



10 November 2021

**Speech of FYF Executive Director Pari Ibrahim**

*Iraq Embassy – the Hague  
Justice & Accountability Special Event*

Excellencies, Distinguished Guests, Ladies & Gentlemen,

Thank you for coming. I am grateful to participate in this important event today. I would like to applaud the work of ICC Chief Prosecutor Mr. Khan and newly appointed UNITAD Head Mr. Ritscher, both of whom have been instrumental in advancing justice and accountability in the aftermath of the Yezidi Genocide. I would also like to thank Ambassador Allawi and the Embassy of Iraq for hosting us today. I feel obliged to note with sadness and dismay the assassination attempt on the Iraqi Prime Minister in Baghdad this week. We wish a speedy recovery to the security officers who were wounded, and we note with great concern the instability that arises from targeted assassination attempts of elected officials.

The plight of the Yezidi community is generations deep and continues. Survivors of the Yezidi Genocide committed by Daesh return with damaged bodies and pain in their souls. I have personally spent time with many survivors – not only to pursue justice or trauma treatment, but to sit, talk, and help them find some reason to wake up in the morning. I cannot overstate the trauma that survivors bear. This has a serious impact on justice and accountability, as survivors are essential witnesses and victims to crimes.

Turning to criminal cases, I think it is necessary to begin with Germany. We are all grateful to the German war crimes office and the quiet, dignified work of Mr. Ritscher to advance those cases. But I must highlight how the main cases arose. Omaina A. returned to Germany after participating in ISIS atrocities and settled in Hamburg as though nothing had happened. It was only after a journalist found her cell phone that her atrocities were revealed. It was by chance, and otherwise, she would not have faced justice. It is similar for Jennifer W. and Taha A. J. in their sickening murder of a five-year-old Yezidi child, chained to a fence to die in the heat. Jennifer W. revealed this crime to someone she thought was a fellow Daesh supporter but was in fact an FBI informant. While we are grateful to the FBI, it is impossible to escape the reality that this evidence was collected by good luck. Take a moment to consider: how many Daesh members have committed atrocities in Syria and Iraq, only to return home to France, Belgium, the UK, Germany, and Netherlands? We cannot rely on random cell phones or lucky informant intercepts for prosecuting genocide.

This brings me to an assessment of national jurisdictions handling the Daesh crimes. From the Yezidi perspective, it is difficult to feel too pleased. Foreign members were a key functional part of the Daesh machinery. For this reason, the Free Yezidi Foundation co-submitted an Article 15 Communication to the former ICC Prosecutor in 2015 specifically outlining the role of foreign ISIS members – those from countries who are Rome Statute signatories. Ideally those states would be prosecuting returning Daesh members for the atrocities that they have committed. But in reality, local prosecutors from these countries have neither the resources nor the capacity to collect

evidence and charge individuals with these offences. The prosecutions don't happen. We will continue to urge the ICC to consider a preliminary investigation into the thousands of Daesh members from Rome Statute signatory states or consider other solutions to help remedy the massive gap in accountability in the aftermath of the Yezidi Genocide.

You might wonder why we need the ICC or some sort of tribunal. In 2019, the UK reported that only one in ten British Jihadists who returned from Syria were being prosecuted at all. The UK police explained it is 'no easy task' to gather evidence of a suspect's activities abroad. Separately, the Free Yezidi Foundation spent many months pressing the US Department of Justice to charge Samantha Elhassani with international crimes. Elhassani had traveled to Syria with her husband and had purchased several Yezidi 'slaves' at a market, including two women and a child. Her husband raped the women that she helped hold captive. The American prosecuting authorities felt it was not possible to build a case on the actions that Elhassani took while she was within the Daesh caliphate. She was only charged with material support for terrorism.

The problem is that national authorities lack the capacity, evidence, and access to witnesses to fully understand and prosecute the crimes that their nationals committed in Syria and Iraq. There are just too many Daesh perpetrators for national judicial systems to handle. Germany has been the exception proving the rule. Beyond Germany, Daesh members must feel confident that the worst indictments will be terror-related slap-on-the-wrist charges. Therefore, we need robust coordination and teamwork among NGOs, governments, and multilateral mechanisms to make sure murderers, rapists, and slave-traders do not escape justice by only being charged with membership in or material support to a terror organization.

What the Free Yezidi Foundation has done, with support from the US State Department, is build comprehensive analyses of crime scenes. We focus on under-reported areas, and our legal experts are now finalizing the analytical report on the massacres at a town called Hardan. This was one of the worst massacres committed by ISIS against Yezidis. We will share this report with UNITAD and IIM very soon, under our MoUs with both mechanisms, and with some European prosecuting authorities. We understand where the ISIS members came from, what they were doing, what they were saying, and how they were making decisions. Should any refugee or foreign Daesh member be linked to the massacre at Hardan, this analysis and the corresponding case files can help prosecutors demonstrate what happened. It helps bridge gaps in understanding the crimes. The impact of civil society should not be underestimated in the pursuit of justice, and today I advocate for more support to Yezidi civil society, including my organization and all Yezidi organizations. I believe this is extremely important for justice, for our community's empowerment, and for coordination between our civil society and justice systems. It is also essential to help provide Yezidi survivors with support, as the justice system can be confusing and difficult for survivors to navigate.

At the same time, I think it is appropriate to note the role that Iraq's Sunni civil society could play. Yezidi civil society has built a picture of the crimes committed by Daesh against our people. Evidence and information from the Sunni community can help identify perpetrators and strengthen case files, including case files we currently hold. Those like Omar, who stood up against Daesh with the Mosul Eye, can really help. We urge Sunni witnesses to be brave and share their

information with UNITAD. In the final analysis, victory for justice in Iraq will be a victory for all Iraqis. Lawlessness and impunity put everyone in danger, not only Yezidis.

Efforts to repatriate Daesh members from Al-Hol and elsewhere are ongoing. We understand that no one should be deprived of liberty without trial. However, during this process, one female Iraqi ISIS member was interviewed by the media. She explained how much she loved Daesh, that her husband and brother are Daesh, and that her husband bought and raped a Yezidi woman. She had no regrets whatsoever. Let me be clear: the Daesh ideology is far from dead. She is now back in Iraq, and our community must live as neighbors with these people. What did she do as a Daesh member? Should she just rejoin Iraqi society with impunity? In places like Syria and Iraq, where basic rights and welfare are trampled every day, we worry that the rights of Daesh members and adherents, coupled with impunity for their crimes, will once again put our community at existential risk. It is essential that perpetrators' rights do not override the rights of the surviving community.

Ladies & Gentlemen,

A genocide was committed. The Netherlands Parliament here in the Hague has joined many others in recognizing the genocide. But where is the justice? Parliamentary declarations and UN recognition, while critical, do not put perpetrators behind bars. We put our hope in justice, law, and order. But can justice overcome the strength of hatred, sexual violence, and aggression? Sometimes I feel that we in the civilized world are losing. I am very frustrated personally, as a woman, and as a member of an ethnic religious minority. We Yezidis are dismayed to sometimes see mountains of sympathy for Daesh members, especially female Daesh members. These are the people who brought forth the money, resources, and manpower that contributed to the genocide of our people. And afterward the foreign Daesh members – male *and* female – just came home. This was a sort of perverse holiday, a vacation, where they joined a terror organization and contributed to mass executions, sexual slave trade, and other crimes. We therefore implore those justice ministries around the world to take this seriously.

However, progress is being made and we sense that the tide may be turning. The strength of justice and truth gains momentum. From the first days, we insisted with Mr. Khan and Mr. Ritscher that this cannot be an exercise of creating records for a library or for history – these investigations must be compiled for the purpose of building cases and putting perpetrators in jail. I know that we all agree on that. The slow trickle of cases, beginning in Germany, is a start. The data compiled by UNITAD may lead to successful indictments. The investigations and evidence gathered by Yezidi civil society can lead the way forward.

Perpetrators can hide now, but we are making steps towards justice. Information is gathered and evidence shared regularly. Daesh perpetrators will one day get that knock on their door for what they did to the Yezidi people. It may take many years, but accountability is coming. Thank you all for joining us today, and for caring about justice for the Yezidi community.