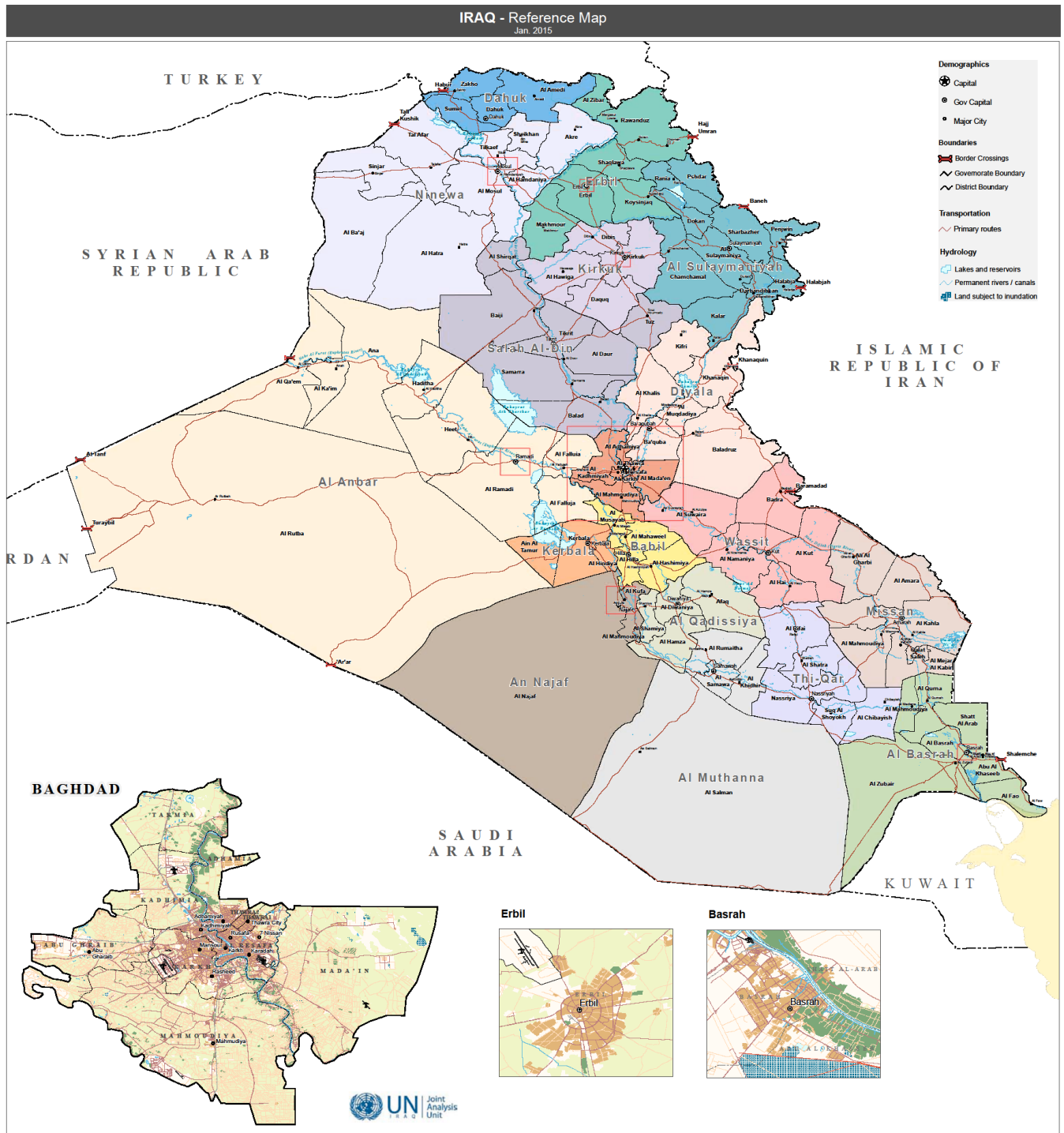


A Call for Accountability and Protection: Yezidi Survivors of Atrocities Committed by ISIL

August 2016

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“Two years after the fall of Ninewa, the Yazidi community continue to be targeted by ISIL for a range of crimes. Thousands of men, women and children have been killed or are missing, or remain in captivity where they are subjected to unspeakable sexual and physical abuse. Those forced to convert to Islam remain under close supervision by ISIL. Many men who refused to convert have been murdered, while women and young girls and boys, have been sold as slaves to ISIL fighters. Places of religious and cultural significance have been systematically destroyed. The graphic nature of the testimony provided by witnesses and survivors presented in this report clearly demonstrate the widespread and systematic manner in which ISIL has committed these atrocities against the Yazidi and other ethnic and religious communities. Faced with such evidence, it is of paramount importance for the victims and survivors of these crimes, as demanded by the collective conscience of humanity, that the perpetrators of these heinous acts are fully and properly held to account.”

– Mr. Ján Kubiš

Special Representative of the United Nations Secretary-General for Iraq, 15 August 2016, Baghdad

“I am profoundly concerned at the grave impact that the current conflict is having on civilians, particularly on people from Iraq’s ancient and diverse ethnic and religious communities. The experiences recounted by survivors and documented in this report reveal acts of inhumanity and cruelty on an unimaginable scale that constitute a serious and deliberate attack on the most fundamental human rights and are an affront to humanity as a whole. To the greatest extent possible, OHCHR and UNAMI have documented many of these violations and abuses of human rights, and will continue to do so, with a view to helping restore dignity to the victims and survivors and as a means of ensuring justice. The testimonies recorded in this report serve as a clarion call to all members of the international community that no efforts must be spared in ensuring accountability for these terrible crimes and to send a clear message that no one may perpetrate them with impunity.”

- Mr. Zeid Ra'ad Al Hussein

United Nations High Commissioner for Human Rights, 15 August 2016, Geneva

I. Introduction

In August 2014, the so-called Islamic State of Iraq and the Levant (ISIL) swept across northern Iraq. Over the course of the attack, ISIL members systematically targeted members of the Yazidi community, killing and capturing thousands from their villages located in Ninewa Governorate. Tens of thousands of residents fled first to Sinjar Mountain, while many others fled towards Dohuk Governorate of the Kurdistan Region of Iraq (KR-I).

Since that time, an estimated 360,000¹ Yazidi remain displaced, unable to return to their places of origin. They continue to live in dozens of camps for internally displaced persons (IDPs) or in host communities located throughout the KR-I.

The Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) have monitored the situation of the Yazidi, documenting their experiences since the attack on Sinjar in August 2014. Individuals and families interviewed by UNAMI/OHCHR rendered accounts of their terrified and chaotic flight from their homes and the horrors they witnessed and experienced. In Ba'aj, Mosul, Tel Afar and other areas under ISIL control, many Yazidi were killed during the initial attack and thousands were captured. Men and women were systematically separated, with girls and young women often then further separated from the older women and forced into sexual slavery.² Individuals repeatedly described how they had been subjected to forced labour and ill-treatment, mainly in Tel Afar District, Ninewa Governorate, while others told of being trafficked into Syria and sold to ISIL members. Thousands of Yazidi remain missing. Furthermore, shrines, and other sites of religious and cultural significance for the Yazidi were also deliberately and systematically destroyed by ISIL in an attempt to eradicate the religious, physical and material culture of the Yazidi people³.

The evidence and information gathered by UNAMI/OHCHR concerning gross abuses of human rights and violations of international humanitarian law detailed in this report support the conclusion that these have been committed in a systematic and widespread manner, targeting and seeking to destroy the Yazidi group, in whole or in part.⁴ As in previous reports⁵, UNAMI/OHCHR notes that many of the crimes

¹ Estimates obtained from local government authorities: May 2016.

² The Independent International Commission of Inquiry on the Syrian Arab Republic also issued a report on 15 June 2016, entitled "They Came to Destroy: ISIS Crimes Against the Yazidis" (A/HRC/32/CRP.2), in which it described the treatment of the Yazidi and made a number of recommendations to the United Nations, the Governments of Syria and Iraq, and the wider international community concerning the protection of and care for the Yazidi community of Sinjar District. Further information is available on the web page dedicated to the Commission: www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx

³ Previously reported in UNAMI/OHCHR public reports. See for example, UNAMI/OHCHR Report on the Protection of Civilians in Armed Conflict in Iraq, 11 September – 10 December 2014, page 12, available at http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_Sep_Dec_2014.pdf

⁴ In reference to the Yazidi (whom ISIL refer to as *mushirkin* – 'those who commit the sin of idolatry/paganism (*shirk*)'), ISIL has made its intentions clear to destroy the population or forcibly convert them, both through its actions and the violations directly targeting them as outlined in this report, and also in their publications. For example, In *Dabiq*, ISIL's magazine, they wrote: "Upon conquering the region of Sinjar in *Wilāyat Ninawā*, the Islamic State faced a population of Yazidis [sic], a pagan minority existent for ages in regions of Iraq and Shām. Their continual existence to this day is a matter that Muslims should question as they will be asked about it on Judgment Day, considering that Allah had revealed *yat as-Sayf* (the verse of the sword) over 1400 years ago. He *ta'ālā* said, "And when the sacred months have passed, then kill the *mushrikīn* wherever you find them, and capture them, and besiege them, and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give *zakah*, let them [go] on their way. Indeed, Allah is Forgiving and Merciful. [At-Tawbah: 5]. ... Accordingly, the Islamic State dealt with this group as the majority of *fuqahā'* have indicated how *mushrikīn* should be dealt with. Unlike the Jews and Christians, there was no room for *jizyah* payment. Also, their women could be enslaved unlike female apostates who the

committed by ISIL may amount to war crimes, crimes against humanity, and possibly genocide. This remains to be subject to the determination of an independent and competent court.

Since the advance of ISIL in Northern Iraq, UNAMI and OHCHR have issued five reports⁶ on the protection of civilians in relation to the ongoing conflict in Iraq, documenting violations and abuses against men, women and children from all ethnic and religious communities. These communities have been systematically targeted for persecution by ISIL as part of an ongoing policy that aims to suppress, permanently expel, or destroy many of these communities within ISIL areas of control.⁷

II. Methodology

This report is published jointly by UNAMI and OHCHR under their respective mandates.⁸ The information contained in this report is based on accounts obtained directly from survivors and witnesses of abuses of international human rights law and/or serious violations of international humanitarian law gathered by UNAMI human rights investigators since the attack on Sinjar in August 2014. Information is included in this report only if informed consent was obtained from the survivor/witness to do so, and then only if it has been assessed that there is no protection risk/concerns posed by its disclosure.

Information was also obtained from a variety of sources, including Government and non-government agencies and organizations, and United Nations entities.

The security situation in Iraq continues to negatively impact UNAMI/OHCHR capacity to undertake direct monitoring and verification of incidents. In particular, UNAMI/OHCHR continues to encounter difficulties in verifying incidents in areas controlled by ISIL. Examples of violations and abuses contained in this report are emblematic and do not present a comprehensive account of all abuses and violations that were reported to UNAMI/OHCHR and verified.

majority of the *fuqahā'* say cannot be enslaved and can only be given an ultimatum to repent or face the sword. After capture, the Yazidi women and children were then divided according to the *Shari'ah* amongst the fighters of the Islamic State who participated in the Sinjar operations, after one fifth of the slaves were transferred to the Islamic State's authority to be divided as *khums* ('spoils of war' tribute to Islamic military leadership). The enslaved Yazidi families are now sold by the Islamic State soldiers as the *mushrikīn* were sold them." ISIL *Dabiq*, 1435, Issue 4: 'The Failed Crusade', p. 14 Available at <http://media.clarionproject.org/files/islamic-state/islamic-state-isis-magazine-Issue-4-the-failedcrusade.pdf>

⁵ In line with UNAMI/OHCHR findings as well as of the OHCHR Fact Finding Mission (report A/HRC/28/18 of March 2015).

⁶ From 5 June to 5 July 2014, 6 July to 10 September, 11 September to 10 December 2014, 11 December 2014 to 30 April 2015, and 1 May to 31 October 2015. Reports are available on www.ohchr.org/EN/Countries/MENARegion/Pages/UNAMIHRReports.aspx

⁷ Other ethnic and religious communities, such as Christians, Shabaks, Turkomen, Sabaeen Mandaeans, Kaka'e, Faili Kurds and other groups were also targeted. UNAMI/OHCHR will continue to document the violations and abuses perpetrated against these communities and intend to publish its findings in future reports.

⁸ In resolution 1770 of 10 August 2006, the United Nations Security Council requested UNAMI to "promote the protection of human rights and judicial and legal reform in order to strengthen the rule of law in Iraq..." (Paragraph 2(c)). UNAMI mandate was extended in the same terms for 2015/2016 by Security Council resolution 2233 of 29 July 2015. In accordance with its mandate, UNAMI Human Rights Office conducts a range of activities aimed at promoting the protection of civilians in armed conflict, including undertaking independent and impartial monitoring of, and reporting on, armed violence and its impact on civilians and on violations of international humanitarian law and international human rights law.

III. Background

Over the course of 2013, ISIL steadily increased its scope of operations throughout Iraq. Between late December 2013 and April 2014, ISIL expanded its control through Anbar Governorate. By early June 2014, ISIL was attacking areas of Ninewa, Salah al-Din, and Diyala Governorates⁹.

On 10 June 2014, ISIL gained full control over Mosul city, Ninewa, sparking a mass exodus of as many as 500,000 people.¹⁰ On 23 June 2014, ISIL seized Tel Afar city. Throughout July 2014, hostilities continued between ISIL and affiliated armed groups on the one hand and Iraqi and Kurdish security forces and associated armed groups on the other throughout Ninewa, including Sinjar and Tel Afar districts and the Ninewa Plains.

Between 2 and 3 August 2014, ISIL advanced rapidly throughout Tel Afar and Sinjar districts. Kurdish Peshmerga forces withdrew to defensive positions along the Kurdish border of Dohuk Governorate, where fighting went on for several days over control of the Mosul Dam.

The fall of Sinjar on 3 August 2014, as well as the direct targeting of civilians by ISIL, triggered a massive displacement of civilians. The estimated population of Sinjar District in 2014 was 308,315, who were mainly members of the Yazidi community.¹¹ From 4 to 8 August 2014, nearly 200,000 people fled to the KR-I or to the disputed border areas inside Ninewa that remained under control of the Peshmerga.¹² Tens of thousands of others took refuge on Sinjar Mountain where they were besieged by ISIL. Reports were received that those who tried to leave the Mountain were attacked by ISIL. With temperatures above 40 degrees celsius, the humanitarian situation became dire, with a critical shortage of water, food, shelter, and health services.¹³ Information at the time indicated that casualties included as many as 40 children who may have died on the Mountain as a result of exposure and lack of medical treatment.¹⁴

On 8 August 2014, the Iraqi and United States Air Forces delivered food and other humanitarian relief by airdrop to the civilians trapped on Mount Sinjar. On 14 August 2014, with the assistance of airstrikes carried out by United States Air Force, forces from the Kurdish People's Protection Units based in Syria (*Yekîneyên Parastina Gel* or "YPG") with PKK (*Partiya Karkerên Kurdistanê* / Kurdish Workers' Party) were able to open a corridor to Sinjar Mountain. Approximately 55,000 people, including the majority of those displaced on Sinjar Mountain, reportedly crossed over to more secure areas inside Syria. Most were then able to return to Iraq through the Pesh Khabour crossing point with the KR-I.¹⁵

⁹ For a more detailed background to the current armed conflict in Iraq, see previous UNAMI/OHCHR reports: *Report on the Protection of Civilians in the Non International Armed Conflict in Iraq: 5 June – 5 July 2014*; *Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014*; *Report on the Protection of Civilians in Armed Conflict in Iraq: 11 September – 10 December 2014*; *Report on the Protection of Civilians in Armed Conflict in Iraq: 11 December 2014 – 30 April 2015*; *Report on the Protection of Civilians in Armed Conflict in Iraq: 1 May – 31 October 2015*. All available online at: http://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=164&Itemid=650&lang=en.

¹⁰ OCHA, Iraq: Humanitarian Dashboard (as of 29 June 2014).

¹¹ OCHA Flash Update: Iraq Crisis - Significant Displacement from Sinjar, No. 1 | 3 August 2014, available at <http://reliefweb.int/report/iraq/ocha-flash-update-iraq-crisis-significant-displacement-sinjar-no-1-3-august-2014>.

¹² OCHA, Iraq IDP Crisis, Situation Report No. 6 (2-8 August 2014).

¹³ OCHA Flash Update: Iraq Crisis - Significant Displacement from Sinjar, No. 2 | 4 August 2014, available at <http://reliefweb.int/report/iraq/ocha-flash-update-iraq-crisis-significant-displacement-sinjar-no-2-4-august-2014>.

¹⁴ See UNICEF, Statement on child deaths in Iraq; attributable to Marzio Babilie, UNICEF Representative, 5 August 2014, available at http://www.unicef.org/media/media_74676.htm.

¹⁵ OCHA, Iraq IDP Crisis, Situation Report No. 7 (9 August – 15 August 2014).

Sources estimate that between 2,000 and 5,500 Yazidi have been killed by ISIL since 3 August 2014. According to a local authority, approximately 6,386 Yazidi were abducted by ISIL members on or after 3 August 2014 (3,537 women and 2,859 men). By mid-May 2016, 2,587 Yazidi had reportedly managed to escape ISIL captivity (934 women; 325 men; 658 girls; 670 boys). At the time of writing some 3,799 remained in ISIL captivity (1,935 women and 1,864 men). UNAMI/OHCHR was not able to independently verify these figures.

IV. Legal Framework

The relevant international legal framework applicable in Iraq comprises international human rights law (IHRL) and international humanitarian law (IHL).¹⁶

IHRL, whether treaty-based or found in customary international law, continues to apply during a non-international armed conflict. IHRL imposes direct responsibility on the State in whose territory and under whose jurisdiction violations or abuses take place. Iraq has the obligation to ensure that action is taken so that violations or abuses are prevented and not repeated, to investigate promptly, effectively and independently, to hold those responsible to account, and to ensure an adequate remedy is provided to the victims. While non-State actors, including armed groups, cannot formally become parties to international human rights treaties, non-State actors such as ISIL and associated armed groups, exercising government-like functions and control over territory, must respect human rights standards when their conduct affects the human rights of individuals under their control.

All parties to the conflict are bound by the applicable rules of IHL, including customary rules. Among the most important are the principles of distinction, proportionality, and the requirement to take all feasible precautions to avoid, and in any event to minimize, the impact of violence on civilians. Serious violations of treaty and customary IHL may constitute war crimes.¹⁷

Certain acts, including murder, torture, rape and sexual slavery, and enforced disappearance, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, may constitute a crime against humanity.¹⁸ Specific crimes such as killing or causing serious bodily or mental harms to members of a national, ethnic, racial or religious group, when committed with the intent to destroy the group, in whole or in part, may constitute genocide.¹⁹

¹⁶ Iraq is a party, *inter alia*, to the: International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child, including its Optional Protocols on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography; the Convention on the Rights of Persons with Disabilities; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Four Geneva Conventions and Additional Protocol I to the Geneva Conventions.

¹⁷ Grave breaches of the Geneva Convention and violation of rules 156, 158 of humanitarian customary law (study on customary international humanitarian law).

¹⁸ See articles 5 of the ICTY, 3 of the ICTR and Article 7(1), Rome Statute of the International Criminal Court.

¹⁹ The Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) was adopted by the United Nations General Assembly on 9 December 1948 and came into effect on 12 January 1951 (Resolution 260 (III)). Article 2: Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group. Article 6 of the Rome Statute of the International Criminal Court provides that "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

V. Human Rights Abuses committed by ISIL against the Yazidi between August 2014 and June 2016

1. Forced displacement

In the early hours of 3 August 2014, ISIL advanced across Sinjar District, surrounding and capturing villages including Khana Sor complex, Tal Azer, Tal Banat, Tal Qasab complex, Solakhi and Wardiya. Multiple interviewees reported that they had decided to leave their homes upon learning of the advance of ISIL. Thousands made their way to Mount Sinjar – with up to 35,000-50,000 individuals trapped on the Mountain by 4 August 2014, surrounded by ISIL.²⁰ Up to 6,300 Yazidi, however, were abducted, or killed by ISIL before they could reach safety.

One witness from Tal Qasab complex, south of Sinjar, reported that in the early hours of 3 August 2014, he began receiving calls from relatives throughout Sinjar District, reporting that ISIL had taken over several districts. By 6:00am, they could see ISIL members in cars about two to three kilometres from their village; ISIL then began shooting into the village. The witness, his family, and 35 other Yazidi families decided to flee. They joined hundreds of vehicles trying to get to Sinjar Mountain. The crowd was so huge that people abandoned their vehicles to walk.

Two vehicles carrying ISIL members eventually stopped the witness. ISIL members, reportedly speaking with Iraqi accents and wearing “Afghan”²¹ clothing – a long tunic over wide pants, all of the same colour – asked why they were leaving, adding they would not be harmed if they turned over their cell phones and weapons. The witness and his family decided to go to Sinjar city. At a checkpoint into the city, they saw the body of a Yazidi man from Kocho village and were told he had been killed because ISIL members found weapons in his car. At that point, men and women were separated. Almost 350 Yazidi men were deprived of their liberty on the second floor of the municipality building, while almost 2,000 women and children were put in the backyard of the building.

Many families kept arriving all day. Around 9:00pm, the witness heard women screaming and crying from outside and was later told that ISIL had taken 500 young Yazidi girls – including his 13 year old daughter – and had put them on buses and taken them away. Months later, a sympathetic ISIL member put him in touch with a man in Mosul who had bought his daughter for 600 US dollars. She was later returned to the family while they were being held by ISIL in a village in Tel Afar District, which was previously inhabited by Shi’a Turkomen who had fled prior to the attack.

Another witness, from Tal Qasab complex – south of Sinjar composed of some 2,500 to 3,000 houses – reported that on the morning of 3 August 2014, ISIL attacked the complex with mortars and heavy weapons. Residents had not been aware of the impending attack until ISIL arrived. Peshmerga present in the village, along with both Yazidi and Muslim men from the village, resisted for three or four hours against ISIL’s onslaught, but they were only armed with Kalashnikovs and could not hold out. Around 9:00am, the residents fled.

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; (e) Forcibly transferring children of the group to another group.

²⁰ OCHA Flash Update: Iraq Crisis - Significant Displacement from Sinjar, No. 2 | 4 August 2014, available at <http://reliefweb.int/report/iraq/ocha-flash-update-iraq-crisis-significant-displacement-sinjar-no-2-4-august-2014>. Some sources at the time were estimating that as many as 200,000 individuals may have sought refuge on the Mountain.

²¹ As described by the witness.

As she fled, the witness saw men, who she identified as being from the neighbouring Arab village, wearing “Afghan-style” clothing, who were the ones attacking the village. As the witness and her family were making their way up Mount Sinjar, they were stopped by three ISIL members in two white trucks. They carried machine guns and told them in Arabic not to run and that if they converted to Islam they would be protected. That evening, the witness’ 13 year-old daughter was taken from her and later sold; the witness herself was held captive until her escape approximately nine months later.

Another witness reported that, around 7:00am on 3 August 2014, her father called her to warn her that ISIL was approaching; she did not hear any sounds of fighting as the Peshmerga had already withdrawn from her village of Tal Azer, Sinjar District. As she fled on foot with her family to Sinjar Mountain, their group of about 400 Yazidi were intercepted by ISIL members in Wardiya village. The Yazidi were lined up while the ISIL members aimed their guns at them. Their money, identification documents, and gold were taken. One pregnant woman tried to hide some of her gold and was shot in the stomach and died. The witness reported seeing the bodies of dead men “everywhere” in Wardiya village. The witness was in shock, not able to believe what was happening, and reported that the old men were crying just like the women and children.

One witness reported that, while trying to flee Tal Azer village with her husband and six children, they joined a long line of cars filled with Yazidi from all over Sinjar District. When they arrived near Sinjar Mountain, they were stopped by what appeared to be members of the Peshmerga – they were wearing Peshmerga uniforms and spoke Kurdish in the local Kurmanji accent. They told the witness and her family to get into what appeared to be Peshmerga trucks, joining many Yazidi from the other cars. After they got into the vehicles, other men arrived whom the witness recognized as members of ISIL; she realized that what she thought were Peshmerga were in fact ISIL members in disguise. The witness was taken to a building in Sinjar city where they were held for seven days; along the way, they saw the bodies of seven Yazidi men laying on the ground.

Another witness reported that, after having initially stayed in Wardiya village because she believed ISIL’s claim that they would not kill civilians, the village *Mukhtar* warned them that ISIL was lying and was intending to kill the men and take the women and children. Her family of 21 people decided to flee to Sinjar Mountain on 5 August 2014. As they were making their way by foot in the middle of the night, they could hear a Yazidi man calling them from a distance. The witness advised her family to wait in case he needed help. As they waited, three cars with 10 ISIL members approached, shooting in the air. They realized that it had been a trap; later the Yazidi man apologized to her, claiming that he had been held at gunpoint and threatened with death if he did not stop the group.

Although many Yazidi managed to reach Mount Sinjar, the situation on the Mountain was extremely difficult. There were thousands of Yazidi trapped on the top of the Mountain, with no humanitarian supplies. One witness, who had been separated from his wife and four children as they fled, told UNAMI/OHCHR that he was trapped on the Mountain with one son for five days with thousands of other Yazidi. He saw three women and 10 children die from thirst and hunger. He later learned that his other family members had been taken by ISIL. Until August 2015, the witness said he had some contact with his wife and children, and he had managed to discover that one of his daughters had been taken to Raqqa, Syria. However, since August 2015, he has had no information about their whereabouts.

Another witness reported that when his family left Khana Sor complex, Sinjar District, at 8:00am on 3 August 2014, they did not take enough food or water as they thought they would soon return home. He reported that on Mount Sinjar, there were many people there with no food or water. There was only one well and thousands of people would gather around it, trying to get some water. The witness found someone with two bags of flour and offered him 100 US dollars for one of them, which he refused.

The witness recounted how airplanes began dropping food packages from the air, but these landed far away. Those trapped were afraid of going down to get the food and risk being caught by ISIL. They did not know what to do while trapped on the Mountain – they heard that some people had tried to flee to Syria but that they had been caught by ISIL and killed. On 11 August 2014, they heard that the Kurdish People’s Protection Units based in Syria (“YPG”) with PKK had opened a passage to Syria and they decided to try. Along the way, some soldiers provided them with drinking water and they found cucumbers and watermelon at a farm. At the border, there was a truck distributing water and people began fighting for it. The witness and his family managed to get two bottles and they crossed into Syria. They later managed to return to the KR-I.

2. Forced conversions

Those Yezidi who managed to survive the initial onslaught reported that, usually as soon as they were intercepted by ISIL, they were told to convert to Islam or be killed. Those who refused were killed immediately, often in front of the other captured Yezidi. Those who complied under this extreme duress, were nonetheless subjected to severe ill-treatment and sexual violence.

For instance, one witness who was in Sinjar city with her family reported that ISIL arrived around 8:30am on 3 August 2014 in multiple trucks. The Peshmerga had withdrawn from the city without telling residents. The ISIL members were wearing “Afghan” clothing but knew her brother and cousin by name. They were told to convert to Islam or be killed. They complied as they felt they had no choice.

A witness from Tal Qasab village returned from Mount Sinjar to Sinjar city with his family after they were convinced by ISIL that they would not harm them. As they approached the stadium, he saw two young men lying dead on the ground with blood on them. At a checkpoint near the stadium, women and men were separated and taken to a former government building. Two men, aged between 40 and 45 years old, tried to escape and were shot dead. Three days later, the 200 to 250 men in the building were blindfolded and had their hands tied behind their backs. They were made to kneel for about 24 hours. ISIL members filmed them and told them that they were going to kill them all. ISIL then told them that, purportedly on the orders of ISIL leader Abu Bakr al-Baghdadi, if they converted to Islam they would not be killed. The men accepted to convert.

Another woman reported that, after several days in captivity, her 85 year-old husband refused to convert and was then taken away by ISIL members. She has no information on his whereabouts.

One witness reported that, after her and her family were abducted by ISIL, they were taken to Syria before being brought back to Iraq a week later. In the first week of their captivity, they were taken one by one in front of an Iraqi self-declared mullah and ordered to convert to Islam. They were then separated into three groups – girls, young men, and families – and taken back to Iraq.

On the morning of 4 August 2014, ISIL captured Solakhi village, near to Sinjar city. According to a witness, about 110 people, both Yezidi and Shi’a, were rounded up and crowded into five houses. That evening, ISIL members came and ‘asked’ them to convert to Islam while the Shi’a were asked to ‘repent’ their “errors”. About 50 people refused; 30 of them, mostly elderly Yezidi, were shot and killed in front of the others. Another 15 of those who refused to convert were locked into a room. There was one elderly woman among the group, and the rest were men. ISIL provided them only with dirty water and no food. After around 16 days, they had all died. The witness saw ISIL taking the bodies out of the room.

One family from Wardiya village reported that, after 17 members of his family were taken captive by ISIL on 4 August 2014, he managed to contact a person he knew in Ba'aj District and asked him to intervene. Following this intervention, the family was taken to an area outside of Ba'aj town. They were kept in two rooms for at least a year and seven months. They were forced to convert to Islam and to pray five times a day. ISIL would come into their rooms to terrorize them, accusing them of not being good Muslims and threatening them.

3. Abduction, deprivation of liberty, and cruel, inhumane and degrading treatment

Those captured by ISIL on 3 August 2014 and in the days that followed report being moved between different locations frequently and subjected to severe ill-treatment as well as a lack of basic necessities including food and water. Even the most vulnerable captives, such as children, the elderly, and people with disabilities were subject to the same inhumane treatment.

One witness reported that being captured she was first taken to a building in Sinjar city for seven days with a group of women; then moved to Mosul for 20 days; then to Tel Afar prison in Tel Afar District for three days; then to a school in Tel Afar for seven days; to Badoush prison near Mosul city for nearly a month; and then to a school in Tel Afar. ISIL reportedly registered the captives' names whenever they were moved from one location to another. In the school in Tel Afar, some were reunited with some of their family members – ISIL would read out the name of the men who would join their families – but the young girls were taken from them. The families were then moved to an abandoned village in Tel Afar District, previously inhabited by Shi'a Turkomen. When the witness was released in April 2015, with a group of captives who were elderly or had disabilities, ISIL took her four-year-old daughter from her and threatened to kill her and her other children if she refused to leave without the girl. Her daughter remains missing.

Interviewees reported that sometimes they went for three days without food. One woman was breastfeeding her three-month old baby and, as ISIL had not brought food and water for three days, they resorted to drinking water from the toilets of the building where they were being held. Another woman reported that ISIL members brought old, dry pieces of bread for them to eat in boxes; as the women ran to the bread, ISIL members filmed them, saying that they would release a video so their Yazidi families could see that they were all being held as slaves. Several women recounted how they had been held in different locations in Iraq and Syria underground or in rooms with the windows covered so they could not tell if it was day or night up, and that some had been held in such places for four to five months. Several women reported being held underground in what appeared to be a prison in Raqqa, Syria, with sewage water up to their knees for up to five days.

Many Yazidi reported being frequently beaten in captivity. One woman reported that while being held in a prison in Tel Afar, two ISIL members who spoke Arabic with an Iraqi Tel Afar accent would beat the women with long sticks, while telling them that Yazidi are "infidels" and "pigs". A Yazidi man, who is disabled, was captured and taken to Ba'aj District by ISIL members after he was unable to flee from Gil Zuer village, Sinjar District. He was put in a room with about 10 other men, who were mostly Arab. Every once in a while, ISIL members would come and take some of the Arab men and beat them with cables. The witness was told by the victims that it was because they had worked for the Government of Iraq.

One witness reported that she was twice forced into a small van, along with other women, and taken to Mosul and forced to give blood for injured ISIL members. Once in hospital, a doctor lined up the woman and took a bottle of blood from each.

Several Yezidi reported that they were allowed to live with their families in abandoned villages in Tel Afar District, previously inhabited by Shi'a Turkomen. All of the Yezidi were reportedly forced to work in some capacity. One witness reported that her 20 and 45 year-old sons were forced to work every day from 4:00am to 6:00pm. Men were forced to build tunnels for ISIL or to work as shepherds and farm labourers. One man who worked as a shepherd alongside seven of his relatives reported that they were not paid and "did not dare" to ask for a salary.

Houses were reportedly checked frequently for mobile phones; individuals found with mobile phones were taken to the middle of the village and lashed in front of other Yezidi who were forced to watch.

Children above the age of five years old were forcibly converted to Islam and were taken to schools where they were forced to learn the Quran. One 19 year-old man reported that, while in captivity in Tel Afar, ISIL taught him and his brother how to use weapons at a school in the city. ISIL was teaching all of the Yezidi boys who were above the age of 12 how to use weapons, along with some boys who the witness believed were from Chechnya. According to the witnesses, about 300 boys are trained and indoctrinated at the school.

4. Systematic and widespread killings

After ISIL advanced into and captured Sinjar city as well as surrounding Yezidi villages, multiple witnesses reported that ISIL members killed scores of Yezidi civilians. According to accounts of witnesses and survivors, mass killings of Yezidi along with other acts perpetrated by ISIL members appear to have been committed as part of a systematic pattern of similar conduct carried out with the intent to destroy the Yezidi as a group.²²

One witness fled Tal Banat village with her extended family on the morning of 3 August 2014. As they sped through a checkpoint, she saw masked gunmen, many dressed in what she described as black "Afghan-style" dress, open fire on a vehicle behind them that was coming from the direction of Sinjar city and carrying three Yezidi men, killing the passengers instantly. The witness later learned from another eye-witness that 40 Yezidi men, including her own father, were taken from her village to the Zulialah area, near Sinjar Mountain, and were killed. That same morning, another witness saw ISIL kill his 16-year-old cousin after he tried to escape. When the victim's mother started screaming and cursing ISIL, she was shot dead.

One woman from Tal Azer village reported that 74 members of her extended family were captured by ISIL on the morning of 3 August 2014 and taken to the Siba Sheikh Khedir area. Two days later, she was separated from her parents, husband, and other relatives. She relayed to UNAMI human rights investigators that she saw a large number of dead bodies (perhaps hundreds) lying in front of a wall in Siba Sheikh Khedir area. She said she witnessed her husband and other Yezidi men being forced to throw the bodies of hundreds of other Yezidi victims, all shot and killed by ISIL, into big ditches. The witness has not seen her husband or other relatives since this incident.

²² See footnote 4 above.

One witness reported that he decided to stay in Kocho village on the morning of 3 August 2014 after hearing that Yazidi attempting to flee to Sinjar Mountain were being killed or captured by ISIL. On or around 10 August 2014, ISIL arrived in almost 60 vehicles and surrounded the village. Five days later, two bulldozers arrived. An ISIL Emir²³ asked a village Sheikh to gather the residents into the school building. They were told to leave their money, phones, and other possessions. ISIL asked residents if they would convert to Islam and the Sheikh refused on their behalf. ISIL members began putting groups of about 50 Yazidi men into vehicles; the witness was taken with the first group. They stopped about 350 meters away from the village at a farm. The men were ordered to sit, with ISIL members standing behind them. One was filming the scene. The ISIL Emir ordered the ISIL members to begin shooting. The witness was shot twice in his right leg, once in his left leg, and once in his back. He pretended to be dead. After about 15 minutes, ISIL left and the witness raised his head and saw that his 15-year-old son and two nephews were dead. As he crawled away to another farm, he saw eight other survivors trying to crawl in different directions. From the nearby farm, he could see ISIL killing the second group of men and heard the screaming and crying of women and children. Reportedly, bulldozers arrived and covered the bodies with sand.

Several witnesses reported that, upon encountering ISIL members, they were told to return home as they would not be harmed. Many believed what they were told and returned. For instance, one witness reported that when ISIL took control of Wardiya village, on 3 August 2014, with more than 20 fighters, they told the residents that they would not hurt civilians. The next day, however, she saw ISIL shoot and kill three men: a father, his son, and the witness' young next-door neighbour. The witness was captured while subsequently trying to escape to Sinjar Mountain.

Months later, when the witness was being held captive in Hai al-Khadra village, an abandoned Shi'a village in Tel Afar District, some Yazidi families managed to escape. An Iraqi ISIL Emir brought all of the men to the mosque and said if any more of them escaped, he would kill the men and take the women and children. The next day, three more Yazidi families escaped from the village. The Emir collected more than 600 Yazidi men in the mosque and then forced them into several long vehicles, including the witness' husband, brother, and two uncles. All of the women and children were then gathered in the yard of the mosque by ISIL - who were described by the survivors as having long hair, wearing "Afghan" style dress, and many speaking with Syrian accents. The ISIL Emir told them that they killed the 600 men. The women and children, including the witness, were then put on buses and taken to a school in Tel Afar. She was then sold and taken to Syria before she managed to escape. She has not heard any news of her male relatives since.

Another witness similarly reported hearing from other villagers that ISIL had told residents that no harm would come to them. He decided to return with his son to his area, but as they proceeded, they saw ISIL capturing and separating Yazidi men and women, and then killing "many" men. The witness and his son were eventually captured by ISIL in Wardiya village, taken to Tel Afar, and put in a hall with about 600 men. They were all from different places around Sinjar district. ISIL members would come into the hall and select about five or six men and take them outside. Gunshots could then be heard. About 20 men were taken in total. Afterwards, ISIL would sometimes come back and ask the captives where the men went – but they did not dare to answer, knowing that if they answered that they knew, ISIL would kill them.

²³ A title used by ISIL for a self-proclaimed leader

Another witness reported that, a few weeks after being taken captive in Solakhi village, hostilities erupted between ISIL and Peshmerga forces. ISIL rounded up the approximately 20 civilians still in the village – many of the others having been killed – and put them into a house so that they could not escape. ISIL then came and shot three civilians – including one from Kocho village and another from Tal Qasab village – in front of the group with a machine gun, with no explanation.

Two witnesses reported that, on 3 August 2014, ISIL members surrounded a farm in Tal Azer and told the Yazidi hiding there to convert to Islam or be killed. All of the approximately 20 men in the group refused and were immediately shot in the head and killed. Most of the women and girls were then loaded into cars and eventually moved to Mosul with a larger group of about 300 to 400 women and girls.

Another witness reported that, two days after being captured by ISIL, they were told to convert to Islam. One 21 year-old man refused, and was shot in the head in front of the other Yazidi captives.

Those Yazidi who were caught trying to escape from ISIL captivity were killed. For instance, multiple witnesses (including a relative of one of the victims), reported that two Yazidi men were caught trying to escape from Qasir Al Mihrab village, Tel Afar District, and were killed by ISIL. ISIL told the captured Yazidi that anyone who tried to escape would suffer the same fate.

Multiple witnesses have provided UNAMI/OHCHR with lists of their family and community members who were abducted by ISIL and who remain missing and may have been killed by ISIL.

5. Sexual violence / sexual slavery

After the capture of thousands of Yazidi civilians, ISIL systematically separated the men from the women and children. Often, after the women and children had been deprived of their liberty, ISIL would then take the younger girls away. Witness information indicates that most girls under approximately eight years old would be left with their mothers, while those above that age were taken. Women with younger children, or those who were pregnant, were often not spared from sexual harassment, rape or other conflict related sexual violence.

ISIL itself confirmed that sexual slavery was acceptable regarding female captives. ISIL refers to them as ‘slaves’ or ‘spoils of war’ in several public statements.²⁴ For instance, in approximately October 2014, ISIL issued a pamphlet entitled “Questions and Answers on Taking Captives and Slaves”. The document states that it is permissible to have sexual intercourse with a girl who has not reached puberty, and that the “slave” is considered as merely a property of the owner that, after his death, could be distributed as part of his estate²⁵.

Another document, also released around October 2014, establishes prices for the sale of captive women and children: 300,000 Iraqi Dinar (IQD) for children aged from one to nine years old; 150,000 IQD for 10

²⁴ Referred to by ISIL as *ma malakat aymanukum* “that which your right hand possesses”; For instance, see ISIL *Dabiq*, 1435, Issue 4: ‘The Failed Crusade’, p. 14 Available at <http://media.clarionproject.org/files/islamic-state/islamic-state-isis-magazine-Issue-4-the-failedcrusade.pdf>

²⁵ The document is cited in English translation on the following website: <https://www.hrw.org/news/2015/09/05/slavery-isis-rules>

to 20-year-old girls; 100,000 IQD for 20 to 30 year-old women; 75,000 IQD for 30 to 40 year-old women; and 50,000 IQD for 40 to 50 year-old women. The document adds that only foreign fighters from Turkey, Syria and the Gulf states are permitted to buy more than three captives.

One witness reported that, after being held for four days, the young girls were separated from the older women. Two of her daughters, aged 13 and 14 years old, were taken from her. The men were also separated, with all of their names registered in notebooks. Similarly, another witness reported that after being captured with her family, they were taken to a school in Tel Afar District. In front of the school, the men were forced into another truck. When they tried to resist, they were beaten. The women and children were moved into the school; ISIL members reportedly congratulated each other on the success of the operation as they had captured a “big number” of women and girls. Over the course of 12 days, the women’s names were registered by ISIL and the married women were separated from the single girls.

Another woman reported that after her husband and three sons were separated from her on 3 August 2014 in Sinjar city, ISIL then started separating the young girls and women. The process took almost five hours, and around 500 young girls were taken away, including her 13 year-old daughter, who was taken to a hall in Mosul that was “full of girls”. After seven days, her daughter was sold to an Iraqi ISIL member, at the premises of a former court in Mosul, for 1,000 US dollars.

Women were often deprived of their liberty together in large buildings such as municipal buildings, schools, and prisons. ISIL would frequently come and take girls and women outside, often by pulling their hair and beating them, seemingly to rape and assault the girls. One elderly witness was deprived of liberty with 900 other women in a big hall in Mosul and counted 76 girls taken out by ISIL, some as young as five years old. Women would reportedly pretend to be married, sometimes to their brothers, to “protect themselves from being distributed among ISIL”.

One woman reported that she was taken to a prison in Tel Afar, which was crowded with Yazidi captives. One evening, ISIL members carrying large knives, who the woman believed to be Syrians (from their accents), entered a cell she was in along with a mother and her two daughters. They tried to take the girls, aged around 20 and 23 years, but the mother and girls resisted. One ISIL member put a knife against the mother’s throat and the other raped one of her daughters. The second man then raped the other girl.

Another witness reported that, after several months of captivity in Tel Afar District, she was put on one of a group of buses and driven back and forth to Mosul by ISIL. Along the way back, they stopped at a place where there were around 50 cars with men wearing white long dress, similar to the Gulf national dress. These men came inside the bus and began picking girls. Some of the men used wooden sticks to beat the mothers who tried to resist. After putting the girls into their cars, these men gave the ISIL members money before departing.

A survivor who was subjected to 19 months of ISIL slavery relayed to UNAMI human rights investigators how ISIL men hit her when she tried to prevent them from taking her 13-year old daughter away from her. She screamed, begging them to leave the child. While she held her daughter’s hand tightly to prevent them from taking her away, an ISIL member hit her on her hand, fracturing it, and dragged the child out. Since her escape, she stated that she has suffered from repeated nightmares of the event. She does not know the whereabouts of her daughter. Many other interviewees similarly recounted that their daughters were taken away from them when they were in captivity.

Two women reported being moved frequently, including to Qasir Al Mihrab village, Tel Afar District. The Yazidi women were repeatedly raped and sexually assaulted there. After around 11 months of captivity, they were taken to Raqqa, Syria, where approximately 400 women were being held. ISIL held them in

underground locations, such as in tunnels, for four to five months, without access to natural light, drinking water, or proper food. They reported that many children who were also held captive witnessed sexual assaults, killings, and other abuses. Many of the children continue to show signs of trauma, including extreme fatigue, sleep disturbances, dizziness, and difficulty concentrating.

Another woman reported that, after some Yazidi managed to escape from the abandoned Shi'a village where they were being held, the women were put on buses and moved back to a school in Tel Afar. ISIL members, who she believed to be Syrian because of their accents, came to buy the women.

The women were told they had all been sold to ISIL in Syria. As she was being forced onto one of three buses, the witness' 11-year-old daughter was taken from her, as well as all girls above the age of nine were taken away. Her other daughters were left with her. After three days of travel, the women were put underground in a room filled with dirty water up to their knees. They were told to come up to register their names; when they refused to go because they were afraid, ISIL members told them that they would not give them milk for their babies. After six days, they were taken to a prison in Raqqa, Syria. Three months later, the witness was put on another bus, and her three year-old daughter was taken from her. When she tried to resist, she was beaten.

The witness recounted how she was then moved to Palmyra where her name was again registered. Every evening she was forced to remove her headscarf and to walk back and forth across a big hall in front of ISIL members. One ISIL member would call out, "property is cheap". The witness was then sold to a Turkish man; after a month, she was sold on to a Syrian man. One night, a friend of his came to try to take her seven year-old daughter. After the witness managed to save her daughter, she cut off her hair and eyelashes, tore her clothes, put the child in a diaper, and told her to pretend she was mentally-ill so that they would leave her alone.

The witness was then given as a gift to another Syrian man and later sold to a Tunisian ISIL member, then to a man from Saudi Arabia. Three months later, she was sold to an Egyptian ISIL member. He tried to rape her and her daughter on the first day, after which she tried to kill herself and her children. She was caught and beaten with a plastic pipe by the ISIL member until she passed out. The next day, the same thing happened. She was assisted by the man's wife, who told her to live for her children. The witness eventually escaped through the assistance of a smuggler.

Another woman reported that two days after she was captured by ISIL, she was separated from her parents, her husband, and other relatives. Her two daughters, aged four and six, were permitted to stay with her. She was taken with other women who were pregnant or had children to Tel Afar, while single women were taken elsewhere. She was moved several times until April 2015, when she was taken to Raqqa, Syria. Along with other women, she was kept underground in a prison, with water up to their knees, for five days. Women were being taken to the *Souq al Sabaya* – the market where women were sold. The witness' new-born son was taken from her in Raqqa and she was moved with her daughters to Palmyra. She was sold to a 26-year-old Syrian ISIL member who raped her regularly for at least 15 days, threatening to kill her daughters if she did not submit. She managed to escape with her daughters but was eventually caught at a checkpoint. They were kept in isolation for four days with no food or water.

After being badly beaten, she was sold to a Saudi ISIL member who raped her in front of her daughters. Eight days later, she was sold to a 60-year-old Saudi man who also raped her. Fifteen days later, she was taken to the home of another man, who was an ISIL member, who raped her and refused to feed her daughters. The witness was sold twice more, first to a Palestinian man who threatened to rape her daughters when she tried to resist his assault, and then to a Syrian man who forced her to work as a cleaner in his house but reunited her with her son who had been taken to Raqqa. She was later sold to a Qatari man who eventually sold her to a smuggler.

Women interviewed by UNAMI/HRO indicated that they were held captive between three to 19 months. A few women were released by ISIL as part of a group of elderly and disabled Yazidi who were freed in April 2015. One woman managed to escape from a village in Tel Afar in a group of three Yazidi families in August 2015. Several women were freed with the assistance of smugglers, who were paid sums of money by their families.

VI. Mass graves

As territory has been re-taken from ISIL across northern Ninewa Governorate, multiple killing sites and what are reported to be mass graves containing remains of Yazidi have been discovered. UNAMI/OHCHR has received reports that killing sites and/or mass graves have been discovered across Sinjar District, as well as in areas of Tel Afar and Mosul Districts. A local NGO has documented up to 35 suspected sites of mass graves containing Yazidi remains in the Sinjar area, distinct from killing sites, some of which are located in territory still under ISIL control.²⁶

Due to the number of sites and a lack of resources and expertise, the Kurdistan Regional Government has struggled to properly protect, preserve, and excavate these sites. Until proper excavation is carried out, it is impossible to determine how many remains are contained in the graves, their identities, and possible evidence that may assist in identifying the perpetrators. There have also been reports that family members have been disturbing the graves in order to recover the remains of their loved ones. Efforts to protect and exhume these sites are ongoing by specialized actors in cooperation with KR-I authorities, but more resources are required.

VII. Support to Yazidi survivors and their families

Almost all of the individuals interviewed by UNAMI/OHCHR indicated that they were in need of humanitarian support. Basic needs such as shelter, medical care, and educational services are provided at the IDP camps, through a mix of government, non-governmental organisations and United Nations assistance.

However, services for survivors of trauma have not been sufficient to meet the overwhelming need. There is an acute lack of specialized psychological care – and it became patent to UNAMI/OHCHR while documenting eye-witness and survivor testimonies that there are large numbers of deeply traumatized women, children and men in need of specialised assistance.

On the basis of information available to UNAMI/OHCHR, it has been observed that when individuals return from ISIL captivity, there is no formal, methodical system in place to assess and provide psychological, medical, and other needs. The Yazidi have relied on community and informal networks to help locate other family members; to obtain shelter, often in IDP camps; and to access other essential services, if available. Several women reported that, while they were taken to a medical facility upon their return, only basic medical interventions were undertaken, such as blood tests, and no further support has been forthcoming. Many women requested psychological support for their children. One

²⁶ Yazda Documentation Project, *Mass Graves of Yazidi Killed by the Islamic State Organization or Local Affiliates on or after 3 August, 2014*, 28 January 2016. Available at <http://www.yazda.org/yazda-issues-public-report-on-yazidi-mass-graves-in-sinjar-shingal/>.

woman reported that although she had been interviewed close to 20 times by different organizations and media, this had not resulted in any support for her or her children.

VIII. Conclusion and Recommendations

The United Nations Assistance Mission for Iraq and the Office of the United Nations High Commissioner for Human Rights continue to gather and document evidence of serious abuses and violations of international human rights and humanitarian law that have been committed against members of the Yazidi community in areas under the control of ISIL. This includes targeted killings, forced conversions, abductions, slavery, sexual and physical abuse and torture, and laying siege to entire communities based exclusively on ethnic, religious or sectarian identity²⁷. Shrines, religious sites and places of cultural significance for Yazidi have also been deliberately and systematically destroyed²⁸. Thousands of Yazidi women, children and men remain missing, held in captivity or displaced.

As this report shows, the Yazidi community has suffered from a range of violations and abuses at the hands of ISIL. Those outlined in this report have been committed in a systematic and widespread manner, targeting civilian members of the Yazidi as a group, and may amount to war crimes, crimes against humanity, and possibly genocide. While 'intention to commit crimes against humanity and genocide can be inferred from the actions themselves, ISIL also expressed its intention in relation to either annihilate the Yazidi, either by killing them or forcibly converting them. In many cases, the intent to destroy the Yazidi as a group can be inferred not only from the acts themselves and their circumstances, but also from statements and positions openly taken by ISIL.²⁹

UNAMI/OHCHR remains gravely concerned at the situation of civilians who remain in areas of ISIL control, particularly the approximately 3,500 women, girls, and some men predominantly from the Yazidi community, but also a number of other ethnic and religious communities, who remain in ISIL captivity. Every effort must be undertaken by the Government of Iraq and the international community, in strict compliance with applicable international humanitarian law and human rights law, to put an end to the human rights abuses being perpetrated by ISIL and to secure the safe release of these civilians. Psycho-social, medical and other forms of support are urgently required, notably for the survivors of sexual violence and sexual slavery. Furthermore, everything feasible must be done to create safe, dignified conditions for the Yazidi, along with IDPs from other communities, to return to their places of origin.

It is paramount that all these allegations of serious abuses and crimes committed by ISIL members, as well as their superiors, be promptly, independently, impartially and thoroughly investigated and that those responsible be brought into account.

The Government of Iraq must ensure that its domestic criminal justice system does so, notably by making full use of the provisions of the Iraqi Criminal Code no. 111 of 1969. It should also ensure that it fully incorporates all relevant international instruments and criminalizes war crimes, crimes against humanity and genocide, so that the Iraqi courts have jurisdiction over the international crimes

²⁷ Previously reported in UNAMI/OHCHR public reports. See for example, UNAMI/OHCHR Report on the Protection of Civilians in Armed Conflict in Iraq, 6 July - 10 September 2014, page 13, available at http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_POC_Report_FINAL_6July_10September2014.pdf

²⁸ See UNAMI/OHCHR Report on the Protection of Civilians in Armed Conflict in Iraq, 11 September - 10 December 2014, page 12, available at http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_Sep_Dec_2014.pdf

²⁹ See footnote 4 above.

committed in Iraq, and that there is no impediment to ensuring justice for the victims and survivors of these crimes and for the people of Iraq as a whole.

Furthermore, Iraq is not a Party to the International Criminal Court Statute, and thus far has not chosen to refer the current conflict to the ad hoc jurisdiction of the Court pursuant to Article 12 of its Statute. The Government of Iraq has requested the United Nations Security Council assist with ensuring accountability, but this does not relieve Iraq from its own obligations to ensure accountability through its domestic jurisdiction.³⁰

As a matter of urgency, UNAMI/OHCHR recommends the following:

To the Governments of Iraq:

1. Take all actions necessary and exert all efforts, in strict compliance with applicable international law, including international humanitarian law and international human rights law, to put an end to the human rights abuses being perpetrated by ISIL and to protect civilians from the effects of such abuses.
2. Investigate effectively, promptly, thoroughly, and impartially all allegations of violations or abuses of international law and crimes and hold those responsible to account. Ensure that the findings are made public.
3. Ensure full respect for the rights of all victims and their relatives to an effective remedy, including the right to equal and effective access to justice and adequate, effective, and prompt reparation for the harm suffered.
4. Establish a quasi-judicial public commission of inquiry or other suitable mechanism to collect information and document evidence concerning the abuses, violations and crimes to identify the facts, provide information that can assist the Government develop and implement policy responses for the care and protection of the victims and survivors of these violations and abuses, systematically collect evidence to identify and prosecute alleged perpetrators, and assist in community and national reconciliation.
5. Exert all efforts in line with available resources to ensure that all victims and survivors of human rights violations and abuses receive timely and appropriate medical, psycho-social and other means of support in accordance with their needs.
6. Amend the Iraqi Criminal Code no. 111 of 1969 or enact legislation to ensure that domestic courts have jurisdiction in relation to international crimes committed in Iraq.
7. Accede to the Rome Statute of the International Criminal Court; as an immediate step, refer the specific situation in the country to the Court's jurisdiction, pursuant to Article 12(3) of the Rome Statute.
8. Take all necessary measures to ensure that displaced persons have the right to voluntary return to their places of origin in safety and dignity and in full compliance with international humanitarian principles.

³⁰ On 6 May 2016, H.E. Mr Mohamed Ali Al Hakim, Permanent Representative of Iraq to the United Nations called upon the UN Security Council to "...set up a specific international legal mechanism for investigating and bringing to justice the criminals of ISIL.": UN Security Council, 7689th Meeting, (6 May 2016), UN Doc S/PV.7689, 5.

9. Ensure the protection of mass graves, where the security situation allows, along with appropriate care and measures to excavate such sites and exhume and identify the mortal remains, and to preserve evidence of crimes committed; including any that may lead to the identification of perpetrators. Conduct independent, public coronial inquiries into each mass grave, to identify the victims, collect evidence of wrongdoing, fully investigate and determine the circumstances that led to the deaths of the individuals concerned, make findings as to cause of death of the individuals concerned and determine evidence that would substantiate the prosecution of particular individuals; ensure that family members of victims and missing persons are provided with all available information and adequate and timely financial, material and other assistance.
10. Coordinate with the United Nations notably OHCHR and other specialized mandates that can provide technical and other assistance on mechanisms for promoting and ensuring accountability for international crimes.
11. Implement the recommendations made to it by the Independent International Commission of Inquiry on the Syrian Arab Republic in the report of the Commission issued on 15 June 2016 (A/HRC/32/CRP.2)³¹.

To the international community:

1. The international community, including the United Nations Security Council and the Human Rights Council, should remain seized of the situation in Iraq with a view to ensuring that perpetrators of gross violations and abuses of human rights, serious violations of international humanitarian law, and international crimes are held accountable.
2. All States should ensure that competent domestic criminal justice systems fully use their competence to hold accountable all those responsible for international crimes committed in Iraq.
3. The international community should exert all efforts to ensure that adequate and appropriate levels of medical, psycho-social and other means of assistance and support are provided to the victims and survivors of human rights violations and abuses, taking into account their specific needs and in full consultation with the relevant local actors.
4. The international community should exert all efforts to ensure that all material and other support necessary is provided to the Government of Iraq to assist it in providing for the security and humanitarian needs of persons displaced by the ongoing armed conflict and to ensure that IDPs can return to their places of origin in full compliance with humanitarian principles, in particular the guiding principles on internal displacement.
5. Support efforts to ensure that all the human rights abuses and other crimes are investigated promptly, independently, impartially and thoroughly and those responsible brought to account and establish mechanisms to provide redress for victims including, when appropriate, through alternative justice mechanisms, community reconciliation and transitional justice processes.
6. Provide the Government of Iraq with all necessary assistance (technical and financial) in its efforts to identify, excavate, and investigate mass graves and sites where crimes have been perpetrated.

³¹ International Commission of Inquiry on Libya, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic: "They came to destroy": ISIS Crimes Against the Yazidis*, 15 June 2016, A/HRC/32/CRP.2, para. 209

Annex: Glossary

IDPs	Internally Displaced Persons
IHL	International Humanitarian Law
IHRL	International Human rights Law
ISIL	(so-called) Islamic State of Iraq and the Levant
KR-I	Kurdistan Region of Iraq
OHCHR	Office of the United Nations High Commissioner for Human Rights
PKK	<i>Partiya Karkerên Kurdistanê</i> / Kurdish Workers' Party
UNAMI	United Nations Assistance Mission for Iraq
YPG	<i>Yekîneyên Parastina Gel</i> or / Kurdish People's Protection Units