

**LEBANESE AMERICAN UNIVERSITY**

**“For They Are Merely Property”: The Yazidi Genocide  
Through A Gender Lens**

By

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for the degree of Master of Arts in International Affairs

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# “For They Are Merely Property”: The Yazidi Genocide Through A Gender Lens

Janda Barazi

## **ABSTRACT**

On 3 August 2014, the Islamic State of Iraq and Syria (ISIS) launched an attack on the area of Sinjar in Northern Iraq. With Sinjar being home to thousands of Yazidis, the attack by the Islamic State marked the beginning of a genocidal campaign against the ethno-religious group. The Islamic State engineered a series of lethal and non-lethal acts of genocide that sought to maximize the destruction of the Yazidi community. Across Sinjar, the Islamic State killed Yazidi men and captured Yazidi women, forcing them into sexual slavery. While the gendered nature of the Yazidi genocide has caught the attention of scholars, the existing literature focuses overwhelmingly on the sexual violence that targeted the Yazidi women. While illuminating the experiences of Yazidi women is necessary, more attention should be paid to the experiences of men and children. Further, as genocide does not happen by accident, more attention should be paid to the reasons behind the adoption of a gendered genocidal strategy. Through a comprehensive and inclusive gendered analysis of the Yazidi genocide, this thesis argues that the Islamic State has deliberately pursued a gendered genocidal logic to serve both ideological and strategic goals. This thesis adopts a qualitative research strategy and a single case study research design. Further, in order to understand the gendered outcome of the Yazidi genocide, this thesis uses explaining-outcome process tracing. By centering the voices and experiences of Yazidi survivors, this thesis aims to highlight the multi-faceted nature of the crime of genocide. Accordingly, it argues that a gendered analysis of the Yazidi genocide can ensure more transformative and inclusive accountability mechanisms. This thesis concludes that an inclusive transformative justice approach can achieve justice for the victims and survivors of the Yazidi genocide.

Keywords: Yazidi, Genocide, Islamic State, Gender, Accountability, Transformative Justice, Ideology, Strategy.

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# CHAPTER ONE

## INTRODUCTION

### 1.1 Introduction

On August 3<sup>rd</sup>, 2014, the so-called Islamic State launched an attack on the area of Sinjar in Northern Iraq (Vale, 2020). With Sinjar being the historical home of the Yazidis, the attack by the Islamic State has been interpreted as an act of *genocide* against the ethno-religious group (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Within a few days, the Yazidi genocide produced unparalleled casualties. Approximately 10,000 Yazidis were killed or abducted, and another 400,000 were forcibly displaced across Iraqi Kurdistan (Vale, 2020). Even those who managed to flee the violence of the Islamic State were trapped in the Mountains of Sinjar, where many would die from the scorching August heat and the lack of food and water (Kikoler, 2015). Across Sinjar, survivors, the majority of whom are women, tell the same story: when the Islamic State entered Yazidi villages, they killed the men and abducted the women (Ashraph, 2017).

In her memoir, *The Last Girl*, Yazidi survivor and Nobel Peace Prize Laureate Nadia Murad recalls the events leading up to the August 3<sup>rd</sup> attack. Earlier that summer, two Yazidi farmers were abducted near Kocho, the Yazidi village that would later undergo a two-week siege by the Islamic State (Murad & Krajeski, 2017). The kidnappers demanded of the farmers' wives to either pay 40,000 USD, a sum unlikely to be possessed by a Kocho family, or convert alongside their children to Islam, an even more costly demand for a minority group whose survival depends on the continuity of its religion (Murad & Krajeski, 2017). Gradually, the number of abductions increased (Murad & Krajeski, 2017). The victims, however, were not always human. First, a hen and chicks were kidnapped alongside the two

farmers (Murad & Krajeski, 2017). Later, a young female lamb and a ram were stolen (Murad & Krajeski, 2017). It was not until the Islamic State fighters entered Kocho that the Yazidis understood the symbolism behind these abductions (Murad & Krajeski, 2017). One Islamic State militant explained:

When we took the hen and the chicks, it was to tell you we were going to take your women and children. When we took the ram, it was like taking your tribal leaders, and when we killed the ram, it meant we planned on killing those leaders. And the young lamb, she was your girls. (Murad & Krajeski, 2017, p. 14).

The abduction of the animals, therefore, was not only intended to warn the Yazidis of the approaching genocide, but also to send them a message that this genocide would be committed along gendered lines.

The 1948 Genocide Convention defined the crime of genocide as the deliberate annihilation of a particular group, be it national, ethnic, racial, or religious (Convention on the Prevention and Punishment of the Crime of Genocide, 1948). Drawing on the definition by Raphael Lemkin, who coined the term “genocide”, the Convention recognizes a spectrum of genocidal violence that spans both lethal and non-lethal acts of violence (Convention on the Prevention and Punishment of the Crime of Genocide, 1948). While ‘organized mass killings’ is not the only recognized act of genocide, it has often been privileged over the remaining four acts listed in the Convention (Ashraph, 2018). Genocide is a crime of intent that seeks to destroy a particular group (Ashraph, 2017). Destruction, however, need not come about through lethal means. Historically, men have been targeted by lethal means of genocide (Ashraph, 2018). Women, on the other hand, have been mainly targeted by non-lethal genocidal violence (Ashraph, 2018). Gendered genocidal violence is highly informed by the gender roles that men and women play in the targeted group (Buss, 2015). These gender roles are perceived as critical in sustaining the targeted group, both biologically and

culturally (Buss, 2015). Overlooking the non-lethal aspects of genocidal violence, therefore, marginalizes the experiences of women, and presents an incomplete and inaccurate picture of the genocide in question.

Throughout history, Yazidis have been the target of recurring genocidal campaigns (Cheterian, 2021). History records seventy-three genocides that preceded the one perpetrated by the Islamic State (Cheterian, 2021). Perceived as devil-worshippers, Yazidis have been subjected to persecutions because of their religious beliefs (Cheterian, 2021). The Islamic State, which established itself as a self-declared Caliphate, refused to accommodate the Yazidis whom they viewed as infidels. Accordingly, it engineered a genocidal campaign that sought to annihilate the Yazidi community. Upon entering Sinjar, Islamic State fighters separated the men from the women, killing the first and capturing the latter to be taken as sex slaves (Ashraph, 2018).

Given that organized mass killings have disproportionately targeted Yazidi men, much of what we know about the Yazidi genocide today comes from the testimonies of Yazidi women survivors. The role of gender in the Yazidi genocide has, without doubt, caught the attention of scholars. The relevant literature, however, has overwhelmingly focused on the sexual violence that targeted Yazidi women, disregarding other facets of the female captive experience, as well as those of men and children. While acknowledging the experiences of Yazidi women is indeed important, there is a need to produce a comprehensive gendered analysis that focuses on the intersectionality that shaped the experiences of Yazidi men, women, and children during the genocide. Accordingly, a comprehensive gendered analysis examines the experiences of both men and women as complementary ones that create an accurate and complete picture of genocide. A gendered analysis serves the purpose of elucidating the multi-faceted nature of the crime of genocide (Ashraph, 2018). It demonstrates that gender cannot be examined as a negligible factor in

the study of genocide (Ashraph, 2018). By understanding the role gender plays in the planning and commission of the crime, one can understand how genocides cause “gender-specific traumas” that continue to impact the targeted group (Ashraph, 2018, p. 8).

This thesis is primarily concerned with the gendered intent, and not merely the outcome, of the Yazidi genocide. Accordingly, this thesis argues that the Islamic State has deliberately adopted a gendered logic to the Yazidi genocide not only to maximize the destruction of the group, but also to serve both ideological and strategic purposes. Moreover, this thesis is concerned with the question of accountability. It contends that recognizing the gendered intent behind the Yazidi genocide yields an intent in creating gender-sensitive accountability mechanisms that effectively address the Yazidi genocide. Accordingly, this thesis argues that a survivor-centric transformative justice approach can best deliver justice to the Yazidi community.

## **1.2 Research Questions and Objectives**

Although the Islamic State is fundamentally driven by violent Salafi-Jihadism, its dedication to violence should also be examined in light of strategic purposes. In fact, the ideology of the Islamic State cannot be divorced from its strategy. The Islamic State has often twisted and manipulated its ideology to justify and carry out strategic goals that sought to consolidate and expand the so-called Caliphate (Byman, 2016). The Islamic State sought to cleanse its territory from *Kufr* and *Shirk* (Nanninga, 2019). Accordingly, its campaigns of violence against non-Sunni Muslim communities were largely driven by its purification strategy, as well as its radical ideology which was used to justify said violence. Along these lines, this thesis attempts to answer two main questions.

First, this thesis questions the ways in which the Islamic State has adopted a gendered logic to the Yazidi genocide. It argues that the Islamic State has deliberately

adopted a gendered logic to the Yazidi genocide to serve both ideological and strategic purposes. The field of genocide studies is dominated by competing theoretical approaches that examine the occurrence of genocide through the lens of ideological or strategic paradigms. This thesis is situated within a more comprehensive theoretical framework that examines the Yazidi genocide at the intersection of both paradigms. Further, this thesis is largely informed by a feminist approach that seeks to center the experiences and voices of Yazidi survivors. A feminist approach, however, should not be mistaken as an attempt to privilege the voices of women. On the contrary, a comprehensive gendered analysis illuminates the ways in which Yazidi women and men have experienced the genocide differently, and gives insight into the genocidal logic of the Islamic State, as well as its strategic goals. The dominance of the female voice in this thesis is, in itself, the result of gendered genocidal violence. Indeed, Yazidi women, who were the target of non-lethal means of genocide, survived to share their experiences, and bear witness to the lethal violence that targeted their men. Grounded in a feminist conceptualization of justice, the second question pertains to what justice looks like for Yazidi survivors. Drawing from the proposed gendered analysis, this thesis aims to explore the ways in which such an analysis of the Yazidi genocide can ensure more transformative and inclusive accountability mechanisms.

### **1.3 Methodology**

This thesis adopts a qualitative research strategy. It focuses primarily on the ways in which the Islamic State has deliberately designed a gendered genocidal campaign against the Yazidi community. While this thesis is situated within the multidisciplinary field of Genocide Studies, it borrows its methodology from the broader field of political science. Situated at the intersection between the strategic and ideological theoretical paradigms, this study evokes research questions that political science methodologies can pertinently answer.

While not all genocides are necessarily political, the Yazidi genocide is inherently so. On one hand, the rise of the perpetrator of the Yazidi genocide, the Islamic State, was enabled by political factors, including but not limited to the failure of the Arab Spring, as well as the protracted conflicts in Syria and Iraq. On another, the Yazidi genocide reflects the power struggle between the relatively defenseless and historically isolated Yazidi community, and a highly militarized and bureaucratized violent extremist political organization. It is for this reason, and others, that the Yazidi genocide makes an interesting case that merits more attention from political science scholars.

This thesis adopts a single-case study research design. While the Islamic State has demonstrated violent behavior against other minority groups, its genocidal targeting of the Yazidi community is unparalleled. First, the element of *intent*, which makes genocides so difficult to prove, is strongly present in the Islamic State's open access and translated online publications, namely *Dabiq*. Second, the Yazidi genocide was, from the start, highly gendered and organized. Thus, it provides insight into the gendered nature of genocidal violence. Third, the Yazidi genocide is also an interesting case when examined at the level of perpetrators. The field of Genocide Studies is dominated by case studies that examine genocides perpetrated by states. The Islamic State, however, is a non-state actor, armed with a military and a bureaucracy only matched by state actors. Further, the Islamic State is largely made up of foreign fighters. This transnational nature of the Islamic State also has implications at the accountability level.

This thesis advances an understanding of genocide as *a process* as opposed to an event. What sets genocide apart from other incidents of political violence is the element of *intent*. Genocidal campaigns require meticulous planning on behalf of the perpetrators, often preceded by propaganda campaigns. Accordingly, this thesis contends that the use of explaining-outcome process tracing is pertinent to the study of genocides. Explaining-

outcome process tracing is used as a within-case research method to explain an interesting outcome or a phenomenon (Beach & Pedersen, 2013). Explaining-outcome process tracing requires the surveying of existing literature to discern whether present theoretical approaches can sufficiently explain the outcome in a specific case (Beach & Pedersen, 2013). Present approaches are assessed and reconceptualized if they fail to sufficiently explain the outcome, and are complemented by collecting further evidence (Beach & Pedersen, 2013). In order to understand the gendered outcome, there is a need to trace the causal mechanisms that led to the Yazidi genocide. To narrate the story of the Yazidi genocide and trace the causal mechanisms, this thesis relies heavily on the analysis of available primary and secondary sources. Primary sources include memoirs published by Yazidi survivors, specifically from the village of Kocho. The memoirs by Nadia Murad and Farida Khalaf provide valuable insight into the days leading up to the Kocho siege. Further, they detail the experiences of Yazidi women captives from capture to liberation. Interviews and testimonies collected from research papers, reports, books, documentaries, and open access YouTube videos will also be examined. Further, as a *virtual Caliphate*, the Islamic State has published open access magazines available in both Arabic and English. Excerpts of these magazines may also be collected from secondary sources, including books, articles, and reports published by non-governmental organizations.

## **1.4 Map of Thesis**

This thesis is presented in five chapters. Chapter One introduces the reader to the topic, laying out the research questions and demonstrating both the significance of the topic, as well as the pertinent research methodologies. Chapter Two, titled “Gendering Genocide Studies: A Literature Review”, presents the theoretical debates that occupy the field of genocide studies, and situates the current study within the contemporary literature on the gender-genocide nexus. Chapter Three, titled “The Yazidi Genocide Through A Gender

Lens” traces the development of the Islamic State, shedding light on its ideological and strategic goals. Further, Chapter Three presents a survivor-centric narration of the Yazidi genocide, highlighting the ways in which Yazidi women, men, and children experiences the genocide differently. Chapter Four, titled “Gender Justice and Accountability”, examines the effectiveness of available accountability mechanisms in addressed the gendered genocidal violence perpetrated by the Islamic State, concluding that only a survivor-centric transformative justice approach can help the Yazidi survivors achieve justice. Finally, Chapter Five wraps up the thesis and opens space for future research to make useful interventions.



## CHAPTER TWO

### GENDERING GENOCIDE STUDIES: A LITERATURE REVIEW

This chapter presents a review of the relevant literature investigating the relationship between gender and genocide. In order to understand this relationship, there is a need to present the scholarly debate around the origins and meaning of the very term *genocide*. As will be demonstrated in this chapter, this conceptual debate has greatly influenced the different theoretical approaches that shape the field of Genocide Studies. Further, this chapter will discuss how scholars address the interplay between gender and genocide, examining what has become known as the gender-genocide nexus. Finally, as a prelude to Chapter Three, this chapter will briefly interact with contemporary scholars who have attempted to understand the gendered nature of the Yazidi genocide.

#### 2.1 Genocide: A Contested Concept

The term “genocide” was first coined by Polish lawyer Raphael Lemkin. Two years before the adoption of the 1948 Genocide Convention, he wrote that “Genocide is the crime of destroying national, racial or religious groups” (Lemkin, 1946, p. 228). By then, Nazi Germany had already carried out the Holocaust against European Jews. However, at the time, the atrocities committed by the Nazis remained a nameless phenomenon. Finding that no existing legal term denoted the motivations behind mass atrocities, Lemkin pioneered the concept “genocide” to capture the element of *intent* behind the perpetration of such atrocities. Drawing on Lemkin’s efforts, the 1948 Genocide Convention recognized the key element of “intent” and found that genocide constituted an international crime that must be prevented and punished by all contracting parties.

The 1948 Genocide Convention defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.” (Convention on the Prevention and Punishment of the Crime of Genocide, 1948, art. II). While the Genocide Convention has reflected the multi-faceted nature of genocide, the field of Genocide Studies remains somewhat inconclusive about its definition. Scholars have adopted different definitions of genocide that best suit their arguments. Early definitions of genocide focused largely on the physical aspect of destruction. Gradually, as the number of genocides increased in the 20<sup>th</sup> century, scholars began to grapple with its non-lethal aspects. As the following section seeks to demonstrate, this lack of consensus has created contending theoretical approaches.

## **2.2 Genocide Studies: Theoretical Approaches**

The field of Genocide Studies emerged as a distinct field after the Second World War. In his contribution to *The Oxford Handbook for Genocide Studies*, Political Scientist Scott Strauss argued that genocide is, in most cases, an inherently political phenomenon (Strauss, 2010). He contends that the perpetration of genocides is not only closely related to the state but is also the result of highly political processes (Strauss, 2010). While genocide may be perceived as an inherently political phenomenon, the field of Genocide Studies poses questions rooted in history, sociology, anthropology, and psychology, as well as political science. Verdeja (2012) explains that there are fundamental methodological and theoretical shortcomings that remain unaddressed by Political Science. In an early work, Verdeja attempts to address these shortcomings by proposing a theoretical framework that brings

together different factors that create and shape genocides: “segmented society”, “rapid and profound social change”, “an exclusivist political ideology”, “state capacity”, and “an international component” (Verdeja, 2002, p. 37). Each of these components has been understood as a standalone cause behind genocide.

While the relevant contemporary scholarly literature adopts a multidisciplinary approach to the study of genocide, early Genocide Studies scholars interpreted genocide as a form of state violence. Helen Fein, one of the earliest Genocide Studies scholars, argued that genocide must be understood “as organized state murder” (Weiss-Wendt, 2010, p. 84). Concurrently, Harff and Gurr (1989) investigate the factors that make certain groups susceptible to state violence. They attribute the occurrence of genocides and politicides to the behavior of the state and not the victim group (Harff & Gurr, 1989). State-centric approaches are mostly popular in studies that address genocides that take place during wartime, and specifically under totalitarian regimes. Arguing that there is a positive link between war and genocide, Helen Fein finds that genocide is a possible outcome during times of conflict and national identity crises (Weiss-Wendt, 2010). Concurrently, Shaw (2003) argues that genocide is intimately linked with war. He finds that genocide is, in fact, a form of war primarily because it is “a clash of social power and experience between two social forces” (Shaw, 2003, p. 40). In her own words, Fein (1993) finds that “genocides both lead to war and war leads to genocide through several processes” (p. 79). Fein (1993) examines the leading theoretical approaches in the field of Genocide Studies. She focuses on three categories: “the plural society and ethnic stratification”, “regime type and ideology”, and “war and genocide” (pp. 82-84). Across the three categories, Fein (1993) pays particular attention to the role of the state. She concludes that the commission of genocide is governed by the extent to which the state machine and leaders are controlled (Fein, 1993). Further, while Fein (1993) recognizes the role of ideology, she finds that not

all exclusivist ideologies justify and drive genocides. While Fein's work has gained popularity amongst Genocide Studies scholars, it has also received its fair share of criticism. One such criticism was voiced by Barbara Harff who critiqued Fein's work for overlooking the role of non-state actors in the perpetration of genocides (Weiss-Wendt, 2010). While the authority vested in the state and its officials may enable them to carry out genocide, non-state actors might as well claim authority that facilitates the perpetration of genocide.

It is no surprise that political scientists have paid special attention to the role of the state in the perpetration of genocides. As an academic discipline, political science is concerned with the study of states, authority, and power relations. Genocide Studies scholars of political science backgrounds, like Irving Horowitz and Rudolph Rummel, have focused on regime type (Strauss, 2010). However, recent trends in the literature have focused on yielding more comprehensive theoretical approaches. Scholars like Maureen S. Hiebert, Evgeny Finkel and Scott Strauss have suggested different categorizations of theoretical approaches to the study of genocide. What is clear from these different categorizations is that it is quite difficult to ignore the overlaps amongst the different theoretical approaches. Hiebert (2008) suggests three categories "agency-oriented", "structural", and "process explanations". In another article, Strauss (2012) attempts to contextualize the study of genocide within the broader framework of political violence. He discusses and compares strategic and ideological paradigms. While there are similar patterns that tie different genocidal incidents together, each genocide is a unique case whose particularities must be examined. Recognizing this, the field of Comparative Genocide Studies began to treat the *strategic* and *ideological* paradigms as complementary rather than contradictory approaches.

To better explain the complementarity between different theoretical approaches, Finkel and Strauss (2012) proposed a multi-level analysis to the study of genocide. Multi-

level analyses have long been popular in political science. Borrowing from the literature on civil wars, Finkel and Strauss (2012) categorize the popular theoretical approaches in genocide studies to Micro-, Meso-, and Macro-levels. Through this multi-level approach, they tried to highlight the nuances and gaps in the existing literature. Hiebert (2013) similarly examined individual-, national-, and system-level approaches. While genocide is often thought of as a crime that requires collective planning, scholars guided by micro- and individual-level approaches have advanced agency-based analyses that examined the role of individual leaders in the perpetration of genocides. For example, while the planning behind the Holocaust cannot be solely attributed to Adolf Hitler, his leading role in promoting an antisemitic ideology and bureaucratizing the Holocaust has pushed scholars to question the extent to which individuals can carry out genocide. In a 1984 commentary published under the title “No Hitler, No Holocaust”, Himmelfarb (1984) wrote that “Hitler willed and ordered the Holocaust, and was obeyed” (p. 37). Further, Himmelfarb (1984) suggests that the promotion of the antisemitic ideology does not sufficiently explain the Holocaust either. Himmelfarb’s critique resonates with contemporary genocide research which finds that a *single* leader cannot be the *single* cause behind genocidal violence. Agency-centered approaches, however, do not only provide psychological analyses of the role of individuals in inciting genocidal violence. The so-called mental instability of genocidal leaders may explain their thirst for violence; however, not all perpetrators of genocide make irrational decisions. What sets genocide apart from other mass atrocities is the element of *intent*. Genocide does not accidentally happen, and its perpetration requires meticulous and calculated planning that cannot be carried out by a single person. Out of the belief that the destruction of a specific group is merely an immediate, and not an end goal, scholars have argued that genocide serves a strategic function. Benjamin Valentino, for example, found that genocide, while illogical, results from rational decision-making

processes (Hiebert, 2013). Another pioneer of the strategic approach is Manus Midlarsky. In his famous book *The Killing Trap*, Midlarsky (2005) advances a theoretical framework rooted in Realpolitik. He finds that elites and states resort to genocide as a strategic choice to guard against, or compensate for, the loss of territorial or military strength (Midlarsky, 2005). While such strategic interpretations have offered more in-depth analysis than psychological ones, they also suffer from a few shortcomings. First, strategic paradigms overlook the ideological drivers behind genocide. Second, they do not take into consideration the fact that genocide, in itself, may be an end goal (Hiebert, 2013).

Ideological paradigms address two analytical issues created by strategic paradigms (Strauss, 2012). First, they explain why specific groups are targeted for annihilation (Strauss, 2012). Second, specifically in comparative studies, they explain why genocide takes place in certain war contexts (Strauss, 2012). Ideological paradigms have been criticized for their inability to explain the correlation between genocidal behavior and belief (Verdeja, 2012). However, Verdeja (2012) finds value in ideological paradigms, arguing that exclusivist political ideologies do indeed create in-group/out-group distinctions that could lead to genocide. Genocidal ideologies are highly driven by identity construction processes. Perpetrators of genocide challenge the very fundamental rights of certain groups to exist by perceiving them as inferior and threatening ones that must be removed from society. Therefore, genocide can indeed be an end goal in itself.

### **2.3 The Gender-Genocide Nexus**

Raul Hillberg, an American historian and pioneer of Holocaust studies, once claimed that “the road to annihilation was marked by events that specifically affected men as men and women as women” (as cited in Von Joeden-Forgey, 2010, p. 64). As generic as it sounds, Hillberg’s claim summarizes the logic behind gendering the study of genocide. Gender, in fact, is central to the study of genocides. While scholars may have long noted

that men and women experience genocide differently, it was not until the 1980s that feminist scholars began to address the gendered aspects of genocide (Von Joeden-Forgey, 2010). The works of these feminist scholars, however, were met with mixed views from scholars who found that gendering the study of genocide undermines the indiscriminatory nature of genocide. The idea was that while genocide is discriminatory in the sense that it targets a specific group, it does discriminate between the members of that group. For example, in the introduction to her book *Women In The Holocaust: A Feminist History*, Waxman (2017) contends that Holocaust scholars opposed the increasingly popular gendered approach because they found that the victims were targeted because they were Jews, not because they were women and men. Further, Waxman (2017) finds that it was not until quite recently that more Holocaust scholars have become less hostile to the idea of gendering the study of genocide. Echoing Waxman, Randall (2015) finds that much of this hostility comes from the idea that a gendered approach may lead to the trivialization and politicization of the Holocaust, decentering the role of anti-Semitism and racial ideologies in the design and perpetration of the crime. Another concern, continues Randall (2015), is that a gendered approach may unnecessarily create a hierarchy of victimhood that privileges the experiences of certain victims over others.

Genocide scholars have rarely adopted a gendered approach to argue that the experiences of women were worse than those of men, or vice versa. Instead, they intended for a gendered analysis to yield a more comprehensive understanding of the crime of genocide and the logic behind it. Indeed, the literature on both the Holocaust and the Armenian genocide, two of the most researched genocides, has shed light on the different experiences of men and women to produce a more comprehensive understanding of the two genocidal incidents. For example, Jones (2002), Derderian (2005) and Welch (2020) examined the interplay between gender and genocide in the Rwandan genocide, Armenian

genocide, and the Holocaust, respectively. Both Derderian (2005) and Welch (2020) find that women were significantly subjected to a wide range of genocidal violence including, but not limited to, deportation and sexual violence. In “Gender and genocide in Rwanda”, Jones (2002) adopts a more inclusive conception of ‘gender’ by examining the gendered impact of the Rwandan genocide on both males and females. He concludes that the Rwandan genocide provides insight into the importance of understanding the role of gender in “the outbreak, evolution, and defining character of genocidal killing” (Jones, 2002, p. 87). Jones, in fact, is one of the earliest scholars to move away from reducing gender to the experiences of women. In an earlier work, Jones (2000) revisited the concept of “gendercide” which was first coined by Mary Anne Warren in her book *Gendercide: The Implications of Sex Selection*. Gendercide is defined as the selective *killing* of members of a specific gender group. By attempting to bring forth the voices of the non-combatant male victims of genocide, Jones (2000) set the ground for a more inclusive gendered approach. Indeed, Carpenter (2002) credits Jones for his inclusive approach; however, she critiques him for not looking beyond the lethal implications of genocidal incidents. Instead, Carpenter (2002) suggests that genocide scholarship should pay more attention to other gendered acts of genocide, the majority of which are not lethal. She argues that gender permeates the continuum of genocidal violence, influencing both lethal and non-lethal acts (Carpenter, 2002). Therefore, Carpenter finds that genocide and gendercide must not be used interchangeably. While gendercide is a term that solely references mass killings, genocide encompasses a wider range of violent acts.

Much of the skepticism about gendering genocide comes from the absence of gender in the 1948 Genocide Convention. Initially, Lemkin intended for genocide to be distinct from mass killings to draw attention to the non-lethal crimes that can occur as part of the coordinated plan to annihilate a specific group. Accordingly, Randall (2015) agrees that



Lemkin's conceptualization of genocide allows for gender to emerge as a useful analytical tool because it looks at the ways in which "the 'essential foundations of life' of groups" can be destroyed (p. 7). While the Genocide Convention does not explicitly recognize "gender", gender-based crimes have been undeniably present in genocides, specifically modern ones. As scholarly output cannot be divorced from its historical context, there is no question that the increased interest in the gender-genocide nexus during the late 1990s and the early 2000s was largely influenced by the large-scale sexual violence in the Rwandan genocide and the establishment of the International Criminal Tribunal of Rwanda (ICTR). Notably, the ICTR introduced the first conviction of sexual violence as genocide in the case of *Prosecutor Vs. Jean-Paul Akayesu* (Koomen, 2013; Goldstone & Dehon, 2003). Indeed, there is a plethora of literature on the role of rape and sexual violence in genocide MacKinnon (2005) and Schott (2015) question the genocidal function of sexual violence, specifically rape. They concur that rape in genocides is not accidental; an argument that speaks to the broader literature on the role of sexual violence in mass atrocities. In "Genocide's Sexuality", MacKinnon (2005) argues that "rape in genocide is anything but rape out of control. It is rape under control" (p. 329). The logic behind MacKinnon's argument is that as long as rape is used as part of the coordinated plan to inflict harm on the targeted group, it serves a genocidal function. In another work, MacKinnon (2007) finds that genocidal rape is a particular form of rape because it is carried out under orders to destroy and shatter a community. Drawing on cases from Bangladesh, Rwanda, and the Former Yugoslavia, Sharlach (2000) builds on MacKinnon's argument, contending that in all three incidents, rape was a key component of the genocidal campaigns. More specifically, Sharlach (2000) notes that in Rwanda, for example, rape was advanced as a weapon of genocide to infect Tutsi women with the HIV virus; a way to guarantee the slow death of the survivors of immediate mass killings.

While these arguments for considering rape and other acts of sexual violence as weapons of genocide are quite compelling, there are a few critiques made by other scholars that are worth revisiting. First, Copelon (1995) finds that focusing on genocidal rape may risk the obfuscation of non-genocidal rape incidents which occur in the context of armed conflicts (as cited in Russell-Brown, 2003). Expressing concern for the objectification of women who are victims of genocidal rape, Copelon (2003) argues that more attention should be paid to the interplay between gender and genocidal rape (as cited in Russell-Brown, 2003). Copelon's concerns resonate with the work of other scholars like Ferrales et al. (2016), Di Caro (2019) and Gorris (2015) who are critical of the absence of research on and accountability for genocidal rape whose victims are men. Focusing on the case of Darfur, Ferrales et al. (2016) critique the general literature on the so-called gender-genocide nexus for neglecting the experiences of men. On the other hand, Gorris (2015) presents a provoking view, arguing that overlooking the gendered experiences of men during genocide leads to the creation and promotion of the same heteronormative and masculinist ideologies adopted by the perpetrators of rape and other acts of sexual violence. From this gap, new scholarly voices have started to call for new intersectional approaches. Echoing Carpenter's critique of Jones' approach to the definition of gender, it is necessary to move beyond the binary female/male distinction. Accordingly, Standish (2021) goes beyond this binary distinction, encouraging a critical re-examination of the concept of genocide to redefine it as an everyday occurrence that targets different gender groups. While Standish's argument may be considered a bit of an overstretch, it is necessary to recognize that genocide does indeed occur outside the context of wars and conflicts. For example, the argument brought forth by Standish (2021) for the recognition of Transicide, or the selective mass killings of Trans people, sheds light on the selective mass killings that target specific gender groups who fail to conform to binary standards.

The literature discussed, thus far, has largely focused on the interplay between gender and genocide at the level of victims. While gendered analyses stand out for adopting victim-based approaches, there is still a need to understand how gender permeates genocide at the level of perpetrators. Classically, only male perpetrators of genocide were covered by the literature on the gender-genocide nexus. Gradually, however, the literature began to focus on the role women have played in the perpetration of genocides. Sansarian (1989) advances one of the earliest inquiries into the gendered nature of the Armenian genocide. She finds that the Armenian genocide witnessed an unprecedented reversal of gender roles (Sansarian, 1989). While Sansarian (1989) focuses primarily on the genocidal violence that targeted Armenian men and women as two distinct groups, she also questions the complicity of women in the Armenian genocide. Political scientist Lisa Sharlach echoes Sansarian's argument by exploring the role of women as both agents and objects of the Armenian genocide. She finds that Rwandan genocide debunks the arguments made by both Western feminists and anti-feminists who deny the involvement of women in violence (Sharlach, 1999). While it may seem incomprehensible for a women to actively participate in the genocidal rape of other women, Sharlach (1999) argues that the Hutu women were loyal to their ethnic tribe. Therefore, ethnic belonging came before a sense of sisterhood amongst Hutu and Tutsi women. Accordingly, Sjoberg (2010) warns against considering the involvement of women in violence as an unnatural phenomenon. Complementing Sjoberg's critique, Hogg (2010) concurs that the women who participated in the perpetration of the Rwandan genocide were not extraordinary beings. When exploring their motivations, Hogg (2010) finds that many women participated in the Rwandan genocide out of fear, influence by the Hutu propaganda, and other individual factors. The question whether female perpetrators of genocide are ordinary or extraordinary has been addressed by a few scholars. When exploring how women contributed to the genocidal machine, Hogg and Drumbl

(2015) and Smeulers (2015) find that ordinary women have participated in perpetrating genocides. In “Gender and genocide in Rwanda”, Jones (2002) promotes the need to adopt a comparative lens, arguing that the gendered genocidal violence is not unique to the case of Rwanda and can, in fact, be traced in previous genocidal incidents including the Holocaust and the Armenian genocide. Sara E. Brown, a renowned scholar, comparatively analyzes the role women played in the perpetration of the Rwandan genocide and the Holocaust. In a previous work, Brown (2018) explores the role of women rescuers and perpetrators in the Rwandan genocide. By doing so, Brown (2018) centers women’s agency at the core of the analysis. She finds that the crimes perpetrated by women were no more or less violent than those perpetrated by men (Brown, 2018). The only difference, she argues, lies in “the gendered reaction that greets women perpetrators” (Brown, 2018, p. 94). Concurrently, in her comparative study, Brown (2020) finds unique similarities in the roles women perpetrators played in the two genocides. By employing a feminist lens, she concludes that acknowledging the genocidal violence perpetrated by women creates a more nuanced understanding of genocide as a gendered process.

## **2.4 The Yazidi Genocide**

It has been almost a decade since the Islamic State has launched its genocidal campaign against the Yazidis. Yet, there is still a notable dearth in the literature on the subject matter. The Yazidi genocide by ISIS is not the first in the history of the ethno-religious group. For centuries, the Yazidis have been targeted by a myriad of actors, primarily for their religious beliefs. In a recent article, Cheterian (2021) questions whether the most recent Yazidi genocide can be understood as a continuation of what appears to be an historical genocidal violence against the ethno-religious group. By contextualizing the Yazidi genocide within the history of mass violence in the Middle East, Cheterian (2021) finds that the violence perpetrated by ISIS is difficult to grasp, especially that it has

displayed a pre-determined pattern. What the author is describing as a pre-determined pattern of violence is, in fact, the gendered strategy that ISIS has pursued: “executing men, kidnapping women and girls, converting young boys” (Cheterian, 2021, p. 635). Indeed, the literature on the Yazidi genocide has paid attention to the gendered nature of the violence perpetrated by ISIS. The literature addressing the interplay between gender and genocide in the Yazidi case focuses primarily on the sexual enslavement of Yazidi women. Vale (2020) contends that the Islamic State’s violence against the Yazidis is highly gendered. She finds that the genocidal strategy of the Islamic State is intimately linked with “reproduction” (Vale, 2020). The survival of the Yazidi religion is highly contingent on the birth of new children whose both parents are Yazidis. Therefore, by killing, capturing, or forcibly converting the Yazidis, ISIS aimed to annihilate the ethno-religious group (Vale, 2020). In a recent work, Revkin and Wood (2021) examined the pattern of the sexual violence against women perpetrated by the Islamic State. They advance a theory rooted in the ideological paradigm. While Revkin and Wood (2021) recognize that an ideological interpretation is not the only plausible one, they contend that it adequately explains the patterns of sexual violence. Sexual violence, however, is not entirely representative of the experiences of women during the Yazidi genocide. The following section elaborates on the gaps present in the current literature on the Yazidi genocide.

## **2.5 Identifying The Gaps**

While the 1948 Genocide Convention sought to present a clear definition of genocide, scholars have often adopted different definitions. This lack of consensus has largely informed the ways in which scholars have approached the study of genocide from a theoretical standpoint. When reviewing the literature, it becomes clear that there is no consensus over how the wide range of theoretical approaches can be categorized and understood. One of the main gaps that emerge from the review of the literature is that

scholars have often treated these different theoretical approaches as contradictory rather than complimentary ones. The same issue arises when examining the literature on the gender-genocide nexus. Rather than adopting a comprehensive gendered approach to the study of genocide, scholars have either focused on the experiences of men, or the experiences of women. In truth, however, a comprehensive gendered analysis needs to take into consideration the experiences of both men and women as complementary ones that help present an accurate picture of genocide. Therefore, in order to contribute to the growing literature on the Yazidi genocide, this study seeks to present a comprehensive gendered analysis by arguing that the Islamic State has deliberately adopted a gendered logic to the Yazidi genocide to serve both ideological and strategic purposes. Further, while this study does not seek to provide an in-depth legal analysis of accountability mechanisms, it argues that a survivor-centric transformative justice approach can best deliver justice to the Yazidi community.

## CHAPTER THREE

### THE YAZIDI GENOCIDE THROUGH A GENDER LENS

This chapter presents an understanding of genocide as a *process* as opposed to an event. Accordingly, it attempts to trace back the Yazidi genocide to the roots and emergence of the Islamic State. First, this chapter presents a brief historical overview of Yazidism. Second, it discusses the origins, ideology and strategy of the Islamic State. Third, it briefly examines the events of August 3<sup>rd</sup>, 2014 which officially marked the beginning of the Islamic State's genocidal campaign against the Yazidis. Fourth, it examines the ways in which women and girl, and men and boys, experienced the Yazidi genocide differently.

#### 3.1 The Yazidis

The Yazidis are a Kurdish-speaking ethno-religious group that has historically inhabited the area of Northern Iraq. The historical presence of the Yazidis can be dated back to the 12<sup>th</sup> and 13<sup>th</sup> centuries (Fuccaro, 1999). The religious beliefs of the Yazidis have subjected them to historical persecution by successive governing powers (Cheterian, 2021). The Yazidis recall around 73 historical genocides that have been committed against them because they were perceived as devil worshippers (Cheterian, 2021). This is because the Yazidis revere the Peacock Angel (Tawusi Melek) who is viewed by Islamic traditions as “a fallen or disgraced angel like Satan” (Vale, 2020, p. 515). However, as Yazidi survivor Nadia Murad wrote in her memoir, the truth is that

Yazidis love Tawusi Melek for his unending devotion to God and because he connects us to our one God. But Muslim Iraqis, for reasons that have no real roots in our stories, scorn the Peacock Angel and slander us for praying to him. (Murad & Krajewski, 2017, pp. 27-28)

These Yazidi teachings and traditions “are passed down orally by sheikhs” (Vale, 2020, p. 515). Therefore, the Yazidis do not have a holy book and are consequently not eligible for protection according to classic Islamic Law (Vale, 2020).

As a result of their historical persecution, the Yazidi community remained a close-knit and conservative community that preserved traditional gender roles (Černý, 2020). At its core, the Yazidi community adheres to endogamy, meaning that Yazidis are expected to only marry amongst themselves (Vale, 2020). Marrying outside the Yazidi religion, in fact, is a matter punishable by excommunication and, in some cases, honor crimes (Vale, 2020). Therefore, the continuity of the Yazidi community is contingent on the birth of children to two Yazidi parents, a fact which would be exploited by the Islamic State.

### **3.2 The Islamic State**

In June 2014, Islamic State fighters entered the city of Mosul in Iraq. Facing little resistance, the fighters announced the rebirth of the *Caliphate* (McCants, 2015). Under a black banner bearing the words “No god but God, Muhammad is the Messenger of God”, the Islamic State claimed the fulfillment of the prophecy and the approach of the day of Judgment (McCants, 2015, p. 20).

The swift expansion of the Islamic State perplexed the so-called international community (Burch & Pizzi, 2022). Without doubt, the Islamic State expanded swiftly. In 2013, it began to gradually control areas in Syria and Iraq (Wilson Center, 2019). Exploiting the conflict in Syria, the Islamic State participated in numerous battles, breaking into prisons and carrying out bombing campaigns (Wilson Center, 2019). In both Raqqa and Aleppo, it attacked rebel opposition groups (Wilson Center, 2019). In 2013, it also managed to control Fallujah in Iraq (Wilson Center, 2019). Despite resistance, the Islamic State continued to expand in the summer of 2014, seizing strategic areas such as the border between Deir Ezzor



in Syria and Iraq (Wilson Center, 2019). While the Islamic State sought to expand its territory, its military decisions were often guided by both strategic and ideological goals. For example, in order to serve its economic goals, the Islamic State sought to control areas that covered oil fields, as well as water sources such as the Mosul Dam (Burch & Pizzi, 2022; Wilson Center, 2019). On August 3<sup>rd</sup>, the Islamic State attacked the Kurdish part of Iraq, controlling the area of Sinjar where it would display its genocidal ideology by forcibly displacing non-Sunni Muslim minorities, and attacking the Yazidi community (Wilson Center, 2019).

While the Islamic State focused on expanding its Caliphate across Iraq and Syria, its presence transcended the borders of the two states. Territorial expansion was not only part of its campaign to endure and expand, but also to appeal to and recruit foreign fighters from neighboring, as well as Western, countries (Byman, 2016). As part of its state-building project, the Islamic State sought to maximize the number of foreign recruits, reaching more than 20,000 fighters within the first year (Lister, 2015). Further, in order to establish its own society, the Islamic State also appealed to women, who became known as Jihadi Brides, to join the ranks of the Islamic State (Byman, 2016). While these women were intended to carry out domestic roles, many became central to the Islamic State's strategy of spreading propaganda and terror (Byman, 2016). As will be examined, spreading terror became a core pillar of the Islamic State's strategy to consolidate its Caliphate.

While the declaration of the Islamic State has caught the world by surprise, its origins can be dated back to the early 21<sup>st</sup> Century and linked to the emergence of its sister organization *al-Qaeda*. An in-depth analysis of the origins is beyond the scope of this thesis. Therefore, only a brief overview of the origins and emergence of the Islamic State is provided.

### 3.2.1 The Origins and Emergence of the Islamic State

There are many factors that have contributed to the emergence of the Salafi-Jihadist Islamic State. Its emergence cannot be examined as an isolated phenomenon. Instead, it must be placed within the broader context of global *Jihadism* (Gerges, 2014). Accordingly, the roots of the Islamic State must be traced back to the emergence of global Jihadist movements in the 1980-90s, specifically *al-Qaeda*.

Fueled by the Soviet invasion of Afghanistan, *al-Qaeda* was founded by Osama bin Laden in 1988 with the intent to restore global *Jihad* and reclaim the glory of Islam, as known in the 7<sup>th</sup> century (Haynes, 2005). Gradually, bin Laden developed an anti-American ideology, legitimizing the killing of Americans (Haynes, 2005). However, while the name of *al-Qaeda* is often linked to the 9/11 terrorist attacks on the Pentagon and the Twin Towers, its goal has not always been to target the United States and its allies. Since its inception, *al-Qaeda* has aimed to restore the 7<sup>th</sup> century practices of Islam, topple non-Islamic political regimes, cleanse “Muslim” lands from apostates and infidels, and restore a pan-Islamic Caliphate (Haynes, 2005). Gradually, *al-Qaeda* matured into a transnational organization, establishing regional branches and influencing aspiring Jihadist leaders to foster similar exclusivist ideologies. One of the figures who was influenced by *al-Qaeda* is Abu Musab al-Zarqawi, a Jordanian-born militant who would later be credited as the founder of the Islamic State (Hawley, 2017). Upon his return from a visit to Afghanistan in 1989, al-Zarqawi formed an Islamist armed group under the name “al-Tawhid wal-Jihad” (Cheterian, 2015, p. 109). In 2004, al-Zarqawi pledged allegiance to *al-Qaeda*, heading what became known as *al-Qaeda* Iraq (AQI) (Cheterian, 2015). While the AQI was established as a branch of *al-Qaeda*, the ideology adopted by al-Zarqawi was so violent that it even shocked the leadership of *al-Qaeda* (Cheterian, 2015). Along with his legacy, al-Zarqawi’s

ideological preferences persisted even after the collapse of AQI following his death on the hands of American forces.

The arrival of the Arab Spring, along with the chaos that unfolded in its aftermath, has left room for the remnants of AQI to regroup under the name “Islamic State”. In April 2013, the Islamic State became known as *ISIS*, or the Islamic State of Iraq and Syria, under the leadership of Abu Bakr al-Baghdadi (Hawley, 2017). The Islamic State’s new name was meant to indicate its expansion to Syria, which was not an arbitrary decision. Indeed, the Islamic State exploited the escalating violence in Syria and the growing divisions amongst the opposition to widen its base of supporters and recruit fighters. In the summer of 2013, Islamic State militants clashed with the Free Syrian Army (FSA), and later seized the city of A’zaz, near the Turkish borders (Baroudi, 2020). In the following January, the Islamic State seized Raqqa in Northern Syria, declaring it the *de facto* capital of the expanding Caliphate (Wilson Center, 2019). Soon after this declaration, *al-Qaeda* cut ties with the Islamic State, making it an independent organization (Wilson Center, 2019). Scholars and policymakers did not anticipate the Islamic State to gain wide popularity and manage to attract recruits from across the world. Its popularity, however, should not be solely attributed to its strategic strength (Gerges, 2016). Indeed, there are other factors that must be taken into consideration, including the fragility of the authoritarian Arab regimes, as well as the deteriorating socio-economic conditions that have pushed people to look for alternatives (Gerges, 2016). This was specifically true for the Sunni population who felt marginalized under the Shi’ite and Alwite regimes in Iraq and Syria (Gerges, 2016). In Iraq, the birthplace of the Islamic State, the de-Baathification process that followed the fall of the Saddam Hussein regime created feelings of inequality and lack of purpose amongst Sunni Iraqis (Hawley, 2017). Similarly, in Syria, the Assad’s regime crackdown on protestors and its historical opposition to Islamist movements have also created a sense of marginalization for

the Sunni population (Hawley, 2017). Further, in the early days of the Syrian Civil War, al-Assad has single-handedly released Islamist figures from Syrian prisons in an attempt to disperse the ranks of the opposition (Gerges, 2016). Playing the identity politics card, the Islamic State depicted itself as the defender of the Sunnis in Iraq and Syria, propagating an ideology that appealed to those who felt marginalized (Gerges, 2016). As will be explored in this chapter, this ideology would play a crucial role in solidifying the Caliphate and executing campaigns of violence against minorities in Iraq and Syria.

### **3.2.1 The Ideology and Strategy of the Islamic State**

The Islamic State has relied heavily on its radical ideology, Salafi-Jihadism, in designing and justifying its campaigns of violence. In his book *ISIS: A history*, Gerges (2016) warns against overlooking the role of ideology in the establishment of the Islamic State. Salaf-Jihadism is a transnational ideology that has transcended borders, recruiting and inciting thousands of fighters from across the globe (Gerges, 2016). Salafi-Jihadism is one of the most distinguished ideological and political thought movements in Sunni Islam (Bunzel, 2015). Salafi Jihadism is an extremist interpretation of Sunni Islam that can be traced back to Hasan al-Banna who founded the Muslim Brotherhood as a response to Western imperialism (Bunzel, 2015). As evident in al-Banna's work, the Muslim Brotherhood sought to control the state as a way to gain power and restore the declining Islamic values in society (Bunzel, 2015). The Islamic State's ideology which helped expand the so-called 'Caliphate' and organize a wide bureaucracy can be traced back to the ideological underpinnings of the Muslim Brotherhood (Bunzel, 2015). The state-centric Salafi-Jihadism adopted by the Islamic State, however, is arguably more violent and exclusivist than its ideological predecessors.

Despite sharing the same ideological roots, *al-Qaeda* and the Islamic State have disagreed on many key principles. The Islamic State has fostered a more exclusivist and

“genocidal” ideology which was one of the causes behind the rift between the two organizations (Gerges, 2016). At its core, *al-Qaeda* focused on the idea of fighting the *far enemy*, as opposed to the Islamic State that found the *near enemy* to be more threatening to its expansionist goals (Gerges, 2016). According to the Islamic State, the *near enemy* is embodied in the Arab regimes and the non-Sunni Muslims who live under them (Gerges, 2016). Originally, Salafi-Jihadism, as advanced by the Muslim Brotherhood, is not explicitly violent towards non-Sunni Islamic sects, or other minorities (Bunzel, 2015). Through al-Zarqawi’s influence, the Islamic State has adopted an exclusivist ideology through discriminatory and selective interpretation of certain Islamic texts that served its strategic interests (Hawley, 2017). Through the doctrine of *takfir*<sup>1</sup>, the Islamic State justified its intent to attack the Shi’a community. While *al-Qaeda* only sanctioned *takfirism* against the Arab regimes, the Islamic State also targeted civilians, blaming them for not adhering to ‘correct’ practices of Islam (Lounnas, 2023). While al-Zarqawi was critiqued for his brutal exploitation of *takfirism*, the Islamic State adopted his extremist approach (Arosoaie, 2015).

In 2014, Islamic State fighters broke into Badoush prison, killing more than six hundred Shi’a men (Hawley, 2016). Driven by al-Zarqawi’s genocidal ideology, this act was deemed permissible by the Islamic State because they viewed the Shi’a as apostates (Hawley, 2017; Gerges, 2016). Such acts, which were viewed as part of the Islamic State’s *purification* strategy, were central to the expansion and solidification of the “Caliphate” (Nanninga, 2019). In their online magazine *Dabiq*, the Islamic State explicitly stated its intent to eliminate the Shi’a community by selectively referencing the Quran and the Hadiths (Hawley, 2017). Influenced by al-Zarqawi, dehumanization was at the core of the

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<sup>1</sup> *Takfir* is understood as “excommunication”, or “(declaring apostasy) against fellow Muslims” (Lounnas, 2023, p. 279).

Islamic State's policy towards the Shi'a. In his writings, al-Zarqawi referred to the Shi'a as an "obstacle", "lurking snake", "penetrating venom", "and malicious scorpion" (Gerges, 2016, p. 82). This rationale has also incentivized the Islamic State to declare war on the cultural and religious Shi'ite shrines, destroying and bombing many in Iraq. To the Islamic State, these shrines are nothing but a manifestation of idolatry and should, therefore, be demolished (Isakhan, 2020).

There is an overlap between the ideological and strategic goals of the Islamic State (Khatib, 2015). Indeed, the Islamic State has used its extremist ideology to justify and conduct its main strategic goals (Khatib, 2015). As an aspiring Caliphate, every decision and every action taken by the Islamic State was intended to serve its expansionist goals. Accordingly, the Islamic State leadership sought to create a highly bureaucratized state. Recognizing that a state cannot function without a fully developed society, the Islamic State used its media platforms to open the door for *hijra*<sup>2</sup>, or migration, to invite Muslims and converts from all over the world to return to the lands of Islam (Peresin & Cervone, 2015). To this end, the Islamic State produced magazines, publications, pamphlets, and laws. Further, its residents lived under a justice system based on the *sharia*, and received identity cards and daily services (Gerges, 2016).

Unlike al-Qaeda, the Islamic State managed to set forth a grand strategy to implement its goals (Hashim, 2014). On the battlefield, it became apparent that the Islamic State has developed a military strategy that was sure to defeat competing forces in the region. The Islamic State matured and evolved during the de-Baathification of Iraq, absorbing the brutal legacy of the Hussein regime and attracting previous Baathist military commanders (Gerges, 2016). Their strategic experience, as well as that of experienced

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<sup>2</sup> *Hijra* refers to the migration of Muslims from lands owned by infidels to the lands of Islam (Peresin & Cervone, 2015). The Islamic State succeeded in attracting foreign fighters from across the world, as well as female Jihadists.

Jihadists, has allowed the Islamic State to advance militarily (Khatib, 2015). In establishing military training camps for the so-called Caliphate “cubs”, the Islamic State replicated Saddam Hussein’s *Futuwah* movement and the training camps for “Ashabal Saddam (Saddam’s Lion Cubs) unit” (Vale, 2018, p. 13). Further, in the first issue of *Dabiq*, the Islamic State implicitly espoused the concept of defensive warfare, drawing parallels between its battles and that of Dabiq during which Muslims engaged in warfare to defend their lands (Khatib, 2015).

The Islamic State operated as a virtual caliphate, combining its strategies of spreading terror and promoting its propaganda. Through its heavy usage of online publications and reliance on its social media platforms, the Islamic State succeeded in recruiting foreign fighters and attracting so-called *Jihadi Brides*<sup>3</sup>. The Islamic State’s reliance on strategic communication to advance its long-term goals is quite unprecedented (Winter, 2020). Not only was its propaganda a means to recruit fighters and gain support, but also one to expand the Caliphate and launch a psychological war (Winter, 2020). Along with the public display of beheadings and the dissemination of violent images, the Islamic State did launch a psychological warfare with the aim of shaping and manipulating the perceptions of its audience (Khatib, 2015; Winter, 2020). By doing so, the Islamic State signaled to the world its ability to commit violence against those who do not conform to its vision and ideology.

### **3.2 The Yazidi Genocide**

The months leading up to the Yazidi genocide were quite eventful. In Iraq, the Islamic State gradually gained power, capturing city after city. Only six days after the capture of Mosul in June 2014, Islamic State fighters seized the area of Tel Afar, only forty

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<sup>3</sup> Jihadi Brides is the name given by the media to the women who migrated to the Islamic State to become the wives of Islamic State militants.

kilometers away from Sinjar, where the Yazidis resided (Free Yezidi Foundation, n.d.). By then, the Yazidis had already been alarmed by the seemingly close arrival of the Islamic State. In 2013, Yazidi students attending Mosul University were allegedly threatened by Islamists (Free Yezidi Foundation, n.d.). Between the capture of Mosul and the August 3<sup>rd</sup> attack on Sinjar, the Islamic State launched multiple, albeit minor attacks on Sinjar (Cetorelli & Ashraph, 2019). Nothing, however, could have prepared the Yazidis for the August 3<sup>rd</sup> attack; one that would prove they have always been an isolated minority that enjoyed little to no protection in Iraq.

In August 2014, Islamic State fighters began to gradually move toward the area of Sinjar. Located in Northwestern Iraq, Sinjar is home to not only the Yazidis, but also other ethno-religious groups, namely Sunnis, Turkmen, Kurds, Christians, and Shia Arabs (Cetorelli & Ashraph, 2019). In the early hours of August 3<sup>rd</sup>, villagers started to notice the arrival of Islamic State cars at the outskirts of Sinjar (Otten, 2017). Gradually, the Yazidis who had been warned by injured Yazidi fighters returning from the outskirts of Sinjar began to flee to the mountains (Otten, 2017). Within only a few hours, the Peshmerga, the Kurdish forces who were tasked with defending the Yazidis, surrendered, making way for the Islamic State fighters to enter Sinjar (Otten, 2017). Strengthened by the withdrawal of the Peshmerga, the Islamic State fighters entered Sinjar with the purpose of attacking the defenseless Yazidi community, killing their men and enslaving their women. Yazidi survivors who witnessed the atrocities of the Sinjar operations have corroborated the stories of the violence perpetrated by Islamic State fighters (Bor, 2018). The perpetrators were not always strangers. Sometimes, they were locals from the villages they shared with the Yazidis. In one village, Hamey, a Yazidi eyewitness claimed that he saw a few local Muslims kidnap three elderly and three young women on August 3<sup>rd</sup> (Bor, 2018). Later,



Islamic State fighters forcibly married and raped them until the 15<sup>th</sup> of August when they killed them and threw their bodies in a well near the village (Bor, 2018).

The Sinjar Mountains are sacred for the Yazidi community. However, those who fled to the mountains did not necessarily flee death. Besieged by members of the Islamic State, many Yazidis died from the scorching heat, as well as from the lack of access to food and water (Kikoler, 2015). In an attempt to rescue and protect the thousands of Yazidis stuck in the mountains, U.S. President Barack Obama approved a military operation, warning against the “potential act of genocide” against the Yazidi people (Kikoler, 2015, p. 17). The military operation, however, was incapable of countering the effects of what would become recognized as “genocide”. It is estimated that 3,100 were killed, 6,800 women and children abducted (Bor, 2018), and approximately 400,000 displaced across Iraqi Kurdistan (Vale, 2020).

### **3.2.1 The Siege of Kocho Village**

Within approximately 72 hours, the Islamic State managed to get hold of almost the entirety of Sinjar, except for one village: Kocho (Cetorelli & Ashraph, 2019). The *mukhtar* of Kocho village, Ahmad Jasso decided to take the diplomatic route, negotiating with a senior Islamic State commander, Abu Hamza, to allow the people of the village to flee to the Sinjar mountains (Cetorelli & Ashraph, 2019). For twelve days, Islamic State fighters roamed Kocho with their trucks, terrorizing the population. As they began to gain the upper hand, the Islamic State fighters started threatening the people of Kocho, asking them to either convert to Islam or get executed (Cetorelli & Ashraph, 2019). Farida Khalaf<sup>4</sup> recalls how “Arab” men, led by a powerful local called Muhammad Salam, demanded that the men of Kocho assemble in one area (Khalaf & Hoffmann, 2016). Preaching to a crowd he deemed

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<sup>4</sup> Farida Khalaf is a pseudonym.

*devil worshippers*, Salam said: “No one on this earth may pay homage to Satan, or Melek Taus, as you call him. You must renounce this false belief and acknowledge Islam instead. Only thus can your souls be saved” (Khalaf & Hoffmann, 2016, p. 49). Later, the Yazidis of Kocho were given an ultimatum. They were to decide whether to convert within the matter of two to three days (Khalaf & Hoffmann, 2016). If they failed to convert, they were to face the fate of infidels, as determined by the Islamic State (Khalaf & Hoffmann, 2016). This, however, was nothing but a diplomatic charade to torment the people of Kocho psychologically. There is no reason to believe that after their operations in Sinjar and other Yazidi villages that the Islamic State planned to ensure safe passage for the people of Kocho, negotiate with them, or even expect them to unanimously convert to Islam. It is alleged, however, that the negotiations only took place in Kocho because the villagers enjoyed better relations with their neighboring Arabs (Cetorelli & Ashraph, 2019). Many of these relations were more akin to blood brotherhood. The boys in Kocho village, specifically, had Muslim “godfathers” who were present during their circumcision ceremonies, holding them as a symbol of protection and solidification of the relations between the Yazidi and Arab Muslim families (Khalaf & Hoffmann, 2016). Recognizing that their Arab neighbors, as well as the withdrawn *Peshmerga* forces have left them defenseless, the people of Kocho were left with a deep sense of insecurity, knowing that they were alone in the face of the Islamic State. It is quite difficult to imagine the psychological state they were in. For two weeks, they were hearing news of their own people dying on Mount Sinjar, and were seeing the aid helicopters flying above them as if they did not exist (Murad & Krajeski, 2017). Recalling those days, Murad speaks of how they were hoping the United States would intervene to break the siege of Kocho, or even how the *Peshmerga* would return to save them, but to no avail (Murad & Krajeski, 2017).

What Salam knew was that the Yazidis of Kocho were more likely to choose death over religious conversion. The Islamic State, which operated like a state with a fully developed bureaucracy, meticulously studied the Yazidi community. They were quite aware that the survival of the Yazidis was contingent upon the survival of their religion. What ties the Yazidi community together, however, is their religion. Therefore, it was unsurprising that the Yazidis unanimously agreed not to convert to Islam and demanded that their decision be conveyed to the Islamic State (Murad & Krajeski, 2017). With the sunrise of August 15<sup>th</sup>, the people of Kocho spotted the pickup trucks of the Islamic State approaching the village (Khalaf & Hoffmann, 2016). Almost every first-person account from Kocho recounts the same sequence of events. First, the Islamic State fighters stripped the Yazidis from their possessions and everything they own (Khalaf & Hoffmann, 2016). Second, they demanded that the Yazidis of Kocho assemble at the main school building (Khalaf & Hoffmann, 2016; Murad & Krajeski, 2017).

It was in Kocho, at the school building where the Yazidis were gathered, that the gendered dynamics of the Yazidi genocide began to appear. While the women of Kocho had heard stories during the siege about Yazidi women of other Sinjar villages being taken as captives, many still believed that the Islamic State would allow them to flee to Mount Sinjar (Murad & Krajeski, 2017). As soon as the Yazidis entered the building after leaving their prized possessions with the Islamic State, the women and children were separated from the men (Murad & Krajeski, 2017). The women and children were directed to the second upper floor and the men were requested to stay on the ground floor (Murad & Krajeski, 2017). Meanwhile, the Islamic State fighters continued to tell the Yazidis that they would let those who refused religious conversion to flee to the mountain while allowing those who do to stay in the village (Murad & Krajeski, 2017). Only the women who got to look from the windows of the second floor saw the men being loaded onto trucks that were allegedly

moving towards Mount Sinjar (Murad & Krajeski, 2017; Khalaf & Hoffmann, 2016). Soon after the trucks drove away, the women heard gunshots and realized that the Islamic State has killed their men (Murad & Krajeski, 2017; Khalaf & Hoffmann, 2016). When the women started screaming hysterically, the Islamic State men said that the Yazidi men were “dogs” that had to be killed (Khalaf & Hoffmann, 2016).

### **3.4 Gendered Experiences**

#### **3.4.1 The Experiences of Men**

Throughout history, men have been the first and usual targets of genocidal campaigns (Ashraph, 2018). This was exceptionally true in the case of the Yazidi genocide. Viewing those who refused their demand to convert to Islam as infidels, the Islamic State immediately killed the Yazidi men (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). The Yazidi women, whose fate was different, were often forced by the Islamic State to witness the killings and beheadings of their male relatives (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Today, mass graves holding the bodies of Yazidis are being discovered (Bor, 2018). As early as 2015, mass graves holding the bodies of more than seventy Yazidis were found in eastern Sinjar (Coles, 2015). Even before these mass graves were exhumed, Yazidi women recalled witnessing the killing of their men. As mentioned, testimonies from the women of Kocho village indicate that they were the first to hear gunshots immediately after the men were separated from them (Murad & Krajeski, 2017; Khalaf & Hoffmann, 2016). Some men survived the mass killings. Nadia Murad’s brother Saeed, whose wounds were not fatal, witnessed but survived the killings (Murad & Krajeski, 2017). Murad’s half-brother, Khaled, survived by pretending to be dead so that the Islamic State fighters would not shoot him again (Murad & Krajeski, 2017). Not all men, however, faced immediate

execution. While others were transported before they were executed, many were taken to far locations (Al-Dayel et al., 2022). At these locations, including Mosul, Tel Afar, and Baaj, these men were either immediately executed or condemned to a life of forced labor at construction sites or forced to look after cattle (Al-Dayel et al., 2022; The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Further, captured Yazidi men became part of the Islamic State's propaganda. In their propaganda videos, the Islamic State forced captured Yazidi men to go on video to urge their families to convert to Islam (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016).

### **3.4.2 The Experiences of Women**

When the Islamic State fighters attacked Sinjar, the Yazidi women had no idea they had a special plan for them. Indeed, according to their ideology, Islamic State fighters carried out “a preplanned mass abduction for the purpose of institutionalized rape” (Otten, 2017, p. 100). According to the Islamic State, the sexual enslavement of women and girls indicates a return to the early days of Islam when slavery was a prevalent practice across the world (Otten, 2017). The Islamic State was not hesitant to disclose its intent *to* and justify the act of enslaving Yazidi women. The Islamic State used its online magazine, *Dabiq*, to channel its genocidal ideology. In issue No.4, the Islamic State published an article titled “The Revival of Slavery Before the Hour”, in which they clarified it was their duty, as Muslims who will stand before God on Judgement day, to attack and annihilate the Yazidi community (Otten, 2017). Believing that the word of God is on their side, the article stated that Yazidis cannot get away with paying the *jizyah* because they are considered “apostates” rather than people of the book (as cited in Duffy, 2021). Further, the *Dabiq* article indicated that “their women could be enslaved unlike female apostates who the majority of the *fuqahā'* say cannot be enslaved “and can only be given an ultimatum to repent or face the sword”

(as cited in Duffy, 2021, pp. 13-14). Moreover, the article details how the Yazidi women must be divided and distributed according to the laws of the Shariah, noting that *khums*, or one-fifth, of the women must be given to the authorities as a tax (as cited in Duffy, 2021; Global Justice Center, 2016).

While there may have been cases of enslavement and rape against non-Yazidi women in captured areas, the Islamic State only justified and legalized the enslavement of Yazidi women. In *Dabiq*, the Islamic State debated the enslavement of Shi'a women, as well as other groups they deemed "apostates" (Hawley, 2017). They maintained that Islamic jurisprudence is quite divided on the matter, but concluded that Shi'a women must only repent and can, therefore, not be enslaved (Hawley, 2017). In the case of the Yazidis, not only did the Islamic State justify its enslavement of Yazidi women, but it also released a pamphlet regulating the process of enslavement, and the correct treatment of enslaved Yazidi women. The Islamic State started its pamphlet with the explanation that what makes the sexual enslavement of Yazidi women permissible is the fact that they are considered infidels (Roth, 2015). According to the sexual slavery, or *sabi*, regulations, the Islamic State clarified in its pamphlet that its fighters can have sexual intercourse with their female captives, explaining that "if she is a virgin, he [her master] can have intercourse with her immediately after taking possession of her" (as cited in Roth, 2015, para. 9). The pamphlet clarifies that if the captive is yet to reach the age of puberty, then she can be "enjoyed" without intercourse (as cited in Roth, 2015). Sexual intercourse with the female captives, however, is only permissible when said captive is exclusively owned by the Islamic State member (Roth, 2015). In the same pamphlet, the Islamic State authorized the buying and selling of Yazidi women, highlighting that "it is permissible to buy, sell, or give as a gift female captives and slaves, for they are merely property" (as cited in Roth, 2015, para. 10).

Additionally, the same pamphlet authorized the “disciplinary” beating of female captives, noting that she can be beaten anywhere on her body except her face (Roth, 2015).

In early 2015, the Islamic State issued Fatwa No. 64 (Cooke, 2019). The goal was to restructure and redefine the relations between the female sex slaves and their masters (Cooke, 2019). This codification of slave-master sexual relations was intended to mitigate the violations that were being committed by members of the Islamic State. For example, Fatwa No. 64 clarifies that it is not permissible for the “owner” of a female captive to enjoy sexual relations with her and her mother simultaneously (Landay et al., 2015). Further, the Fatwa forbids mistreatment of female captives, emphasizing the importance of treating them with compassion and kindness (Landay et al., 2015). As will be clarified through the testimonies and narratives of Yazidi women survivors, these regulations were nothing but ink on paper as they were violated repeatedly. This section attempts to highlight these violations through the experiences of women.

#### 3.4.2.1 Capture and Transports

While the siege of Kocho was an exceptional case, the gendered genocidal violence that took place there was reflected across Sinjar. In every village, the women and children were separated from the men. As soon as they were captured, the Yazidi women were further separated into different groups according to their age and marital status (Global Justice Center, 2016).

Older women who were above the “childbearing” age often faced the fate of men, and were immediately killed and buried in mass graves (Bor, 2018). In Kocho, for example, the majority of older women were immediately killed (Vale, 2020). Younger and older women were both commodified; however, while the Islamic State planned to *sell* the younger women as sex slaves, the older women were often *auctioned off* as domestic servants (Vale, 2020). While the younger women became the property of the men, older

women were often owned by the wives of the Islamic State fighters, or the entire household (Vale, 2020).

Across Sinjar, Yazidi women narrated similar experiences of capture (Vale, 2020). In every Sinjar village, the Islamic State entered with the *intent* to separate the women from the men, enslaving the first and killing the latter. Yazidi women described the same experiences of transports. They recall how the Islamic State intentionally used buses with heavy curtains on windows to isolate the captives from their surroundings (Vale, 2020). Transports served two essential functions. First, the Islamic State used transports to move the Yazidi women from their villages to pre-planned Islamic State centers. Second, transports were used as part of the Islamic State's psychological warfare. By constantly moving the Yazidi women captives, the Islamic State intended to exacerbate the insecurity and trauma inflicted on them (Global Justice Center, 2016). Further, similar to sexual slavery, transports were used as a means to deprive the Yazidi women of their bodily autonomy (Global Justice Center, 2016). This was further aggravated by the sexual abuse and humiliation that started the moment the Yazidi women boarded the buses. In her memoir, Nadia Murad recalls her interaction with Abu Batat, one of the Islamic State fighters who accompanied the Yazidi captives on the buses (Murad & Krajeski, 2017). Abu Batat harassed the Yazidi women on the bus, selecting the prettiest ones and taking photos of them (Murad & Krajeski, 2017). Murad recalled that every time Abu Batat passed by her, he would molest her (Murad & Krajeski, 2017). She wrote: "Abu Batat reached inside my dress and grabbed my breast, hard as if he wanted to hurt me, and then walked away" (Murad & Krajeski, 2017, p. 119). Eventually, when Murad screamed at him, she was told by another militant: "You are here to be *sabaya*, and you will do exactly what we say" (Murad & Krajeski, 2017, p. 122). Khalaf recounts a similar interaction upon her capture. She recalls Islamic State militants pinning her arms behind her back and pushing her violently to board



the bus (Khalaf & Hoffmann, 2016). She was told by the militants that their will was not to kill the girls, because that would be a waste (Khalaf & Hoffmann, 2016). Indeed, the goal was to transport the Yazidi captives to the Islamic State holding sites that had already been prepared and spread across Iraq and Syria.

#### 3.4.2.2 Holding Sites and Slave Markets

Upon arrival to the holding sites in both Syria and Iraq, the Yazidi women captives found that they were prearranged and equipped with food, water, and even mattresses (Global Justice Center, 2016). The women captives were transported across multiple holding sites. Primary holding sites were often adjacent ones, with some located inside the Sinjar region (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016)<sup>5</sup>. Most holding sites were deserted houses that once belonged to forcibly displaced populations, and were furnished with sofas and carpets (Khalaf & Hoffmann, 2016). Naturally, the Yazidi women were hysterical, crying, screaming and begging the Islamic State militants to return them to their villages (Khalaf & Hoffmann, 2016). Their pleas, however, were always met with mockery and sarcasm. The conditions at the holding center were dire. The captives were offered meager amounts of soup and rice, and were only allowed to leave the rooms for the bathrooms (Khalaf & Hoffmann, 2016). Others reported that the food they were given was filled with insects, and the water was served from toilets

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<sup>5</sup> Many primary holding sites were identified across Syria and Iraq. These include: Solagh Technical Institute, Civil Records Office, Branch 17, and KDP Headquarters within Sinjar (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Some were transferred to Al-Houl and Tel Hamis in Syria where the Islamic State had bases (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Secondary holding sites were also dispersed across Syria and Iraq. Some of the identified sites are schools in Tel Afar, Galaxy wedding hall, Badoush prison, houses in the Al-Arabi neighborhood near and inside Mosul (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016).

(The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Further, they were required to hand in any identification documents that proved their Yazidi identity (Murad & Krajeski, 2017). The arrival of the Yazidi women to the holding sites signaled the opening of the *Slave Markets* where the Yazidi women would be traded off and sold like cattle.

In an Islamic State propaganda video that surfaced online after the capture of Yazidi women, Islamic State militants can be heard boasting about the arrival of the “slave market” day (BBC News, 2015). One Islamic State militant can be heard saying “*today is the female slave market day*” (BBC News, 2015, 8:31). Another can be heard asking “*where is my Yazidi girl?*” (BBC News, 2015, 8:43). As the militants can be seen joking around and boasting about their ability to buy, sell, and gift Yazidi girls, one militant looks at the camera and says that the price of the Yazidi girls varies depending on her looks (BBC News, 2015). If she had blue eyes, her price is a bit higher (BBC News, 2015). Another militant encourages him to check if her “teeth” were good (BBC News, 2015). According to such criteria, the names and details of the Yazidi captives were registered, and their photos were taken (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016; Murad & Krajeski, 2017). Further separation took place as the militants separated the married captives from the unmarried ones, only allowing girls under the age of eight to remain with their families (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). The Yazidi captives caught on the Islamic State’s logic of separation. Many unmarried women claimed to be the mothers of underage Yazidi girls (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Further, recognizing that beauty was a key factor in determining their fate, many women smeared their faces with ashes, scratching and beating themselves to appear less appealing to their potential “buyers” (Otten, 2017). The prettiest amongst the captives were often

immediately sold at high prices, or even taken as brides for the Caliph himself (Khalaf & Hoffmann, 2016). At many holding sites, gynecologists were brought by the Islamic State to confirm the virginity of the captives, as virgins were also sold at higher prices (Global Justice Center, 2016).

The attempts of the Yazidi captives to make themselves less appealing to the militants failed to help them avoid the fate of sexual slavery. Being less appealing only meant that the captives would be sold at lower prices, or purchased by lower-ranking militants. Any attempt at resistance on behalf of the Yazidi women captives was met with sheer violence. Lewiza, a Yazidi survivor, recalls how she begged her captives not to “marry” her. She says: “He kicked me on my breast, again and again, until I began to bleed all over my chest and shoulders” (THE WHY, 2020, 25:04). At the slave market, the Islamic State militants demonstrated violent behavior, dragging the captives by the hair, and beating them violently if they attempted to resist (Global Justice Center, 2016). The Islamic State slave trade became a crucial practice that helped finance the nascent “Caliphate”. The Islamic State bureaucratized sexual slavery, establishing a ‘War Spoils’ department, and committees like the Committee for the Buying and Selling of Slaves, to regulate the buying and selling of over 5,000 captives (Gerges, 2016; The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). In 2015, the United States Special Operations Forces seized sales contracts and documents detailing transaction processes concerned with the sex slave trade (Gerges, 2016). Such documents offered valuable insight into the nature of the Islamic State’s political economy. One of the factors that made the Islamic State difficult to contain in its early stages was its ability to fund itself through clandestine and illegal activities (Hutchinson, 2020). The Office of the United Nations Special Representative of the Secretary General warned against the Islamic State’s usage of sexual violence and slavery “through the trafficking, sale, ransoming, and gifting” of female captives and

children (as cited in Hutchinson, 2020, p. 382). To that end, there is evidence that the Islamic State viewed the slave trade as an integral part of its political economy (Hutchinson, 2020). The prices of the Yazidi captives ranged from 200 to 1,500 USD (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Sometimes, when the women were not deemed *beautiful*, they were sold at prices lower than 200 USD. The prices of captives decreased as they grew older, with some of them being sold for 124 USD (Al-Dayel et al., 2022). While the rules of the Islamic State forbid the sale of sex slaves to those who are not members of the organization by instating capital punishment, individual militants have often breached this rule (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). This was mainly because of the financial incentives behind reselling the Yazidi captives to their remaining family members (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). While purchased at much lower prices, the Islamic State resold the Yazidi captives to their families at much higher prices, often ranging between 10,000 to 40,000 USD (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016).

While Yazidi captives did not necessarily witness the sales, many recall being dragged to the physical slave markets.<sup>6</sup> In the manner of auctions, the Yazidi captives were forced to stand on a raised area as the Islamic State members bid over them (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Others recalled being asked to walk across a room filled with Islamic State members, as if they were on a catwalk parading the latest fashion trends (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). The testimonies of Yazidi

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<sup>6</sup> Slave markets in Syria were mainly held in *Raqqah*, the *de facto* capital of the Islamic State (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Other slave markets were identified in Tadmor, Al-Mayadin, Al-Bab, and Al-Shaddaddi across Syria (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016).

women show that the majority of them were sold multiple times. One woman, Heza, recalls being sold and traded eleven times (Revkin & Wood, 2021). Nadia Murad recalls being sold several times, detailing her encounter with Hajji Salman who took her to the Mosul courthouse where they filled legal documents that made their “marriages” official, and recorded their conversions to Sunni Islam (Murad & Krajeski, 2017). Eventually, these marriage contracts would prove to be nothing short of rape contracts that declared the Yazidi captives as the property of their captors (Murad & Krajeski, 2017).

Halida, a 20 year-old girl from Sinjar, recalls her own experience of being traded alongside her cousin, and sold to an old Islamic State member (National Post, 2016). Eventually, her picture was ‘advertised’ on social media, where she was put on sale for 100,000 USD (National Post, 2016). Online auctions on social media became popular as many rescuers, including family members, bought back their women and girls from the Islamic State. Halida was bought back by her brother for 24,000 USD (National Post, 2016). Online auctions were mostly popular on encrypted social media platforms, specifically Telegram (Al-Dayel et al., 2022). These online auctions generated more revenue for the Islamic State, especially that they were used to sell back the Yazidi captives to their families who were willing to borrow and pay high prices.

#### 3.4.2.3 Rape and Sexual Slavery

Rape and other acts of sexual violence were ubiquitous under the Islamic State. While individual rape incidents outside the institution of sexual slavery have indeed occurred, the Islamic State only sanctioned rape after the captive was “bought” by an Islamic State member. At that point, the Islamic State members were unapologetic about their intent to enslave and rape the Yazidi women. In fact, the testimonies, interviews, and recollections of Yazidi women indicate that their Islamic State captors expressed and justified their will to rape or enslave them. In her memoir, Murad recalls the words of Hajji Salman, her captor,

who told her that they came to Sinjar to abduct the women and children and kill the men (Murad & Krajeski, 2017). Not only did the captors express such will, but they also explained to the Yazidi captives why they were allowed to rape them. Right before raping his twelve year-old captive, an Islamic State fighter informed her that the Quran allowed him to rape her because she is an infidel, and that raping her would bring him close to God (Callimachi, 2015).

Rape has long been ubiquitous in conflicts and wars. What makes the case of the mass rape of Yazidi women so particular is that it took place within the institution of slavery. The parallels amongst the narratives of the Yazidi survivors tell us that the sexual violence they were subjected to was not an arbitrary practice. Instead, sexual violence was part of the Islamic State's campaign to destroy the Yazidi community by inflicting seemingly irreversible psychological and physical trauma. The majority of Yazidi captives reported being violently raped on a daily basis, often by more than one Islamic State member (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). While the Islamic State's ideology forbids its members to have sexual intercourse with Yazidi captives they do not "own", gang rapes became prevalent within the institution of sexual slavery. One Yazidi captive recalled that her "owner" threatened her with gang rape if she resisted him (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Other captives recall how their captors were assisted by their families to rape them. A 24 year-old Yazidi recalls how the wife of her captor prepared her for rape by tying her to his bed as he removed her clothes (Duffy, 2021). Similarly, others recall how the wives put makeup on them and gave them new dresses before they were raped (Duffy, 2021). Other acts of humiliation took place as well. Survivor Nadia Murad recalls being asked by her captor, Hajj Salman, to shave her legs, put on make-up and a party dress, and lick honey off his toes (Murad & Krajeski, 2017).

Physical violence and torture were also prevalent practices within the institution of sexual slavery. The testimonies of Yazidi women include harrowing details of how they were beaten with severe brutality with no access to medical care. Such abuses included being raped multiple times in a single night, starvation, electric shocks, and being handcuffed and tied to beds (Global Justice Center, 2016). One Yazidi woman narrates how her captor hung and chained her feet, burning her legs and raping her (Duffy, 2021). Jinan, a former Yazidi captive recalls being forced to study the Qur'an under the threat of physical violence (FRANCE 24 English, 2015). She also recalls that the punishment included being chained outside in the scorching heat and forced to drink water infected with floating dead mice (FRANCE 24 English, 2015).

According to the Islamic State's regulations, the punishment of a captive who attempts to escape is so severe that other captives will dare not run away (Roth, 2015). In fact, the Islamic State viewed escape attempts as one of the gravest sins a female slave could commit (Roth, 2015). Therefore, from the testimonies of Yazidi women, it is no surprise that their failed escape attempts were met with extreme physical and sexual violence. Murad recalls being gang raped after her escape attempt (Murad & Krajewski, 2017). For those who had their children with them, they were often threatened with their lives (Otten, 2017).

#### 3.4.2.4 Forced Pregnancies and Forced Abortions

In its online propaganda, the Islamic State enshrined, and even romanticized, the idea of the slave giving birth to her master (Otten, 2017). According to the Islamic State's ideology, this is one of the signs of Judgment Day (Otten, 2017). Under the Islamic State's law, if a Yazidi woman gives birth to a son of an Islamic State fighter, then this son is automatically a Muslim. Indeed, *Dabiq* states that "the child of the master has the status of the master" (as cited in Global Justice Center, 2016, p. 3). Accordingly, the Islamic State

initiated a policy to impregnate Yazidi women. One Yazidi captive recalls being told by her captor that she would become a Muslim and bear his children (Global Justice Center, 2016).

As part of the Islamic State's genocidal campaign, they refused to allow the birth of any Yazidi child under their watch. Accordingly, their treatment of Yazidi women who were pregnant upon capture varied. Some Islamic State fighters allowed the captives to go through with the pregnancy, taking the opportunity to radicalize and indoctrinate the newborn children (Vale, 2020). Some, however, refused to allow the birth of Yazidis under their roofs. Accordingly, they imposed forced abortions. One Yazidi survivor recalls how a doctor brought by the Islamic State did not only rape her, but also psychologically abused her by urging her to abort her *infidel* baby (Global Justice Center, 2016). Further, the same woman recalls how this doctor would sit on her stomach, hoping to abort her unborn baby (Global Justice Center, 2016).

The Islamic State policy of impregnating Yazidi captives was impeded by the primary goal of keeping the slave trade alive. As maintained, the slave trade kept the Islamic State economically afloat. Accordingly, it was not in the interest of many fighters to impregnate their Yazidi captives because their "price" would decrease if she were discovered to be pregnant. Therefore, it is not surprising that many Yazidi survivors recalled being forced to use contraceptives, like birth control pills (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). At other times, Yazidi captives who were impregnated by their captors resorted to different abortion mechanisms. A Yazidi survivor recalls discovering she was impregnated by her captor, Abu Mustafa (THE WHY, 2020). She narrates:

At first I took a lot of pills I found, but they didn't work. I went to a construction site, and picked up a heavy block. But it didn't work. It wasn't heavy enough. I tried a second one but it still wasn't enough. I put three blocks together and picked them



up. I could feel the blood vessels in my chest and my back was hurting. And it was gone. (THE WHY, 2020, 21:53)

#### 3.4.2.5 Suicides

Jilan was 19 years old when she committed suicide (Amnesty International, 2014). After being given dance costumes to put on for her potential buyer, Jilan hid in the bathroom, and committed suicide by cutting her wrists and hanging herself (Amnesty International, 2014). Her story was confirmed by girls who were held in Mosul with her. Luna, a 20 year-old who knew Jilan in Mosul, told Amnesty International that as a beautiful young woman, Jilan must have known that she would be the first to be taken by an Islamic State man, which is why she committed suicide (Amnesty International, 2014). Other women committed suicide by cutting their throats, and even hanging themselves with their headscarves (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). 27 year-old Wafa' recalled how for an entire night, she and her sister attempted to strangle themselves with their scarves until they fainted (Amnesty International, 2014). Resorting to whichever means were available to them, other women attempted to kill themselves by ingesting poisonous substances, like Dettol (Vale, 2020). A 22 year-old woman killed herself with the gun of the Libyan fighter who enslaved her (Vale, 2020).

Young women and girls, who were raised to believe they had the responsibility to preserve the continuity of their ethno-religious group, have contemplated and carried out suicide. In her memoir, Yazidi survivor Nadia Murad recalls how it was not until the Islamic State came to her village that she started thinking about death (Murad & Krajieski, 2017). When she was held in Mosul with other Yazidi women and girls, she recalled how they collectively considered suicide as their only way of fighting the Islamic State and not allowing its fighters to touch them (Murad & Krajieski, 2017). Soon, however, Murad recalled that the girls decided to help each other escape and survive instead (Murad &

Krajeski, 2017). She said: “I kept thinking of my mother. For her, nothing in life was bad enough to justify suicide. ‘You have to believe that God will take care of you’, she would tell me whenever something bad happened to me.” (Murad & Krajeski, 2017, p. 132). Indeed, it was faith that helped the majority of the women survive captivity. For others, it was the fear for their family members that kept them alive. Unsurprisingly, the Islamic State showed no mercy towards the young women who attempted suicide. Instead, they threatened to kill the relatives of the girls if they dared kill themselves (Amnesty International, 2014). By doing this, the Islamic State showed the Yazidis that not even death can save them.

### **3.4.3 The Experiences of Children**

In the summer of 2015, an enslaved 5 year-old Yazidi girl was left to die of thirst under the sun in Iraq after being chained to the window of the house of her captors (Duffy, 2021). The girl was left to die slowly, right before her mother’s eyes, as a punishment for wetting her bed (Duffy, 2021). Yazidi children were often abused to punish their mothers. One Yazidi woman recalls how her children would cry when she would be taken by her captor to another room to be raped (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). She explained how two of her children were forced to stand barefoot in winter, in the snow, until he was done raping her (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). The punishment was most severe when the Yazidi women attempted to resist or escape captivity. One woman, Nadima, recalls how her children were poisoned and killed after she was caught trying to escape (Otten, 2017). Further, by exposing the Yazidi children to a wide range of violence, the Islamic State inflicted psychological trauma that was sure to shape their adult lives.

Girls under the age of nine and boys under the age of seven were allowed to stay with their mothers, even during captivity (The Independent International Commission of

Inquiry on the Syrian Arab Republic, 2016). However, after they reach this age, the Islamic State would enslave the girls, and take the boys for radicalization and indoctrination (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). After reaching the age of seven, Yazidi boys, who were forced to convert to Islam, were viewed as an important strategic asset. Yazidi boys provided the Islamic State with the perfect opportunity to create enemies from and within the Yazidi community (Vale, 2020). These boys, who became known as “the cubs of the Caliphate”, were radicalized and indoctrinated (Vale, 2020). They were forced into Islamic State schools and military camps (Vale, 2020). They were placed with Sunni Arabs in schools to memorize the Quran and become well-versed in the Islamic State’s ideology (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). Further, they were forced to witness, and even carry out, beheadings and shootings of Islamic State “enemies” (Vale, 2018). Indeed, they were taught how to operate weapons such as grenades, knives, and rifles (Al-Dayel et al., 2022). As a result, many of these boys turned on their families, and were successfully coopted into the classes of the Islamic State. While the Islamic State managed to brainwash some of the Yazidi boys, many others resisted. One Yazidi survivor, who was captured when he was a boy, recalled: “They would teach us that the people we loved were Kafir (infidels) and that we should fight them. Outwardly we were acting like them. Inside though, we were still holding on to our religion” (Amnesty International, 2022, 3:33).

The Islamic State, however, did not fall for their acts. The Yazidi survivor recalls being thrown in prison and beaten severely (Amnesty International, 2022). The beatings were often so severe that one Yazidi boy recalls having his wrist fractured because he was caught playing instead of praying (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). These boys were intentionally exposed to a culture of

violence to prepare them to participate in the Islamic State's quest to annihilate the Yazidi community and other enemies of the "Caliphate".

# CHAPTER FOUR

## GENDERING JUSTICE AND ACCOUNTABILITY

What does justice look like for the Yazidi survivors? The gendered analysis presented in the previous chapter demonstrates the necessity to recognize both the lethal and non-lethal aspects of genocidal violence. Accordingly, this chapter questions how a gendered understanding of the Yazidi genocide can yield more transformative and inclusive accountability mechanisms. First, this chapter briefly examines how the Yazidi case qualifies as “genocide” under international law. Second, by shedding light on the profiles of perpetrators, this chapter lays out the challenges of prosecuting the Islamic State. Third, this chapter examines the available pathways for retributive justice. Finally, it concludes that a transformative justice approach is most suitable for the Yazidi case.

### 4.1 The Yazidi Genocide Through A Legal Lens

Adopted on 9 December 1948, the Convention on the Prevention and Punishment of the Crime of Genocide imposed on the contracting parties the duty to prevent and punish the crime of genocide (The Convention on the Prevention and Punishment of the Crime of Genocide, 1948). The Convention defines genocide as a crime “committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group” (The Convention on the Prevention and Punishment of the Crime of Genocide, 1948, art. II). The Convention lists five main acts that constitute genocide:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;

- (e) Forcibly transferring children of the group to another group. (The Convention on the Prevention and Punishment of the Crime of Genocide, 1948, art. II).

While the Convention does not list the above acts in a hierarchical manner, the crime of genocide has long been equated to its first constitutive act (Ashraph, 2018). As the convention clarifies, genocidal violence is not necessarily carried out through lethal means. The tendency to overlook the non-lethal aspects of genocidal violence has often led to the marginalization of female victims. Indeed, women are often the victims of non-lethal genocidal violence, including but not limited to sexual violence and rape (Ashraph, 2018). This marginalization is the result of adopting a gender-blind approach to the study of genocide. As will be explored in this chapter, such an approach does not only marginalize the voices of the female victims, but also impedes justice by narrowing the scope of accountability.

As demonstrated in Chapter III, the Yazidi genocide was orchestrated along gendered lines. According to the testimonies of the survivors, the majority of whom are women, the Islamic State has deliberately adopted a gendered approach to the Yazidi genocide, separating the men from the women in order to kill the first and enslave the latter. In 2016, two years after the attack on Sinjar, the Independent International Commission of Inquiry on the Syrian Arab Republic released their report *“They came to destroy”*: *ISIS crimes against the Yazidis*, arguing that the Islamic State has indeed committed genocide against the Yazidi community (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). After thorough investigation and interviews with Yazidi survivors, the Commission concluded that the Islamic State has *intended* to destroy the Yazidi community not only through lethal means, but also through sexual slavery, forcible transfer, torture, unlivable conditions, reproductive violence, mental trauma, and forced

conversion (The Independent International Commission of Inquiry on the Syrian Arab Republic, 2016).

Proving genocide is an arduous task because it is contingent on confirming the *intent* of the perpetrators to destroy a specific group. This, however, is not a challenge in the case of the Yazidi genocide. As elaborated in Chapter III, the Islamic State had been vocal about its intent to annihilate the Yazidi community in accordance with its ideological principles. This has been evident in its publications, as well as the testimonies of Yazidi survivors. Believing their acts were justified by ‘correct’ Islamic teachings, the Islamic State justified and supported its intent to attack the Yazidi community by selectively referencing Quranic verses and Hadiths (Hawley, 2017). According to its ideology, the destruction of the Yazidi community need not be achieved solely through lethal means. Therefore, by privileging the first act of genocide, we risk presenting an incomplete and inaccurate picture of the Yazidi genocide.

While an in-depth legal analysis of the Yazidi genocide is beyond the scope of this thesis, it is important to clarify how the Islamic State has committed acts that fall under the five constitutive acts of genocide. First, the Islamic State massacred the Yazidi men, as well as older women deemed beyond “the child-bearing age”. These deaths, however, did not necessarily take place immediately after the capture of Sinjar villages. As demonstrated in the previous chapter, some Yazidis were executed after being relocated to remote areas (Al-Dayel et al., 2022). Further, the tendency to privilege immediate killings has overshadowed the deaths that result from non-lethal acts of genocide. This includes the suicides committed by many Yazidi captives. Second, the testimonies of Yazidi survivors mentioned in the previous chapter indicate that the Islamic State has indeed caused serious bodily and mental harm. Third, from the onset of its genocidal campaign, the Islamic State has deprived the Yazidi community of access to proper living conditions. Many of the testimonies of the

Yazidi women survivors indicate that they were regularly provided with meager food portions, and even forced to consume polluted water (Kikoler, 2015). Fourth, the Islamic State pursued reproductive violence as a strategy to prevent births within the Yazidi community (Borda, 2022). Finally, the Yazidi children were indeed forcibly transferred. While the girls were taken as captives, the boys were transported to training camps and forced into Sunni Muslim environments where they would study the Qur'an by force and participate in the Islamic State's activities (Vale, 2018).

## **4.2 The Perpetrators**

The 1948 Genocide Convention recognizes the duty to punish the perpetrators of genocide. This duty stands regardless of whether the genocide was committed by a non-state or a state actor (Ochab & Alton, 2022). According to the Convention, conspiring, inciting, and attempting to commit genocide, as well as complicity in genocide, are punishable acts (The Convention on the Prevention and Punishment of the Crime of Genocide, 1948).

Identifying the perpetrators of the Yazidi genocide is a challenging task. In 2014, when Abu Bakr al-Baghdadi announced the establishment of the "Caliphate", he appealed to Muslims and converts around the world to migrate and join the ranks of the Islamic State (de Leede, 2018). Only a year later, it was estimated by the UN that a minimum of 22,000 foreign fighters joined the Islamic State (Lister, 2015). Three years later, it was estimated that 41,490 foreigners were affiliated with the Islamic State, 13% of whom are women (Cook & Vale, 2018). As mentioned in the previous chapter, some Yazidi women survivors have named their captors and provided details about them. In some instances, they have also provided their nationalities (Duffy, 2021). Today, the fate of many of these Islamic State fighters remains unknown. While some countries have called for the repatriation of their national affiliates, others have completely rejected this option out of fear of inviting



terrorists back to their lands (Ray, 2021). This does not only apply to the fighters, but also the so-called *Jihadi Brides*, or the women who migrated to join the Islamic State.

Ignoring the centrality of gender in the Yazidi genocide is also dangerous at the level of perpetrators. The testimonies of Yazidi survivors, which were cited in the previous chapter, show us that the orchestrators of the Sinjar attacks were Islamic State fighters; however, they also showcase the involvement of their wives in facilitating slavery and rape (Murad & Krajeski, 2017; Khalaf & Hoffmann, 2016; Duffy, 2021). In 2021, in accordance with the principle of Universal Jurisdiction, a German national and previous Islamic State member, Jennifer Wenisch, was found guilty of committing crimes against humanity (Greenall, 2023). This verdict was reached against the backdrop of her involvement in aiding her husband in chaining and leaving an enslaved five-year-old Yazidi girl to die of thirst in the scorching heat outside their house in Fallujah (Greenall, 2023). Her husband, Taha Al-Jumailly, is the first Islamic State member to be convicted of genocide (France 24, 2021). Repatriating the Islamic State members does not guarantee their prosecution on genocide-related charges. Indeed, despite the testimonies of Yazidi survivors, many repatriated Islamic State fighters were charged for their involvement in terrorism only (Ray, 2021). Therefore, in order to bring justice to the Yazidi survivors, a comprehensive retributive justice process channeled through national and international accountability mechanisms must take place.

#### **4.3 Retributive Justice: Available Accountability Mechanisms**

In 1998, Jean-Paul Akayesu, former mayor of Taba Commune in Rwanda, was found guilty of genocide by the International Criminal Tribunal for Rwanda (Koomen, 2013; Goldstone & Dehon, 2003). The Akayesu case was the first to recognize mass systematic rape as genocide (United States Holocaust Memorial Museum, 2021). The establishment of the International Criminal Tribunal for Rwanda, followed by the

International Criminal Tribunal for the former Yugoslavia, redefined international justice for survivors of gender-based violence in conflicts. Prior to the International Criminal Tribunal of Rwanda, sexual violence had largely been overlooked in contexts of mass violence. While World War II has produced evidence of rape, the Nuremberg and Tokyo tribunals failed to explicitly reference sexual violence in their charters (Carpenter, 2008). Therefore, the Akayesu case is often credited for highlighting the role of gender in genocides, and widening the spectrum of genocidal violence (Ashraph, 2018). Guided by this gendered approach, international retributive justice processes have gradually begun to overcome the barriers to prosecute non-lethal acts of genocide (Ashraph, 2018).

Retributive justice is defined as “the subjectively appropriate punishment of individuals or groups who have violated rules, laws, or norms and, thus, are perceived to have committed a wrong-doing, offence, or transgression” (Wenzel & Okimoto, 2016, p. 238). In international law, retributive justice is often expressed through the establishment of international criminal tribunals (Kim, 2019). While international criminal tribunals can be effective, they are insufficient in bringing justice for survivors of mass atrocities. The need for a comprehensive retributive justice process is most evident in the case of the Yazidi genocide. In addressing the so-called “accountability gap” that emerged in the aftermath of the Yazidi genocide, Karim A. A. Khan<sup>7</sup> commended the innovative approach to accountability that relies on the complementarity between national and international mechanisms (Khan, 2021). He contended that the collaboration between domestic and international mechanisms can help reduce this gap (Khan, 2021). This innovative approach was embodied in the establishment of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Daesh/ISIL (UNITAD). Responding to the calls

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<sup>7</sup> Karim A. A. Khan has served as head of UNITAD (the United Nations Investigative Team to promote accountability for crimes committed by Daesh/Islamic State in Iraq and the Levant (Khan, 2021).

of the Government of Iraq, UNITAD was established in 2017 under the authorization of the Security Council (Khan, 2021). Since its inception, UNITAD has been primarily concerned with centering the voices of the survivors of the atrocities committed by the Islamic State (Khan, 2021). As will be explored in the section, this approach needs to be present in accountability mechanisms at all levels.

#### **4.3.1 International Criminal Court**

The International Criminal Court (ICC), founded in 2002, enjoys jurisdiction over crimes of genocide, war crimes, crimes against humanity, and crimes of aggression (Klobucista, 2022). There are three primary ways through which the ICC can commence work on an investigation: referral by a member country, referral by the UN Security Council, and upon the initiative of the prosecutor (Klobucista, 2022). Unlike the International Court of Justice (ICJ), the ICC enjoys the ability to prosecute individuals (Klobucista, 2022). Guided by the principle of complementarity, the ICC is considered “a court of last resort” (Kirsch, 2007, p. 543). This means that the ICC only acts “when national courts are unwilling or unable to carry out genuine proceedings” (Kirsch, 2007, p. 543).

In their report, the Independent International Commission of Inquiry on the Syrian Arab Republic called for the establishment of both national and international justice mechanisms, highlighting the ICC as the only viable international criminal tribunal to try the Islamic State over its crimes against the Yazidi community (Independent International Commission of Inquiry on the Syrian Arab Republic, 2016). There are, however, structural barriers that stand in the way of achieving justice through the ICC. The Islamic State crimes were committed in Iraq and Syria, both of which are not signatory to the Rome Statute of the ICC (Omtzigt & Ochab, 2019). Therefore, the ICC does not have the needed territorial jurisdiction (El-Masri, 2018). Ideally, the Security Council has the power to refer the case to the ICC. However, the ICC has often faced deadlock when dealing with matters pertaining

to Syrian territory. While Russia has been involved in the Coalition against the Islamic State, it has constantly used its veto power to turn down any resolutions pertaining to Syrian territory (Omtzigt & Ochab, 2019). China, as well, has opposed the referral of the Yazidi case to the ICC, fearing the consequences of the investigation on other parties in Syria, namely the Assad government (El-Masri, 2018). This is because while such an investigation could, in theory, limit itself to the territory once controlled by the Islamic State, it could also investigate the crimes committed by all the parties within this territory (Omtzigt & Ochan, 2019). Despite this deadlock, the ICC still enjoys personal jurisdiction over the individual perpetrators of the Yazidi genocide. Indeed, it could exercise this jurisdiction over the senior Islamic State commanders, who happen to be nationals of State Parties to the ICC (Omtzigt & Ochan, 2019). Still, not much action has been taken on this front. Aside from the fact that the ICC has not been granted the evidence needed to carry out such an investigation, its work has also been impeded by the question of “nationality” (Omtzigt & Ochab, 2019; Cray, 2022). While the ICC can exercise personal jurisdiction over Islamic State members who are nationals of state parties to its statute, these states might revoke their nationality based on their affiliation with the terrorist group (Cray, 2022). Another question that arises when investigating the viability of the ICC as an international accountability mechanism is its power to prosecute the gendered acts of the Yazidi genocide. The Rome Statute is considered an historic international legal development for its recognition of gender-based crimes (Bedont & Hall-Martinez, 1999). It categorizes gender-based crimes under war crimes and crimes against humanity (Bedont & Hall-Martinez, 1999). Further, by recognizing the crime of sexual slavery, the Rome Statute has introduced a new definition that centers the experiences of women and children (Bedont & Hall-Martinez, 1999). By recognizing the gendered nature of violence, the Rome Statute makes the ICC fit for prosecuting the Islamic State for its gendered acts of genocide against the Yazidi

community. Such a prosecution, however, may be categorized as “crimes against humanity” instead of genocide. While this undermines the gendered dynamics of genocide, it still offers a pathway to the accountability demanded by the Yazidi community.

#### **4.3.2 Ad Hoc International Criminal Tribunal**

The celebrated gender-sensitive Rome Statute is largely the product of the legal precedents set by the International Criminal Tribunal for Rwanda and that of former Yugoslavia. Prior to the establishment of the ICC, *ad hoc* Tribunals have been essential in developing genocide law (Verdirame, 2000). Significantly, the jurisprudence of these tribunals is credited for recognizing that acts of sexual violence, when committed with intent, may be considered acts of genocide (Verdirame, 2000). While the ICC is a viable accountability option, the specific jurisdiction of *ad hoc* tribunals has the potential to address the lack of political will which has hindered the ICC (Omtzigt & Ochab, 2019). With such an exact jurisdiction, an *ad hoc* tribunal has the potential to try Islamic State fighters, as well as their wives, who were involved in the Yazidi genocide and hold them accountable for both the lethal and non-lethal acts of genocide they have committed.

As indicated in the previous chapter, the Yazidi survivors, specifically the women, have been vocal about their experiences, and have provided valuable testimonies that can be used in court. Therefore, any ad hoc international criminal tribunal must center the voices of the Yazidi survivors. In this regard, an ad hoc international criminal tribunal can best prosecute the gendered crimes of the Yazidi genocide by giving the women survivors a legal platform. Otherwise, women survivors are not likely to cooperate with legal procedures that marginalize them (Ashraph, 2018). Giving Yazidi women survivors a platform of their own does not privilege them over the surviving male victims of the Islamic State’s genocidal violence. Yazidi women have been targeted through non-lethal means of violence, they have played a significant role in exposing the crimes committed by the Islamic State, and must,

therefore, have their voices highlighted in any viable accountability mechanism. Accordingly, there have also been calls for the establishment of an international tribunal designed specifically for Yazidi women to allow them to share their stories and highlight the “intersectional discrimination” that has subjected them to gendered genocidal violence (De Vido, 2018). Such a tribunal, however, can only exist as an accountability mechanism complementary to more gender-inclusive ones.

### **4.3.3 Universal Jurisdiction**

The principle of “universal jurisdiction” was built on the idea that certain crimes, namely genocide, crimes against humanity, and war crimes, transcend the national borders of states (The Center for Justice & Accountability, n.d.). Gradually, universal jurisdiction has become an important international justice tool, ensuring that perpetrators can be prosecuted even outside the territories on which they have committed grave crimes (Amnesty International, 2012). Further, as any other international justice mechanism, universal jurisdiction can be effective in ending the impunity prevalent in domestic courts (Roth, 2001). Recently, universal jurisdiction has gained popularity as an effective international justice mechanism. The aforementioned trial of Jennifer Wenisch, as well as her husband Al-Jumailly, took place under the principle of universal jurisdiction. So far, this has been the primary international justice mechanism to address the Yazidi genocide. Universal jurisdiction, however, is yet to address gendered crimes of genocide, specifically sexual slavery and sexual violence (El-Masri, 2018). This is not to say that universal jurisdiction does not have the capacity to address such crimes. On the contrary, a recent report by Trial International indicates that universal jurisdiction is “an overlooked” international justice tool in prosecuting conflict-related sexual violence (Trial International, 2022, p. 9). Universal jurisdiction, however, faces both legal and financial obstacles. Financially, much like international criminal tribunals, universal jurisdiction procedures are

costly (Trial International, 2022). From a legal standpoint, prosecuting gender-based crimes as standalone charges is also challenging and requires the involvement of NGOs and advocacy groups (Trial International, 2022). In the Yazidi case, this can be circumvented by prosecuting gender-based crimes as part of genocide and crimes against humanity.

#### **4.3.4 National Accountability Mechanisms**

The transnational nature of the Yazidi genocide has complicated the question of national accountability. The Islamic State, comprised of foreign fighters, has committed atrocities that extend beyond the borders of Iraq and Syria, where it was formally established. The crimes against the Yazidis, however, were committed in Iraq and Syria. In both countries, national accountability mechanisms have proven inefficient in addressing the Yazidi genocide generally, and the genocidal violence against Yazidi women specifically.

The national laws and Penal Codes of both Syria and Iraq are ill-prepared to address the gendered genocidal violence that was targeted at Yazidi women. This is most evident in the cases of sexual violence and sexual slavery (El-Masri, 2018). This was corroborated by a 2018 report by the Global Justice Center, which concluded that Iraq's current legal system is practically unable to punish the gender crimes that were perpetrated by the Islamic State (Global Justice Center, 2018). For example, while slavery is prohibited by the Iraqi constitution, there is no mention of the sexual aspect of the crime in the Penal Code (Global Justice Center, 2018). Sexual slavery may be punishable as kidnapping or trafficking; however, this undermines the intentional dehumanization and commodification of Yazidi women and girls who were considered "war spoils" by the Islamic State (Global Justice Center, 2018). While these legal barriers are also present in Syria, there are also other challenges that have impeded national accountability. Given that the majority of Islamic State fighters were held as prisoners by the Kurdish Syrian Democratic Forces, who are not

recognized by the Syrian government, little has been done in terms of accountability (El-Masri, 2021). Similarly, in Iraq, the Kurdistan Regional Government (KRG) hosts a large number of suspected Islamic State fighters who are the subject of regional proceedings (Van Schaack, 2018). In order to create a harmonious national accountability strategy, the central government and the KRG must coordinate their prosecution strategies.

The condition of trials held in Iraq have also failed to meet international standards. In trials that did little to include the voices of the victims, Iraq has prosecuted thousands of Islamic State members (El-Masri, 2021). These trials have become notorious for disregarding the procedural rights of the defendants, often holding them for months and depriving them of their right to legal representation (El-Masri, 2021). Another notorious issue is the government's resolve to impose the death penalty in any case related to the Islamic State (Van Schaack, 2018). Mohammed Rashid Sahab, an Islamic State fighter, has been charged with the death penalty for raping a Yazidi woman survivor (Global Network of Women Peacebuilders, 2020). Much like the aforementioned case of repatriated foreign fighters who are being convicted of terrorism-related charges, Sahab's conviction was also covered by the Anti-Terrorism Law (Global Network of Women Peacebuilder, 2020). By centering terrorism at the heart of these prosecutions, the Iraqi government marginalizes the role of gender-based crimes against the Yazidi community. The question is not whether these Islamic State fighters have been members of the terrorist organization, but rather what crimes they have committed against the Yazidis, and other groups in controlled areas. Further, the Iraqi law does not criminalize international crimes, including the crime of genocide (Human Rights Watch, 2017). Therefore, national prosecution cannot sufficiently address the Yazidi genocide and must, therefore, be complemented by international accountability mechanisms.



#### **4.4 Beyond Accountability: The Need For Transformative Justice**

Is retributive justice enough to address the Yazidi genocide? The above discussion indicates that the available national and international accountability mechanisms fail to effectively address the gendered crimes of the Yazidi genocide. While prosecuting individual perpetrators of the Yazidi genocide is essential, justice for the Yazidis goes beyond accountability. The majority of the survivors of the genocide are Yazidi women who have undergone extreme forms of sexual violence, rape, and sexual slavery. Much of what we know about the Yazidi genocide today comes from the testimonies of Yazidi women survivors. Accordingly, any relevant transitional justice process must highlight the voices of the Yazidi victims, and give them a platform to share their experiences and participate directly in the process.

Transitional justice encompasses a wide range of mechanisms that enable post-conflict societies to deal with a brutal legacy of human rights violations (Coomaraswamy, 2015). The scope of transitional justice usually depends on the context of the conflict and the preferences of the concerned society. Traditionally, transitional justice processes include retributive justice processes, compensation, institutional reform, and reconciliation (Lundy & McGovern, 2008). While transitional justice has gained global popularity, it has often been criticized for its inability to tackle the root causes of conflicts (Gready & Robins, 2014). The concept of “transformative justice” emerged to address this gap. Transformative justice refers to a more comprehensive transitional justice process that acknowledges the need to enable transformative social change (Szablewska & Jurasz, 2019). The difference between transitional and transformative justice is quite clear: whereas transitional justice refers to a shift from one state to another, transformative justice implies a more radical change that addresses the very roots of the conflict (Daly, as cited in Szablewska & Jurasz, 2019). Further, transitional justice has inadequately addressed the prevalence of gender-

based crimes in conflicts (Szablewska & Jurasz, 2019). This is mainly because present transitional justice mechanisms have failed to address the inequalities and structural barriers that have enabled the occurrence of gender-based violence (Coomaraswamy, 2015). Conversely, transformative justice processes seek to address these structural inequalities, as well as the ways in which they could spark further violence during peacetime (Boesten, 2021). Moreover, a survivor-centric transformative justice process allows Yazidi survivors to address their own experiences, and voice out the kind of justice they would like to see.

The Yazidi Survivors Network is an advocacy platform founded by a group of Yazidi female survivors in 2019 (Arab News, 2022). The goal is to train the Yazidi women to lead advocacy and transitional justice campaigns (Arab News, 2022). Recognizing that they are indispensable to the transitional justice process, Yazidi female survivors have demanded the right to testify before a court of law (Arab News, 2022). While survivor-centric trials are nearly absent in Iraq, there have been cases where the Yazidi survivors have been allowed to testify. One such example is the aforementioned case of Mohammed Rashid Sahab (Global Network of Women Peacebuilders, 2020). He was convicted of rape in a trial that allowed his victim to testify against him (Global Network of Women Peacebuilders, 2020). Sahab's conviction is a reminder that Yazidis need their day in court. Yazidi women have come to view criminal justice, as well as their right to return to Sinjar, live amongst remaining family members, enjoy psychosocial and socioeconomic support, as essential to their recovery (Arab News, 2022). Accordingly, only a transformative justice process that can address the root causes behind the Yazidis' deprivation of these rights can help the survivors recover and reintegrate into the Iraqi society.

It is no wonder that many Yazidi women survivors fear returning to Sinjar (Vale, 2020). Returning to and rebuilding Sinjar, however, is essential to the success of a radical transformative justice process. Displacing the Yazidi community was indeed part of the

Islamic State's genocidal campaign. As explored in the previous chapter, transfers were used as a means to instill a feeling of insecurity in Yazidi women (Global Justice Center, 2016). Further, as the historical home of the Yazidis, Sinjar symbolized the continuity and resilience of the ethno-religious group. Accordingly, the Islamic State's destruction of Sinjar symbolized the erasure of the Yazidis' historical home, and, consequently, signaled the exile of the community. As maintained in the previous chapter, the Peshmerga forces, which were tasked with the protection of the Yazidis, withdrew in time for the Islamic State to enter Sinjar (Otten, 2017). Further, the capture of Yazidi women and girls, as well as the murder of men, was largely facilitated by the Arabs cooperation with the Islamic State (Cetorelli & Ashraph, 2019). Therefore, a successful transformative justice process is not only contingent on physical reconstruction, but also the social reconstruction of relations between Arabs, Kurds, and Yazidis. Reconciliation is in itself a transformational process (Van Zoonen & Wirya, 2017). This is because its primary goal is to transform a relationship built on mistrust to one that thrives on coexistence (Van Zoonen & Wirya, 2017).

The Islamic State genocide has changed the make-up of the Yazidi community. As explained in the previous chapter, the Yazidi community thrived on its traditions. Not only did Yezidism prohibit marriages outside the religion, but also imposed somewhat traditional gender roles. The breaching of these sacred rules of the community were often punishable by excommunication and honor crimes (Vale, 2020). While the men were largely viewed as the breadwinners of the family, the women took on more domestic roles (Černý, 2020). The Islamic State, which had studied the Yazidi community thoroughly through its research department, rightly concluded that the Yazidi men, as the breadwinners, were responsible for the women of the family. The Islamic State viewed the men as the defenders of the community; therefore they were a security threat that must be eliminated through mass killings. By perceiving the women as the responsibility of the men, sexual violence against

the female victims was employed as a means to destroy the men as well (Ashraph, 2018). Moreover, by giving the Yazidi woman the identity of “sabyya”, or sexual slave, the Islamic State erased the identity of the mother and the daughter on which the community thrived. They did not, however, succeed in perpetuating this erasure. In 2014, only a few weeks after the fall of Sinjar, the spiritual leader of the Yazidi community, *Baba Sheikh*, announced that any Yazidi woman captive would be allowed to reintegrate into the Yazidi community (Vale, 2020). By doing so, Baba Sheikh removed the social stigma that was prevalent in the pre-genocide society.

The reintegration of freed Yazidi women into the community could not stop their traditional roles from changing. A large number of Yazidi women and girls lost their husbands, fathers, and brothers. Accordingly, many of them found themselves in new roles as the heads of the family. Any transformative justice process must factor in these socioeconomic changes. Indeed, the question of reparations is essential to a successful transformative justice process. This can be done by providing job opportunities for women (Nadia’s Initiative, n.d.). The youth, as well, must be empowered. Providing employment opportunities is essential to prevent the radicalization of the Yazidi youth (Van Zoonen & Wirya, 2017). While these initiatives may not directly alleviate the suffering of the Yazidi community, or restore its identity, they contribute to its recovery by enabling the Yazidis to take back control of their lives.

## CHAPTER FIVE

### CONCLUSION

It has been almost nine years since the Islamic State attacked Sinjar, marking the beginning of its genocidal campaign against the Yazidi community. As an ethno-religious minority, with an historical home in Northern Iraq, the Yazidis have been subjected to genocidal violence for centuries. While the genocide committed by the Islamic State is only the most recent one in Yazidi history, it stands out for its inherently gendered logic. Upon entering Yazidi villages, the Islamic State massacred the Yazidi men and captured the Yazidi women, forcing them into sexual slavery. While the literature on the Yazidi genocide has paid attention to the gendered nature of the Yazidi genocide, it has overwhelmingly focused on the sexual violence that targeted Yazidi women. The experiences of women should be highlighted; however, those of men and children must also be examined. Further, more attention should be paid to the reasons behind the Islamic State's adoption of a gendered genocidal strategy.

This thesis argued that the Islamic State has deliberately pursued a gendered genocidal logic to both destroy the Yazidi community, and advance strategic and ideological goals. It demonstrated that an accurate and complete picture of the Yazidi genocide can only be illuminated through a comprehensive gendered analysis. Building on the gaps highlighted in Chapter Two, this thesis attempted to go beyond the Yazidi women's experiences with sexual violence, and reflect on its systematic use as a means to destroy the Yazidi community. While rape and sexual violence are, without doubt, prevalent in conflicts and wars, their presence in the Yazidi genocide was by no means incidental. Instead, as demonstrated through the testimonies and memoirs of Yazidi women survivors, their presence at almost every stage of the genocide was deliberate and systematic. Additionally,

this thesis recognized the multi-faceted nature of the experiences of Yazidi women. By tracing the Yazidi genocide to its beginnings, this thesis also showcased the experiences of women during capture and transports, and at holding sites and slave markets. Moreover, this thesis paid attention to the prevalence of forced abortions, forced pregnancies, and suicides amongst Yazidi women captives. By examining first-hand testimonies and memoirs, this thesis attempted to center the voices of the Yazidi survivors, the majority of whom are women. The voices of women survivors appear to have dominated the analysis in Chapter Three. This, however, should not be taken as an attempt to privilege the female experience. Instead, it should be understood as a direct result of the gendered violence that is at the core of the Yazidi genocide. As demonstrated in Chapter Three, Yazidi women survivors have borne witness to the massacres that annihilated their men, and the indoctrination that targeted their children.

As mentioned, this thesis advances an understanding of genocide as *a process* as opposed to *an event*. Accordingly, it traced the Yazidi genocide to the very origins of the Islamic State. This thesis demonstrated a link between the exclusivist ideology fostered by al-Zarqawi, the credited founder of the Islamic State, and the genocidal violence committed against the Yazidis. Al-Zarqawi's ideology has, in fact, been described as genocidal. While his genocidal ideology was targeted at the Shi'a specifically, it served as the foundation of the Islamic State's intent to annihilate the Yazidi community. As demonstrated, al-Zarqawi's extremist approach, as well as his reliance on the doctrine of *takfir*, caused a rift between al-Qaeda and what would become known as the Islamic State. Based on al-Zarqawi's ideology, the Yazidis were *blamed* for being infidels. Therefore, they must be destroyed, and their culture must be erased.

Naming violence is an arduous and often controversial task. Genocide, specifically, poses a dilemma: how do you prove intent? Well, as established in this thesis, the Islamic

State has made the task of proving *intent* quite easy. While the Islamic State is a non-state actor, its level of bureaucratization paralleled that of states. Through the establishment of a research department, the Islamic State studied the Yazidi community. They understood, quite clearly, that the Yazidi community thrived on its religion. They also understood that the Yazidi religion can only be sustained through the births of Yazidi children. Subsequently, they recognized that Yazidi children can only be born to two Yazidi parents. Therefore, the Yazidi community can be destroyed through the erasure of its religious identity. Accordingly, destruction need not come about through lethal means. The examined testimonies and memoirs from Kocho village give rare insight into the rationale of the Islamic State, and how they sought to destroy the Yazidi community. First, they would demand of the Yazidi community to convert. However, there is no reason to believe that the Islamic State expected them to collectively convert to Islam. This is evident in the organized plan that followed. As an inherently ideological organization, the Islamic State sought to justify every act of violence by the selective referencing of Islamic texts. Accordingly, the refusal of the Yazidi community to convert would be followed by a clear and organized plan: the killing of Yazidi men and the abduction of women and children. According to the Islamic State's ideology, Yazidi women can be sexually enslaved. Sexual slavery, however, was not only carried out for ideological purposes.

The ideology of the Islamic State cannot be divorced from its strategy to expand the so-called Caliphate. This thesis shed light on the ways in which the Islamic State has used the sex slave market to advance strategic goals. While the sex slave market was largely ideological, it also had an economic value that served the expansionist goal of the Islamic State. As a self-funded organization, the Islamic State used the sex slave market as a means to keep itself economically afloat. Other acts of the Yazidi genocide also served strategic values. The indoctrination of Yazidi boys, for example, also allowed the Islamic State to use

them on the battlefield. Further, by boasting about the violence committed against the Yazidi community, the Islamic State used the Yazidi genocide to serve its strategy of spreading terror and consolidating the Caliphate. The discussion presented in this thesis shows how genocide may not necessarily be an end in itself. While the Islamic State sought to annihilate the Yazidi community, it also aimed to propagate its ideology and expand its Caliphate.

The gendered analysis presented in this thesis does more than highlight the ways in which men and women experience genocide differently. It also shows that the destruction of a group does not necessarily take place through lethal means. While the massacring of Yazidi men was intended to destroy the Yazidi community, the enslavement of women and the indoctrination of young boys also served the same purpose. Given that the Yazidis thrived on their ethno-religious identity, any act that sought to erase it contributed to the fragmentation of the community. The psychological trauma and the identity crisis caused by the Islamic State has irreversibly changed the traditional make-up and the identity of the Yazidi community. Accordingly, a gendered analysis introduces a new understanding of genocide, and expands its scope. This has implications at the accountability level.

In Chapter Four, this thesis argued that any accountability mechanism must factor in the role of gender in the Yazidi genocide. Otherwise, justice cannot be achieved for the survivors. By examining the different available national and international accountability mechanisms, this thesis demonstrated that accountability cannot solely achieve justice. While the Yazidi genocide was perpetrated by the Islamic State, it was also enabled by several structural factors, including the tense relations Yazidis had with their Arab and Kurdish neighbors. Accordingly, this thesis advocated for a transformative justice approach that addresses these structural issues. Transformative justice can both achieve legal justice, and ensure that the violence committed by the Islamic State would be the last in the history of the Yazidis.



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