



Sexual and
Gender-Based
Crimes and Crimes
Against or Affecting
Children Committed
Against the Shi'a
Turkmen Community
by ISIL (Da'esh)



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

Office of Field Investigations

**Analysis of Sexual and Gender-Based Crimes
and Crimes Against or Affecting Children Committed Against
the Shi'a Turkmen Community By ISIL (Da'esh)**

August 2024

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SCOPE AND METHODOLOGY

This analytical report and the investigation supporting it were undertaken by the cross-cutting unit working on sexual and gender-based crimes and crimes against and affecting children of the United Nations Investigative Team to Promote Accountability for Crimes Committed by ISIL (Da'esh) (UNITAD), in line with UNITAD's broader mandate to support domestic efforts to hold ISIL (Da'esh) accountable by collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by the terrorist group ISIL (Da'esh) in Iraq, to the highest possible standards to ensure the broadest possible use before national courts, and complementing investigations being carried out by the Iraqi authorities, or investigations carried out by authorities in third countries at their request. The Security Council, in its Resolution 2379 (2017) uses the term "Islamic State in Iraq and the Levant" (ISIL) and clarifies that it is also known as "Da'esh". For simplification, this report uses the term "ISIL", while keeping the original term used by quoted sources and references (ISIL, ISIS, Islamic State, Da'esh ...).

This report is limited to sexual and gender-based crimes and crimes against children which may amount to crimes falling within UNITAD's mandate in accordance with Security Council Resolution 2379 (2017), committed by ISIL against members of the Shi'a Turkmen community in Iraq. It complements parallel investigations of these crimes that have been conducted by UNITAD in relation to the Shi'a Turkmen and Turkmen community as a whole.

For the purpose of this document, crimes against or affecting children refer to crimes committed specifically against individuals who have not yet reached the age of eighteen, regardless of their sex; sexual crimes refer to rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, regardless of the age or sex of the victim; and gender-based crimes are those committed against persons, whether male or female, because of their sex and/or socially constructed gender roles. To a large extent, these categories overlap.

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 this report. Rather, it only applies to the ultimate findings as to the crimes committed and to the individual criminal responsibility of suspected perpetrators of those crimes. For security purposes, most references have been removed from this public report. Quotations and main legal sources are generically referenced.

The report presents factual and preliminary legal findings, which are based on evidence collected until the date of publication by UNITAD in co-operation with various partners, notably the Iraqi judiciary, to which UNITAD is sincerely grateful for instrumental support in facilitating the collection of evidence. Similarly, UNITAD expresses its profound thanks to members of survivor- and affected communities who provided critical (testimonial) evidence underpinning the analysis contained in this report. All in all, the preliminary legal findings are notably based on testimonial evidence (including survivor and eyewitness); audio-visual evidence, collected mostly from open sources; documentary evidence; and other open-source information. Factual assessments regarding the historical and political background substantially rely on open-source information. Factual findings regarding crimes and perpetrators 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 formulated in the conditional ("may have").

EXECUTIVE SUMMARY

This report presents factual and preliminary legal findings on the targeting of Shi'a Turkmen by ISIL (Da'esh) during its reign of terror in Iraq between 2014 and 2017, with a particular focus on sexual and gender-based crimes and crimes against and affecting children.

Based on the available evidence analysed, this report concludes that there are reasonable grounds to believe that the following international sexual and gender-based crimes and crimes against and affecting children were committed by ISIL members against the Shi'a Turkmen community:

- murder, imprisonment or other severe deprivation of liberty, torture, and persecution on religious grounds as crimes against humanity against Shi'a Turkmen men and pubescent boys;
- murder, imprisonment or other severe deprivation of liberty, torture, rape, sexual slavery, persecution on religious and gender grounds, and other inhumane acts, through forced conversion and forced marriage as crimes against humanity against Shi'a Turkmen women and pubescent girls;
- imprisonment or other severe deprivation of liberty, torture, rape, persecution on religious grounds and other inhumane acts, through forced conversion and forced marriage, as crimes against humanity against captured Shi'a Turkmen children regardless of their sex; *in addition to*
- sexual slavery and persecution on gender grounds, as crimes against humanity against Shi'a Turkmen girls; *and*
- forcible recruitment (conscriptio) and use of children in hostilities as a war crime against Shi'a Turkmen boys.

Given the focus of this report on sexual and gender-based crimes and crimes against and affecting children, these findings are not intended to be exhaustive of all international crimes committed against the Shi'a Turkmen community; rather, they serve to complement parallel investigations conducted by UNITAD into international crimes committed against the (Shi'a) Turkmen community as a whole.

The above findings are based on a factual analysis which demonstrates the targeting of the Shi'a Turkmen people by ISIL (Da'esh) on the basis of their Shi'a religious beliefs, and the Shi'a Turkmen girls and women because of their gender. The patterns of targeting victims are largely consistent with what has been documented in relation to other ethnic and religious communities, including the Shi'a population of Iraq. This notably includes:

- Killing of adult men and teenage boys;
- Forcible marriage or enslavement of adult women and teenage girls, along with the capture and, in all likelihood, killing of elderly women;
- Placement of children under the age of 10 in ISIL (Da'esh) families;
- Forcible conversion of boys to ISIL's radical and extremist system of beliefs, along with their indoctrination, conscription and use in hostilities, as well as being forcibly married; and
- Similar forcible conversion and marriage of girls, either to Shi'a Turkmen or to members of ISIL (Da'esh), whether minors or adults.

INTRODUCTION

1. Members of the Turkmen community descend from Turkic tribes that began settling in Iraq around 500 AC. Nowadays, the Turkmen ethnic group is the third largest ethnic group in Iraq, representing 5 to 13 percent 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.
2. About 60 percent of Iraqi Turkmen are Sunni Muslims, with the remainder practicing Shi’a Islam. However, Turkmen do not divide themselves along religious lines. Indeed, Iraqi Turkmen have historically been targeted as an ethnic minority, especially under Saddam Hussein’s policy of Arabization and assimilation. The use of the Turkmen language was curbed, and Turkmen people were forcibly relocated from their villages to make way for Arab settlers.
3. The available evidence does not indicate that the Turkmen community as a whole was targeted by ISIL, but that Shi’a Turkmen were singled out due to their faith. Indeed, some Sunni Turkmen reportedly joined the armed groups and participated in crimes committed against Shi’a Turkmen. Shi’a holy sites were also destroyed. This primary conclusion seems in line with ISIL’s strict religious ideology and ethnically diverse membership. It also aligns with attacks against Shi’a civilians, regardless of their ethnicity or nationality, perpetrated by ISIL, as well as the group’s pertinent propaganda.
4. The findings in this report are distinct from the findings contained in a separate UNITAD report on broader crimes against the Turkmen community in Kirkuk (Bashir and Taza Khurmatu), Nineveh (Talafar and Mosul) and Salah al-din (Amerli and surrounding villages) governorates.

I. PATTERNS OF TARGETING SHI'A TURKMEN

5. Although some Shi'a families from Tal Afar chose not to flee or delayed their departure from their homes, it appears they feared ISIL advances and did so on the basis of their religion rather than ethnicity. For example, some decided to change the Shi'a names of children as a precaution; one young man decided to pretend to be Yazidi rather than admit he was Shi'a; while another man, when asked about the tribe of his family, gave the name of a Sunni tribe and hid his ID. These fears were validated as ISIL shelled Shi'a areas during its territorial advance.
6. Shi'a Turkmen families from Sinjar and around Tal Afar were captured together, either in their homes or while fleeing from ISIL's advance, on or shortly after 3 August 2014. Several witnesses interviewed by UNITAD reported seeing the destruction of the Saida Zainab shrine before ISIL members caught up with them, including one witness whose family had been sheltering at the shrine the day before its destruction.
7. Furthermore, there is also uncorroborated information that a number of Shi'a people were killed in al-Shuhada neighbourhood of Sinjar on 3 August 2014, but no direct evidence has yet been collected to confirm this.
8. In one incident, a family was stopped as they made their way to Mount Sinjar. The ISIL members manning the checkpoint had a list of people they were looking for, which the family took to mean they had a list of names of Shi'as. However, the men of the family were let through, making it unlikely that the group had a list of all Shi'as in the area. It is however possible that they were drafting the list based on the ID cards of people crossing the checkpoint. This family was later captured after they had returned to a family home in Sinjar.
9. It is also possible that ISIL members let some families through under false pretences and/or deception. In some cases, they lied to the people they captured, for example telling them they were going to bring them to their homes or that they were not separating them from their children; or they seemed to find their captives' terror amusing. In one incident, a family fleeing by car was let through at an ISIL checkpoint only to be followed and shot at from behind by ISIL members. Similarly, another family was initially released, except for one man, before being captured a second time two days later, and then told they would be released again. There was also at least one instance of mock execution of entire families.
10. Some of the families were brought to the Directorate building in Sinjar, close to the General Hospital.
11. Regarding Mosul, evidence suggests that Shi'a Turkmen families did not flee before ISIL arrived and took over the city. After a few days, it appears that ISIL's targeting of Shi'as became evident and some families left. Almost all Shi'a Turkmen witnesses interviewed by UNITAD, regardless of their location at the time, reported being questioned by ISIL members about where they came from and their tribe or religion. They also described insults and contempt from ISIL members towards them. Shi'a people were referred to as *rawafid* (روافض) or *rafithi* (رافضي), i.e. 'rejectionists'. ISIL's Office of Research and Studies stated that Shi'as were to be considered apostates, and a pamphlet written by an ISIL propagandist and recovered by UNITAD specifically targets 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.*
12. Only one of the witnesses interviewed by UNITAD with regard to this analysis mentioned ISIL members telling Shi'a Turkmen adults to convert to Sunni Islam, which appears at odds with most other evidence showing that Shi'a adults were immediately killed without being given the option to

convert. However, captured children were not only forcibly converted to Sunni Islam but also forbidden from speaking Turkmani. The available evidence does not provide consistent indications regarding forced conversions of women specifically. In this regard, the analysis of ISIL's genocidal intent vis-à-vis the Twelver Shi'as in UNITAD's *Camp Speicher* report is pertinent, in particular its findings relating to women and children. The report notes that ISIL's ideology branded members of the Shi'a community as "apostates", meaning that they:

[...] must be either killed or submit to the true Islam (Sunni faith). Hence, considering the Twelver Shi'as as apostates, entitles ISIL members to kill them whether they are fighters or just peaceful. The option of being spared by declaring conversion to the true Islam, exists for the Twelver Shi'as only if it is done before ISIL gained power over them. In other words, once a Shi'a Twelver is in the hands of ISIL, the only option is to kill them.

It is not clear whether these views included Twelver Shi'a women and children. While the above statements and publications refer to Twelver Shi'as in general, **ISIL jurisprudence is not clear on the fate of Twelver Shi'a women and children**. Some Shi'a women were killed, others were enslaved, while yet others were forced to convert to Sunni Islam. Children were also forced to convert to Sunni Islam.

1. Fate of the men and teenage boys

13. All witnesses from Tal Afar interviewed by UNITAD in the context of this analysis reported that men and teenage boys (above the age of around 15) in their families were the first to be separated. In addition to being targeted as Shi'a, men were also targeted if they were part of the internal security or military forces.
14. In one case, the two adult males of one family were first questioned about their region of origin and then put in a car to be driven away. It appears that both men were taken to Hasan Koy prison in Tal Afar. While one of them returned after around ten days, it was likely due to his Sunni brothers-in-law vouching for him. He was later arrested a second time after failing to prove he was Sunni.
15. In Hasan Koy prison, one witness heard men screaming and the sounds of beatings. Men were then taken, with their eyes covered and hands tied, to an unknown destination by bus. At the Directorate building in Sinjar, men were beaten. In another location in Tal Afar, a witness reported seeing many men's shoes outside a building and hearing men's screams coming from inside, suggesting they were being beaten or tortured.
16. It is very likely that these men and teenage boys were eventually killed. One witness reported seeing ten Shi'a Turkmen men being shot right at the point of capture. In another instance, a witness recalled that neighbours who were supporters of ISIL gloated that their male relative was going to be killed.
17. This appears to be consistent with ISIL ideology and the pattern of killing of adult men and older boys from certain communities, in particular Shi'as, such as during the Camp Speicher and Badush prison massacres and the killing of 40 Shi'a Turkmen near Kirkuk on 17 June 2014. Another witness recalled hearing about men being killed in Tal Afar from women who had fled and heard ISIL members taunting their male relatives and talking about killing them. In addition, one witness stated that they had seen bodies and blood in locations they were kept in that had previously been Shi'a Turkmen areas – such as Qasr al-Mirhab and Qezil Qeo –, although the identity of these bodies cannot be confirmed.

18. Most of these men and older boys are still missing. In addition, it is also worth noting that Shi'a Turkmen men who may have pretended to be Sunni – for example in Mosul – would have been subjected to the same types of restrictions and punishments as Sunni men.

2. Fate of women and teenage girls

19. In addition to the following crimes which targeted Shi'a Turkmen specifically, it is also worth noting that Shi'a Turkmen women who may have pretended to be Sunni – for example in Mosul – would have been subjected to the same types of restrictions as Sunni women, such as the rigorous enforcement of segregation of the sexes and a strict dress-code.

i. Separation from younger children

20. Women and teenage girls were usually separated from the smaller children shortly after the men. In one instance, this separation occurred at the same time as the separation of the men; while in another, men, teenage boys, and older women were first separated from the rest of their family and the young women and teenage girls (aged 15 to 20) were taken a few days later. In Saja'a village, near al-Ayadiya, all the women and children left.

21. In most cases, the separation of women and teenage girls from the younger children seems to have taken a few days at most. In one case, the women and children of one family were taken to Hasan Koy Prison in Tal Afar, where they were kept for several days in one room, with an adjacent bathroom. At the end of August 2014, the women were put in one car and the children in another. Another family was taken from the Directorate of Sinjar to the Directorate of Tal Afar, where the mother and older girls were separated. The women and children captured on the road to Mount Sinjar were taken first to a series of locations including a school in Sinjar, the Sinjar gate of Tal Afar where they stayed for a day, a location that might be Kocho, where they stayed in an empty house, a Peshmerga centre in Sinjar and a school in Tal Afar, where they stayed for five days. During that time, their belongings, including their IDs, were taken and they were questioned about their faith. The women and older girls were ultimately separated from the younger children and put in separate vehicles under the pretence that they would all go to the same destination in Tal Afar.

22. Sunni women who had married into Shi'a families were told that they should divorce their husbands or be killed. There is also limited evidence that Shi'a women were made to adopt Sunni religious practices, including being forced to pray like Sunnis.

23. Although direct evidence related to how women and teenage girls were treated by ISIL during their capture is limited, it appears that, in one location in Tal Afar, before children and women were separated, ISIL members would assess women's and girls' age by sight and take them away to an 'investigation room'. One can presume that violence - psychological, physical and/or sexual – is likely to have occurred during these interrogations but further investigation is necessary. ISIL members repeatedly enquired about women and girls' age and marital status and threatened to have a doctor conduct virginity checks on the young women.

ii. Forced marriages and sexual slavery

24. It is unclear what happened to the women and older girls after they were captured. Under ISIL's ideology, apostates were to be killed; yet evidence suggests that at least some of them were forcibly married rather than immediately killed. UNITAD collected evidence that at least one Shi'a Turkmen woman who had pretended to be Sunni was taken to al-Hisba, from where she was then taken to a

bazaar, which one ISIL woman referred to as a ‘slave market’. There, she was put in a line with Yazidi women and girls in chains. An ISIL woman told her she would be gifted to an Emir.

25. However, other evidence collected by UNITAD indicates that Shi’a Turkmen women were not considered *sabayas*: in at least one case, a Shi’a Turkmen woman was forcibly married to an ISIL member; during the ceremony, both the Mullah and the ISIL member verified her religion and clearly stated that the woman could not be sold. This appears to have been a way for individual ISIL members to by-pass ISIL’s ideology and propaganda regarding the treatment of apostates. Indeed, an ISIL pamphlet published in December 2014, known as the ‘Slavery Q&A’, stated that the majority of scholars opposed the enslavement of apostates, and that, accordingly, ISIL followed the majority. Thus, Shi’a women could not become *sabayas* and forced marriage allowed ISIL members to subject them to sustained sexual violence nonetheless.
26. Women who were forcibly married were regularly subjected to particularly violent rapes and other forms of abuse, both physical and psychological.
27. Although ISIL’s propaganda regarding whether its members could enslave Shi’a women is unclear, the limited evidence cannot rule out the fact that Shi’a Turkmen women might have been enslaved on occasion, rather than forcibly married. Indeed, most of these women and girls are still missing to this day and their fate remains unknown. One Yazidi witness declared she had met a Shi’a woman whose name had been changed by ISIL and who had been sexually abused; while in some cases Shi’a Turkmen women were reported to be in refugee camps.

iii. Killings

28. There have been rumours that all missing Shi’a Turkmen women were in fact killed, but this cannot be conclusively verified.
29. However, UNITAD has collected uncorroborated evidence of Shi’a Turkmen women being burned alive, including after they were forcibly married and therefore could not be sold on.
30. Elderly women could also have been killed upon capture; this would follow patterns of targeting victims identified in other communities. Elderly women captured in or around Tal Afar are indeed still missing to this day.

3. Fate of the toddlers and babies

i. Immediate placements in ISIL (Da’esh) families

31. There is limited evidence that Shi’a Turkmen infants were placed in ISIL members’ families immediately after their capture and separation from their families. However, little remains known about these incidents and whether they were isolated or widespread.

ii. Mosul orphanage

32. In most cases, boys and girls were taken simultaneously and brought to an orphanage in the al-Zhoor neighbourhood (دار الزهور) of Mosul at night. One witness mentioned the possibility that this was not initially planned, as the journey took much longer than it should have.
33. The orphanage itself was managed, at least partly and initially, by civilian staff. It not only housed Shi’a Turkmen children but also Yazidi children, Christians, and Sunnis – from Mosul or children of deceased foreign fighters.

34. When a new group of children arrived, they would usually all spend the first night together, before being split up in the following days. Children around under 10 years old were put in the kindergarten section of the orphanage.
35. The young children seemed to have been treated relatively well and did not receive any physical punishment. An ISIL member reportedly regularly brought toys for them. Related children were allowed to sleep together. They might have received some basic classes, including on religion.
36. Some testimony points to children from the orphanage having been transferred to a hospital on the east side of Mosul at some point, although it is unknown how many, what age, and for what purpose.

iii. Placements in ISIL (Da'esh) families

37. From the end of 2016 or early 2017, ISIL families started raising younger children: an ISIL member would come to the orphanage with a female relative, as only women were allowed in the girls' section where the kindergarten was located. The prospective placement family sometimes asked for the permission of the older siblings, but not always. Some children who were placed this way were brought back to the orphanage.
38. The placement process was formalized and required the approval of a Court, after a review of the financial situation of the relevant family. However, it is not clear whether the practice of placing children from the orphanage was decided by local leaders or the result of an ISIL policy.
39. According to one witness, when a child was placed in a family, their ID was not changed, and they retained their name. Another witness reported the opposite. Regardless, the children, especially the very young ones, saw their identity erased or disappear. Several of these children who were later rescued and brought back to their families had grown attached to their placement families, sometimes refusing to be separated from them.
40. There is little evidence available at present to indicate what happened to these children, especially those who were very small at the time of their placement and/or remain missing.
41. Some of the younger children are missing to this day, perhaps because they were too small to remember much of what had happened to them, or their true identity.

4. Fate of the boys

i. Mosul orphanage

42. Boys over around 10 years old were transferred by car to the boys' section, a separate building which they called the "al-Bara'em orphanage" (دار البراعم للبنين). They would also be transferred there after outgrowing the kindergarten section. The number of boys present is difficult to assess, especially as numbers fluctuated: witnesses recall there being around 40 to 200 boys in total in that section, depending on the relevant witness account. Ages ranged from 8 to 16, although evidence suggests that some of these older boys may have still been in the orphanage because they had learning difficulties. Some children of foreign fighters were brought there after their fathers were killed.
43. Among these boys, some Sunnis were later returned to their families; while the Yazidi and Shi'a boys were not allowed to leave the orphanage. Those who had sisters in the girls' section or siblings in the kindergarten section could visit them semi-regularly, although testimonies differ as to how often.

44. All the boys, regardless of their religion or ethnic background, were made to follow religious lessons together. They were also encouraged, if not forced, to follow physical training. The trainings were given by ISIL members, although some of the older Sunni children present seem to have also had a role in training or tutoring the others. The boys were also shown propaganda videos and videos of violent crimes in what are presumed attempts to desensitize them.
45. It is unclear to what extent the boys were subjected to physical abuse while in the orphanage, although several witnesses reported that the boys received beatings as punishment for dropping the Qur'an on the floor or for making any other mistake. In principle, punishments seem to have been the same for all the boys, regardless of their religion or ethnic background.
46. ISIL members would sometimes visit the orphanage in small groups, for a short period of time. They would eat lunch or pray with the children. Some of these men might have been involved in the transfer of children from the points of capture to the orphanage and from the orphanage to further locations.
47. The available evidence suggests that, on at least one occasion, members of the *Diwan al-Elam* (ديوان الاعلام) came to the orphanage to take pictures and films of the children for propaganda purposes. A published video was retrieved by UNITAD in which Shi'a Turkmen children appear.
48. It appears that boys did not receive an ID directly in the orphanage, but rather later on.
49. When the security forces surrounded the orphanage, the remaining children were transferred by bus to the Silat al-Arham (صلة الأرحام) Mosque in the al-Siddiq (الصدیق) neighbourhood of Mosul. They were housed on their own in apartment buildings around the mosque. ISIL members would come and bring food and cook for them. They were locked in and there was surveillance equipment and guards in the area. At least five Turkmen boys were present in that location.
50. A significant number of the Shi'a Turkmen boys separated from their parents and brought to the orphanage remain missing to this day. It is possible that some of them were placed with ISIL (Da'esh) families, or were sent to a military camp, fought, and died.

ii. *Tal Afar Citadel*

51. According to one Yazidi witness, it appears that some Shi'a Turkmen boys were already present in the Tal Afar Citadel in 2014, where they received religious lessons along with Yazidi boys and men. From the limited information available, it seems these boys were some of the oldest to be separated from their relatives, and may have been taken there directly after their capture without going through the orphanage first. Unlike Yazidi boys, these Shi'a Turkmen boys were not housed in the Citadel itself but in a house nearby. No information is available as to what happened to these boys.

iii. *Shari'a Institutes*

52. Some of the boys were brought to the Abdullah Bin Omar (عبدالله بن عمر) Shari'a Institute in Tal Afar, where in 2016 there were between 100 and 200 students. A witness describes being taken to an underground house in Mosul, which could be the same location. It is as of yet unclear how many ISIL Shari'a institutes there were and whether Shi'a Turkmen boys were all brought to the same one.
53. Students' ages ranged from about 10 years old to 20 or 30 years old. Students weren't divided by age but by level of ability. Boys whose learning difficulties only revealed themselves once they were at the Institute were transferred back to the orphanage.
54. Although there were Yazidi, Sunni and Shi'a boys in the Institute, they lived in separate buildings. Yazidi boys first stayed in the Institute, before being moved to a house close-by. Sunni boys were

training seemingly voluntarily and could go home over the weekend. Shi'a boys stayed in another house – and were at first unable to leave it. After a while, they were allowed to go to the market on their own.

55. The boys were given Qandahari uniforms to wear. Although witnesses' recollection of the amount differ, students at the Institute received a monthly salary, out of which a portion was retained by the staff to pay for their food.
56. Every day except for Fridays, the boys would undergo physical training and then stand in line for an attendance call and inspection of their cleanliness. The physical training gradually increased in intensity. Boys would be beaten and taught fighting techniques, before learning how to handle and shoot weapons. One witness recalled being told they had the right to kill anyone who wanted to scare them. This underscores the level of indoctrination and desensitization to violence the boys were subjected to.
57. Afterwards, they would follow religious and Arabic lessons. They were given a laptop with resources downloaded onto it but no internet access to do their homework. Each student had to write and give a presentation on a specific topic. The conversion to Sunni Islam was both gradual and forced. One witness reported that he thought they would be killed if they refused to convert.
58. Although it was reported that one of the managers was fired by the ISIL leadership for having beaten the children and having withheld food from them, it seems that several of the ISIL members working in the Institute participated in physical punishments, including some so severe they may amount to torture, where boys would be hung from the ceiling and severely beaten. At least one of the boys suffered serious long-term consequences. It also remains unclear whether ISIL's policy included physical abuse in the process of indoctrination and training, or at the very least tolerated it, or whether that practice was decided by local members.
59. The boys were given *kunyas* a few weeks before leaving the Institute. They were told that they were to be the 'Cubs of the Caliphate'. The lessons took place over a year, after which students could graduate. A ceremony was held in al-Taqwa Mosque in Hasan Koy and boys were presented with a certificate. They were then told to carry this certificate at all times. However, the younger boys, aged 8 to 13, stayed in the Institute.
60. It appears most Shi'a Turkmen boys did not graduate from the Institute and were thus selected for military training. Some were transferred to the military camp even before completing the first year of classes.

iv. Integration into ISIL's military or administrative structure

61. The older boys who did not graduate were sent away for further military training. Most of them were sent to Aint Jaloot (عين جالوت معسكر) military camp in the al-Mualimeen neighbourhood of Tal Afar, others to a camp in the Hay al-Khadra (حي الخضراء) neighbourhood of Tal Afar. Boys aged 13 and over and adult men were trained side by side in these camps.
62. Certain witnesses declared that some boys were taken directly from the orphanage to a training camp after the manager of the orphanage had informed ISIL members which boys he had identified as ready to be transferred, based on the extent of their religious education and their age. Boys who suffered from learning difficulties stayed behind in the orphanage. Between 10 and 15 boys, all Shi'a, were transferred at once by bus. The first group included the older boys but, as the security situation grew worse, boys of younger and younger ages were sent to military training. Further investigation is required to understand whether some boys did indeed "skip" the Shari'a Institute.

63. It is unclear whether the trainees received military uniforms. They slept on the floor in a house and could only see their families, including their spouses, if they obtained verbal authorization from one of the trainers. Boys were also given leave, which they could use for example to visit their siblings in the orphanage. They were still closely monitored, however.
64. In such training camps, the boys received fitness and weapons training every day. The training was extremely intense and taxing. In addition, boys sometimes received physical punishment. Several witnesses have identified the trainers as being Turkish or Azerbaijani. As part of the weapons training, the boys were provided with a suicide belt and grenades. It appears that the boys' training was filmed for propaganda purposes at least once.
65. The boys were shown videos of fights and battles every few weeks. They were also subjected to other forms of non-physical violence, such as sonic bombs thrown in the room where they were located or blank rounds shot around them while they slept.
66. Although they had to pray, they were not given religious classes anymore. Boys who failed to pray would be punished.
67. After their training, the boys were deployed, for example to guard checkpoints at the Tal Afar airport. It appears that at least some Shi'a boys were also based in or around al-Bukamal, Syria.
68. Students who did graduate from the Institute went on to work in ISIL administration and would receive a letter to that effect.
69. Even after the extensive conversion process, ISIL members appear to have still been testing the boys' resolve and commitment as Shi'a-to-Sunni converts, for example by arresting, detaining and torturing one of them on several occasions on suspicion of having shared information with other Shi'a people. However, further investigation is required to clarify whether this was a pattern of conduct.
70. While some of the Shi'a Turkmen boys who were sent to the training camp survived and were liberated when ISIL was pushed out of Tal Afar, others are still missing. Some children were wounded either in battles or in airstrikes. It appears that ISIL did provide medical care to those who were wounded, and brought them back to a training camp once they had recovered. Others were killed, and some might have carried out suicide bombings.

v. Transfer to school and tents

71. According to testimony provided to the Team by individuals from and based in Iraq, the younger boys aged 7 to 12 years old who stayed at the Institute after the others left, as well as boys who had most likely been in a training camp, were ultimately moved by bus to a school in Baghooz, Syria. Most were Shi'a Turkmen, but there were also a few Yazidis.
72. Boys in this school also underwent intensive fitness training in the morning. This was followed by a meal and the boys then went on to study Arabic and religious lessons. It appears that in this location the boys were split into age-based groups.
73. ISIL members also showed propaganda videos depicting violent acts to the boys, including one of a boy shooting a man. This indoctrination and desensitization to violence seems to have been particularly effective with the younger boys.
74. Boys were punished, for example for failing to learn a verse, by being locked up and deprived of food and/or beaten with a hose. ISIL members would also shoot weapons near the boys as a punishment and scare tactic. In addition, with fighting intensifying, food became scarce.

75. Boys from this school would also be placed in ISIL (Da'esh) families, following much of the same pattern as occurred in relation to in the Mosul orphanage.
76. Due to the damage caused by the airstrikes in the area, the boys in this school prepared to relocate by bus but were not able to. They moved on foot to an area close to the school and settled in tents on the street for over six months. At first, religious lessons continued despite the challenging circumstances, as did the physical punishments. Boys had to light a fire and cook for themselves.
77. An airstrike ultimately burned the existing tents. The boys were ordered to build a shelter for the ISIL members and for themselves. The children were living in the streets of Baghooz, in the midst of an intense battle between ISIL and Iraqi and Kurdish forces. About 25 boys, aged 8 to 13 years old, remained and had to fend for themselves. At least one of the boys was shot and injured; and another was injured by shrapnel. All lessons stopped and ISIL members fled the area, leaving the boys behind. They were finally brought by car to a Kurdish-held area where they were liberated.

vi. Early and/or forced marriages

78. Some of the Shi'a boys entered into early and/or forced marriage with Shi'a girls. These matches were discouraged by ISIL, with one member reportedly rejecting a marriage proposal on account that Shi'a people should not be allowed to marry each other. Although there are a few exceptions, it appears that most boys did not receive authorization to marry Shi'a Turkmen girls.
79. However, ISIL generally incentivized its members to get married. They would for example be given a house and a salary increase. It is however unclear whether those incentives applied to all boys, including Shi'a Turkmen. Boys had to seek authorization from a judge and obtain the marriage contract either from a mosque or court in Mosul, much like ISIL members who forcibly married Shi'a Turkmen girls.
80. These early and/or forced marriages in all likelihood resulted in sexual violence: one witness reported that a boy she knew had been forced by ISIL members to consummate his marriage and have sexual intercourse with his underage wife.
81. Further investigation is required to understand whether some Shi'a boys were forcibly married to girls from other religious and ethnic backgrounds.

5. Fate of the girls

i. Mosul orphanage

82. In the girls' section, ages ranged from around 6 to 20 years old; witnesses estimate that there were 20 to 50 girls, depending on the date. There were Sunni, Yazidi, and Turkmen girls. Girls who had siblings in the kindergarten section were allowed to visit them.
83. Although conditions were at first relatively good, ISIL progressively increased its control over the orphanage and its inhabitants, for example by installing surveillance cameras, locking up the doors, and forbidding civilian staff from interacting with the girls.
84. Although testimonies differ slightly as to whether the enforcement of the dress code was immediate or not, girls had to wear all black and cover their hair: they were made to wear a *hijab* inside and a *niqab* outside. Girls over 14 or 15 had to wear the *niqab* all the time. Girls who failed to respect these rules would be beaten with a hose or have the strands of hair sticking out cut off.

85. Girls in the orphanage received religious classes, but at first also in mathematics, English and Arabic. These other classes were stopped later on, and the religious doctrine became stricter. For example, the girls were taught about marriage by a member of al-Hisba. They were also shown violent propaganda videos.
86. They were forced to adopt ISIL religious practices and to pray, although it is not clear whether there would be any sanction should they refuse. One witness reported being told by the civilian staff that they would be taken to prison or killed if they refused. There is, however, no evidence of whether this in fact happened known to be in UNITAD's holdings.
87. In addition, girls were made to undertake chores within the orphanage, and later on given handicraft activities and trained as seamstresses.

ii. Mosul's Silat al-Arham Mosque and unidentified house

88. According to one witness, the orphanage became a sewing workshop in early 2016, after many of the girls and other children had already left. This has yet to be corroborated.
89. When the security forces surrounded the orphanage, the remaining girls were transferred, along with the boys, by bus to the Silat al-Arham Mosque in Mosul. They were housed in apartment buildings around the Mosque on their own. ISIL members would come and bring food and cook for them. They were locked in and there was surveillance equipment and guards in the area.
90. After three days, the eight remaining girls, ages 5 to 14, were transferred to a big house, still in Mosul. Although the area seemed residential, the house itself had been equipped with surveillance cameras, including in the bathrooms, and metal doors and windows in the rooms. The children were the only occupants, beside the ISIL members who stayed in another room. One of the girls managed to slip through the metal bars and tried to free the others but she was caught by a guard and brought back to the room.

iii. Forced marriages

91. ISIL members in charge of the orphanage organized the forced marriage of the girls in their care. One witness declared that, after the Sunni girls were sent back to their families at the end of 2015, judges came to the orphanage and questioned the Turkmen girls above the age of 12, even asking them to remove their niqab. Sometime afterwards, the girls obtained an ID directly from the orphanage, most likely in the planning phase of their forced marriage. Another witness recalled an incident where ISIL members came to the girls' section and took pictures of the older girls, an event which further evinces conduct linked to the process of forced marriage of the Shi'a Turkmen girls.
92. In other instances, ISIL members appear to have selected some of the girls and showed their pictures to fighters looking to get married. One witness stated that this selection was made upon request of the Court. In other cases, ISIL women would come and pick girls for their male relatives. Once they had made a decision, they would go to a Shari'a Court to seek a judge's permission to proceed with the marriage.
93. Girls were selected on the basis of their age and looks. Younger girls, even those who had not reached puberty yet, were preferred because they were considered more pliable. One witness reported that the youngest to be married was around 9 years old.
94. Girls were not informed that they had been engaged to be married prior to the wedding, nor was their consent sought. However, the girls considered it preferable to be married to one of the Shi'a boys who had been converted in the orphanage, as a way to avoid being married to an ISIL fighter.

95. ISIL members would also come to the house in Mosul to take the girls who had not already been married in the orphanage. On one occasion, an ISIL member came to look at the girls without their *niqab*, after which one of them was immediately taken to the Court to proceed with a marriage.
96. The wedding ceremony itself was brief. Both parties had to undergo a blood test and were then brought before a judge who made them repeat some words, and sign or put their fingerprints on a contract. Judges showed little regard for the girls who verbally expressed they did not consent to the marriage, with one of them for example telling the girl to come back to Court if she was mistreated by her husband.
97. As is customarily given to the bride, a dowry was paid, although it appears that it was collected by the husband or his relatives. On at least some occasions, no dowry was paid at all.
98. Girls who had been married could also be taken back to the orphanage.
99. Once married, the girls would move in with their husbands or husbands' relatives. They would eventually be raped by their husband, sometimes with violence, including under the threat of firearms. These rapes would continue to take place on a regular basis for the length of their captivity and would sometimes be accompanied by physical violence. At least one of the girls suffered extensive physical injuries from being raped.
100. In one case, the relatives of the husband were sympathetic to the girl and tried to dissuade him from raping her. In others, the relatives would either tolerate or be resigned to the sexual violence or actively encourage it.
101. Whether the girls were expected to bear children seems to have depended on personal circumstances. Some were allowed to use contraceptives, or the men would themselves use condoms to avoid pregnancies. In other cases, pregnancies seem to have been expected, with several witnesses recalling being given medical attention to help them get pregnant.
102. The girls were expected to fulfil the role of a wife and undertake all domestic chores, such as cleaning and cooking. In at least one case, a girl who was forcibly married was able to take her young siblings with her to her new home.
103. The girls who had been forcibly married were moved from location to location, following their husbands or their relatives, depending on the unfolding of the armed conflict.
104. Girls who married Shi'a Turkmen boys also had to follow their husbands, and lived for the most part as married Sunni women would. For example, it appears that one girl was punished by al-Hisba for not adhering to the dress code. There is a significant likelihood that these forced marriages, regardless of whether they were seen as the better option for both parties, resulted in rape, especially considering the age of the girls. However, evidence of the latter is difficult to obtain as the girls are unlikely to have disclosed such violence, being faced with social stigmatization and risks of further psychological and physical harm in light of the prevailing social and cultural views surrounding (marital) sexual violence.
105. Some of the girls who were forcibly married remain missing to this day, with at least one reportedly being dead. Some might be in camps in Syria.

II. LEGAL ANALYSIS OF SEXUAL AND GENDER-BASED CRIMES AND CRIMES AGAINST CHILDREN COMMITTED AGAINST THE SHI'A TURKMEN COMMUNITY

106. Considering the scope of the investigation led by the Team's Gender and Children Unit and the focus of this document on sexual and gender-based crimes and crimes against and affecting children, this legal analysis is not intended to be exhaustive of all international crimes committed against the Shi'a Turkmen community. Rather, this report aims to shed light on gendered and age-based dimensions of ISIL crimes against the Shi'a Turkmen community and the resulting impacts on victims and survivors, notably women and children.
107. This document also focuses mainly on crimes against humanity. In doing so, underlying crimes that could be qualified as both a crime against humanity and a war crime are laid out under the "Crimes against humanity" section. Only underlying crimes which are specific to war crimes only are elaborated under the "War crimes" section. 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. Where necessary, reference is made to the Rome Statute of the International Criminal Court 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.

1. Crimes against humanity

108. Crimes against humanity are a specific set of acts prohibited under international criminal law (underlying crimes) that are committed as part of a widespread or systematic attack directed against a civilian population (contextual requirements).

i. Contextual elements

109. Under customary international law, the contextual requirements for crimes against humanity consist of: (i) a widespread or systematic attack directed against any civilian population; (ii) a nexus between the underlying act and the attack; and (iii) knowledge of the attack.
110. An attack against a civilian population implies the commission of several acts – which different Courts have defined as only the underlying acts of crimes against humanity or as any mistreatment of the civilian population. However, the attack need not be military in nature. The attack must however target a civilian population, *i.e.* it must have a collective nature. For the purpose of identifying crimes against humanity, the definition of a civilian under international humanitarian law (IHL) is not dispositive to determine whether the 'civilian population' is the target of the attack; *hors de combat* present or former members of armed forces can for example be victims of crimes against humanity if they are targeted in the context of a broader attack against the civilian population.
111. The attack must also be either widespread – of a large-scale nature with a high number of victims – or systematic – part of a pattern of crimes. A limited number of acts may still amount to a crime against humanity if they are not isolated and random acts.

112. Although customary international law does not require the existence of a plan or policy for crimes against humanity, the Rome Statute of the International Criminal Court requires crimes against humanity to be committed pursuant to or in furtherance of a State or organizational policy to commit an attack against a civilian population. Such a policy need not be decided at the highest levels of the State or organization or be a pre-established project, but can be deduced from repeated actions occurring according to a same sequence. The organization itself is loosely defined and is not required to have a very clear structure, although in practice it is often the case.
113. The organized structure of ISIL during the relevant period is well established; and its acts that would amount to different types of underlying crimes against humanity are well documented. ISIL's ideology and policies affected the whole civilian population of the areas it controlled and particularly targeted religious and/or ethnic communities.
114. In addition, to satisfy the *mens rea* requirements, the perpetrator must be aware of the widespread or systematic attack and understand their actions to fit this pattern. There is no requirement that the perpetrator adheres to the criminal design of the organization or State or intends to participate in the attack: the perpetrator's motive is hence irrelevant. It suffices to establish, in view of the context, knowledge of the particular fact that his or her act formed part of the attack. This requirement is in addition to any specific *mens rea* requirements for the underlying offences (set out in further detail in relation to each underlying crime below)
115. Although the fulfilment of *mens rea* requirement is specific to each individual perpetrator, they would only need to have been aware that their actions were part of or fit into the pattern of ISIL's multiple attacks against the civilian population, and in particular against Shi'a Turkmen, and contributing to the imposition of its ideology and rules.

ii. Specific requirements for underlying crimes

a. Murder

116. In addition to the contextual elements common to all crimes against humanity, the crime of murder is defined as the act of killing or causing the death of one or more persons. The perpetrator must intend to kill or be aware that their actions are likely to result in the death of the victim(s).
117. The available evidence indicates that killings followed a very gendered pattern. For example, one Shi'a Turkmen child recalled seeing men, including her father, being shot immediately after being captured.
118. Most Shi'a Turkmen men and older boys were in all likelihood killed shortly after being captured, as done with other communities specifically targeted by ISIL. This would also follow the pattern seen in the Camp Speicher and Badush massacres, the killing of 40 Shi'a Turkmen near Kirkuk on 17 June 2014 and other incidents. This is supported by the fact that they were separated from their relatives shortly after being captured, and have not been seen or heard from since. In addition, witnesses who were kept in predominantly Shi'a Turkmen locations recalled having seen bodies and blood on the wall.
119. This might also have been the fate of some women, especially elderly women, as this would match ISIL's patterns of targeting victims in other communities. In addition, Shi'a Turkmen women were reportedly burned to death in Raqqa sometime in 2015.
120. Furthermore, UNITAD has collected accounts describing threats or admissions of murder from ISIL members in relation to the killing of Shi'a men. In one case, neighbours supporting ISIL had told a family, right after one of their adult male relatives was separated from them, that he was going to be killed.

121. Witnesses also shared with UNITAD numerous second-hand accounts of killings of Shi'a Turkmen people. There is also uncorroborated information that a number of Shi'a people were killed in al-Shuhada neighbourhood of Sinjar on 3 August 2014.

122. In conclusion, there are reasonable grounds to believe that murder as a crime against humanity was committed against adult and teenage Shi'a Turkmen males and females upon their capture in and around Tal Afar, or in the following weeks and months.

b. Imprisonment or other severe deprivation of liberty

123. In addition to the contextual elements common to all crimes against humanity, the crime of imprisonment or other severe deprivation of liberty is defined as the act of severely depriving one or more persons of their physical liberty in violation of fundamental rules of international law. In that regard, the deprivation of liberty must be arbitrary, i.e. imposed without due process. The perpetrator must have intended to arbitrarily deprive the victim(s) of their physical liberty or had reasonable knowledge that their action would cause such deprivation.

124. There is already significant evidence that Shi'a Turkmen were arbitrarily deprived of their physical liberty by ISIL. When men and older boys were not immediately separated, families would usually be detained together for a few hours or days. In instances where men and older boys were, however, separated, they were detained for several days, while blindfolded and restrained.

125. The fate of women and older girls remains largely unknown, making it difficult to assess how long they were imprisoned for. However, the available evidence does show that they were arbitrarily deprived of liberty for at least as long as the men and older boys. Thus, the available evidence points to the same conclusion as for the men and older boys.

126. Finally, as regards the younger children, their time spent in the al-Zhoor orphanage in Mosul could be considered imprisonment, insofar as they were deprived of their physical liberty. Although the age of the children might have warranted their being confined to the orphanage for their own safety, there was no legal basis for their placement in the orphanage, which is consistent with the definition of deprivation of liberty as being arbitrary and without due process of law. Furthermore, while some witnesses state that the children were allowed to move freely within the orphanage itself, this in itself does not disqualify the deprivation of liberty, which can exist even if the victims are able to move in a specific area, such as a ghetto or while under house arrest. In addition, the available evidence shows that the security of the orphanage became increasingly tight, almost akin to a prison. Video cameras were installed and doors were locked. The conditions in the Silat al-Arham Mosque were similar.

127. In conclusion, there are reasonable grounds to believe that imprisonment as a crime against humanity was committed against adult and teenage Shi'a Turkmen males and females following their capture in and around Tal Afar, and against Shi'a Turkmen children throughout their subsequent stay at the orphanage.

c. Torture

128. In addition to the contextual elements common to all crimes against humanity, the crime of torture is defined as the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused. The methods employed need not lead to permanent injury or damage to the health of the victim.

129. The ICTY and ICTR also considered an additional subjective element borrowed in part from the Convention Against Torture: the infliction of severe pain or suffering must be committed (a) to obtain information or a confession from the victim or a third person; (b) to punish the victim or a

third person; (c) for the purpose of intimidating or coercing the victim or the third person; or (d) for any reason based on discrimination of any kind. These purposes have been recognized as customary international law, although they need not be the predominating or sole purpose. Neither the Rome Statute nor the Draft Articles on Prevention and Punishment of Crimes Against Humanity of the International Law Commission (ILC) require a specific purpose in their identical definition of the crime against humanity of torture, only that the infliction of pain be intentional.

130. Furthermore, unlike the Convention against torture, international criminal law recognizes acts of torture committed by persons other than public officials or persons acting in an official capacity, such non-state organizations or private individuals.
131. UNITAD holds both direct and indirect evidence of acts of torture committed against Shi'a Turkmen people by ISIL. Children, and particularly the boys, were subjected to physical abuse that may amount to torture while in the custody of ISIL at the orphanage or subsequent institutes or camps. Witnesses described horrific punishments inflicted on the boys at the Abdullah Bin Omar Sharia Institute in Tal Afar, such as tying boys to an iron bar and beating them with a hose.
132. Available evidence also suggests that the men, women, and older children may have also been subjected to acts of torture through physical violence at the early stages of their captivity. For example, witnesses described having heard the sounds of beatings and screams in Hasan Koy prison and another location in Tal Afar, or having been direct witnesses to ISIL members beating men.
133. In addition, sexual violence can also amount to torture. Some of the accounts describe women and girls being specifically separated and taken to interview rooms by ISIL members; one witness described being forcibly married and raped. The younger girls who were forcibly married were also subjected to repeated rapes.
134. Furthermore, other acts demonstrate the infliction of severe mental pain and suffering which may amount to torture. For example, one witness described how ISIL members subjected a family to a mock execution. Although it is unclear whether the intent of the perpetrators was indeed to execute the family or to conduct a mock execution, this specific incident may nonetheless amount to torture. Similarly, uttering death threats in front of children against their adult relatives with the intent to create terror, shooting blank rounds or grenades in a room where children are asleep or shooting at children as a punishment and intimidation tactic, may also amount to torture.
135. All above acts appear to have been committed to discriminate victims on account of being Shi'a Turkmen.
136. In conclusion, there are reasonable grounds to believe that torture as a crime against humanity was committed against Shi'a Turkmen people upon their capture in and around Tal Afar and during their captivity afterwards.

d. Rape

137. In addition to the contextual elements common to all crimes against humanity, the crime of rape is defined as an invasion of a sexual nature, committed by using coercion, force, threat of force, or under circumstances which are coercive. The term invasion is meant to be gender-neutral and covers the penetration of either the victim or the perpetrator, with a sexual organ, any part of the body, or any object. Males can be victims of rape. The coercive circumstances need not be evidenced by a show of physical force. They also are redundant if the victim was incapable of giving genuine consent, for example if they are minors. The perpetrator must have intended to effect the sexual penetration and have had knowledge of the coercive circumstances.

138. UNITAD holds both direct and indirect evidence of crimes against humanity of rape committed against Shi'a Turkmen people by ISIL. ISIL organized the forced marriage of the Shi'a Turkmen girls who they had captured and who were staying in the orphanage in Mosul, as well as at least one Shi'a Turkmen woman from Mosul. As a result, the women and girls who were forcibly married were victims of rape on the part of their now husbands. These rapes would continue to take place on a regular basis for the length of their captivity and would sometimes be accompanied by physical violence.
139. Some of the Shi'a Turkmen boys also entered into early marriages with Shi'a Turkmen girls. They mostly did so to protect the girls from a marriage to an ISIL member or other forms of sexual violence or to try to avoid having to see combat. The sexual relations that have ensued may be considered rape. However, the victims themselves seem to recognize and accept their union to this day which, in addition to gender norms and societal expectations on men and boys, make it unlikely that these boys would testify as to the coercive element of rape.
140. While there is no direct evidence establishing with a high degree of probity that the adult women and older girls were systematically subjected to rape, some of the accounts seem speak to that likelihood, such as the fact that they were specifically separated and taken to interview rooms by ISIL members. Testimonial evidence also suggest this may have occurred. Likewise, it seems likely that the women and older girls, once separated from the children, were taken as *sabaya*, further evincing the likelihood of acts of rape having occurred, as several witnesses have recognized female relatives in pictures taken in refugee camps where ISIL families now reside.
141. In conclusion, there are reasonable grounds to believe that rape as a crime against humanity was committed against Shi'a Turkmen women, girls and boys following their capture in and around Tal Afar, and in the context of forced marriages.

e. Sexual slavery

142. The crime of sexual slavery is closely related to that of enslavement, which includes exercising powers attaching to the right of ownership over a person, in the course of trafficking in persons, in particular women and children. Thus, in addition to the contextual elements common to all crimes against humanity, the crime of sexual slavery is defined as the exercise of all the powers attaching to the right of ownership over one or more persons, or the imposition of a similar deprivation of liberty, during which the perpetrator caused the enslaved persons to engage in acts of a sexual nature. Sexual acts can be indicative of enslavement and sexual slavery can lead to a conviction for enslavement. Likewise, sexual slavery can be regarded by as a particular form of enslavement.
143. This exercise of power can for example express itself through the purchasing, selling, lending or bartering of human beings. Further indicia of enslavement can be the (i) control or restrictions of someone's movement and, more generally, measures taken to prevent or deter escape; (ii) control of physical environment; (iii) psychological control or pressure; (iv) force, threat of force or coercion; (v) duration of the exercise of powers attaching to the right of ownership; (vi) assertion of exclusivity; (vii) subjection to cruel treatment and abuse; (viii) control of sexuality; (ix) forced labour or subjecting the person to servile status; and (x) the person's vulnerability and the socio-economic conditions in which the power is exerted. The ICC has found that the enslaved person must be placed in a situation of dependence which entails his or her deprivation of any form of autonomy.
144. In at least one case, a Shi'a Turkmen woman was taken to a 'slave market' and then forcibly married to an ISIL member, who seemingly exercised ownership over her, including by restricting her movements, exerting material and psychological control over her and subjecting her to physical

and psychological abuse. He also repeatedly raped her throughout her captivity. While further evidence has yet to be collected to determine whether the enslavement of Shi'a Turkmen people, in particular women and girls, by ISIL members was a widespread pattern of conduct, it is likely that at least some of them were subjected to enslavement, including sexual slavery, as some Yazidi captives suggested.

145. Indeed, women and teenage girls were systematically separated from the children after the men and older boys already had been, which could indicate that their fate was neither to be killed, nor to be forcibly integrated into ISIL ordinary life – as was the case with the children who were placed in ISIL (Da'esh) families. Most of these women and girls are still missing to this day; and two witnesses received information that their female relatives were in camps. Many were likely subjected to domestic or sexual slavery.

146. In conclusion, there are reasonable grounds to believe that sexual slavery as a crime against humanity was committed against Shi'a Turkmen women and girls, including through 'marriages'.

f. Persecution

147. In addition to the contextual elements common to all crimes against humanity, the crime of persecution is defined as the severe deprivation of one or more persons of their fundamental rights contrary to international law by reason of the identity of the group or collectivity. The victims must be part of a group or collectivity targeted because of their political, racial, national, religious identity. Several grounds of persecution may coexist and be interconnected in one given context.

148. The ICTY has found that the persecutory acts need not be a separate act of an inhumane nature to constitute persecution; the discrimination itself makes the act inhumane. As such, these acts might be constitutive of war crimes, genocide or other crimes against humanity, but they need not be as long as they reach the same level of gravity. Both the Rome Statute and the ILC Draft Articles require persecution to be committed in connection with other underlying crimes against humanity.

149. The fundamental rights which the victims are deprived of refer to those protected under customary international law and treaty law, notably by international human rights instruments. The ICTY has in particular underlined the right to life, the right to physical and mental inviolability, and the right to personal freedom.

150. UNITAD holds both direct and indirect evidence of crimes against humanity of persecution committed against Shi'a Turkmen people by ISIL, on grounds of their religious and possibly ethnic identity. Shi'a Turkmen people may have also been persecuted based on their gender, which may qualify as persecution under the Rome Statute.

151. Firstly, the evidence as to the targeting of the Shi'a Turkmen by ISIL on religious grounds, and possibly ethnic grounds, is substantial. All Shi'a Turkmen victims interviewed by UNITAD have stated that they and their families were questioned by ISIL members about where they came from and their tribe or religion. ISIL members referred to Shi'a people as *rawafid* or *rafithi*, i.e. 'rejectionists' and talked to them with contempt, insults, and threatening language. Some testimonies suggest lists of names of Shi'a people living in certain areas were even drafted. Some evidence also points to the targeting of the Turkmen ethnicity and culture, but it is limited and contradicted by the presence of Sunni Turkmen among ISIL.

152. According to the available evidence, the Shi'a Turkmen victims were deprived of several of their fundamental rights, including the right to physical and mental inviolability. In all likelihood, they were also deprived of their right to life, and of their right to personal freedom.

153. In addition, violations of property rights can also be classified as acts of persecution when they are serious enough to destroy the economic livelihood of a part of the population or connected with other acts of persecution. This includes the destruction of cultural heritage. There is circumstantial evidence that private properties belonging to Shi'a Turkmen were confiscated by ISIL. It is also well established that ISIL destroyed numerous Shi'a holy sites.
154. Finally, hate speech, in conjunction with other acts, may, under certain circumstances, constitute an act of persecution as it violates the right to respect for the dignity of the members of the targeted group. Besides the derogatory, insulting and threatening language used by individual members of ISIL, the organization itself also produced propaganda that could qualify as hate speech against Shi'as. For example, an ISIL pamphlet recovered by UNITAD specifically targets 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* (وكفر الردة أغلظ بالإجماع (من الكفر الأصلي: لذا كان قتال المرتدين أولى عندنا من قتال الكافر الأصلي).
155. Secondly, there is evidence that the persecutory conduct of ISIL towards Shi'a Turkmen people was deeply gendered. While direct evidence as to the fate of adult men and women and older boys and girls is limited, they were subjected to different violations of their rights based on their gender identity. Moreover, the women and girls in particular were targeted on the basis of their gender, and were deprived of some of their fundamental rights due to the particular roles and expectations ISIL (Da'esh) assigned to their gender, resulting in their oppression. ISIL imposed a strict set of rules and sanctions aimed at imposing discriminatory gender roles on everyone and controlling all aspects of life. While persecution on gender grounds affects all genders and victimized both males and females in different ways, due to ISIL ideology, it disproportionately affected women and girls, and in particular those who were held captives due to their religious or ethnic identity.
156. Thus, while captured Turkmen Shi'a men and boys were most likely killed or conscripted, women and girls were either enslaved or forcibly married – both of which resulted in recurring acts of rape and sexual violence against them. They were forced to follow a strict dress code enforced by physical and degrading punishments. Girls held in the orphanage were deprived of access to regular schooling and given classes about religion. They were, for example, taught about marriage by a member of al-Hisba and shown violent propaganda videos – preparing them for their perceived future roles as wives and mothers of ISIL fighters. Once married, the girls were also expected to fulfil the role of a wife and undertake all domestic chores, such as cleaning and cooking; which was also likely the case for women and older girls.
157. In conclusion, there are reasonable grounds to believe that persecution as a crime against humanity was committed against Shi'a Turkmen people, both on religious and gender grounds, throughout the period during which ISIL was in control of the areas where they lived.

g. Other inhumane acts

158. In addition to the contextual elements common to all crimes against humanity, the crime of other inhumane acts is committed through an act or omission of similar gravity to other crimes against humanity, resulting in serious mental or physical suffering or injury, or constituting a serious attack on human dignity. The severity of the conduct must be assessed on a case-by-case basis with due regard for the individual circumstances of the case. There is no requirement that the suffering have long-term effects, although this may be relevant to the determination of the severity of the criminal conduct.

159. The act or omission must have been committed intentionally or with the knowledge that this act or omission was likely to cause such pain or suffering or to constitute a serious attack upon human dignity.
160. UNITAD holds both direct and indirect evidence of crimes against humanity of other inhumane acts through the forced marriage and, in some cases, forced religious conversion of Shi'a Turkmen people. In addition, acts of sexual violence, beatings or psychological abuse that may not amount to torture, rape or sexual slavery may still be considered inhumane acts for the purpose of demonstrating the existence of a crime against humanity of other inhumane acts.
161. Forced religious conversion can be defined as the act of compelling somebody to convert their own religious beliefs to another religion. The available evidence strongly suggests that Shi'a Turkmen children were expected to convert to ISIL's radical and extremist belief system. Furthermore, the testimonies collected clearly demonstrate that both boys and girls were forcibly converted while in captivity. Several witnesses reported that they thought they would be killed if they refused to convert.
162. Forced marriage is defined as a situation in which the perpetrator through his words or conduct, or those of someone for whose actions he is responsible, compels a person by force, threat of force, or coercion to serve as conjugal partner resulting in severe suffering, or physical or psychological injury. A violent and coercive environment, especially if the victim is in captivity, indicates lack of consent for the marriage, although the absence of consent is not considered an element of forced marriage. Jurisprudence has held that forced marriage is of a similar gravity as other types of crimes against humanity.
163. Forced marriage implies an exclusive relationship without the free and informed consent of the victim, and other elements specific to a conjugal union, such as the duty to bear children and carry out domestic chores. In this respect, forced marriage is distinct from sexual slavery or rape or other types of sexual violence: while forced marriage generally does have a sexual component, it is not predominantly a sexual crime and its specificity lies in the social, religious or ethical consequences the conjugal bond may have for the victims. The victims are likely to feel they are bound to the perpetrator, despite their lack of consent at the time of the union.
164. The available evidence clearly demonstrates that ISIL organized the forced marriage of Shi'a Turkmen girls. Several witnesses describe how judges or ISIL members came to the orphanage to identify girls to be married; ISIL women would come and pick girls for their male relatives; or ISIL members would directly come to pick out a girl; and selections of girls were made and presented to prospective grooms, both Shi'a Turkmen boys and ISIL members. ISIL's administration was also responsible for the purported validity of these marriages, with the grooms seeking permission from the Court and marriage certificates being signed and stamped by a judge either from a Mosque or court in Mosul. Once married, the girls were expected to fulfil the role of a wife and perform all domestic chores, such as cleaning and cooking, and have sexual relations with their husbands.
165. Shi'a Turkmen boys could also be considered victims of forced marriage, as recognized by existing case law. Several of them entered into early and forced marriage with Shi'a Turkmen girls, within a highly coercive environment. ISIL encouraged the early marriage of boys through incentives, although it is unclear whether these incentives were offered to all boys. In addition, these premature forced marriages to other members of the Shi'a Turkmen community were not entered into with free and informed consent, given that they were regarded by the young victims as a safer option or means of avoiding a potential marriage with another individual.

166. In conclusion, there are reasonable grounds to believe that other inhumane acts as a crime against humanity were committed against Shi'a Turkmen people, especially children.

2. War crimes

i. Contextual elements

167. War crimes are serious violations of international humanitarian law, whether treaty or custom, and must thus take place in the context of and be associated with an armed conflict. UNITAD has already found that there were reasonable grounds to believe that, between 30 December 2013 and at least 9 December 2017, a non-international armed conflict existed between ISIL and the Iraqi government.

168. Residents of Sinjar, Tal Afar and surrounding areas were entitled to the protection under the laws and customs of war for such time as they were not taking direct part in the hostilities and/or were under the custody or control of ISIL members. The latter were also aware that said residents were taking no direct part in the hostilities and/or that they were under ISIL custody or control.

169. ISIL members committed the acts discussed in this report in the context of their takeover of the aforementioned towns and areas. All this was in the greater context of ISIL's advance against Iraqi forces, and thus was connected with the ongoing armed conflict. As many ISIL members participated in these acts, they were aware of the factual circumstances establishing the armed conflict.

170. The current legal analysis will focus on the forcible recruitment, enlistment and use of children by ISIL as a conduct not covered under the preceding legal analysis related to crimes against humanity.

ii. Forcibly recruiting (conscripting) and using children in hostilities

171. The criminal prohibition on conscription, enlistment or use in hostilities of children under the age of 15 is enshrined in customary international law. The elements of this crime, as set out in the ICC Elements of Crimes, are that (i) the perpetrator conscripted or enlisted one or more persons into an armed force or group or used one or more persons to participate actively in hostilities; (ii) such person or persons were under the age of 15 years; (iii) the perpetrator knew or should have known that such person or persons were under the age of 15 years; and (iv) the perpetrator's conduct was deliberate and the perpetrator meant to cause the consequence or was aware that it would occur in the ordinary course of events.

172. Both forcible recruitment (conscripting) and enlistment are forms of recruitment, with conscription involving some form of coercion or compulsion. Whereas the notion of "enlistment" may be less defined in the case of armed groups than armed forces, a period of training can be taken as sufficient evidence of enlistment.

173. UNITAD holds both direct and indirect evidence of war crimes of forcibly recruiting (conscripting) and using children under the age of 15. Shi'a Turkmen boys were captured, forcibly separated from their parents, and then made to follow physical training very shortly after their capture and throughout their captivity, which demonstrates ISIL's planning with regards to their conscription into its ranks. Weapons training was also introduced later on, and some witnesses recalled being given an explosive belt. Some of this intensive training was apparently filmed for propaganda purposes.

174. They were also subjected to violent and dehumanizing material, probably in order to desensitize them and prepare them for combat. The boys were given *kunyas* a few weeks before leaving the

training and were told that they were to be the ‘Cubs of the Caliphate’. Most, if not all, boys were sent to military training. Most, if not all, received military uniforms. After their training, the Shi’a Turkmen boys were deployed in various capacities, such as manning a checkpoint or as guards. Some of these boys, as young as 12, participated in active combat, for example in the battle between ISIL and the al-Hashid forces in Tal Afar or in Syria, or were wounded in airstrikes.

175. In conclusion, there are reasonable grounds to believe that the war crime of forcibly recruiting (conscripting) and using children in hostilities was committed against Shi’a Turkmen boys.

III. OBSERVATIONS AND SUGGESTIONS

176. Based on the available evidence analysed for this report, there are reasonable grounds to believe that the following international sexual and gender-based crimes and crimes against and affecting children were committed by ISIL members against the Shi’a Turkmen community:

- murder, imprisonment or other severe deprivation of liberty, torture, and persecution on religious grounds as crimes against humanity against Shi’a Turkmen men and pubescent boys;
- murder, imprisonment or other severe deprivation of liberty, torture, rape, sexual slavery, persecution on religious and gender grounds, and other inhumane acts, through forced conversion and forced marriage as crimes against humanity against Shi’a Turkmen women and pubescent girls;
- imprisonment or other severe deprivation of liberty, torture, rape, persecution on religious grounds and other inhumane acts, through forced conversion and forced marriage, as crimes against humanity against captured Shi’a Turkmen children regardless of their sex; *in addition to*
- sexual slavery and persecution on gender grounds, as crimes against humanity against Shi’a Turkmen girls; *and*
- conscription and use of children in hostilities as a war crime against Shi’a Turkmen boys.

177. Nonetheless, these findings would benefit from further investigation in certain areas, especially with regards to the fate of adult men and women and older boys and girls. Such investigative steps could involve:

- a. Identifying and interviewing Shi’a Turkmen men who might have survived following their capture with their families;
- b. identifying and interviewing other survivors or civilians who were in the area of Tal Afar at the time the men are thought to have been killed;
- c. identifying and interviewing Shi’a Turkmen women who might have survived following their capture with their families;
- d. asking other survivors – especially of sexual slavery – whether they have any information about Shi’a Turkmen women being enslaved;
- e. identifying and interviewing Shi’a Turkmen children who were forcibly placed in ISIL (Da’esh) families and returned – bearing in mind their age and vulnerabilities;
- f. asking children of roughly the same age but of different ethnic and/or religious backgrounds whether they have any information about Shi’a Turkmen children;

- g. identifying and interviewing Shi'a Turkmen boys who were forcibly conscripted, in particular if they appear to have been kept or trained in the Tal Afar Citadel at any point;
- h. identifying and interviewing other Shi'a Turkmen girls and women who were either enslaved or forcibly married, especially if they were not housed in the Mosul orphanage prior;
and
- i. identifying and interviewing Shi'a Turkmen from other areas than Tal Afar.

SELECTED BIBLIOGRAPHY

EVIDENCE COLLECTED BY UNITAD

1. Witness interviews or statements collected by UNITAD
2. ISIL videos and other material related to the analyzed crimes, including:
 - Al-Hayat Media Center, What Comes to You of Good is from Allah (June 2014)
 - Abu Qudama al-Muhajer, 'This is our creed and the pilgrimage of our approach' (هذه عقيدتنا وهما منهجنا) (2015)
 - Office of Research and Fatwas, Pamphlet entitled 'Su'al wa-Jawab fi al-Sabi wa-Riqab' (Slavery Q&A) (سؤال وجواب) (في السبي ورقاب) (3 December 2014)
 - Office of Research and Studies, 'Sabi: Rulings and Issues' (السبي: أحكام ومسائل) (July-August 2015)
 - Wilayat al-Raqqa, al-Eftaa' Centre, 'Ruling on Slavery and the Slave' (ماحكم سبي نساء النصيرية والكفار) (date unknown)

UNITAD ANALYTICAL REPORTS

1. UNITAD, Confidential Report, 'Non-International Armed Conflict in Iraq and ISIL as an Organized Non-State Actor' (final version August 2024)

UN PUBLICATIONS

1. UN Security Council, [ISIL \(Da'esh\) and Al-Qaida in Iraq Sanctions List Narrative Summary](#) (28 March 2011)
2. UN Security Council, 'Security Council Press Statement on Iraq' (11 June 2014), SC/11437-IK/673
3. UN Security Council, 'First report of the Secretary-General pursuant to paragraph 6 of resolution 2110 (2013)' (13 November 2013), S/2013/661
4. UN Security Council, 'First report of the Secretary-General submitted pursuant to paragraph 6 of resolution 2169 (2014)' (31 October 2014), S/2014/774
5. UN Security Council, 'Second report of the Secretary-General submitted pursuant to paragraph 6 of resolution 2110 (2013)' (14 March 2014), S/2014/190
6. UN Security Council, 'Third report of the Secretary-General submitted pursuant to paragraph 6 of resolution 2110 (2013)' (11 July 2014), S/2014/485
7. UN Security Council, 'Third report of the Secretary-General submitted pursuant to paragraph 6 of resolution 2169 (2014)' (1 May 2015), S/2015/305
8. UN Security Council, 'Third report of the Secretary-General submitted pursuant to paragraph 7 of resolution 2233 (2015)' (27 April 2016), S/2016/396
9. UN Security Council, 'Fourth report of the Secretary-General submitted pursuant to paragraph 7 of resolution 2233 (2015)' (5 July 2016), S/2016/592
10. UN OHCHR, [Report on Human Rights in Iraq: 2011](#) (May 2012)
11. UN OHCHR, Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: 5 June – 5 July 2014 (18 July 2014)
12. UN OHCHR, Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: 6 July - 10 September 2014 (September 2014)
13. UN OHCHR, Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: 11 September – 10 December 2014 (10 December 2014)
14. UN OHCHR, Report 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, A/HRC/28/18 (27 March 2015)
15. UN OHCHR, Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: 11 December – 30 April 2015 (30 April 2015)
16. UNFPA, Central Statistical Organization and the Kurdistan Region Statistical Office, '[Iraqi Women Integrated Social and Health Survey \(IWISH2\)](#)', (1 April 2022)
17. UNITAD, 'Camp Speicher: A Pattern of Mass Killing and Genocidal Intent' (June 2024)
18. UNITAD, 'Factual and legal assessment of acts committed by ISIL (Da'esh) in Iraq during the attack on Badush Central Prison on 10 June 2014' (September 2024)
19. UNITAD, 'Report on sexual violence against women and girls committed by ISIL in Iraq' (December 2023)
20. UNITAD, 'The ISIL Attack on Sinjar in August 2014 and Subsequent Acts Committed Against the Yazidi Community in Iraq' (August 2024)
21. UNITAD, 'Contextual Elements of Crimes Against Humanity' (September 2024)

UN RESOLUTIONS

1. UNSC Resolution S/RES/2170 (2014)
2. UNSC Resolution S/RES/2253 (2015)
3. UNSC Resolution S/RES/2367 (2017)
4. UNSC Resolution S/RES/2379 (2017)

LEGAL REFERENCES

(a) International Criminal Tribunal for the Former Yugoslavia

1. Statute of the International Criminal Tribunal for the Former Yugoslavia
2. *Prosecutor v. Tadić*, IT-94-1-AR72, Appeals Chamber, *Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction* (“*Tadić* Decision on Jurisdiction”), 2 October 1997
3. *Prosecutor v. Tadić*, IT-94-1-T, Trial Chamber, *Opinion and Judgment* (“*Tadić* Trial Judgment”), 7 May 1997
4. *Prosecutor v. Tadić*, IT-94-1-A, Appeals Chamber, *Judgement* (“*Tadić* Appeal Judgment”), 15 July 1999
5. *Prosecutor v. Brđanin*, IT-99-36-T, Trial Chamber, *Judgement* (“*Brđanin* Trial Judgment”), 1 September 2004
6. *Prosecutor v. Brđanin*, IT-99-36-A, Appeals Chamber, *Judgement* (“*Brđanin* Appeal Judgment”), 3 April 2007
7. *Prosecutor v. Blagojević and Jokić*, IT-02-60-T, Trial Chamber, *Judgement* (“*Blagojević and Jokić* Trial Judgment”), 17 January 2005
8. *Prosecutor v. Popović et al.*, IT-05-88-T, Trial Chamber, *Judgement* (“*Popović et al.* Trial Judgment”), 10 June 2010
9. *Prosecutor v. Popović et al.*, IT-05-88-T, Appeals Chamber, *Judgement* (“*Popović et al.* Appeal Judgment”), 30 January 2015
10. *Prosecutor v. Krstić*, IT-98-33, Trial Chamber, *Judgement* (“*Krstić* Trial Judgment”), 2 August 2001
11. *Prosecutor v. Krstić*, IT-98-33, Appeals Chamber, *Judgement* (“*Krstić* Appeal Judgment”), 19 April 2004
12. *Prosecutor v. Krnojelac*, IT-97-25-T, Trial Chamber, *Judgment* (“*Krnojelac* Trial Judgment”), 15 March 2002
13. *Prosecutor v. Krnojelac*, IT-97-25-A, Appeals Chamber, *Judgement* (“*Krnojelac* Appeal Judgment”), 17 September 2003
14. *Prosecutor v. Krajišnik*, IT-00-39-T, Trial Chamber, *Judgement* (“*Krajišnik* Trial Judgment”), 27 September 2006
15. *Prosecutor v. Krajišnik*, IT-00-39-A, Appeals Chamber, *Judgement* (“*Krajišnik* Appeal Judgment”), 17 March 2009
16. *Prosecutor v. Kordić and Čerkez*, IT-95-14/2-T, Trial Chamber, *Judgement* (“*Kordić and Čerkez* Trial Judgment”), 26 February 2001
17. *Prosecutor v. Kordić and Čerkez*, IT-95-14/2-A, Appeals Chamber, *Judgement* (“*Kordić and Čerkez* Appeal Judgment”), 17 December 2004
18. *Prosecutor v. Mladić*, IT-09-92-T, Trial Chamber I, *Judgment* (“*Mladić* Trial Judgment”), 22 November 2017
19. *Prosecutor v. Karadžić*, IT-95-5/18-T, Trial Chamber, *Public Redacted Version of Judgement Issued on 24 March 2016* (“*Karadžić* Trial Judgment”), 24 March 2016
20. *Prosecutor v. Karadžić*, IT-9S-SI18-AR98bis.I, Appeals Chamber, *Judgement* (“*Karadžić* Rule 98bis Appeal Judgment”), 11 July 2013
21. *Prosecutor v. Karadžić*, IT-95-5/18-AR73.9, Appeals Chamber, *Decision on Appeal from Denial of Judgment of Acquittal for Hostage-Taking* (“*Karadžić* Decision 11 December 2012”), 11 December 2012
22. *Prosecutor v. Kunarac et al.*, IT-96-23-T & IT-96-23/1-T, Trial Chamber, *Judgement* (“*Kunarac et al.* Trial Judgment”), 22 February 2001
23. *Prosecutor v. Kunarac et al.*, IT-96-23 & IT-96-23/1-A, Appeals Chamber, *Judgement* (“*Kunarac et al.* Appeal Judgment”), 12 June 2002
24. *Prosecutor v. Prlić et al.*, IT-04-74-A, Appeals Chamber, *Judgement Volume 1 Part 2* (“*Prlić et al.* Appeal Judgment”), 29 November 2017
25. *Prosecutor v. Simić et al.*, IT-95-17/1-T, Trial Chamber, *Judgement* (*Simić et al.* Trial Judgment”), 17 October 2003
26. *Prosecutor v. Simić*, IT-95-9-A, Appeals Chamber, *Judgement* (“*Simić* Appeal Judgment”), 28 November 2006
27. *Prosecutor v. Vasiljević*, IT-98-32-T, Trial Chamber, *Judgment* (“*Vasiljević* Trial Judgment”), 29 November 2002
28. *Prosecutor v. Vasiljević*, IT-98-32-A, Appeals Chamber, *Judgement* (“*Vasiljević* Appeal Judgment”), 25 February 2004
29. *Prosecutor v. Blaškić*, IT-95-14-T, Trial Chamber, *Judgement* (“*Blaškić* Trial Judgment”), 3 March 2000
30. *Prosecutor v. Blaškić*, IT-95-14-A, Appeals Chamber, *Judgement* (“*Blaškić* Appeal Judgment”), 29 July 2004
31. *Prosecutor v. Naletilić and Martinović*, IT-98-34-T, Trial Chamber, *Judgement* (“*Naletilić and Martinović* Trial Judgment”), 31 March 2003
32. *Prosecutor v. Naletilić and Martinović*, IT-98-34-A, Appeals Chamber, *Judgement* (“*Naletilić and Martinović* Appeal Judgment”), 3 May 2006
33. *Prosecutor v. Kvočka et al.*, IT-98-30/1-T, Trial Chamber, *Judgement* (“*Kvočka et al.* Trial Judgment”), 2 November 2001
34. *Prosecutor v. Kvočka et al.*, IT-98-30/1-A, Appeals Chamber, *Judgement* (“*Kvočka et al.* Appeal Judgment”), 28 February 2005
35. *Prosecutor v. Limaj et al.*, IT-03-66-T, Trial Chamber, *Judgement* (“*Limaj et al.* Trial Judgment”), 30 November 2005
36. *Prosecutor v. Mucić et al.*, IT-96-21-T, Trial Chamber, *Judgement* (“*Mucić et al.* Trial Judgment”), 16 November 1998
37. *Prosecutor v. Mucić et al.*, IT-96-21-A, Appeals Chamber, *Judgement* (“*Mucić et al.* Appeal Judgment”), 20 February 2001
38. *Prosecutor v. Kupreškić et al.*, IT-95-16-A, Appeals Chamber, *Appeal Judgement* (“*Kupreškić et al.* Appeal Judgment”), 23 October 2001
39. *Prosecutor v. Stakić*, IT-97-24-T, Trial Chamber, *Judgement* (“*Stakić* Trial Judgment”), 31 July 2003

40. *Prosecutor v. Stakić*, IT-97-24-A, Appeals Chamber, *Judgement* (“*Stakić* Appeal Judgment”), 22 March 2006
41. *Prosecutor v. Boškoski and Tarčulovski*, IT-04-82-A, Appeals Chamber, *Judgement* (“*Boškoski and Tarčulovski* Appeal Judgment”), 19 May 2010
42. *Prosecutor v. Haradinaj et al.*, IT-04-84-A, Appeals Chamber, *Judgement* (“*Haradinaj et al.* Appeal Judgment”), 19 July 2010
43. *Prosecutor v. Mrkšić et al.*, IT-95-13/1-T, Trial Chamber, *Judgement* (“*Mrkšić et al.* Trial Judgment”), 27 September 2007
44. *Prosecutor v. Strugar*, IT-01-42-T, Trial Chamber, *Judgement* (“*Strugar* Trial Judgment”), 31 January 2005
45. *Prosecutor v. Strugar*, IT-01-42-A, Appeals Chamber, *Judgement* (“*Strugar* Appeal Judgment”), 17 July 2008
46. *Prosecutor v. Furundžija*, IT-95-17/1-T, Trial Chamber, *Judgement*, 10 December 1998
47. *Prosecutor v. Furundžija*, IT-95-17/1-A, Appeals Chamber, *Judgement*, 21 July 2000
48. *Prosecutor v. Đorđević*, IT-05-87/1-A, Appeals Chamber, *Judgement*, 27 January 2014
49. *Prosecutor v. Galić*, IT-98-29-A, Appeals Chamber, *Judgement*, 30 November 2006
50. *Prosecutor v. D. Milošević*, IT-98-29/1-A, Appeals Chamber, *Judgement*, 12 November 2009
51. *Prosecutor v. Milan Martić* IT-95-11-A, Appeals Chamber, *Judgement*, 8 October 2008

(b) International Criminal Tribunal for Rwanda

1. Statute of the International Criminal Tribunal for Rwanda
2. *Prosecutor v. Akayesu*, ICTR-96-4-T, Chamber, *Judgement* (“*Akayesu* Trial Judgment”), 2 September 1998
3. *Prosecutor v. Nahimana et al.*, ICTR-99-52-A, Appeals Chamber, *Judgement* (“*Nahimana et al.* Appeal Judgment”), 28 November 2007
4. *Prosecutor v. Gacumbitsi*, ICTR-01-64, Appeals Chamber, *Appeals Judgement* (“*Gacumbitsi* Appeal Judgment”), 7 July 2006
5. *Prosecutor v. Kamuhanda*, ICTR-99-54A, Appeals Chamber, *Judgement* (“*Kamuhanda* Appeal Judgment”), 19 September 2005
6. *Prosecutor v. Hategekimana*, ICTR-0055B, Appeals Chamber, *Appeal Judgement* (“*Hategekimana* Appeal Judgment”), 8 May 2012
7. *Prosecutor v. Seromba*, ICTR-01-66, Appeals Chamber, *Appeal Judgement* (“*Seromba* Appeal Judgment”), 12 March 2008
8. *Prosecutor v. Nyiramasuhuko et al.*, ICTR-98-42, Appeals Chamber, *Judgement* (“*Nyiramasuhuko et al.* Appeal Judgment”), 14 December 2015
9. *Prosecutor v. Nzabonimana*, ICTR-98-44D, Appeals Chamber, *Appeal Judgement* (“*Nzabonimana* Appeal Judgment”), 29 September 2014
10. *Kalimanzira v. Prosecutor*, ICTR-05-88-A, Trial Chamber, *Judgement* (“*Kalimanzira* Trial Judgment”), 22 June 2009
11. *Prosecutor v. Karemera and Ngirumpatse*, ICTR-98-44-A, Appeals Chamber, *Judgement* (“*Karemera and Ngirumpatse* Appeal Judgment”), 29 September 2014
12. *Prosecutor v. Ngirabatware*, ICTR-99-54, Appeals Chamber, *Judgement* (“*Ngirabatware* Appeal Judgment”), 19 September 2005
13. *Prosecutor v. Kajelijeli*, ICTR-98-44A, Trial Chamber, *Judgment and Sentence* (“*Kajelijeli* Trial Judgment”), 2 February 2012
14. *Prosecutor v. Ntagerura et al.*, ICTR-99-46-T, Trial Chamber, *Judgement and Sentence* (“*Ntagerura* Trial Judgment”), 25 February 2004
15. *Prosecutor v. Bagosora et al.*, ICTR-98-41-T, Trial Chamber, *Judgement and Sentence* (“*Bagosora et al.* Trial Judgment”), 18 December 2008
16. *Prosecutor v. Kayishema and Ruzindana*, ICTR-95-1-T, Trial Chamber, *Judgement*, 21 May 1999
17. *Nyitegeka* Trial Judgment, para. 450
18. *Prosecutor v. Ntakirutimana and Ntakirutimana*, ICTR-96-10-A and ICTR-96-17-A, Appeals Chamber, *Judgement* (“*Ntakirutimana* Appeal Judgment”), 13 December 2004.

(c) Extraordinary Chambers in the Courts of Cambodia

1. *Co-Prosecutors v. Kaing Guek Eav*, 001/18-07-2007/ECCC/TC, Trial Chamber, *Judgement* (“*Duch* Trial Judgment”), 26 July 2010
2. *Co-Prosecutors v. Kaing Guek Eav*, 001/18-07-2007-ECCC/SC, Supreme Court Chamber, *Appeal Judgement* (“*Duch* Appeal Judgment”), 3 February 2012
3. *Co-Prosecutors v. Nuon Chea and Khieu Samphan*, 002/19-09-2007/ECCC/TC, Trial Chamber, *Case 002/02 Judgement* (“*Case 002/02* Trial Judgment”), 16 November 2018

(d) International Criminal Court

1. Rome Statute of the International Criminal Court (1998)
2. Elements of Crimes, ICC-PIOS-LT-03-002/15_Eng. Article 6(a)-(e)
3. *Prosecutor v. Al Hassan*, ICC-01/12-01/18-461-Corr-Red, Pre-Trial Chamber I, *Rectificatif à la Décision relative à la confirmation des charges portées contre Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (“*Al Hassan* Decision on Confirmation of Charges”), 13 November 2019
4. *Prosecutor v. Al Hassan*, ICC-01/12-01/18-2594-Red, Trial Chamber X, Trial Judgment, 26 June 2024

5. *Prosecutor v. Germain Katanga*, ICC-01/04-01/07-3436-tENG, Trial Chamber II, Judgment pursuant to article 74 of the Statute, 7 March 2014
6. *Prosecutor v. Bosco Ntaganda*, ICC-01/04-02/06-2666-Red, Judgment on the appeals of Mr Bosco Ntaganda and the Prosecutor against the decision of Trial Chamber VI of 8 July 2019, 30 March 2021
7. *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC-01/05-01/08-3343, Trial Chamber III, Judgment pursuant to Article 74 of the Statute, 21 March 2016
8. *Prosecutor v. Dominic Ongwen*, ICC-02/04-01/15-1762-Red, Trial Chamber IX, Trial Judgment, 4 February 2021

(e) Kosovo Specialist Chambers

1. *Prosecutor v. Thaçi et al.*, KSC-BC-2020-06, Pre-Trial Judge, *Public Redacted Version of Decision on the Confirmation of the Indictment Against Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi* (“Thaçi et al. Confirmation Decision”), 26 October 2020
2. *Prosecutor v. Thaçi et al.*, KSC-BC-2020-06, Pre-Trial Judge, *Public Redacted Version of the First Decision on Victims’ Participation* (“Thaçi et al. First Decision on Victim Participation”), 21 April 2021

(f) Special Tribunal for Lebanon

1. *Prosecutor v. Ayyash et al.*, STL-11-01/I, Appeals Chamber, *Interlocutory Decision on the Applicable Law: Terrorism, Conspiracy, Homicide, Perpetration, Cumulative Charging* (“Ayyash et al. Decision on Applicable Law”), 16 February 2011
2. *Prosecutor v. Ayyash et al.*, STL-11-01/I, Legal Representative of Victims, *Public Redacted Version of Annex A to the Legal Representative of Victims Request for the Admission of the Opinion Evidence of Professor Doctor Rianne Letschert* (“Ayyash et al. Opinion Evidence of Professor Doctor Rianne Letschert”), 18 September 2017.

(g) Other legal references

1. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
2. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977
3. International Committee of the Red Cross, Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law, Geneva, May 2009, <https://casebook.icrc.org/case-study/icrc-interpretive-guidance-notion-direct-participation-hostilities>
4. Draft Articles on Prevention and Punishment of Crimes Against Humanity adopted by the International Law Commission at its 71st session in 2019, with commentaries (A/74/10)

OPEN-SOURCE INFORMATION

(a) Books, Journals & Research Articles

1. Omar Ashour, *How ISIS Fights: Military Tactics in Iraq, Syria, Libya and Egypt* (Edinburgh: Edinburgh University Press, 1 October 2020)
2. Aymenn Jawad Al-Tamimi, “Islamic State Treaties: Ruling of Shari’a on the Shi’a Sects”, 18 July 2017

(b) Media Articles

1. Washington Post, ‘Shiite villagers describe ‘massacre’ in Northern Iraq’ (23 June 2014)
2. Al Jazeera, ‘[Iraqis flee Mosul after fighters seize city](#)’, 11 June 2014
3. BBC, ‘[Militants seize Iraq’s second city of Mosul](#)’, 10 June 2014
4. PBS News Hour, ‘[What is al-Qaeda in Iraq? A CFR background briefing](#)’, 1 November 2013
5. Reuters, ‘[Mosul falls to militants, Iraqi forces flee northern city](#)’, 10 June 2014

(c) Research & Analytical Reports

1. Aaron Y. Zelin, ‘[The War between ISIS and al-Qaeda for Supremacy of the Global Jihadist Movement](#)’ (June 2014)
2. Hayder al-Khoei, Chatham House, The Royal Institute of International Affairs, ‘[Syria, Iraq and the Struggle for Power: Intertwined Futures](#)’, Middle East and North Africa Programme, Research Paper (November 2016)
3. International Crisis Group, ‘[Exploiting Disorder: al-Qaeda and the Islamic State](#)’, Crisis Group Special Report (14 March 2016)
4. SITE Intelligence Group, ‘[ISIS Spokesman Calls for Support, Incites Against Shi’ites](#)’ (24 February 2012)
5. Stanford Center for International Security and Cooperation, Freeman Spogli Institute, ‘[Mapping Militant Organizations. "The Islamic State"](#)’ (April 2021)
6. Ahmed Ali and Nichole Dicharry, Institute for the Study of War, ‘[Iraq Situation Report: August 27-28, 2014](#)’ (August 2014)
7. John Sauerhoff, Institute for the Study of War, ‘[Iraq Situation Report: February 7-8, 2015](#)’ (February 2015)

8. Ahmed Ali and Nichole Dicharry, Institute for the Study of War, '[Iraq Situation Report: September 15-16, 2014](#)' (September 2014)
9. Ahmed Ali and Nichole Dicharry, Institute for the Study of War, '[Iraq Situation Report: September 30 – October 1 2014](#)' (October 2014)
10. Ahmed Ali and Brian Fisher, Institute for the Study of War '[Iraq Situation Report: October 9-10, 2014](#)' (October 2014)
11. Sinan Adnan and Brian Fisher, Institute for the Study of War, '[Iraq Situation Report: December 27-28, 2014](#)' (December 2014)
12. Jessica D. Lewis and Kimberly Kagan, Institute for the Study of War, '[The ISIS Battle Plan](#)' (12 June 2014)
13. Human Rights Watch, '[Iraq: Forcible Expulsion of Ethnic Minorities](#)' Vol. 15, No. 3 (E) (March 2003)
14. Center for Justice and Accountability, '[The Islamic State and its Treatment of 'Out-Groups](#)': A Comparative Analysis (August 2023)