



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

**ISIL (Da'esh) Crimes Committed in Tikrit, al-Alam, al-Dour
and al-Dhuluiya**

Salah al-Din Governorate, 11 June 2014 – 31 March 2015

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EXECUTIVE SUMMARY

- a. This report presents factual and preliminary legal findings on the crimes committed by ISIL (Da'esh) members in Tikrit, al-Alam, al-Dour and al-Dhuluiya between 11 June 2014 and 31 March 2015 ("Relevant Period"). 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 as "Da'esh" or "ISIL (Da'esh)". For simplification, this report uses the term "ISIL".
- b. The main factual findings of the report are as follows. The foundations for ISIL were laid in the early 2000s, with the creation of the Jama'at al-Tawhid wa'al-Jihad, renamed later as al-Qaeda in Iraq, and then Islamic State in Iraq. Whilst the Islamic State in Iraq experienced a decline in 2010-2011, by early 2012 it was revived under the leadership of Abu Bakr al-Baghdadi, significantly increasing its attacks against governmental and Shi'a targets. During 2012-2013, the group consolidated control over ungoverned areas of Iraq, orchestrated a series of major vehicle-borne improvised explosive device attacks and replenished its ranks with hundreds of members through eight prison breaks. Renamed as the Islamic State of Iraq and Levant in the spring of 2013, the organization gradually exploited sentiments of political and economic marginalization within the Sunni community. Whilst many Sunnis, including those protesting against marginalization, were opposed to violence, some of the protester groups were infiltrated by ISIL, and other groups ended up tolerating or cooperating with ISIL, even though they did not share the organization's views. Public opinion often conflated "tribal revolutionaries" with ISIL or other groups, and ISIL used this, branding itself as "the rebels of Arab tribes".
- c. In Tikrit, ISIL's attacks aimed to weaken governmental control, destabilize the city and surrounding areas and strengthen the group's presence. Government personnel and those perceived as opposing ISIL were often attacked with improvised explosive devices and other weapons. In late 2013, these attacks increased in frequency and gravity with house detonations and roadside explosions becoming common occurrences.
- d. On 10 June 2014, Mosul fell to ISIL. In anticipation of ISIL's advance into Tikrit, local authorities took measures to defend Tikrit. Despite these measures and due to the absence of comprehensive, strategic instructions from the central government, a unified position could not be established, and the governorate's security system ultimately collapsed. On 11 June 2014, ISIL entered Tikrit, quickly defeating the few remaining security personnel who put up resistance. ISIL fighters released prisoners from Tasfirat and other prisons, ransacked governmental and civilian buildings in the city, and entered the Presidential Palace Complex, making it its headquarters. On the same day, ISIL also took over al-Dour.
- e. Three days after taking over Tikrit, ISIL attacked al-Alam. In the eyes of ISIL, al-Alam residents, especially members of the al-Jubouri tribe, were traitors because they supported the Iraqi government and helped fleeing security personnel and Tikrit Air Academy cadets. On 14 June 2014, negotiations took place between ISIL and the local leaders of al-Alam, but the latter refused ISIL's demands, and this way the siege against al-Alam began, lasting until 22 June 2014. ISIL surrounded al-Alam from all directions; for about 10-12 days, ISIL shelled al-Alam with 180 rockets a day, with shells hitting private houses, damaging or destroying them. Essential items, such as food and medical supplies, were not allowed into the town. On 22 June 2014, an ISIL sniper shot and killed Umayyah Jabara, a prominent resident of al-Alam, who supported the resistance by frequently visiting the frontline, supplying food to and boosting the morale of the fighters. As a result, 40-50 al-Alam families tried to leave the town, but they were apprehended and

detained by ISIL. New negotiations began, and in exchange for releasing the families, ISIL was allowed to enter al-Alam. It did so on 23 June 2014, with a convoy of more than 100 vehicles that paraded through the town.

f. During the Relevant Period, ISIL members detained and mistreated hundreds of residents in Tikrit, al-Alam and al-Dour. Those apprehended and detained were perceived by ISIL as enemies of the organization, especially police and security forces as well as government personnel. Civilians with none of the aforementioned affiliations were also apprehended if seen as non-compliant. Residents were apprehended from their home or the street and taken to various ISIL-run detention centers, where they were held for hours, days, weeks or even months. Residents of Tikrit were mainly held in the Crimes Directorate detention center of the Presidential Palace Complex, but also in other locations, such as a gymnasium on 40th Street. Residents of al-Alam were held in appropriated houses, such as one belonging to a member of a Parliament who fled al-Alam before ISIL's entry, or were transferred to other detention locations in al-Dour and Mosul. In al-Dour, residents were held in appropriated apartments. During such detentions, detainees were often deprived of food, water, access to restrooms, medicine or medical facilities. At least dozens of detainees were mistreated, i.e. insulted, threatened, spat on, slapped, kicked, beaten, hanged to handrails. Some detainees had their shoulders dislocated, others had their wrists cut from the plastic rope used to handcuff them. At least one captive had his hands cut off.

g. During the same time, dozens of executions took place in Tikrit, al-Alam and al-Dour. Residents were hanged, beheaded or shot, often in the presence of a crowd that was forcefully gathered to witness the killing. Some executions were also photographed or filmed by ISIL.

h. ISIL members also engaged in arbitrary searches and unlawful appropriation and/or destruction of private property, when they deprived residents of their vehicles, weapons, cash and other items and when they looted, occupied, burnt down or blew up houses, farms or shops belonging to locals in Tikrit, al-Alam and al-Dour. ISIL members also severely damaged the Shrine of the 40 in Tikrit and destroyed the Shrine of Abu Ajja in al-Awja, near Tikrit. Several other religious and historical monuments as well as tombs in Tikrit's graveyards were damaged or destroyed. Likewise, ISIL members destroyed the Shrine of Imam Mohammed Durri and the Shrine of Saleh Ibrahim in al-Dour.

i. During the Relevant Period, thousands of residents of Tikrit, al-Alam and al-Dour left their homes. They did so because they feared for their safety and their lives; they feared that they or their loved ones would be subjected to arbitrary arrest, detention, mistreatment and/or execution at the hands of ISIL members. They feared further looting, appropriation or destruction of their property. Many residents left not because ISIL directed them to leave, but because they had no genuine choice to remain in their home given the possible consequences. That being said, hundreds of al-Alam families left when ISIL expressly directed members of the al-Jubouri tribe to leave the town in four hours on 9 November 2014.

j. In contrast with the events in Tikrit, al-Alam and al-Dour, ISIL never managed fully to take control of al-Dhuluiya. ISIL members briefly entered al-Dhuluiya on or about 12 or 13 June 2014, but they were beaten back from the southern part of the town by residents, primarily members of the al-Jubouri tribe, who took up arms to defend their home. As a result, ISIL retreated to the northwest area of the town. A 10-15-day truce was established, which ended on or about mid-June 2014. For the next six months, southern al-Dhuluiya fought and resisted ISIL. The town was encircled by ISIL fighters and attacks were launched on a daily basis. ISIL fired thousands of shells into southern al-Dhuluiya. These projectiles were launched without prior warning, hitting many family homes and civilian buildings. Many of the injured and

deceased were civilian men, women and children struck by shelling and mortar attacks far from the battlefield. Around 60 to 65 private houses near the frontline as well as a mosque and a school/makeshift hospital in the city center were damaged or destroyed. ISIL members also cut electricity and other basic supplies from residents of al-Dhuluiya.

k. On or about 14 September 2014, ISIL members shot chlorine gas shells at the frontline near the city center of al-Dhuluiya, in full knowledge of the small size of the town and that the wind would swiftly carry the asphyxiating gas towards the residents. Victims experienced suffocation, extreme nausea, vomiting, loss of bodily control and loss of consciousness within minutes of exposure. Many continue to endure serious health issues today. They suffer from respiratory problems, musculoskeletal problems and neurological problems.

l. Al-Dhuluiya was liberated in January 2015, while Tikrit, al-Alam and al-Dour in March-April 2015.

m. The main preliminary legal findings are as follows. There are reasonable grounds to believe that the aforementioned acts may amount to crimes against humanity and war crimes. In particular, there are reasonable grounds to believe that, during the Relevant Period:

- Imprisonment, other inhumane acts, torture, murder and forcible transfer as crimes against humanity were committed against residents of Tikrit, al-Alam and al-Dour;
- Persecution as a crime against humanity was committed against individual residents of Tikrit and al-Dour, and against all residents, predominantly belonging to the al-Jubouri tribe, in al-Alam and al-Dhuluiya;
- Arbitrary detention, cruel treatment, torture and murder as war crimes were committed against residents of Tikrit, al-Alam and al-Dour; and
- Unlawful attacks against civilian objects, pillage, damage or destruction of cultural property and acts or threats of violence the primary purpose of which is to spread terror as war crimes were committed against residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya.

n. Furthermore, there are reasonable grounds to believe that unlawful attacks against civilians as a war crime was committed against residents of al-Alam and al-Dhuluiya during the siege of these towns.

o. Lastly, there are reasonable grounds to believe that, on or about 14 September 2014, the use of poisonous weapons and/or the use of asphyxiating weapons as war crimes were committed against residents of al-Dhuluiya.

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PART I – SCOPE AND METHODOLOGY

1. This report presents factual and preliminary legal findings on the crimes committed by ISIL (Da’esh) members in Tikrit, al-Alam, al-Dour and al-Dhuluiya between 11 June 2014 and 31 March 2015. A brief historical background, predating the aforementioned period, is set out to depict the political and security situation prevailing at the relevant time.
2. 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 this 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.
3. The findings are based on evidence collected by UNITAD and its counterparts until the date of this report, notably: testimonial evidence (including survivor, eyewitness, expert, overview and perpetrator evidence); 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”). Relevant evidence is referenced in the footnotes.
4. For security purposes, most references have been removed from this public report. Quotations and main legal sources are generically referenced. As for the identification of individual ISIL members, full names or kunyas are used in relation to those members who are deceased. Pseudonyms (POI_XXX) are used for ISIL members whose death have not been confirmed, or who are presumably alive, whether at large, with whereabouts unknown or incarcerated.

PART II – ISIL IN IRAQ: HISTORY AND CONTEXT

1. Emergence and purpose

5. The Islamic State in Iraq and the Levant (ISIL) is a terrorist organization with worldwide reach.¹
6. The foundations of ISIL were laid in the early 2000s, when Abu Musab al-Zarqawi established the *Jama’at al-Tawhid wa’al-Jihad* (Jama’), which became a major participant in the Iraqi insurgency against the US occupation. In 2004, after pledging allegiance to Osama bin Laden, the *Jama’* changed its name to al-Qaeda in Iraq (AQI). After US forces killed al-Zarqawi in 2006, Abu Hamza al-Muhajir and other AQI associates formed the Islamic State of Iraq (ISI) under the leadership of Abu Omar al-Baghdadi. Due to significant losses inflicted by Coalition forces, Iraqi Security Forces (ISF) and local militant groups, including those known as *Sahwa*, ISI declined in strength and influence. In April 2010, al-Muhajir and al-Baghdadi were killed as a result of a US-Iraqi joint operation in Tikrit.

¹ See for example: UN Security Council Resolutions [S/RES/2170](#) (2014), [S/RES/2253](#) (2015) and [S/RES/2367](#) (2017).

7. In May 2010, Abu Bakr al-Baghdadi became the new leader of ISI. By 2011, ISI was weakened, isolated and no longer posed an existential threat to the Iraqi state. However, starting in early 2012, ISI began to reemerge. This revival was assisted by many factors, including: the withdrawal of US troops from Iraq in December 2011, the escalation and radicalization of the Syrian conflict and the appointment of radicalized military, security and intelligence officers from Saddam Hussein's regime to high-ranking ISI positions.

2. Revival, strategy and operations

8. January 2012 saw multiple strikes upon civilian targets. In February 2012, ISI spokesperson Abu Mohammad al-Adnani announced a campaign against Shi'a and military targets. As a result, attacks against ISF positions increased in the spring of 2012. In July 2012, Abu Bakr al-Baghdadi announced the launch of the *Breaking the Walls* campaign, aimed at destabilizing the Iraqi government and freeing imprisoned ISI members. The campaign lasted until July 2013. It consisted of a series of major vehicle-borne improvised explosive device (VBIED) attacks against government targets and Shi'a civilians, as well as eight prison breaks. These events showcased not only the technical and operational capacity of ISI, but also its organizational growth and leadership capacity. During this time, ISI proved that it could coordinate regular and synchronized VBIED and other attacks in distinct locations by different cells. The eight prison breaks, especially the attacks against the Tikrit prison in September 2012 and the Abu Ghraib prison in July 2013, replenished ISI ranks with hundreds of members, including senior- and mid-level, highly skilled operatives.

9. ISI's comeback was remarkable given the limited military and training capacities, declined popular support, lack of supportive geography (mountains, valleys or jungles for hideouts) and other weaknesses that it suffered from a few years before. During 2011-2013, ISI also consolidated its presence in ungoverned areas of Iraq, where a security vacuum existed, such as the northern part of Diyala governorate, the Thar Thar desert area northwest of Baghdad, the Jazirat desert west of Tikrit, the triangle spanning northern Salah al-Din, southern Nineveh and western Kirkuk and the al-Jallam area southeast of Tikrit and northeast of Samarra.

10. Some of these areas had been previously used by AQI as safe havens, others were newly taken by ISI. For instance, when, in the spring of 2012, ISI appointed an *emir* (head) for the al-Jallam area of Salah al-Din in an effort to establish control over that zone, it encountered no resistance from the local population and no confrontation from security forces. At that time, there were no more than 3-4 ISI members in the area; gradually, however, their numbers increased under the new management. The *wali* (governor) of Salah al-Din – who was based from at least early 2012 in another of the ungoverned territories, the Jazirat desert – would come by regularly to oversee the buildup. This also showed that units in these territories were not operating independently; a well-defined structure of senior- and mid-level leadership within each *wilaya* level was put in place. In particular, as in other *wilayas*, ISI activities and operations in Salah al-Din were coordinated through *mafsals* (departments), headed by *emirs* (heads). Distinct departments dealt with matters of security, military, administration, media, economy and *Shari'a*, among others. The *wali* and the majority of the *emirs* of these departments were highly skilled, battle-hardened ex-prisoners who spent time together in Bucca, Abu Ghraib and other prisons under US and/or Iraqi authority. Most of them were not from Salah al-Din; they were in fact from Baghdad, Mosul, Sulaymaniyah as well as Anbar governorate

(see Figure 1). Other, lower-ranking ISI members came from Mosul and other locations in Nineveh governorate, Kirkuk countryside, Samarra, Diyala as well as Tikrit, Baiji and surrounding areas.

11. As stated above, during 2012-2013, ISI operations mainly concentrated on attacks against governmental and Shi'a targets. In Salah al-Din, the aim of these attacks was to weaken governmental control by creating distrust in security organs and their capacity to protect, to destabilize Tikrit and the surrounding areas and to strengthen the group's presence and operational capability in the governorate. In 2012, attacks in Tikrit and other Salah al-Din areas took the form of improvised explosive device (IEDs), sticky bomb and silencer gun attacks against government personnel as well as kidnappings of financial targets for ransom. ISI members worked in small detachments comprising around two vehicles and four-five people; they communicated with each other through mobile phones and mid-range radios. They also intercepted the radio communications of Iraqi forces and used such intel to prepare attacks.

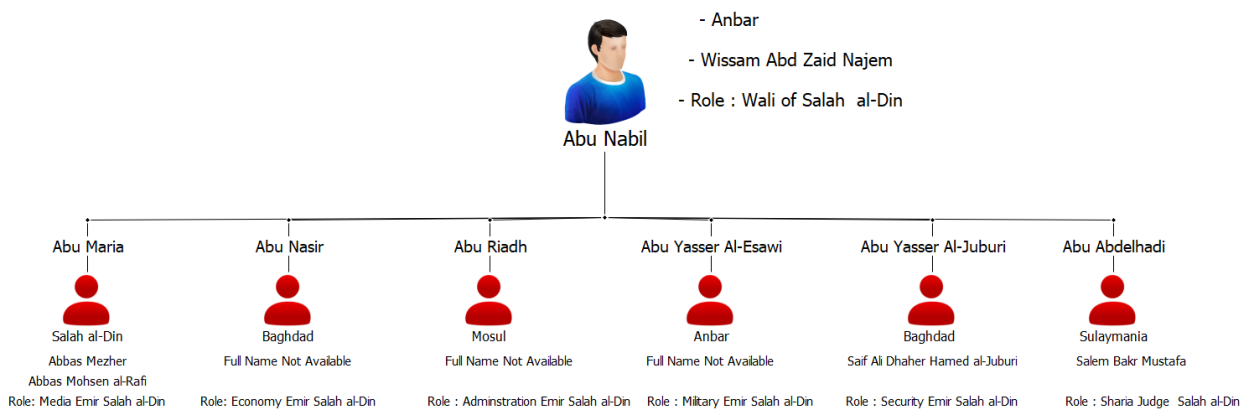


Figure 1 ISIL main functions in Salah al-Din (Sep 2013 - Oct 2014)

12. In April 2013, Abu Bakr al-Baghdadi announced the extension of ISI into Syria and changed the group's name to the Islamic State of Iraq and al-Sham/Levant (ISIL). After the conclusion of the *Breaking the Walls* campaign in July 2013, the violence reached levels that Iraq had not seen since 2008. This was also mirrored in Salah al-Din, where, from the second half of 2013, ISIL attacks increased in number and gravity. Burning or detonations of houses and roadside explosions were frequent. ISIL members targeted government checkpoints or convoys and killed the personnel. Cars and weaponry were appropriated. Targeted assassinations against police or security officers seen as opposing the Islamic State or against those seen as affiliated with the government or with Iran also increased. In carrying out these attacks, ISIL used IEDs, VBIEDs, suicide bombers, explosive ordinances and silencer weapons. By the end of 2013 and beginning of 2014, the number of active ISIL members swelled; in Salah al-Din, several ISIL units were carrying out subversive operations, under the command of the security *emir*, who reported to the *wali* of the governorate. Known colloquially as *sleeper cells*, these units were in fact quite active, but their operations were covert at the time. There were approximately 150 or less ISIL members in the area covering al-Jallam, Samarra, Jazirat Samarra, Tikrit, Jazirat Tikrit, al-Siniya, Jazirat al-Siniya and Baiji.

13. The increase in numbers was partly achieved from the "Breaking the Walls" prison breaks. Another factor that played a role in the bolstering of numbers was ISIL's exploitation of Sunni protests in 2012-2013.

3. Exploitation of Sunni protests

14. Iraqi Sunni grievances against what they saw as political and economic marginalization in their own country began long before, with the de-Baathification policies of the Coalition Provisional Authority. The de-Baathification law was abrogated in January 2008 and replaced by the Justice and Accountability Law, which, however, raised similar concerns of disenfranchisement for the Sunni community. In the second half of 2011, ahead of the scheduled withdrawal of US forces, the government stepped up its campaign against suspected ex-Baathists, especially in Baghdad and the Salah al-Din governorate. In October 2011, in a matter of hours, hundreds of people were arrested, many by special forces, during the night, on charges of attempting to overthrow the government and/or terrorist activities. Simultaneously, the Ministry of Higher Education and Scientific Research announced the removal of more than 100 academics and staff from Tikrit University on suspicion of ties to the Baath party. As a result of these and other actions, in late October 2011, the Salah al-Din Provincial Council declared Salah al-Din as an independent administrative region.

15. The situation took a turn for the worse in December 2012, when security forces stormed the residence of Finance Minister Rafea al-Issawi, a Sunni, arresting several of his security guards and staff members on charges of partaking in terrorist attacks. As a result, protests broke out in Fallujah, the hometown of al-Issawi, and in Ramadi, the capital of Anbar governorate. Within days, the protests spread to the governorates of Nineveh, Salah al-Din, Kirkuk and Diyala, as well as to the Sunni neighborhoods of Baghdad. The protesters put forward a list of thirteen demands, which reflected their concern that the government was not acting in line with their interests and discriminated against the employees of the former regime and especially against Sunnis.

16. Tribal leaders, clerics, political party representatives and affiliated organizations, disaffected de-Baathified personnel and former anti-US insurgents joined the protests. Tribal leaders and clerics in Nineveh and Anbar initiated so-called Friday sit-ins and *unified Friday prayers*, which became an opportunity for protesters to voice their grievances and demands. These sit-ins and prayers spread to other governorates as well. In Tikrit, *unified Friday prayers* began to be held in early 2013, at the Great Mosque and at the al-Arba'een Shrine. Preachings held at the Great Mosque advocated for violent protests; those at al-Arba'een Shrine were perceived by locals as more moderate. Most Tikrit residents attended at one or the other location.

17. The initially peaceful protests took a violent turn in the first months of 2013. In April 2013, an Iraqi soldier was killed by armed protesters at a checkpoint near the protest camp of Hawija in Kirkuk. The camp housed hundreds of protesters as well as members of the neo-Ba'athist armed group *Jaysh Rijal al-Tariqa al-Naqshabandi* (JRTN). When the protesters refused to hand over the suspects, government troops raided the camp, killed several dozen protesters and insurgents and wounded over 100 others.

18. This incident led to a sharp increase in violent clashes; both sides radicalized, empowering the more extreme elements among demonstrators. Sunni tribesmen mobilized in Anbar governorate and elsewhere for what they called a holy war in self-defence. The mobilization of tribal groups, known under the

umbrella term of “(tribal) revolutionaries”,² was not an ISIL initiative. The JRTN, tribal military councils and other insurgent opposition groups active at the time were separate organizations, not to be conflated with ISIL. Moreover, many Sunnis, including those protesting the government, rejected resort to violence and remained firmly opposed to groups such as ISIL or JRTN.

19. However, the mobilization of “(tribal) revolutionaries” presented a golden opportunity for ISIL. First, ISIL was able to infiltrate some of these groups by exploiting the rifts between tribal chiefs and younger or more secular protest leaders as well as the general sense of exclusion of many marginalized individuals. Second, because ISIL was better equipped militarily than other armed factions and had more experienced commanders, opposition groups tolerated or cooperated with ISIL, even though they did not share ISIL’s views on religion or plans for Iraq. Third, the complex quagmire of active armed opposition groups made it even more difficult to attribute attacks against targets to ISIL or others, and public opinion often conflated “tribal revolutionaries” with ISIL or other groups. In fact, ISIL itself claimed to embody “the rebels of Arab tribes”.³

20. Between 30 December 2013 and 4 January 2014, ISIL, together with other armed groups, took control of the cities of Ramadi and Fallujah, in Anbar governorate. From March 2014 onwards, the security situation deteriorated further with ISIL expanding the territory of its attacks. Iraqi security forces were concentrated in and around urban centers leaving the rural areas without much security. An increasing number of terrorist attacks, the strategic takeover of urban centers and the aforementioned political demonstrations and sit-ins made the population as well as the security structure vulnerable to the maneuvers of ISIL. The media may have also inflamed these tensions. In June 2014, the security situation dramatically worsened with ISIL taking control of strategic cities, including Samarra, Mosul and Tikrit, and infrastructure in Iraq’s north-western and north-central governorates.

PART III – TIKRIT

4. The fall of Tikrit

4.1. Tikrit – location and demographics

21. Tikrit is located in the governorate of Salah al-Din, in central Iraq, north of Baghdad. In the 2017 census, the population of Salah al-Din was estimated at 1,595,235. In 2014, there were eight districts in Salah al-Din, namely Samarra, Tikrit, Balad, Baiji, Shirqat, al-Dour, al-Fares and Tuz Khurmatu. At that time, the population of the district of Tikrit was estimated at 236,300; the population of the city of Tikrit (Tikrit Center) was approximately 179,500.

22. Historically, the majority of the population of Tikrit city was Sunni, but prior to 2014 around thirty to fifty households were Shi’a, and one family was Christian. During Saddam Hussein’s regime, most Shi’as resided in residential complexes constructed in the 1970s-1980s. When the families expanded, however,

² Institute for the Study of War, [‘Al-Qaeda in Iraq Resurgent: The Breaking The Walls Campaign, Part 1’](#), Middle East Security Report 14 (September 2013), p. 9; Institute for the Study of War, [‘Beyond the Islamic State: Iraq’s Sunni Insurgency’](#), Middle East Security Report 24 (October 2014), pp. 13-16.

³ UNITAD, Confidential testimonial evidence.

some moved to other places in Tikrit city, such as Saddam Street and a complex of old houses near the Electrical Department. By 2014, most Shi'as lived in Tikrit city center. In addition, before 2014, many Shi'a students from south Iraq attended Tikrit University and resided in the university campus.

4.2. Tikrit – security situation

23. As stated in paragraph 12, from the second half of 2013, ISIL attacks in Salah al-Din increased in number and gravity. The local *sleeper cells*⁴ increased their subversive operations with IED attacks, assassinations and detonations of houses, TV stations and government buildings. Attribution of attacks proved to be very difficult given the covert operations of ISIL units at the time. Tensions and clashes between government forces and protester groups further worsened the already fragile security situation.

24. While there was some sectarian violence prior to 2014 carried out by terrorist organizations such as AQL, and some families, including Shi'as, left Tikrit as a result, Shi'as were not especially targeted before the buildup of ISIL in Tikrit. In 2013 and the beginning of 2014, however, some Shi'a families left Tikrit as a result of the deteriorating security situation and threats posed by ISIL.

25. To address the deteriorating security situation, in the beginning of 2014, the Salah al-Din Operations Command was created. This was subordinated to the Iraqi army and its commander was Lieutenant General Ali al-Frejji. The Operations Command Center was located in the al-Hamra area, on the right side of the Tikrit-Baiji Road (more than 15 kilometers from the center of Tikrit), after the intersection of the Tikrit Air Academy Road with the main Baghdad-Mosul highway, and adjacent to the borders of Baiji district.

26. The following units of the Iraqi army were assigned to the Salah al-Din Operations Command: three brigades of the 4th Division and two regiments of the 1st Brigade of the 18th Division. The headquarters of the 4th Division was located close to al-Awja in the south of Tikrit. The three brigades of the 4th Division assigned to the Salah al-Din Operations Command were: the 14th Brigade, the 48th Brigade and the 17th Brigade. The 14th Brigade was located close to the Baiji refinery. The headquarters of the 48th Brigade was located outside the entrance of the Presidential Palace Complex in the south of Tikrit. The 48th Brigade consisted of three regiments: one in al-Awja, one in al-Dour and one manning the checkpoints located along the highway and in front of the Tikrit Air Academy (also known as Camp Speicher), located north of Tikrit. The 17th Brigade was in al-Dujail. The two regiments of the 1st Brigade of the 18th Division were tasked with the protection of oil pipelines and oil installations. This is why they were colloquially known as the Oil Protection Regiment. These regiments were based in the Tikrit Air Academy.

27. The personnel of the Salah al-Din Operations Command also included approximately 1,300 new volunteers, some of whom had recently started their training. Most of them were Shi'a Muslim, from the south of Iraq and were unfamiliar with Tikrit or Salah al-Din. Police officers from the Police Academy were sent to Tikrit to train them.

28. The Operations Command also comprised the Police Command of Salah al-Din. The highest administrative police authority in Salah al-Din was the Chief of the Provincial Police. The head of District

⁴ See paragraph 12 of this report.

Police reported to him, while the heads of the police stations reported to the head of the District Police. In June 2014, Staff Major General Juma Enad was the Chief of the Provincial Police in Salah al-Din.

29. In the face of growing security concerns, Salah al-Din provincial authorities, the Operations Command, including the Police Command, tried to organize a line of defense. Weekly meetings took place at the Governor's office discussing the security situation. Several measures to strengthen defense positions were in process: trenches were dug and protective berms were built between Tikrit's al-Diom area and the Jazirat desert; CCTVs were installed in the vicinity of the berms; more watchtowers were to be built on the Baghdad-Mosul highway; more police patrols were planned for Tikrit's al-Qadisiya neighborhood and other areas of the city. Furthermore, on or about 10 June 2014, personnel of the 4th Division established a new official checkpoint between the al-Aqwas checkpoint and the Tikrit University gates (*see* Figure 5). At the same time, the Police Command transferred all prisoners held in the prison located within the Presidential Palace Complex to Tasfirat prison, as the latter was considered better protected. This was pursuant to the request issued by the Salah al-Din Intelligence Directorate as they had information that the prisoners might escape.

30. Forming a common, strategic position proved, however, impossible, among multiple decision-makers. More information is needed to ascertain why such efforts collapsed; it is apparent, however, that the failure to adopt a unified, strategic stance and the ensuing collapse of the security system were due to, *inter alia*: lack of coordination among the police and defense institutions and their field units, diffused accountability, lack of decisive leadership as well as a lack of comprehensive, strategic instructions from the central government on how to address the worsening security situation. The instructions that did come from the central government were piecemeal. Two of such instructions came on 10 June 2014. In particular, the central government ordered the Golden Division (stationed in the Tikrit Air Academy) to protect the Baiji refinery. At the same time, it ordered the transfer of Juma Enad to the Salah al-Din Operations Command Center as deputy to Ali al-Frejji. Hamed al-Names was appointed to replace Juma Enad as the Chief of the Provincial Police. However, al-Names, who had to travel from Erbil to Tikrit, could not assume his responsibilities immediately as the roads were blocked by ISIL in that period. This change of leadership at the most volatile of times accelerated the collapse of any comprehensive defense strategy against ISIL.

31. ISIL attacked Samarra on 5 June 2014. The attacks against Mosul commenced one day later and the city fell to ISIL on 10 June 2014. Around the same time, the Operations Command Center in the al-Hamra area (*see* paragraph 25) was attacked with mortars, from the direction of Baiji and Siniya. The forces in the base were left without support, food or water. The attack may have continued until the evening of 11 June 2014.

32. Rumors spread about an impending ISIL attack. Many residents of Tikrit started fleeing in the direction of Kirkuk. Terrified residents started walking with their belongings towards al-Alam.

33. On 10-11 June 2014, most police and military personnel, including police patrols and checkpoint personnel, abandoned their positions. They changed to civilian clothes, loaded their weapons in their private vehicles and left the city. There were no orders to abandon positions and a small number of police personnel remained. Some units were, however, instructed to retreat to other bases, but even such retreats were not always conducted in an orderly fashion. For instance, on 10 June 2014, the Police Command

informed the Oil Police that the detachments deployed along the oil pipelines may be attacked by ISIL. The headquarters of the Oil Police was in Baiji district. The Oil Police guarded, among others, the oil pipe west of Tikrit Air Academy, which transport oil from Baghdad to the Baiji refinery. The detachment was told to collect and bring their weapons and vehicles to Tikrit. Instead, they retreated leaving all equipment behind.

34. Amidst this chaos and following the advice of the Salah al-Din Provincial Council, on 10 June 2014, the staff of Tikrit University began evacuating its students. By the morning of 11 June 2014, all Shi'a students were evacuated. The students who stayed were from Anbar, Kirkuk, Salah al-Din and Kurdistan. They remained at the university, under the protection of university staff, as they were too afraid to travel on the Baghdad-Mosul highway.

35. On or about 10 June 2014, the Chairman and the Deputy Chairman of the Salah al-Din Provincial Council issued a statement on TV, asking the tribes to support the security forces and resist ISIL.

36. In the morning of 11 June 2014, a joint convoy of Iraqi security forces led by the provincial level civilian and security authorities marched through Tikrit to instill confidence among the people of Tikrit. While the march was ongoing, an explosion shook the Baghdad-Mosul highway near the Police Command in Tikrit's center. Around 10:00 a.m. on the same day, locals in the Jazirat Tikrit area, close to the Baghdad-Mosul highway and the silos of Tikrit's seed processing plant, saw a few vehicles carrying black ISIL flags and masked men preparing to head towards Tikrit. Reports of 15-20 armed vehicles advancing from Jazirat and Abu Ajeel directions started pouring in. By 1:00 p.m., the Governor, his office and other civilian authorities of Tikrit and Salah al-Din, including the Provincial Council Chairman and Deputy Chairman, withdrew from Tikrit to Samarra or Kirkuk. News spread that ISIL took over Baiji. The streets in Tikrit became deserted; no police, no vehicles, no civilians were to be seen.

4.3. *ISIL entry into Tikrit*

37. ISIL entered Tikrit in the early afternoon of 11 June 2014, around 3:00 p.m. They came in two groups: one from al-Diom / Jazirat area and another one from al-Jallam, through Abu Ajeel (*see* Figure 2).

38. The group entering from al-Diom was led by none other than the ISIL *wali* of Salah al-Din, Abu Nabil (*see* paragraph 185). The group entering from Abu Ajeel was led by POI_OK1, the *emir* of al-Jallam (*see* paragraph 187). The two groups added up to an approximate number of 145-150 fighters. Abu Nabil and POI_OK1 coordinated their movements.

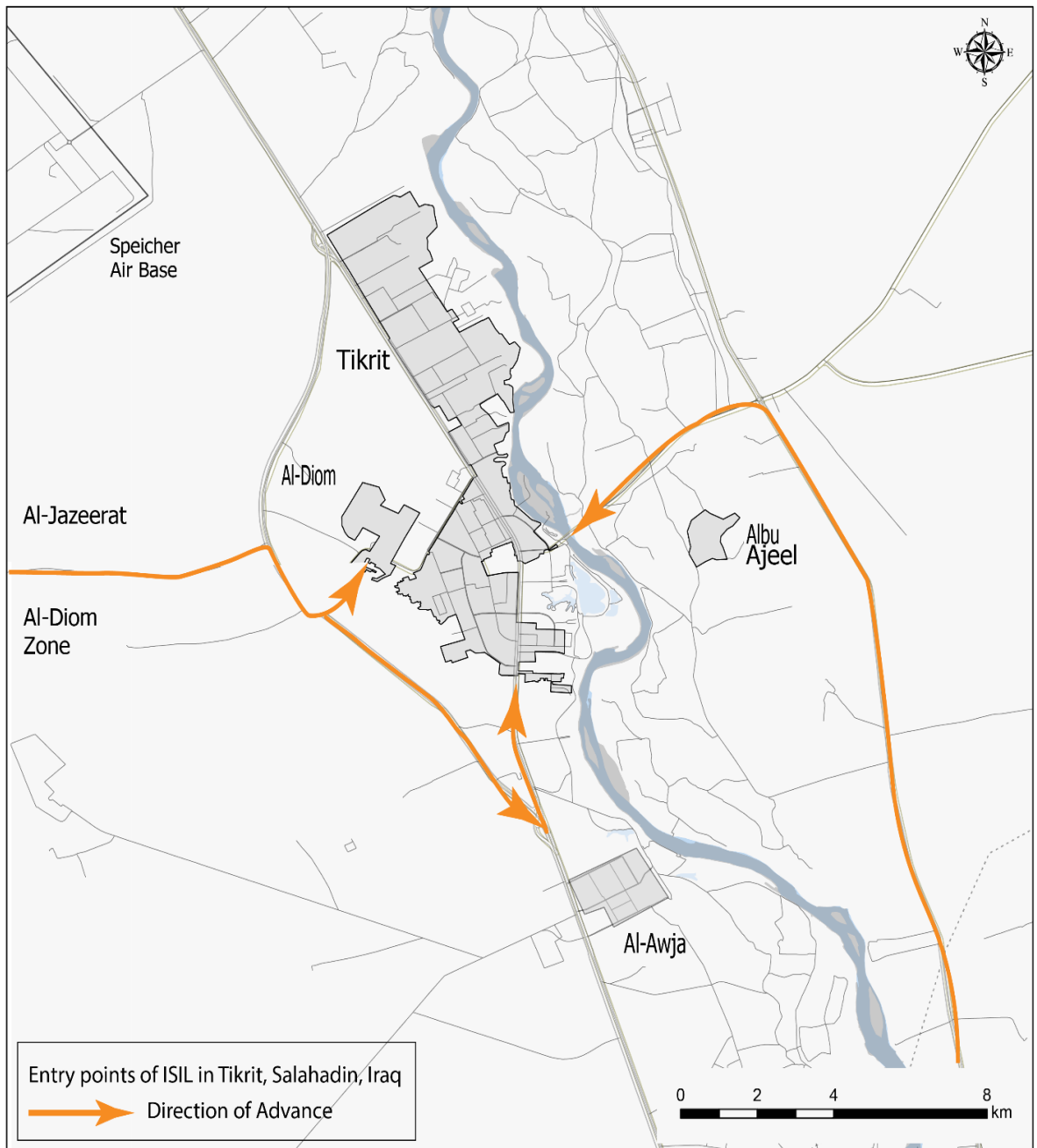


Figure 2 ISIL entry points in Tikrit

39. The group led by Abu Nabil may have used the paved road that runs next to the oil pipeline, on the west side, around seven kilometers from Tikrit. The group took possession of the vehicles and weapons the Oil Police detachments left behind. They encountered no resistance before entering Tikrit, but their movements were intercepted by security detachments deployed in the area, who reported the group to their commanders. Upon entering Tikrit, however, Abu Nabil's group encountered resistance at the Al-Diom checkpoint. A handful of Tikrit policemen exchanged fire with the entering ISIL group; they were, however, overpowered and the ISIL fighters passed through, blowing up the checkpoint. Three to five

policemen may have died or were seriously injured in the process. After passing through this checkpoint, Abu Nabil's group split into sub-groups, most of which headed towards various areas of the city. One splinter subgroup headed southward and entered Tikrit from the al-Awja side. A video filmed on 11 June 2014 at around 3:00-3:30 p.m. shows one of these sub-groups entering al-Zuhor street, with several vehicles, including one Humvee, hoisting a machine gun (*see* Figure 3). Gunshots are heard; the person behind the camera states "Iraqi biggest revolution, Tikrit now", a small number of locals are seen and heard cheering and shouting "Allahu Akbar";⁵ the street is otherwise empty. A resident of the area saw about seventeen or eighteen ISIL vehicles passing through al-Zuhor that day.



Figure 3 Screenshot and location of Abu Nabil's sub-group entering al-Zuhor

40. The group led by POI_OK1 entered the city on foot. From Albu Ajeel, they walked, scouting the area, with their vehicles following behind. After passing the al-Alam roundabout and before reaching the bridge, the group clashed with personnel manning the watchtowers on that road. At the al-Alam bridge checkpoint, the group encountered one military vehicle, but as soon as it opened fire, the vehicle left. On their way into Tikrit, the group saw civilians leaving the area. While they knew that security forces may be hiding among the fleeing civilians, the group chose not to apprehend them at that time. After crossing the bridge, the group headed towards the Police Command, located in Tikrit city center, on the right side of the bridge. When they arrived, they found the building empty. Thereafter, POI_OK1 divided his group and deployed them to al-Zuhor street areas on the west and al-Basha street areas on the east.

41. ISIL subgroups spread throughout the city center, including the "Saddam Hospital" (Salah al-Din Health Department), al-Basha and al-Zuhor streets. A group of ISIL members raided the Tikrit center police station and freed the detainees held there. One or more of subgroups also headed to the al-Qadisiya area. Members of Tikrit "sleeper cells" openly joined the entering subgroups. One prominent member of such cells was POI_NM1, an ISIL security official from Tikrit (*see* paragraph 195).

42. A subgroup headed by Abu Nabil went to Tasfirat prison. Prisoners knew that ISIL was approaching as some inmates had prior contact with persons outside. By the time Abu Nabil arrived, the guards had abandoned the prison. ISIL fighters broke the prison gates open, collected firearms and ammunition and

⁵ UNITAD, Confidential testimonial evidence.

released the prisoners. ISIL members then burnt down the records, files and the prison building. On the same day, with the help of freshly freed prisoners, ISIL attacked and ransacked government buildings, such as the Governor's and the Mayor's offices, and the old courthouse in Tikrit. Tikrit General Hospital was also taken over by ISIL.

43. In the afternoon of 11 June 2014, personnel of the Salah al-Din Regiments Directorate clashed with ISIL fighters at the roundabout close to the Salah al-Din governorate building; the policemen put up a heavy resistance against ISIL fighters. Despite sustaining severe injuries, they fought on, killing or wounding several ISIL members, and managed to retreat towards the 4th Division's headquarters in al-Awja. Several policemen were killed or wounded in the process. A video filmed in the aftermath of the clash, between 5:30 and 6:15 p.m., shows abandoned military vehicles and bodies lying on the ground near the roundabout.

44. Throughout the day, ISIL fighters apprehended, detained, mistreated or killed hundreds of police, military and government personnel who were still in the area. ISIL members went to the residence of senior police or security officers, tribal sheikhs and others, searching the house and asking for the whereabouts of these persons. At least six police and security officials were executed on the spot, at different locations in Tikrit; these killings may have been carried out by POI_NM1. Vehicles of the killed or apprehended personnel were appropriated by ISIL.

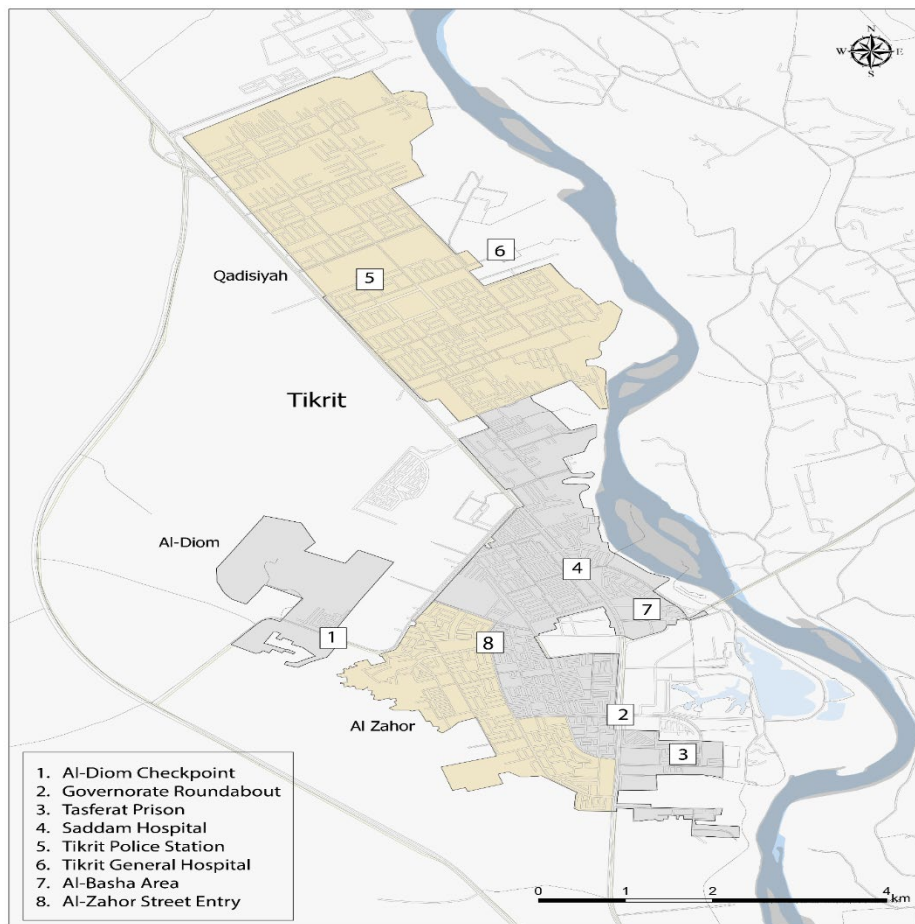


Figure 4 Relevant landmarks in Tikrit

4.4. ISIL takeover of Tikrit

45. Ultimately, the small pockets of security personnel left in the city could not overcome ISIL. ISIL began setting up checkpoints around the city. Around the same time, a scout group of ISIL fighters headed by Abu Nabil went to the Presidential Palace Complex. Other ISIL groups were told to wait outside, on the al-Alam bridge. The scout group found detainees in the unguarded Crimes Directorate detention center whom they released; otherwise, the complex was deserted. Contrary to some reports, there were no civilian or government officials or staff in the buildings who watched passively the events of those days.

46. Once the place was secured, around 5-6 p.m., other ISIL groups were instructed by Abu Nabil to enter the Presidential Palace Complex. They entered bringing with them dozens of Tikrit policemen, personnel of the Facility Protection Service, colonels and other military personnel, local officials and foreign workers who were apprehended earlier in the day. These detainees were put in the same Crimes Directorate detention center from which others were released earlier. The detention center was in the northern side of the complex. That night, detainees were taken to a palace near the detention center, where they were interrogated and beaten; they were also asked to recite the al-Fātiḥah from the Qur'an. In the early morning hours, they were interrogated and beaten again. Detainees were held under the same conditions for one to five days; some were released, others were executed.

47. On the same evening, 11 June 2014, prisoners freed from the Tasfirat, police station and Crimes Directorate prisons went to the Presidential Palace Complex and took the pledge of loyalty (*ba'ya*) before Abu Nabil. Similar pledges of allegiance by freed prisoners may have taken place in al-Qadisiya in the presence of ISIL *Shari'a* judge Abu Abdelhadi (see paragraph 186), and at other mosques in Tikrit. Following the pledge, ex-prisoners were promised weapons and were asked to stay in Tikrit in order to accomplish some missions. The next day, ex-prisoners and other ISIL members were divided into groups of seven to ten people and deployed in Tikrit with weapons and vehicles. The Presidential Palace Complex became the headquarters of ISIL in Tikrit; the *wali*, Abu Nabil, made the Lake Palace, one of the palaces in the southern part of the complex, his office.

48. By evening of 11 June 2014, ISIL had at least five checkpoints set up in the city, and ISIL vehicles were roaming the streets. An announcement through a mosque's loudspeaker informed residents that ISIL had taken over Tikrit.

49. After the evening prayer, concerned about the killings and abductions, some Tikrit residents agreed to meet the next day to discuss how to protect those working in the police and military. The following day, 12 June 2014, ISIL announced in a mosque and another public gathering that Abu Bakr al-Baghdadi had initiated a general amnesty "only to the Sunni apostates"⁶, excluding members of the SWAT forces, provided they offer their repentance. This addressed the initial concerns of Tikrit residents.

50. At that time, some residents welcomed the arrival of ISIL. They saw ISIL as "tribal revolutionaries",⁷ who "were going to restore security and meet the demands of people".⁸ ISIL members themselves claimed

⁶ UNITAD, Confidential testimonial evidence.

⁷ UNITAD, Confidential testimonial evidence.

⁸ UNITAD, Confidential testimonial evidence.

to be “the rebels of Arab tribes”.⁹ However, after the residents of Tikrit experienced ISIL’s extremist ideologies and violent crimes, support for ISIL disappeared in Tikrit.

5. Tikrit under ISIL control

5.1. Overview

51. ISIL’s takeover of Tikrit brought a period of general lawlessness and arbitrariness to the city. In many parts of Tikrit, water or electricity was cut off. Neighbourhoods became unlivable because of clashes between security forces and ISIL, or because of other violence. Dozens of killings took place using sticky bombs, machine guns or silenced weapons. Every few days, security personnel or civilians would be targeted with IEDs or pistols. ISIL intimidated, harassed, terrorized and abused Tikrit residents.

5.1.1. Controlling movement around Tikrit

52. As stated in paragraph 48, by evening of 11 June 2014, ISIL had at least five checkpoints set up in the city, and more were set up in the following days. Of these, four checkpoints, coinciding with those abandoned by the retreating security forces, controlled entry into and exit from Tikrit. One was between the Tikrit Air Academy and Tikrit University, known as the al-Aqwas checkpoint. A second checkpoint was westward towards al-Diom, before the railway line. A third was between al-Awja and Tikrit, before the highway branching to left, called al-Awja checkpoint. A fourth checkpoint was on the east bank of the Tigris River from the Abu Ajeel side, after crossing the river from Tikrit to al-Alam. Other important ISIL checkpoints were located near Abu Aghrab, the gates of Tikrit University, al-Qadisiya garage, al-Basha street, al-Diom neighborhood, al-Alam bridge, the Governorate roundabout and Saddam Mosque.¹⁰

53. ISIL checkpoints were manned by approximately seven persons, belonging to the security department of the organization. ISIL checkpoints were recognizable as they had the typical black banners tied to the poles; the banners carried the inscription adopted by ISIL “There is no God, but Allah”. At these checkpoints, those who wanted to cross were most often stopped and their IDs were checked against lists ISIL accessed via laptops. Such lists may have been obtained by ISIL when it occupied or ransacked offices and headquarters of security forces or governmental agencies. If someone was identified in such a list, he was asked whether he possessed proof of repentance. If not, he was taken away. Many people were also asked if they were in favor or against ISIL.

⁹ UNITAD, Confidential testimonial evidence.

¹⁰ Other checkpoints may have been located near Tikrit University on the Qadisiya side, Atibba street, al-Alam bridge on the Tikrit side, Shisheen area in Tikrit and in another area of al-Diom.

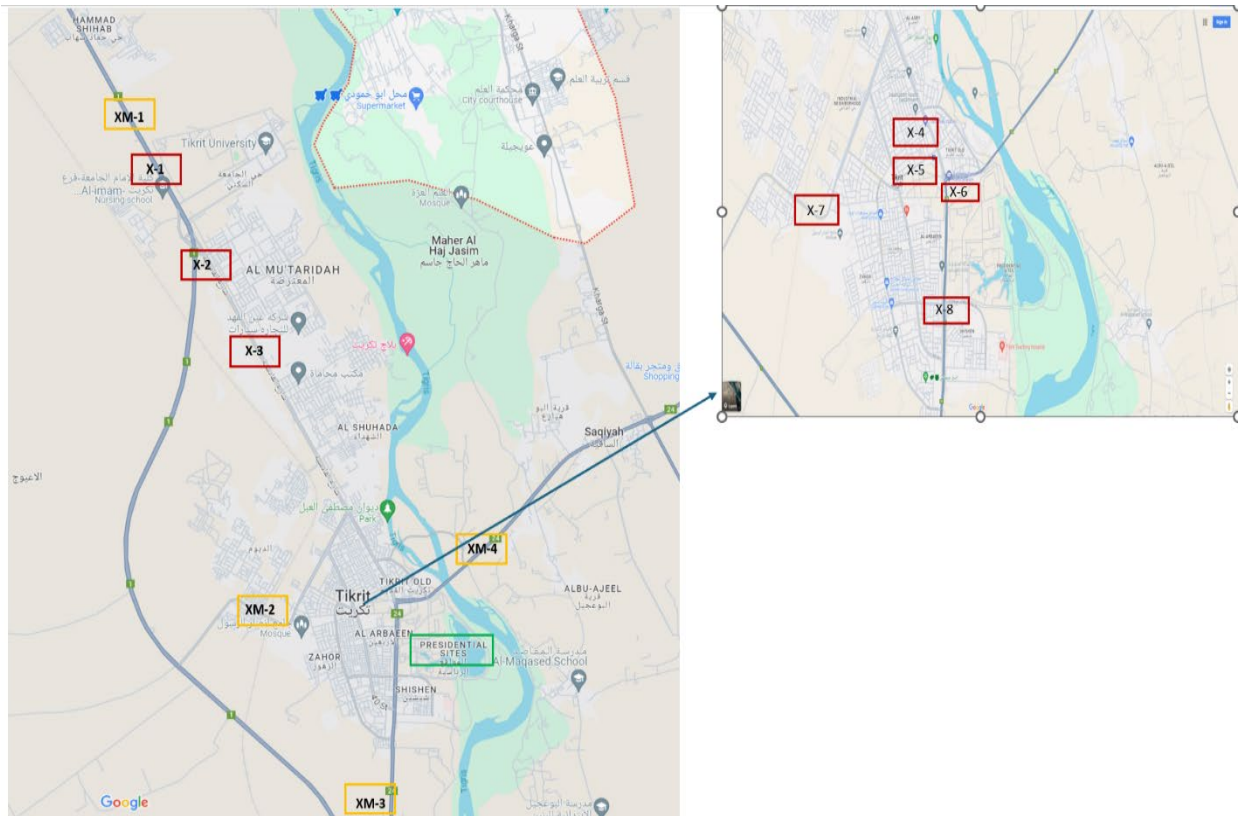


Figure 5 Tikrit checkpoints

XM: (Main checkpoints) XM-1: al-Aqwas; XM-2: al-Diom; XM-3: al-Awja; XM-4: Albu Ajeel

X: (Other checkpoints) X-1: Gates of Tikrit University; X-2: Abu Aghrab; X-3: al-Qadisiya garage; X-4: al-Basha street; X-5: Saddam Mosque; X-6: Before al-Alam bridge; X-7: al-Diom neighborhood; X-8: Governorate roundabout

5.1.2. Announcements and rules of conduct

54. During at least the first two weeks following its takeover of the city, ISIL made several announcements to the population of Tikrit. ISIL asked residents to surrender their weapons – their own or those abandoned by the security forces and appropriated by people. ISIL called upon security and police forces as well as government officials to repent (*see* paragraph 59-61). Furthermore, ISIL urged everyone, including affiliates of the Ba’ath party, to join ISIL and overturn the incumbent government. As a result, some residents, especially young people, joined ISIL.

55. ISIL further announced that stealing was forbidden, and that public property was protected by ISIL. The inhabitants of Tikrit were only allowed to leave their houses for basic needs, such as fuel and groceries. Those who smoked cigarettes were lashed. Women who did not cover themselves or who wore makeup were also lashed.

56. The enforcement of many of these announcements and rules of conduct generated significant criminal activity on the part of ISIL members, the most important of which will be detailed below.

5.2. Displacement of civilians

57. Before ISIL’s arrival in Tikrit, due to the increasing number of security incidents, including targeted assassinations, attacks on houses and roadside explosions, many residents felt threatened and left the city.

In the immediate aftermath of ISIL's takeover, even more residents left Tikrit, some of whom went initially to al-Alam. Some residents moved from house to house in Tikrit, staying with different people every night, as they feared being apprehended or killed by ISIL.

58. In the first month after ISIL entered Tikrit, most families left the city. Many went to Kirkuk because it was nearby, there was no ISIL presence, and it was relatively cheap to live there. Others went to al-Alam, Erbil, Sulaymaniyah, Baghdad, Basra, or abroad.

5.3. *Targeting of government and security personnel*

5.3.1. *"Repentance" – content, procedure and significance*

59. As stated in paragraph 49, further to Abu Bakr al-Baghdadi's order, ISIL permitted "Sunni apostates" to repent. Persons employed or affiliated with the government, police or security forces were ordered to repent and surrender their weapons by a specific deadline. Members of SWAT forces were not permitted to repent. Orders were publicized through the loudspeakers of the mosques or by ISIL members. Several locations in Tikrit were designated where residents could go to repent.

60. The repentance was administered by a local *Shari'a* officer. The repenting person would acknowledge having engaged in disbelief or blasphemy and then would announce repentance for such actions. Repenting persons were required to bring copies of their IDs and sometimes even proof of residence and copies of food rations. Repenting persons were also required to hand over their weapons at ISIL's public relations department in Tikrit.

61. As proof of repentance, many received a signed "note" or "card" that carried the ISIL logo and confirmed the act of repentance by that person. Typically, such notes recorded the name of the person, their address, date of birth, phone number as well as their profession and rank, the weapons they had surrendered and the date of repentance. Repentance cards or notes were also counterfeited and sold for various prices, such as US\$1,500. Counterfeit repentance notes were used as protection by those who felt targeted by ISIL and were not allowed to repent (*see* paragraph 70). However, those caught with repentance notes (counterfeit or authentic) outside ISIL-controlled areas risked being arrested, questioned and mistreated by security forces for possessing them.

62. Possession of repentance notes or cards was supposed to protect its owner from arrest and detention by ISIL members. This, however, was not always the case. ISIL members often continued to pursue individuals who repented accusing them of continuing their anti-ISIL subversive activities. Those who did not or could not repent were likewise targeted. Family members of such persons were also targeted.

63. As done on the day they entered Tikrit (*see* paragraph 44), ISIL members continued to conduct house-to-house and checkpoints searches, looking for police and security forces, government personnel, persons without repentance notes, persons alleged to have "recanted" their repentance and, generally, anyone perceived to be an enemy of ISIL. Those apprehended were detained and mistreated, sometimes forced to repent; many were killed or are missing to this day.

5.3.2. *Detention, mistreatment and execution of perceived enemies of ISIL*

64. From the very first day of its entry in Tikrit, ISIL members apprehended, detained, mistreated and killed hundreds of persons perceived as enemies of the organization, especially police and security forces.

As done on the day of the takeover (*see* paragraph 46), detainees were often held, mistreated and executed in the Crimes Directorate detention center, in the Presidential Palace Complex. Others were, however, taken to other locations, such as a gymnasium on 40th Street in Tikrit, where they were held and/or mistreated, and eventually killed. More information is needed to piece together the pattern of criminal activity and the fate of the victims. The following paragraphs briefly present the known accounts of abuse.

65. ISIL members killed at least six police and security officials on the day of entry into the city (*see* paragraph 44). Other security and police personnel were killed in the days after ISIL’s takeover; POI_NM1 may have been involved in these killings. A few days after ISIL entered Tikrit, a resident of the city was apprehended, detained, interrogated, severely beaten and shot by ISIL members, including POI_NM1, for helping others escape to al-Alam. At least one teenager was shot dead by an ISIL sniper because he belonged to a family that supported the government and security forces and opposed ISIL. One mukhtar and his relative were abducted and severely beaten by ISIL members because they allegedly supported the Iraqi army and the Popular Mobilization Forces (PMF). The mukhtar is still missing. Another Tikrit resident was severely beaten by ISIL members because he allegedly provided food to the PMF.

66. In early November 2014, ISIL may have arrested a Tikrit University professor, accusing him of falsifying IDs for “*Rafidis*”, and reportedly cut off his hands. He has been missing since. ISIL arrested and killed another Tikrit university professor who was involved in producing fake IDs for members of the security forces.

67. In the beginning of January 2015, eight individuals from Tikrit, including three brothers, were executed by ISIL for allegedly cooperating with Iraqi forces to liberate Tikrit. They were apprehended from their homes, during the night, and taken away blindfolded. Some may have been interrogated and mistreated during their detention. ISIL photographs depict the victims at a location surrounded by trees, which may have been inside



Figure 6 Execution of eight in the Presidential Palace Complex

the Presidential Palace Complex, near one of the killing zones where Tikrit Air Academy personnel were executed. As with other executions carried out and documented by ISIL, the victims, in orange jumpsuits, are seen kneeling in the front row, with their executioners, masked and dressed in black, standing behind

them (*see* also paragraphs 140, 145). The victims may have been executed near the Presidential Palace Complex under the al-Alam bridge. As of August 2024, their bodies have not been recovered.

68. In March 2015, four Tikrit residents (two security officers, one local council member and a security associate) were executed by ISIL for allegedly recruiting persons for the PMF. A photo taken before their execution was circulated in the media; as with other executions, the victims are presented kneeling in the front row, with their masked executioners behind them. This staging was one of the hallmarks of ISIL executions (*see* also paragraphs 67, 140, 145).



Figure 7 Execution of four in Tikrit

5.4. Targeting of Shi'as

69. ISIL targeted others not only on political, but also on religious grounds. UNITAD has already found that ISIL maintained a genocidal policy against Shi'a Muslims. As said in paragraph 24, in 2013 and the beginning of 2014, some Shi'a families left Tikrit because of the deteriorating security situation and threats posed by ISIL.

70. After ISIL took over the city, and especially in the wake of the massacre against the Tikrit Air Academy personnel, who were overwhelmingly Shi'a, the remaining Shi'a families either escaped or hid their identity. Some Shi'a families purchased counterfeit repentance notes (*see* paragraph 61), in the hope that they could escape to safety. Some Shi'a families removed or burned any object in their house that could give away their Shi'a identity.

71. ISIL was actively seeking out Shi'as in Tikrit: they asked personnel from Tikrit University whether there were any Shi'a left inside the campus; at checkpoints, Shi'a men were often executed on the spot. ISIL members reportedly arrested a Shi'a resident, may have paraded him around the town, hit him with shoes and beat him, while telling bystanders that Shi'as were "Rafidis" and had to be humiliated. The Shi'a man may have eventually died as a result of the injuries sustained from the beatings. Members of other Shi'a families living in the area disappeared during ISIL's control and are still missing.

5.5. Use and destruction of religious and historic sites

72. After its takeover of Tikrit, ISIL used, damaged and/or destroyed several religious and historic monuments in the city. One of the most important such sites, was the Sunni Shrine of the 40, located within the far left of the main building of the Al-Arba'een Mosque (جامع الأربعين شهيدا) in Tikrit. The Shrine of the 40 houses the tombs of forty martyrs who led the establishment of Tikrit as a major city during Islam's expansion in the seventh century CE. The Shrine is the most important religious symbol for the people of Tikrit, because locals used to celebrate the national and Islamic holidays at this site. In June 2014, ISIL took hold of the Shrine of the 40 and used it as a base for some of their operations. In and around September 2014, the shrine was destroyed. While ISIL placed the blame on an airstrike that hit the shrine, the location of the debris and undetonated C4 found at the site after liberation suggest that the destruction was the

result of a ground explosion rather than an airstrike. While no locals appear to have witnessed the destruction of the shrine, residents believe that ISIL destroyed the holy site because its ideology forbade the worshipping of shrines and tombs.

73. Another important religious site destroyed during ISIL's control of the area was the Sufi Shrine of Abu Ajja (ضريح ابو عجة), located south of al-Awja. The Shrine was built in 1998 after the death of Abu Ajja, a spiritual leader in the southern part of Tikrit (al-Sadda and al-Awja areas). In 2007, the shrine was rebuilt after being destroyed by Al-Qaeda. Hundreds of people visited the Shrine on a daily basis to seek blessings and recovery from illness. It is of religious and cultural importance for the followers of Abu Ajja. The shrine was destroyed with explosives around the beginning of August 2014. The site does not appear to have been used for operational purposes by either ISIL or the Iraqi forces. Shortly after the destruction, information became available that the shrine was destroyed by or upon the instruction of two ISIL members from the area. So far, no eyewitness of the destruction has been identified. According to locals, ISIL destroyed the shrine because its ideology forbade polytheism and visiting shrines was equated to worshipping statues. The reasons for the destruction of the Shrine of Abu Ajja are comparable to the reasons underlying the destruction of the Shrine of the 40.

74. During ISIL's control of the city, several other religious and historic monuments were also destroyed, such as three Christian sites (the Monastery of the Girls/Nuns, the Monastery of the Five Fingers and the Green Church) and the old walls of Tikrit, which were all purportedly used by ISIL as fighting positions, hideouts or weapon storage facilities. Given their use, these monuments may have been damaged or destroyed in the exchanges of fire between ISIL and security forces. ISIL may have also damaged or destroyed the graves and tombs in several cemeteries of Tikrit.

5.6. *Appropriation, looting and destruction of property*

75. As stated in paragraph 23, ISIL began blowing up houses, TV stations and government buildings in Tikrit long before its takeover of the city, in the second half of 2013. Such attacks kept increasing in the weeks leading up to the takeover. Around 40 days before ISIL's entry into Tikrit, a total of about 30 houses were blown up in two incidents. The houses belonged to security personnel and a few administrative authorities. Some of these houses were marked with the handwritten text "*the Islamic State of Iraq and Levant*" الدولة الاسلامية في العراق والشام.

76. Upon its entry into the city, ISIL appropriated, looted, damaged and destroyed many more structures, governmental buildings and private houses, shops, farms and stores alike. Many buildings in the Presidential Palace Complex were occupied by ISIL. As stated in paragraph 47, the *wali*, Abu Nabil, made the Lake Palace, one of the palaces in the southern part of the complex, his office. Other ISIL departments used other buildings around the city, such as the Cinema Hall.

77. In 2014, there were approximately 35,000 families residing in Tikrit district which approximates to about 27,000-30,000 houses. Out of 35,000 families in Tikrit district, approximately 5,000 families suffered some sort of harm from ISIL's actions. Of the 27,000-30,000 houses, approximately 500 houses were appropriated and occupied by ISIL. Most of these houses had belonged to government officials and individuals working with the police and security forces. When appropriating a house, ISIL would mark the property by spray-painting it in black with the words "*real estate of the Islamic State*". عقارات الدولة الاسلامية.

After marking houses for appropriation, residents would be forcefully evicted by ISIL. If the residents resisted leaving their homes, their houses were destroyed.

78. ISIL members looted the local bank in Tikrit and private houses. ISIL members also stole and destroyed books from the Tikrit University's library.

5.7. Cubs of the Caliphate

79. ISIL members included several underage boys, who appeared to undertake active roles.

80. In particular, an approximately 15-year-old boy managed a checkpoint close to the al-Diom neighbourhood in Tikrit. A 14-year-old boy used to patrol the area of Tikrit and drive a Land Cruiser vehicle belonging to the police. Another boy, around nine years old, the son of an ISIL member, carried a weapon and manned an ISIL checkpoint in Tikrit's city center, ordering passing cars to stop to be checked by ISIL.

6. Liberation of Tikrit

81. On 2 March 2015, around 30,000 ISF, PMF, tribal fighters and militia forces commenced military operations to reclaim Tikrit from ISIL. The offensive lasted throughout March with around 1,300 ISIL fighters mounting strong resistance. On 25 March 2015, upon Iraq's request, the U.S.-led Coalition began aerial bombardments on ISIL targets. On 31 March 2015, Prime Minister al-Abadi announced the liberation of Tikrit. On the ground, fighting persisted until early April 2015 as Iraqi Forces drove out pockets of ISIL sleeper cells. For months following liberation, ISIL-planted IEDs were discovered by civilians returning home.

82. Due to the fighting, thousands of families fled to Samarra. Casualties tallied in the mid-to-upper-hundreds on both sides. When security forces entered the city, they found almost no residents still living there.

PART IV – AL-ALAM

7. The fall of al-Alam

7.1. Al-Alam – location and demographics

83. Al-Alam is a town located in the governorate of Salah al-Din, in central Iraq, north of Baghdad and east of Tikrit, across the Tigris River. In 2014, it was registered as an administrative subdistrict of Tikrit, and was inhabited by Arab Sunnis and Shi'as, Kurdish Sunnis, Turkmen (mostly Sunni and some of them Shi'as at the time), Christians and Yazidis. At that time, there were some 10-15 Yazidi families and 5-6 Christian families. There were around 10 Shi'a families, but they left the town in 2014 and returned after the liberation. Around 75% of the population of al-Alam was Arab Sunni and around 5,000-6,000 families belonged to the al-Jubouri tribe. Everyone was connected through marriages.

7.2. *Al-Alam – resistance to ISIL*

84. In the eyes of ISIL, al-Alam residents, especially members of the al-Jubouri tribe, were supporters of American forces, allies of the Iraqi government, and apostates who helped fleeing security personnel and Tikrit Air Academy cadets. While ISIL entered and took over Tikrit in one day, the takeover of al-Alam proved to be much more difficult, given the fierce resistance of its residents. When ISIL entered Tikrit, some residents of al-Alam fled to Kirkuk, but others decided to organize resistance by themselves.

7.2.1. *The organization of resistance*

85. Some retired officers from al-Alam took the lead in organizing the resistance. Each officer had approximately 50 people under their command, armed with light weapons. Four checkpoints were set up: (i) checkpoint 18 (at the entry of al-Alam from al-Fatha side); (ii) checkpoint 14 (at the entry of al-Alam from Tikrit side after al-Dour square); (iii) checkpoint 21 (after Abdullah Jabara square in the town center towards the road leading to the Hamreen mountains); and (iv) checkpoint 70 (on the agricultural road from Albu Ajeel crossing towards al-Alam). These checkpoints prevented ISIL from entering from all directions. Between 10 and 30 armed people, wearing civilian clothing, were manning each checkpoint at a time. They used police and civilian vehicles.

7.2.2. *Assistance to Tikrit Air Academy and other escapees*

86. While setting up their resistance, al-Alam residents also helped hundreds of Tikrit Air Academy personnel, Tikrit police and security forces who sought refuge from ISIL in al-Alam. These personnel were helped by Tikrit residents to cross the Tigris River to al-Alam. Around 400 security personnel and Tikrit Air Academy escapees were given shelter for days to weeks in the homes of al-Alam residents. They were distributed among many houses, 10-15 to each house. Some of the fugitives also participated with the residents of al-Alam in defending the town.

87. Before ISIL entered al-Alam, residents hired drivers to evacuate the fugitives to Kirkuk and surrounding areas. In order to conceal the true identities of the escapees from ISIL at checkpoints, the rescuers forged fake IDs for the escapees or placed women in the cars with them so they could pretend to be travelling together. Al-Alam residents knew that if ISIL had found out that some of the escapees were Shi'a, they would have all been killed.

88. Al-Alam residents helped these escapees knowing very well that they risked their own lives in the process. Some of those extending such assistance were apprehended by ISIL, mistreated and killed, with their houses and properties often looted or destroyed. For instance, one driver who was reportedly helping Tikrit Air Academy cadets escape to Kirkuk may have been captured, beaten and beheaded by ISIL, together with one of the escapees.

7.2.3. *The siege of al-Alam*

89. As expected by residents, three days after taking over Tikrit, ISIL attacked al-Alam. On 14 June 2014, negotiations took place between ISIL and the local leaders of the town. ISIL wanted access into al-Alam and demanded the surrender of fleeing police and security personnel as well as Tikrit Air Academy escapees. The local leaders refused ISIL's demands; and in this way the siege against al-Alam began, lasting until 22 June 2014.

90. ISIL surrounded the town from all directions; ISIL units, equipped with armoured vehicles, mortars and other heavy weapons, controlled Tikrit in the west, Abu Ajeel in the south and al-Fatha in the north, near the border with Kirkuk. Whenever trying to leave al-Alam, residents had to pass through ISIL checkpoints. Essential items, such as food and medical supplies, were not allowed into al-Alam, which made life difficult for the town's residents, despite them having stockpiled some supplies in anticipation of ISIL's arrival.

91. For about 10-12 days, ISIL shelled the town mainly from al-Mazhem across the river, with over 180 rockets per day. ISIL fired mortars randomly, day and night, with shells falling on and around the houses, instilling fear and spreading terror amongst residents. Some of the rockets hit the center of al-Alam and the Police Directorate. Others hit private houses, damaging or destroying them. The frontline was around the Al-Ali area, close to checkpoint 70 across the agricultural road from Abu Ajeel and towards checkpoint 21 towards the Hamreen mountains (*see* Figure 9).

92. Al-Alam residents defended their town until around 22 June 2014, when their resistance suffered two heavy blows: the killing of Umayyah Jabara and the abduction of 40-50 families by ISIL.

7.2.4. The killing of Umayyah Jabara

93. Umayyah Jabara ("Umayyah") was the daughter of tribal leader Naji Hussien Mohammad Jabara and a women's rights activist. She was also a local council member at the time. Umayyah was not a member of the security forces; she had no training in weapon-handling or in military tactics. She did, however, carry a weapon, which she had received from the Salah al-Din Governor's office for self-defence. Umayyah frequently visited the frontline, supplying food to and boosting the morale of the fighters. Her conduct inspired other women to prepare food and deliver it to the fighters. She was revered by fighters and residents alike, and seen as a true inspiration for the resistance against ISIL. Umayyah may have been known to ISIL from social media sources that hailed her as a heroine of al-Alam.



Figure 8 Umayyah in al-Alam

94. In the morning of 22 June 2014, Umayyah drove to the al-Ali area near checkpoint 70 (*see* Figure 9). She parked her car some distance away from the frontline crossing an agricultural road and walked to the fighters, who were laying in shallow trenches, to bring the food for the day. She was wearing civilian, female clothing, her hair was wrapped in a cloth, and she was carrying a weapon. She was distributing rations to the frontline and raising the morale of the soldiers. Once she arrived at the trench, the men in the trench asked her to lay low, because there was a sniper in a house across the frontline. After a few minutes, however, Umayyah decided to stand up. In that moment, she was shot. Umayyah died on the spot or before arriving at the hospital.

95. Amidst the growing shortages of fuel, food and medication, Umayyah's death had a profound impact on the residents of al-Alam, and many decided to escape.

7.2.5. The abduction of al-Alam families

96. On or about the afternoon of Umayyah's death, 40-50 families or approximately 200-250 persons, all civilians, mainly children, women and elderly people, attempted to leave al-Alam. Everyone wore civilian clothing. Near a checkpoint in the al-Fatha area, ISIL stopped and detained these families. ISIL members at the checkpoint accused them of being "apostates", who supported the government and helped Tikrit Air Academy fugitives. The families remained at the checkpoint, in the heat of the sun, terrified, for two hours. ISIL members collected the IDs of all the men and said that they would check whether anyone was on the wanted list; those on the list would be arrested, whereas the fate of the others would be decided later.

97. ISIL then forcibly moved the captives to the Presidential Palace Complex in Tikrit. They organized a convoy of 40 to 45 vehicles and assigned one armed ISIL member to drive each vehicle. Most ISIL members wore explosive belts, and carried hand grenades, pistols and BKC rifles. POI_NM1 appeared to be one of the two ISIL members in charge of this operation; he drove the first vehicle of the convoy that also carried the other ISIL member in charge.

98. While the captives were in the Presidential Palaces Complex, ISIL did not provide them with any food, did not allow them to use their phones, move around, pray or even go to the bathroom. They were scared and thought that they would be killed. One of the captives had a stroke likely due to the stress caused by the tense situation.

99. ISIL threatened to kill the captive families if the organization's entry into al-Alam was not guaranteed. As a result, negotiations took place at the Lake Palace in the Presidential Palace Complex; ISIL representatives led by the *wali* Abu Nabil and local leaders of al-Alam agreed to release the captives in exchange for ISIL's entry into al-Alam. On the same day, around 9:30 pm, all captives were allowed to leave the palace grounds.

7.3. ISIL entry into al-Alam

100. The following day, 23 June 2014, around mid-day, an ISIL convoy of more than 100 vehicles, including armoured vehicles and pickup trucks, entered and paraded through al-Alam. Many vehicles had weapons mounted on them as well as flags and banners, including banners with the inscriptions "There is no God but Allah, Mohammed is the Prophet of Allah". ISIL members fired shots in the air. The victorious procession was filmed by ISIL; a high number of fighters, including POI_SD2 and POI_SD3, all wearing black, hoisting weapons, are seen on the backs of a long procession of vehicles. The ornate streetlights on the northside of al-Alam's Abdullah Jabara square, leading to al-Fatha, are clearly visible in the video. ISIL's entry into al-Alam was later featured in an ISIL video published in February 2015.

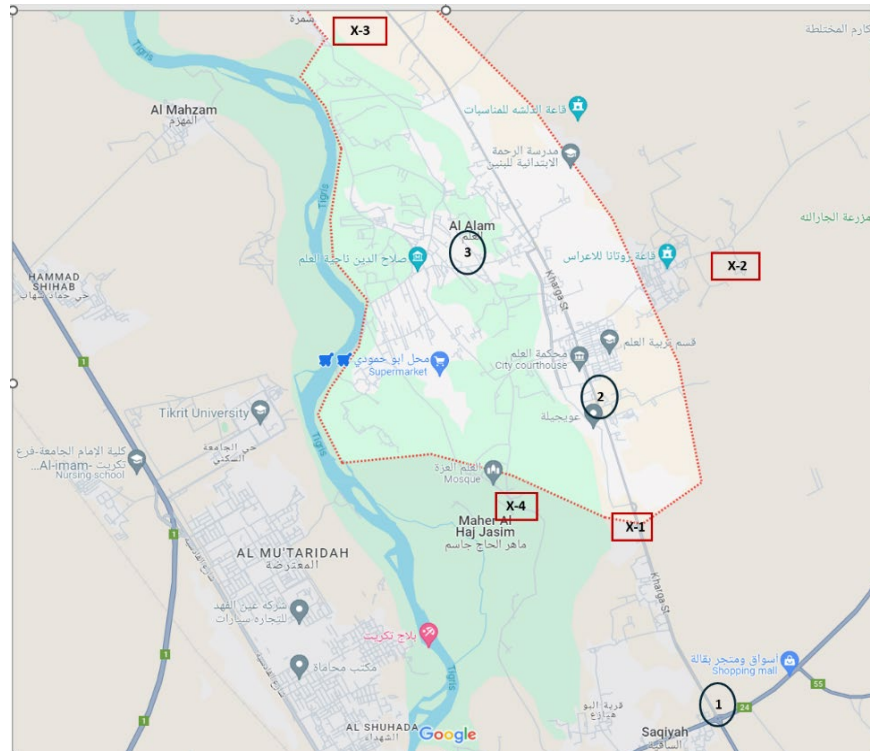


Figure 9 Entry checkpoints and important locations in al-Alam

X-1: Checkpoint 14; X-2: Checkpoint 21; X-3: Checkpoint 18; X-4: Checkpoint 70
 1: Albu Ajeel / al-Dour roundabout (now Knights of al-Alam square);
 2: Abdullah Jabara roundabout; 3: Shaybani roundabout

101. Shortly after ISIL's entry into al-Alam, the *wali* Abu Nabil addressed residents at a funeral of a local resident. In his speech, Abu Nabil sought to reassure al-Alam residents that ISIL "came for the honor of the Sunnis. We pardoned those who did wrong. [...] We did not come for revenge, nor for bloodshed, nor for settling scores [...]. We have come to you to enforce God's law on God's earth."¹¹ He then emphasized the importance of repentance: "There is no one who cannot be forgiven, provided that he fulfills the truth of God, that he fulfills the truth of Allah and the truth of Islam, which is sincere repentance to God. He declares repentance until we, with the permission of God Almighty, cross out his name from the calculator. We have a calculator in the Islamic State of Iraq and the Levant. How can we know that this apostate repented, we can find out only by repentance, repenting."¹² Abu Nabil also stated that the ultimate goal of ISIL was to overtake Baghdad.

8. Al-Alam under ISIL control

8.1. Overview

102. As soon as ISIL entered al-Alam, members of their military department took over the four checkpoints previously controlled by the resistance (see paragraph 85) and imposed strict limitations on the movement of al-Alam residents. A period of general lawlessness and arbitrariness followed. In many parts

¹¹ UNITAD, Confidential video evidence.

¹² UNITAD, Confidential video evidence.

of the city, water or electricity was cut off. Electricity distribution and water supplies were disrupted, and people started collecting wood to build fires for cooking. Prices went up. The operation of hospitals as well as medical supplies were limited. Children were allowed to go to school, but the schools were not functioning as teachers fled. Students could travel to Kirkuk to sit the final exams.

103. Around 25 members of ISIL's security department, organized in five platoons, controlled the city. They drove around the town and urged residents through loudspeakers to repent. They warned that "anyone found without repentance would be detained". As a result, many people repented and received repentance papers at a mosque in al-Alam. Repentance notes had to be shown at ISIL checkpoints; whoever did not possess them would be arrested.

8.1.1. Negotiation committee

104. At the time the al-Alam families were abducted and detained in the Presidential Palace Complex, a group of residents decided to act as an intermediary and liaison between ISIL leadership and the residents of al-Alam. After ISIL's entry into the town, this group of residents became the so-called Negotiation Committee, the function of which was to take up various issues with the ISIL leadership. In return, Abu Nabil assigned POI_HK1 as a head negotiator, to coordinate various matters between ISIL and al-Alam, such as handling the repentance process, appropriating weapons and other property and dealing with detentions.

105. Because of his role, POI_HK1 was generally viewed as an all-powerful ISIL leader in al-Alam "in charge of everything"; for instance, detention, executions and seizure of property. Residents tried to avoid him.

8.1.2. Rules of conduct

106. ISIL also introduced new rules of conduct, which were publicized through Friday prayers, community leaders and male family members. Women had to cover themselves and were not allowed to drive cars or work for the local authorities, except as schoolteachers. Women who did not comply with the rules may have been sent to "biters", i.e. women who punched their bodies using a machine called "al-Adthaata" ("the biter"), a sharp device like a stapler. Men were forced to grow beards and wear traditional clothing. Smoking was forbidden. Residents had to go to mosques and pray on time, and young people could not wear shorts or t-shirts. ISIL flogged those who did not follow their rules.

107. ISIL also set up a media center in al-Borsa area in al-Alam, where they screened their propaganda videos and religious preaching. They urged everyone to watch the videos through loudspeaker announcements.

8.2. Targeting of perceived enemies of ISIL

108. Despite Abu Nabil's assurances, the oppression of al-Alam residents continued after ISIL's takeover. As in Tikrit, ISIL was targeting security and police forces, government personnel and generally, anyone perceived as an enemy of ISIL. In al-Alam, the latter category also included members of the al-Jubouri tribe. As explained in paragraph 84, Jubouris had opposed the government of Saddam Hussein, cooperated with the American forces and fought al-Qaeda. In 2014, Jubouris from al-Alam sided with the government and fought ISIL. For this reason, ISIL considered them traitors and wanted them out of al-Alam.

8.2.1. July-October 2014

109. Before 2 November 2014, the situation in al-Alam remained relatively calm, although the number of sporadic arrests, detentions, mistreatments and executions was growing. Members of ISIL's special security detachment (ISIL-SD), a branch of ISIL's security department, were responsible for arrests, detentions and executions. POI_HK1 and members of ISIL_SD, including POI_SD2 and POI_SD4, sought out residents, held them in appropriated houses used as detention centers, where they were interrogated and beaten. One such detention center was an appropriated, two-storey house of a member of Parliament who fled al-Alam before ISIL's entry ("Detention House"). The house was used as an office for ISIL's security department as well as a detention and mistreatment center. Detainees may have been hanged from an iron rod attached to the high ceiling in the hall of the house. Sometimes, residents were beaten or flogged in public places, such as the Abdullah Jabara square.

110. Executions also took place during this period. Around September-October 2014, ISIL members beheaded four persons in al-Alam, including two persons from Tikrit. They were killed because they did not repent and because of their affiliation with local authorities and military or the police. ISIL likely brought them to al-Alam for the execution to terrorize residents as Tikrit was empty at the time. Towards the end of October 2014, members of ISIL-SD arrested a local and his son, took them to the Detention House, where POI_SD2 questioned them and POI_SD4 mistreated them. The captives witnessed the severe mistreatment of another detainee in the same house. The son of the local was released after three days, while his father has been missing since. Before 5 November 2014, one member of ISIL-SD executed at least one person and left him hanging on an electricity pole in al-Borsa market area in al-Alam, opposite the shopping center. ISIL members alleged that the person was a PMF soldier captured in battle, although at the time the PMF did not operate in the area.

8.2.2. After 2 November 2014

111. In October 2014, Abu Nabil was transferred to Libya to lead ISIL operations there. Abu Khattab succeeded him as *wali* of Salah al-Din. Under the new leadership, the number of arrests, detentions, mistreatments and executions grew significantly.

112. In the early morning hours of 2 November 2014, unidentified persons removed the ISIL banners and flag from al-Shaybani square in al-Alam and replaced them with an Iraqi flag. Accounts differ on who may have carried out this act. According to one account, ISIL members themselves removed the banner and burnt it as a pretext to detain al-Alam residents, mainly Jubouris, and appropriate or demolish their properties. According to another account, this act was committed by the so-called Knights of al-Alam (*see* paragraph 138).

113. On the same day, presumably in response to the removal of the banners, ISIL began arresting male residents of al-Alam, Jubouris in particular. At least 98 and at most 250 male civilians from the al-Jubouri tribe were arrested that day. Several other male members of the tribe may have been arrested the following days. Most of those arrested were civilians, taken from their houses, after confirming that they were Jubouris. At least five members of the negotiation committee were also arrested.

114. The arrests were carried out by POI_HK1 and the members of ISIL-SD, including POI_SD1, POI_SD2, POI_SD3, POI_SD5 and POI_SD6. During the operation, ISIL-SD members were armed and wore black or

khaki (camouflage) clothing; most were masked. Members of the detachment forced apprehended residents into vehicles, where some of them were beaten. ISIL members took the captives' mobile phones, and in some cases wallets and documents, which were never returned to them. One of the members of the detachment, POI_SD3, spat in the face of at least one of the detainees. Captives were insulted and threatened to be killed.

115. At least one group of nine apprehended residents was taken to the Abdullah Jabara square in al-Alam. Members of ISIL-SD kept them in the square blindfolded and handcuffed for 2-2.5 hours. During this time, they insulted, slapped and beat the captives with their hands and feet. ISIL members ordered the captives to shout: "Long live the Islamic State". ISIL members also said to them "Your sisters are whores" and blamed them for taking down the Islamic State banners. Most men apprehended on and after 2 November 2014 were taken to different detention centers in al-Alam, al-Dour and Mosul, where they were detained for months and some never returned (*see* paragraphs 119-133).

116. A few days later, around 9 November 2014, ISIL announced that all Jubouris had four hours to leave al-Alam. The announcement was made through loudspeakers, in different neighbourhoods of al-Alam, in local mosques, through ISIL vehicles driving around, and was also published in the local newspaper. Then ISIL members began searching for Jubouris at mosques and from house to house, urging them to leave. Some were beaten and others were apprehended. While going around the town, ISIL members threatened that, after the four-hour deadline, ISIL would arrest, torture and kill all Jubouri men, enslave Jubouri women, kill their children and seize their property. A teacher from the al-Jubouri tribe was shot dead by ISIL members as he was trying to leave within the four-hour ultimatum. Many families left in the allotted time span.

117. Arrests and detentions continued until the liberation of al-Alam, in March 2015.

8.2.2.1. Detentions

118. The men arrested on 2 November 2014 and the subsequent days were held at different locations in al-Alam, al-Dour and even Mosul.

Detention House – al-Alam

119. First, the men were taken to the Detention House. At least 50-70 men were held at the house and at least three were younger than 18. There were about 25 members of ISIL's security department in the Detention House. Of these, it was mainly the members of ISIL-SD, including POI_SD2 and POI_SD3, who insulted, threatened, mistreated and beat the detainees. Detainees were told that "[y]ou take your women to the Americans to have sex with them. This is you. You are traitors". Some detainees were told that their houses were already blown up while they were held captive. Detainees were not provided with any food or water, nor were they allowed to use the toilet. At least two captives held there had their hands tied behind their backs to the handrails of the staircase of the house. The men who were still alive and bleeding were practically hanging from the handrails. At least one detainee had blood coming out of his ears. One detainee was released after ISIL members learned that he was not from the al-Jubouri tribe.

120. On the same day, during the night, ISIL members transferred the detainees to al-Dour with the use of at least two minibuses. POI_SD2 oversaw the transfer. During the trip, ISIL members beat and threatened the detainees who were blindfolded with hands tied.

Detention in al-Dour

121. After arriving in al-Dour, detainees were taken to a three-room apartment in the town. Approximately 90 detainees were held there, around 60 of them being from al-Alam. The apartment may have belonged to a Shi'a civil servant from the south of Iraq.

122. During the first night, the detainees were held with the windows and the doors of the apartment closed; there was no fresh air, food or water. The following morning, ISIL members guarding the apartment opened the doors to let some air in. The detainees were then allowed to use the toilet and move around a bit inside the apartment, but they were not allowed to go outside. They were given bread and rice. There was no medicine or medical care for the sick.

123. Detainees were kept in this house for around seven to nine days. During this time, members of ISIL-SD, including POI_SD2 and POI_SD4, insulted, threatened, slapped, kicked and beat the detainees. ISIL members threatened detainees that if their phones held any indication that they possessed weapons, they would be beheaded. Some detainees had their shoulders dislocated by ISIL members. At least one detainee bled from his head; another detainee vomited because of the beating. Those with police background were beaten most severely. Another member of ISIL-SD, POI_SD3, interrogated the detainees about the whereabouts of governmental vehicles. The head of ISIL's security department in Salah al-Din, Abu Yasser, was also present.

Transfer to Mosul

124. One morning, ISIL members handcuffed all detainees with plastic ropes and loaded them on two buses and two jeeps; there may have been a total of 96 captives. The plastic ropes cut the wrists of at least one detainee; their traces remained visible on the wrists of detainees for months.

125. The convoy was headed by one of the jeeps, with the two buses in the middle and the second jeep at the end. Armed ISIL members sat in each vehicle. Abu Yasser was in one of the jeeps with a few detainees. The vehicles travelled all day, from around 10 a.m. in the morning until 10:00 p.m. in the night. During this time, ISIL members insulted and beat detainees. When stopping at a checkpoint, one ISIL member referred to the detainees as "al-Jubouri tribe captives and traitors".¹³ Detainees were given some water, but not food. They were not allowed to use the toilet. When the convoy reached the Hamreen mountains, one of the buses developed a technical problem and had to return to al-Dour. The other bus drove ahead to Mosul. The bus that had returned to al-Dour arrived in Mosul three days after the first one. At least one detainee originally on that bus was missing when the vehicle finally arrived.

126. In Mosul, detainees were taken to and held in different locations. More information is needed on these locations, the distribution of detainees amongst such places and the timeline of the detentions.

¹³ UNITAD, Confidential testimonial evidence.

Detention in Mosul

127. When the first bus arrived in Mosul, the men were received by unknown ISIL members, who helped them get off the bus and told them not to be afraid. The same ISIL members uncuffed some of the detainees, allowed them to use the restroom and provided them with food, blankets and painkillers. Once the second bus arrived, detainees were distributed in two rooms in an apartment, the location of which remains unknown. One of the rooms was around 6 x 4 meters and was very dirty. The walls were covered with wood, and there was no fresh air as it was very crowded. There was no space to sleep or for detainees to stretch their legs. The men slept in turns. It was not possible to go out, and the doors were locked. The detainees could not wash themselves and their clothes were dirty.

128. After around seven to twelve days, at night-time, ISIL members moved the detainees to another location, which was a basement, sized around 15 x 9 meters. The men stayed in this basement for several months. The house was in the Muhandiseen neighbourhood, close to the University of Mosul. At this location, ISIL members provided detainees with some clothes, beds and pillows; they were given food three times a day. There was a first aid kit in the house and a Kurdish ISIL doctor attended to the detainees. Many of them started developed dental problems or kidney stones, after drinking tap water. At least one of them lost a lot of weight during his detention. Another was taken to an ISIL-run hospital when he had a dental problem. Detainees were not allowed to be in touch with their families. ISIL members had taken their phones away.

129. During their detention, Abu Yasser visited the men every Thursday. POI_NM1 was also a frequent visitor. One day, Abu Yasser arrived at the house and took four persons away. He told the detainees: “The Knights of al-Alam are over. It is over. We punished those involved, and you will be released in two batches”.¹⁴ Two of those taken away by Abu Yasser were executed later as part of the Knights of al-Alam group (see paragraphs 138-141).

130. At the beginning of March 2015, at the initiative of an ISIL member from Mosul, who may have had the function of an ISIL judge, the detainees were interrogated by a committee of ISIL members that included Abu Yasser, and POI_NM1. POI_SD2 and POI_SD3 were also present. The committee asked the detainees to state their names, profession, tribe and other personal details, and then questioned them about their possible affiliation with the police and their knowledge about the Knights of al-Alam. During the interrogation, ISIL members cross-checked the names in a database.

Release

131. Several days later, ISIL members divided the detainees into two groups: one of around 46 civilians and one of around 50 police, military or government personnel.

132. The civilians were all released together. ISIL members provided each of them with a letter signed by ISIL *Shari'a* Judge Abu Abdelhadi, which read: “[Name] was in our custody and shall not be stopped by you unless he commits a crime.” The letter carried the ISIL stamp and was issued by “the Office of Grievances and Judiciary”.¹⁵ ISIL also gave each of the released detainees 50,000 Iraqi dinars.

¹⁴ UNITAD, Confidential testimonial evidence.

¹⁵ UNITAD, Confidential testimonial evidence.

133. Detainees from the other group of police, military and government personnel have been missing since. These include retired officers, at least two members of the Negotiation Committee and many al-Alam elites.

Other arrests and detention incidents (undated)

134. ISIL members carried out many other arrests and detentions during the months they controlled al-Alam. Details of many of these incidents are known, but more information is needed to piece together a comprehensive account. The incident detailed below is representative of the nature of the oppression during ISIL's control of the town.

135. ISIL members arrested a Tikrit resident as he was visiting his relatives in al-Alam. He was accused of having provided information about ISIL to the government. A group of ISIL members arrived at the house he was visiting, put a bag over his head and took the resident, his pickup truck, firearm, passport, document and cash away. While in detention, he was mostly blindfolded and transferred from one place to another. He recognized the voice of POI_NM1 amongst those who interrogated him. He also heard sounds of abuse, including women's cries. On the second or third day of detention, his blindfold was removed, and he recognized POI_NM1. After his family begged for his release with the ISIL *Shari'a* judge, POI_NM1 informed the family that their relative would be released if no complaints were submitted about the appropriated items. Two or three days later, the Tikrit resident was released, but his belongings were not returned.

136. Hundreds of residents were arrested and detained by ISIL in al-Alam during the months of its control. Some detainees were released after paying ransom. Overall, more than 100 individuals from al-Alam are still missing, including many of those who had been detained at the Detention House and in Mosul. Most of those missing were arrested on and after 2 November 2014.

8.2.2.2. Executions

Overview

137. More information is needed to identify all executions undertaken by ISIL in al-Alam during its control of the town. As said in paragraph 111, the number of executions grew after 2 November 2014, but no approximate number can be determined at this time. The executions detailed below are the most notorious ones. They showcase ISIL's *modus operandi* for killing those it perceived as enemies and the way these killings were used to oppress and terrorize the local population.

Knights of al-Alam

138. On 15 December 2014, after the spree of arrests and detentions triggered by the removal of the ISIL banners and flag on 2 November 2014, ISIL publicly executed a group of approximately 11-15 young and middle-aged police and military personnel and civilians, known as the "Knights of al-Alam". The victims were accused of being active members of the military or the police, preparing operations against ISIL and its members, sheltering Tikrit Air Academy cadets, and/or collaborating with Iraqi security forces. Most victims were members of the al-Jubouri tribe, but at least four were from the al-Azzawi tribe. One of the Jubouri victims was a minor and a student at the time of his execution. Four of the victims were from the same family.

139. Before their execution, the men were interrogated by Abu Yasser, POI_SD1 and other members of the ISIL-SD. The execution took place during the day, around 3:30 p.m., at a square in a busy intersection of al-Alam, known at the time as Albu Ajeel / al-Dour square or roundabout. As on other occasions, ISIL members gathered residents around and forced them to watch the execution; the purpose was to terrify and deter people. Children were part of the watching crowd. The execution was carried out by members of the ISIL-SD.

140. ISIL filmed and photographed the execution; the video was then shared on social media. A statement published on Twitter contained a photo showing eleven people to be executed and indicated that they were the Knights of al-Alam. The photos show a double row of men: 11-13 kneeling on the ground, in orange jumpsuits; behind each of them, a man standing, wearing black and masked, holding up a firearm. Other photos show the same men, but after the first row was shot; the bodies of the men in orange jumpsuits lie in a pool of blood. The ISIL flag is visible in the background. Similar setups can be observed in other photos depicting ISIL executions: the victims kneel in the front, the executioners stand behind their backs (see paragraphs 67-68, 145).



Figure 10 Knights of al-Alam

141. ISIL then took the bodies and buried them in an area close to Albu Ajeel. The bodies were exhumed and identified only after the liberation of the area.

142. Most of the relatives of the Knights of al-Alam left the town due to the horror of those executions. The roundabout where the execution took place is now called the square of the Knights of al-Alam. A monument near the roundabout memorializes the tragedy of the execution, mentioning the names of eleven victims.

The execution of the "sorcerer"

143. On 18 December 2014, POI_NM1 beheaded a person at the Abdullah Jabara square in al-Alam. The victim collected roseries and rings. Upon finding these items, ISIL members accused him of being a sorcerer. Locals dispute this account and believe that the victim was killed because he may have had a relationship with a relative of POI_NM1. The execution was photographed by ISIL and photos of the beheading circulated on social media. The photos show a crowd, including children, gathered around the square, watching the beheading. Several ISIL members, including an underage ISIL member, are seen. POI_NM1 is seen holding a sword, standing behind the victim and hitting the victim, who is kneeling, with his head above a tree stump.



Figure 11 The execution of the "sorcerer"

The orchard execution

144. Towards the end of February 2015, ISIL executed four more people, whom they referred to as “a cell belonging to the so-called Awakening Knights of al-Alam”. The victims, who were members of the al-Jubouri and al-Jumeili tribes from al-Hawija area in al-Alam, were accused of communicating and cooperating with Iraqi forces. Members of the ISIL-SD, including POI_SD1, arrested, interrogated and executed the victims. They were executed in an orchard in Al-Ali area around 10 kilometers away from the center of al-Alam. At least one body was later found and identified.



Figure 12 *The orchard execution*

145. ISIL filmed this execution as well. Before being executed, the victims, dressed in orange jumpsuits, state their names and the acts that led to their capture. They apparently confess to being in contact with Iraqi security forces and the PMF and exchanging information with them about ISIL. Then a voice addresses an unidentified enemy with the following words: “You have gathered, threatened, raged, denied, armed, prepared, killed, bombed, and destroyed, but it will not benefit you. You are defeated. It will not benefit you, for our mighty and omnipotent Lord has promised us victory and your defeat. Send your agents and your dogs with weapons and equipment, prepare them with the latest gear, and increase their numbers, for by the will of God, they will become spoils in our hands. You will spend on them, but then it will be a source of regret for you, and you will be overcome.”¹⁶ As in other videos (see paragraphs 67-68, 139) the victims are then made to kneel before their executioners, who are all masked and dressed in black. They are then executed.

Other executions

146. At least one other public execution took place at the Albu Ajeel / al-Dour square or roundabout in early February 2015.

8.3. Appropriation, looting and destruction of property

147. As in other locations controlled by ISIL, many private houses and public buildings in al-Alam were appropriated or destroyed by ISIL members. Several houses of al-Alam’s leaders and elites were overtaken by ISIL and used as offices for their various departments or as detention centers. ISIL members, in particular POI_SD8, used to write on seized houses using spray-paint “Property of the Islamic State”. ISIL members particularly eyed the houses of government or military officials, lawyers, judges as well as the houses of prominent members of the Jubouri tribe.

148. On 2 November 2014, after the spree of arrests, and upon instructions of POI_HK1, ISIL also began to destroy civilian homes with IEDs. ISIL may have blown up 22 houses belonging to local leaders from the al-Jubouri tribe. Many residents gave cash to ISIL members so that they would not destroy their houses.

¹⁶ UNITAD, Confidential video evidence.

149. ISIL members also appropriated residents' belongings, including items from houses that were thereafter destroyed. In particular, ISIL appropriated civilian and government-owned vehicles. ISIL members also demanded or accepted money in exchange for the release of detainees.

8.4. Displacement of civilians

150. As time passed by, and the oppression of ISIL increased, more and more residents left al-Alam, heading to Kirkuk, Baghdad or Samarra. The increasing number of arrests, detentions, mistreatment and executions horrified locals, who felt insecure and feared oppression. Next to broadcasting videos of public executions (*see* paragraph 107), ISIL also forced residents to watch executions and beatings in person, to terrorize and instil fear among people (*see* paragraph 139). As a result, some residents were so desperate that they left without any money or clothes and returned only after the liberation of al-Alam. The only people who did not leave al-Alam were the sick and elderly who could not travel, those who did not have the financial means to leave or the local farmers who totally depended on their crops and cattle.

8.5. Cubs of the Caliphate

151. Many underage male children used to work for ISIL in al-Alam, mainly to identify the houses and vehicles of police, security, government personnel or other residents perceived as enemies by ISIL, or to find any weapons hidden by residents.

152. Underage sons of ISIL members also joined the ranks of their fathers. POI_HK1 was at times seen with his teenage son, who was wearing an explosive belt and carrying weapons. In the photos depicting the execution of the sorcerer, a teenager in black attire carrying a firearm is seen.

9. Liberation of al-Alam

153. Al-Alam was liberated on 9 March 2015.

PART V – AL-DOUR

154. ISIL entered and took over al-Dour on 11 June 2014. POI_HK1 led the ISIL group that entered al-Dour. The town put up no resistance. When entering the town, ISIL members freed all detainees from the al-Dour prison, most of whom then joined ISIL. Locals, who had previously operated in "sleeper cells", openly joined ISIL upon its entry into al-Dour. Underage male children, usually the sons of adult ISIL members, also joined ISIL. As in al-Alam, POI_HK1 was seen with his teenage son in al-Dour - both wearing the same uniform, explosive belts and being armed. Two teenage brothers, who joined ISIL after their father, were also active in al-Dour.

155. POI_HK1 remained the ISIL leader in al-Dour for about a month, after which POI_OK1 took over, managing ISIL's operations in al-Dour, Albu Ajeel and al-Alam (*see* paragraph 183). While in al-Dour, POI_HK1 and/or POI_OK1 ordered the destruction of several places of worship, including two Sunni sites, the Shrine of Imam Mohammed Durri and the Shrine of Saleh Ibrahim al-Nuaimi.

156. As in other areas, ISIL members appropriated the houses of local elites, including officers, government-affiliated persons or Shi'as. Moreover, many locals were subjected to arrests and detentions,

and some were executed. In January 2015, ISIL members carried out several executions of al-Dour residents, all accused of cooperating with the government.

157. As in Tikrit and al-Alam, many residents fled al-Dour before and after ISIL's entry into the town, as locals were concerned about their own safety.

PART VI – AL-DHULUIYA

10. Background of al-Dhuluiya

10.1. Geography and demographics

158. Al-Dhuluiya is a town in the Balad district of Salah al-Din governorate. In 2014, the town's population was around 35,000. The Jubouri tribe was the largest tribe at the time, constituting around 70% of al-Dhuluiya's population. Surrounded by the Tigris River in the south, east and west, al-Dhuluiya is connected to the governorate by a road to the north (Main Street), a bridge to the south (Bridge 1), a bridge to the northwest (Bridge 2) and a bridge to the west (Bridge 3) – see Figure 13.

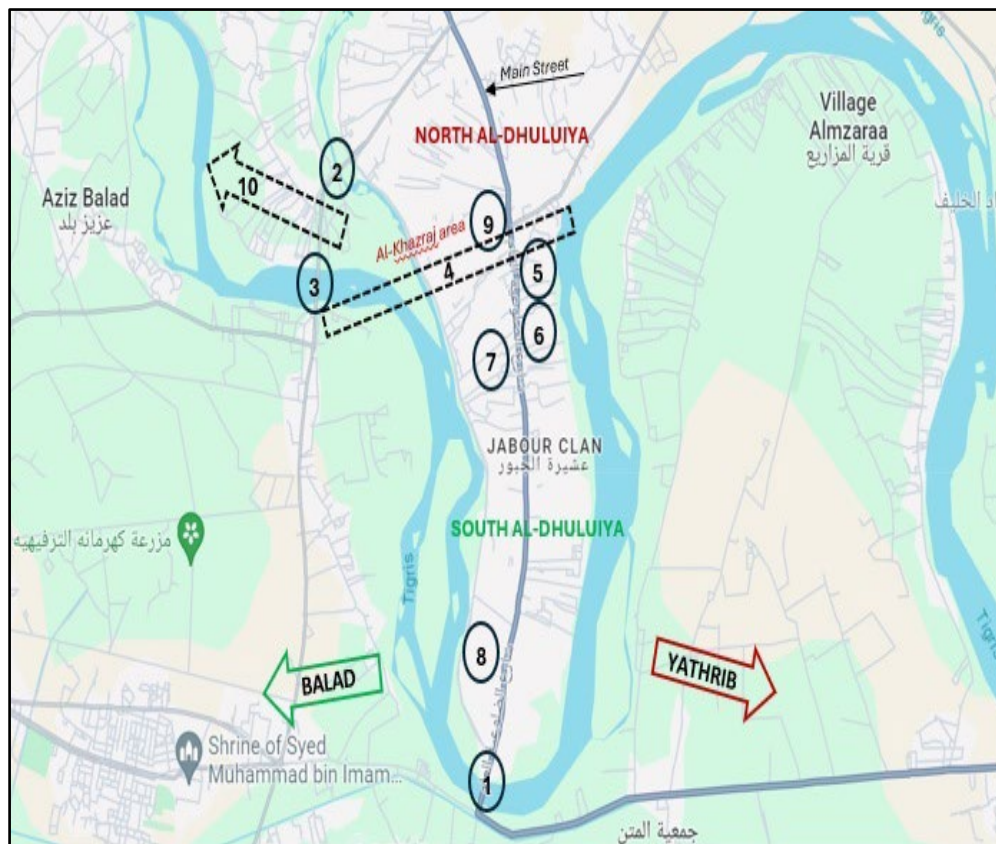


Figure 13 Significant landmarks in al-Dhuluiya

- (1) Bridge 1; (2) Bridge 2; (3) Bridge 3; (4) Frontline*; (5) Resistance House; (6) Police Directorate;
- (7) Al-Khulafaa Mosque & market area (city center); (8) School / make-shift hospital;
- (9) Chlorine gas attack; (10) ISIL's retreat northwest after initial advance

*North al-Dhuluiya = north of frontline, including al-Khazraj area (controlled by ISIL)

*South al-Dhuluiya = south of frontline (not controlled by ISIL)

159. Al-Dhuluiya sources its water from the Tigris which is treated by local water purification plants. However, the town depends on Balad for basic supplies, such as food, medicine and gas. In 2014, the primary source of electricity in al-Dhuluiya came from Balad via transmission lines running across the Tigris. While al-Dhuluiya had a medical center to handle emergencies, it did not have an official hospital. Residents with serious injuries and chronic illnesses travelled to Balad or beyond for treatment. Farmers from al-Dhuluiya also made a living by selling portions of their agricultural products in Balad and Baghdad. As such, al-Dhuluiya's geographical linkage with Balad and the territories beyond is critical to the livelihoods of its residents.

10.2. Political and security situation in 2013-2014

160. During 2013-2014, the political situation in al-Dhuluiya was generally stable. While some residents were influenced by ongoing demonstrations against the government and participated in the so-called Friday sit-ins and *unified Friday prayers* in Tikrit, many of the town's inhabitants were farmers and thus generally disinterested in political discourse. In terms of security, 2006-2008 saw many attacks launched by AQI against al-Dhuluiya, killing hundreds of the town's residents. As in al-Alam, the al-Jubouri tribe opposed AQI and for this reason they were targeted. After that period, however, the security situation was largely stable without any serious incidents until ISIL's appearance in June 2014. A map of the significant landmarks in and around al-Dhuluiya during its resistance against ISIL is set out in Figure 13.

11. Al-Dhuluiya's resistance against ISIL

11.1. ISIL's initial advance

161. ISIL entered al-Dhuluiya on or about 13 June 2014, approximately two days after entering Tikrit. On that day, ISIL attempted to cut off al-Dhuluiya's access on the north and northwestern fronts by destroying one of its bridges. A suicide bomber drove and detonated a bus full of trinitrotoluene (TNT) and C4 explosives on Bridge 2 (*see* Figure 13). ISIL also informed al-Dhuluiya's Police Directorate about the group's impending arrival and demanded that police officers leave behind their posts and vehicles. ISIL members arrived in al-Dhuluiya at around 2:30 p.m. and paraded through the town in eight to ten appropriated police vehicles. Initially, residents were uncertain about the group's identity as nearly all the ISIL members were masked. The only unmasked ISIL member was POI_WH1 who was driving one of the vehicles. Locals also recognized POI_ML1 riding in ISIL's convoy.

162. After entering al-Dhuluiya, ISIL raised their flags on the Police Directorate and courthouse. At around 4:30 p.m., ISIL was beaten back from the southern part of the town by residents, primarily members of the al-Jubouri tribe, who took up arms to defend their home. As a result, ISIL retreated to the northwest area of the town (*see* Figure 13).

11.2. Negotiations and truce period

163. After ISIL's retreat, a 10-to-15-day truce was established. A committee, composed primarily of al-Dhuluiya's elders, initiated negotiations by approaching ISIL with a white flag at the appropriated courthouse in the al-Khazraj area. By this time, ISIL had taken full control of that area (*see* Figure 13).

164. From ISIL's side, the negotiators included POI_WH1 and POI_ML1. They demanded passage to Baghdad through the town and offered money to gain access to southern al-Dhuluiya. They also provided

the negotiation committee with a list of wanted individuals, which included security officials and individuals who initially repelled ISIL from the town.

165. During the truce period, some local leaders and high-ranking officers prepared defensive structures around the town as they did not believe ISIL would negotiate in good faith. They believed many ISIL members were former AQI members with murderous intent. The decision to defend al-Dhuluiya against ISIL was seen by many residents as a "suicide mission" and some opted to flee instead. In order to prevent ISIL from penetrating and controlling southern al-Dhuluiya, bunkers were constructed and the frontline (see Figure 13) was solidified with a four-to-five-foot-long trench. Defensive surveillance was also placed along the Tigris, primarily on the eastern and southern sides of the river towards Yathrib, which had fallen under ISIL control.

166. The truce ended on or about mid-June 2014, when ISIL clashed with al-Dhuluiya's police.

12. Attack, siege and partial control

12.1. Clashes at the frontline

167. While ISIL had encircled southern al-Dhuluiya, its fighters could only advance from the frontline because the Tigris provided natural defenses on the other sides. As a result, most clashes took place at the frontline in the al-Khazraj area. ISIL launched attacks on a daily basis. The group frequently set up IEDs and booby-trapped homes near the frontline. It also used heavy caliber weapons, such as mortars, guns, grenades and VBIEDs. As a result of the fighting, 60 to 65 houses near the frontline were damaged or destroyed.

168. Al-Dhuluiya's resistance members launched counterattacks from a building known as the "Resistance House", located about 30 meters behind (south of) the frontline. Fierce fighting also took place in al-Mishlib, which was parallel to the al-Khazraj area and about 500-600 meters from the frontline. A health facility nearby was forced to cease operations due to severe clashes in the area. Due to the heavy fighting, it became too dangerous for medical staff to attend to patients at those premises.



Figure 14 The "Resistance House"

12.2. Launching attacks into the town

169. In addition to extreme clashes at the frontline, ISIL launched daily strikes into the town, using shells, mortars, cannons and other heavy weapons. Over a six-month period, ISIL fired thousands of shells into southern al-Dhuluiya. The Police Directorate was struck over 30 times. These projectiles were launched without prior warning, hitting many family homes and civilian buildings. Many of the injured and deceased were civilian men, women and children struck by shelling and mortar attacks far from the battlefield. Many attacks were led by POI_ML1 who managed ISIL fighters and organized bombardments of the town.

12.2.1. Chlorine gas attack

170. On or about 14 September 2014, ISIL shot several 60mm, 82mm and 120mm calibre shells towards the frontline, which released a yellowish gas that smelled like household cleaning products. Southern al-Dhuluiya's small size meant that the frontline was only around 400 meters away from the city center (*see* Figure 13). As the wind was blowing towards the city center at the time, both defenders at the frontline and civilian residents in the city center fell ill from inhaling the fumes. Most of the victims were taken by surprise as the attack occurred on a calm afternoon without any early warning and sufficient time for preparation to face the attack. Individuals exposed to the gas, especially those near it, were quickly incapacitated.

171. Five to ten civilians and ten to fifteen police officers were defending the frontline at the time; they were nearest the place where the shells landed and suffered severely. All reported observing a yellow-green colored gas emit from the shells and then experiencing suffocation, extreme nausea, vomiting, loss of bodily control and loss of consciousness within minutes of exposure. Later, approximately 20 individuals were evacuated by boat to Balad hospital for three to four days of in-patient treatment. Upon assessment, the medical staff treated the patients for chlorine gas poisoning.



Figure 15 Victims of the al-Dhuluiya chlorine gas attack

172. Many victims continue to endure serious health issues today. They suffer from respiratory problems (i.e. asthma attacks), musculoskeletal problems (i.e. difficulty with movement such as standing and walking) and neurological problems (i.e. cognitive deterioration). Due to these disabilities, some victims were forced to retire and live off small pensions. These immediate and latent symptoms are consistent with chlorine gas poisoning. UNITAD has already found that ISIL developed toxins and produced chlorine gas for use as weapons by the organization.

12.2.2. Attacking the city center

173. On or about 18 September 2014, ISIL lodged a large-scale coordinated attack. In the early morning hours, around 70 ISIL members managed to cross over the Tigris River from Yathrib, took possession of approximately 10 local houses, and set up booby-traps and VBIEDs. At around 10:00 a.m., a battle ensued which ended in ISIL's defeat and retreat. Around the same time, two ISIL suicide bombers, each driving a Humvee carrying C4 explosives entered al-Dhuluiya from the north. One vehicle exploded at the frontline and created an opening for the second vehicle to penetrate through to the city center. Without warning, the second vehicle detonated in the market area across the street from the Police Directorate, killing around 20 individuals and injuring around 30 including vendors and shoppers. The market was next to al-Khulafaa Mosque which was heavily damaged.

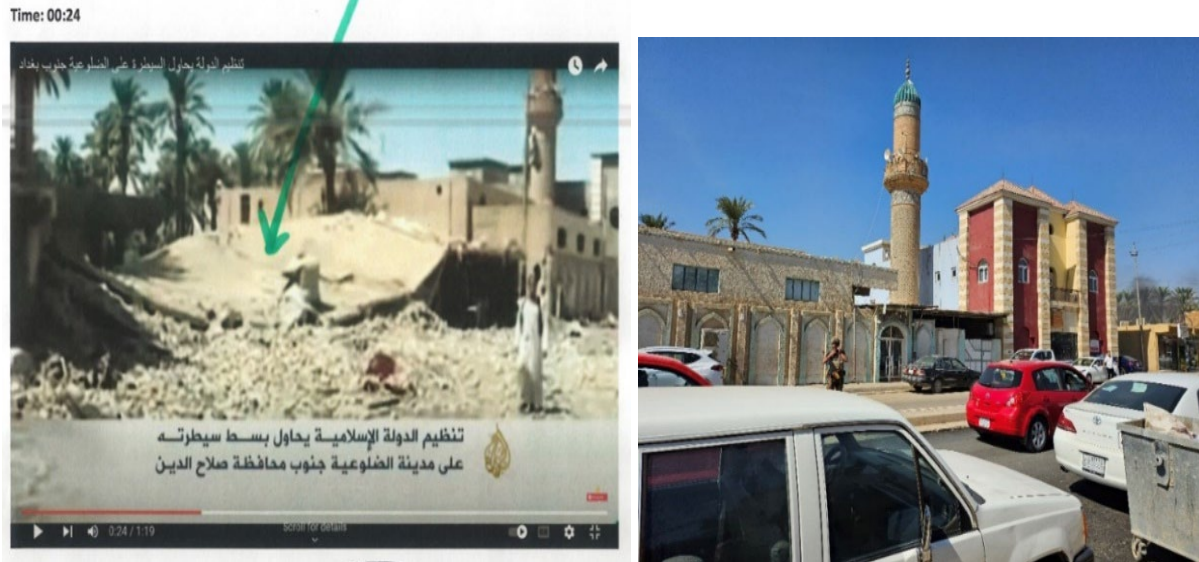


Figure 16 The al-Khulafaa Mosque after destruction in 2014 (left) and rebuilt (right: photo dated 26 October 2023)

12.2.3. Attacking a school / make-shift hospital

174. In or around November 2014, a children’s school was partitioned to serve as both a school and emergency make-shift hospital (see Figure 13). This make-shift hospital was intended to act as a temporary replacement for the medical facility which shut down due to its dangerous proximity to the frontline (see paragraph 168).

175. At the make-shift hospital, school children, patients, medical staff and displaced persons seeking shelter were present. Although the building was clearly marked as a school, did not harbor weapons and was not adjacent to infrastructure used for military purposes, ISIL shelled the building on several occasions. The attacks caused serious injuries to civilians (resulting in blinding and amputations) as well as structural impairment to the premises (such as damage to walls, windows and water tanks). Consequently, the building ceased to function as a school.

12.2.4. Isolating residents and cutting off basic supplies

176. From around June to the end of December 2014, ISIL encircled al-Dhuluiya and prevented goods and individuals from entering or exiting the town. Three times, ISIL used boats carrying suicide bombers and IEDs to destroy Bridge 1. As Bridge 2 had already been demolished, the destruction of Bridge 1, which was regarded as the “lifeline” of the town, fully cut off al-Dhuluiya’s access to the outside. The first attack occurred around two months after ISIL first attacked al-Dhuluiya. Although the residents repaired the damage, ISIL demolished the bridge again after 10-to-15-days.

177. Even when Bridge 1 was functional, ISIL targeted civilians on or near the bridge. Once, a sniper from a high vantage point on the east side of Yathrib fired at two KIAs carrying food supplies on Bridge 1, causing the cars to fall into the river. Another time, ISIL launched a mortar towards Bridge 1 which hit a house by the riverbank, killing two children along with several family members. ISIL snipers also shot indiscriminately at civilian-marked vehicles on bridges, including those carrying sick and injured civilians travelling to and from al-Dhuluiya. The effect of these attacks was especially dire for those in need of health services as medication could not be obtained. Patients requiring treatment unavailable in resource-scarce

al-Dhuluiya, including pregnant women, had to be smuggled by boat to Balad and beyond at the risk of losing their lives to ISIL snipers. On about four or five occasions ISIL targeted such boats departing from Bridge 1.

178. ISIL cut off electricity in al-Dhuluiya by destroying the main powerline next to Bridge 1. The group also severed transmission lines connecting Balad, the al-Saoud area and al-Dhuluiya three times. Despite reparation efforts, the town once went without power for 10-to-15 days continuously. The lack of power also affected water supplies as local water plants could not operate.

179. ISIL razed dunums of farmland in al-Dhuluiya and destroyed irrigation systems. In the al-Beshkan area of northern al-Dhuluiya, a water system, watering around five square kilometers of surrounding farmland, was destroyed. Such disruptions to agricultural production worsened the already insufficient food supplies. Prices for basic sustenance items were greatly inflated and the scarcity in basic goods made life extremely difficult for the town's residents and negatively impacted their health.

13. Liberation of al-Dhuluiya

180. Al-Dhuluiya resisted ISIL for around six months until Iraqi forces arrived in late December 2014 and assisted in liberating the town in January 2015. In total, more than 150 police and civilians were killed, and hundreds were injured. Approximately 4,000-5,000 residents were internally displaced.

PART VII – ISIL STRUCTURE AND OPERATIONS IN SALAH AL-DIN

14. Overview

181. As said in paragraph 10, as early as 2012, the activities and operations of ISI, ISIL's predecessor, in Salah al-Din were coordinated through *mafsals* (departments), dealing with matters of security, military, administration, media, economy and *Shari'a*, among others (see Figure 1).

182. The same structure was kept during ISIL's control of Tikrit, al-Alam, al-Dour, al-Dhuluiya - and other areas in Salah al-Din. In particular, Abu Nabil remained the *wali* of Salah al-Din until October 2014, after which he was replaced by Abu Khattab, who headed the governorate until his death at the end of 2014 or beginning of 2015. The Salah al-Din departments remained under the same leadership as shown in Figure 1. ISIL's headquarters in Salah al-Din were in the Presidential Palace Complex of Tikrit.

183. A few new structures and positions were created to address ISIL's new administrative and territorial responsibilities. As said in paragraphs 104-105, POI_HK1 acted as head ISIL negotiator with al-Alam's Negotiation Committee. POI_HK1 was appointed by and responded to Abu Nabil. His office was in al-Alam's local police station, which also served as ISIL's headquarters in the town. Furthermore, to facilitate coordination, Abu Nabil created a three-sector area, encompassing al-Dour, Abu Ajeel and al-Alam, and named POI_OK1 as its first head. He later became the head of ISIL's military department. Moreover, the ISIL-SD, a special branch of ISIL's security department, took upon a policing role, especially in al-Alam, being responsible for arrests, detentions, interrogations and executions (see paragraph 109).

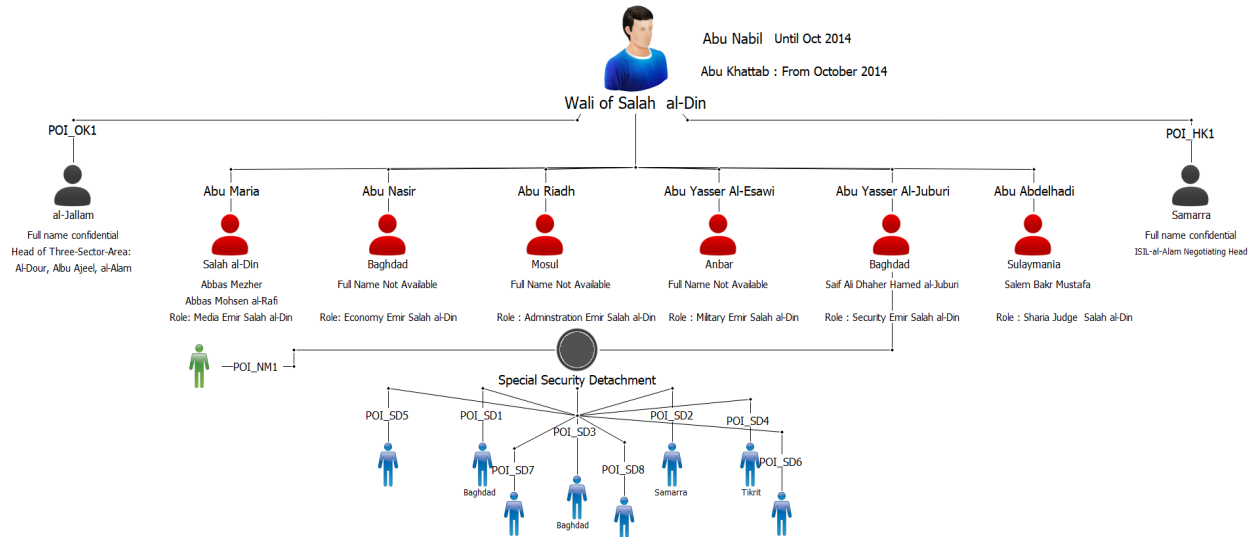


Figure 17 ISIL main functions in Salah al-Din (June 2014 - end 2014 / beginning 2015)

15. Prominent Persons of Interest

184. More information is needed to set out a comprehensive picture of ISIL's structure and operations in Salah al-Din. In any event, a number of individuals played an important role in managing and conducting ISIL operations in Salah al-Din. Their brief profiles are set out below.



Figure 18 Abu Nabil in al-Alam

185. **Abu Nabil** (Wissam Abd Zeid) was the *wali* of Salah al-Din *wilaya*. He used to be an officer during Saddam Hussein's regime. Abu Nabil became *wali* in October 2013 or beginning of 2014. Abu Nabil led the group of ISIL fighters who entered Tikrit from the western side (see paragraph 38). He was based at the Presidential Palace Complex (see paragraph 47), from where he coordinated ISIL operations in Salah al-Din *wilaya*, including in Tikrit, al-Alam, al-Dour and al-Dhuluiya. He was also involved in killings at the Presidential Palace Complex. Around October 2014, Abu Nabil was transferred to become the *wali* of Libya, where he is believed to have been killed in an US airstrike in 2015.

186. **Abu Abdelhadi** (Salem Bakr Mustafa) was the *Shari'a* judge of Salah al-Din *wilaya*. He was born in the 1970's and was of Kurdish origin. Abu Abdelhadi held the position of *Shari'a* judge from April 2013 until around May 2015, when he was killed. Several ISIL members may have pledged allegiance to Abu Abdelhadi in connection to ISIL takeover of Tikrit. Abu Abdelhadi ordered the arrest, detention, interrogation and execution of many residents of Tikrit and al-Alam. Abu Abdelhadi participated in the killing operation at the Presidential Palace Complex.

187. **POI_OK1** was the *emir* of al-Jallam, and later he became the *emir* of al-Dour, Albu Ajeel and al-Alam (see paragraph 183). He led the group of ISIL fighters entering Tikrit from the eastern direction (see paragraph 38). He was seen operating in al-Alam and al-Dour. He also participated in the killing operation at the Presidential Palace Complex. His current whereabouts are unknown.

188. **POI_HK1** was the *emir* of al-Jallam before POI_OK1. POI_HK1 entered Tikrit from the eastern direction, together with the group led by POI_OK1. Soon after entry into Tikrit, Abu Nabil sent POI_HK to al-Dour, where he led operations for about a month, after which he went to al-Alam, where he was ISIL's head negotiator with the residents (*see* paragraphs 104-105, 154-155). POI_HK1 led or participated in ISIL activities in these areas including arrests, detentions, destruction of houses and demolition of cultural properties (*see* paragraphs 105, 109, 148, 155). He is currently incarcerated.

189. **Abu Yasser** (Sayf Ali Dhaher al-Jubouri) was from Baghdad; he had previously been imprisoned in Bucca. He was the head of ISIL's security department in Salah al-Din (*see* Figure 17). He entered Tikrit with Abu Nabil's group from the west. He led or participated in arrests and detentions in al-Alam-, often interrogating detainees (*see* paragraphs 123, 125, 129-130, 139). He was killed a few days before the liberation of al-Alam-.



Figure 19 Abu Yasser

190. **POI_SD1** is from Baghdad. He is a relative of Abu Yasser. In 2014, he was a prominent member of the ISIL-SD, which was in charge of arrests, detentions, interrogations and executions (*see* paragraphs 109, 114, 139, 144). He participated in the executions of the Knights of al-Alam in al-Alam and of four other victims in an orchard in al-Alam (*see* paragraphs 139, 144). He is currently incarcerated.

191. **POI_SD2** was from Samarra. He was a part of the convoy entering and parading through al-Alam; he can be seen on the back of a pickup truck in the ISIL video featuring the convoy. He can also be seen in another ISIL video, in the right corner of the image with POI_SD3 in the center, chanting as part of a group of ISIL fighters in front of Salah al-Din Police Command. He was a member of the ISIL-SD and participated in many arrests and detentions, mistreating detainees (*see* paragraphs 109-110, 114, 119-120, 123, 130). He may have been killed together with Abu Yasser, a few days before the liberation of al-Alam, but this needs to be confirmed.

192. **POI_SD3** was from Baghdad. He was a part of the convoy entering through al-Alam; he can be seen with POI_SD2 in an ISIL video chanting "Islamic State" and "God is Great" in a group of ISIL members after their entry into al-Alam. He was a member of the ISIL-SD and participated in many arrests and detentions, mistreating detainees (*see* paragraphs 114, 119, 123, 130). He may have participated in the execution of the Knights of al-Alam. He may have been killed a few days before the liberation of al-Alam, but this needs to be confirmed.

193. **POI_SD4** is from Tikrit. He was a part of the convoy entering through al-Alam; he can be seen in an ISIL video at the front of a heavily armed group of ISIL fighters and in another ISIL photo with POI_NM1 at Abdullah Jabara square in al-Alam. He was a member of the ISIL-SD and participated in many arrests and detentions, mistreating detainees (*see* paragraphs 109-110, 123). His current whereabouts are unknown.

194. ISIL-SD had several other members (**POI_SD5 – POI_SD8**) who also participated in many arrests and detentions, mistreating detainees (*see* paragraphs 109-110, 114, 119-120, 123, 130, 147).

195. **POI_NM1** had previously been imprisoned in Bucca and was well-known in the Tikrit community even before ISIL. When ISIL entered Tikrit, POI_NM1 was a prominent member of ISIL-SD, and continued to work closely with the detachment, but also carried out killings on his own initiative (*see* paragraphs 44,

65, 135, 143). He participated in the killing operation at the Presidential Palace Complex. He participated in the apprehending and/or murdering of police officers, security personnel and other civilians in Tikrit and al-Alam during and following ISIL's takeover of these cities. He was known as a dreaded executioner. He is also seen with POI_OK1 and POI_SD4. His current whereabouts are unknown.

196. *POI_NZ1* is from Samra village near al-Alam. He was an influential ISIL member in al-Alam, managing the repentance process, registering the government officials and appropriating their weapons. He used to issue repentance certificates which allowed free movement. His current whereabouts are unknown.

197. *POI_WH1* is from the al-Jubour area of al-Dhuluiya. He was associated with AQI and released by ISIL from Tasferat prison when the group took over Tikrit. POI_WH1 was a prominent ISIL member and said to have been one of the toughest and cruelest ISIL fighters in al-Dhuluiya. He is currently incarcerated.

198. *POI_ML1* is from al-Dhuluiya. He was a former AQI member, and a prominent ISIL member in al-Dhuluiya. He is currently incarcerated.

PART VIII – PRELIMINARY LEGAL FINDINGS

199. The substantive law applied in the subsequent analysis is international criminal law recognized as being part of customary international law. Prominence is therefore given to the jurisprudence of international criminal tribunals that apply customary international law.¹⁷ Where necessary, reference will be made to the Rome Statute of the International Criminal Court to highlight any significant differences in the applicable law and to support related investigations in domestic jurisdictions that have incorporated the Rome Statute into their legislation.

200. All legal requirements for the analyzed crimes are set out below. These requirements are further elaborated only where the legal analysis so requires. Preliminary legal findings are made according to the “reasonable grounds to believe” evidentiary standard (*see* paragraph 2).

201. The following findings will concentrate on acts committed by ISIL members in Tikrit, al-Alam, al-Dour and al-Dhuluiya between 11 June 2014 and 31 March 2015 (“Relevant Period”).

16. Crimes Against Humanity

16.1. Applicable law

202. Crimes against humanity are a specific set of acts prohibited under international criminal law (underlying crimes) that are committed as part of a widespread or systematic attack directed against a civilian population (contextual requirements).

¹⁷ This refers to the jurisprudence of the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY), the Extraordinary Chambers in the Courts of Cambodia (ECCC) and the Kosovo Specialist Chambers (KSC).

16.1.1. Contextual requirements

203. Under customary international law, the contextual requirements for crimes against humanity consist of: (i) a widespread or systematic attack directed against any civilian population; (ii) a nexus between the underlying act and the attack; and (iii) knowledge of the attack.

16.1.2. Specific requirements for underlying crimes

16.1.2.1. Imprisonment

204. The crime of imprisonment as a crime against humanity is committed through an act or omission resulting in depriving a person of his or her physical liberty without due process of law, thus rendering the imprisonment arbitrary. The imprisonment includes the unlawful captivity of a person in an enclosed environment or the unlawful restriction of the person's movements to a specific area. The deprivation of liberty is considered arbitrary when: (i) no legal basis exists to justify it; (ii) a lawful basis of imprisonment initially exists, but it later ceases to apply; or (iii) an otherwise justified deprivation of liberty is being administered under serious disregard of fundamental procedural rights. The imprisonment need not be for a prolonged period. The brevity of the detention does not exclude the gravity or seriousness of the deprivation of physical liberty. However, not every minor deprivation of liberty satisfies the material elements of imprisonment.

205. The perpetrator must have intended to deprive the person of his or her physical liberty, or must have acted in the reasonable knowledge that his or her act or omission is likely to cause arbitrary deprivation of the person's physical liberty.

16.1.2.2. Other inhumane acts

206. The crime of other inhumane acts is committed through an act or omission of similar gravity to other crimes against humanity, resulting in serious mental or physical suffering or injury, or constituting a serious attack on human dignity. The severity of the conduct must be assessed on a case-by-case basis with due regard for the individual circumstances of the case. There is no requirement that the suffering have long-term effects, although this may be relevant to the determination of the severity of the criminal conduct.

207. The act or omission must have been committed intentionally or with the knowledge that this act or omission was likely to cause such pain or suffering or to constitute a serious attack upon human dignity.

16.1.2.3. Torture

208. The crime of torture as a crime against humanity is committed through an act or omission inflicting severe pain or suffering, whether physical or mental, upon another person. Whether an act or omission qualifies as torture must be determined on a case-by-case basis. The consequences of the act or omission need not be permanent or visible on the victim. There is no requirement that the perpetrator acted in a public capacity or as person of authority.

209. The perpetrator must have inflicted the pain or suffering intentionally and in pursuance of such purpose as obtaining information or a confession, or punishing, intimidating, coercing or discriminating against, on any ground, the victim or a third person. It is sufficient that one of the prohibited purposes forms part of the motivation behind the conduct; it need not be the "predominant or sole purpose" behind the infliction of severe pain or suffering.

16.1.2.4. Murder

210. Murder as a crime against humanity is committed through an act or omission resulting in the death of a person. It is not necessary to produce the body of the deceased person as proof of death; it suffices to rely on circumstantial evidence, taking into account, for example: (i) incidents of mistreatment directed against the victim; (ii) patterns of mistreatment and disappearances of other victims; (iii) coincident or near-coincident time of death of other victims; (iv) the circumstances in which the victim was last seen; and (v) the length of time which has elapsed since the person disappeared.

211. The perpetrator must have killed the person intentionally or must have intentionally caused serious bodily harm, which the perpetrator should reasonably have known might lead to death.

16.1.2.5. Forcible transfer

212. The crime of forcible transfer as a crime against humanity is committed through the forcible displacement of persons from the area in which they are lawfully present, within national boundaries, without grounds permitted under international law. Forcible displacement means that people are moved against their will or without a genuine choice. Fear of violence, duress, detention, psychological oppression and other such circumstances may create an environment where there is no choice but to leave, thus amounting to the forcible displacement of people. Displacement of civilians during armed conflict is permitted if it is carried out for the security of the persons involved, or for imperative military reasons. In such cases the displacement is temporary and must be carried out in such a manner as to ensure that displaced persons are returned to their homes as soon as the situation allows.

213. The perpetrator of forcible transfer must intend to forcibly displace the persons; however, the intent need not be to displace on a permanent basis.

16.1.2.6. Persecution

214. The crime of persecution as a crime against humanity is committed through a specifically pleaded act or omission that discriminates in fact and which denies or infringes upon a fundamental human right laid down in international customary or treaty law. The crime of persecution consists of one single act or omission or a series thereof that are: (i) prohibited under international law, such as arbitrary detention/imprisonment, cruel treatment, torture, pillaging or murder; or (ii) while not explicitly mentioned therein, they reach the same level of gravity as the aforementioned crimes, whether considered in isolation or in conjunction with other underlying acts. Such acts include harassment, humiliation, psychological abuse or other restrictive and discriminatory measures. The persecutory act or omission must amount to a severe deprivation of a person's fundamental rights, that is, a gross and blatant denial of those rights. The persecutory act(s) and/or omission(s) must discriminate in fact, which means that they must actually result in discriminatory consequences. The persecutory act(s) and/or omission(s) are considered discriminatory when the victims are targeted because of their perceived membership in a group, as defined by the perpetrator on a political, racial, ethnic or religious basis. While persecutory acts and/or omissions often form part of a discriminatory policy or pattern, the existence of such a policy is not a requirement for proving persecution.

215. The perpetrator must have carried out each persecutory act or omission deliberately and with the specific intent to discriminate on one of the listed grounds, specifically political, racial, ethnic or religious.

16.2. *Legal analysis*

16.2.1. *Widespread or systematic attack against a civilian population*

216. 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 a large number of victims. In particular, during this period, ISIL directed a widespread and systematic attack against the civilian population in north-west of Iraq, namely in Nineveh, Salah al-Din, Anbar and Kirkuk governorates. ISIL particularly targeted *Shi'a* Muslims, Yazidis, Christians, Kaka'i and Sunni Muslims whom it perceived as non-compliant with its interpretation of Islam.

217. The acts committed by ISIL against residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya can be considered as part of the attack against Iraq's civilian population. ISIL targeted the residents of these localities because it perceived them as non-compliant with its radical and extremist interpretation of Islam. While ISIL also targeted police and security officers and government personnel for opposing ISIL and allegedly cooperating with Iraqi and affiliated forces, these individuals did not present a substantial military threat to ISIL at the time and therefore their inclusion in the targeted civilian population does not alter the population's civilian character.

16.2.2. *Underlying crimes*

16.2.2.1. *Imprisonment, other inhumane acts and torture*

218. During the Relevant Period, ISIL members detained hundreds of residents in Tikrit, al-Alam and al-Dour. Those apprehended and detained were perceived by ISIL as enemies of the organization, especially police and security forces as well as government personnel. Civilians with none of the aforementioned affiliations were also apprehended if seen as non-compliant.

219. Residents were apprehended from their home or the street and taken to various ISIL-run detention centers, where they were held for hours, days, weeks or even months. Residents of Tikrit were mainly held in the Crimes Directorate detention center of the Presidential Palace Complex, but also in other locations, such as a gymnasium on 40th Street.¹⁸ Residents of al-Alam were held in appropriated houses, such as the Detention House, or were transferred to other detention locations in al-Dour and Mosul.¹⁹ In al-Dour, residents were held in appropriated apartments.²⁰ While some detainees may have represented security concerns for ISIL (due to their alleged cooperation with government or affiliated forces), most captives signified no such concerns, as they were retired officers, former government personnel or civilians without any instructions or capacity to oppose ISIL. In any event, none of the detainees were told why and based on what information they were being held and none were given any opportunity to challenge the reasons of their detention.

¹⁸ See paragraphs 46, 64-65, 67 of this report.

¹⁹ See paragraphs 109, 113, 115, 119, 135 of this report.

²⁰ See paragraphs 121-122, 125, 156 of this report.

220. During such detentions, detainees were often deprived of food, water, access to restrooms, medicine or medical facilities. At least dozens of detainees were mistreated, i.e. insulted, threatened, spat on, slapped, kicked, beaten, hanged to handrails.²¹ Some detainees had their shoulders dislocated,²² others had their wrists cut from the plastic rope used to handcuff them.²³ At least one captive may have had his hands cut off.²⁴

221. Most detainees were mistreated to punish them for their alleged acts or perceived opposition to ISIL or to discriminate against them on the basis of their political affiliations.²⁵ Even those detainees who were mistreated on account of being Jubouris were treated as such not necessarily because of their tribal membership, but because Jubouris were seen as favoring US forces and the government at the time.²⁶ Other detainees were mistreated to obtain certain information from them.²⁷

222. The intent of ISIL members to deprive these residents of their physical liberty and to inflict severe pain and suffering upon them during their deprivation of liberty emerges from the deliberate way ISIL members arrested, detained and assaulted them physically and mentally. Moreover, the infliction of severe pain and suffering was done either to punish or discriminate against detainees.

223. Based on the above, it can be inferred that, during the Relevant Period, imprisonment, other inhumane acts and torture as crimes against humanity were committed against residents of Tikrit, al-Alam and al-Dour.

16.2.2.2. Murder

224. During the Relevant Period, dozens of executions took place in Tikrit, al-Alam and al-Dour. Residents were hanged, beheaded or shot, often in the presence of a crowd that was forcefully gathered to witness the killing.²⁸ Some executions were also photographed or filmed by ISIL.²⁹

225. The intent of ISIL members to kill residents emerges from the deliberate manner in which they executed these killings, ensuring that they are witnessed by others either in person or through distribution in the media.

226. Based on the above, it can be inferred that, during the Relevant Period, murder as a crime against humanity was committed against residents of Tikrit, al-Alam and al-Dour.

16.2.2.3. Forcible transfer

227. During the Relevant Period, thousands of residents of Tikrit, al-Alam and al-Dour left their homes. They did so because they feared for their safety and their lives; they feared that they or their loved ones would be subjected to arbitrary arrests, detentions, mistreatments and/or executions at the hands of ISIL

²¹ See paragraphs 64-66, 109-110, 122-123, 125, 128 of this report.

²² See paragraph 123 of this report.

²³ See paragraphs 124 of this report.

²⁴ See paragraph 66 of this report.

²⁵ See paragraphs 65, 71, 110, 125 of this report.

²⁶ See paragraphs 108, 125 of this report.

²⁷ See paragraphs 65, 110, 123, 130, 139 of this report.

²⁸ See paragraphs 65-66, 110, 116, 138-140, 143, 145 of this report.

²⁹ See paragraphs 67-67, 140, 143, 145-146 of this report.

members. They feared further looting, appropriation or destruction of their property. Many residents left not because ISIL directed them to leave, but because they had no genuine choice to remain in their home given the possible consequences. That being said, hundreds of al-Alam families left when ISIL expressly directed Jubouris to leave the town in four hours on 9 November 2014.

228. The intent of ISIL members to displace residents emerges from the deliberate manner in which they carried out their criminal activity that led to locals leaving their homes. This intent is even more apparent in relation to the four-hour ultimatum issued against the Jubouris of al-Alam.

229. Based on the above, it can be inferred that, during the Relevant Period, forcible transfer as a crime against humanity was committed against residents of Tikrit, al-Alam and al-Dour.

16.2.2.4. Persecution

230. Through the crimes of imprisonment, other inhumane acts, torture, murder and forcible transfer, and through other acts of equal gravity, ISIL members denied, in a gross and blatant manner, the fundamental rights of residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya, resulting in discriminatory consequences.

231. As specified in paragraphs 218-229, ISIL members committed the crimes of imprisonment, other inhumane acts, torture, murder and forcible transfer, constituting a gross and blatant denial of the right to life, the right not to be subjected to torture or cruel, inhumane or degrading treatment or punishment, as well as the rights to liberty, freedom of movement and residence, and not to be subjected to arbitrary arrest or detention.³⁰

232. Furthermore, ISIL members engaged in arbitrary searches and unlawful appropriation and/or destruction of private property, when they deprived residents of their vehicles, weapons, cash and other items and when they looted, occupied, burnt down or blew up houses, farms or shops belonging to locals in Tikrit, al-Alam and al-Dour.³¹ ISIL members also damaged or destroyed religious or historical monuments of great importance to residents in Tikrit and al-Dour.³² These acts typically occurred in the overall context of ISIL's spree of arrests, detentions, mistreatment and executions in Tikrit, al-Alam and al-Dour. In al-Alam and al-Dhuluiya, ISIL members intentionally targeted civilians and their houses, water supplies and farmlands.³³ ISIL members also cut access to food, water, electricity and other basic supplies from residents of al-Alam and al-Dhuluiya.³⁴ This occurred in the overall context of ISIL's siege against these two towns. Considering their nature, context and timing, these acts reach the same level of gravity as the crimes listed above and constitute a blatant and gross denial of the right to life, right to private property,

³⁰ The right of life is protected by Article 3 of the Universal Declaration of Human Rights (UDHR) and Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR). The right not to be subjected to torture or cruel, inhumane or degrading treatment or punishment is protected by Article 5 of the UDHR and Article 7 of the ICCPR. The right to liberty and not to be subjected to arbitrary arrest or detention is protected by Articles 3 and 9 of the UDHR and Article 9 of the ICCPR. The right to freedom of movement and residence within the borders of each state is protected by Article 13 of the UDHR and Article 12 of the ICCPR.

³¹ See paragraphs 75-78, 147-149, 156, 167, 179 of this report.

³² See paragraphs 72-74, 155 of this report.

³³ See paragraphs 91, 167 of this report.

³⁴ See paragraphs 90, 176-179 of this report.

right to freedom of thought, conscience and religion and right not to be deprived of own means of subsistence.³⁵ Some of these acts also qualify as separate war crimes (*see* paragraphs 262-282).

233. The aforementioned acts targeted and affected residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya who were opposing ISIL and its rule, resulting in actual discriminatory consequences against them.

234. As found in paragraphs 222, 225 and 228 these crimes were inflicted intentionally. Moreover, these crimes and other persecutory acts were carried out with the specific intent to discriminate on political grounds. In Tikrit and al-Dour, individual residents perceived to oppose ISIL and cooperate with the government were targeted, regardless of whether they were security, police or government personnel or civilians. In al-Alam and al-Dhuluiya, all residents, predominantly belonging to the al-Jubouri tribe, were targeted because the tribe itself was seen as opposing ISIL and cooperating with the government. In addition, Shi'as in Tikrit were targeted on religious grounds.

235. Based on the above, it can be inferred that, during the Relevant Period, persecution as a crime against humanity was committed against residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya.

16.3. Conclusion

236. In conclusion, there are reasonable grounds to believe that imprisonment, other inhumane acts, torture, murder and forcible transfer as crimes against humanity were committed against residents of Tikrit, al-Alam and al-Dour during the Relevant Period. Furthermore, there are reasonable grounds to believe that persecution as a crime against humanity was committed against residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya during the Relevant Period.

17. War Crimes

237. War crimes are a specific set of violations of the laws and customs of war (underlying crimes) that are committed during an armed conflict of international or non-international character (contextual requirements).

17.1. Applicable law

17.1.1. Contextual requirements

238. The contextual requirements for war crimes committed in the context of an armed conflict not of an international character consist of: (i) the existence of an armed conflict of certain intensity in the territory of a state between organs of authority and organized armed groups or between such groups; (ii) a nexus between the underlying offence and the armed conflict; and (iii) knowledge of the existence of the armed conflict.

239. All crimes must be committed against protected persons. Persons taking no active part in hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by

³⁵ The right to property is protected by Article 17 of the UDHR. The prohibition against arbitrary searches is included in the right to privacy, protected by Article 12 of the UDHR and Article 17 of the ICCPR. The right to freedom of thought, conscience and religion; is protected by Article 18 of the UDHR and Article 18 of the ICCPR. Article 25 UDHR and Article 1(2) ICCPR protect the right to adequate standard of living and not to be deprived of own means of subsistence.

sickness, wounds, detention, or any other cause, are protected under Common Article 3 of the 1949 Geneva Conventions, which are recognized as being part of customary international law. The perpetrator must know or should have known the status of the victims as persons taking no active part in the hostilities.

17.1.2. Specific requirements for underlying acts

17.1.2.1. Unlawful attacks against civilians (Intentionally directing attacks against the civilian population as such, or against individual civilians not taking part in hostilities)

240. The crime of unlawful attacks against civilians as a war crime is committed through an act of violence directed against civilians not taking direct part in hostilities, which causes death, serious injury to body or health, or any other consequence of the same gravity. When determining whether an act of violence can be seen as being “directed” against civilians not taking direct part in hostilities, one can consider, *inter alia*, the means and methods used in the course of the attack (e.g. the type of weapon), the status of the victims, their number, the discriminatory nature of the attack, the nature of the crimes committed in its course, the resistance to the assailants at the time, and the extent to which the attacking force may be said to have complied or attempted to comply with the precautionary requirements of the laws of war. For a specific act to qualify as “direct” rather than “indirect” participation in hostilities there must be a sufficiently close causal relation between the act and the resulting harm. For instance, although the delivery or preparation of food for combatant forces may occur in the same place and at the same time as the fighting, the causal link between such support activities and the causation of the required threshold of harm to the opposing party to a conflict remains indirect.

241. The perpetrator must have acted intentionally in relation to his or her conduct.

17.1.2.2. Unlawful attacks against civilian objects (Damage and destruction of civilian property)

242. The crime of unlawful attacks against civilian objects as a war crime is committed through an act of violence which causes extensive damage to civilian objects. Civilian objects are those that are not military objects or are not well-suited for military use. Civilian objects also encompass those which are indispensable for the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies, and irrigation works.

243. The perpetrator must have intentionally directed the attack against the civilian objects.

17.1.2.3. Use of chemical weapons

244. Chemical weapons are defined broadly in the Chemical Weapons Convention to comprise any toxic chemical and its precursor, unless used for purposes not prohibited by the Convention, any munitions and devices, specifically designed to cause death or other harm through the toxic properties of those chemicals.

245. The Chemical Weapons Convention, which to date has 193 States Parties, prohibits the use of chemical weapons under any circumstances. The prohibition has become part of customary international law. There is also consensus in the international community on the principle that the use of chemical weapons is prohibited in non-international armed conflicts. While criminal liability under customary international law for use of chemical weapons is not controversial, no international tribunal has defined the use of chemical weapons as a separate war crime. The statutes of the ICTY and KSC criminalize the use of poisonous weapons, asphyxiating, poisonous or other gases or weapons calculated to cause unnecessary

suffering.³⁶ The use of chemical weapons may also amount to the war crime of unlawful attacks against civilians.

246. As with other war crimes, the perpetrator must have intended to use chemical weapons.

17.1.2.4. Damage or destruction of cultural property

247. The crime of damage or destruction of cultural property as a war crime is committed through an act of violence which causes damage or destruction to property constituting the cultural or spiritual heritage of peoples, where such property was not used for military purposes at the time when the acts of hostility directed against these objects took place.

248. The perpetrator must have intended to damage or destroy the property in question.

17.1.2.5. Pillage

249. The crime of pillage as a war crime is committed through an act of unlawful appropriation of public or private property. Such appropriation may comprise not only large-scale seizures of property within the framework of systematic economic exploitations of controlled territory, but also acts of appropriation committed by individual soldiers or fighters for their private gain.

250. The perpetrator must have intended to unlawfully appropriate the respective property.

17.1.2.6. Arbitrary detention

251. The crime of arbitrary detention as a war crime is committed through an act or omission resulting in depriving a person not taking active part in hostilities of his or her liberty without legal basis or without complying with basic procedural safeguards. The deprivation of liberty is without legal basis when it is justified neither by criminal proceedings nor by reasonable grounds to believe that security concerns make it absolutely necessary.

252. The perpetrator must have acted intentionally in relation to his or her conduct. In addition, the perpetrator must have no reasonable grounds to believe that security concerns of the parties to the conflict make the detention absolutely necessary, or the perpetrator must know that the detainees have not been afforded the requisite procedural guarantees, or be reckless as to whether those guarantees have been afforded or not.

17.1.2.7. Cruel treatment

253. The crime of cruel treatment as a war crime is committed through an act or omission, which causes serious mental or physical suffering or injury, or which constitutes a serious attack on human dignity. The seriousness of the harm or injury must be assessed on a case-by-case basis, taking into account such factors as the severity of the alleged conduct, the context in which it occurred, its duration and/or repetition, its

³⁶ ICTY Statute, Article 3 (poisonous weapons or other weapons calculated to cause unnecessary suffering); KSC, Article 14(1)(d)(xiii) and (xiv) (poison or poisoned weapons; asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices). The ICC Statute criminalizes the use of poison or poisoned weapons as well as the use of asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices in Article 8(2)(e)(xiii) and (xiv).

physical and mental effects on the victim, and the personal circumstances of the victim. The suffering inflicted by the act upon the victim does not need to be lasting, so long as it is real and serious.

254. The perpetrator must have acted intentionally or with the knowledge that the serious mental or physical suffering or injury, or the serious attack on human dignity, was a probable consequence of the act or omission.

17.1.2.8. Torture

255. The elements of torture as a war crime are the same as those for torture as a crime against humanity, except for the contextual requirements and the protected status of the victim.

17.1.2.9. Murder

256. The elements of murder as a war crime are as those for murder as a crime against humanity, except for the contextual requirements and the protected status of the victim.

17.1.2.10. Acts or threats of violence the primary purpose of which is to spread terror

257. The crime of spreading terror among the civilian population as a war crime is committed through acts or threats of violence directed against the civilian population or individual civilians not taking direct part in hostilities. Such acts or threats need not result in the death, serious injury or actual terrorization of civilians, but they must lead to grave consequences for the victims, such as extensive trauma and psychological damage. They may also include indiscriminate or disproportionate attacks or threats thereof.

258. The perpetrator must have intentionally made the civilian population or individual civilians not taking direct part in hostilities the object of the acts or threats of violence. Moreover, the perpetrator must have committed those acts or threats with the specific intent of spreading terror among the civilian population. While spreading terror must be the primary purpose of the acts or threats of violence, it need not be the only one. Such intent can be inferred from circumstances such as the nature, manner, timing and duration of the acts or threats.

17.2. Legal analysis

17.2.1. Contextual requirements

259. 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.

260. Residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya were entitled to the protection under the laws and customs of war for such time as they were not taking direct part in the hostilities and/or were under the custody or control of ISIL members. The latter were also aware that the said residents were taking no direct part in the hostilities and/or that they were under ISIL custody or control.

261. ISIL members committed the acts discussed in this report in the context of their entry and takeover of Tikrit, their siege, entry and takeover of al-Alam, their entry and takeover of al-Dour and their siege of al-Dhuluiya. All this occurred in the greater context of ISIL's advance against Iraqi forces, and thus was

connected with the ongoing armed conflict. As many ISIL members participated in the siege, entry and/or takeover of these localities, they were aware of the factual circumstances establishing the armed conflict.

17.2.2. Underlying crimes

17.2.2.1. Unlawful attacks against civilians (Intentionally directing attacks against the civilian population as such, or against individual civilians not taking part in hostilities)

262. During the siege of al-Alam and al-Dhuluiya, ISIL members intentionally attacked civilians who were not taking direct part in the hostilities. Dozens of residents of al-Alam and al-Dhuluiya were killed or injured as a result of such attacks.

263. Poignantly, on 22 June 2014, an ISIL sniper shot and killed Umayyah Jabara, a prominent resident of al-Alam, who supported the resistance by frequently visiting the frontline, supplying food to and boosting the morale of the fighters. Umayyah was not a member of the security forces, and she had no training in weapon-handling or in military tactics, but she did carry a weapon. Nonetheless, she cannot be considered as having directly participated in the hostilities, because the causal link between, on the one hand, her provision of food and morale boosting and, on the other hand, the required threshold of harm caused to ISIL fighters attacking al-Alam remains low and indirect. In other words, her actions did not harm ISIL fighters to such an extent as to consider them direct participation in hostilities. In fact, ISIL may have targeted Umayyah Jabara for the same reason they targeted other civilians, i.e., to lower the morale of those resisting ISIL, and not necessarily to remove the military threat of her actions.

264. In al-Dhuluiya, on or about 14 September 2014, ISIL members shot chlorine gas shells at the frontline near the city center, in full knowledge of the small size of the town and that the wind would swiftly carry the asphyxiating gas towards the residents. Victims experienced suffocation, extreme nausea, vomiting, loss of bodily control and loss of consciousness within minutes of exposure.³⁷

265. The intent of ISIL members to attack civilians emerges from the deliberate way in which they shelled, including with chlorine gas, targets away from the frontline (where no hostilities were taken place)³⁸ or how they shot persons in full knowledge that they were not taking direct part in hostilities.³⁹ In relation to the chlorine gas attack in al-Dhuluiya, although the shells were shot near the frontline and the direct targets were the resistance fighters, given the proximity of the frontline to the residential areas, it is clear that the release of chlorine gas was also meant to harm the civilians of the town.

266. Based on the above, it can be inferred that, during the Relevant Period, unlawful attacks against civilians as a war crime was committed against residents of al-Alam and al-Dhuluiya.

17.2.2.2. Unlawful attacks against civilian objects, pillage and damage or destruction of cultural property

267. During the Relevant Period, ISIL members engaged in unlawful appropriation, damage and/or destruction of private property, when they deprived residents of their vehicles, weapons, cash and other

³⁷ See paragraphs 171-172 of this report.

³⁸ See paragraphs 91, 169 of this report.

³⁹ See paragraphs 94-95 of this report.

items and when they looted, occupied, burnt down or blew up houses, farms or shops belonging to locals in Tikrit, al-Alam and al-Dour.⁴⁰

268. ISIL members also severely damaged the Shrine of the 40 in Tikrit and destroyed the Shrine of Abu Ajja in al-Awja, near Tikrit.⁴¹ Several other religious and historical monuments as well as tombs in Tikrit's graveyards were damaged or destroyed.⁴² Likewise, ISIL members destroyed the Shrine of Imam Mohammed Durri and the Shrine of Saleh Ibrahim in al-Dour.⁴³

269. During the siege of al-Alam and al-Dhuluiya, ISIL members intentionally attacked civilian houses, mosques, schools, hospitals, electricity and water supplies and/or farmlands.⁴⁴ In al-Dhuluiya, such attacks included the use of booby-traps to blow up civilian houses near the frontline. The use of such devices is specifically prohibited in customary international law. The attacks against the aforementioned civilian objects cut off life-saving supplies to residents and thus deprived civilians of objects indispensable for their survival; the purpose of such attacks was to exhaust the capabilities and resources of the two town's resistance members and bring about their demise.

270. The intent of ISIL members to attack or plunder civilian objects as well as to damage or destroy cultural property emerges from the deliberate way in which they targeted such objects in full knowledge of their protected nature.

271. Based on the above, it can be inferred that, during the Relevant Period, unlawful attacks against civilian objects, pillage and damage or destruction of cultural property as war crimes were committed against residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya.

17.2.2.3. Use of chemical weapons

272. In al-Dhuluiya, on or about 14 September 2014, ISIL members shot chlorine gas shells at the frontline near the city center. Victims (resistance fighters and residents alike) experienced suffocation, extreme nausea, vomiting, loss of bodily control and loss of consciousness within minutes of exposure.⁴⁵

273. Chlorine is a chemical element; when chlorine gas comes into contact with moist tissues such as the eyes, throat, and lungs, an acid is produced that can damage these tissues.⁴⁶ Accordingly, chlorine gas is a toxic chemical falling within the scope of the definition of chemical weapons (*see* paragraph 244 and fn. 668). The contemporaneous symptoms caused by the use of chlorine gas reflect the poisonous and asphyxiating characteristics of this chemical weapon.

274. The intent of ISIL members to use such chemical weapons emerges from the deliberate way in which they shot chemical shells containing the chlorine gas, during daytime, while the wind was blowing towards

⁴⁰ See paragraphs 75-78, 147, 149, 156, 167, 179 of this report.

⁴¹ See paragraphs 72-73 of this report.

⁴² See paragraph 74 of this report.

⁴³ See paragraph 155 of this report.

⁴⁴ See paragraphs 91, 167, 169 of this report.

⁴⁵ See paragraphs 171-172 of this report.

⁴⁶ Center for Disease and Control, '[Chlorine: Exposure, Decontamination, Treatment](#)' (7 February 2023).

the town, and while both resistance fighters and civilians were present near the frontline and in the residential areas.

275. Based on the above, it can be inferred that, on or about 14 September 2014, the use of poisonous weapons or use of asphyxiating gas as war crimes were committed against residents of al-Dhuluiya (resistance fighters and civilians alike).

17.2.2.4. Arbitrary detention, cruel treatment, torture and murder

276. Through the acts and conduct amounting to the crimes of imprisonment, other inhumane acts, torture and murder as crimes against humanity, ISIL members also committed the war crimes of arbitrary detention, cruel treatment and torture (paragraphs 218-223) and murder (paragraphs 224-226).

277. Intent to commit these crimes can be inferred from the deliberate manner in which the ISIL members engaged in the relevant acts and conduct.

278. Based on the above, it can be inferred that, during the Relevant Period, arbitrary detention, cruel treatment, torture and murder as war crimes were committed against residents of Tikrit, al-Alam and al-Dour.

17.2.2.5. Acts or threats of violence the primary purpose of which is to spread terror

279. In Tikrit, al-Alam and al-Dour, ISIL members engaged in acts and threats of violence against civilians by arbitrarily arresting, detaining and mistreating residents, looting private properties and by carrying out public executions and forcing residents to watch them in person.⁴⁷ ISIL members also broadcasted and distributed videos and photos of such executions on social media.⁴⁸ These acts resulted in grave consequences, namely death and serious injury among civilians as well as a general and enduring sense of fear and despair among the population. Residents constantly feared for their and their loved ones' life and safety, not knowing whether, when and how their houses would be looted, appropriated or destroyed, their belongings taken away or themselves or their loved ones arrested, mistreated, publicly executed or gone missing. Many residents left as they felt that they had no genuine choice to remain in their home given the possible consequences.

280. During the siege of al-Alam and al-Dhuluiya, ISIL members intentionally attacked civilians not taking direct part in hostilities and targeted civilian houses, mosques, schools, hospitals, electricity and water supplies and/or farmlands.⁴⁹ In al-Alam, an ISIL sniper shot Umayyah Jabara despite the fact that she was not directly participating in hostilities.⁵⁰ In al-Dhuluiya, on or about 14 September 2014, ISIL members shot chlorine gas shells at the frontline near the city center. These acts resulted in grave consequences, namely death and serious injury among civilians as well as a general and enduring sense of fear and despair among the population. Surrounded by ISIL fighters, isolated in their own town, struggling to obtain and maintain basic supplies, exposed to indiscriminate shelling, at least on one occasion with

⁴⁷ See paragraphs 65-66, 110, 116, 138-140, 143, 145 of this report

⁴⁸ See paragraphs 67-68, 140, 143, 145-146 of this report.

⁴⁹ See paragraphs 267-271 of this report.

⁵⁰ See paragraph 263 of this report.

chlorine gas, and witnessing the killing of their fellow residents, including those boosting morale, residents constantly feared for their and their loved ones' life and safety.

281. As set out in paragraphs 225, 262-272, ISIL members carried out these acts intentionally. The specific intent to spread terror among the civilian population emerges from many of the circumstances surrounding these acts of violence. In Tikrit and al-Alam, members of the ISIL-SD roamed around the towns arbitrarily stopping, questioning and apprehending residents often in plain sight or in the presence of their family or friends. Many of those detained were insulted, threatened and mistreated. ISIL members showed particular predilection towards public executions carried out in busy squares during daytime; they often forcefully gathered locals to watch these executions. They also photographed and/or filmed their execution, broadcasting them on social media. During the siege of al-Alam and al-Dhuluiya, ISIL members shelled civilian targets during daytime, in full knowledge of their civilian nature. In al-Alam, a sniper killed Umayyah Jabara as she was delivering food to the resistance fighters, likely knowing that her death would spread fear among the defenders of the town. ISIL members targeted mosques, schools, electricity and water supplies, knowing that this would break down the morale of the resistance. In al-Dhuluiya, ISIL members shot chemical shells containing chlorine gas, during daytime, while the wind was blowing towards the town, and while both resistance fighters and civilians were present near the frontline and in the residential areas.

282. Based on the above, it can be inferred that, during the Relevant Period, the war crimes of acts or threats of violence the primary purpose of which was to spread terror were committed against residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya.

17.3. Conclusion

283. In conclusion, there are reasonable grounds to believe that arbitrary detention, cruel treatment, torture and murder as war crimes were committed against residents of Tikrit, al-Alam and al-Dour during the Relevant Period. Furthermore, there are reasonable grounds to believe that unlawful attacks against civilians as a war crime was committed against residents of al-Alam and al-Dhuluiya during the siege of these towns.

284. There are also reasonable grounds to believe that unlawful attacks against civilian objects, pillage, damage or destruction of cultural property and acts or threats of violence the primary purpose of which is to spread terror as war crimes were committed against residents of Tikrit, al-Alam, al-Dour and al-Dhuluiya during the Relevant Period.

285. Furthermore, there are reasonable grounds to believe that, on or about 14 September 2014, the use of poisonous weapons and/or the use of asphyxiating gases as war crimes were committed against residents of al-Dhuluiya.

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