

# CONSTITUTION OF THE NATION OF EZIDIKHAN

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## PREAMBLE

**W**e the Yezidi Tribes of Iraq, Syria, Turkey, Armenia, Georgia and Russia, blessed by Melek Taus, originating from our Sumerian ancestors, do hereby adopt and affirm this Constitution to promote the values of our lands, to protect our people and ensure prosperity and happiness, to preserve our ancient way of life including our lands, religion, customs, language and our posterity. To this end we hereby assert our right to secure and to exercise all supreme rights and powers of nationhood according to the guidance of Melek Taus.

## ARTICLE 1 – SELF-DETERMINATION AND NATIONAL SOVEREIGNTY

### SECTION I – Source of National Sovereignty

All power derives from the Yezidi people, with the fundamental rights to self-determination as a people, and is here within exercised in the form of national sovereignty in accordance with this Constitution.

### SECTION 2 – Exercise of Self-Determination and Sovereignty

Self-determination and national sovereignty belong to Yezidis, who exercise these rights directly by means of referendums and elections and indirectly through their representatives.

### SECTION 3 – Exclusion

No individual or section of people may arrogate to themselves the exercise of power.

### SECTION 4 – International Law

International law shall apply to Ezidikhan.

## ARTICLE 2 – THE NATION AND SELF-GOVERNMENT

### SECTION I – Nation of Ezidikhan

- 1) The name of our nation shall be Ezidikhan.
- 2) The jurisdiction of the Government of Ezidikhan shall extend to the territory within the original boundaries of Ezidikhan and to all other lands added thereto under any laws of Ezidikhan Constitution.
- 3) The territory of Ezidikhan shall include all ancestral land held by Yezidis including but not limited to the historical lands of Ezidikhan including but not limited to:
  - 1) In Iraq:
    - a. Sinjar District (Iraq): Til Ezer, Khana Sor, Zorava, Gohbal, Borek, Dohula, Gir Zerek, Wardiyah, Qiniyeh, Solagh, Hardan, Tal Qasab and Hayali
    - b. Shekhan District (Iraq): Ba'adra, Lalish and Hahad
    - c. Al-Hamdaniya District (Iraq): Bashiqa, Bahzani and Bakhdida
    - d. Tel Keppe District (Iraq): Barah
    - e. Simele District (Dohuk Governorate): Khanke
  - 2) In Syria: Afrin

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- 3) In Turkey: Şırnak and Batman
- 4) In Armenia: Shirakavan
- 5) In Georgia: Batumi, Meskheti, Javakheti, Adjara, Rustavi and Abkhazia
- 6) In Russia: Krasnodar

## **SECTION 2 – Constitution as the Supreme Law**

The Constitution is the Supreme Law of the Nation. Any law, decision or act contrary to this Constitution is void and without effect. A law determines the organisation and functioning of decentralised entities.

## **SECTION 3 – National and Official Languages**

- 1) The national language of the Nation of Ezidikhan is Ezidiki.
- 2) The official languages of Ezidikhan are Ezidiki, Aramaic and Arabic.
- 3) The Nation of Ezidikhan shall ensure the protection of local languages and does recognize these languages as part of its national heritage.

## **SECTION 4 – National Self-Governance, Electoral Rights**

- 1) The exercise of Self-Governmental powers shall belong to the people of Ezidikhan that shall be exercised directly at the local level and through chosen representatives at the national level.
- 2) The authority to exercise the vote is universal, equal and secret. Subject to procedural conditions as may be prescribed by the legislative powers vested in the Mir Council and the Governing Council, each citizen of Ezidikhan who is eighteen (18) years of age shall be entitled to vote on any matter of public import on the basis of one person-one vote.

## **ARTICLE 3 – FUNDAMENTAL RIGHTS AND DUTIES**

### **SECTION 1– Fundamental Rights**

- 1) The Nation of Ezidikhan shall recognize and entitle fundamental rights and freedoms to all individual persons without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or gender (male, female and third sex); but subject to respect for the rights and freedoms of others and to the legitimate public interest in defense, safety, public order, welfare and health.
- 2) Discrimination of any kind or its propaganda based on tribes origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural differences, language, economic status, physical or mental disability or any other form of discrimination are prohibited and punishable by law.

### **SECTION 2 – Freedoms of the Individual**

- 1) All citizens of Ezidikhan shall enjoy the basic freedoms of:
  - (1) Life;
  - (2) Liberty;
  - (3) Security of the person;
  - (4) Protection under customary and statutory law;
  - (5) Freedom from inhumane treatment or forced labor;

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- (6) Freedom of conscience and worship;
  - (7) Freedom of expression;
  - (8) Freedom of assembly and association;
  - (9) Freedom of movement;
  - (10) Protection of privacy in the home and personal estate or deprivation of property; and
  - (11) Equal treatment under law and administrative actions.
- 2) No law shall infringe on the welfare, protection or advancement of women, children and other dependents, including inhabitants of Ezidikhan who are economically, social or culturally under-privileged.

## SECTION 3 – Fundamental Rights – Family and Community

- 1) The fundamental rights of families and communities shall include exercise of customary law provided that the customary law does not infringe on the fundamental rights and freedoms of the individual.
- 2) Freedom of the press shall be guaranteed as a fundamental right necessary for an informed public.
- 3) All citizens of Ezidikhan shall enjoy and benefit from freedom of religion, conscience, language, education, legal rights and culture.
- 4) Every person or group of people charged with an offence shall have a fair hearing, be afforded a spokesperson or attorney before an impartial judicial authority in a timely manner.
- 5) Whether an individual or a group in the community, they shall be deemed innocent until an impartial court in the community shall establish guilt.
- 6) All persons or groups charged with an offense shall be informed promptly in the self-identified language of the defendant to ensure full understanding of the offence with which the person or group is being charged.
- 7) Members of families or the community must be physically present for trial of offenses under customary or statutory laws, having given their consent unless the Court is unable to proceed according to normal procedure; in which case it the Court may proceed to conduct a trial *in absentia*.
- 8) No person or group shall be convicted of an act or omission that did not constitute an offence under customary or statutory law at the time of the offense.
- 9) No person or group shall be penalized or punished in a form greater than may be the lawful practice that existed at the time of the commission of the offence.
- 10) No person or group may be tried, reconvicted or acquitted for an offence for which a pardon has been granted.

## SECTION 4 – Marriage and Family

- 1) The family, being the natural foundation of Yezidi society, is protected by the Nation.
- 2) All citizens of Ezidikhan have the right to marry and found a family
- 3) Provisions shall be made for civil marriages.
- 4) A monogamous marriage between a man and a woman contracted outside of Ezidikhan in accordance with the law of the country of celebration of that marriage is recognised.

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- 5) No one may be married without his or her free and full consent.
- 6) Spouses are entitled to equal rights and obligations at the time of marriage, during the marriage and at the time of divorce.
- 7) Ezidikhan law determines the conditions, formalities and consequences of marriages.
- 8) Both parents have the right and responsibility to raise their children.
- 9) All children born of Yezidi descent must have been raised by at least one Yezidi parent or guardian.
- 10) The Nation shall put in place appropriate legislation and organs for the protection of the family, particularly children and mothers, in order to ensure that Yezidi families flourish.

## **SECTION 5 – Fundamental Duties**

All citizens of Ezidikhan have a duty to the nation to respect, honor and act in accord with the Constitution of the Nation of Ezidikhan; and shall:

1. Accept the duty to fully develop personal talents and interests by participating in village, community and national affairs; exercise the rights guaranteed by the Constitution and to participate fully in the government of the Nation of Ezidikhan;
2. Defend and protect the Nation of Ezidikhan; protect the national wealth, natural resources, and natural environment for the benefit of all life and future generations; respect the rights and freedoms of all persons and cooperate fully to ensure peace and tranquility of the community;
3. Contribute revenues as required under law consistent with personal or family means for the operation of government and delivery of services and security of the Nation of Ezidikhan; and
4. Provide as a parent or responsible adult for the education of all children to live as contributing citizens respectful of cultural practices, customary laws and the laws of the nation.

## **SECTION 6 – Non-Justiciability**

- 1) Except as provided by law, the fundamental duties are non-justiciable.
- 2) It is the duty of all public authorities to encourage compliance with such duties as may lie within their respective powers.

## **SECTION 7 – Enforcement of Fundamental Rights**

- 1) Any of the rights guaranteed under the Constitution that have been infringed or may be infringed, without remedy may apply to the Supreme Spiritual Council to enforce that right.
- 2) The Supreme Spiritual Council may make such orders, issue writs and give such directions, including the payment of compensation, as it considers appropriate to enforce the right.

## **ARTICLE 4 – CITIZENSHIP**

### **SECTION 1 – Natural Citizens**

- 1) The Ezidikhan nation shall consist of every Yezidi within Ezidikhan borders.
- 2) Citizenship in Ezidikhan comes to each Yezidi born within the borders and to those who have sought refuge outside the country and seek to return. Every Yezidi has the right to Yezidi nationality.

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- 3) Every Yezidi has the right to his or her Nation. No Yezidi can be banished from his or her Nation.
- 4) No one may be deprived of their Yezidi nationality of origin.
- 5) Persons born after the date of the Constitution's adoption, whether inside or outside Ezidikhan, shall enjoy citizenship if one parent is a citizen of Ezidikhan.
- 6) Foreign nationals born outside Ezidikhan without a country may apply to be a naturalized Ezidikhan citizen if that person has lived in Ezidikhan at least five years before the date of application, subject to any additional requirements established by the Mir Council.
- 7) The Ezidikhan nation citizen body shall include:
  - 1) every Yezidi born within Ezidikhan borders;
  - 2) descendent of indigenous Yezidi who are current citizens of Ezidikhan at least one fourth Yezidi;
  - 3) any person claiming a descendent may be adopted into Ezidikhan by majority vote of the village or community in which residency has been established; and
  - 4) Descendants from at least one Yezidi and who upholds Yezidi faith.

## **SECTION 2 – Customary Law of Return**

The customary Law of Return grants to all Yezidis the right to return and settle in his or her ancestral land.

## **SECTION 3 – Citizenship after Constitution Commencement**

Any person born after the date of adoption of this Constitution, whether in Ezidikhan or abroad, shall be a citizen of Ezidikhan if at least one Yezidi parent is a citizen of Ezidikhan.

## **SECTION 4 – Naturalization**

- 1) A national of a foreign country or a person without a country may apply to be naturalized as a citizen of Ezidikhan provided that said person has lived in Ezidikhan at least five years before the date of application.
- 2) The Mir Council may prescribe further conditions of eligibility for naturalization and shall provide the governmental mechanisms to review and decide on applications for naturalization.

## **SECTION 5 – Dual Nationality**

Dual citizenship of Yezidi citizens is permissible under Ezidikhan law.

## **SECTION 6 – Further Provisions for Citizenship**

- 1) The Mir Council may make provision for obtaining citizenship in the Nation of Ezidikhan by persons not described in this Constitution.
- 2) The Law of Return empowers the Minister of the Interior to deny Ezidikhan citizenships on grounds that the applicant is a threat to the security of the Nation of Ezidikhan or has past criminal records such as murder, rape or is a fugitive from the judicial system of another country (unless facing persecution).

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## **ARTICLE 5 – LEGISLATIVE CHAMBERS**

Two chambers shall exercise the legislative authorities of the Nation of Ezidikhan – the Council of Mirs and the Governing Council.

### **SECTION 1 – Council of Mirs of Ezidikhan**

#### ***Paragraph 1 – Powers of Legislation***

The Council of Mirs shall originate resolutions as determined by each represented community. The resolution thus originated shall be conveyed to the Governing Council for consideration. If the resolution is subsequently approved by the majority decision of the Governing Council the Resolution shall become a law with the approval of the Prime Minister.

#### ***Paragraph 2 – Designation of Members in the Council of Mirs***

The Mir or Sheikh in the Council of Mirs shall represent each community or village that has a Mir or Sheikh.

#### ***Paragraph 3 – Customary Community Authority***

The customary rules and laws of each community shall determine who shall be seated as a Mir or a Sheikh.

#### ***Paragraph 4 – Three Mirs – Council Spokesperson and two Deputy Spokesman***

- 1) The seated members of the Council of Mirs shall by majority vote designate the Mir Council spokesperson who shall guide and organize the proceedings of the Mir Council
- 2) The seated members of the Mir Council shall by majority vote designate two Deputy Spokespersons who shall assist the Mir Council Spokesperson in the duties of organizing and conducting the business of the Mir Council.

#### ***Paragraph 5 – Procedures of Council of Mirs***

- 1) The Mir Council having designated a Mir Council Spokesperson and two Deputy Spokespersons shall on recommendations presented by the Spokesperson consider and establish procedures and operational protocols as best serves the business of the Council.
- 2) These procedures and operational protocols may after having been approved by a majority vote become subject to amendment subject to sponsorship by seven Mir Council members and reviewed and approved by the full Council by majority vote.

#### ***Paragraph 6 – Commissions***

To further investigations and documentation of community needs and problems, the Mir Council Spokesperson may from time to time designate committees and commissions to undertake specific inquiries including hearing public information, records and reports to inform commission or committee members toward the end that members of each body may decide by consensus specific recommendations to the Council of Mirs as a body of the whole for consideration and adoption into a Resolution to be decided by a majority vote of the Council of Mirs.

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## *Paragraph 7 – Public Proceedings*

The Council of Mirs may conduct its full sessions including all members for the benefit of public view.

## *Paragraph 8 – Public Finance of the Council of Mirs*

The Council of Mirs shall originate laws establishing taxation, duties and assessments that shall be subject to Governing Council approval consistent with the Constitution of Ezidikhan.

## **SECTION 2 – Governing Council of Ezidikhan**

### *Paragraph 1 – Governing Council of Ministers*

There shall be a Governing Council of Ministers comprised of Ministers exercising and implementing Executive Powers and serving as the second legislative chamber.

### *Paragraph 2 – Composition of the Governing Council*

- 1) The Governing Council shall be composed of a:
  1. Prime Minister;
  2. First Deputy Prime Minister;
  3. Second Deputy Prime Minister;
  4. Foreign Minister;
  5. Justice Minister;
  6. Interior Minister;
  7. Defense Minister;
  8. Human Rights Minister;
  9. Finance Minister;
  10. Security Minister;
  11. Education Minister;
  12. Health Minister;
  13. Intergovernmental Relations Minister; and
  14. Information Minister.
- 2) The Prime Minister in consultation with the Council of Mirs Spokesperson shall determine changes in ministries including adding and removing ministries. Each minister shall serve at the pleasure of the Prime Minister.

### *Paragraph 3 – Appointment and Removal of Ministers*

- 1) The Prime Minister with the advice and consent of the Council of Mirs shall appoint ministers serving in the Governing Council.
- 2) No person shall be eligible to be a candidate for election to the Council who has been convicted of any civil crime or felony by a court of competent jurisdiction, unless such person shall not have been convicted of such felony during ten (10) years preceding assumption of duties within the preceding ten (10) years.

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## *Paragraph 4 – Administrative Functions of Ministers*

Ministers shall execute the policies and laws of the government under the direction of the Prime Minister and with the Prime Minister’s agreement consistent with the Constitution of Ezidikhan.

## *Paragraph 5 – Council Resolutions and Laws*

- 1) Any minister in the Governing Council may propose a resolution of policy or law, seek co-sponsors from other ministers and place a resolution before the Governing Council for consideration or approval at a regular session convened of the Council.
- 2) The resolution may be considered and approved and if so approved it will be forwarded to the Council of Mirs for consideration or approval by a majority vote of the Council of Mirs in regular session.
- 3) If the Governing Council resolution concerns administrative procedural policy, the Council may simply rule on it without reference to the Council of Mirs.

## **ARTICLE 6 – PRIME MINISTER**

### **SECTION 1 – Prime Minister of the Nation**

There shall be a superior minister of the Nation of Ezidikhan, called the Prime Minister, who shall serve as the head of the national government and chief commander of national security and policing forces.

### **SECTION 2 Executive Power of Government**

The Prime Minister shall be the Chief Executive Officer of the Government of the Nation of Ezidikhan

### **SECTION 3 – Selection of the Prime Minister**

The Supreme Spiritual Council shall select the Prime Minister and the Prime Minister shall pledge to honor, defend and respect the Constitution of the Nation of Ezidikhan and thereby become appointed.

### **SECTION 4 – Qualifications of Prime Minister**

To be eligible to hold the office of Prime Minister, a person must have been a citizen of Ezidikhan for at least five (5) years and must be twenty-five (25) years old or older on the date of election.

### **SECTION 5 – Term of Office and Removal of Prime Minister**

The Prime Minister shall serve from the point of appointment for a term of five years and succeeding terms subject to reselection and appointment by the Supreme Spiritual Council.

### **SECTION 6 – Responsibilities and Powers of the Prime Minister**

The Prime Minister has responsibilities and powers to:

- 1) Lead the functioning of Government in accordance with main guidelines given by the Constitution and laws and ensure the implementation of laws;
- 2) Formulate Government programs in consultation with other Cabinet present Government programs to Council within thirty (30) days from taking office;
- 3) Assign duties to Ministers, State Ministers and other Cabinet members;

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- 4) Convene Cabinet meetings, prepare the agenda of Cabinet meetings in consultation with other Cabinet members, and submit it and call emergency session urgent matters considered by extraordinary Cabinet meetings;
- 5) Chair Cabinet meetings;
- 6) Upon request from Alliance tribes, the Prime Minister may invoke legal jurisdiction over one of Alliance tribes through treaty.
- 7) Sign orders appointing or dismissing the following senior civil servants:
  - 1) Director of Cabinet in the Office of the Prime Minister;
  - 2) Executive Secretaries of national commissions;
  - 3) Advisers and Heads of service in the Office of the Prime Minister;
  - 4) Other Senior officials of public institutions where not otherwise specified;
  - 5) Director Generals and Directors in Parliament, the Supreme Court, the Office of the Prime Minister, the National Public Prosecution Authority, Ministries and other public institutions;
  - 6) National Prosecutors, Prosecutors at the intermediate and primary levels;
  - 7) Civil servants appointed at a similar level as those specified in this Article and any other official as the law may determine when necessary.

## **SECTION 7 – Countersigning of Laws and Orders**

- 1) The Prime Minister countersigns laws adopted by Parliament, decree-laws and orders, signed by the President of the Nation upon the Government Seal of Ezidikhan.
- 2) Orders of the Prime Minister are countersigned by Ministers, State Ministers and other Cabinet members responsible for their implementation.

## **ARTICLE 7 - INTERNATIONAL TREATIES AND AGREEMENTS**

### **SECTION 1 – Treaty Ratification**

- 1) The Prime Minister of Ezidikhan or his or her delegate(s) have the power to negotiate and sign international treaties and agreements. The Prime Minister has the power to ratify international treaties and agreements. Parliament shall be notified of those treaties and agreements following their conclusion.
- 2) International treaties and agreements concerning armistice, peace, commerce, accession to international organisations, Ezidikhan’s national finances and those requiring modification of national legislation or relating to the status of persons may only be ratified after approval by the Council.
- 3) Treaties and agreements ceding or exchanging part of the territory of Ezidikhan or adding a territory of another country to Ezidikhan cannot be ratified without the consent of Council through a referendum.
- 4) The Prime Minister and Council shall be notified of all negotiations relating to international treaties and agreements which are not subject to ratification by the Nation.

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- 5) Upon publication in the Ezidikhan press, international treaties and agreements which have been duly ratified or approved have the force of law as national legislation in accordance with the hierarchy of laws provided.

## **SECTION 2 – Prohibited International agreements**

- 1) It is prohibited to make international agreements permitting foreign military bases on the national territory.
- 2) It is prohibited to make international agreements permitting the transit or dumping, on national territory, of toxic waste and other hazardous materials likely to cause serious damage to public health and the environment.

## **ARTICLE 8 – JUDICIARY**

### **SECTION 1 – Judiciary**

The General Tribal Council shall, by law, establish a Judiciary to exercise the judicial authority of each tribe. The judicial power of Ezidikhan shall be invested in a Tribal Judiciary, which shall consist of the Tribal Court, a Court of Appeals, and such inferior courts as the Tribal Council and the Supreme Court.

### **SECTION 2 – Judicial Service Commission**

- 1) The Ezidikhan Judicial Commission studies and reviews the methods by which statutory county court judges, including probate court judges, district judges, appellate justices and other judges are to be selected for office in Ezidikhan.
- 2) The study must consider the fairness, effectiveness, and desirability of selecting a judicial officer through partisan elections; the fairness, effectiveness, and desirability of judicial selection methods proposed or adopted by other states; the relative merits of alternative methods for selecting a judicial officer.
- 3) The Justice Minister is required to submit a report on its findings and recommendations to the Ezidikhan Government and the legislature.

### **SECTION 3 – Supreme Court**

- 1) The judicial power of the Citizen Ezidikhan Nation is hereby vested in one Supreme Court consisting of seven (7) Justices and such inferior courts as may be established by Tribal law.
- 2) The Courts of the Citizen Ezidikhan Nation shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the constitution, laws, and treaties of the Citizen Ezidikhan Nation. The courts shall be made of Appeals and Supreme Court shall have original jurisdiction in such cases as may be provided by law, and shall have appellate jurisdiction in all cases.
- 3) The Supreme Court, in any action brought before it, shall have the power of judicial review, in appropriate cases, in order to declare that legislative enactments of the Legislature or the Council, are legal under this Constitution or prohibited by statutes and void. In such cases, the Supreme Court shall have the authority to declare such acts void and to issue injunctive relief.
- 4) The Supreme Court justices and Tribal Court judges shall be selected by the legislature and confirmed by Ezidikhan Nation Council at a general election called for that purpose, and shall

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serve six (6) year terms and until their successor be duly confirmed and installed. At the expiration of such term, each justice or judge may, at his option, be considered for reconfirmation to a new term by the Council.

- 5) Vacancies in Tribal Judicial Offices may be filled by appointment of the legislature for the remainder of the unexpired term. Such appointment shall be valid for not more than one hundred twenty (120) days unless the Ezidikhan Nation Council confirms the appointee to complete the remainder of the unexpired term. If no citizen election is called to act upon such appointment within the one hundred twenty (120) day period, the appointment of that person shall not be renewed.

## Section 4 – Qualifications

- 1) Ezidikhan citizens. Any member of Tribe may serve as a Tribal Judge provided he/she is twenty-five (25) years of age or older, is not a member of the Tribal Council or the Ezidikhan or running for a seat on the Tribal Council or for the office of the Ezidikhan, and has not been convicted of any crime of dishonesty, or moral turpitude, nor been convicted of a felony under Tribal, or State law within the ten (10) year period immediately preceding the date of the election, or, in the event of a vacancy, his/her appointment.
- 2) Non-Member Qualifications. A non-member of the Tribe may be appointed to or elected to serve as a Tribal judge if such individual possesses a law degree and has practiced in or as a tribal judge, and has not been convicted of any crime involving dishonesty, moral turpitude, nor been convicted of a felony under Federal, Tribal or State law within the ten (10) year period immediately preceding the date of the election.

## Section 5 – Composition of the Tribal Court System

- 1) Tribal Court. The Tribal Court shall be a court of general jurisdiction and shall consist of one (1) judge and one (1) associate judge who shall meet as often as circumstances require.
- 2) Court of Appeals. The Tribal Court of Appeals shall consist of three (3) judges. At least one (1) of the three (3) judges shall be an elder (age 55 years or older) in the Tribe, and at least one (1) of the three (3) judges shall be an attorney licensed to practice before the courts.

## Section 6 – Appointment and Compensation

- 1) Judges of the Tribal Court, including the Court of Appeals, shall be elected by the registered voters.
  - 1) Current Judges. The current tribal judges as of adoption of these amendments shall identify the following:
    - a) Tribal Court judges shall determine staggered terms from amongst themselves and new terms shall be set at either two year or four years.
    - b) Court of Appeals judges shall determine staggered terms from amongst themselves and new terms shall be set at either two years or four years.
  - 2) Declaration of Tribal Court or Court of Appeals Candidacy. Candidates shall declare their intention to run for a position on the Tribal Court or the Court of Appeals. The Election Board shall identify positions on the Court of Appeals requiring specific qualifications as identified in

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Section 3(2). Where no candidate, at the conclusion of any deadlines set by the Election Board, declares for a position on the Court of Appeals requiring specific qualifications, the Ezidikhan government shall appoint, and the Tribal Council shall approve a judge for that vacancy.

- 3) Compensation. The Tribal Council shall have the power to establish the level of compensation for each judge; provided that the compensation due to each individual judge shall not be diminished during the term of his/her appointment.
- 4) Tribal judges shall be sworn in by the Prime Minister.

## Section 5 – Term of Office

- 1) Except as provided for in Section 6 of this Article 8, the term of office for all Tribal Judges shall be six (6) years.
- 2) Tribal Judges will continue in office until a successor is sworn in.
- 3) There shall be no prohibition against continuous service.

## Section 6 – Resignation or Removal

- 1) Resignation. A Tribal Judge may resign his/her office at any time. Resignation is immediate upon a Judge submitting written notice to the Tribal Council of his/her resignation.
- 2) Removal. A Tribal Judge may only be removed by a vote of seven (7) of the nine (9) Council Members following a recommendation of removal by a majority of the remaining Tribal Judges for the following reasons:
  1. Unethical conduct;
  2. Gross misconduct or malfeasance in office that is clearly prejudicial to the administration of justice;
  3. Ineligibility, under Section 2 of this Article, to serve as a member of the Tribal Court; or
  4. Inability to fulfill the duties of the office due to mental or physical disability, to the extent that he or she is incapable of exercising judgment about or attending to the duties of the Tribal Court. Such determination shall be based upon or supported by competent medical evidence or opinion.
- 3) If a member of the Tribal judiciary obtains information which indicates that grounds exist for removal of another judge, he/she shall provide written notice of the charge and specify the facts supporting such charge to all Tribal Judges, including the accused. The Judge so charged shall be notified so he/she may answer the charges at a public hearing of all members of the Tribal Court held for that purpose. Such hearing shall be noticed at least ten (10) days prior to the hearing at which the Judge's referral for removal is to be considered. If a majority of the remaining of the Tribal Court vote to refer the Judge to the Tribal Council for removal, the grounds for removal shall be set forth with specificity and the Tribal Judge shall be suspended from office until the Tribal Council acts on the referral at a public meeting of the Tribal Council held to consider that referral.
- 4) At least ten (10) days before the meeting of the Tribal Council at which the vote for removal will be taken, the affected judge shall be provided with a written notice of that meeting. Before any vote for removal is taken, the affected judge shall be provided with a reasonable opportunity to answer the charges at the Tribal Council meeting.

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- 5) If the Tribal Council, by affirmative vote of seven (7) of the nine (9) Council members, finds that grounds for removal as stated by the Tribal Court exist, the Tribal Council shall remove the judge from office. If the Tribal Council finds that the grounds for removal do not exist, the suspended judge shall be fully reinstated to the Tribal Court.

## **Section 7 – Vacancy**

A vacancy in any judicial position resulting from a Judge’s death, resignation, removal, or recall shall be filled in the same manner as set forth in Article 8, Section 4. The term of office for any Tribal Judge appointed under this Section shall be for the remainder of the vacant term.

## **Section 8 – Jurisdiction and Powers of the Tribal Courts**

The jurisdiction and judicial powers of the Ezidikhan government shall extend to all cases and matters in law and equity arising under the Tribal Constitution or under the laws and ordinances applicable to the Nation of Ezidikhan. Such powers shall include, but are not limited to:

- (a). To adjudicate all civil and criminal matters arising within the territorial or membership-based jurisdiction of the Tribe.
- (b). To review ordinances and resolutions of the Tribal Council or General Membership to ensure that they are consistent with this Constitution and rule void those ordinances and resolutions deemed inconsistent with this Constitution.
- (c). To hear cases based on ordinances and laws of the Tribe for purposes of determining innocence or guilt where trial by jury has been waived.
- (d). To assign fines and penalties as allowed by Tribal and Federal law.
- (e). To grant warrants for search to enforcement officers when just cause is shown.
- (f). To grant warrants, writs, injunctions and orders not inconsistent with this Constitution.
- (g). To swear in Tribal Council citizens and t by administering the oath of office.
- (h). To establish, by general rules, the practice and procedures for all courts of the Ezidikhan
- (i). To prepare and present to the Ezidikhan government and Tribal Council a budget requesting an appropriation of funds to permit the Tribal Courts to employ personnel or to retain by contract such independent contractors, professional services and whatever other services may be necessary to carry out the dictates of this Constitution, the Tribal Court ordinance and all ordinances creating lower courts of limited jurisdiction.
- (j). To preside over all suits for declaratory or injunctive relief as provided for an in accordance with Article 11 of this Constitution.

## **SECTION 9 – Customary Courts**

- 1) Customary Courts are manorial courts exercising jurisdiction over customary tenants and administering the custom of the manor as contrasted with Yezidi common law.
- 2) A Customary Court shall consist of three (3) Sheikhs and/or Mirs who shall rule in local cases registered against specific villages or families or individuals.
- 3) Tribal courts have jurisdiction over local cases involving land disputes, resources and other criminal offenses using Yezidi customary laws proceedings under a court established and

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operated under the code or custom of an Ezidikhan tribe, or any other administrative body of a tribe which is vested with authority over proceedings. Customary Courts are represented by Sheikhs or Mirs.

## Section 10 – Judicial Independence

- 1) The Tribal Judiciary shall be independent from the legislative and executive functions of the tribal government and no person exercising powers of the legislative or executive functions of government shall exercise powers properly belonging to the judicial branch of government, provided that:
  - a) the Tribal Council shall be empowered to function as the Tribal Court of the Ezidikhan government until the judges prescribed by this Article have been appointed and provided; and
  - b) the first Tribal Council and Ezidikhan government elected under this Constitution shall make appointments to its courts within ninety (90) days after its members are elected.

## SECTION 6 – Referral to Supreme Court on Constitutional Questions

- 1) Referrals may be made to the Supreme Court by member of the Ezidikhan Government, Sheikhs, Mirs, the Minister of Justice or a lawyer on behalf of victims.

## SECTION 7 – Justice Ministry

- 1) The Ministry of Justice of the Ezidikhan Government mediates with the nation’s judicial system and other branches of the Government.
- 2) The Ministry of Justice is responsible for the provision of legal aid, administration of justice through courts and tribunals and detentions.
- 3) The Ministry of Justice has authority to open criminal investigations.

## ARTICLE 9 – EMERGENCY POWERS

- 1) When the Nation of Ezidikhan is in peril of violence, acts of cultural genocide, environmental disaster or when other circumstances threaten the peace and security of the people, the Prime Minister may invoke “emergency powers” for a period of no more than 120 days.
- 2) Renewal will be required by a full and agreeable vote of the Governing Council authorizing an additional 120 days or subsequent periods of the same length if the threats persist.
- 3) The Prime Minister shall have full command of the security and police forces, and physical properties of the nation to effectuate full and complete protection and security of the people.

## ARTICLE 10 – AUTHORITY OF THE IRAQI CONSTITUTION

Citizens of the Nation of Ezidikhan shall respect the Constitution of the Nation of Iraq and where there are conflicts between the Constitution of Iraq and the Constitution of Ezidikhan, the Constitution of Ezidikhan shall stand as the first law.

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## ARTICLE 11 – LAND AND RESOURCES

### SECTION 1 – National Lands & Customary Owners

#### *Paragraph 1*

The territory shall include all water, natural resources, and sacred sites and artifacts of Yezidi ancestors.

#### *Paragraph 2 – Jurisdiction*

The jurisdiction of the Ezidikhan Government shall extend to all persons, activities, and property within Ezidikhan territory. Jurisdiction includes, but is not limited to, every public highway, border crossing and other territory.

#### *Paragraph 3 – Sacred Sites*

- 1) Under our laws we recognize our sacred sites such as Mount Shingal, the Tigris and Euphrates rivers, and dilxaz flower fields as living beings. As such these sites are protected under law from individual ownership including governmental, corporate, and private ownership.
- 2) No development of any natural resource is allowed at such sites. These sites are to be kept by the Yezidi community for worship.
- 3) We acknowledge in our laws and in keeping with our Yezidi faith that these ancient sites are living beings.

### SECTION 2 – Customary Ownership and Uses

- 1) Customary land is land communally owned by Ezidikhan communities and administered in accordance with Yezidi customs.
- 2) The Ezidikhan Government has the right to stop the unauthorized sale of lands and natural resources by foreign states, organizations and businesses.

### SECTION 3 – Perpetual Ownership

- 1) All Yezidi have the right to own land.
- 2) All Yezidi have the right to petition the Government of Ezidikhan for land compensation.

### SECTION 4 – Compensation

- 1) State Crime Victims Compensation programs reimburse victims for crime-related expenses. Such expenses include medical costs, mental health counseling, funeral and burial costs and lost wages or loss of support.
- 2) All Ezidikhan districts may file claims in court with the Ezidikhan Government to establish compensation programs for crime victims. Such compensation programs, however, are administered through the central Government of Ezidikhan.
- 3) Compensation is paid to victims or to representatives if representatives file claim on behalf of villages. expenses covered by most compensation programs, war, genocide and land theft, including theft, damage, and property loss, terrorism cases, environmental damages, and theft or damages to objects of archeological value.

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## **SECTION 5 – Land Dispute Resolution**

Formal dispute resolution can take several forms, the most common being mediation.

## **SECTION 6 – Redistribution of Land**

It is the duty of the Government of Ezidikhan to ensure equitable land distribution among its citizens.

## **SECTION 7 – Environmental Protection**

- 1) Every citizen of Ezidikhan has the duty to protect, safeguard and promote the natural environment.
- 2) The Ezidikhan government shall ensure the protection of the environment.
- 3) The Constitution shall determine modalities for protecting, conserving and promoting the environment.

## **ARTICLE 12 – SUPREME SPIRITUAL COUNCIL**

### **SECTION 1 – Supreme Spiritual Council**

- 1) The Supreme Spiritual Council is comprised of five spiritually designated persons who shall exercise the highest and independent juridical authority of the Government of the Nation of Ezidikhan.
- 2) The Supreme Spiritual Council will have authority over all sacred religious sites and artifacts. An annual budget shall be allocated to the Council for the care of sacred sites and religious schools as well as religious education and research.

### **SECTION 2 – Functions of the Council**

- 1) The General Council, composed of all enrolled members who are at least eighteen (18) years of age, shall exercise those governing authorities specifically set out for its use in this Constitution and Bylaws, subject to any limitation imposed by the laws.
- 2) The Executive Committee is composed of six (6) or more members as needed by the Prime Minister. Its members, elected at large from the General Council for three-year terms of office, shall exercise those authorities delegated to it by this Constitution and Bylaws.
- 3) The Executive Committee of Ezidikhan shall exercise the following powers:
  - a) To negotiate with Federal, State, and local governments and conclude contracts, grants, or other agreements;
  - b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior and to advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of Ezidikhan prior to the submission of such estimates;
  - c) To lease tribal land in accordance with the law;
  - d) To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Government of Ezidikhan;
  - e) To regulate the conduct of the Ezidikhan Government council itself and of tribal meetings;

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- f) To establish subordinate organizations for economic or social welfare purposes and to delegate to such organizations, or to any subordinate boards, committees, or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power;
- g) To maintain law and order, and establish a tribal judicial system through enactment of codes and ordinances subject to the approval of the Prime Minister; and
- h) To exercise any other authority in which the tribe is empowered to act now or in the future, except as otherwise provided in this constitution.

## **SECTION 3 – Organization of the Council and Role of the Baba Sheikh and Mirs**

- 1) All local powers of the Ezidikhan Nation shall be vested in the Supreme Council, which shall consist of Sheikhs representing the jurisdiction of each village in Ezidikhan.
- 2) Each district shall be entitled to equal votes in the Council and courts. Such votes may be cast by either or both of the district representatives, or their alternates, who are present and voting. In the event that two representatives of a district, or their alternates, should divide their votes, each shall be entitled to vote one-half (1/2) of the votes their particular district is entitled to cast.
- 3) A majority of the votes cast shall govern the action of the Supreme Council.
- 4) The Council shall elect from among its own membership a Chairman and Vice-Chairman. The Chairman, or in his absence, the Vice-Chairman shall preside at all meetings of the Council, shall perform all duties of a Chairman and exercise any authority delegated to him by the Council. He shall be entitled to cast his vote as the representative of his district on any question before the Council.
- 5) The Council shall select from outside of its own membership a Secretary and such other officers as may be necessary. They shall serve until replaced by the Council.
- 6) Voting on any law, ordinance or resolution, in all council meetings, shall be by roll call vote.

## **ARTICLE 13 – LOCAL GOVERNMENT COUNCILS**

The Sheikhs and Mirs shall represent their communities as local government authorities of the Ezidikhan government.

### **SECTION 1 – Sheikhs and Mirs Nation Council**

- 1) The Supreme Spiritual governing body of the Nation of Ezidikhan is the Supreme Council of Sheikhs and Mirs.
- 2) The Council shall consist of all the Ezidikhan Nation’s sheikhs who are at least eighteen (18) years of age.

### **SECTION 2 – Officers**

- 1) The officers shall be the Supreme Sheikhs and Mirs, all of whom shall be members of the Supreme Council.
- 2) All appointed leaders of the Council of Sheikhs and Mirs must be at least twenty-five years old.

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## **SECTION 3 – Board of Directors**

The title and the authority of the Sheikhs and Mirs shall be inherited by primogeniture (the right of succession belonging to the firstborn child).

## **SECTION 4 – Executive Department**

The Executive Power shall be vested in the equal power of the Sheikhs and Mirs and duly established by a law enacted by the Board of Directors of Sheikhs and Mirs.

- 1) The executive office shall be composed of any administrative departments created by legislation enacted by the Board of Sheikhs and Mirs.
- 2) The Sheikhs and Mirs supreme representatives shall keep the Board of Directors members informed on all matters pertaining to Ezidikhan national and international affairs.

## **SECTION 5 – Grievance Committees**

- 1) Grievance Committees are to be formed within local governmental bodies consisting of representatives chosen from Sheikhs or Mirs or from both.
- 2) The Grievance Committees shall be appointed by local Sheikhs and Mirs and shall consist of five members of the Council. The members of the local Grievance Committee shall not hold any other national office while serving on their Committee.
- 3) The Grievance council shall be open for Yezidi victims of war, genocide, land disputes, sexual assaults and other crimes to file grievances. Grievance Committees shall process grievances arising from the violation of a contract, state or federal law, or acts of war, terrorism, genocide, land disputes, sexual assaults and other crimes to file grievances.

## **ARTICLE 14 – CONSTITUTIONAL AMENDMENT \***

### **SECTION 1 – Bills of Constitutional Amendment**

- 1) Sheikhs and Mirs may submit a proposed constitutional amendment to the Ezidikhan Council, if the proposed amendment language is approved by a two-thirds vote of both Ezidikhan Government, Mirs and Sheikhs.
- 2) Ezidikhan government council must call a convention for proposing amendments upon application of the legislation.
- 3) Amendments proposed by the council become valid only when ratified by the legislatures of, or conventions in, three-fourths of the Sheikh and Mirs.

### **SECTION 2 – Constitutional Amendment Adoption Procedure**

- 1) This Constitution may be amended at an election called for that purpose by the Prime Minister upon a request by the two Council members or upon request of two Sheikhs or Mirs.
- 2) This Constitution may be amended by a majority vote of the qualified voters of the Ezidikhan Government or in an election called for that purpose by the Prime Minister or his authorized representative; provided at least thirty percent (51%) of those entitled to vote participate in such election.

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- 3) It shall be the duty of the Prime Minister to call an election on any proposed amendment at the request of the Tribal Council or upon receipt of a petition, which has been verified by the Tribe's Election Board, signed by at least thirty percent (51%) of the eligible voters of the Ezidikhan.

## **SECTION 3 – Local Referendum Amendments**

- 1) Upon a petition of at least one-third of Ezidikhan government council of the central government. A province leader of Ezidikhan can write to the Ezidikhan Council to request a majority of the members to amend any enacted or proposed ordinance or resolution that shall be submitted for a popular referendum.
- 2) The vote of a majority of the qualified voters of council in such referendums shall be conclusive and binding on the Council, provided that at least thirty percent (30%) of the eligible voters shall vote in such election.

## **ARTICLE 15 - TRANSITIONAL PROVISIONS**

### **SECTION 1 – Designation of Prime Minister and Ministers**

- 1) The Yezidi House shall have original jurisdiction over the designation of land rights and shall administer compensation resulting from the settlement of civil and criminal cases.
- 2) The Yezidi House shall have the full standing and authority to initiate legal proceedings in the Yezidi court system and in all other jurisdictions on behalf of the government, Yezidi groups, and citizens. Yezidi citizens reserve the right and standing to initiate a legal proceeding in the Yezidi court system on all criminal and civil cases.
- 3) In criminal cases, proceedings may only occur if the case has been presented to the Government, and/or Yezidi House without action taken by either party. Such cases shall be reviewed by a judge in a preliminary hearing to determine if there is sufficient cause to conduct a trial. In these instances, the prosecution will be managed by a neutral third party appointed by the Supreme Spiritual Council.

### **SECTION 2 – Seating of the Council of Mirs and Sheikhs**

- 1) The government of the Council of Sheiks and Mirs shall consist of Legislative, Executive and Judicial branches religious and political for local government.
- 2) The tribal council shall consist of Sheikhs and Mirs from each village, including a supreme overseeing council-governor, all elected at large by popular vote as hereinafter provided.
- 3) The Supreme Spiritual Council is recognized as representative of the religious order of all Yezidi communities and has equal rights and authority as the government Council.

## **ARTICLE 16 - NOMINATIONS AND ELECTIONS**

### **SECTION 1 – Electoral Districts**

- 1) Within ninety (90) days after the approval of this Constitution, the Council directors shall cause to be made a division of the Nation into electoral districts known as units, and shall conduct a census to determine the number of tribal members in each such unit. The boundaries shall be located with due regard to the historical location of each electoral district.
- 2) At four year intervals beginning four years from the year of adoption of this Constitution, the Board of Directors shall cause to be made a census and voter registration of the membership

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within each unit and shall publish no less than three months in advance of the next general election the results thereof.

**SECTION 2** – The first election of the chairperson and the Board of Directors shall be held within ninety (90) days after the creation of the election units under the arrangements and supervision of the present Board of Directors of the Ezidikhan Government Council.

**SECTION 3** – The officers and members of the Board of Directors holding office at the time of the adoption of this Constitution shall continue in office and carry out the functions of the officers and Board of Directors of the tribe as prescribed by this Constitution until the chairperson and Board of Directors are elected and duly installed in office pursuant to this article.

**SECTION 4** – Any person eighteen (18) years of age or over who is a member of the tribe shall be eligible to vote in tribal elections.

**SECTION 5** – In any general election each eligible voter shall vote within his unit of residence. Voters residing outside of any unit shall register not less than three months prior to any election and vote in the unit of their choice.

**SECTION 6** – The Board of Directors shall enact appropriate ordinances to implement nominations and the holding of elections.

## **SECTION 7 – Election Board**

- 1) There shall be an Election Board appointed by the Ezidikhan Council whose duties shall be to supervise and administer all elections to insure that they are objectively and fairly conducted.
- 2) The Election Board shall certify the election of Tribal Council members within five (5) days after the election. No member of the Election Board shall at the same time be a member of the Tribal Council or a candidate for Tribal office.

## **SECTION 8 – Election Ordinance**

- 1) The Tribal Council shall enact an Election Ordinance, consistent with this Constitution, setting forth the procedures to be followed in conducting each of the various types of tribal elections called for in this Constitution.
- 2) The Election Ordinance shall include provisions for conducting all tribal elections by secret ballot, absentee voting, maintenance of a current list of eligible voters, screening of prospective candidates, and settling election disputes.
- 3) The Election Ordinance shall spell out the procedures and format to be used whenever it is necessary to submit petitions for any purpose, to the Council or any office of the Tribe and set forth a procedure for determining the validity of such petitions.

## **SECTION 9 – Inaugurations**

Every person elected to the Tribal Council shall, after certification of the election, assume office when he or she takes an oath or swears to uphold the Constitution and laws of the Ezidikhan. Those appointed to office shall also take such oaths.

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## **SECTION 10 – Certification**

After election a certification is to be issued by the Ezidikhan Prime Minister and an independent third party to certify the vote and election as legal.

## **ARTICLE 17 - POWER SHARING**

**SECTION 1** – Power sharing is respected and observed in Ezidikhan religious institutions in accordance with the fundamental principles of Ezidikhan customary laws under this Constitution and the provisions of other laws.

**SECTION 2** – The Prime Minister of the Ezidikhan Government, Sheikhs, and Mirs shall come from the same political organisation.

**SECTION 3** – Cabinet members are selected from political organisations on the basis of seats held by those political organisations in the Chamber of Deputies. However, a political organisation holding the majority of seats in the Chamber of Deputies may not have more than fifty per cent (50%) of the Cabinet ministries. It is not prohibited for other competent persons to be appointed to the Cabinet.

## **ARTICLE 18 - VACANCIES AND REMOVAL FROM OFFICE**

**SECTION 1** – If any tribal official shall die, resign, or be removed from office, the Board of Directors shall declare the position vacant.

**SECTION 2** – The Council shall, by a majority vote, fill vacancies by appointment of a voting member of the tribe to fill the unexpired term of the departed official. Persons so appointed shall reside within the election unit from which the departed official was elected.

**SECTION 3** – Removal of the tribal chairperson or any member of the Board of Directors may be initiated by means of filing charges against such person with the Council.

**SECTION 4** – All elections shall be held on a date agreed by the Council.

## **ARTICLE 19 – AMENDMENTS**

**SECTION 1** – Amendments to this Constitution may be proposed by a unanimous vote of the Legislature or by a petition signed by thirty percent (30%) of the members of the Tribal Council.

**SECTION 2** – It shall be the duty of the Prime Minister to call an election on any proposed amendment at the request of the Tribal Council or upon receipt of a petition that has been verified by the Tribe's Election Board, signed by at least thirty percent (30%) of the eligible voters of Ezidikhan.

## **ARTICLE 20 – PRIOR ENACTMENTS**

**SECTION 1** – Upon approval of this Constitution, all prior actions of the Tribal Council are hereby ratified and confirmed as a valid exercise of the Tribe's inherent sovereign powers.

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## SECTION 2 – Reserved Powers

Any rights and powers not expressly referred to in this constitution shall not be abridged by this article, but shall remain with the tribe in the Council and may be exercised through the adoption of appropriate constitutional amendments.

## SECTION 3 – Manner of Approval

Any ordinance or resolution created by the terms of this Constitution, or as required by law, is subject to approval by the Prime Minister. Such ordinance or resolution shall be submitted to the Council who shall promptly arrange for the appropriate official to either approve or disapprove such tribal enactment. It shall become effective only upon approval by the Council.

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## ADDENDUM – YEZIDI CUSTOMARY LAWS

### ARTICLE 1 - Collective Property Rights

The Yezidi people claim ownership of all items connected to their spirituality, spiritual knowledge, ethics and moral values, including but not limited to:

- (1) social institutions (kinship, political, traditional justice);
- (2) dances, ceremonies and ritual performances and practices;
- (3) games and sports;
- (4) music and songs;
- (5) Ezidiki language;
- (6) names, stories, traditions, oral narratives;
- (7) land and sea and air;
- (8) all sites of cultural significance and immovable cultural property and their associated knowledge;
- (9) cultural and environmental resources;
- (10) traditional resource management including traditional conservation measures;
- (11) all material objects and moveable cultural property;
- (12) all TK and expressions of indigenous cultures held in ex situ collections;
- (13) Yezidi peoples' ancestral remains and human genetic materials;
- (14) scientific, agricultural, technical and ecological knowledge, and the skills required to implement this knowledge (including that pertaining to resource use practices and systems of classification);
- (15) the delineated forms, parts and details of visual compositions (designs);
- (16) Permanently documented aspects of traditional indigenous cultures in all forms, whether in print, analog or digital, including scientific and ethnographic research reports, papers and books, photographs, digital images, films and sound recordings.

### ARTICLE 2 - Right of Assembly at Sacred Sites

- (1) Within the Nation of Ezidikhan and at all sacred lands and sites, all indigenous peoples may legally exercise their constitutionally protected rights of gathering at their sacred places for sacred purposes.

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## ARTICLE 3 - Communal Resources

- (1) Yezidi culture emphasizes communal interests over individual interests and stresses the importance of non-consumptive uses of resources such as water.
- (2) Under customary tradition, water is not considered a commodity; it belongs to communities, and those regarded as 'sacred waters' are strictly communal.
- (3) Yezidi have a right to use water as part of a shared resource, use irrigation infrastructure, and participate in associations.
- (4) Yezidi enter into alliances with tribes that use water for the purposes of communal labor for maintenance of the irrigation infrastructure and to exercise jurisdiction over how water is acquired and how the water system is strengthened.
- (5) While customary laws prevent the sale or transfer of tribal land to non-tribal members, our laws also bans the state acquiring such land of Yezidis.

## ARTICLE 4 - Judicial Rights

- (1) For civil cases, the victims or tribal leader must be allowed to give recommendations on sentencing of defendant.
- (2) The Governing Council has the right to offer recommendations to Ezidikhan courts of law.
- (3) Cases brought to court are under the jurisdiction of the Government of Ezidikhan.
- (4) The Ezidikhan government may send cases to court.
- (5) Every community member is given the opportunity to express his or her opinions and feelings about a case.

## ARTICLE 5 - Remedies for Injustice

### SECTION 1 - Social Sanctions

A convicted perpetrator of injustice may be subject to social sanctions. The consequences the perpetrator suffers are two-fold:

- 1) First and foremost, the tribunal will decide in consultation with the community assembly how the perpetrator or his/her family can compensate the tangible harm the victim and the community has suffered due to the crime.
- 2) In addition, sanctions may be imposed if the crime is a severe transgression of sacred duties. This has been observed, for instance, in cases of robbery or domestic violence. Possible sanctions include temporary exclusion from community events, fines, or community work such as repairing a community road or cleaning up a public place.

### SECTION 2 - Purpose of Sanctions

The purpose of these sanctions, as of the criminal process in general, is not understood as retaliation for the crime. Instead, the public confession and the sanction serve as a lesson for the perpetrator as well as for the community. All persons involved are to reflect upon what is wrong and what is right.

### SECTION 3 - Banishment

- 1) Only in extreme cases of repeat offenders who appear incorrigible the sanction may be banishment of a citizen from the community.
- 2) The banishment does not have to be affected by force but is achieved through the complete social exclusion of the offender.

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- 3) No one will communicate with, sell goods, or otherwise lend help to the offender until he or she agrees to leave.
  - a. The perpetrator's family may request to stay and will not have to leave them if the community agrees.
  - b. A representative from the Ezidikhan government, and the tribes of Sheikh or Mirs, is to be tasked to work with prosecution lawyers to question defendants or their lawyers and work with lawyers on cases and make recommendations
- 4) On compensation, the Government of Ezidikhan may offer recommendations that include settlement over lands and natural resources.

## SECTION 4 - Relevance of Customary Laws

For all cases, the proponent of Yezidi customs, traditions and culture must:

- 1) Cite the existence of such a custom, tradition or culture; then
- 2) Explain them to the court with sufficient evidence; and then
- 3) Show that the recognized custom, tradition, or culture is relevant to the issue before the court.

## SECTION 5 - *Sharm* or Payment of Damages

- 1) Invading or stealing private property is considered a crime. In some tribes and villages, the perpetrator is made to return the stolen cash or goods to the owner and to make an additional payment of damages known as *Sharm*. *Sharm* is compilation of value of item and plus damages, lawyer fees, pain and suffering and fee for the defense of crime as punishment.
- 2) If all or parts of the stolen goods are gone, the perpetrator has to pay twice the price and *Sharm*.
- 3) If one finds evidence of the stolen goods or cash in a house, the owner of the house may have to give *Sharm* and to apologize.
- 4) When a house is burned down, the perpetrator must pay the owner the price of the house with additional *Sharm*. The same applies to a person who burns the tent of another. He will have to pay the price of the tent as well as *Sharm*.

## SECTION 6 - Legal Guardianship of Minors

- 1) Under Yezidi customary law any Yezidi child under the age of eighteen (18) must be raised by Yezidi parents or guardians.
- 2) Any adoption authorized by a state without the consent of Ezidikhan leaders or the child's family is illegal.

## SECTION 7 - Environmental Protection

- 1) Because Yezidis view waters, rivers, trees, and the earth itself as one living entity, it is illegal in Ezidikhan to destroy or to bring harm to trees, rivers, mountains, and seeds.
- 2) Those charged and convicted of doing willful harm to the environment should pay for the destruction of seeds, trees, rivers and earth.
- 3) In Yezidi customary laws Yezidi view themselves as part of universe at one and equal with nature. The community customary laws recognize mountains and rivers as living beings with enabled rights protected in our customary laws.
- 4) Destruction of natural sacred sites such as mountains and rivers, crimes such as exploration of lands for natural resources, and illegal dumping of harmful material such as chemicals is prohibited.