

The United Nations Human Rights Council and Justice for the Daesh Atrocities Against the Yazidis



From L to R: Dr Vicken Cheterian, Dr Ewelina Ochab, His Excellency Mr Zbigniew Czech and Dr Aldo Zammit Borda

On 6 March 2023, [Dr Aldo Zammit Borda](#), a Reader in International Law at City, University of London, was an invited expert at a meeting *on Justice for the Daesh Atrocities: The Need for Comprehensive Responses*. This meeting took place at the Palais des Nations in Geneva, as a side event to the 52nd session of the United Nations Human Rights Council. The event was organised jointly by the International Bar Association Human Rights Initiative (IBAHRI) and City, University of London, together with a number of Yazidi and justice-focused organisations (including Yazda, the Free Yazidi Foundation and Coalition for Genocide Response).

The event was opened by His Excellency Mr Zbigniew Czech, Ambassador Extraordinary and Plenipotentiary, Permanent Mission of the Republic of Poland to the United Nations Office, who recalled how horrendously the Yazidis have suffered at the hands of Daesh and emphasized the need for immediate action from the international community.

If justice doesn't take place in Iraq, then where?

The event brought together a range of important perspectives on the subject from Yazidi survivors, parliamentarians, diplomats, legal practitioners, members of civil society organisations (CSOs) and academics. What emerged clearly from the discussion is that, since August 2014, when the genocide against the Yazidis began, there had been only limited progress with respect to securing justice and accountability. For instance, German courts had now secured two convictions of Daesh members for their involvement in the genocide. And other countries had prosecuted some Daesh members for crimes against humanity on the basis of universal jurisdiction.

In Iraq, the territory where the genocide began, a law entitled Yazidi Survivors' Law was adopted in March 2021, which recognised the Daesh atrocities as genocide and made provisions for compensation of victims. However, so far, this law has not been implemented. Moreover, Iraq had not yet established a legal framework to criminalise genocide and international crimes in its domestic

jurisdiction. This created a huge accountability gap because, as one of the speakers put it: "if justice doesn't take place in Iraq, then where?"

State responsibility



Parliamentarians from the UK Houses of Parliament also spoke at the event.

Dr Aldo Zammit Borda (City) emphasized the point that, in addition to pursuing individual criminal responsibility for Daesh fighters, States should consider bringing before the International Court of Justice states which have allegedly failed, and/or continue to fail, to prevent and punish acts of genocide committed by Daesh, in order to hold those states to account under the UN Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention). To assist states with such an ICJ submission, the [Yazidi Justice Committee](#) has collated detailed and significant *prima facie* evidence with regard to the responsibility of three States, namely Syria, Iraq and Turkey.

Dr Ewelina Ochab, an IBAHRI programme lawyer and moderator of the session, referred to her recent visit to Iraq where together with her team, she met with survivors, several CSOs, and several representatives of international and regional organisations. The visit culminated in a report co-authored with The City Law School, which is to be published shortly, after its presentation at the annual meeting of the International Religious Freedom or Belief Alliance in Geneva. The report is entitled: 'Justice and Accountability for the Atrocities of Daesh - Progress Made and the Way Forward.'

Reflecting the continuing importance of this subject, seven States agreed to co-sponsor this event: Armenia, Canada, Germany, Luxembourg, The Netherlands, Poland and The United States. The event was generously supported by the City, University of London and Research England's Policy Support Funding.

With a view to continuing its work promoting justice for the Yazidis, the Centre for Law and Criminal Justice and the International Law and Affairs Group will jointly be organising a meeting in London on 'Investigating ISIL's Gender-Based Crimes and Crimes Against Children' on 24 March 2023. Places are limited and participation is by RSVP only, [available by clicking here](#).