



**Summary of Factual and
Preliminary Legal
Assessment of Crimes
Committed by ISIL Against
the Albu Nimr Tribe in
Anbar
2014-2016**



**United Nations Investigative Team to Promote Accountability for Crimes Committed by
Da'esh/ISIL (UNITAD)**

Office of Field Investigations

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Against the Albu Nimr Tribe in Anbar
2014-2016**

September 2024

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EXECUTIVE SUMMARY

1. This is a public summary of the factual and preliminary legal assessment conducted by UNITAD on crimes committed between 2014 and 2016 by ISIL (Da'esh) against the Albu Nimr tribe in al-Anbar governorate, Iraq. The summary does not provide an exhaustive list of incidents on which UNITAD has collected information on. The Security Council, in its Resolution 2379 (2017) uses the term "Islamic State in Iraq and the Levant" (ISIL) and clarifies that it is also known under the acronym "Da'esh" or "ISIL (Da'esh)." For simplification, this report uses the term "ISIL." Unless the evidence collected provides a term with a specific meaning, this report will refer to the entity as "ISIL" while keeping the original term in the reference (ISIL, ISIS, Islamic State, Da'esh etc.).
2. The main factual findings of the investigations are as follows. In 2007, the Albu Nimr tribe was part of the *Sahwa* (Sunni Awakening) Forces that fought al-Qa'ida alongside the predominantly Shi'a government. In 2014, it was one of the Sunni Arab tribes that opposed ISIL alongside Iraqi security forces (ISF). ISIL declared that Sunnis who fought against them were apostates and should be executed. Soon after the takeover of the Albu Nimr area in Anbar, ISIL committed crimes against the Albu Nimr tribe.
3. In early 2014, ISIL started to take control of Anbar governorate with the assistance of local Sunni militias. In October 2014, in the hours and days following ISIL's takeover of the Albu Nimr area in Anbar and its surroundings, on the orders of ISIL leadership in Anbar, armed ISIL members captured and executed hundreds of male members of the Albu Nimr tribe, including children. Albu Nimr representatives have reported that ISIL is responsible for the killing or disappearance of about 1,200 members of their tribe, including women and children.
4. UNITAD has collected information on several incidents of ISIL crimes against the Albu Nimr tribe, cumulatively involving over 100 victims. ISIL captured, tortured and killed mostly men but also some children. Many of the victims were part of or associated with the Iraqi police, military, and *Sahwa* Forces or were family members of those who were part of or associated with these forces. Victims were executed publicly or had their bodies thrown down wells in the desert. In many cases, ISIL prohibited family members from recovering the bodies and denied them the possibility of an appropriate burial. Many members of the tribe, including women and children, were forcibly displaced and had their property taken or destroyed.
5. These crimes took place at different sites in and around the Albu Nimr area between the town of Hiit, the Euphrates River and Lake Tharthar in the al-Jazeera desert. Between 2014 and 2015, many members of the Albu Nimr tribe were executed in the area between Hiit, Ramadi, Lake Tharthar, and Haditha in Anbar governorate. Mass graves were located in these areas based on witness testimonies.

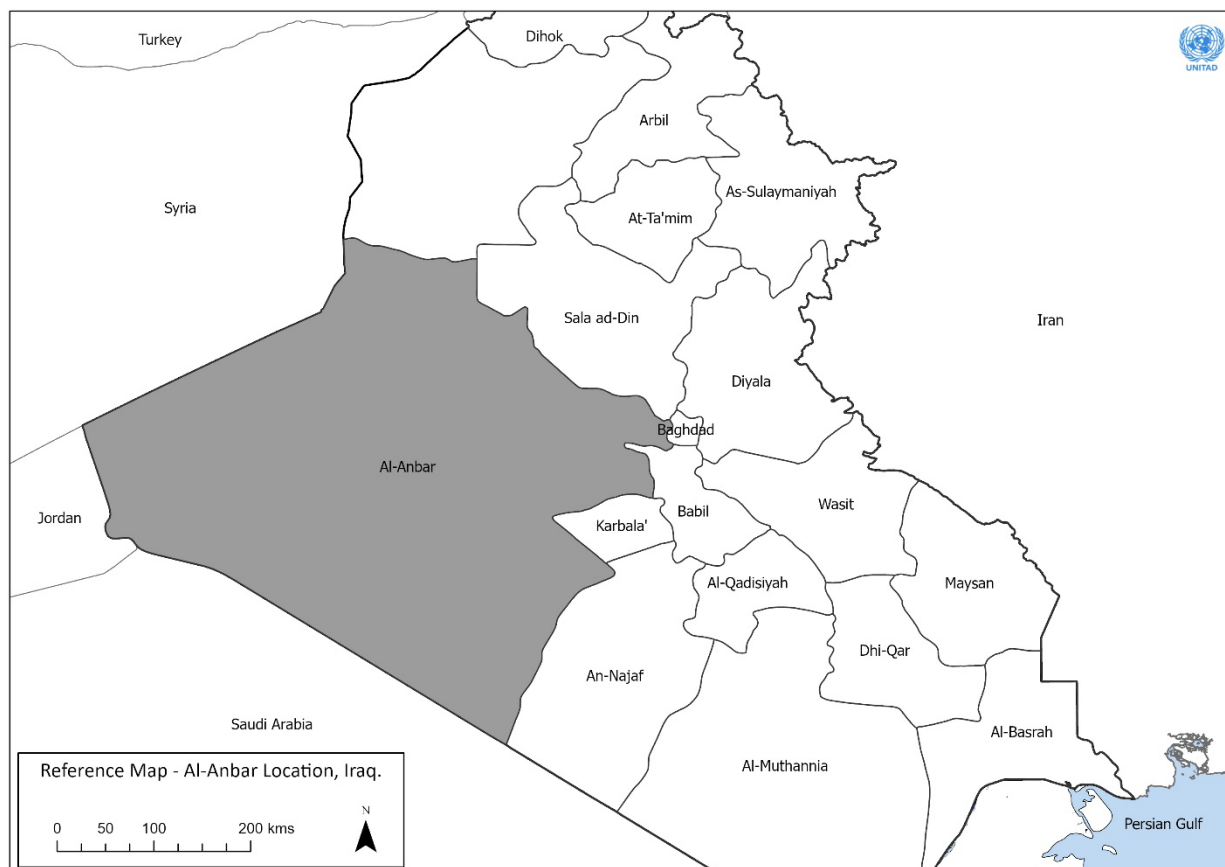


Map of the main crime areas, extracted from Google Earth.

6. The main preliminary legal findings are as follows. From 2014 until at least 2016 (the endpoint of this analysis), ISIL and its predecessors maintained a consistent and uniform intent against the Albu Nimr tribe, as a group, mainly by targeting and killing adult male members of that group. This intent was built on the following reasoning: the Albu Nimr tribe was seen as a group of faith rejectors (*rafidha* or *rawafidh*) and apostates (*murtaddin*), who had fought against ISIL, supported the Iraqi government and made it difficult for ISIL to overpower the Iraqi government.
7. Based on ISIL statements, acts and conduct, it can be inferred that many of the ISIL members participating in crimes against the Albu Nimr tribe were aware of ISIL's policy against the Albu Nimr and shared the intent to commit crimes against the tribe.
8. The Team concludes that, for some of the crime incidents, there are reasonable grounds to believe that ISIL committed acts amounting to the international crimes of murder or extermination, outrages upon personal dignity, torture, enforced disappearance, imprisonment, displacement, and persecution against Albu Nimr tribe members in Anbar. In particular, there are reasonable grounds to believe that:
 - a. Persecution as a crime against humanity on political grounds was committed against Albu Nimr tribe members who had previously resisted ISIL or who were affiliated to ISF. ISIL's persecution of Sunni Albu Nimr Muslims in Iraq was fuelled by political dynamics and ISIL's resentment towards the support that Albu Nimr fighters provided to the Shi'a-majority government and the ISF.

- b. Murder as a war crime and a crime against humanity, and Imprisonment or Other Severe Deprivation of Physical Liberty as a crime against humanity were committed against:
 - i. policemen executed sometime after 22 October 2014 at Bir Hilywat in al-Tharthar desert,
 - ii. men executed at al-Bakr roundabout in Hiit on 28 October 2014,
 - iii. men executed at Bir Hawas in a desert area in the outskirts of Tal Aswad in Hiit on or around 25-28 October 2014, and
 - iv. a man executed at Wadi al-Aidi in al-Bakr neighbourhood in Hiit around the end of October 2014.
 - c. Murder as a war crime and a crime against humanity was committed against policemen captured at al-Jama'ia police station in Hiit on or around 2 October 2014 and a man executed at al-Sa'a roundabout in Hiit sometime in the beginning of 2015.
 - d. Extermination as a crime against humanity may have been committed based on an aggregation of separate executions that appear to be part of the same operation by ISIL that targeted hundreds of Albu Nimr tribe members.
 - e. Outrages upon Personal Dignity as a war crime was committed against the executed men of the Albu Nimr tribe as ISIL prevented their respectful burial in accordance with cultural and religious practices and against a male who was forced to eat animal excrement.
 - f. Torture and other forms of Ill-Treatment as a war crime and a crime against humanity were committed in several incidents including against a minor civilian who was interrogated at gun point at Bir Hilywat in al-Tharthar desert, two captives who were detained, beaten, and not provided access to food or water in two unrelated incidents during custodial interrogation in two neighbourhoods of Hiit at separate times in 2014, and a male who was forced to eat animal excrement, among others.
 - g. Enforced Disappearance as a crime against humanity may have been committed, presuming that ISIL is treated as a political organization.
 - h. Forcible Transfer as a crime against humanity or Displacement of Civilians as a war crime were committed against Albu Nimr tribe members who were ordered by ISIL to leave their homes and threatened to be killed and arrested if they did not comply.
9. The factual and legal findings are based on the extent of investigations from mid-2020 to early 2024 and can benefit from further investigations.
10. The killing of members of the Albu Nimr tribe has had a detrimental and long-lasting impact on their families and the wider community. The family members of victims have emphasized that finding the truth behind what happened to their loved ones, shedding light on the wrongdoings committed, the opportunity for respectful burial of their loved ones' remains, receiving reparations and achieving recognition for their difficult situation would assist them to move towards closure.

PART I – SCOPE AND METHODOLOGY



Map of Anbar Governorate within Iraq.

11. This is a non-exhaustive, public summary of UNITAD’s factual and preliminary legal assessment on crimes committed between 2014 and 2016 by ISIL against the Albu Nimr tribe in al-Anbar governorate, Iraq.
12. The findings are based on evidence collected by UNITAD and its counterparts prior to UNITAD’s closure, notably: testimonial evidence (including survivor, eyewitness, expert, overview and perpetrator interviews); audio-visual evidence collected mostly from online open sources; forensic evidence and analysis; documentary evidence; and other open-source information. Factual assessments regarding the historical and political background substantially rely on online open-source information. Factual findings regarding crimes and perpetrators rely on a combination of testimonial, audio-visual, forensic and documentary evidence. To the extent possible, such findings rely on corroborated evidence. Where this was unfeasible, findings are made in the conditional (“may have”, “reportedly”, “likely”).
13. The findings in this report are made in accordance with the “reasonable grounds to believe” evidentiary threshold. This standard does not apply to every piecemeal assertion contained in

the report. Rather, it only applies to the ultimate findings as to the crimes committed and to the individual criminal responsibility of suspected perpetrators of those crimes.

14. For security purposes, references have been removed from this public report.

PART II – HISTORICAL BACKGROUND AND POLITICAL CONTEXT

1. The Rise of ISIL and Takeover of the Albu Nimr Area

1.1 Rise of ISIL in Anbar

15. Anbar is the largest governorate in Iraq by area. The majority of its inhabitants are Sunnis from the Dulaim tribe. Albu Nimr is one of the Sunni tribes, comprising of around 500,000 members living mainly in the area between Ramadi and Haditha in Anbar governorate.
16. The Albu Nimr tribe is composed of various sub-tribes, each led by a sub-tribe chief. All sub-tribe chiefs are headed by the overall leadership of the tribe, which is presently shared between two Sheikhs.
17. ISIL's emergence in Anbar can be traced back to the anti-government sit-ins in and around Ramadi and Falluja in 2012-2013. Extremist movements, which later merged into the group known as ISIL, attended the demonstrations and gradually gained some support by leveraging the Sunni community's grievances against the Shi'a-led government for what the former perceived as marginalisation of Sunnis in Iraq. At the time Iraqi forces forcibly removed the sit-in tents to quell demonstrations, ISIL had started to come out in the open, with sleeper cells previously stationed in desert areas, particularly the Horan desert, increasing their operations in towns and urban areas.
18. In the course of 2013 and 2014, ISIL went from staging sporadic attacks on the outskirts of Ramadi and Falluja to progressively taking control of the areas surrounding the Albu Nimr area in Anbar. ISIL attacked Albu Dhiab, which is located west of Ramadi and east of the Albu Nimr area, and then moved on to Albu Alay al-Jasim, Albu Assaf, Tarabsheh, Albu Tayban and Mohammadi.

1.2 Albu Nimr Tribe's Resistance

19. ISIL's rise in Anbar provoked a division in the Albu Nimr tribe's leadership, regarding the approach towards ISIL with one section supporting a surrender to ISIL while another was of the view that a surrender by tribe would result in ISIL killing its members. Ultimately, a leading Albu Nimr Sheikh decided to organize an armed resistance, a decision that was followed by most of the community, including local-level tribal leaders.
20. By around the end of 2013, Albu Nimr tribe members had started preparing to defend their area against ISIL, building berms all around the area stretching from al-Zwaya to the south-east to al-Bakr neighbourhood in Hiit city to the north-west. Small fighting units composed of

around five fighters were stationed along the perimeter, every 500 metres. The western side of the perimeter ran along the Euphrates River, with Abu Nimr fighters deployed on the eastern bank and ISIL members positioned along the western bank of the river. The Abu Nimr fighter's resistance to ISIL using the system of berms lasted for around a year.

21. In September 2014, after the Iraqi army's battalion in Hiit left the area and retreated towards 'Ain al-Asad airbase, ISIL attacked Hiit. Between 1 and 2 October 2014, ISIL took control of the town of Hiit and its surroundings. At that point, ISIL had encircled the Abu Nimr area in Al-Furat, Hiit from all directions, cutting off supplies of food, water, and medicines.
22. Abu Nimr tribe fighters resisted ISIL attacks with their own weapons and some weapons provided by the government. At the beginning of the fighting, only Abu Nimr tribe fighters were deployed, while members of the tribe who were part of the Iraqi police and army continued to serve with their units in other locations such as Hiit, Kubaysa, Barwana and Haditha. Other members of the Abu Nimr tribe, including children, supported the fighters by, for example, supplying them with water and food. After approximately one month of fighting, upon request of the Abu Nimr tribe, the Iraqi government sent reinforcements of about 75 Iraqi army members and some military vehicles. During the end days of the Abu Nimr resistance, the government also dropped food and water from helicopters because the Abu Nimr area was besieged by ISIL and the people could not arrange for their own food and water.
23. Following several months of resistance, ISIL members approached the Abu Nimr Sheikhs several times to negotiate a surrender. ISIL promised not to harm Abu Nimr tribe members provided the tribe's fighters handed over their weapons, left the area and let ISIL enter without resistance. ISIL also demanded that the Abu Nimr tribe hand over the 75 Shi'a army members who were fighting along with the Abu Nimr tribal fighters. After consulting with the tribal community, it was decided to reject the offer and continue fighting.
24. ISIL's team in the negotiations may have been constituted by the *Wali* of *Wilayat* al-Anbar and included: the commander of the Security Diwan in ISIL's al-Jazeera Sector, the Emir of al-Jazeera Sector, two members who had military positions in al-Jazeera Sector, the Shari'a Emir of al-Jazeera Sector, the ISIL Judge of *Wilayat* al-Anbar, and the Amni of ISIL's Hiit Sector.
25. As ISIL's attacks intensified, around two months before ISIL's takeover of the Abu Nimr area, the tribal leadership and the Iraqi army agreed to replace the army members, who were Shi'a from southern Iraq, with army members that belonged to the Abu Nimr tribe. This decision served the dual objectives of sparing the lives of the Shi'a members of the army in the face of ISIL's imminent takeover, in light of the recent massacre of Tikrit Air Academy personnel, and boosting the morale of Abu Nimr fighters, who were going to be reinforced by army members from the Abu Nimr tribe.

1.3 ISIL Takeover of the Albu Nimr Area

26. Towards the end of October 2014, as ISIL had surrounded the Albu Nimr area from all directions, Albu Nimr leaders understood it would not be long before ISIL took over. Therefore, they agreed with ISIL on a truce period of around two days to allow Albu Nimr fighters and ISF to withdraw to Haditha via the al-Tharthar desert. After the truce period, ISIL threatened to kill those tribe members who remained in the Albu Nimr area.
27. When ISIL took over the area, they celebrated their victory in the streets. An ISIL leader directed ISIL members to raise ISIL flags over buildings and he and other ISIL members told the people of Albu Nimr tribe that they were safe.
28. Many ISIL members, including foreign fighters, were patrolling, distributing candies to children and playing football in the streets. ISIL members were seen with vehicles which displayed ISIL logos and flags, Iraqi army vehicles, Humvees, and some police vehicles. ISIL took over the houses of members of the security forces and parked their vehicles in front of them to demonstrate their control of the area. They carried Kalashnikovs, PKCs, anticraft systems and heavy weapons.

1.3.1 Life under ISIL

29. Soon after the takeover, ISIL started looking for any remaining Albu Nimr tribal fighters in the area, as well as for those who collaborated with security forces, and detained those they found. Based on information ISIL had on Albu Nimr tribe members in their database and laptops, they systematically raided houses, looking for those who belonged to the security forces or the *Sahwa* Forces, and demanding families to hand over their weapons. Some members of the Albu Nimr tribe had apparently joined ISIL and were among those who were appropriating weapons.
30. At the end of the truce, there was an order to search areas inhabited by Albu Nimr tribe members. Information had been received that some Albu Nimr tribe members had not left yet and that they should be found. Homes belonging to members of Albu Nimr tribe members were therefore raided and they were arrested.

1.3.2 Targeted Destruction and Use of Property Belonging to Community Leaders, Iraqi Security Forces Members and Their Families

31. ISIL members, some of whom seemed to be locals, destroyed the houses of Albu Nimr tribal leaders, ISF officers, and members of *Sahwa* Forces. They also destroyed houses of Albu Nimr families who refused to hand over weapons belonging to their relatives who were part of the ISF or *Sahwa* Forces, and even the houses of civilians who had relatives working for the ISF or *Sahwa*. ISIL members would order the families to get out of the houses they had decided to destroy and, without leaving them the time to pick up any of their belongings, set the houses on fire using jerrycans of gasoline.

32. ISIL members also appropriated private property including cars and sheep. They also took over and used houses, including those belonging to ISF members, as ISIL offices, guest houses, or for themselves and their families. They also marked other houses belonging to ISF members, likely to indicate that they would be appropriated or destroyed.
33. As it consolidated its presence in the area, ISIL established its own institutions including the *Shari'a* court, the "Council of Good and Bad Deeds", and detention facilities. The organization also controlled the hospital.

1.3.3 Displacement of Civilians

34. Shortly after the takeover of Zuwayat-Albu Nimr, ISIL, using loudspeakers from a mosque, ordered ISF members to surrender and declare repentance to ISIL, and ordered people to leave the area or else they would be arrested and killed. ISIL members also went to the streets and to houses of Albu Nimr tribe members ordering them to leave immediately without giving them time to gather any of their belongings, and threatened to destroy the houses of those who did not leave. In at least one instance, ISIL members beat women who were forced to leave their houses, calling them apostates. ISIL also used megaphones from police cars ordering people to leave. There were widespread rumours within the Albu Nimr community that ISIL considered it legitimate to kill Albu Nimr tribe members and that everyone had to escape if they wanted to stay alive.
35. Many Albu Nimr tribe members including women and children left, most of them towards the al-Tharthar desert, al-Bakr neighbourhood, Ramadi or Baghdad. Groups of people, including two pregnant women and children, headed on foot towards the al-Tharthar desert, and some of them died of thirst and hunger. However, some tribe members did not leave the area, including those who had apparently joined ISIL, as well as some farmers and some of those who owned livestock.
36. ISIL set up checkpoints to control the movement of Albu Nimr tribe members and to prevent those who were ordered to leave from returning to the area. At these checkpoints, ISIL members appropriated the belongings of Albu Nimr tribe members who were leaving, including their phones, cars, jewellery, livestock and furniture, and checked the identity of people passing through against lists of police members and government employees available on their computers.

1.3.4 ISIL Rules and Prohibitions

37. After taking over Hiit and the Albu Nimr area, ISIL distributed flash drives with ISIL propaganda content including content where ISIL claimed to come to liberate the people, and broadcasted ISIL songs through their vehicles. They also wrote these rules on walls in some neighbourhoods.
38. ISIL mandated women to wear a *niqab*, which is a gown that completely covers the body and face except the eyes. Women could only leave their homes in the company of a male member

of the family and were prohibited from wearing makeup and utilising any methods of hair removal. The *Hisbah* women police implemented these rules by searching women and girls, whipped women who did not follow these rules, and at times also whipped their husbands. A man was arrested for 10 days because his female family members were not wearing the *Khimar* (veil). ISIL also prohibited people from using phones, and raided houses and undertook searches to look for phones. People therefore used phones secretly.

39. Men were mandated to wear *dishdashas* and were prohibited from wearing shorts and shaving their beards. During prayer times, men were mandated to pray in the mosque and women in their homes. ISIL prohibited smoking, alcohol consumption and music. ISIL imposed fines for violation of these rules and subjected those caught smoking or with cigarettes to punishments such as flogging, digging graves, being tied to trees or electricity poles, as well as reading and reciting the *Qu'ran* before being released.

1.3.5 ISIL Indoctrination of Children

40. Shortly before ISIL's takeover of the Albu Nimr area, children had stopped going to school as their families were worried for their safety given the critical security situation. After ISIL took over, they began recruiting women to teach in an ISIL school in Hiit. ISIL printed school curriculums and wanted to teach children how to use arms.
41. ISIL members went to houses in Hiit looking for female teachers and recruited young women or girls, who may have eventually agreed to teach out of fear. At least one of the girls would be picked up by the ISIL *al-Hisba* women, who asked her to wear a three-piece *niqab*, and taken to the ISIL school.
42. Children, both boys and girls, were picked up from their houses in an ISIL vehicle, were brought to school and taught "how to love the Islamic State" and draw the Islamic State flag. Toy guns were distributed to the children and they were taught how to load the toy guns with a toy magazine. Male ISIL members would take children to the school yard and teach them how to shoot a "murtad" with toy guns and tell the children: "If you see a man in a military uniform or Iraqi security uniform, he is an apostate, and you must kill him". ISIL members also handed small ball-like fireworks to children that when thrown on the ground would make a small sound. ISIL books distributed to teachers pertained to ISIL ideology and the notion of hating the Iraqi security force affiliates.

PART III – CRIMES AGAINST ALBU NIMR TRIBE MEMBERS

2. ISIL crimes in October-November 2014

2.1 Execution of Members of al-Jama'ia Police Station, Hiit

43. On or around 2 October 2014, after taking control of the town of Hiit, ISIL captured and executed at least 11 policemen from al-Jama'ia police station in Hiit. All the policemen were members of the Abu Nimr tribe who had fought ISIL before the takeover of Hiit. ISIL members lined up the captured policemen in the yard of the police station, forcing them to sit or kneel on the ground. Most ISIL members had their faces covered and were carrying guns, firing in the air. Two videos, one showing ISIL's capture of the victims and the other showing ISIL's execution of the same victims, may have circulated in the Abu Nimr community after the incident.
44. Shortly after the takeover of Hiit, one of the Abu Nimr tribal leaders learnt from shepherds that they had found bodies of policemen from al-Jama'ia police station in the area of Khodha, including the body of the commander, a Major. The area of Khodha is across the river from the Abu Nimr area, and at the time was already in ISIL's hands. A small group of Abu Nimr tribe members crossed the river during the night and recovered the body of the Major but were not able to recover the other bodies. Bodies of some of the victims had been left out on al-Chery Street in Hiit. Despite threats from ISIL not to touch the bodies, residents of al-Chery Street recovered them and returned them to their family members, who were then able to organize a funeral in Zwaya neighbourhood. As per another account, one victim's body was recovered from al-Jamia'a police station.

2.2 Detention and Killings at Bir Hilywat, al-Tharthar Desert

45. Towards the end of October 2014, the commander of a police company had taken his son and his police company to a small village near Lake al-Tharthar to hide from ISIL. However, ISIL members managed to get hold of and arrest his son, who was of minor age, beat him, put a gun to his head, and threatened to kill him unless his father and the police company surrendered. The commander and the rest of his company then came out of hiding and surrendered. ISIL members blindfolded and handcuffed them, took their weapons, placed them in ISIL cars and drove away.
46. The son was released after a relative begged the ISIL member to spare him. Three other youngsters who had been captured were also released after the commander pleaded with ISIL to let them go, stating they were students and had not fought against ISIL.
47. The policemen may have been taken before the *Shari'a* Judge of the al-Jazeera sector, who ordered their execution and transmitted his order to the *Shari'a* Emir and Judge of *Wilayat* al-Anbar, who approved it.

48. Later, through a video circulating in the Albu Nimr community, people found out that ISIL had executed the commander and his police company at a location known as Bir Hilywat, which is next to a sinkhole in the al-Tharthar desert. ISIL members filmed the execution and ISIL's Media Office of *Wilaya* Northern Baghdad (ولاية شمال بغداد) released it, publishing it on several websites between the end of September and October 2017. Locals did not know until then what had happened to the policemen.
49. The video shows a group of 16 people in civilian clothes sitting or kneeling on the ground with their hands tied behind their backs, on the edge of a sinkhole in a hilly desert area. Some of them are blindfolded. Several ISIL members with their faces covered and carrying guns are standing behind them, including one masked ISIL member in the foreground who was identified. In the video, he is heard reciting a statement in which he calls the Albu Nimr victims "apostates" (*murtaddin*), accuses them of working with the army, police, and *Sahwa* Forces, and protecting the governor.
50. He then orders three victims, including the commander of the police company, to provide their full names and professions. Shortly thereafter, three or four ISIL members, including him, shoot the victims in the head. One after the other, the victims fall on the ground.

2.3 Albu Assaf Detentions and Killings at Bir Hawas

51. Around 25-28 October 2014, in Albu Assaf, ISIL detained an unknown number of members of the Albu Nimr tribe, possibly up to 48 people. The detainees were later killed near a water well known as Bir Hawas, which is a desert area on the outskirts of Tal Aswad and Zuwayat-Albu Nimr. Prior to the execution, some of the victims were apprehended in their homes or were caught while attempting to flee, as outlined below.
52. For instance, on 24 October 2014, ISIL captured and blindfolded three relatives from Tal Aswad and took them to an ISIL judge in Albu Assaf. After verifying that they were members of ISF, ISIL sentenced them to death by execution. The execution was carried out the next day at the abovementioned water well known as Bir Hawas. Allegedly, 27 other persons were also executed at the same time.
53. Also, on or around the morning of 23-24 October 2014, ISIL members ambushed a group of around eight vehicles of Albu Nimr tribe members who were fleeing towards Haditha through the al-Tharthar desert, in an area called al-Fawwara. ISIL members captured the people in the convoy, firing at them, shouting out *takbir* and calling them "*murtaddin*" (apostates). There were around fifteen ISIL members in five vehicles, wearing *Qandahari* uniforms, most of them also wearing face masks, and armed with AK-47s and BKCs. ISIL members appropriated the wallets and IDs of the people in the cars, checked their identity and called the men "*murtaddin*". ISIL members tied the hands of the captives from the eight vehicles and forced them to kneel with their heads down, calling them "apostates" and "enemies of God". The captives were then placed in three vehicles and taken to the Albu Assaf area. Altogether

approximately 20 people were arrested, including those in the eight vehicles ambushed and others who had been arrested previously.

54. Once in Abu Assaf, ISIL members paraded the detainees around for half an hour to celebrate their capture. Some of the residents of the area were calling out *takbir* to express their support to ISIL. ISIL members then brought the detainees to a big two story-house they had previously appropriated and were using as a *Shari'a* court. The room of approximately 10x6 meters, contained some 48 detainees, who had reportedly been captured in similar circumstances. Four or five ISIL members were guarding the door. At first, ISIL members treated the detainees humanely, offering them access to a bathroom and giving them some food and water.
55. Later during the evening, two ISIL members came to the room and started checking the detainees' names against lists of police and army affiliates. Three other ISIL members, possibly escorts of the *Shari'a* judge, arrived the same evening. They acted aggressively and began beating the detainees using their hands, feet, and wires, while calling them apostates, "enemies of God and disbelievers". One of the detainees was beaten to death, and his body removed from the room. After the beatings, ISIL members took the detainees, one-by-one, to a separate room for interrogation, during which most of them were blindfolded and handcuffed.
56. The beatings continued for approximately another two days, during which detainees were interrogated multiple times. After two or three days, ISIL members loaded the group of detainees who had been captured in different ambushes in cars and said that they were taking them to prison. Instead, ISIL members brought the captives to a water well in the desert, known as Bir Hawas, on the outskirts of Tal Aswad and executed them.
57. After the massacre, the bodies were left in the well and were not afforded an appropriate burial. The bodies of victims have not been recovered to date.

2.4 Al-Khanizir Massacres

58. Several executions took place in the al-Khanizir area. Sometime between 23-30 October 2014, ISIL is believed to have executed 40-50 people including civilians and members of the ISF whom they had captured, and to have thrown their bodies into a well in Wadi Khanizir in the al-Tharthar desert. In another incident, ISIL allegedly executed around 70-100 people including both civilians and ISF members in the same desert area between Abu Nimr and al-Tharthar Lake. At a third location in Wadi Khanizir, where there are two sinkholes, one filled with plants and the other with water, ISIL reportedly executed Abu Nimr tribe members and threw victims' bodies inside the two sinkholes.

2.5 Other Executions in al-Tharthar Desert

59. Several other executions may have occurred around the time of ISIL's takeover. In particular, many executions may have taken place in the al-Tharthar area soon after ISIL took over and Abu Nimr tribal fighters retreated, with people being executed in groups of two, five and six, and thrown into the lake or water wells in the desert. Local fishermen and shepherds living in the al-Tharthar/al-Jazeera area, who were also members of the Abu Nimr tribe, reported these executions to their local tribal leader.

2.6 Execution of 46 Members of the Abu Nimr Tribe at the al-Bakr Roundabout, Hiit

60. On 28 October 2014, ISIL executed a group of at least 46 Abu Nimr tribe members at the road intersection of al-Bakr neighbourhood in Hiit district, just across the bridge from the centre of Hiit town, on the eastern side of the Euphrates River.
61. Most, if not all, of the victims of the al-Bakr massacre had been arrested and beaten by ISIL in the days preceding the massacre, soon after ISIL's takeover of the Abu Nimr area. Some of the victims were targeted because ISIL had information that they had worked with or were affiliated to the ISF and *Sahwa*.
62. The victims were detained in different places, including in al-Umal Health Centre and in an ISIL guest house in al-Mu'alemin neighbourhood in Hiit. During detention, they were subjected to interrogations and mistreatment.
63. One detainee was arrested, blindfolded, handcuffed behind the back and brought to al-Umal Health Centre where he was later interrogated while being beaten, sprayed with water, hung from the ceiling fan hook and electrocuted.
64. Another detainee was captured at an ISIL checkpoint in al-Shuhada' neighbourhood sometime between 20 and 24 October 2014. Upon learning that he was an Abu Nimr tribe member, ISIL members beat him with pistols, hitting him severely in the back of the head. While the man was blindfolded, handcuffed, and partially conscious, they took him to an ISIL guest house in al-Mu'alemin neighbourhood in Hiit, where he was detained with around 80 other captives, including children between 12 and 16. He was interrogated, beaten and hung from a ceiling fan. The detainees were held in a room with the air conditioning set at an extremely low temperature. They were not allowed to talk to each other and were not given any food or water, to the point that some of them were forced to drink water from the toilet.
65. After several days of detention, ISIL members ordered the detainees to be ready for something, with no further information. Detainees were then taken to al-Bakr where many were executed by ISIL members. Some who had not "confessed" were then brought back to the detention centre where they were interrogated again. An ISIL member shot one of the captives in the right leg, with shrapnel hitting the victim behind the head. The victim was treated in a hospital and eventually released.
66. Images and videos of the bodies of the victims with gunshot wounds covered in blood, lying on the street by a sidewalk at the road intersection, in civilian clothes, blindfolded, with their hands tied behind their back, were posted on social media on and after 29 October 2014.

Several locals saw the dead bodies in person at al-Bakr roundabout or saw the video footage and photo images of the dead bodies. Several locals also recognised their relatives or fellow tribe members.

67. During and after the execution, ISIL members forced passers-by to watch and even to video record the scene. For example, one local was forced to watch the execution so closely that his face was splashed with the victims' blood and organ fragments. When he returned home, he was not able to eat, drink, or speak. Another local arrived at the scene after the massacre and witnessed ISIL members asking people in the crowd that had gathered around the bodies to video record the scene. He began video recording the scene and, at that point, he recognized the bodies of one relative and other members of the community, including three children aged 12 to 16 who had fought ISIL and were executed despite their young age. This is corroborated by UN and other organisations' reports, according to which there were seven children among the 46 victims at al-Bakr roundabout.
68. The bodies of the victims were left on the ground during the afternoon. ISIL did not allow family members to recover the remains of their loved ones, instead threatening to execute anyone who tried to do so. Using a bulldozer or pickup trucks, ISIL members later removed bodies to an unknown location, possibly an area called al-Ma'mura, west of Hiit, although there is also hearsay information about other locations. To date, the families of the victims do not know where the bodies of their loved ones are.
69. Some inhabitants of the area decided to leave their homes after the massacre in al-Bakr, out of fear of ISIL.
70. At least four ISIL members were present at the scene and involved in the execution, including one with a prominent role, while other ISIL members were seen in the area near the roundabout. The four perpetrators present at the execution site were wearing black and grey outfits. One of the ISIL members was seen walking around the dead victims at the al-Bakr roundabout, giving a speech about the fate of "anyone who follows the rejectors" and pointing at the bodies with his hand. According to some witnesses, he was one of the shooters who executed the victims in al-Bakr. He was also an ISIL commander.

2.7 ISIL Members Playing Football with Human Heads

71. According to one account, on or around 28 October 2014, at about 10:00 a.m., unidentified ISIL members were seen playing football with around 3 or 4 human heads close to al-Bakr square, towards Hiit bridge.

2.8 Execution in Wadi al-Aidi

72. Before the takeover of Hiit and the Albu Nimr area, ISIL captured a young member of the Albu Nimr tribe who used to fight in the *Sahwa* Forces. ISIL forced him to eat animal excrement

and later released him on the condition that he would no longer fight ISIL. He continued nonetheless to fight with the *Sahwa* and when ISIL took over al-Bakr neighbourhood, he had not withdrawn with the other fighters, choosing instead to continue staying in his house, where ISIL arrested him again. ISIL allegedly took off his clothes, ripped off his nails and drilled holes all over his body.

73. A few days after the al-Bakr roundabout execution, ISIL brought around 15-20 captured Albu Nimr tribe members, including the individual mentioned in the paragraph above, in Kia pickups to a location near a small river in al-Bakr neighbourhood, which the Team has identified as Wadi al-Aidi. ISIL members shot and killed them there.
74. After the execution in Wadi al-Aidi, family members of the victims approached ISIL begging to return the bodies of their loved ones, but ISIL refused the request and threatened to execute the family members if they tried to recover the bodies. Nevertheless, the family of one victim began looking for him, and after further negotiations with ISIL, his mother was able to recover his body and bury him.

2.9 Execution in al-Ma'mura

75. According to testimonial evidence, around one month after the al-Bakr roundabout execution, ISIL executed around 5-6 persons in Ma'mura.

2.10 Arrest, Mistreatment and Disappearance of Persons and Family Members of Persons Affiliated with Iraqi Security Forces and Sahwa or Believed to Oppose ISIL in Other Ways

76. Numerous members of the Albu Nimr tribe were arrested, tortured or murdered by ISIL because of their perceived affiliation with ISF or *Sahwa*, or because they were believed to have opposed the group in other ways. Examples include the following incidents.
77. On an unknown date, sometime after ISIL's takeover of al-Furat in October 2014, ISIL members purportedly apprehended a *Sahwa* fighter from his house despite him having pronounced repentance, and despite a relative, who was an ISIL member, assuring him of his safety. This *Sahwa* fighter is missing to date and is presumed to be dead by his family. He may have been killed in the al-Bakr roundabout massacre.
78. Around eight days after ISIL took over Hiit [therefore around 10 October 2014], ISIL apprehended a man on a street in the town, held him for five days and interrogated him. During the interrogation, he was blindfolded, his hands and ankles were tied, and he was hung upside down. His shoulder was also twisted, dislocating the bone from the socket. He also sustained multiple fractures and swelling in his limb which took a significant amount of time to recover.
79. Around five days after ISIL's takeover of al-Furat area [therefore around 31 October 2014], two ISIL members apprehended two men in al-Shuhuda neighbourhood. They were told that Albu

Nimr tribe members were being taken to al-Hisba for investigation to check if they were affiliated with the ISF. The men were driven to a desert area where there were two more ISIL vehicles with a few more men detained by ISIL. After a short moment, more cars arrived, one of them with the ISIL officer in charge of al-Hisba.

80. ISIL members instructed two of the detained men to move outside the line of detainees. An ISIL member started laughing, pointing to the sky, and shooting randomly with a M16 weapon at five detainees who were still lined up. A member of ISIL then threw a hand grenade at those who had just been shot and presumably killed. One of the five men survived, with severe injuries in his leg and face. One of the men not shot at was placed in an ISIL vehicle and taken to his house. At least for one of the victims, his family could not recover the body and hence did not get a chance to bury him.

3. Crimes committed in 2015-2016

3.1 Execution in al-Sa'a Roundabout in Hiit

81. Sometime during the beginning of 2015, a man was dragged by ISIL to the al-Sa'a roundabout, also known as al-Sa'a Square, in the centre of Hiit, and shot dead by ISIL members in front of approximately one hundred people, including relatives, on a false accusation that he had cursed God. It is likely the victim was killed because his brother was reportedly affiliated with the security forces and had been arrested in Hiit.

3.2 Execution of a Child as a Punishment for the Father Working for the Iraqi Security Forces

82. Sometime around the beginning of 2015, ISIL reportedly executed a child who was approximately five or six years old at the al-Bakr roundabout, likely for its father's affiliation with the Iraqi security forces, after having tried to convince the father to turn himself in. ISIL members are alleged to have asked people who were present at al-Bakr roundabout to film the execution in order to send the video to the father.

3.3 Execution near Barwana for Providing False Information to ISIL

83. In 2015-2016, during ISIL's siege of Haditha, a group of Albu Nimr tribe members broke the siege to bring food into Barwana from al-Beji area. ISIL captured them, but a deal was made allowing the Albu Nimr tribe members to bring food supplies into town in exchange for information. The deal lasted several months until ISIL realized the Albu Nimr tribe members were giving them false information. ISIL then captured the Albu Nimr members and executed them.

4. Discovery of Mass Graves (that have not been linked to crime incidents)

84. There are indications of additional incidents potentially amounting to international crimes and related mass grave locations. Further investigation on the incidents and collection of additional evidence regarding reported mass graves in the area of Zwayat-al-Ga'oud in al-Furat district and in al-Mashtal area of Hiit is needed to enable a thorough assessment.

5. Crimes Against Children

85. While most of the crimes such as torture and execution were committed against adult members of the Albu Nimr tribe, investigation included testimonies relating to child victims of ISIL crimes. For example, seven children are reported to have been among the victims executed in al-Bakr Road intersection, as detailed above.
86. Children were also victimized by ISIL in other ways. Specifically, they were among the numerous victims of shelling. Furthermore, together with women, children constituted most of the displaced population following the retreat of male fighters to Haditha. Children, particularly young girls under 18 years who were subjected to a strict dress code and were prohibited from leaving their houses without a male guardian, suffered the consequence of ISIL rule. In addition, ISIL reportedly used schools, including 10-15 schools in the Albu Nimr area alone, as training camps and hideouts.
87. In addition to the crimes involving children reported above, there is information on another incident specifically involving conduct against children. In this, ISIL forced a child to testify against his mother who was providing information to ISF, and ISIL killed her after the child's testimony.

6. Crimes Against Women

88. Women were also victimized by ISIL in many ways: they were among the numerous victims of shelling; together with children, they also constituted the majority of the displaced population following the retreat of male fighters to Haditha; and they suffered the consequences of ISIL rule, as they were subject to strict dress codes and prohibited from leaving their homes without a male guardian. While most of the killings and mistreatments were committed against male members of the Albu Nimr tribe, some women were also beaten, insulted, subjected to cruel punishments and executed.
89. There is limited information available on other crimes committed specifically against women at this stage.

7. Destruction and Use of Property

7.1 Destruction of Public Property

90. ISIL destroyed and damaged both public and private property. ISIL intentionally destroyed several public buildings either in the aftermath of taking full control of the Albu Nimr area, or just before the liberation of the area by the ISF, reportedly to cause as much damage as possible before leaving the area. Locals have reported that ISIL destroyed the local council, the al-Furat police station, the directorate of the al-Furat subdistrict, the city hall building of the subdistrict, the Nationality and Personal Status Department building, the public health centre, hospitals, including al-Shuhada hospital, the agricultural district department, a fuel station, three schools in al-Furat, a provincial office in Ramadi and police stations around it, and a mosque. However, further investigation is required to determine ISIL's involvement in the destruction of these buildings.
91. In addition to destroying public property, ISIL is alleged to have used public buildings for its purposes, such as using schools as training centres, a medical clinic as an office, a public hospital as a factory for the fabrication of Improvised Explosive Devices (IEDs) and a cultural centre as its Hisba department. ISIL marked some government buildings and offices as "Real Estate of Islamic State."

7.2 Destruction of Private Property

92. Numerous cases of deliberate destruction of private property occurred in the immediate aftermath of ISIL's takeover of the Albu Nimr area, for instance the bombing of various houses of Albu Nimr tribal leaders and ISF officers. In addition, many other houses of civilians were destroyed, including using IEDs. ISIL also allegedly used civilian houses as headquarters and meeting locations to avoid being targeted by coalition airstrikes, as sniper posts, or as factories producing IEDs. Other houses were taken over and used by ISIL members and their families. They were marked as "House of a Muslim." ISIL also used big houses to store appropriated furniture.
93. ISIL is also alleged to have set up numerous IEDs and toxic materials all around the Albu Nimr area, which caused significant harm to the civilian population.

8. Destruction of Cultural and Religious Heritage

94. Information available to the Team on the destruction of cultural and religious heritage sites in the Albu Nimr area is limited at this stage. However, the destruction of cultural heritage by ISIL in Iraq is the subject of a separate UNITAD report.

9. Perpetrators

95. Based on available perpetrator accounts, the Team has identified ISIL's command structure in general and in Anbar specifically during the period under investigation.
96. The Team has collated information on numerous ISIL members who are believed to bear responsibility for crimes committed against the Albu Nimr tribe, including in relation to the specific incidents described above. These ISIL members include direct perpetrators as well as individuals in a position of authority, such as ISIL leaders and commanders.
97. The Team has also developed several profiles of ISIL members, prioritising them based on their role in the commission of crimes; seniority; status (deceased or alive); and availability of evidence. For security reasons, this information is not included in this public summary.

PART IV – PRELIMINARY LEGAL FINDINGS

10. Legal Analysis

98. This section analyses whether, based on the incidents described above, there are reasonable grounds to believe acts committed by ISIL members in the Albu Nimr area between 2014 and 2016, may amount to war crimes and crimes against humanity. This summary omits an in-depth discussion on the contextual elements of war crimes and crimes against humanity as those have been analysed in the wider context of ISIL's crimes across the whole of Iraq in other UNITAD internal reports.
99. The Team has considered all legal requirements for the analysed crimes and the preliminary legal findings are made according to the "reasonable grounds to believe" evidentiary standard. On this basis, there are reasonable grounds to believe that ISIL members are responsible for acts that may amount to the following crimes: murder as a war crime and a crime against humanity; outrages upon personal dignity as a war crime; torture as a war crime and a crime against humanity; cruel treatment as a war crime; other inhumane acts as a crime against humanity; enforced disappearance as a crime against humanity; displacement of civilians as a war crime; forcible transfer as a crime against humanity, and persecution on political and religious grounds as a crime against humanity. Available evidence does not establish whether ISIL could be held accountable for destruction or appropriation of property as a war crime.

10.1 Contextual Elements

10.1.1 War Crimes

100. UNITAD has already found that there are reasonable grounds to believe that, between 30 December 2013 and at least 9 December 2017, a non-international armed conflict existed between ISIL and the Iraqi government.¹
101. The Albu Nimr tribe members were not taking active part in the hostilities in the above-described incidents and were entitled to protection under the laws and customs of war. ISIL was also aware that the persons they targeted were taking no active part in the hostilities, as they were under ISIL custody or control. The apprehension, detention and killing of Albu Nimr tribe members followed the takeover of the Albu Nimr area by ISIL in the context of the organization's advance against Iraqi forces, and thus related to the ongoing armed conflict, and ISIL members involved were aware of the factual circumstances establishing the armed conflict.

10.1.2 Crimes against Humanity

102. UNITAD has already found that there are reasonable grounds to believe that ISIL members conducted a systematic and widespread attack directed against the civilian population in Iraq, from on or about 9 June 2014 until at least December 2017, involving the commission of multiple criminal acts against many victims.² In particular, during this period, ISIL directed a widespread and systematic attack against the civilian population in the north-west of Iraq, namely in Nineveh, Salah al-Din, Anbar, and Kirkuk governorates. ISIL particularly targeted Shi'a Muslims, Yazidis, Christians, Kaka'i community members, and Sunni Muslims whom it perceived as non-compliant with its interpretation of Islam. The capturing and execution of Albu Nimr tribe members can be considered as part of the attack against Iraq's civilian population, as they were unarmed and took no active part in the hostilities even if some of them, before the arrival of ISIL, participated in the conflict as tribal fighters.

10.2 Murder (as a war crime and a crime against humanity) and extermination (as a crime against humanity)

10.2.1 Around 02/10/2014: Al Jama'ia Police Station

103. As described in section 2.1, on or around 2 October 2014, ISIL members, allegedly killed at least 11 police members at al-Jama'ia Police Station. An analysis of a video showing the capture of victims carried out by the Team indicates that at least 11 victims were present. Given evidence suggesting that the victims were unarmed and on their knees at the time of

¹ UNITAD, Confidential Report, 'Non-International Armed Conflict in Iraq and Da'esh/ISIL as an Organized Non-State Actor' (shared with the Supreme Judicial Council in September 2024).

² UNITAD, Confidential Report, 'Contextual Elements of Crimes Against Humanity Committed by ISIL (Da'esh) in Iraq' (shared with the Supreme Judicial Council in September 2024).

filming, there is a high likelihood they remained in this condition for execution. It is reasonable to infer that the ISIL members intended to kill the victims. Moreover, while the victims had previously fought against ISIL, at the moment of their capture, they were unarmed and dressed in civilian clothing and should therefore be regarded as persons taking no active part in hostilities. Accordingly, there are reasonable grounds to believe that ISIL members involved are responsible for murder as a war crime and a crime against humanity.

10.2.2 After 22/10/2014: Bir Hilywat

104. As described in section 2.2, sometime after 22 October 2014, ISIL members killed 16 police members by a sinkhole in al-Tharthar desert, in a location known as Bir Hilywat. ISIL members filmed the execution, the video of which became public in 2017. The video depicts 16 people in civilian clothes sitting or kneeling on the ground with their hands tied behind their backs, on the edge of a sinkhole in a hilly area in the desert. Some of them are blindfolded. Several ISIL members with their faces covered and carrying guns, are standing behind the 16 people. One ISIL member recites a statement calling Albu Nimr victims “apostates” (*murtaddin*). He then requests the victims to state their full names and professions. After they do so, several ISIL members proceed to shoot the victims in the head. At the time of their execution, the police officers were unarmed, their hands were tied behind their backs, they were dressed in civilian clothing, and they were under the control of the ISIL members. They were not taking active part in hostilities. Under these circumstances, it is reasonable to infer that ISIL members intended to kill the victims when they shot them at point blank range. Therefore, there are reasonable grounds to believe that the ISIL members involved are responsible for murder as a war crime and a crime against humanity.

10.2.3 On 28/10/2014: Al-Bakr Roundabout

105. As described in section 2.6, on 28 October 2014, ISIL executed around 46 Albu Nimr tribe members at the road intersection of al-Bakr neighborhood in Hiit district, including some children. Prior to the execution, ISIL detained most of them. One of the ISIL members who was present at the execution site pointed at the killed stating “*this is the fate of anyone who follows the rejectors*”. Based on the evidence, it is reasonable to infer that ISIL members intended to kill the 46 people who were shot while under ISIL’s control. While some of the 46 people might have been affiliated with *Sahwa* Forces, at the time of their execution, they were unarmed, dressed in civilian clothing, and captured by ISIL (some for several days) and should therefore be regarded as persons taking no active part in hostilities. Accordingly, there are reasonable grounds to believe that the ISIL members involved are responsible for murder as a war crime and a crime against humanity.

10.2.4 Around 25-28/10/2014: Bir Hawas

106. As described in section 2.3, around 25-28 October 2014, ISIL killed an unknown number of

people near a water well in the valley of Hawas. While the exact number of victims is unknown, the evidence suggests as many as 48 people. After the execution, ISIL left the bodies of the victims in the well.

107. Prior to the execution, the victims were held in the room of a two-story house that ISIL used as a Shari'a court in the centre of Albu Assaf. ISIL members beat some of the detainees, allegedly even beating one detainee to death.
108. Based on the available evidence, it is reasonable to infer that the ISIL members intended to kill the persons that they shot at the well. Given that the victims had been detained by ISIL for several days prior to the execution and were unarmed, they were not taking active part in hostilities. There are reasonable grounds to believe that ISIL members involved are responsible for murder as a war crime and a crime against humanity.

10.2.5 Around 01/11/2014: Wadi Al Aidi

109. As described in section 2.8, about four days after the killing at the Al Bakr roundabout [therefore around 1 November 2014], ISIL members brought approximately 15-20 people to a small river [Wadi al-Aidi], where they shot and killed them. A boy who had reportedly been detained and mistreated by ISIL members was allegedly one of the victims. Based on the available evidence, it is reasonable to infer that the ISIL members intended to kill the victims. They should be regarded as persons taking no active part in hostilities as they had been detained by ISIL for several days prior to the execution. There are reasonable grounds to believe that ISIL members involved committed murder as a war crime and a crime against humanity with respect to the boy.

10.2.6 In 2015: Al Sa'a Roundabout

110. As described in section 3.1, sometime at the beginning of 2015, ISIL arrested a man whose relative was affiliated with the security forces, in Hiit, falsely accusing him of cursing God. ISIL members dragged him to the Al Sa'a roundabout in the city centre of Hiit, where they shot and killed him in front of his relatives. Based on the evidence collected, the shooting was intentional, and the victim was unarmed and not actively participating in hostilities at the time of his public execution. Therefore, there are reasonable grounds to believe that the ISIL members involved are responsible for murder as a war crime and as a crime against humanity.
111. Even if the six incidents described above do not meet the scale or numerosity requirement for extermination when considered separately, it may be possible to establish the *actus reus* of extermination through an aggregation of separate incidents that were part of the same operation by ISIL, targeting Albu Nimr tribe members who were not taking active part in hostilities, but were believed by ISIL members to have fought against them. In about one week (from late October 2014 to early November 2014), ISIL members intentionally killed a total of

approximately 122 Albu Nimr tribe members in the area over approximately). If these killings are considered as part of a single operation, there are reasonable grounds to believe that the ISIL members involved may be responsible for extermination as a crime against humanity in relation to the killing of approximately 122 Albu Nimr tribe members in the Albu Nimr area.

10.3 Outrages upon Personal Dignity (as a war crime)

10.3.1 Non-Burial of Victims' Bodies

112. Bodies of those killed by ISIL often could not be buried or even found by the families. Either the families did not know where their loved ones' bodies were left or, in some instances, ISIL would actively prohibit access to those killed. In one instance, an ISIL member explicitly told a relative that they could not retrieve the body because the person killed was considered an apostate by ISIL. In another instance, ISIL threatened people not to touch the bodies of victims of the al-Jama'ia Police Station execution that were left on al-Chery Street, but residents recovered some of the bodies and returned them to family members of victims who then organized a funeral despite threats from ISIL.
113. The rule in Islamic law is that the deceased should be buried as soon as possible. Cremation is prohibited as it is considered a violation of the dignity of the human body. Traditionally, the body of the deceased should be washed and shrouded, and a funeral prayer is offered. However, there might be exceptions from these traditions that apply specifically to the bodies of martyrs. The denial of a proper burial in accordance with these cultural and religious practices is of such gravity as to be generally recognized as an outrage upon personal dignity. Moreover, it is reasonable to infer that ISIL members would have been aware of these cultural and religious practices and that nonadherence to them would be considered a serious attack on human dignity.
114. On or around 27 October 2014, ISIL killed an unknown number of people near a water well in the valley of Hawas [*Bir Hawas*], including some of those captured in an area called al-Fawwara on 24 October 2014. While the exact number of victims is unknown, the evidence suggests as many as 48. After the execution, ISIL left the bodies of the victims in the well, and it can be inferred that they knowingly prevented a proper burial by their conduct. The victims' remains have not been recovered by their families. Therefore, there are reasonable grounds to believe that the ISIL members involved may be responsible for outrages upon personal dignity as a war crime with respect to the victims of the Bir Hawas execution.
115. On or around 28 October 2014, ISIL killed approximately 46 people at al-Bakr roundabout. After the execution, the bodies of those killed were left on the street for several hours. ISIL members then collected them in trucks or bulldozers and either threw them into the river, burned them, or otherwise disposed of them. The ISIL members involved therefore denied the victims a proper burial in accordance with religious rules. There are thus reasonable grounds to believe that the ISIL members involved may be responsible for outrages upon personal

dignity as a war crime with respect to the victims of the al-Bakr roundabout execution.

116. On or around 31 October 2014, ISIL members shot and killed four Albu Nimr tribe members in a desert area. After the shooting, an ISIL member threw a grenade at the bodies. In relation to at least one of the victims, his family could not recover the body and therefore did not get a chance to bury him. It is reasonable to infer that the ISIL members involved knowingly prevented a proper burial. Therefore, there are reasonable grounds to believe that the ISIL members involved may be responsible for outrages upon personal dignity as a war crime.

10.3.2 ISIL Members Playing Football with Human Heads

117. According to a testimonial account, on or around 28 October 2014, around 10 unidentified ISIL members were playing football with around 3 or 4 human heads close to al-Bakr square, towards Hiit bridge. While the Team has limited evidence on this incident, it would qualify as an outrage upon personal dignity for the same reasons as the denial of proper burial.

10.3.3 ISIL Members Forcing a Man to Eat Animal Excrement

118. On an unknown date before the takeover of Hiit and the Albu Nimr area, ISIL members detained a man who had fought in the *Sahwa* Forces. They forced him to eat animal excrement and requested him to pronounce *tauba*. He was then released on the condition that he would not fight with the *Sahwa* again. Being forced to eat animal excrement should be generally recognised as an outrage upon personal dignity and it is reasonable to infer that the ISIL members who forced the victim to do so would have understood this. Therefore, there are reasonable grounds to conclude that the ISIL members who did this are responsible for outrages upon personal dignity as a war crime.

10.4 Torture and Other Forms of Ill-Treatment (as a war crime and a crime against humanity)

119. A number of incidents of interrogations and mistreatment in order to obtain information are known, including but not limited to the ones described above, which may amount to torture as a war crime and crime against humanity, cruel treatment as a war crime, and inhumane acts as a crime against humanity. Examples include the following incidents.

10.4.1 Around 20/10-02/11/2014: ISIL Guest House in Hiit

120. As described in section 2.6, at some point between 20 and 24 October 2014, ISIL members detained an Albu Nimr tribe member at a checkpoint in al-Shuhada neighbourhood. ISIL members accused him of supporting ISF, beat him with pistols, blindfolded and handcuffed him, and brought him to an ISIL guest house in al-Mu'alemin neighbourhood in Hiit, where around 80 other detainees were held in a cold dark room with no access to food and water. Detainees were interrogated and beaten. At least one of them was hung from a ceiling fan.

10.4.2 Around 2014: Health Centre of al-Umal Neighbourhood in Hiit

121. As described above in section 2.6, ISIL detained people in a health centre in al-Umal neighbourhood in Hiit and interrogated them one by one. During the interrogation, ISIL members asked them whether they were policemen. One man who denied any affiliation was beaten with electric cables, sprayed with water, hung by the hook of the ceiling fan and electrocuted by ISIL members, likely to obtain a confession. After swearing that he was not a policeman, the captive was shot in the right leg, with shrapnel hitting him behind the head.

10.4.3 Around 24-27/10/2014: Albu Assaf

122. As described in section 2.3, on or around 24 October 2014, at least 13 people from a convoy were captured by around 15 members of ISIL in an area called al-Fawwara. The ISIL members repeatedly referred to those in the convoy as “*murtaddin*” (apostates) and the enemies of God. They hit at least one person in the head with the butt of a weapon, then all the detainees had their hands tied and were forced to kneel with their heads bowed down.
123. ISIL then brought the detainees to the Albu Assaf area where they were paraded around for half an hour before being placed in a guarded room in Albu Assaf *Shari’a* court. There, ISIL began interrogating them. The next morning, as more ISIL members, possibly escorts of a *Shari’a* judge, arrived, the detainees were beaten with cable wires while being referred to as apostates, enemies of God and disbelievers. One detainee reportedly died due to the beating inflicted by ISIL members. After the beatings, the interrogations resumed during which at least some detainees were blindfolded. The beatings and interrogations continued for another two days.

10.4.5 Before 01/11/2014: Unknown location

124. As described in section 2.8, ISIL twice captured and mistreated a young man who had continued to fight with *Sahwa* Forces.
125. For all four instances, the evidence shows that ISIL members severely mistreated detainees both physically and mentally, as punishment for their purported affiliation with ISF, police or *Sahwa* Forces and/or their opposition to ISIL. Some of the detainees were also interrogated, apparently to obtain information regarding their purported affiliation with ISF. There are therefore reasonable grounds to conclude that the above-described acts or treatments by ISIL members, majority of them committed during custodial interrogations, amount to torture as a war crime and crime against humanity as well as cruel treatment as a war crime and inhumane acts as a crime against humanity.

10.5 Enforced Disappearance (as a crime against humanity)

126. Presuming that ISIL is treated as a political organization for the purposes of determining the criminal culpability of its members for enforced disappearances committed as a crime against humanity, there are reasonable grounds to believe that the conduct of ISIL members involved in acts committed against members of the Albu Nimr tribe may amount to this crime. There are several instances when Albu Nimr tribe members went missing after an arrest by ISIL.
127. For instance, at an unknown date sometime after the ISIL takeover of Al Furat area [*October 2014*], ISIL abducted two men. To this day, the family does not know what happened to them.
128. In another incident, ISIL members abducted eight men who were last seen at the time of their capture by ISIL. They remain missing to this day, and it is reasonable to infer that ISIL intended to remove them from the protection of the law for a prolonged period of time.

10.6 Destruction or Plunder of Property (as a war crime)

129. ISIL destroyed public buildings in the Albu Nimr area, for example, police stations, local administration buildings, medical facilities and hospitals and school buildings. ISIL also destroyed private buildings, including residences belonging to Albu Nimr police officers, tribal fighters, and their relatives after they had fled or had been forcibly displaced. ISIL members also appropriated private residences to live in, to use as offices, or to use as guesthouses. Some of these private buildings were damaged.
130. As for the war crime of destruction of property, the incidents outlined above illustrate a large-scale destruction of public and private property in the Albu Nimr area. Considering the evidence collected, it is reasonable to infer that ISIL may have destroyed the majority of the public and private buildings discussed above. Even with this reasonable inference, questions remain regarding the timeframe and circumstances of the destruction of these buildings. Therefore, based on the information available at this stage of the investigation, it is not possible to draw a conclusion on ISIL's responsibility for the war crime of destruction of property in relation to each property.
131. With respect to the war crime of plunder or pillaging of a town or place, ISIL members unlawfully appropriated private residences without the consent of their owners. They appropriated these properties to live in them, to use them as offices, or to use them as guesthouses. It is reasonable to infer that ISIL members appropriated these residences without their owners' consent and with the intention to deprive such owners of their property rights. It appears that this was for private or personal use in at least some instances. Furthermore, it is also reasonable to infer the lack of military necessity from the uses made of these properties. Therefore, there are reasonable grounds to believe that the ISIL members involved are responsible for acts amounting to plunder or for pillaging of a town or place as a war crime.

10.7 Displacement of Civilians (as a war crime) and Forcible Transfer (as a crime against humanity)

132. There are reasonable grounds to believe that ISIL committed the war crime of ordering displacement of civilians and the crime against humanity of forcible transfer. It should be noted that, while it is prohibited under customary international law, displacement of civilians in non-international armed conflicts has only been recognized as a war crime under the Rome Statute of the ICC.
133. After ISIL took over the Abu Nimr area, ISIL members in the al-Furat sub-district in Hiit ordered Abu Nimr tribe members to leave their homes. Specifically, ISIL members ordered the tribe members to leave the area over the loudspeakers of a mosque. ISIL members also went to their homes and ordered the families living there to leave.
134. ISIL members issued these orders in a coercive environment involving looting of cars and phones, threats of destruction of civilian houses, raids of houses, detention, severe beatings and mistreatment, enforced disappearances, and executions. People in the area were saying that, "ISIL considered it to be Halal to kill Abu Nimr tribe members and we should run to save our lives."
135. As a result of the orders of ISIL members, their use of raids, detentions, beatings, threats and the overall coercive environment they created, many Abu Nimr families left their homes and neighborhoods.
136. Based on this evidence, there are reasonable grounds to consider that ISIL members are responsible for the war crime of displacing civilians. ISIL members issued orders to persons who were not taking active part in the hostilities which were not justified by security of the civilians involved or by military necessity because the fighting had stopped, and ISIL was in control of the Abu Nimr area at the time. Given that the ISIL members involved were armed, they were in a position to enforce these orders. Indeed, the evidence demonstrates that the orders resulted in several families leaving the area.
137. There are also reasonable grounds to believe that ISIL members are responsible for acts amounting to forcible transfer as a crime against humanity. ISIL members ordered locals to leave the area and threatened that those who did not leave would be arrested or killed. ISIL members also created a coercive environment through their actions, including but not limited to raiding homes, threatening detentions and death, detaining, beating and executing persons who fought against ISIL—or were believed to have fought against them—and their families. The Abu Nimr tribe members targeted by these orders and coercive behaviours were lawfully present in the area. Many of these Abu Nimr tribe members left the area due to ISIL's actions against them or the coercive environment ISIL created. Even if they were not forced out at gunpoint, it is reasonable to conclude that the environment created by ISIL left them without a genuine choice. Moreover, as noted above, there was no legal justification for their removal.

10.8 Imprisonment or other severe deprivation of physical liberty (as a crime against humanity)

138. ISIL arrested and detained a number of Albu Nimr tribe members, depriving them of physical liberty without authority to do so. Examples include the following incidents:

10.8.1 Around 23-28/10/2014: detention prior to execution at Bir Hawas

139. As described in section 2.3, around 24 October 2014, about 15 ISIL members in *Qandahari* uniforms armed with AK-47s and BKCs ambushed a convoy of eight vehicles, which were heading to Haditha through the al-Tharthar road, in an area called al-Fawwara in the desert. ISIL members detained the persons in the vehicles, handcuffed them, and loaded them into pickup trucks. They then brought them to the Albu Assaf area. ISIL detained as many as 48 persons at this location. The ISIL members checked the detainees' names against lists of police and army affiliates in a computer database.

10.8.2 Towards the end of October 2014: detention prior to the execution at Bir Hilywat, al-Tharthar desert

140. As described in section 2.2, towards the end of October 2014, ISIL members in *Qandahari* uniforms captured 16 policemen, in an area called Bir Hilywat in the al-Tharthar desert. Before murdering them, ISIL members intentionally deprived these 16 policemen of their liberty without any legal authority to do so.

10.8.3 Sometime before 28/10/2014: Detention prior to the execution at al-Bakr roundabout

141. As described in section 2.6, on 28 October 2014, ISIL executed approximately 46 Albu Nimr tribe members at the road intersection of al-Bakr neighbourhood in Hiit. Prior to the execution, ISIL detained most of them. For example, ISIL members detained a male who was affiliated with *Sahwa* in a house they used as a prison in Hiit until his execution at the al-Bakr roundabout.

10.8.4 Around the end of October 2014: detention of a boy and his father prior to the execution at Wadi al-Aidi

142. As described in section 2.8, at an unknown date, ISIL detained a young member of the Albu Nimr tribe who used to fight in the *Sahwa* Forces. They also detained his father. ISIL deprived the boy and his father of their liberty intentionally and without any legal basis to do so.
143. In the four incidents described above, ISIL members intentionally deprived these persons of their liberty without any legal basis to do so. These arbitrary deprivations of liberty violate fundamental rules of international law. Therefore, there are reasonable grounds to believe that the ISIL members involved are responsible for imprisonment (or severe deprivations of liberty) as a crime against humanity.

10.9 Persecution (as a crime against humanity)

144. Based on the information collected during this investigation, there are reasonable grounds to believe that ISIL members committed the crime against humanity of persecution on political grounds against Abu Nimr tribe members who had previously resisted ISIL or who were affiliated to Iraqi forces.
145. ISIL infringed upon fundamental rights of Abu Nimr tribe members and committed underlying acts amounting to other crimes against humanity or war crimes. Details on the various instances in which Abu Nimr tribe members were subjected to severe deprivations of their fundamental rights are discussed in various sections above. These rights include the right to life, the prohibition of torture and cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person, the prohibition of arbitrary arrest or detention and the right to property. The acts described provide a comprehensive overview of numerous abuses that, when committed with the specific intent to discriminate on political grounds, meet the requirements of the underlying acts of persecution.
146. ISIL's persecution of Abu Nimr tribe members in Iraq was fuelled by political dynamics and ISIL's resentment towards the support that Abu Nimr fighters provided to the Shi'a-majority government and the ISF. The detailed account of events in this summary demonstrates the repeated and deliberate targeting of Abu Nimr tribe members based on their political affiliation that was in contrast with ISIL's ideology.
147. Soon after ISIL took control of the area, ISIL was on the lookout for Abu Nimr tribe members who were affiliated with ISF, by either working in the Iraqi police or army or by being tribal fighters who had resisted ISIL. ISIL members systematically raided the houses of the Abu Nimr tribe members, with lists of names, looking for those who belonged to the security forces or the *Sahwa* Forces, and demanding families to hand over their weapons. ISIL marked other houses belonging to security forces members, possibly to indicate that they would be appropriated or destroyed.
148. In addition to searching for and deliberately targeting Abu Nimr tribe members working with the police and army, ISIL also searched for tribal fighters who might have remained in the area, as well as for those who collaborated with security forces, and detained those they found.
149. Therefore, there are reasonable grounds to believe that ISIL members deliberately targeted Abu Nimr tribe members with the specific intent to discriminate on political grounds. There are therefore reasonable grounds to believe that ISIL members committed the crime of persecution as a crime against humanity through violations of fundamental rights of Abu Nimr tribe members in connection with other underlying acts of crimes against humanity – such as murder, extermination, torture, enforced disappearances, and forcible transfer – and war crimes – such as outrages upon personal dignity, pillaging a town or place, and displacement of civilians.