

BEARING WITNESS TRIP REPORT

“OUR GENERATION IS GONE”

The Islamic State's
Targeting of Iraqi Minorities in Ninewa



UNITED STATES
HOLOCAUST
MEMORIAL
MUSEUM

SIMON-SKJODT CENTER
FOR THE PREVENTION OF GENOCIDE

THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM's work on genocide and related crimes against humanity is conducted by the **Simon-Skjodt Center for the Prevention of Genocide**. The Simon-Skjodt Center is dedicated to stimulating timely global action to prevent genocide and to catalyze an international response when it occurs. Our goal is to make the prevention of genocide a core foreign policy priority for leaders around the world through a multipronged program of research, education, and public outreach. We work to equip decision makers, starting with officials in the United States but also extending to other governments and institutions, with the knowledge, tools, and institutional support required to prevent—or, if necessary, halt—genocide and related crimes against humanity.

Bearing Witness trips are an essential tool to implement the Simon-Skjodt Center's mandate to catalyze international action to prevent mass atrocities. They are intended to shed light on the risk factors, warning signs, and effects of potential and actual mass atrocities. Importantly, these fact-finding trips are intended to elevate the voices and experiences of those facing persecution and most affected by violence. The Simon-Skjodt Center is honored to be able to share the experience and demands of communities at risk of mass atrocities with policy makers around the world. Previous Bearing Witness trips have included Burma, Jordan, South Sudan, and the Democratic Republic of the Congo.

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*“There is no humanity—
it was like they were killing chicken or sheep.”*

—Yezidi woman in Shariya internally displaced persons camp

In the summer of 2014, the self-proclaimed Islamic State carried out a violent campaign against civilians in Ninewa province in northern Iraq, home to many of Iraq’s ethnic and religious minorities. As the Islamic State (IS), known locally as Daesh, and affiliated groups attacked cities, towns, and villages, they forced more than 800,000 people from their homes and deliberately destroyed shrines, temples, and churches. They also kidnapped thousands and killed hundreds, likely thousands, of people. In less than three months, IS decimated millennia-old communities and irrevocably tore the social fabric of the once-diverse region. Now almost no members of the minority groups IS attacked live in Ninewa province.

Though the speed at which IS expanded shocked most people, the widespread and systematic attacks on ethnic and religious minorities should come as no surprise. Minority communities in Iraq were particularly vulnerable to mass atrocities. Early warning of the risks they faced existed, yet neither the Iraqi nor foreign governments appear to have made preventing atrocities and protecting these communities a priority.

In September 2015, the Simon-Skjoldt Center for the Prevention of Genocide undertook a Bearing Witness trip to northern Iraq to learn about the atrocities that had occurred there, assess the current situation, and understand the future risks to ethnic and religious minorities and other civilians in the region. IS has perpetrated atrocities against Sunni, Shia, and non-Muslims throughout Iraq. Atrocities have increased following its seizure of the city of Fallujah in Anbar province in January 2014 and subsequent capture of other parts of Iraq. This report focuses, however, on the unique experiences of ethnic and religious minorities living in Ninewa, including Christian, Yezidi, Turkmen, Shabak, Sabaeen-Mandaean, and Kaka'i populations, specifically from June to August 2014.

We found on our Bearing Witness trip that IS targeted civilians based on group identity, committing mass atrocities to control, expel, and exterminate ethnic and religious minorities in areas it seized and sought to hold. IS committed crimes against humanity, war crimes, and ethnic cleansing against the aforementioned communities in Ninewa. We also assert that IS perpetrated genocide against the Yezidi people. It is critical to underscore that crimes continue to be perpetrated against the men, women, and children whom IS kidnapped and still holds.

This report also stresses that there is an urgent need for more coordinated and deliberate physical protection of at-risk populations to address the ongoing risk of further atrocities and genocide. Currently, hundreds of thousands of people face prolonged displacement. Any efforts to liberate lands and return populations must be accompanied by the provision of genuine physical protection to all at-risk communities. This includes Sunni Arab populations in areas currently occupied by IS, who may face a risk of reprisal killings and displacement in the course of efforts to liberate those territories. In addition, long-term strategies should be developed to prevent a recurrence of mass atrocities. The response to the threat posed by IS and affiliated groups must be

anchored in the prevention of and protection of civilians from new atrocities. This is true for Ninewa, and for all of Iraq.

During the trip, we visited internally displaced persons (IDP) camps in and around the cities of Erbil and Dohuk. We met with IDPs living in temporary makeshift shelters and in rented homes. Over the course of the trip we spoke with religious leaders, Kurdistan Regional Government officials, local and international humanitarian organizations, and representatives of the United Nations and the United States government.¹ Prior to the trip, we met with officials of the Iraqi Embassy in Washington, DC. This report is based largely on interviews. While these interviews were not exhaustive, we sought conversations with diverse actors to ensure that our findings were as representative as possible.

We heard harrowing accounts of displacement, forced conversion, rape, torture, kidnapping, and murder. We saw firsthand the traumatic consequences of those atrocities and of mass displacement. We saw the fear that people have about returning to their homes in the absence of what they feel would be genuine physical protection. We saw the angst born from the uprooting of religious practices, the erosion of identity, and the tearing apart of communities.

We met with individuals and families who had been forced to flee with little more than what they were wearing. We spoke with Yezidis, Shia Turkmen, and Shia Shabak whose loved ones had been killed or kidnapped. We sat with Yezidi men as they wrote name after name of their missing family members—wives and daughters, who they believed were kidnapped, and sons and brothers, whose circumstances they did not know. We learned about villages and towns that have simply ceased to exist. We heard stories of the minority communities that helped to shape Iraq's rich and diverse history and today face exile and extinction in the country. As one man told us, "We have no future. Our generation is gone."

The Simon-Skjoldt Center is indebted to all who shared their stories with us.²

¹ The Kurdish Regional Government is the recognized authority of the autonomous region of Kurdistan. The Iraqi Kurdish Peshmerga, a nationalist armed group founded in the 20th century, now serves as the official military of Iraqi Kurdistan.

² The names of some of those interviewed are being withheld in keeping with their preferences and for security reasons.

A Yezidi man who lives in a displaced persons camp.



SUMMARY OF KEY FINDINGS

THE COMMISSION OF CRIMES


- The self-proclaimed Islamic State (IS) perpetrated crimes against humanity, ethnic cleansing, and war crimes against Christian, Yezidi, Turkmen, Shabak, Sabaeen-Mandaeen, and Kaka'i people in Ninewa province between June and August 2014.
- We believe IS has been and is perpetrating genocide against the Yezidi people.
- IS's stated intent and patterns of violence against Shia Shabak and Shia Turkmen also raise concerns about the commission and risk of genocide against these groups and requires further investigation.
- Men, women, and children who were kidnapped and are still being held by IS continue to be the victims of atrocity crimes. Their release must be a priority.
- IS perpetrated these crimes in accordance with its extremist religious ideology—targeting particular groups on the basis of their identity.
- IS also perpetrated mass atrocities as part of a deliberate military, economic, and political strategy. This intent was matched by the group's ability to carry out these crimes.
- Under IS's ideology, adherents of religions considered infidel or apostate—including Yezidis—are to be converted or killed and members of other religions—such as Christians—are to be subjected to expulsion, extortion, or forced conversion.
- The Iraqi government bears the primary responsibility to protect its population from mass atrocities and has failed to do so.

RESPONSE

- Since 2003, violence and instability in Iraq has put minorities at risk of atrocities. The risk factors, where known, include:
 - A pattern of mass atrocities perpetrated against Iraqi minorities by Sunni and Shia extremists since 2003;
 - A strong Sunni extremist presence as well as confusion over the provision of protection for minorities by Iraqi and Kurdish regional authorities in Ninewa;
 - A lack of effective strategies for protection within minority communities, including through self-defense or by external actors. Flight was their only option.
- Chronic instability, sectarianism, and rampant impunity allowed for the persecution of minorities and for extremism to fester, thereby creating conditions under which future atrocity crimes could be perpetrated.
- The early warning signs of potential atrocities against minority populations went largely unnoticed, or were misdiagnosed, meaning that preventive strategies that could have mitigated the risk to these populations were not developed.
- Going forward, the way the war against IS is fought will influence whether there will be a recurrence of atrocities—winning the war but failing to prevent atrocities and provide adequate security to **ALL** Iraqis will likely fuel future grievances, a proliferation of armed actors, and continued conflict.
- Countering IS necessitates an ongoing assessment of its motivations, organization, and capabilities for committing atrocity crimes, and of the vulnerabilities of at-risk communities.
- When done effectively, both counterterrorism and atrocity prevention advance core US national security interests. These goals should be seen as mutually reinforcing rather than as an additional burden or strain on limited resources.
- Building trust and fostering accountability between communities, especially between Sunni Arab and minority populations, must accompany any counter-IS strategy.
- Unable to return home until their land is liberated, internally displaced persons (IDPs) face prolonged displacement. Under these conditions, they will remain in dire need of humanitarian assistance and physical protection.
- IDPs' ethnic and religious identities must be preserved—including by upholding their freedom of religion, expression, and language.

THE WAY FORWARD

- Any response to IS and affiliated groups should incorporate at its core an atrocity prevention framework that includes risk assessments; the provision of genuine physical protection to vulnerable populations; accountability for crimes perpetrated by IS and Iraqi and Kurdish security forces, as well as state-aligned militias; and strategies intended to address the root causes and drivers of conflict and atrocities in Iraq.



A 91-year-old woman recounts her flight from Mosul.

IRAQ'S VULNERABLE ETHNIC AND RELIGIOUS MINORITIES

YEZIDIS Iraq's 500,000 Yezidis reside primarily in Ninewa province and Iraqi Kurdistan. Yezidis practice a 4,000-year-old religion that contains elements of Zoroastrianism, Judaism, Christianity, and Islam. Perceived by some non-Yezidis as devil-worshippers, Yezidis have long faced discrimination and persecution in Iraq.

CHRISTIANS Assyrian Chaldean Christian communities have lived in northern Iraq, primarily in Ninewa, since the emergence of Christianity. Some are believed to be the oldest continuously inhabited Christian communities. The Christian population has dwindled from nearly 1.5 million in 2003 to fewer than 350,000 today.

SABAEAN-MANDAEANS Sabaeen-Mandaeans practice a monotheistic religion that centers on the teachings of John the Baptist. A closed community, the Sabean-Mandaean population in Iraq was estimated in the early 2000s at about 50,000. Current population estimates range from 3,500 to 5,000.

SHABAK While the majority of Shabak identify as Shia, the Shabak belief system combines aspects of Sufi Islam and Christianity. IS and other extremists view their religion as apostate. The population of more than 200,000 Shabak live primarily in Ninewa.

TURKMEN Considered the third largest ethnic group in the country with population estimates ranging from 500,000 to 2.5 million, the Iraqi Turkmen include adherents of both Sunni and Shia Islam and have faced decades of persecution and pressure to assimilate into both Arab and Kurdish communities.

KAKA'I The Kaka'i are an ethnoreligious minority with a population of approximately 200,000 in Iraq. Although they often are viewed as ethnic Kurds, the group has a distinct culture, language, and religion that combines aspects of Zoroastrianism and Shia Islam.

The Cycle of Atrocities in Iraq (2003–2013)

Our Bearing Witness trip to Iraq took place during a time when rising sectarian tension and IS's expanding territorial control in Iraq have resulted in unprecedented mass violence against civilians.

Each of the individuals we spoke with stressed that all Iraqis, irrespective of religious or ethnic background, have faced and continue to face serious security threats. They attributed this to a number of factors, including (a) the extreme fragility of the state; (b) sectarianism on the part of the government, which most saw as Shia-aligned; (c) the absence of the rule of law; (d) a rampant culture of impunity; and (e) the weakness, corruption, and sectarianism of the state security forces.

The majority of those interviewed traced the rapid deterioration of the security situation throughout the country to the 2003 US-led coalition's overthrow of Iraqi President Saddam Hussein and his Sunni-dominated Baathist party government. The disbanding of Iraqi security forces and the removal of Baathist party members from Iraqi civil and military service created a security vacuum, while infighting between the post-Hussein Shia-aligned government and Sunni political actors exacerbated existing tensions between Shia and Sunni communities. Persecution, impunity, and distrust between communities created a breeding ground where extremists could thrive, including an earlier iteration of IS, Al Qaeda in Iraq (AQI). This created a deadly dynamic that fed the commission of sectarian atrocities across Iraq during this period.

More than 100,000 Sunni and Shia were killed by bombings, improvised explosive devices, and extra-judicial killings in the months and years following the Hussein regime's fall. Minorities often were caught in the middle of the largely sectarian conflict, victims of the same violence that threatened all Iraqis, and were targeted by religious extremists specifically because of their identity.

These attacks by extremists continued for more than a decade and varied in intensity, especially under the so-called Sunni Awakening in 2007 that brought relative calm to parts of the country.³ The attacks revealed the inability and unwillingness of the Iraqi government to respond to the multitude

of security threats facing Iraqi civilians, and to provide adequate physical protection to civilians irrespective of their ethnic or religious identity.

In response to rising discrimination and arrests, predominantly peaceful protests by Sunni Arabs began throughout the country in 2012. They were protesting against what they saw as state-led discrimination by a pro-Shia central government in Baghdad. As one person interviewed told us, "all Sunni were seen as terrorists" by the Iraqi government. By 2013, protesters were met with increasingly violent repression by the Iraqi government and affiliated Shia militias. This violence further exacerbated tensions between the country's two largest religious groups.

During this entire period, the dominant paradigm that the Iraqi government and international community used to assess and address the violence focused on counterterrorism, counterinsurgency, and stabilization. The sectarian crisis in Iraq seemed to overshadow any potential analysis of unique threats to minority populations. IS used this period to intensify and expand its presence and activities in Iraq and emerged as a leading threat to civilians in 2013. IS took advantage of the country's instability, appealing to disgruntled Sunnis, including former members of Hussein's Baathist regime, while also recruiting foreign fighters. As a result of attacks by IS and other Sunni extremist groups, 2013 was the deadliest year in Iraq since 2008.

³ For a brief period of time around 2007 and 2008, attacks and civilian casualties declined. This was in part the result of a surge in coalition troops in Iraq and the emergence of the so-called Sunni Awakening. The Awakening saw Sunni tribes coordinate their efforts with US and coalition forces to fight AQI and affiliated Sunni extremist groups in Sunni-insurgency areas. The gains were short-lived. This was in part because the promises made by the Iraqi government to the Sunni tribes participating in the Awakening to grant them greater political influence and integrate them into the Iraqi military went unfulfilled.

Early Warning of the Risk of Mass Atrocities Facing Minorities in Ninewa

“Every day, every hour, we lived in fear that we would be killed.”

—Sabaeen-Mandaean from Baghdad living in Erbil, Iraqi Kurdistan

Though it may have been difficult to anticipate how swiftly IS would move through Ninewa, many people we interviewed said that the long-standing risks extremist groups posed to ethnic and religious minorities in the region were known. Given the gravity of the crimes that occurred in Ninewa between June and August 2014 and the failure to prevent them, we sought as part of the Bearing Witness trip to better understand the dynamics that should have informed early warning and early action.

Since 2003, an abundance of information emerged that—if properly discerned—could have prompted a more concerted discussion of options for early prevention and response. First, there was a pattern of mass atrocities perpetrated by both Sunni and Shia extremists since 2003 against minorities in Iraq. This suggested that minorities faced a heightened risk and revealed that they had few protective strategies—neither self-defense nor from external actors. Flight was their only option. Second, threatened communities in Ninewa faced a strong Sunni extremist presence in the region as well as confusion over the provision of protection for minorities by Iraqi and Kurdish regional authorities. Third, IS was active in Ninewa prior to its campaign in June 2014 and had expressed expansionist aspirations and a predatory stance toward minority groups, among others. It is difficult to know whether identifying and acting upon even one of the early warning signs would have had a mitigating effect on the ensuing violence against minorities, but delayed action surely allowed the circumstances for future violence to emerge.

I. Decades of Targeted Attacks against Minorities

Iraq's ethnic and religious minorities constitute about 10 percent of the country's population. These communities have been the targets of gross human rights violations and mass atrocities in Iraq for decades.

A process of forced Arabization that sought to change the demographics of certain parts of Iraq began in the 1930s.

It had a devastating impact, especially for Iraq's Kurdish population. Minority communities, including the Kurds, were pressured to change their identity in official documents to that of “Arab” or face eviction from their homes. Arab Iraqis were relocated to areas populated by minority communities whose loyalty the central Iraqi government deemed questionable. In the late 1970s this resulted in the forced displacement of more than one million Kurds and other non-Arabs. Forced Arabization—especially in Ninewa—created lasting tensions between Kurds, Sunni Arabs, and minorities.

After Saddam Hussein's rise to power in the 1970s, Iraq's Baathist regime perpetrated widespread and systematic attacks on ethnic and religious communities throughout its existence.⁴ Between 1986 and 1989, Hussein's government used chemical weapons, bombardment, mass deportation, and systematic destruction of villages to displace more than one million people, primarily Kurds. At least 100,000 people were killed or remain missing. We were told of a mother who has for 30 years made her missing son's bed each day as she continues to hope that he will return home. The Iraqi High Court has recognized the Anfal campaign, including the chemical weapons attack on the town of Halabja, which killed 5,000 Kurds, as genocide.

After Hussein's fall in 2003, any legal guarantees of protection for minority communities meant little. A near-complete security vacuum and rising religious extremism meant that ethnic and religious minorities were both caught in the crossfire of broader conflict and directly targeted because of their identity. Warnings about the dire threats facing ethnic and religious minorities have abounded over the past decade from a wide range of actors, including the United Nations, the United States government, international civil society organizations, and local Iraqi religious communities.⁵ Various reports identified particularly egregious attacks perpetrated by Sunni extremist groups—including early iterations of IS—against minority communities.



Many of those we interviewed faced increased restrictions on their freedom of expression and religion as a result of the rise of extremists. They were too afraid to pray at their houses of worship for fear of being targeted by suicide bombers. This was especially true for those who lived in Baghdad and other major cities, including Mosul. Others feared kidnapping and executions on the basis of their religious beliefs and their professions, for example Christian- and Yezidi-owned liquor stores were attacked for being anti-Islamic.

Many families were forced to make difficult decisions about whether they should move to the safety of Iraqi Kurdistan or leave the country altogether. The Christian community in particular has experienced a mass exodus from Iraq. In 2003, there were reportedly nearly one and a half million Christians in Iraq. By 2008, there were 675,000 Christians, and today that number has shrunk to 350,000.⁶

⁴ A 2003 report from the United States Commission on International Religious Freedom stated, “The Iraqi regime of Saddam Hussein conducted a brutal campaign of murder, summary execution, arbitrary arrest, and protracted detention against the religious leaders and followers of the majority Shi’a Muslim population and attempted to undermine the identity of minority Christian (Chaldean and Assyrian), Yezidi, and Sabeen Mandaean groups.”

⁵ A 2007 report from the United States Commission on International Religious Freedom noted, “The Commission is also concerned about the grave conditions affecting non-Muslims in Iraq, including Chaldo-Assyrian Christians, Yazidis, Sabeen Mandaean, and other minority religious communities. These groups face widespread violence from Sunni insurgents and foreign jihadis, and they also suffer pervasive discrimination and marginalization at the hands of the national government, regional governments, and para-state militias, including those in Kurdish areas. As a result, non-Muslims are fleeing the country in large numbers.” A 2009 report from the group noted that the very existence of certain communities in Iraq was at risk, stating, “In Iraq, the government continues to commit and tolerate severe abuses of freedom of religion or belief, particularly against the members of Iraq’s smallest, most vulnerable religious minorities—Chaldo Assyrian and other Christians, Sabeen Mandaean, and Yazidis. The targeted violence, forced displacement, discrimination, marginalization, and neglect suffered by these communities seriously threaten their continued existence in the country.”



A soldier in the Iraqi Kurdish Peshmerga attends a Sunday service at a church in Alqosh, Iraq, about 30 miles north of Mosul.

There was little response to these crimes from the Iraqi government. The perpetrators often were suspected to be Sunni extremists. Their crimes rarely were investigated and those we interviewed said that they felt the government had no interest in seeking justice for them. On a few occasions, government commissions were established to investigate large-scale attacks, but their reports either were not released or their findings not seriously implemented. As a result, perpetrators continued to commit crimes with impunity.

Similarly, there was little investment in addressing some of the root causes that fuel the commission of atrocities. These include discrimination against the Sunni, high rates of youth unemployment, and rampant impunity for abuses by the Iraqi security forces. Many of those we interviewed expressed frustration with the government of former Prime Minister Nouri Al-Maliki, saying that he stoked sectarian

tension that put minorities in peril. Also, little was done to stem incendiary messages about minorities from clerics and political figures, or to promote education that fostered greater understanding about minority communities. A number of those we interviewed said that the poor education system contributed to a lack of tolerance toward minorities in Iraq.

2. The Unique Threats Facing Minorities Living in Ninewa

Given the victims and their vulnerabilities, and the perpetrators and their capacities, strong indications existed that minorities in Ninewa faced a heightened risk of atrocities.

Approximately three million people lived in Ninewa province, the area falling along the border of Iraq and the Iraqi Kurdistan Region, before June 2014. Though predominantly Sunni, 10 percent of the population belonged to minority groups, making it Iraq's most diverse area.

Ninewa's high concentration of minorities, strong support for the Sunni insurgency from elements of the Sunni population, and a history of attacks on minorities were factors that elevated minorities' level of risk. Ninewa had high levels of Sunni extremist activity prior to 2014. Christians whom we spoke with said they fled Mosul for the safety of the Christian town of Qaraqosh in 2007 and 2008 because of extremist attacks. By 2010, the death toll in Ninewa was three times the death toll in Anbar province, the area regarded as the hotbed of the Sunni insurgency. One reason for this cited by those whom we interviewed is that as Sunni extremists were driven out of Anbar during the 2007 surge of coalition forces and the so-called Sunni Awakening, many of the most battle-hardened fighters went to Ninewa.

By 2013, IS was ensconced in Mosul, earning approximately \$12 million per month through a system of extortion,⁷ making the city its financial hub in Iraq. The province's porous border with Syria made it easy for fighters, including foreign fighters, to travel freely to the city. IS also found in Mosul a population that was responsive to its rhetoric of Shia oppression. Many lived under difficult conditions for which they blamed the Shia-dominated Iraqi government.

Ninewa had high numbers of both potential at-risk communities and perpetrators living in close proximity. What it lacked was clear lines of responsibility for providing physical protection to communities at risk.

Though constitutionally under the control of Iraq's central government, parts of Ninewa are regarded as disputed areas under the Iraqi constitution. Both the central government and the Kurdistan Regional Government have been vying to control those areas—in addition to the oil reserves near Kirkuk—since 2003. The status of these areas was supposed to have been resolved in 2007 yet remains a point of contention.

⁶ Institute for International Law and Human Rights et al., *Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul* (Brussels, Belgium: Institute for International Law and Human Rights, 2015).

⁷ *Iraq at a Crossroads: Options for U.S. Policy: Hearing Before the Senate Foreign Relations Committee 113th Cong.* (July 24, 2014) (statement of Brett McGurk, deputy assistant secretary of state for Iraq and Iran), <http://www.foreign.senate.gov/imo/media/doc/McGurk%20Testimony%20072414-Final%20Version%20REVISED.pdf>.

SELECT ATTACKS ON MINORITY COMMUNITIES (2003–2013)

CHRISTIANS

In January 2008, ten churches and convents were the targets of bomb attacks according to reports. In October 2008, the assassination of 14 Christians in Mosul led to the exodus of about 12,000 Christians from the city. In October 2010, a siege on a church in Baghdad left more than 50 Christians dead. In 2012, an extremist group in Mosul issued an ultimatum to Christians in the city to leave or be killed. In 2013, bombs timed to explode as worshippers left churches in Baghdad killed 35 people.

SHABAK

Since 2004, 750 Shabak have been killed in targeted attacks, according to reports. In October 2007, a group allied with AQI distributed flyers in Mosul calling the Shabak "rejecters" of Islam and saying there was "an obligation to kill them and to displace them with no mercy." In August 2009, two flatbed trucks exploded in the Shabak village of al Khazna, killing 35 people, wounding 200, and destroying 65 homes. In 2013, 56 Shabak were killed in 15 attacks during a period of six months.

TURKMEN

In June 2006, 20 Turkmen students were killed and in July of that year a suicide bomber killed 28 people outside a cafe near Kirkuk. Between 2003 and 2006, a reported 3,658 houses were destroyed and 1,350 Turkmen were killed in the area of Tal Afar. In July 2009, suicide bombers killed 45 Turkmen and wounded 65. In August 2009, a truck bomb exploded outside a funeral, killing at least 37 people. In 2012, 46 Turkmen were reportedly assassinated, 12 were kidnapped, 329 were injured, and 61 were killed by explosions, including at mosques.

YEZIDIS

In 2007, extremists carried out four truck bombings against Yezidi targets that killed 300 people, wounded 700, and destroyed 400 homes. In August 2009, two suicide bombers attacked a cafe in Sinjar City, killing 21 people and wounding 32. In October 2013, Yezidi students at Mosul University received anonymous warnings to leave the university or be killed. Nearly 1,000 students postponed their studies as a result.

The territorial dispute has contributed to a chronic under-resourcing of the province, one of Iraq's poorest, with many areas lacking in basic services. Some people told us that this dispute contributed to growing sectarianism, grievances within the Sunni Arab population toward the Iraqi government, and to growing support for extremist groups.

For minority communities, the territorial dispute meant they were pawns in a broader political struggle. Some cities (including Mosul), towns, and villages were protected by the Iraqi security forces. In contrast, many of those we spoke with lived in areas secured by the Iraqi Kurdish Peshmerga. The lack of clarity over the provision of physical security and the absence of a sense of responsibility to these communities further increased their vulnerability. The Kurdish and Iraqi governments both were focused on staking out their respective control over the region, and minorities often felt they only received attention to the extent that they supported competing claims for territory and political influence. Some people we interviewed said that their community felt that it needed to support Kurdish aspirations in return for protection. Some Yazidis and Shabak we interviewed said that they also had felt pressure to assimilate into Kurdish society in return for protection.

In the end, both the Iraqi security forces and the Iraqi Kurdish Peshmerga failed to provide adequate protection to vulnerable communities when IS advanced. It also appears that the two militaries lacked a unity of purpose in their efforts to stop IS's advance. We heard in multiple interviews that the responsible security forces appeared at times indifferent or even averse to protecting minorities. Kurdish officials we interviewed said that their forces tried to protect targeted communities, but were overwhelmed by the strength of IS forces. The failure to resolve the area's status compromised the provision of adequate security to deter and halt attacks, and contributed to putting hundreds of thousands at risk.

3. Threats Posed by IS

A core aspect of early warning is an analysis of the motives and capacity of a potential perpetrator to commit mass atrocities. Such an analysis of IS reveals that the commission of mass atrocities was part of its strategy, and that this intent was matched with the ability to carry out the crimes.

As the United Nations has noted, IS has a "deliberate and systematic policy that aims to suppress, permanently cleanse or expel, or in some instances, destroy those communities within areas of its control."⁸

IS fosters an environment in which the commission of atrocities against religious and ethnic minority groups is permissible, justifying them with its extremist religious ideology. From our interviews, it also appears that atrocities are perpetrated strategically and tactically to advance a range of interests, including to generate new recruits (especially foreign fighters), to secure income, enslave women, force civilians from population centers to ease their administration, and maintain order in territory that it controls.

Almost everyone we interviewed said that they were terrified of IS's advance because they were scared that IS would perpetrate similar atrocities to those it committed in Syria. These crimes, according to the United Nations Commission of Inquiry on Syria, were crimes against humanity and were widely publicized.⁹ The barbarous nature of those crimes shocks the conscience. As the United Nations High Commissioner for Human Rights stated on June 24, 2014, IS "broadcast videos showing [its] cruel treatment and beheadings and shootings of people apparently targeted on account of their religion or ethnicity." As one Yazidi told us, "we did not think these crimes were possible in the 21st century."

While many have tended to view IS as similar to other Sunni extremist groups, it poses distinct risks to minority groups, as well as to the Shia community. IS's violent tactics and extremist ideology have led even its former allies, Al Qaeda and Jabhat al-Nusra, to distance themselves from the organization.¹⁰

Furthermore, IS, led by Abu Bakr Al-Baghdadi, has stated publicly its expansionist aspirations and has stressed that Iraq was its priority. Based on the group's tactics, ideology, and stated intent—IS's fight appears to target minority communities and the Shia as a group in addition to the Iraqi government, which it sees as Shia dominated and which it seeks to overthrow as part of its effort to establish a far-reaching caliphate in the region. The group in 2012 and 2013 increasingly claimed more and more territory in Syria, including capturing the city of Raqqa, which became its



de facto capital in August 2014. As of 2013, it was reported widely that IS had a presence in western Iraq. The group had by then built up its fighting force, and grown its wealth and financial independence.¹¹

IS also had a foothold in Ninewa and, along with affiliated militias, had been carrying out targeted attacks on villages and towns there for months prior to June 2014. The group attempted to kill anyone—particularly Sunni religious leaders who refused to swear allegiance to IS and journalists—who might dissent, oppose, or try to protect vulnerable communities. In January 2014, IS attacked Fallujah and Ramadi in Anbar province and began to expand to other parts of Iraq. Today it controls or contests approximately one-third of the country.

Displaced Iraqis wait for food to be distributed at a camp on the outskirts of Erbil.

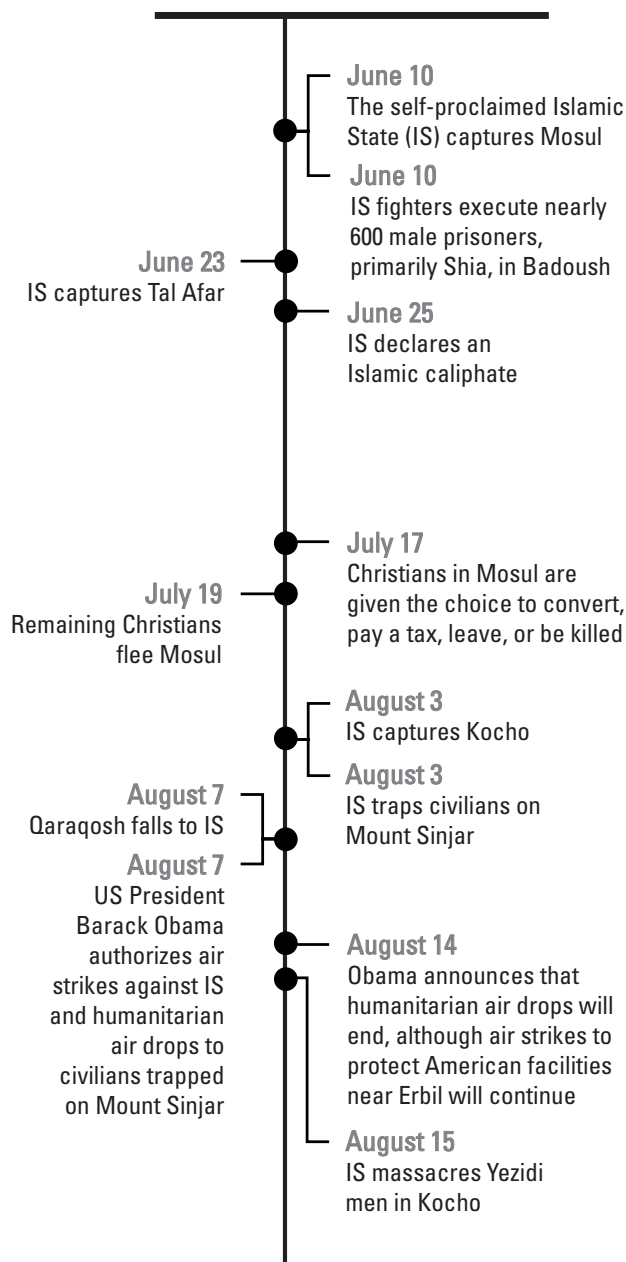
⁸ United Nations Office of the High Commission of Human Rights and Assistance Mission for Iraq Human Rights Office, “Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July–10 September 2014,” http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_POC_Report_FINAL_6July_10September2014.pdf.

⁹ United Nations Office of the High Commissioner for Human Rights, A/HRC/30/48, “10th Report of Commission of Inquiry on Syria,” ¶ 172, Aug. 13, 2015, <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>.

¹⁰ Al Qaeda’s leadership has expressed its opposition to IS’s targeting of Shia (which includes giving some Shia the option to convert and become Sunni or die).

¹¹ This includes foreign fighters who took advantage of Turkey’s porous borders to join IS in Syria. With the help of individual donors from other Persian Gulf states, a system of extortion, and oil revenue from reserves seized in Syria, IS was able financially to resource its expansion. Its financial situation improved even more after the seizure of Mosul’s Central Bank, from which it stole more than \$425 million.

THE ISLAMIC STATE ADVANCES ACROSS NINEWA, IRAQ (2014)



This timeline was created using information provided by the BBC, Foreign Policy, the International Business Times, the Guardian, Time, and the US Department of Defense.

In early 2014, United Nations officials shared warnings with the Iraqi and other governments that minorities in Iraq faced a grave risk of mass atrocities. Months before Mosul was attacked, senior Kurdistan Regional Government officials warned the Iraqi Prime Minister that the city was under threat, according to people we interviewed. In May, one month before Mosul was seized, Iraqi security forces reportedly arrested seven IS fighters in the city who told them that an attack was imminent. We were told by former residents that reinforcements were not sent to the city, nor were other genuine preventive measures taken.

All of the warning signs indicated that IS had the motivation and means to attack Ninewa. The warnings indicated that if IS did so, it would continue its pattern of perpetrating mass atrocities against vulnerable communities in an effort to, in the words of the United Nations, suppress, expel, or eliminate these groups. By June, the warnings were too late. Forced displacement, kidnapping, and killing had begun in earnest and the strategies that were needed, but proved lacking, were those that provided immediate physical protection to vulnerable communities. Opportunities for preventing atrocities that existed before IS seized Mosul shrank considerably.

After the fall of Mosul in June 2014, the international community paid increasing attention to the plight of minorities in Ninewa. Some of those we spoke with said it was increasingly apparent that the area between the Syrian border and Mosul would be targeted next, as it seemed that IS sought to create a passageway between Mosul and Raqqa via the Syrian city of Deir al-Zour, which it controlled. This meant that IS would target the largely Turkmen city of Tal Afar and the predominantly Yezidi area of Sinjar. Yet again, security forces were not proactively deployed to protect vulnerable populations or to systematically evacuate at-risk communities. Only in August was protective action taken when warnings that Yezidis faced a risk of genocide emerged. In response to these “potential acts of genocide,” US President Barack Obama authorized air strikes near Mount Sinjar to assist Yezidi populations fleeing IS’s assault (see page 17).

The Islamic State's Path of Devastation (June–August 2014)

“Until now, I am still not convinced that I escaped.”

—Cihan, 21-year-old Yezidi woman



This Yezidi mother, age 85, and son, age 65, walked for five days to escape from Mount Sinjar in 2014. He carried her most of the way. They took a van for the last kilometer to a refugee camp across the border in Syria.

The consequences of the failure to act on early warning signs of the risk of mass atrocities facing Ninewa's minority communities were shared with us in the tents, caravans, makeshift shelters, and houses we visited. Irrespective of their religious or ethnic identity, many of the displaced persons whom we spoke to offered similar accounts of their fear of IS, the desperation they felt in fleeing, and their dismay at the failure of local, national, and international actors to protect them in advance of the onslaught.

Almost every person we interviewed told us that the Iraqi security forces and the Iraqi Kurdish Peshmerga failed to protect them from IS. The vast majority of those we interviewed (excluding those from Mosul) fled only after they realized that security forces were no longer present to protect them, as both forces retreated without warning local populations. This meant that some people had only minutes to flee IS's mortar attacks and fighters. A deep frustration toward, and distrust of, these security forces abounded.

As one Yazidi survivor and human rights advocate said, “if only [the Peshmerga] told us they were leaving we would have fled earlier, and lives would have been saved.”

We heard heartbreaking accounts of decisions to leave elderly or ill family members behind because they were physically incapable of fleeing or of fleeing fast enough. This was especially true for the poor and those without access to cars or trucks, who had to flee on foot.

Without sufficient warning, many fled their homes with little more than the clothes they were wearing that day. Some took little out of haste; others believed they would return home in a matter of days or weeks. “I thought I would be home in two days so I only took my ID,” said a Christian man from Mosul. One year later, he remains in Iraqi Kurdistan, unable to return home.

IS’s assault on Ninewa began on June 6, 2014, when it attacked the ethnically and religiously diverse city of Mosul and its surrounding villages, seizing the area on June 10. Among its first targets were Shia religious sites on the outskirts of the city. IS then attacked the predominantly Turkmen city of Tal Afar on June 16, before devastating the primarily Yazidi communities around Mount Sinjar on August 3, and the largely Assyrian Christian Ninewa Plains, including the largest Christian city in Iraq, Qaraqosh, on August 7.

We were told that when IS attacked Mosul, more than 500,000 Iraqis of all backgrounds fled out of fear of IS and of the fighting between IS and the Iraqi security forces. Some of those we interviewed, including Christians, said they had initially welcomed IS’s arrival—hoping the group would bring security and stability and seeing its fighters as “liberators” from the Iraqi government. Such hope was short-lived. More than 600 primarily Shia prisoners were massacred in Mosul’s Badush prison on June 10. Two days later, the Sunni imam of the Grand Mosque of Mosul was executed for refusing to pledge allegiance to IS. A number of Christians interviewed said that he had publicly promised to protect Mosul’s Christian community from IS.

We were told by Christian residents of Mosul that one month after the fall of the city, on July 17, IS issued a decree

saying that Christians had three options: (1) convert to Islam; (2) pay a *jizya*, a fee levied on non-Muslim residents; or (3) leave the city by noon on July 19. On the day of the decree, IS labeled Christian homes with an “N”—for Nasrani, denoting Christian—and Shia-Shabak homes with an “R”—for Rafida, denoting Shia.

We spoke to Christian men who had remained in the city to care for their businesses who recalled hearing the proclamation on mosque loudspeakers. One man tried to pay the *jizya* but was told by IS that, “we wanted to meet with your priests and they said no, go to them to solve your problems.” After having lived in Mosul for 35 years, he had no choice but to flee the city on July 19. All of those we interviewed who fled on July 19 said IS fighters at checkpoints on the way out of the city took their gold, jewelry, money, and phones, leaving many destitute.

Shabak and Turkmen residents of Mosul and nearby villages also were targeted, especially the Shia members of those communities. A Turkman we spoke to said that 90 percent of his village of 25,000 Turkmen fled when IS arrived. The Iraqi military had been protecting their town. On June 10, those troops said they were leaving to re-arm and would return. They never did. He said that IS used a loudspeaker to declare, “We will not hurt you, our fight is with the Iraqi security forces.” Yet when his uncle was stopped by IS, he was asked, “Are you Sunni or Shia?” He answered, “It doesn’t matter,” and was abducted. He remains missing. His family is mixed Sunni/Shia.

Many from Mosul and surrounding areas whom we spoke with had sought refuge, after fleeing Mosul, in the Ninewa plains, only to be displaced again when IS attacked the area on August 7. One Christian woman we spoke to from Mosul stayed in Qaraqosh because she was sick and unable to leave. When she tried to leave on August 15 she and her husband were taken by IS. She said the emir responsible for Qaraqosh put a gun to her head and told her that she needed to convert. She refused. For more than ten days, she and her husband and some others were held by IS and she was forced to cook for the fighters. Then, without notice, the emir took the woman, her husband, and another family to the border with Iraqi Kurdistan and let them go.




A displaced Christian man walks under the tented roof of the camp in Erbil where he lives. He is from Mosul, where he owned a shop.

Stories from Yezidis we spoke with conveyed the gravity and scale of IS violence against their community as the group attacked Yezidi towns and villages in Sinjar district. More than 200,000 Yezidis fled to Mount Sinjar seeking to escape into Syria and Iraqi Kurdistan. We were told that as IS surrounded the mountain, more than 50,000 Yezidis became trapped and were unable to flee. On August 14, Syrian Kurdish forces, supported by US air strikes, created an evacuation route allowing Yezidis to flee from Mount Sinjar. One man we spoke to spent seven days without food on Mount Sinjar before he could escape. His uncle was traveling with family members in three cars toward the mountain and was ambushed by IS. Thirty-seven members of his family are now missing. Every Yezidi whom we spoke to named family members who had been killed or kidnapped. They said they hoped someday their missing family members would be freed and returned home safely.

We spoke with a father who was away from his village near Sinjar when the IS assault began on August 3. When he heard what had happened, he went home to try to rescue his family and found the village empty. He could not reach his family, and was terrified that they had been killed or kidnapped.

He joined fellow Yezidis trying to fight IS's advance on Mount Sinjar and stayed on the mountain fighting for 16 days before agreeing to help his brother's daughter and her 40-day-old daughter escape the mountain. One of his daughters also was away from their village when IS attacked. As she fled the town where she was visiting, the car stalled and IS started shooting at the car. She was terrified and thought that she would be killed, but managed to escape. The cell phone networks were not working and it was only after she arrived at a displaced persons camp in Iraqi Kurdistan that she learned that her parents were alive.

We were told repeatedly that minority groups had a complete lack of faith in the Iraqi government, which bore the primary responsibility to protect. Everyone we interviewed expressed gratitude to the Kurdistan Regional Government and especially to the Kurdish people for providing refuge. They also expressed concerns about the motivations, past and present, of the Kurdistan Regional Government in its relations with minority communities. Those concerns arise due to Kurdish aspirations for control over the disputed areas, and misgivings that displaced persons might have about the future of their own people and pressure to assimilate in Iraqi Kurdistan.



A Yezidi man who escaped IS shows the bullet that was pulled from his leg.

KOCHO: The Destruction of a Village

As IS advanced on August 3, between 400 and 500 of the village of Kocho's 1,700 Yezidi residents fled to Mount Sinjar. Many escaped, but some were killed on the way. The rest stayed because they thought the Iraqi Kurdish Peshmerga would protect them. Instead, those troops withdrew without any warning, leaving about 1,200 men, women, and children trapped in the village after IS seized it.

Hundreds of women and children were kidnapped and forced to convert to Islam. Many of the women are still being held as sex slaves in various locations in Iraq and Syria, and the boys are being trained to fight for IS.

We met with one man who wrote down the names of 52 missing family members, including his mother, wife, three sons, and two daughters. Another man was missing 105 loved ones. Each person we spoke with told similar accounts of the 12 days they lived under IS, and of the day they escaped death.

According to our interviews IS, fighters first told the residents that they would be able to live freely and that there would be no

need to convert. Their neighbors from a nearby Sunni village came with IS and told them, "Don't worry, you will be fine. We are your bothers and will fight them if they harm you."

On the second day, IS demanded that the residents turn over their weapons in exchange for not being harmed. On the third day, the leader of the Yezidi community in Kocho was told by IS's emir that residents had three days to convert or face death. Kocho's leader told him that they could not convert in three days and would need more time.

The community leader appealed to IS's leaders in Mosul for protection. As the deadline passed, the leader was told on about August 9 that the Yezidis of Kocho were "forgiven" by Abu Bakr Al-Baghdadi and would not need to convert.

On August 15, a few of the men noticed bulldozers driving through the village. At about 11 a.m., the remaining residents were told to assemble at the school. Many thought that they were going to be liberated and allowed to escape to Mount Sinjar. But when they arrived, their phones, gold, money, and car keys were seized.

Men immediately were separated from the women and children, who were taken to the second floor, where they were divided into three groups. More than 500 men were placed in the gym on the first floor. The men had no idea what was happening; they still thought that they were going to be let go.

IS's emir told the men that he had asked them to convert. He then reportedly said, "if you stay you will be welcome, if not that is ok." The men who were gathered thanked him. They thought they would be allowed to leave. They were then divided into car loads and taken a short distance away. Once they arrived at their destination they were lined up, videotaped, and then shot. Based on the accounts of survivors we spoke to, there were at least six car loads of men.

Three of the men interviewed reported hearing airplanes in the sky. They knew that air strikes had been launched by the United States on August 7 to help liberate Mount Sinjar. One man told us there were "jets in the air. We know they could see us. We thought they would save us. I could still hear them after being shot."

We spoke with the wife of one of the survivors. She and her three children were at the school and could hear the shootings nearby. Women were divided into three groups: women and children, young women, and elderly women. The women and children and the young women were taken to Tal Afar where they were forced to convert and were enslaved. Many have been subjected to sexual violence and given to IS fighters as sex slaves. It is unclear what happened to the elderly women. The woman we interviewed and two of her children later were freed from captivity in Syria. Her young daughter is still being held by IS.

Throughout the time that Kocho was under IS's control, individuals living there were in contact with family members outside of Kocho, international human rights organizations, the United Nations, and US government officials.

MOUNT SINJAR CRISIS

On August 7, US President Barack Obama authorized a military operation to protect 40,000 to 50,000 primarily Yazidi persons trapped on Mount Sinjar. They had ascended the mountain in an attempt to escape IS and flee to safety in Iraqi Kurdistan, but found themselves besieged as IS encircled the mountain. The displaced faced attacks and possible death at the hands of IS if they tried to leave, and extreme heat, dehydration, and starvation as a result of the siege if they stayed. The situation was dire, and Obama explained his decision to intervene in an address to the nation on August 7 as being necessary to avert a "potential act of genocide."

This was a rare and explicit recognition that potential future mass atrocities had motivated a shift in US policy. The president was clear that, "the United States cannot and should not intervene every time there's a crisis in the world." Rather the situation atop Mount Sinjar was one where the United States had "unique capabilities to help avert a massacre"—and the Iraqi government had formally asked for assistance.

However, the president's statement authorized two military operations, both taken at the request of the Iraqi government. One operation protected civilians on Mount Sinjar by using air strikes to push back IS forces and allow people to evacuate the mountain, and by providing humanitarian aid drops. The other operation protected US government personnel and installations in Erbil from IS attacks. It also assisted counter-IS efforts, including those led by Iraqi Kurdish Peshmerga, local defense forces, and select units of the Iraqi army to secure the strategically important Mosul Dam. In this instance, atrocity prevention and counter-terrorism efforts were, for a moment, mutually reinforcing. Yet US actions also raised questions as to whether the military operation would have happened were it not for the Iraqi government's request for assistance and threats against US facilities near Erbil.

On August 13, US Army Special Forces and US Agency for International Development representatives went to Mount Sinjar to assess threats facing Yazidis still trapped there. Later that day, Pentagon officials announced that the United States had misjudged the gravity of the Sinjar crisis and that US officials no longer planned to evacuate civilians atop the mountain.

Some people we interviewed on the ground expressed frustration with the assessment and subsequent scaling down of protection efforts, as well as with the narrow geographic focus on Mount Sinjar. They said that the assessment failed to look at threats facing Yazidis who were being attacked at the base of the mountain or in besieged communities, especially on the south side of the mountain. These communities included the Yazidi village of Kocho, where on August 15 genocide unfolded as IS massacred men and abducted women and children (left). Yet without the combined action of Kurdish, Yazidi, and US-led international forces, tens of thousands more may have been killed.

Genocide against the Yezidi

*"I thought the world was more developed than this.
I saw so many children die on Mount Sinjar,
I hope no one has to ever see that again."* —Xian, Yezidi woman

The United Nations Convention on the Prevention and Punishment of the **CRIME OF GENOCIDE** (Genocide Convention) defines genocide as: "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; (e) forcibly transferring children of the group to another group."¹²

The statute of the International Criminal Court defines **CRIMES AGAINST HUMANITY** as: "any of the following acts committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack: (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;" and other enumerated acts.

Based upon the public record and private eyewitness accounts, we believe the self-proclaimed Islamic State (IS) perpetrated crimes against humanity (right), war crimes, and ethnic cleansing against Christian, Yezidi, Turkmen, Shabak, Sabaeen-Mandaean, and Kaka'i people in Ninewa province between June and August 2014. In our interviews, we heard accounts of the forcible transfer of populations, severe deprivation of physical liberty, rape, sexual slavery, enslavement, and murder perpetrated in a widespread and systematic manner that indicates a deliberate plan to target religious and ethnic minorities.¹³ Some specific communities—notably the Yezidi, but also Shia Shabak and Shia Turkman—were targeted for attack.

Our findings also suggest there is sufficient reason to assert that in addition to committing crimes against humanity and war crimes, IS perpetrated genocide against the Yezidi population living in Ninewa in August 2014.¹⁴ The determination of genocide against the Yezidi population is based on a preponderance of the evidence, and does not reflect the standard necessary for individual criminal responsibility. Any formal determination that genocide was perpetrated needs to be made by a court and based on careful consideration of the evidence.

Beginning on August 3, 2014, IS attacked Yezidi communities in the Mount Sinjar area. The assault was coordinated and was launched from three separate directions, having the effect of encircling the area. Our interviews revealed that in the course of those attacks, each of the acts outlined in the Genocide Convention (left) was perpetrated, as detailed below:

(a) Killing members of the group; In the course of IS's advance, hundreds, possibly more than 1,000, Yezidis were killed by IS and affiliated fighters. People were shot and killed as they fled for safety. Massacres (primarily of men) also were



An 85-year-old Yezidi woman rests at a displaced persons camp in Syria after escaping from Mount Sinjar in Iraq in 2014.

committed. The largest known massacre took place on August 15, 2014, in the besieged community of Kocho, where reportedly up to 400 men were killed. It is believed that hundreds of Yezidis also died of starvation and dehydration on Mount Sinjar, where IS trapped between 40,000 and 50,000 Yezidis from August 3–7, 2014.

(b) Causing serious bodily or mental harm to members of the group; The sexual violence against, and sexual enslavement of, Yezidi women and children constitutes the commission of serious bodily or mental harm, as does IS's inhuman or degrading treatment of men, women, and children who have been abducted.¹⁵

(c) Deliberately inflicting on the group conditions calculated to bring about its physical destruction in whole or in part; As IS advanced, hundreds of thousands of Yezidis fled to Mount Sinjar and then on to safety in Syria and Iraqi Kurdistan. IS fighters encircled the mountain from August 3–7, 2014, trapping between 40,000 and 50,000 Yezidis and

¹² UN General Assembly, Resolution 260/III, "Convention on the Prevention and Punishment of the Crime of Genocide," December 9, 1948, <http://legal.un.org/avl/ha/cppcg/cppcg.html>.

¹³ International Criminal Court, Rome Statute of the International Criminal Court, July 1, 2002, A/CONF.183/9.

¹⁴ Both the United Nations Office of the High Commissioner for Human Rights and the Iraqi government also have suggested there is sufficient reason to assert that IS perpetrated genocide against the Yezidi population.

¹⁵ Article 6(b) of the Elements of Crimes of the International Criminal Court recognizes torture, rape, sexual violence, and inhuman or degrading treatment as included under serious bodily or mental harm. International Criminal Court, ICC-ASP/1/3 (part II-B), "Elements of Crimes," Sept. 9, 2002, <http://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/o/ElementsOfCrimesEng.pdf>.

Iraqi children search through a pile of donated clothes at a displaced persons camp just across the border in Syria in 2014.



deliberately depriving them of resources that were indispensable for their survival, including food, water, and medical care. The United Nations reported that within three days of the siege of Mount Sinjar, 40 Yazidi children had died.

(d) Imposing measures intended to prevent births within the group;

IS's kidnapping has the impact of preventing future births in two ways: (1) By taking women from their husbands, or depriving an unmarried woman of the opportunity to marry a Yazidi man, IS is preventing the birth of future Yazidis—to be born a Yazidi, one must have two Yazidi parents; (2) kidnapped women were forced to convert and in accordance with Yazidi tradition, if a Yazidi converts that person's future children are not considered Yazidi.

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

IS has forcibly transferred Yazidi children, putting them in the hands of IS fighters to become child soldiers or sex slaves. These children have been forced to convert to Sunni Islam and are being deprived of the opportunity to grow up within, and exposed to, their distinct culture and religion.

A difficult aspect of determining whether genocide occurred is identifying the existence of a specific intent to destroy in whole or in part a national, ethnic, racial, or religious group. Courts have determined that specific genocidal intent can be inferred from a number of factors, including the general context, the acts committed, and statements by alleged perpetrators before and after attacks have been perpetrated.¹⁶ IS has been public about its actions, which provides an invaluable resource for assessing intent.

An analysis of that material, notably editions of IS's English-language magazine, *Dabiq*, suggests that the Yazidis were intentionally targeted for the purpose of destroying in whole or in part their religious group. In these public statements, IS says that the Yazidis' polytheistic religion cannot exist along-side IS's puritanical interpretation of Islam. In IS's propaganda material, it refers to Yazidis as devil worshippers. IS writings suggest the group does not regard the Yazidis as worthy of living as Yazidi.

IS publications explicitly state that *before* it attacked Sinjar, it examined the religious status of Yazidis and how they should be treated.¹⁷ Based on its analysis, IS publicly questioned why the Yazidi population still existed, given that IS's extremist

interpretation of religious scripture said that Yezidis should be killed or forced to convert to Sunni Islam.¹⁸ IS proclaimed that in killing or forcing Yezidis to convert in August 2014, it was fulfilling a deliberate policy in accordance with its extremist religious ideology.¹⁹

IS specifically notes that its treatment of the Yezidis differs from its treatment of *abl al kitab*, the “people of the book,” Christians and Jews, who had the option of paying the *jizya* (tax) to avoid conversion or death.²⁰ By refusing Yezidis any option to avoid death or forced conversion, IS demonstrates that its actions were calculated with the intent of destroying the community and thereby different from its attacks against other minorities, which were part of a campaign of ethnic cleansing.

Targeting the largest population centers of Yezidi people, killing men, kidnapping and enslaving women and children, and destroying religious shrines suggests a pattern from which the intent to destroy a religious group can be further inferred.

We may never know the full extent of the crimes perpetrated by IS. The Kurdistan Regional Government has established committees on mass graves and on genocide. It has found seven mass graves in the predominantly Yezidi communities of Hardan, Khanasor, Sinone, and Zumar, which have been liberated, and others are believed to exist in IS-controlled territory.

Yezidi human rights advocates report that 1,562 Yezidis were killed, including those believed to have died on Mount Sinjar from starvation, dehydration, and injuries after it was besieged by IS. Kurdistan Regional Government officials report that 5,838 Yezidis were kidnapped, of which 3,192 were female and 2,646 were male. Officials reported that by August 15, 2015, 2,080 Yezidis had been liberated, including 302 men, 510 boys, 785 women, and 483 girls. Almost all of those who were released had been forced to convert to Islam. According to Yezidi advocates, at least 3,758 Yezidis remain missing. It is unclear how many of them are alive and being held by IS, or how many of them have been killed.²¹

The legal definition of genocide does not require large numbers of people to have been killed or harmed for the necessary intent to exist and for genocide to have been

perpetrated. While genocide sometimes involves the killing of very large numbers of people—as in the Holocaust and in Rwanda in 1994—smaller scale attacks can meet the definition of the crime of genocide. As has been shown in various cases pertaining to the genocide of Muslims in Srebrenica, Bosnia, the intent to eliminate a group within a limited area and in limited numbers can constitute genocide. The massacres of primarily men in besieged communities like the village of Kocho and elsewhere, and the mass kidnappings, forced conversions, and enslavement of women and children are examples of the intentional destruction in part of the Yezidi people. The attack on Kocho, in particular, reveals a methodical effort to destroy the Yezidi population there, as nearly every man over the age of 12 was executed and all of the women and children were kidnapped and enslaved. As with Srebrenica, this heinous crime has an impact not only on Kocho, but on the entire Yezidi population in the area, reducing their numbers and causing irreparable mental harm.

Crimes of genocide and crimes against humanity are ongoing against the Yezidi people, as women and children who have been kidnapped remain enslaved by their captors.

¹⁶ Prosecutor v. Goran Jelisić, International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991, IT-95-10-A, 47 (2001); Prosecutor v. Radislav Krstić, International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991, IT-98-33-A, 41 (2004).

¹⁷ “Prior to the taking of Sinjar, Shari’ah students in the Islamic State were tasked to research the Yazidis to determine if they should be treated as an originally mushrik (polytheist) group.” Italics added. *Dabiq* 4

¹⁸ “Upon conquering the region of Sinjar in Wilayat Ninawa, the Islamic State faced a population of Yezidis, a pagan minority existent for ages in regions of Iraq and Sham. *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 Ayat as-Sayf (the verse of the sword) over 1,400 years ago. He ta’ala said, {*And when the sacred months have passed, then kill the musbrikin 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].” Italics added. Ibid.

¹⁹ “Accordingly, *the Islamic State dealt with this group as the majority of fuqaha’ have indicated how musbrikin should be dealt with*. Unlike the Jews and Christians, there was no room for jizyah payment.” Italics added. Ibid.

²⁰ Ibid.

²¹ Numbers provided in September 2015 by the Kurdistan Regional Government and a Yezidi human rights advocate.

The Risk of Atrocities in Ninewa Remains

The self-proclaimed Islamic State (IS) continues to present a serious threat to civilians. Those members of minority groups who were kidnapped and remain under IS control continue to be the victims of mass atrocities. Despite international efforts to degrade IS, the group is still able to hold territory, terrorize the primarily Sunni populations it controls, and will continue to pose an existential threat to minorities who seek to return to their homes.

Minorities cannot return to their homes in Ninewa unless their land is liberated. There appears to be considerable belief on the ground, matched increasingly within states that are part of the counter-IS coalition, that the liberation of Mosul and other IS-held territory needs to be a core goal of both local and international counter-IS efforts. IDPs whom we interviewed similarly stated that if given the choice to return home or go abroad, they would prefer to go home so long as their physical protection is guaranteed. IDPs who try to return before liberation may be forced to convert, and those who refuse to convert will likely face death. It is unknown whether Christians who were given the option to pay a *jizya* or leave, instead of convert or face death, would still be given this option should they return now.²²

When minorities do return home, they must be provided with genuine physical protection. Given the chronic instability in Iraq and the presence of extremists groups, these communities again may become the targets of mass atrocities. It is unclear whether any governmental authority has the capacity and the sustained political will to protect them. Hence, the vast majority of the Christians and Yazidis who we spoke to said that they would only feel safe enough to return if there was an international protection force deployed to protect them.

The majority of those we interviewed expressed a deep distrust toward Sunni Arabs who stayed when IS advanced. Some sources, primarily Yazidi, reported seeing former friends and villagers from nearby Sunni Arab villages helping IS carry out its attacks. As one Yazidi man from Tal Benat said, “Our blood brothers shot us.” Only a few said that it was a minority of Sunni that supported IS or that some of

those who did may have been forced to do so. Yet evidence suggests that, despite these beliefs, there was not broad collective assistance given to IS. In some cases, those who fled said that their Sunni Arab neighbors did try to help them by offering protection, by deterring IS fighters, or by trying to protect their property after they fled. Yet even these sources expressed concerns about living alongside Sunni Arabs again, failing to distinguish between IS and the broader Sunni Arab population.

This distrust, combined with their recent history of feeling abandoned by Iraqi and Kurdish security forces, fuels minorities’ fear of returning even to liberated areas, impedes efforts to bring about reconciliation, feeds the desire for local self-defense militias, and raises the potential for reprisal killings and future conflict.

As one Yazidi fighter in the Iraqi Kurdish Peshmerga told us, he was fighting to reclaim his land and “to get revenge” against Sunni Arabs. Local forces engaged in fighting IS reportedly have committed gross human rights violations and lack training in civilian protection and harm mitigation. This includes members of the Iraqi Kurdish Peshmerga, the Iraqi security forces, and aligned Shia militias such as the so-called Popular Mobilization Forces. The behavior of the Iraqi security forces and government-backed Shia militias is particularly worrying. While fleeing Mosul, the Iraqi security forces reportedly killed Sunni prisoners before the fall of the city. According to Human Rights Watch, these forces, along with Shia militias, destroyed 30 out of 35 predominantly Sunni villages surrounding the town of Amerli in Salah al-din province.²³ The proliferation of armed actors, including newly formed ethnic and religious self-defense militias, may contribute to future risks. These armed groups have little oversight or accountability for their actions.

We were told by virtually all of the refugees we interviewed that the liberation of Mosul and other IS-held territory needed to be a core goal of any local or international efforts to counter IS. IDPs whom we interviewed repeatedly stated that their primary hope is to be able to return home. The future liberation of Mosul and other population centers

raises specific threats of mass atrocities. IS reportedly has entrenched itself within civilian areas using the local population as human shields. The challenge makes any attempt to liberate the city without incurring civilian casualties incredibly challenging. The challenge is especially true of the current coalition strategy of using air power to degrade IS, from which accounts of civilian casualties have been reported. Furthermore, efforts to liberate Mosul, according to both advocates and opponents of such a strategy, would require the use of ground forces. Such forces would likely lack civilian protection training, discipline, and accountability, further raising the risk to civilians.

We repeatedly were told that the lethality of IS has increased as it has seized the Iraqi security forces' heavy weaponry and military vehicles as it has captured cities. Future efforts to liberate Mosul may take considerable time and may lead to high civilian casualties and mass displacement during such fighting.

²² An October 3, 2015, IS video from Syria mentions the payment of jizya. Whether that option is still available in practice is unknown. Experts interviewed suggested that IS is becoming more emboldened and violent in its tactics in those areas under its control.

²³ Human Rights Watch, *After Liberation Came Destruction: Iraqi Militias and the Aftermath of Amerli*, March 18, 2015, <https://www.hrw.org/report/2015/03/18/after-liberation-came-destruction/iraqi-militias-and-aftermath-amerli>.



Displaced Yazidi families gather in the abandoned building where they live in Dohuk, Iraq.

The Way Forward: Protecting Civilians and Improving Accountability

A hand-drawn map of Iraq covers the side of a displaced Yezidi family's tent in Dohuk.



IS has perpetrated mass atrocities against Iraqi civilians, especially minority communities, in accordance with its extremist ideology and to advance its strategic objectives as it has established and consolidated control over territory in northern Iraq. Atrocities likely will continue within areas under its control and as the group works to expand its territory.

Counter-IS efforts also may pose risks to civilians. The commission of gross human rights violations and atrocities by local security forces in the course of counter-IS actions would undermine efforts to counter IS and tackle sectarianism.

In the absence of accountable and effective security afforded by the state, there will continue to be a proliferation of armed actors, each advancing its own interests and often preying on local populations.

Protecting Iraqi civilians from atrocities requires the full will of all local, national, regional, and international actors involved in counter-IS efforts. Protection of civilians has not to date been their principal focus. Even as those actors work toward short-term objectives of degrading the group's operations and reclaiming territory currently under its control, long-term risks of continued atrocities against civilians remain.

The international community's understandable but preponderant emphasis on counterterrorism efforts in Iraq has meant an apparent absence of the kind of analysis and policy options associated with an atrocity prevention framework. Regarding US policy, both counterterrorism and atrocity prevention advance core US national security interests, and should be seen as mutually reinforcing rather than an additional burden or strain on limited resources. Moving forward, there are opportunities to ensure that the pursuit of counterterrorism objectives both coexists with and complements efforts to protect civilians. Absent that, international efforts may exacerbate the risks to these and other vulnerable populations.

Furthermore, IS's status as a non-state actor will continue to complicate international efforts to defeat it and protect civilians, especially as the conflict in Syria continues unabated and the group continues to move freely across the border between Iraq and Syria. Traditionally, seeking a negotiated political settlement with the belligerent would

be an important aspect of atrocity prevention, but given the nature of the threat posed by IS, policy makers are rightly reticent even to explore that possibility out of concern that doing so would be perceived as legitimizing the group and its aspirations. Similarly, counterterrorism tools, including targeted sanctions and efforts to restrict IS's access to international financial institutions, have proven limited as IS generates greater revenues from extortion and taxation inside its own territory.

Mitigating the threat posed by IS and other extremists while protecting civilians requires short- and long-term strategies implemented in concert and using both military and non-military means. Critically, the Iraqi government and the international community must remain engaged throughout the arduous process of addressing both immediate protection threats and the long-term drivers of conflict and atrocities that create instability and vulnerability. Maintaining a long-term focus on the root causes and triggers of both conflict and individual group vulnerabilities has proven challenging across a variety of other similar settings, but is crucial to preventing future conflict.

Many of those we interviewed believed that a strong narrative had emerged preceding the rise of IS that the situation in the country was improving and that the Iraqi government had the capacity and will to address threats against civilians. In the words of the Chief of Human Rights Section United Nations Assistance Mission for Iraq (UNAMI), the international community "persisted in the view that the crisis facing the country was something that the Government of Iraq could, and should, deal with."²⁴ Preventing future atrocities requires that the international community ask hard questions about risks to civilians and the ability of local, national, regional, and international actors to confront them.

A variety of factors shape long-term risks of mass atrocities against civilians. Addressing them will be a prerequisite to preventing future atrocities. They include: (a) the resolution of the crisis in Syria, which continues to fuel IS's operations;

²⁴ Francesco Motta, Chief of Human Rights Section United Nations Assistance Mission for Iraq (address, Forum on Minority Issues, Geneva, Nov. 25, 2014), <http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session7OralWrittenStatements.aspx>.

(b) resolving the administrative status of the disputed territories of northern Iraq where these crimes were committed; (c) ensuring minority participation in and access to Iraq's political administration; (d) reducing sectarianism within the government and security forces; (e) addressing the culture of impunity, including the absence of an accountable security sector; and (f) addressing the absence of trust and the need for reconciliation within Iraq more broadly.

The indicators of genocide against the Yazidi population in Iraq should catalyze a serious commitment by the government of Iraq and the international community to protect Yazidis from further atrocities. This should include supporting efforts to secure the release of kidnapped Yazidis and ensuring that they receive appropriate psychosocial support.

But the commitment to protect populations and prevent mass atrocities must extend beyond crimes related to genocide. What unfolded in northern Iraq was the widespread and systematic targeting of particular groups on the basis of their identity, with devastating consequences. The severity and scale of those crimes should compel global action. The Iraqi government and international community have affirmed that they must protect populations not only from genocide, but from crimes against humanity, war crimes, and ethnic cleansing. To this end, the US government has specifically stated that preventing mass atrocities—all atrocities, not just genocide—is a core national security priority. As such, the United States and other countries combatting IS should articulate, as part of their broader coalition strategies, efforts and tools that they can employ to address and minimize the ongoing threats to civilians.

In the immediate term, this should entail assisting targeted populations in achieving two main goals: (a) protecting civilians and (b) improving accountability for past atrocities.

(a) Protecting civilians

The current counterterrorism and counterinsurgency paradigms do not prioritize an assessment of, or compel a response to, the unique threats and risks of mass atrocities that local populations and individuals may face. IS will continue to pose a threat to local populations. Countering the group necessitates an ongoing assessment of both IS's motivations, organization, and capabilities for committing

atrocities crimes, and of the vulnerabilities of at-risk communities, as well as their resiliencies that can be strengthened. This involves a proactive identification of these communities and mapping of their locations, while also tracking the movement and mobilization of potential perpetrators, and identifying other actors that enable or inhibit the perpetration of mass atrocities. Intelligence gathering and analysis plays a critical role in developing atrocity prevention strategies and necessitates the gathering of information from local populations. While there are very obvious challenges and risks associated with the collection of human intelligence in IS-controlled areas, a more granular understanding of the unique vulnerabilities facing certain groups, and of the possible triggers that can tip a potentially dangerous situation into one that is catastrophic, is central to developing and employing preventive strategies going forward.

Protecting civilians also entails ensuring that those engaged in counter-IS efforts do not harm civilians. The tactics used to win the war to defeat the group and liberate the territory it holds might very well contribute to future cycles of violence, displacement, and devastation. Iraqi security forces and affiliated militias, the Iraqi Kurdish Peshmerga, and local self-defense militias all have been accused of human rights abuses in the past. There is a risk that this will continue as IS-held territories are reclaimed. The protection of Sunni Arabs in IS-held and liberated areas is a critical priority. Many already have been the victims of gross human rights violations perpetrated by IS. Their protection is central to the safety and security of all communities in Ninewa.

Finally, the IDPs we spoke with are unable to return home because their land is still held by IS, or because they are too scared to return to liberated areas in the absence of the provision of protection that they deem credible. Several steps should be undertaken to demonstrate that their protection is a priority in counter-IS planning:

- Conduct an ongoing risk assessment of IS-occupied territory and areas the group seeks to control to identify vulnerable groups and the future risks they face.
- Create preventive and protective strategies at the local and national levels to mitigate those risks in the short- and long-term using military and non-military means.



Displaced Yazidi children who live in a half-constructed building in Dohuk, Iraq.

- Place civilian protection at the center of counter-IS military plans to reclaim or prevent the expansion of territories currently occupied by IS.
- Dedicate intelligence and other resources to securing the release of kidnapped men, women, and children held by IS.
- Take steps to ensure that efforts to release those held by IS do not harm the safety and security of the individuals and communities they are intended to assist.
- Provide physical protection for at-risk civilians, including ethnic and religious minorities, returning to liberated lands and Sunni-Arab populations at risk of reprisal killings. That protection should include strategies for employing local, domestic, and international actors to provide security to returnees.
- Take measures to protect sites threatened by IS that are integral to the religious and cultural heritage of targeted communities.
- In planning military operations and broader policy objectives, consider the possible unintended consequences of the actions taken and whether they will heighten risks for civilian populations living under IS control, and/or might contribute to future cycles of violence.
- The Iraqi government and international donors should ensure that all Iraqi security forces, Iraqi Kurdish Peshmerga, and local militias fully adhere to international human rights and humanitarian law standards and are held accountable for violations in accordance with international standards.
- Revoke or withhold foreign military assistance for any forces committing gross human rights violations.
- Ensure that all units of the Iraqi armed forces, including Popular Mobilization Forces, operate transparently and accountably under the command and control of the Iraqi government.

(b) Improving accountability

The culture of impunity that has prevailed in Iraq for decades is a key driver of violent conflict and mass atrocities today. The general lack of and mismanagement of investigations and prosecutions, and lack of accountability for perpetrators, send a strong signal to those considering taking up arms, whether in support of or against IS, that there are few costs to committing atrocities against minority communities. The Iraqi government's limited capacity and lack of political will surrounding accountability issues also create significant barriers to transitional justice programs going forward.

This report outlines our belief that IS perpetrated genocide against the Yazidi people. Any formal determination of whether genocide was perpetrated needs to be made by a court based on careful consideration of the evidence. Though a year has passed already since the crimes were perpetrated, there has been little investigation, documentation, or preservation of evidence that could be used to make such a legal determination. The Kurdistan Regional Government has established a committee on genocide and committee on mass graves to begin the process of documentation, but they are under-resourced and lack sufficient technical expertise.

There needs to be an immediate investment in transitional justice measures that address both current and past mass atrocities committed in Iraq. This includes documenting crimes perpetrated by IS and affiliated groups, as well as those committed during counter-IS efforts, for the purposes of understanding the full scope of atrocities in Iraq and future prosecutions of perpetrators. An investment in transitional justice measures should include:

From the international community:

- International assistance to the Iraqi government, the Kurdistan Regional Government, and local civil society organizations to systematically document, gather, and preserve evidence of atrocities—including genocide, crimes against humanity, and war crimes—perpetrated by IS.
- Identifying, with the assistance of coalition satellite imagery if needed, the location of mass graves, their excavation and protection, and the preservation of forensic material.
- Iraq's accession to the Rome Statute of the International Criminal Court (ICC) and acceptance of the exercise of jurisdiction by the ICC.
- Referral of the situation to the ICC by the UN Security Council.
- Prosecution of foreign nationals who have fought for IS by their governments for the commission of atrocity crimes.
- Assistance to the Iraqi government to document and investigate reports of missing persons.

From the Iraqi government:

- Abiding by its obligations as a party to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, including by enacting comprehensive legislation criminalizing genocide and by pursuing prosecutions for alleged perpetrators that adhere to internationally recognized legal standards.
- Initiation of prompt, impartial, and independent investigations of attacks on minorities and the prosecution of those found to be responsible, respecting international standards of due legal process.
- Assurance that its security forces and affiliated militias involved in counter-IS efforts abide by international human rights and humanitarian law and are held accountable for any violations thereof.

A displaced Iraqi man receives a box of food at a camp in Erbil.



ASSISTING DISPLACED COMMUNITIES

More than three million Iraqis have been displaced by IS's attacks. From June through August 2014, more than 800,000 Ninewa residents fled, the vast majority members of ethnic and religious minority groups who fled to Iraqi Kurdistan. These targeted communities likely will remain in a state of protracted displacement. For many of the displaced, the advance of IS forced them into poverty, reliant on humanitarian assistance to survive.

The Kurdistan Regional Government, which opened its doors to those escaping, is under considerable strain in caring for the displaced. In one year, the population of Iraqi Kurdistan increased by 28 percent at a moment when its economy has been suffering. This is in addition to the Syrian refugees who had fled to Iraqi Kurdistan during the early years of the Syrian civil war.

Many Kurds who we interviewed said that they welcomed the displaced, saying that as a people that also had been displaced they had an obligation to help. Yet resources are needed in order to provide help—significant gaps in funding for essential services and humanitarian assistance inhibit the basic livelihoods of these communities in exile. Only 40 percent of the projected funding needed for humanitarian assistance, including medical assistance, food aid, and psychosocial support, has been donated.²⁵ As of December 2014, 28 percent of IDPs were living with host families, 27 percent were able to rent accommodations, 9 percent took refuge in religious buildings, 17 percent stayed in unfinished or abandoned buildings, 9 percent were in camps, and 3 percent were sleeping in school buildings.

Prolonged displacement threatens the preservation of these communities' religious and cultural identity. This is especially true for non-Kurdish-speaking communities, including Christians, Kaka'i, Shabak, and Turkmen.

Given ongoing risks and the inability of many to return home, foreign governments should commit to increasing the number of refugees from Iraq they accept and expedite the refugee status determination process.

²⁵ United Nations Office for the Coordination of Humanitarian Affairs, "Iraq: Humanitarian Crisis, Situation Report No. 62 (16–29 September 2015)," http://reliefweb.int/sites/reliefweb.int/files/resources/ocha_iraq_humanitarian_situation_report_62_16_-_29_september_2015.pdf.

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