

# GENOCIDE AND GENDER:

## Daesh's Crimes Against Yazidi Women and Girls

For two and a half years Daesh has been committing genocide against the Yazidi religious minority in Northern Iraq and Syria. Much more than simply mass killing, this genocide is a daily horror for thousands of Yazidi women and girls who have been continually subject to the “non-killing” crimes of genocide. This briefing describes these crimes and Daesh’s gendered campaign of destruction.<sup>1</sup>

### **I. THE DEFINITION OF GENOCIDE**

Genocide is any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group: (a) killing; (b) causing serious bodily or mental harm; (c) deliberately inflicting conditions of life to bring about physical destruction; (d) imposing measures intended to prevent births; or (e) forcibly transferring children of the group to another group.

Daesh is committing each of these acts against Yazidi women and girls.

### **II. DAESH’S GENOCIDE OF YAZIDIS**

#### ***Daesh’s Genocidal Intent***

Daesh’s intent to destroy the Yazidi is undeniable.<sup>2</sup> It is clear not only from their public statements, but also in the gendered ways in which they carry out their destruction.

Ideologies anchored in brutal gender dynamics guide how Daesh perpetrates its crimes: men and elderly women are killed, boys are recruited, women and girls are enslaved and subjected to systemic sexual violence.

This is not accidental. Daesh’s broader goal of an Islamic Caliphate depends on dominance over the lives of females to control their reproductive capacity and secure Daesh’s future.<sup>3</sup> Nowhere is this more

certain than in Daesh’s treatment of Yazidi women and girls. The following details how Daesh’s gender crimes are essential to its campaign to destroy the Yazidi.

#### ***Daesh is Killing Yazidis***

In addition to killing countless Yazidi men, Daesh has killed elderly Yazidi women who do not fall within the narrow confines of womanhood that Daesh considers “useful.” For example, at least one mass grave of older Yazidi women has been found showing Daesh’s perception that these women were unfit for sexual slavery because of their age.<sup>4</sup>

#### ***Daesh is Causing Serious Bodily and Mental Harm to Yazidis***

Courts have acknowledged that sexual and gender-based violence can amount to genocide by causing serious bodily and mental harm.<sup>5</sup>

At the hands of Daesh, Yazidi women and girls have been captured, forcibly displaced, raped and sexually enslaved, forcibly impregnated, tortured, forcibly married, forcibly converted and subject to other acts that shock the conscience.<sup>6</sup> Reports have documented how Yazidi women and girls physically harm themselves to appear less attractive to buyers in Daesh’s sexual slave trade.<sup>7</sup> They have also committed suicide in an effort to avoid sexual slavery.<sup>8</sup>

#### ***Daesh is Deliberately Imposing Conditions to Destroy Yazidis***

The imposition of conditions to destroy a group, “include methods that do not immediately kill members of a group, but which, ultimately, seek their physical destruction.”<sup>9</sup> For example, courts have found that deliberately depriving essential

resources and systemic expulsion from homes can amount to such conditions.<sup>10</sup>

Daesh is imposing such conditions on Yazidi women and girls. Daesh takes them from their homes, deliberately limits their food and water, and denies them medical care. Daesh does this “in a calculated awareness that such conditions, particularly when inflicted continuously over a long period of time, would cause the deaths of Yazidi women and children.”<sup>11</sup>

Rape has also been held to be a condition for destruction.<sup>12</sup> Policies of rape and sexual slavery such as Daesh’s are particularly damaging in cultures such as the Yazidi—where virginity and chastity before marriage is emphasized and a woman is not considered marriageable if she has been raped or has carried a child by another man.<sup>13</sup>

### ***Daesh is Preventing Yazidi Births***

Separation of the sexes, rape, and forced birth control are all measures intended to prevent births within a group.<sup>14</sup> Such acts are directly tied to issues of biology and reproduction, and inherently have gendered lines in how they can be committed.

Again, each of these is being inflicted on Yazidi women and girls. In Yazidi culture, membership of the group is determined by the identity of *both* parents, thus Daesh’s killing of Yazidi men and enslavement of Yazidi women prevents future generations of Yazidis. In captivity, Yazidi women and girls are forcibly married, raped and forcibly impregnated by Daesh fighters. In some cases, where Yazidi women were pregnant when captured, Daesh forced them to obtain abortions.<sup>15</sup>

### ***Daesh is Forcibly Transferring Yazidi Children***

Under international law, the term ‘force’ is not limited to physical force, but also includes threats of force and coercion—things like fear of violence, duress, detention, psychological oppression, or abuses of power or coercive environments.<sup>16</sup>

Whether by physical force, threats or coercion, Daesh routinely and systemically separates Yazidi girls from their families and sells or gifts them to Daesh leaders or other fighters.<sup>17</sup> Once in captivity, many Daesh fighters force these girls to convert to Islam. Daesh also systematically separates young Yazidi boys, transfers them to training centers, and indoctrinates them to join Daesh’s fighting ranks.<sup>18</sup>

## **III. DAESH’S ONGOING GENOCIDE DEMANDS ACTION**

Genocide is a unique crime in international law—when it is occurring, action *must* be taken to prevent and suppress it. States and international organizations are legally required to do everything in their power to stop the genocide and prosecute its perpetrators. Today, there are more than 3,000 Yazidi women and children in Daesh captivity undergoing daily genocidal actions because the international community is failing to meet its legal obligations to act.

In December 2016, the European Parliament awarded its prestigious Sakarov Prize to two female Yazidi Daesh survivors. As these two courageous women are deservedly honored, their own families and community continue to suffer the very crimes they escaped. It is time to end these horrors and take action to ensure equal protection of the law for Yazidi women and girls.

## ENDNOTES

1. For more information on Daesh's international crimes against girls and women, see Global Justice Center, *Letter and Annex in Support of Filing OTP-CR-397/15 to the Office of the Prosecutor to the Int'l Criminal Court*, Dec. 17, 2015.
2. Ind. Int'l Comm. of Inquiry on the Syrian Arab Republic, "They came to destroy": *ISIS Crimes Against the Yazidis*, ¶ 150 (June 16, 2016) [hereinafter Syria COI, *They Came to Destroy*]; U.S. Holocaust Mem'l Museum, "Our Generation is Gone," *The Islamic State's Targeting of Iraqi Minorities in Ninewa* 20-21 (2015); *The Revival of Slavery Before the Hour*, 4 DABIQ MAGAZINE 14-17.
3. E. Saltman & M. Smith, "Till Martyrdom Do Us Part": *Gender and ISIS Phenomenon*, INST. FOR STRATEGIC DIALOGUE 18 (2015); see Ind. Int'l Comm. of Inquiry on the Syrian Arab Republic, *Rule of Terror: Living under ISIS in Syria*, ¶¶ 47-49 (Nov. 14, 2014) [hereinafter Syria COI, *Rule of Terror*]; Quilliam Found., *Women of the Islamic State: A Manifesto on Women by the Al-Khanssaa Brigade* (Feb. 2015) (translation and analysis by Charlie Winter).
4. Lucy Westcott, *More Yazidi Mass Graves Discovered Near Sinjar by Iraqi Officials*, NEWSWEEK (Nov. 30, 2015).
5. Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Judgment (Int'l Crim. Trib. for Rwanda, Sept. 2, 1998); Prosecutor v. Gacumbitsi, Case No. ICTR-2001-64-T, Judgment (Int'l Crim. Trib. for Rwanda, June 17, 2004); Prosecutor v. Muhimana, Case No. ICTR- 95-1B-T, Judgment ¶¶ 494, 502, 513 (Int'l Crim. Trib. for Rwanda, April 28, 2005); *Bosnia & Herzegovina v. Serbia & Montenegro*, Preliminary Objections, ¶ 319, 2007 I.C.J. 1 (Feb. 26); S. Fisher, *Occupation of the Womb: Forced Impregnation as Genocide*, 46 DUKE L.J. 91, 122-23 (1996).
6. Syria COI, *They Came to Destroy*, ¶¶ 42-80.
7. Syria COI, *They Came to Destroy*, ¶ 53.
8. Syria COI, *They Came to Destroy*, ¶ 53.
9. Akayesu, Case No. ICTR-96-4-T, at ¶ 505.
10. Int'l Crim. Court, Elements of Crimes, art. 6(c)-4, fn. 4.
11. Syria COI, *They Came to Destroy*, ¶ 140.
12. Prosecutor v. Kayishema & Ruzindana, Case No. ICTR-95-1-T, Judgment ¶ 116 (Int'l Crim. Trib. for Rwanda, May 21, 1999).
13. Fisher, *supra* note 13, at 123
14. Akayesu, Case No. ICTR-96-4-T, at ¶ 507 & 508; Diane Lupig, *Investigation and Prosecution of Sexual and Gender-Based Crimes Before the International Criminal Court*, 17(2) J. OF GEN., SOC. POL. & THE LAW 433, 452 fn. 120 (2009); Fisher, at 93.
15. Atika Shubert & Bharati Naik, *ISIS 'Forced Pregnant Yazidi Women to Have Abortions'*, CNN (Oct. 6, 2015).
16. Int'l Crim. Court, Elements of Crimes, art. 6(e), fn. 5.
17. Syria COI, *They Came to Destroy*, ¶¶ 31, 62.
18. Syria COI, *They Came to Destroy*, ¶¶ 94-5.