

# Yazidis in Syria: Decades of Denial of Existence and Discrimination



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*The Yazidi minority in Syria is subject to multi-fold oppression.  
Yazidis are denied basic religious rights and constitutional  
recognition*

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## Executive Summary

The presence of Yazidi (Ezidi) communities in Syria and the region dates back to ancient times.<sup>1</sup> As a result of multiple genocides, their once-large communities have diminished and they are now a religious minority at the risk of annihilation. The surviving communities continue to live in small enclaves in countries like Syria, Iraq, Kurdistan, and Turkey..

In 2014, Yazidis suffered the latest genocide at the hands of the Islamic State (IS)—also known as the Islamic State of Iraq and the Levant (ISIL), and by the Arabic acronym *Daesh* in local media. IS attacked the region of Sinjar (Şingal), in Iraq, then detained and transported thousands of male and female Yazidis to Syria, where they were subjected to “almost unimaginable horrors”, according to the Independent International Commission of Inquiry on the Syrian Arab Republic (hereinafter Commission of Inquiry on Syria).<sup>2</sup>

Most of the extermination campaigns perpetrated against Yazidis were preceded by smear campaigns, which targeted the community’s beliefs, faith, customs, and origins and aimed to spread disinformation about the religion and its rituals, as well as dehumanize its practitioners. These smear campaigns contributed to the creation a hostile environment that would ultimately condone killing and displacement of Yazidis.

In addition to targeted smear campaigns, other factors have damaged the reputation of minority religions in Syria and differentiated them from the State’s “official religion”. Such factors include the lack of mutual understanding among existing religions, poor religious tolerance, and the refusal of both Syrian religious and government institutions to acknowledge the right of smaller religious communities to freely practice their rituals and traditions.

Though most of the Yazidis are Kurdish in ethnicity and speak the Kurdish language (Kurmanji), religiously they are distinct from the majority Sunni Kurdish population. As minorities, some Yazidis prefer to be recognized as an ethnic group, distinctly separate from the Kurds because of their cultural and religious differences.<sup>3</sup>

The central temple of Yazidis— the Lalish Temple— is located in [Shikhan](#) area, near the city of Mosul, in Nineveh province, Iraq. However, Yazidi populations are spread across Iraqi Kurdistan and parts of Syria, Lebanon, Turkey, and Iran. Additionally, large numbers are based in Armenia and Georgia.

IS horrors were not the last perpetrated against Yazidis, who continue to suffer from atrocities committed by other military groups, including armed opposition groups affiliated with the

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<sup>1</sup> Notably, there is no consensus as to the Arabic spelling of the name attributed to followers of Yazidism. Among the various spellings are الأيزيديين (al-Ayzidiyeen) or الإيزيديين (al-Ezdiyeen). Throughout the Arabic version of the report, the spelling الإيزيديين— without the glottal stop *Hamza* (ء)— is used, which is the standard spelling adopted by the Supreme Religious Authority in Lalish. The origins of the name will be explored in detail further below in the report.

In English, two variations exist, Yazidis and Yezidis. This report will use the common spelling Yazidis, unless used otherwise by quoted texts.

<sup>2</sup> ‘*They came to destroy*’: *ISIS Crimes Against the Yazidis*, the Independent International Commission of Inquiry on the Syrian Arab Republic, 15 June 2016, document coded: A/HRC/32/CRP.2

<sup>3</sup> Sannes, Ely. *The Status of the Yazidis: Eight Years on from the ISIS Genocide*. Washington Kurdish Institute, 27 May 2022. (Last visited: 14 July 2022). <https://dckurd.org/2022/05/27/the-status-of-the-yazidis-eight-years/>

Syrian Opposition Coalition (SOC). The opposition factions committed a wide array of violations against Yazidis during and after the Turkish-led Operations “Olive Branch” in 2018 and “Peace Spring” in 2019. For example, some factions arbitrarily detained Yazidi women in the Afrin region and coerced them to “convert into Islam”.<sup>4</sup>

Furthermore, in Afrin today, Yazidis are banned from celebrating religious events and providing religious education.

These violations have been subject to international scrutiny. In its 2020 report on Syria, the U.S. Commission on International Religious Freedom criticized the reported “persecution and marginalization” against “[r]eligious and ethnic minorities, especially displaced Kurds, Yezidis, and Christians, in areas under Turkish control, such as in the city of Afrin”. Additionally, the Commission recommended that the U.S. government “[e]xert significant pressure on Turkey to provide a timeline for its withdrawal from Syria, while ensuring that neither its military nor FSA allies expand their area of control in northeast Syria, carry out religious and ethnic cleansing of that Area”.<sup>5</sup>

## Methodology

This report lists genocides committed against Yazidi communities and addresses the smear campaigns that paved the way for those genocides. Smear campaigns have spread misinformation about Yazidi beliefs, customs, and origins, mischaracterizing the community and making them vulnerable to violence.

In response to defamation, the report will delve into the origins of Yazidism, its beliefs, rituals and the symbols hinging it as a religion. Additionally, the report will review the violations perpetrated against Yazidis in Syria in particular, also listing several Islamic *fatwas* (edicts) issued against Yazidism, and the Islamic narratives projected onto it.

Furthermore, the report will address the presence of the Yazidi community in contemporary Syria, and how successive Syrian governments dealt with this religious minority, also tackling the practices Yazidis are exposed to in the areas controlled by Turkey-backed armed groups in and around Afrin region, and Ras al-Ayn/Serê Kaniyê area, following Turkey’s two offensives into Syria in 2018 and 2019, known respectively as Operation Olive Branch and Operation Peace Spring. The operations led to the displacement of the overwhelming percentage of the Yazidi population in Ras al-Ayn/Serê Kaniyê area, and most of the population that inhabited Afrin.

To this end, the report primarily builds on 32 interviews, carried out with Yazidi victims who are in Syria and/or have immigrated abroad. Among the interviewees are 14 women.

In addition to victim accounts, the report draws on reports and studies issued by local and international human rights organizations.

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<sup>4</sup> *No Clean Hands – Behind the Frontlines and the Headlines, Armed Actors Continue to Subject Civilians to Horrific and Increasingly Targeted Abuse*, UN Commission of Inquiry on Syria, 15 September 2020 (last visited: 31 July 2022) <https://www.ohchr.org/en/press-releases/2020/09/un-commission-inquiry-syria-no-clean-hands-behind-frontlines-and-headlines?LangID=A&NewsID=26237>. The press release addresses the document coded: A/HRC/45/31.

<sup>5</sup> *2020 Annual Report*, the USCIRF, April 2020, [https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report\\_Final\\_42920.pdf](https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf).

When approaching the Yazidi issue legally, the report cites the Syrian constitution, notably texts related to religious freedoms, and Syrian Personal Status Law, which provides citizens with regulatory frames.

Historically, the report reviews several studies and research papers on Yazidism in Syria and the region, tackling its origins and doctrine, as well as the violations perpetrated against its followers.

The report is divided into three sections. In Section I, the report addresses conflict-related violations committed against Yazidis in Syria since 2011 up to 2022, with a focus on violations perpetrated in the areas controlled by the Turkish military, in the regions of Afrin and Ras al-Ayn/Serê Kaniyê. Additionally, the report backs the documentation with the testimonies of victims, who suffered property appropriation, arrest, or even death because they embrace a religion which differs from that of the ruling factions in their areas.

In Section II, the report addresses the violations Yazidis suffered under the Syrian government (SG) with a focus on pre-2011 abuses, including deprivation of legal rights and lack of recognition as an independent religious group. In this context, the report reviews the SG's legal and constitutional frames, in addition to the Personal Status Law, and the violations of the rights of Yazidis as a religious community. Additionally, the report presents international laws and legislations that protect the rights of religious minorities, in keeping with universal human rights principles.

In Section III, the report probes into the roots of Yazidism, exploring its origins, beliefs, and rites. Furthermore, the report examines the violations committed against Yazidis over the course of their history and their locations in Syria and set of recommendations to the stockholders.

## Introduction

Yazidis are defined as a traditional non-missionary and tightly-knit religious community. They cling to their ancient social and religious rituals, governed by specific laws that were established thousands of years ago. Both as a human group and a religious community, they are seen to reflect the beliefs and practices of ancient Indo-Aryan societies.

The central temple of Yazidis— the Lalish Temple— is located in the [Shikhan](#) area, near the city of Mosul, in Nineveh province, Iraq. However, Yazidi populations spread across Iraqi Kurdistan and parts of Syria, Lebanon, Turkey, and Iran. Additionally, large numbers are based in Armenia and Georgia.<sup>6</sup>

Several ethnic cleansing campaigns and massacres have been perpetrated against Yazidis, with smear campaigns mischaracterizing the community and its faith system. These campaigns have frequently attempted to alienate Yazidis from their own religion, at times categorizing them as Christians or Muslims, and labeling them “*murtadeen*” (apostates).

Attempts of forced religious categorization were met with resistance and rejection, and in some cases, refusal meant death. Many Yazidis, existentially threatened, were left with only three

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<sup>6</sup> Maisel, Sebastian. “Syria's Yazidis in the Kûrd Dāgh and the Jazīra: Building Identities in a Heterodox Community”. *The Muslim World*, vol. 103, no. 1, 2013, pp. 24-40. P. 24.

choices to survive: changing religion, converting to the religion of the area's ruler or dominant group, or leaving their homes and escaping elsewhere.

In Syria, Yazidis have been historically subjected to oppression and persecution. They have been deprived of practicing their own religious rites, learning and teaching the origins of their religion, building new places of worship or restoring old ones like other religions and communities in Syria, and even of performing their religious ceremonies. On top of this, they were forced to attend *al-Tarbiyah al-Islamiyah* (Islamic education) classes in schools.

After 2011, Yazidis had a historical opportunity to bring to light their religious character in the areas under the control of the Autonomous Administration—led mainly by Kurds and officially established in 2014. However, this opportunity was brief. The areas where many Yazidis lived, such as Afrin and Ras al-Ayn/Serê Kaniyê, suffered two Turkish military incursions—Olive Branch in 2018, and Peace Spring in 2019.

In the aftermath of the two offensives, the targeted areas suffered systematic violations of human rights. The violations were perpetrated especially against Kurds and, naturally, did not spare Yazidis.<sup>7</sup>

In addition to targeted smear campaigns, other factors have damaged the reputation of minority religions in Syria and differentiated them from the State's "official religion". Such factors include the lack of mutual understanding among existing religions, poor religious tolerance, and the refusal of both Syrian religious and government institutions to acknowledge the right of smaller religious communities to freely practice their rituals and traditions.

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<sup>7</sup> Several local and international reports addressed the violations committed by Syrian armed opposition factions in those areas. Key reports include those issued by the Commission of Inquiry on Syria, and international rights organizations, such as Amnesty International and Human Rights Watch. For instance, see: "Syria: Damning evidence of war crimes and other violations by Turkish forces and their allies", *Amnesty International*, 18 October 2019 (last visited: 1 August 2022). <https://www.amnesty.org/en/latest/press-release/2019/10/syria-damning-evidence-of-war-crimes-and-other-violations-by-turkish-forces-and-their-allies/> "Syria: Turkey must stop serious violations by allied groups and its own forces in Afrin", *Amnesty International*, 2 August 2018 (last visited: 1 August 2022). <https://www.amnesty.org/en/latest/news/2018/08/syria-turkey-must-stop-serious-violations-by-allied-groups-and-its-own-forces-in-afrin/>



Image (1)- The Lalish Temple in the Shekhan region, in Iraqi Kurdistan (Anadoluimages).

Legal and scholarly material on Yazidi history and practices highlight recurring political and religious forces which have attempted to publicly mischaracterize Yazidism, demean its followers, and entice them to convert to the area's dominant religion. Even in scholarly texts, the Yazidi faith and faith community have been mislabeled and demeaned, with some researchers labeling Yazidism as a modern "situational religion" or a sect that has strayed "from under the cloak of revealed religions", and even branded its rituals as "Sufi heresies".

Other researchers established a link between Yazidism and ancient Iranian religions, such as Zoroastrianism and Manichaeism, and also with Ancient Mesopotamian beliefs such as Sumerian, Babylonian and Mandaean. A different set of researchers viewed Yazidism as a depiction of the diverse Ancient religious beliefs of the peoples of Central Asia.

Except for a few, the majority of Yazidism-focused studies have neglected investigating the origins of the religion and the environment from which it emerged. As a result, misinformation about Yazidi social classes and religious structures is widespread.

These studies, founded upon pre-existing religious, national, and intellectual assumptions, relied on the sources of those hypotheses as if they were established ideas. Consequently, differing

opinions emerged about the origin of this religion, its basic principles and rituals, and even its name.

However, the 2014 IS-led genocide against Yazidis in Sinjar (Şingal) prompted many recent studies that adopted new perspectives in their approach to the nature of this religious community and the realities surrounding it.

## Section I

### Violations against Yazidis during the Syrian Conflict

In Syria, violations against Yazidis began after the sweeping 2011 protests, which in a few months devolved into armed conflict.<sup>8</sup> Soon after, Yazidi communities began being targeted for their faith practices. Yazidi communities, concentrated in the areas of Afrin and Ras al-Ayn, witnessed the first attacks in late October 2012, when [Qestel Cindo](#) was attacked by forces affiliated with the opposition's Free Syrian Army (FSA) after they took control of the neighboring Azaz city. In Ras al-Ayn/Serê Kaniyê, extremist Islamist armed groups began attacking the area and committing large-scale violations against its population, including Yazidis, in November 2012.

At dawn on 16 August 2013, Qaeda-linked jihadist factions attacked al-Asadiya village, located 10 km south of Ras al-Ayn/Serê Kaniyê. The village's population consisted mostly of Yazidis, being home to over 20 Yazidi families. The attack caused the death of Yazidi civilian Murad Sa'ado, who was injured while combating the attacking factions. The factions arrested him and left him to bleed to death. The factions also executed his brother, Ali Sa'ado, by firing squad<sup>9</sup>.

When IS came to being, they also began targeting Yazidi communities. IS considered the Kurdish Yazidi community to be made of *Kufar* (infidels) and their religious rituals as *tahrif* (distortion) of the true religious teachings. On 29 May 2014, IS attacked al-Tlailiya in al-Hasakah's countryside. The village was home to a Kurdish Yazidi community, in addition to a group of internally displaced persons (IDPs), mostly women and children, who settled there after they fled al-Safira area, in Aleppo. During the attack, IS militants – mainly foreign fighters who did not speak Arabic – mistook the IDPs they killed for Yazidis because they did not understand what they were saying. The executions stopped only when an Iraqi fighter arrived in the village, did some translation, and informed the militants that these civilians were "Sunni Arabs".<sup>10</sup>

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<sup>8</sup> The International Committee of the Red Cross (ICRC) described the combat in Syria as a non-international armed conflict in mid-2012. However, the International, Impartial and Independent Mechanism (IIIM), established by the General Assembly, stated that the internal armed conflict in Syria actually began in late 2011.

<sup>9</sup> *Ras al-Ayen: The Conflict over the "Gate to Syrian Jazira" on its Seventh Anniversary*, STJ, 7 November 2019 (last visited: 1 August 2022). <https://stj-sy.org/en/ras-al-ayen-the-conflict-over-the-gate-to-syrian-jazira-on-its-seventh-anniversary/>

<sup>10</sup> *Rule of Terror: Living under ISIS in Syria*, the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 November 2014 (last visited: 1 August 2022). [file:///C:/Users/Jian/Downloads/HRC\\_CRP\\_ISIS\\_14Nov2014.pdf](file:///C:/Users/Jian/Downloads/HRC_CRP_ISIS_14Nov2014.pdf)

Violations perpetrated against Yazidis took different forms and patterns following the Turkish military operations in northern Syria, which led to the displacement of tens of thousands of the indigenous population of northern Syria, including the Yazidis.

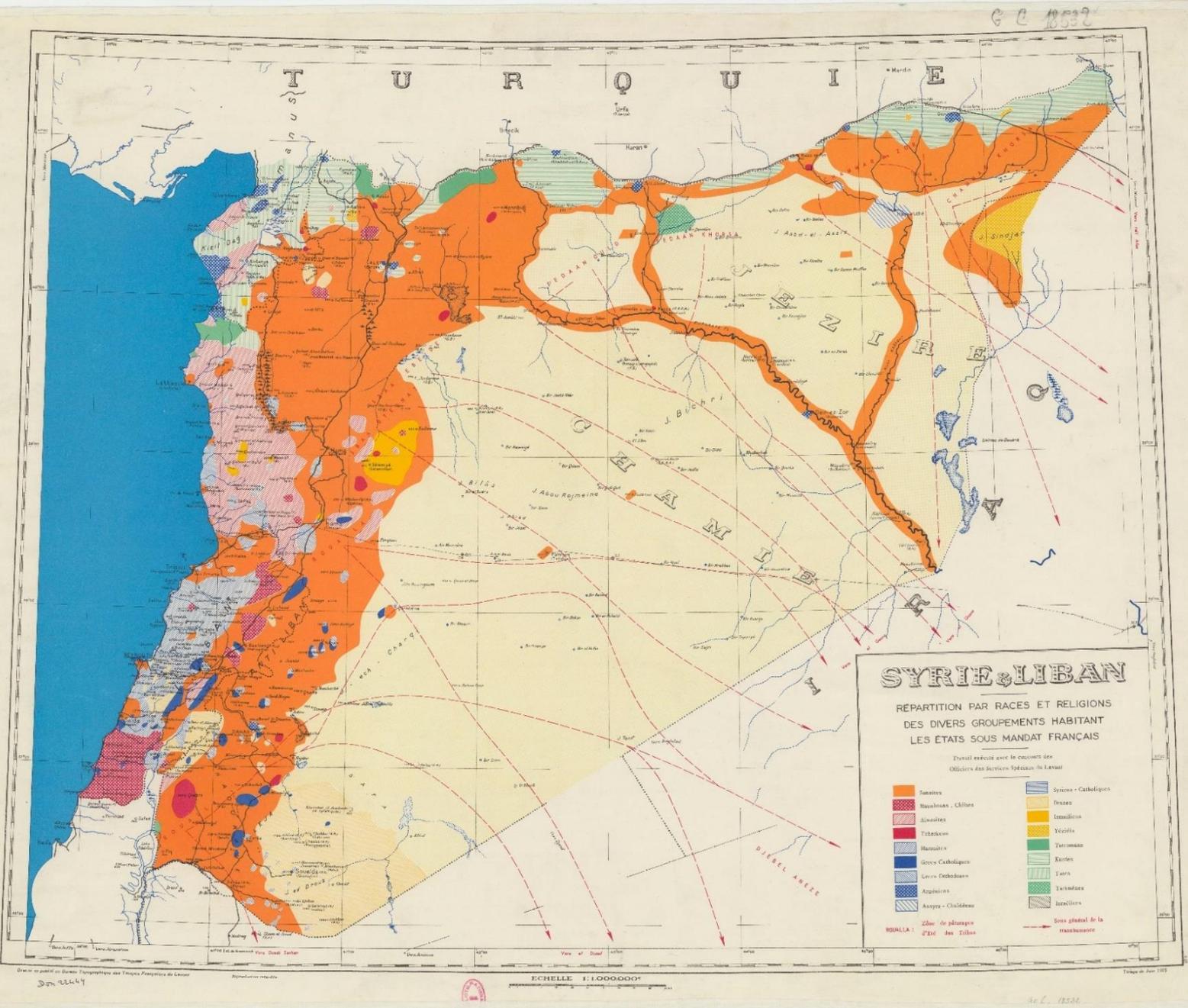


Image (2) - A map showing ethnic and religious divisions in Syria and Lebanon in 1936, prepared by the Topographic Office of French Army in the East. The map also highlights some locations of the Yazidi religious minority in Syria.

سوريون  
من أجل  
الديمقراطية  
والعدالة  
Syrians  
For Truth  
& Justice

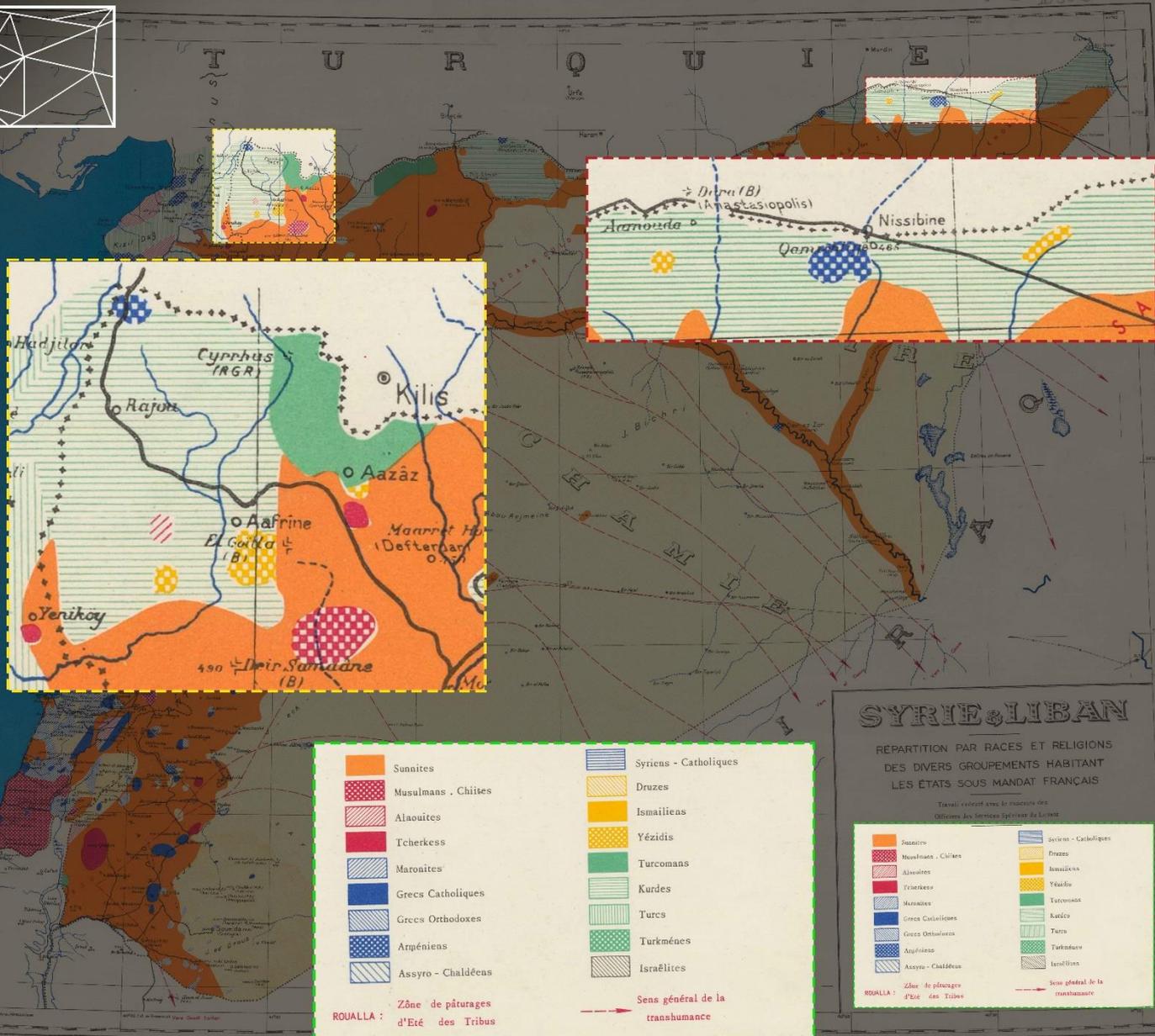
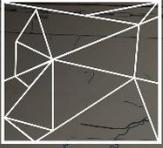


Image (3).

### Violations in the Olive Branch Strip–Afrin Region

“When the Turkish military operation on Afrin started in 2018, we did not think of leaving the house where we lived for years. However, when the bombing of the village intensified and the Turkey-backed armed factions drew closer, we, my family and I, had to leave the house... Later, after we fled and the factions affiliated with the Syrian National Army (SNA) controlled Afrin, we contacted our neighbors who remained there. They told us that our house was seized by a member of the opposition’s SNA. That person is an Arab fighter from the city of Menagh, in Idlib province. Today, he lives in my house with his family... after the entire house contents were looted, including furniture, and electrical appliances, among others.

This testimony was given by a Yazidi woman displaced from Afrin, and currently based in al-Asharfieh area, in Aleppo city.

Violations against Kurds in Afrin, including Yazidis, began immediately once the Turkish military and the Syrian armed opposition groups took control over the area. In a September 2018 report, the Commission of Inquiry on Syria documented patterns of arrest, beating, and kidnapping carried out by armed groups affiliated with the FSA, in addition to large-scale lootings and appropriations of civilian homes. In the report, “victims described how houses were looted to the point where they had been ‘stripped of furniture, electrical appliances and all ‘écor’.” Additionally, “witnesses stated that Turkish troops were on occasion present in the vicinity where lootings took place, but had not acted to prevent them.”<sup>11</sup>

In the same report, the Commission said they received reports “on the looting of hospitals, churches and a Yazidi shrine. . . the destruction of other Yazidi religious sites in attacks that appeared to have **sectarian undertones.**”

Covering violations in Afrin, STJ and Synergy/Hevdestî Association for Victims in North and East Syria reached out to Zilan Hamou,<sup>12</sup> who is a Yazidi woman displaced from the Yazidi village of Kafr Zait, in Afrin’s countryside. Hamou narrated:

“In late March 2018, the Syrian armed opposition groups arrested my husband because he asked them to leave his farm, which they appropriated after they controlled Afrin city and its countryside. The involved factions had him detained for 15 days. They tortured him on the charge that he was ‘Kafer—an infidel.’ When he was released, we were forced to flee to Afrin camp in al-Shahba area, north of Aleppo. Like many others of Afrin’s Yazidis, we will not return to the area until Turkey and the armed groups it backs had left.”

In March 2020, the Commission of Inquiry on Syria confirmed that the Kurdish residents of Afrin were primary targets and that most of the victims of kidnapping and detention were Kurdish males.

In August of the same year, the Commission published another extensive report on violations in Afrin. The report documented that the [22nd Division \(al-Hamza/al-Hamzat Division\)](#) arrested 11 women, including three Kurds and a Yazidi. The report corroborates additional detentions led by other opposition factions against Yazidi women, who “were on at least one occasion were urged to convert to Islam”. Additionally, the commission said it was investigating the detention of 49 Kurdish and Yazidi women in Turkey-held areas.<sup>13</sup>

The accounts STJ and Synergy/Hevdestî obtained from witnesses corroborate the information documented by the Commission. Hamou confirmed that the armed groups that participated in Turkey’s occupation of the region imposed restrictions on the Kurdish population in general and Yazidis in particular. She was forced to wear hijab, while she and other women were prevented from leaving home without Islamic dress.

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<sup>11</sup> Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, September 2018, Paras. 26 and 28, document coded: A/HRC/39/65.

<sup>12</sup> The source was interviewed online because she resides in an IDP camp in al-Shahba region, in Aleppo’s countryside. The interview was carried out in early May 2022.

<sup>13</sup> Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 August 2020, Paras. 55 and 56, document coded: A/HRC/45/31.

Hamou also narrated that the faction fighters mocked Yazidis and their rituals, by asking them questions about Islam and laughing at their answers. She recounted:

“Armed opposition groups arrested over 10 people from my village. My house was completely looted by the fighters of these groups. These groups clamped down on Yazidis, forced some of them to convert to Islam, and coerced women to wear the *niqab* (face veil). Additionally, they vandalized Yazidi shrines. All of this pushed the village’s families, nearly 200, most of whom are from the Yazidi minority, to flee areas controlled by Turkey and the armed groups it backs. Later, some families returned to the village, escaping the dire humanitarian conditions in camps. The returnees pay *atwat* (royalties) to the factions to spare them harassment. They are also prevented from practicing their rituals, while Muslims are prohibited from dealing with them in whatever way.”

According to several sources, Kurds constituted 92% of the population in Afrin, including about 50,000 Yazidis before the Syrian conflict.<sup>14</sup> However, the Turkish military operation "Olive Branch" led to the forced displacement of about 90% of Afrin’s Yazidis.<sup>15</sup>

The hostilities towards Yazidis were frequently projected on their central religious sites. In Afrin, Yazidi shrines were subjected to various forms of assaults, by several armed opposition groups, and for a variety of reasons. For instance, on 15 May 2020, fighters of one of the groups operating in the area dug up the Jill Khanna Yazidi shrine (located [here](#)) in Qibar village in search of artifacts. The shrine was a destination sought by families for blessings.

STJ also obtained testimonies corroborating digging work by the same armed group over the same month. The group carried out excavations at the Sheikh Hamid Yazidi shrine (located [here](#)) in Qestel Cindo village. Later, the group was identified as the Sultan Murad Division/al-Jabha al-Shamiya (The Levant Front).<sup>16</sup> The Front not only vandalized the Sheikh Hamid shrine, but also repeatedly sabotaged the cemetery near it, which shared the same name. Later, the cemetery was [attacked](#) by IDPs, who are related to the factions. The IDPs ignored the locals’ efforts to restore the destroyed gravestones after the attacks.

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<sup>14</sup> *The situation in Syria and Iraq* (in French), The French Office for the Protection of Refugees and Stateless Persons, 23 January 2020 (Last visited: 2 August 2022).

[https://www.ofpra.gouv.fr/sites/default/files/atoms/files/2001\\_syr\\_yezidis.pdf](https://www.ofpra.gouv.fr/sites/default/files/atoms/files/2001_syr_yezidis.pdf)

Also see: “Turkey’s track record: The occupation of Afrin”, *RIC*, November 2019, (Last visited: 2 August 2022).

<https://rojainformationcenter.com/2019/11/turkeys-track-record-the-occupation-of-afrin/>

Also see: “Turkey’s Afrin Operation Stokes Syrian Yazidi Fears and Fuels Displacement — by Sylvain Mercadier”, *Syria Comment*, 10 May 2018 (Last visited: 2 August 2022). <https://www.joshualandis.com/blog/turkeys-afrin-operation-stokes-syrian-yazidi-fears-and-fuels-displacement-by-sylvain-mercadier/>

<sup>15</sup> Sannes, Ely. *The Status of the Yazidis: Eight Years on from the ISIS Genocide*. Washington Kurdish Institute, 27 May 2022. (Last visited: 14 July 2022). <https://dckurd.org/2022/05/27/the-status-of-the-yazidis-eight-years/>

<sup>16</sup> ‘Blind Revenge’: Cemeteries and Religious Shrines Vandalized by Parties to Syrian Conflict, STJ, 6 April 2021 (Last visited: 2 August 2022). <https://stj-sy.org/en/blind-revenge-cemeteries-and-religious-shrines-vandalized-by-parties-to-syrian-conflict/>



Image (4) - Digging conducted in the floor of the Sheikh Hamid shrine outside Qestel Cindo ([source, Afrin Post](#))



Image (5) - The walls and ceiling at the southwestern corner of the Sheikh Hamid shrine have been partially destroyed since 2018 ([source, Afrin Post](#)).



Image (6) – The southwestern corner of the Sheikh Hamid shrine as seen from the southwest. Desecrated graves are visible in the foreground ([source, Afrin Post](#)).



Image (7) – Satellite imagery of the Sheikh Hamid shrine taken prior to the excavations. (9 Aug 2017).



Image (8) – Satellite imagery of the Sheikh Hamid shrine taken after excavations and the partial collapsing of the roof (21 Mar 2021).

Through filed documentation, STJ learned that several Yazidi graves in Qibar village cemetery (located [here](#)) were sabotaged by fighters affiliated with the Mu'tasim Billah Division in March 2018, nearly a week after Operation Olive Branch.



Image (9) – Desecrated Yazidi graves in the Qibar cemetery ([source. Rudaw](#)).



Image (10) – Desecrated Yazidi graves in the Qibar cemetery ([source](#)).



Image (11) – Desecrated Yazidi graves in the Qibar cemetery ([source](#)).

The information documented by STJ was verified by both STJ and Synergy/Hevdestî and obtained from a Yazidi woman, Shirin Ali,<sup>17</sup> who provided details on shrine attacks:

“In mid-May 2020, we heard that Jill Khanna Yazidi shrine Qibar village, located in Afrin’s countryside, had been dug up and vandalized by an SNA-affiliated armed group. So, we immediately went to examine the shrine, which takes the form of a cave in a rocky hollow. It is considered a temple that Yazidis visit for blessings, contemplation, and worship. It was vandalized and its contents were stolen. The traces of digging with sharp tools were still distinct on the shrine’s floor and walls.”

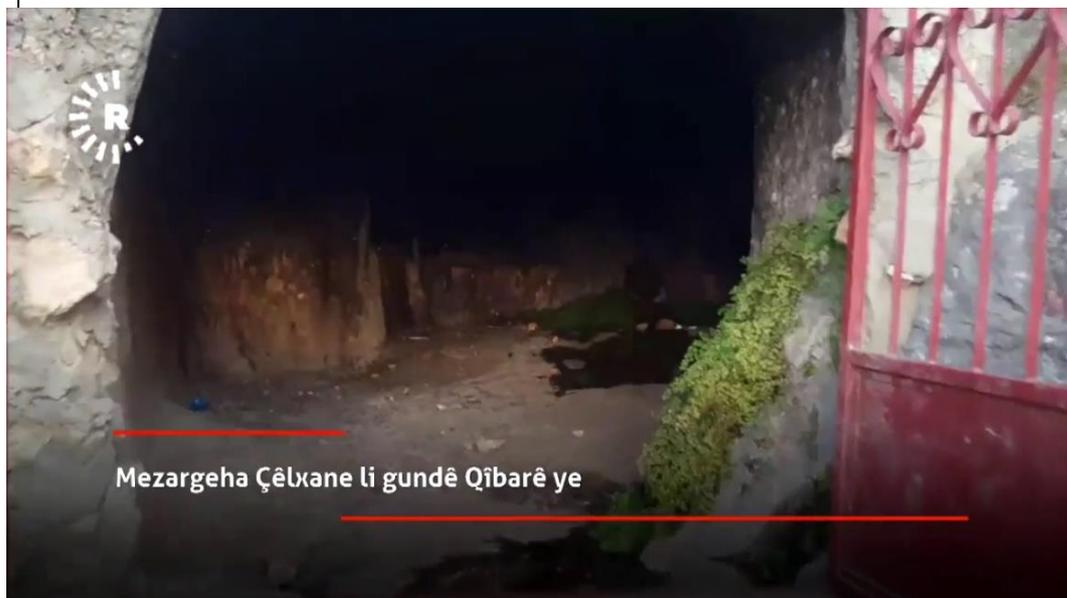


Image (12) – The entrance of the Jil Khana shrine as seen after vandalization ([source, Rudaw](#)).

<sup>17</sup> The source was interviewed online in late April 2022. The source’s real name was withheld and substituted with a pseudonym for security purposes.

For further information on shrine attacks, STJ and Synergy/Hevdestî reached out to Yazidi activist Murad Hamid, who resides in the al-Shahba area, in Aleppo’s northern countryside. Hamid narrated:

“In May 2018, the Sheikh Junaid shrine, which is of great importance to Yazidis and located in Faqira village, in Afrin’s countryside, was deliberately destroyed. The grave within it was exhumed and looted. In March 2018, SNA-affiliated fighters burned down a sacred tree in Kafr Jannah village, in Afrin’s countryside. The tree thrived across from the Hawker shrine in Qara Jarneh. In April 2020, the external section of the Sheikh Ali Shrine, in Bosoufane village, in Afrin’s countryside, was also destroyed. Parts of the shrine’s dome was bulldozed. In 2018, the same shrine’s contents were looted and its inside was littered.”



Image (13) – The Sheikh Junayd shrine (located [here](#)) as seen following the destruction of the interior tomb (source: [Ahmad Hasan-Official](#)).



Image (14) – An SNA militant seen burning the sacred tree outside the Qara Jarneh shrine (located [here](#)) ([source](#)).



Image (15) – The Sheikh Ali shrine (located [here](#)) after its domed roof was partially destroyed ([source](#), [Ezdina](#)).

The practices of vandalization committed against Yazidi structures were not limited to religious sites. The buildings of religious institutions were also attacked and destroyed. On 12 April 2022, STJ published a report, revealing that Syrian and Kuwaiti organizations built a school on the ruins of the building of the Yazidi Cultural Union (located [here](#)). The building was destroyed by armed opposition groups in 2018.<sup>18</sup>

<sup>18</sup> Afrin: A Kuwaiti Funded School Built on the Ruins of the Yazidi Cultural Union, STJ, 12 April 2022 (Last visited: 2 August 2022). <https://stj-sy.org/en/afrin-a-kuwaiti-funded-school-built-on-the-ruins-of-the-yazidi-cultural-union/>



Image (16) - The headquarters of the [Yazidi Cultural Union](#) in Afrin. Credit: [Thomas Schmidinger](#).



Image (17) - The headquarters of the [Yazidi Cultural Union](#) after it was destroyed ([source, ANF NEWS](#)).

In addition to arrests and attacks on objects, the organization Ezdina documented various [violations](#) committed against Yazidis in Afrin, including home [seizures](#) and [assaults](#) on locals.

## Violations in the Peace Spring Strip— Ras al-Ayn/Serê Kaniyê

In 2018, the Turkish military occupied the Kurdish/Syrian region of Afrin. Turkey managed to dominate the area under an agreement with the Russian Federation, whereby the Syrian airspace was opened for Turkey, and the Kurdish military presence—represented by the People's Protection Units (YPG)— in the area was eliminated. In exchange, the agreement helped Russia and the Syrian government take over the entirety of Eastern Ghouta, which was then controlled by the Syrian opposition and Islamic factions.

Additionally, Turkey took control of the territories stretching between Tal Abyad/ Girê Spî and Ras al-Ayn/Serê Kaniyê after it obtained the green light from the American administration, over a phone call between Turkish President Recep Tayyip Erdoğan and U.S. President Donald Trump on 6 October 2019.<sup>19</sup>

Grave human rights violations accompanied the Turkish military operation "Peace Spring". Since the beginning of the operation, willful killings and unlawful attacks that killed and injured civilians were recorded. Within the operation's frame, horrific details were revealed about the brutal field execution of the prominent Syrian Kurdish political activist, [Hevrin Khalaf](#). The activist was executed by Ahrar al-Sharqiya/Free Men of the East, an affiliate of the Turkey-backed SNA.<sup>20</sup>

In a related context, Human Rights Watch (HRW) documented that factions affiliated with the SNA—non-government armed groups backed by Turkey that operate in northeastern Syria, "have summarily executed civilians and failed to account for aid workers who disappeared while working in the 'safe zone.'"<sup>21</sup>

In its report, the HRW added that "The armed group has also apparently refused to allow the return of Kurdish families displaced by Turkish military operations and looted and unlawfully appropriated or occupied their property."

According to the Yazidi House, the numbers of Yazidis in Ras al-Ayn/Serê Kaniyê and its suburbs were home to nearly 3000 Yazidis by 2012. The families were distributed across the Zardasht neighborhood, and the villages of al-Dura'i, al-Tlailiya, al-Asadiya, Java, Dardara, Tal Sakhr, Jan Tamr, Shukriya, al-Said, Zaka, and Sheikh Hammoud, among others.

According to the same source, all the area's Yazidis fled due to the Turkish military operation, fearing a repeat of Afrin's violations against Yazidis.

Commenting on airstrikes on Yazidi villages, Juwan Shaikho,<sup>22</sup> a Yazidi IDP from Ras al-Ayn/Serê Kaniyê, told STJ and Synergy/Hevdestî:

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<sup>19</sup> Austin Holmes, Amy. *Syrian Yazidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*. The Wilson Center's Middle East Program, No. 37, July 2020. P.12: <https://www.wilsoncenter.org/publication/syrian-yazidis-under-four-regimes-assad-erdogan-isis-and-ypg>

<sup>20</sup> "Syria: Damning evidence of war crimes and other violations by Turkish forces and their allies", *Amnesty International*, 18 October 2018 (Last visited: 3 August 2022). <https://www.amnesty.org/en/latest/press-release/2019/10/syria-damning-evidence-of-war-crimes-and-other-violations-by-turkish-forces-and-their-allies/>

<sup>21</sup> "Syria: Civilians Abused in 'Safe Zones'", *HRW*, 27 November 2019 (Last visited: 3 August 2022).

<https://www.hrw.org/news/2019/11/27/syria-civilians-abused-safe-zones>

<sup>22</sup> The source was interviewed online on 15 May 2022. He withheld his real name.

“Our village [Shukriya] was targeted by Turkish warplanes. Concerned for my children’s safety, I had to leave the house and flee with my family to a village in Amuda area. We left our house, land and everything behind. We only took the house keys and stayed in a rented house in Amuda. Then, I learned that a battalion from the Jaysh al-Islam/Islam Army had looted all the house’s contents, in addition to a tractor, agricultural spare parts, a quantity of diesel, fertilizer and seeds, as well as a generator and a pumper. Later, they appropriated my house and land.”

On the condition of his anonymity, for security reasons, a second Yazidi civilian spoke about the violations in the area following Operation Peace Spring:

“The discourse of the armed Syrian opposition groups had religious and sectarian undertones of a hostile nature. This prompted the followers of the Yazidi religion to flee before other residents. Later, our properties were robbed and seized by the SNA-affiliated factions. The Northern Hawks Brigade and groups from Jaysh al-Islam/Islam Army appropriated 2,500 dunums of agricultural land in the villages of Aba and Shukriya, east of Ras al-Ayn/Serê Kaniyê, in addition to dozens of agricultural machinery and equipment. They also used homes in these villages as military centers.”

Only three Yazidis out of 3,000 returned to Ras al-Ayn/Serê Kaniyê and its countryside, encouraged by unofficial Turkish promises in late 2021. Turkey promised that the opposition’s Islamist factions would not harass the returnees. The above-cited source is one of the returnees. He narrated:

“I am one of the only three Yazidis who returned following Turkey’s promises to protect religious minorities. Indeed, the Northern Hawks Brigade returned to me a large part of my land and the lands of my brothers, stretching over an area of about 1,750 dunums. However, the Jaysh al-Islam— whose fighters are mostly from Eastern Ghouta, has not given me my land back yet. The area of the plot they seized is over 700 dunums (70 hectares) in Shukriya village. They planted again for this season, with wheat and barley. They did not respond to my repeated demands to return my land, because it is fertile and brings them revenues. I am still trying to recover my land. Additionally, they live in my house and the homes of my brothers and relatives in the village. They have turned these homes into military posts and refuse to leave them.”

## Documented Patterns of SNA-Led Violations

Dozens of local, international, and UN bodies have documented patterns of violations perpetrated against the population in the Peace Spring strip. The Commission of Inquiry on Syria reported the displacement of over 175,000 people by 22 October 2019 due to the hostilities accompanying the Turkish military operation. The Commission documented countless patterns of violations of human rights and international humanitarian law by SNA-affiliated factions. The

documented violations are consistent with the patterns corroborated in Afrin region, which witnessed a similar military offensive in 2018.<sup>23</sup>

In its 2020 report, the Commission reported that in “videos published on the Internet, purportedly by Syrian National Army fighters, used language comparing their ‘enemies’ to ‘infidels’, ‘atheists’ and ‘pigs’ when referring to civilians, detainees and property, which further amplified fears and created an environment conducive to abuse.”<sup>24</sup>

Later in 2020, the Commission published another report that contained extensive evidence of human rights violations in Afrin, Ras al-Ayn/Serê Kaniyê, and Tal Abyad, accusing the opposition factions of repeatedly committing war crimes and citing Turkey’s responsibility to ensure public order “as much as possible”.

In a statement on Operation Peace Spring, William V. Roebuck, a top American diplomat on the ground in northern Syria, criticized the U.S. administration for not trying harder to prevent Turkey’s military offensive there last month and accused Turkish-backed opposition militias of committing “war crimes and ethnic cleansing.”<sup>25</sup>

One of the widely committed violations is property appropriations, which affected various civilians, including a Yazidi farmer STJ and Synergy/Hevdestî interviewed for this report.<sup>26</sup> The farmer was displaced from Ras al-Ayn/Serê Kaniyê, and narrated that the Turkish military destroyed his houses, while opposition armed groups seized his remaining properties. He recounted:

“In October 2019, the Turkish military destroyed my houses in the airstrikes they launched during the offensive. I had four houses in Battana village, registered under Real Estate number: 1213. Additionally, SNA-affiliated factions seized my agricultural land that stretched over an area of 400 dunums (40 hectares).”

The source accused Martyrs of Badr Army/Jaysh Shuhada’a Badr, the 20th Division and Ahrar al-Sharqiya/ Free Men of the East of seizing all of his property, including the equipment that was in his house and agricultural land, on the pretext that Yazidis are “infidels”. He added that they threatened to arrest him if he returned to his original place of residence.

## Violations under the International Humanitarian Law (IHL)

The distinction between civilians and combatants during armed conflict is a key principle that has taken a customary character at the international level, because it is the principle that prohibits directing attacks against civilians, whether individuals or groups.<sup>27</sup> This prohibition enshrines the duty of the parties to the conflict to limit their military attacks against members

<sup>23</sup> Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 28 January 2020, Para. 54, document coded: A/HRC/43/57.

<sup>24</sup> Ibid, Paras. 56-57.

<sup>25</sup> “U.S. Envoy in Syria Says Not Enough Was Done to Avert Turkish Attack”, *New York Times*, November 2019.

<https://www.nytimes.com/2019/11/07/world/middleeast/us-envoy-william-roebuck-syria.html>

<sup>26</sup> The source was interviewed in person on 25 April 2022. He requested that his name be withheld.

<sup>27</sup> IHL Database, Customary IHL, ICRC, Rule 1. [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule1](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule1)

of the enemy armed forces or those whose direct participation in hostilities is proven, and any deliberate targeting of others, whether as individuals or as groups, is classified as a war crime.<sup>28</sup>

A party to the conflict cannot treat the civilian population in this overall capacity as legitimate military objectives. Rather, civilians must be treated as protected persons, within the frame entailed by Common Article 3 of the four Geneva Conventions. Moreover, civilians must be treated humanely in all circumstances. There is absolutely no justification for actions or inaction that hamper the fulfillment of the duty of humane treatment.<sup>29</sup>

The Yazidis are a segment of the civilian population in the area of the armed conflict in Syria. As the report documents, Yazidis were and are deliberately targeted as civilians. Notably, the violations perpetrated against Yazidis are not limited to those that may amount to the war crime of the deliberate targeting of the civilian population. The violations also involve other patterns that breach the IHL, some of which may amount to war crimes or crimes against humanity, including treating civilian areas as military targets and [bombing them](#), [attacking cultural property](#), [looting](#), [disrespect for religious beliefs and rituals](#), [forced displacement](#), and others.

Based on the information in this report, the parties that deliberately committed or neglected to address these practices did not only fail to ensure the due humane treatment of protected civilians but were also implicated in unfair discrimination against Yazidi civilians in this context. Unfair discrimination does not necessarily require a party to the conflict to exercise it directly against specific individuals, but it can fall on a group of protected persons indirectly as a result of public policies pursued by this party.<sup>30</sup> In addition to the duty to humane treatment without unfair discrimination, like the Yazidis were subjected to, the parties to the conflict are supposed to take into account the measures of “positive discrimination” in favor of certain individuals or groups of the population in the event that this “positive discrimination” is necessary to achieve humane treatment for those groups on an equal basis with remaining groups.<sup>31</sup> Contrary to these measures, Yazidis have been denied due protection and subjected, for being Yazidis, to inhuman treatment and other violations of the IHL by armed factions controlled by Turkey.

## Section II

### Violations against Yazidis before the Syrian Conflict

Notably, the suffering of Yazidis in Syria did not begin in 2011. Religious persecution against this minority can be traced back to the establishment of the Syrian State within its current borders.

This suffering intensified after the Arab Socialist Ba‘ath Party took power in Syria in 1963. The struggles Yazidis have faced are threefold. First, they struggled against the lack of constitutional recognition as a religious community, second, they confronted discrimination on the basis of

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<sup>28</sup> Rome Statute of the International Criminal Court, Article 8 (2)(e)(i).

<sup>29</sup> ICRC Commentary of 2016, Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949, § 561.

<sup>30</sup> Ibid. § 573.

<sup>31</sup> Ibid. § 578.

their ethnic identity as a Kurdish group,<sup>32</sup> and third, they suffered as Syrian citizens deprived of basic rights under an authoritarian regime.

The persecution of Yazidis was not limited to official authorities. Surrounding communities also contributed to a culture of discrimination against Yazidis, because the majority of Yazidis lived in conservative and/or Islamic environments that were dominated by misconceptions about Yazidism and its members.

Relating to persecution at a social level, a Yazidi young woman, Nalin Darwish Rasho, narrated to STJ and Synergy/Hevdestî the reasons that forced her to drop out of middle school in al-Hasakah city in 2011.<sup>33</sup> She said that her classmates harassed her, called her *Kafirah* (an infidel), and asked her to stay away from them.

Social discrimination against Yazidis is deeply related to the larger governmental policies addressing the community. The lack of official recognition of the Yazidi religion by successive Syrian governments warranted the spread of misconceptions about the. Under such conditions, several Yazidis refrained from talking openly about their faith, including young man Juwan Shaikho. He told STJ Synergy/Hevdestî that he preferred not to tell his colleagues during military service that he was a Yazidi. He feared they would bully or mistreat him or refuse to eat with him.

During the French mandate over Syria (from 1920 until 1946), authorities somehow turned “a blind eye” to the Yazidis’ expression of their identity, especially in Afrin. They allowed them to establish their own school and write their religion on identity documents.

However, after Syria’s independence, Yazidis were banned from expressing their identity and religion. They were even prohibited from placing their religious symbols on graves, classified as Muslims, and required to attend Islamic education classes in public schools, and swear on the Qur’an when testifying in courts. They were also obliged to resort to Islamic Sharia to attend to their personal affairs, in terms of marriage, divorce, and inheritance.

On court dealings and the discrimination against Yazidis, Suad Hasso,<sup>34</sup> Yazidi rights activist and head of the Yazidi Union of Afrin, narrated to STJ and Synergy/Hevdestî a personal experience she went through as she testified during a criminal case. She recounted:

“In 2011, two of my Muslim neighbors had a fight. I was a witness to the incident, and the court asked me to testify. The judge told me: ‘Put your hands on the Holy Qur’an, and swear to tell the truth.’ I told him: ‘I am a Yazidi, but I am registered as a Muslim in the civil status records.’ The judge shouted: ‘Show her out, her testimony is invalid.’”

In a related context, Haivin Murad,<sup>35</sup> a Yazidi teacher, narrated to STJ and Synergy/Hevdestî the difficulties she and her husband had as they attempted to register their marriage because civil

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<sup>32</sup> In one of its reports, Amnesty International details how Syrian Kurds were persecuted, once for being Syrian citizens, and again for being a national group who suffered discrimination based on identity. The organization cited the restrictions imposed on Kurdish culture and language, in addition to the denial of Syrian citizenship to thousands of Kurds. For more see:

“Syria: Kurds in the Syrian Arab Republic one year after the March 2004 events” (in Arabic), 28 February 2005, document coded (MDE 24/002/2005).

<sup>33</sup> The source was interviewed online on 14 April 2022, and had consented to the use of her real name.

<sup>34</sup> The source was interviewed online on 11 May 2022, and had consented to the use of her real name.

<sup>35</sup> The source was interviewed online on 18 April 2022. She preferred to use a pseudonym.

records showed they had different religions, since her husband was registered as a Yazidi. She recounted:

“When I was born, the *mukhtar* (governor of a neighborhood) registered me as a Muslim, even though my father and mother were registered as Yazidis in the Civil Registry, and including on the family card. My father tried to persuade the *mukhtar* into registering me as a Yazidi on the birth certificate and offered him a bribe. However, the *mukhtar* refused and told my father that the security services ordered that all new births be registered as Muslims, except for Christians.”

All the later efforts Haivin and her family members made to change their religious description in their civil records from Muslims to Yazidis failed because security services refused to warrant such alterations. She added:

“When I married, I had difficulty registering the marriage legally, because my husband was registered as Yazidi. We still do not have a legal document that proves we are married, and we remain single under the law, even though we have two kids. Our children are threatened with deprivation of the Syrian nationality and basic human rights.”

Article 11 of the Syrian Personal Status Law No. 13 of 2021 states that a citizen’s civil status record should include the national number, name, surname, name of the father, name of the mother, and her surname, place and date of birth, marital status, religion, the date of registration, and digital address.<sup>36</sup> In a citizen’s digital record, a photo, and decimal fingerprints are added, when he/she obtains an ID.

The inclusion of this information is also stipulated in the Civil Status Law issued by Legislative Decree No. 26 of 2007.<sup>37</sup>

For marriage, the court requests recent civil status records for both parties, which automatically include their religion. Identifying religion is necessary for the court to implement the Personal Status Law regulating marriage and divorce cases in Syria.

On the dilemma of civil registration, activist Ali M’amou pointed to STJ and Synergy/Hevdestî the barriers that his parents faced upon registering his birth,<sup>38</sup> and later he had to overcome when registering his marriage:

<sup>36</sup> “The full text of the Personal Status Law No. 13 (in Arabic)”, *Snack Syria*, 25 March 2021 (Last visited: 4 August 2022). <https://snacksyrian.com/%D8%A7%D9%84%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D8%A3%D8%B3%D8%AF-%D9%8A%D8%B5%D8%AF%D8%B1-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%A3%D8%AD%D9%88%D8%A7%D9%84-%D8%A7%D9%84%D9%85%D8%AF%D9%86/>

<sup>37</sup> The Personal Status Law (in Arabic), Ministry of Interior of Syria, 4 December 2007 (last visited: 4 August 2022). <http://syriamoi.gov.sy/portal/site/arabic/index.php?node=55333&cat=1831&>

<sup>38</sup> The source was interviewed online in May 2022, and his real name was withheld for security reasons.

“My brother and I were registered in the records of Muslims. My father sought to amend our legal status before the start of the conflict in Syria. To do so, he visited civil registry departments and secretariat, and filed a lawsuit to change our religion. All this failed because the Syrian law prohibits changing religion from Islam to any other religion. It was also impossible to amend or correct our legal status and change our religion in the civil status records. However, after several attempts, my father succeeded in correcting our legal status by registering us as Yazidis in the civil registry. Nonetheless, my suffering did not end here. In 2018, I faced another problem when I married a Yazidi woman living in Syria. My wife is from the Yazidi Kurds of Damascus. So, she was registered as Muslim in the civil records, while I was registered as Yazidi. We could not register our marriage legally. Because I failed to change my wife’s legal status from Muslim to Yazidi, I had ultimately to re-change my religion from Yazidi to Muslim, to be able to register my marriage. I paid 1,200 euros to the Sharia judge in Damascus as a bribe to make him agree to amend my registered religion into Islam. After this, I managed to establish my marriage legally. My wife and I are still registered as Muslims in Syria, even though we are Yazidis, and we practice the rites of our religion.”

To overcome these barriers, Yazidis tried to utilize laws still in force since the French Mandate, particularly the *Nizam al-Twaef* “System of Religious Sects” issued by the High Commissioner Damien de Martel on 13 March 1936, by Resolution No. (L.R 60). The system remains operative in Syria and Lebanon,<sup>39</sup> and prescribes that “sects, legally recognized as sects with a personal status system, are the historical sects whose organization, courts, and rituals were defined in a legislative instrument.”

The system also aggregated all sects affiliated with the three religions—Christianity, Judaism, and Islam – into a table attached to the system, as established sects in Syria and Lebanon.

On 18 November 1938, the French High Commissioner made the first amendment to the system of religious sects by decision (L.R146). A text was added to Article 10 of the system, stating that citizens who do not belong to a sect shall be subject to civil law in matters related to personal status. However, Yazidis could not benefit from this amendment and subject their affairs to personal status law because Syria had not yet enforced such at the time. Instead, the provisions of the *Majallah el-Ahkam-i-Adliya* (Civil Code)—derived from Islamic *Fiqh* (jurisprudence), was used to regulate the people’s affairs. The code’s provisions remained effective until the Syrian Civil Code was enforced on 18 May 1949.<sup>40</sup>

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<sup>39</sup> *Discrimination in Personal Status Laws (comparative research)* (In Arabic), Syrian Women's League (2009-2010), p. 141.

Also see: *Discrimination in Personal Status Laws* (in Arabic), Collation of Syrian Women for Democracy, 15 February 2015 (Last visited: 4 August 2022).

<https://cswdsy.org/%D8%A7%D9%84%D8%AA%D9%85%D9%8A%D9%8A%D8%B2-%D9%81%D9%8A-%D9%82%D9%88%D8%A7%D9%86%D9%8A%D9%86-%D8%A7%D9%84%D8%A3%D8%AD%D9%88%D8%A7%D9%84-%D8%A7%D9%84%D8%B4%D8%AE%D8%B5%D9%8A%D8%A9/>

Also see: Morcos, Paul. *Civil Marriage in Lebanon: Study and Mechanism* (in Arabic), Lebanese Civil Rights Commission, 2013, p. 39.

<sup>40</sup> Al-Shaal, Aref. *The Rights of Yazidis: A Human Rights Review* (in Arabic), Harmoon Center, 16 March 2022 (last visited: 5 August 2022).

While article 10 added to the system directed members of unrecognized sects towards dominant personal status laws, the famous Syrian lawyer Aref al-Shaal argued for expanding the scope of officially recognized sects. He argued that the sects system did not close the door to the subsequent recognition of any sects not included in the table. In Article 4, the system lists conditions for obtaining official recognition of a sect. To be recognized, a sect had to present authorities with a system for administrating the affairs of the concerned sect's community. Al-Shaal encouraged Yazidis to take this approach.<sup>41</sup> Which many Yazidis have reserve on it. Because of their inclusion under the heading of "religion sect", not recognition them as existing religion.

Yazidi community leaders indeed took organizational steps according to Yazidi activist Ayo Dra'i'y Sino.<sup>42</sup> The activist told STJ and Synergy/Hevdestî that several Yazidi dignitaries attempted to establish a Yazidi Center to provide guidance to the community members and remedy common misconceptions about the community, and function as a front to amend the status of Yazidis in Syria. The activist narrated:

“In 2002, a number of Yazidi Sheikhs (men of religion) tried to establish *al-Beit al-Yazidi* (Yazidi House) in Syria to serve as a home for Yazidis to practice their religious rituals. However, the Syrian authorities rejected the Sheikhs' request and prevented them from perusing their project. This perpetuated injustice against Yazidis and denied them their right to perform their rites and defend their beliefs like other religions and sects. We were forced to observe our rituals in complete secrecy, intermittently, and in different places, for fear of the grip of the Syrian security services.”

Additionally, Yazidis were not spared the racist policies enforced by subsequent governments against Kurds in Syria. For instance, under agricultural reform projects,<sup>43</sup> the Syrian State appropriated hundreds of thousands of hectares at the Syria-Turkey borderline, which extends from the Tigris River in the east to the borders of Raqqa province in the west, and is 350 km long and 10-15 km wide. Some of the seized agricultural plots spread across Yazidi villages, surrounding al-Qahtaniyah/Tirbespiyê town. The targeted Yazidi villages included Otljeh, Dirajik/ Dirêcîkê, Mazkafit, and Mulla Abbas.<sup>44</sup>

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<https://www.harmoon.org/reports/%d8%ad%d9%82%d9%88%d9%82-%d8%a7%d9%84%d8%a3%d9%8a%d8%b2%d9%8a%d8%af%d9%8a%d9%8a%d9%86%d8%8c-%d9%86%d8%b8%d8%b1%d8%a9-%d8%ad%d9%82%d9%88%d9%82%d9%8a%d8%a9/>

<sup>41</sup> Ibid.

<sup>42</sup> The source was interviewed online on 7 May 2022, and had consented to the use of his real name.

<sup>43</sup> *Deprivation of Existence: The Use of Disguised Legalization as a Policy to Seize Property by Successive Governments of Syria*, STJ, 9 October 2020 (Last visit: 10 August 2022). <https://stj-sy.org/en/deprivation-of-existence-the-use-of-disguised-legalization-as-a-policy-to-seize-property-by-successive-governments-of-syria/>

<sup>44</sup> Al-Jaziri, Ali. *The Yazidi Kurds*. Kurdish Academy, 2019, p. 108.

## Syrian Legal and Constitutional Frames Regulating Religious Minority Rights

The State-religion relationship in the Syrian constitution has been a focal point in past and current talks and negotiations. Entities that wrote the different Syrian constitutions had often to address two points of conflict— the religion of the State and the primary source of legislation. The debate about sources of legislation often had the largest influence on personal status laws.

To trace that influence, the table below compares relevant items across all Syrian constitutions, starting with the foundation constitution of 1920 and up to the operative constitution of 2012. The comparison touches on four aspects:

- Respect for freedom of religion and belief<sup>45</sup>
- Non-discrimination on the basis of religion
- Personal status
- Religious education

Constitution	Freedom of Religion	Non-discrimination	Personal Status	Religious Education
1920 <sup>46</sup>	Article 13 states that: Freedom of belief and religion may not be violated, nor may religious ceremonies of religious communities be banned, provided that they do not disturb public security or affect the rituals of other religions and <i>madhhabs</i> (creeds).	Article 10 states that: Syrians shall be equal before the law in rights and duties.	Chapter 3, Article 14  Provides text on the administration of Sharia courts and religious community councils, whose laws are inscribed into creed-based personal status.	unaddressed
1930 <sup>47</sup>	Article 15 states that: There shall be absolute liberty of conscience; the State shall respect all creeds	Article 6 states that: All Syrians shall be equal in the eyes of the law. They shall	Article 15 states that:	Article 28 states that: The rights of

<sup>45</sup> Under human rights, the right to freedom of religion or belief entails the individuals' freedom to embrace whatever religious or non-religious ideas they want. The UN established this right in Article 18 of the Universal Declaration of Human Rights of 1948. The article states that "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance". Later, the UN Human Rights Committee elaborated on the principle of respect for beliefs and religions, saying it includes an individual's freedom to profess or disseminate his/her religion or beliefs, banning coercing an individual into disclosing his/her thoughts or affiliation with a religion or belief. The committee also made obligatory the protection of monotheistic, non-theistic and atheistic beliefs, and established an individual's right not to embrace any religion or belief. Moreover, the Committee necessitated that "religion" and "belief" be interpreted broadly, so as not to limit them to traditional religions or to religions and beliefs with characteristics or rituals similar to those of traditional religions and their rituals.

<sup>46</sup> "The Syrian Constitution of 1920" (in Arabic), Wikisource (Last visited: 12 August 2022).

[https://ar.wikisource.org/wiki/%D8%AF%D8%B3%D8%AA%D9%88%D8%B1\\_%D8%B3%D9%88%D8%B1%D9%8A%D8%A7\\_1920](https://ar.wikisource.org/wiki/%D8%AF%D8%B3%D8%AA%D9%88%D8%B1_%D8%B3%D9%88%D8%B1%D9%8A%D8%A7_1920)

<sup>47</sup> "The Syrian Constitution of 1930", Wikisource (Last visited: 12 August 2022)

[https://en.wikisource.org/wiki/Constitution\\_of\\_Syria\\_\(1930\)](https://en.wikisource.org/wiki/Constitution_of_Syria_(1930))

	<p>and religions established in the country; it shall guarantee and protect the free exercise of all forms of worship consistent with public order and good morals.</p> <p>Article 28 prescribes:</p> <p>The rights of the different religious communities shall be guaranteed.</p>	<p>enjoy equal civil and political rights; they shall be bound by the same obligations and subjected to the same charges. No distinction shall be made between them in respect of religion, faith, race or language.</p>	<p>[The State] shall also guarantee for all peoples, of whatever creed they belong, the respect of their religious interests and their personal rights.</p>	<p>the different religious communities shall be guaranteed, and such communities may establish schools for the education of children in their own language, provided that they conform to the principles laid down by the law.</p>
1950 <sup>48</sup>	<p>Article 3, Paragraph 3: Freedom of belief is inviolable and the State shall respect all <b>heavenly religions</b> and guarantee them the freedom to perform all their rituals.</p>	<p>Article 7 states that: Citizens shall be equal before the law in terms of duties, rights, dignity and social status.</p>	<p>Chapter 1, Article 3, Paragraph 4 states that:</p> <p>The personal status of religious communities shall be protected and respected.</p>	<p>Chapter 1, Article 28, states that: Religious education is obligatory through all stages, each religion according to its teachings.</p>
1953 <sup>49</sup>	<p>The constitution preserved Article 3 from the 1950 constitution, citing the term <b><i>al-Adyan al-Samawiyah</i></b> (Heavenly or revealed religions).</p> <p>The article states that: Freedom of belief is inviolable and the State shall respect all heavenly religions and guarantee them the freedom to perform all their rituals.</p>	<p>unaddressed</p>	<p>Text from the previous constitution was preserved.</p> <p>Chapter 1, Article 3, Paragraph 4 states that:</p> <p>The personal status of religious communities shall be protected and respected.</p>	<p>Chapter 5, Article 21, states that: Religious education is obligatory through all stages, each religion according to its teachings.</p>

<sup>48</sup> "The Syrian Constitution of 1950" (in Arabic), ConstitutionNet (Last visited: 12 August 2022). <https://constitutionnet.org/vl/item/swry-lns-lnhyy-lldstwr-km-grth-ljmy-ltsysy-lm-1950-wlsdr-fy-5-ylwl-sbtmbr-1950>

<sup>49</sup> "The Syrian Constitution of 1953" (in Arabic), Center for Legal Studies and Research (Last visited: 12 August 2022). <https://sl-center.org/archives/2296>

1958 <sup>50</sup>	unaddressed	Article 7 states that: Citizens shall be equal in rights and duties without discrimination among them on grounds of sex, origin, language, religion or creed.	unaddressed	unaddressed
1962 <sup>51</sup>	The constitution preserved Article 3 from the 1950 constitution, citing the term <i>al-Adyan al-Samawiyah</i> (Heavenly or revealed religions).  The article states that: Freedom of belief is inviolable and the State shall respect all heavenly religions and guarantee them the freedom to perform all their rituals.	unaddressed	Chapter 1, Article 3 , Paragraph 4 states that:  The personal status of religious communities shall be protected and respected.	Chapter 1, Article 28, states that: Religious education is obligatory through all stages, each religion according to its teachings.
1964 <sup>52</sup>	The constitution preserved Article 3 from the 1950 constitution, citing the term <i>al-Adyan al-Samawiyah</i> (Heavenly or revealed religions).  The article states that: Freedom of belief is inviolable and the State shall respect all heavenly religions and guarantee them the freedom to perform all their rituals.	unaddressed	unaddressed	unaddressed
1969 <sup>53</sup>	Article 31, Paragraph ½ states that The State shall respect all religions, and ensure the freedom to perform all the rituals that do not prejudice public order.	Article 23, Paragraph ½ states that: Citizens shall be equal in rights and duties. The State shall guarantee the principle of equal opportunities among citizens.	unaddressed	unaddressed

<sup>50</sup> The interim text of the Constitution of the Syrian Arab Republic (in Arabic), Ministry of Defense, (Last visited: 12 August 2022). <http://www.mod.gov.sy/index.php?node=554&cat=944>

<sup>51</sup> "The Syrian Constitution of 1962" (in Arabic), Center for Legal Studies and Research (Last visited: 12 August 2022). <https://sl-center.org/archives/2290>

<sup>52</sup> Interim constitution of Syria of 1964.

<sup>53</sup> "The Interim Syrian Constitution of 1969" (in Arabic), Center for Legal Studies and Research (Last visited: 12 August 2022). <https://sl-center.org/archives/2288>

1971 <sup>54</sup>	Text from the previous constitution preserved	unaddressed	unaddressed	unaddressed
1973 <sup>55</sup>	Article 31, Paragraph ½ states that:  Freedom of belief is inviolable, and the State shall respect all religions and guarantee them the freedom to perform all their rituals provided that rituals do not prejudice public order.	unaddressed	unaddressed	unaddressed
2012 <sup>56</sup>	Article 3 states that: The State shall respect all religions, and ensure the freedom to perform all the rituals that do not prejudice public order; The personal status of religious communities shall be protected and respected.  Article 42 (1) states that: Freedom of belief shall be protected in accordance with the law.	Article 33, Paragraph 1/2 states that: Citizens shall be equal in rights and duties without discrimination among them on grounds of sex, origin, language, religion or creed.	Chapter 1, Article 3 , Paragraph 4 states that:  The personal status of religious communities shall be protected and respected.	unaddressed

Even though the constitutions of 1920 and 1930 did not reference their source of legislation, the personal status law still had an overwhelming Islamic character, which was the legacy of the Ottoman Empire. In the 1950 constitution, the source of legislation was clearly highlighted, because conservatives in Syria agreed to substitute “the religion of the State is Islam”, with the statement that “Islamic jurisprudence shall be a major source of legislation.”<sup>57</sup> The following constitutions preserved the change up to the 2012 constitution, which is still in force.

<sup>54</sup> “The Interim Syrian Constitution of 1971” (in Arabic), Center for Legal Studies and Research (Last visited: 12 August 2022). <https://sl-center.org/archives/2285>

<sup>55</sup> “The Syrian Constitution of 1973” (in Arabic), Syrian Negotiation Commission (Last visited: 12 August 2022). <https://syrianc.org/2021/09/02/%d8%af%d8%b3%d8%aa%d9%88%d8%b1-%d8%a7%d9%84%d8%ac%d9%85%d9%87%d9%88%d8%b1%d9%8a%d8%a9-%d8%a7%d9%84%d8%b9%d8%b1%d8%a8%d9%8a%d8%a9-%d8%a7%d9%84%d8%b3%d9%88%d8%b1%d9%8a%d8%a9-1973/>

<sup>56</sup> “The Syrian Constitution of 2012”, ConstituteProject (Last visited: 12 August 2022). [https://www.constituteproject.org/constitution/Syria\\_2012.pdf?lang=en](https://www.constituteproject.org/constitution/Syria_2012.pdf?lang=en)

<sup>57</sup> Turkmani, Rim and Draji, Ibraim. *The Question of Religion in the Syrian Constitutions: Historical and Comparative Review*. Legitimacy and Citizenship in the Arab World. Conflict Research Programme, London School of Economics and Political Science, London, UK, 2019.

Additionally, the 1950 constitution used the term heavenly religions, while all previous versions used the word “religions”, without specification. The alteration in the scope of religion cited influenced the provisions of the first Personal Status Law in Syria,<sup>58</sup> which was promulgated by Legislative Decree No. 59 of 1953. This law pertained to marriage, divorce, birth, lineage and custody, as well as legal capacity, sharia guardianship, wills, and inheritance. This law hinged on five sources:

1. The Ottoman Family Rights Law, which was enforced, familiarized among people and provided grounds for jurisprudence.
2. Egyptian laws with occasional modifications to accommodate the local interest.
3. The *Sharia Provisions on Personal Status* by Muhammad Qadri Pasha
4. Provisions external to the Hanafi *madhhab* (doctrine), which the constitutional committee decides to inscribe into regulatory frames, and which do contradict Sharia rulings.
5. The draft personal status law by the Damascus judge , Professor Sheikh Ali Al-Tantawi.

Article 306 of the law—derived primarily from the Islamic Sharia, provides that the law applies to all Syrians, except for the provisions enlisted in articles 307 and 308, which pertain to the Druze, Christian and Jewish communities, highlighting their specific religious rulings.

Article 308, for instance, prescribes that Christian and Jewish communities are subject to “each of the communities’ religious legislative provisions related to engagement, conditions of marriage and its contract, marital alimony, child support, nullity, dissolution, and breaking the bond of marriage, dowry<sup>59</sup> and custody.”

In other words, members of the Christian and Jewish communities have to refer to the general Personal Status Laws of Muslims in all other affairs not included in the article highlighting the exceptions.

For insights on the position of Yazidis under the Syrian Personal Status Law, STJ and Synergy/Hevdestî reached out to Zuhaida Khalil Baker,<sup>60</sup> a Yazidi activist based in al-Suryan neighborhood in Aleppo. She narrated:

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<sup>58</sup> Law 59 of 1953 Personal Status Law (In Arabic), the Syrian People’s Assembly, 7 September 1953 (Last visit: 13 August 2022). <http://www.parliament.gov.sy/arabic/index.php?node=5547&cat=11333>

<sup>59</sup> In the context of this article, dowry stands for *al-Baaena (al-Dotta)*, which is the money that a woman or her relatives pay for her marriage. The woman cannot ask for this money back.

*Islamic fatwas from the Egyptian Dar Al Ifta* (in Arabic), al-Maktaba al-Shamila al-Haditha, <https://al-maktaba.org/book/432/310>

As for inheriting the wife’s money, half of the money of a barren wife goes to the husband in Islam, and all her money goes to the husband, the sole heir, in Judaism.

“Al-Dotta” (in Arabic), *Egyptian Lawyers Syndicate*, 8 April 2020 (Last visited: 13 August 2022).

<https://egypls.com/%D8%A7%D9%84%D8%AF%D9%88%D8%B7%D8%A9/>

<sup>60</sup> The source was interviewed online, using Signal, on 15 April 2022. She consented to the use of her real name.

“The Syrian Personal Status Law granted exceptions to members of other religions and sects in Syria, such as the Druze, Christian and Jewish communities. The law dedicated articles 307 and 308 to these communities, which list religious legislative provisions pertaining to personal status matters, including marriage, divorce, alimony, custody, and inheritance, among others. Several special laws were also issued to regulate the personal status of members of many sects and religions existing in Syria. However, no legislation was issued for members of the Yazidi religion, who were obligated to refer to Sharia courts like Muslims in Syria, although they are not Muslims.”

Subsequently, the Syrian President issued Legislative Decree No. 76 of 27 September 2010, which stipulated the amendment of Article 308 so as to add inheritance and will to its original text.<sup>61</sup> However, the amendments did not give rise to any changes in the status of Yazidis.

On 14 February 2022, the Syrian Minister of Justice issued circular No. 7. As denoted by the text, the circular was specifically dedicated to the (al-Azdahiyah) Yazidi community. The circular resolved the controversy the State was grappling with because it imposed the articles of the Syrian Personal Status Law of 1953 on Yazidis, without exceptions. Binding Yazidis by the operative law went against the complaint filed by the Yazidi community, and the community's request that an independent law be established to regulate their personal status.<sup>62</sup>

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<sup>61</sup> Legislative Decree 76 of 2010 (in Arabic), amending the Personal Status Law promulgated by Legislative Decree 59 of 1953, the Syrian People's Assembly (Last visit: 13 August 2022).

[https://translate.google.com/?sl=ar&tl=en&text=%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85%20%D8%A7%D9%84%D8%AA%D8%B4%D8%B1%D9%8A%D8%B9%D9%8A%2076%20%D9%84%D8%B9%D8%A7%D9%85%202010%D8%8C%20%D8%AA%D8%B9%D8%AF%D9%8A%D9%84%20%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D8%A7%D9%84%D8%A3%D8%AD%D9%88%D8%A7%D9%84%20%D8%A7%D9%84%D8%B4%D8%AE%D8%B5%D9%8A%D8%A9%20%D8%A7%D9%84%D8%B5%D8%A7%D8%AF%D8%B1%20%D8%A8%D8%A7%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85%20%D8%A7%D9%84%D8%AA%D8%B4%D8%B1%D9%8A%D8%B9%D9%8A%2059%20%D9%84%D8%B9%D8%A7%D9%85%201953%D8%8C%20%D9%85%D8%AC%D9%84%D8%B3%20%D8%A7%D9%84%D8%B4%D8%B9%D8%A8%20%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%20\(%D8%A2%D8%AE%D8%B1%20%D8%B2%D9%8A%D8%A7%D8%B1%D8%A9%20%D9%84%D9%84%D8%B1%D8%A7%D8%A8%D8%B7%3A%2015%20%D8%AA%D9%85%D9%88%D8%B2%2F%20%D9%8A%D9%88%D9%84%D9%8A%D9%88%202022\)%%3A&op=translate](https://translate.google.com/?sl=ar&tl=en&text=%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85%20%D8%A7%D9%84%D8%AA%D8%B4%D8%B1%D9%8A%D8%B9%D9%8A%2076%20%D9%84%D8%B9%D8%A7%D9%85%202010%D8%8C%20%D8%AA%D8%B9%D8%AF%D9%8A%D9%84%20%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D8%A7%D9%84%D8%A3%D8%AD%D9%88%D8%A7%D9%84%20%D8%A7%D9%84%D8%B4%D8%AE%D8%B5%D9%8A%D8%A9%20%D8%A7%D9%84%D8%B5%D8%A7%D8%AF%D8%B1%20%D8%A8%D8%A7%D9%84%D9%85%D8%B1%D8%B3%D9%88%D9%85%20%D8%A7%D9%84%D8%AA%D8%B4%D8%B1%D9%8A%D8%B9%D9%8A%2059%20%D9%84%D8%B9%D8%A7%D9%85%201953%D8%8C%20%D9%85%D8%AC%D9%84%D8%B3%20%D8%A7%D9%84%D8%B4%D8%B9%D8%A8%20%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%20(%D8%A2%D8%AE%D8%B1%20%D8%B2%D9%8A%D8%A7%D8%B1%D8%A9%20%D9%84%D9%84%D8%B1%D8%A7%D8%A8%D8%B7%3A%2015%20%D8%AA%D9%85%D9%88%D8%B2%2F%20%D9%8A%D9%88%D9%84%D9%8A%D9%88%202022)%%3A&op=translate)

<sup>62</sup> Al-Shaal: Previous source.

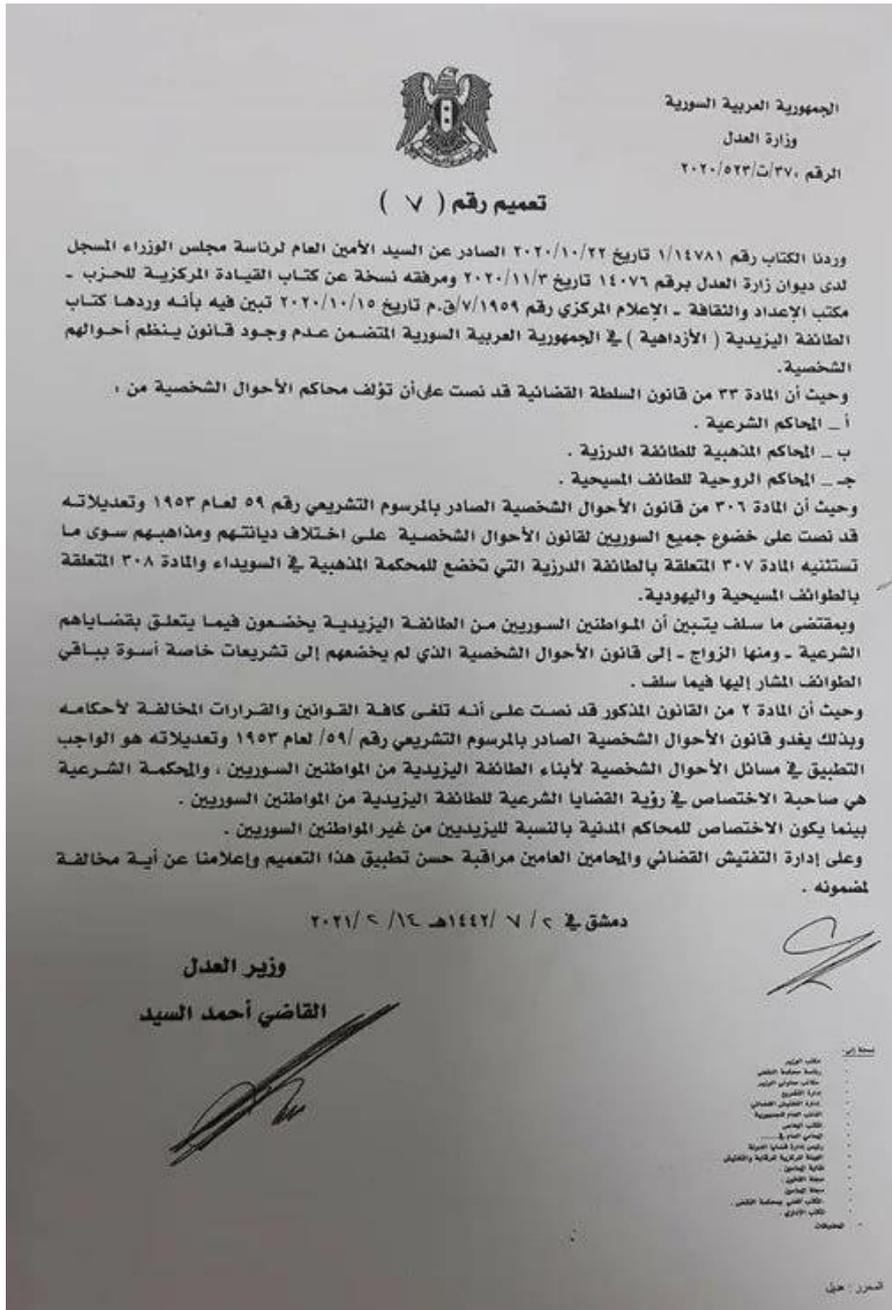


Image (18)- A copy of the circular issued by the Syrian justice minister, denying the request of the Yazidi community that a special personal status law be passed to regulate the community's affairs.

Legal discrimination against Yazidis was not limited to the Syrian government. In 2021, the National Coalition of Syrian Revolutionary and Opposition Forces—commonly known as the Syrian Opposition Coalition (SOC), issued The Syrian Revolution's Charter for Human Rights and Public Freedoms. In the charter, the SOC declared that all citizens enjoy rights and freedoms without discrimination on the bases of race, religion, sex, or color, and expressed commitment to the principles of human rights and individual freedoms established in the Universal Declaration of Human Rights.<sup>63</sup>

<sup>63</sup> "The Syrian Revolution's Charter for Human Rights and Public Freedoms" (in Arabic), the SOC (Last visited: 13 August 2022). <https://www.etilaf.org/about-us/%D9%85%D9%8A%D8%AB%D9%80%D9%80%D8%A7%D9%82-%D8%A7%D9%84%D8%AB%D9%80%D9%88%D8%B1%D8%A9->

Additionally, in Article 3 of the Charter, the SOC established the right to equality and that it is necessary for the State to guarantee equal opportunities among citizens and ban discrimination, stemming from race/religion, and creed.

However, the SOC restricted the safe performance of religious rituals, as well as the construction and protection of places of worship to members of “heavenly religions” because they derived guidance exclusively from the Constitution of 1950. With this, the SOC excluded the Yazidi religion, which is not recognized as a “heavenly religion.”

For its part, the SOC-affiliated Syrian Interim Government (SIG) hinged their court dealings, in matters of personal status, on the Unified Arab Personal Status Law,<sup>64</sup> in its areas of governance, covering Turkey-held territories in north and northwest Syria.

The unified law =, which used Islamic Sharia as a source of legislation, gave space for each “country” to customize its provisions to its own needs.

Like other legal frames, this law was also disadvantageous to the Yazidi community, who throughout Islamic history was seen as an offshoot of Islam. Therefore, once again, under the mantle of the SIG, Yazidis have to exclusively manage their affairs within Islamic courts.

However, as will be explored below, Yazidism is independent of Islam and is a full-fledged religion.

## The Rights of Yazidis under the International Human Rights Law (IHRL)

Indeed, the principle of the sovereignty of the State and its right to impose national legislation and other measures are respected in the IHL in general and the International Human Rights Law (IHRL) in particular. However, this respect and the consequent legislative rights the State enjoys –by virtue of its sovereignty, and the legislation it enforces considering are appropriate for its being, components and security are coupled with requirements established in the IHRL. The key requirement is that such legislation and measures, by their nature, should not be at odds with the duties of respect, protection, and implementation of human rights within that State. Moreover, the State is not only obliged to enforce legislation or measures that do not violate rights. The State is also obligated to take positive measures that would ensure maximum access to those rights.

Within the context of the rights of Yazidi in Syria, the legal article in the “sects system”, which guarantees the right of each religious community to follow the due procedures to obtain recognition, pursuant to the duty to impose the necessary legislation and measures to protect rights, is positive in theory. However, the duty to realize rights should not be a burden to be handled by individuals and groups. In other words, these procedures must not be turned into a justification for violating the rights of the Yazidis first, and to hold them responsible for not realizing these rights secondly because for one reason or another they were unable to benefit from the recognition article. The duty to implement human rights rests with the State, which is charged, within its territories, with protecting “the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions

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<https://search.mandumah.com/Record/175525>

<sup>64</sup> “The Unified Arab Personal Status Law” (in Arabic), al-Mandumah, <https://search.mandumah.com/Record/175525>

for the promotion of that identity.”<sup>65</sup> Therefore, the State “shall adopt appropriate legislative and *other measures* to achieve those ends” (Emphasis added).<sup>66</sup>

The harm Yazidis suffer as a result of their inability to exercise their rights under the pretext of not fulfilling national legal measures is considered discrimination and is prohibited under the principles of IHRL, established in Article 3 of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN Declaration). Commenting on the [UN Declaration](#), the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights noted that “other measures” must not be limited to judicial, administrative, promotional, and educational measures, because the State’s duty is to do everything that would empower the identity of these minorities and preserve their cultures, their regeneration, and development.

Given the history of the human rights of Yazidis in Syria, , it is evident that the Syrian State has not only failed to impose these measures to protect and empower the identity and culture of this minority, but has also contributed to depriving them of many of their protected rights, whether as individuals subject to the jurisdiction of the State or as a minority. This failure and contribution to violations also led to the absence of the protections they are entitled to and which the State is supposed to provide for them, especially with regard to discrimination.

Article 26 of the International Covenant on Civil and Political Rights affirms that “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.” Since everyone is entitled to this inherent right, the State must, by law, prevent discrimination against individuals or groups, and by effective measures guarantee that they are effectively protected from discrimination, as stated in the same Article 26. This obliges the State to respect this right by establishing it in its operative national legislation because the constitutional text that is not accompanied by executive legislation is not sufficient to consider the duty of respect fulfilled. The State also bears the responsibility to protect everyone’s right to non-discrimination by addressing any procedures, measures, or legislation that may lead to the violation of this right. Finally, the State must realize this right by providing the necessary measures to provide everyone with access to this right, including legislation and judicial and administrative bodies that oversee the affairs of all individuals on an equal basis. Based on this, depriving a community of the entitlements that other communities enjoy is considered negative discrimination per se, apart from the fact that it is an indicator of the State’s failure to fulfill its obligation of realizing this right.

International law guarantees everyone “the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”<sup>67</sup> This right is not subject to derogation under any circumstances as stated in Article 4(2) of the International Covenant on Civil and Political Rights. This right entails freedom and the ability for every person to practice certain actions and measures that are an integral part of religious behavior and that are related to basic life affairs, including, without a doubt, legal and procedural measures relative to

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<sup>65</sup> United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Adopted by General Assembly resolution 47/135 of 18 December 1992. Article 1.

<sup>66</sup> Ibid, Article 1(2).

<sup>67</sup> International Covenant on Civil and Political Rights, Article 18(1).

personal status.<sup>68</sup> Comparing the State's commitment to respecting and implementing this right with the legislation and practices in this report, including the non-recognition of Yazidism, neglecting to pass laws that govern Yazidi personal status or to find administrative and judicial bodies to process their daily religious affairs, denying them registration in official departments and the consequences of this to their other rights, it becomes clear that the Syrian State has deliberately failed to fulfill its legal obligations towards Yazidis under its jurisdiction.

In particular, international law, in Article 18(2) of the International Covenant on Civil and Political Rights, considers the seriousness of coercion that would impair the right to adopt a religion or belief, including the use of threats of physical force, the imposition of penal sanctions, policies or practices that have the same effect of forcing individuals or groups to abandon their religion or belief or convert to other religions.<sup>69</sup> Within the scope of the Covenant's articles—2,3, and 26, which prohibit discrimination – the practices of the Syrian State manifest a multi-level violation, starting with discrimination at the official level against Yazidis and ending with denying them their right to freedom of belief, and the impact of this denial on the State's obligation to pledge respect to the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions,<sup>70</sup> which is jeopardized when parents are directly and indirectly coerced to change their religion.

## Section III

### Yazidism: Origins and Creed

#### Name and Emergence

Over the course of its history, this religion was referred to by several names in Arabic. In addition to al-Ayzidiya<sup>71</sup> and al-Ezidiya,<sup>72</sup> it was called al-‘Adawiyya<sup>73</sup> and al-Dasaniya/al-Dasniya/al-Dasiniya,<sup>74</sup> among others.

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<sup>68</sup> UN Office of the High Commissioner for Human Rights, *General Comment No. 22: The right to freedom of thoughts, conscience and religion (Art. 18)*: 30/07/93, CCPR/C/21/Rev.1/Add.4, § 4.

<sup>69</sup> UN Office of the High Commissioner for Human Rights, *General Comment No. 22: The right to freedom of thoughts, conscience and religion (Art. 18)*: 30/07/93, CCPR/C/21/Rev.1/Add.4, § 5.

<sup>70</sup> International Covenant on Civil and Political Rights, Article 18(4).

<sup>71</sup> Researchers attribute the name Yazidis to some of the connections that traced the community's lineage to the Umayyad Caliph Yazid ibn Mu'awiya assuming that they were Muslims in the past. Such lineage is cited across the books of 'Abd al-Razzaq al-Hasani (p. 20), Abbas al-Azzawi (p. 23), George Habib (p. 5), and Saeed Al-Diwaji (pp. 9-11). All four books are in Arabic.

Other researchers posit that the community was named after the Iranian city of Yazd, which was the center of Zoroastrianism.

Others argue that the name is derived from the name *Êzdan*, which means God in Kurdish and Persian.

<sup>72</sup> These are the names used by Yazidi researchers themselves, as well as their fellow Kurds. Similar uses can be found in Sharafkhan Bidlisi's book *Sharafnama*, Ihsan Nuri Pasha's book *The History of Kurdish Origin*, and Celadet Alî Bedirxan's book *The Prayers of Yazidis*.

<sup>73</sup> Arab and Islamic sources call Yazidism as al-‘Adawiyya, in a reference to Sheikh Adî ibn Musāfir al-Sufi, who is considered a religious reformer in the eleventh century AD.

<sup>74</sup> This name was specifically given to Yazidis in the al-Shikhan district. Dasinis are the Kurds of the Dasin Mountains, who are currently called Muzuri Kurds.

In his book *Yazidis in Syria and Mount Sinjar*, Roger Lescot refers to a Syrian village near Homs, called Akrad al-Dasaniya, whose population spoke Kurdish for generations.

Modern archaeological and comparative linguistic studies traced the roots of Yazidism back to the ancient religion of the pre-Zoroastrian Indo-Aryan tribes. This lineage was corroborated by Sumerian inscriptions and in the cuneiform script (a - zi - da), which means “the pure, benevolent soul or those who walk the right path”, according to the *Sumerian Dictionary of the University of Pennsylvania Museum* on the word (a - zi - da). This definition reflects the essence of Yazidism.<sup>75</sup>

Yazidi communities dedicated many worship temples to the sun in the name of Êzda, who they consider the supreme God and greater power. As the remains of ancient religious groups, Yazidis call God: Êzi - Êzid - Êzdan, which Iraqi historian George Habib says stems from Êzida, a word from the Zoroastrian solar Mithraism.<sup>76</sup>

Yazidis are also mentioned in ancient sources. In his book *Anabasis*, the Greek historian Xenophon pointed to a community settled near Nineveh called Êzidî (Yazidis).<sup>77</sup>

The name is also used in Yazidi religious texts, which transcribed some of the community’s hymns, taken from their oral lore, known as *Elm al-Sadder* (knowledge by heart)<sup>78</sup>:

Hymn in Kurdish (Kurmanji)	English Translation
Sultan Êzîd bi xwe Padîşaye	Sultan Êzîd is God
Hezar û Yek nav li xwe danaye	He has a thousand names and a name
Navê Mezin Her Xwedaye	The greatest name is <i>Khudeh</i> (God)

In addition to debates regarding the name, researchers also developed diverging arguments as to the emergence of Yazidism. A group of researchers posits that Yazidism is an extension of ancient religions, such as Mazdakism, Manichaeism, Mithraism, and Zoroastrianism. Another group related Yazidism to Christianity,<sup>79</sup> and several others have posited that it is an Islamic sect that “lost its path and went astray.” This last affiliation was particularly damaging as Yazidi communities were living in majority-Muslim areas since the time Islamic armies arrived in the areas where Yazidism was practiced. Consequently, they confronted the mischaracterization of their communities and faith practices in the very environment they were living in. Furthermore, since the rulers in these areas were Muslim, this made claims of deviation dangerous, because they made Yazidis vulnerable to hostilities.

Unlike the Indo-European tribes, located in West Asia and the Iranian plateau, who revered the sun and singled out a god who was a god for the whole world, and also unlike Manichaeism or

<sup>75</sup> Jundi, Khalil. *Towards knowing the Truth about Êzidîsm* (in Arabic), Germany, 1992, p. 20.

<sup>76</sup> Habib, George. *Êzidîsm: Remains of an Ancient Religion* (in Arabic), al-Maaref Printing House, Iraq, 1978, p. 37.

<sup>77</sup> Ziyar Farhan, Adnan. *The Yezidi Kurds In The Kurdistan Region* (in Arabic), The Center For Kurdish Studies, p. 9.

<sup>78</sup> Salim Baqisri, Izz Al Din. *Yazidîsm: Origin, Naming, Concepts, Rituals, Ceremonies, and Religious Texts* (in Arabic), Lalish Social and Cultural Center, Duhok, 2003, p. 23.

<sup>79</sup> Among these researchers is Constantin Zureiq. There is Ahmad Hassan, who says that Eastern Christian sources argue that Yazidis were originally Christians. However, ignorance led them to their current state. These sources have likely built their arguments on the fact that Yazidis practice baptism and ferment wine. There is also the fact that a group of Yazidis are called Dâseni (pl. Duasen), while a Nestorian Diocese existed in the area and disappeared with the emergence of Yazidis.

“The Religious and Cultural Life of the Syrian Kurdish Yazidis” (in Arabic), *Qalamoun Magazine*, Issue 2, August 2017, p. 264.

Zoroastrianism, which believe in the duality of good and evil, light and darkness, Yazidism is monotheistic whereby the sun is the image of God and the reflection of His light.<sup>80</sup>

Instead of a pure origin, the writer and historian Habib posits that Yazidism stems from a mixture of solar Mithraic worship modes. He says that, in this part of Earth (Mesopotamia), a Mithraic solar cult came to being, associated with the worship of Nabu, called Ay Nabu and known by his Aramaic name *Tawûsê Melek* (Peacock Angel). The emergence of this dual solar Iranian Babylonian worship can be considered the beginning of the establishment of Yazidism as it exists today.<sup>81</sup>

For his part, Yazidi historian Izz Al Din Baqisri argues that Mazdayasna religion, which prevailed among Kurds, is the basis of Yazidism, before it was affected by heavenly religions.<sup>82</sup>

In her research “The Social and Religious Classes in the Yazidi Community”, researcher Ayed Muhammad Badr corroborates the ancient Aryan roots of Yazidis, who maintained the Aryan caste system, which divided society into three classes:

- *Pîran* (the Pirs, or the priests)
- *Şêx* (The Sheikhs, the fighter Kings)
- *Mirîdxane* (Mirids, the laymen, committed to spiritual enlightenment), who include craftsmen, farmers, and shepherds.

Yazidi tribes— whose origins go back to the Indo-Aryan Vedic tribes (Gutian Kurmanj Umman Manda) who inhabited the Zagros Mountains at the end of the third millennium BC— were subjected to this stratification. The communities were headed by the first caste, the Pirs, followed then by the *Sheikhs* and then the *Mirdis*.

The system underwent a reorganization in the solar Mithraic era, the castes were adjusted, transforming the community into two classes only: the Pirs and the Mirids. Additionally, the duties of the Pire caste were distributed onto seven ranks.

In the period marked by Sheikh Adî ibn Musāfir (467 - 557 AH), the original system was re-established. Ibn Musāfir restored power to the *Sheikhs*, and assigned them some of the duties that were exclusively the domain of the Pirs. He also preserved the Mithraic ranks, changing some of their names and functions. His system remains operative today.<sup>83</sup>

The table below demonstrates a bottom-up hierarchy of the Yazidi caste system, with a comparison between the Mithraic system on the left and Sheikh Adî ibn Musāfir’s to the right.<sup>84</sup>

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<sup>80</sup> Jundi, Khalil, and Mulla Khalil, Ahmad. *From Azerbaijan to Lalish* (in Arabic), Spears House – Duhok, 2006, pp. 27-30;

Also see: Baqisri: Previous source, p. 18

<sup>81</sup> Habib: Previous source, p. 70.

<sup>82</sup> Baqisri: Previous source, p. 20.

<sup>83</sup> Ayed Muhammad Badr, “The Social and Religious Classes in the Yazidi Community” (in Arabic), *Risālat al-Mashriq*, (last visited: 17 August 2022).

[https://rmshreg.journals.ekb.eg/article\\_88226\\_d3bd74f69967c8d204da488f53e0b464.pdf](https://rmshreg.journals.ekb.eg/article_88226_d3bd74f69967c8d204da488f53e0b464.pdf)

<sup>84</sup> The table is a reconstruction of the Yazidi caste system detailed in the study by Ayed Muhammad Badr.

Mithraic Yazidi Caste System	The Existing Yazidi Caste System of Sheikh Adī ibn Musāfir
<p>1- Corax, Raven:</p> <p>This is the first rank, into which the mirid is admitted to be passed secrets and rituals. The Corax foresees the future, reveals the condition of the dead, whether they are in a good or a bad situation, and is visited by patients for healing.</p> <p>He also practices astrology and has a knowledge of astronomy.</p>	<p>1- Koçek:</p> <p>He is an ascetic, committed to the temple, and the seer that oversees religious secrets.</p>
<p>2- Kerivous (<i>keriv</i>, Godfather):</p> <p>This is the second rank, and it symbolizes astronomy and magic. <i>Keriv</i> stands for a friend, a close companion, and the brother in the afterlife. He wore a black head cover and <i>litham</i> (mouth-veil), which has cilia.</p>	<p>2- <i>Feqir</i>:</p> <p>He is devoted to worship at the Lalish Temple. He and the <i>Kherqe</i> (outfit) he wears are attributed infinite holiness.</p>
<p>3- <i>Sarbaz, Melia</i>:</p> <p>This is the third rank; it symbolizes the soldier and means the believer, the ascetic, striver, and God's loyal soldier.</p>	<p>3- <i>Babe (Baba, father) Gavan</i>:</p> <p>He is second to <i>Peshimam</i>. He accompanies Babe Sheikh during events in Lalish Temple.</p>
<p>4- Leo, Lion:</p> <p>This is the fourth rank, and it is the holder's duty to kindle fire. His marks are lightning, spade, fire and harp.</p>	<p>4- <i>Qawwals</i>:</p> <p>They recite religious texts and accompany during <i>Tiwaf</i>, carrying with them the symbol of <i>Tawûsê</i> (Peacock).</p>
<p>5- <i>şikesti (Shikisti)</i>, Knight:</p> <p>This is the fifth rank and is the equivalent of today's Baba Jawish. He is the closest to the</p>	<p>5- <i>Babe Cawiş (Baba Jawish)</i>:</p> <p>He does not marry, is devoted to the temple and does not leave it. He is not affiliated with a specific caste.</p>

information giver. He is the watcher and the overseer.	
<p>6- Helios:</p> <p>Helios means halo, the messenger of the sun, <i>Khorshēd</i> (Radiant sun), <i>Jamshīd</i>, sunray, the Sheikh of the sun.</p>	<p>6- <i>Peshimam</i>:</p> <p>He is the first <i>imam</i> (leader) after Baba Sheikh, and accompanies him in his tours.</p>
<p>7- <i>Babir</i>, the father God</p> <p>This rank marks the unison of the Mirid with the father God. It was the top of the seven ranks. The holder of the rank is the first overseer of religious matters.</p>	<p>7- <i>Babe şêx</i> (Baba Sheikh):</p> <p>The supreme spiritual leader and the Sheikh of the <i>Shemsanis'</i> homeland (worshippers of the sun).</p>

## Sheikh Adī ibn Musāfir

In the documenting of Sheikh ibn Musāfir's lineage, the judge and historian Zuhair Kathem Aboud quoted the historian Ibn Enbah—*al-Fussoul al-Fakhriyah* (in Arabic, p. 37), who said that the Sheikh is from the Hakkari region.<sup>85</sup>

Historian Aboud also quoted researcher Ya'qūb Sarkis, as saying that a text written by the monk Ramishu' points that Sheikh ibn Musāfir's father was a Kurd.<sup>86</sup> The Sheikh's Kurdish lineage is corroborated by the historian Ismail Pasha Al-Baghdadi in his book *Clarifying the Hidden* (in Arabic) and also by Abdulrahman Mizory in his booklet *The Crown of the Knowers*.<sup>87</sup>

Yazidism is also called *al-'Adawiyya* in a reference to Sheikh Adī ibn Musāfir (471 AH/1078 AD to 557 AH/1161 AD), who was reputed for his wide knowledge of *fiqh* (jurisprudence), *sharia* (religious laws), and religions. However, the Yazidi religion was exist before Sheikh Adī's era.

<sup>85</sup> Aboud: Previous source, pp. 10-20.

<sup>86</sup> Ibid.

<sup>87</sup> Mizory, Abdulrahman. *The Crown of the Knowers: Adī ibn Musāfir the Kurd*. Berlin, 2001.

Sheikh Adī ibn Musāfir was prominent, and also known as Adī *al-'Azab* (the celibate).<sup>88</sup> On this, his contemporary Abd al-Qadir al-Kilani/al-Jilani, said regarding him: **“Should prophethood be attained by perseverance, Adī ibn Musāfir would have attained it.”**<sup>89</sup>

Even though his geographical and ethnic affiliations remain contested, an unwavering agreement exists that Sheikh ibn Musāfir was a scholar, in the domains of religion and science, and had reformed Yazidism to enable its followers to preserve their faith and its pillars, and thus ensure the continuity of their religion and society.

## The Yazidi Creed

Yazidis believe in one God, whom they refer to as *Xwedê*. *Tawhid* (the Oneness of God) is a key trait of Yazidism, displayed in *Shahadah* (oath), which reads:

He is God, and there is no god but Him

He who neither eats, nor sleeps

To his name we swear, and in the name of *Tawûsê Melek* we walk the path of our belief.

Yazidis also believe that both *Kheir* (good) and *Sharr* (evil) come from God.

To shed light on the essence of Yazidism, STJ and Synergy/Hevdestî conducted a special interview with Lava Sharro,<sup>90</sup> a Yazidi teacher with the rank of Mirid, who gives religion lessons to children in al-Qahtaniyah/Tirbespiyê town. She explained:

“Yazidism is a non-missionary monotheistic religion. Yazidis believe in (God. A person is not Yazidi unless he/she is born to Yazidi parents. Our religion ties us to nature deeply. Therefore, all the holidays have nature-related reasons. The official fasting lasts for three days from sunrise to sunset. Fasting days are the shortest throughout the year. Nature is celebrated every year on the first Wednesday of April. Eggs are boiled symbolizing the solidification of Earth and the appearance of soil, after the earth was water and fog. Eggs are also colored, as an indication to the bright colors of spring that cover the Earth. The color white dominates Yazidi men’s and women’s clothes because it is considered the color of purity and chastity. Lalish is the destination of pilgrimage. Lalish means yeast. In Yazidism, Lalish is the yeast of Earth, and Yazidis are obliged to visit Lalish and receive the blessings from the *Ayin al-Baydaa* (white eye water spring), delivered by the hands of *khalmektar* (the people overseeing the shrines in Lalish). The person watching over the spring is a woman, which is an example of religious equality between the sexes in Yazidism.”

<sup>88</sup> Al-Diwaji, Saeed. *Yazidism* (in Arabic). Arab Institute for Research & Publishing, Beirut, 2003, PP. 52-60.

<sup>89</sup> Kathem Aboud, Zuhair. *Adī ibn Musāfir: The Reformer of Yazidism* (in Arabic). Bahzani Net, P. 11, quoting Siddiq al-Damluji, *Sheikh Adī ibn Musāfir*, p. 74.

<sup>90</sup> The source is a Yazidi academic and religion teacher. She was interviewed in person on 12 May 2022, and has consented to the use of her real name.

In practice, Yazidis perform three prayers a day, all oral and running from the heart. The prayers are called *Du'aa*. Two of the prayers are performed at sunrise and sunset, whereby the worshipers turn towards the sun, which they call *al-Qibla al-Dawara* (the rotating Qibla). For the third prayer, at noon, the worshipers turn towards Lalish, and before which they perform ablution and say the *Du'aa*:

In the name of Yazdan, the Great, the Merciful, the Generous

God, through You I perform my prayer, to Your greatness, to Your divinity, and in  
remembrance of Your lordship

God, You are the Generous and the Merciful, and You are God and the Lord over all  
authorities!

God, You are the Lord over all kingdoms and the sky, and You are the Lord of the supreme  
throne

God, You are the ancient, You are the eternal, and You are the Lord of our souls

God, You are the Lord of angels, jinn and humans, and You are the Lord of the throne, You are  
far above all imperfections. . .

The Yazidi community has a strict hierarchal structure, with social and religious duties distributed onto religious and spiritual castes. However, no matter to which caste a Yazidi belongs, he/she follows a Sheikh and a Pir from birth and preserves this affiliation until death. Upon reaching the age of majority, each Yazidi chooses two siblings, one for life and another for the afterlife, to help him/her at the time of reckoning. This seeking of a sibling gave rise to the *keriv* phenomenon, which in time turned into a social custom among Yazidis and their neighbors from other religions.

For further details on the rituals and creed that Yazidis uphold, STJ and Synergy/Hevdestî interviewed the Yazidi academic Khalaf Qasim Miro:<sup>91</sup>

Yazidis believe in the oneness of God Almighty. The Yazidi society is divided into several castes; the Pir, the Sheikh, the Mirid, and the *Feqir*. Given their social status, marriage is prohibited between persons from the castes of Sheikh and Mirid, the Sheikh and the Pir, and between the Pir and Mirid. The castes are divided into castes, and there are branches within the same caste.

Unlike Islam, Judaism, and Christianity, Yazidism is not a representative [non-missionary] religion. In the late twentieth century, the new generation was able to integrate into the cultures of the world, and despite the many different customs and traditions, this generation still adheres to the Yazidi religion.

Relating to rituals, in Yazidism there is the dawn *Du'aa* (prayer). The man would wake up before dawn. He must be Taher (ritually pure). He prays for mercy to all humankind and

<sup>91</sup> The source is based in Iraqi Kurdistan. He was interviewed online on 16 May 2022.

then asks for mercy for himself. There are also the prayers of noon, afternoon, and evening.

Yazidi fasting resembles Islamic fasting in terms of duration and the manner of Iftar (breaking the fast). It is in December, on Tuesday, Wednesday, and Thursday. Friday marks the Eid of Ramadan. There is a second holiday, on 2 February. It is called *Marb'ainiyet al-Shitaa* (the 40th day of winter), given that Yazidis are connected to nature. There is a third holiday, called Eid Khidir Elias, celebrated by persons called either Khidir or Elias. This Eid is obligatory only for people with these names. They fast for three days, Tuesday, Wednesday, and Thursday, and celebrate on Friday. The Eid celebrates Khidir Elias, a Yazidi prophet. There is another holiday, on April 4. It is very well known and is called Eid *al-Arbi'aa al-Ahmar* (Red Wednesday).

There is also the *Eid al-Hajj* (Pilgrimage) or *Eid al-Jum'a* (Friday). It is held from 6 to 13 October. During this Eid, Yazidis visit the Lalish shrine.

## Yazidis in the Eyes of Others

Due to their beliefs, Yazidi communities tend to suffer extensively compared to other communities. Dozens of smear campaigns were perpetrated against them, which ultimately threatened Yazidi heritage, such as historical Yazidi texts, and most importantly the lives of several scholars.

In her interview with STJ and Synergy/Hevdestî, social activist Lila M'amou said<sup>92</sup>:

“Yazidi religion was hidden and society has framed it with a wrong and patronizing perspective.”

She added:

“The abuses and assaults we were subjected to as a Yazidi community pushed us to be cautious about our religion and avoid disclosing it to others... We were afraid of reliving the massacres... We do not have many books that address our religion... We have orally inherited all our verses, traditions, and worship from our parents and grandparents.”

Several defamatory activities targeted Yazidism, starting with the names with which it is attributed. In his book *From Azerbaijan to Lalish*, historian Ahmad Mulla Khalil, who grew up in the Shikhan District among Yazidis, commented on *al-Dasaniya* name.<sup>93</sup> He said that other religions inflicted this name upon Yazidism to stir people against it. He explains that the word is coined from *Dîv* (*dêw*; the evil spirit in Zoroastrianism), and *Yasna* (worshiper), making the word

<sup>92</sup> The source is a community figure and social activist with the al-Beit al-Yazidi, based in al-Qahtaniyah/Tirbespiyê town. She was interviewed online on 19 April 2022, and had consented to the use of her real name.

<sup>93</sup> Jundi, Khalil, and Mulla Khalil, Ahmad. *From Azerbaijan to Lalish* (in Arabic), Spears House, Iraqi Kurdistan, 2006, p. 36.

Dīvyasna, which evolved into today’s pronunciation of *al-Dasiniya*. With this, Yazidis were called the worshipers of the devil.

When Muslims arrived in Yazidi areas, the name was already widespread in Mosul. This argument echoes in the work of Iraqi researcher Adnan Ziyān Farhan, who says that the majority of the Muslim Kurds called Yazidis Dasanis, adding that in *The Encyclopaedia of Islam* (EI), Yazidis claim that their original name is Dasanis.<sup>94</sup>

Another piece of evidence that is presented to corroborate that this name was in use is that there existed Kurdish emirates with the same name, and whose Emirs were Yazidis, including the emirates of al-Dasaniya, Shikan, Charjoun (Çarçem or ÇarGom), Kilis (Skeikh Mand), Qalp, al-Mahmoudiyah.<sup>95</sup>

Offering a counter reading into the name, the Syrian Kurdish historian Ali al-Jaziri posits that Yazidis were unjustly accused of being the worshipers of the devil. He adds that the theological system of Yazidism contradicts this accusation because it builds on the belief that all good and evil are bound by the will of God alone. Furthermore, he argues that the worship of the devil resembles the pejorative expressions used to call Kurds, such as the children of the jinn or the children of *emaa*— concubines of Prophet Suleiman, connoting that they are of illegitimate descent.

Moreover, al-Jaziri adds that the comparison between *Shayṭān* (Satan, or the source of evil) and *Tawûsê Melek* (the Yazidi archangel), was a result of projecting Islamic-Christian concepts on Yazidism:<sup>96</sup>

<b><i>Eblīs, Shayṭān</i></b> <b>(Devil, in heavenly religion)</b>	<b><i>Tawûsê Melek</i></b> <b>(Yazidism)</b>
He is created of fire and destined for hell	He emerged from the light of God
He is fallen, mundane, and profane	He always accompanies God
He harms humans and deceives them	He is not the enemy of humans, nor he deceives them

Some of the literature on Yazidism also addresses the affiliation between Yazidis and Islam, as well as their connection to Caliph Yazid ibn Mu'awiya, which resulted in attributing them a name derived from his. In his book, historian Baqisri posits that the reign of ibn Mu'awiya lasted for three years only, and that he was a Muslim by birth, like his father and grandfathers. He adds that Islam was the official religion of the Umayyad Caliphate in his time and that his name, Yazid, is recurrent in the history of Yazidism for a reason. Baqisri points that Yazidism was subjected to all forms of religious oppression, which forced Yazidis to conceal their faith, and instead

<sup>94</sup> Upon the arrival of Muslims, the Muslim officials, especially under the reign of The Rashidun Caliphs, treated Yazidis as *Ahlu al-Kitab* (People of the Book—or people to who religion were revealed), just like Jews, Christians and Sabians. In his book, historian Baqisri writes that the people in the Sheez [Shiraz] region sent ‘Umar ibn al-Khaṭṭāb a letter, asking him to allow them to observe some of their traditions, such as performing the religious dance of *Sama*. Ibn al-Khaṭṭāb’s answer was positive (previous source, p. 20).

<sup>95</sup> Al-Jaziri, Ali. *The Yazidi Kurds* (in Arabic). Kurdish Academy, 2019, pp. 73-76.

Mulla Khalil: Previous source, pp. 30-47.

<sup>96</sup> Mulla Khalil: Previous source, pp. 27-29.

resort to *Taqiya*—that is they frequently adopted Yazid’s name and claimed they were his affiliates.<sup>97</sup> Al-Jaziri describes *Taqiya* as assimilation with the *other* or the oppressor.<sup>98</sup>

In tracing the nature of the relationship between Yazidis and ibn Mu'awiya, Baqisri also points to a poem in the Yazidi cultural heritage, which speaks of the birth of Yazid. However, he says that the poem narrates certain happenings that do not tie into matters of belief.<sup>99</sup> Besides this poem, neither the hymns, nor the sermons that *Qawwals* breach, nor the *nasheeds* (songs) that people sing contain a reference to the deification of or affiliation with ibn Mu'awiya, while the holy books of Yazidism— *Mishefa Reş* (the Black Book) or *al- jilwe* (the Book of Revelation), do not mention the name Yazid.<sup>100</sup>

Probing into this connection, Iraqi historian Aboud argues that linking Yazidism to the name of Yazid ibn Mu'awiya had political purposes. He points out that Mosul remained loyal to the Umayyad household despite the collapse of their rule, which urged retaliation against the area from the Abbasid Caliphate (113 AH). Elaborating on this, Aboud writes that al-Mustakfī bi'llāh, who died in (333 AH), governed towards the end of the Abbasid rule, and two hundred years before the birth of Sheikh ibn Musāfir, which refutes the idea that Sheikh ibn Musāfir fled the oppression of the Abbasid authorities because he was Umayyad by affiliation.<sup>101</sup>

Additionally, when the Uqaylids ruled Mosul (401 AH), they tried to spread Shiism, but they failed. Therefore, they accused the people of the region (Yazidis among them) of being the enemies of *Ahl al-Bayt* (family of the Prophet Muhammad (PBUH)). Some have even connected the area’s people to Yazid bin Anisa Al-Kharji, relying on the saying of Abdul Qadir al-Baghdadi:

**“Believers of Pantheism or the religion of the people of reincarnation, or al-Maymūniyyah or Yazidism, are not part of Islam. These are followers of Yazid bin Anisa Al-Kharji, and he was from Basra and then moved to. . . the land of Persia.”<sup>102</sup>**

In this regard, Aboud remarks that Sheikh Ibn Taymiyyah<sup>103</sup> and Muḥammad ‘Alī ibn Aḥmad Ḥazm al-Zatheri had mixed between Yazidism and the principles advocated by Yazid bin Anisa Al-Kharji, which fall under *Ijtihad* (independent interpretation) and entail minor differences in Islam. He points out that there is a deep distinction between the two. Like Aboud, ash-Shahrastānī refutes that Yazidis are the affiliates of al-Kharji.<sup>104</sup>

<sup>97</sup> Baqisri: Previous source.

<sup>98</sup> Al-Jaziri: previous source, p. 60.

<sup>99</sup> Baqisri: previous source, pp. 25-27.

<sup>100</sup> Aboud: previous source, p. 30.

<sup>101</sup> Aboud, *Yazidism: Truths, Secrets, and Myths* (in Arabic), p. 19.

<sup>102</sup> Baqisri: previous source, p. 24.

<sup>103</sup> In a lengthy letter titled “The Great Commandment”, Ibn Taymiyyah addresses Yazidis and highlights their affiliation with Sheikh Adī ibn Musāfir. The letter reads: From Ahmad Ibn Taymiyyah to whomever is delivered this letter, of Muslims, affiliated with *Sunnah Wal Jamaah* (Adherents to the Sunnah and the community); the followers of the knowledgeable, mentor, and blissful Umayyad Sheikh Adī ibn Musāfir - may God have mercy on him - and those who followed the same path, and he helped them avoid the path of misguided people, who strayed from what was sent from God by His Messenger (peace be upon him) of sharia.

*The Great Commandment*, the letter of Sheikh Al-Islam Ibn Taymiyyah to the Followers of Umayyad Sheikh Adī ibn Musāfir (in Arabic), introduced, commented upon, and corroborated by Muhammad Abdullah Al-Nimr and Othman Juma’a al-Dhmailiya, Al-Siddiq Library for Publishing and Distribution, Taif, Kingdom Saudi Arabia, 1987, p. 37.

The letter is also cited by Ali Al-Jaziri, previous source, p. 51

<sup>104</sup> Aboud: Previous source, pp. 27-29.

Likewise, when the Atabek Badr al-Din Lu'lu' (1233-1258)— who adhered to Shiite teachings— took over Mosul and failed to spread Shiism among Yazidis there, he persecuted them. He imprisoned Sheikh Hassan,<sup>105</sup> the leader of the community at the time, and killed him. Additionally, he widely advocated their lineage to Yazid ibn Mu'awiya, who killed Hussein bin Ali.<sup>106</sup>

## Yazidis between the Safavids and Ottomans

In the history of Yazidi oppression, two other forces left their mark on the community. The Safavids (1501-1722) and the Ottomans (1299-1924) competed over Yazidi areas and in the process of control, they inflicted large-scale violence upon them. The Safavids arrived in the region before the Ottomans but failed to take control over Yazidi Kurdish areas in Mosul and Sinjar until 1507.

After they established control, the Safavids perpetrated genocides and mass massacres against Yazidis. The violence they were subjected to shaped the Yazidis' position towards the Ottomans after The Battle of Chaldiran in 1514. They supported the Ottomans during the Shiite-Sunni war against the Safavids, like the rest of the Muslim Kurds.

At that time, the Ottomans concluded a treaty with the Kurdish Emirs (princes) and leaders, including Yazidis, whose power was focused in the Emirate of Dasani, with its command center in the Shikhan region, northeast of Mosul.

In his book *The Sharafnama*, Sharaf al-Din Bitlisi comments on the status of Yazidis during the Mamluks' rule. He says that a Yazidi prince named Izz al-Din took over the Emirates of Kilis and Jabal al-Kurd (al-Akrad Mount), adding that he preserved the privileges of his position even after Sultan Selim I invaded Syria.<sup>107</sup>

Similarly, Yazidis maintained the structure of power, albeit in the presence of Muslim princes, over the Emirate of Can Polat of the Mandi dynasty, even after it was eradicated.

With this, Yazidis maintained a kind of political independence, because the Ottoman authorities use to appoint a Yazidi notable as a mediator.

Commenting on the Yazidi independence, Iraqi researcher Farhan writes that Yazidis, at first, benefited from the Ottoman policy in dealing with the Kurdish forces in the region, which overcame religious or ethnic differences. In 1534, during his campaign to control Baghdad, Sultan Suleiman the Magnificent even recognized the Prince Hussein Bey al-Dasani (from a line of Yazidi families) as *Sanjak-Bey* (an official) over Mosul and entrusted to him the Emirate of Erbil, and later the Emirate of Soran. The rule of al-Dasani marked a golden era for Yazidis until he was attacked by the other princes of Kurdistan and was later executed in Astana (the capital of the Ottoman Empire at the time/ present-day Istanbul). This caused discord between Yazidis

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<sup>105</sup> Sheikh Hassan is Sheikh Shams Al-Din Hassan ibn Sheikh Abi Al-Mafakher Adī ibn Abi Al-Barakat ibn Umayyad Sakhr ibn Musafir (581-644 AH / 1184-1246 AD). He is the second figure in the religious hierarchy after Sheikh Adī ibn Musāfir

<sup>106</sup> Aboud, previous source.

<sup>107</sup> Lescot, Roger. *Yazidis in Syria and Mount Sinjar (in Arabic)*, trans. Ahmad Hassan, Dar al-Mada, 2007, pp. 234-235.

Also see: Abdo Khalil, Muhammad. *Yazidism and Yazidis in Northwestern Syria (in Arabic)*. Syrian Ministry of Information, 2009, pp. 90-105.

and the Ottomans. In retaliation, Sultan Suleiman the Magnificent weaponized religion against Yazidis, including *fatwas*.

The first Ottoman *fatwa* against Yazidis was issued by the official Mufti of the State, Abu al-Saud al-Emadi, in which it was permissible, under Sharia, to kill Yazidis publicly and sell them in the markets.<sup>108</sup>

This *fatwa* marked a dangerous shift in the relationship between the Yazidis and the Ottoman State, because the *fatwa* became representative of the long-term Ottoman policy towards Yazidis. Consequently, Yazidis were targeted by several campaigns led by Ottoman rulers and sultans, who considered Yazidi areas as lands of war from a sharia perspective.

This extremist point of view from within the Ottomans held the seeds of genocide against Yazidis, contributed to the loss of Baghdad to the Safavid Shah Abbas in 1623. Due to their previous attitude towards the Safavids, Yazidis were attacked by them, as well as by the Ottomans.

The Yazidi-Ottoman relationship recuperated during the reign of Murad IV (1623-1640). The Yazidi prince Mirza Hassan Bek al-Dasni was assigned the mandate of Mosul, with the rank of *Pasha*. He was backed by the *Grand Vizier* (Prime Minister) Kara Murad Pasha. However, the relationship worsened after the Grand Vizier was removed from his position, and the Ottoman authorities summoned Mirza Hassan and dismissed him.

After Mirza Hassan died in one of the battles with the Ottomans, the Yazidi-Ottoman ties waned further, closing the page upon friendly relations. Yazidis became the object of the Ottoman authorities' wrath and were made outcasts. Being a Yazidi became a pretext, used for the destruction of any Kurdish city, the killing of its men, and the taking of its women as *sabaya* (sex slaves).

In the nineteenth century, after the issuance of the Ottoman *Tanzimat* (Reform) Law and the abolition of the Emirates regime, religious minorities were subjected to countless atrocities at the hands of princes or commanders of the Ottoman armies. Even after the Ottoman Empire passed the Millet System which aimed to "protect religious minorities" in the imperial areas and was issued under the influence of international powers, Yazidis were marginalized. The system covered only the religious rights of Christian and Jewish communities. Yazidis were excluded because they were not considered among *Ahlu al-Kitab* (People of the Book). Therefore, Yazidis were denied religious rights and were labeled apostates.<sup>109</sup>

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<sup>108</sup> Farhan: previous source, pp. 17-18

Aboud, *Yazidism: Truths, Secrets, and Myths* (in Arabic), p. 40.

<sup>109</sup> According to the Encyclopedia Of Islam, the Ottoman *Tanzimat* is a term derived from the legal term *tanzim etmek*. *Tanzimat* refers to reforms introduced as a tool for governance and administration to the Ottoman Empire from the beginning of the reign of Sultan Abdul Majeed I. It was prefaced by The *Gülhane Hatt-ı Şerif* or *Tanzimât Fermânı*.

The term *Tanzimat-i Khairiyah* (Charity reforms) was mentioned for the first time towards the end of Sultan Mahmud II's reign.

*Tanzimat* went ineffective at around 1876 AD, when Abdul Hamid II took power.

Wikipedia (in Arabic):

<https://ar.wikipedia.org/wiki/%D8%A7%D9%84%D8%AA%D9%86%D8%B8%D9%8A%D9%85%D8%A7%D8%AA%D8%A7%D9%84%D8%B9%D8%AB%D9%85%D8%A7%D9%86%D9%8A%D8%A9>

## Yazidis and Mandatory Draft

Early into the Ottoman era, Yazidis did not obtain official recognition as a religious community. However, the Ottoman State treated them as an independent religion, for which they paid *jizya* (yearly tax) in exchange for exemption from compulsory military service. This exemption system was applied to the Emirates of Dasani and Can Polat, which encompassed the areas of Kilis, Aleppo and Antioch.<sup>110</sup>

Commenting on the military exemption, researchers Abdo Khalil and Farhan write that Yazidis had to pay an exemption fee of 50 Turkish Liras for each person picked through the Draft Lottery. However, towards the end of the Ottoman rule, particularly in 1885, the Ottoman government decided to treat Yazidis and Muslims alike, considering Yazidis an Islamic *nehle* (sect) and forced them into draft. On their draft cards, Yazidis were identified as Yazidi Muslims.<sup>111</sup>

The mandatory draft was imposed on Yazidis by the Ottoman Sultan Abdul Hamid II, who advocated for an Islamic Collective. His government applied the Ottoman military service to Yazidis, as it did with other Islamic groups under its rule, considering Yazidis among these groups. At the same time, some Muslim clerics advocated the idea that Yazidi Kurds must not be treated like the People of the Book, but rather they are a sect that deviated from Islam that has to be brought under its mantle by every possible means, and then be obliged to perform military service.

The traveler E.A. Wallis Budge quotes an Ottoman official as saying that the Yazidis should serve in the Ottoman army as soldiers, because God gave them strong bodies and should they refuse, no one should blame the Ottoman government for burning them in a scorching fire.<sup>112</sup> The Yazidi aversion to conscription—given its weaponization for religious and political purposes, is evident in 1872 *iltimas* (petition), a document submitted by Yazidi Sheikhs to the governor of Baghdad requesting an exemption. The petition angered the Ottoman authorities.

To Yazidis, the 1892 Campaign of Omer Wahbi—an Ottoman Lieutenant General Pasha assigned to control Yazidis, is the fiercest forced religious conversion drive. Wahbi was charged with recruiting tribesmen into The Hamidiyah Knights—irregular regiments, or militias in the modern sense. A large number of Yazidis from tribes under the Milli Tribal Union were forcibly recruited, after their leader Hassan Kanjo converted to Islam. Additionally, Wahbi transformed Lalish Temple into an Islamic Endowment.<sup>113</sup>

Following draft-covered conversions, towards the end of the 19th century, Yazidis became the targets of Catholic and Protestant missionary campaigns with the intervention of Layard, the British Consul to Istanbul at the time. Notably, these campaigns were carried out simultaneously with conversions into Islam that were underway.

## Fatwas against Yazidis

Throughout their history, Yazidis suffered the repercussions of several *fatwas*. However, those issued by Muslim rulers had the most adverse impact on their communities. The *fatwa* of al-

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<sup>110</sup> Farhan, previous source.

<sup>111</sup> Abdo Khalil: Previous source, p. 105.

<sup>112</sup> Farhan: Previous source, p. 70.

<sup>113</sup> Christine Allison, *The Yazidis in Islamic Studies* 2017, Oxford University Press, Oxford: <https://doi.org/10.1093/acrefore/9780199340378.013.254>

Emadi was an action plan followed by the Ottoman and later by the Iraqi authorities. Nevertheless, al-Emadi's *fatwa* was not the first and had several precedents, says Iraqi historian Siddiq al-Damluji. Earlier *fatwas* were pressed by scholars from Yemen, Qara Bagh and the Tatars, and authorized the killing of Yazidis and the enslavement of their women, on the understanding that the killers of Yazidis would obtain the rewards of both worlds, here and the hereafter. The Imams Ahmad ibn Hanbal (231 AH) and Imam al-Samarqandi permitted the full disposal of Yazidis' property, as well as their lives, while Imam Fakhr al-Din al-Razi permitted the killing of Yazidis and the possession of their firstborns and wives, as well as the imprisonment of their women and offspring.

While they constituted a blatant violation of the religious rights of Yazidis, these *fatwas* were also evidence that Yazidism existed before Sheikh Adī ibn Musāfir.<sup>114</sup>

After al-Emadi's *fatwa*, several other Muslim scholars made similar edicts. Sheikh Abdullah ibn Sheikh Ahmad ibn Sheikh Hassan ibn Ahmad Al-Zizi Al-Rabtaki (1060-1159 AH) declared that it is obligatory to fight Yazidis and permitted killing them and taking their possessions because he considered them as "apostates" and applied the rulings of the apostate against them. Similarly, Muhammad Amin ibn Khairullah al-Omari al-Khatib (1150-1203) issued a *fatwa* in 1199 AH, which labeled Yazidis as apostates and made it obligatory to fight them.

A few Kurdish scholars issued such *fatwas*. Sheikh Abdulrahman al-Jali, who hails from Koysinjaq district, in Iraqi Kurdistan today, issued a *fatwa* that Yazidis are infidels and judged them and their money on this basis.

Muhammad al-Dakhri ibn Ahmad al-Khayyat included a *fatwa* in his book, which he wrote under the reign of the Ottoman Sultan Abdulaziz bin Sultan Mahmud when Yazidis refused to join the army. In his *fatwa*, al-Khayyat considered Yazidis apostates, who turned back from Islam and made fighting them a duty.<sup>115</sup>

In his 1137 AH *fatwa*, Sheikh Al-Rabtaki, known as *al-Mudares* (the teacher), added an item to al-Emadi's *fatwa*, considering Yazidis as *Kufar Assliyoun* (original infidels); namely, infidels by birth.

Today, despite the recent studies and research that dealt with the reality of Yazidism, Islamic *fatwa* centers continue to approach Yazidism with discriminatory perspectives. For instance, [Islamweb](#)—a widely known website that offers content on Islam and *Da'wah*, says that it follows the teachings of *Ahl Sunnah Wal Jamaah* (Adherents to the Sunnah and the community), both in belief and action. The website runners also identify themselves as inclusive, moderate, and thorough. However, the website defines Yazidis as a *firqa munharifa* (a deviant sect).<sup>116</sup> The [Islam Way](#) website provides the same definition.<sup>117</sup>

<sup>114</sup> Siddiq al-Damluji, *Yazidism*, p. 440.

<sup>115</sup> Ibid.

<sup>116</sup> "Yazidism: Its Origins, Founder, and Beliefs" (in Arabic), *Islamweb*, 15 December 2004 (Last visited: 19 August 2022).  
<https://www.islamweb.net/ar/fatwa/56882/%D8%A7%D9%84%D9%8A%D8%B2%D9%8A%D8%AF%D9%8A%D8%A9-%D9%86%D8%B4%D8%A3%D8%AA%D9%87%D8%A7%D9%85%D8%A4%D8%B3%D8%B3%D9%87%D8%A7-%D9%85%D8%B9%D8%AA%D9%82%D8%AF%D8%A7%D8%AA%D9%87%D8%A7>

<sup>117</sup> "Yazidis: Deviant Beliefs and Ideas" (in Arabic), *Islam Way*, 4 June 4, 2013, (Last visited: 19 August 2022).  
[https://ar.islamway.net/article/15945/%D8%A7%D9%84%D9%8A%D8%B2%D9%8A%D8%AF%D9%8A%D8%A9-%D8%B9%D9%82%D8%A7%D8%A6%D8%AF-%D9%85%D9%86%D8%AD%D8%B1%D9%81%D8%A9-%D9%88%D8%A3%D9%81%D9%83%D8%A7%D8%B1-%D8%B6%D8%A7%D9%84%D8%A9?\\_ref=iswy](https://ar.islamway.net/article/15945/%D8%A7%D9%84%D9%8A%D8%B2%D9%8A%D8%AF%D9%8A%D8%A9-%D8%B9%D9%82%D8%A7%D8%A6%D8%AF-%D9%85%D9%86%D8%AD%D8%B1%D9%81%D8%A9-%D9%88%D8%A3%D9%81%D9%83%D8%A7%D8%B1-%D8%B6%D8%A7%D9%84%D8%A9?_ref=iswy)

The screenshot shows the Islamweb website interface. At the top, there is a navigation bar with the site's logo and name 'إسلام ويب' and 'Islamweb.net'. Below the navigation bar, there are several menu items including 'الرئيسية', 'موسوعات', 'مقالات', 'الفتوى', 'الاستشارات الصوتيات', 'المكتبة', 'جاليري', 'المواهب', and 'بنين وبنات'. A search bar is also present. The main content area features a question 'المسؤول' and an answer 'الإجابة'. The answer text, highlighted in a red box, reads: 'الحمد لله والصلاة والسلام على رسول الله وعلى آله وصحبه، أما بعد: فاليزيدية فرقة منحرفة نشأت سنة 132 هـ إثر انهيار الدولة الأموية، وقد كانت في بدايتها حركة سياسية تتبلور في حب يزيد بن معاوية، ثم تحولت إلى طريقة عدوية نسبة إلى عدي بن مسافر الأموي، وانحرفت حتى وصل الأمر إلى تقديس يزيد بن معاوية وإبليس الذي يطلقون عليه اسم طاووس ملك.'

Image (19)- Screenshot of the anti-Yazidi *fatwas* posted by Islamweb.

The screenshot shows the Islam Way website interface. At the top, there is a navigation bar with the site's logo and name 'طريق الإسلام' and 'Islamway.net'. Below the navigation bar, there are several menu items including 'الرئيسية', 'استكشاف', 'القرآن', 'الدروس', 'المرئيات', 'الفتاوى', 'الاستشارات', and 'المقالات'. A search bar is also present. The main content area features a question 'اليزيدية عقائد منحرفة وأفكار ضالة' and an answer. The answer text, highlighted in a red box, reads: 'اليزيدية فرقة منحرفة ضالة نشأت سنة 132 هـ إثر انهيار الدولة الأموية، تقديس يزيد بن معاوية وإبليس -الذي يسمونه طاووس ملك-، وعزرائيل، ويعتدد أتباعها على المراقد والأضرحة، ولهم عقيدة خاصة في كل ركن من أركان الإسلام، ولهم أعياد خاصة كعيد رأس السنة الميلادية، ويجيزون لليزيدي أن يُهدد في الزوجات حتى ست إلى غير ذلك من الأقوال الضالة والكفرية، وجدير بالذكر الإشارة إلى أنهم يختلفون عن عبدة الشيطان الذين ظهرُوا بشكل ملحوظ أواخر القرن الماضي في عدد من الدول الغربية والعربية، غير أنهم يتفقون في مسألة تقديسهم للشيطان، وعبادتهم له.'

Image (20)- Screenshot of the anti-Yazidi *fatwas* posted by Islam Way.

On the website of [al-Maktaba al-Shamila al-Haditha](http://al-maktaba-al-shamila-al-haditha), two *fatwas* are posted.

Fatwa No. 32065, reads: "They are a sect that glorifies *Eblīs* (Satan). They have their own *Mushaf* (Holy book), and their worship rituals are far from religion [Islam].

Fatwa No. 37297 reads: "It is haram [prohibited] to eat the meat of their sacrificial animals because it is not halal, since they are not Muslims, nor do they belong to the People of the Book."<sup>118</sup>

<sup>118</sup> *The Fatwas of the Islamic Network* (in Arabic), The Committee of Fatwa at the Islamic Network: A Group of Editors. <https://al-maktaba.org/book/27107/85795>



Image (21)- Screenshot of an answer posted to a question whether it is prohibited to eat and drink at a Yazidi household.

For their part, [Al-Durar al-Sunniya](#) blog— a trusted scholarly source that builds from the teachings of the Adherents to the Sunnah and the community, defines Yazidis as a deviant sect that emerged after the collapse of the Umayyad state. The blog adds that Yazidism, in its early stages, was a political movement to restore the glory of the Umayyads; however, the conditions stemming from its surrounding environment and the factors of ignorance have made it deviate, to the extent that it sanctified Yazid ibn Mu'awiya and *Eblīs*, called *Tawūsê Melek* (Peacock Angel) and Azazel.<sup>119</sup>

In the *Facilitated Encyclopedia of Religions*, editors define Yazidism by the common perspectives upheld by Muslim intellectuals, describing it as a mode of excess Sufism.<sup>120</sup>

To inscribe the views of Shiite scholars in his book *Yazidism*, Aboud writes that he held correspondence with the Ahl al-Bait Institution and Shiite religious referential figures asking them about Yazidism. They answered him that it is a deviant sect.<sup>121</sup>

Offering an ambiguous opinion on Yazidism, the Theological Reacher Center of Grand Sheikh al-Sistani, highlights that: **“Yazidis are one of the religious sects that opted for keeping their beliefs undercover. For this reason, researchers who investigated this creed have come to different conclusions.”**<sup>122</sup>

<sup>119</sup> “The Yazidi Community” (in Arabic), *Al-Durar al-Sunniya*, <https://www.dorar.net/firq/3559/%D8%A7%D9%84%D9%81%D8%B5%D9%84-%D8%A7%D9%84%D8%AD%D8%A7%D8%AF%D9%8A-%D8%B9%D8%B4%D8%B1-%D8%B7%D8%A7%D8%A6%D9%81%D8%A9-%D8%A7%D9%84%D9%8A%D8%B2%D9%8A%D8%AF%D9%8A%D8%A9>

<sup>120</sup> *Facilitated Encyclopedia of Religions* (in Arabic): p. 500.

<sup>121</sup> Aboud: Previous source, p. 43.

<sup>122</sup> “The Creed of Yazidis” (in Arabic), *Theological Reacher Center*, <https://www.agaed.com/faq/1571/>.

Anti-Yazidi *fatwas*, issued by Islamic scholars, have thrust Yazidis into fierce wars, which spanned eras, and made them vulnerable to massacres, some of which amounted to genocides.

Probing into the stance of the scholars involved in these *fatwas*, al-Damluji writes: **“Should we ask these scholars about the reasons they had to issue these *fatwas*, which indulged these lands in chaos and instability throughout this period; they would have answered: It is religion. As if religion had cracked and its pillars were destroyed.”**<sup>123</sup>

He adds: **“The scholars went far with the *fatwas*, and each of the *fatwas* any of them issued had a fiercer impact on the tribal and social life of these [Yazidis], and a call was made to kill them. The call was answered even by those who did not know or have never communicated with them, coming from remote areas. They fought them and brought them to their demise.”**<sup>124</sup>

Over the course of their history, starting from the first *fatwa* up to the current time, 75 campaigns targeted Yazidis, seeking to annihilate them. The list below cites the most brutal campaigns that targeted Yazidi communities:

- In 1254, Badr al-Din Lu'lu' launched a campaign against Shikhan region. He captured and tortured the Prince of the Yazidis, and destroyed several religious objects.
- In 1412, Jalal al-Din Muhammad ibn Izz al-Din Yusuf al-Halwani, and some Kurdish princes who supported him, destroyed the shrine of Sheikh Adī ibn Musāfir.
- In 1506, Suleiman Khan the Magnificent summoned Prince Hussein Bey to Istanbul, then assassinated him. In 1570, Abu Saud al-Emadi, the Grand Mufti of the Ottoman Empire, issued a *fatwa* against Yazidis, permitting killing them and selling them in the markets in observation of Sharia.
- In 1831, Mîrê Kor (Muhammad Pasha), the prince of Rawanduz, led a campaign against Yazidis and killed their prince Ali Bey.
- In 1845, the *wali* (governor) of Mosul, Muhammad Pasha, led a military campaign on Sinjar (Şingal). He beheaded men in front of women and children, and robbed their money on the pretext that they did not comply with military service.
- In 1890, the Ottoman Empire authorized Lieutenant-General Omer Wahbi Pasha to try to bring Yazidis back under the mantle of Islam. So, he summoned the leaders of Shikhan and read them the *Surah al-Tawhid* (the verse of Divine Unity). Those who refused to succumb were killed. A force was also deployed to Shikhan. The forces looted the Emirate's palace, seized the holy sites and the tomb of Sheikh Adī, and the archive of the Lalish Temple.

The latest genocide against Yazidis was perpetrated by IS in Sinjar, in Iraq.<sup>125</sup>

## Yazidis in Syria

Documentation shows that the Yazidi modern presence in Syria dates at least back to the 12th century, tracing its beginnings to the 11th century, which corresponds to the appearance of Sheikh Adī ibn Musāfir, the reformer of Yazidism. Several ancient monuments and shrines testify to the long-term existence of Yazidism in the region. The majority of the historical locals in Afrin region were followers of the *Shamsani* (solar) religion, of which Yazidism is an extension. For example, the temple in Kafr Nabu, in Afrin's countryside, was a Yazidi temple. This affiliation is

<sup>123</sup> Al-Damluji, *Yazidism*: p. 428.

<sup>124</sup> Ibid.

<sup>125</sup> Al-Jaziri: Previous source, p. 85.

corroborated by the symbols and icons ornamenting shrines and temples scattered across the region, including the peacock over the altar of the Kafr Nabu church, sun and square cross.<sup>126</sup>

As for their settlement in *Jabal Sem`an* (Mount Simeon) District, studies indicate that this happened over the 13th century, corresponding to the reign of the Ayyubid Emirate of Mand.<sup>127</sup>

Documents in the Ottoman archives from Raqqa and the information in *The Sharafnama* indicate that the Hakkari leader Mand acquired the area around *Jabal Qasir* (kozkalise, in Antakya, Turkey today), west of Aleppo. The Sheikhs of Mand, a sect of Sheikhs of the same name, still occupy influential positions and belong to the Yazidi leadership.<sup>128</sup>

In the middle of the 17th century, European scholars and French clergymen, who met the Yazidis in the vicinity of Aleppo, described the social and religious structure of the community, along with other characteristics that still exist today, including the modalities of marriage and the system of religious and social castes.

The 19th century hailed the settlement of Yazidis in the Syrian Jazira region.

Geographically, Yazidis in Syria are divided into two groups:

- The first is based in the Jazira region—al-Hasakah province.
- The second is based in Jabal Sem`an and the Afrin Valley—Aleppo province.

Statistics on the number of Yazidis in Syria remain contested. In a report, the U.S. State Department says that nearly 80,000 Yazidis lived in Syria before 2011.<sup>129</sup>

In his book *Yazidis in Syria*, al-Jaziri estimates the number as about 50,000, while researcher Sebastian Maisel reports fewer numbers in his study “Syria’s Yezidis in the Kûrd Dâgh and the Jazîra”, saying that there are only about 10,000 Yazidis.

According to the Wilson Center, as well as our own findings, Yazidi concentrations across Syria, and military forces in control of their areas appear as such:<sup>130</sup>

Location	Residential Concentration Points	Forces in Control
Afrin	23	Turkey and affiliated militias
Ras al-Ayn/Serê Kaniyê	14	Turkey and affiliated militias

<sup>126</sup> Al-Jaziri: Previous source, p. 99

Abdo Khalil: Previous source, pp. 90-97.

<sup>127</sup> Al-Damluji: Previous source.

<sup>128</sup> Lescot: Previous source.

<sup>129</sup> “2016 Report on International Religious Freedom: Syria”, U.S. Department of State.

<https://www.state.gov/reports/2016-report-on-international-religious-freedom/syria/>

Researchers who addressed the Yazidi issue in the last decade report varying numbers, which, however, tend to range between 50,000 to 80,000.

<sup>130</sup> Austin Holmes, Amy. *Syrian Yezidis Under Four Regimes: Assad, Erdogan, ISIS and the YPG*. The Wilson Center’s Middle East Program, No. 37, July 2020. P.12: <https://www.wilsoncenter.org/publication/syrian-yezidis-under-four-regimes-assad-erdogan-isis-and-ypg>

Amuda	11	Autonomous Administration
Al-Hasakah	26	Autonomous Administration
Al-Qahtaniyah/Tirbespiyê	10	Autonomous Administration

### In the Jazira Region

Yazidis settled in the Syrian Jazira region over several waves of emigration. The first was in the 18th century, when the Kurdish Milli tribe controlled the area. Back then, Yazidis were a sub-division under the tribe.<sup>131</sup>

The second wave to Jazira occurred after the formation of modern Syria, specifically after 1925, during which the revolution of Sheikh Saeed Piran in Turkey failed. Several Yazidis sought refuge in Jazira with Muslim groups. These Yazidis belonged to the Havirkan or the Hasnan tribes. They built several villages in al-Qahtaniyah/Tirbespiyê area, east of Qamishli.<sup>132</sup>

Additionally, Yazidis settled in villages around al-Hasaka city,<sup>133</sup> in Amuda area, and were called al-Sharqiyan Yazidis,<sup>134</sup> as well as in Ras al-Ayn/Serê Kaniyê city.<sup>135</sup>

According to Lescot, Yazidis struggled with social inferiority, practiced against them by their Muslim and Christian peers in Syria, and they had no spiritual or social leadership.<sup>136</sup>

### In Jabal Sem`an

The Yazidi community in Jabal Sem`an surpasses that in the Jazira region, and it has religious and social stability, because most of the region's residents were Yazidis centuries ago. Given the large number of Yazidis there, the area<sup>137</sup> was assigned a *Sanjak/ Tawûsê* (a copper emblem

<sup>131</sup> They belong to the al-Sharqiyan Yazidis. According to *The Epic of Darwish 'Afdy and 'Adouli*, they lived in approximately 5,000 tents at the time.

"The Epic of Darwish 'Afdy and 'Adouli" (in Kurdish), Shahin Baker Sourakli, Shamal Printing House, Istanbul, 2019.

<sup>132</sup> They spread across the villages of Drajik (Dirêçîk), Mazkafit (Mizgefit), Tal Khatouk (Til Xatûnik), Otljeh (Otljeh), Ala Rasha (Ala Reşa), Shlumiye (Şelûmiye), Karki Shamo (Girkê Şamo), and Mulla Abbas.

Al-Jaziri: Previous source, p. 95.

Lescot: Previous source, p. 227.

<sup>133</sup> They spread across the villages of Port Said, Khirbet Dilan, Ma'ek, Hishri (Hêşîrî), Avkira (Avgêra), Khirbet al-Jamal, Morek, al-Naseriyah, Antariya, Mahmoudiya, Kri Ruash al-Gharbi (western), Kri Rush al-Sharqy (eastern), Qamar Gharbi (western), Qamar Sharqi (eastern)—and thus the name al-Sharqiyan (two easts), Jdeideh 1, Jdeideh 2, Tall Tir (Til Têr), Khirbet Shadi, Barzan, Zaydiyah, Tulku, Tall Tawil, Suleimani, Khirbet Khader, Tweineh, Ghibesh, Tall Tamr

Al-Jaziri: Previous source, pp. 96-97.

<sup>134</sup> They spread across the villages of Kiziljok, Karnku, Kandur, Dokar, Jatli, Khirbet Khoy old, Khirbet Khiwa al-Qadim, Khirbet Khiwa al-Jadid, Qouliya, Khirbet Fiqra, Markabah, Tar Wahshik.

Ibid: p. 97.

<sup>135</sup> They spread across the villages of Jan Tamr, Zaydiyah, Shukriya, Tall Baydar, Mreikish, Dardara, Tell Sakher, Lazaki, al-Asadiya, Khirbet Batani, Tell Nayef, Tell Khanzir, Qizi, al-Tlailiya.

Ibid: Previous source, p. 98.

<sup>136</sup> Lescot: Previous source, p. 227.

<sup>137</sup> Abdo Khalil; Previous source.

representing Peacock angel).<sup>138</sup> Yazidis are currently spread in villages in the Juma Plain and the slopes of Jabal Sem`an, which include about 20 Yazidi villages scattered between the mountain and the Turkish border. Additionally, Lescot writes that Yazidi refugees from Qara Dagħ built the four towns of Qestel Cindo, Sankle, Baflon and Qatmeh.<sup>139</sup>

Several sources indicate that the vast majority of Yazidis in the Afrin region are from the *Feqir* caste, with only a few *Sheikhs* in the village of Kafr Zeit (Al-Bir), as well as some *Mirids*.<sup>140</sup> These sources also show that the beginning of the 20th century hailed the erosion of the Yazidi community, with the conversion from Yazidism to Islam in exchange for privileges from the authority and that this integration left the community in a state of severe weakness. Yazidis had neither religious nor non-religious leadership, because most of the Yazidi *Aghas* (dignitaries) converted to Islam, leaving a void in their community.

Following the collapse of the Ottoman Empire, Darwish Shammo, a Yazidi leader from ‘Arsh Qibar, came forward as a representative of the Yazidis, and declared his support for the rule of King Faisal, and then changed his affiliation when the French arrived in the region. To control the situation, the Ottomans founded the Turkish Milli Forces, which called for fighting the "French infidels". Another armed group, called *Çete* (mercenaries), was also formed and it harbored hostility to the Yazidis. In response, Shammo sided with the French Mandate and some Yazidis volunteered in at the *Saraya* forces, an irregular division within the French army. Shammo was crowned the religious leader of the Yazidi community in Syria.<sup>141</sup>

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<sup>138</sup> *Tawûsê Melek* (Kurmanji)— The Peacock King or Angel, is the emblem of Yazidism. The Yazidis revere the *Tawûsê Melek*, who is their archangel. *Ta -ûs* is the name of an Aryan and Creek deity, meaning the light of God. In appreciation of the position of and as a constant reminder *Tawûsê Melek*, Yazidis created a *Sanjak*, an object in the shape of a peacock, displayed during *Tiwaf* every year. Each of the villagers would keep the *Sanjak* at home for a night. However, due to the large number of Yazidis, one *Sanjak* was no longer enough, since they settled in Iraq, Syria, Turkey, and even Armenia. So, at a certain time Yazidis had seven *Sanjaks*, and each *Sanjak* stood for a specific region.

Wikipedia (in Arabic):

[https://ar.wikipedia.org/wiki/%D8%A7%D9%84%D9%85%D9%84%D9%83\\_%D8%A7%D9%84%D8%B7%D8%A7%D9%88%D9%88%D8%B3](https://ar.wikipedia.org/wiki/%D8%A7%D9%84%D9%85%D9%84%D9%83_%D8%A7%D9%84%D8%B7%D8%A7%D9%88%D9%88%D8%B3)

<sup>139</sup> They spread in Sherawa district (Mount Liloan), in the villages of Iska, Shadera (shaderê), Ghazaiwiye, Burj Abdallah, ‘Andara, Trindeh, Qibar, Kimar, Basufan, Ba'aye.

They spread in Shara district (Shkak), in the villages of Qatmeh, Sinka, Baflon, Qestel Cindo, Ali Qena.

They spread in Jindires, in the villages of Faqira, Qajuma, Kila, Ashkan Sharqi, Jaqla, Kafr Zita, the Jindires district center, in addition to the center of Afrin region.

“Afrin: In Numbers, the Turkish Occupation and its Terrorist Groups Perpetrate most Heinous Violations against Yazidis” (In Arabic), ANF, 2 June 2020 (Last visited: 20 August 2022).

<https://anfarabic.com/%D8%B3%D9%88%D8%B1%D9%8A%D8%A7/%D8%B9%D9%81%D8%B1%D9%8A%D9%86-%D8%A8%D8%A7%D9%84%D8%A7%D8%B1%D9%82%D8%A7%D9%85-%D8%A7%D9%84%D8%A7%D8%AD%D8%AA%D9%84%D8%A7%D9%84-%D8%A7%D9%84%D8%AA%D8%B1%D9%83%D9%8A-%D9%88%D9%85%D8%AC%D9%85%D9%88%D8%B9%D8%A7%D8%AA%D9%87-%D8%A7%D9%84%D8%A7%D8%B1%D9%87%D8%A7%D8%A8%D9%8A%D8%A9-%D9%8A%D9%85%D8%A7%D8%B1%D8%B3%D9%88%D9%86-%D8%A7%D8%A8%D8%B4%D8%B9-%D8%A7%D9%84%D8%A7%D9%86%D8%AA%D9%87%D8%A7%D9%83%D8%A7%D8%AA-%D8%A8%D8%AD%D9%82-%D8%A7%D9%84%D8%A7%D9%8A%D8%B2%D9%8A%D8%AF%D9%8A%D9%8A%D9%86-62043>

<sup>140</sup> Lescot: Previous source, pp. 229-231.

<sup>141</sup> He was assigned the leader by the letter dated 10 May 1925, issued by the *Qaim Maqam* (governor of a provincial district). Shammo was officially named the head of the Yazidi clans in the districts of Azaz and Jabal al-Kurd, and was granted the title *Agha*.

The first official census and registration of Yazidis in Syria took place in the Afrin region in 1932. Yazidis were granted cards that highlighted their affiliation in either of these ways: Yazidi, Syrian - Yazidi, and sometimes Syrian - Yazidi - Kurd. However, after the independence of Syria, Yazidi leaders were deprived of all their religious and non-religious privileges, and Yazidis lost official recognition under the Personal Status Law and had no representatives in local councils.

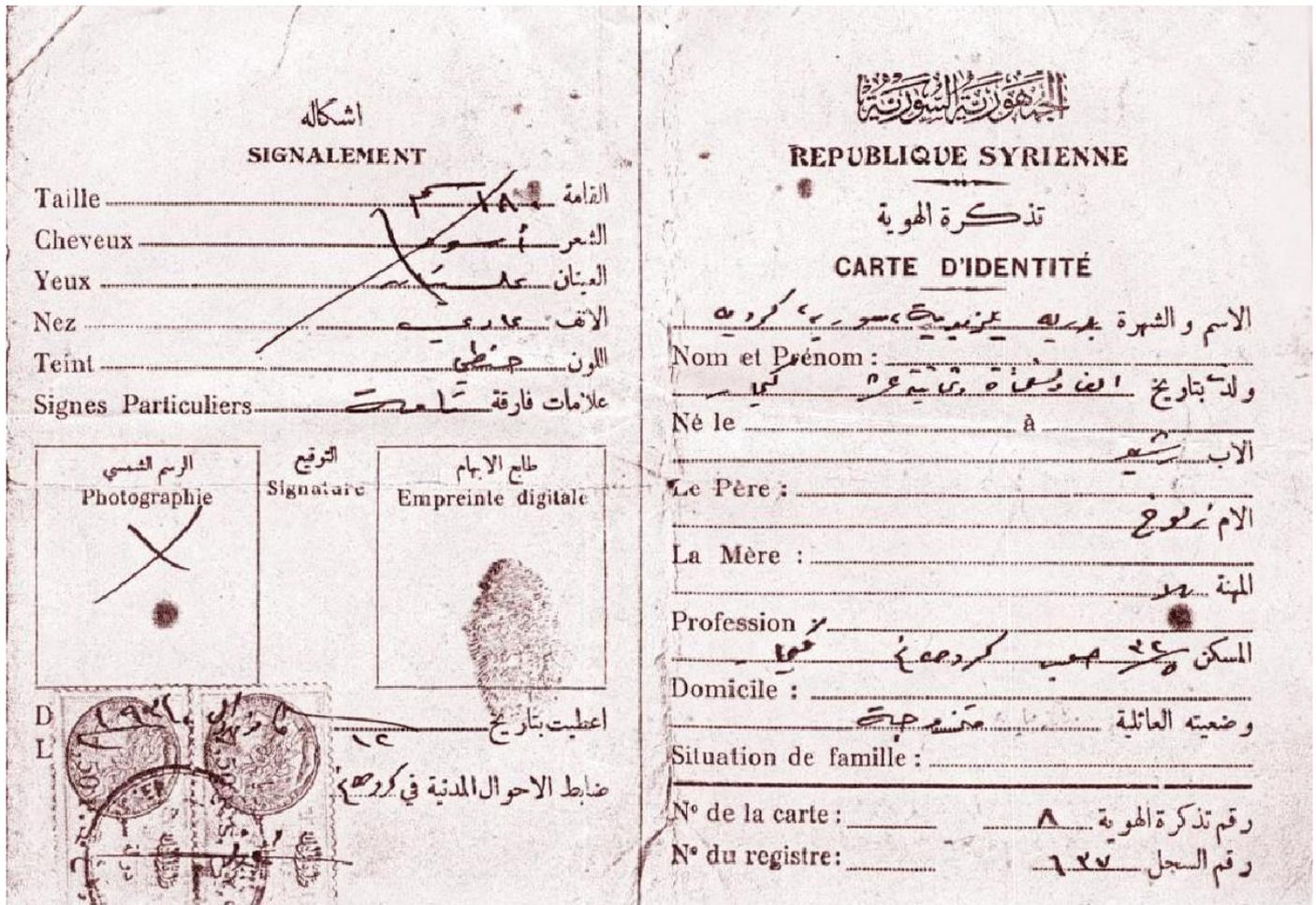


Image (22)- Ids granted to Yazidis during the French mandate over Syria. Source: *Yazidism and Yazidis in Northwestern Syria* by Abdo Khalil.

Abdo Khalil: Previous source, p. 107.  
Ibid: P. 116.



them of a variety of rights, especially those related to establishing their personal status, such as the registration of marriages and births.

Taking this history into account in an attempt to avoid the adverse impacts of religious mismanagement in Syria by successive governments and protect Yazidi communities from religious-related violations, this report's writers recommend the following:

1. The United Nations should reconsider the structure of the current Syrian Constitutional Committee and ensure the representation of members of the Yazidi community within the Committee and at all levels of the political negotiations on Syria, in line with the Geneva Communiqué, which stipulates that the rights of "smaller communities" must be assured.
2. The Syrian Constitutional Committee (SCC)— meeting in Geneva under Security Council Resolution No. 2254 of 2015, must pay attention to diversity in Syria, including religious diversity, and make the up-coming constitution a text that respects diversity and all forms of difference, including religious diversity, and recognizes Yazidism as an independent religion. Additionally, the SCC must abolish texts that perpetuate discrimination, including discrimination on the basis of religion and belief, such as the article that prescribes that Islam is the religion of the president of the State.
3. The Syrian legislative authority must enact a special law for Yazidis with regard to personal status issues, as is the case for other religions, in consultation and coordination with the clergy and actors of the Yazidi community.
4. The Syrian legislative authority should enact laws that criminalize discrimination against the members of any of the religions present in Syria, and fulfill the obligations established in international covenants and charters regarding the rights of religious minorities, especially the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966.
5. The Syrian government must take the necessary measures to prevent the policies of marginalization and exclusion against the members of any of the religions existing in Syria, especially Yazidis. Such measures include enforcing laws that criminalize discrimination, amending school curricula to serve religious diversity through spreading the culture of freedom of religion and belief, as well as tolerance of others, optimizing the use of the media and carrying out awareness campaigns, holding meetings, and training workshops to this end.
6. The Syrian government must cooperate with international bodies with expertise in the field of religious minorities, especially the Special Rapporteur on Minorities Issues, to implement the commitments and measures recommended above.



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