

# report



## Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul





**Dohuk, Iraq: A young girl inside a school that's now home to displaced Yazidis.**  
Sebastian Meyer / Corbis, September 2014

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# Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul

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# Acronyms

<b>AINA</b>	Assyrian International News Agency	<b>NGO</b>	Non-governmental organization
<b>CE</b>	Common Era	<b>OCHA</b>	UN Office for the Coordination of Humanitarian Affairs
<b>EU</b>	European Union	<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>GoI</b>	Government of Iraq	<b>PMU(s)</b>	Popular Mobilization Unit(s)
<b>HHRO</b>	Hammurabi Human Rights Organization	<b>TRF</b>	Turkmen Rescue Foundation
<b>ICC</b>	International Criminal Court	<b>UN</b>	United Nations
<b>ICTY</b>	International Criminal Tribunal for the former Yugoslavia	<b>UNAMI</b>	UN Assistance Mission for Iraq
<b>IDP(s)</b>	Internally displaced person(s)	<b>UNESCO</b>	UN Educational and Scientific Organization
<b>IOM</b>	International Organization for Migration	<b>UNFPA</b>	UN Population Fund
<b>IQD</b>	Iraqi dinar	<b>UNHCR</b>	(The Office of the) UN High Commissioner for Refugees
<b>ISF</b>	Iraqi Security Forces	<b>UNICEF</b>	UN Children's Fund
<b>ISIS</b>	Islamic State of Iraq and al Sham	<b>WHO</b>	World Health Organization
<b>KRG</b>	Kurdistan Regional Government		
<b>MoI</b>	Ministry of Interior		

# Key findings

## Key findings

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• Since June 2014, the rapid spread of ISIS (Islamic State of Iraq and al Sham) forces across northern Iraq has triggered a wave of displacement, with more than 2 million people uprooted. Ethnic and religious minorities have been particularly targeted, including Christians, Kaka'i, Shabak, Turkmen and Yazidis, with thousands killed and many more injured or abducted.</li></ul>   | <ul style="list-style-type: none"><li>• The current situation for the millions of displaced persons in Iraq, many of whom belong to minority groups, is characterized by deteriorating humanitarian conditions in camps, abandoned buildings and informal settlements. The lack of an effective response from the government, combined with limited resources from international agencies, has left many without adequate food, water, health care, shelter and other necessities, with women and children especially vulnerable.</li></ul> |
| <ul style="list-style-type: none"><li>• Summary executions, forced conversion, rape, sexual enslavement, the destruction of places of worship, the abduction of children, the looting of property and other severe human rights abuses and crimes under international law have been committed repeatedly by ISIS. While minorities have long been vulnerable to attacks by extremists, this violence appears to be part of a systematic strategy to remove these communities permanently from areas where they have lived for centuries.</li></ul> | <ul style="list-style-type: none"><li>• With little support or protection, many Iraqis from minorities are now contemplating a life permanently outside the country. For these groups to have a future in the country, Iraqi and Kurdish authorities, the international community and other stakeholders must work together not only to ensure their immediate security, but also take steps through comprehensive legal and social reform to bring an end to their long-standing marginalization and prevent further abuses.</li></ul>     |

# 1 Introduction

*Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul* aims to document the plight of Iraq's minorities most affected by the violence that has gripped northern Iraq since June 2014. This report, based on extensive interviews, field work and research, seeks to complement other human rights reporting to highlight the situation of Iraq's minorities in light of the violence that has pervaded northern Iraq since June 2014. While the Western press seems to be focused on military events in Iraq and the campaign to defeat the Islamic State of Iraq and al Sham (ISIS) itself, the victims of the conflict need urgent help. It is hoped that this report reinforces the many voices calling for support and rights for Iraq's minorities.

Even before ISIS's depredations, the situation of Iraq's minorities was precarious, particularly for those living in the Ninewa plain and the territories disputed between the Kurdish region and the federal government. Before the fall of Mosul, more than half of Iraq's religious and ethnic minorities had fled the country since 2003, and those who remained were at risk of targeted violence, arbitrary arrest and detention, torture, harassment, intimidation, displacement, political disenfranchisement, and social and economic marginalization. For example, Iraq's Christian community reportedly numbered around 1.4 million or even more in the 1990s. Today, Christian leaders put the size of their community at approximately 350,000.<sup>1</sup>

Iraq's minorities have been steadily targeted over the years, but with ISIS's ruthless advance there appears to be a new mindset. Since June 2014, many thousands belonging to minorities have been murdered, maimed or abducted, including unknown numbers of women and girls forced into marriage or sexual enslavement. Based on the information captured in this report, it appears that ISIS forces and commanders have committed war crimes, crimes against humanity and the crime of genocide, including summary executions, killing, mutilation, rape, sexual violence, torture, cruel treatment, the use and recruitment of children, and outrages on personal dignity. Cultural and religious property dating back centuries has also been destroyed, while property and possessions have been systematically looted. These abuses are ongoing at the time of writing and appear to be part of a conscious attempt to eradicate Iraq's religious and ethnic diversity.

The violence has also caused a wave of displacement as entire communities have had to flee ISIS forces. As a result, as of 29 January 2015, the International Organization for Migration (IOM) had identified around 2,255,148 Iraqis who had lost their homes, dispersed across 2,412 distinct locations in Iraq.<sup>2</sup> Many have little or no possessions and are living in temporary camps or settlements spread across the region, particularly in the Iraqi Kurdish Region's Dohuk and Irbil governorates. Displaced persons are scattered across the towns and countryside, living under bridges and squatting in abandoned, unfinished housing. Conditions in the camps are also poor. Limited winterization of tents and failure to appropriately lay the ground for rain and snow, for example, has meant that those in camps have seen a difficult winter.

International standards, such as the Guiding Principles on Internal Displacement, are clear that responsibility for internally displaced persons (IDPs) rests primarily with the government of Iraq, with the assistance of international humanitarian organizations and other appropriate actors. Yet current support to IDPs is grossly lacking: Iraq has neither a legal framework addressing the rights and entitlements of IDPs, nor any policy or strategy clarifying the GoI's role and responsibilities. All IDPs are struggling under this gap in law and policy, and displaced minorities are particularly vulnerable – especially minority women. Significant shortfalls in international humanitarian aid are also apparent, with only 36.5 per cent (US\$814.6 million) of the estimated US\$2,230.3 billion in identified support requirements for UN agencies and assistance providers allocated, as of February 2015.<sup>3</sup>

Consequently, many minority groups are now seeking to leave the country outright rather than return to their communities. This perspective is rooted both in a sense of hopelessness about the prospect of return and frustration with the continued deterioration of humanitarian conditions. There is a lack of trust that the government will provide the necessary support to facilitate returns, locate missing persons and ensure the return of looted possessions. As one Christian leader phrased it, 'it's a feeling that we are no longer welcome in our own home'.<sup>4</sup>

While ensuring basic security and humanitarian assistance to the displaced and vulnerable is an immediate priority, there also needs to be a sustained process of

reform to end the broader context of discrimination against minorities. This has contributed significantly to continued human rights abuses against these groups after 2003, including the recent violence documented in this report. If Christians, Kaka'i, Shabak, Turkmen, Yazidis and other communities are to have a future in Iraq, authorities and other stakeholders must commit to a comprehensive process of legal, social and political reform.

With this in mind, the report makes 38 key recommendations to alleviate the humanitarian burden, prevent further human rights abuses, promote reconciliation and foster institutional change. These recommendations include:

1. additional, urgent assistance to the humanitarian effort to protect the displaced through the immediate 2015 winter and onwards;
2. investigation and prosecution of corruption in the delivery and procurement of humanitarian assistance;
3. prosecution of crimes by the International Criminal Court;
4. adherence of militias, Popular Mobilization Units (PMUs) and Armed Forces of Iraq, the Iraqi Kurdish region, and coalition actors to international humanitarian law and international human rights law; and
5. long-term protection and resettlement of minority displaced persons.

Based on the facts uncovered in this report, it appears that:

- ISIS forces and commanders have committed most of the war crimes prohibited under international law applicable in Iraq at the relevant time, during which there was an armed conflict that was non international in nature;
- ISIS forces and commanders have committed almost all of the underlying acts for crimes against humanity as part of widespread and systematic attacks against the civilian populations in northern Iraq; and
- information exists which would support a prima facie case that ISIS forces have committed the crime of genocide against religious minorities in northern Iraq, in particular against the Yazidi minority.

Finally, the report stresses the need to immediately begin planning for the post-ISIS era. Planning should include the following elements:

- agreements on plans and authorities between the Iraqi government, the Iraqi Kurdish region, international actors and minority communities;
- establishment of secure areas to allow for the return of inhabitants (including the potential establishment of an international police force to protect returnees);
- missing persons and property restitution processes;
- establishment of reconciliation processes to address conflict between returnees, those who remained in ISIS-controlled areas and other parties; and
- economic investment and reconstruction plans.

## 2 Scope and methodology of the report

This report seeks to capture the current environment in Iraq for minority groups and complement other reporting. Its goal is to elucidate the situation in northern Iraq to inform decision-makers, activists and other interested parties, as well as outline possible responses and recommendations to mitigate these conditions. Our primary area of focus is on five ethnic and religious groups: Christians, Kaka'i, Shabak, Turkmen and Yezidis. This list is by no means exhaustive, and many other individuals and communities not addressed in this report are also in need of protection and support. That this report does not include these groups has no bearing on the legitimacy of their claims.

This publication is the product of a partnership of four organizations: the Institute for International Law and Human Rights (IILHR), Minority Rights Group International (MRG), No Peace Without Justice (NPWJ) and the Unrepresented Nations and Peoples Organization (UNPO). William Spencer, IILHR Executive Director and Johanna Green, Programme Manager at UNPO, served as primary researchers and authors. Ryan Barry, Project Assistant at UNPO, conducted extensive desk research and co-authored Sections 4–6. Alison Smith, Legal Counsel at NPWJ, was primary author of the section on violations of international humanitarian law. Editorial support was provided by MRG's Peter Grant, with copy editing by Sophie Richmond. MRG also provided layout, graphics, coordination of external reviewers of the draft and other assistance. IILHR's Iraq Director Najim Al Khaphaji, along with Athra Dakheel, also conducted extensive research and coordinated with Iraqi groups and leaders. Jibrán Mansur oversaw translation. UNPO's Thomas van Mourik also provided assistance in the research phase.

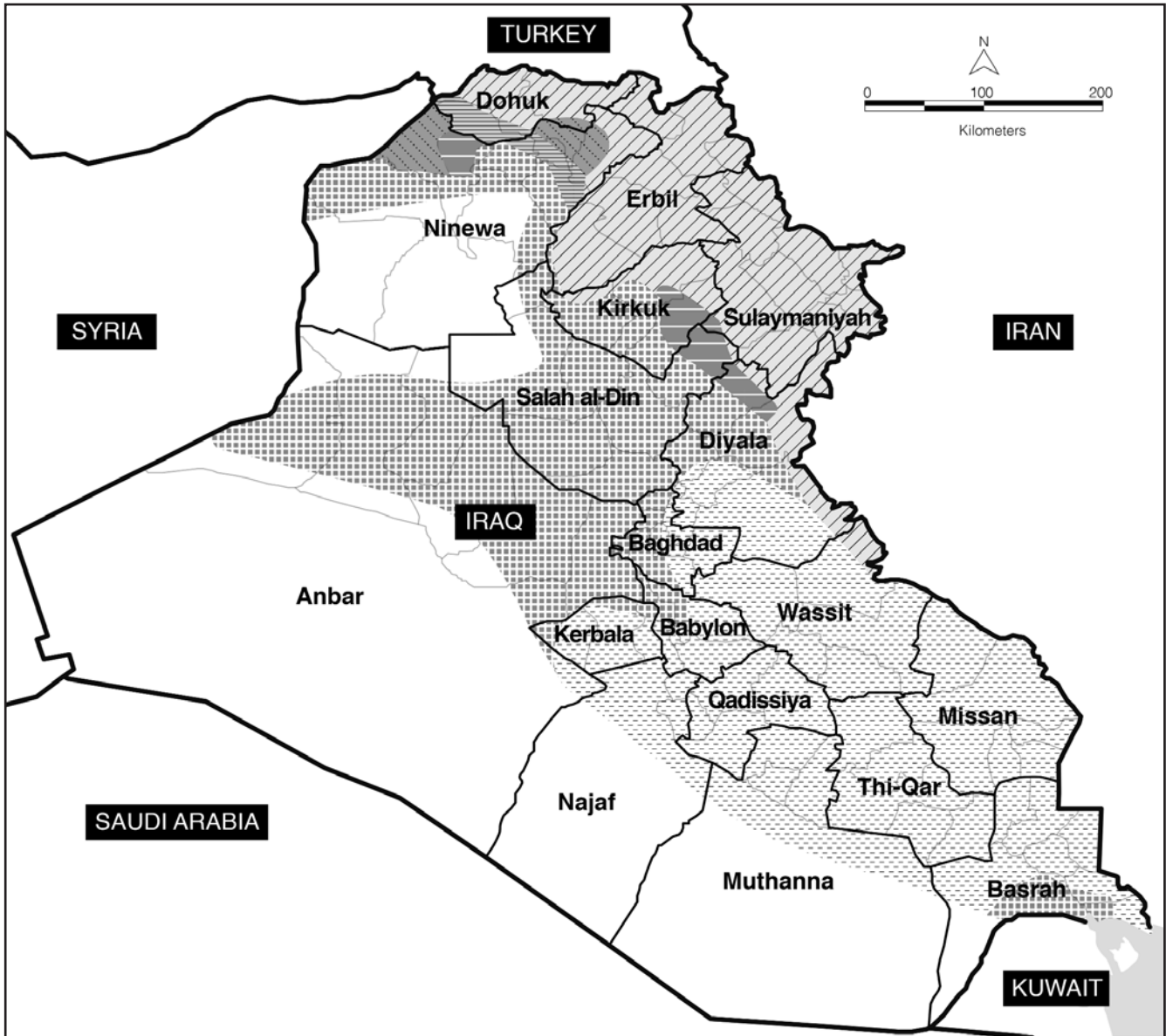
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In gathering and analysing data for this report, we conducted extensive research from a broad range of sources (including human rights reports, civil society reports and press releases, academic journals, news outlets, country reports, Iraqi legislation, international conventions and other sources), with field-based research beginning in November 2014 forming the core of our approach. Data gathered for this report were obtained from the following key sources:








- interviews in Baghdad, Dohuk and Erbil with representatives from minority communities, displaced persons and other vulnerable populations;
- discussions with the Iraqi diplomatic missions regarding the current situation and possible solutions to address needs of Iraqi minorities in the north of the country;
- discussions with members of the Iraqi parliament, the government of Iraq and Kurdish Regional Government (KRG), local government officials, non-governmental organizations (NGOs) and civil society activists;
- consultations with the Iraqi diaspora and members of the international community; and
- desk research from primary and secondary sources.





**Ethno-religious Population Distribution in Iraq**

*Shaded areas indicate where groups are mainly concentrated or constitute the majority population.*

- Legend**
-  Shia Arabs
  -  Sunni Arabs
  -  Kurds
  -  Christians/Shabak
  -  Yazidis
  -  Turkmens
  -  Sparsely Populated

*Sources: Daily Telegraph (UK) ; Base map from UNOCHA.*

# 3 Background on affected minorities in the conflict zone

The ancient nation of Iraq is home to dozens of ethnic and religious minorities, from Bahá'í to Yezidis. This report seeks to document the plight of the five main groups most affected by the conflict since June 2014: Christians, Kaka'i, Shabak, Turkmen and Yezidis. This in no way minimizes the historic significance and current suffering experienced by other groups in Iraq, including among others Baha'i, Bedouin, Black Iraqis, Circassians, Fails Kurds, Jews, Mandaean-Sabeans and Roma (Dom).

The advance of ISIS fighters into large parts of Ninewa governorate, beginning in June 2014, has caused new waves of displacement. All population estimates are based on pre-June 2014 data and therefore serve as rough approximations only.

## Christians

Prior to June 2014, half or more of the pre-2003 Iraqi Christian community – thought to number between 800,000 to 1.4 million – had already left the country. This includes Armenian Catholics and Orthodox, Assyrian Church of the East members, Assyrian Orthodox, Chaldean Catholics, Evangelicals, Protestants and Syriac Catholics and Orthodox.<sup>5</sup> Many consider these denominations to be distinct ethnic groups as these communities speak their own language, practise Christian traditions and do not identify as Arab.<sup>6</sup> Ancient Assyrian civilization has made a well-known and indelible contribution to the history and culture of the region.

In the wake of the US-led invasion, community members were targeted for their religious differences as well as their perceived ties to the West, resulting in a large exodus of Christians from the country as refugees. Today, only around 350,000 Christians are still based in Iraq,<sup>7</sup> mostly in Baghdad, Mosul and the Ninewa plain, Kirkuk, Basra as well as the three governorates in the Iraqi Kurdish Region.

## Kaka'i

Kaka'i, also known as Ahl-e Haqq or Yarsan, are estimated by community members to number between 110,000 and 200,000 in Iraq, mainly south-east of Kirkuk and in the Ninewa plain near Daquq and Hamdaniya, with others also based in Diyala, Erbil and Suleimaniya.<sup>8</sup> They are

commonly considered a Kurdish subgroup and branch of the Shi'a faith, though the religion differs in important ways. The Kaka'i faith dates to the 14th century in western Iran and contains elements of Zoroastrianism and Shi'a Islam. Nevertheless, their distinct practices and beliefs have resulted in some persecution. As a result, Kaka'i are secretive about their faith.<sup>9</sup>

## Shabak

The Shabak community have been located for centuries in the Ninewa plain area, between the Khazir and Tigris rivers and near Mosul, with a population of 200,000–500,000.<sup>10</sup> The majority are Shi'a Muslims, with Sunni Muslims making up the remaining 30 to 40 per cent. However, some Islamic militias view them as infidels and have targeted them as a result.<sup>11</sup>

Though culturally distinct, with their own customs, traditions, clothing and language, *Shabaki* – a mixture of Farsi, Arabic, Kurdish and Turkish – community members have been pressured to identify as Kurdish and experience persecution from both Kurds and Arabs as part of their broader territorial dispute over control of areas of Ninewa.<sup>12</sup> Shabak in Mosul have been forced to leave due to harassment and killings, with many taking refuge in Karbala and the Kurdish region since the city's fall to ISIS.<sup>13</sup>

## Turkmen

Turkmen, the third largest ethnic group in Iraq, are estimated by some community representatives to number as many as 2.5 to 3 million, though international sources give a range of between 500,000 and 600,000. Though the majority are Shi'a or Sunni Muslims, there are reportedly some 30,000 Christian Turkmen as well. Most reside in the northern areas of Iraq, with the largest concentration based in Kirkuk, and south as far as Wassit governorate, south-east of Baghdad.<sup>14</sup>

During the Arabization campaign under the former Saddam Hussein regime, the Turkmen population, along with Kurds and Assyrians, were expelled from their lands and replaced by Arabs from other areas of Iraq. After 2003, Turkmen and Kurds began to return to their original areas, resulting in tension with the Arab communities that had been moved to contested areas in

the north, particularly around Kirkuk. Prior to June 2014, Turkmen were intimidated by Kurdish and central government authorities, as well as by extra-judicial militias, on religious and ethnic grounds as well as for their presence in the disputed territories.<sup>15</sup> More recently, Shi'a Turkmen have been summarily executed by ISIS fighters.<sup>16</sup>

Iraq's Turkmen community has strong support from Turkmen diaspora organizations such as the Europe Turkmen Friendships organization and other groups. Many Turkmen refugees from Iraq have travelled to neighbouring states but also to Europe, the United States and other Western nations.

## Yezidis

Yezidis are an ancient ethnic and religious group, present in the Middle East since approximately 4000 BC and based mainly in northern Iraq, though some are also based in neighbouring Syria and Turkey as well as various European countries. Most Yezidis speak Kurmanji, which is widely considered by both Yezidis and outsiders to be a dialect of Kurdish. Yezidism is also one of the oldest religions in the world still practised today, combining pre-Islamic Zoroastrian, Manichaean, Jewish, Nestorian Christian and Muslim elements.<sup>17</sup>

Despite their distinct identity, some community members as well as Kurds consider Yezidis ethnically Kurdish. This reportedly has created conflict within the community and pressure from Kurdish officials and Kurdish-identifying community members, as well as death threats.<sup>18</sup> In addition, due to a misinterpretation of their religion, some militants regard Yezidis as heretical and not 'People of the Book'. They have been regularly targeted

with violence as a result.<sup>19</sup> Prior to June 2014, the 2005 population of 700,000 had reportedly fallen to approximately 500,000,<sup>20</sup> with thousands of families having fled to Syria, Jordan and other states. Prior to June 2014, numerous incidents of arbitrary arrest, discrimination and other abuses against the community were reported by human rights groups.<sup>21</sup>

## Minority women and children

Although little disaggregated data is available, it is essential to highlight the particular situation of minority women and children. Besides the ongoing sexual violence and slavery in ISIS-controlled areas, minority women and children represent the most vulnerable group in Iraqi society, both as members of minority communities and as women and children. This effectively makes for double discrimination and increases the risk of exploitation and violence.

Women in Iraq generally face high levels of gender-based violence, including female genital mutilation, domestic violence, sexual harassment, murders in the name of honour, forced and early marriage, and human trafficking. These crimes continue to be perpetrated with impunity, with few prosecutions for rape and other acts of violence, exacerbated by the current violence that affects all minorities in the north.<sup>22</sup>

Children have also been particularly targeted by ISIS forces for killing, sexual violence and recruitment. In Mosul and Tal Afar, there are reports of children as young as 13 accompanying ISIS patrols, dressed in similar attire and carrying weapons. Elsewhere, children were reportedly operating security checkpoints and even forced to act as human shields for ISIS fighters during combat.<sup>23</sup>



# 4 Violence and forced displacement

From June to September 2014, ISIS forces launched a series of assaults in northern Iraq. The speed of their advance and the inability of Iraqi Security Forces (ISF) to offer sufficient resistance came as a surprise to both the GoI and the international community. Following the shocking fall of Mosul, Iraq's second largest city, ISIS launched a series of offensives across northern Iraq and consolidated its presence in Anbar governorate, taking over vast tracts of territory and even coming close to Baghdad.

Particularly in northern Iraq, ISIS forces advanced into areas inhabited by large ethnic and religious minority populations. The subsequent capture or shelling of other major centres, including the Iraqi Turkmen majority city of Tal Afar, Assyrian-Chaldean-Syriac towns such as al-Hamdaniya (Qaraqosh) and the Yezidi majority cities of Sinjar and Zumar, resulted in the forced displacement of hundreds of thousands of people belonging to minorities, including as many as 50,000 people trapped on Mount Sinjar. By mid-August, the UN declared the situation in Iraq a 'Level 3 Emergency', the highest possible level.<sup>24</sup>

ISIS's tactics during this offensive have been characterized by targeted human rights violations, including summary executions, beheadings and the killing of civilians, with Iraq's many religious and ethnic minorities particularly vulnerable, as well as those who worked for the Iraqi government or security forces. In areas that were taken over by ISIS forces, non-Sunni civilians were forced to convert to Islam or face execution or imprisonment – an important assimilatory technique to eradicate the region's diverse ethnic and religious identity.

Other abuses suffered by Iraq's religious and ethnic minorities include large-scale massacres, torture, abductions, rape and other forms of sexual and physical violence, recruitment of children, the destruction or desecration of places of religious and cultural significance, and the looting of property. In response to the widespread and systematic nature of these atrocities, the UN High Commissioner for Human Rights has stated that 'they may amount to war crimes or crimes against humanity'<sup>25</sup> (for a detailed analysis of possible violations of international humanitarian law, see Section 7).

The UNAMI and the UN Office of the High Commissioner of Human Rights (OHCHR) recorded at least 11,159 civilian casualties, including 4,692 civilians

killed and 6,467 injured.<sup>26</sup> The number of civilians who have died of secondary effects or who remain in territory under ISIS control is unknown. The security challenges and lack of information coming out of these areas means that the full extent of ISIS's crimes cannot be gauged at present, with only conservative estimates compiled from witness accounts available.

## The fall of Mosul

After three days of fighting in Mosul, the capital of Ninewa governorate and Iraq's second largest city, ISF forces abandoned their posts and fled on the night of 9 June 2014. This allowed ISIS to take full control of the city, including its administrative and military infrastructure, as well as its banks, which were reportedly looted to pay fighters, recruit new fighters and buy allegiance from tribal leaders.<sup>27</sup> The seizure of Mosul led to panicked mass evacuations as the majority of the Christian population, comprising Assyrians, Chaldeans and various Christian sects, began to flee the city, with many seeking refuge in the Christian majority towns of Bartella and Al-Hamdaniya in the Ninewa governorate.<sup>28</sup> As many as 500,000 people reportedly left Mosul in the days following its capture.<sup>29</sup>

After assuming control of Mosul, ISIS forces published a charter demanding that Christians pay a '*jizya*' (a tax paid by non-Muslims) and imposing harsh punishments, such as public crucifixions. On 17 July, ISIS militants began to paint Christian homes with the Arabic letter '*Nun*' (signifying *Nasrani*, a word used to refer to Christians) and with 'property of the Islamic State'. On 18 July 2014, ISIS members announced in all of Mosul's mosques that the Christian population had until noon of 19 July 2014 to leave the city or face execution.<sup>30</sup>

Mosul's Shabak population was also targeted by ISIS forces. Homes belonging to Shabak families were marked with an '*R*' (*Rafida*), used to designate Shi'a Muslims.<sup>31</sup> ISIS militants abducted six Shabak from Bazwaya village in Mosul and 10 Shabak from the villages of Jiliocan and Gogjali on the outskirts of Mosul on 12 July 2014. On 21 July 2014,<sup>32</sup> 43 Shabak families were abducted in the al-Jazeera, al-Amaliya and al-Abrajiya districts of Mosul, including women, children and elderly people.<sup>33</sup> A total of at least 160 Shabak are reported to have been killed, taken

or beheaded by ISIS, while many others have been forced to leave all their belongings behind, thus – in the words of one Iraqi MP interviewed for this report – ‘turning into beggars’.<sup>34</sup>

As reported by displaced residents of Mosul, 20,000–25,000 people were arrested in Mosul by ISIS between 30 June and 30 October 2014, including Christians, Kurds, Shabak, Turkmen and Yezidis.<sup>35</sup> This situation has led to overcrowded prisons. The high costs of maintaining these facilities may have contributed to ISIS’s decision to carry out mass executions of prisoners.<sup>36</sup> Executions have also been carried out with the purpose of instilling fear and reportedly included mass killings of prisoners on ethnic or religious grounds.<sup>37</sup>

This was demonstrated in the apparently sectarian execution of an estimated 600 prisoners in Badush Central Prison on 10 June 2014, several weeks before Mosul fell. The majority of the victims were Shi’a Muslims, though a number of Christian and Yezidi prisoners were also killed. According to survivor accounts of the massacre, the prisoners were brought by ISIS militants to the edge of a nearby ravine and then fired on with machine guns.<sup>38</sup> Although the vast majority died, a few survived by playing dead. Since the mass killing, the prison is believed to have been used to detain abducted Yezidi women and children.<sup>39</sup>

The situation in Mosul is reported to have deteriorated significantly. Accounts from residents still based in the city claim that prices have risen sharply, rubbish remains uncollected on the streets and the harsh laws imposed by ISIS have created an atmosphere of fear and repression among the local population.<sup>40</sup> There are reportedly not enough medical supplies and hospitals are understaffed.<sup>41</sup> There are also reports that in Mosul ISIS is farming and trying to establish a long-term presence there.<sup>42</sup> According to estimates by a senior government official in November 2014, there are approximately 4,000 ISIS fighters living in the city.<sup>43</sup>

## Tal Afar

On 16 June 2014, ISIS forces took control of Tal Afar, a Turkmen majority district in the Ninewa governorate, formerly inhabited by hundreds of thousands of Iraqi Turkmen.<sup>44</sup> The displacement had begun on 10 June 2014 when 1,000 Iraqi Turkmen left Tal Afar, ultimately travelling to the city of Kerbala, with assistance from the Ministry of Displacement and Migration, Iraqi Airways and the General Company for Land Transport.<sup>45</sup> By the end of June, according to activists, 90 per cent of Tal Afar’s population had evacuated the city.<sup>46</sup>

After Tal Afar fell, the area saw mass killings and widespread human rights violations, with hundreds reportedly killed or abducted.<sup>47</sup> In one incident, for

example, at least 38 Shi’a Turkmen civilians were abducted from Qubba and Qubbek in the Tal Afar District.<sup>48</sup> Other reported violations during this period include:

- *23 June 2014:* In the villages of Guba and Shrikhan, at least 40 Shi’a Turkmen were kidnapped by ISIS militants. Reports suggest that some of the abductees were subsequently executed. The 950 Turkmen families remaining in Guba and Shrikhan were also ordered to leave.<sup>49</sup>
- *7 July 2014:* 40 Turkmen were abducted by ISIS from Rashidiya.<sup>50</sup>
- *7 August 2014:* 100 displaced Shi’a Turkmen were reportedly killed by ISIS fighters in Sinjar.<sup>51</sup>

While the violence and displacement in Tal Afar has mainly targeted Shi’a Turkmen, Sunni Turkmen have also faced violent reprisals. On 9 June 2014, for instance, as ISIS began their assault on Tal Afar, ISF and affiliated groups are reported to have executed 15 Sunni Turkmen prisoners without any prior legal proceedings.<sup>52</sup>

The journey from Tal Afar to any place of refuge has proved to be very dangerous and expensive, resulting in more deaths and injuries. For instance, it is estimated that a family fleeing from Tal Afar to Baghdad would have to spend 1 million Iraqi dinars (about US\$800) in bribes and other costs, including for services and support during the journey – a very considerable sum for local residents.<sup>53</sup> Intense heat, dehydration, starvation and sickness have led to further deaths and suffering among the displaced, including large numbers of children and elderly persons.<sup>54</sup> There were even reports of Turkmen families offering to sell their children as they did not have enough resources to provide basic care and enough water to save them from dehydration.<sup>55</sup>

## Salah al-Din and Diyala governorates

A number of serious human rights violations and displacement targeting Iraqi Turkmen occurred in a number of other towns and cities across northern Iraq. Located in Salah al-Din governorate, the Iraqi Turkmen town of Amerli was besieged for three months by ISIS forces. The siege began on 12 June 2014 as ISIS seized the areas around the town, cutting off electricity and water supplies to the town. The 13,000 residents who had not already fled Amerli, including 10,000 women and children, were left with minimal food and medical supplies.<sup>56</sup> An attempt to evacuate women and children from the town, following negotiations with ISIS, ended tragically as militants fired on those attempting to flee,

killing 30 people.<sup>57</sup> The residents of the town largely organized their own defence through 'local volunteers' and held out, despite almost daily shelling, until the siege was finally broken on 31 August 2014 by ISF and US air strikes.<sup>58</sup>

In Diyala governorate, the majority Turkmen village of Beshir was attacked in mid-June. ISIS fighters were reported to have killed a large number of people, including women and children. According to the Turkmen Rescue Foundation (TRF), a number of women, having been raped and killed, were hung from telephone poles. It has been estimated that at least 59 Turkmen were murdered by ISIS forces in Beshir and the nearby towns of Taza and Tuz Kurmato.<sup>59</sup>

## Sinjar

ISIS forces stormed Sinjar on 2 August 2014 and captured the city on 3 August 2014, causing 200,000 people, mostly Yazidis,<sup>60</sup> to flee and reportedly killing at least 30 Yazidi men.<sup>61</sup> Peshmerga forces who were supposed to be defending the area retreated in the face of the ISIS assault, leaving the mostly Yazidi civilians unprotected and at the mercy of militants. There have been speculations that the peshmerga, who clearly outnumbered ISIS fighters, retreated because they had received no order from Erbil to engage, but instead had been asked to withdraw.<sup>62</sup>

Many of those forced to flee had their escape routes cut off by ISIS forces or had no means to travel to a safe haven. ISIS militants reportedly hunted down and killed or abducted any Yazidis who remained behind and who refused to convert to Islam.<sup>63</sup> By 4 August, Yazidi community leaders had already recorded the deaths of at least 200 Yazidis in Sinjar alone.<sup>64</sup>

The rapid nature of the ISIS assault caught residents by surprise, forcing many to flee in panic without adequate transportation, food, water or clothing. According to one survivor, women and children fled in cars while young people fled on foot.<sup>65</sup> Some 50,000 people sought refuge on the mountains around Sinjar,<sup>66</sup> surrounded by ISIS forces who threatened to kill the Yazidis trapped there. Iraqi officials reported that at least 500 Yazidis, including 40 children, were killed in less than a week, while others remained trapped in the mountains, without adequate food, water or shelter and forced to endure brutal summer temperatures.<sup>67</sup> On 5 August 2014, UNICEF (the UN Children's Fund) estimated that 25,000 children were in need of immediate assistance, especially food and clean water.<sup>68</sup> A number of humanitarian airdrops by Iraqi and US aircraft, although insufficient, provided some much needed emergency supplies.

On 10 August, 5,000 Yazidis were reportedly rescued by Kurdish peshmerga forces. Nevertheless, on 12 August

UNHCR estimated that at least 20,000 to 30,000 displaced people were still trapped on Mount Sinjar.<sup>69</sup> It was not until 14 August that Kurdish peshmerga forces, accompanied by ISF and US covering air strikes, were able to open a corridor to evacuate the people stranded there. According to a high-ranking Yazidi interviewed by IILHR/UNPO in November 2014, there were still around 500 families on the mountain, most of them relatives to the approximately 3,000 Yazidi self-defence fighters who have stayed to defend the area.<sup>70</sup>

During this period and in the immediate aftermath, evidence emerged of systematic human rights abuses perpetrated by ISIS and associated armed groups against members of ethnic and religious communities, especially Yazidis and Shi'a Turkmen, in the areas it had seized. The human rights violations included summary executions, disappearances, torture, forced conversions, rape, sexual assault and enslavement.<sup>71</sup> ISIS militants also reportedly used Yazidi civilians as human shields, dressing them up in ISIS garments to draw the fire of peshmerga forces and any Yazidi resistance fighters.<sup>72</sup> Interviews conducted by the OHCHR and UNAMI revealed that 50 bodies were reportedly found near the village of Dhola showing clear signs of torture.<sup>73</sup> The atrocities committed by ISIS were labelled 'ethnic cleansing' by Amnesty International<sup>74</sup> and many others, and have been condemned by the UN High Commissioner for Human Rights, the UN Secretary-General Ban Ki-Moon and other high-ranking UN personnel.

Among the most serious abuses committed by militants during the attack on Sinjar and the surrounding regions are the systematic execution of Yazidi men and the mass abductions of Yazidi women and children. It suggests a clear ISIS policy to remove Yazidi culture, identity and the people themselves from the homeland they have inhabited for centuries. After the capture of Sinjar, ISIS forces targeted a number of surrounding Yazidi villages, including Kocho, where some of the gravest atrocities were carried out. By 10 August, former Human Rights Minister of Iraq Mohammed Shia al-Sudani estimated that more than 500 Yazidi had already been killed by ISIS militants in northern Iraq, reportedly evidenced by mass graves found in the area, and over 300 Yazidi women forced into slavery.<sup>75</sup> Documented abuses include:

- *3 August 2014*: in the town of Qiniyeh, ISIS forces rounded up and executed between 65 and 85 Yazidi males, including children as young as 12.<sup>76</sup> The same day, between 50 and 60 Yazidi men were also shot in the town of Jdali.<sup>77</sup> At the nearby town of al-Qahtaniya, 10 Yazidi families were reportedly captured by ISIS militants, who shot the males and abducted the women and children.<sup>78</sup>

- *4 August 2014*: in the village of Hardan, ISIS forces reportedly killed 60 Yezidi men and abducted their wives and children, allegedly taking them to Tal Afar. On the same day, three families were abducted in Khana Sor villages, with the men killed and the women abducted.<sup>79</sup>
- *15 August 2014*: ISIS militants entered the town of 1,200 inhabitants, where many Yezidis fleeing Sinjar had also sought refuge. Having been separated from the women and children, the men were reportedly forced into pick-up vehicles and taken to another location where they were shot and killed by ISIS fighters. Exact figures are not possible to obtain, but estimates suggest between 90 and 200 Yezidi men were killed.<sup>80</sup> A large number of the women and girls were abducted and taken away to Mosul or Tal Afar. On the same day, 80 Yezidi men were reported to have been killed by ISIS in the village of Kojo, while many women and children were abducted.<sup>81</sup>
- *24–25 August 2014*: witnesses said that 14 elderly Yezidi were killed by ISIS fighters at the Sheikh Mand Shrine in Jidala village.<sup>82</sup>
- *1 September 2014*: the Yezidi villages of Kotan, Hareko and Kharag Shafsky were set on fire by ISIS militants.<sup>83</sup>
- *9 September 2014*: peshmerga forces uncovered a mass grave with 14 people, thought to be Yezidis, who had died from gunshot wounds to the head.<sup>84</sup>

Yezidis have also been particularly targeted for forced religious conversion. Some Yezidi men abducted during the ISIS attack on Sinjar were told they could convert to Sunni Islam or otherwise face execution. Nevertheless, many of those who did convert were subsequently killed.<sup>85</sup>

Similarly, Yezidi men who were captured on 3 August when ISIS forces stormed Sinjar and neighbouring villages were also coerced into renouncing their faith. A video released by ISIS media sources on 20 August showed an ISIS fighter telling a large number of Yezidis that they must convert to Islam or die.<sup>86</sup> There have also been reports of Yezidi women being forced to convert to Islam and marry ISIS fighters or being sold into sexual slavery. These actions, coupled with the systematic expulsion of Yezidis, other minority groups and Shi'a Muslims from ISIS-occupied territory, indicate that militants are purging areas under their control of ethnic or religious diversity in an attempt to create a homogeneous Sunni Islamic territory.<sup>87</sup>

## Al-Hamdaniya

Al-Hamdaniya, also known as Bekhdida or Qaraqosh, is an Assyrian majority Iraqi district in Ninewa governorate. After an initial bombardment which reportedly killed five people, including a woman and two children,<sup>89</sup> ISIS seized control of the town on 7 August, forcing the 40,000–50,000 Assyrian and other Iraqi Christian inhabitants to evacuate.<sup>90</sup>

The neighbouring town of Tal Keif, which had a sizeable number of Iraqi Christians and Shi'a Shabak, also emptied overnight with the arrival of ISIS. On 22 August, 32 Iraqi Christians trying to flee the town were briefly seized by ISIS forces and had their belongings taken from them. While most were released, seven of those held were abducted by ISIS militants and reportedly taken to Mosul, including a 3-year-old toddler.<sup>91</sup> In total, approximately 90 children were reportedly taken from Tal Keif and brought to Mosul.<sup>92</sup>

The total number of people displaced from al-Hamdaniya, Tal Keif and surrounding towns is estimated

### Testimony: The fall of Sinjar

Around 12:10 am on Sunday, 3 August 2014, the KRG quietly withdrew its militias from Sinjar and the surrounding region before ISIS attacked us. They did not notify the Yezidis of their plans. They also refused to give weapons and ammunitions to local Yezidis there to fight against the ISIS and defend their homes and families. The Kurdish forces melted back to safety.

Hours later, ISIS forces attacked the Yezidis in Sinjar. The Yezidis in towns and villages of the south side of Mount Sinjar had some light weapons, such as AK-47 rifles with a small amount of ammunition. They fought against ISIS forces for four to five hours. While this minimal defense was proceeding, many Yezidi fled to Mount Sinjar. Finally, the defenders ran out of bullets and our positions were overrun.

The lucky few Yezidis who made it to Mount Sinjar stayed for several days without any food or water. Hundreds then died from starvation and dehydration, especially infants, young children, sick people and our elders.

On 6 August, while ISIS forced flushed other Yezidi and Chaldo Assyrians from their Nineveh Plain homes, ISIS also advanced towards Mount Sinjar. Then the Yezidis had no choice but to flee by foot, a journey that took days.

On Friday, 15 August more than 210 Yezidi families in Kocho village, which is just south of Sinjar city, received an ISIS order to convert to Islam or be killed. In that village the ISIS militia beheaded more than 70 young men, killed hundreds and took all women, girls and children to Badush Prison near Mosul. The women and children were then sold as sex slaves by ISIS commanders.<sup>88</sup>



at being greater than 200,000 individuals, with most fleeing to Erbil, Dohuk and Suleimaniya.<sup>93</sup> Very little is known about those who stayed in al-Hamdaniya: according to several accounts it has become a ghost town only inhabited by ISIS.<sup>94</sup>

In the southern part of al-Hamdaniya, the Kaka'i abandoned their villages as ISIS pushed across the Ninewa plain in August. As most young Kaka'i are members of the Al Zuraifani military grouping, which is attached to the Kurdish peshmerga, villagers had advance notice of the impending peshmerga withdrawal and subsequent advance of ISIS. As a result they were able to leave their homes and safeguard property in a comparatively orderly manner.

Most of the displaced are located in the Kalak area in Erbil governorate in the Iraqi Kurdish region. Reportedly, since they managed to depart with money and valuables, the displaced Kaka'i have been able to secure homes for themselves elsewhere. One Kaka'i leader reported that they 'do not trust the Kurds because we are disappointed that they did not defend our villages', nor their former Sunni neighbours in southern al-Hamdaniya 'since so many supported the Daash [ISIS]'.<sup>95</sup>

## Sexual and gender-based violence

*When ISIS fighters entered my village they took me to a school just near Sinjar, after which I was transferred first to Mosul and then to Tal Afar. In Tal Afar I was kept in a house with around 100 girls from the village of Kocho. First, ISIS fighters took one girl each, but later on – I stayed in the house for three months – some girls were being sold whereas others were kept for the fighters.... On the few occasions we were allowed outside the house, we had to wear burkas.*

Yezidi girl, 18, Dohuk, November 2014

There have been numerous reports of sexual abuse, rape, abductions, enslavement and other violations of a sexual nature perpetrated by ISIS militants on women and children across Iraq. In many cases, sexual violence has been used as a tool of terror and coercion. In one incident on 12–13 June 2014, ISIS forces reportedly raped and killed at least nine women and girls as young as 12 years old in the Turkmen majority town of Beshir. The bodies of the women were then stripped naked and hung from lamp posts and water tanks around the city.<sup>96</sup> In another case in Mosul on 23 June, ISIS fighters reportedly raped the mother and daughter of a family unable to pay the 'jizya' tax.<sup>97</sup> In some cases, ISIS members have permitted captive women to call their relatives, apparently in an attempt to antagonize or demoralize them.<sup>98</sup>

Many of those who have been raped or sexually abused are far younger than 18. First-hand accounts detail that girls as young as 12 or 13 have been forced to marry ISIS militants,<sup>99</sup> while others have been sexually assaulted by ISIS militants.<sup>100</sup> Some Turkmen and Yezidi children left by ISIS forces in an orphanage in Mosul also showed signs of being physically and sexually assaulted.<sup>101</sup>

One of the most common manifestations of sexual violence and human rights abuses against minority women is the systematic practice of mass abductions, frequently followed by forced conversion and marriage. Following the assault on Sinjar and the capture of large numbers of Yezidis by ISIS forces, the men were separated and the women sorted into groups before being taken to the Badush Prison in Mosul, abandoned houses in Tal Afar and other detention centres.<sup>102</sup>

Among those taken were women and children kidnapped from Qahtaniya<sup>103</sup> and Qiniyeh villages on 3 August. One survivor of the Qiniyeh mass killing told Amnesty International that 18 women and children from his immediate family, and more than 25 others from his extended family, had been abducted by ISIS.<sup>104</sup> The next day, ISIS forces reportedly abducted women and girls as they advanced up Mount Sinjar from Hardan village.<sup>105</sup> Many similar incidents were also reported, including the kidnapping of at least 50 women from Tal Binat and three Yezidi families from Khana Sour.<sup>106</sup>

According to UN sources, some captured Yezidi women have been forced to convert to Islam and marry ISIS fighters or, if they refused to convert, were designated as 'war booty' and sold as slaves.<sup>107</sup> While Yezidi women have been especially targeted, at least several hundred Shi'a women, mostly Turkmen, have also believed to have been kidnapped and sold into sexual slavery by ISIS, as well as many Christian women.<sup>108</sup> For example, seven Iraqi Christians were reported to have been abducted by ISIS forces on 22 August 2014 in al-Hamdaniya in the Ninewa plain, including a 3-year-old girl.<sup>109</sup> Shabak have also been abducted, among them 43 Shabak families kidnapped from Mosul, including women, children and elderly people.<sup>110</sup> In the Salah al-Din governorate, according to the TRF, Turkmen women were reportedly raped in groups by ISIS fighters, who then gave recorded images and videos to the women's families.<sup>111</sup>

The precise number of people detained is unknown. UN sources in August 2014 estimated that around 1,500 Yezidi and Christian women and girls had been forced into sexual slavery,<sup>112</sup> but other reports suggest this estimate may be very conservative. The UN Office for the Coordination of Humanitarian Affairs (OCHA) and UNAMI have estimated that a total of 2,500 people, mostly women and children but with some men, have been abducted by ISIS forces: however, the report does

not suggest how many of them have been forced into sexual slavery.<sup>113</sup> Other sources estimate that 2,500 Yezidi women alone have been abducted by ISIS.<sup>114</sup> Human Rights Watch (HRW) received a list of those abducted from a Yezidi group documenting violations that listed 2,305 Yezidis believed to have been abducted, 412 of whom are children.<sup>115</sup> As the previous examples illustrate, any exact numbers are difficult to obtain.<sup>116</sup> A senior Yezidi civil society leader estimates that 5,000 women are being held:

*As late as September ISIS held more than 2,000 Yezidis women and teenage girls in Badush Prison near Mosul; more than 900 in Tal Afar airport; more than 1,500 in Baaj city near Sinjar; and more than 700 in Hol village over the Syrian border. These women and girls have been raped, forced to convert to Islam and forced to marry ISIS militia members. One of those young teenage girls called her family from a secret mobile phone at one prison, telling them that she was forced to have sex with four to five ISIS militia men. This is only one story. There are hundreds.... We estimate that there are approximately 5,000 women and teenage girls who are being raped and sold as slaves, and we know their locations. This barbarity must be addressed and all of us should take a stand.*<sup>117</sup>

The frequency and scale of incidents illustrates the systematic nature of these abductions. For instance, witnesses report seeing approximately 500 women and children abducted from Ba'aj and more than 200 from Tal Banat. In Khocho village, as described earlier, potentially as many as 1,000 were abducted on August 15.<sup>118</sup> There were also reports of an estimated 450–500 women and girls being taken to Tal Afar earlier in August. Subsequently 150 unmarried girls and women, mostly Yezidis and Christians, were transported to Syria to be given to ISIS militants as a reward or to be sold as sex slaves.<sup>119</sup>

An office was reportedly opened in the al-Quds area of Mosul to sell abducted women and girls, who were given price tags. As was evident in interviews with those who had managed to escape after being sold as slaves by ISIS, many women and girls are being taken beyond Iraq's or even Syria's borders to purchasers on the Arabian Peninsula and elsewhere in the region.<sup>120</sup> Once they have left Iraqi territory, the chances of them ever being

recovered are extremely slim, which in turn significantly impacts on the future of not only the women themselves, but the community as a whole.

This practice has been used by ISIS to reward its fighters and incentivize men to join their ranks. However, recently, the US-led airstrikes on ISIS's oil network has significantly diminished a vital source of funding, reportedly causing the group to intensify its trade in women as an alternative source of income.<sup>121</sup> Differing reports have claimed that women have been sold for between US\$10 and US\$2,500.<sup>122</sup> There is video evidence of these sales taking place and ISIS have themselves admitted to taking abducted Yezidi women as sexual slaves. In an English-language publication ISIS justified the practice by saying the Yezidis were heretics and infidels, claiming that it was therefore permitted in the Qur'an to treat the women as spoils of war.<sup>123</sup>

The psychological toll of this abuse is overwhelming and has pushed a number of abducted Yezidi women to commit suicide. On 22 August 2014, for instance, a woman from the village of Tal Uzair in Sinjar committed suicide after being raped by ISIS fighters for refusing to convert to Islam.<sup>124</sup> Another 19-year-old woman is reported to have killed herself rather than be forced to marry a member of ISIS.<sup>125</sup>

At the same time, those women who have managed to escape or have had a ransom paid for them are often forced to endure further stigmatization on their return due to the traditionally conservative norms of Yezidi society. To avoid this, many women who have been raped fail to report what has happened to them.<sup>126</sup> As the number of women captured and enslaved by ISIS rose to thousands, Yezidi religious figures have nonetheless encouraged the welcoming back of freed girls and women to their societies. The Yezidi Baba Sheikh reportedly issued a fatwa instructing families to welcome returning relatives who were victims of sexual violence.<sup>127</sup>

Nevertheless, there remain few to no support mechanisms for women who have been enslaved or subjected to sexual violence. Those who manage to escape or have had a ransom paid for them largely end up in IDP camps. Many have no money or possessions and are stigmatized by the rest of the community, compounding their misery.<sup>128</sup> Some also face the added difficulty of getting basic services and trying to reintegrate after becoming pregnant from their ISIS captors.<sup>129</sup>

## Testimony: a 17 year-old Yezidi girl recounts her abduction by ISIS<sup>130</sup>

One day, at 3:00 pm, my family and I drove from the village where we used to live to Kina village, close to Mount Sinjar. There we saw a group of ISIS fighters, who had a Yezidi man with them. They told us not to move and that we would be allowed to go back home later that day. However, after a few hours ten ISIS cars took the men of my family to the mountain and killed them all: my father, my brother, my uncle and my cousin. After killing the men, they came back and took the remainder of the group: my sisters, my mother, my brothers' wives, the eight children who were with us, all under 5 years old, and me.

Soon after, we were transferred to Tal Afar, where we stayed in a school for five days. During that time we had no contact with the men who took us. We saw them only when they brought us food. When an airplane bombed a location nearby, they moved us to another school in

Mosul, where we stayed for five more days. After another air attack, we were moved to the prison of Badush.

There we were separated from the children aged 5 to 10, who were taken to an unknown destination. We spent over two weeks in the prison and after that we were moved back to Tal Afar, where married and unmarried girls were separated. My single sisters and I were transferred to Raqqa, where we were left in a big house with 100 other Yezidi girls. It was a sort of market and over 50 girls were sold within five days, among them my sisters, who were sold to a Palestinian and an Iraqi soldier. I was told by a guard that my sisters were taken back to Mosul and that the prices for girls were around USD 1,000-1,500. The money was given to their prince, a Saudi Arabian. Later on, I was sold to a Palestinian, who lived in Raqqa and had an Iraqi guard.

# 5 Destruction of cultural and religious property

In addition to the other human rights violations perpetrated by ISIS, there has also been a systematic campaign to eradicate the culture, history and identity of ethnic and religious communities in the areas under its control. Buildings, monuments and other sites of immense religious, cultural and historical importance have been destroyed – churches, mosques and tombs, as well as irreplaceable ancient manuscripts and texts of value to Iraqi Assyrians, Shabak, Turkmen, Yezidis and other minorities. These sites represent some of the oldest civilizations in the world and their loss – described by Irina Bokova, Director-General of UNESCO (UN Educational and Scientific Organization), as a campaign of ‘cultural cleansing’<sup>131</sup> – is a tragedy both for the affected groups and for humanity as a whole. There have also been claims that ISIS is selling valuable artefacts on the black market to fund its activities.<sup>132</sup>

## Assyrian and other Christian sites

Assyrians and other Christian groups have lived in northern Iraq for millennia, mainly in the city of Mosul and the Ninewa plain, where there are numerous sites of great cultural and religious importance. However, a campaign by ISIS has been initiated to destroy any traces of Assyrian culture and history, leading to the destruction of many churches, shrines and tombs, some thousands of years old.

The widespread destruction of major landmarks in Mosul and surrounding areas appears to be part of a systematic effort to eradicate the city’s diverse ethnic and religious heritage. Among other incidents, in June 2014 a statue of the Virgin Mary at the Immaculate Church of the Highest was reportedly destroyed<sup>133</sup> and a Christian church in al-Wahda district burnt down, while a number of other churches are believed to have been looted. The main Chaldean Catholic church in the al-Shurta neighbourhood was also captured by ISIS forces and used as a base.<sup>134</sup> In July, the cross on the dome of St Ephrem Cathedral – the seat of the Syriac Orthodox Archdiocese in Mosul – was removed by ISIS militants and a shrine dedicated to the biblical prophet Daniel was destroyed.<sup>135</sup> The tomb of the Prophet Jonah (Younis in Islam) and the Nabi Jonah mosque, which housed the tomb, were also

destroyed – a site considered sacred in Christianity, Judaism and Islam. The same month, the shrine of Seth – also an important site for Christianity, Islam and Judaism – was destroyed.<sup>136</sup>

Elsewhere, near Qaraqosh, the Mar Behnam monastery, built in the 4th century and an important place of pilgrimage for Iraqi Christians, was seized in July by ISIS, who removed the crosses and expelled the monks.<sup>137</sup> Later, ISIS forces burnt ancient manuscripts from the monastery.<sup>138</sup> In September, the Assyrian Green Church, built in 700 CE, was destroyed in Tikrit. ISIS militants are strongly suspected of carrying out this action.<sup>139</sup>

## Shabak sites

Shabak have also seen mosques, shrines, mausoleums and other historic sites and sites of pilgrimage destroyed by ISIS in many Shabak villages. In July 2014, for example, in an attack on the Shabak village of Umarkan that also saw the abduction of at least 35 people and the looting of property, the community’s mosques and the shrine of Imam Abbas were destroyed.<sup>140</sup> Other Shabak sites destroyed by ISIS include Al-Sada mosque in Sada village, Kokajli mosque in Kokajli village and the shrine of Qulirsh in Tabrq Ziyarat, the shrine of Zain al-Abedin in Ali Rash village and the shrine of al-Said al-Ridha in Darawish village.<sup>141</sup>

## Turkmen sites

As ISIS forces swept through Tal Afar and the surrounding areas in June and July 2014, numerous Turkmen mosques, shrines and religious and cultural sites were destroyed or desecrated, including Shi’a mosques in the villages of Chardaghli, Brauchli and Qaranaz, all of which until recently had a large Turkmen population. ISIS forces also destroyed the shrine of Arnaout and the Shi’a mosques of Husseiniyht al-Qubba, Husseiniyh Jawad, Husseiniyh Kaddo, Husseiniyh Muslim Bin-Aqeel and Husseiniyh Askar-Mullah in Tal Afar.<sup>142</sup> The largest and oldest library in the Tal Afar district was also blown up<sup>143</sup> – a huge blow to the Turkmen population. Another library in the Diyala governorate, with some 1,500 Islamic historical texts and stories, was reportedly burnt to the ground by ISIS forces.<sup>144</sup>

In Mosul the tomb of Ibn al-Athir was destroyed,<sup>145</sup> and the shrine of Imam al-Abbas in al-Qubba village and three Shi'a mosques were set ablaze by ISIS militants in the village of Al-Sharikhan. ISIS forces reportedly used bulldozers in the Turkmen town of al-Mahlabia to destroy the shrines of Sheikh Ibrahim and the shrine and tomb of the Sufi Sheikh Ahmed Rifa'i.<sup>146</sup>

Shi'a mosques and other sites of religious significance were reportedly set on fire by ISIS forces in the Turkmen towns of Qubba and Qubbek, in Tal Afar district.<sup>147</sup> Several important Sunni shrines were also reportedly destroyed in Mosul and Kirkuk, including the shrine of Sufi Salih, in addition to some Kaka'i shrines. Two Shi'a shrines in Sinjar – Sayida Zainab and Saiyed Zakariya – were also destroyed, as well as the Shi'a holy shrine of Imam Ridha in Tisikhrab village.<sup>148</sup>

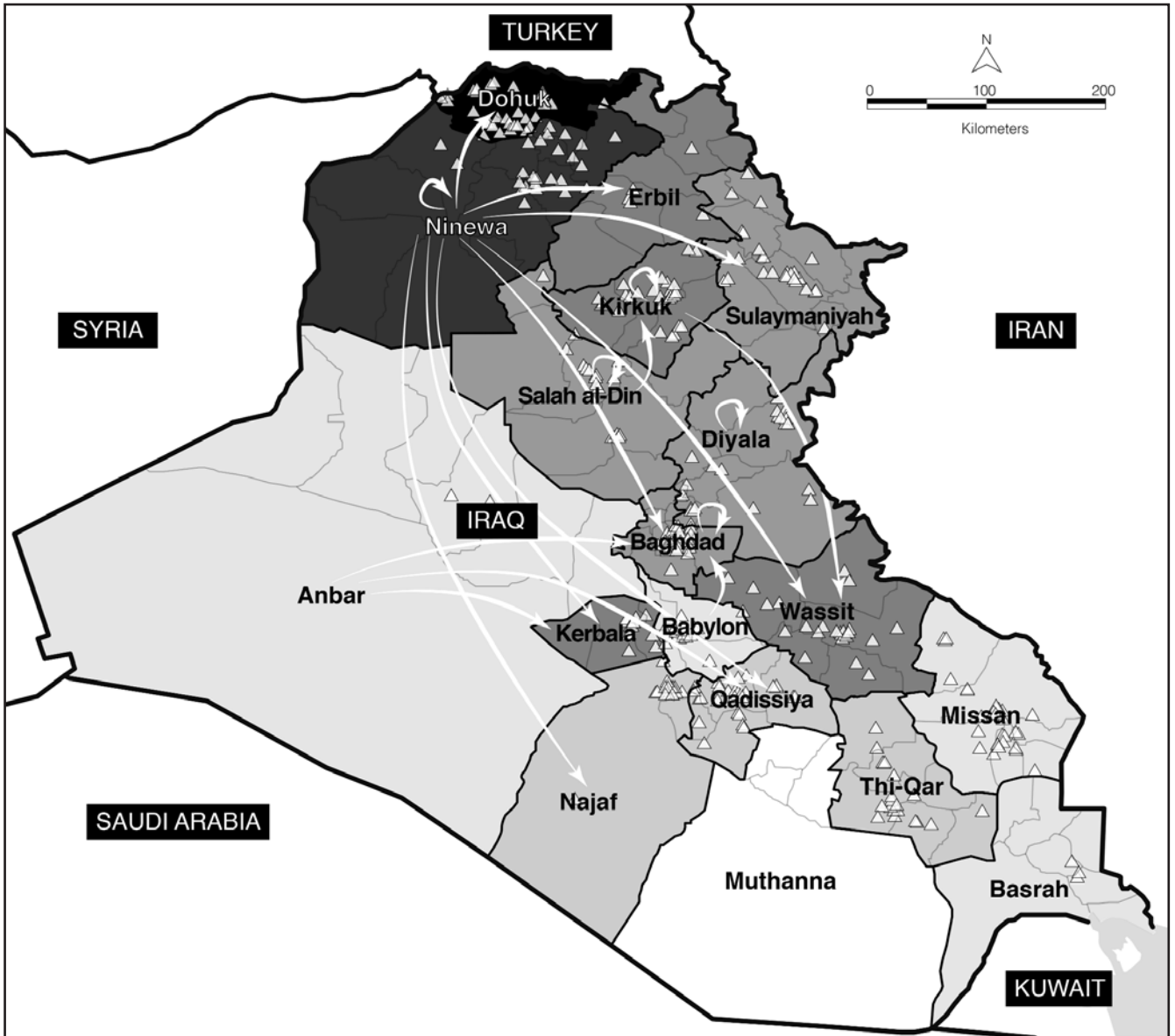
Though Shi'a religious sites were especially targeted, Sunni mosques and shrines deemed to be heretical were also destroyed. In the Turkmen village of Chardaghli, for example, a Sunni mosque was destroyed along with three Shi'a mosques.<sup>149</sup> In the Turkmen village of Staeh, Sunni and Shi'a mosques, as well as Yezidi religious shrines, were destroyed. Other incidents targeting Sunni sites include

the destruction of the Abdulla al-Baqir al-Hasani mosque, the al-Saghirchy tomb and the Imam Abdul Rahman tomb. The Sheikh al-Shat Sunni mosque and the Ain Sadda cemetery in Mosul were also destroyed or desecrated by ISIS forces.<sup>150</sup>

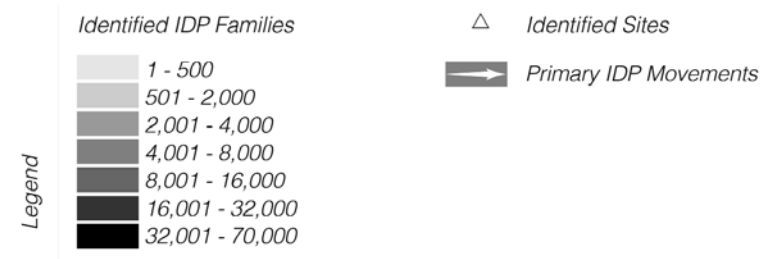
## Yezidi sites

Yezidis have witnessed devastating attacks on their physical and spiritual heritage. Examples include the destruction of Khider Al-Elias, a historic shrine and place of worship for both Christians and Yezidis,<sup>151</sup> as well as the Three Sisters Temples in Bashiqa<sup>152</sup> and a Yezidi shrine in western Sinjar.<sup>153</sup> There is also evidence that other Yezidi sites, such as the shrine of Sheikh Mikhfya and shrine of Sheikh Hisin, have been purposefully targeted by ISIS.<sup>154</sup>

The true extent of the destruction of Yezidi cultural and religious sites is not yet clear or fully documented, as Sinjar and much of the Ninewa plain is still occupied by ISIS forces at the time of writing. Lalish, a temple complex that is the holiest Yezidi site, has recently become a place of refuge for around 2,000 Yezidi families.<sup>155</sup>



**Population Displacement Following ISIS Advance (1 August- 14 September 2014)**



Sources: IOM IRAQ Displacement Tracking Matrix (DTM) - Shelter Cluster Iraq; Base map from UNOCHA.

# 6 The current situation of internally displaced minorities

*‘There is no end in sight for the IDP crisis. The Iraqi government has not taken the appropriate steps.’*  
Iraqi MP, Baghdad, November 2014

The rapid advance of ISIS forces across northern and central Iraq, described earlier in this report, has created a catastrophic humanitarian situation for many minority members living in the region. Of the more than 2 million people displaced since January 2014, a disproportionate number are minority ethnic and religious groups, including Assyrians, Kaka’i, Shabak, Turkmen and Yezidis, fleeing violence and persecution by ISIS forces. These displaced communities, originating primarily from Ninewa and Anbar, are spread across Iraq’s 18 governorates and total more than 2.25 million, with more than 970,000 based in the Iraqi Kurdish Region alone.<sup>156</sup>

This section discusses some of the major challenges that displaced minority members are experiencing, including lack of legal documentation, dispossession, limited services and severe shortfalls in essential humanitarian assistance. While triggered by the collapse of security and governance in many areas, these issues are also rooted in the long-term marginalization that religious and ethnic minorities have experienced in Iraq. There is significant continuity between ISIS’s discrimination and the events that took place following the US invasion of 2003, highlighting the need for a long-term focus that goes beyond immediate security and relief.

## Lack of legal documentation

As ISIS forces moved quickly across northern Iraq, many displaced families were forced to flee without any form of identification, such as their public distribution system (PDS) cards for rations and bank cards.<sup>157</sup> Other IDPs had their documents confiscated by ISIS forces or abandoned them to avoid detection.<sup>158</sup> This has created a number of difficulties that further exacerbate the vulnerability of displaced minority members. A late-2014 survey conducted by USAID indicated that 44 per cent of all IDP families had one or more members without a critical national identity card, the *jinsiya*.<sup>159</sup>

*‘My identity has been erased and all my documents burned by ISIS: I no longer have a history. There is no value of my existence.’*  
Yezidi IDP from Sinjar, November 2014

In particular, lack of identification makes a number of services unavailable to IDPs and restricts their movement. Identity documentation is also critical for registration with the Ministry of Migration and Displacement, which allows the Iraqi government to track IDPs and provide them with Non-Food Items (NFI) support, such as heaters, stoves, blankets, carpets and plastic sheeting. Without supporting civil status documents, however, IDPs cannot even register with the Ministry of Migration and Displacement. As a result, some IDPs are now trapped in the camps, temporary shelters or along roads and at checkpoints. In one case a woman had to give birth at a checkpoint – her baby died as a consequence – as she was not allowed to enter Erbil to go to a hospital.<sup>160</sup>

Interviewees in IDP camps in Dohuk in November 2014 said that in order to get ration cards they would first need to go to Baghdad to secure identification documents. Without these, IDPs cannot use banks to access their savings.

*‘I don’t have identification documents any longer which I need in order to get a ration card. The problem is that I can get new documents only in Baghdad.’*  
IDP, Khanke camp, November 2014

The Iraqi Ministry of the Interior has agreed to open offices across Iraq to provide replacement documentation services, but has been slow to operationalize and implement this commitment.<sup>161</sup> Because of the national security implications the Ministry of the Interior is reluctant to decentralize decision-making and document issuance. Talks within the Iraqi government and with the international community continue as the GoI tries to strike a balance between security and humanitarian concerns.<sup>162</sup> Legal aid offices throughout the country have also been established with the support of the international community to provide support to IDPs without documentation.<sup>163</sup> As of February 2015, UNHCR, International Rescue Committee and US government

contractors operate approximately 50 legal aid centres in all 18 Iraqi governorates that provide documentation and registration assistance, but all of these initiatives are ‘understaffed, under-resourced and overwhelmed.’<sup>164</sup>

## Dispossession of property and other assets

Following ISIS’s rapid assault on northern Iraq, a great deal of property, particularly that belonging to ethnic and religious minorities, was destroyed, looted or commandeered. ISIS systematically looted homes and robbed families as they were fleeing, taking some billions of Iraqi dinars.<sup>165</sup> There are numerous reports of the sale of possessions of displaced people in markets in Mosul and in Syria, as well as the distribution of their homes among militants and their supporters. According to the HHRO, ISIS was bringing families to Mosul from elsewhere to occupy the houses of those who had been displaced.<sup>166</sup>

Ongoing fighting and ISIS’s policy of booby-trapping houses in towns they are forced to retreat from are also destroying the homes and property of the displaced. ISIS militants reportedly destroyed up to 100 residential houses after taking anything of value in the Turkmen town of Chardagli.<sup>167</sup> This means it will be difficult for IDPs to return to their homes, and many will have to rebuild their lives from scratch. There have also been numerous reports of families being stopped at ISIS-run checkpoints near Mosul, where they have been forced to hand over any valuable possessions, including property documentation.<sup>168</sup> Such incidents were also reported in Tikrit and Baiji, among others.<sup>169</sup>

Minority members have also reportedly experienced further dispossession even in areas where ISIS militants have been forced to retreat. According to AINA, residents of Talsqof, an Assyrian town captured by ISIS and then liberated by Kurdish forces, claim that their homes are now being looted by the latter.<sup>170</sup> Property documentation has reportedly also been regularly seized by Kurdish forces at their own checkpoints.<sup>171</sup>

In this context, land-grabbing has become an endemic problem, particularly in northern Iraq.<sup>172</sup> Solutions to this problem should be sought as a matter of urgency, as there is a risk of renewed conflict over property claims once the current crisis passes.

## Missing persons

Thousands of people have gone missing since the outbreak of the crisis. While the Ministry of Human Rights is mandated to receive reports of missing persons and to assist families and others in their search, documentation, reporting and adjudication are inadequate due to budgetary

shortfalls and lack of support for these processes.<sup>173</sup> This means that reliable figures are not currently available and most estimates are approximations only.

This is particularly the case when assessing the number of Yezidis who have been detained, killed or forcibly disappeared, as well as those who are still fighting on Mount Sinjar. According to some sources, around 1,700 Yezidi males from Kocho alone are believed to have gone missing.<sup>174</sup> In addition, between 2,300 and 5,000<sup>175</sup> Yezidi girls and women have been taken captive, at least 147 of whom have been freed at the time of writing.<sup>176</sup>

*‘Nobody knows how many people have been killed by ISIS – sad stories are not being shared between Yezidi families.’*

Yezidi IDP from Sinjar, November 2014

Likewise, the number of missing Christians is difficult to gauge. Reportedly, around 90 children, some as young as three years of age, have been abducted from Ninewa. These children are believed to be held in Mosul, where it is suspected they are being raised as ISIS recruits or to be ransomed to their families.<sup>177</sup> There are no accurate estimates of the number of missing Turkmen, though at least 160 Shabak are believed to have been kidnapped or killed since June 2014.<sup>178</sup>

## Denial of entry

Another issue that minority communities have experienced is denial of entry from certain areas of Iraq, particularly by Kurdish forces. The KRG has been criticized by numerous human rights activists for applying discriminatory rules based on ethnicity and religion, with Assyrians, Kurds and Yezidis typically being permitted to enter the Iraqi Kurdish Region, while Iraqi Turkmen and Shi’a and Sunni Arabs have been denied access.<sup>179</sup> OCHA has noted that the criteria for entering the territory of the Iraqi Kurdish Region are unclear and has verified reports that some displaced families have been denied entry to the Erbil governorate.<sup>180</sup> There are also numerous reports of Arab IDPs being prevented from crossing internal boundaries and subjected to other forms of ill-treatment: this has been attributed to excessive caution on security issues.<sup>181</sup>

Nevertheless, it should be recognized that the waves of displacement during ISIS’s offensive not only galvanized the international humanitarian response but also brought a serious reassessment of Iraqi government policies. By September, in response to the seriousness of the situation, the governorates of Najaf and Kerbala were willingly hosting Yezidi IDPs – an important act of solidarity, given the discrimination historically experienced by this group.



## Access to public services

There are significant discrepancies in the infrastructure and public services available to IDPs between Iraq's governorates. Regions where minorities are concentrated, particularly in Ninewa and Kirkuk, have experienced a long-standing history of neglect of public services and basic infrastructure. Neither the Iraqi government nor the KRG has taken responsibility. For example, before the conflict, the Sinjar district reportedly only had one hospital for a population of over 600,000.<sup>182</sup> This had resulted in serious neglect in the treatment of diseases such as epilepsy and diabetes.<sup>183</sup> Even before the conflict, therefore, public services were not readily available.

It has been impossible to maintain many public services due to ISIS's activities in areas under its control. Civilian infrastructure has been targeted by ISIS forces, including the cutting off of electricity and water in villages around Sinjar and the town of Amerli, as discussed earlier in this report.<sup>184</sup> According to the HHRO, only 3 per cent of the required amount of electricity was available in the Ninewa governorate in July 2014, and there were significant food and fuel shortages as well.<sup>185</sup>

Distribution of food rations has also been disrupted, with ISIS forces looting wheat and grain, and banning government employees from distributing rations to Christians and Shi'a Muslims. Government employees and civil servants who were not Sunni Muslims and who do not subscribe to ISIS's ideology had their salaries withheld, further disrupting public services.<sup>186</sup> Medical services have been disrupted as hospitals have been commandeered as bases by ISIS forces – at times, according to the Ministry of Defence, as a deliberate

attempt to shield themselves from attack – and regularly bombed by ISF and international coalition air strikes. There have also been reports of ISIS militants executing medical workers for disobeying their orders, forcing patients out of hospital beds and coercing female staff to cover up.<sup>187</sup>

## The humanitarian response

International standards, especially the UN *Guiding Principles on Internal Displacement*, note that 'national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction',<sup>188</sup> and overall responsibility for addressing their needs rests with the federal government and the KRG, with the assistance of international humanitarian organizations and other appropriate actors. However, due to the chaos inherent to conflict situations, disorganization within state structures and the failure to lay out an integrated national strategy, combined with a slow-starting relief effort, roles and responsibilities among domestic and international agencies have been confused, disjointed and less effective.<sup>189</sup>

With Resolution 328, the Iraqi government established the Supreme Committee for Displaced Persons in July 2014, headed by Deputy Prime Minister Saleh al-Mutlaq. The committee includes representatives from other Iraqi government ministries and was intended to provide assistance for the displaced as quickly as possible, overriding bureaucratic procedures. The committee established an executive committee with operations centres in the Iraqi Kurdish Region, Kirkuk, and other

### Testimony: a Yezidi IDP from Sinjar describes his journey

When ISIS approached Sinjar, women, children and elderly people escaped in cars, and young people escaped by running up Mount Sinjar. Once on the mountain, where we were trapped for eight days without food and barely any water, we noted that there was no way down, since the only road, running from the south to the north face of the mountain was blocked by burning cars left there – I've heard – by the Peshmerga.

After the fall of Sinjar, I first wanted to stay to fight ISIS and defend my family. However, when we finally managed to leave the mountain we were told to go to a UN compound, supposedly located only five kilometres from Sinjar. This turned out to be an imaginary camp, as we soon found ourselves in the middle of nowhere.

Suddenly trucks appeared promising to take us to the town of Derik in Syria. Upon arrival I noted that the camp set up at the outskirts of the town was equipped with only 200 tents, whereas we Yezidis fleeing from Iraq arrived in thousands. The camp was set up in the desert, with no protection at all from possible outside aggressors. Luckily, there was a river so we had access to fresh water – something which had been used to lure us to Derik in the first place.

Because of the poor conditions in the camp, we then tried to get to Turkey. We walked for days under the sun and were fed by passers by. The only shade came from parked cars. We paid USD 700 to cross the border, but when the time to move arrived, the smuggler who took our money disappeared. We finally made it to Turkey and in Ankara I registered my family with Save the Children.

areas, as well as IQD 1 trillion (US\$819 million) in promised funding.<sup>190</sup>

Nevertheless, assistance delivery has been undermined by insecurity and administrative hurdles,<sup>191</sup> such as delays in NGOs obtaining clearances from Iraqi and Kurdish authorities to distribute humanitarian aid.<sup>192</sup> Securing access to many displaced communities is also very difficult as large parts of Iraq are outside government control. In places where humanitarian assistance is most needed, unexploded ordnance and other impacts threaten assistance. The UN estimates that in total 2.2 million Iraqis in need are living in areas under ISIS control.<sup>193</sup>

Funding shortages remain a central problem for the humanitarian response. OCHA has reported that a number of the governorates in Iraq (Missan, Wasit and Thi-Qar) have already capped their budgets and cannot as a result provide sufficient water, health and sanitation for displaced people.<sup>194</sup> However, fraud and the misallocation of funds are also major issues. According to one senior government official interviewed in Baghdad, corruption remains an intrinsic feature of both the Iraqi and Kurdish political and military systems, and has contributed to undermining the international humanitarian response.<sup>195</sup> Some accusations focus on the IQD 1 million (roughly US\$850) cash grant available for each family displaced by

the ISIS advance, with allegations of widespread fraud among staff.<sup>196</sup> Several accounts confirmed that cash assistance has been diverted, with numerous families finding on arrival at distribution points that their money had already been collected.<sup>197</sup> Some officials have requested bribes from IDPs to receive their grant, and many families have complied. Reportedly, a second round of cash grants is being considered.<sup>198</sup>

*‘Humanitarian aid is clearly being diverted: water and food is arriving at night to the distribution centres, but is gone in the morning.’*

Director of Iraqi NGO, November 2014

There are also reports of price gouging and businesses inflating prices on supplies provided by the government. Reportedly, Erbil and Dohuk governorate staff have skimmed billions of Iraqi dinars.<sup>199</sup> In October 2014, the Iraqi Council of Representatives Migration and Displaced Persons Committee charged the Iraqi government’s High Committee for Internally Displaced Persons with defrauding displaced families in October 2014.<sup>200</sup>

Yezidi people, in particular, have faced discrimination and distrust on the part of Kurdish and Iraqi authorities. A Sinjari Yezidi told researchers for this report that he had

**Table:** Funding and requirements per cluster as of 5 February 2015 (US\$)

Cluster	Funding Requirement	Actual Funding	Unmet Requirement	Percent Covered	Uncommitted Pledges
Camp coordination and camp management	32,488,735	573,439	31,915,296	1.8%	–
Coordination and support services	24,216,949	5,156,690	19,060,259	21.3%	1,000,000
Education	154,256,764	15,364,197	138,892,567	10.0%	–
Emergency Telecommunications	1,511,782	763,159	748,623	50.5%	–
Food security	512,119,533	204,010,333	308,109,200	39.8	–
Health	314,231,723	95,509,273	218,722,450	30.4%	–
Logistics	3,569,680	2,298,201	1,271,479	64.4%	–
Protection	212,095,062	62,765,706	149,329,356	29.6%	–
Shelter/non-food items	753,519,061	193,422,645	560,096,416	25.7%	–
Social cohesion and sustainable livelihoods	63,773,602	8,926,800	54,846,802	14.0%	–
Water, sanitation and hygiene	158,526,468	39,942,893	118,583,575	2%	–
Cluster not yet specified	–	185,876,847	n/a	n/a	50,000
<b>Grand total</b>	<b>2,230,309,359</b>	<b>814,610,183</b>	<b>1,415,699,176</b>	<b>36.5%</b>	<b>1,050,000</b>

SOURCE: OCHA, FEBRUARY 2015

been asked by KRG officials to indicate on a form which group his family belonged in order to receive humanitarian aid. As the only available option was 'Kurd', he refused, insisting that he and his family were Yezidi: they were then expelled from their temporary shelter.<sup>201</sup> Other sources confirm that there have been instances when the KRG has diverted aid from Yezidis simply on the basis of their identity.<sup>202</sup>

The international community has also played a major role in the distribution of humanitarian assistance to the displaced. OCHA's most recent figures related to the 2014/2015 *Strategic Response Plan for Iraq*, released on 10 February 2015, identifies US\$2,230.3 billion in support requirements from 46 UN agencies and humanitarian assistance providers, though the actual funding committed amounted to only US\$814.6 million, covering just 36.5 per cent of identified support requirements.<sup>203</sup> The plan notes that while the government has taken the lead in providing some assistance, 'details on the use of ... funds remain unclear ... and important measures by the Government still must be taken'.<sup>204</sup> To coordinate the humanitarian response, OCHA has organized clusters of relevant UN bodies and agencies, humanitarian NGOs and other partners to tackle specific issues. Nevertheless, field visits by IILHR and UNPO in November 2014 to Erbil and Dohuk found that very little of the international efforts had translated into action on the ground.<sup>205</sup>

One problem is that, given the speed of ISIS's summer offensive, the Iraqi government has not yet been able to enact an integrated national plan that addresses the recent wave of internal displacement within the country. This is at least partly because sectarian and ethnic power struggles within the government have prevented the creation of effective provincial and urban governments.<sup>206</sup> Without clarity of vision and clear bureaucratic structures, as well as an effective police force or legal system, it is increasingly difficult to implement state-wide policies, including the management of refugees and IDPs.

While the involvement of many international organizations could offer some help with the refugee and IDP problem, UNHCR – arguably the most significant international actor involved in the Iraqi crisis – has already stated that its activities will concentrate primarily on the situation of refugees,<sup>207</sup> in line with the *Guiding Principles on Internal Displacement*, which stipulate that IDPs are the responsibility of the state. It has also struggled to raise sufficient funds, having failed to secure over half of the total US\$564.3 million funding that it deemed necessary to implement its full crisis response plan in Iraq.<sup>208</sup>

While UNHCR has declared that it will advocate for the GoI and KRG to fulfil their international legal obligations in protecting the IDP population,<sup>209</sup> severe governance challenges and lack of collaboration between

the GoI and KRG, *inter alia*, obstruct the practical implementation of any crisis response plan. This means that on the ground, displaced families find themselves caught between the competing claims of local officials and UNHCR representatives that primary responsibility for the management of IDP camps falls to the international community or national authorities, respectively.<sup>210</sup>

This situation is made worse by discrimination towards certain minority groups. For instance, interviews with local NGO staff, politicians and IDPs in camps in the Dohuk area of the Iraqi Kurdish Region, confirmed that humanitarian aid is inadequate. A Yezidi representative noted that while there was constant news coverage about aid from Western countries to Iraq, this was not reaching members of his community. He also noted that the government's response to the unfolding humanitarian crisis has been very slow.<sup>211</sup>

*'We repeatedly hear news about humanitarian aid from the West, but we see nothing of it. There is a great difference between what is being promised and what is being delivered.'*

High-ranking Yezidi, Erbil, November 2014

Another interviewee, who had spent eight days on Mount Sinjar without any food, reported discriminatory practices when it came to IDPs accessing humanitarian assistance. For instance, as the international community often distributes food supplies to local authorities instead of directly to displaced families, the local authorities allegedly are using humanitarian aid to 'control' the beneficiaries.<sup>212</sup> In addition, there have been unconfirmed reports of preferential treatment of politically loyal Yezidis in the Iraqi Kurdish Region, with regard to access to humanitarian assistance, including food.<sup>213</sup>

## Conditions of IDP camps and informal settlements

The condition of IDP camps, the well-being of displaced people and the humanitarian response varies considerably. While many Assyrian IDPs have found refuge with friends or family in the Iraqi Kurdish Region,<sup>214</sup> Yezidis are mostly based in IDP camps in the Dohuk and Erbil governorates in deteriorating conditions. While in the summer many IDPs in Iraq were affected by dehydration, during the winter IDPs and refugees without appropriate shelter or winter supplies are at risk. Floods due to heavy rains in late October, for example, affected an estimated 100,000 IDPs living in camps in Dohuk, mostly Assyrians and Yezidis. Many of them were forced to abandon their shelters as a result.<sup>215</sup>

Those who do not live in camps have found shelter in schools, abandoned buildings and under overpasses and bridges, living in squalid conditions without medical care. In addition, there are reports of as many as 200 Christians living in holes in the ground, which also poses severe health risks.<sup>216</sup> With many IDPs deeply traumatized and lacking access to appropriate psychological care, suicides have been reported.<sup>217</sup>

Insecurity is a major contributor to the humanitarian crisis in Iraq. Many of the areas where IDPs have sought shelter are unprotected or located in disputed territory. The decapitation of abducted international aid workers from Syria and the attack on a UN convoy near Baghdad airport in November 2014 illustrate the threat posed to the humanitarian response and to IDPs themselves. In order to reach those in need of urgent assistance in ISIS-occupied territory, according to Rudaw Media Network, the World Health Organization has launched an initiative that involves subcontracting local truckers to bring vital emergency aid to those in need in insecure locations.<sup>218</sup> It remains to be seen whether this strategy is effective in relieving the suffering of those in territories under ISIS control.

## Access to food and water

Providing enough food and water for the millions of displaced people in Iraq has presented many difficulties, made worse by the degradation and destruction of civilian infrastructure and public services by both ISIS and ISF forces. The inability to provide many displaced minority members with sufficient food and water has resulted in numerous deaths from dehydration and overheating. In Ninewa and Tal Afar, a large number of elderly people were reported to have died from dehydration and hunger.<sup>219</sup> Water supplies were cut off in these ISIS-occupied areas and many IDPs were forced to drink contaminated well water.<sup>220</sup> The TRF reports that up to 20 pregnant women have lost their babies due to lack of food and medical care, while a number of women and children died due to intense heat and dehydration.<sup>221</sup> Around 40 Yezidi children are reported to have died due to dehydration and overheating while fleeing ISIS in Sinjar.<sup>222</sup>

Though there have been significant efforts to provide sufficient food and access to clean water by the Iraqi government and various humanitarian organizations, significant shortfalls remain. At the end of 2014, only 946,754 out of 3.5 million targeted had sufficient access to clean water.<sup>223</sup> Local NGOs, IDPs, as well as politicians in Erbil and Baghdad interviewed for this report confirmed that food and water assistance is being delivered daily, but in inadequate amounts.<sup>224</sup>

## Health and sanitation

Provision of adequate health and sanitation services to IDPs in camps and in temporary shelters has also proven to be difficult. Many IDPs suffer from unsanitary conditions and from a lack of emergency medical treatment. Security concerns have hampered operations, particularly in the Ninewa, Anbar, Kirkuk, Salah al-Din and Diyala governorates.<sup>225</sup> The use of hospitals as bases by ISIS forces, and damage from rocket attacks and air strikes, has undermined the health infrastructure in affected areas.<sup>226</sup>

## Shelter and winterization assistance

The provision of adequate shelter became an urgent issue for tens of thousands of displaced minority members, particularly during winter. While the number of camps is gradually being expanded,<sup>227</sup> many IDPs, particularly Yezidis, have been forced to take shelter in schools, abandoned buildings, below overpasses or elsewhere. In addition, the tents procured early in the crisis were not heavy-duty winter tents and are thus inadequate.<sup>228</sup> As of January 2015, almost 650,000 IDPs were living in 'critical shelter arrangements', concentrated in Dohuk and Anbar.<sup>229</sup>

Rents in the Iraqi Kurdish Region are reportedly very high<sup>230</sup> and those who have been able to rent accommodation risk running out of savings. Many Assyrian IDPs have sought shelter with friends or relatives, but live in cramped conditions with inadequate supplies of food, water, fuel and blankets. The lack of adequate heating was especially pronounced during the onset of winter towards the end of 2014, with OCHA reporting in November that 77 per cent of people living in unfinished buildings, 84 per cent of those in tents and 43 per cent hosted by friends and family lacked any source of heating.<sup>231</sup>

## Employment and education

The vast majority of displaced minority members in Iraq were forced to leave behind their homes, jobs and livelihoods as they fled the advance of ISIS. As there are few opportunities for employment in the camps and temporary shelters, many are now dependent on humanitarian assistance from the local or national authorities, UN agencies and their partners. Discriminatory attitudes towards ethnic and religious minorities regarding employment were evident even before the current crisis, including in the public sector.<sup>232</sup>

Similarly, even before the outbreak of the current crisis, education provision in Iraq was under-resourced and discriminatory for children from religious and ethnic minorities. Though children have the right to be educated in their mother tongue under the Iraqi Constitution of 2005, this has not been respected. In the Iraqi Kurdish

Region, for example, minority groups are pressured to be educated in Kurdish and financial incentives are used to promote the language.<sup>233</sup> Provision of education in the children's native tongue is also under-resourced in Iraq: many Turkmen communities, for example, have struggled to access education in their own language.<sup>234</sup> In this context – with an estimated three quarters (472,000) of young IDPs in need of educational services<sup>235</sup> – the risk of children from minority groups missing out on an education is especially acute. Despite efforts by local, regional and national governments in Iraq, as well as the UN and its partners, the response so far has been insufficient.

### The situation of women and children

Women and children have been disproportionately affected by conditions in IDP camps and informal settlements, and are vulnerable to sexual and gender-based violence within the camps.<sup>236</sup> While the UN has established a Gender Based Violence Subworking Group, with the UN Population Fund (UNFPA) leading efforts to provide psychosocial assistance to women and girls,<sup>237</sup> there remains a lack of tailored care for Yezidi and Christian women who have been resettled into camps after being kidnapped or sexually assaulted by ISIS militants, particularly given the social stigma frequently attached to victims of sexual violence.

Appropriate sanitation facilities and services remain a matter of urgency, as this has an impact on rates of sexual violence and harassment of displaced women. In Khanke camp in Dohuk governorate, during field research undertaken for this report in November 2014, the few latrines set up at the site were made of basic fabric attached to wooden poles. Most women would wait until nightfall to clean themselves out on the open field surrounding the camp. But while awareness and sensitization are essential to the proper management of gender issues in the camps, women are often marginalized and disempowered in this context.<sup>238</sup>

Children, particularly those from persecuted minority groups such as Yezidis, have suffered human rights abuses, including forced recruitment, kidnapping and trafficking at the hands of ISIS, and remain vulnerable to further abuse in IDP camps. Between 10 June and 3 November

2014, there were 415 confirmed violations against children, with a further 200 cases waiting verification.<sup>239</sup> These numbers do not reflect the true extent of human rights violations against children as there is inadequate reporting and monitoring of such abuses in the camps. Efforts to increase monitoring in camps to prevent these crimes are ongoing, including training of social workers and other experts to care for these children. While specialized protection services are so far unavailable, some children are reported to have access to psychosocial support services and psychological care.<sup>240</sup>

The trauma experienced by many displaced members of minority groups, and the absence of appropriate services for them, was evident in a number of recent interviews with IDPs. One 19-year-old Yezidi girl, now living in an unfinished building with her sister's family, described how she had been able to escape from her village with the help of family members, but her mother had not been able to get away and was now being held by ISIS. Her father and brother had also been killed. She had already attempted suicide three times and was struggling to cope:

*'Maybe they [her father and brother] are the lucky ones... I have no hope, nobody hears our cries. I was in school, but now I can't think or make a decision. My mother called me a few times and told me she was forced to convert and was sold to a member of [ISIS]. That was 30 days ago.'*<sup>241</sup>

Another former hostage, a mother of three in her thirties, was so disturbed by the experience of her abduction that she no longer spoke and sat in silence on her own, rocking back and forth. Her mother described how her daughter had been taken away:

*'How could they do this to her. They cut her hair and beat her... She still has a lot of bruises on her body and I don't want to think about how she got the scratches on her back. Look at her...she doesn't say a word. Her children are with their father and his family because we do not want the children to see her like this. She was a happy person and a good mother before ISIS took her away.'*<sup>242</sup>

# 7 Violations of international humanitarian law

To date there has been no serious effort to bring the perpetrators of the acts detailed in this report to justice. Iraqi jurists and government officials freely concede that the Iraqi judicial system is unable to successfully prosecute these crimes, and point to international prosecution as a way to provide a legitimate and impartial path for justice for their fellow citizens.<sup>243</sup>

Based on the facts uncovered in this report, it appears that:

- ISIS forces and commanders have committed most of the war crimes prohibited under international law applicable in Iraq at the relevant time, during which there was an armed conflict non international in nature;
- ISIS forces and commanders have committed almost all of the underlying acts for crimes against humanity as part of widespread and systematic attacks against the civilian populations in northern Iraq; and
- information exists which would support a prima facie case that ISIS forces have committed the crime of genocide against religious minorities in northern Iraq, in particular against the Yezidi minority.

The legal basis for these findings is explored in detail in the rest of this section.

## Applicable law

Iraq has ratified all the major international humanitarian law treaties, including the four 1949 Geneva Conventions and their two Additional Protocols of 1977, the 2000 Optional Protocol on the involvement of children in armed conflict, the 1987 Convention Against Torture and others on prohibited weapons and means of warfare. These treaties are applicable across the territory of Iraq whenever there is an armed conflict in any part of the country.

Iraq is also bound by customary international law on war crimes, which is reflected in Article 8 of the Rome Statute for the International Criminal Court (ICC, or Court). Much of Article 8 codifies pre-existing treaties to which Iraq is already a party and provides a useful guide in terms of substantive applicable criminal law. Iraq has ratified the Genocide Convention and is bound by customary international law on crimes against humanity,

both of which apply irrespective of the existence of an armed conflict. For crimes against humanity, Article 7 of the Rome Statute codifies customary international law and therefore provides a useful guide in terms of substantive applicable criminal law. Though Iraq is not yet party to the Rome Statute, nor has it accepted exercise of the Court's jurisdiction under Article 12(3), the Statute nevertheless provides a useful guide to the elements of crimes that may already apply in Iraqi territory due to their customary international law status.<sup>244</sup>

## Existence and nature of armed conflict in Iraq

With the exception of genocide and crimes against humanity, there needs to be an armed conflict for international humanitarian law to apply and for individual criminal responsibility for war crimes to be imposed. An armed conflict exists whenever armed force is used between states or there is protracted armed violence between governmental authorities and organized armed groups or between such groups within a state.<sup>245</sup>

International humanitarian law draws a distinction between international armed conflicts, that is, those between two or more states, and non-international armed conflicts, that is, those between a state and a non-state organized armed group or between such groups.<sup>246</sup> Armed conflict is different from internal disturbance or tension, to which international humanitarian law does not apply.<sup>247</sup> The test for whether an otherwise internal situation is an armed conflict considers the intensity and spread of violence, the use of weapons and other relevant matters.<sup>248</sup> Whether an armed conflict is international or non-international in nature depends on the parties to the conflict. In essence, a conflict will be 'international' when it is conducted between two or more states and will be 'non-international' when it is conducted between a state and a non-state armed force, or between such forces.<sup>249</sup>

This report is concerned with events in Iraq since June 2014, when ISIS fighters advanced into large parts of the Ninewa governorate. The advance of ISIS fighters and their assault on the city of Mosul on 6 June 2014 were clearly part of a military offensive, involving armed attacks and engagements between ISIS forces and Iraqi government troops.<sup>250</sup> The fighting continued until at least the end of

August 2014, following intense fighting that also involved airstrikes by the United States to support Iraqi forces on the ground to retake control of territory seized by ISIS.<sup>251</sup> Between June and August 2014, the violence was protracted, severe and systematic. It therefore seems clear that an armed conflict was taking place in northern Iraq; as such, international humanitarian law applied to all parties to the conflict during the relevant time.

The question remains whether the conflict was international or non-international, namely whether any of the forces involved were acting on behalf of a foreign state or states. One issue is whether ISIS was acting on behalf of a foreign state. Applying the three rules needed to show control,<sup>252</sup> this does not appear to be the case. Some of the top leaders of ISIS are not Iraqi, as many of its fighters are not, and it seems to have received funding from wealthy individuals in the Gulf region. However, there are no indications that ISIS is under the control of, or receiving instructions from, a foreign power. Another issue is whether the involvement of the United States in the conflict is sufficient to classify it as an international armed conflict. US forces were acting under the authority and control of the United States, but they were acting in support of Iraqi forces and only attacking ISIS targets, not engaging the forces of another state.<sup>253</sup> As such, their involvement is probably not sufficient to render the conflict international in nature. This report therefore errs on the side of caution in considering the conflict non-international in nature and limits itself to international humanitarian law that applies in such a situation.<sup>254</sup>

## War crimes

At least 16 war crimes apply to the territory of Iraq between 1 June and 31 August 2014, including those in common Article 3 to the Geneva Conventions and other treaty law, plus the customary international law crimes reflected in Article 8(2)(e) of the Rome Statute. For an act to qualify as a war crime, there are two overall requirements: it must take place in the context of and have been associated with the armed conflict; and the perpetrator must have been aware of the factual circumstances that established the existence of the armed conflict.

The first overall requirement stems from the fact that international humanitarian law does not protect persons against crimes unrelated to the conflict.<sup>255</sup> An armed conflict must have played a substantial part in the perpetrator's ability to commit the crime, his or her decision to commit it, the manner in which it was committed or the purpose for which it was committed. Hence, establishing that the perpetrator acted in furtherance of or under the guise of the armed conflict would be sufficient to conclude that the acts were closely

related to the armed conflict. There are a number of factors to assist in determining this: the perpetrator is a combatant; the victim is a non-combatant; the victim is a member of the opposing party; the act serves the ultimate goal of a military campaign; and it was committed as part of or in the context of the perpetrator's official duties.<sup>256</sup>

For the second overall requirement, the perpetrator need not make a legal evaluation of the existence of an armed conflict,<sup>257</sup> or its nature. The perpetrator need only be aware of the fact that there is fighting and that there is a link between that fighting and his or her conduct.<sup>258</sup>

Based on the facts uncovered for this report, it appears that ISIS forces and commanders committed most of the war crimes prohibited under international law applicable in Iraq at the relevant time, during which there was a non-international armed conflict. This section, which focuses on crimes against civilians, takes examples from the facts described in this report; it does not seek to be exhaustive, but to show the broad picture of crimes committed in Iraq by ISIS during the relevant period. Some of these crimes overlap, while many facts show the commission of one or more crimes, which were generally large-scale in nature. The similarity of these crimes, together with public statements from ISIS declaiming their ideology and operational methodology, go to demonstrate that the crimes were committed as part of a plan or policy.<sup>259</sup>

- *Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture*<sup>260</sup>

As ISIS swept across northern Iraq, they killed thousands of people: some during bombardments, some when ISIS forces entered towns and villages and others as reprisals or when people refused to convert to Islam. None of the killings appear to be justified by law and some bodies appear to have borne signs of torture. Overall, the modus operandi of ISIS forces appears to have been brutal and cruel, including the infliction of physical and mental pain and suffering. The elements of this crime therefore appear to be satisfied.

- *Committing outrages upon personal dignity, in particular humiliating and degrading treatment*<sup>261</sup>

This crime consists of acts that humiliate, degrade or otherwise violate the dignity of a person to such a degree 'as to be generally recognized as an outrage upon personal dignity',<sup>262</sup> such as enduring the constant fear of being subjected to physical, mental, or sexual violence<sup>263</sup> and other acts of a similar nature. Such acts were committed in abundance, apparently with the intention to humiliate and degrade victims and their communities. Striking examples include the rape and killing of women whose

bodies were then hung up around their cities,<sup>264</sup> dressing civilians in ISIS clothes to act as human shields,<sup>265</sup> sending videos of women being raped to their families, public executions and women being given the ‘choice’ to convert to Islam or be sold into sexual slavery. The elements of this crime therefore appear to be satisfied.

- *Taking of hostages*<sup>266</sup>

Hundreds of people were abducted by ISIS forces and many of them were kept either in prisons or in makeshift detention facilities. Men and boys were mainly killed, whether immediately or due to ‘overcrowding’ of the places of detention, while many women and girls were kept for sexual or domestic purposes. The purpose often seems to have been creating a climate of fear and intimidation. Nonetheless, it is difficult to say that civilians were captured for the purpose of compelling someone to act or refrain from acting as a condition for the safety or the release of those civilians.<sup>267</sup> The elements of this crime therefore may be satisfied, although further investigation is warranted regarding the purpose for which civilians were captured and detained.

- *The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable*<sup>268</sup>

Among the many killings that took place were the executions of prisoners, including one instance of the killing of 600 prisoners in Badush Central Prison. There does not appear to have been any court convened, nor any judgment issued following any trials in any of these cases. The elements of this crime therefore appear to be satisfied.

- *Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities*<sup>269</sup>

As ISIS forces swept across northern Iraq, they often captured towns and cities following prolonged bombardment with mortar shelling and sniper fire. Upon entering the towns, ISIS forces often attacked the civilian population directly, killing some people and causing others to flee. These prolonged violent attacks appear to be part of an intentional drive to capture civilian towns and cities throughout northern Iraq, had the consequence of causing death and injury to civilians and damage to civilian objects and do not appear to be justified by military necessity.<sup>270</sup> The elements of this crime therefore appear to be satisfied.

- *Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law*<sup>271</sup>

In addition to capturing hospitals and using them as bases, ISIS forces directed attacks against medical personnel, in particular preventing female personnel from working in hospitals unless they wore the hijab. It is not clear whether the buildings or personnel were using the distinctive emblems of the Geneva Conventions, namely the red cross or red crescent, although this is likely. The elements of this crime therefore may be satisfied, although further investigation is warranted concerning the use of the distinctive emblem.

- *Intentionally directing attacks against buildings dedicated to religion, education... historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives*<sup>272</sup>

Numerous buildings, monuments and other sites of immense religious, cultural and historical importance have been destroyed by ISIS forces, including churches, mosques, tombs and ancient manuscripts and texts. ISIS forces have – at times allegedly to shield themselves from attack – used hospitals for bases and at least one school was used as a detention facility for women in Tal Afar. These attacks appear to be intentional, and none of the buildings or sites appear to be military objectives. The elements of this crime therefore appear to be satisfied.

- *Pillaging a town or place, even when taken by assault*<sup>273</sup>

‘Pillage’ is the appropriation of property for personal or private use without the consent of the owner and with the intention to permanently deprive the owner of that property. Appropriations justified by military necessity (for which a receipt should be given) cannot constitute the crime of pillaging.<sup>274</sup> ISIS forces often took people’s homes and personal property and either used it or distributed it among ISIS forces and their sympathizers. It is difficult to say whether the taking of property was done for personal or private use, in which case this element of the crime would be satisfied, or if the property was taken for the conduct of military operations, in which case the acts may be legally justified. The elements of this crime therefore may be satisfied, although further investigation is warranted concerning the use of the pillaged property.

- *Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence*<sup>275</sup>



Throughout northern Iraq, ISIS forces raped and exercised powers of ‘ownership’ over women, such as selling, lending or bartering them, as well as forcing them to ‘marry’ ISIS fighters. Women were kept in detention facilities and ‘given’ out, although it is unclear whether those detaining the women received or expected to receive some pecuniary or other advantage.<sup>276</sup> ISIS forces committed several other acts of a sexual nature against women and girls, often in places of detention, following which some women reportedly committed suicide. None of the victims appear to have consented, although consent cannot be inferred when the victim’s ability to give voluntary, informed consent is undermined or where the victim is incapable of giving genuine consent, for example due to age.<sup>277</sup> There is no information in this report on enforced sterilization or enforced pregnancy. Nonetheless, given the information on other aspects of this crime, the elements of this crime therefore appear to be satisfied.

- *Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities*<sup>278</sup>

This crime consists of three types of acts committed against children under the age of 15: forced conscription into armed forces or groups; ‘voluntary’ enlistment into armed forces or groups; or the use of children to participate actively in hostilities, whether or not they are formally enrolled. Active participation includes participation in combat and in other military activities, such as operating checkpoints.<sup>279</sup> Children as young as 13 were recruited into ISIS forces, whether forcibly or voluntarily; children who may or may not have been recruited were used to fight in the front line as human shields and carry out other acts of a military nature, including operating checkpoints and undertaking patrols. The elements of this crime therefore appear to be satisfied.

## Crimes against humanity

Crimes against humanity means any of the following acts when committed as part of a widespread or systematic attack against any civilian population: (a) murder; (b) extermination; (c) enslavement; (d) deportation or forcible transfer of population; (e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) torture; (g) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) persecution against any identifiable group or collectivity on specified grounds, in connection with a crime under international law; (i) enforced disappearance of persons; (j) the crime of

apartheid; (k) other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.<sup>280</sup>

There are two sets of elements for crimes against humanity, the ‘contextual’ elements, that is, those in the chapeau, and the underlying acts, that is, those found in paragraphs (a) to (k) above, both of which must be met for an act to constitute a crime against humanity. The contextual elements are first, that there is an attack against a civilian population;<sup>281</sup> and, second, that the attack is either widespread or systematic.<sup>282</sup> The act must also have been committed as part of the attack; and the accused must have known of the broader context in which his or her act is committed. For crimes against humanity, there is no requirement of a minimum number of victims: what must be widespread or systematic is the attack itself.<sup>283</sup>

The Rome Statute requires that the attack be carried out pursuant to or in furtherance of a state or organizational plan or policy to commit the attack.<sup>284</sup> Jurisprudence from international courts, however, suggests this is not required under customary international law.<sup>285</sup> While a widespread or systematic attack can be evidence of a pre-existing policy or plan, and in practical terms would likely be necessary for an attack to be carried out in a widespread or systematic manner, such a policy or plan is not a necessary element.<sup>286</sup> Since Iraq is not a party to the Rome Statute, this report proceeds on the basis that it is not necessary to prove the existence of a state or organizational plan or policy to satisfy the elements of crimes against humanity.

Based on the facts uncovered for this report, it appears that ISIS forces and commanders committed each of the underlying acts, with the exception of apartheid.<sup>287</sup> All the acts described below were carried out as part of a widespread and systematic attack against civilian populations across northern Iraq, thereby satisfying the contextual elements of crimes against humanity. This section takes examples from the facts described in this report; it does not seek to be exhaustive, but to show a broad picture of the crimes committed in Iraq by ISIS during the relevant period.

As noted in the earlier section on war crimes, some of these crimes overlap, while many of the facts demonstrate the commission of one or more crimes, which were generally large-scale in nature. The similarity of these crimes, together with public statements from ISIS declaiming their ideology and operational methodology, go to demonstrate that the crimes were also committed as part of a plan or policy, even if this is not a customary law requirement for crimes against humanity.

- *Murder*

As noted, as ISIS fighters swept across northern Iraq, they killed hundreds if not thousands of people, including

women, children and the elderly. Some of the killings occurred when ISIS forces entered towns and villages and others reportedly as reprisals or when individuals refused to convert to Islam. None of these killings appear to be justified by law. The elements of this crime therefore appear to be satisfied.

- *Extermination*

In addition to the mass killings, ISIS forces inflicted conditions of life that appear to be intended to destroy part of the population.<sup>288</sup> One example is the siege of Amerli, where electricity and water sources were cut off, which also limited the provision of food and medical supplies to civilians; this happened in other towns and villages. These acts appear to have been directed towards a numerically significant number of people, either with the intention of killing them or with the knowledge that death was likely to result.<sup>289</sup> The elements of this crime therefore appear to be satisfied.

- *Enslavement*

The indicia of enslavement include control of someone's movement, control of their physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force or coercion, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality and forced labour.<sup>290</sup> It can include the trafficking of persons and deprivation of liberty that reduces a person to a servile status.<sup>291</sup> ISIS forces abducted numerous people and held them without the possibility of leaving; on occasion, they transferred people, including children, from one place to another, although it is difficult to determine whether these people were being trafficked. It is also unclear to what extent people were forced to work for ISIS forces, although women were held as sexual slaves and some were required to carry out domestic duties. The elements of this crime therefore appear to be satisfied, although further information is required on conditions in places of detention and the purpose for which people were transferred.

- *Deportation or forcible transfer of population*

Deportation is the movement of persons across national borders, while forcible transfer is the movement of persons within national borders;<sup>292</sup> they are often referred to as 'forced displacement'.<sup>293</sup> The displacement must be involuntary in nature, in that people had no real choice whether or not to leave an area in which they were lawfully present.<sup>294</sup> At least around 200,000 people across northern Iraq left the places in which they lived to move

to other places in Iraq as a direct consequence of the oncoming ISIS forces and the violence, fear and intimidation they brought with them. In this sense, those who left had no real choice whether to do so or not: either directly or indirectly, ISIS forces indicated that people needed to leave, abandon their identity and way of life, or be killed. The elements of this crime therefore appear to be satisfied.

- *Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law*

This crime encompasses two elements, namely that an individual is deprived of his or her liberty and that no legal basis can be invoked to justify the deprivation of liberty.<sup>295</sup> As noted, hundreds of people were abducted by ISIS forces; many were kept in prisons or other makeshift detention facilities, with no apparent legal basis to justify it. The elements of this crime therefore appear to be satisfied.

- *Torture*

In at least one area, some 50 bodies exhumed from a mass grave were described as showing clear signs of torture. Under customary international law, the crime against humanity of torture does not require that the torture be inflicted for an official purpose.<sup>296</sup> The only requirement is that severe physical or mental pain (according to the level of intensity of the pain or suffering) was inflicted on a person under the control of the perpetrator and that the pain was not inherent in or incidental to lawful sanctions. The elements of this crime therefore appear to be satisfied, although further information is required on the nature of the violence and whether it was carried out pursuant to lawful sanctions.

- *Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity*

Throughout northern Iraq, ISIS forces have raped, enslaved and forcibly married women and girls, although it is unclear whether this was done primarily for financial gain.<sup>297</sup> The victims do not appear to have consented, although as mentioned consent cannot be inferred when the victim's ability to give consent is undermined or where the victim is incapable of giving genuine consent, for example due to age.<sup>298</sup> There is no information in this report on enforced sterilization or enforced pregnancy. Nonetheless, given the information on other aspects of this crime, the elements of this crime therefore appear to be satisfied.

- *Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender ... or other grounds*

The material element of persecution, in addition to the requirement that the acts be carried out on discriminatory grounds, is that there is a gross or blatant denial of a fundamental right laid down in customary or conventional law.<sup>299</sup> The acts that constitute persecution need not themselves be physical acts and must be evaluated in context by looking at their overall cumulative effects. Discriminatory intent is not itself sufficient; the act must also have discriminatory consequences.<sup>300</sup> The whole basis of the violence unleashed by ISIS forces appears to be the denial of fundamental human rights to religious minorities in northern Iraq. The victims are clearly identifiable as groups and both the acts themselves, including the imposition of severe restrictions on people's way of life and attacks against objects of religious and cultural significance, as well as statements by ISIS, clearly demonstrate the discriminatory grounds on which the acts were carried out. The elements of this crime therefore appear to be satisfied.

- *Enforced disappearance of persons*

The crime of enforced disappearance encompasses the arrest or detention of individuals, coupled with a refusal to give information about that arrest or detention or about the fate of the persons detained or arrested.<sup>301</sup> It requires the intention to remove individuals from the protection of law for a prolonged period of time.<sup>302</sup> Thousands of people were arrested or detained by ISIS forces in northern Iraq: for many, their fate remains unknown. It is not clear whether ISIS forces refused to give information on the arrests or detentions or on the fate of the missing persons, or whether requests for such information were made. The elements of this crime therefore may be satisfied, although further information is required on whether there was a refusal to give information about the arrested or detained people.

- *Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health*

This is a 'catch-all' provision that covers all other acts of similar gravity that are not otherwise enumerated in paragraphs (a) to (j). There must be some nexus between the act and the suffering of the victim, which does not necessarily require physical injury to the victim. Mental injury consequent on witnessing acts committed against other people may constitute an inhumane act if the

perpetrator intended to inflict suffering on the victim or knew such suffering was likely to occur and was reckless as to whether it would result.<sup>303</sup> ISIS forces committed numerous inhumane acts against the civilian population in northern Iraq, including the infliction of an atmosphere of fear and terror and the public humiliation of women, men and children. The elements of this crime therefore appear to be satisfied.

## Genocide

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; or (e) forcibly transferring children of the group to another group.<sup>304</sup>

There are two sets of elements, namely the 'contextual elements' and the underlying prohibited acts. The contextual elements are that acts are carried out against a national, ethnical, racial or religious group and that the acts be done with the intent to destroy, in whole or in part, the targeted group.<sup>305</sup> While attacks against the culture or identity of the group would not in and of itself be sufficient to constitute genocide, it may be evidence of the specific intent to destroy the group in whole or in part.<sup>306</sup> To constitute genocide, the attacks must be carried out based on or because of a person's membership in one or more protected groups; likewise, the actual target of the attack must be the group, intending its destruction in whole or in part, as opposed to members of that group as individuals.<sup>307</sup>

The intention or *mens rea* requirement for the crime of genocide is both what sets it apart from other crimes and what makes it more difficult to prove. It has, nonetheless, been recognized that the intention to destroy a group in whole or in part may be inferred from the circumstances. Factors to consider include the general context, the perpetration of other acts systematically directed against the same group, the scale of atrocities, the systematic targeting of victims on account of their membership of a group, or the repetition of destructive and discriminatory acts.<sup>308</sup> If intent must be inferred – in the absence, for example, of specific statements or documents demonstrating intent – then the standard required is that it be the only reasonable inference that can be drawn under the circumstances.<sup>309</sup>

Based on the facts uncovered during research undertaken for this report, it appears that ISIS forces and commanders have committed each of the underlying acts

for genocide, with the exception of preventing births and the forcible transfer of children from one group to another. These acts were carried out against specific minority groups in northern Iraq, apparently based on their religious identity, as evidenced by the requirement that individuals convert to Islam or be deported or executed. ISIS forces imposed a reign of terror and oppression on minority communities, inflicted punishments for those seeking to preserve their culture and identity and carried out mass killings, expulsions and other acts for which the consequences taken to their logical conclusion would be purging areas under their control of ethnic or religious diversity. These constitute factors from which it can be inferred that ISIS intends to destroy, in whole or in part, those ethnic and religious groups under attack.

The underlying acts for genocide have been described in previous sections of this report, including killing members of the group; causing serious bodily or mental

harm to members of the group; and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. This section does not describe those facts again, save to note that the similarity of the crimes, together with public statements declaiming ISIS's ideology and operational methodology, go to demonstrate that the crimes were also committed as part of a plan or policy, which is an additional factor from which the required special intent can be inferred.

Given these factors, information exists which would support a prima facie case that ISIS forces have committed the crime of genocide against religious and ethnic minorities in northern Iraq, in particular against the Yezidi minority. At the very least, further investigation is warranted to determine whether those forces, or those planning, ordering, instigating or otherwise directing the commission of those attacks, had the intention to destroy one or more of northern Iraq's religious or ethnic groups in whole or in part.

## 8 What next for minorities in the conflict zone?

*‘I strongly believe that if there is no justice, there can be no peace.’*

Iraqi MP, Baghdad, November 2014

In the wake of the violence and displacement that began in June 2014, Iraq’s ethnic and religious minority groups have had to rapidly shift their priorities from building a stable way of life for their families, however difficult, to their immediate survival. As a result, they have been forced to leave areas where their communities have been based for centuries to seek refuge in other parts of the country, with some now contemplating a long-term future outside Iraq.

More than 2 million people have been displaced in the conflict, predominantly from these same minority groups, and they now face desperate and life-threatening conditions in IDP camps, informal settlements and out in the open. Besides losing their homes, possessions and family members, so far the Iraqi government has been unable to provide adequate humanitarian assistance and effective redress to communities – in particular, to provide a way for them to return safely to their homes.

Understandably, much of the discussion at a local and international level has focused on how to resolve the collapse of governance in large areas of northern Iraq and prevent continued atrocities in ISIS-controlled territories. Yet, even if militants are pushed out in the near future, the future of the displaced minority communities in these areas will remain precarious, particularly in the event that Iraq’s ‘Disputed Territories’ are then occupied by Kurdish

forces. Preparations and planning are needed to ensure that the necessary political, economic, social and cultural space is provided to these groups – arguably the worst affected in the conflict – to ensure their continued place in the region.

As ISIS’s grip on Diyala, Salah al-Din, Kirkuk and Ninewa governorates weakens, there is a pressing need for all those involved to develop a clear way forward. While government officials and representatives of the EU, United States government and UN have noted the need to develop concrete ‘post-ISIS’ planning, so far little progress has been made. What is certain is that any plan must include a sustained process of consensus building between the Iraqi government, the KRG, the international community and minority groups themselves, both on pressing concerns such as security, property rights, missing persons and return issues, as well as a longer-term administrative, economic and reconciliation framework that protects those worst affected by the conflict.

At the same time, it is important that the latest suffering experienced by Iraq’s minority groups, particularly its Christian, Kaka’i, Shabak, Turkmen and Yezidi communities, is seen in the wider context of historic discrimination against them in the country. This has played a major role in perpetuating human rights violations against them, including the most recent spate of abuses by ISIS. Ensuring the continued presence of Iraq’s religious and ethnic minorities will therefore require a more inclusive vision at a national level that accommodates, rather than stigmatizes, its rich diversity.

# 9 Recommendations

To mitigate and alleviate these and other challenges highlighted in this report, IILHR, MRG, NPWJ and UNPO make the following recommendations:

## To the Federal Government of Iraq:

### Humanitarian issues

- 1 Support, as the primary responsible actor, displaced Iraqis and develop a comprehensive strategy with implementable policies to address Iraq's humanitarian emergency. Ensure that adequate resources are made available over the long term through government funding and international support.
- 2 Allow, on an emergency basis, for identity documents and other credentials to be issued for displaced persons in their current governorate, with greater emergency access to government rations and other services.
3. Establish, with adequate resources, a National Missing Persons Registry. Support efforts by the Ministry of Human Rights to begin registration of missing person claims.
- 4 Initiate prompt, independent and impartial investigations of corruption in the procurement and delivery of humanitarian assistance, and prosecute those found to be responsible.
- 5 Provide psychosocial and other specialized services to families and victims of sexual violence and to children.

### Preventing future abuses

- 6 Ensure that all units of Iraqi armed forces, including Popular Mobilization Units, operate transparently and accountably under the command and control of the Iraqi government.
- 7 Ensure that all other militia groups operating in Iraq fall under the command and control of the Iraqi government.
- 8 Ensure that all military action conforms with international humanitarian law and international human rights law, including prohibiting indiscriminate attacks and any attack expected to result in a disproportionate loss of civilian life or damage to civilian objects.

### Restoration and reconciliation

- 9 Immediately accede to the Rome Statute of the International Criminal Court and furthermore make a declaration under the Rome Statute's Article 12(3) to accept the exercise of jurisdiction by the Court at least from the beginning of the current conflict.
10. Build the capacity to provide reparations and restitution to those who have lost homes and livelihoods in Ninewa, Kirkuk, Salah al-Din and Diyala governorates. This would start with collection of applicable property documentation.
- 11 Develop a comprehensive strategy to support returns, including specific budget line items, infrastructure needs assessments and community-based reconciliation mechanisms, to enable those who fled their homes and those who remained to reintegrate.
- 12 Immediately begin planning for the post-ISIS era, including securing agreement on the establishment of secure areas to allow for the return of affected minority groups to their original homes and lands. Work to establish international support for the provision of security in the aftermath of the conflict, as well as responsible investment and infrastructure development.

### Institutions and legislation

- 13 Build and enact a framework of legislation and tools to ensure the security of Iraq's minority communities, including local administration, defence forces and anti-discrimination, electoral and personal status laws.
- 14 Enact legislation codifying protections for internally displaced persons in Iraq, as well as review and amend the current legal framework to identify remedies in protection and emergency response. Consider developing a broad national emergency/crisis response law for Iraq that could establish better parameters for future emergencies.
- 15 Strengthen the representation of minorities in Iraqi security and police forces, and establish a special police unit for dealing with hate crimes or those motivated by ethnic, religious or sectarian bias.
- 16 Strengthen the role of the Iraqi High Commission for Human Rights to monitor and report on human rights violations, including violations of minorities

and other vulnerable populations. Provide appropriate resource support to the Iraqi High Commission to ensure that it can implement its mandate.

## To the Kurdish Regional Government:

### Humanitarian issues

- 17 As the primary responsible actor to support displaced Iraqis, develop a comprehensive strategy and implementable policies to address the humanitarian issues facing the country on an emergency basis, coordinated with the federal government. Ensure that adequate resources are made to implement this strategy over the long term through government funding and international support.
- 18 Harmonize entry procedures at checkpoints to allow displaced persons fleeing violence to enter the Iraqi Kurdish Region without discrimination on the basis of ethnicity or religion.
- 19 Continue to provide humanitarian support for internally displaced persons seeking refuge inside the Iraqi Kurdish Region. Cooperate with international organizations and donor governments to establish adequate and winterized living arrangements for the displaced.
- 20 Initiate prompt, independent and impartial investigations of corruption in the procurement and delivery of humanitarian assistance and prosecute those found to be responsible.
21. Abolish the practice of listing religious or ethnic affiliation in all registration documents for displaced persons. In particular, discontinue immediately the practice of providing displaced with forms already completed indicating 'Kurdish' nationality.
- 22 Cease the discriminatory allocation of essential services and take action against state officials and others who discriminate against members of minority communities for choosing not to identify themselves as Kurds or affiliate themselves with Kurdish political parties, in accordance with Article 19 of the draft Kurdish Constitution.
- 23 Provide priority assistance to victims of sexual violence and to children.

### Restoration and reconciliation

- 24 Recognize Yezidi and Shabak as distinct identities, and extend Articles 5, 14, 35 and 36 of the Kurdish Constitution accordingly.
- 25 Begin planning for the post-ISIS era immediately, including developing agreements on the establishment

of secure areas to allow for the return of affected minority groups to their original homes and lands. Work to establish international support for the provision of security in the aftermath of the conflict, as well as responsible investment and infrastructure development.

- 26 Develop a comprehensive strategy to support returns, including specific budget line items, assessment of infrastructure redevelopment needs, and community-based reconciliation mechanisms to enable those who fled their homes and those who remained to reintegrate.

## To the international community:

### Humanitarian issues

- 27 Increase immediately the provision of emergency relief for the winter, including food, water, tents, medical supplies and other essentials, in partnership with humanitarian agencies working with displaced families in Iraq, including the Iraqi Kurdish Region.
- 28 Provide urgent financial support and other forms of assistance to international humanitarian actors, including the UN system, the Red Cross/Red Crescent Movement and international NGOs that are working to support an Iraqi-government-led response.
- 29 Provide assistance to Iraqi-based NGOs engaged in humanitarian operations.
- 30 Provide priority assistance to victims of sexual violence and to children.

### Preventing future abuses

- 31 Ensure that any international military action taken against ISIS and other fighters in support of the Iraqi government adheres to international humanitarian law and to international human rights law.
- 32 Ensure that any international military support includes liaison with minority organizations and the sharing of intelligence relevant to the security of minority populations.
- 33 Take concrete measures to prevent the transfer of financial and material support to ISIS and other armed groups.

### Restoration and reconciliation

34. Immediately begin planning for the post-ISIS era, including developing agreements on the establishment of secure areas to allow for the return of affected minority groups to their original homes and lands.

Consider establishing an international police force in the aftermath of the conflict and responsible investment and infrastructure.

- 35 Develop a comprehensive strategy to support returns, including specific budget line items, assessment of infrastructure redevelopment needs, and community-based reconciliation mechanisms to enable those who fled their homes and those who remained to reintegrate.
- 36 Refer the situation in Iraq to the International Criminal Court.

## Asylum issues

- 37 Commit to longer-term protection and resettlement of minority displaced in the current conflict. Adjust asylum criteria, background checks and other policies, while accelerating resettlement efforts, recognizing the conditions of the conflict and inconsistent identity documentation.
- 38 Allow entry of Iraqi refugees fleeing persecution and prohibit refoulement or the return of refugees to Iraq when their lives or freedom are at risk.



# Notes

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- 10 For example, see United States Department of State, *International Religious Freedom Report 2008*, September 2008; IILHR, 2013, *op. cit.*, p. 134; Salloum, S., *Minorities in Iraq: Memories, Identity and Challenges, Baghdad and Beirut, Masarat for Cultural and Media Development*, 2013.
- 11 UNHCR, 2012, *op. cit.*, p. 33.
- 12 IILHR, 2013, *op. cit.*, p. 135.
- 13 IILHR-UNPO interview with Shabaki Member of Parliament Hunain al Qaddo, November 2014.
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- 246 The majority of provisions in the Geneva Conventions and the Additional Protocol I apply only to international armed conflicts. Article 3 common to the Geneva Conventions and Additional Protocol II lay down a set of basic minimum rules and basic protections applicable in any armed conflict. The Rome Statute also draws a distinction between international and non-international armed conflict: war crimes applicable during an international armed conflict are in Article 8(2)(a) and (b) and those applicable during a non-international armed conflict are in Article 8(2)(c) and (e).
- 247 See Article 8(d) and (f) of the Rome Statute, which imports the provisions of Additional Protocol II regarding the applicability of international humanitarian law to situations involving violence between a state and an armed force or group and the exclusion of applicability to situations of internal disturbances and tension, 'such as riots, isolated and sporadic acts of violence of other acts of a similar nature'.
- 248 The ICTY has looked at 'the seriousness of attacks and potential increase in armed clashes, their spread over territory and over a period of time, the increase in the number of government forces, the mobilization and the distribution of weapons among both parties to the conflict, as well as whether the conflict has attracted the attention of the United Nations Security Council, and, if so, whether any resolutions on the matter have been passed'. See *Prosecutor v. Mrkšić et al.*, Case No. IT-95-13/1-T, Trial Chamber, Judgment, 27 September 2007, para. 407.
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- 252 The character of a conflict can change during its course from being non-international to international in nature. A conflict that is *prima facie* internal may be regarded as involving forces acting on behalf of a foreign power, thereby rendering the conflict international in nature, depending on three factors: (1) overall control of an armed group or individuals; (2) specific instructions to an armed group or individuals; and (3) actual behaviour of an armed group or individuals, irrespective of any specific instructions. See *Prosecutor v. Tadic*, Case No. IT-94-I, ICTY Appeals Chamber Judgment, 15 July 1999, point IV.B.3.
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- 258 *Prosecutor v. Lubanga*, Case No. ICC-01/04-01/06, Judgment pursuant to article 74 of the Statute, 14 March 2012, p. 438.
- 259 See Article 8(a) of the Rome Statute regarding exercise of ICC jurisdiction, although since Iraq is not a State Party to the Rome Statute, the ICC would not be able to act unless Iraq accepts the exercise of jurisdiction for the relevant time period; or alternately, those ordering, carrying out or otherwise allegedly criminally responsible for the crimes are nationals of an ICC State Party. See Article 12 of the Rome Statute on pre-conditions for the exercise of jurisdiction by the ICC.
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- 270 See, for example, *Kordic and Cerkez*, ICTY Trial Chamber, 26 February 2001, para. 328.
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- 280 Rome Statute, Article 7.
- 281 The 'attack against a civilian population' means a course of conduct involving the multiple commission of acts enumerated in paragraphs (a) to (k) (see the preamble to the ICC Elements of Crimes). The 'attack' does not refer to an armed conflict as such, or even to an armed or military attack, but refers to the prohibited acts; the attack does not need to be physical but can consist of other forms of inhumane mistreatment of a civilian population (see, for example, *Prosecutor v. Semanza*, Case No. ICTR-97-20, ICTR Trial Chamber, Judgment, 15 May 2003, para. 327). A 'civilian population' is a population that is predominantly civilian in nature, that is, that the people comprising the population do not take a direct part in the hostilities or no longer take a direct part in hostilities (see, for example, common Article 3 to the Geneva Conventions and the Additional Protocols). The presence of non-civilians will not deprive that population of its civilian character (*Prosecutor v. Tadic*, Case No. IT-94-I, ICTY Trial Chamber, Judgment, 7 May 1997, para. 638). The civilian population must be the primary object of the attack, although it is not necessary that the entire population of a territory is victimized (*Prosecutor v. Bagilishema*, Case No. ICTR-95-1, ICTR Trial Chamber, 7 June 2001, para. 80) or that each victim is a civilian, provided the attack is carried out against a civilian population (*Mrkšić*, Appeal Judgement, paras 25–33).
- 282 To fulfil the contextual elements for a crime against humanity, an attack must be either widespread or systematic, but does not have to be both, even if in reality, many attacks are both widespread and systematic. 'Widespread' means that the attack takes place on a large scale and is perpetrated against a number of victims; 'systematic' refers to an organized pattern of conduct. See, for example, *Prosecutor v. Akayesu*, Case No. ICTR-96-4, ICTR Trial Chamber, Judgment, 2 September 1998, para. 580.
- 283 *Mrksic, Radi and Sijivancanin*, Review of the Indictment pursuant to Rule 61, 3 April 1996, para. 30.
- 284 Rome Statute, Article 7(2)(a).
- 285 SCSL, AFRC Trial Judgment, para. 215; SCSL RUF Trial Judgment, para. 79; ICTY, *Kunarac et al.* Appeal Judgment, para. 98; ICTY, *Blaškić* Appeal Judgement, para. 120.
- 286 *Prosecutor v. Kunarac*, Case No. IT-96-23&23/1, ICTY Appeals Chamber, 12 June 2002, para. 98.
- 287 The Rome Statute, in Article 7(2)(h) defines the crime of apartheid as 'inhumane acts ... committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime'. While the facts demonstrate an institutionalized regime of systematic oppression and domination, this was done on religious and ethnic grounds, not racial grounds, so does not satisfy the definition.
- 288 See ICC Elements of Crimes, Article 7(1)(b).
- 289 See, for example, *Stakic*, ICTY Trial Chamber, 31 July 2003, paras 641–642.
- 290 *Kunarac, Kovac, and Vokovic*, ICTY Appeals Chamber, 12 June 2002, para. 119.
- 291 See ICC Elements of Crimes, Article 7(1)(c).
- 292 See *Brdjanin*, ICTY Trial Chamber, 1 September 2004, para. 554 and *Stakic*, ICTY Trial Chamber, 31 July 2003, para. 67.
- 293 See ICC Elements of Crimes, Article 7(1)(d).
- 294 *Simic, Tadic, and Zaric*, ICTY Trial Chamber, 17 October 2003, para. 125.
- 295 *Simic, Tadic, and Zaric*, ICTY Trial Chamber, 17 October 2003, para. 64.
- 296 See ICC Elements of Crimes, Article 7(1)(f). This can be contrasted with the war crime of torture, which does require that the violence be inflicted for some official purpose, such as extracting a confession, punishment, intimidation or coercion of some form: see for example ICC Elements of Crimes, Article 8(2)(c)(i)-4.
- 297 ICC Elements of Crimes, Article 8(2)(e)(vi)-3, War crime of enforced prostitution.
- 298 See Rules of Procedure and Evidence of the Special Court for Sierra Leone, rule 96 and Rules of Procedure and Evidence of the ICC, rule 70.
- 299 *Kupreskic*, ICTY Trial Chamber, Judgment, 14 January 2000, para. 751.
- 300 *Krnjelac*, ICTY Trial Chamber, Judgment, 15 March 2002, para. 432. See also *Stakic*, ICTY Trial Chamber, Judgment, 31 July 2003, para. 733.
- 301 See ICC Elements of Crimes, Article 7(1)(i).
- 302 ICC Rome Statute, Article 7(2)(i).
- 303 *Kayishema*, ICTR Trial Chamber, Judgment, 1 June 2001, para. 153. This is reflected in Article 30 of the Rome Statute of the ICC, dealing with the *mens rea* of the perpetrator.
- 304 Genocide Convention, Article 2; Rome Statute, Article 6.
- 305 See, for example, *Krstic*, ICTY Trial Chamber, 2 August 2001, para. 550. This crime protects national, ethnic, racial or religious groups, although it has been recognized that these are not distinct categories; rather, they correspond roughly to what are also known as 'national minorities' and the lines between them may be blurred. See, for example, *Brdjanin*, ICTY Trial Chamber, 1 September 2004, para. 682.
- 306 See, for example, *Krstic*, ICTY Trial Chamber, 2 August 2001, para. 580.
- 307 See *Krstic*, ICTY Trial Chamber, 2 August 2001, para. 561 and *Jelusic*, ICTY Trial Chamber, 14 December 1999, para. 7. It is this 'special' intention, also known as *dolus specialis*, that distinguishes the crime of genocide from the crime against humanity of persecution, in which group members are targeted because of their identity but where the destruction of the group is not the intended result. It is not necessary that the group actually be destroyed, whether in whole or in part: what matters is that the perpetrator intended the destruction to take place. *Stakic*, ICTY Trial Chamber, 31 July 2003, para. 522.
- 308 *Jelusic*, ICTY Appeals Chamber, 5 July 2001, para. 4.
- 309 *Krstic*, ICTY Appeals Chamber, 19 April 2004, para. 41.

# About the authors of this report



## The Institute for International Law and Human Rights (IILHR)

IILHR is a non-profit charity registered in Washington, D.C., Baghdad, Iraq and Brussels, Belgium. IILHR helps states in the early stages of democracy develop the capacity to strengthen the rule of law and build respect for human rights. With a staff of diplomats, parliamentarians, human rights activists and attorneys, IILHR has a strong track record of implementing successful programs that help local partners strengthen support for human rights and the rule of law.

IILHR staff has been a strong, supportive presence in Iraq since July 2005. It collaboratively engages with leaders to strengthen approaches to human rights issues by a) developing draft legislation; b) working to enact that legislation; c) helping local partners in and out of government to develop the capacity to advocate for change as well as to assess, develop and draft legislation; and d) building consensus on priorities, tactics and strategies for achieving strong systems of law and human rights protection.

Currently, IILHR actively supports human rights in Iraq through several ongoing government and civil society initiatives. As well as work on gender issues, including collaboration on a draft law on domestic violence and publication of an assessment of Iraq's legal framework, *Women and the Law in Iraq*, IILHR has brought together minority civil society leaders and parliamentarians from Iraq, forged links among minority members of parliament, and conducted outreach on minority issues in Iraq—seeking to build capacity to pursue a legislative and advocacy agenda for the benefit of minority rights. IILHR has also worked to establish a viable High Commission for Human Rights and undertaken rule of law and justice projects, including a program on safeguarding and protecting judicial archives and records throughout Iraq and judicial administration.



## Minority Rights Group International (MRG)

MRG is an NGO working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understand between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples.

MRG works with over 150 organizations in nearly 50 countries. Our governing Council, which meets twice a year, has members from 10 different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights (ACHPR). MRG is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957).



### No Peace Without Justice (NPWJ)

NPWJ is an international non profit organization that works for the protection and promotion of human rights, democracy, the rule of law and international justice. It undertakes its work within three main thematic programs: international criminal justice; female genital mutilation; and Middle East and North Africa democracy, including specific work on Iraq.

In advocacy activities, NPWJ raises awareness and fosters public debate through explicitly political campaigns and the implementation of key programs, such as international and regional meetings, often co-hosted and co-organized with the Government of the country in which they are held, fostering partnerships between public institutions, non-governmental organisations and other actors. NPWJ also undertakes wide-ranging technical assistance, through the secondment of legal experts to governments for the drafting of legislation and to assist in negotiations on international human rights instruments. Finally, NPWJ has acquired unique field experience in 'conflict mapping' and wide scale documentation of violations of international humanitarian law in areas affected by conflicts, and in implementing outreach programs engaging local communities in conflict and post-conflict areas on issues of international criminal justice.



### The Unrepresented Nations and Peoples Organization (UNPO)

UNPO is an international, nonviolent, and democratic membership organization founded in the Hague in 1991. Its members are indigenous peoples, minorities, and unrecognized or occupied territories who have joined together to protect and promote their human and cultural rights, to preserve their environments, and to find nonviolent solutions to conflicts which affect them.

Although the aspirations of UNPO members differ greatly, they are all united by one shared condition – they are not adequately represented at major international forums, such as the United Nations. As a consequence, their opportunity to participate on the international stage is significantly limited, as is their ability to access and draw upon the support of the global bodies mandated to defend their rights, protect their environments, and mitigate the effects of conflict. UNPO works therefore to address the consequences of marginalization, by promoting democratic causes; providing information through thematic reports, conferences and trainings; and articulating creative and nonviolent strategies to ensure the voices of its members are heard on an international level.



# working to secure the rights of minorities and indigenous peoples

## Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul

Since June 2014, the rapid spread of ISIS (Islamic State of Iraq and al Sham) forces across northern Iraq has triggered a wave of displacement, with more than 2 million people uprooted. Ethnic and religious minorities have been particularly targeted, including Christians, Kaka'i, Shabak, Turkmen and Yazidis, with thousands killed and many more injured or abducted. Summary executions, forced conversion, rape, sexual enslavement, the destruction of places of worship, the abduction of children, the looting of property and other severe human rights abuses have been committed repeatedly by ISIS.

This report, *Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul*, draws on extensive interviews, fieldwork and research to document the plight of Iraq's minorities since June 2014. While minorities have

long been vulnerable to attacks by extremists, this violence appears to be part of a systematic strategy to remove these communities permanently from areas where they have lived for centuries.

The current situation for the millions of displaced persons in Iraq, many of whom belong to minority groups, is characterized by deteriorating humanitarian conditions. Many are without adequate food, water, health care, shelter and other necessities, with women and children especially vulnerable. With little support or protection, many Iraqis from minorities are now contemplating a life permanently outside the country. To ensure their continued presence in Iraq, authorities and other stakeholders must not only ensure their immediate protection, but also promote a more inclusive future for minorities in Iraq.

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