivors to discuss the possibilities of returning to Sinjar following the GoI's decision to close all the camps hosting the Yazidi community, as well as the potential obstacles they might encounter.⁵ In this effort, PFO dedicated itself to incorporating a diverse range of perspectives, regardless of sex, age, education, or political affiliation. Additionally, PFO makes use of both internal and external reports and studies to offer insights into the overall situation in Sinjar and the condition of the Yazidi community.

The PFO conducted interviews/discussions with multiple (national and international) NGOs. They include Dak Organization, Emma Organization for Human Development, Jiyan Foundation, and the Iraqi Desk of Human Rights Watch (hereafter referred to as HRW).⁶ Our organization participated in a Focus Group Discussion (hereafter referred to as FGD) organized by the Emma Organization, with the presence of the United Nations Assistance Mission for Iraq (hereafter referred to as UNAMI). The FGD was conducted with ten Yazidi female survivors of sexual violence. The participants discussed the possibilities of returning to Sinjar following the GoI's decision to close all the camps hosting the Yazidi community, as well as the potential obstacles they might encounter.

PFO also utilised external sources to understand the current situation in Sinjar and the obstacles the Yazidi community would potentially encounter their return. Moreover, external sources have been used to illustrate potential challenges encountered by the Yazidi community as a result of the GoI's potential decision regarding the closure of all IDP camps hosting the Yazidi community. Amongst others, these reports include the Status of Sinjar Report, reports from HRW, and reports from the International Organization of Migration (hereafter referred to as IOM).

⁵ Due to the sensitivity of the subject matter, we did not interview with a lot of survivors. This is due to our concern that they might not be comfortable or that they could face re-traumatization. This is especially the case for Yazidi women who are survivors of sexual violence

⁶ PFO would like to extend their appreciation to all those involved

Legal Framework

Following the brutal Da'esh invasion of Sinjar in 2014, more than 400,000 Yazidis fled to the KRI, where they became IDPs. The Yazidis are classified as IDPs as they were forced to flee their place of habitual residence as a result of generalized violence and violations of human rights due to ISIL's conduct.⁷ Albeit the defeat of Da'esh in 2015, Sinjar remains unstable. Nevertheless, the Federal Government intends to close all camps housing internally displaced Yazidi people by the end of July 2024. This section illustrates the international and domestic legal standards applicable to the return process of the Yazidis to Sinjar.

The Republic of Iraq has ratified multiple international treaties, signifying that it has accepted the outlined agreements. Therefore, the Iraqi State institutions have the legal responsibility to guarantee that the return of the Yazidi community in Sinjar complies with the applicable international standards. For instance, the Yazidis have the right to determine their own territory of residence, which includes protection from forced internal displacement.⁸ Accordingly, they must be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.⁹

The GoI must take all appropriate means to ensure that the Yazidis returning to Sinjar have adequate working opportunities, standard of living, access to healthcare, and educational services.¹⁰ Moreover, the government must take effective measures to ensure that the Yazidis do not become subject to dangers of torture and mass violations of human rights.¹¹ Furthermore, Iraq is responsible for ensuring that victims who suffered human rights violations are compensated for the damage through an effective remedy.¹²

Legislation has also been passed through the Iraqi Parliament which is applicable to the return of the Yazidis to Sinjar. They include the Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations (hereafter referred to as Law No.20) and the Yazidi [Female] Survivors' Law (hereafter referred to as YSL). The aim of Law No. 20 is to compensate every natural person for the damages of terrorist operations, which includes Da'esh's conduct vis-à-vis the Yazidi community.¹³

⁷ Article 2 of The Guiding Principles of Internal Displacement defines an internally displaced person as: *persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.*

⁸UN Human Rights Committee (HRC), CCPR General Comment No. 27: Article 12 (Freedom of Movement), CCPR/C/21/Rev.1/Add.9, 2 November 1999, Paragraph 7

⁹ Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, UN Commission on Human Rights, 22 July 1998, Principle 15(d); The Guiding Principles on Internal Displacement is not a treaty ratified by the Republic of Iraq. It nevertheless applies as a source of Customary International Law. For more information consult Article 38(1) of the International Court of Justice Statute and the following source: Partrick Schmidt, 'The Process and Prospects for the U.N. Guiding Principles on Internal Displacement to Become Customary International Law: A Preliminary Assessment' (2004)

¹⁰ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966, Articles 6 and 11-13

¹¹ UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations, Treaty Series, vol. 1465, p. 85, 10 December 1984, Article 3; Article 1 of the Convention defines "Torture" as: any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.

¹² UN General Assembly, International Covenant on Civil and Political Rights, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966, Article 3(a);

¹³ Iraq: Law No. 20 of 2009: Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations, 28 December 2009, Article 1

The YSL aims to compensate the [female] survivors financially and morally and to secure a decent life for them. Moreover, it intends to take care of [female] survivors, prepare the necessary means to integrate them into society, and prevent the recurrence of the violations that occurred against them.¹⁴ It must be noted that the right to compensation to the families of the martyrs and the injured as a result of terrorist acts is enshrined in Article 132 of the Iraqi Constitution.¹⁵ Therefore, it is a fundamental duty of the state to employ its means to effectively compensate the damages incurred by the Yazidi community.

Iraqi Legislation and Compensation for the Yazidi Community

This section examines the application of Law No. 20 and the YSL in relation to the Yazidi community. More specifically, it explores whether the two Legislations sufficiently address the fundamental needs of the Yazidis in regards to compensation to ensure stability and safe return. The intention of both legislations has been illustrated in the legal framework of this report.¹⁶ While this section may not directly tackle the obstacles encountered by the Yazidi community concerning dignified return, its significance remains paramount. This is particularly evident as adequate and effective compensation contribute to safe and voluntary return.

Law No. 20

Law No. 20 is designed to address compensation for damages resulting from, amongst other things, terrorist acts. This legislation provides avenues for individuals who suffered and incurred injury as a result of the war against Da'esh to seek compensation. Under Law No. 20, compensation is allocated for damaged property, encompassing a range of assets such as houses, vehicles, farming lands, furniture, shops, and companies. It is also noteworthy that family members of victims (martyrs) are also encompassed within the law's scope, contributing to its broad applicability.¹⁷

The [Coalition for Just Reparations](#) (hereafter referred to as C4JR) has underscored several advantages of Law No. 20. One significant aspect of the law is its inclusive nature, extending beyond the Yazidi community to encompass all other components of Sinjar affected by Da'esh atrocities. This inclusivity ensures that communities such as Shabaks, Turkmen, and Arabs from Sinjar are also covered by the legislation. Furthermore, Law No. 20 complements the YSL by ensuring that individuals who do not fall within the scope of the latter legislation are encompassed by the former.

¹⁴ Iraq: Law No.8 of 2021: Yazidi Survivors Law, 24 March 2021, Article 4

¹⁵ *Constitution of the Republic of Iraq*, 15 October 2005, Article 132

¹⁶ Consult page 4 of this report to find legal framework.

¹⁷ Global Protection Cluster, 'Property Compensation Guidelines: Based on Iraqi Law 20, 2009' (March 2020) page 4
< <https://reliefweb.int/report/iraq/property-compensation-guidelines-based-iraqi-law-20-2009-and-law-57-2015-second>>

Nevertheless, the application of Law No. 20 has encountered challenges. HRW claims that access to compensation under Law No. 20 has been complicated due to its bureaucratic procedures. Those who seek compensation are required to visit multiple agencies instead of making their claim in a specified location. This includes large administrative and legal fees, including money already spent on transportation to the various agencies. Moreover, those seeking compensation must report their destroyed property, including individual pieces of furniture.¹⁸

In addition to the already difficult access to compensation, the amount of remuneration is absolutely insufficient. The amount of compensation recommended by the government does not amount to the damages incurred by the Yazidi population. Consequently, many of the survivors who incurred damage as a result of Da'esh's conduct do not trust the compensation policy. This lack of trust deters people from attempting to instrumentalize it. Some of those who have finished their compensation files complain that they are yet to receive the remuneration.¹⁹

According to HRW, more than 8000 individuals have had their claims approved in 2024. However, many are yet to receive financial compensation. The GoI has nevertheless stated that the compensation for the people of Sinjar would be released soon. This is in addition to other reconstruction projects that are part of repairing the damage of Sinjar. Without the implementation of the compensation and other reconstruction plans, the return of the Yazidis to Sinjar will face significant challenges.²⁰

Yazidi Survivors Law

The Yazidi community has suffered a lot as a result of Da'esh's genocide. It is our responsibility to ensure that the Yazidis never encounter such human rights violations again. In addition, there is a duty to compensate the damages they incurred and provide pathways for the Yazidi community to re-integrate into society. In 2021, the Iraqi Parliament passed the YSL. As mentioned in the legal framework, the aim of the legislation is to rehabilitate female survivors and to re-integrate them back into society, in addition to financial compensation.²¹

¹⁸ Human Rights Watch, 'Iraq: Compensation for ISIS Victims Too Little, Too Late' (May 2023) < <https://www.hrw.org/news/2023/05/09/iraq-compensation-isis-victims-too-little-too-late>>

¹⁹ Iraq: Compensation for ISIS Victims Too Little, Too Late

²⁰ Human Rights Watch, 'Iraq: Looming Camp Closures in Kurdistan Displaced Sinjar Residents Imperiled as Compensation, Reconstruction Stalls' (May 2024) < <https://www.hrw.org/news/2024/05/13/iraq-looming-camp-closures-kurdistan>>

²¹ Yazidi Survivors Law, Article 5(6)

The C4JR has contributed to the development of the YSL. In an interview with the Head of the Program for Rights and Justice (Jiyan Foundation), certain benefits of the Law were highlighted. Firstly, the genocide committed against the Yazidis is acknowledged in the legislation, which is a crucial step. Correspondingly, the 3rd of August is considered a national day to reveal the crimes committed against the Yazidis. The Law also goes beyond financial reparation; it includes clauses regarding the re-establishment of, amongst other things, education services, economic opportunities, and health services.²²

Nevertheless, despite being a decent law, there are certain drawbacks associated with the YSL. The first problem is not the content of the law itself, but the lack of implementation. The Yazidi community has indicated that not enough has been done to facilitate the re-integration of female survivors into society. Accordingly, more measures can be taken by government actors to ensure that female survivors have access to MHPSS to address the sexual violence they have faced.²³

Currently, there is debate going on regarding the amendment of the YSL. Positive amendments can be made to address issues raised by other components, such as the inclusion of all children, in addition to the Yazidis, for them to fall under the scope. However, it is alleged that the YSL could encounter negative amendments to the law. They include removing the 3rd of August a national day revealing the crimes committed against the Yazidis. There are also concerns that the legislation would take away the recognition of the Yazidi genocide and instead suggest that all components suffered human rights violations.²⁴

According to the Ceasefire Centre for Civilian Rights, additional shortcomings are present in the YSL. An important example is the unclarity on whether the Law will be implemented in a survivor-centric manner. This is due to the absence of clauses in regards to confidentiality and the protections of survivors' privacy in the reparation process. The absence of such provision could result in the lack of staff training that deal with such sensitive cases. Moreover, without a confidentiality clause, there would be no guarantee of secure housing when the survivors make their compensation claims, jeopardizing their safety.²⁵

²² Jiyan Foundation (Coalition for Just Reparations), Interview regarding Iraqi Legislation and Compensation for the Yazidi Community, may 2024

²³ Jiyan Foundation (Coalition for Just Reparations), Interview regarding Iraqi Legislation and Compensation for the Yazidi Community, may 2024; Coalition for Just Reperation Working Group

²⁴ Jiyan Foundation (Coalition for Just Reparations), Interview regarding Iraqi Legislation and Compensation for the Yazidi Community, may 2024

²⁵ Ceasefire Centre for Civilian Rights, 'The Yazidi Survivors' Law: A step towards reparations for the ISIS conflict' May 2021 < <https://www.ceasefire.org/wp-content/uploads/2021/05/Yazidi-Survivors-Law-Briefing.pdf> >

The Ceasefire Centre for Civilian Rights also highlighted the absence of articles in the YSL that address the situation of children born of rape. It is currently still unclear whether the children of the Yazidi female survivors who were born as a consequence of rape by Da'esh fighters will be registered as Yazidi or Muslim. As a result, the children of Yazidi female survivors are left undocumented which prevents them from falling under the scope of the YSL and obtaining other services. The non-inclusion of the children of Yazidi survivors constitutes an obstacle of return to Sinjar.²⁶

The Current Situation in Sinjar

The Sinjar district is situated in the North-West of the Ninewa Governorate and shares a border with Syria. Before 2014, the population of the Yazidi community was estimated to be around 400,000.²⁷ The majority of Sinjar's inhabitants were Yazidis, who lived alongside Shia and Sunni Kurds, Arabs, and Turkmans. Despite the diverse ethnicities and religions, the Yazidis coexisted peacefully in the district following the establishment of Federal Iraq.²⁸

Unfortunately, the emergence of Da'esh ruined the co-existence between the communities of Sinjar, leading to social cohesion issues. The conflict broke down the trust between communities which continues to impact the safety and stability of the region. Following the attacks conducted by Da'esh, many Yazidis became subject to executions. Captured Yazidi men were murdered if they did not convert to Islam, while women and children were abducted.²⁹ The aftermath of the Yazidi genocide is still felt by the community today. Many Yazidis are therefore reluctant to return to Sinjar. The Kidnapped Yazidi Rescue Office estimates that around 300,000 Yazidis remain internally displaced in the KRI. Around 100,000 Yazidis have returned to Sinjar.³⁰

According to the Status of Sinjar Report published by Nadia's Initiative, the current situation of the returnees in Sinjar is unstable. Those who have returned to Sinjar claim that there is a lack of shelter and building material, causing displacement of Yazidis even within Sinjar. Additionally, Sinjar lacks essential infrastructure due to its destruction by Da'esh. Therefore, the road-system in Sinjar is non-existent and the electricity is unstable.³¹

²⁶ Ceasefire Centre for Civilian Rights, 'The Yazidi Survivors' Law: A step towards reparations for the ISIS conflict' May 2021

²⁷ Obtained from The Kidnapped Yazidi Rescue Office.

²⁸ The United Nations Human Settlements Programme, 'Sinjar Urban Profile' (2021) pages 13-14

<https://unhabitat.org/sites/default/files/2021/03/sinjar_urban_profile_-_english_3.pdf>; illustration of situation and data in Sinjar prior to Da'esh invasion

²⁹ The United Nations Human Settlements Programme, 'Sinjar Urban Profile' (2021) pages 17-21

³⁰ Obtained from The Kidnapped Yazidi Rescue Office.

³¹ Nadia's initiative, 'Rebuilding Amid the Ruins: Status of Sinjar Report 2023' (2023) Georgetown Institute for Women Peace and Security, pages 6-9

<https://static1.squarespace.com/static/5e4ed852d5526563e04b189a/t/6494994ff1507737741b0ba3/1687460176906/Nadia_statusofSinjarreport2023.pdf>

There is also an absence of clean water available to most of Sinjar, having a negative impact on sanitation and hygiene in the region. Correspondingly, the roots of the healthcare system have been damaged in Sinjar due to Da'esh's conduct. Many of Sinjar's residents claim that there is limited access to medical care due to the lack of doctors and health professionals. They also suggest their inability to purchase necessary medication.³²

Sinjar's already neglected education system has even become more devastating after 2014. Many of the qualified teachers from Sinjar have become – and are still – displaced and therefore unable to resume work. Children face many obstacles to go to school, such as landmines and the presence of armed forces. In fact, many children have never been enrolled in school or are behind in their curriculum.³³

People in Sinjar lack protection; land mines are buried, buildings are booby-trapped, and unexploded munitions are still left behind. Moreover, many of Sinjar's residents are concerned about the airstrikes and the presence of various armed groups. Yazidi women have suffered the most as a result of ISIL's genocidal conduct. Many Yazidi women face devastating mental health consequences due to the sexual violence they encountered. Unfortunately, there is only limited access to psychological health and community re-building efforts.³⁴

The abovementioned information demonstrated the current status of Sinjar. Indeed, the conditions in the district should meet certain standards of living requirements in order for the Yazidi community to return. These conditions include adequate housing, basic infrastructure, an existing healthcare system, the continuation of schools, the guaranteeing of basic security standards, and an approach to addressing the needs of survivors of sexual violence.

In such manner, the return of the Yazidi community to Sinjar would be dignified, where their fundamental human rights are guaranteed. However, the situation in Sinjar is currently is lacking certain guarantees to accommodate the Yazidis if they return. Facilitating the return of the Yazidi community to Sinjar – in its current state – presents significant challenges to ensuring safe and voluntary return, as fundamental human rights may not be guaranteed.

It is worth noting that Sinjar is not only administrated by the GoI. Instead, various armed groups are present in the district and perform both administrative and security functions. Some of these armed groups are recognized per Iraqi law but also operate outside the wishes of the government. Consequently, the Federal Government is unable to impose itself to the fullest extent.³⁵

³² Rebuilding Amid the Ruins: Status of Sinjar Report 2023, pages 10-11

³³ Rebuilding Amid the Ruins: Status of Sinjar Report 2023, page 12

³⁴ Rebuilding Amid the Ruins: Status of Sinjar Report 2023, page 14-15

³⁵ International Crisis Group, 'Iraq: Stabilising the Contested District of Sinjar' Middle East Report N°235 (2022) pages 1-3 <<https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/iraq-stabilising-contested-district-sinjar>>

Factions within certain groups currently operate in Sinjar. While these groups, to a limited extent, engage with the local communities, they also became a source of instability to the region. For instance, they restrict the ability of official government bodies to operate in Sinjar. Moreover, their presence has resulted in an increase in airstrikes. As a result of these groups being operational, Sinjar remains a militarized region.³⁶

In 2020, the GoI and the KRG signed the Sinjar agreement. The agreement intended that the military and administrative functions would be governed by Bagdad, alongside the participation of the Kurdish parties. Provisions of the agreement included the appointment of a legitimate mayor, the activation of a local police force, and the participation of the local community & authority in the reconstruction of Sinjar. However, the implementation of the agreement has not yet been successful due to the non-assumption of complete control over the district.³⁷

The non-presence of legitimate government forces in Sinjar makes it more difficult to ameliorate the situation. For instance, the presence of various authorities prevents a constructive policy to reconstruct Sinjar, including working towards transitional justice and national cohesion. This has negative implications on the safe and voluntary return of the Yazidi community to their native Sinjar.

Obstacles Faced by Yazidi Community in their return to Sinjar

The preceding section provided an overview of the present conditions in Sinjar, outlining various challenges faced within the district. This subsequent section aims to highlight these challenges, with a specific emphasis on illustrating how they hinder the return of the Yazidi community to Sinjar.

In a previous study conducted by PFO, certain fears were illustrated which are faced by the Yazidi community in regards to returning to Sinjar.³⁸ One of the concerns is the potential possibility for sectarian conflict due to the presence of multiple parties in the region that are at conflict. Moreover, the role of legitimate administrative and military authorities from the government is limited. This could potentially fail to protect the people of Sinjar in case of a conflict. This is in parallel with the possibility of a potential conflict between the Yazidi survivors and some of the Arab and Kurdish Muslim communities from Sinjar who allegedly joined ISIL. The possibilities of sectarian violence – coming from an absence of acknowledging the crimes committed against the Yazidi community – discourages return to Sinjar.³⁹

³⁶ Zmkan Saleem, 'The competition for control in Sinjar: how external actors and local interests inhibit the Sinjar Agreement' (2024) <https://eprints.lse.ac.uk/121399/1/MEC_paper_82_competition_for_control_in_sinjar.pdf>

³⁷ Iraq: Stabilising the Contested District of Sinjar, pages 17-21

³⁸ Peace and Freedom Organization, Study on the Fears of Returning to Sinjar after ISIL, (2017) <<https://pfo-ku.org/index.php/en/articles-studies/268-study-on-the-fears-of-returning-to-shankal-after-the-urgin>>

³⁹ Study on the Fears of Returning to Sinjar after ISIL

It is alleged that a few of the Arab tribes welcomed and supported Da'esh in their emergence. Moreover, it is claimed that they aided Da'esh in facilitating their conduct vis-à-vis the Yazidis. However, it must be noted that the majority of Arab communities from Sinjar also were victims from ISIL's conduct. Nevertheless, the relationships between the Yazidis and other components could face complications in regards to co-existence.⁴⁰ There are currently attempts to reconcile the communities that resided in Sinjar. However, this reconciliation is difficult, especially for the Yazidi community that has not seen accountability for the genocide committed against them.

Correspondingly, an obstacle of return encountered by the Yazidi community is the presence of multiple political and military entities in Sinjar. The GoI is present in the district but is not fully politically involved. Therefore, it is difficult to control the security of the region, facilitate the return of IDPs, and combat pressure from foreign countries. This has negative implications for the Yazidis who wish to return – or who could be forcefully returned – as the GoI is not fully instrumentalised to protect them.⁴¹

Another security risk preventing safe return to Sinjar is the presence of unexploded artillery and mines. Albeit the defeat of Da'esh, Iraq, including the Sinjar district, remains contaminated with unexploded artillery. These landmines remain active and pose a serious and direct threat to the individuals potentially returning to Sinjar. Attempts to clear unexploded artillery are currently ongoing but civilians are still exposed to active mines. Indeed, these mines pose an obstacle to the Yazidis to return to Sinjar as it threatens their safety and constitutes a security threat.⁴²

The lack of accountability for the genocide committed against the Yazidi community is also an enormous obstacle to return to Sinjar. The conduct of Da'esh amounted to genocide. However, neither domestic or international actors have taken initiative to establish an accountability mechanism to hold Da'esh accountable for the committed genocide. The Yazidi community finds that the absence of justice constitutes an obstacle of return to Sinjar. It must also be noted that the lack of accountability means occurrences of human rights violations in the future could happen due to the fact that no justice has been served.⁴³

⁴⁰ Martina Boaretto, 'The Yazidi Experience: their Struggles as a Minority in a Muslim-Dominated Region, the 2014 ISIS-led Genocide against them, and their Consequent Migration to Europe' (2023) page 111

⁴¹ Martina Boaretto, 'The Yazidi Experience: their Struggles as a Minority in a Muslim-Dominated Region, the 2014 ISIS-led Genocide against them, and their Consequent Migration to Europe' (2023) pages 106-107

⁴² United Nations Development Programmes, 'UNMAS and UNDP joint efforts for a brighter Sinjar' (April 2023) < <https://www.undp.org/arab-states/stories/unmas-and-undp-joint-efforts-brighter-sinjar> >

⁴³ Beth van Schaak, 'The Iraq Investigative Team and Prospects for Justice for the Yazidi Genocide' (2018) pages 125-126

The aforementioned information outlined security and safety concerns that serve as obstacles to the Yazidi community's return to Sinjar. In addition to the security concerns, the Yazidis also face economic challenges that amount to obstacles of return. The IOM has highlighted that Yazidi IDPs confront poverty and lack the financial means necessary for their return, which poses a significant and widespread obstacle. The shortage of financial initiatives encompasses various factors, such as the absence of compensation, job opportunities, and livelihood opportunities, as well as the presence of poverty.⁴⁴

REACH notes that Sinjar is currently facing tremendous livelihood restrictions. It should be emphasized that Sinjar already had limited livelihood opportunities prior to the invasion of Da'esh. This, nevertheless, was a source on which its residents could live on. Unfortunately, the livelihood opportunities worsened following the ISIL invasion. Currently, livelihood opportunities in Sinjar are exceptionally restricted. The people in the district do not have the same livelihood opportunities as in 2014. When livelihood opportunities develop, they only operate for a temporary period and cease to be operational on the long-term. Additionally, challenges persist regarding recultivation due to lack of funds and damaged properties. Restrictions on livelihood opportunities remain an existential obstacle for the Yazidis to return to Sinjar.⁴⁵

Public education in Sinjar is not necessarily available due to the destruction of the schools. Even where schools are operational, it usually faces overcrowding. The limited accessibility to public education means that students from several villages gather in one school to follow their educational curriculum. The schools in Sinjar are furthermore faced with staffing shortages. The majority of teachers from Sinjar remain displaced. Many teachers and other academic staff members are not able to return to their homes. It must also be highlighted that of the already few schools in Sinjar, some of them are being used as military bases by various armed groups.⁴⁶

Before 2014, Sinjar faced challenges with limited access to healthcare services. This situation deteriorated significantly following the invasion by Da'esh, and despite their defeat, the condition persists. Currently, health facilities in Sinjar are inadequate due to widespread destruction of buildings and the displacement of former medical professionals. Consequently, returnees lack access to essential medication, compounded by the decreased operational capacity of pharmacies compared to pre-2014 levels. The Yazidi community, in particular, requires specialized healthcare attention due to the traumas inflicted by Da'esh. However, psychosocial services, including the reintegration of former child soldiers, are severely limited and often short-term if available at all.⁴⁷

⁴⁴ IOM, 'Prospects for Resolving Displacement in Areas Limited and no Return in Sinjar District and Qahtaniya Subdistrict' (February 2024) page 15

<https://iraqdtm.iom.int/files/DurableSolutions/202422929114_IOM_Sinjar%20-%20Areas%20of%20No%20Return_Report_2024.pdf>

⁴⁵ Reach, 'Rapid Overview of Areas of Return (ROAR): Sinjar and Surrounding Areas' (May 2018) page 4

<https://iraqdurablesolutions.net/Uploads/PublicationFiles/20231225_837_Reach%20Rapid%20overview%20of%20areas%20of%20return%20Sinjar%20and%20surrounding%20areas_June%202018.pdf>

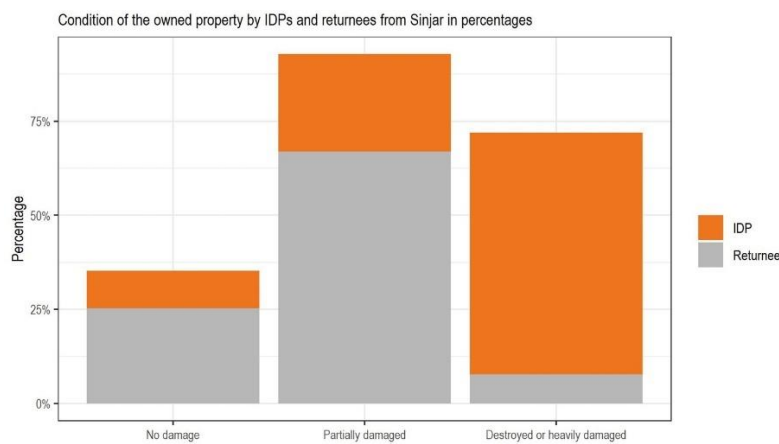
⁴⁶ Human Rights Watch, 'Iraq: Political Infighting Blocking Reconstruction of Sinjar' (June 2023)

<<https://www.hrw.org/news/2023/06/06/iraq-political-infighting-blocking-reconstruction-sinjar>>

⁴⁷ ACAPS, 'IRAQ The return to Sinjar' (November 2020) page 3

<https://www.acaps.org/fileadmin/Data_Product/Main_media/20201120_acaps_briefing_note_sinjar_province_iraq.pdf>

Following the invasion by Da’esh, much of Sinjar’s infrastructure became destroyed, leading to a shortage of accommodation for returning IDPs. A housing shortage prevails for returnees throughout the district, where houses, land, and other property remain inaccessible. The scarcity of available housing contributes to escalating rental prices, further complicating the return to Sinjar. Most properties in Sinjar are either destroyed or severely damaged, rendering it unusable upon return. It is important to highlight that these housing shortages have heightened tensions among IDPs, worsened by the unclear status of land ownership. This has paramount implications on the return of the Yazidis to Sinjar.⁴⁸ The graph below demonstrates the conditions of the property owned by the IDPs and returnees from Sinjar.⁴⁹

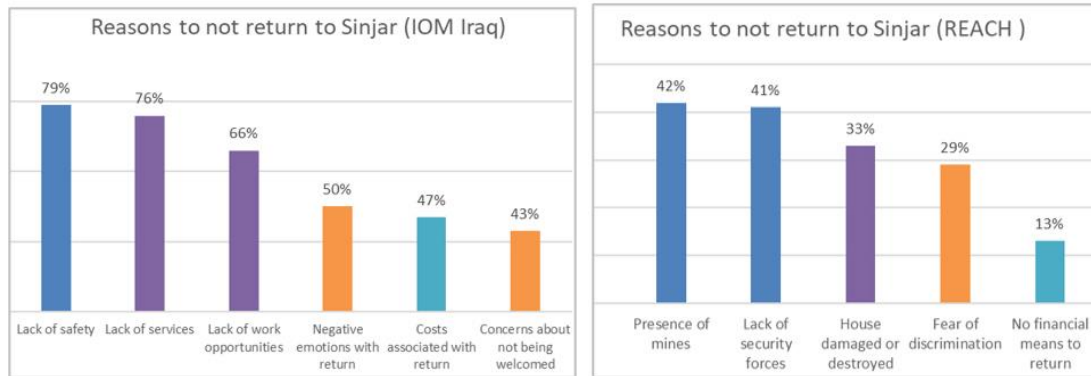


The destruction of infrastructure in Sinjar has severely limited residents’ access to essential services such as electricity and clean water. Currently, the Sinjar district struggles to provide consistent electricity and water supply to its residents. During the summer months, it becomes particularly challenging to maintain electricity for more than 12 hours a day, and in many cases, the duration falls significantly short of this threshold. Most power plants that could provide electricity are either destroyed or awaiting reconstruction. Additionally, the reliance on trucks for the supply of water is unsustainable. There are also concerns regarding the hygiene of the water provided, posing potential health risks.

⁴⁸ Norwegian Refugee Council, ‘Your house is your homeland; How Housing, Land, and Property Rights Impact Returns to Sinjar, Iraq’ (May 2022) pages 13-17 < <https://www.nrc.no/resources/reports/your-house-is-your-homeland/>>

⁴⁹ Graph obtained from report by Norwegian Refugee Council

It has been determined that security concerns, absence of economic opportunities, and destroyed infrastructure are significant obstacles hindering the return of the Yazidi community to Sinjar. While all three factors are crucial to address, it has been emphasized that security concerns in Sinjar are the primary reason for the Yazidi community’s reluctance to return. The two following graphs below illustrate the main reasons of non-return to Sinjar.⁵⁰



Challenges faced by Yazidi Women

The previous section illustrated the difficulties confronting the Yazidi population in their efforts to return to Sinjar. This section is dedicated to presenting the viewpoint of Yazidi women specifically. Regrettably, Yazidi women endured some of the most heinous instances of sexual violence at the hands of Da’esh. Therefore, it is essential to comprehend their perspective regarding the challenges they may face upon returning to Sinjar. As reiterated throughout the report, Sinjar remains an unstable region plagued by a significant security vacuum. This insecurity, compounded by the lack of livelihood opportunities and inadequate infrastructure, has profound implications for Yazidi women.

In an interview with [Emma Organization](#),⁵¹ it was highlighted that the majority of Yazidi women do not wish to return to Sinjar under the current circumstances. Some of the basic reasons mentioned included the absence of livelihood and infrastructure. However, one of the predominant concerns emphasized was the likely re-traumatization of the Yazidi women. The Yazidi women would see again the places where they have been subject to sexual violence. Moreover, there is the possibility that the perpetrators of rape and sexual violence are still present in the district, meaning that the Yazidi women could be exposed to them.⁵²

⁵⁰ Data obtained from surveys conducted by the IOM and REACH

⁵¹ Emma Organization, Interview regarding challenges faced by Yazidi women in their return to Sinjar, May 2024. The following information was provided following an interview with Emma Organization. < <http://www.emmaorg.me/>>

⁵² Emma Organization, Interview regarding challenges faced by Yazidi women in their return to Sinjar, May 2024.

Currently, the Sinjar district does not provide the necessary services needed by Yazidi women. For instance, there is no permanent service sector where Yazidi women can receive rehabilitation for the trauma they faced. The presence of MHPSS in Sinjar is limited to almost non-existent. In other words, there is no specialised health services tailored to survivors of sexual violence. It must be noted that NGOs – depending on their funds – attempt to provide needed services for Yazidi women. Nevertheless, these services are only short-term and are not continued by government bodies that are competent to do so. Therefore, the Yazidi women feel neglected and not consulted with by the state-actors. This makes it difficult for the Yazidi community to return.⁵³

Correspondingly, in an interview with [DAK Organization](#),⁵⁴ many of the obstacles faced by the Yazidi women were discussed. Similarly, it was mentioned that the absence of livelihood, infrastructure, and economic opportunities would make it more difficult for Yazidi women to return. For instance, there are no sustainable health services tailored towards the needs of the Yazidi women, which include psychosocial support and specific medical support for sexual violence survivors. While social, psychological, and medical support might be offered to Yazidi women returnees in Sinjar, these programs are only short-term and do not envision a long-term availability. The non-continuation on the long-term projects aiming to support Yazidi women in rehabilitation and addressing their important health needs is indeed a challenge they face.⁵⁵

However, the main obstacle was the fact that many of the Yazidi women simply feel unsafe if they return to Sinjar. The feeling of insecurity comes from the fact that various militias are still present within the district. While some Yazidis are present within these militias, the Yazidi women feel mistreated and disrespected by the militias' conduct. Moreover, the conduct of some of the legitimate state-military forces present in Sinjar vis-à-vis the Yazidi women has also been criticised. In other words, the current security forces are not able to interact with sexual violence survivors, consequently making Yazidi women feel insecure and unsafe.⁵⁶

Correlated with the lack of security is the absence of trust from the Yazidi women towards a few of the Arab families from Sinjar. The interviewee highlighted that a few of the Arab tribes present in Sinjar had relationships with Da'esh, and even facilitated the persecution against Yazidi women. The presence of such individuals, some of them former Da'esh members, in Sinjar today tremendously endangers Yazidi women if they return. There have been cases where Yazidi women in Sinjar have indicated seeing individuals who committed sexual violence. Accordingly, when the Yazidi women attempted to address the issue, they encountered threats. Consequently, the Yazidi community does not trust the other communities in Sinjar, including government forces, in protecting them from future atrocities.⁵⁷

⁵³ Emma Organization, Interview regarding challenges faced by Yazidi women in their return to Sinjar, May 2024

⁵⁴ Dak Organization, Interview regarding challenges faced by Yazidi community in their return to Sinjar, May 2024. < <https://dakngo.org/> >

⁵⁵ Dak Organization, Interview regarding challenges faced by Yazidi community in their return to Sinjar, May 2024.

⁵⁶ Dak Organization, Interview regarding challenges faced by Yazidi community in their return to Sinjar, May 2024.

⁵⁷ Dak Organization, Interview regarding challenges faced by Yazidi community in their return to Sinjar, May 2024.

The Closure of all IDP Camps in the Kurdistan Region

On the 23rd of January 2024, the GoI announced its decision to close all IDP camps in the KRI by the 30th of July of the same year. However, there are currently claims that the GoI intends to prolong the deadline due to concerns from the Yazidi community. The extension would be a prudent decision as it would increase the chances for a safe and voluntary return. Even though the exact deadline is unclear, the GoI has indicated that the return of the Yazidi community to be safe and dignified. Under the current decision, they have pledged to guarantee safe and voluntary return:⁵⁸

- The allocation of 4,000.000 Iraqi Dinars (equivalent of 3,000 US Dollars) to each family.
- The development of work programmes for unemployed IDPs.
- The allocation of a budget to Sinjar – as part of the reconstruction funds for liberated areas that have sustained great damage – for the reconstruction of the district.
- The establishment of low-cost homes for the IDPs returning to Sinjar.
- The solving of tribal and social problems in Sinjar.
- The provision of loans without interest.
- The opening of official government institutions and services in the Sinjar district.

The Yazidi IDPs fear that their return to Sinjar could be unsafe and forced. The former sections demonstrated the current situation in Sinjar, the obstacles Yazidis face, and the challenges encountered by Yazidi women. Accordingly, the return of the Yazidi IDPs to Sinjar could entail various issues for the future. This section therefore intends to determine the extent to which the return of the Yazidis is safe and voluntary.

Iraq's National Plan for Returning the IDPs to Their Liberated Areas

In 2020, the GoI announced a National Plan to return IDPs to the liberated areas as part of its policy to end displacement in Iraq.⁵⁹ The GoI has indicated, in the National Plan, that the return of IDPs would be safe and voluntary. Moreover, the National Plan includes alternative pathways out of displacement for those IDPs who cannot return.⁶⁰ Currently, some of the IDPs have returned to their respective provinces. However, this is not the case for the Yazidi IDPs who continue to reside in camps in the KRI.

⁵⁸ Government of Iraq; Council of Ministers, Decision No. 24007 of 2024

<[https://cabinet.iq/en/category/aDOu\\$GSzDnEA- z/aDOu\\$GSzDnEA- z](https://cabinet.iq/en/category/aDOu$GSzDnEA- z/aDOu$GSzDnEA- z)>

⁵⁹ Republic of Iraq; Ministry of Migration and Displaced and Ministry of Planning, 'The National Plan for Returning the IDPs to Their Liberated Areas' (November 2020); note that the NAP concerns ending displacement generally in Iraq and is not targeted to the Yazidi community specifically

<<https://mnped.gov.iq/en/assets/files/dashboards/The%20National%20Plan%20for%20Returning%20the%20IDPs%20to%20Their%20Liberated%20Areas.pdf>>

⁶⁰ The National Plan for Returning the IDPs to Their Liberated Areas, Page 6

The United Nations High Commissioner for Refugees (hereafter referred to as UNHCR)⁶¹ has noted that the Yazidi IDPs encounter various challenges in the camps. A significant number of IDPs continue to be subject to deteriorating socio-economic conditions, exacerbated by decreasing humanitarian assistance for the Yazidi survivors. Additionally the camps contain inadequate water and sanitation services. The Yazidi survivors residing in IDP camps are currently facing challenging living conditions. Their shelters are ill-equipped to cope with extreme heat or cold weather. Moreover, families reside together in shelters with limited space, many of which suffer from leakages in the roofs and broken windows.⁶²

According to the UNHCR, Yazidi IDPs also have limited employment opportunities, leaving them without a regular income. Consequently, they struggle to afford high medical and sometimes educational fees, making it difficult to access the basic cost of living. Moreover, Yazidi children in IDP camps face difficulties accessing formal educational opportunities due to shortages of school materials provided to the camps and lack of qualified teachers.⁶³ Indeed, the genocidal conduct of ISIL vis-à-vis the Yazidi community resulted in trauma and psychosocial distress. Nonetheless, the situation in the IDP camps does not adequately facilitate the coping mechanisms needed by the Yazidis. There is simply inadequate support for Yazidis to access MHPSS, particularly for Yazidi female survivors who urgently need access to a comprehensive healing process for their physical and emotional recovery.⁶⁴

The current situation of the Yazidis situated in IDP camps is unbearable, and maintaining their isolation in these camps is not a sustainable solution. It is fundamentally important to seek long-term solutions to address their needs. Government actors bear the responsibility to provide sustainable alternatives for the Yazidi community. It is therefore understandable that the GoI is inclined towards the closure of the IDP camps. Nevertheless, the closure of the IDP camps where the Yazidis reside should be conducted in accordance with certain procedures.⁶⁵ The Iraqi Research Team from HRW has stated the following:⁶⁶

“Many Sinjaris have been living in camps since 2014 and they deserve to be able to go home, but returns need to be safe and voluntary. Given the lack of services, infrastructure, and safety in the district, the government risks making an already bad situation worse.”

⁶¹ United Nations High Commissioner for Refugees, ‘COI Note on the Situation of Yazidi IDPs in the Kurdistan Region of Iraq’ (2019) <<https://web.archive.archive.unhcr.org/20191026030636/https://www.refworld.org/type,COUNTRYREP,,5cd156657,0.html>>

⁶² COI Note on the Situation of Yazidi IDPs in the Kurdistan Region of Iraq, pages 2-4

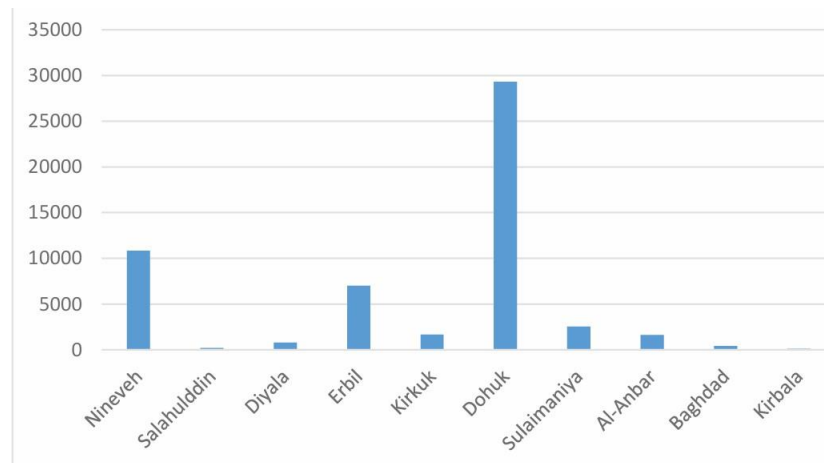
⁶³ COI Note on the Situation of Yazidi IDPs in the Kurdistan Region of Iraq, pages 4-7

⁶⁴ COI Note on the Situation of Yazidi IDPs in the Kurdistan Region of Iraq, pages 8-10

⁶⁵ These procedures are illustrated in the sections on safe and voluntary return

⁶⁶ Human Rights Watch, Iraq: Looming Camp Closures in Kurdistan Displaced Sinjar Residents Imperiled as Compensation, Reconstruction Stalls (May 2024)

As aforementioned, the GoI aims to end the displacement file in order to achieve stability in the country. In closing the IDP camps, the GoI has emphasized its commitment to implementing the required activities to facilitate safe and voluntary return. According to the National Plan, the government intends to take into account the needs of potential returnees. Moreover, the government intends to ensure a reasonable time period and organized programs to prevent instability. For the IDPs who do not seek return to their areas of origin, the GoI has mentioned that it would explore a wide range of options for resettlement.⁶⁷ The graph below demonstrates the number of displaced families in each province.⁶⁸



The GoI has also asserted that the IDPs who intend to return to their respective regions will receive comprehensive information and proper consultation. They will also benefit from government support before and after their departure to ensure the sustainability of their return. Accordingly, the government has outlined plans to provide returning IDPs with basic services such as shelter and food upon their return. Furthermore, efforts will be made to ensure that returning households have access to the necessary support and effective coordination with local authorities.⁶⁹

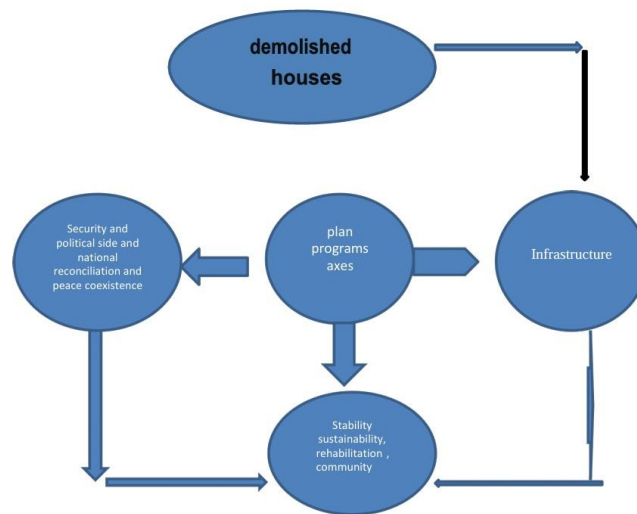
The GoI has outlined a series of commitments in its National Plan aimed at sustaining the stability, rehabilitation, and community development following the return of the IDPs. Among its plans, the government has assured returnees of safety and security in their areas of origin. Moreover, the GoI has stated that healthcare and educational services will be available, and returning IDPs will have access to adequate economic support and job opportunities. Additionally, the GoI has pledged to provide mechanisms for housing, land, and property restoration for returning IDPs. It has also committed to ensuring that IDPs have access to updated personal documents where necessary.⁷⁰ The diagram below demonstrates Iraq's plan to ensure the sustainable return of IDPs to their area of origin.

⁶⁷ The National Plan for Returning the IDPs to Their Liberated Areas, pages 2-10

⁶⁸ Graph obtained from Iraq's National Plan; The majority of IDPs are in Dohuk and Nineveh. For Dohuk, almost all of the IDPs are Yazidis.

⁶⁹ The National Plan for Returning the IDPs to Their Liberated Areas, page 29

⁷⁰ The National Plan for Returning the IDPs to Their Liberated Areas, page 42



Iraq's National Plan regarding the return of IDPs focuses on both economic and social development pillars. The government has recognized the necessity for economic rehabilitation and empowerment of the returnees. Accordingly, in line with the National Plan, the GoI aims to create local economic activities that would ensure decent work opportunities and promote sustainable development. This includes empowering young people and women by involving them in the job market and enhancing their entrepreneurial capabilities. Additionally, the GoI has acknowledged that IDPs have encountered psychological challenges as a result of ISIL's conduct. The government has indicated its commitment to responding to the rehabilitation needs of the returnees.⁷¹

Iraq's National Plan for the return of IDPs to liberated areas is designed to accommodate the needs of IDPs, ensuring their safety and security if they return to their areas of origin. The National Plan also addresses voluntary return and alternative resettlement programs for those IDPs who do not wish to return. Consequently, the return of the Yazidi community would be safe and voluntary if the procedures outlined in the National Plan are effectively implemented. However, given the current situation in Sinjar and the potential impulsive decision by the GoI to close all Yazidi camps in the KRI, the Yazidi community may face various challenges. These challenges will be discussed in the sections below.

⁷¹ The National Plan for Returning the IDPs to Their Liberated Areas, pages 43-47

Safe and Secure Return of the Yazidis to Sinjar

The return of the Yazidi community to Sinjar must be safe. For the purpose of this report, safe return encompasses the following:⁷²

- **Physical Safety:** Assurance that the areas of return are free from military activities, and unexploded artillery. Moreover, assurance that legitimate state security forces provided security for the returning IDPs
- **Legal Safety:** Assurance that returnees can register and access civil status and property documentation. This includes no obstacles to obtain personal documents. Furthermore, the assurance that returnees have access to support programs and adequate housing property.
- **Material Safety:** access to basic services such as healthcare and education. Availability of public services such as infrastructure, such as water, electricity and roads.

In an interview with the [Iraqi Desk of HRW](#), various security concerns were highlighted, including risks of physical safety of the Yazidi returnees. HRW indicated that while there are no daily military activities in Sinjar, the presence of militias are still felt. This armed competition among various militias poses a risk of erupting into an armed conflict. There is currently no indication that the presence of the various military forces will decrease anytime soon. Instead, the militias are increasing their presence in the region through the purchase of properties. It is also worth noting that the presence of the non-Iraqi armed leads to the increase of airstrikes.⁷³

The presence of mines and unexploded artillery also constitutes a threat against the physical safety of the Yazidi community if they return to Sinjar. While progress has been made in demining and deactivating unexploded artillery, it has been delayed and prolonged. Insufficient funding is currently available to complete and support further demining developments. Moreover, HRW noted that the clearing of civilian property from unexploded artillery has been neglected compared to demining military property. In other words, the best interest of civilians are not considered during demining developments.⁷⁴

The interview with HRW also addressed the topic of legal barriers to safety that could be encountered by the Yazidi IDPs if they return to Sinjar. There are indications that housing and land issues constitute legal barriers to return due to challenges reclaiming previous property. This includes problems with regards to land division and house ownership where different families claim ownership over the same property. Moreover, the potential Yazidi returnees still encounter challenges in obtaining the compensation. A potential legal barrier that must be mentioned is the absence of civil status or national identity cards for children born out of rape. Many Yazidi women who are survivors of sexual violence may be unable to return to Sinjar if their children cannot be legally registered.⁷⁵

⁷² International Organization for Migration, Returning Working Group Iraq, and Norwegian Refugee Council, 'Guidance note on safe, voluntary and dignified return in Iraq' (2022); <https://iraqdurablesolutions.net/Uploads/PublicationFiles/202215_982_Guidance%20note%20on%20safe,%20voluntary%20and%20dignified%20return%20in%20Iraq.pdf>

⁷³ Human Rights Watch, Interview regarding the safe and voluntary return of the Yazidi community to Sinjar, May 2024

⁷⁴ Human Rights Watch, Interview regarding the safe and voluntary return of the Yazidi community to Sinjar, May 2024

⁷⁵ Human Rights Watch, Interview regarding the safe and voluntary return of the Yazidi community to Sinjar, May 2024

Yazidi individuals potentially returning to Sinjar might also be exposed to the absence of material safety. Throughout the report, it was highlighted that there is no durable healthcare system available, which is problematic for the reintegration of Yazidi women who are survivors of sexual violence. They will not have access to tailored health services such as psychosocial support to address their trauma. Yazidi children have the right to commence or continue their education, but educational opportunities are very limited. Additionally, Sinjar currently has damaged infrastructure, including limited access to electricity and water. For these reasons, the Yazidis could be exposed to an absence of material safety, negatively impacting their safe return to Sinjar.

Voluntary Return of the Yazidis to Sinjar

The return of the Yazidi IDPs to Sinjar must be voluntary. This means that they shall not be forced to return as a result of the decision of the GoI to close all IDP camps in KRI. For the purpose of this report, voluntary return⁷⁶ and forced return⁷⁷ are defined as the following:

- The United States Institute of Peace defines voluntary return as all displaced people being permitted to make their own decision without coercion or harassment of any kind, and freely choosing their place of residence. This includes the guarantee of choice, informing the IDPs about the situation, and the development of alternatives for those who do not seek to return.
- The Danish Refugee Council (DRC) defines forced return as the return of individuals to their home of origin, but who do not consent to returning home. This could also include authorities applying pressure through sanctions and/or are using physical force in conjunction with the departure. In regards to IDP, their return processes are often time premature, politically motivated and do not meet international standards for safety, dignity, and voluntariness.

The interview with HRW also discussed the extent to which the potential return of the Yazidi community to Sinjar is voluntary. Prior to the decision of the GoI to terminate the operation of the camps in KRI, the Iraqi Ministry of Migration and Displacement conducted field visits. They informed the Yazidi IDPs that the camps would cease to operate, meaning that they had to return to Sinjar or find alternative resettlement. The Yazidi community did not respond well due to the obstacles that Sinjar currently faces. It is important to note that the GoI – through its Ministry of Migration and Displacement – informed the Yazidi IDPs regarding the closure of the camps. However, consultation with the Yazidi community regarding the closure of the camps was limited. Therefore, concerns exist that the *refoulement* of the Yazidi IDPs to Sinjar could amount to coerced return.⁷⁸ It must be noted, however, that the decision to close all camps in the KRI could be extended due to concerns from the Yazidi community and human rights organizations.

⁷⁶ United States Institute for Peace, 'Return and Resettlement of Refugees and Internally Displaced Populations'

< <https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/social-well-being/return-and-res>>

⁷⁷ Danish Refugee Council, 'DRC RETURN POLICY: Positions and guiding principles for DRC's engagement in return of refugees, IDPs and rejected asylum seekers' (October, 2018); Note that the definition of forced return applies to refugees who are in a foreign country. Nevertheless, this definition also applies to IDPs.

< https://www.pro.drc.ngo/media/bvyhj4ml/drc-return-policy_external_oct-2018_update-jan2019.pdf>

⁷⁸ Human Rights Watch, Interview regarding the safe and voluntary return of the Yazidi community to Sinjar, May 2024

The GoI stated that it would make preparations for the return of the Yazidi IDPs to Sinjar. These preparations are of fundamental importance to convince the Yazidi community to return voluntarily. If the Yazidi community is convinced about the preparations, they will be more likely to consent to their return, leading to a non-forced, voluntary return. The GoI prepared a package of measures which include job opportunities, compensation, land property, and social security. Nevertheless, there is a lack of trust and concerns about empty promises within the Yazidi community.⁷⁹ In a FGD, the Yazidi female survivors indicated that they had not been consulted with and suggested that the return process could be forced, as no precautions are in place.⁸⁰

The GoI, in its National Plan, referred to alternative pathways out of displacement for those who do not seek to return to their area of origin. This would mean that the Yazidi IDPs who do not wish to return to Sinjar have the right to resettlement in other parts of Iraq and the KRI. It must nevertheless be noted that the resettlement of the Yazidi IDPs directly depends on their logistical ability to relocate elsewhere in Iraq. As for now, the Yazidi IDPs do not have such ability due to the lack of support they would potentially receive. The current resettlement plan intends to provide compensation which would allow the Yazidi IDPs who do not return to Sinjar to rent housing outside of Sinjar. However, this approach could be problematic as it does not envision a long-term solution for Yazidi IDPs who wish to relocate permanently elsewhere in Iraq.⁸¹

Effects of IDP Camp Closures on the Yazidi Community

It has been almost a decade since the Yazidi community became displaced in the KRI. The conditions in the IDP camps are characterized by deteriorating socio-economic circumstances, high unemployment among the IDPs, limited rehabilitation opportunities, and challenging shelter conditions. Indeed, keeping the Yazidi community displaced in these camps is not a long-term solution. Nevertheless, the current approach of potentially closing the IDP camps could jeopardise the Yazidi community's safe and voluntary return. Therefore, discussions by the GoI regarding the extension of the deadline to close all IDP camps in the KRI is of fundamental importance.

According to a report by The Lancet, many Yazidi IDPs are uncertain about the future. They state that they cannot return due to the lack of reconstruction and essential services. Moreover, they claim that the return process might be involuntary, indicating that they might be forced to go back to their destroyed homes with very limited medical assistance. The return of the Yazidi IDPs to Sinjar would only be feasible if rudimentary services are available. However, noting that the reconstruction of Sinjar is yet to commence, it would be difficult for Yazidi IDPs to return to their home districts under the current conditions.⁸²

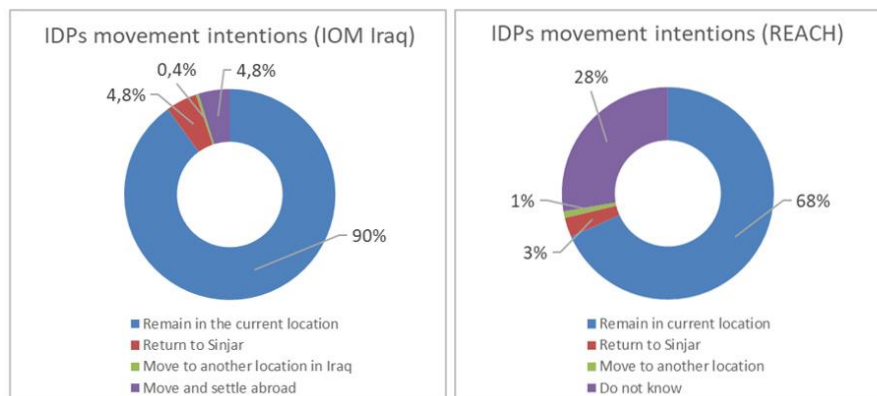
⁷⁹ Human Rights Watch, Interview regarding the safe and voluntary return of the Yazidi community to Sinjar, May 2024

⁸⁰ Emma Organization (with the presence of UNAMI and PFO), Focus Group Discussion, May 2024

⁸¹ Human Rights Watch, Interview regarding the safe and voluntary return of the Yazidi community to Sinjar, May 2024

⁸² Sharmila Devi, 'Yazidis in Iraq facing an uncertain future: Baghdad has ordered the closure of camps where 300 000 Yazidis live, but health systems are unlikely to be able to cope' (April 2024)

In a FGD conducted with ten Yazidi female survivors, the GoI’s decision regarding the closure of the IDP camps in the KRI was discussed.⁸³ The participants shared their thoughts about the GoI’s decision, returning to Sinjar, and the security situation in the district. All participants expressed concerns that they could be forced to return if no precautions are in place, despite none of them wishing to return to Sinjar. The main obstacle to return, as highlighted by the Yazidi female participants, was the absence of security in Sinjar.⁸⁴ The diagram below demonstrates the intentions of the Yazidi IDPs regarding staying in the IDP camps, returning to Sinjar, or elsewhere in Iraq.⁸⁵ This data is from prior to the Government’s decision.



Conclusion and Recommendations

This report explored the challenges faced by the Yazidi IDPs if they return to Sinjar, a topic that gained relevance early this year following the decision by the GoI to close all IDP camps in the KRI by the 30th of July, 2024. In short, the report determined that the current situation in Sinjar would not guarantee safe and voluntary return, leading to significant concern from the Yazidi community. The Sinjar district faces insufficient housing availability and a lack of reconstructed infrastructure. If Yazidi IDPs return to Sinjar, they would have limited to no access to educational and health services. Additionally, the presence of various armed groups exacerbates the existing security vacuum. Civilian areas are still contaminated with unexploded artillery, posing a significant danger to returning IDPs.

Many fear that sectarian violence might erupt between the Yazidi community and other components in Sinjar. Moreover, the perpetrators of the human rights violations committed against the Yazidi community have yet to be prosecuted for the crime of genocide. This implies that some perpetrators who are originally from Sinjar remain at large, as indicated by the interviews and FGD. Potential Yazidi returnees will be subject to deteriorating socio-economic conditions due to the absence of economic opportunities. Yazidi female survivors of sexual violence – which was committed by ISIL – are potentially exposed to the most risk. They could become subject to re-traumatization considering that long-term rehabilitation opportunities are not available in Sinjar.

⁸³ FGD conducted by Emma Organization (with the participation of UNAMI and PFO) May 2024

⁸⁴ FGD conducted by Emma Organization (with the participation of UNAMI and PFO) May 2024

⁸⁵ Data obtained from surveys conducted by IOM and REACH

There is currently inadequate reparation in place for the Yazidi community, which constitutes an obstacle of return to the Sinjar district. Claiming compensation under Law No. 20 is hindered by numerous bureaucratic procedures. Moreover, the indicated 4,000,000 Iraqi Dinars as compensation under Law No. 20 is simply insufficient for the Yazidi IDPs to rebuild their lives in Sinjar. The non-implementation of the YSL also hinders the dignified return of the Yazidi community to Sinjar. Without the implementation of the YSL, Yazidi survivors of sexual violence will not be able to access the critically necessary healing process. It must be noted that shortcomings were also found in the YSL, particularly regarding issues of confidentiality, which could jeopardise the survivor's confidentiality.

The current situation of the Yazidi IDPs in the camps of the KRI is deeply compromising their dignity and quality of life. It has been nearly a decade since the Yazidi community was displaced, and those residing in the camps still endure precarious shelter conditions. Remaining in the current IDP camps is not a sustainable solution for the Yazidi community. Hence, it is understandable that the GoI has developed a National Plan aiming at closing all IDP camps. However, the manner in which the GoI decided on this closure appears hasty and lacking in comprehensive consideration of the needs and challenges faced by the Yazidi population.

As aforementioned, the decision by the GoI could potentially lead to unsafe and forced return. Sinjar is presently confronted by the presence of various armed groups making the Yazidi community feel unsafe. Furthermore, Sinjar is still contaminated with landmines and other unexploded explosives, posing a significant risk to the civilian population. When the GoI adopted the decision regarding the closure of all IDP camps, it did not sufficiently consult with the Yazidi community. Additionally, the time-frame designated by the GoI is exceptionally limited, resulting in a lack of preparation. Consequently, Yazidi IDPs may be forced to return to a destroyed territory without a home.

However, it's important to note that the GoI is currently considering extending the deadline to close all camps in the KRI. Extending this deadline could significantly enhance the safety and voluntary nature of future returns. Additionally, this extension would give the GoI more time to inform the Yazidi community about the return procedures in advance. This approach would enable the GoI to consult effectively with Yazidi IDPs and ensure thorough preparation.

Based on the current findings, PFO makes the following recommendations:

The extension of the decision on to close the Yazidi IDP camps in the KRI to a later date by the GoI.

- Based on our engagement with members of the Yazidi community and likeminded organizations, the majority of Yazidis are in favour of extending the deadline, in order to achieve a safer and more voluntary return
- PFO believes that the return of the Yazidi IDPs to Sinjar during the end of July – a few days before the ten-year commemoration of the Yazidi Genocide – could re traumatize the Yazidi community.
- PFO believes that by extending the deadline of the IDP camps closure, the GoI would have more time to prepare return procedures for the Yazidi community to return safely to the Sinjar district.

Constructive and effective consultation with the Yazidi community. This includes with leaders of the Yazidi community and the IDPs who are affected by the decision.

- Consultation with the Yazidi community, especially the IDPs, would allow the GoI to be better informed about their needs in order for the return to be safe and dignified.
- The input of the Yazidi community in decisions regarding their own future would lead to more voluntary return

Development of a National Plan specifically for the safe and voluntary return of the Yazidi community to Sinjar by the GoI.

- There is currently no National Plan designed particularly for the Yazidi community's return to the Sinjar district.
- The potential development of such National Plan would require the input of the Yazidi community themselves, alongside civil society.
- PFO believes that the development of such National Plan would establish a pathway for safe and voluntary return to Sinjar as it would consult with the Yazidi community and address their needs specifically.

Drafting a comprehensive framework for the implementation of the YSL

- The full implementation of the YSL would signify that all individuals falling within the scope of the Law would be compensated (to the maximum extent possible) financially and morally.
- The full implementation of the YSL would also signify that the survivors of sexual violence are eligible for receiving rehabilitation in order for them to integrate into society.
- The full implementation of the YSL would also mean that government actors would prevent the recurrence of violations that was faced by the Yazidi community.
- The PFO is of the opinion that the establishment of a comprehensive framework for the implementation of the YSL would significantly address the concerns of the Yazidi IDPs who wish to return to Sinjar

Commencement of the implantation of the Sinjar Agreement (2020) between the GoI and the KRG.

- The implementation of the Sinjar Agreement would facilitate the establishment of a legitimate administrative body in the district, which includes the appointment of a major which is agreed on by all parties.
- The implementation of the Sinjar Agreement would result in the establishment of legitimate security bodies, coming from local and federal forces.
- The implementation of the Sinjar Agreement would facilitate the establishment a comprehensive plan to reconstruct the district.
- PFO believes that the return of the Yazidi IDPs to Sinjar would be safe and voluntary if the rudimentary frameworks for a legitimate administration, security, and reconstruction projects are prepared

Investigate to determine if former Da'esh fighters and perpetrators of the Yazidi Genocide are still present in the Sinjar district

- An obstacle of return faced by the Yazidi community is the possibility that the perpetrators who committed, *inter alia*, sexual violence against the Yazidi women are still present in Sinjar.
- In order to guarantee safe and voluntary return, those individuals from the Sinjar district who joined or abetted Da'esh must be prosecuted.
- PFO believes that ensuring that Sinjar is free of the perpetrators would contribute to the safe return of the Yazidi population to the district.

Commencement of a thorough operation to demine and clean the Sinjar district from unexploded artillery, especially in civilian areas.

- The presence of mines and unexploded artillery restricts the safe return of the Yazidi community to the Sinjar district.
- PFO believes that serious demining operations would result in a safer Sinjar, stimulating the voluntary return of the Yazidi community.

Advancement of the current draft law for the prosecution of international crimes in the Iraqi Penal system, which consist of the crime of genocide, crimes against humanity, and war crimes by the Iraqi Legislator and Judicial Bodies.

- One of the obstacles of return faced by the Yazidi community is the absence of holding accountable Da'esh for the crime of genocide which was committed against the Yazidis.
- Based on our communication with the Yazidi [female] survivors of sexual violence and likeminded NGOs, holding accountable ISIL for the crime of genocide would contribute to the safe and voluntary return of the Yazidi community to Sinjar.

Making compensation available for the Yazidi community, according to both Law No. 20 and the YSL. This includes facilitating the process of submitting an application for compensation by removing bureaucratic procedures.

- The absence of compensation receipt, including the bureaucratic procedures, constitute obstacles faced by the Yazidi community to return to Sinjar.
- The Yazidi IDPs returning to Sinjar require compensation to rebuild their damaged property.
- PFO believe that with the provision of adequate compensation to the Yazidi IDPs returning to Sinjar would result in more effective rebuilding of their lives in their home district.

Increasing the compensation for the potential Yazidi IDP returnees from 4,000.000 Iraqi Dinars to an amount that financially compensates them in an effective way

- The amount of 4,000.000 Iraqi Dinars is not sufficient for the Yazidi returnees to rebuild their lives
- PFO suggests a strong increase to the compensation funds which is currently indicated by the GoI
- PFO believes that an increase in compensation would stimulate the rebuilding of the lives of the Yazidi community returning to Sinjar and accordingly, remove barriers to return.

Proposal of a long-term resettlement plan of the Yazidi individuals who do not seek return to the Sinjar district.

- The Yazidi IDPs who do not intend to return to Sinjar receive 4,000.000 Iraqi Dinars in order to resettle in another province in Iraq
- PFO is with the opinion that 4,000.000 Iraqi Dinars is not sufficient for a Yazidi individual to resettle in another Iraqi province for the long-term
- Therefore, PFO suggests the increase in compensation funds for the Yazidi IDPs who wish to resettle in another location.
- PFO also suggest the provision of integration support for the Yazidi IDPs who wish to resettle elsewhere.

The development and future implementation of empowerment policies by the GoI which are focused towards the development of the Yazidis returning to Sinjar.

- PFO believes that the provision of economic empowerment through the provision of grants, establishment of working opportunities, and creation of livelihood projects would contribute to a stable Sinjar.
- PFO believes that the empowerment of Yazidi women and youth in the Sinjar district would contribute to the long-term stability of the community.

Constructive initiative by the GoI, in collaboration with the Yazidi community, to have reconciliation between all components of Sinjar.

- There is currently tension between the different components of Sinjar following the invasion of ISIL, which could potentially lead to sectarian violence.
- It is important to ensure that all groups who suffered from ISIL's conduct – whether Yazidis, Arabs, Shabaks, and Turkman – do not engage in sectarian violence.
- Accordingly, PFO believes that reconciliation among all groups in Sinjar would lead to long-term stability in the district

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