

**TEN YEARS AFTER THE YAZIDI GENOCIDE:
UN SYRIA COMMISSION OF INQUIRY
CALLS FOR JUSTICE, INCLUDING
ACCOUNTABILITY
AND EFFECTIVE REMEDIES, FOR ISIL CRIMES**



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INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON THE SYRIAN ARAB
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On the tenth anniversary of the Yazidi genocide, the UN Commission of Inquiry on the Syrian Arab Republic ¹ calls for justice and accountability for ISIL crimes. Survivors and victims of the Yazidi genocide and ISIL crimes as well as women and children held solely for their perceived affiliation to ISIL should be immediately released from unlawful detention in Northeast Syria and repatriated where possible and supported to rebuild their lives. Alleged members of ISIL from third country states should be repatriated and prosecuted for international crimes, including gender-based crimes, in national courts. Survivors should be central to these efforts. The Commission also supports civil society calls for the establishment of an international fund for survivors of international crimes.

Geneva, 3 August 2024

Today marks ten years since ISIL² attacked the Yazidi people³ of Sinjar, killing, displacing and capturing men, women, boys and girls from the 400,000-strong community. As the Commission documented in our 2016 report: “*They came to destroy*”: *ISIS Crimes Against the Yazidis*,⁴ ISIL committed genocide as well as multiple crimes against humanity and war crimes through mass executions, forced religious conversions to Islam, enslavement and widespread sexual violence against women and girls.⁵ Following the attack on Sinjar, ISIL forcibly transferred thousands of captured Yazidis into Syria where girls as young as nine were subjected to sexual slavery and Yazidi boys as young as seven were forcibly trained for combat roles and suicide missions.⁶

Once in Syria, ISIL members subjected Yazidi women and girls to enslavement, torture, inhuman treatment, murder and rape, including through sexual slavery, as part of their genocidal campaign. During its period of control over areas of Northeast Syria, ISIL systematically discriminated against all women and girls as a matter of policy. It placed women and girls under the control of male relatives, restricted their freedom of movement and removed

¹ The Commissioners are Paulo Sérgio Pinheiro (Chair), Hanny Megally and Lynn Welchman.

² The Islamic State of Iraq and the Levant (ISIL), also known as the Islamic State of Iraq and Syria (ISIS) and Da'ish. The Commission considers the group as a terrorist entity as designated by the Security Council in its resolution 2253 (2015).

³ A distinct religious community whose beliefs and practice span thousands of years, and whose adherents ISIL publicly reviles as infidels.

⁴https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf

⁵ UNITAD also found “clear and convincing evidence that the crimes against the Yazidi people clearly constituted genocide.” S/2021/419 (UNITAD briefing to the SC, 2021: [n2110470.pdf \(un.org\)](https://www.un.org/News/Press/docs/2021/21110470.pdf))

⁶ A/HRC/43/CRP.6 paragraphs 28, 41, 49, 89 (January 2020); A/HRC/55/CRP.8 (March 2024) page 4.

them from public life. Those found to violate ISIL's strict dress code, most commonly women and girls and including some as young as ten, were flogged in punishment.⁷

Videos of the attack on Sinjar and its aftermath, footage of ISIL slave auctions selling Yazidi girls and women and other crimes committed in the so-called caliphate circulated widely on social media, prompting international outrage and calls to bring ISIL perpetrators to justice. A United States-led [Global Coalition Against Da'esh](#) was formed to defeat ISIL⁸ and eventually ousted it from its stronghold in Syria. However, over the decade that followed there has been no justice and accountability for most Yazidis and the fate of thousands of missing Yazidi people remains unknown.⁹

Following the fall in 2019 of Baghouz, the last ISIL stronghold in Syria, thousands of men and boys perceived to be ISIL fighters or affiliated with ISIL were captured and transferred to detention sites in Northeast Syria run by the self-administration¹⁰ and the Syrian Democratic Forces (SDF), backed by the Global Coalition Against Da'esh (ISIL). Men and boys as young as 12 years old, likely including Yazidi boys forcibly transferred into Syria by ISIL in 2014, were detained among them.¹¹ Today, an estimated 9,000 men and adolescent boys are held in prisons and detention facilities run by the SDF and the self-administration in Northeast Syria. We have repeatedly found that their ongoing detention, often incommunicado, without charge, trial, or the possibility of challenging the legality of their detention, and without adequate judicial guarantees, is unlawful and in some cases amounts to enforced disappearance.¹²

After the fall of Baghouz, tens of thousands of people, mostly women and young boys and girls, assumed to be family members of ISIL fighters with many enslaved Yazidi women and girls among them,¹³ were detained in internment camps by the SDF, including Al Hawl and Rawj in Northeast Syria. While some women in the camps may bear various degrees of responsibility for crimes based on their roles or affiliations with ISIL, some were also victims of abuse, trafficking or sexual exploitation by ISIL. In Al Hawl camp, ISIL sympathizers established a morality police and a makeshift *shari'a* court creating fear among disaffected residents.¹⁴ Several instances of attacks by radicalized men and women on encamped residents have been reported, including killings, beatings, harassment and the burning of tents of women perceived to be "infidels".¹⁵

⁷ A/HRC/46/54 (January 2021)

⁸ In September 2014, the United States of America announced the formation of an international coalition to fight ISIL. Initially focused on combating ISIL in Iraq at the request of the Government of Iraq, the coalition, although not all of its members, has also conducted operations against ISIL in the Syrian Arab Republic, without the consent of the Government of Syria, which continue to date. See A/HRC/46/54, paras. 8, 12, 17 (February 2021)

⁹ A/HRC/32/CRP.2 (2016) para. 205: "Over 3,200 women and children are still held by ISIS. Most are held in Syria where Yazidi women and girls continue to be sexually enslaved and otherwise abused, and Yazidi boys, indoctrinated and trained. Thousands of Yazidi men and boys are missing." According to UNHCR, 3,000 Yazidis are still missing and 200,000 remain displaced: UNHCR (2022):

<https://www.unhcr.org/news/stories/iraqi-doctor-provides-care-and-comfort-yazidi-survivors>

¹⁰ A/HRC/45/31, para. 12. The de facto authorities administering territory in Northeast Syria calls itself the AANES (Autonomous Administration of North-East Syria, of which the SDF represents the military wing.

¹¹ A/HRC/43/CRP.6 para. 57 (January 2020); A/HRC/55/CRP.8 (March 2024) page 4.

¹² A/HRC/46/55 (March 2021) paragraph 95 and A/HRC/51/45, paras. 94 and 101 (August 2022); A/HRC/52/69 paragraph 120 (February 2023); A/HRC/54/58, paragraph 97 (August 2023); A/HRC/55/64 (February 2024). See also A/HRC/53/CRP.5, paragraph 111 (July 2023); A/HRC/55/CRP.8 (March 2024) page 10.

¹³ A/HRC/42/51 (September 2019), paragraph 86.

¹⁴ A/HRC/46/55 (March 2021) paragraph 55.

¹⁵ See e.g. A/HRC/46/55 (March 2021) paragraph 55.

Today, some 44,000 women and children remain in these detention camps in Northeast Syria, including around 27,000 children. Two thirds are foreigners, from Iraq and more than 60 other countries.¹⁶ They are not able to leave and are detained indefinitely. Captured Yazidi women, girls, and boys are among them, held alongside their persecutors.¹⁷ According to organisations supporting the rescue and repatriation of Yazidi people, Yazidis still held in Al Hawl conceal their ethnic and religious identities fearing violence by ISIL supporters or retaliation by their captors, exacerbating the trauma of their experiences.¹⁸ Furthermore, Yazidi women with children born as a result of rape by ISIL members face an impossible dilemma should they identify themselves to the camp authorities: while they may be repatriated to Iraq, their children are at risk of being separated from them, remaining in Northeast Syria, creating an additional layer of distress and trauma for both mothers and children.

Notwithstanding the security threat posed by many alleged former ISIL members, blanket internment of civilians by the Global Coalition-backed SDF cannot be justified. The vast majority may not represent any imperative security threat. We have repeatedly held that their prolonged internment, including in conditions amounting to cruel or inhuman treatment, is unlawful.¹⁹ We have also found that the failure to provide even basic medical care, water or food and the physical and mental suffering inflicted on those in the camps may amount to war crimes.²⁰ Survivors and victims of the Yazidi genocide and other ISIL crimes are among those held in these dehumanising conditions in Northeast Syria today. The international community should be supporting their recovery and well-being and pursuit of justice, not perpetuating the atrocities they have survived.

ISIL remains a serious security threat for civilians in Northeast Syria, and likely beyond. In January 2022, ISIL attacked Al Sina prison where approximately 4,000 suspected ISIL fighters were being detained, demonstrating its capacity to launch well-organized attacks.²¹ According to the SDF, close to 500 people were killed, including some 120 prison staff, SDF members, ISIL detainees and civilians.²² The security situation in Northeast Syria remains volatile, as illustrated by clashes between the SDF and tribal fighters that broke out in August last year and continue to this day. This situation may weaken efforts to prevent the resurgence of ISIL, thus enabling it to gain further ground. ISIL has also claimed responsibility for 153 attacks in Syria and Iraq in 2024 alone.²³

In our view, the current situation in the prisons and camps in Northeast Syria does nothing to combat ISIL's extremist ideology and to the contrary may be contributing to the radicalisation of children and young people held there. It is essential to recognise and protect the fundamental

¹⁶ S/2024/117, para. 52 (January 2024). See also https://media.defense.gov/2024/Feb/09/2003392203/-1/-1/1/OIR_Q1_DEC2023_GOLD_508.PDF; A/HRC/55/CRP.8 (March 2024) page 5.

¹⁷ A/HRC/42/51 (August 2019) paras. 86-88.

¹⁸ A/HRC/42/51 (September 2019), paragraph 86.

¹⁹ A/HRC/55/64, (February 2024) paragraph 110

²⁰ A/HRC/40/70 paragraph 92 (February 2019); A/HRC/48/70 paragraph 116 (August 2021); A/HRC/52/69, paragraph 121 (7 February 2023); A/HRC/55/64, paragraph 110 (February 2024); A/HRC/55/CRP.8 (March 2024) page 6.

²¹ A/HRC/51/45 (August 2022), paragraph 86.

²² A/HRC/51/45 (August 2022), paragraph 88.

²³ <https://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/3840981/defeat-isis-mission-in-iraq-and-syria-for-january-june-2024/>.

human rights of all prisoners and detainees– to a fair trial with due process guarantees, to basic medical care, adequate water and food and an end to torture and ill-treatment. It is a first step towards the de-radicalisation, rehabilitation and reintegration of civilians into society. Upholding the human rights of all will help to combat ISIL’s violent ideology which thrives in environments of injustice and impunity.

The Yazidi genocide and many other ISIL atrocity crimes in Syria have been documented by civil society organisations and UN-mandated bodies, including this Commission.²⁴ Evidence has been gathered and analysed and alleged ISIL perpetrators identified. For years now, efforts to achieve criminal accountability and justice for crimes committed in Syria, including genocide, crimes against humanity and war crimes committed by ISIL, have been blocked, with Syria unwilling or unable to prosecute these crimes and the UN Security Council paralysed by vetoes and unable to refer the situation to the International Criminal Court.

In the absence of ICC intervention, a major opportunity for achieving truth and justice for survivors currently lies with the national courts of third-party states, including for international crimes under the principle of universal jurisdiction.

However, most third-party states that have repatriated ISIL members from Northeast Syria have focused primarily on prosecuting returnees for “membership in a terrorist organisation” and other related terrorism offences. These judicial processes have not addressed individual responsibility for international crimes such as genocide, crimes against humanity, including gender persecution, and war crimes including for rape and sexual violence.

Germany has countered this trend by prosecuting several returning female members of ISIL who aided and abetted the crimes of murder, enslavement, rape and sexual violence against Yazidis held as slaves by their husbands in ISIL households.²⁵ Yazidi survivors were central to these successful domestic prosecutions, as co-plaintiffs, victims and witnesses to the crimes committed. Two women were convicted of genocide,²⁶ and five women of aiding and abetting persecution, slavery, and rape as crimes against humanity and war crimes.²⁷

German prosecution efforts show what can be achieved when national authorities look beyond terrorism offences and consider the specific context in which ISIL fighters and their families lived in the so-called caliphate, and their individual conduct, not just on the battlefield but also in the domestic sphere where Yazidi women and girls were subjected to extreme violence by ISIL members on account of their specific gender, ethnic and religious identity.

²⁴ The COI, UNITAD and the IIM. For example, UNITAD has identified 1,444 potential perpetrators of attacks against the Yazidi community, many of whom have responsibility for the genocide against the Yazidi people S/2021/419, paragraph 10.

²⁵ Nurten J, convicted by the Higher Court of Dusseldorf, of aiding and abetting slavery as a crime against humanity: [The Federal Prosecutor General - Homepage - Charges brought against an alleged member of the foreign terrorist group "Islamic State \(IS\)" for crimes against humanity and others \(generalbundesanwalt.de\)](#) (*Appeal pending*); Romiena S, convicted by the Higher Regional Court Celle of aiding and abetting slavery as a crime against humanity in Syria, [Verdict against IS returnee final | Higher Regional Court of Celle \(niedersachsen.de\)](#)

²⁶ Jalda A in July 2022 and Nadine K in June 2023.

²⁷ Omaima A in two separate cases in 2020 and 2021, Nurten J in April 2021, Sarah O in June 2021, Romiena S in June 2022, Jennifer W in August 2023. See timeline for more information.

Nevertheless, there is justice gap in the global accountability landscape: the male perpetrators have not been brought to justice for the full scale of their crimes.²⁸ So far only one Iraqi man has been held responsible for his role in the Yazidi genocide in a European court.²⁹ As we have previously found, ISIL fighters who bought and sold Yazidi women and girls, as well as those who arranged the trading of them, came from all over the world and actively participated in the crimes committed against Yazidi women and girls, or were otherwise complicit in them.³⁰

So where are the ISIL members who raped, tortured, bought, sold and enslaved Yazidi people and committed other appalling crimes across Syria now? Many are presumably dead, while others are still fighting for ISIL in Syria and Iraq. However, for more than five years now, around 9,000 Syrian, Iraqi and foreign men allegedly linked to ISIL are held in Global Coalition-backed self-administration and SDF detention facilities in Northeast Syria, close to the internment camps housing the vulnerable civilians and children discussed above. To continue to do nothing is not an option. We need a commitment from the self-administration and supporting Coalition member states to close these camps, release Yazidi people and other victims and survivors of ISIL crimes, repatriate other foreign nationals subject to non-refoulement guarantees and pursue coordinated and comprehensive accountability and truth and justice efforts for all survivors.

The self-administration in Northeast Syria has indicated a willingness to try alleged ISIL fighters in its own People's Defence Courts.³¹ However, these courts face an overwhelming case load, a lack of resources, and challenges complying with fair trial standards, including the provision of legal representation. The Commission therefore holds that member states should now take responsibility and investigate and prosecute their own nationals at home in criminal proceedings where fair trial standards are guaranteed.

In our view, the following steps should be taken:

For the Yazidi community:

- The self-administration running the camps in Northeast Syria, backed by the Global Coalition Against Da'esh (ISIL) must step up human rights-compliant efforts to identify and release Yazidi people held there, with the support of international protection actors and Yazidi civil society organizations.
- Yazidi people should be provided with meaningful choices about where they would like to live – to return to Iraq or be reunified with family members or settle in third countries with their children. Member states must facilitate these opportunities for Yazidi survivors.
- For those wishing to remain in Syria or return to Iraq, the international community should provide adequate funding of humanitarian responses including gender- and age-

²⁸ Although see the recent arrest of a man and a woman for crimes against Yazidis in Germany on 9 April 2024: [IS suspects held in Germany for enslaving Yazidi children - JusticeInfo.net](#) “The Iraqi suspects... Twana H. S. and Asia R. A. , are accused of genocide, crimes against humanity, war crimes and membership of a foreign terrorist organization.”

²⁹ Taha Al J, an Iraqi, tried in Germany for crimes committed in Iraq. Convicted of genocide

³⁰ “They came to destroy”: ISIS Crimes Against the Yazidis, A/HRC/32/CRP.2, paragraph 61

³¹ A/HRC/54/58 para. 92 (August 2023): “Since it established the “people’s defence courts” in 2014, the self-administration indicated that it has tried more than 8,300 Syrians, including 6,279 with alleged links to Da’esh.”

sensitive health, education, shelter, livelihoods, psychosocial, reintegration and rehabilitation programmes for the Yazidi community.

- Granting access to and proactively sharing information with the Independent Institution on Missing Persons in Syria (IIMP) will contribute to the search for missing Yazidi people.

Seeking justice for crimes against Yazidi people and other survivors of ISIL crimes:

- Member states with nationals in Northeast Syria and the Global Coalition against Da'esh (ISIL), supported by the UN, should immediately end incommunicado detention in internment camps and prison facilities in Northeast Syria by holding individual review hearings for each and every man, woman and young person detained there.
- Member states of foreign fighters suspected of being perpetrators of crimes against Yazidis and other ISIL crimes should repatriate their nationals from these detention facilities and thoroughly investigate and hold perpetrators accountable for their crimes, including including rape, sexual slavery and forced marriage, in accordance with due process and fair trial guarantees.³²
- In support of these efforts, associations for missing people, IIMP, UNITAD,³³ the IIM,³⁴ our own Commission, national domestic jurisdictions, and member states should coordinate and share information for effective case building against alleged ISIL perpetrators, in line with informed consent principles.
- Yazidi survivors, victims and witnesses should feel welcomed, supported and encouraged to come forward with their testimonies and to give evidence in criminal proceedings in dignity and safety. Where possible, steps should be taken to ensure that public information on trials taking place in national courts is made available to members of the Yazidi community and survivors of ISIL crimes in Syria and abroad.
- Finally, justice for survivors must be accompanied by an international effort to provide effective remedies and reparations. The Syria Commission of Inquiry supports the proposals of civil society organisations to establish an international victims' reparation fund³⁵ as vitally important for justice and accountability in Syria. Such a fund would enable survivors to rebuild their lives in dignity, restore some form of well-being and send a strong message that the international community is committed to realizing its decade-long commitment to bring perpetrators of the Yazidi genocide to justice.

³² ICRC Customary Rules 157, 158: [Customary IHL - IHL Databases - ICRC](#); Rome Statute preamble

³³ UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL.

³⁴ International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011.

³⁵ See: [It's Time to Establish a Syria Victims Fund \(justsecurity.org\)](#); [No State Should Profit from Violations in Syria. Instead, Direct Monetary Recovery to Victims. \(justsecurity.org\)](#);