



Contextual Elements
of Crimes Against
Humanity Committed
by ISIL (Da'esh) in
Iraq



**United Nations Investigative Team to Promote Accountability for Crimes Committed
by ISIL (Da'esh) (UNITAD)**

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I. SCOPE AND METHODOLOGY

1. This report presents an analysis of the contextual elements of crimes against humanity. There are reasonable grounds to believe that ISIL (Da'esh) members conducted a systematic and widespread attack directed against the civilian population in Iraq, from on or about 9 June 2014 to at least December 2017.
2. The findings in this report are made in accordance with the "reasonable grounds to believe" evidentiary threshold. This standard does not apply to every piecemeal assertion contained in the report. Rather, it applies to the ultimate findings regarding the crimes committed.
3. The findings are based on evidence and information collected by UNITAD and its counterparts until the date of this report, notably: testimonial evidence (including survivor, eyewitness, expert, overview and perpetrator evidence); audio-visual evidence collected mostly from online open sources; forensic evidence and analysis; documentary evidence; and other open-source information. Factual assessments regarding the historical and political background substantially rely on online open-source information. Factual findings regarding crimes rely on a combination of testimonial, audio-visual, forensic and documentary evidence. To the extent possible, such findings rely on corroborated evidence. Where this was unfeasible, findings are made in the conditional ("may have").
4. The Security Council, in its Resolution 2379 (2017) uses the term "Islamic State in Iraq and the Levant" (ISIL (Da'esh)) and clarifies that it is "also known as Da'esh". For simplification, this report uses the term "ISIL".
5. For security purposes, most references have been removed from this public report. Quotations and main legal sources are generically referenced.

II. EXECUTIVE SUMMARY

6. Crimes against humanity are a specific set of prohibited acts under international criminal law (underlying acts) that are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack (contextual elements). Additionally, the International Criminal Court (“ICC”) requires that the attack was committed “pursuant to or in furtherance of a State or organizational policy.”
7. There are reasonable grounds to believe that ISIL (Da’esh) members conducted a systematic and widespread attack directed against the civilian population in Iraq, from on or about 9 June 2014 to at least December 2017, involving the commission of multiple criminal acts against a large number of victims. There are reasonable grounds to believe that the attack was conducted pursuant to an “organizational policy”. ISIL members referred to the victims using the same terms as described in ISIL’s public statements, magazines, pamphlets and *fatawa* (religious edicts). Victims were treated by ISIL members in accordance with its own pre-established rules reflecting ISIL’s radical and extremist interpretation of Islam.
8. The **existence of an “attack directed against any civilian population”** is shown through the analysis of three sub-elements:
 - **Attack.** There are reasonable grounds to believe that ISIL members engaged in a course of conduct that involved multiple commission of violent acts against the civilian population in Iraq. The underlying acts of crimes against humanity that have been investigated by UNITAD include, but are not limited to persecution on religious, ethnic and gender grounds, deportation or forcible transfer; murder; imprisonment; torture; enslavement; sexual slavery; rape; and other inhumane acts in the form of forced religious conversion, forced marriages and forced contraception.
 - **Directed against any civilian population.** There are reasonable grounds to believe that ISIL’s primary target was the civilian population in Iraq. ISIL targeted everyone whom it perceived as non-compliant with its radical and extremist interpretation of Islam and as impeding the establishment of a “Caliphate”. To ISIL, all Shi’a Muslims, Christians, Yazidis and Kaka’i were automatically considered non-compliant. Sunni Muslims could also be deemed non-compliant and/or impeding the establishment of a “Caliphate”, specifically when they were considered as part of or associated with the Iraqi police and military, or the *Sahwa* (Sunni Awakening) tribal forces. The underlying acts committed by ISIL’s members almost always took place outside the conduct of the hostilities after ISIL’s takeover of the area. The overwhelming majority of the thousands of victims of ISIL’s attack were civilians within the meaning of Article 50(1) of Additional Protocol I to the Geneva conventions including women, men, girls and boys. In particular, women and girls were, in large number, the targets of enslavement, sexual slavery, rape, and other inhumane acts in the forms of forced marriages. Even in instances where the civilian status of victims within the meaning of Article 50(1) could be contested, none of the victims were taking active part in hostilities at the relevant time.
 - **Pursuant to or in furtherance of an organizational policy.** Between at least June 2014 and December 2017, ISIL exhibited a high level of organization. It had a command structure with Abu Bakr AL BAGHDADI as its Caliph. On 29 June 2014,

ISIL announced the establishment of a “Caliphate” indicating the goal of the organization. ISIL established provinces (“*wilayat*”) as administrative areas to govern territory under its control. Each *wilayat* was associated with a military division. ISIL’s policy to attack the civilian population was formalized and well publicized. Its main premise was to rid the “Caliphate” of all those whom ISIL deemed as belonging to the “*camp of kufr (disbelief) and hypocrisy*”. Subsequently, ISIL attacked the civilian population in accordance with its set rules. For example, ISIL predominantly killed Yazidi, Shi’a and Sunni men and boys but would in principle spare Christians. Similarly, ISIL raped and enslaved large number of Yazidi women and girls as it was permissible and even encouraged by the organization’s policy.

9. The attack perpetrated by ISIL was both **widespread and systematic**. The systematic nature of the attack is demonstrated through ISIL’s clear observance of its own policy and persistent targeting of those who were deemed non-compliant with the organization’s radical and extremist interpretation of Islam. The widespread nature of the attack is indicated by the large number of victims, that is, several thousand, across a wide geographical scope, which included numerous governorates such as Nineveh, Salah al-Din, Anbar and Kirkuk.
10. The qualification of ISIL as a non-state armed group exhibiting a high level of organization does not negate the fact that ISIL is globally recognized as a terrorist organization.¹ Recognizing ISIL as an organized non-state armed group does not change its legal status as it does not imply that ISIL acquired international legal personality or is recognized to be a belligerent party.²

III. APPLICABLE LAW

11. The substantive law applied in the subsequent analysis is international criminal law recognized as being part of customary international law. Prominence is therefore given to the jurisprudence of international criminal tribunals that apply customary international law.³ Where necessary, reference will be made to the Rome Statute of the ICC to highlight any significant differences in the applicable law and to support any related investigations in domestic jurisdictions that have incorporated the Rome Statute into their legislation.
12. Crimes against humanity are a specific set of prohibited acts under international criminal law (underlying acts)⁴ that are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack (contextual element).⁵

¹ See, for example, UN Security Council Resolutions [S/RES/2170](#) (2014), [S/RES/2253](#) (2015) and [S/RES/2367](#) (2017).

² Common Article 3 of the Geneva Conventions; *See also*, ICRC, “[Legal status of parties](#)” (undated).

³ This refers to the jurisprudence of the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Kosovo Specialist Chambers (KSC).

⁴ For a comprehensive list of underlying acts of crimes against humanity see Article 7(1) of the Rome Statute. *See also*, Article 5 of the ICTY Statute; Article 3 of the ICTR Statute; Article 2 of the SCSL Statute.

⁵ Article 5 of the ICTY Statute; Article 3 of the ICTR Statute; Article 2 of the SCSL Statute; Article 7 of the Rome Statute; *Prosecutor v. Dusko Tadić*, ICTY Case No. IT-94-1-AR72, Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction (02 October 1995), paras 78, 140-141. **Comment:** “141. It is by now a settled rule of customary international law that crimes against humanity do not require a connection to international armed conflict. Indeed, as the

13. Accordingly, it is necessary to discuss the following elements of crimes against humanity: (i) an attack directed against any civilian population; (ii) the widespread or systematic nature of the attack; (iii) the existence of a nexus between the acts of the perpetrator and the attack; and (iv) the perpetrator's knowledge of the widespread or systematic attack and of the nexus.⁶ When defining the attack directed against any civilian population, the Rome Statute further requires that the attack be committed "pursuant to or in furtherance of a State or organizational policy."⁷

i. Attack directed against any civilian population

A. A t t a c k

14. The term "attack" refers to a course of conduct involving the commission of acts of violence including underlying acts of crimes against humanity.⁸ An attack for the purpose of crimes against humanity "is not limited to the use of armed force" but can encompass any mistreatment of the civilian population.⁹ When establishing whether there was an "attack"

Prosecutor points out, customary international law may not require a connection between crimes against humanity and any conflict at all." Such a clarification was made as the ICTY Statute itself does require that the crimes were "committed in armed conflict, whether international or internal in character"; *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23-T & IT-96-23/1-T, Trial Judgment (22 February 2001), paras 410; *Prosecutor v. Radovan Karadžić*, IT-95-5/18-T, Trial Judgment (24 March 2016), para. 472; *Prosecutor v. Ratko Mladić*, IT-09-92-T, Trial Judgment (22 November 2017), paras 3022-3023; *Prosecutor v. Duško Tadić*, ICTY Case No. IT-94-1-A, Appeal Judgment (15 July 1999), paras 288-292. **Comment:** The Court notes that "a discriminatory intent is not required by customary international law for all crimes against humanity". Such a clarification was necessary as the ICTR Statute does require that the victims were attacked on "national, political, ethnic, racial or religious" grounds; *Prosecutor v. Jean-Paul Akayesu*, ICTR Case No. ICTR-96-4-A, Appeal Judgment (01 June 2001), para. 464. **Comment:** "In the opinion of the Appeals Chamber, except in the case of persecution, a discriminatory intent is not required by international humanitarian law as a legal ingredient for all crimes against humanity".

⁶ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 85; *Prosecutor v. Vidoje Blagojević et al.*, ICTY Case No. IT-02-60-T, Trial Judgment (17 January 2005), para. 541; *Prosecutor v. Fatmir Limaj et al.*, Case No. IT-03-66-T, Trial Judgment (30 November 2005), para. 181

⁷ Article 7(2)(a) of the Rome Statute; *See also*, ICC Elements of Crimes, Article 7, Introduction, para. 3; **Comment:** while the ICTY and ICTR did not consider existence of a policy or plan to be a distinct legal element, both tribunals noted that it can be indicative of the systematic character of the attack, *see Prosecutor v. Ratko Mladić*, ICTY Case No. IT-09-92-T, Trial Judgment (22 November 2017), para. 3025; *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), paras 98, 101; *Prosecutor v. Laurent Semanza*, ICTR Case No. ICTR-97-20-T, Judgment and Sentence (15 May 2003), para. 329.

⁸ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23-T & IT-96-23/1-T, Trial Judgment (22 February 2001), para. 415; *See also*, *Ferdinand Nahimana et al. v. The Prosecutor*, Appeal Judgment (28 November 2007), para. 918; *Prosecutor v. Clément Kayishema et al.*, ICTR Case No. ICTR-95-1-T, Trial Judgment (21 May 1999), para. 122. **Comment:** "The attack is the event in which the enumerated crimes must form part. Indeed, within a single attack, there may exist a combination of the enumerated crimes, for example murder, rape and deportation"; *Prosecutor v. Ratko Mladić*, IT-09-92-T, Trial Judgment (22 November 2017), para. 3024. **Comment:** "3024. (...) An attack is composed of acts of violence, or the kind of mistreatment referred to in Article 5 (a) through (i) of the Statute."; *See also*, Article 7(2)(a) of the Rome Statute; ICC Elements of Crimes, Article 7, Introduction, para. 3. **Comment:** under the ICC framework, an "attack" is defined as "a course of conduct involving the multiple commission" of underlying acts of crimes against humanity.

⁹ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 86; *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23-T & IT-96-23/1-T, Trial Judgment (22 February 2001), paras 416-417. **Comment:** "416. (...) In the context of a crime against humanity, "attack" is not limited to the conduct of hostilities" It may also encompass situations of mistreatment of persons taking no active part in hostilities, such as someone in detention; *Prosecutor v. Vidoje Blagojević et al.*, ICTY Case No. IT-02-60-T, Trial Judgment (17 January 2005), para. 543; *Prosecutor v. Jean-Paul Akayesu*, ICTR Case No. ICTR-96-4-T, Trial Judgment (02 September 1998),

on a particular civilian population, it is not relevant that the other side also committed atrocities.¹⁰

B. Directed against any civilian population

15. As the expression “directed against” specifies, the attack must target any civilian population, a collective that is the primary target of the attack and not its incidental victim.¹¹ It is not necessary to demonstrate that the entire population of the geographical area, in which the attack took place, must have been subjected to the attack.¹² Rather, it is sufficient to show that enough individuals were targeted in the course of the attack, or that they were targeted in such a way that the attack was in fact directed against a civilian population, rather than against a limited and randomly selected group of individuals.¹³
16. The majority of international and hybrid courts and tribunals have interpreted the term “civilian population” based on the ICTY *Blaškić* appeals judgment (2004) referencing the definition of “civilians” under international humanitarian law as codified in Article 50 of the Additional Protocol I to the Geneva Conventions. It has been argued that this definition has become customary international law and applies to attacks taking place in both international and non-international armed conflict. Following this approach, the term “civilian” excludes members of the armed forces, militias, volunteer corps forming part of such armed forces, and members of organized resistance groups even when they have laid down their arms or are placed *hors de combat*.¹⁴ However, it must be noted that even under

para. 581; *Prosecutor v. Ratko Mladić*, IT-09-92-T, Trial Judgment (22 November 2017), para. 3024. **Comment:** “3024. Attack. An attack on a civilian population is a separate and distinct concept from that of an armed conflict. The attack is not limited to the use of force, but encompasses any mistreatment of the civilian population, and can commence before, outlast, or continue during the armed conflict.”; See also, ICC Elements of Crimes, Article 7, Introduction, para. 3

¹⁰ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 87. **Comment:** “Each attack against the other’s civilian population would be equally illegitimate and crimes committed as part of this attack could, all other conditions being met, amount to crimes against humanity.”

¹¹ *Prosecutor v. Ratko Mladić*, IT-09-92-T, Trial Judgment (22 November 2017), para. 3026; *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), paras 91-92; *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), para. 1104.

¹² *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 90; *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), para. 1105.

¹³ *Prosecutor v. Ratko Mladić*, IT-09-92-T, Trial Judgment (22 November 2017), para. 3026; *Prosecutor v. Duško Tadić*, ICTY Case No. IT-94-1-T, Opinion and Judgment (07 May 1997), para. 644; *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23-T & IT-96-23/1-T, Trial Judgment (22 February 2001), para. 424; *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 90; *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), para. 1105.

¹⁴ *Prosecutor v. Tihomir Blaškić*, ICTY Case No. IT-95-14-A, Appeal Judgment (29 July 2004), paras 110-115. **Comment:** “110. (...) Article 50 of Additional Protocol I to the Geneva Conventions contains a definition of civilians and civilian populations, and the provisions in this article may largely be viewed as reflecting customary law. As a result, they are relevant to the consideration at issue under Article 5 of the Statute, concerning crimes against humanity. (...) 113. Read together, Article 50 of Additional Protocol I and Article 4A of the Third Geneva Convention establish that members of the armed forces, and members of militias or volunteer corps forming part of such armed forces, cannot claim civilian status. Neither can members of organized resistance groups, provided that they are commanded by a person responsible for his subordinates, that they have a fixed distinctive sign recognizable at a distance, that they carry arms openly, and that they conduct their operations in accordance with the laws and customs of war. However, the Appeals Chamber considers that the presence within a population of members of resistance groups, or former combatants, who have laid down their arms, does not

that approach there is no requirement that individual victims of the underlying acts of crimes against humanity be civilians. Persons *hors de combat* can also be victims of crimes against humanity as long as it can be shown that the acts took place as part of an attack directed at the civilian population.¹⁵

17. A number of other international criminal decisions or judgments, including some succeeding the ICTY *Blaškić* appeals judgment (2004), have, however, relied on a broader definition of “civilian” which considers the specific situation of the victims at the moment the crimes were committed, rather than the victims’ formal status. Under such approach, “civilian population” includes persons not taking part in the hostilities including members of the armed forces or other armed groups that have laid down their arms or are placed *hors de combat*.¹⁶
18. Irrespective of which approach is taken, the presence within the civilian population of individuals who do not come within the definition of “civilians” does not deprive the population of its civilian character.¹⁷ This is not to say that the status of the victims as civilians is irrelevant. The civilian status of the victims, the number of civilians, and the

alter its civilian characteristic. The Trial Chamber was correct in this regard. (...) Thus, in order to determine whether the presence of soldiers within a civilian population deprives the population of its civilian character, the number of soldiers, as well as whether they are on leave, must be examined.”; Prosecutor v. Milan Martić, ICTY Case No. IT-95-11-A, Appeal Judgment (08 October 2008), paras 292, 295-302; Prosecutor v. Jean-Pierre Bemba Gombo, ICC Case No. ICC-01/05-01/08, Judgment pursuant to Article 74 of the Statute (21 March 2016), para. 152; Prosecutor v. Germain Katanga, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (07 March 2014), para. 1102.

¹⁵ *Prosecutor v. Mile Mrkšić et al.*, ICTY Case No. IT-95-13/1, Appeal Judgment (05 May 2009), paras 23-33. **Comment:** “32. Accordingly, whereas the civilian status of the victims, the number of civilians, and the proportion of civilians within a civilian population are factors relevant to the determination of whether the chapeau requirement of Article 5 of the Statute that an attack be directed against a “civilian population” is fulfilled, there is no requirement nor is it an element of crimes against humanity that the victims of the underlying crimes be “civilians.”; *Prosecutor v. Milan Martić, ICTY Case No. IT-95-11-A, Appeal Judgment (08 October 2008), para. 307.*

¹⁶ *Prosecutor v. Duško Tadić, ICTY Case No. IT-94-1-T, Opinion and Judgment (07 May 1997), para. 636-643. Comment:* this earlier judgment argued in favour of relying on the Common Article 3 to the Geneva Conventions and therefore using a wider definition of civilian population; *Prosecutor v. Tihomir Blaškić, ICTY Case No. IT-95-14-T, Trial Judgment (03 March 2000), para. 214. Comment:* note that despite this interpretation being overturned in the Appeal Judgment in 2004, some subsequent judgments have relied on it; *See, Prosecutor v. Paul Bisengimana, ICTR Case No. ICTR-00-60-T, Judgment and Sentence, 13 April 2006, paras 48-51; Prosecutor v. Tharcisse Muvunyi, ICTR Case No. Case No. ICTR-2000-55A-T, Judgment and Sentence, 12 September 2006, para. 513; Extraordinary Chambers in the Courts of Cambodia, Notification on the Interpretation of ‘Attack Against the Civilian Population’ in the Context of Crimes Against Humanity with Regard to a State’s or Regime’s Own Armed Forces, Case File No. 003/07-09-2009-ECCC-OCIJ (07 February 2017), paras 49-50.*

¹⁷ *Prosecutor v. Dario Kordić et al.*, ICTY Case No. IT-95-14/2-A, Appeal Judgment (17 December 2004), para. 50; *Prosecutor v. Nikola Šainović et al.*, ICTY Case No. IT-05-87-A, Appeal Judgment (23 January 2014), para. 549; *Prosecutor v. Tihomir Blaškić, ICTY Case No. IT-95-14-A, Appeal Judgment (29 July 2004), paras 110-115. Comment:* “110. (...) Article 50 of Additional Protocol I to the Geneva Conventions contains a definition of civilians and civilian populations, and the provisions in this article may largely be viewed as reflecting customary law. As a result, they are relevant to the consideration at issue under Article 5 of the Statute, concerning crimes against humanity. (...) 113. Read together, Article 50 of Additional Protocol I and Article 4A of the Third Geneva Convention establish that members of the armed forces, and members of militias or volunteer corps forming part of such armed forces, cannot claim civilian status. Neither can members of organized resistance groups, provided that they are commanded by a person responsible for his subordinates, that they have a fixed distinctive sign recognizable at a distance, that they carry arms openly, and that they conduct their operations in accordance with the laws and customs of war. However, the Appeals Chamber considers that the presence within a population of members of resistance groups, or former combatants, who have laid down their arms, does not alter its civilian characteristic. The Trial Chamber was correct in this regard. (...) Thus, in order to determine whether the presence of soldiers within a civilian population deprives the population of its civilian character, the number of soldiers, as well as whether they are on leave, must be examined.”

proportion of civilians within a civilian population are relevant to the determination of whether an attack is directed against a “civilian population”.¹⁸

19. More generally, whether the attack was directed against the civilian population may be assessed by taking into account, for example, (i) the means and methods used in the course of the attack; (ii) the status of the victims and their number; (iii) the discriminatory nature of the attack; (iv) the nature of the crimes committed in the course of the attack; (v) the resistance to the assailants at the time of the attack; and (vi) the extent to which the attacking force complied with the precautionary requirements with the laws of war.¹⁹
20. Finally, the reference to “any” civilian population signifies that crimes against humanity can be committed against civilians that can be of the same nationality as the perpetrator, of a different nationality or even stateless.²⁰ The reference to “any” also means that the subject of the attack is not limited to populations defined by common nationality, ethnicity or other similar distinguishing features.²¹

C. An attack pursuant to or in furtherance of a State or organizational policy

21. According to ICTY and ICTR case law, the existence of a policy or plan can be indicative of the systematic character of the attack. ICTY and ICTR did not consider it a distinct legal element under customary international law.²² However, according to the Rome Statute, the attack must be “pursuant to or in furtherance of a State or organizational policy”.²³ While the current stage of customary international law remains unsettled with respect to

¹⁸ *Prosecutor v. Nikola Šainović et al.*, ICTY Case No. IT-05-87-A, Appeal Judgement (23 January 2014), para. 549; *Prosecutor v. Mile Mrkšić et al.*, ICTY Case No. IT-95-13/1-A, Appeal Judgment (05 May 2009), paras 30, 32; *Prosecutor v. Tihomir Blaškić*, ICTY Case No. IT-95-14-A, Appeal Judgement (29 July 2004), para. 115.

¹⁹ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 91. **Comment:** “To the extent that the alleged crimes against humanity were committed in the course of an armed conflict, the laws of war provide a benchmark against which the Chamber may assess the nature of the attack and the legality of the acts committed in its midst.”; *Prosecutor v. Mile Mrkšić et al.*, ICTY Case No. IT-95-13/1, Appeal Judgment (05 May 2009), para. 30; *Prosecutor v. Bosco Ntaganda*, ICC Case No. ICC-01/04-02/06, Judgment (08 July 2019), para. 671. **Comment:** to prove that an attack was directed at a civilian population, the Chamber notes that “at the training camps, UPC/FPLC recruits were taught that the Lendu as such, including civilians, were the enemy. At training camps, recruits sang songs inciting them to attack and kill the Lendu. During deployment, the expression ‘kupiga na kuchaji’, which was understood to mean attacking all the Lendu, including civilians, and to loot their property, was commonly used in UPC/FPLC commanders’ orders to soldiers.”; See also, *Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi*, Case No. KSC-BC-2020-06, Decision on the Confirmation of the Indictment (26 October 2020), para. 53

²⁰ *Prosecutor v. Duško Tadić*, ICTY Case No. IT-94-1-T, Opinion and Judgment (07 May 1997), para. 635; *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23-T & IT-96-23/1-T, Trial Judgment (22 February 2001), para. 423

²¹ *Prosecutor v. Bosco Ntaganda*, ICC Case No. ICC-01/04-02/06, Judgment (08 July 2019), para. 667; *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), para. 1103. **Comment:** “where the commission of crimes against humanity is at issue, the nationality of the members of such a population, their ethnic group or any other distinguishing feature is immaterial to the protection that attaches to “civilian” character”.

²² *Prosecutor v. Ratko Mladić*, ICTY Case No. IT-09-92-T, Trial Judgment (22 November 2017), para. 3025; *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), paras 98, 101. **Comment:** The Appeal Chamber remarked that “there is no requirement in the Statute or in customary international law that crimes against humanity must be supported by a policy or plan to carry them out”; *Prosecutor v. Laurent Semanza*, ICTR Case No. ICTR-97-20-T, Judgment and Sentence (15 May 2003), para. 329. **Comment:** “The Appeals Chamber of the ICTY recently clarified that the existence of a policy or plan may be evidentially relevant, in that it may be useful in establishing that the attack was directed against a civilian population and that it was widespread or systematic, but that the existence of such a plan is not a separate legal element of the crime.”

²³ Article 7(2)(a) of the Rome Statute.

the existence or not of a distinct legal requirement of State or organizational policy,²⁴ this element is addressed separately for the sake of completeness.

22. The ICC Elements of Crimes specify that “[i]t is understood that “policy to commit such attack” requires that the State or organization actively promote or encourage such an attack against a civilian population.”²⁵
23. According to *Katanga* (2014), “policy” refers to the fact that an organization intends to carry out an attack against a civilian organization through action or a deliberate failure to act. Furthermore, “policy” could include a design adopted by an organization with regard to a certain population in a given geopolitical situation.²⁶ A policy may consist of a pre-established design or plan but does not need to be formalised and may also crystallise and develop only as actions are undertaken by the perpetrators. The “policy” may be inferred from a variety of factors, such as: (i) a recurrent pattern of violence; (ii) the existence of preparations or collective mobilisation orchestrated and coordinated by the organization; (iii) the use of public or private resources to further the policy; (iv) the involvement of organizational forces in the commission of crimes; (v) statements, instructions or documentation attributable to the organization condoning or encouraging the commission of crimes; and (vi) an underlying motivation.²⁷
24. The organization has been defined as “an organized body of people with a particular purpose”. It suffices that the organization has a set of structures or mechanisms, whatever those may be, that are sufficiently efficient to ensure the coordination necessary to carry out an attack directed against a civilian population. Accordingly, the organization concerned must have sufficient means to promote or encourage the attack, with no further requirement necessary.²⁸

ii. The widespread or systematic nature of the attack

25. An attack either needs to be “widespread” or “systematic”.²⁹ The term “widespread” connotes the large-scale nature of the attack and the number of victims.³⁰ The term “systematic” refers to the organized nature of the acts of violence and the improbability of their random occurrence. Patterns of crimes, that is, non-accidental repetition of similar

²⁴ **Comment:** the Rome Statute and in particular Article 7 defining crimes against humanity has been ratified by 123 States but is considered as both a codification and a progressive development of international law. The recently adopted Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes, and other International Crimes adopt the Rome Statute’s definition almost *verbatim* and so does the International Law Commission’s 2019 Draft articles on crimes against humanity.

²⁵ ICC Elements of Crimes, Introduction, para. 3. See also, fn. 6: “policy may, in exceptional circumstances, be implemented by a deliberate failure to take action, which is consciously aimed at encouraging such attack. The existence of such a policy cannot be inferred solely from the absence of governmental or organizational action”

²⁶ *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), paras 1108, 1113.

²⁷ *Prosecutor v. Dominic Ongwen*, ICC Case No. ICC-02/04-01/15, Trial Judgment (04 February 2021), para. 2679; *Prosecutor v. Bosco Ntaganda*, ICC Case No. ICC-01/04-02/06, Judgment (08 July 2019), para. 674.

²⁸ *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), para. 1119; *Prosecutor v. Dominic Ongwen*, ICC Case No. ICC-02/04-01/15, Trial Judgment, 4 February 2021, para. 2677.

²⁹ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 97.

³⁰ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 94; *Prosecutor v. Ratko Mladić*, IT-09-92-T, Trial Judgment (22 November 2017), para. 3025; *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), para. 1123.

criminal conduct on a regular basis, are a common expression of such systematic occurrence.³¹ The existence of a policy or plan can be evidentially relevant to show the systematic character of the attack.³² Whether an attack is “widespread” or “systematic” may be assessed taking into consideration, for example, (i) the consequences of the attack upon the targeted population; (ii) the number of victims; (iii) the nature of the acts; and (iv) the possible participation of officials or authorities or any identifiable patterns of crimes.³³

iii. Nexus between the acts of the perpetrators and the attack

26. The underlying act must be committed “as part of” the attack against the civilian population, but it need not be committed in the midst of that attack. An underlying act, which is committed before or after the main attack against the civilian population or away from it, could still, if sufficiently connected, be part of that attack.³⁴ The underlying act must not, however, be an isolated act. An underlying act would be regarded as an “isolated act” when it is so far removed from that attack that, having considered the context and circumstances in which it was committed, it cannot reasonably be said to have been part of the attack.³⁵ The existence of the nexus will depend on the nature, aims and consequences of the individual acts.³⁶

iv. Perpetrator’s knowledge of the attack and of the nexus

27. The perpetrator must be aware that a widespread or systematic attack directed against a civilian population is taking place and that his or her action is part of the attack.³⁷

28. The perpetrator does not need to know the details of the attack or share the purpose or goal behind the attack. It is also irrelevant whether the perpetrator intended his or her acts to be directed against the targeted population or merely against the victim.³⁸ According to

³¹ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 94; *Prosecutor v. Ratko Mladić*, IT-09-92-T, Trial Judgment (22 November 2017), para. 3025; *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), paras 1113, 1123. **Comment:** “1113. (...) Such analysis also entails inquiry as to whether a series of repeated actions seeking to produce always the same effects on a civilian population was undertaken with consideration – identical acts or similarities in criminal practices, continual repetition of a same modus operandi, similar treatment meted out to victims or consistency in such treatment across a wide geographic area.”

³² *Prosecutor v. Ratko Mladić*, IT-09-92-T, Trial Judgment (22 November 2017), para. 3025; *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), paras 98, 101. **Comment:** The Appeal Chamber remarked that “there is no requirement in the Statute or in customary international law that crimes against humanity must be supported by a policy or plan to carry them out”.

³³ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 95.

³⁴ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 100; *Prosecutor v. Vidoje Blagojević et al.*, ICTY Case No. IT-02-60-T, Trial Judgment (17 January 2005), para. 547

³⁵ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 100.

³⁶ *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), para. 1124. **Comment:** The Court notes that “Isolated acts that clearly differ in their nature, aims and consequences from other acts that form part of an attack, fall out with article 7(1) of the Statute.”

³⁷ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 102; *Prosecutor v. Tihomir Blaškić*, ICTY Case No. IT-95-14-A, Appeal Judgement (29 July 2004), paras 124-126.

³⁸ *Prosecutor v. Dragoljub Kunarać et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 103. **Comment:** “It is the attack, not the acts of the accused, which must be directed against the target population and

the ICC Pre-trial Chamber, the perpetrator's awareness may be inferred from circumstantial evidence, for example: (i) the person's position in the military hierarchy and role in the broader criminal campaign; (ii) the perpetrator's presence at the scene of the crimes; and (iii) the perpetrator's references to the superiority of his group over the enemy group; (iv) the general historical and political environment in which the acts occurred.³⁹

IV. OVERVIEW OF FINDINGS

29. The overview of findings outlined below reflects the stage of UNITAD's investigations and lines of inquiry as at the date of this report and cannot be treated as a complete and exhaustive list of the acts committed by ISIL against the respective communities, or as representative of all the information and evidence collected by UNITAD.

i. **Christians (on and after 9 June 2014)**

30. On **9 June 2014**, ISIL took control of the city of Mosul, the capital of the Nineveh governorate.⁴⁰ On **12 June 2014**, ISIL issued the Mosul City Charter which, *inter alia*, declares that all "*idolatrous monuments, polytheistic shrines, and pagan pilgrimage sites*" will be destroyed and erased.⁴¹ ISIL's takeover of Mosul resulted in the mass displacement of some 50,000 civilians, including Christians, to the Nineveh Plains and Kurdistan.⁴² It is

the accused need only know that his acts are part thereof. At most, evidence that he committed the acts for purely personal reasons could be indicative of a rebuttable assumption that he was not aware that his acts were part of that attack."; Prosecutor v. Tihomir Blaškić, ICTY Case No. IT-95-14-A, Appeal Judgement (29 July 2004), para. 124; Prosecutor v. Ratko Mladić, IT-09-92-T, Trial Judgement (22 November 2017), para. 3029.

³⁹ Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, ICC Case No. ICC-01/04-01/07, Decision on the confirmation of charges (30 September 2008), para. 402; See also, Prosecutor v. Tihomir Blaškić, ICTY Case No. IT-95-14-A, Appeal Judgement (29 July 2004), para. 126. **Comment:** "Furthermore, the Appeals Chamber considers that evidence of knowledge on the part of the accused depends on the facts of a particular case; as a result, the manner in which this legal element may be proved may vary from case to case. Therefore, the Appeals Chamber declines to set out a list of evidentiary elements which, if proved, would establish the requisite knowledge on the part of the accused."

⁴⁰ OHCHR and UNAMI, Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: 5 June – 5 July 2014, p. 3-4; UN Security Council, Security Council Press Statement on Iraq (SC/11437-IK/673) (11/06/2014); UN Security Council, First Report of the Secretary-General pursuant to resolution 2169 (2014) (31/10/2014), paras 24, 47, 51; Al-Hayat Media Center, "Islamic State Report", Issue No. 3, Shaban 1435 (30 May – 28 June 2014), pp.2-4. **Comment:** "This past Monday [09 June 2014], the Islamic State of Iraq and Sham liberated the city of Mosul in its entirety. Campaign 'Enter Upon Them Through the Gate' succeeded in placing the city under the full control of the Islamic State. [...] This victory was followed by the liberation of Tikrit [11 June 2014], the capital of Salahuddin. [...] In a speech following these blessed victories from Allah, the mujahid shaykh Abu Muhammad Al-'Adnani Ash-Shami – the spokesman for the Islamic State – called upon the soldiers of the state to carry on their advance towards Baghdad and onwards to Najaf and Karbala. He also eulogized the top military commander of the Islamic State overseeing the operations in Iraq, Abu 'Abdir-Rahman Al-Bilawi (rahimahullah) [deceased – 04 June 2014], the master-mind behind the major victories of the past days."

⁴¹ See, ISIL Media Office in the Wilayat Nineveh, City Covenant (12/06/2014).

⁴² UNITAD, Confidential Investigative Report; UN General Assembly, "A/HRC/28/18: Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups" (27/03/2015), pp. 6-7.

possible that around this time ISIL was requesting Christians to pay *jizyah* (religious tax) to receive *dhimmi status*⁴³ (protection for non-Muslims living in an Islamic state).⁴⁴

31. Between at least **29 June 2014** when ISIL announced the establishment of the Caliphate⁴⁵ and **12 July 2014**, ISIL made several public announcements in the city of Mosul stating that Christians had to either (i) convert to Islam, (ii) pay the *jizyah*, (iii) leave, or (iv) be killed.⁴⁶
32. On 15 July 2014, ISIL Department of Judiciary issued a letter inviting the Christian leaders to meet with ISIL in Mosul on 17 July 2014 to “*discuss and address housing regulations within Wilayah Nineveh throughout the Islamic State*”. While it contains no reference to the *dhimmi* pact or Christians’ position in the Caliphate, it appears that such arrangements may have been the actual objective of the meeting.⁴⁷ It may be that Christian leaders received warnings from Mosul residents that ISIL’s meeting request was a trap and therefore decided to not accept the request.⁴⁸ AISIL then issued an ultimatum to the Christian community in the *Wilayah* Nineveh ordering them to leave the territory of the Islamic State by noon of **19 July 2014** or face the sword (“Ultimatum”).⁴⁹ According to various sources, the Ultimatum was issued through a letter and broadcast via loudspeaker from mosques.⁵⁰

⁴³ **Comment:** “Non-Muslim under protection of Muslim law. A covenant of protection was made with conquered “Peoples of the Book,” which included Jews, Christians, Sabaeans, and sometimes Zoroastrians and Hindus. Adult male dhimmis were required to pay a tax on their income and sometimes on their land”, see Oxford Reference, “[dhimmi](#)” (undated) and Aymenn Jawad Al-Tamimi (CJA), “[The Islamic State and its Treatment of ‘Out-Groups’: A Comparative Analysis](#)” (08/2023), p. 15.

⁴⁴ UNITAD, Confidential Investigative Report; UNITAD Summary of Factual and Legal Assessment of ISIL (Da’esh) Crimes against the Christian Community in Iraq; Alsumaria News, “[Commission for Human Rights: Imposing tribute on Christians in Mosul is an attempt to displace them](#)” (20/06/2014). **Comment:** the media article notes that Christians in Mosul have been forced to pay at least 250\$. The same information is reported on the Assyrian Church website – AINA News, “[ISIS Begins Imposing Poll Tax on Christians in Mosul](#)” (21/06/2014).

⁴⁵ UN Security Council, “[S/2014/815: Letter dated 13 November 2014 from the Chair of the UNSC Committee pursuant to resolutions 1267 \(1999\) and 1989 \(2011\) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council](#)” (14/11/2014), paras 12-13, 15; OHCHR and UNAMI: [Report on the Protection of Civilians in the Non International Armed Conflict in Iraq: 5 June – 5 July 2014](#), p. 4; Al-Hayah Media Center, Dabiq Magazine, Issue no. 1, Ramadan 1435 (28 June 2014 – 27 July 2014), p. 7. **Comment:** “On the first of Ramadan 1435H, the revival of the Khilafah was announced by the spokesman for the Islamic State, Shaykh Abu Muhammad al- ‘Adnani ash-Shami (hafidhahullah).”

⁴⁶ UNITAD, Confidential Investigative Report; UNITAD Summary of Factual and Legal Assessment of ISIL (Da’esh) Crimes against the Christian Community in Iraq; UNAMI Human Rights Office, “[Report on the Protection of Civilians](#)” (July-September 2014), pp. 11-12. **Comment:** UNAMI notes that ISIL was distributing leaflets on **16 June 2014**; Human Rights Watch, “[Iraq: ISIS Abducting, Killing, Expelling Minorities](#)” (19/07/2014).

⁴⁷ UNITAD Summary of Factual and Legal Assessment of ISIL (Da’esh) Crimes against the Christian Community in Iraq; Human Rights Watch, “[Iraq: ISIS Abducting, Killing, Expelling Minorities](#)” (19/07/2014); UNAMI Human Rights Office, “[Report on the Protection of Civilians](#)” (July-September 2014), pp. 11-12. **Comment:** UNAMI notes that the meeting should have taken place on 17 June 2014.

⁴⁸ UNITAD, Confidential Investigative Report; See also UNITAD Summary of Factual and Legal Assessment of ISIL (Da’esh) Crimes against the Christian Community in Iraq.

⁴⁹ Aymenn Jawad Al-Tamimi's Blog, “[Specimen S: Ultimatum for the Christians of Mosul Islamic State](#)” (17/07/2014), p. 11. **Comment:** the blog entry was published on 27 January 2015; See also UNITAD Summary of Factual and Legal Assessment of ISIL (Da’esh) Crimes against the Christian Community in Iraq.

⁵⁰ BBC, “[Iraqi Christians flee after Isis issue Mosul Ultimatum](#)” (18/07/2014); Kelly Phillips Erb (Forbes), “[Islamic State Warns Christians: Convert, Pay Tax, Leave Or Die](#)” (19/07/2014). **Comment:** note that the author believes the Ultimatum was issue after the Christian leaders failed to attend a meeting with ISIL on 18 July 2014; UNAMI Human Rights Office, “[Report on the Protection of Civilians](#)” (July-September 2014), pp. 11-12. **Comment:** UNAMI notes that an announcement regarding the Ultimatum was made on already 18 July 2014.

Following issuance of the Ultimatum, a second wave of Christians fled Mosul to the Nineveh Plains.⁵¹

33. Around **6 to 7 August 2014**, ISIL took over control of the Nineveh Plains, including the cities of Qaraqosh, Bartella and Karamlesh.⁵² By 6 August 2014, an estimated 200,000 Christians and members of other ethnic and religious groups had already fled from the Nineveh Plains.⁵³
34. ISIL subjected Christians who did not flee and remained in the Nineveh Plains to the following acts of crimes against humanity:
 - **Imprisonment or other severe deprivation of physical liberty** of over a hundred Christian men, women, and children in various locations in Qaraqosh for a period up to two weeks often in deplorable conditions;
 - **Other inhumane acts in the form of forced religious conversion or threats of it** of over a hundred Christian men, women, and children detained in various locations in Qaraqosh, as well as at checkpoints;
 - **Forcible transfer** of more than 30 Christian men, women, and children from Qaraqosh to Peshmerga border near the Khazir river and to Erbil;
 - **Rape, sexual slavery, and other forms of sexual violence** of some Christian women;
 - **Torture and/or other inhumane acts in the form of beatings** of several Christian people; and
 - **Persecution** of the Christian community based on religious grounds.⁵⁴

⁵¹ UN News, "[Up to 10,000 people from Christian communities flee violence in northern Iraq – UN](#)" (27/06/2014); Cathy Otten (Al Jazeera), "[Last remaining Christians flee Iraq's Mosul](#)" (22/07/2014); UN Security Council, First Report of the Secretary-General pursuant to resolution 2169 (2014) (31/10/2014), para. 47.

⁵² UNITAD, Confidential Investigative Report; Mariano Castillo (CNN), "[ISIS overtakes Iraq's largest Christian city](#)" (08/08/2014).

⁵³ UN General Assembly, "A/HRC/28/18: Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups" (27/03/2015), pp. 6-7.

⁵⁴ UNITAD, Confidential Investigative Report. **Comment:** persecution includes the damage/destruction of cultural and religious heritage; *See also*, OHCHR and UNAMI, "[Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014](#)", pp.15-16. **Comment:** around August-September 2014, UNAMI/OHCHR confirmed reports that Yazidi captives along with Christian, *Shi'a* Turkmen and Shabak *Shi'a* held in Tal Afar were moved to villages in rural areas or to places further afield. Some women managed to inform UNAMI/OHCHR that they had been forced to convert and were to be married to ISIL fighters and would be taken to unknown destinations.

ii. **Shi'a Muslims, including Shabak and Turkmen (on and after 9 June 2014)**

35. After taking over and/or attacking the cities of Mosul on **9 June 2014**,⁵⁵ Tikrit on **11 June 2014**,⁵⁶ Tal Afar on **16 June 2014**,⁵⁷ and Umarkan on **2 July 2014**,⁵⁸ ISIL actively targeted Shi'a in the area.⁵⁹ This includes Turkmen⁶⁰ and Shabak minorities.⁶¹ As outlined below, Sunni members from the Turkmen and Shabak communities were also subject to attacks by ISIL on occasion.
36. ISIL subjected the Shi'a community in the Nineveh, Salah al-Din, and Kirkuk governorates to the following acts of crimes against humanity:
- On or about 10 June 2014 in or around Badush prison, ISIL **murdered** and/or **exterminated** around 1,000 male prisoners who were predominantly Shi'a; **tortured** or subjected several hundred of such prisoners to **other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health**; and subjected some of them to **enforced disappearance**. Thus, there are reasonable grounds to believe that ISIL members committed the crime against humanity of **persecution** on religious grounds against hundreds of Shi'a prisoners.⁶²

⁵⁵ OHCHR and UNAMI, Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: 5 June – 5 July 2014, pp. 3-4; UN Security Council, Security Council Press Statement on Iraq (SC/11437-IK/673) (11/06/2014); UN Security Council, First Report of the Secretary-General pursuant to resolution 2169 (2014) (31/10/2014), paras 24, 47, 51; Al-Hayat Media Center, "Islamic State Report", Issue No. 3, Shaban 1435 (30 May – 28 June 2014), pp. 2-4. **Comment:** "This past Monday [09 June 2014], the Islamic State of Iraq and Sham liberated the city of Mosul in its entirety. Campaign 'Enter Upon Them Through the Gate' succeeded in placing the city under the full control of the Islamic State. [...] This victory was followed by the liberation of Tikrit [11 June 2014], the capital of Salahuddin. [...] In a speech following these blessed victories from Allah, the mujahid shaykh Abu Muhammad Al-'Adnani Ash-Shami – the spokesman for the Islamic State – called upon the soldiers of the state to carry on their advance towards Baghdad and onwards to Najaf and Karbala. He also eulogized the top military commander of the Islamic State overseeing the operations in Iraq, Abu 'Abdir-Rahman Al-Bilawi (rahimahullah) [deceased – 04 June 2014], the master-mind behind the major victories of the past days."

⁵⁶ OHCHR and UNAMI, Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: 5 June – 5 July 2014, pp. 3-4.

⁵⁷ KirkukNow, "[Appeals to find missing on anniversary of Tal Afar takeover by ISIS](#)" (18/06/2022).

⁵⁸ UNITAD, Confidential Investigative Report.

⁵⁹ **Comment:** according to the statistics, while Shi'a are in Iraq constituting some 55-60% of the population, they would have been the minority in the north-west Iraq. See, United States Department of State Office of International Religious Freedom, "[2019 Report on International Religious Freedom: Iraq](#)" (2019).

⁶⁰ **Comment:** the Turkmen ethnic group is the third largest ethnic group in Iraq, representing 5-13% of the overall population. Turkmen are primarily present in an area they refer to as 'Turkmeneli', stretching from the Northwest of the country to its Centre East and covering the Nineveh, Erbil, Kirkuk, Salah al-Din and Diyala Governorates, with the highest numbers living in and around Tal Afar, Kirkuk, Tuz Khurmatu and Khanaqin. Turkmen regard Kirkuk as their historic capital, United States Commission on International Religious Freedom, "[Wilting in the Kurdish Sun: The Hopes and Fears of Religious Minorities in Northern Iraq](#)" (05/2017), pp. 25-26; About 60% of Iraqi Turkmen are Sunni Muslims, with the remainder practicing Shi'a Islam, UNPO, "[Member Profile: Iraqi Turkmen](#)" (03/2015), p. 3; Human Rights Watch, "[Iraq: Forcible Expulsion of Ethnic Minorities](#)" (03/2003), p. 12.

⁶¹ **Comment:** approximately 70% of Shabak identify as Shi'a and 30% as Sunni. Although reliable statistics of demography do not exist, the size of the Shabak community is estimated to be between 200,000 – 500,000 with a large majority residing in the Nineveh Plains, see Minority Rights, "[Iraq: Shabak](#)" (updated November 2017); Dave van Zoonen and Khogir Wirya (Middle East Research Institute), "[The Shabaks: Perceptions of Reconciliation and Conflict](#)" (08/2017), pp. 5-6; United States Department of State Office of International Religious Freedom, "[2019 Report on International Religious Freedom: Iraq](#)" (2019).

⁶² UNITAD, Confidential Investigative Report; Human Rights Watch, "[Iraq: ISIS Executed Hundreds of Prison Inmates](#)" (30/10/2014).

- Between 12 and at least 14 June 2014, at the Presidential Palace Complex in Tikrit, ISIL **imprisoned, tortured** or subjected **other inhumane acts of a similar gravity** and **murdered** and/or **exterminated** at least 1,700 Iraqi Shi'a men, who departed Tikrit Air Academy (formerly known as Camp Speicher) on 12 June 2014. There are reasonable grounds to believe that ISIL members committed the crime against humanity of **persecution** on religious grounds against Shi'a male personnel from Tikrit Air Academy.⁶³
- Around mid-June to September 2014, ISIL **murdered** and/or **exterminated** a number of mostly Shi'a Turkmen in Bashir in Kirkuk governorate; Amerli, Brauchli and Chardagli in Salah al-Din governorate; and Tal Afar, Sacha'a village, as well as in Qara Quyen and Shamsiyat villages (greater Mosul) in Nineveh governorate. From mid to late June 2014, ISIL also subjected Shi'a and Sunni Turkmen men who had served in the security sector, as well as others with some particular perceived infraction to **imprisonment** (or **severe deprivations of liberty**) and/or **enforced disappearance** and/or **torture** in or around Tal Afar district in Nineveh governorate. In the same time period, thousands of Shi'a and Sunni Turkmen civilians from Kirkuk, Nineveh and Salah al-Din governorates **were subjected to forcible transfer**. Shi'a Turkmen women and girls from Tal Afar in the Nineveh governorate were subjected to **rape, sexual slavery, sexual violence**, and/or **other inhumane acts in the form of a forced marriage**. Shi'a Turkmen boys and girls from Tal Afar in the Nineveh governorate were subjected to other **inhumane acts in the form of a forced religious conversion**. There are reasonable grounds to believe that ISIL members committed the crime against humanity of **persecution** of the Shi'a Turkmen population based on religious grounds and **persecution** of members of the Sunni Turkmen based on political grounds.⁶⁴

⁶³ UNITAD Public Report, "[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL's crimes in & around the Tikrit Presidential Palace Complex](#)"; See also, Human Rights Watch, "[Ruinous Aftermath: Militias Abuses Following Iraq's Recapture of Tikrit](#)" (20/09/2015), pp. 2-3, 15; UNITAD, "[Video of Tikrit Air Academy Massacre-UNITAD investigation](#)" (06/07/2022).

⁶⁴ UNITAD, Confidential Investigative Reports. **Comment:** persecution includes the damage/destruction of cultural and religious heritage. It is the subject of a separate UNITAD report. There are also reasonable grounds to believe that ISIL members committed the crime against humanity of persecution on grounds of both their religious and gender identity *Shi'a* Turkmen men, women, and children; Minority Rights Group, "[Turkmen in Iraq](#)" (updated in November 2017); **Comment:** it has been reported that up to 600 *Shi'a* Turkmen women and children were being held in ISIL captivity around 2014 to 2016. The women were allegedly used as sex slaves while children were sent to ISIL training camps with some of them being trained for suicide attacks, see Alalam News, "[ISIS Taken 450 Shia Turkmen Used as Sex Slaves and Suicide Bombers](#)" (02/03/2015); Alalam News, "[600 Shia Turkmen Women and Children Under ISIS Captivity: Iraq Human Right](#)" (03/09/2016); See also, News Agency ABLA, "[Iraqi official: Over 600 Shia Turkmen women, children under ISIS captivity](#)" (01/09/2016); The National, "[Ordeal continues for Shiite Turkmen women kidnapped by ISIS](#)" (12/08/2019). **Comment:** according to this article, around 450 *Shi'a* Turkmen women and girls from Tal Afar were captured by ISIL in June-August 2014; Middle East Eye, "[The untold tragedy of Iraq's Shia Turkmen women, abducted by Islamic State](#)" (18/12/2021); Mara Redlich Revkin and Elisabeth Jean Wood, "[The Islamic State's Pattern of Sexual Violence](#)" (31/07/2020), pp. 4, 10. **Comment:** UNITAD has not verified these numbers as of the date of this report; OHCHR and UNAMI, "[Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014](#)", pp. 15-16. **Comment:** around August-September 2014, UNAMI/OHCHR confirmed reports that Yazidi captives along with Christian, *Shi'a* Turkmen and Shabak *Shi'a* held in Tal Afar were moved to villages in rural areas or to places further afield. Some women managed to inform UNAMI/OHCHR that they had been forced to convert and were to be married to ISIL fighters and would be taken to unknown destinations.

- Starting in June 2014, ISIL **murdered** and/or **exterminated** dozens, possibly hundreds, of predominantly Shi'a Shabak men. ISIL also subjected some of them to **torture** and **enforced disappearances**. During the same time period, ISIL members **raped** several Shabak, both Sunni and Shi'a, women who tried to flee the "Caliphate" and were subsequently placed in detention. ISIL members subjected thousands of Sunni and Shi'a Shabak civilians to **forcible transfer**. There are reasonable grounds to believe that ISIL members committed the crime against humanity of **persecution** on religious grounds against the Shi'a Shabak population and **persecution** on political grounds against the Sunni Shabak population.⁶⁵
- On 8 March 2016, ISIL used chemical weapons against the Shi'a Turkmen population in Taza Khurmatu resulting in the **murder** of two Shi'a Turkmen girls and hundreds of other civilians being subjected to **other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health**.⁶⁶

iii. Sunni Muslims, including Albu Nimr and al-Jubouri tribes (on or after 11 June 2014)

37. As outlined above, there is evidence that Sunni Muslims, including Shabak and Turkmen, had been victimized by ISIL. UNITAD conducted two specific investigations into the crimes committed by ISIL against Sunni Muslims, namely members of the Albu Nimr tribe in Anbar and the predominantly Sunni population of Tikrit, al-Dour, al-Alam and al-Dhuluiya.
38. Between 1 and 2 October 2014, ISIL took control of the town of Hiit, located between Ramadi and Haditha, and its surroundings to the west. Between 22 and 24 October 2014, ISIL also took control of the area east to the town of Hiit.⁶⁷
39. Following the takeover of the area, ISIL subjected the Albu Nimr Sunni community in the Anbar governorate to the following underlying acts of crimes against humanity:

⁶⁵ UNITAD, Confidential Investigative Report. **Comment:** persecution includes the damage/destruction of cultural and religious heritage; UNITAD, "[Report on sexual violence against women and girls committed by ISIL in Iraq](#)" (2023), para. 73.

⁶⁶ UNITAD, Confidential Investigative Report. **Comment:** In addition to the attack against Taza Khurmatu, evidence indicates that ISIL deployed chemical weapons using chlorine and sulphur mustard against military and civilian targets at least twelve more times across four separate governorates in Iraq between 2014 and 2017. In addition, four attempts to deploy chemical weapons in Baghdad were stopped by the authorities between June and August 2016. Investigations continue into allegations which suggest there were as many as 48 chemical attacks by ISIL in Iraq between June 2014 and end-2017; UN Security Council, Third Report of the Secretary-General pursuant to resolution 2233 (2015) (27/04/2016), para. 46. **Comment:** the allegations were made with regard to the attacks in Ninewa governorate on (i) 11 February 2016 south of Sinjar district; (ii) 17 February 2016 in Makhmur district; (iii) 25 February 2016 in Sinjar district; (iv) 02 March 2016 in Tal-Afar. On 08 March 2016 another possibly chemical weapon attack took place in Tazah district, Kirkuk governorate; UN Security Council, Report of the Secretary-General pursuant to resolution 2299 (2016), UN doc S/2016/897, 25 October 2016, para. 45. **Comment:** ISIL allegedly weaponized chemical agents on (i) 22 July 2016 in a mortar attack in the Tall Afar area, and (ii) on 22 and 23 August 2016 in a shelling of a village in Qayyarah, Ninawa governorate. UNAMI could not verify whether weaponized chemical agents had been used.

⁶⁷ UNITAD Public Report, "ISIL Crimes Against the Albu Nimr Tribe in Anbar: Between 2014-2016"; *See also* UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Albu Nimr Tribe in Anbar 2014-2016.

- **Imprisonment (or severe deprivations of liberty), torture and/or other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health, murder and/or extermination** of dozens, possibly hundreds, of men and some boys from Albu Nimr tribe, many of whom were part of or were associated with the Iraqi police, military, *Sahwa* (Sunni Awakening) tribal forces, around October to November 2014;
- **Forcible transfer** of Albu Nimr population from al-Furat sub district to various locations;
- **Persecution** of Albu Nimr tribe members based on political and religious grounds.⁶⁸

40. Furthermore, between 11 June 2014 and 31 March 2015, ISIL committed crimes against the predominantly Sunni population of Tikrit, al-Dour, al-Alam and al-Dhuluiya. ISIL deemed individual residents of Tikrit and al-Dour enemies of the organization if they belonged to the police and security forces or if they were government personnel, but also if they were civilians perceived as non-compliant with ISIL's rules. Moreover, ISIL viewed most al-Alam and al-Dhuluiya residents, especially members of the al-Jubouri tribe, as traitors because they had fought al-Qaeda and supported the Iraqi government. Accordingly, ISIL subjected the Sunni population of Tikrit, al-Dour, al-Alam and al-Dhuluiya to the following acts of crimes against humanity:

- **Imprisonment, other inhumane acts, torture, murder and forcible transfer** of residents of Tikrit, al-Alam and al-Dour; and
- **Persecution** of individual residents of Tikrit and al-Dour, and of all residents, predominantly belonging to the al-Jubouri tribe, in al-Alam and al-Dhuluiya either based on religious or political grounds.⁶⁹

iv. Yazidis (on and after 3 August 2014)

41. On 3 August 2014, ISIL launched a coordinated attack across the Sinjar Region, targeting its civilian Yazidi population. ISIL perceived Yazidis as original disbelievers (*kuffar asliyyin*), since they were born in a religion outside of Islam and referred to them as "devil worshippers" and polytheists (*mushrikin*).⁷⁰ As such, ISIL considered that they either had to convert to Islam, otherwise killing or enslaving them would be justifiable.⁷¹ Following

⁶⁸ UNITAD Public Report, "ISIL Crimes Against the Albu Nimr Tribe in Anbar: Between 2014-2016". **Comment:** persecution includes the damage/destruction of cultural and religious heritage; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Albu Nimr Tribe in Anbar 2014-2016; *See also*, Facebook: Echo of Baghdad, "Who slaughtered the Albu Nimr clan?" (26/03/2016).

⁶⁹ UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015".

⁷⁰ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; Dabiq Magazine, Issue no. 4, Dhul-Hijjah 1435 (25 September 2014 – 24 October 2014), pp. 14-17; Dabiq Magazine, Issue no. 3, Shawwal 1435 (28 July – 26 August 2014), p. 18; Aymenn Jawad Al-Tamimi (CJA), "[The Islamic State and its Treatment of 'Out-Groups': A Comparative Analysis](#)" (08/2023), pp. 7-14; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yazidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015).

⁷¹ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yazidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015).

ISIL's attack on 3 August 2014, an estimated 35,000-50,000 Yazidis fled to the mountain.⁷² Once ISIL controlled Sinjar Region, it besieged the mountain and cut off access routes, leaving those hiding there without adequate access to water and food which resulted in numerous deaths, mostly of children and elderly.⁷³

42. ISIL continued to attack Yazidi civilians, killing many of those attempting to flee, especially men and older boys. ISIL captured and enslaved Yazidi women and children, as well as men and older boys who submitted to forced conversions. Furthermore, ISIL continued to target thousands of captured Yazidis for years, who were held in continuous detention. Captured women and girls were subjected to sexual slavery, younger boys were forcibly conscripted and nearly all were subjected to forced labour. Many of the forcibly converted men and older boys were eventually executed.⁷⁴
43. Consequently, ISIL subjected the Yazidi community in Sinjar Region of the Nineveh governorate to the following acts of crimes against humanity:
 - **Murder and/or extermination** of several thousand Yazidi civilians, predominantly men and older boys who refused to convert to Islam,⁷⁵ in several locations across Sinjar Region, on or after 3 August 2014;
 - **Murder and/or extermination** of 422 Yazidi men and older boys who refused to convert to Islam, in and around Kocho town, on or about 15 August 2014;
 - **Murder and/or extermination** of some 80 Yazidi women above the age of 35 and 12 Yazidi older boys in the vicinity of the Solagh Institute, on 16 August 2014;
 - **Murder and/or extermination** of an undetermined number of Yazidi men and older boys who had previously converted to Islam, at Bira Alo Antar, on or around 26 April 2015;
 - **Enslavement, sexual slavery, rape, and other forms of sexual violence of comparable gravity, including forced marriage, forced contraception and/or slave trade** of thousands of Yazidi women and girls on or after 3 August 2014;
 - **Imprisonment and/or severe deprivations of liberty and/or enforced disappearance** of thousands of Yazidi women, men, girls and boys on and after 3 August 2014;
 - **Torture** of thousands of Yazidi women, men, girls and boys on and after 3 August 2014;
 - **Other inhumane acts in the form of forced religious conversion, beatings, psychological abuse and/or mistreatment in detention** of thousands of Yazidi women, men, boys and girls on and after 3 August 2014;
 - **Deportation and/or forcible transfer** of thousands of Yazidi women, men, boys and girls on and after 3 August 2014; and

⁷² Office for the Coordination of Humanitarian Assistance (OCHA) "[OCHA Flash Update: Iraq Crisis - Significant Displacement from Sinjar, No. 1](#)" (03/08/2014). **Comment:** OCHA estimates total population of Sinjar in 2014 to be 308, 315.

⁷³ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq".

⁷⁴ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq".

⁷⁵ **Comment:** it must be noted that not all of them were given the option to convert.

- **Persecution** of the Yazidi community based on religious and gender grounds on and after 3 August 2014.⁷⁶

v. Kaka'i (on and after 6 August 2014)

44. Kaka'i, also known as *Ahl-e Haqq* or Yarsan, are mainly living south-east of Kirkuk and in the Nineveh plains. They are followers of a syncretic religion which contains elements of Zoroastrianism and *Shi'a* Islam.⁷⁷ In an attempt to escape ISIL's persecution, on or around 8 September 2014, at a press conference in Kirkuk, some 30 Kaka'i leaders sought to deter acts of religiously fuelled hatred against Kaka'i by publicly announcing that Kaka'i are Muslims.⁷⁸
45. Around September 2014, most Kaka'i living around Mosul fled to Erbil to avoid ISIL attacks. ISIL reportedly released statements threatening Kaka'i with death if they did not convert to their interpretation of Islam.⁷⁹
46. Evidence and information collected so far indicates that ISIL may have subjected Kaka'i to the following underlying acts of crimes against humanity at least between 2014 and 2017:
 - **Murder** of at least a dozen Kaka'i men and one woman in Kirkuk governorate in 2016 and 2017;

⁷⁶ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq". **Comment:** persecution includes the damage/destruction of cultural and religious heritage; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yezidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015); UN High Commissioner For Human Rights and UNAMI, "[A Call for Accountability and Protection: Yazidi Survivors of Atrocities Committed by ISIL](#)" (08/2016), p. 7. **Comment:** the report notes that between 2,000 and 5,500 Yazidis have been killed by ISIL since 03 August 2014.

⁷⁷ Minority Rights, "[Iraq: Kaka'i](#)" (updated November 2017); **Comment:** according to different sources, there are between 75,000 to 250,000 Kaka'i dispersed around Iraq, *see* Aljazeera, "[Iraq's Kakais: 'We want to protect our culture'](#)" (11/02/2015); Seyedehbehnaz Hosseini, "The Kaka'i: A Religious Minority in Iraq" (2018), p. 157

⁷⁸ Sa'ad Salloum, "Iraqi Minorities After ISIS" (undated), pp. 118-119; Saad Salloum, "[The Kaka'i declare that they are Muslims in Kirkuk](#)" (14/07/2015). **Comment:** a video of the proceedings of the declaration and the press conference; Iraq Press Agency, "[Kaka'i: We have been Muslims throughout history, and whoever promotes otherwise must repent to God.](#)" (08/09/2014).

⁷⁹ Ish News, "[Nineveh Council told Al-Kharrab: ISIS blew up 4 Kakai shrines and displaced 13,000 of its members](#)" (01/09/2014); Minority Rights, "[Iraq: Kaka'i](#)" (updated November 2017); Centre français de recherche sur l'Irak, (CFRI), "[The Kaka'is of Iraq, from US-Invasion to Confronting the ISIS Invasion](#)" (09/06/2023); *See also*, Sa'ad Salloum, "Iraqi Minorities After ISIS" (undated), p. 121.

Comment: in June 2015, at the al-Jibouri mosque in Kirkuk's al-Waist neighborhood, a young Muslim man praying in the mosque reportedly announced, "We should treat the Kaka'is in the same way that our brothers have treated the Yezidis in Mosul"; Seyedehbehnaz Hosseini, "The Kaka'i: A Religious Minority in Iraq" (2018), pp. 164-165.

Comment: in March 2016, a pamphlet was allegedly found in the area of Kaki, in Kirkuk Governorate, stating: "This document is assigned to everyone who let himself be seduced and to those who lost the way which is guided by Allah. We announce that we have come here and will cut your necks and decapitate you, Oh you are the slaves of the Satan. We dedicate these words to the people who call themselves Kaka'i. We swear by the name of the powerful that we will cut your necks and we will send you into hell what an evil destiny is. We will not have mercy neither upon your old nor upon your young people. Oh you who sit at the thresholds of your houses' doors and who protect yourselves with your woman, let it be known that as regards tomorrow, its observer is near indeed, we are not going to have mercy."; Al-Alam News, "[ISIL describes followers of the Kaka'i religion as 'infidels' \[kuffar\] and they must be killed!](#)" (18/03/2016). **Comment:** the media article does not contain the quote mentioned in the HOSSEINI's article. Al-Alam News article quotes Al-Sumaria News, "[ISIL threatens followers of the Kaka'i religion with death](#)" (18/03/2016).

- **Imprisonment (or severe deprivations of liberty)** of at least four Kaka'i men and one woman in Kirkuk governorate in 2016 and 2017;
- **Torture and/or other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health** of at least two Kaka'i men in Kirkuk governorate in 2016 and 2017;
- **Forcible transfer** of Kaka'i population from Nineveh governorate in 2014 and from Kirkuk governorate in 2016;
- **Other inhumane acts in the form of forced religious conversion** of at least two Kaka'i men and one woman in the Kirkuk governorate in 2016 and 2017; and
- **Persecution** of the Kaka'i community based on religious grounds.⁸⁰

V. FINDINGS AND LEGAL ANALYSIS

47. There are reasonable grounds to believe⁸¹ that ISIL members conducted a systematic and widespread attack directed against the civilian population in northwest of Iraq, from on or about 9 June 2014 until at least December 2017, involving the commission of multiple criminal acts against thousands of victims. There are also reasonable grounds to believe that the attack was conducted pursuant to a formalised and well publicised ISIL policy targeting all those whom ISIL perceived as non-compliant with its radical and extremist interpretation of Islam or, in ISIL's own words, those belonging to the "*camp of kufr (disbelief) and hypocrisy*". ISIL also targeted all those whom it perceived as impeding the establishment of the "Caliphate".

i. **Attack directed against any civilian population**

A . A t t a c k

48. ISIL members engaged in a course of conduct that involved the multiple commission of violent acts against the civilian population in Iraq whom it deemed as non-complaint with its interpretation of Islam and impeding the establishment of ISIL's "Caliphate". The acts of crimes against humanity that have been investigated by UNITAD include, but are not limited to:

- **Persecution** of Christian, Shi'a, including Shabak and Turkmen, Yazidi and Kaka'i communities based on religious grounds; **persecution** of Yazidi, Christian and Shi'a Turkmen communities based on gender grounds; **persecution** of Sunni (such as Abu Nimr tribe members), Sunni Shabak and Sunni Turkmen population based on political grounds;⁸²

⁸⁰ UNITAD, Confidential Investigative Report. **Comment:** persecution includes the damage/destruction of cultural and religious heritage.

⁸¹ **Comment:** this report aims to summarize and reflect the legal findings by all UNITAD field investigation units. Those legal findings adopt the "reasonable grounds to believe" standard of proof used for ICTY and ICTR indictments and ICC Pre-Trial Chamber to authorize the initiation of a case, as well as various national systems. As such, this section remains a work in progress until all the UNITAD field investigation units have finalized their case assessment reports.

⁸² UNITAD Public Report, "[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL's crimes in & around the Tikrit Presidential Palace Complex](#)"; UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD Public Report, "ISIL Crimes Against the Abu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the

- **Other inhumane acts in the form of forced religious conversion** of thousands of Yazidi women, men, boys and girls; Christian women, men, boys and girls; as well as Shi'a Turkmen boys and girls on and after 10 June 2014 in Nineveh governorate;⁸³
- **Other inhumane acts in the form of forced religious conversion** of a few Kaka'i men and women in 2016 and 2017 in Kirkuk governorate;⁸⁴
- **Enslavement, sexual slavery, rape, and other inhumane acts in the form of forced marriages and forced contraception** of thousands of women and girls, mostly Yazidi, but also Christian, Shabak, and Shi'a Turkmen women and girls on and after 10 June 2014 in Nineveh governorate;⁸⁵
- **Murder** of thousands of Shi'a, including Shabak and Turkmen, and Yazidi men and boys aged around 12 or older, hundreds of Sunni (including Albu Nimr tribe) men and dozens of Kaka'i men on and after 10 June 2014 in Nineveh, Anbar, Salah al-Din, and Kirkuk governorates;⁸⁶
- **Murder** of at least 80 Yazidi women over the age of 40 and 12 Yazidi teenage boys on 16 August 2014 in Nineveh governorate;⁸⁷
- **Deportation or forcible transfer** of thousands of Yazidi women, men, boys, and girls on and after 3 August 2014; and **forcible transfer** of Kaka'i, Christian, Shabak,

Albu Nimr Tribe in Anbar 2014-2016; UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015"; UNITAD, Confidential Investigative Reports.

⁸³ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD, Confidential Investigative Reports; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yezidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015)

⁸⁴ UNITAD, Confidential Investigative Report.

⁸⁵ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD, Confidential Investigative Reports; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yezidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015).

⁸⁶ UNITAD, "[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL's crimes in & around the Tikrit Presidential Palace Complex](#)"; UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD Public Report, "ISIL Crimes Against the Albu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Albu Nimr Tribe in Anbar 2014-2016; UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015"; UNITAD, Confidential Investigative Reports; *See also*, Human Rights Watch, "[Iraq: ISIS Executed Hundreds of Prison Inmates](#)" (30/10/2014); Human Rights Watch, "[Ruinous Aftermath: Militias Abuses Following Iraq's Recapture of Tikrit](#)" (20/09/2015), pp. 2-3, 15; UNITAD, "[Video of Tikrit Air Academy Massacre-UNITAD investigation](#)" (06/07/2022); Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yezidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015); ISIL's North Baghdad Wilayat, "[Hell of the Apostates](#)" (06/06/2018); Facebook: Echo of Baghdad, "Who slaughtered the Albu Nimr clan?" (26/03/2016); UN Security Council, Third Report of the Secretary-General pursuant to resolution 2233 (2015) (27/04/2016), para. 46; Al-Naba Magazine, Issue No. 46, 4 Dhul al-Hijjah 1437 AH (05 September 2016), p.6; Minority Rights, "[Iraq: Kaka'i](#)" (updated November 2017); ARA News, "[Islamic State extremists attack Kaka'i religious minority in Iraq](#)" (03 September 2016); Al-Naba Magazine, Issue No. 47, 18 Dhul al-Hijjah 1437 AH (19 September 2016), p. 6.

⁸⁷ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD, Confidential Investigative Report; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yezidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015).

Turkmen, and Sunni (including Albu Nimr tribe) women, men, boys, and girls on and after 10 June 2014 in Nineveh and Anbar governorates;⁸⁸

- **Enforced disappearance** of some of the Shi'a male prisoners from Badush prison, some of the Shabak and Turkmen male community members, and Yazidi community members;⁸⁹ and
- **Imprisonment and/or torture or other inhumane acts of similar gravity** of several thousand Yazidi, Shi'a, including Shabak and Turkmen men; hundreds of Christian and Sunni (including Albu Nimr tribe) men, some Kaka'i men and women, as well as dozens of Christian women and children on and after 10 June 2014 in Nineveh, Anbar and Salah al-Din governorates.⁹⁰

B. D i r e c t e d a c t i v e p o l i c y i n l a n d a n t y i o n

49. Between at least June 2014 and December 2017, the primary target of ISIL's attack was the civilian population in northwest Iraq. ISIL targeted everyone whom it perceived as non-compliant with its interpretation of Islam and impeding the establishment of a "Caliphate". To ISIL, all Shi'a Muslim, Christian, Yazidi or Kaka'i Iraqis were automatically considered non-compliant. Sunni Muslims whom ISIL considered as part of or associated with the Iraqi police and military, or the *Sahwa* (Sunni Awakening) tribal forces were also perceived as opposing the establishment of a "Caliphate" where everyone had to comply with ISIL's interpretation of Islam and thus deemed non-compliant.
50. As noted above, ISIL's members committed acts of murder, enslavement, sexual slavery, rape, imprisonment, torture, deportation and forcible transfer, persecution and other inhumane acts in the forms of forced marriages, forced contraception, forced religious conversion and beatings against thousands of civilian victims. These acts almost always took place outside the conduct of the hostilities after ISIL's takeover of the relevant area. The overwhelming majority of the victims of ISIL's attack were civilians within the

⁸⁸ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD Public Report, "ISIL Crimes Against the Albu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Albu Nimr Tribe in Anbar 2014-2016; UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015"; UNITAD, Confidential Investigative Reports; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yezidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015).

⁸⁹ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD, Confidential Investigative Reports; *See also*, ISIL's North Baghdad *Wilayat*, "[Hell of the Apostates](#)" (06/06/2018); Facebook: Echo of Baghdad, "Who slaughtered the Albu Nimr clan?" (26/03/2016); Human Rights Watch, "[Iraq: ISIS Executed Hundreds of Prison Inmates](#)" (30/10/2014).

⁹⁰ UNITAD Public Report, "[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL's crimes in & around the Tikrit Presidential Palace Complex](#)"; UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD Public Report, "ISIL Crimes Against the Albu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Albu Nimr Tribe in Anbar 2014-2016; UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015"; UNITAD, Confidential Investigative Reports; *See also*, Human Rights Watch, "[Ruinous Aftermath: Militias Abuses Following Iraq's Recapture of Tikrit](#)" (20/09/2015), pp. 2-3, 15; UNITAD, "[Video of Tikrit Air Academy Massacre-UNITAD investigation](#)" (06/07/2022); Human Rights Watch, "[Iraq: ISIS Executed Hundreds of Prison Inmates](#)" (30/10/2014); ISIL's North Baghdad *Wilayat*, "[Hell of the Apostates](#)" (06/06/2018); Facebook: Echo of Baghdad, "Who slaughtered the Albu Nimr clan?" (26/03/2016).

meaning of Article 50(1) of Additional Protocol I to the Geneva conventions including women, men, girls, and boys. In particular, women and girls were, in large number, the targets of enslavement, sexual slavery, rape, and other inhumane acts in the forms of forced marriages and forced contraception. These factors are indicative of the attack being directed against the Iraqi civilian population who was deemed non-compliant with ISIL's interpretation of Islam.

51. Even in instances where the civilian status of the victims (within the meaning of Article 50(1) of Additional Protocol I to the Geneva conventions) could be contested, none of the victims were taking active part in hostilities at the relevant time:
 - When ISIL captured and executed some 1,700 *Shi'a* male personnel stationed at Tikrit Air Academy (formerly known as Camp Speicher), those men were unarmed and taking no active part in hostilities at the relevant time.⁹¹ Moreover, as explained below, in the section related to the nexus, ISIL referred to the *Shi'a* male personnel as "*rafidi*" (rejector)⁹² soldiers highlighting that their killing was motivated by ISIL's discrimination against *Shi'a* religious beliefs rather than because of any military threat that these men posed.
 - Similarly, ISIL captured and subsequently killed around 100 Sunni Abu Nimr tribe male members, some of whom were part of or were affiliated with the Iraqi police, military, or *Sahwa* (Sunni Awakening) tribal forces. However, none of them were taking active part in hostilities at the time of their capture and execution.⁹³ ISIL referred to them as *murtaddin* (apostates) and *rafidah* (rejectors) indicating that they were targeted for their religious beliefs perceived as impeding the establishment of a "Caliphate".
52. In any event, given the overwhelming number of civilians amongst the victims of ISIL's attack and the nature of the underlying acts committed, the presence within the civilian population of individuals who do not come within the definition of "civilians" within the meaning of Article 50(1) of Additional Protocol I to the Geneva Conventions would not deprive the population of its civilian character.⁹⁴
53. In light of this analysis, there are reasonable grounds to believe that the civilian population of Iraq was the primary, as opposed to incidental, target of the attack.

⁹¹ UNITAD Public Report, "[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL's crimes in & around the Tikrit Presidential Palace Complex](#)" and UNITAD, Confidential Investigative Report; See also, . ÷ "" " " Video (12/06/2014); Human Rights Watch, "[Ruinous Aftermath: Militias Abuses Following Iraq's Recapture of Tikrit](#)" (20/09/2015), pp. 2-3, 15; UNITAD, "[Video of Tikrit Air Academy Massacre-UNITAD investigation](#)" (06/07/2022).

⁹² Islamic State Report, "Smashing the Borders of the Tawaghit", Shaban 1435 (30 May – 28 June 2014). **Comment:** the publication includes a "photo report of Ghazwat Asadullah Al-Bilawi, which resulted in the execution of 1700 Rafidi soldiers" in wilayah of Salah al-Din.

⁹³ UNITAD Public Report, "ISIL Crimes Against the Abu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Abu Nimr Tribe in Anbar 2014-2016; See also, ISIL's North Baghdad *Wilayat*, "[Hell of the Apostates](#)" (06/06/2018); Facebook: Echo of Baghdad, "Who slaughtered the Abu Nimr clan?" (26/03/2016).

⁹⁴ **Comment:** in addition to the two instances described above, that is, the *Shi'a* male personnel at the Tikrit Air Academy and the Sunni Abu Nimr tribe members, it must be noted that some Yazidi villages, including Hardan and Kocho, had established a rudimentary self-protection capacity. Hardan was guarded by some 15-armed men, while Kocho had a 200 men capacity.

C. Pursuant to or in furtherance of an organization

54. In 2010, Abu Bakr AL BAGHDADI became the Emir of the Islamic State of Iraq (“ISI”).⁹⁶ April 2013, AL BAGHDADI announced the extension of the Islamic State of Iraq into Syria and changed the group’s name to the Islamic State of Iraq and al Sham (“ISIL”).⁹⁷ At least between January 2014 and December 2017, ISIL exhibited a high level of organization. It had a command structure with AL BAGHDADI as its Caliph⁹⁸ supported by two core entities, the Delegated Committee and the Shura Council.⁹⁹ On 29 June 2014, ISIL’s official spokesperson Abu Mohammed AL-ADNANI announced the establishment of a “Caliphate” indicating the goal of the organization.¹⁰⁰ ISIL took over and controlled large parts of Iraq.¹⁰¹ The organization established provinces (“*wilayat*”) as administrative areas to govern territory under its control.¹⁰² Each *wilayat* was associated with a military division.¹⁰³ ISIL was capable of recruiting new members,¹⁰⁴ including children which ISIL

⁹⁵ As outlined above, the qualification of ISIL as a non-state actor exhibiting a high level of organization does not impact the fact that ISIL is globally recognized as a terrorist organization. Recognizing ISIL as an organized non-state actor does not change the legal status of the organization: it does not imply that the organization had acquired international legal personality, and it does not amount to the recognition of belligerency.

⁹⁶ M. J. Kirdar, “[Al Qaeda in Iraq](#)” (06/2011), p. 5.

⁹⁷ Aaron Y. Zelin, “[The War between ISIS and al-Qaeda for Supremacy of the Global Jihadist Movement](#)” (06/2014), pp.3-4. **Comment:** “Al Sham” can be translated as “the Levant” in English.

⁹⁸ UN Security Council, “[S/2014/815: Letter dated 13 November 2014 from the Chair of the UNSC Committee pursuant to resolutions 1267 \(1999\) and 1989 \(2011\) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council](#)” (hereafter: S/2014/815: Letter dated 13 November 2014 from the Chair of the UNSC Committee) (14/11/2014), paras 12-13, 15; Dabiq Magazine, Issue no. 1, Ramadan 1435 (28 June – 27 July 2014), p.7. **Comment:** “On the first of Ramadan 1435H, the revival of the Khilafah was announced by the spokesman for the Islamic State, Shaykh Abu Muhammad al-‘Adnani ash-Shami (hafidhahullah).”; See also, ISIL’s al-Furqan Media, “Structure of the *Khilafah*” (06/07/2016), at 00:02:16.

⁹⁹ ISIL’s al-Furqan Media, “Structure of the *Khilafah*” (06/07/2016), at 00:02:00 (organigramme), 00:02:16 – 00:03:20

¹⁰⁰ UN Security Council, “[S/2014/815: Letter dated 13 November 2014 from the Chair of the UNSC Committee](#)” (14/11/2014), paras 12-13, 15; OHCHR and UNAMI: [Report on the Protection of Civilians in the Non International Armed Conflict in Iraq: 5 June – 5 July 2014](#), p. 4; Al-Hayah Media Center, Dabiq Magazine, Issue no. 1, Ramadan 1435 (28 June – 27 July 2014), p. 6-9. **Comment:** “On the first of Ramadan 1435H [29 June 2014], the revival of the Khilafah was announced by the spokesman for the Islamic State, Shaykh Abu Muhammad al-‘Adnani ash-Shami (hafidhahullah).”

¹⁰¹ OHCHR and UNAMI: [Report on the Protection of Civilians in the Non International Armed Conflict in Iraq: 5 June – 5 July 2014](#), p. 3-4; UN Security Council, Security Council Press Statement on Iraq (SC/11437-IK/673) (11/06/2014); UN Security Council, Second report of the Secretary-General pursuant to resolution 2110 (2013) (14/03/2014), para. 2; UN Security Council, Third report of the Secretary-General pursuant to resolution 2110 (2013) (11/07/2014), paras 2, 12-14, 18; UN Security Council, First Report of the Secretary-General pursuant to resolution 2169 (2014) (31/10/2014), paras 2, 19-22, 24, 44-47, 51; UN Security Council, Second Report of the Secretary-General pursuant to resolution 2169 (2014) (02/02/2015), paras 3, 17, 19-22, 46-49, 51; UN Security Council, Third Report of the Secretary-General pursuant to resolution 2169 (2014) (01/05/2015), paras 3, 18, 20-23, 45-49; UN Security Council, Fourth Report of the Secretary-General pursuant to resolution 2169 (2014) (13/07/2015), paras 2, 5, 18-20, 44, 47, 50-51; UN Security Council, First Report of the Secretary-General pursuant to resolution 2233 (2015) (26/10/2015), paras 2-3, 18-22, 41-45; UN Security Council, Second Report of the Secretary-General pursuant to resolution 2233 (2015) (26/01/2016), paras 2, 18, 50, 53-54; UN Security Council, Third Report of the Secretary-General pursuant to resolution 2233 (2015) (27/04/2016), paras 19, 47; UN Security Council, Fourth Report of the Secretary-General pursuant to resolution 2233 (2015) (05/07/2016), para. 16.

¹⁰² ISIL’s al-Furqan Media, “Structure of the *Khilafah*” (06/07/2016), at 00:03:17 (table), 00:03:20 – 00:04:10; Daniel Milton (Combating Terrorism Center at West Point, US Military Academy), “[Structure of a State: Captured Documents and the Islamic State’s Organizational Structure](#)” (06/2021), p. 7.

¹⁰³ See, Craig Whiteside et al., “[The ISIS Files: The Islamic State’s Department of Soldiers](#)” (04/2021), pp. 25-28.

¹⁰⁴ Aljazeera, “[CIA says IS numbers underestimated](#)” (12/09/2014). **Comment:** the article quotes a statement by Ryan Trapani, the CIA spokesman; See also, UN Security Council, “[S/2014/815: Letter dated 13 November 2014 from](#)

referred to as the “Cubs of the Caliphate”.¹⁰⁵ The organization was able to provide military and religious training to all its members prior to assigning them to a particular battalion. All these elements indicate that ISIL was sufficiently organized to carry out an attack and had sufficient means to promote and encourage it, qualifying as an organization within the meaning of Article 7(2)(a) of the Rome Statute.

55. Turning to the policy, ISIL’s policy to attack the civilian population was formalised and well publicised. On 1 July 2014, AL BAGHDADI announced that the world is divided into two camps – “*camp of Islam and faith*” and “*camp of kufr (disbelief) and hypocrisy*”.¹⁰⁶ This division was strengthened by demanding that every Muslim pledges allegiance to AL BAGHDADI.¹⁰⁷
56. Later on, around September-October 2014, ISIL notes in its *Dabiq* magazine that it is permissible to kill anyone who disagrees with the *tawhid* concept, that is, the monotheism of Islam.¹⁰⁸ According to ISIL, disbelievers can be broadly categorised in two groups, the “original disbelievers” (singular – *kafir asli*, plural – *kuffar asliyyin*) and the “apostates” (singular – *murtad*, plural – *murtaddin*). Original disbelievers are people born in a religion outside of Islam. Apostates are those who, according to ISIL, have entered into Islam but have then left the religion, whether by openly declaring their abandonment of the religion or through expressing ideas that are deemed deviant and heretical by ISIL. The original disbelievers can further be divided into two types: (i) the “People of the Book” (*ahl al-kitab*) referring to the followers of scripture-possessing religions; or (ii) disbelievers outside of that framework, for example, polytheists (singular – *mushrik*, plural – *mushrikin*).¹⁰⁹
57. As it will be outlined below, ISIL members consistently acted in observance of the established policy and publicised by ISIL’s leadership demonstrating a link between the

[the Chair of the UNSC Committee](#)” (14/11/2014), paras 85-90. **Comment:** the report notes that three main methods of recruitment in 2014 were through Internet-based platforms, personal contact and persuasion and enforced drafting; Eric Schmitt and Somini Sengupta (New York Times), “[Thousands Enter Syria to Join ISIS Despite Global Efforts](#)” (26/09/2015); Chas Danner (New York Magazine/Intelligencer), “[Report: ISIS Has Recruited as Many as 30,000 Foreigners in the Past Year](#)” (27/09/2015); The Brookings Institution, “[Al-Qaida, the Islamic State, and the Future of the Global Jihadi Movement: A Conversation with Ambassador Tina Kaidanow](#)” (16/09/2015)

¹⁰⁵ Al-Hayah Media Center, *Dabiq Magazine*, Issue no. 1, Ramadan 1435 (28 June 2014 – 27 July 2014), pp. 10, 14; [Tore Hamming and Amarnath Amarasingam \(CJA\)](#), “Cubs of the Caliphate”, pp. 10-13; Al-Hayah Media Center, *Dabiq Magazine*, Issue no. 8, Jumada Al-Akhirah 1436 (22 March – 19 April 2015), pp. 20-21; Al-Hayah Media Center, *Dabiq Magazine*, Issue no. 11, Dhul-Qa’dah 1436 (16 August -14 September 2015), pp. 40-45; *Rumiyah* Issue 9, Sha’ban 1438 (27 April – 26 May 2017), pp. 18-21; [UN Security Council](#), “[Children and Armed Conflict in Iraq: Report of the Secretary-General](#)” (23/12/2019), S/2019/984; Vale Gina (The International Centre for the Study of Radicalisation), “[Cubs in the Lions’ Den: Indoctrination and Recruitment of Children Within Islamic State Territory](#)” (23/07/2018)

¹⁰⁶ *Dabiq Magazine*, Issue no. 1, Ramadan 1435 (28 June 2014 – 27 July 2014), p. 10

¹⁰⁷ Aymenn Jawad Al-Tamimi’s Blog, “[Archive of Islamic State Administrative Documents](#)” (27/01/2015). **Comment:** Specimen 10F - *Fatwa* no. 3 by the Diwan al-Buhuth wa al-’Eftaa “Ruling on allegiance to the *Amir al-Mu’mineen* Abu Bakr al-Baghdadi”, 15 Ramadan 1435 AH (13 July 2014)

¹⁰⁸ *Dabiq Magazine*, Issue No. 4, Dhul Hijjah 1435 (25 September – 24 October 2014), p. 10. **Comment:** “*What is implied by this is that he kills Allah’s enemies who refuse to accept tawhid, legitimizes the spilling of their blood and the taking of their wealth, and enslaves their women and children, and thereby his provision becomes what Allah has given him of spoils from the property of His enemy. This is because wealth was created by Allah for the children of Adam only to assist them in obeying and worshipping Him. So, whoever uses it to assist himself in kufr of Allah and shirk with Him, then Allah will give mastery to His Messenger and his followers over him, so that they seize it from him and return it back to one who is more worthy than him from the people who worship Allah, practice tawhid of Him, and submit obediently towards Him.*”

¹⁰⁹ Aymenn Jawad Al-Tamimi (CJA), “[The Islamic State and its Treatment of ‘Out-Groups’: A Comparative Analysis](#)” (08/2023), p.6; Monica Maggioni and Paolo Magri (ISPI), “[The centrality of the enemy in al-Baghdadi’s Caliphate, in Twitter and Jihad: The Communication Strategy of ISIS](#)” (2015), pp. 34-38

attack and the organizational policy. The pattern of violence was recurrent and aimed at enforcing adherence to ISIL's policy or at eliminating all those whom ISIL perceived as disbelievers (*kuffar*) or as a threat against the establishment of the "Caliphate". Depending on the victims' perceived religious beliefs, ISIL classified them either as apostates (*murtaddin*), rejectors (*rafidah*), or original disbelievers (*kuffar asliyyin*). Depending on this classification, as well as the gender and the age of the victims, ISIL inflicted different treatment upon them. ISIL members on the ground followed the instructions publicized in ISIL's leadership speeches and publications.

a . C h r i s t i a n Ƴ a a z s i d o i r s i g i n a l (k d u i f f a b r e l a i s e s o l e i r y s i n)

58. According to ISIL's speeches and publications, ISIL considered Christians and Yazidis to be original disbelievers (*kuffar asliyyin*).¹¹⁰ Christians were specifically regarded as "People of the Book" (*ahl al-kitab*).¹¹¹
59. As "People of the Book" (*ahl al-kitab*), Christians were in principle offered three "choices": (i) conversion to Islam; (ii) payment of *jizyah* (religious tax) to secure *dhimmi* status¹¹²; or (iii) death.¹¹³ In line with the ISIL's ideology, at least between 29 June 2014, when ISIL

¹¹⁰ Dabiq Magazine, Issue no. 4, Dhul-Hijjah 1435 (25 September 2014 – 24 October 2014), pp. 14-17; Dabiq Magazine, Issue No. 12, Safar 1437 (13 November – 11 December 2015), p. 43. **Comment:** regarding Christians; Dabiq Magazine, Issue No. 13, Rabi' Al-Akhir 1437 (11 January – 09 February 2016), p. 42. **Comment:** regarding Christians; Aymenn Jawad Al-Tamimi (CJA), "[The Islamic State and its Treatment of 'Out-Groups': A Comparative Analysis](#)" (08/2023), pp. 6-7; *See also* UNITAD Summary of Factual and Legal Assessment of ISIL (Da'esh) Crimes against the Christian Community in Iraq.

¹¹¹ *See*, Qur'an 9:29 Surat al-Tawba or the Chapter of Repentance, "Fight those who do not believe in God or the Last Day and do not prohibit what God and His Messenger have prohibited, and do not profess the religion of truth, from among those who have been given the book, until they give the *jizya* by hand, subdued as they are."

¹¹² **Comment:** "Non-Muslim under protection of Muslim law. A covenant of protection was made with conquered "Peoples of the Book," which included Jews, Christians, Sabaeans, and sometimes Zoroastrians and Hindus. Adult male *dhimmi*s were required to pay a tax on their income and sometimes on their land", *see* Oxford Reference, "[dhimmi](#)" (undated) and Aymenn Jawad Al-Tamimi (CJA), "[The Islamic State and its Treatment of 'Out-Groups': A Comparative Analysis](#)" (08/2023), p.15; **Note:** even if a *dhimmi* pact is concluded, non-compliance with its terms would lead to Christians being killed and their property seized, *see* Dabiq Magazine, Issue no. 15, Shawwal 1437 (06 July – 03 August 2016), p. 63. **Comment:** "So those who have been sent the Scripture before the Quran, namely the Jews and Christians, shall be spared if they pay the *jizyah* and accept its terms. [...] These terms can be found in authentic texts relating to when the Caliph 'Umar Ibn al-Khattab made a covenant with the Christians of the Levant, name-ly that they do not build new monasteries, churches, or shrines in or around their cities; that they do not mend what was damaged thereof; that they do not restrict traveling Muslims from using their buildings for refuge; that they do not harbor spies or other en-emies; that they do not conceal when a Muslim is be-ing cheated or betrayed; that they neither display their pagan practices nor invite anyone to them; that they do not prevent any of their relatives from accepting Is-lam; that they make room for the Muslims and stand for them when they want to sit; that they do not wear weapons or bear arms; that they do not sell wines; that they do not display the cross atop their churches or in sight of the Muslims; that they do not raise their voic-es in their churches; and so forth. Any Christian or Jew who accepts the *jizyah* and then breaks any of the agreed upon stipulations shall find no security, and their blood thus becomes lawful to spill and wealth permissible to seize. [...]"

¹¹³ *See*, Qur'an 9:29 Surat al-Tawba or the Chapter of Repentance, "Fight those who do not believe in God or the Last Day and do not prohibit what God and His Messenger have prohibited, and do not profess the religion of truth, from among those who have been given the book, until they give the *jizya* by hand, subdued as they are."; Dabiq Magazine, Issue No. 13, Rabi' Al-Akhir 1437 (11 January – 09 February 2016), p. 43. **Comment:** this magazine issue outlines that *kāfir aslī* should not be killed after they have been taken prisoner or if they have declared repentance; they can pay *jizyah* to become a *dhimmi*; a treaty can be signed with them; their men can be enslaved; they can be released for ransom; they can be released as clemency; and they cannot be forced back into Islam; Dabiq Magazine, Issue no. 15, Shawwal 1437 (06 July – 03 August 2016), pp. 19, 31. **Comment:** "These are the same choices placed before the disbelieving Christians today. They have the option of trying to cling to the transient luxuries of this life, rejecting the truth in favor of either paying

announced the establishment of the Caliphate,¹¹⁴ and 12 July 2014, ISIL made several public announcements in Mosul reiterating the “options” the Christian population was entitled to.¹¹⁵ ISIL invited the Christian leaders to meet ISIL in Mosul on 17 July 2014 to “discuss and address housing regulations within Wilayah Nineveh throughout the Islamic State”.¹¹⁶ After receiving a warning from the people in Mosul, the Christian leaders did not attend the meeting. ISIL then issued an Ultimatum to the Christian community ordering them to leave the territory of the Islamic State by noon of 19 July 2014 or they would face the sword.¹¹⁷

60. At least between 2014 and 2017, ISIL has also referred to Christians as *mushrikin* (polytheists) in *Dabiq* and *Rumiyah* Magazines.¹¹⁸ Throughout its publications, ISIL has

jizyah to the Islamic State or continuing to wage a futile war against it. Alternatively, they can heed the warning of Allah that the worldly life is not guaranteed even for those who pursue it at the expense of their salvation, and thus choose to embrace Islam, champion the truth, attain the mercy of their Lord, and enter the Gardens of Paradise” and “we have been commanded to fight the disbelievers until they submit to the authority of Islam, either by becoming Muslims, or by paying jizyah – for those afforded this option – and living in humiliation under the rule of the Muslims”; See also, Aymenn Jawad Al-Tamimi (CJA), “[The Islamic State and its Treatment of ‘Out-Groups’: A Comparative Analysis](#)” (08/2023), p. 15.

¹¹⁴ UN Security Council, “[S/2014/815: Letter dated 13 November 2014 from the Chair of the UNSC Committee pursuant to resolutions 1267 \(1999\) and 1989 \(2011\) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council](#)” (14/11/2014), paras 12-13, 15; OHCHR and UNAMI: [Report on the Protection of Civilians in the Non International Armed Conflict in Iraq: 5 June – 5 July 2014](#), p. 4; Al-Hayah Media Center, *Dabiq Magazine*, Issue no. 1, Ramadan 1435 (28 June 2014 – 27 July 2014), p.7. **Comment:** “On the first of Ramadan 1435H, the revival of the Khilafah was announced by the spokesman for the Islamic State, Shaykh Abu Muhammad al- ‘Adnani ash-Shami (hafidhahullah).”

¹¹⁵ UNITAD, Confidential Investigative Report; UNITAD Summary of Factual and Legal Assessment of ISIL (Da’esh) Crimes against the Christian Community in Iraq; UNAMI Human Rights Office, “[Report on the Protection of Civilians](#)” (July-September 2014), pp. 11-12. **Comment:** UNAMI notes that ISIL was distributing leaflets on **16 June 2014**.

¹¹⁶ UNITAD Summary of Factual and Legal Assessment of ISIL (Da’esh) Crimes against the Christian Community in Iraq; Human Rights Watch, “[Iraq: ISIS Abducting, Killing, Expelling Minorities](#)” (19/07/2014); UNAMI Human Rights Office, “[Report on the Protection of Civilians](#)” (July-September 2014), pp. 11-12. **Comment:** UNAMI notes that the meeting should have taken place on 17 June 2014.

¹¹⁷ Aymenn Jawad Al-Tamimi’s Blog, “[Specimen S: Ultimatum for the Christians of Mosul Islamic State](#)” (17/07/2014), p. 11. **Comment:** the blog entry was published on 27 January 2015; See also UNITAD Summary of Factual and Legal Assessment of ISIL (Da’esh) Crimes against the Christian Community in Iraq.

¹¹⁸ *Dabiq Magazine*, Issue no. 2, Ramadan 1435 Ramadan (29 June 2014 – 27 July 2014), p. 21; *Dabiq Magazine*, Issue no. 15, Shawwal 1437 (06 July 2016 – 03 August 2016), p. 31. **Comment:** “We hate you, first and foremost, because you are disbelievers; you reject the oneness of Allah – whether you realize it or not – by making partners for Him in worship, you blaspheme against Him, claiming that He has a son, you fabricate lies against His prophets and messengers, and you indulge in all manner of devilish practices. (...) Furthermore, just as your disbelief is the primary reason we hate you, your disbelief is the primary reason we fight you, as we have been commanded to fight the disbelievers until they submit to the authority of Islam, either by becoming Muslims, or by paying jizyah – for those afforded this option – and living in humiliation under the rule of the Muslims.”; *Rumiyah Magazine*, Issue no. 6, Jumada al-Ula 1438 (29 January – 27 February 2017), p. 16. **Comment:** in relation to the Istanbul nightclub shooting (also known as Reina massacre in Turkey) on 01 January 2017, the ISIL discussed whether it is permissible for Muslims to participate in *mushrikin* celebrations, incl. “[majority of Imams] said that it is not permissible for the Muslims to sell the Christians anything that benefits their celebration: not meat, not blood, not a garment, not giving them a ride, and not supporting them in anything of their religion. That is because doing so is to give esteem to their shirk and to help them commit kufr.”; *Rumiyah Magazine*, Issue no. 9, Sha’ban 1438 (27 April 2017 – 26 May 2017), pp. 5, 7-8, 11, 23. **Comment:** please note that this magazine issue speaks of Christians in Misr [Egypt]. The magazine also outlines some rules of treatment, for example, unarmed women, children, elderly and infirm are to be taken as slaves and not to be killed; and the unintentional killing of non-combatants is permissible. The magazine also highlights that Christians are only protected when there is a valid *dhimma* pact.

urged its members to pronounce *takfir* upon Christians, that is, accused them of being disbeliever (*kuffar*).¹¹⁹

61. As original disbelievers (*kuffar asliyyin*), Yazidis were offered a “choice” between (i) conversion to Islam or (ii) either death or enslavement.¹²⁰ According to open-source information, already in 2007, the Islamic State of Iraq (predecessor of ISIL) called its followers to kill Yazidis wherever they found them following the killing of Du’a Khalil Aswad.¹²¹
62. In line with ISIL’s ideology, on 9 August 2014, ISIL’s Department of Research and *Fatwa*-Issuing (*Diwan al-Buhut wa al-Ifta*)¹²² reportedly issued *fatwa* no. 11 dealing with the status

¹¹⁹ Dabiq Magazine, Issue no. 4, Dhul Hijah 1435 (25 September – 24 October 2014), p. 10; Dabiq Magazine, Issue no. 12, Safar 1437 (13 November to 12 December 2015), p. 46. **Comment:** ISIL declares that they “*will continue to pronounce takfir upon the Jews, the Christians, the pagans, and the apostates from the Rāfidah, the Nusayriyyah, the Sahwah, and the tawāghūt.*”; Dabiq Magazine, Issue No. 12, Safar 1437 (13 November – 11 December 2018), p. 46. **Comment:** “*And nothing changes for the Islamic State, as it will continue to pronounce takfir upon the Jews, the Christians, the pagans, and the apostates from the Rāfidah, the Nusayriyyah, the Sahwah, and the tawāghūt. It will continue to wage war against the apostates until they repent from apostasy. It will continue to wage war against the pagans until they accept Islam. It will continue to wage war against the Jewish state until the Jews hide behind their gharqad trees. And it will continue to wage war against the Christians until the truce decreed sometime before the Malhamah. Thereafter, the slave markets will commence in Rome by Allah’s power and might.*”; See also, This is our ‘aqeeda (creed) and our methodology [Hazih Aqidatuna Wa Haza Manhajuna] Maktab al-Himma (2015), p. 9. **Comment:** Chapter 1 “Principles of Monotheism” elaborates on the impossibility of peaceful coexistence between Christians and Muslims and concludes that “[j]ust as monotheism and polytheism do not coexist in a heart, likewise the people of pure monotheism cannot come together in living with the people of polytheism and condemnation.”

¹²⁰ Dabiq Magazine, Issue no. 4, Dhul-Hijjah 1435 (25 September 2014 – 24 October 2014), pp. 14-17; See also, Aymenn Jawad Al-Tamimi (CJA), “[The Islamic State and its Treatment of ‘Out-Groups’: A Comparative Analysis](#)” (08/2023), pp. 6-14. **Comment:** Al-Tamimi concludes that Yazidi men and older boys had only two options – to either convert to Islam or be killed. Boys between the ages of 7 and 12 were brought by ISIL to training camps where they were “re-educated” and brought up as Muslims. Women and girls aged above 9 who did not convert to Islam were enslaved.

¹²¹ Amnesty International, “[Iraq: Stoning to death of Yazidi girl - Amnesty International seeks further information from the Kurdish authorities and appeals to the Iraqi government](#)” (10/05/2007). **Comment:** On 07 April 2007, a 17-year-old Yazidi girl Du’a Khalil Aswad was publicly stoned to death by a group of men, including some of her relatives, because she had engaged in a relationship with a Sunni Muslim boy and because she had converted to Islam; Human Rights Watch, “[On Vulnerable Ground: Violence against Minority Communities in Nineveh Province’s Disputed Territories](#)” (2009), p. 37. **Comment:** “*In the months before the bombings, relations between Sunnis and Yazidis had soured dramatically, in part because of an April 7, 2007 incident in Bashiqa in which Yazidi men stoned to death a girl from their community, Doaa Khalil Aswad, after she was accused of dating a Sunni man and converting to Islam. The brutal killing of was captured on cellphone videos and quickly spread across the internet. In apparent retaliation for the killing, the Islamic State of Iraq group urged its followers to kill Yazidis wherever they found them.*”; See also, Alissa J. Rubin (New York Times), “[Persecuted Sect in Iraq Avoids Its Shrine](#)” (14/10/2007). **Comment:** the article notes that the Islamic State of Iraq issued a *fatwa* ruling that Yazidis should be killed wherever found; Al-Naba, Issue No. 250, 10 Muharram 1442 H (29 August 2020). **Comment:** in this *Al-Naba* Magazine, ISIL again recalled the killing of Du’a Khalil Aswad and noted that ISIL will continue to fight the Yazidis, referring to them as “*Satan worshippers*”, until “*their greatest Satan*” declares his approval and until there are no objections to any Yazidi who wishes to convert to Islam.

¹²² **Comment:** this body changed its name several times. Around the end of 2014/beginning of 2015, it was called *Hay’at al-Buhuth wa al-Iftaa’* (the Investigation and Fatwa Issuing Commission). Around the end of 2015/beginning of 2016, the name was again changed to *Maktab al-Buhuth wa al-Dirasat* (The Office for Research and Studies). See, Aymenn Jawad Al-Tamimi, “[The Islamic State Research Office’s Self-History](#)” (04/12/2018); ISIL’s al-Furqan Media, “*Structure of the Khilafah*” (06/07/2016), at 00:12:09; **Comment:** in 2014, the *Emir* of the Department would have been Turki Mubarak Abdullah Ahmad AL-BINALI (DOB: 03/09/1984; DOD: 31/05/2017), see OFAC, “[Sanctions List Search](#)”; Counter-Extremism Project, “[Turki al-Binali](#)”.

of Yazidis stating that Yazidis are original disbelievers (*kuffar asliyyin*).¹²³ Then, around September-October 2014, *Dabiq* Magazine published a lengthy article explaining that ISIL viewed the Yazidis as being born outside Islam. According to the article, prior to the ISIL takeover of Sinjar [on 3 August 2014], *Shari'ah* students of ISIL were tasked with researching whether Yazidis should be treated as an originally *mushrik* (polytheist) group or the one that originated as Muslims and then apostatized.¹²⁴ ISIL allowed and encouraged the enslavement and rape of original disbeliever (*kuffar asliyyin*) women.¹²⁵ At least one source clarifies that should an enslaved woman give birth, the child would be born to have the same status and religion as their father.¹²⁶ In some circumstances, ISIL also deemed it permissible for an ISIL fighter to marry a Muslim or "People of the Book" (*ahl al-kitab*), that is Christian, enslaved woman (*sabaya*).¹²⁷

63. In line with ISIL's ideology, thousands of Yazidi and dozens Christian women, men and children were subjected to other inhumane acts in the form of forced religious conversions. Thousands of Yazidi men and boys over the age of 12 were killed. Thousands of Yazidi women and girls and some Christian women and girls were enslaved, forced into sexual slavery, raped, and subjected to other inhumane acts in the form of forced marriages and forced contraception.

¹²³ Aymenn Jawad Al-Tamimi (CJA), "[The Islamic State and its Treatment of 'Out-Groups': A Comparative Analysis](#)" (08/2023), pp. 6-7; See also, Aymenn Jawad Al-Tamimi Blog, "[The Archivist: Unseen Islamic State Fatwas on Jihad and Sabaya](#)" (25/09/2015). **Comment:** Fatwa no. 29 prescribes that it is allowed to enslave women Nusayris [*Alawites*], disbelievers who have no allegiance [*dhimmi*] pact [*with the Islamic State*], Yazidis, Shi'a, Ghayru Awali al-Kitab [*i.e. disbelievers who are not people of the Book: Jews and Christians*]. Note that the fatwa was published in Syria, and it is unclear whether it would have applied to Iraq.

¹²⁴ *Dabiq* Magazine, Issue no. 4, Dhul-Hijjah 1435 (25 September 2014 – 24 October 2014), pp. 14-17. **Comment:** the article quotes Surah At-Tawbah 5, "And when the sacred months have passed, then kill the *mushrikīn* wherever you find them, and capture them, and besiege them, and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, Allah is Forgiving and Merciful."; See also, Aymenn Jawad Al-Tamimi (CJA), "[The Islamic State and its Treatment of 'Out-Groups': A Comparative Analysis](#)" (08/2023), pp.6-14. **Comment:** Al-Tamimi concludes that Yazidi men and older boys had only two options – to either convert to Islam or be killed. Boys between the ages of 7 and 12 were brought by ISIL to training camps where they were "re-educated" and brought up as Muslims. Women and girls aged above 9 who did not convert to Islam were enslaved.

¹²⁵ *Dabiq* Magazine, Issue no. 4, Dhul-Hijjah 1435 (25 September – 24 October 2014), pp. 14-17. **Comment:** the article specifically talks about Yazidi women and notes that *Shari'ah* experts have been asked for their opinion prior to Sinjar attack on 03 August 2014. The *Dabiq* magazine claims that "enslaving the families of the *kuffār* [disbelievers] and taking their women as concubines is a firmly established aspect of the *Sharī'ah* that if one were to deny or mock, he would be denying or mocking the verses of the *Qur'ān* and the narrations of the Prophet (*sallallāhu 'alayhi wa sallam*), and thereby apostatizing from Islam."; Al-Himma Library, Questions and Answers about Sabi and Riqab, Muharram 1436 AH (25 October – 23 November 2014); Al-Himma Library, Office of Research and Studies, "Sabii: Rulings and Issues", Shawwal 1436 AH (17 July – 15 August 2015), pp. 14-17; See also, Aymenn Jawad Al-Tamimi's Blog, "[Islamic State Question and Answer Pamphlet on Slavery and Slave-Women](#)" (30/03/2021); Aymenn Jawad Al-Tamimi's Blog, "[Islamic State Treatise on Issues and Rulings on Slavery and Slave-Women](#)" (01/04/2021).

¹²⁶ *Dabiq* Magazine, Issue no. 4, Dhul-Hijjah 1435 (25 September – 24 October 2014), pp. 14-17

¹²⁷ Al-Himma Library, Questions and Answers about Sabi and Riqab, Muharram 1436 AH (25 October – 23 November 2014), Q21-23, A21-23; See also, Aymenn Jawad Al-Tamimi's Blog, "[Islamic State Question and Answer Pamphlet on Slavery and Slave-Women](#)" (30/03/2021)

b . S h i ' a a n d S u n n i M u s l i m s a s a p o s t a t e s (m u r t a d d i n)

64. According to ISIL's speeches and publications, ISIL regarded all Shi'a Muslims, including the Turkmen and Shabak minorities, as rejectors (*rafidah*) and apostates (*murtaddin*).¹²⁸ Sunni Muslims who did not comply with ISIL's ideology or whom the organization perceived as a threat were also deemed to be apostates (*murtaddin*). According to ISIL's policy, apostates (*murtaddin*) could either repent prior to capture and comply with ISIL's interpretation of Islam or be killed. However, ISIL's position on whether apostates (*murtaddin*) could be offered repentance at all is unclear and likely changed over time, as illustrated by the following:

- Around **June-July 2014**, *Dabiq* Magazine wrote that those perceived as apostates (*murtaddin*) could repent and pledge not to return to the path of disbelief (*kufr*).¹²⁹

¹²⁸ Aymenn Jawad Al-Tamimi's Blog, "[Specimen 2D: ISIL's Committee of Research and Fatwa-Issuing, Fatwa on Ransom for the Apostate Prisoner](#)" (14/12/2014). **Comment:** the blog entry was published on 27 January 2015. *Fatwa* no. 52 states that it is not allowed to ransom an apostate (*murtaddin*) prisoner or show him benevolence; rather, the apostate (*murtaddin*) prisoner should be killed. There are, however, instances when the forbidden action is permissible, i.e. an apostate (*murtaddin*) prisoner may be ransomed for some of the leaders of the Muslims from the *Emir* and *'ulama* whose release is in the general/public interest; *Dabiq* Magazine, Issue No. 13, Rabi' Al-Akhir 1437 (11 January – 09 February 2016), pp. 34-45. **Comment:** see in particular p. 42 – "As for the *kāfir* who was once a Muslim and became a Jew or Christian, then he is a *murtadd*. Likewise, the *kuffār* who mix "Islam" with *kufr* and *shirk* – such as the *Rāfidah*, the *tawāghūt*, and the *Nusayriyyah* – then they are also *murtaddīn*."; *Dabiq* Magazine, Issue No. 6, Rabi' Al-Awwal 1436 (23 December 2014 – 21 January 2015), p. 31. **Comment:** "Likewise, this is the official stance of the Islamic State as declared by Shaykh Abū 'Umar al-Baghdādī (*rahimahullāh*) in his audio statement "Qul Innī 'Alā Bayyinah Min Rabbī." The ruling of apostasy on the *Rāfidah* does not mean they had ever been Muslims but rather, that they are dealt with much more severely, as they must either enter into Islam or face the sword"; **Comment:** according to ISIL, Twelver, Alawites, Isma'ili, and Druze are also "Shi'a sects" and therefore apostates (*murtaddin*) and rejectors (*rafidah*), see Aymenn Jawad Al-Tamimi, "[Islamic State Treaties: Ruling of Shari'a on the Shi'a Sects](#)" (18/07/2017). **Comment:** see, Office of Research and Studies, "Ruling of Shari'a on the Shi'a sects (Rafidites, Nusayris, Ismailis, Druze)" (undated). The document was likely published around the end of 2015/beginning of 2016 due to the title used for the organization; *Dabiq* Magazine, Issue No. 10, Ramadan 1436 (18 June – 06 July 2015), pp. 8-9. **Comment:** the article notes that ISIL considered Alawites and Druze to be disbelievers (*kuffar*) and apostates (*murtaddin*); *Dabiq* Magazine, Issue No. 4, Dhul Hijjah 1435 (25 September - 24 October 2014), p.6. **Comment:** In a speech "Indeed Your Lord Is Ever Watchful" on 09 September 2014, ISIL spokesperson AL-ADNANI praised ISIL fighters for killings of *nusayriyyah* [Alawites] and *rāfidah*; Human Rights Watch, "[On Vulnerable Ground: Violence against Minority Communities in Nineveh Province's Disputed Territories](#)" (2009), p. 37. **Comment:** according to this report, already in 2007 Islamic State of Iraq (predecessor of ISIL) labelled Shabak community as "rejectors" and announced an obligation to kill and displace them through a flyer distributed in Mosul and dated 16 October 2007. The source to this is "According to UN officials who have seen the flyer, as brought to the attention of Human Rights Watch."

¹²⁹ *Dabiq* Magazine, Issue no. 1, Ramadan 1435 (28 June 2014 – 27 July 2014), p. 49. **Comment:** "The storm raging through Iraq wasn't the doing of the mujahidin. It was simply the help of Allah, and it proceeded not only to subdue the enemies of Islam, but to also save thousands of *murtaddin* from the millah of *kufr* and *nifaq*. What follows is an account of the many instances of repentance by the apostate members of the Iraqi government and its forces that have taken place in recent weeks across the various wilayat in Iraq. May Allah keep them firm upon the truth. **W i l a y a t - D i r i n g a h t** course of the past two weeks, some members of the police and *sahwat* in the area of Sinsil in Al-Miqdadiyyah, and a member of the local government of the *tawaghit* repented and pledged not to return to the path of *kufr*. **W i l a y a t - D i a r y n y c h p t a i n** in the area of At-Tahiyah in Al-Miqdadiyyah repented and pledged not to return to the path of *kufr*. **W i l a y a t - M a r e t h k n u k** 800 members of the army, police and *sahwat* in the region of Sulayman Bek repented after the liberation of the region. **W i l a y a t A l a n b a** 320 members of the army, police and *sahwat* in the area of Jaziratur-Ramadi repented. **W i l a y a t S a l a h u d d i n** More than 600 members of the army, police and *sahwat* in the district of Ad-Dawr in South-East Tikrit repented and pledged before the mujahidin never to return to the path of *kufr*. **W i l a y a t S a M a r e t h u n d** 200 members of the army, police and *sahwat* in the district of Biji repented. **W i l a y a t S a H u a d r e t s** of chambers of both the Ministry of Defense and the Ministry of the Interior in the city of Tikrit repented."; Al-Naba Magazine, Issue No. 12, 24 Rabi' al-Awwal 1437 AH (05 January 2016). **Comment:** the article indicates that at least on one occasion a *Shi'a* Muslim was allowed to repent

It must be noted that, according to UNITAD's findings, the possibility to repent likely only applied to Sunni apostates (*murtaddin*).

- Around **December 2014 – January 2015**, Dabiq Magazine highlights that Shi'a are rejectors (*rafidah*) and it is necessary to pronounce *takfir* upon them, that is, accuse them of being apostates (*murtaddin*).¹³⁰
- Around **2015**, ISIL published a pamphlet expressing the importance of targeting Shi'a people for their faith: "And the disbelief of apostasy is unanimously more severe than the original disbelief: so fighting the apostates is more important to us than fighting the original infidel".¹³¹ Around **January-February 2016**, Dabiq Magazine reported that rejectors (*rafidah*) and apostates (*murtaddin*) generally could be: killed after they have been taken prisoner even if they had declared repentance; could not sign treaties; could not be released for ransom; could not be released through clemency; ; could not be enslaved if they were male, could not obtain *dhimmi* status even by paying *jizyah*; and could be forced back into (what ISIL interpreted as the only true version of) Islam.¹³² The same issue of the magazine stated that "the *Rāfidah* are *mushrik* apostates who must be killed wherever they are to be found, until no *Rāfidī* walks on the face of earth".¹³³
- Around **July-August 2017**, *Rumiyah* magazine elaborated that ISIL fighters had the duty to offer repentance to apostates (*murtaddin*) unless they resist with force or try to flee the "Caliphate".¹³⁴

and join the ISIL ranks. However, it must be noted that the article speaks of a foreign fighter repenting and travelling to the Caliphate. It is unclear whether a *Shi'a* Muslim from Iraq would also be allowed to repent.

¹³⁰ Dabiq Magazine, Issue No. 6, Rabi' Al-Awwal 1436 (23 December 2014 - 21 January 2015), p. 19, fn. 2

¹³¹ Al-Himma Library, "This is our creed and the pilgrimage of our approach" (2015). **Comment:** the pamphlet refers to *Shi'a* as *rafidah*, polytheists, apostates and *haraba* [highway robbers].

¹³² Dabiq Magazine, Issue No. 13, Rabi' Al-Akhir 1437 (11 January – 09 February 2016), p. 43. **Comment:** the wording used in the magazine strongly resembles that used in the Office of Research and Studies, "Ruling of Shari'a on the Shi'a sects (Rafidites, Nusayris, Ismailis, Druze)" (undated) (see, Aymenn Jawad Al-Tamimi, "[Islamic State Treaties: Ruling of Shari'a on the Shi'a Sects](#)" (18/07/2017)); See also, Aymenn Jawad Al-Tamimi's Blog, "[Specimen 2D: ISIL's Committee of Research and Fatwa-Issuing, Fatwa on Ransom for the Apostate Prisoner](#)" (14/12/2014). **Comment:** the blog entry was published on 27 January 2015. *Fatwa* no. 52 states that it is not allowed to ransom an apostate (*murtaddin*) prisoner or show him benevolence; rather, the apostate (*murtaddin*) prisoner should be killed. There are, however, instances when the forbidden action is permissible, i.e. an apostate (*murtaddin*) prisoner may be ransomed for some of the leaders of the Muslims from the *Emir* and *'ulama* whose release is in the general/public interest; Aymenn Jawad Al-Tamimi's Blog, "[Specimen 2N: ISIL's Committee of Research and Fatwa-Issuing, Fatwa on Apostates' Agricultural Enterprises and Zakat](#)" (11/12/2014). **Comment:** the blog entry was published on 27 January 2015. *Fatwa* no. 36 states that apostates (*murtaddin*) are obliged to pay *zakat*. In case where at the moment of the capture of an apostate (*murtaddin*) there was no knowledge of his obligation of *zakat*, then his wealth/property are a war booty for the Muslims. It also notes that apostates (*murtaddin*) do not pass on inheritance as their wealth/property will be held in the treasury of the Muslims, see also, Cole Bunzel, "[32 Islamic State Fatwas](#)" (02/03/2015). **Comment:** the article contains a [link](#) to a photo of all the *fatawa*. The article contains a summary of *fatwa* no. 68 (dated 31/01/2015) which states that it is permissible for Muslims in need to take the organs from an apostate (*murtaddin*) prisoner even if this would result in the death of the latter; Aymenn Jawad Al-Tamimi's Blog, "[Islamic State Justification for Burning Alive the Jordanian Pilot: Translation and Analysis](#)" (04/02/2015). **Comment:** on 20 January 2015, ISIL Committee of Research and *Fatwa-Issuing* (successor of Department of Research and *Fatwa-Issuing*) issued a fatwa answering a question whether it is permissible to burn a disbeliever (*kafir*) with fire until he dies. The *fatwa* mentions examples of burning apostates (*murtaddin*), see also, Memri, "[ISIS Issues Fatwa To Justify Burning Of Jordanian Pilot](#)" (03/02/2015).

¹³³ Dabiq Magazine, Issue No. 13, Rabi' Al-Akhir 1437 (11 January – 09 February 2016), p. 45.

¹³⁴ *Rumiyah* Magazine, Issue No. 12, Dhul-Qa'dah 1438 AH (25 July – 22 August 2017), pp. 20-23. **Comment:** with

65. ISIL's ideology with regard to Shi'a Muslims perceived as rejectors (*rafidah*) and apostates (*murtaddin*) and Sunni Muslims perceived as apostates (*murtaddin*) was implemented by ISIL as illustrated by the examples of ISIL killing over 2,000 Shi'a men in June 2014 alone¹³⁵ and ISIL killing dozens, possibly hundreds, of men and boys practicing Sunni Islam (including from Abu Nimr tribe).¹³⁶
66. ISIL's propaganda did not deem it permissible to enslave female apostates (*murtaddin*) and encouraged their killing in the same way as Shi'a men.¹³⁷

regard to those perceived as apostates (*murtaddin*), the *Rumiyah* magazine explains that "the majority of scholars view that it is obligatory to make *istitabah* of them (i.e. to demand that they repent) before killing them. So either they repent, or they are killed. (...) The second situation is that they resist with strength and force, or by [fleeing to] *dar al-harb*, which is any land in which laws other than the laws of Islam are superior, and as such, [in this situation] it is not obligatory to make *istitabah* of them."

¹³⁵ UNITAD Public Report, "[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL's crimes in & around the Tikrit Presidential Palace Complex](#)" and UNITAD, Confidential Investigative Reports; See also, Human Rights Watch, "[Ruinous Aftermath: Militias Abuses Following Iraq's Recapture of Tikrit](#)" (20/09/2015), pp. 2-3, 15; UNITAD, "[Video of Tikrit Air Academy Massacre-UNITAD investigation](#)" (06/07/2022); Human Rights Watch, "[Iraq: ISIS Executed Hundreds of Prison Inmates](#)" (30/10/2014)

¹³⁶ UNITAD Public Report, "ISIL Crimes Against the Abu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Abu Nimr Tribe in Anbar 2014-2016; UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015"; See also, Facebook: Echo of Baghdad, "Who slaughtered the Abu Nimr clan?" (26/03/2016).

¹³⁷ Aymenn Jawad Al-Tamimi's Blog, "[Specimen 2D: ISIL's Committee of Research and Fatwa-Issuing, Fatwa on Ransom for the Apostate Prisoner](#)" (14/12/2014). **Comment:** the blog entry was published on 27 January 2015. *Fatwa* no. 52 notes, in passing, that women of the apostates (*murtaddin*) are not to be married and are not to be enslaved; See also, Cole Bunzel, "[32 Islamic State Fatwas](#)" (02/03/2015). **Comment:** the article contains a [link](#) to a photo of all the *fatawa*; Dabiq Magazine, Issue no. 4, Dhul-Hijjah 1435 (25 September 2014 – 24 October 2014), p. 15. **Comment:** "The enslavement of the apostate women belonging to apostate groups such as the *rafidah*, *nusayriyyah*, *duruz*, and *ismā'īliyyah* is one that the *fuqahā'* differ over. The majority of the scholars say that their women are not to be enslaved and only ordered to repent because of the *hadīth*, "Kill whoever changes his religion" [*Sahīh al-Bukhārī*]. But some of the scholars including *Shaykhul-Islām Ibn Taymiyyah* and the *Ahnāf* (Hanafis) say they may be enslaved due to the actions of the Companions during the Wars of Apostasy where they enslaved the apostate women. This opinion is one also supported by evidence, *wallāhu a'lam.*"; Al-Himma Library, Questions and Answers about Sabi [i.e. enslavement of females seized in war] and Riqab [literally: necks, i.e. slaves], Muharram 1436 H (04 August 2014 - 23 November 2014), Q. 3, p. 1. **Comment:** "Q3: Is it permissible [in Islam] to sabi [i.e. enslavement of females seized in war] all the infidel females? A3: (...) There is however, disagreement [among scholars] in enslaving the apostate female. The majority do not permit that, while some scholars/people of knowledge permit enslavement of the apostate female. For us, we lean more to the opinion of the majority. Allah knows best."; Al-Himma Library, Office of Research and Studies, "Sabii: Rulings and Issues", Shawwal 1436 AH (17 July – 15 August 2015), pp. 20-21; See also, Aymenn Jawad Al-Tamimi's Blog, "[Islamic State Treatise on Issues and Rulings on Slavery and Slave-Women](#)" (01/04/2021); Aymenn Jawad Al-Tamimi (CJA), "[The Islamic State and its Treatment of 'Out-Groups': A Comparative Analysis](#)" (08/2023), p.19; **Possible contradiction:** Dabiq Magazine, Issue No. 10, Ramadan 1436 (18 June – 06 July 2015), pp. 8-9. **Comment:** the article notes that ISIL considered Alawites and Druze to be disbelievers (*kuffar*) and apostates (*murtaddin*). The article further quotes Majmu Al-Fatawa stating that "[Druze] women can be taken as slaves and their property can be seized. They are apostate heretics whose repentance cannot be accepted. Rather they are to be killed wherever they are found and cursed as they were described. [...] It is obligatory to kill their scholars and religious figures so that they do not misguide others." Note that at the same time, FN 2 on the same pages, highlights that there was disagreement between Islamic scholars on whether repentance of Druze and Isma'ili can be accepted; ISIL's Committee al-Buhuth wa al-'Iftaa', Wilayat al-Raqqa, "[Rulings on slavery and the slave No. 30](#)" (undated). **Comment:** *fatwa* no. 30 states that ISIL's *Shari'ah* authorities have not issued a *fatwa* on the permissibility of taking women of the apostates as slaves (*sabaya*) as they might not realize the apostacy of their husbands. However, some 'ulama [scholars of Islamic doctrine and law] have permitted the enslavement of the women of the apostates if they have not abandoned their spouses who have become apostates. **Note,** the *fatwa* is issued in Syria, and it is unclear whether this would apply to Iraq.

c . K a k a ' a i p o a s t a t e s (a m u d r ' t o x d p i o n l) y t h e i s t s (m u s h r i k k i n

67. Kaka'i, also known as *Ahl-e Haqq* or Yarsan, are followers of a syncretic religion which contains elements of Zoroastrianism and *Shi'a* Islam.¹³⁸
68. Around **September 2014**, ISIL reportedly released statements threatening Kaka'i with death if they did not convert to Islam.¹³⁹ On or around **08 September 2014**, at a press conference in Kirkuk, some 30 Kaka'i leaders sought to deter acts of religiously fuelled hatred against Kaka'i by publicly announcing that Kaka'i are Muslims.¹⁴⁰
69. According to some sources, Kaka'i are perceived as very similar to Yazidis, and both are referred to as "devil worshippers".¹⁴¹ For example, in **June 2015**, a young Muslim man praying at al-Jibouri mosque in Kirkuk reportedly announced, "We should treat the Kaka'is in the same way that our brothers have treated the Yezidis in Mosul".¹⁴² In **March 2016**, a pamphlet was allegedly found in the area of Kaka'i, in Kirkuk Governorate, referring to the Kaka'i as the "slaves of the Satan" and urging no mercy towards them.¹⁴³ In 2016 (and again in 2020), *Al-Naba* magazine refers to the Kaka'i as a polytheist (*mushrikin*) sect.¹⁴⁴

¹³⁸ Minority Rights, "[Iraq: Kaka'i](#)" (updated November 2017); Sa'ad Salloum, "Iraqi Minorities After ISIS" (undated), p. 126. **Comment:** in Kaka'i society, women are completely equal to men.

¹³⁹ Ikh News, "[أخبار كركوك: إحصاءات جديدة عن كركوك](#)" ["Nineveh Council told Al-Ikhabariya: *ISIS blew up 4 Kakai shrines and displaced 13,000 of its members*"] (01/09/2014); Minority Rights, "[Iraq: Kaka'i](#)" (updated November 2017); Centre français de recherche sur l'Irak, (CFRI), "[The Kaka'is of Iraq, from US-Invasion to Confronting the ISIS Invasion](#)" (09/06/2023).

¹⁴⁰ Sa'ad Salloum, "Iraqi Minorities After ISIS" (undated), pp. 118-119; Saad Salloum, "[أخبار كركوك: كاكائي يعلنون إسلامهم](#)" ["*The Kaka'i declare that they are Muslims in Kirkuk*"] (14/07/2015). **Comment:** a video of the proceedings of the declaration and the press conference; Iraq Press Agency, "[أخبار كركوك: كاكائي يعلنون إسلامهم](#)" ["*Kaka'i: We have been Muslims throughout history, and whoever promotes otherwise must repent to God.*"] (08/09/2014).

¹⁴¹ Sa'ad Salloum, "Iraqi Minorities After ISIS" (undated), p. 120.

¹⁴² Sa'ad Salloum, "Iraqi Minorities After ISIS" (undated), p. 121.

¹⁴³ Seyedehbehnaz Hosseini, "The Kaka'i: A Religious Minority in Iraq" (2018), pp. 164-165. **Comment:** "This document is assigned to everyone who let himself be seduced and to those who lost the way which is guided by Allah. We announce that we have come here and will cut your necks and decapitate you, Oh you are the slaves of the Satan. We dedicate these words to the people who call themselves Kaka'i. We swear by the name of the powerful that we will cut your necks and we will send you into hell what an evil destiny is. We will not have mercy neither upon your old nor upon your young people. Oh you who sit at the thresholds of your houses' doors and who protect yourselves with your woman, let it be known that as regards tomorrow, its observer is near indeed, we are not going to have mercy."; Al-Alam News, "[أخبار كركوك: كاكائي يعلنون إسلامهم](#)" ["*ISIS describes followers of the Kaka'i religion as "infidels" [kuffar] and they must be killed!*"] (18/03/2016). **Comment:** the media article does not contain the quote mentioned in the HOSSEINI's article. Al-Alam News article quotes Al-Sumaria News, "[أخبار كركوك: كاكائي يعلنون إسلامهم](#)" ["*ISIS threatens followers of the Kaka'i religion with death*"] (18/03/2016).

¹⁴⁴ Al-Naba Magazine, Issue No. 1228, 09 Shaban 1441 AH (03 April 2020), p. 11; Al-Naba Magazine, Issue No. 46, 4 Dhul al-Hijjah 1437 AH (05 September 2016), p. 6.

70. At the same time, in several other *Al-Naba* magazine issues in 2016, ISIL referred to Kaka'i as apostates (*murtaddin*),¹⁴⁵ and later in 2019 and 2020 simply as infidels (*kuffar*)¹⁴⁶ which is an umbrella term for all those deemed to be "unbelievers".¹⁴⁷
71. ISIL then uses two opposing terms to describe Kaka'i, that is, polytheists (*mushrikin*) and apostates (*murtaddin*). The former would show that according to ISIL Kaka'i were born in a religion outside of Islam. The latter, that Kaka'i entered Islam but had left the religion. Effectively, ISIL's perception of Kaka'i would have had the greatest impact on the Kaka'i women as ISIL considered it is permissible to enslave polytheist (*mushrikin*) women but not apostates (*murtaddin*).¹⁴⁸
72. In line with this ideology, ISIL killed at least a dozen of Kaka'i men in Kirkuk governorate in 2016 and 2017. There is also evidence of other inhumane acts in the form of forced religious conversions of some Kaka'i individuals in Kirkuk governorate in 2016 and 2017.

ii. **The widespread or systematic nature of the attack**

A . S y s t e m a t i c

73. As noted above, the term "systematic" refers to the organized nature of the acts of violence and the improbability of their random occurrence.¹⁴⁹ ISIL systematically targeted all those Iraqis whom it perceived as non-compliant with its radical and extremist interpretation of Islam and as impeding the establishment of a "Caliphate".
74. As explained above, this attack was predicated on a pre-established and well-publicized policy. In accordance with this policy, being a Shi'a Muslim, Christian, Kaka'i or Yazidi automatically meant non-compliance.¹⁵⁰
75. ISIL's attack against the Iraqi civilian population was carried out in a coordinated and organized fashion strictly following – in the vast majority of cases – ISIL's pre-established policy. In each area that ISIL took over, it **persecuted** thousands of victims based on either

¹⁴⁵ *Al-Naba Magazine*, Issue No. 46, 4 Dhul al-Hijjah 1437 AH (05 September 2016), p.6. Comment: the article also refers to Kaka'i as polytheists – "They believe in the Hereafter according to them is the appearance of God Almighty in a person and incarnating in him, God is greatly exalted above what the polytheists say."; Minority Rights, "[Iraq: Kaka'i](#)" (updated November 2017); ARA News, "[Islamic State extremists attack Kaka'i religious minority in Iraq](#)" (03 September 2016); *Al-Naba Magazine*, Issue No. 47, 18 Dhul al-Hijjah 1437 AH (19 September 2016), p. 6

¹⁴⁶ *Al-Naba Magazine*, Issue No. 202, 4 Safar 1441 AH (03 October 2019), p.6; *Al-Naba Magazine*, Issue No. 203, 11 Safar 1441 AH (10 October 2019), p. 4; *Al-Naba Magazine*, Issue No. 204, 18 Safar 1441 AH (17 October 2019), p. 4; *Al-Naba Magazine*, Issue No. 205, 25 Safar 1441 AH (24 October 2019), p. 5; *Al-Naba Magazine*, Issue No. 239, 26 Shawwal 1441 AH (18 June 2020), pp. 1-3.

¹⁴⁷ Islam Q&A, What Is Kufr and What Are Its Various Kinds?, available online at: [What Is Kufr and What Are Its Various Kinds? - Islam Question & Answer \(islamqa.info\)](#).

¹⁴⁸ **Comment:** at the moment of publishing this report, UNITAD has not obtained evidence regarding enslavement of Kaka'i women and girls.

¹⁴⁹ *Prosecutor v. Dragoljub Kunarac et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 94; *Prosecutor v. Ratko Mladic*, IT-09-92-T, Trial Judgment (22 November 2017), para. 3025; *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), paras 1113, 1123. **Comment:** "1113. (...) Such analysis also entails inquiry as to whether a series of repeated actions seeking to produce always the same effects on a civilian population was undertaken with consideration – identical acts or similarities in criminal practices, continual repetition of a same modus operandi, similar treatment meted out to victims or consistency in such treatment across a wide geographic area."

¹⁵⁰ See, "C. Pursuant to or in furtherance of an organizational policy".

religious, political or gender grounds.¹⁵¹ Other acts of violence and crimes committed against the Iraqi civilian population deemed non-compliant by ISIL included murder, imprisonment, torture, enslavement, sexual slavery, rape, and other inhumane acts in the form of forced marriages and forced religious conversion. While there are differences in treatment depending on the victims' religious affiliation, gender, and age, there was generally a similar pattern of coordinated violence during and after ISIL's takeover of cities and governorates in Iraq.

76. ISIL subjected Christians, Kaka'i and Yazidis, regardless of their gender or age, to **other inhumane acts in the form of forced religious conversions** or the threats of it.¹⁵² Thousands of Iraqi people (Yazidis, Christians, Kaka'i, Shabak, Turkmen and Sunni Muslims), regardless of their gender or age, were also **deported** or **forcibly transferred** by ISIL after it took over the area where they lived.¹⁵³
77. ISIL predominantly **killed** men and boys approximately over the age of 12, including thousands of Yazidi men and boys over the age of 12 who had either refused to convert to

¹⁵¹ UNITAD Public Report, "[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL's crimes in & around the Tikrit Presidential Palace Complex](#)"; UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD Public Report, "ISIL Crimes Against the Albu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Albu Nimr Tribe in Anbar 2014-2016; UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015"; UNITAD, Confidential Investigative Reports; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yazidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015); ISIL's North Baghdad *Wilayat*, "[Hell of the Apostates](#)" (06/06/2018); Facebook: Echo of Baghdad, "Who slaughtered the Albu Nimr clan?" (26/03/2016).

¹⁵² UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD, Confidential Investigative Reports; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yazidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015); Ikh News, "[آل ككاي في نينوى: داعش تهدد بقتلهم وطردهم من بيوتهم](#)" [*Nineveh Council told Al-Ikhbariya: ISIS blew up 4 Kakai shrines and displaced 13,000 of its members*] (01/09/2014); Minority Rights, "[Iraq: Kaka'i](#)" (updated November 2017); Centre français de recherche sur l'Irak, (CFRI), "[The Kaka'is of Iraq, from US-Invasion to Confronting the ISIS Invasion](#)" (09/06/2023); *See also*, Sa'ad Salloum, "Iraqi Minorities After ISIS" (undated), p. 121. **Comment:** in June 2015, at the al-Jibouri mosque in Kirkuk's al-Wasiti neighbourhood, a young Muslim man praying in the mosque reportedly announced, "*We should treat the Kaka'is in the same way that our brothers have treated the Yazidis in Mosul*"; Seyedehebnaz Hosseini, "The Kaka'i: A Religious Minority in Iraq" (2018), pp. 164-165. **Comment:** in March 2016, a pamphlet was allegedly found in the area of Kaki, in Kirkuk Governorate, stating: "*This document is assigned to everyone who let himself be seduced and to those who lost the way which is guided by Allah. We announce that we have come here and will cut your necks and decapitate you, Oh you are the slaves of the Satan. We dedicate these words to the people who call themselves Kaka'i. We swear by the name of the powerful that we will cut your necks and we will send you into hell what an evil destiny is. We will not have mercy neither upon your old nor upon your young people. Oh you who sit at the thresholds of your houses' doors and who protect yourselves with your woman, let it be known that as regards tomorrow, its observer is near indeed, we are not going to have mercy.*"; Al-Alam News, "[آل ككاي في نينوى: داعش تهدد بقتلهم وطردهم من بيوتهم](#)!" [*ISIL describes followers of the Kaka'i religion as "infidels" [kuffar] and they must be killed!*] (18/03/2016). **Comment:** the media article does not contain the quote mentioned in the HOSSEINI's article. Al-Alam News article quotes Al-Sumaria News, "[آل ككاي في نينوى: داعش تهدد بقتلهم وطردهم من بيوتهم](#)" [*ISIL threatens followers of the Kaka'i religion with death*] (18/03/2016).

¹⁵³ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD Public Report, "ISIL Crimes Against the Albu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Albu Nimr Tribe in Anbar 2014-2016; UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015"; UNITAD, Confidential Investigative Reports; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yazidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015).

Islam or had failed to do so convincingly in ISIL's eyes;¹⁵⁴ and thousands of Shi'a Muslim men, hundreds of Sunni Muslim men, and dozens of Kaka'i men who showed or were perceived to show resistance to ISIL's establishment of the "Caliphate".¹⁵⁵ UNITAD has found one instance when dozens of Yazidi women above the age of 40 were also **killed** by ISIL.¹⁵⁶

78. ISIL subjected thousands of Yazidi women and girls, over a dozen Christian and Shabak women and girls, and some Shi'a Turkmen women and girls to **rape, enslavement, sexual slavery, and/or other inhumane acts in the form of forced marriages** and sometimes **forced contraception**.¹⁵⁷
79. Accordingly, there are reasonable grounds to believe that ISIL's attack against the Iraqi population perceived as non-compliant with its radical and extremist interpretation of Islam was systematic.

B. Widespread attack

80. The term "widespread" includes assessing the large-scale nature of an attack and number of targeted persons.¹⁵⁸ During the attack described above,¹⁵⁹ ISIL committed a series of unlawful acts against a large number of civilians primarily across Nineveh, Salah al-Din,

¹⁵⁴ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yazidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015).

¹⁵⁵ UNITAD Public Report, "[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL's crimes in & around the Tikrit Presidential Palace Complex](#)"; UNITAD Public Report, "ISIL Crimes Against the Albu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Albu Nimr Tribe in Anbar 2014-2016; UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015"; UNITAD, Confidential Investigative Reports; *See also*, Human Rights Watch, "[Iraq: ISIS Executed Hundreds of Prison Inmates](#)" (30/10/2014); Human Rights Watch, "[Ruinous Aftermath: Militias Abuses Following Iraq's Recapture of Tikrit](#)" (20/09/2015), pp. 2-3, 15; UNITAD, "[Video of Tikrit Air Academy Massacre-UNITAD investigation](#)" (06/07/2022); ISIL's North Baghdad Wilayat, "[Hell of the Apostates](#)" (06/06/2018); Facebook: Echo of Baghdad, "[Who slaughtered the Albu Nimr clan?](#)" (26/03/2016).

¹⁵⁶ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yazidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015).

¹⁵⁷ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; UNITAD, Confidential Investigative Reports; *See also*, OHCHR and UNAMI, "[Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014](#)", pp.15-16; Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yazidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015); **Comment:** it has been reported that up to 600 Shi'a Turkmen women and children were being held in ISIL captivity around 2014 to 2016. The women were allegedly used as sex slaves while children were sent to ISIL training camps with some of them being trained for suicide attacks, *see* Alalam News, "[ISIS Taken 450 Shia Turkmen Used as Sex Slaves and Suicide Bombers](#)" (02/03/2015); Alalam News, "[600 Shia Turkmen Women and Children Under ISIS Captivity: Iraq Human Right](#)" (03/09/2016); News Agency ABLA, "[Iraqi official: Over 600 Shia Turkmen women, children under ISIS captivity](#)" (01/09/2016); The National, "[Ordeal continues for Shiite Turkmen women kidnapped by ISIS](#)" (12/08/2019); Middle East Eye, "[The untold tragedy of Iraq's Shia Turkmen women, abducted by Islamic State](#)" (18/12/2021); Mara Redlich Revkin and Elisabeth Jean Wood, "[The Islamic State's Pattern of Sexual Violence](#)" (31/07/2020), pp. 4, 10

¹⁵⁸ *Prosecutor v. Dragoljub Kunarac et al.*, ICTY Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgment (12 June 2002), para. 94; *Prosecutor v. Ratko Mladić*, IT-09-92-T, Trial Judgment (22 November 2017), para. 3025; *Prosecutor v. Germain Katanga*, ICC Case No. ICC-01/04-01/07, Judgment pursuant to Article 74 of the Statute (7 March 2014), para. 1123

¹⁵⁹ *See*, "A. Attack".

Anbar, and Kirkuk in northwest Iraq. ISIL committed acts such as murder, imprisonment, torture, enslavement, sexual slavery, rape, deportation or forcible transfers of civilians, and other inhumane acts in the form of forced marriages, forced religious conversions and persecution against thousands of victims, during and following its takeover of these areas.

81. The **Nineveh governorate** housed a large part of the Christian;¹⁶⁰ Shabak;¹⁶¹ Turkmen;¹⁶² Yazidi¹⁶³; and Kaka'i¹⁶⁴ communities in Iraq. On 9 June 2014, ISIL took control of the city of Mosul, the capital of the Nineveh governorate.¹⁶⁵ Subsequently, on or about 10 June 2014, ISIL killed around 1,000 or more predominantly Shi'a men in and around Badush prison.¹⁶⁶ On 16 June 2014, ISIL attacked Tal Afar which is mainly populated by Turkmen.¹⁶⁷ ISIL victimized Turkmen men, women, and children present in the area, as

¹⁶⁰ **Comment:** the Christian community made up around 40% of the population in the Nineveh Plains, see Judit Neurink (Rudaw), "[Nineveh for Christians? Let's Wait and See](#)" (24/01/2014). **Comment:** the article notes that in 2014 there were some 550,000 Christians in Iraq of whom half are thought to be living in Iraqi Kurdistan; Peter BetBasoo and Nuri Kino, "[Will a Province for Assyrians Stop Their Exodus From Iraq?](#)" (22/01/2014); UNITAD Summary of Factual and Legal Assessment of ISIL (Da'esh) Crimes against the Christian Community in Iraq; CartoMission, "[Christian population in Mosul and Iraq](#)" (2014); World Council of Churches, Norwegian Church Aid Actalliance, "[The Protection Needs of Minorities from Syria and Iraq](#)" (11/2016). **Comment:** the sources note there were around 290,000 Christians in Iraq in 2014.

¹⁶¹ **Comment:** approximately 70% of Shabak identify as Shi'a and 30% as Sunni. Although reliable statistics of demography do not exist, the size of the Shabak community is estimated to be between 200,000 – 500,000 with a large majority residing in the Nineveh Plains, see Minority Rights, "[Iraq: Shabak](#)" (updated November 2017); Dave van Zoonen and Khogir Wirya (Middle East Research Institute), "[The Shabaks: Perceptions of Reconciliation and Conflict](#)" (08/2017), pp. 5-6; United States Department of State Office of International Religious Freedom, "[2019 Report on International Religious Freedom: Iraq](#)" (2019).

¹⁶² KirkukNow, "[Appeals to find missing on anniversary of Tal Afar takeover by ISIS](#)" (18/06/2022).

¹⁶³ **Comment:** majority of Iraq's Yazidis resided in the Nineveh governorate, see IOM, "[IOM Emergency Needs Assessment: Increased Incidents of Suicide Among Yazidis in Sinjar, Ninewa, July 2011](#)" (12/10/2011), p. 1. **Comment:** according to IOM, there would have been roughly 260,000 Yazidis living in the Nineveh governorate in 2011; Khider Domle, "Yazidis: A Deep-Rooted Community in an Unstable Present" (2013). **Comment:** according to this source, there were about 550,000 – 600,000 Yazidis living in Iraq in 2013; Human Rights Watch, "[On Vulnerable Ground: Violence against Minority Communities in Nineveh Province's Disputed Territories](#)" (2009), p. 41. **Comment:** Human Rights Watch report confirms that the majority of Yazidis lived in the Nineveh governorate, and adds that some smaller communities lived in in Dohuk governorate.

¹⁶⁴ **Comment:** the Kaka'i community in Nineveh Governorate is mainly residing in al-Hamdaniya district. In total, approximately 20,000 Kaka'i's reside in Nineveh Governorate, see UNITAD, Confidential Investigative Report; KirkukNow, "[Main road of Kaka'i village in Nineveh paved](#)" (13/03/2022).

¹⁶⁵ OHCHR and UNAMI, Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: 5 June – 5 July 2014, p. 3-4; UN Security Council, Security Council Press Statement on Iraq (SC/11437-IK/673) (11/06/2014); UN Security Council, First Report of the Secretary-General pursuant to resolution 2169 (2014) (31/10/2014), paras 24, 47, 51; Al-Hayat Media Center, "Islamic State Report", Issue No. 3, Shaban 1435 (30 May – 28 June 2014), pp. 2-4. **Comment:** "This past Monday [09 June 2014], the Islamic State of Iraq and Sham liberated the city of Mosul in its entirety. Campaign 'Enter Upon Them Through the Gate' succeeded in placing the city under the full control of the Islamic State. [...] This victory was followed by the liberation of Tikrit [11 June 2014], the capital of Salahuddin. [...] In a speech following these blessed victories from Allah, the mujahid shaykh Abu Muhammad Al-'Adnani Ash-Shami – the spokesman for the Islamic State – called upon the soldiers of the state to carry on their advance towards Baghdad and onwards to Najaf and Karbala. He also eulogized the top military commander of the Islamic State overseeing the operations in Iraq, Abu 'Abdir-Rahman Al-Bilawi (rahimahullah) [deceased – 04 June 2014], the master-mind behind the major victories of the past days."

¹⁶⁶ UNITAD, Confidential Investigative Reports; See also, Human Rights Watch, "[Iraq: ISIS Executed Hundreds of Prison Inmates](#)" (30/10/2014); Human Rights Watch, "[Iraq: ISIS Abducting, Killing, Expelling Minorities](#)" (19/07/2014). **Comment:** in total in this period ISIL detained at least 83 men. Of those, bodies of 7 have been found; others remained missing at the time when the report was published; Minority Rights, "[Iraq: Shabak](#)" (updated November 2017). **Comment:** the report notes that around 117 families were killed.

¹⁶⁷ KirkukNow, "[Appeals to find missing on anniversary of Tal Afar takeover by ISIS](#)" (18/06/2022).

outlined above.¹⁶⁸ ISIL also targeted the Shabak population present in the Nineveh governorate, and killed dozens, possibly hundreds, of predominantly Shi'a Shabak men. In addition, there is information on killings of Sunni men who were affiliated with the government.¹⁶⁹

82. On 3 August 2014, ISIL commenced a military operation in Sinjar Region.¹⁷⁰ This eventually led to the murder of several thousands of Yazidi men and boys over the age of approximately 12, as well as sexual violence against thousands of Yazidi women and girls.¹⁷¹ A few days later, around 6 to 7 August 2014, ISIL took over the control of the Nineveh Plains, including the cities of Qaraqosh, Bartella, and Karamlesh which were largely populated by Christians.¹⁷² Among other underlying acts, ISIL subjected over a hundred Christian men, women, and children to unlawful imprisonment at various locations in Qaraqosh.¹⁷³ Around the same time, ISIL also attacked the villages of Tel al-Ban, Wardak, Kabarli, and Gazakan in the Nineveh Plains, which are predominantly inhabited by Kaka'i. The Kaka'i community was subsequently subjected to forcible displacement by ISIL.¹⁷⁴
83. In **Salah al-Din governorate**, ISIL targeted Shi'as in particular, but also Sunnis. On 11 June 2014, ISIL took control of the capital city of Tikrit where majority of the population was Sunni, with several dozens of Shi'a households.¹⁷⁵ On or about 12-13 June 2014, ISIL captured and murdered at least 1,700 Iraqi Shi'a male personnel stationed in the Tikrit Air

¹⁶⁸ UNITAD, Confidential Investigative Reports. **Comment:** it has been reported that up to 600 *Shi'a* Turkmen women and children were being held in ISIL captivity around 2014 to 2016. The women were allegedly used as sex slaves while children were sent to ISIL training camps with some of them being trained for suicide attacks, *see* Alalam News, "[ISIS Taken 450 Shia Turkmens Used as Sex Slaves and Suicide Bombers](#)" (02/03/2015); Alalam News, "[600 Shia Turkmen Women and Children Under ISIS Captivity: Iraq Human Right](#)" (03/09/2016); News Agency ABLA, "[Iraqi official: Over 600 Shia Turkmen women, children under ISIS captivity](#)" (01/09/2016); The National, "[Ordeal continues for Shiite Turkmen women kidnapped by ISIS](#)" (12/08/2019). **Comment:** according to this article, around 450 *Shi'a* Turkmen women and girls from Tal Afar were captured by ISIL in June-August 2014; Middle East Eye, "[The untold tragedy of Iraq's Shia Turkmen women, abducted by Islamic State](#)" (18/12/2021); Mara Redlich Revkin and Elisabeth Jean Wood, "[The Islamic State's Pattern of Sexual Violence](#)" (31/07/2020), pp. 4, 10.

¹⁶⁹ UNITAD, Confidential Investigative Report.

¹⁷⁰ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yezidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015).

¹⁷¹ UNITAD Public Report, "Factual and Legal Findings of the ISIL Attack on Sinjar in August 2014 and the Subsequent Acts Committed Against the Yazidi Community in Iraq"; *See also*, Human Rights Watch, "[Iraq: Forced Marriage, Conversion for Yezidis](#)" (11/10/2014); Human Rights Watch, "[Iraq: ISIS Escapees Describe Systematic Rape](#)" (14/04/2015).

¹⁷² UNITAD, Confidential Investigative Report; UNITAD Summary of Factual and Legal Assessment of ISIL (Da'esh) Crimes against the Christian Community in Iraq; *See also*, Mariano Castillo (CNN), "[ISIS overtakes Iraq's largest Christian city](#)" (08/08/2014).

¹⁷³ UNITAD, Confidential Investigative Report; *See also*, OHCHR and UNAMI, "[Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014](#)", pp. 15-16.

¹⁷⁴ UNITAD, Confidential Investigative Report.

¹⁷⁵ OHCHR and UNAMI, Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: 5 June – 5 July 2014, p. 3-4; RAND, "[Tikrit: ISIL Focuses on Punishment, Not Governance](#)". **Comment:** the article shows how Tikrit remained under ISIL control between June 2014 and February 2015; UNITAD Public Report, "[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL's crimes in & around the Tikrit Presidential Palace Complex](#)"; UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015"; UNITAD, Confidential Investigative Reports.

Academy (formerly known as Camp Speicher).¹⁷⁶ Starting from around 11 June 2014 until at least 31 March 2015, ISIL targeted residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya. In Tikrit and al-Dour, ISIL targeted individual residents deemed enemies of the organization if they belonged to the police and security forces or they were government personnel, but also if they were civilians perceived as non-compliant with ISIL's rules. This includes both Sunni and Shi'a Muslims. ISIL viewed most al--Alam and al-Dhuluiya residents, especially members of the al-Jubouri tribe, as traitors because they had fought al-Qaeda and supported the Iraqi government.¹⁷⁷ On 17 June 2014, ISIL entered Amerli district and attacked the Shi'a Turkmen villages, including Brauchli and Chardagli. ISIL also besieged Amerli town for 76 days, that is, until 31 August 2014. During this time, ISIL killed numerous civilians and forcibly transferred others.¹⁷⁸

84. In **Anbar governorate**, ISIL targeted the Sunni Abu Nimr tribe, at least partially due to their historical resistance against Al-Qaeda alongside the predominantly Shi'a government and the later resistance against ISIL.¹⁷⁹ Anbar is the largest governorate in Iraq and is mostly inhabited by Sunni Muslims.¹⁸⁰ Between 1 and 2 October 2014, ISIL took control of the town of Hiit, located between Ramadi and Haditha, and its surroundings to the west. Between 22 and 24 October 2014, ISIL took control of the area east to the town of Hiit.¹⁸¹ This area was mostly inhabited by the Sunni Abu Nimr tribe.¹⁸² Following the takeover of the area, ISIL imprisoned (or subjected to severe deprivation of liberty), tortured and/or subjected to other inhumane acts, and murdered dozens, possibly hundreds, of men and some boys from Abu Nimr tribe, many of whom were part of or

¹⁷⁶ UNITAD Public Report, "[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL's crimes in & around the Tikrit Presidential Palace Complex](#)"; See also, Human Rights Watch, "[Ruinous Aftermath: Militias Abuses Following Iraq's Recapture of Tikrit](#)" (20/09/2015), pp. 2-3, 15; UNITAD, "[Video of Tikrit Air Academy Massacre-UNITAD investigation](#)" (06/07/2022); Islamic State Report, "Smashing the Borders of the Tawaghit", Shaban 1435 (30 May 2014 – 28 June 2014). **Comment:** the publication includes a "photo report of Ghazwat Asadullah Al-Bilawi, which resulted in the execution of 1700 Rafidi soldiers" in wilayah of Salah al-Din.

¹⁷⁷ UNITAD Public Report, "ISIL Crimes Committed in Tikrit, al-Alam, al-Dour and al-Dhuluiya: Salah al-Din Governorate, 11 June 2014 – 31 March 2015".

¹⁷⁸ UNITAD, Confidential Investigative Report; OHCHR and UNAMI, "[Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014](#)", pp. 3, 16-17.

¹⁷⁹ UNITAD Public Report, "ISIL Crimes Against the Abu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Abu Nimr Tribe in Anbar 2014-2016; See also, The Guardian, "[Isis kills hundreds of Iraqi Sunnis from Abu Nimr tribe in Anbar province](#)" (30/10/2014); NPR, "[Despite A Massacre By ISIS, An Iraqi Tribe Vows To Fight Back](#)" (20/11/2014).

¹⁸⁰ UNITAD Public Report, "ISIL Crimes Against the Abu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Abu Nimr Tribe in Anbar 2014-2016; See also, University of Anbar, "[About Al-Anbar Governorate](#)" (undated); IOM, "[Displacement Snapshot: Anbar, September 2014](#)" (09/09/2014).

¹⁸¹ UNITAD Public Report, "ISIL Crimes Against the Abu Nimr Tribe in Anbar: Between 2014-2016"; See also UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Abu Nimr Tribe in Anbar 2014-2016.

¹⁸² UNITAD Public Report, "ISIL Crimes Against the Abu Nimr Tribe in Anbar: Between 2014-2016". **Comment:** Abu Nimr tribe, which is a part of Dulaim tribe, consists of around 500,000 people living mainly in the area between Ramadi and Haditha in Anbar Governorate; See also UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Abu Nimr Tribe in Anbar 2014-2016.

were associated with the Iraqi police, military, *Sahwa* (Sunni Awakening) tribal forces, around October to November 2014.¹⁸³

85. Due to ISIL attacks on the Anbar governorate starting around December 2013 to January 2014, over 12,000 internally displaced people had arrived in **Kirkuk governorate**.¹⁸⁴ Kirkuk governorate housed both Turkmen and Kaka'i with the former considering Kirkuk as their historical capital.¹⁸⁵ On 17 June 2014, ISIL captured Bashir village where majority of the inhabitants were Shi'a Turkmen. This attack led to the murder of many Shi'a Turkmen, as well as forcible transfer of nearly all of the inhabitants.¹⁸⁶ By 12 June 2014, as Iraqi security forces abandoned their posts, only Peshmerga forces were left to protect the area against ISIL.¹⁸⁷ On 8 March 2016, ISIL attacked the predominantly Shi'a Turkmen village of Taza Khurmatu in the Salah al-Din governorate with chemical weapons. The attack was launched from the Bashir village. As a result of this attack, two children were murdered, and hundreds were injured.¹⁸⁸ In the period between 2016 and 2017, ISIL victimized the Kaka'i community as outlined above.¹⁸⁹
86. According to the acts outlined above, there are reasonable grounds to believe that ISIL's attack was widespread as it affected thousands of victims situated primarily across the Nineveh, Salah al-Din, Anbar, and Kirkuk governorates in northwest Iraq.¹⁹⁰

¹⁸³ UNITAD Public Report, "ISIL Crimes Against the Abu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Abu Nimr Tribe in Anbar 2014-2016; *See also*, ISIL's North Baghdad *Wilayat*, "Hell of the Apostates" (06/06/2018); Facebook: Echo of Baghdad, "Who slaughtered the Abu Nimr clan?" (26/03/2016).

¹⁸⁴ IOM, "[Governorate Profile: Kirkuk](#)" (04/2014).

¹⁸⁵ United States Commission on International Religious Freedom, [Wilting in the Kurdish Sun: The Hopes and Fears of Religious Minorities in Northern Iraq](#) (05/2017), pp. 25-26; About 60% of Iraqi Turkmen are Sunni Muslims, with the remainder practicing Shi'a Islam, UNPO, [Member Profile: Iraqi Turkmen](#) (03/2015), p. 3; Human Rights Watch, [Iraq: Forcible Expulsion of Ethnic Minorities](#) (03/2003), p. 12; Minority Rights, "[Iraq: Kaka'i](#)" (updated November 2017).

¹⁸⁶ UNITAD, Confidential Investigative Report.

¹⁸⁷ International Crisis Group, "[Iraq: Fixing Security in Kirkuk](#)" (15/06/2020).

¹⁸⁸ UNITAD, Confidential Investigative Report; UN Security Council, Third Report of the Secretary-General pursuant to resolution 2233 (2015) (27/04/2016), para. 46. **Comment:** the allegations were made with regard to the attacks in Ninewa governorate on (i) 11 February 2016 south of Sinjar district; (ii) 17 February 2016 in Makhmur district; (iii) 25 February 2016 in Sinjar district; (iv) 02 March 2016 in Tal-Afar. On 08 March 2016 another possibly chemical weapon attack took place in Tazah district, Kirkuk governorate; UN Security Council, Report of the Secretary-General pursuant to resolution 2299 (2016), UN doc S/2016/897, 25 October 2016, para. 45. **Comment:** ISIL allegedly weaponized chemical agents on (i) 22 July 2016 in a mortar attack in the Tall Afar area, and (ii) on 22 and 23 August 2016 in a shelling of a village in Qayyarah, Ninawa governorate. UNAMI could not verify whether weaponized chemical agents had been used.

¹⁸⁹ UNITAD, Confidential Investigative Report. **Comment:** according to some open source information, the number of Kaka'i killed might be much higher, *see* Al-Monitor, "[Who are Iraq's Kakai?](#)" (10/02/2016); Rudaw, "[Kakais in Kirkuk decry years of neglect](#)" (11/03/2022). **Comment:** the article notes that at least 200 Kaka'i are believed to have been killed by the militant group, targeted for their religious identity.

¹⁹⁰ **Comment:** the total number of the victims is likely larger than what the UNITAD investigation currently covers. *See*, Iraq Body Count, "[Database](#)" (undated); *See also*, Statista, "[Number of documented civilian deaths in the Iraq war from 2003 to 2023](#)". **Comment:** the database indicates over 20,000 civilians killed in 2014, and over 15,000 civilians killed each in 2015 and 2016. It is not possible to segregate the data to see only deaths cause by ISIL; UN Security Council, Second Report of the Secretary-General pursuant to paragraph 6 of resolution 2169 (2014), UN doc S/2015/82, 02 February 2015, para. 45. **Comment:** according to UNAMI, in total in 2014, at least 12,282 civilians were killed and 23,126 were injured. UNAMI does not provide statistics for only those killed as a result of ISIL attacks.

iii. Nexus between the acts of the perpetrators and attack

87. There are reasonable grounds to believe that, between at least June 2014 and December 2017, the acts by ISIL in Iraq as investigated by UNITAD generally formed “part of” a systematic and widespread attack against the civilian population in Iraq. Furthermore, the location, time period and identity of victims correspond with the scope of the widespread and systematic attack.
88. The acts of violence committed by ISIL against thousands of civilians in the Nineveh, Salah al-Din, Anbar and Kirkuk governorates on and after 9 June 2014 occurred during and after ISIL’s takeover of those areas and during ISIL’s attempt to implement its plan to capture the territory of Iraq and establish a “Caliphate” where everyone had to comply with ISIL’s radical and extremist interpretation of Islam. As explained above, according to ISIL’s policy, all *Shi’a* Muslim, Christian, Yazidi and Kaka’i Iraqis were automatically considered non-compliant with ISIL’s interpretation of Islam and therefore were targeted by ISIL. Sunni Muslims whom ISIL considered as part of or associated with the Iraqi police and military, or the *Sahwa* (Sunni Awakening) tribal forces were also perceived as impeding the establishment of a “Caliphate” and thus deemed non-compliant with ISIL’s radical and extremist interpretation of Islam. The underlying acts investigated by UNITAD committed against (i) the Christian community in the Nineveh governorate on and after 10 June 2014; (ii) the Shi’a Muslim, including Shabak and Turkmen, communities the Nineveh, Salah al-Din, and Kirkuk governorates on and after 9 June 2014; (iii) Sunni Muslims, including Shabak and Turkmen, in the Nineveh, Salah al-Din, and Kirkuk governorates on and after 9 June 2014; (iv) the Yazidi community in the Nineveh governorate on and after 3 August 2014; (v) the Kaka’i community in the Nineveh and Kirkuk governorates on and after 6 August 2014; and (vi) the Sunni Albu Nimr tribe in the Anbar governorate on and after 1 October 2014 fit within the scope of ISIL’s widespread and systematic attack directed against civilians that did not comply with the establishment of a “Caliphate” and ISIL’s interpretation of Islam pursuant to its well-publicized policy.
89. With respect to ISIL’s capture and execution of some 1,700 Shi’a male personnel stationed at the Tikrit Air Academy (also known as Camp Speicher), UNITAD notes that those men were mostly unarmed and taking no active part in hostilities.¹⁹¹ ISIL referred to them as “*rafidi*” (rejector)¹⁹² soldiers highlighting that their execution was motivated by ISIL’s discrimination against Shi’a religious beliefs rather than because of any security threat that these men may have posed. On this basis, UNITAD finds reasonable grounds to believe that the execution of 1,700 Shi’a male personnel stationed at the Tikrit Air Academy was “part” of the widespread and systematic attack.
90. Regarding ISIL’s capture and execution of around 100 Sunni Albu Nimr tribe male members, some of which were part of or were affiliated with the Iraqi police, military, or *Sahwa* (Sunni Awakening) tribal forces, UNITAD notes that none of them were taking

¹⁹¹ UNITAD Public Report, “[Camp Speicher: A pattern of mass killing and genocidal intent: Legal assessment of ISIL’s crimes in & around the Tikrit Presidential Palace Complex](#)”; See also, Human Rights Watch, “[Ruinous Aftermath: Militias Abuses Following Iraq’s Recapture of Tikrit](#)” (20/09/2015), pp. 2-3, 15; UNITAD, “[Video of Tikrit Air Academy Massacre-UNITAD investigation](#)” (06/07/2022).

¹⁹² Islamic State Report, “Smashing the Borders of the Tawaghit”, Shaban 1435 (30 May 2014 – 28 June 2014). **Comment:** the publication includes a “photo report of Ghazwat Asadullah Al-Bilawi, which resulted in the execution of 1700 Rafidi soldiers” in wilayah of Salah al-Din.

active part in hostilities at the moment of their capture and execution.¹⁹³ ISIL referred them as *murtaddin* (apostates) and *rafidah* (rejectors), indicating that they were targeted as non-compliant to ISIL's interpretation of Islam as they were perceived as impeding the establishment of a "Caliphate". As a result, UNITAD finds reasonable grounds to believe that underlying acts committed against Sunni Abu Nimr tribe male members which were part of or were affiliated with the Iraqi police, military, or *Sahwa* (Sunni Awakening) tribal forces were sufficiently connected with and can be considered "part" of the attack.

91. With regard to the ISIL's chemical weapon attack on Taza Khurmatu on 8 March 2016, it must be noted that the *modus operandi* differed from other instances of acts of violence. However, the rationale behind the violence was at least in part the same, that is, ISIL targeted the Shi'a Turkmen village because of the policy of considering Shi'a as apostates (*murtaddin*) and therefore inciting violence against them. On this basis, there are reasonable grounds to believe that the killing of two children and subjecting hundreds of civilians to other inhumane acts of a similar character in Taza Khurmatu was "part" of the widespread and systematic attack.

iv. Perpetrator's knowledge of the attack and of the nexus

92. The attack, lasting at least four years, was committed over a large geographical area, and resulted in thousands of victims of the civilian population. The areas affected included those under the control of ISIL. The perpetrators' acts were consistent with the well-publicized policy of ISIL. The attack drew the attention of both local and international media, as well as the United Nations Security Council.
93. While this report does not analyze individual criminal responsibility, the evidence listed above could assist in demonstrating that a perpetrator had knowledge of the attack, and knew that their conduct was, or intended their conduct to be, part of the widespread and systematic directed against the civilian population.

¹⁹³ UNITAD Public Report, "ISIL Crimes Against the Abu Nimr Tribe in Anbar: Between 2014-2016"; UNITAD Summary of Factual and Preliminary Legal Assessment of Crimes Committed by ISIL Against the Abu Nimr Tribe in Anbar 2014-2016; *See also*, ISIL's North Baghdad *Wilayat*, "Hell of the Apostates" (06/06/2018); Facebook: Echo of Baghdad, "Who slaughtered the Abu Nimr clan?" (26/03/2016).