

FROM RESISTANCE TO RUBBLE: THE STORIES OF GER ZARIK, SIBA SHEIKH-KHEDER AND TEL AZER



An overview of ISIL crimes against the Yazidis in Iraq

July 2023

Design and layout by



“

Since August 2014, every single Yazidi family from Sinjar has lost family members. Now you will not find a whole one.¹

”

Female Yazidi survivor

Cover photo: Ger Zarik, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

¹ Female survivor, participated in a focus group discussion conducted by Yazda on 18 June 2023.

About Yazda

Yazda is a global community-led organisation providing critical humanitarian assistance and promoting accountability and justice for the genocide committed by the so-called Islamic State in Iraq and the Levant (ISIL), also known as ISIS, IS or by its Arabic acronym *Da'esh*, against the Yazidi community and other groups. Yazda was established in 2014, three weeks after the genocidal campaign commenced in Sinjar, Northern Iraq, and was among the first organisations on the ground providing lifesaving assistance to survivors. Yazda was the first actor to document Yazidi survivor accounts of crimes committed by ISIL.

Since its inception, Yazda has managed a portfolio of specialised humanitarian, justice and rights-based projects, which are community and survivor-centred in design and implementation. Humanitarian programming is delivered in Dohuk, Sinjar, and the Nineveh Plains in Iraq, and addresses beneficiary needs related to general protection, legal, mental health, medical, education, livelihoods, youth and gender-based violence issues. Throughout the years, Yazda has provided support to tens of thousands of Yazidi survivors and to other vulnerable minority groups impacted by ISIL crimes.

With its headquarters registered in the United States (US), Yazda is also registered in Iraq, the Kurdistan Region of Iraq (KRI), Germany, Sweden, the United Kingdom and Australia. Yazda has built strong relations with the Iraqi and KRI governments, the United Nations (UN) and with the international community.

About Yazda's Documentation Project and justice and accountability efforts

Yazda's justice and rights-based programming, undertaken under its Documentation Project, seeks to promote accountability for ISIL crimes through building an evidence base of crimes committed, and advocating for survivor-centred transitional justice processes in Iraq and internationally.

Yazda's Documentation Project staff have been trained and supported by the Institute for International Criminal Investigations (IICI), experts from Justice Rapid Response (JRR) and the UN Investigative Team to Promote Accountability for Crimes Committed by ISIL/*Da'esh* (UNITAD) on investigating and documenting international crimes according to international best practice standards.

Yazda coordinates with investigators, prosecutors, and the Office of Amal Clooney to support criminal trials against ISIL members overseas. Yazda's dedicated efforts helped secure genocide convictions against three ISIL members for their crimes against the Yazidis in Germany. The judgement issued by the Higher Regional Court of Frankfurt in November 2021 against Iraqi national Taha A.J.² represents the first conviction of an ISIL member for genocide anywhere in the world. A second genocide conviction followed in May 2022 against German ISIL returnee Jalda A.,³ and a third in June 2023 against Nadine K.⁴

German courts have previously also convicted five other ISIL members of crimes against humanity and war crimes for their involvement in ISIL's crimes against the Yazidis in six cases. These are the cases against Jennifer W.,⁵ Sarah O.,⁶ Nurten J.,⁷ Omaila A.⁸ (who faced two separate trials) and Romiena S.

Acknowledgements

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Yazda would like to thank Yazidi survivors and experts originally from Ger Zarik, Siba Sheikh-Kheder and Tel Azer who courageously provided their statements for the purposes of building a historical record of ISIL crimes and for accountability and advocacy efforts. We significantly relied on these statements to write this report.

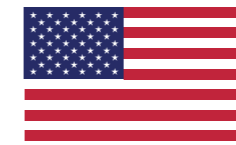
Yazda would also like to thank the survivors who generously gave their time and participated in focus group discussions to inform this report. Survivor input is vital for ensuring Yazda's work is survivor-centred and accurately reflects their concerns and needs.

We hope this report will put a spotlight on what happened in these communities and support accountability and other transitional justice efforts that are survivor-centred.

Yazda would also like to thank external partners who reviewed the report and provided invaluable feedback.

Lastly, Yazda is grateful for the continuous support of The Zovighian Partnership, including for their design of this report.

Note, this report contains references to violence and abuse that readers may find upsetting.



This report is made possible by the generous support of the American people through the United States Department of State. The contents are the responsibility of Yazda and do not necessarily reflect the views of the Department of State or the United States Government.

Photography: Yazda and Layla Murad Aziz

²Yazda, *German court hands down first genocide conviction against ISIS member*, 30 November 2021.

³Yazda, *German court hands down second genocide conviction against ISIS member following enslavement and abuse of Yazidi woman in Syria*, 27 July 2022.

⁴Yazda, *German court delivers third genocide verdict against ISIS member for the enslavement and abuse of Yazidi woman in Syria and Iraq*, 21 June 2021.

⁵Yazda, *Fifth conviction of an ISIS member in Germany for crimes against humanity committed against the Yazidis*, 5 October 2021.

⁶Yazda, *Yazidi Survivor Joins Proceedings Against German ISIS Member on Trial for International Crimes*, 11 December 2019.

⁷Yazda, *ISIS Member Convicted of Aiding and Abetting Crimes Against Humanity for Enslaving a Yazidi Woman*, 22 April 2021.

⁸Yazda, *German ISIS Member 'Nurten J'. on Trial in Düsseldorf for Crimes Against Humanity Against Yazidis*, 23 March 2021.

Executive Summary

On 3 August 2014, the so-called Islamic State in Iraq and the Levant (ISIL), also known as ISIS, IS or by its Arabic acronym *Da'esh*, commenced its attacks on the Yazidi people, an ethno-religious minority, in Sinjar, Northern Iraq. A UN commission of inquiry first concluded in 2016 that ISIL's acts against the Yazidis amount to crimes against humanity, war crimes and genocide. Over 50 separate locales (towns, villages, groups of houses, small valleys) in Sinjar were affected by the events of August 2014. Although there is a significant amount of publicly available information on ISIL crimes against the Yazidi community, it has either focused on ISIL crimes broadly without examining particular Yazidi villages, or on a limited number of villages, such as Kocho.

This report seeks to address this gap by examining ISIL's attacks on Ger Zarik, Siba Sheikh-Kheder and Tel Azer. These locations were selected as they were the first majority-Yazidi villages in Sinjar targeted by ISIL.

The report draws on a variety of sources, particularly survivor testimonies to inform its findings.

The report indicates ISIL's attacks against Ger Zarik, Siba Sheikh-Kheder and Tel Azer were well planned. Further, the crimes in these villages indicate a pattern of conduct by ISIL, emulated across Sinjar, revealing their widespread and systematic nature.

Although local fighters in Ger Zarik and Siba Sheikh-Kheder mounted a strong resistance against ISIL's assault causing some initial losses, the state security force's withdrawal despite assurances of protection, and the local fighters' limited weaponry, led to ISIL's ultimate capture of these villages. This began ISIL's overall assault on Sinjar, the Yazidi homeland.

Yazidis in the three villages, like other villages, experienced grave acts of violence amounting to genocide, war crimes and crimes against humanity. There are reports people from Ger Zarik and Siba Sheikh-Kheder were particularly harshly treated as retaliation for the losses ISIL incurred in these villages. The impact of the abuses, violations and crimes are ongoing.

Concerted, survivor-centred action is needed by the Iraqi Government and Kurdistan Regional Government (KRG), as well as the international community to ensure Yazidi survivors from these villages, and survivors of ISIL crimes more broadly, obtain truth, justice, reparations, guarantees of non-recurrence and ultimately sustainable peace.



Yazidi children and adult, Tel Azer, Sinjar District, Nineveh Governorate, Northern Iraq, Layla Murad Aziz, Photographer ©

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Ger Zarik, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©



Yazidi man, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©



Tel Azeer, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

1. Introduction

On 3 August 2014, ISIL commenced its attacks on the Yazidi people, an ethno-religious minority, in their homeland of Sinjar, Northern Iraq. A UN commission of inquiry first concluded in 2016 that ISIL's acts against the Yazidis amount to crimes against humanity, war crimes and genocide.⁹ Over 50 separate locales (towns, villages, groups of houses, small valleys) in Sinjar were affected by the events of August 2014.¹⁰ Although there is a significant amount of publicly available information on ISIL crimes against the Yazidi community, it has either focused on ISIL crimes broadly without examining particular Yazidi villages, or on a limited number of villages, such as Kocho.¹¹

This report examines three locations under-reported in the literature – Ger Zarik, Siba Sheikh-Kheder and Tel Azer – for the following reasons:

- To promote accurate historical memory and truth-telling efforts by shifting from a general examination of ISIL crimes to a more nuanced exploration of 1) how the crimes impacted specific Yazidi villages; and 2) the broader historical context in which these crimes occurred.
- To support case-building efforts for criminal accountability nationally and overseas by providing information on international crimes reportedly committed in these villages. The existing literature clearly demonstrates that genocide, crimes against humanity and war crimes were committed against the Yazidis. This report primarily focuses on the how; how the genocide and other international crimes occurred in the three villages, and how these crimes have uniquely impacted their Yazidi residents.
- To advocate for the Iraqi Government, KRG and international community to support transitional justice processes that are survivor-centred.
- To be a starting point for further reports on under-documented and under-reported locations.

Ger Zarik, Siba Sheikh-Kheder and Tel Azer were specifically selected as the focus of this report because:

- They were the first villages in Sinjar targeted by ISIL in the early hours of 3 August 2014, being the closest Yazidi villages to ISIL's stronghold of Ba'aj. Ba'aj is about 25km from southern Sinjar and was captured

by ISIL in early June 2014.¹² Ger Zarik, Siba Sheikh-Kheder and Tel Azer together form a “collective” where most of the residents in 2014 were Yazidis.¹³ Today, only a limited number of Yazidis have returned to the villages, despite their liberation in late May 2017.

- As they were the first Yazidi villages ISIL attacked and captured, ISIL's *modus operandi* in these locations against Yazidis may shed light on ISIL's broader pattern of conduct.
- Publicly available reporting on crimes against Yazidis primarily focuses on female survivors. Although this group was significantly targeted, numerous men mounted a resistance against ISIL and many were killed defending Ger Zarik and Siba Sheikh-Kheder on the first day of the attacks, or executed after the villages were captured. It is important to examine these details to ensure an accurate and gender-inclusive understanding of events.
- Aside from Hardan and Kocho, these three villages had the largest proportion of their residents killed and captured by ISIL,¹⁴ and the level of destruction was severe.
- They support the UN Investigative Team to Promote Accountability for Crimes Committed by ISIL/Da'esh's (UNITAD)¹⁵ investigative priorities for 2023, examining where ISIL's systematic and widespread attack on the Yazidis began.



Ger Zarik, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

⁹ See Human Rights Council, Independent International Commission of Inquiry on the Syrian Arab Republic, *‘They came to destroy us’: ISIS Crimes Against the Yazidis*, A/HRC/32/CRP.2, 15 June 2016.

¹⁰ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹¹ See for example, *Nadia's Initiative, Remembering the Kocho Massacre*, 15 August 2022; Valeria Cetorelli and Sareta Ashraph, London School of Economics, *A Demographic Documentation of ISIS's Attack on the Yazidi Village of Kocho*, June 2019.

¹² Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ UNITAD is tasked with promoting accountability for core international crimes committed by ISIL and was established pursuant to UN Security Council Resolution 2379 (2017).

In addition to this introductory section, this report contains eight other sections:

- Section 2: The methodology and limitations of the research.
- Section 3: An overview of life before ISIL's attacks.
- Section 4: The legal framework for the qualification of crimes by ISIL and the responsibility of the state to address outstanding rights abuses, violations and crimes.
- Section 5: The events in August 2014 and the months prior.
- Section 6: A legal analysis of the abuses, violations and crimes.
- Section 7: Information gaps that should be addressed in the future.
- Section 8: The ongoing impact of ISIL's crimes on survivors from these villages.
- Section 9: The key conclusions and recommendations to national authorities and the international community.

2. Methodology and limitations of the research

2.1. Methodology

This report is informed by:

- Statements provided by survivors to Yazda since 2015.
- Crime scene data collected by Yazda's investigators during field missions to the villages. Crime scene data includes information on ISIL kill sites, captivity sites, headquarters and mass graves.
- Information provided by survivors during two focus group discussions (FGDs), particularly concerning recommendations on how to improve their situation.
- Statistics gathered by Yazda's investigators, mainly from village youth groups and leaders.
- Information provided by Yazda's staff members who have extensive knowledge of ISIL crimes committed against Yazidis.
- Open-source research.

Seventy-three statements in total, 52 from female survivors and 21 from male survivors from the three villages, ranging from ages 11 to 78 at the time of being interviewed were analysed. We analysed statements from a cross-section of survivors, based on age and gender to consider varied experiences and perspectives. An analysis of how gender and intersectional identities of survivors may have impacted their experience of attacks by ISIL are included in the report where possible.

The FGDs were held in June 2023 in Yazda's office in Dohuk. Eight female survivors and seven male survivors originally from the three villages participated, ranging from ages 17 to 47. Survivors were randomly

selected to participate based on a cross-section of ages and genders.

Throughout all processes of data collection, a survivor-centred approach was applied. To ensure the confidentiality of all survivors and Yazda staff members, their testimonies and input are anonymised in this report.

Yazda can share, with consent, full survivor statements and crime scene data of interest with UNITAD and law enforcement agencies to support their investigations into international crimes committed by ISIL against the Yazidis.

2.2. Limitations of the research

Despite efforts made to mitigate gaps in the investigation and preparation of this report, some limitations remain.

First, the report cannot capture the varied and complex experiences of all survivors from each village, including the numerous abuses, violations and crimes that occurred. It also does not capture all their nuanced wishes for truth, justice, reparations and other forms of transitional justice.

Second, many survivors Yazda obtained statements from are young women. Therefore, the experiences of men, children and the elderly are captured to the extent possible, though the analysis may be limited given the disproportionate female representation.

Third, this report focuses primarily on what occurred in Ger Zarik, Siba Sheikh-Kheder and Tel Azer on 3 August 2014 during the initial attacks. Hence, abuses, violations and crimes residents experienced after they were transferred to other locations by ISIL are explored to a limited extent. This is because the way Yazidis from these villages were separated and transferred to different locations after their capture is similar to the experiences of Yazidis from other villages, examined in other reports.

Fourth, statistics obtained, such as the: number of Yazidis who lived in these villages before August 2014; number of people killed or captured by ISIL; and number of people who have returned, are approximations. This is due to limited centralised record keeping.

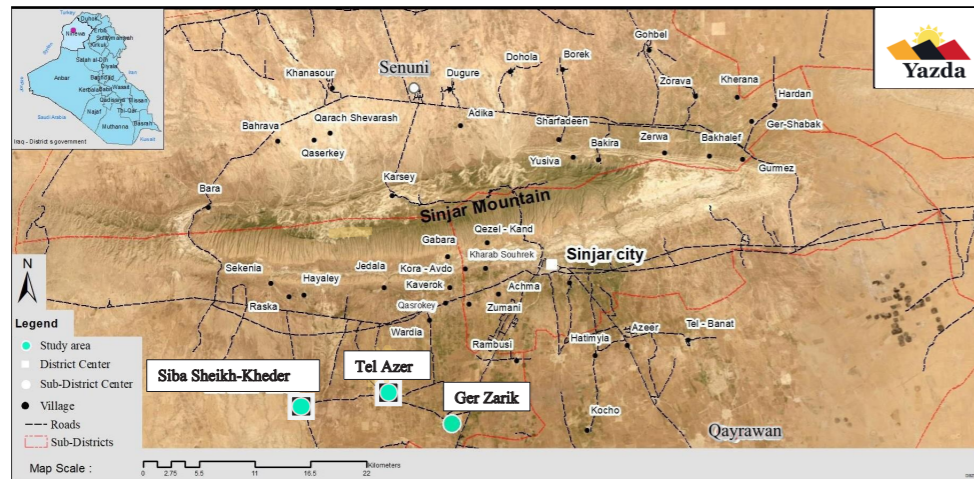
Finally, Yazda has little to no information on any ISIL crimes impacting the limited number of non-Yazidis who may have lived in the three villages. This gap should be addressed by entities working on documenting, investigating and prosecuting ISIL crimes in Sinjar in the future.

3. Life in Ger Zarik, Siba Sheikh-Kheder and Tel Azer before 2014

This section provides an overview of the geography and historical context, including what life was like for residents in the three villages prior to ISIL's attacks, and acts of discrimination or violence experienced before 2014.

3.1 Geography

Ger Zarik, Siba Sheikh-Kheder and Tel Azer are located in southwest Sinjar, in Ninewa Governorate, Northern Iraq, bordering Syria. The villages are the closest majority-Yazidi villages to Ba'aj District, an Arab majority district, located approximately 25km from southern Sinjar.



3.2 Historical context

Yazidis mention historical events around these villages that highlight the persistent discrimination Yazidis faced (and continue to face), and that made them vulnerable to the genocide and other ISIL crimes.



Siba Sheikh-Kheder, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

Ger Zarik, Siba Sheikh-Kheder and Tel Azer were established in 1975 when the Ba'athist regime destroyed Yazidi villages close to Sinjar Mountain and moved residents to collectives on the flat lands in Sinjar.¹⁶ This was away from the mountain and closer to other communities, particularly Arab villages.¹⁷ This forced collectivisation strategy, also referred to as “Arabisation”, facilitated increased government control over minorities, including Yazidis and Kurds, and the cultural assimilation of minorities into the Arab majority.¹⁸ One survivor reported the move away from Mount Sinjar - a refuge for Yazidis throughout history - made them vulnerable to attacks in 2014 as many people could not flee to the mountain in time.¹⁹ On the other hand, the move away from remote areas meant people had access to more services.²⁰

Between 1975 and the collapse of the Ba'athist regime in 2003 due to the invasion of the US and coalition forces, there were instances of Yazidi land being confiscated and given to non-Yazidis, particularly to reward families of martyrs from the Iraq-Iran war.²¹ This led to further Arabisation of the area.²²

While there were discriminatory government policies against Yazidis and other minorities, according to some survivors, Yazidis lived generally content lives between 1975 and 2003. For instance, “Many of them [Yazidi people] worked on farms, while others had cattle. People were able to provide for their livelihood, no matter what kind of work they did. They were happy even if they were poor because they were safe and lived with their families.”²³ Some survivors described freely practising their religious and cultural traditions in their villages.²⁴ Others highlighted difficulties: “Our life was very difficult, all our lives we spent in wars, we did not find a beautiful life to talk about.”²⁵

¹⁶ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹⁷ Male survivor, born 1965, interviewed by Yazda Documentation Project on unknown date, code CF_4.

¹⁸ Male survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023. The Arabisation of the areas is also evident by the fact that the villages have commonly used Arabic names. Ger Zarik is known as Ednaniya, Siba Sheikh-Kheder is known as Al-Jazeera, and Tel Azer is known as Qataniya.

¹⁹ Male survivor, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder.

²⁰ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

²¹ *Ibid.*

²² *Ibid.*

²³ Female survivor, born 1985, interviewed by Yazda Documentation Project on 24 October 2017, code CF_161. See also Female survivor, interviewed by Yazda Documentation Project on 22 December 2021, code CF_596.

²⁴ Male survivor, born 2000, interviewed by Yazda Documentation Project on unknown date, code CF_3.

²⁵ Male survivor, born 1967, interviewed by Yazda Documentation Project on unknown date, code CF_43.

During this period, many survivors recalled having polite, even amicable relationships at the local level with their Arab-Muslim neighbours. For example, “We never thought that ISIL would come and enter the area. Muslims were visiting us. We considered them as our *kreevs*.²⁶ We shared our food with them and visited one another on holidays.”²⁷

Many of these amicable relationships between Yazidis and their Arab-Muslim neighbours deteriorated after the terrorist attacks in Siba Sheikh-Kheder and Tel Azer on 14 August 2007.

These attacks were a culmination of rising extremism in the aftermath of the US-led invasion, anti-minority sentiment and Sinjar’s deteriorating security situation.²⁸ Approximately 300 civilians were killed when four coordinated vehicle bombs detonated.²⁹ Some people’s bodies are still not recovered.³⁰



Tel Azer, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

²⁶ *Kreev* is equivalent to “Godfather”. A person who becomes the godfather of a male child after his circumcision. The *Kreev* has to be a Yazidi from a different caste or a non-Yazidi.

²⁷ Female survivor, born 1985, interviewed by Yazda Documentation Project on 24 October 2017, code CF_161. See also Male survivor, born 1988, interviewed by Yazda Documentation Project on 29 June 2021, code CF_505.

²⁸ See for example, Male survivor, born 1967, interviewed by Yazda Documentation Project on unknown date, code CF_43; Male survivor, born 1989, interviewed by Yazda Documentation Project on 25 June 2023, code Tel Azer. Also, Male survivor, participated in a focus group discussion conducted by Yazda on 5 June 2023.

²⁹ Ibrahim Tamri Ismail, *The Genocide Bombings, 2022*; For general information on the bombings see U.S. Commission on International Religious Freedom, *Report Of The United States Commission On Religious Freedom On Iraq*, December 2008.

³⁰ Male survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023.

The attacks were reportedly orchestrated by Al-Qaeda, including neighbours of Yazidis who had joined the terrorist group and knew their communities well.³¹ The suspected mastermind behind the attacks was killed by US airstrikes in late 2007.³² It is unclear if others involved were prosecuted by the local authorities. According to one survivor, an individual who was allegedly key in orchestrating the 2007 bombings, T.H. Ali Qasim, lived in Siba Sheikh-Kheder for decades and moved to an area near Ba’aj a few years before the bombings.³³ This individual is also allegedly implicated in ISIL crimes that commenced in 2014,³⁴ revealing the lack of accountability for his alleged 2007 crimes meant he was able to perpetrate crimes in 2014. The 2007 and 2014 attacks in Siba Sheikh-Kheder and Tel Azer reveal the cycles of violence Yazidi people have been subjected to, largely with impunity.³⁵

In response to the 2007 bombings, Kurdish forces constructed earthen berms around Yazidi villages to strengthen security. According to some, this action established south Sinjar as one frontline in the confrontation between Kurdish and Arab communities, and broadly the KRG and Iraqi Government, over Sinjar. Sinjar has been a contested territory for decades.³⁶ The construction of berms was viewed by some neighbouring Arab communities as an attempt by the KRG to extend its authority.³⁷

The period between 2007 and 2014 saw increased tensions and periodic acts of violence against Yazidis by terrorists. Many Yazidis studying at Mosul University were worried about attending classes due to safety concerns and some stopped working in Ba’aj and other Sunni majority areas. Al Qaeda/ISIL aligned groups expanded their campaign of kidnappings for ransom against Yazidis, and there were sporadic incidents of Yazidis being killed.³⁸ Some Yazidis recounted not wearing their traditional clothes in public for fear of being targeted.³⁹

³¹ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report); Male survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023. Also see Male survivor, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder.

³² AFP, *Qaeda militant behind deadliest Iraq attack killed: US*, 9 September 2007.

³³ Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102. See also Male survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023.

³⁴ *Ibid.*

³⁵ Male survivor, born 1996, interviewed by Yazda Documentation Project on 12 July 2018, code CF_312.

³⁶ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

³⁷ *Ibid.*

³⁸ *Ibid.*; See also Male survivor, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder; Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

³⁹ Male, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder.

4. Relevant legal framework

This section outlines the legal framework relevant to ISIL's conduct in Iraq from June 2014 onwards, including when it was acting as a *de facto* state during certain periods.⁴⁰ ISIL controlled 40% of Iraqi territory at its height.⁴¹

It also outlines the legal framework applicable to the state of Iraq, for example with respect to positive obligations, such as preventing genocide, holding accountable perpetrators of international humanitarian law (IHL) and human rights violations within its territory, and providing reparations to victims. The relevant bodies of law are IHL, international human rights law (IHRL) and international criminal law (ICL). ICL primarily comprises grave violations of IHL and IHRL. IHL, IHRL and ICL are bodies of law that can apply concurrently and are mutually reinforcing.⁴²

4.1 International Humanitarian Law

IHL only applies during an armed conflict. With the support of an international coalition led by the US, Kurdish forces, and various armed groups, Iraq was involved in a non-international armed conflict against ISIL.⁴³ Therefore, IHL applied during ISIL's attacks on Sinjar from 3 August 2014 onwards.⁴⁴

Iraq is a party to the Four Geneva Conventions and its Additional Protocol I, as well as to several other IHL instruments. It is not a party to Additional Protocol II to the Geneva Conventions, which is specifically applicable during non-international armed conflicts. Nevertheless, ISIL and Iraq are bound by Common Article 3 to the Geneva Conventions and customary IHL, which prevent certain acts by parties to a non-international armed conflict, such as targeting civilians.⁴⁵

4.2 International Human Rights Law

IHRL applies during an armed conflict and peace time. During the events analysed in this report, Iraq remained a party to major UN human rights treaties and subsequent optional protocols.⁴⁶ Therefore, the Iraqi Government was and is bound to respect, protect, promote, and fulfil the human rights of all persons present on its territory and within its jurisdiction. Obligations include the right to afford an effective remedy to people whose rights were and are violated by ISIL, including the provision of reparations, and to investigate and bring to justice perpetrators of particular violations.

Non-state actors are obligated to respect fundamental human rights norms, which form part of customary international law within territory where such actors exercised *de facto* control.⁴⁷

4.3 International Criminal Law

International crimes include genocide, crimes against humanity, and war crimes. These are, in and of themselves, certain IHL and IHRL violations, including violations of the right to life, liberty and security of person; and the prohibition against torture or cruel, inhuman or degrading treatment or punishment. International crimes attract individual criminal responsibility.

Instruments of ICL include treaties such as the Rome Statute of the International Criminal Court (Rome Statute) and customary international criminal law. Iraq is not a party to the Rome Statute and has not incorporated international crimes into national law, which is a significant gap for survivors seeking justice domestically. This point will be discussed later in the report. Note the International Criminal Court (ICC) would still have jurisdiction over crimes committed in Iraq if a referral is received from the UN Security Council and over nationals of state parties to the Rome Statute that may have committed crimes in Iraq.⁴⁸

Although Iraq is not a party to the Rome Statute, it provides a useful legal framework for analysing international crimes committed by ISIL.

⁴⁰ See for example Noah Benjamin Novogrodsky in Berkeley Journal of International Law, *Is ISIS a State? The Status of Statehood in the Age of Terror*, 2018.

⁴¹ Wilson Center, *Timeline: the Rise, Spread, and Fall of the Islamic State*, 28 October 2019.

⁴² Geneva Academy, *Non-international armed conflicts in Iraq*, last updated 18 May 2023

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ See for example ICRC, *Customary International Humanitarian Law Volume I*, 2005.

⁴⁶ The International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of Discrimination against Women, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment in 2004, the Convention on the Rights of Child, Convention for the Protection of All Persons from Enforced Disappearance. The Republic of Iraq has also ratified the Optional Protocol to the Convention on the Rights of Child on the involvement of children in armed conflict.

⁴⁷ Geneva Academy, *Non-international armed conflicts in Iraq*, last updated 18 May 2023.

⁴⁸ See Part 2 of the Rome Statute of the International Criminal Court.

4.3.1 Genocide

Iraq is a party to the Convention for the Prevention and Punishment of the Crime of Genocide 1948 (Genocide Convention). Article II of the convention states the crime of genocide is committed when a person commits a prohibited act with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such. Prohibited acts are (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; and (e) forcibly transferring children of the group to another group.

This definition is replicated in Article 6 of the Rome Statute. The crime of genocide requires the perpetrator have a special intent to destroy, in whole or in part, a protected group.⁴⁹ The Yazidis are considered a protected group. This special intent is also distinct from motive, although perpetrators who have special intent to destroy the protected group may also be fuelled by other motives such as capture of territory, economic advantage, among others.⁵⁰

In addition, Article IV of the Genocide Convention obliges states to punish not only individuals committing genocide, but also those who conspire to commit genocide; directly and publicly incite the commission of genocide; attempt to commit genocide; and/or who are complicit in genocide.

4.3.2 Crimes against humanity

Crimes against humanity are enumerated in Article 7 of the Rome Statute. Underlying acts that could amount to crimes against humanity when committed as part of a widespread or systematic attack against a civilian population, such as the Yazidi community, include: murder; extermination; enslavement; imprisonment or other severe deprivation of liberty; torture; rape; other inhumane acts; sexual slavery; and sexual violence.

There is no mens rea requirement that the perpetrator intends to destroy a protected group, as with genocide.⁵¹

⁴⁹ See Human Rights Council, Independent International Commission of Inquiry on the Syrian Arab Republic, ‘*They came to destroy us’: ISIS Crimes Against the Yazidis*, A/HRC/32/CRP.2, 15 June 2016.

⁵⁰ *Ibid*

⁵¹ *Ibid*.

4.3.3 War crimes

The relevant war crimes for the purposes of this report are enumerated in several documents, including Article 8 of the Rome Statute and Common Article 3 to the Four Geneva Conventions. Many are also part of customary international criminal law.⁵² War crimes include murder; rape; sexual slavery; sexual violence; cruel treatment; torture; outrages upon personal dignity; using, conscripting, and enlisting children; and attacking civilians.

5. ISIL attacks on Ger Zarik, Siba Sheikh-Kheder and Tel Azer

5.1 Months preceding the 2014 attacks

Some people reported being concerned ISIL would capture their village – Ger Zarik, Siba Sheikh-Kheder or Tel Azer – once they heard news about surrounding areas such as Mosul, Ba’aj and Tel Afar falling to ISIL before August 2014.⁵³ However, most people did not leave, and some were prevented from leaving their villages by the Kurdish forces prior to 3 August because of their assurances Yazidis would be protected.⁵⁴ Other survivors believed ISIL would not attempt to come to their villages,⁵⁵ or that ISIL would not harm civilians and were only interested in defeating state security forces.⁵⁶

Yazidi men in the Iraqi army began returning to Sinjar when Mosul and surrounding areas were captured by ISIL and when the Iraqi army began withdrawing from their posts in June.⁵⁷ Some of these Yazidi men, who were wearing civilian clothes, had their weapons confiscated by the Kurdish forces when crossing checkpoints to return to Sinjar because they were then considered civilians.⁵⁸ This meant Yazidis who resisted ISIL in August had limited weapons.

In June 2014, ISIL captured Mosul and Ba’aj.

⁵² ICRC, *Customary International Humanitarian Law Volume I, 2005*.

⁵³ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

⁵⁴ Male survivor, born 1996, interviewed by Yazda Documentation Project on 12 July 2018, code CF_312; Female survivor, interviewed by Yazda Documentation Project on 24 June 2021, code CF_504.

⁵⁵ Female survivor, born 1985, interviewed by Yazda Documentation Project on 24 October 2017, code CF_161.

⁵⁶ Yazda staff member from one of the three villages, July 2023.

⁵⁷ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report); See also Al Jazeera, *How did the city of Mosul fall*, 19 August 2015.

⁵⁸ Male, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder; Male Yazidi survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023.

When Tel Afar was captured on 16 July 2014, Shias from the area fled to Sinjar. Yazidi people in Sinjar, including from Ger Zarik, Siba Sheikh-Kheder and Tel Azer, provided those fleeing with food, water and shelter.⁵⁹

Around July, a Yazidi unit within the Kurdish forces was reportedly formed and some people began taking supplies to Sinjar Mountain in case of an attack.⁶⁰ Some markets in Sinjar were selling less items and stockpiling supplies.⁶¹

Survivors in Ger Zarik and Siba Sheikh-Kheder recounted preparing for attacks about one or two months before 3 August by positioning themselves behind berms protecting the village borders.⁶²

In the very early hours of 3 August 2014, attacks began in Ger Zarik first, then Siba Sheikh-Kheder, and then Tel Azer, mainly from locations in the south, such as Ba'aj. Attempts to capture these villages from other directions were reportedly not made. This was because ISIL's local members from Ba'aj and other Arab areas surrounding Ger Zarik, Siba Sheikh-Kheder and Tel Azer had intimate knowledge of the geography, therefore affording ISIL a tactical advantage, and demonstrating a level of planning of the attacks.⁶³ Those who were allegedly involved in the 2007 bombings in Siba Sheikh-Kheder and Tel Azer also entered these villages from the south.⁶⁴

ISIL reportedly attempted to capture Tel Azer last out of the villages in the southwest collective as it was the largest of the three and was perhaps considered more difficult to capture.⁶⁵

As ISIL began its assault, many local Yazidi fighters took up arms in defence of Ger Zarik and Siba Sheikh-Kheder. As the resistance weakened due to limited weaponry and the absence of any official security forces, hundreds of local fighters were killed. ISIL began to circle these towns and thousands of families made a desperate

escape towards the mountain. Fleeing was made difficult because these villages are about 15 to 20km away from the mountain, further than other Yazidi villages. Those travelling by foot with children, as well as elderly and disabled family members struggled.⁶⁶ Many villagers could not afford vehicles.⁶⁷ In addition, residents from these three villages had less of an advance warning as they were the first locations targeted in Sinjar.

On the same day, news of the ISIL assault spread throughout Sinjar. Yazidis either heard the gunfire and mortar explosions or received phone calls from family members or friends from the three villages warning them. These warnings, and the time bought by local fighters who resisted ISIL's attacks for several hours, allowing people to flee, likely saved many lives.

Some people saw the traffic jam of hundreds of cars filled with families fleeing from this area on the mountain switchback road above Sinjar City- easily visible because southern Sinjar is a flat open plain.⁶⁸

Yazidis from the three villages, like other villages, fall into four categories: 1) those who managed to reach non-ISIL captured areas such as Sinjar Mountain, Syria or the KRG 2) those who were killed or captured as they were fleeing 3) those who died due to extreme conditions while attempting to flee, and 4) those who were killed or captured in their village.

ISIL captured these villages on 3 August, and subjugated the residents who could not escape and were found either enroute to safety or in their village, to extreme forms of violence, amounting to international crimes. The treatment of people often varied depending on age, gender and forms of ability.

⁵⁹ Female survivor, born 1985, interviewed by Yazda Documentation Project on 24 October 2017, code CF_161; Male survivor, born 1967, interviewed by Yazda Documentation Project on unknown date, code CF_43; Female survivor, interviewed by Yazda Documentation Project on 3 May 2016, code CF_48; Female survivor, interviewed by Yazda Documentation Project on 18 June 2017, code CF_122; Male survivor, born 1988, interviewed by Yazda Documentation Project on 29 June 2021, code CF_505.

⁶⁰ Male survivor, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ Male survivor, born 1989, interviewed by Yazda Documentation Project on 25 June 2023, code Tel Azer.

⁶⁴ *Ibid.*

⁶⁵ Investigators at Yazda, 2023.

⁶⁶ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

5.2 Ger Zarik

“We were left unprotected. We didn’t have weapons, so we were forced to surrender. When the [Iraqi] army, police, and Peshmerga withdrew, how could others defend?”⁶⁹

Ger Zarik had a population of approximately 13,000 people prior to August 2014.⁷⁰ The majority were Yazidis, with a few Kurdish Muslims from the Sarhoukey tribe.⁷¹ From the ISIL stronghold of Ba’aj, Ger Zarik is the first major Yazidi village on the road leading to Sinjar City.



Ger Zarik, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

5.2.1 Early signs of ISIL attacks

According to some survivors, ISIL members were stationed several kilometres south, southwest and west of Ger Zarik about 40 days or one month prior to the 3rd of August attacks.⁷² In response, around the same period, several men in the village began preparations in case of an ISIL attack. Villagers were stationed at the berm on the southern, southwestern and western edges of the village, guarding the area.⁷³ Approximately one week before the attacks, ISIL members stationed at a farm nearby were seen from the berm bringing weapons and ammunition.⁷⁴ This indicates a level of premeditation and planning of the attacks.

About five to seven days before the assault on 3 August, ISIL members fired bullets near where children were playing on the street, possibly near the Lalish Hall.⁷⁵ The bullets hit a resident’s front door. When these bullets were fired, the village fighters wanted to fire back, though the security forces in the area reportedly discouraged this.⁷⁶

About a week before 3 August, the Kurdish forces strengthened the southern side of the berm in Ger Zarik by adding more sand with a loader, but efforts to strengthen the western side of the berm were thwarted when an ISIL member shot at the loader.⁷⁷ This meant the southwestern and western sides of the berm were only waist high, meaning Yazidi fighters on those sides were less protected from incoming fire. According to one fighter, this was a significant reason why the local resistance was defeated, as ISIL was able to penetrate through the southwestern border easily with dushkas on 3 August.⁷⁸



ISIL graffiti on wall, Ger Zarik, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

⁶⁹ Female survivor, born 1985, interviewed by Yazda Documentation Project on 24 October 2017, code CF_161.

⁷⁰ Ger Zarik Youth Group based on data from the food rationing agency, July 2023.

⁷¹ Female survivor, interviewed by Yazda Documentation Project on 3 May 2016, code CF_48.

⁷² Male survivor, interviewed by Yazda Documentation Project on 26 June 2023, code Ger Zarik.

⁷³ Male survivor, interviewed by Yazda Documentation Project on 26 June 2023, code Ger Zarik.

⁷⁴ Possibly Hachko Farm- see Female survivor, interviewed by Yazda Documentation Project on 3 May 2016, code CF_48.

⁷⁵ *Ibid*; See also Male survivor, interviewed by Yazda Documentation Project on 26 June 2023, code Ger Zarik.

⁷⁶ Female survivor, interviewed by Yazda Documentation Project on 3 May 2016, code CF_48.

⁷⁷ *Ibid*.

⁷⁸ Male survivor, interviewed by Yazda Documentation Project on 26 June 2023, code Ger Zarik.

5.2.2 Battle between ISIL and Yazidi resistance

Sometime between 2:10am and 2:30am on 3 August, ISIL fired the first bullets, and a red flame was observed.⁷⁹ This seemed to initiate firing by ISIL from different directions towards Ger Zarik and Siba Sheikh-Kheder.⁸⁰

One Yazidi fighter was stationed with around 10 other men on the southwestern side of the berm.⁸¹ There were men in groups stationed along the southern and southwestern borders of Ger Zarik behind the berm (see Figure 1).⁸² The different groups communicated with each other via mobile phones.⁸³

At an unknown time, one fighter stationed at the southern section of the berm called a Yazidi fighter on the southwestern side to guide accurate firing, as some ISIL members were crawling towards the village border so the gunfire needed to be directed at a lower angle.⁸⁴ Some Yazidi fighters had night goggles but had limited and light weaponry, such as BKC's and pistols.⁸⁵ This was dwarfed by ISIL's weaponry which included tanks, grenades, dushkas, RPKs, kalashnikovs, glocks, BKC's and mortars.⁸⁶

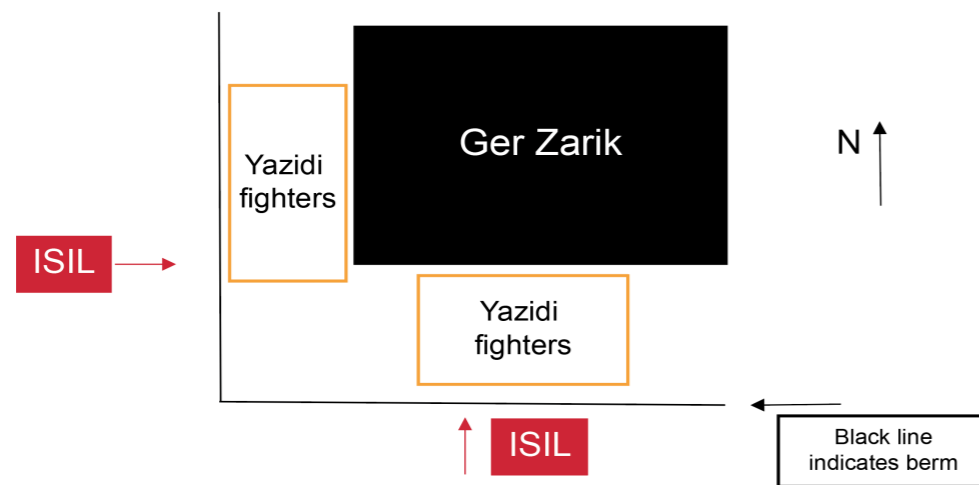


Figure 1: Map of Ger Zarik

⁷⁹ Male survivor, born 2000, interviewed by Yazda Documentation Project on unknown date, code CF_3; Female survivor, born 2006, interviewed 21 May 2019, code 2079.

⁸⁰ Male survivor, interviewed by Yazda Documentation Project on 26 June 2023, code Ger Zarik.

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ Male survivor, born 2000, interviewed by Yazda Documentation Project on unknown date, code CF_3.

5.2.3 Impact on Yazidi civilians and captured fighters

Meanwhile, civilians in the village woke in the middle of the night to the sound of fighting. Some observed the fighting with binoculars on their rooftops.⁸⁷ Civilians were hit by bullets on the rooftops.⁸⁸ One survivor indicated her mother ran towards Kurdish forces to call for an ambulance for her son who had been hit by bullets, though no help arrived.⁸⁹ Some young people wanted to fight but their parents begged them not to, fearing for their safety.⁹⁰

Between 3:00am and 8:00am, many families from Ger Zarik fled, including Muslim Kurds in the village.⁹¹ Some escaped as late as 10:00am.⁹² Many civilians were trying to avoid bullets as they escaped in cars or by foot.⁹³

Some families had to separate, with certain family members fleeing and others remaining behind to look after the elderly who could not flee by foot.⁹⁴ People from Rambusi, a wealthier Yazidi village where families owned vehicles to escape, brought vehicles to Ger Zarik where people were often poor and had no cars.⁹⁵ They transported families from Ger Zarik to the foothills of the mountain.⁹⁶ Many people fled north to Qazelkend and the mountain valleys north of Ger Zarik, such as Gabara and Jedala.⁹⁷

⁸⁷ *Ibid.*

⁸⁸ Female survivor, interviewed by Yazda Documentation Project on 3 May 2016, code CF_48

⁸⁹ *Ibid.*

⁹⁰ Female survivor, born 1960, interviewed by Yazda on 11 December 2015, code 1241.

⁹¹ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

⁹² *Ibid.*

⁹³ Male survivor, born 2000, interviewed by Yazda Documentation Project on unknown date, code CF_3.

⁹⁴ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

Some civilians were captured by ISIL while trying to escape and/or shot at by ISIL at an intersection near Ger Zarik.⁹⁸ Many survivors did not reveal they were from Ger Zarik when asked by their captors which village they were from for fear of retaliation for the losses the local fighters from Ger Zarik had inflicted on ISIL.⁹⁹ For example, “We told them [ISIL members] that we were from Wardiya village, we didn’t dare to tell them the truth because of the battles that had broken down between them and Ger Zarik villagers who caused them many losses.”¹⁰⁰



Ger Zarik, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

According to one Yazidi fighter, out of the fighters who survived, he saw some run into Ger Zarik while others, including himself, ran out of the village towards a Kurdish forces checkpoint to the northwest for safety.¹⁰¹ The checkpoint was abandoned.¹⁰² While running to the checkpoint, the Yazidi fighters were shot at with duskas and BCKs.¹⁰³ Some of the fighters were killed.¹⁰⁴ Others pretended to have died and later hid in the berms as there was no opportunity to flee because ISIL fighters in vehicles were in the area.¹⁰⁵ At around 2:30pm two Yazidi fighters who were alive were caught by ISIL members and taken by car to an ISIL headquarters in an unknown location in Ger Zarik where a few other survivors had been taken.¹⁰⁶ The captors were ordered to recite the *Shahada*¹⁰⁷ to convert to Islam and when they refused, shots were fired.¹⁰⁸ One ISIL member called an ISIL Emir¹⁰⁹ by phone.¹¹⁰ The Emir who arrived had blonde hair and one survivor believed he was from Ba’aj.¹¹¹ For unknown reasons, the Yazidi captives were spared and while the ISIL members were busy, the people detained at this headquarters managed to escape.¹¹²

The people who remained in Ger Zarik when ISIL entered were either killed on the spot or captured. People’s homes were destroyed and some survivors were moved to a village school.¹¹³ One ISIL member asked one survivor and her family members in Kurdish to recite the *Shahada* and to embrace Islam.¹¹⁴ When the survivor’s husband refused, he was killed in front of her. Her son who was wearing the Kurdish forces uniform was taken by ISIL and had not been seen at the time she was interviewed.¹¹⁵

⁹⁸ Male survivor, born 2007, interviewed by Yazda on unknown date, code 2134; Female survivor, born 1947, interviewed by Yazda on 26 August 2015, code 801; Female survivor, born 1988, interviewed by Yazda on 11 February 2019, code 2012.

⁹⁹ *Ibid.* Female survivor, born 2008, interviewed by Yazda on 21 May 2019; code 2074; Survivor, interview by Yazda, code 1018; Female survivor, born 1947, interviewed by Yazda on 26 August 2015, code 801.

¹⁰⁰ Female survivor, born 1988, interviewed by Yazda on 11 February 2019, code 2012.

¹⁰¹ Male survivor, interviewed by Yazda Documentation Project on 26 June 2023, code Ger Zarik.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ The Muslim profession of faith.

¹⁰⁸ Male survivor, interviewed by Yazda Documentation Project on 26 June 2023, code Ger Zarik

¹⁰⁹ An *Emir* is a high-ranking ISIL member.

¹¹⁰ Male survivor, interviewed by Yazda Documentation Project on 26 June 2023, code Ger Zarik.

¹¹¹ Unclear about Emir’s name, maybe Abu Ahmed. See *Ibid.*

¹¹² *Ibid.*

¹¹³ Female survivor, born 1960, interviewed by Yazda on 11 December 2015, code 1241.

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

5.2.4 How people were separated and transferred

People from Ger Zarik who were captured but not killed were taken - like other Yazidis - to various places in Iraq. Locations included Tel Afar, including the Al-Khadhraa neighbourhood; Badush prison; the Galaxy Hall in Mosul; and Al-Qaiara (or some or all of these places). Many were ultimately moved to Syria.¹¹⁶ Almost always, people were separated based on their perceived age and gender by ISIL. Yazidi men and older boys viewed to have reached puberty were executed. Yazidi young women and girls aged typically nine and above were held as slaves, and were subjected to grave acts of sexual violence. Yazidi boys typically aged seven and above were forcibly recruited as child soldiers. Younger girls and boys were held captive with their mothers. Elderly people and people with disabilities were sometimes shown mercy and released, and in other instances killed. A very similar pattern of conduct took place in relation to Yazidis from Siba Sheikh-Kheder, Tel Azer and other majority-Yazidi villages.¹¹⁷

5.2.5 People of interest

No statements analysed reference specific names of ISIL members that attacked Ger Zarik.

However, some survivors mentioned the ISIL members who attacked the village were likely locals who may have joined the terrorist group not too long before August 2014, given they had shorter beards.¹¹⁸

Some survivors believe the ISIL members came from the following local tribes/communities/villages: Khatunyah, the Sunnis from Tel Afar, Miteuta, Kechala, the Sarhoukey clan, Aswadko, and Sheikh Lara's clan. Some spoke Kurmanji while others spoke Arabic.¹¹⁹

5.2.6 Statistics and ongoing impact

ISIL killed approximately 90 people in Ger Zarik. Of the unknown number of people from Ger Zarik who were captured, about 50 people were reportedly killed during captivity, 150 people were released by ISIL or escaped, and around 45 reportedly remain in captivity at the time of publication.¹²⁰

¹¹⁶ Male survivor, born 2007, interviewed by Yazda on unknown date, code 2134.

¹¹⁷ See for example, Female survivor, born 2005, interviewed by Yazda on 13 April 2016, code 1331; Male survivor, born 2009, interviewed by Yazda on 5 November 2019, code 2223; Female survivor, interviewed by Yazda Documentation Project on 24 June 2021, code CF_504. See also Human Rights Council, Independent International Commission of Inquiry on the Syrian Arab Republic, *'They came to destroy us': ISIS Crimes Against the Yazidis*, A/HRC/32/CRP.2, 15 June 2016.

¹¹⁸ Male survivor, interviewed by Yazda Documentation Project on 26 June 2023, code Ger Zarik.

¹¹⁹ Male survivor, born 1967, interviewed by Yazda Documentation Project on unknown date, code CF_43.

¹²⁰ Ger Zarik Youth Group, July 2023.

The level of destruction in Ger Zarik, as a village on the frontline, was high. As of June 2023, many of the buildings remain destroyed and only 10 families have returned.¹²¹ There were no known cultural or religious sites in the village.

5.2.7 Known ISIL kill sites, captivity sites, headquarters and mass graves¹²²

According to crime scene data collected by Yazda's documentation team, Ger Zarik has several ISIL kill sites (KS), captivity sites (CS), headquarters (HQ) and mass graves (MG). Yazda has shared information on these sites with UNITAD.

All known sites with remains were exhumed by the Iraqi Mass Graves Directorate (MGD) with UNITAD's technical support in November 2022. No remains have been identified or returned to families at the time of this report's publication.

These sites are described below.

KS-01: An unknown number of people are believed to have been killed at this site. Directly behind the berm, there were remains of about three people, remains of some clothes, and pieces of bones. The site had been burnt.¹²³

KS-02: An unknown number of people are believed to have been killed at this site. This site is located 30m to 50m away from KS-01. What is believed to be one person's remains were found.¹²⁴

KS-03: This site is located near the centre of the village. It contained the remains of an unknown number of people. A witness interviewed about the site stated, *"I am a municipal worker and we [other workers] come from Tel Azer and work in Ger Zarik. We came to this alley and cleaned it. This iron was on this sinkhole, I moved it and found the remains of two people in it. When I saw the skulls, I knew that the bones belonged to humans."*¹²⁵

¹²¹ *Ibid.*

¹²² According to Yazda, ISIL headquarters are sites ISIL used as headquarters; captivity sites are sites where people were kept captive by ISIL; sites containing less than two bodies, as well as sites containing bodies of persons killed in combat (regardless of the number of bodies) are defined as kill sites; and mass graves are identified as sites containing two or more bodies, where the victims were killed as a result of executions.

¹²³ IQ-NH-BJ-GK-CS-KS-01-I: this site was documented by Yazda Documentation Project on 30 June 2017.

¹²⁴ IQ-NH-BJ-GK-CS-KS-02-I: this site was documented by Yazda Documentation Project on 30 June 2017.

¹²⁵ IQ-NH-BJ-GK-CS-KS-03-I: this site was documented by Yazda Documentation Project on 20 March 2018.

CS-01 (also MG-03): The site is located beside two residents' houses and a shop. The site contained nine barrels, a yellow tractor-trailer, scattered bones, clothes and empty bullets.¹²⁶

CS-02: This captivity site is in a house, on the eastern side of the village. This house had two entrances, a main entrance from the west and a second one from the east. The house's stairs were on the left when entering through the main entrance. When Yazda visited the site, there were scattered items in the yard. Also, the house had four rooms with a bathroom. The western side of this house was incomplete. According to a witness, a man from Ger Zarik, this house was used by ISIL as a captivity site in 2014.¹²⁷

CS-03 (also HQ-01): This captivity site is in a house located in southwestern Ger Zarik. The house belonged to a Yazidi person from the village. The house was built from cement and clay. It was destroyed when Yazda documented it, and the number of rooms could not be determined. On 3 August 2014, ISIL members reportedly gathered some Yazidis - those who were fighting and an old woman - in this house for one day. Then, ISIL members released the captives and asked them to return to their houses, so they found an opportunity to escape. Also, this site was purportedly used as a headquarters by ISIL.¹²⁸

MG-01: This mass grave is beside a berm on the southwestern side of the village. The shape of this mass grave was circular. There was a pile of dust, stones and some plastic flowers inside. There was a fence surrounding the site. According to a witness, ISIL killed a Yazidi man from Ger Zarik at this site. Also, there were some scattered bones around this site.¹²⁹

MG-02: This mass grave is located in east Ger Zarik, in a house. The house had two entrances, a main entrance from the west and a second one from the east, and this mass grave is located beside the east entrance. The mass grave's shape was rectangular and had dust. A fence and metal bars surrounded the site. According to a witness, a man from Ger Zarik, ISIL kept many Yazidis in a house beside this mass grave before killing them and dumping their bodies at this site.¹³⁰

¹²⁶ IQ-NH-BJ-GK-CS-CS-01-I: this site was documented by Yazda Documentation Project on 20 March 2018.

¹²⁷ IQ-NH-BJ-GK-CS-MG-02-I: this site was documented by Yazda Documentation Project on 19 October 2022.

¹²⁸ IQ_NH_BJ_GK_CS_MG_01_I: this site was documented by Yazda Documentation Project on 19 October 2022.

¹²⁹ IQ_NH_BJ_GK_CS_MG_01_I: this site was documented by Yazda Documentation Project on 19 October 2022.

¹³⁰ IQ-NH-BJ-GK-CS-MG-02-I: this site was documented by Yazda Documentation Project on 19 October 2022.

5.3 Siba Sheikh-Kheder

*"Remains of many Yazidi fighters were in the streets. ISIL came like monsters and looted the whole village. They didn't leave anything inside the village and burned and bombarded a lot of houses as well."*¹³¹

Siba Sheikh-Kheder had a population of about 20,000 to 26,000 people prior to August 2014, all Yazidis.¹³² The village is surrounded by Arab villages such as Khalaf Bashar and Wahda.



Siba Sheikh-Kheder, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

¹³¹ Female survivor, born 1955, interviewed by Yazda on 31 August 2015, code 934.

¹³² Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report). Yazda survivor testimonies.

5.3.1 Early signs of ISIL attacks

Locals guarded the village at the berm on the outskirts for two months before 3 August.¹³³ ISIL forces were positioned in Wahda to the south¹³⁴ and Khalaf Bashar to the west of Siba Sheikh-Kheder, days prior to the 3rd of August attacks.¹³⁵

On 2 August, villagers went to the berm with food and played the tambur¹³⁶ to boost the morale of those defending the village.¹³⁷ People were digging tunnels and the conversation between villagers revolved around how they could protect themselves.¹³⁸

5.3.2 Battle and impact on civilians

On 3 August, ISIL attacked Siba Sheikh-Kheder shortly after they began attacking Ger Zarik at about 2:30am.¹³⁹ A weapon described as a “missile” hit the village’s high school.¹⁴⁰ At this point, villagers with weapons who were not already at the berm went there to fight. There were reportedly hundreds of Yazidi fighters, though the exact number is unknown.¹⁴¹ One survivor saw ISIL convoys of about 12 vehicles each.¹⁴² Some of the vehicles reportedly belonged to the Iraqi army that ISIL had taken when the army abandoned them.¹⁴³



Siba Sheikh-Kheder, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

The attacks came from several directions.¹⁴⁴ The Kurdish forces and local police fought with Yazidi fighters to defend Siba Sheikh-Kheder for a period before withdrawing.¹⁴⁵ The time of their withdrawal is not known. The Kurdish forces reportedly informed locals in their vicinity that they should also withdraw, but there was no announcement throughout the village.¹⁴⁶

Similar to Ger Zarik, villagers in Siba Sheikh-Kheder woke up to the sound of fighting. Yazidis from villages in the north called people in Siba Sheikh-Kheder for news and vice versa.¹⁴⁷ ISIL shot indiscriminately at civilians trying to flee.¹⁴⁸

Those defending the village fought on Jadri Hill and the embankment outside of the village.¹⁴⁹ Due to the magnitude of ISIL’s attacks, more men from other locations travelled to Siba Sheikh-Kheder in trucks to help move families out and provide reinforcements.¹⁵⁰ ISIL was held off from a direct assault early on and fire was exchanged for hours.¹⁵¹ Many ISIL vehicles were destroyed and around 185 ISIL fighters were reportedly killed.¹⁵²

The local fighters resisting had light weapons such as BKC’s, kalashnikovs and pistols. Eventually this was no match for ISIL’s heavy set of weaponry, consisting of kalashnikovs, GCs, BKC’s, sniper weapons, katyushas (Air Falaq), RBK-7 mortars, dushka 14s, dushka 21s and dushka 8.5s.¹⁵³

At about 5:00am, ISIL fighters began entrapping the village between the school, hill and embankment.¹⁵⁴

¹³³ Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

¹³⁴ Female survivor, interviewed by Yazda Documentation Project on 22 November 2021, code CF_574.

¹³⁵ See also Female survivor, interviewed by Yazda Documentation Project on 22 December 2021, code CF_596; and Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹³⁶ A traditional musical instrument.

¹³⁷ Male survivor, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder.

¹³⁸ *Ibid.*

¹³⁹ Male survivor, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder; Female survivor, interviewed by Yazda Documentation Project on 8 December 2021, code CF_589.

¹⁴⁰ Male survivor, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder.

¹⁴¹ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹⁴² Female survivor, interviewed by Yazda Documentation Project on 8 December 2021, code CF_589.

¹⁴³ *Ibid.*

¹⁴⁴ Female survivor, born 1947, interviewed by Yazda on 26 August 2015, code 801.

¹⁴⁵ Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

¹⁴⁶ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report). Also for general information about Kurdish forces’ withdrawal see, Human Rights Council, Independent International Commission of Inquiry on the Syrian Arab Republic, *‘They came to destroy us’: ISIS Crimes Against the Yazidis*, A/HRC/32/CRP.2, 15 June 2016.

¹⁴⁷ Male survivor, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder.

¹⁴⁸ *Ibid.*

¹⁴⁹ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

¹⁵² Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

¹⁵³ *Ibid.*

¹⁵⁴ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report); Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

At about 6:00am, the Kurdish forces abandoned the Shilu checkpoint, and it was captured by ISIL at around 8:00am.¹⁵⁵ Shilu checkpoint is located north of Siba Sheikh-Kheder. Some fighters defending Siba Sheikh-Kheder went to Shilu to try to defend this area.¹⁵⁶ Once this checkpoint was seized by ISIL, it became difficult for people to flee to the north quickly.¹⁵⁷

When ISIL seized the eastern checkpoint outside Siba Sheikh-Kheder at an unknown time, many families who had not yet fled began to do so. ISIL surrounded the village at around 7:30am, trapping many families and fighters inside.¹⁵⁸ At this point it became clear the resistance was collapsing and some people who fled came back to save more members of their village.¹⁵⁹ Local Yazidi fighters fled in different directions, while others remained on the embankment where fighting was taking place. Some fighters who escaped managed to reach their families on the mountain, some were caught on the way,¹⁶⁰ and others fled into the village itself.¹⁶¹ The 25 to 30 fighters who fled into Siba Sheikh-Kheder were followed by ISIL fighters.¹⁶² One survivor witnessed ISIL members firing a dushka 14.5 attached to a vehicle into the village.¹⁶³

Pockets of Yazidi fighters continued to resist until 11:00am, until their ammunition ran out.¹⁶⁴ One survivor remembered being hopeful almost until the very end that the security forces would arrive to support them, though this never occurred.¹⁶⁵ It is estimated that 300 local Yazidi men were killed fighting at Siba Sheikh-Kheder.¹⁶⁶

5.3.3 Once the village was captured

Once ISIL had full control of Siba Sheikh-Kheder, they looted the village, stealing money and gold.¹⁶⁷ As one survivor stated, “*They [ISIL] didn’t leave anything inside the village and burned and bombarded a lot of houses as well.*”¹⁶⁸

When ISIL captured people in the village, they checked to see if weapons the captured Yazidis had were warm. If warm, ISIL believed the person with the weapon had fought them.¹⁶⁹ ISIL shot or hanged local Yazidi fighters they managed to capture. Some survivors identified an ISIL member by the name of T.H. Ali Qasim as ordering the killings (see further information below).¹⁷⁰

ISIL killed indiscriminately once they entered the village.¹⁷¹ Exact numbers are lacking, but it is believed hundreds of civilians were executed across Siba Sheikh-Kheder.¹⁷² People captured in the village were taken to different ISIL headquarters, captivity sites or kill sites there. This included a house at the edge of the village,¹⁷³ the police station,¹⁷⁴ a garage, the power station on the outskirts of the village, and the Jazira market.¹⁷⁵

Police station: One survivor and some of her family members were captured while trying to escape.¹⁷⁶ They were threatened with death if they did not convert to Islam and were called infidels. The ISIL member who threatened the survivor received a phone call, after which, he decided not to kill the survivor and her family, instead taking them to the police station in Siba Sheikh-Kheder.¹⁷⁷ There were Yazidis from Tel Azer there as well, and about 20 families in total.¹⁷⁸

¹⁵⁵ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹⁵⁶ Male survivor, born 1965, interviewed by Yazda Documentation Project on unknown date, code CF_4.

¹⁵⁷ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

¹⁶⁰ Male survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023.

¹⁶¹ Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

¹⁶⁵ Male survivor, born 1965, interviewed by Yazda Documentation Project on unknown date, code CF_4.

¹⁶⁶ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹⁶⁷ Male survivor, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder.

¹⁶⁸ Female survivor, born 1955, interviewed by Yazda on 31 August 2015, code 934.

¹⁶⁹ Male survivor, born 1991, interviewed by Yazda Documentation Project on 25 June 2023, code Siba Sheikh-Kheder.

¹⁷⁰ Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102; Female survivor, born 1970, interviewed by Yazda on 2 November 2015, code 1213; Female survivor, interviewed by Yazda Documentation Project on 22 December 2021, code CF_596.

¹⁷¹ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹⁷² *Ibid.*

¹⁷³ Male survivor, born 1965, interviewed by Yazda Documentation Project on unknown date, code CF_4.

¹⁷⁴ See also Female survivor, interviewed by Yazda Documentation Project on 22 December 2021, code CF_596.

¹⁷⁵ Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

¹⁷⁶ Female survivor, interviewed by Yazda Documentation Project on 22 November 2021, code CF_574.

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

The fact that families from Tel Azer were also kept at this police station in Siba Sheikh-Kheder is corroborated by testimonies from survivors from Tel Azer (see following section). The survivor spent two nights at the police station before men were separated from the women and children. The men remained while the rest were moved on buses to Sinjar City because ISIL members wanted to avoid aerial attacks.¹⁷⁹ Ultimately the men and women were reunited in another location.¹⁸⁰ The police station was crowded and women at the station were forced to cover their hair.¹⁸¹ There were corpses dumped about 100m from the police station.¹⁸²

One ISIL member driving an Iraqi army vehicle drove to the Siba Sheikh-Kheder police station and randomly shot people. According to one survivor, eight members of one family were killed.¹⁸³



Siba Sheikh-Kheder, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*; See also Female survivor, interviewed by Yazda Documentation Project on 22 December 2021, code CF_596

¹⁸¹ See also Female survivor, interviewed by Yazda Documentation Project on 22 December 2021, code CF_596.

¹⁸² *Ibid.*

¹⁸³ *Ibid.*

Garage: According to one survivor, ISIL took captured fighters and civilians to Siba Sheikh-Kheder garage, previously called “Saddam Hussein”.¹⁸⁴ There were 59 Yazidi captives, including 52 men and older boys, and seven women and girls. They were ordered to convert to Islam and the Yazidi religion was insulted.¹⁸⁵ The Yazidi captives appealed to ISIL members who then said they had to wait for the *Emir* to arrive.¹⁸⁶ They waited for half an hour and then their *Emir*, T.H. Ali Qasim arrived.¹⁸⁷

At about 9:30am or 10:00am, T.H. Ali Qasim ordered all the men to be killed and women and children to be taken away.¹⁸⁸ Following his order, ISIL members shot the men and older boys, executing 51 out of the 52.¹⁸⁹ The sole survivor who witnessed these events suffered a bullet wound to his shoulder and one to his waist, losing consciousness. When he woke up, everyone had left, and dogs had arrived to eat the dead bodies.¹⁹⁰ The seven women who were taken away had not been heard from at the time the sole survivor of the massacre was interviewed.¹⁹¹

Video footage of Yazidi men from Siba Sheikh-Kheder being executed by ISIL members on 3 August 2014 was reportedly included in an ISIL propaganda video. The sole survivor of the massacre at the garage saw the video and identified it to be the massacre he survived. He recognised T.H. Ali Qasim in the video, killing the Yazidi men and then standing in front of the dead bodies. He did not know any of the other ISIL members in the video.¹⁹²

Power station, station that distributes electricity to the village:

One survivor witnessed ISIL members shooting approximately 30 women, men, children and the elderly near the power station at the outskirts of Siba Sheikh-Kheder, killing them. The survivor witnessed this from her car, from which she was trying to flee. The remains of the killed are at a site around the area.¹⁹³ According to the survivor, one child in the group was beheaded. The same

¹⁸⁴ Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

¹⁸⁸ Male survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023; and Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

¹⁸⁹ Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

¹⁹⁰ *Ibid.*; See also Rudaw, *Yezidi survivor: They told us to say the prayer and convert to Islam; we chose the bullets*, 3 August 2016.

¹⁹¹ Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

¹⁹² *Ibid.*

¹⁹³ Female survivor, interviewed by Yazda Documentation Project on 22 November 2021, code CF_574.

survivor saw a tractor full of bodies; it is unclear at which location.¹⁹⁴ The survivor recognised one of the ISIL perpetrators as their kreek from Wahda village, though his name was not provided.

General killings of civilians were reportedly severe in Siba Sheikh-Kheder because the village had mounted such a strong resistance, resulting in many ISIL casualties.¹⁹⁵

Of the Yazidi civilians who fled in the middle of the night, some were captured by ISIL enroute to the mountain and brought back to Siba Sheikh-Kheder,¹⁹⁶ under the threat of being killed.¹⁹⁷ Some were reassured they would not be harmed when captured, only to suffer enormously later. One female survivor was captured in Siba Sheikh-Kheder, taken to Tel Azer for two days, before being returned to Siba Sheikh-Kheder for 17 days. During this time, she was forced to convert to Islam and pray. She was deprived of food and witnessed the killing of a woman with an infant. She herself was threatened with being killed. She witnessed many men in Siba Sheikh-Kheder being killed and women being taken. She named two ISIL members – T.H. Ali Qasim and K. Al-Tahini.¹⁹⁸

Other Yazidis who fled from Siba Sheikh-Kheder were taken to different locations outside Siba Sheikh-Kheder.¹⁹⁹

5.3.4 People of interest

While many survivors in their statements could not identify specific ISIL members that attacked Siba Sheikh-Kheder and committed serious acts of violence there, they believed locals from neighbouring villages/tribes such as Diban, Khinesy, Ba'aj, Beleyj, Khatunyah and Miteuta were likely responsible.²⁰⁰ One survivor reported some ISIL fighters had visited the village previously to trade sheep with the Qiraney tribe in Siba Sheikh-Kheder. Fighters spoke Kurmanji or Arabic.²⁰¹ The ISIL members specified by name were T.H. Ali Qasim and K. Al-Tahini.²⁰²

¹⁹⁴ *Ibid.*

¹⁹⁵ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

¹⁹⁶ Male survivor, born 2009, interviewed by Yazda on 5 November 2019, code 2223.

¹⁹⁷ Male survivor, born 1965, interviewed by Yazda Documentation Project on unknown date, code CF_4.

¹⁹⁸ Female survivor, born 1970, interviewed by Yazda on 2 November 2015, code 1213; Female survivor, interviewed by Yazda Documentation Project on 22 December 2021, code CF_596.

¹⁹⁹ Male survivor, interviewed by Yazda Documentation Project on 7 September 2021, code CF_535.

²⁰⁰ Male survivor, born 1988, interviewed by Yazda Documentation Project on 29 June 2021, code CF_505.

²⁰¹ Male survivor, interviewed by Yazda Documentation Project on 12 March 2017, code CF_102.

²⁰² Their status and location are unknown at time of this report's publication.

5.3.5 Statistics and ongoing impact

It is unclear how many people in and from this village were killed, captured, have been liberated or remain in captivity. There were no known cultural or religious sites in this village.²⁰³

5.3.6 Known ISIL kill sites, captivity sites, headquarters and mass graves

The level of destruction in Siba Sheikh-Kheder, as a village on the frontline, was high. As of July 2023, many of the buildings remain destroyed. Around 380 families have returned as of July 2023.

According to crime scene data collected by Yazda's documentation team, Siba Sheikh-Kheder has several ISIL kill sites, captivity sites, headquarters and mass graves. No sites with remains have been exhumed at the time of publication, though, according to the MGD, some will be exhumed in 2023.

These sites are described below.

KS-01: According to a witness, there is a kill site about 15m away from the main road towards the south and about 100-150m from Siba Sheikh-Kheder, towards the east. The kill site is about 20 square meters in size. No evidence was left behind in this location. According to a witness, ISIL executed an old woman on 3 August 2014 at this site.²⁰⁴

KS-02: This site was reportedly a kill site and the distance between the crime scene and the main road inside Siba Sheikh-Kheder is about 5m. The site is located next to a destroyed wall of a house close to the north side. The kill site is about 1 square meter in size. This site is near other mass graves inside the village. According to a witness, two young girls were executed by ISIL at this site.²⁰⁵

KS-03: This is a kill site, 150m south of Siba Sheikh-Kheder, by the berm. There were some shoes belonging to village fighters discovered there.²⁰⁶

CS-01 and CS-02: These captivity sites are in Siba Sheikh-Kheder, approximately 70m away from a mass grave. The captivity sites are in a one-story house with windows painted to block the light. Some names were written on the walls, and some casings and other objects were scattered.²⁰⁷

²⁰³ Siba Sheikh-Kheder Youth Group, July 2023.

²⁰⁴ IQ-NH-BJ-SSK-CS-KS-01-I: this site was documented by Yazda Documentation Project on 21 June 2021.

²⁰⁵ IQ-NH-BJ-SSK-CS-KS-02-I: this site was documented by Yazda Documentation Project on 21 June 2021.

²⁰⁶ IQ-NH-BJ-SSK-CS-KS-03-I: Yazda Documentation Project documented this site on 7 December 2017.

²⁰⁷ IQ-NH-BJ-SSK-CS-CS-01, IQ-NH-BJ-SSK-CS-CS-02: Yazda Documentation Project documented these sites on 25 July 2021.

HQ-01: This site is a cement house. It is located on the main road that enters Siba Sheikh-Kheder, among a block of houses in the northeast. This house belongs to a person from the complex. There were some rooms on the left of this house's entrance, which were used as shops. The house contained a small yard, four rooms, and a garage. It is very close to HQ-02, a house which shares the same yard as this site. There were ISIL slogans on the walls, scattered items inside the rooms and some casings in the garage and the yard. According to a witness who lived there, this block of houses, including the specific house, was used as a headquarters by ISIL in 2014. In addition, there are some mass graves near this site.²⁰⁸

HQ-02: This site is a cement house located on the main road that enters Siba Shaikh-Kheder. It is very close to HQ-01. This house contained six rooms and was coloured green. There was a palm in the yard. Also, there were ISIL slogans on the walls.²⁰⁹

MG-01: According to a direct witness, this mass grave is next to the Siba Sheikh-Kheder crossroad. One of the Iraqi army checkpoints was 5m away from this site. This mass grave was fenced to protect the evidence. As per the witness, seven people from Siba Sheikh Kheder were executed at this site.²¹⁰

MG-02: This site is located on the east side of the power station in the village, close to the berm. The mass grave was purportedly moved from the right side to the left side by ISIL in 2014. The grave was covered by dirt.²¹¹

MG-03: According to a witness, when he returned to the village after being liberated from ISIL, he found this mass grave. The site is inside a garage of a house, and a rope with blood stains was found. He mentioned that there were human skulls and remains. While in captivity in this village, the witness heard from ISIL fighters that they were hanging Yazidis at this site.²¹²

MG-04: This site is located at the entrance to the village. The mass grave is about 20 to 30 square meters in size. According to a witness, this is a mass grave where 51 or 52 Yazidi people were executed by ISIL on 3 August 2014.²¹³

MG-05: This mass grave is located near a barrack on the north side of the village. It is approximately 20 to 30 square meters in size. The distance between the mass grave and the barrack is about 40m to 50m. There were no remains found, but there were some casings at the site. According to a witness, this is where a Yazidi woman and two children were killed by ISIL on 3 August 2014.²¹⁴

MG-06: This site is located on the west side of the village. The site is about 8 square meters in size. According to a witness, the site was under the stairs of one of the houses in the village, at the end of a street on the west side. According to the same witness, two elderly people and a young person were killed by ISIL on 3 August 2014 at this site. Also, many remains inside a burnt room were found.²¹⁵

MG-07: This site is a mass grave on the east side of the village in a house. In April or May 2022, a witness's children found a pile of human bones inside.²¹⁶

MG-08: This mass grave is a pile of dust beside a berm north of the village. The village's police station is located east of this mass grave, and a destroyed house is to the south of it. The approximate size of this mass grave is 3 meters in length and 160 cm in width. There were no surface items in this mass grave.²¹⁷ This mass grave was found by some people from the village, and contained human bones and skulls that may belong to about two or three people.

²⁰⁸ IQ_NH_BJ_SSK_CS_HQ_01-I: Yazda Documentation Project documented this site on 8 May 2023.

²⁰⁹ IQ_NH_BJ_SSK_CS_HQ_02-I: Yazda Documentation Project documented this site on 8 May 2023.

²¹⁰ IQ-NH-BJ-SSK-CS-MG-01-I: Yazda Documentation Project documented this site on 21 June 2021.

²¹¹ IQ-NH-BJ-SSK-CS-MG-02-I: Yazda Documentation Project documented this site on 21 June 2021.

²¹² IQ-NH-BJ-SSK-CS-MG-03-I: Yazda Documentation Project documented this site on 21 June 2021.

²¹³ IQ-NH-BJ-SSK-CS-MG-04-I: Yazda Documentation Project documented this site on 21 June 2021.

²¹⁴ IQ-NH-BJ-SSK-CS-MG-05-I: Yazda Documentation Project documented this site on 21 June 2021.

²¹⁵ IQ-NH-BJ-SSK-CS-MG-06-I: Yazda Documentation Project documented this site on 21 June 2021.

²¹⁶ IQ-NH-BJ-SSK-CS-MG-07-I: Yazda Documentation Project documented this site on 8 May 2022.

²¹⁷ IQ-NH-BJ-SSK-CS-MG-08-I: Yazda Documentation Project documented this site on 9 May 2023.

5.4 Tel Azer

*“I was kidnapped by... ISIL, on the 3rd of August 2014, when we were trying to flee from our village, Tel Azer. I was with my family when they captured me. They immediately separated the men from us and killed them.”*²¹⁸

Around 7,400 Yazidi families lived in Tel Azer prior to August 2014.²¹⁹



Tel Azer, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

5.4.1 Timeline of events

ISIL first attacked Ger Zarik and then Siba Sheikh-Kheder before attacking Tel Azer. There was no fighting in Tel Azer as the Kurdish forces had withdrawn and local fighters went with their families to the mountain to fight.²²⁰

Residents in Tel Azer heard the fighting in neighbouring Ger Zarik and Siba Sheikh-Kheder in the early hours of 3 August, and some went to their rooftops to observe what was unfolding.²²¹ They also received phone calls from family members and friends in Ger Zarik and Siba Sheikh-Kheder indicating ISIL had attacked their villages and advising people to flee, especially when dawn set in and it was clear ISIL was gaining ground at about 7:30am.²²²

Many people began fleeing by foot or in cars towards the mountain and to locations on the way, such as Kora-Avdo.²²³ Some people in neighbouring areas drove to Tel Azer in vehicles to pick up those who did not have cars.²²⁴

While people were fleeing in the morning, ISIL convoys came and captured people and/or shot at them.²²⁵ For instance, one survivor recounted an ISIL convoy of about six to seven cars arrived from Um-Thiban.²²⁶ The vehicles had dushkas secured to them.²²⁷ ISIL members began firing at people indiscriminately.²²⁸ The survivor mentioned *“An unarmed villager was standing there, when they [ISIL] reached him, they shot at his head and killed him.”*²²⁹ In some instances, men and women were separated and the men were immediately killed in front of the women.²³⁰

It is unclear exactly when ISIL entered and captured Tel Azer. Estimates range from around 9:00am to 11:00am, to the afternoon of 3 August.²³¹ ISIL members came from Siba Sheikh-Kheder and the intersection north of the town,²³² and raided homes.²³³ The people who remained in Tel Azer when ISIL entered were either killed on the spot or captured. There were few people remaining in Tel Azer when ISIL entered as people were warned by those in Ger Zarik and Siba Sheikh-Kheder to flee and had done this somewhat early on.²³⁴

²¹⁸ Female survivor, born 1998, interviewed by Yazda on 6 February 2019, code 2006.

²¹⁹ Food ration agencies, Youth groups, branch leaders, and health center in 2023.

²²⁰ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

²²¹ Male survivor, born 2003, interviewed by Yazda on 1 October 2021, code 531.

²²² Female survivor, interviewed by Yazda Documentation Project on 18 June 2017, code CF_122; Male survivor, born 1996, interviewed by Yazda Documentation Project on 12 July 2018, code CF_312.

²²³ Male survivor, born 2003, interviewed by Yazda on 1 October 2021, code 531.

²²⁴ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

²²⁵ Female survivor, born 2007, interviewed by Yazda on 22 April 2019, code 2054; Male survivor, born 2005, interviewed by Yazda on 14 April 2019, code 2152; Male survivor, born 2008, interviewed by Yazda on 14 August 2019, code 2179.

²²⁶ Male survivor, born 1996, interviewed by Yazda Documentation Project on 12 July 2018, code CF_312.

²²⁷ *Ibid.*

²²⁸ *Ibid.*

²²⁹ *Ibid.*

²³⁰ Female survivor, born 1970, interviewed by Yazda on 3 October 2016, code 1505.

²³¹ Yazda staff member from village who was present, July 2023.; Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

²³² Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

²³³ Male survivor, born 2003, interviewed by Yazda on 1 October 2021, code 531.

²³⁴ Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

5.4.2 Capture and transfer of people

Residents from Tel Azer who were captured in the village itself or in other locations were taken - like other Yazidis - to various places in Iraq.

One female survivor mentioned being trapped by ISIL in neighbouring Wardiya for six to seven days, caught while trying to flee Tel Azer.²³⁵ She recounted many Yazidi survivors were trapped in Wardiya and then taken to Tel Afar where ISIL members separated women and men for one month.²³⁶

Women were kept in a school in Tel Afar while the men were taken on a bus to an unknown location.²³⁷ About a month later, the men and women were reunited in Kaser Al-Mehrab.²³⁸ People were distributed to houses controlled by ISIL in this location. During this period, ISIL members forcibly married single young women and widows.²³⁹ After this, families, including both women and men, were moved to the Al Khadhraa neighbourhood in Mosul.²⁴⁰ The same survivor stayed there for five months. Men were forced to undertake agricultural and other work. Food and water were scarce. People were forced to pray in the mosque and were routinely flogged.²⁴¹

After five months, ISIL separated the women and children from the men once again. They took men in vehicles and informed the women the men had been killed. The women were taken to a school in Tel Afar, after which the women and children were transported to Raqqa in buses.²⁴² This one survivor's story is reflective of the experience of many Yazidis in Tel Azer and elsewhere who were captured.

Several survivors from Tel Azer mentioned being taken to a police station or a Kurdish security force office in Siba Sheikh-Kheder after being captured.²⁴³ There, the women and children were separated from the men.²⁴⁴ It is unclear what happened to the men, though some people seen near the police station were reportedly killed (see section on Siba Sheikh-Kheder). Many of the women were then taken to the Sinjar Personal Status Department before

being moved to places commonly known to have been ISIL holding sites, such as Badush prison.²⁴⁵

5.4.3 People of interest

No statements analysed mention specific names of ISIL members that attacked Tel Azer.



Tel Azer, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©

5.4.4 Statistics and impact

Around 145 people were killed in Tel Azer by ISIL and around 300 people from the village were captured.²⁴⁶ There were no known cultural or religious sites in this village.

Between the village's capture in August 2014 and its liberation from ISIL in late May 2017, ISIL members/affiliates from Ba'aj, Mosul and Syria were reportedly living in Yazidi people's homes in the village. Some of these ISIL members found the contact details of the Yazidi residents of the homes and called them to indicate they had taken over.²⁴⁷

The level of destruction in Tel Azer, as a village on the frontline, was high. As of June 2023, many of the buildings remain destroyed. Around 600 families had reportedly returned to the village as of May 2023.²⁴⁸

²³⁵ Female survivor, born 2007, interviewed by Yazda on 22 April 2019, code 2054.

²³⁶ *Ibid.*

²³⁷ *Ibid.*

²³⁸ *Ibid.*

²³⁹ *Ibid.*

²⁴⁰ *Ibid.*

²⁴¹ *Ibid.*

²⁴² Female survivor, interviewed by Yazda Documentation Project on 18 June 2017, code CF_122.

²⁴³ Female survivor, born 1995, interviewed by Yazda on 25 June 2016, code 1457; Male survivor, born 2003, interviewed by Yazda on 3 April 2019, code 2101; Female survivor, born 1998, interviewed by Yazda on 6 February 2019, code 2006; Male survivor, born 2003, interviewed by Yazda on 1 October 2021, code 531.

²⁴⁴ Male survivor, born 2005, interviewed by Yazda on 3 April 2019, code 2147.

²⁴⁵ Survivor, born 1997, interviewed by Yazda on 15 January 2018, code 1926.

²⁴⁶ Dawood Murad Khatary, Yazidi Genocide, 2019.

²⁴⁷ Survivor, Male survivor, born 1989, interviewed by Yazda Documentation Project on 25 June 2023, code Tel Azer.

²⁴⁸ Data gathered from the Tel Azer head of tribes (Mukhtars) on 14 May 2023.

5.4.5 Known ISIL kill sites, captivity sites, headquarters and mass graves

According to crime scene data collected by Yazda's documentation team, Tel Azer has several ISIL kill sites, captivity sites and mass graves. As per the owner of a house where a kill site was found, the police exhumed the site in July 2020. He noted there were remains of one person, and these were taken to a forensics office in Erbil.²⁴⁹ In addition, one mass grave (with remains of 10 people) was exhumed in December 2021 by the Iraqi Civil Defence Directorate. It is unclear whether the remains from both sites were identified and returned. Residents in Tel Azer condemned the fact that the Iraqi Civil Defence Directorate exhumed the site rather than the Iraqi national team, including the MGD, which is responsible for this work..²⁵⁰

All known sites are described below.

KS-01: According to a witness, he saw a burnt body in the sewer of a house, used as a kill site. The same witness noted the police took that burnt body to Erbil.²⁵¹

KS-02: This kill site is located inside a sewer in one of the houses west of Tel Azer. According to a witness, a Yazidi from Tel Azer, his family found some clothes and human bones inside the sewer. The sewer is located inside the yard of the house.²⁵²

CS-01: A witness reported this site is a house that was used as a captivity site. There was a tree beside the house's door. The door and windows were locked. The distance between this house and the main road is about 4m to 10m. According to a witness, ISIL captured Yazidi girls and women on 3 August 2014 and kept them in this house.²⁵³

MG-01: This mass grave is inside a house. The house is located to the west of the village. The mass grave is surrounded by a fence. A witness noted this mass grave contains the remains of four people.²⁵⁴

MG-02: According to a witness, this site is inside a sewer next to the house's bath and about 10m from the main door. There were some casings near the mass grave. Also, there were some remains inside the sewer. The number of remains is unknown.²⁵⁵

²⁴⁹ IQ_NH_BJ_TR_CS_KS_01_I, 24 June 2021.

²⁵⁰ See for example, Yazidi News, Facebook page, 2 December 2021.

²⁵¹ IQ_NH_BJ_TR_CS_KS_01_I: this site was documented by Yazda Documentation Project on 24 June 2021.

²⁵² IQ_NH_BJ_TR_CS_KS_02_I: this site was documented by Yazda Documentation Project on 11 May 2023.

²⁵³ IQ-NH-BJ-TR-CS-CS-01-I: this site was documented by Yazda Documentation Project on 24 June 2021.

²⁵⁴ IQ-NH-BJ-TR-CS-MG-01-I: this site was documented by Yazda Documentation Project on 24 June 2021.

²⁵⁵ IQ-NH-BJ-TR-CS-MG-02-I: this site was documented by Yazda Documentation Project on 24 June 2021.

MG-03: This mass grave is inside a house. It is about 60m to 80m away from the main road towards the south. The people who lived in the house were reportedly killed by ISIL.²⁵⁶

MG-04, MG-05, MG-06: There are three mass graves right by each other. The sites are located to the south of Sinjar main road by about 140m and west of the Tel Azer intersection by about 402m. The sites are inside a home. The graves were fenced, and no surface items were found. According to witnesses, on 3 August 2014, people who fled from Tel Azer on foot towards Mount Sinjar stopped at this house to rest and drink some water. All the people reached the mountain. However, the owner of the house and his family did not move from the house and ISIL executed them there.²⁵⁷

6. Legal analysis

This section analyses the crimes that occurred in and around 3 August 2014, and in and around the three villages. The qualification of the crimes Yazidis were subjected to once villagers were transferred to other locations after the initial attacks on Ger Zarik, Siba Sheikh-Kheder and Tel Azer, such as the recruitment of Yazidi boys as child soldiers, are not examined in detail. The analysis of such crimes can be found in other reports.²⁵⁸

6.1 Genocide

As an ethno-religious minority, the Yazidis are classified as a "protected" group under Article II of the Genocide Convention and Article 6 of the *Rome Statute*.²⁵⁹ ISIL committed prohibited acts underlying the crime of genocide in the three villages and against people from these villages, including: murder; serious bodily or mental harm; inflicting on the group conditions of life calculated to bring about its physical destruction; and transfer of children from one group to another.

Killing members of the group: ISIL killed Yazidis from the villages while they were fleeing and after the villages had been captured, particularly when people refused to convert to Islam. This includes summarily executing men and older boys they had captured, especially Yazidi fighters.

²⁵⁶ IQ_NH_BJ_TR_CS_MG_03_2017_I: this site was documented by Yazda Documentation Project on 24 June 2021.

²⁵⁷ IQ_NH_BJ_TR_CS_MG_04_2017_I; IQ_NH_BJ_TR_CS_MG_05_2017_I; IQ_NH_BJ_TR_CS_MG_06_2017_I: these sites were documented by Yazda Documentation Project on 11 May 2023.

²⁵⁸ See Human Rights Council, Independent International Commission of Inquiry on the Syrian Arab Republic, *'They came to destroy us': ISIS Crimes Against the Yazidis*, A/HRC/32/CRP.2, 15 June 2016; Yazda, *The Yazidi Genocide A Report by Yazda on the Events of August 2014 at Sinjar* (internal report).

²⁵⁹ See Human Rights Council, Independent International Commission of Inquiry on the Syrian Arab Republic, *'They came to destroy us': ISIS Crimes Against the Yazidis*, A/HRC/32/CRP.2, 15 June 2016.

Causing serious bodily or mental harm to members of the group: The existing jurisprudence indicates such harm can include torture and inhuman and degrading treatment and that the harm does not need to be permanent.²⁶⁰ By beating Yazidis, shooting at them and inflicting other forms of physical violence, ISIL subjected people to inhuman and degrading physical treatment. Serious mental harm included: threatening people with death if they did not convert to Islam; forcing Yazidis to watch others, including loved ones, being killed in front of them; and forcibly separating families.²⁶¹

Inflicting conditions of life calculated to bring about a group's physical destruction in whole or in part: This underlying act is distinct from killing members of the group immediately as it is focused on methods used to bring about the eventual physical destruction of the group, that is, "a slow death".²⁶² As per existing jurisprudence, "conditions of life" may include deprivation of food and water and expulsion from homes.²⁶³ By depriving captured Yazidis from these villages of food and water, and forcibly displacing people from their homes, ISIL deliberately inflicted conditions aimed at the physical destruction of the Yazidis.

Forcible transfer of children: Finally, ISIL forcibly separated some Yazidi children from these villages from their families and transferred them to the custody and control of ISIL members, where they were indoctrinated and forced to convert to Islam.

Genocidal intent: ISIL committed these prohibited acts in the three villages and against Yazidis from these villages with the intent to destroy, in whole or in part, the Yazidis. This is evidenced by: 1) ISIL's attempts to forcibly convert Yazidis, who they considered "infidels";²⁶⁴ 2) the murder of those who did not convert; 3) ISIL publications where they indicated they had researched how Yazidis should be treated prior to the attacks on Sinjar. They had determined Yazidis, unlike Christians and Jews, were not people of the book. According to ISIL's ideology, "*Their [the Yazidis] continual existence to this day is a matter that Muslims should question as they will be asked about it on Judgment Day*";²⁶⁵ and 4) ISIL's own anti-Yazidi comments to survivors in their captivity, extensively documented by Yazda.

According to a UN report "*Indeed, from the moment of first contact with the population of Sinjar, ISIS fighters focussed their attack on the Yazidis, because they were Yazidis,*"²⁶⁶ and "*No other religious group present in ISIS-controlled areas of Syria and Iraq has been subjected to the destruction that the Yazidis have suffered.*"²⁶⁷

6.2 Crimes against humanity

Crimes against humanity are crimes committed as part of a widespread or systematic act against a civilian population, pursuant to an organisational policy.²⁶⁸

ISIL's attacks on 3 August on Ger Zarik, Siba Sheikh-Kheder and Tel Azer constitute a direct attack on the Yazidis, a civilian population, who was the primary target of the attack.

The assault on these three villages, taken together with the attacks on other Yazidi villages, constitute a widespread attack. In addition, the attacks were similar in nature across all villages, were organised (even one month before), and well-planned. ISIL may have made calculated decisions, about for example, from which direction to target these villages. This indicates the attacks were systematic. Further, the attacks were part of ISIL's policy to target the Yazidis, who they considered "infidels", meaning they were committed pursuant to an organisational policy.

²⁶⁰ *Akayesu Trial Judgment*, para.502- 504; *Prosecutor v. Krstić*, ICTY Trial Judgment, 2 August 2001, ("Krstić Trial Judgment") para. 513; see also *Prosecutor v. Karadžić et al.*, Review of the Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, 11 July 1996, para. 93.

²⁶¹ *Prosecutor v. Tolimir*, ICTY Trial Judgment, 12 December 2012, para. 756; *Prosecutor v. Karadžić*, ICTY Trial Judgment, 24 March 2016, ("Karadžić Trial Judgment") para. 6049.

²⁶² Article 6 c of *Rome Statute. Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016 – Volume I of IV (TC), 24 March 2016, para 2586.

²⁶³ *Akayesu Trial Judgment*, para. 506; *Rutaganda Trial Judgment*, para. 52; *Musema Trial Judgment*, para. 157; *Stakić Trial Judgment*, para. 517.

²⁶⁴ Female survivor, interviewed by Yazda Documentation Project on 22 November 2021, code CF_574: "*They said that Yazidis were infidels. they told us this after they captured us.*"

²⁶⁵ See Human Rights Council, Independent International Commission of Inquiry on the Syrian Arab Republic, '*They came to destroy us: ISIS Crimes Against the Yazidis*, A/HRC/32/CRP.2, 15 June 2016; Mohammed A. Salih and Marwan M. Kraidy in International Journal of Communication, Islamic State and Women: A Biopolitical Analysis, 2020.

²⁶⁶ See Human Rights Council, Independent International Commission of Inquiry on the Syrian Arab Republic, '*They came to destroy us: ISIS Crimes Against the Yazidis*, A/HRC/32/CRP.2, 15 June 2016.

²⁶⁷ *Ibid.*

²⁶⁸ Article 7 of the *Rome Statute*.

By killing Yazidis in the three villages or from the villages as they were escaping, ISIL committed the crimes against humanity of murder and extermination.

By beating Yazidis, threatening people with death, forcing people to watch others being killed, and depriving people of adequate food and water, ISIL likely committed the crimes against humanity of torture and/or other inhumane acts.²⁶⁹

By capturing Yazidis from these villages after they were besieged or while people were trying to escape, and then transferring people, ISIL committed the crimes against humanity of severe deprivation of liberty and forcible transfer of a population.

These crimes were committed against the Yazidis based on their ethnicity and religion. Therefore, they also amount to the crime against humanity of persecution.

6.3 War crimes²⁷⁰

ISIL purposefully targeted a civilian population, the Yazidis, purely because they were considered “infidels”. This constitutes the war crime of attacking a civilian population. Some Yazidis who were captured, including Yazidi fighters in ISIL custody, were summarily executed, constituting the war crime of murder.

By forcing people to watch killings, and beating civilians in their custody, ISIL likely committed the war crime of outrages upon person dignity, in particular humiliating and degrading treatment.

By destroying civilian homes, buildings and the infrastructure indiscriminately, ISIL committed the war crime of pillaging a town or place. By capturing and transferring Yazidis forcibly from these villages, ISIL committed the war crime of displacing the civilian population.

²⁶⁹ See for example, *Prosecutor v. Blagoje Simić et al.*, Case No. IT-95-17/1-T, Judgement (TC), 17 October 2003, para. 97: “The Trial Chamber finds that harassment, humiliation, the creation of an atmosphere of fear through torture and other forms of physical and psychological abuse, an insufficient supply of food and water, lack of space, unhygienic detention conditions, and an insufficient access to medical care are circumstances that may constitute confinement under inhumane conditions and meet the actus reus of cruel and inhumane treatment as a persecutory act.”

²⁷⁰ See Article 8 (2) (c) and (e) of Rome Statute.

6.4 Other human rights abuses and violations

In addition to genocide, crimes against humanity, and war crimes, the underlying acts committed against the Yazidis also constitute serious violations of IHRL, such as the right to life; the prohibition of torture and other cruel, degrading and inhuman acts; and the right to liberty and security of person.

States have an obligation under IHRL to provide effective remedies to victims of such violations committed on their territory, including bringing to justice ISIL members who committed such violations. It is incumbent on the state of Iraq to fulfil its obligations pursuant to treaties it has ratified and under customary international law.

7. Gaps in the research

There are still many unanswered questions that need to be examined to obtain a full picture of what occurred, including about the crimes committed in the three villages and who is responsible. These include:

- Whether any acts of sexual violence occurred on 3 August. There are numerous accounts of sexual violence against women and girls who were captured, transferred and sold into slavery on subsequent days, months and years. However, no information was found to indicate such acts occurred in the three villages on the first day of the attacks.
- Information on the structure of ISIL at the time, which ISIL units (if any) attacked the three villages, who gave orders to enter these villages, persons of interest, including if any foreign ISIL members were involved, and further information on the planning of the assaults.
- What the situation was like in these villages between the time of their capture in August 2014 and their liberation in May 2017. This includes, who was residing in the villages, how did ISIL use the land and infrastructure, and for what purpose.
- Crimes concerning the destruction of property.
- Exact statistics, including demographic breakdown, on the: 1) number of people who lived in the villages prior to the ISIL attacks; 2) number of people executed in the villages by ISIL or while trying to flee; 3) number of people captured by ISIL in the villages or while trying to flee; 4) number of people from these villages who died on Sinjar Mountain or while trying to flee due to lack of food/water and extreme heat; 5) number of people liberated from captivity;

6) number of people killed in captivity 7) number of people still missing from these villages; and 8) number of people who have returned to the villages.

- The number of fighters from Ger Zarik and Siba Sheikh-Kheder, including number killed.
- Further information on Arab neighbours who betrayed but also may have assisted Yazidis from these villages, including their reasons for doing so.
- The exact reasons behind the failure of the security forces in the area to protect the three villages.

8. Ongoing impact of ISIL's attacks and the need for a holistic approach to transitional justice

Nine years since the beginning of ISIL's attacks on Ger Zerik, Siba Sheikh-Kheder and Tel Azer, the impact of the abuses, violations and crimes on survivors are ongoing and profound. This section highlights this impact and what survivors themselves believe are the solutions. This section is primarily based on information provided by survivors from the three villages who attended FGDs organised by Yazda in June 2023.

8.1 Ongoing trauma, finding missing people and exhuming mass graves

Survivors mentioned the trauma they feel having lost family members to ISIL and not knowing where some loved ones are. One male survivor from Siba Sheikh-Kheder revealed 32 of his immediate and extended family members were killed by ISIL. Another survivor from Siba Sheikh-Kheder stated he was the sole survivor of a massacre by ISIL, where around 30 Yazidis were killed, including three of his brothers.

Many survivors worry about their family members' wellbeing, including those who have suicidal ideations. One person explained, *"The situation of young men is very difficult. For example, I have a brother born in 2008, his psychological condition is very difficult, especially after we lost our mother. And this thing affected his psyche, making him feel constant fear and anxiety."*²⁷¹ Another male survivor added *"My nephew is one of the people whose father was killed in front of his eyes. While his whole family was captured by ISIL, he hid under a blanket and saw how ISIL shot his father and brothers, and took his sisters and mother."*²⁷²

²⁷¹ Male survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023.

²⁷² *Ibid.*

All the survivors Yazda spoke to during the FGDs indicated efforts to find missing Yazidis and the exhumation of mass graves were their most important priorities. One female survivor asserted, *"Bring back our daughters, mothers, sisters...we have been waiting for nine years."*²⁷³ A male survivor mentioned he still does not know where his mother is. Another survivor in her statement said, *"I have two daughters left in their [ISIL's] hands, and I don't know anything about them."*²⁷⁴

Survivors also questioned why the Iraqi Government and KRG are not doing more to rescue missing people from Al Hol camp in Syria and other locations. One survivor indicated the KRG's Yazidi Rescue Office supported him to find 18 of his missing family members and would like more to be done for other families.

Some mass graves in these villages are unprotected and evidence is at high risk of being destroyed due to exposure to the elements. Most mass graves in these villages remain unexhumed.

Another survivor suggested the international community should fund the Iraqi Government to recover missing people and exhume mass graves as the government argues it does not have enough resources, including money, to do this.



Statue, Tel Azer, Sinjar District, Nineveh Governorate, Northern Iraq, Layla Murad Aziz, Photographer ©

²⁷³ Female survivor, participated in a focus group discussion conducted by Yazda on 18 June 2023.

²⁷⁴ Female survivor, interviewed by Yazda Documentation Project on 8 December 2021, code CF_589.

8.2 Hardship in the camps, lack of education, poverty

Most survivors from these villages who are still in Iraq are in internally displaced people's (IDP) camps. They described living in difficult conditions, exposed to extreme heat and cold.

Young people mentioned their education was disrupted when ISIL attacked and now they struggle to complete their studies as a result of being aged out of the school system. One young female survivor indicated, *"Our future is not known. Before ISIL, I used to be a student in school and dreamt of being a doctor but after I was rescued from captivity, I could not go to school because of my age."*²⁷⁵

Some women reported all the men in their family were killed and now they are the heads of their households, struggling to provide for their families.

8.3 Barriers to returning to the villages

Some survivors indicated they do not wish to return to their villages because this would bring back highly traumatic memories. According to one person, *"When we go back...we suffer from the bad memories of what happened on 3 August. I prefer to go abroad..., not to Sinjar where my house is destroyed, and where my brothers were killed."*²⁷⁶ Another male survivor questioned, *"How can I go to a place where I was shot - with my father and brothers and neighbours and relatives - to death? How can I go back to the place where men my age were hanged?"*²⁷⁷

Many survivors explained one of the greatest impediments to returning to their villages are the unexhumed mass graves, especially inside people's homes.

Most also mentioned not feeling safe to return as they felt many of their Arab neighbours - who they were surrounded by and trusted previously - betrayed them. Many survivors worry about another attack and do not trust the Iraqi Government or the KRG to protect them if this occurs, in particular due to the weak security apparatus. As one Yazidi survivor pointed out, *"We also have the right to feel secure and safe as humans."*²⁷⁸

Another survivor noted Sinjar needs international protection or soldiers protecting Sinjar should be from the area. Sinjar is still a contested region with no proper administration and a strong presence of armed groups.²⁷⁹

Another major barrier to returning to the villages is the lack of infrastructure and basic services such as reliable sources of electricity and water, hospitals, schools, businesses, and universities in Sinjar. Homes and buildings in Ger Zarik, Siba Sheikh-Kheder and Tel Azar were severely damaged or destroyed given they were on the frontline of ISIL's attacks. Some survivors mentioned they are expected to pay to rebuild their destroyed homes in their villages. This is a significant financial barrier to returning.

Finally, there are concerns there may be unexploded bombs planted by ISIL in water wells.²⁸⁰

8.4 Reparations and criminal justice

Survivors indicated the Yazidi Survivors' Law (YSL), passed in Iraq in March 2021, has been helpful for them but highlighted a few deficiencies. The YSL provides for reparations for some minority-group survivors of ISIL, including a monthly salary, land, education and employment opportunities, among other benefits.

The deficiencies mentioned are listed below.

First, there is a need to expedite the process for approving an application. Some survivors waited several months for their applications to be approved, though the salary is provided retroactively from the time the application is lodged. As stated by a male survivor *"It takes a very long time for the Directorate [General Directorate of Survivors' Affairs (GDSA) responsible for implementing the YSL] to check survivors' papers and applications, for some it took eight to nine months."*²⁸¹

Second, one young survivor mentioned minors receive a smaller monthly salary of about 200,000 Iraqi Dinars (IQD) compared to adults who receive around 800,000 IQD and this should be addressed.

²⁷⁵ Female survivor, participated in a focus group discussion conducted by Yazda on 18 June 2023.

²⁷⁶ Male survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023.

²⁷⁷ *Ibid.*

²⁷⁸ *Ibid.*

²⁷⁹ Yazda and The Zovighian Partnership, *We cannot return Part 1: Collapsed security threatens the future of Yazidis & minorities in Sinjar*, September 2022.

²⁸⁰ Yazda staff member from one of the villages, July 2023.

²⁸¹ Male survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023.

Third, minors born after their mothers were captured are not eligible to apply for reparations under the YSL. As mentioned by a female survivor: *"My brother's wife gave birth when she was in captivity and when she applied for the YSL they rejected her child's application since they do not consider him/her as a survivor. Though the mother and the child were living among ISIL members where they were beaten and left hungry."*²⁸²

Fourth, some survivors worried people who are not really survivors are benefiting from the law.

Fifth, other survivors felt the process to apply is too onerous. They revealed having to attend courts not accessible to them, and that are in towns where ISIL harmed their families, to obtain investigative papers. Others indicated having to repeat their stories and this was traumatic: *"They require us to repeat our stories, and this is difficult for us, it requires a huge effort where at the end we feel emotionally and mentally drained...they have now idea that this is a huge effort."*²⁸³

Sixth, survivors revealed the GDSA is currently only focusing on the salary component of the YSL and survivors should also benefit from other forms of reparations they are entitled to under the law. These include land and particularly educational opportunities for young people who have been aged out of the system after years in captivity.

Survivors also noted that in addition to reparations, they want criminal justice. That is, for their preparators to be prosecuted for crimes committed against them, including genocide.

8.5 Guarantees of non-recurrence, including truth-telling

One survivor indicated the need for a museum in Sinjar to explain what occurred to Yazidis. This is provided for in Article 8 of the YSL. Another survivor suggested schools should teach students about the Yazidi genocide, *"Let them [the government] write about us and our history and teach this in schools so that no one forgets about what happened to us and what we went through."*²⁸⁴ These steps are important for truth-telling and memorialisation purposes, and ultimately to ensure such crimes do not occur again.

Some survivors also stated the need to address systemic discrimination Yazidis faced and continue to face to prevent future genocides and other crimes. This is significant given Yazidis experienced hate speech in Iraq and the KRI as recently as May 2023.²⁸⁵ One or two people expressed the need for Yazidis to be greater represented in parliament and for Sinjar to be given a provincial status so residents can make more independent decisions: *"Yazidis should make decisions related to Yazidis, not anyone else ..."*²⁸⁶

Survivors mentioned more action and less rhetoric is needed for tangible change to occur.

Ultimately, Iraq and the KRG need to take a holistic, survivor-centred and coordinated approach to transitional justice to ensure meaningful and sustainable change for survivors from Ger Zarik, Siba Sheikh-Kheder and Tel Azer, as well as other survivors. This is needed to end the cycles of violence against Yazidis explored in this report.

In the coming months, Yazda will survey Yazidi survivors and community members on what transitional justice means to them, to help inform future transitional justice processes.²⁸⁷

²⁸² Female survivor, participated in a focus group discussion conducted by Yazda on 18 June 2023.

²⁸³ Male survivor, participated in a focus group discussion conducted by Yazda on 11 June 2023.

²⁸⁴ Female survivor, participated in a focus group discussion conducted by Yazda on 18 June 2023.

²⁸⁵ Jiyana Foundation for Human Rights, *Statement on Unrest in Sinjar, Hate Speech, and the Path Forward*, 8 May 2023.

²⁸⁶ Female survivor, participated in a focus group discussion conducted by Yazda on 18 June 2023.

²⁸⁷ Results are expected to be released in September or October 2023.

8.6 An intersectional analysis of the abuses, violations and crimes, and their impact

ISIL had a strict view of gender and gender roles. This is reflective of how they treated Yazidis of different genders and ages from the three villages - and other Yazidi villages – differently. For instance, men and older boys were often killed, perceived as powerholders and potentially a threat to ISIL. This perception would have been exacerbated by the fact that Yazidi men in Ger Zarik and Siba Sheikh-Kheder mounted a strong resistance against ISIL. Many Yazidi women and girls were sold into sexual slavery and domestic servitude, reflective of ISIL's perception of women as property to be controlled. Younger boys were recruited as child soldiers, viewed as impressionable and future powerholders.²⁸⁸

The Yazidi community's - and the Iraqi community as a whole's - own views on gender and age reveal how the impact of abuses, violations and crimes and the solutions to address them can also be gendered. For instance, it is argued, *"In the rural population of Sinjar, Yazidi women and girls mainly interact with the world through male relatives."*²⁸⁹ This is reflective of input provided by some women Yazda spoke to in the FGDs. Many women are now breadwinners and may face difficulties providing for themselves and their families, and should be supported to gain and assert their independence.

In addition, young people's needs - independent of their adult caregivers - are often overlooked in society and therefore also in transitional justice processes. This is reflected by the fact that young people revealed they have difficulty accessing the YSL's benefits, which was likely designed with adults in mind.

9. Conclusions and recommendations

9.1 Conclusions

This report indicates ISIL's attacks against Ger Zarik, Siba Sheikh-Kheder and Tel Azer were well planned, revealing the systematic and premeditated nature of the crimes. Although local fighters in Ger Zarik and Siba Sheikh-Kheder mounted a strong resistance against ISIL's assault causing some initial losses, the security force's withdrawal despite assurances of protection, and the local fighters' limited weaponry, led to ISIL's ultimate capture of these villages. This began ISIL's overall assault on Sinjar, the Yazidi homeland.

Yazidis in the three villages, like other villages, experienced grave acts of violence amounting to international crimes. There are reports people from Ger Zarik and Siba Sheikh-Kheder were particularly harshly treated as retaliation for the losses ISIL incurred in these villages. The impacts of the abuses, violations and crimes are ongoing.

Concerted action is needed by the Iraqi and KRG authorities, and the international community to ensure Yazidi survivors from these villages, and survivors of ISIL crimes more broadly, obtain truth, justice, reparations, guarantees of non-recurrence and ultimately sustainable peace.

9.2 Recommendations

To all actors:

- Ensure survivors are at the centre of all decisions and actions taken concerning them. This means survivors are consulted and actively participate throughout the design and implementation of humanitarian projects and transitional justice processes. This also means gender-specific and children/youth-specific needs are considered.
- Work in coordination to achieve the solutions mentioned below.
- Focus efforts on all villages in Sinjar, including the three villages discussed in this report.

To the Iraqi Government and KRG:

- Conduct independent inquiries into the failures of the respective security forces, issue apologies, and ensure measures are in place to avoid such security apparatus failures in the future.

²⁸⁸ Jennifer Venis, *Justice for the Yazidis*, 27 September 2022.

²⁸⁹ *Ibid.*

- Coordinate closely between themselves and with international actors to find missing people. This could include providing support to the GDSA to act as a centralised body where a survivor can lodge an application about a missing family member and benefit from coordinated efforts to find them in a timely manner.²⁹⁰
- Protect unexhumed mass graves and crime scenes so evidence is not lost. Also ensure mass graves are exhumed and remains identified and returned in a timely way that respects the dignity of survivors.
- Incorporate international crimes into national law and establish a dedicated mechanism to prosecute perpetrators of such crimes according to international standards and in a way that is survivor-centred.²⁹¹
- Implement the YSL in full and in line with the letter and spirit of the law. This includes removing barrier to accessing its benefits whilst maintaining a robust process; and ensuring survivors can access all aspects of the law, such as rehabilitation services, plots of land, employment, and educational opportunities.
- Address barriers to people returning to their villages, such as the security situation and infrastructure needs.
- Address hate speech and discrimination through education and holding accountable those that incite hatred or discriminate against minorities.
- Enact a holistic, long-term transitional justice strategy.
- Collect and maintain comprehensive statistics related to ISIL crimes.

To multilateral organisations:

- UNITAD to investigate gaps mentioned in this report in relation to the three villages.
- UNITAD, UN Assistance Mission for Iraq (UNAMI) and other multilateral organisations working in Iraq to provide capacity building and other supports to national authorities to fulfil

²⁹⁰ Yazda, *The Unknown Fate of Missing Yazidis: 8 years on and still waiting*, September 2022.

²⁹¹ Yazda, *Position Paper on an ISIL Accountability Mechanism in Iraq*, August 2022.

their obligations, including under international law, such as prosecuting perpetrators of international crimes.

- When an independent body is established to investigate cases of missing people in Syria, pursuant to the recently adopted UN General Assembly Resolution, that it has powers to investigate cases of missing Yazidi people who may have been taken to Syria by ISIL.²⁹² A similar mechanism should also be established in Iraq.

To third states:

- Repatriate nationals suspected of involvement in ISIL, and investigate and prosecute them, as well as non-nationals on their territories, for international crimes as well as terrorism related crimes.
- Collaborate with grass-root organisations such as Yazda in case building.
- Explore avenues for state responsibility for the acts that occurred, such as state failure to prevent genocide under the Genocide Convention.

To International and local NGOs, civil society organisations:

- When providing humanitarian and other supports to Sinjar, to focus on all villages.
- If documenting and investigating ISIL crimes, to seek to fill the information and evidentiary gaps identified in this report.

²⁹² United Nations, *General Assembly Adopts Resolution Establishing Independent Institution on Missing Persons in Syria, as Speakers Debate Text's Merit*, 29 June 2023.



Tel Azer, Sinjar District, Nineveh Governorate, Northern Iraq, Yazda ©



Tel Azer, Sinjar District, Nineveh Governorate, Northern Iraq, Layla Murad Aziz, Photographer ©



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