

OFFICIAL YEZIDI HUMAN RIGHTS COMPLAINT

CALL AND DEMAND FOR AN INTERNATIONAL INVESTIGATION INTO AND PROSECUTION OF GLOBAL TECHNOLOGY AND SOCIAL MEDIA COMPANIES FOR AIDING AND ABETTING ISIS IN THE PERSECUTION, TORTURE, ENSLAVEMENT, HUMAN TRAFFICKING, AND EXPLOITATION OF YEZIDIS AND FOR FACILITATING TERRORISM FINANCING THROUGH THE HUMAN TRAFFICKING OF YEZIDIS *et al.*

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**DEDICATION OF REPORT
ON THE 12th YEAR ANNIVERSARY OF
THE YEZIDI GENOCIDE BY ISIS**

This human rights complaint is dedicated to the Yezidi¹ people of Iraq and Syria and particularly written to honor all Yezidis who lost their lives at the hands of ISIS; the Yezidi women, girls and boys enslaved by ISIS; and the Yezidis missing family members murdered by ISIS, especially the orphaned Yezidi children who now live without the love, security, care and protection of their beloved parents, aunts, uncles and grandparents.

Yezidis, you inspire the world every day.

You are not forgotten.

Your human rights will be recognized and enforced for the benefit of the Yezidi community and other religious and ethnic minority communities around the globe needing recognition and protection just like yours.

¹ Yazīdī, also spelled Yezīdī, Azīdī, Zedī, Izadī, Êzidî, or Yazdani. *See* <https://www.britannica.com/topic/Yazidi> (last visited Sept. 26, 2021).

**SPECIAL THANKS TO
NLHY'S INVESTIGATIVE TEAM**

This human rights complaint was made possible by two very brave and courageous Dutch attorneys and human rights activists and several law students from around the world who are or were completing their legal studies at Dutch universities.

Additional support, supervision and guidance was provided by licensed attorneys in Europe and North America.

**For their personal safety,
the names of the members of the investigative team
are not being published.**

*All genocidal acts begin
with words, language, and images.
So there is a huge nonviolent engine
that goes on to fuel, ultimately, genocidal acts.*

Dr. Qanta A. Ahmed

**Speaking to Evelyn Marcus,
Dutch Film Maker, in *Never Again is Now***

**HUMAN RIGHTS COMPLAINT
APPEAL TO GOVERNMENT AND JUDICIAL AUTHORITIES,
CALL FOR AN INVESTIGATION,
AND DEMAND FOR JUSTICE**

**The Yezidis who were kidnapped and tortured by ISIS
in 2014 through the present, are another's
grandfather, grandmother, father, mother, aunt, uncle, sister,
brother, niece, nephew, godfather, godmother and godchild.**

**If your grandfather, grandmother, father, mother, aunt, uncle,
sister, brother, niece, nephew, godfather, godmother and godchild
were kidnapped and tortured by terrorists, you would care,
wouldn't you?**

**The Yezidis kidnapped and tortured by ISIS are all our
grandfathers, grandmothers, fathers, mothers, aunts, uncles, sisters,
brothers, nieces, nephews, godfathers, godmothers, and godchildren.**

**If world leaders and prosecutors continue to ignore the horrific
crimes committed by ISIS against Yezidis by failing to arrange trials
and to prosecute those individuals and companies that aided and
abetted ISIS, these leaders and prosecutors are guilty of not
fulfilling their most fundamental judicial responsibilities and of
turning their backs on humanity.**

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PART I: CALL AND DEMAND FOR AN INTERNATIONAL INVESTIGATION INTO AND PROSECUTION OF GLOBAL TECHNOLOGY AND SOCIAL MEDIA COMPANIES FOR AIDING AND ABETTING ISIS'S ONGOING GENOCIDE AGAINST THE YEZIDI PEOPLE

1.1 CALL AND DEMAND FOR AN INTERNATIONAL INVESTIGATION INTO AND PROSECUTION OF GLOBAL TECHNOLOGY AND SOCIAL MEDIA COMPANIES FOR AIDING AND ABETTING ISIS IN THE PERSECUTION, TORTURE, ENSLAVEMENT, HUMAN TRAFFICKING, AND EXPLOITATION OF YEZIDIS AND FOR FACILITATING THE FINANCING OF TERRORISM THROUGH THE HUMAN TRAFFICKING OF YEZIDIS *et al.*

- I. *Call for an international criminal and civil law investigation into Facebook (now named Meta),² Instagram³ (owned by Facebook/Meta), WhatsApp⁴ (owned by Facebook/Meta), Messenger⁵ (owned by Facebook/Meta), Twitter,⁶ YouTube⁷ (owned by Google/Alphabet⁸), Kik⁹ and Telegram,¹⁰ among others, and their boards of directors and executive staff for aiding and abetting the Islamic State of Iraq and Syria (ISIL/ISIS)¹¹ in furtherance of War Crimes, Crimes Against Humanity, Genocide and Human Rights Violations committed by ISIS by permitting social media platforms, which are fully owned and controlled by these global technology and social media companies, to be utilized as fundamental tools of ISIS to raise funds and recruit fighters with the promise of slaves, as well as to conduct the business of human trafficking of Yezidi Women and Children, among other religious and ethnic minorities, and to conduct online slave auctions of Yezidi Women and Children in contravention of the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the United Nations Convention on the Elimination of all Forms of Discrimination against Women, the United Nations Convention on the Rights of the Child, the United Nations Convention against Torture and other Inhuman, Cruel Degrading Treatment or Punishment, the United Nations International Convention for the Protection of All Persons from Enforced Disappearance, the United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations Convention against Transnational Organized Crime and the Protocols thereto as well as other international, national and subnational laws;*

² <https://about.fb.com/> (last visited Sept. 26, 2021).

³ <https://about.instagram.com/> (last visited Sept. 26, 2021).

⁴ <https://www.whatsapp.com/about/> (last visited Sept. 26, 2021).

⁵ <https://m.facebook.com/messengerfacts> (last visited Sept. 26, 2021).

⁶ <https://about.twitter.com/> (last visited Sept. 26, 2021).

⁷ <https://www.youtube.com/about/> (last visited Sept. 26, 2021).

⁸ <https://about.google/> (last visited Sept. 26, 2021).

⁹ <https://www.kik.com/> (last visited Sept. 26, 2021).

¹⁰ <https://telegram.org/> (last visited Sept. 26, 2021).

¹¹ <https://www.rand.org/topics/the-islamic-state-terrorist-organization.html> (last visited Sept. 26, 2021).

CALL AND DEMAND FOR AN INTERNATIONAL INVESTIGATION INTO AND PROSECUTION OF GLOBAL TECHNOLOGY AND SOCIAL MEDIA COMPANIES FOR AIDING AND ABETTING ISIS IN THE PERSECUTION, TORTURE, ENSLAVEMENT, HUMAN TRAFFICKING AND EXPLOITATION OF YEZIDIS AND FOR FACILITATING THE FINANCING OF TERRORISM THROUGH THE HUMAN TRAFFICKING OF YEZIDIS, et al., cont.

- II. *Demand for legal accountability and the prosecution of Facebook, Instagram, WhatsApp, Messenger, Twitter, YouTube, Kik and Telegram, among others, and their boards of directors and executive staff for aiding and abetting the Islamic State of Iraq and Syria (ISIL/ISIS) in furtherance of War Crimes, Crimes Against Humanity, Genocide and Human Rights Violations committed by ISIS by permitting social media platforms, which are fully owned and controlled by these global technology and social media companies, to be utilized as fundamental tools of ISIS to raise funds and recruit fighters with the promise of slaves, as well as to conduct the business of Human Trafficking of Yezidi Women and Children, among other religious and ethnic minorities, and to conduct online slave auctions of Yezidi Women and Children in contravention of the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the United Nations Convention on the Elimination of all Forms of Discrimination against Women, the United Nations Convention on the Rights of the Child, the United Nations Convention against Torture and other Inhuman, Cruel Degrading Treatment or Punishment, the United Nations International Convention for the Protection of All Persons from Enforced Disappearance, the United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹² as well as other international, national, and subnational laws; and*
- III. *Demand for international and domestic legal reform, including the removal of immunity for corporate actors that permit terroristic propaganda and hate speech on their social media platforms, and for the creation of legal and financial accountability and enforcement of laws governing these global technology and social media companies, including Facebook, Instagram, WhatsApp, Messenger, Twitter, YouTube, Kik and Telegram, among others, to prevent the facilitation of future War Crimes, Crimes Against Humanity, Genocide, Human Rights Violations and Human Trafficking.*

¹² <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> (last visited Sept. 26, 2021).

1.2 ABOUT NL HELPT YEZIDIS (NLHY)

This report was written by an investigative team comprised of legal and human rights experts who are part of NLHY (NLHY).¹³ Based in the Netherlands, NLHY advocates on behalf of Yezidis,¹⁴ a small, but critically important, ethnic and religious minority whose ancient homeland is found in the Sinjar Mountain region and the Nineveh Plains of northern Iraq.¹⁵

NLHY is an independent network of human rights volunteers and legal experts. NLHY does not accept donations from corporations or individuals that it believes contributed to the Yezidi Genocide committed by ISIS. NLHY seeks to advance the cause of justice for the Yezidis by demanding that the perpetrators, as well as those who aided and abetted, of the Yezidi Genocide be held legally and financially accountable.¹⁶

1.3 ACKNOWLEDGEMENTS

This report is the publication of NLHY. It was authored by NLHY's team of international legal experts and human rights advocates. Special thanks to NLHY's Board of Directors, leadership, legal team, human rights investigators, and law researchers, without whose dedication, commitment, and professionalism, this report would not have been possible. And most especially, thank you to every Yezidi who raised their voice to lift the collective voices of the Yezidi people to advance justice for the crimes against humanity perpetrated against them.

¹³ <https://www.nlhelptyezidis.nl/> (last visited Sept. 26, 2021).

¹⁴ Yazīdī, also spelled Yezīdī, Azīdī, Zedī, Izadī, Êzidī, or Yazdani. *See* <https://www.britannica.com/topic/Yazidi> (last visited Sept. 26, 2021).

¹⁵ <https://www.nationalgeographic.com/history/article/140809-iraq-yazidis-minority-isil-religion-history> (last visited Sept. 26, 2021).

¹⁶ <https://www.nlhelptyezidis.nl/> (last visited Sept. 26, 2021).

1.4 EXECUTIVE SUMMARY

NLHY's Call and Demand for an International Investigation and Prosecution of Global Social Media and Technology Companies for Aiding and Abetting ISIS's Genocide Against the Yezidis, including the Crimes of Enslavement, Human Trafficking and Sexual and Economic Exploitation, including Cyber Exploitation, of Yezidis, and for the Financing of Terrorism through the Human Trafficking of Yezidis, et al.

On the seventh anniversary of the 2014 genocide against the Yezidi people by ISIS during which almost 10,000 Yezidis were killed or kidnapped in a matter of days,¹⁷ this report is being published to make a formal request to all members of the Coalition of the Willing¹⁸ for an investigation into the role of global technology and social media companies in aiding and abetting ISIS's crimes against the Yezidis and others. Approximately 2,900 Yezidis remain missing.¹⁹ The actual number of Yezidis missing, however, is not exactly known and may never be known.

Based on the enclosed, comprehensive information derived from extensive research, NLHY is asking the Member Governments of the Coalition of the Willing to refer this report to the proper judicial, prosecutorial, and investigative authorities within their Governments to undertake further review and action.

Specifically, NLHY is writing to all governmental leaders of the Coalition countries to call for and demand an international criminal and civil law investigation into and the potential prosecution of global technology and social media companies and their boards of directors and executive staff for aiding and abetting the Islamic State of Iraq and Syria (ISIL/ISIS)²⁰ in furtherance of war crimes, crimes against humanity, genocide and other grave human rights violations committed by ISIS militants. These companies enabled these crimes by permitting the social media platforms that

¹⁷ <https://www.independent.co.uk/news/world/middle-east/isis-islamic-state-yazidi-sex-slaves-genocide-sinjar-death-toll-number-kidnapped-study-un-lse-children-a7726991.html> (last visited Sept. 26, 2021).

¹⁸ <https://web.stanford.edu/class/e297a/The%20Coalition%20of%20the%20Willing.htm> (last visited Sept. 26, 2021). (last visited Oct. 16, 2021).

¹⁹ <https://www.jpost.com/middle-east/search-continues-for-missing-yazidi-women-kidnapped-by-isis-analysis-669239> (last visited Sept. 26, 2021).

²⁰ <https://www.britannica.com/topic/Islamic-State-in-Iraq-and-the-Levant> (last visited Sept. 26, 2021).

they own and fully control to be utilized as fundamental tools of terror used by ISIS to recruit fighters with the promise of slaves as well as to conduct human trafficking of Yezidi women and children and to conduct online slave auctions of Yezidi women and children in contravention of the Universal Declaration of Human Rights,²¹ the Convention on the Prevention and Punishment of the Crime of Genocide,²² the United Nations Convention on the Rights of the Child,²³ the United Nations Convention against Torture,²⁴ the United Nations Declaration on the Rights of Indigenous Peoples,²⁵ the United Nations Convention on Elimination of Discrimination against Women,²⁶ the United Nations Convention for Protection of all Persons from Enforced Disappearance,²⁷ and the United Nations Convention against Transnational Organized Crime and the Protocols thereto,²⁸ among other international treaties and national and subnational laws.

This demand for an investigation is directed at, but not limited to, Facebook, Instagram, WhatsApp, Messenger, Twitter, YouTube, Kik and Telegram. Publicly available information, including a significant amount of scholarly research, exposes overwhelming evidence that these named global technology and social media companies permitted their platforms to be used as tools of terror, allowing ISIS supporters and its members to plot human atrocities and commit war crimes, including genocide, and to facilitate and accelerate the recruiting of jihadi foot soldiers.²⁹

According to the Jerusalem Post, “Big tech companies have done nothing to help the families of the missing trace and find those who were offered for sale on their platforms. In many cases, the companies closed down millions of pro-ISIS accounts but didn’t save the evidence of the

²¹ <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited Sept. 26, 2021).

²² https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf (last visited Sept. 26, 2021).

²³ <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (last visited Sept. 26, 2021).

²⁴ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> (last visited Sept. 26, 2021).

²⁵ <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html> (last visited Sept. 26, 2021).

²⁶ <https://www.un.org/womenwatch/daw/cedaw/> (last visited Sept. 26, 2021).

²⁷ <https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx> (last visited Sept. 26, 2021).

²⁸ <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> (last visited Sept. 26, 2021).

²⁹ <https://www.thesun.co.uk/news/3187746/how-terrorists-use-encrypted-messaging-apps-to-plot-atrocities-and-recruit-jihadi-footsoldiers/> (last visited Sept. 26, 2021).

trafficking and selling of people to help the victims. This is because the companies know their profits might be harmed if it were shown they knew their platforms were used for modern-day slavery.”³⁰

The dangers Facebook, Instagram, and other social media companies pose to civil society were amplified globally by whistleblower Frances Haugen, who in September 2021 filed at least eight complaints with the Securities and Exchange Commission, alleging that the companies are hiding research into their shortcomings from investors and the public.³¹ She also shared the documents with *The Wall Street Journal*, which published a multi-part investigation showing that Facebook was aware of problems with its apps, including the negative effects of misinformation and the harm Instagram caused, especially to young girls.³² “Facebook makes more money when you consume more content. People enjoy engaging with things that elicit an emotional reaction,” Haugen said. “And the more anger that they get exposed to, the more they interact and the more they consume.”³³

After Haugen’s allegations were revealed, Reuters reported on October 4, 2021, that two members of the European Parliament called for an investigation into allegations by a whistleblower that Facebook prioritized profits above the public good.³⁴ A statement from European Parliament lawmakers said they were requesting further investigations into the revelations.³⁵ “The Facebook Files – and the revelations that the whistleblower has presented to us – underscore just how important it is that we do not let the large tech companies regulate themselves,” said Danish lawmaker Christel Schaldemose.³⁶

³⁰ <https://www.jpost.com/middle-east/search-continues-for-missing-yazidi-women-kidnapped-by-isis-analysis-669239> (last visited Sept. 26, 2021).

³¹ <https://www.cnn.com/2021/10/03/tech/facebook-whistleblower-60-minutes/index.html> (last visited on Oct. 4, 2021).

³² *Id.*

³³ *Id.*

³⁴ <https://www.reuters.com/technology/european-politicians-call-facebook-investigation-after-whistleblower-revelation-2021-10-04/>(last visited on Oct. 4, 2021).

³⁵ *Id.*

³⁶ *Id.*

PART II: ISIS’S ONGOING GENOCIDE AGAINST THE YEZIDI PEOPLE

2.1 Introduction: The Yezidi People and ISIS’s 2014 Genocide Against the Yezidis

Yezidis are one of the most oppressed minorities in the Middle East and, having been relegated to the margins of Iraqi society, largely live as poor farmers and unskilled workers in northern Iraq.³⁷ As a non-Muslim religion, Yezidis are a specific target of ISIS, which committed an internationally recognized genocide against the Yezidi people starting in 2014. The genocide remains ongoing.³⁸

ISIS’s 2014 genocide against the Yezidi people is uncontroverted and, most recently, formally confirmed by officials at the United Nations (UN).³⁹ On May 10, 2021, the former Special Advisor and head of a UN team investigating the atrocities by ISIS in Iraq, Karim Khan, reported to the United Nations Security Council that the investigators had established “clear and convincing” evidence of genocide against the Yezidi religious minority.⁴⁰ The UN Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD) has finalized preliminary case briefs on two key priorities, i.e., the attacks against the Yezidi community in the Sinjar region of Iraq and the June 2014 killings of predominantly Shia unarmed cadets and military personnel at the Tikrit Air Academy.⁴¹ Reporting on his sixth and final report, Khan noted that ISIS’s crimes, especially its ultimatum to convert or die [directed towards Yezidis], have “shocked the conscience of humanity.”⁴² The evidence collected by UNITAD confirms crimes of murder, rape, torture, enslavement, sexual slavery, and persecution against the Yezidis.⁴³ ISIS was defeated

³⁷ <https://www.nationalgeographic.com/history/article/140809-iraq-yazidis-minority-isil-religion-history> (last visited Sept. 26, 2021).

³⁸ <https://news.un.org/en/audio/2016/06/613982> (last visited Sept. 26, 2021).

³⁹ <https://www.jurist.org/news/2021/05/un-team-finds-clear-and-convincing-evidence-of-yazidi-genocide-by-islamic-state/> (last visited Sept. 26, 2021).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

in Iraq in 2017, but the UN says the group left behind more than 200 mass graves that could contain up to 12,000 victims.⁴⁴

2.2 Who are the Yezidis and Why are They Important?

The Yezidis practice one of the world's oldest religions.⁴⁵ The Yezidis are a peaceful, insular community.⁴⁶ Unfortunately throughout history the Yezidi people, who once numbered in the millions in the Middle East, have been subjected to multiple genocides.⁴⁷ Yezidis have been persecuted for their faith by Arabs and radical Islamic organizations, as well as others who have tried to wipe out the ancient Yezidi people either through actual murder or through forced religious conversion to Islam.⁴⁸ Throughout their history, Yezidis have been ethnically cleansed of their ancestral homes in Iraq, which occurred by trying to force them to convert to Islam, forcing them to declare themselves Arabs, which they are not, or forcing them to declare themselves Kurds.⁴⁹ The classification of Yezidis as Arabs or Kurds is a source of dispute and controversy and is not settled even among Iraqis, Kurds, and some members of the Yezidi community.⁵⁰ This ethnic cleansing continues today as the Middle East empties of its non-Muslim ethnic religious minorities, as detailed in the recent book, *Heirs to the Forgotten Kingdoms*, written by leading British historian Gerald Russell.⁵¹

⁴⁴ <https://www.voanews.com/middle-east/un-team-says-islamic-state-committed-genocide-against-yazidis> (last visited Sept. 26, 2021).

⁴⁵ <https://www.ancient.eu/Yazidism/> (last visited Sept. 26, 2021).

⁴⁶ <http://www.yezidisinternational.org/raising-awarenesseducating-the-public/> (last visited Sept. 26, 2021).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ <https://www.usip.org/sites/default/files/Yazidis-Perceptions-of-Reconciliation-and-Conflict-Report.pdf> (last visited Sept. 27, 2021).

⁵¹ <https://www.theguardian.com/books/2014/dec/31/heirs-to-forgotten-kingdoms-gerald-russell-william-dalrymple> (last visited Sept. 26, 2021) describing the process of ethnic and religious cleaning of the Middle East's ancient religions including Yezidis.

2.3 Background on ISIS's Genocide Against the Yezidi Community in Iraq and Syria: Now A Community on the Brink of Collapse Due to ISIS's Violence and International Government and Regulatory Inaction

The Yezidi community in Iraq and Syria is now on the brink of collapse and extinction.⁵² Similar to Iraqi Jews who were forced to flee Iraq in 1948, Yezidis may soon find themselves in the same position, as their precarious and vulnerable existence in their ancient homeland has nearly been completely extinguished due to genocide and the complete destruction of the Yezidi people in Iraq and Syria by ISIS.⁵³ Yezidis have for centuries been forced to flee the Middle East for safer countries, and now many Yezidis live as part of a diaspora outside of Iraq and Syria.⁵⁴

The most recent persecution and genocide against Yezidis has come not only at the hands of ISIS but also at the hands of other Iraqis who deem Yezidis to be “Devil Worshippers” and “Unclean.”⁵⁵ Although on a smaller scale, but no less significant, Yezidis are the Jews of Germany in the 1930s and 1940s, the Muslims of Bosnia in the 1990s and the Tutsis of the 1994 Rwandan genocide.⁵⁶ Numerous countries have recognized the Yezidi Genocide committed by ISIS.⁵⁷ Such recognition matters because it memorializes the genocide as a historical fact and requires action on the part of international judicial bodies and mechanisms to investigate and prosecute those involved in committing or aiding and abetting the perpetrators of the genocide.⁵⁸

Since August 2014, ISIS members of the so-called Islamic State of Iraq and Syria have committed a genocide against the Yezidi people.⁵⁹ ISIS has perpetrated brutal crimes against the Yezidi

⁵² <https://religionnews.com/2017/10/05/christians-and-yazidis-in-iraq-stand-on-the-brink-of-extinction/> (last visited Sept. 26, 2021).

⁵³ <https://www.france24.com/en/live-news/20210328-iraq-s-jewish-community-dwindles-to-fewer-than-five> (last visited Sept. 26, 2021).

⁵⁴ <https://www.britannica.com/topic/Yazidi> (last visited Sept. 26, 2021).

⁵⁵ <http://news.trust.org/item/20190801223840-iuv79/> (last visited Sept. 26, 2021); FACTBOX-10 facts on Islamic State's Yezidi killings, by Lin Taylor, Thomson Reuters Foundation

⁵⁶ https://www.hofstra.edu/pdf/academics/colleges/hclas/geog/geog_mayes_thesis_final.pdf (last visited Sept. 26, 2021).

⁵⁷ See Attachment 1.

⁵⁸ *Id.*

⁵⁹ <https://cla.umn.edu/chgs/holocaust-genocide-education/resource-guides/mass-violence-and-genocide-islamic-statedaesh-iraq-and-syria> (last visited Sept. 26, 2021).

community of Sinjar, including mass executions, sexual enslavement, forced displacement, and the recruitment of child soldiers.⁶⁰ Today, an estimated 85% of the Yazidi population of Iraq is displaced, and over 2,900 women and children remain in ISIS captivity.⁶¹ More than 400,000 Yazidis have been displaced, captured, or killed in ISIS's deadly siege of Yazidis on Mount Sinjar.⁶² According to a 2016 report by the UN High Commissioner for Human Rights, "no other religious group" in ISIS-controlled areas "has been subjected to the destruction that the Yazidis have suffered."⁶³ As announced in the findings from the report:

'Genocide has occurred and is ongoing,' Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on Syria, emphasized in releasing the report, *They Came to Destroy: ISIS Crimes against the Yazidis*. 'ISIS has subjected every Yazidi woman, child or man that it has captured to the most horrific of atrocities,' he said in a press statement issued by the Office of the UN High Commissioner for Human Rights (OHCHR).

Per the Commission's mandate, the report focuses on violations committed against Yazidis inside Syria, where it found that thousands of women and girls are still being held captive and abused, often as slaves.

The Commission also examined how the terrorist group forcibly transferred Yazidis into Syria after launching its attacks on northern Iraq's Sinjar region on 3 August 2014. The information that was collected documents evidence of intent and criminal liability of ISIS's military commanders, fighters, religious and ideological leaders, wherever they are located, the Commission said.

The findings are based on interviews with survivors, religious leaders, smugglers, activists, lawyers, medical personnel, and journalists, as well as extensive documentary material, which corroborate information gathered by the Commission.

'ISIS has sought to erase the Yazidis through killings; sexual slavery, enslavement, torture and inhuman and degrading treatment and forcible transfer causing serious bodily and mental harm; the infliction of conditions of life that bring about a slow death; the imposition of measures to prevent Yazidi children from being born, including forced conversion of adults, the separation of Yazidi men and women, and mental trauma; and the transfer of Yazidi children from their own families and placing them with ISIS fighters, thereby cutting them off from beliefs and practices of their own religious community,' according to the report.

ISIS separated Yazidi men and boys older than 12 years old from the rest of their families, and killed those who refused to convert, in order to destroy their identity as Yazidis. Women and

⁶⁰ <https://www.haaretz.com/middle-east-news/isis/MAGAZINE-building-a-genocide-case-for-isis-crimes-against-yazidis-1.8862808> (last visited Sept. 26, 2021).

⁶¹ *Id.*

⁶² <https://news.un.org/en/story/2014/08/475432-un-humanitarian-agencies-scaling-efforts-iraqs-displacement-crisis-deepens> (last visited Sept. 26, 2021).

⁶³ Sources: United Nations, Guardian

children often witnessed these killings before being forcibly transferred to locations in Iraq, and thereafter to Syria, where the majority of captives remain, the Commission found.

Thousands of women and girls, some as young as 9 years old, have been sold in slave markets, or souk sabaya, in the Syrian governorates of Raqqah, Aleppo, Homs, Hasakah and Dayr Az-Zawr. ISIS and its fighters hold them both in sexual slavery and in slavery, the report says, with Yazidi women and girls being constantly sold, gifted and willed between fighters.

‘Survivors who escaped from ISIS captivity in Syria describe how they endured brutal rapes, often on a daily basis, and were punished if they tried to escape with severe beatings, and sometimes gang rapes,’ said Commissioner Vitit Muntarbhorn.⁶⁴

After having their homeland of Sinjar physically destroyed and suffering over seven years of displacement, large numbers of Yezidis continue to be stripped of their dignity by being forced to live impoverished existences in tent ghettos built for them by the international community.⁶⁵ And seven years on, Yezidis remain fearful about the fate of the missing members of their community.⁶⁶ Like many European Jews who survived Nazi concentration camps only to be freed to find many or all of their family members missing or murdered, virtually every Yezidi family from northern Iraq displaced by ISIS in 2014 is still missing immediate and distant family members.⁶⁷ Perhaps never to be seen again is a Yezidi’s beloved grandfather, grandmother, father, mother, son, daughter, niece, nephew, cousin, and grandchild.

Survivors of the Yezidi Genocide are now physically and mentally unwell years after the genocide began, as most Yezidis are stuck, without homes, jobs, income, or psychological support.⁶⁸ A medical doctor, who has treated hundreds of Yezidi women kidnapped by ISIS, described the mental health crisis resulting from the Yezidi Genocide, which has left thousands of people severely traumatized and many of them living with mental disorders. He added that this genocide has also traumatized Yezidi society, and the long-term consequences for the survival of this group are not yet predictable. Additionally, ISIS’s ongoing online terrorism activities on social media

⁶⁴ <https://news.un.org/en/story/2016/06/532312-un-human-rights-panel-concludes-isil-committing-genocide-against-yazidis> (last visited Sept. 26, 2021).

⁶⁵ <https://www.ourcommons.ca/Content/Committee/421/CIMM/Brief/BR9342569/br-external/Yazda-e.pdf> (last visited Sept. 26, 2021).

⁶⁶ <https://www.dw.com/en/yazidis-demand-iraq-actively-search-for-their-missing-persons/a-47782694> (last visited Sept. 26, 2021).

⁶⁷ *Id.*

⁶⁸ <https://www.npr.org/2020/08/08/898972162/a-yazidi-survivors-struggle-shows-the-pain-that-endures-after-isis-attack> (last visited Sept. 26, 2021).

cause re-traumatization, continue to endanger minorities, such as the Yazidis and Christians, and deprive these communities of the hope that they can live safely in their homeland. It is also a humiliation, insult and indignity for the Yazidis that the terrorist organization continues to be active on social media and directly and indirectly legitimizes the genocide. This medical doctor's comments are supported by the findings of other medical professionals such as members of the international medical humanitarian organization Doctors Without Borders/Médecins Sans Frontières (MSF), which have stated that the massive violence suffered by the Yazidis in northwestern Iraq has led to a severe and debilitating mental health crisis, including many suicide attempts, highlighting the need for immediate mental health services in Iraq's conflict-affected communities.⁶⁹

These recurring nightmares of enslavement and torture by ISIS have pushed some Yazidi survivors to suicide.⁷⁰ Driven by "unbearable" memories, the suicide rate among members of the Yazidi religious minority has been increasing for more than six years after the genocide began, according to Yazidi activists.⁷¹ Many Yazidis who fled to Iraqi Kurdistan's refugee camps are now facing mental health issues.⁷² The distress is particularly acute among women who experienced sexual violence while in ISIS captivity.⁷³ "There are multiple factors pushing some Yazidis to commit suicide, but the main reason is the unbearable memory of what happened during the IS genocide," said Khodr al-Domali, a Yazidi researcher and coordinator of social support to Yazidi women in refugee camps.⁷⁴

The United Nations and the European Union, as well as many states around the world, have recognized that the crimes committed by ISIS against the Yazidis constitute genocide. Recognition matters because it acknowledges the gravity of the offences perpetrated against the Yazidis.⁷⁵

⁶⁹ <https://www.doctorswithoutborders.org/what-we-do/news-stories/news/iraq-yazidi-survivors-violence-are-facing-mental-health-crisis> (last visited Sept. 26, 2021).

⁷⁰ <https://www.voanews.com/extremism-watch/unbearable-memories-push-some-yazidi-survivors-suicide> (last visited Sept. 26, 2021).

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ <https://www.yazda.org> (last visited Sept. 27, 2021).

Genocide is considered by many to be “the crime of crimes,” the worst thing that can be done by one human being to others.⁷⁶ It is what Hitler did to millions of Jews, what the Serbs did to Bosnian Muslims in the former Yugoslavia, what the Hutus did to the Tutsis in Rwanda and what ISIS is now doing to the Yezidis.⁷⁷

Recognition also acknowledges that states are under an international legal obligation to prevent and punish acts of genocide.⁷⁸ The international community failed to prevent the genocide started against the Yezidis in 2014, and it now has a duty to punish those responsible for it.⁷⁹ Recognition of the Yezidi genocide should, therefore, be a step towards holding ISIS accountable for their heinous crimes in a suitable judicial forum.⁸⁰

2.4 Obligation of the Coalition of the Willing⁸¹ to Prosecute ISIS’s Crimes and to Protect Yezidis Against Future Harm

At a global level, Yezidis are desperately in need of security and protection from Islamic radicals who persecute them.⁸² Every sovereign state has an obligation under international law to protect Yezidis.⁸³ The United States, which assembled and led the “Coalition of the Willing” that invaded Iraq in 2003, has a special obligation to protect Yezidis.⁸⁴ Many Yezidi men served as translators for the United States Army, aiding the Coalition in Iraq that overthrew Saddam Hussein.⁸⁵

⁷⁶ <https://www.csce.gov/issue/genocide-crimes-against-humanity-and-war-crimes> (last visited Sept. 26, 2021).

⁷⁷ https://www.hofstra.edu/pdf/academics/colleges/hclas/geog/geog_mayes_thesis_final.pdf (last visited Sept. 26, 2021).

⁷⁸ <https://www.un.org/en/genocideprevention/documents/Genocide%20Convention-FactSheet-ENG.pdf> (last visited Sept. 26, 2021).

⁷⁹ https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf (last visited Sept. 26, 2021).

⁸⁰ <https://www.yazda.org> (last visited Sept. 27, 2021).

⁸¹ <https://web.stanford.edu/class/e297a/The%20Coalition%20of%20the%20Willing.htm> (last visited Sept. 26, 2021).

⁸² https://gsp.yale.edu/sites/default/files/yazidi_policy_paper_-_yale_seminar_spring_2020.pdf at 29 (last visited Sept. 26, 2021).

⁸³ https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf (last visited Sept. 26, 2021).

⁸⁴ https://www.kas.de/documents/252038/253252/7_dokument_dok_pdf_49220_2.pdf/bfc19076-af7c-f2a4-bbb8-1a3e8d7f4c39 (last visited Sept. 26, 2021).

⁸⁵ <https://www.youtube.com/watch?v=xq2n5NIUebs> (last visited Sept. 27, 2021).

2.5 Yezidis: Translators and Interpreters for the Coalition of the Willing

The hard truth is that those military forces tasked with the destruction of ISIS owe the Yezidis, for without them and the many other Kurdish and Arab allies, the Coalition of the Willing would not have won the second Gulf War.⁸⁶ Serving as translators and interpreters, Yezidis were essential partners of the Coalition of the Willing.⁸⁷ The contribution of Yezidis, made at great danger and sacrifice to the Yezidi community, saved many Iraqi lives, as well as the lives of American and Coalition soldiers.⁸⁸ As a result of their service to the Coalition of the Willing, which the Iraqi Islamists hated, Yezidis were threatened with death and were called “spies” and “traitors.”⁸⁹

According to the United States Institute of Peace’s report, “The Yezidis: Perceptions of Reconciliation and Conflict”:

After the US-led coalition toppled Saddam in 2003 sectarian violence quickly escalated to involve fundamentalist attacks on all minority communities. Yazidi villages, shrines and holidays were all repeatedly targeted. One of the worst attacks occurred on August 14th 2007, when terrorists inflicted a devastating and coordinated attack detonating four truck-bombs simultaneously in the villages of Kataniya and Jazira. It is estimated that over 500 people lost their lives in the attack, and another 1,500 were wounded. Although no perpetrators were arrested or indicted, it is presumed that Al-Qaeda in Iraq (AQ-I) was behind the bombings.

Ervin Staub defines mass killings and genocide as ‘endpoints in an evolution of harm-doing’, a process of dehumanization met with increasingly violent behavior. This observation seems to hold true for the experience of Yazidis in modern-day Iraq. IS’ genocidal campaign against the Yazidis can be regarded as an endpoint of increasing dehumanization coupled with ever-more violent attacks against the community. Thus, when IS captured the city of Mosul on June, 10th 2014, they gave other religious minorities - such as Christians - three options; (1) accept dhimmi status and pay the Jizyah (a special tax), (2) convert to Islam, or (3) face death. For Yazidis however, the ‘privilege’ of dhimmi status was denied leaving only the latter two options. IS murdered hundreds of Yazidi and Shia prisoners in Badush prison. In the weeks following, IS advanced towards the area of Shingal and the Iraqi Army and the Peshmerga retreated from Shingal, costing thousands of lives and large-scale destruction. When IS attacked, they attacked without mercy. Yazidis in Shingal area were subjected to mass killings, forced conversions, the abduction of young children and the sexual enslavement of thousands of women and girls. The UN estimates that no less than 5.000 men were executed, while another 7.000 women and girls were forced into sexual slavery. The staggering levels of violence prompted a massive wave of displacement into the Kurdistan Region in Iraq and Syria. This campaign of ethnic cleansing through mass killings has been widely recognized as an act of genocide. It has shattered trust and relationships between communities. Between those who

⁸⁶ https://d3n8a8pro7vhmx.cloudfront.net/truthmustbetold/pages/93/attachments/original/1435609371/Yazidi-National_Post-Clarfield.pdf?1435609371 (last visited Sept. 26, 2021).

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

were formerly neighbors, friends and colleagues. Moreover, the controversial withdrawal of the Peshmerga preceding IS' attack has seriously damaged the relationship between the Yazidi community and the KRG – in particular the image of the dominant political party in the region, the Kurdistan Democratic Party (KDP). This relationship has not yet been mended despite victories against IS by the Peshmerga.⁹⁰ (*Original citations omitted.*)

In 2011, the Coalition permanently withdrew from Iraq and created the power vacuum that directly contributed to the rise of ISIS.⁹¹ This Coalition subsequently had to return to Iraq in 2014 after ISIS had already succeeded in capturing large areas of Iraq and Syria for its so-called Islamic State,⁹² which persecuted Yezidis.⁹³ It is imperative that members of this Coalition recognize their special responsibility to the vulnerable minorities specifically targeted by ISIS when founding its Islamic State of Iraq and Syria.⁹⁴ But for the invasion of Iraq in 2003, and the departure of the Coalition Forces in 2011, ISIS would never have come to power in Iraq and would never have been given the opportunity to commit crimes against humanity such as those committed against the Yezidi people and other minorities, such as the Assyrian Christians and others who are native to Iraq, a country from which they have subsequently had to flee.⁹⁵ In the post-Saddam Hussein period, American and Coalition countries have failed in their obligation to protect, resulting in the slaughter and destruction of hundreds of thousands of Iraqi lives, including religious minorities such as Yezidis, Assyrian Chaldean Christian, Shabak Shia Muslims, Turkmen and others being targeted by extremists.⁹⁶

⁹⁰ <https://www.usip.org/sites/default/files/Yazidis-Perceptions-of-Reconciliation-and-Conflict-Report.pdf> at 9 - 23 (last visited Sept. 26, 2021).

⁹¹ <https://www.npr.org/2015/12/19/459850716/fact-check-did-obama-withdraw-from-iraq-too-soon-allowing-isis-to-grow> (last visited Sept. 26, 2021).

⁹² <https://www.rand.org/topics/the-islamic-state-terrorist-organization.html> (last visited Sept. 26, 2021).

⁹³ <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/183-winning-post-isis-battle-iraq-sinjar> (last visited Sept. 26, 2021).

⁹⁴ https://www.rand.org/content/dam/rand/pubs/research_reports/RR1500/RR1562/RAND_RR1562.pdf at 37 (last visited Sept. 26, 2021).

⁹⁵ <https://www.jadaliyya.com/Details/31457/How-the-United-States-Helped-ISIS> (last visited Sept. 27, 2021).

⁹⁶ <https://cla.umn.edu/chgs/holocaust-genocide-education/resource-guides/mass-violence-and-genocide-islamic-statedaesh> (last visited Sept. 27, 2021).

In their article “The Rise of Jihadist Propaganda on Social Networks,”⁹⁷ Adam Badawy and Emilio Ferrara from the University of California, Information Sciences Institute, state:

The chaos in the aftermath of the US invasion and withdrawal from Iraq and the popular uprising against Assad in Syria in 2011 created a vacuum that enabled groups like ISIS to form. But why did ISIS and not another group emerge as the most important and powerful organization in this context? A major reason behind that, is its spectacular ability to spread its violent and nihilistic message further and better than any of its rivals, including established groups like, al-Qaeda. The most prominent way for ISIS to spread its propaganda is through online social platforms, most prominently Twitter. Thus, we attempted, using a dataset of millions of tweets posted by ISIS members and sympathizers during the one-year timeframe that witnessed ISIS’s rise, to capture what these members are talking about, what message they wanted to convey and how events on the ground affect the Twittersphere. We concluded that violence, Islamic theology, and sectarianism play a crucial role in ISIS messaging. In some cases, ISIS emphasis on some topics of discussion slightly anticipated events on the ground: for example, the use of sectarian language online toward those entities perceived as adversaries was systematic prior to executions and attacks. ***In other cases, ISIS focused on certain topics as an aftermath of offline events: this was the case, for example, when ISIS inflicted violence upon minorities, and then engaged online in theological defense and justifications for its actions.*** Possibly, the most prominent event during this period, in terms of its importance and perceived meaning to ISIS sympathizers, was the announcement of the caliphate. This event was both preceded and followed by several shocks in the Twittersphere, with multiple spikes occurring across different categories of discussion shortly before and slightly after the event. In conclusion, our work shed light on the ability of ISIS to systematically and programmatically corroborate its agenda with remarkable coordinated activity on social media.⁹⁸ (*Emphasis added.*)

Most recently, the United States recognized its special obligation to protect Yezidis as well as other religious and ethnic minorities. On February 5, 2020, Secretary of State Mike Pompeo announced the International Religious Freedom Alliance (IRF Alliance), “an Alliance of like-minded partners who treasure, and fight for, international religious freedom for every human being.”⁹⁹ Launched a few months later on July 18, 2020, at the second Ministerial to Advance Religious Freedom held in Washington DC, Secretary Pompeo announced new initiatives, including the creation of the IRF Alliance,¹⁰⁰ stressed the ever-growing need for such a combined effort and listed some of the worst acts of violence based on religion or belief from recent years, which included “terrorists and violent extremists who target religious minorities, whether they are Yezidis in Iraq, Hindus in Pakistan, Christians in northeast Nigeria, or Muslims in Burma” and

⁹⁷ <https://arxiv.org/ftp/arxiv/papers/1702/1702.02263.pdf> at 6 (last visited Sept. 26, 2021).

⁹⁸ *Id.* at 6.

⁹⁹ <https://www.forbes.com/sites/ewelinaochab/2020/02/06/us-launches-the-first-ever-international-religious-freedom-alliance/#45311b0c40e6> (last visited Sept. 26, 2021).

¹⁰⁰ *Id.*

“the Chinese Communist Party’s hostility to all faiths.”¹⁰¹ Indeed, such acts of violence based on religion or belief are increasing and need an urgent and comprehensive response to stop the atrocities, assist the victims and survivors, prosecute the perpetrators and protect the communities from re-occurrence of such acts of violence in the future.¹⁰²

It is also important for governments to recognize that working with Yezidis and other religious minorities is very dangerous work because Yezidis have been targeted by ISIS, which is still active throughout the world and remains a global threat.¹⁰³ Human rights advocates and lawyers who work on behalf of Yezidis are often targeted with threats by other individuals or governments that seek to suppress their work.¹⁰⁴ The legal and human rights experts who are part of NLHY do this work at grave risk to their own safety.

If immediate steps to hold individual corporate actors, including the social media companies’ executives who permitted billions of ISIS media impressions be posted throughout the world, as well as ISIS militants and jihadists, are not immediately taken, then world leaders will finish the genocide that ISIS started.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ <https://minorityrights.org/trends2020/iraq/> (last visited Sept. 26, 2021).

¹⁰⁴ *Id.*

PART III: THE INTERNET AND SOCIAL MEDIA AS KEY TOOLS OF ISIS'S CAMPAIGN OF GENOCIDE AGAINST THE YEZIDIS

3.1 ISIS Propaganda and the Components of Genocide

The propaganda history of al-Qaeda and of ISIS has yet to be written. Despite al-Qaeda leader Ayman al-Zawahri's adage, "we are in a battle, and more than half of this battle is taking place in the battlefield of the media...we are in a media battle for the hearts and minds of our umma [the whole community of Muslims bound together by ties of religion]," governments have failed to expend sufficient resources on counter-messaging efforts. Zawahri's "media battle" has also failed to gain significant scholarly attention, although subject matter experts have now begun to produce important new studies.¹⁰⁵ When the Islamic State of Iraq (ISIS) was announced in October 2006, its leader, Abu Omar al-Baghdadi, was described as a Qurashi, a Hashemi, a descendant of al-Hussein Ibn Ali, and as Amir al-Mu'mineen (Commander of the Faithful).¹⁰⁶ As Nibras Kazimi sagely pointed out in 2008, this announcement was very much an "attempted caliphate," as Baghdadi's title indicates, and can be seen as a dry run for the ISIS of today.¹⁰⁷ All the tropes we see today were there nine years ago: the focus on targeting and destroying Iraq's minorities, especially groups like Yezidis and Christians, the overarching Shiite threat, the claim to universal rule, the emphasis on violent brutality, and the zeal for enforcing morality.¹⁰⁸

In the words of Dr. Qanta A. Ahmed,¹⁰⁹ a medical doctor, devout Muslim, religious scholar and internationally recognized expert on Islamic extremism that she defines as political Islamism, which is, in her scholarly opinion, the equivalent of Nazism or Fascism:

*All genocidal acts begin with words and language and images.
So there is a huge nonviolent engine
that goes on to fuel ultimately genocidal acts.¹¹⁰*

¹⁰⁵ https://www.brookings.edu/wp-content/uploads/2016/07/IS-Propaganda_Web_English_v2-1.pdf at 2 (last visited Sept. 26, 2021).

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ <https://www.qantaahmed.com/bio/> (last visited Sept. 26, 2021).

¹¹⁰ <https://www.joinneveragainisnow.com/> (last visited Sept. 26, 2021).

Genocide can take many forms and can have different acts including genocide by killing, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about physical destruction, imposing measures intended to prevent births and forcibly transferring children.¹¹¹ ISIS has committed all these atrocities against the Yezidi people.¹¹²

Genocide is not one specific act but a process involving ten well-defined and overlapping stages including: classification, symbolization, discrimination, dehumanization, organization, polarization, preparation, persecution, extermination and denial.¹¹³ ISIS strategically and surgically committed all of these stages in a well-planned, organized and executed campaign against specific minorities living within Syria and Iraq that it had deemed targets.¹¹⁴

On March 15, 2016, the United States House of Representatives unanimously voted to classify ISIS's actions targeting religious minorities as war crimes, crimes against humanity and acts of genocide.¹¹⁵ Two days later, then U.S. Secretary of State John Kerry confirmed that ISIS "kills Christians because they are Christians; Yazidis because they are Yazidis; [and] Shia because they are Shia."¹¹⁶ As the former Secretary said, ISIS's "entire worldview is based on eliminating those who do not subscribe to its perverse ideology."¹¹⁷

One key component to genocide is dehumanizing a specific group such as the Yezidis. According to Genocide Watch,¹¹⁸ the dehumanization stage of genocide is when:

One group denies the humanity of the other group. Members of it are equated with animals, vermin, insects or diseases. Dehumanization overcomes the normal human revulsion against murder. At this stage, hate propaganda in print, on hate radios, and in social media is used to

¹¹¹ <http://www.preventgenocide.org/genocide/elements.htm> (last visited Sept. 26, 2021).

¹¹² https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_32_CRP.2_en.pdf (last visited Sept. 26, 2021).

¹¹³ <https://www.genocidewatch.com/tenstages> (last visited Sept. 26, 2021).

¹¹⁴ <https://www.counterextremism.com/content/isiss-persecution-religions> (last visited Sept. 26, 2021).

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ <https://www.genocidewatch.com/copy-of-about-us> (last visited Sept. 26, 2021).

vilify the victim group. It may even be incorporated into school textbooks. Indoctrination prepares the way for incitement. The majority group is taught to regard the other group as less than human, and even alien to their society. They are indoctrinated to believe that ‘We are better off without them.’ The powerless group can become so depersonalized that they are actually given numbers rather than names, as Jews were in the death camps. They are equated with filth, impurity, and immorality. Hate speech fills the propaganda of official radio, newspapers, and speeches.

To combat dehumanization, incitement to genocide should not be confused with protected speech. Genocidal societies lack constitutional protection for countervailing speech and should be treated differently than democracies. Local and international leaders should condemn the use of hate speech and make it culturally unacceptable. Leaders who incite genocide should be prosecuted in national courts. They should be banned from international travel and have their foreign finances frozen. Hate radio stations should be jammed or shut down and hate propaganda and its sources banned from social media and the internet. Hate crimes and atrocities should be promptly punished.

3.2 The Role of Global Technology and Social Media Companies in Spreading ISIS’s Hate Speech Resulting in the Yezidi Genocide, as well as the Human Trafficking of Yezidis to Finance ISIS’s Terrorism, has Never been Formally Investigated

The issue of civil and criminal liability of global technology and social media companies for hate speech resulting in violent crime and crimes against humanity has become more pronounced as civil societies and governments come to understand the role these companies have in spreading hate speech, which traditionally is not legally protected and is subject to criminal and civil prosecution if it leads to the incitement of violence. While social media companies based in the United States may argue that they are shielded from liability based upon the broad protections of Section 230 of the Communications Decency Act,¹¹⁹ such immunity is not absolute.¹²⁰

Section 230 Exceptions

Section 230 expressly provides that its immunity provisions will not apply in certain types of lawsuits. Namely, Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is “consistent with” Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) certain civil actions or state prosecutions where the underlying conduct violates specified federal laws prohibiting sex trafficking. Some of these exceptions arise more frequently than others: most significantly, online service providers cannot claim Section 230 as a defense to federal criminal prosecutions or intellectual property claims. The last exception, for certain sex trafficking offenses, was added by FOSTA in 2018.¹²¹

¹¹⁹ <https://fas.org/sgp/crs/misc/LSB10306.pdf> (last visited Sept. 26, 2021).

¹²⁰ *Id.*

¹²¹ *Id.*

Most recently on June 25, 2021, in the United States, the Texas Supreme Court ruled that Facebook can be sued for sex trafficking, finding that federal law does not grant Facebook immunity against lawsuits when users utilize its platform to lure minors into sex trafficking.¹²² Three plaintiffs filed separate suits against Facebook alleging that they became victims of sex trafficking after meeting their abusers through Facebook or Instagram, which Facebook owns.¹²³ The plaintiffs, in addition to asserting several negligence claims, asserted claims under a Texas statute that allows civil lawsuits “against those who intentionally or knowingly benefit from participation in a sex-trafficking venture.”¹²⁴ Facebook moved to dismiss all claims against it contending that they were barred by Section 230 of the Communications Decency Act, which protects interactive computer service providers such as Facebook from being held liable for any information provided by its users.¹²⁵ However, the Texas Supreme Court denied Facebook’s motion saying that Section 230 does not “create a lawless no-man’s-land on the Internet.”¹²⁶ The court further explained that Section 230 protects internet platforms from being held accountable for their users’ words or actions, but “[h]olding internet platforms accountable for their own misdeeds is quite another thing.”¹²⁷ Thus, the court held that Section 230 did not bar the plaintiffs’ statutory claims against Facebook.¹²⁸ According to some legal experts, the ruling may set a precedent for other cases against social media companies for the harm done on their platforms.¹²⁹ *Forbes* reports that “the Texas ruling—despite only setting precedent for Texas—is likely to be cited in opinions in other states.”¹³⁰

¹²² <https://www.jurist.org/news/2021/06/texas-supreme-court-rules-facebook-can-be-sued-for-sex-trafficking/> (last visited Sept. 26, 2021).

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ <https://www.dailydot.com/debug/texas-supreme-court-ruling-sesta-fosta-section-230-facebook/> (last visited Sept. 26, 2021).

¹³⁰ *Id.*

A critical component of the Yezidi case is the fact that hate speech propagated by ISIS and disseminated on social media platforms is coupled with the international and domestic crimes of human trafficking, which was a key recruitment and financing tool used by ISIS.¹³¹ The posting of Yezidi woman and children on social media for the purpose of sexual and economic exploitation and human trafficking constitutes cyber exploitation, which under California law in the United States is defined as:

Cyber Exploitation is defined as the non-consensual distribution and publication of intimate photos or videos. These materials are usually stolen by ex-lovers, ex-spouses, associates, or even complete strangers through hacking, theft of a cell phone or computer, during a computer repair, a false personal ad, or other means. These photos or videos are then posted on websites or sold for profit to humiliate, degrade, harass, physically endanger, or extort the victim. In addition to intimate images, perpetrators often post other identifying information to accompany the image or video, including the victim's name, links to social media accounts, email addresses, physical addresses of their place of employment and residence, phone numbers, and even social security information.

While cyber exploitation affects both men and women, the Cyber Civil Rights Initiative's study found that 90 percent of victims are women. The same study found that 93 percent of victims (of all sexes) suffered significant emotional distress as a result of their victimization, 51 percent had suicidal thoughts, and 49 percent stated they had been stalked or harassed online by users who saw their material. Further, decades of peer-reviewed research establishes that women often face more serious consequences as a result of sexual victimization. Cyber exploitation – like domestic violence, rape, and sexual harassment – disproportionately harms women and girls, leads to ongoing criminal threats and harassment, and undermines basic civil rights and public safety.¹³²

This definition of cyber exploitation, placed in cultural, historical and geographical context, and the harm that cyber exploitation causes to victims are almost identical to what Yezidis, particularly women and children, have experienced at the hands of ISIS. As part of its genocidal campaign, ISIS has posted millions of hateful and violent images and tweets online that are directly and causally related to the destruction of the Yezidi Community in Iraq and Syria. For example, virtually every Yezidi woman or child posted about on social media by ISIS can be presumed to have been sexually and/or economically exploited and human trafficked by ISIS fighters, not just

¹³¹ <https://www.businessinsider.com/isis-is-offering-sex-slaves-to-the-winners-of-its-quran-memorization-contest-2015-6> (last visited Sept. 26, 2021). (*See also* <https://www.washingtonpost.com/news/wonk/wp/2015/11/18/how-isis-makes-its-money> (last visited Sept. 26, 2021).)

¹³² <https://www.oag.ca.gov/cyberexploitation/victims> (last visited Sept. 26, 2021).

once, but many times over. These social media postings have caused grave emotional distress and despair to the families of Yezidi captives held by ISIS as well as to the entire Yezidi community displaced by ISIS. Additionally, ISIS's business of human trafficking in Yezidis was quite lucrative because, unlike other types of property, the human beings ISIS was trafficking could be, and often were, sold more than once. In a cruel twist of events, some Yezidi families, after seeing their kidnapped loved ones posted by ISIS online in places such as Facebook or Twitter, were subsequently forced to go into severe and tremendous debt to buy their loved ones back from ISIS using other Facebook communication tools such as WhatsApp, Messenger or the messenger app, Telegram.

In her article "How Social Media Companies Could Be Complicit in Incitement to Genocide,"¹³³ Neema Kaim asks the important question of whether social media companies risk international criminal liability when they provide a platform for direct and public incitement to commit genocide. To answer this question, Ms. Kaim's article makes three findings of law.

First, pursuant to the Rome Statute of the International Criminal Court,¹³⁴ the Genocide Convention and case law from the International Military Tribunal at Nuremberg and the International Criminal Tribunal for Rwanda, incitement to genocide is a crime, not a mode of liability.¹³⁵ Second, the *mens rea* for complicity, according to the Rome Statute, is knowledge if the crime in question is coordinated by a group, for example a social media campaign to incite genocide.¹³⁶ Third, while corporations generally cannot be subjected to international criminal liability as distinct entities, individuals conducting business on behalf of a corporation are susceptible to liability.¹³⁷

¹³³ <https://cjl.uchicago.edu/publication/how-social-media-companies-could-be-complicit-incitement-genocide> (last visited Sept. 26, 2021).

¹³⁴ <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> (last visited Sept. 26, 2021).

¹³⁵ <https://cjl.uchicago.edu/publication/how-social-media-companies-could-be-complicit-incitement-genocide> (last visited Sept. 26, 2021).

¹³⁶ *Id.*

¹³⁷ *Id.*

Ms. Kaim’s article applies the foregoing legal principles to employees at social media companies at various levels of the corporate hierarchy, at times through the example of Facebook in Myanmar.¹³⁸ Ultimately, her article concludes that individual employees at social media companies may be complicit in incitement to genocide where certain legal requirements are satisfied.¹³⁹ This conclusion compels a broader discussion about reforming international criminal law to stem the global propagation of disinformation where such propagation constitutes incitement to genocide.¹⁴⁰

The potential civil and criminal legal liability of the media companies has also not been lost on the leaders of some European countries. Specifically, in its report, “Digital Counterterrorism: Fighting Jihadists Online,”¹⁴¹ the U.S.-based Task Force on Terrorism and Ideology, a national, nonpartisan, independent research and policy institute founded by United States Congress, stated:

In the wake of horrific terrorist attacks in Europe in 2015 and 2016, Facebook, Twitter, and Google responded to European pressure by stepping up efforts to remove extremist content from their platforms. In 2015, French Interior Minister Bernard Cazeneuve excoriated U.S. internet companies for their failure to police extremist content. A year later, he praised their cooperation, declaring in January 2016, ‘There is now a wide-ranging and effective dialogue based on mutual trust between the French government and Internet companies.’ In February 2016, Twitter announced that it had suspended more than 125,000 accounts since mid-2015 for ‘threatening

¹³⁸ *Id.* (See also: <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html> (last visited October 4, 2021)). “They posed as fans of pop stars and national heroes as they flooded Facebook with their hatred. One said Islam was a global threat to Buddhism. Another shared a false story about the rape of a Buddhist woman by a Muslim man. The Facebook posts were...were from Myanmar military personnel who turned the social network into a tool for ethnic cleansing, according to former military officials, researchers and civilian officials in the country. Members of the Myanmar military were the prime operatives behind a systematic campaign on Facebook that stretched back half a decade and that targeted the country’s mostly Muslim Rohingya minority group, the people said. The military exploited Facebook’s wide reach in Myanmar, where it is so broadly used that many of the country’s 18 million internet users confuse the Silicon Valley social media platform with the internet. Human rights groups blame the anti-Rohingya propaganda for inciting murders, rapes and the largest forced human migration in recent history. While Facebook took down the official accounts of senior Myanmar military leaders in August, the breadth and details of the propaganda campaign — which was hidden behind fake names and sham accounts — went undetected. The campaign, described by five people who asked for anonymity because they feared for their safety, included hundreds of military personnel who created troll accounts and news and celebrity pages on Facebook and then flooded them with incendiary comments and posts timed for peak viewership.”

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ <https://bipartisanpolicy.org/wp-content/uploads/2019/03/BPC-National-Security-Digital-Counterterrorism.pdf> at 10 (last visited Sept. 26, 2021).

or promoting terrorist acts’; in June of that year, Facebook, Twitter, YouTube, and Microsoft agreed with the European Commission to adhere to a ‘code of conduct’ for combating ‘illegal online hate speech.’ Under the code of conduct, the companies committed to working toward the goal of ‘review[ing] the majority of valid notifications for removal of illegal hate speech in less than 24 hours and remov[ing] or disabl[ing] access to such content, if necessary,’ and to creating processes and providing information to ensure that such content is identified, efficiently reviewed, and removed. With attacks in Europe continuing, however, pressure on the companies to address extremists’ use of their platforms has continued to mount. *A 2017 report by the U.K. House of Commons’ Home Affairs Committee found that ‘nowhere near enough is being done’ and that ‘the biggest and richest social media companies,’ including Google, Facebook, and Twitter, were ‘shamefully far from taking sufficient action to tackle illegal and dangerous content.’ After Britain’s third terrorist attack in 2017, Prime Minister Theresa May placed responsibility directly on tech companies: Governments, she argued, ‘cannot allow this ideology the safe space it needs to breed. Yet that is precisely what the internet and the big companies that provide internet-based services provide.’*¹⁴² (Emphasis added. Original citations omitted.)

By 2017, after at least four years of global terrorist attacks, the role that social media companies were playing in aiding and abetting ISIS in spreading its dangerous terroristic propaganda was obvious to international and national lawmakers and regulators. Yet four years later, and despite being faced by thousands of real victims who were the target of ISIS’s terroristic hate speech, *not one* government or regulator has investigated, indicted, prosecuted or fined the social media companies in any meaningful and effective way for failing to enforce their own community standards against the spread of constitutionally unprotected, violence-inspiring, terroristic hate speech, in violation of numerous international treaties and national laws.

To illustrate this point, attorney Alexander Tsesis writes in “Social Media Accountability for Terrorist Propaganda”¹⁴³:

¹⁴² *Id.*

¹⁴³ <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=5444&context=flr> at 605 (last visited Sept. 26, 2021); *See also: World War Web: Rethinking “Aiding and Abetting” in the Social Media Age* in the Case Western Reserve Journal of International Law, 2019, “ISIS’s use of social media presents a new challenge for counterterror efforts. The organization aims to recruit followers and incite violence through social media. Given that this is a new medium for terrorist organizations, social media companies have come under fire for indirectly providing ISIS with far reaching platforms to spread its content. The companies, as well as national governments and international entities, have attempted to respond to the threat posed by such content. These responses, however, have proven ineffective...” <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2559&context=jil> (last visited Sept. 26, 2021).

Terrorist groups have found the internet to be a godsend, offering an effective platform for developing social bonds, radicalizing recruits, and increasing membership...

Over the last ten years, social media websites have become critical tools for the dissemination of terrorist propaganda. A number of terrorists, including Omar Mateen, who attacked the Pulse gay nightclub in Orlando, Florida, murdering forty-nine people and injuring fifty-three others, were radicalized in part through digital materials readily available on the internet. The Islamic State of Iraq and Syria (ISIS), Hamas, and a variety of other terrorist organizations use Facebook to recruit and to propagandize. Al Qaeda, Hezbollah, and Minbar al-Tawhid wal-Jihad are among the groups who have found Twitter to be tremendously helpful for spreading messages of political violence and group hatred. YouTube, another major social media intermediary on which third parties rely to circulate all manner of instructional, entertainment, and private video content, is also a hub of terrorist indoctrination and teaching. These companies make radical clips digitally available throughout the world, enabling terrorist leaders to affect the conduct of millions of viewers. Terrorist associations have found Twitter and YouTube to be invaluable forums for amplifying and disseminating violent propaganda and information. In addition, national security experts have warned that those platforms can even be manipulated to orchestrate real-time operations, which empowers handlers to direct attacks either from distant shores or in close proximity. Many internet information companies post written policies against using their platforms to spread violence and hatred, but their staffs are often intransigent, even upon receipt of credible information about overt violent instigation on their websites. While social media companies remove some terrorist content, they often deny watchdog requests, even after being alerted that posts overtly advocate the use of violence to achieve a social or political end...

Terrorist organizations have found social media websites to be invaluable for disseminating ideology, recruiting terrorists, and planning operations. National and international leaders have repeatedly pointed out the dangers terrorists pose to ordinary people and state institutions. In the United States, the federal Communications Decency Act's § 230 provides social networking websites with immunity against civil law suits. Litigants have therefore been unsuccessful in obtaining redress against internet companies who host or disseminate third-party terrorist content. This Article demonstrates that **§ 230 does not bar private parties from recovery if they can prove that a social media company had received complaints about specific webpages, videos, posts, articles, IP addresses, or accounts of foreign terrorist organizations; the company's failure to remove the material; a terrorist's subsequent viewing of or interacting with the material on the website; and that terrorist's acting upon the propaganda to harm the plaintiff.**...the First Amendment does not limit Congress's authority to impose criminal liability on those content intermediaries who have been notified that their websites are hosting third-party foreign terrorist incitement, recruitment, or instruction. Neither the First Amendment nor the Communications Decency Act prevents this form of federal criminal prosecution. A social media company can be prosecuted for material support of terrorism if it is knowingly providing a platform to organizations or individuals who advocate the commission of terrorist acts...

Various terrorist organizations rely on social media platforms to threaten, incite, propagandize, and recruit. Internet information companies are often reluctant or ambivalent about removing even explicit and graphic calls for ideologically motivated carnage, disruption, destruction, and terrorist indoctrination. Those companies are not purveyors of threats or incitement. Their responsibility arises, nevertheless, when they cooperate with terrorist organizations by purposefully, knowingly, or recklessly providing a platform for their indoctrinating, threatening, or instructive content. In doing so, internet services can run afoul of the material-support statute.¹⁴⁴ (*Emphasis added. Original citations omitted.*)

¹⁴⁴ *Id.*

If it is the case that there is civil and criminal liability under various international, national and subnational laws for aiding and abetting terrorism by these terror groups, which employ global social media platforms to spread terrorism, recruit jihadists to fight for their cause, and freely conduct their lucrative terrorist activities online, including the trafficking of women and girls, one must ask some very hard questions:

1. Despite a mountain of evidence against them, why has no social media or global tech company ever been investigated or prosecuted civilly or criminally for aiding and abetting terror organizations that commit genocide such as ISIS's genocide against the Yezidis and other religious and ethnic minorities?
2. When it comes to the duty of governments to protect the public against a tsunami of terroristic, violence-inspiring hate speech spread globally through social media platforms by jihadi propagandists, who and what are national governments, regulatory agencies, international governing bodies and law enforcement agencies charged with the responsibility of public safety really protecting?
3. And in the face of tremendous evidence against global social media companies of aiding and abetting terroristic organizations in the spread of their violent propaganda that has a direct, legal causal connection to the Yezidi Genocide, and continues to lead to other modern day genocides and war crimes, why has there been such an utter failure and disgraceful inaction – *tantamount to a complete dereliction of public duty* - for real, meaningful and impactful regulation and punitive regulatory enforcement against these corporate actors?

In fact on September 7, 2021, on the eve of publishing this report, the Court of Cassation, the highest court in the French judiciary, ruled that the French cement company Lafarge, which owned a large factory in Syria that purportedly had links to ISIS, could potentially be complicit in crimes

against humanity by turning a blind eye, even without taking part in the crimes.¹⁴⁵ Lafarge is accused of paying nearly 13 million euros (\$15.3m) to armed groups, including ISIS, to keep its cement factory in northern Syria running through the early years of the country's war.¹⁴⁶ France's highest court ruled, "In this case, the payment of several million dollars ... to an organization which is actively criminal is enough to characterize that complicity, whether or not the party in question was only doing so to pursue a commercial activity."¹⁴⁷ Commenting on the Court's ruling, barrister, victim's counsel and Yazda counsel Amal Clooney stated, "Today's judgment by the French Supreme Court is a huge step forward for victims of crimes committed by ISIS and for survivors all over the world fighting for justice. In a historic judgment, the French Supreme Court has confirmed that if corporations are complicit in heinous crimes, they must answer to a court. Corporations should take note: if they are complicit in human rights violations they will be held to account and victims will be entitled to reparations."¹⁴⁸ Rachel Lindon and Luke Vidal, French counsel for the Yazidi victims and Yazda organization, commented, "This decision is a landmark to be put to the credit of France's highest judicial body and the judges of its Criminal Chamber, who, by a strict application of law, have confirmed that no assistance of any kind to terrorist and genocidal criminal groups shall be tolerated under the French rule of law. This decision is a victory for the Yazidis as well as all other populations persecuted and harmed by ISIS and terrorist groups that were active in Syria. It is also a victory for criminal law and international justice as a whole."¹⁴⁹

¹⁴⁵ <https://www.reuters.com/world/middle-east/court-blocks-lafarge-bid-scrap-syria-crime-against-humanity-charge-2021-09-07/> (last visited Sept. 26, 2021). *See also* https://www.courdecassation.fr/IMG/pdf/20210907_communique_19-87.031.pdf. (last visited Sept. 27, 2021).

¹⁴⁶ <https://www.aljazeera.com/news/2021/9/10/lafarge-case-uncovers-french-duplicity-hypocrisy-says-analyst> (last visited Sept. 26, 2021).

¹⁴⁷ <https://www.reuters.com/world/middle-east/court-blocks-lafarge-bid-scrap-syria-crime-against-humanity-charge-2021-09-07/> (last visited Sept. 26, 2021).

¹⁴⁸ <https://www.yazda.org/france-supreme-court-approves-charges-against-multinational-company-lafarge-for-complicity-in-crimes-against-humanity-by-isis> (last visited Sept. 27, 2021).

¹⁴⁹ *Id.*

3.3 ISIS's Tyranny of Terror Aided and Abetted by Global Technology and Social Media Companies

Social media companies permitted ISIS's unfettered use of their platforms to spread their hateful propaganda and to recruit foreign fighters with the promise of riches and slaves.¹⁵⁰ "Human trafficking is an effective tool that serves several purposes for terrorist organizations. It facilitates the recruitment and retention of male foreign fighters and provides a reward mechanism for successful combatants. It also generates revenue and contributes to psychologically crushing 'the enemy,' by 'decimat[ing] communities.' Trafficking, as a tactic of warfare, 'intimidates populations and reduces resistance just as enslavement and rape of women.' ...[i]t is well-understood that ISIS's kidnapping and enslavement of Yazidi women and other female prisoners constitutes human trafficking..."¹⁵¹ In fact, the promise of riches and slaves was a critical financial component to the success of financing ISIS's international crimes.¹⁵²

According to Anne Speckhard and Molly D. Ellenberg, both of the International Center for the Study of Violent Extremism, who authored *ISIS in Their Own Words*:

ISIS is one of the largest and the most lethal terrorist groups to date. It functioned with its so-called Caliphate as a proto-state for over four years. At its zenith in 2014, ISIS had managed to take over approximately 40 percent of Iraq and 60 percent of Syria. It also attracted over 40,000 foreign fighters to its ranks from over 130 countries. ISIS terrorized those in the territories it overtook, as well as mounted terrorist attacks all over the world, in cities as far ranging as: Brussels, Dhaka, Istanbul, Jakarta, London, New York, Nice, Orlando, Paris, and Sydney, to name but a few. ISIS also spread its brand globally to over 14 affiliates across the Middle East, Africa, and Central Asia. Moreover, it was one of the richest terrorist groups in history, with its financing coming from a number of sources including: Bank theft, ransom for hostages, takeover of the oil wells in Syria, and subsequent sale of oil to Turkey and Assad's government. **Additionally, it profited from looting, sale of antiquities, human trafficking of sex slaves, taxation of its population, and takeover of local commerce in the areas under its control.** ISIS at one point had a daily income of 3 million United States Dollars (USD) with an annual revenue of 2.9 billion USD.¹⁵³ (*Emphasis added.*)

¹⁵⁰<https://giwps.georgetown.edu/wp-content/uploads/2017/10/Human-Trafficking-and-ISISs-Recruitment-of-Women-from-the-West.pdf> (last visited Sept. 26, 2021).

¹⁵¹ *Id.*

¹⁵² https://www.rand.org/content/dam/rand/pubs/conf_proceedings/CF300/CF361/RAND_CF361.pdf (last visited Sept. 26, 2021).

¹⁵³ <https://www.jstor.org/stable/pdf/26907414.pdf> (original citations omitted) (last visited Sept. 26, 2021).

When speaking about how so many of his countrymen went to fight for ISIS in Iraq and Syria, a senior Moroccan security official who spoke on the condition that neither he nor his agency be identified stated: “The fight now is with the propaganda because it plays a very big role in these numbers.”¹⁵⁴ Al-Qaeda recruitment relied almost exclusively on direct contact in mosques or other settings, he said, but “now, 90 percent are being recruited online.”¹⁵⁵ According to Dinah Alobeid, a spokesperson for Brandwatch, “From a marketing perspective, it’s obvious ISIS has a calculated approach to social media that looks to recruit new members and connect interested individuals to create a united front.”¹⁵⁶

In March 2018, the Task Force on Terrorism and Ideology issued its report “Digital Counterterrorism: Fighting Jihadists Online” and outlined exactly how terrorists use social media:

Terrorists have always adapted new technologies to their purposes, and social media is no exception. Indeed, social media has proved particularly well-suited for terrorist propagandizing and recruiting for several reasons.

First, social media enables terrorists to communicate radicalizing messages to a far wider circle of potential adherents than they could have reached with traditional media. Previously, radicalization required personal contact with someone who could provide materials, ideological grooming, and connections to wider jihadist networks. Decades ago, when the global jihadist movement was in its infancy, the followers of radical clerics circulated their sermons on audiotapes, reproduced one at a time and passed from one follower to another. Desperate to reach a wider audience from his bases in Sudan and Afghanistan, Osama bin Laden faxed his diatribes and fatwas to media outlets in London. Today, social-media platforms like Twitter, Instagram, Facebook, and YouTube offer the ability to instantaneously convey one’s message to users around the world, often in the form of captivating images or video. What’s more, unlike hosted websites, which one might argue also offer global reach, these services are free, user-friendly, and most can be used pseudonymously. While terrorists have used password-protected forums since the beginning of the internet age, the pool of potential recruits, supporters, or sympathizers that can be reached on social media is vastly larger than the pool of potential visitors to a password-protected forum. As senior Homeland Security Department official Robin Taylor noted in recent testimony, “The reach and popularity of social media has enabled HVEs [homegrown violent extremists] to connect more easily with terrorist organizations, such as ISIS.” A senior FBI official echoed that concern: “Through the internet, terrorists overseas now have access into our local communities to target and recruit our citizens and spread the message of radicalization to violence faster than we imagined just a few years ago.” Put simply, social media allows terrorists to recruit and propagandize across borders, in a way that 20th-century technology never allowed.

¹⁵⁴ https://www.washingtonpost.com/world/national-security/inside-the-islamic-states-propaganda-machine/2015/11/20/051e997a-8ce6-11e5-acff-673ae92ddd2b_story.html (last visited Sept. 26, 2021).

¹⁵⁵ *Id.*

¹⁵⁶ <https://www.vice.com/en/article/wjybjy/isis-fighters-and-their-friends-are-total-social-media-pros> (last visited Sept. 26, 2021).

Another salient feature of social media, less obvious but highly relevant for terrorists, is that on social-media platforms all content looks more or less the same. With modest exceptions (Twitter's blue check mark, for example), content posted to a social-media platform by a veteran investigative journalist or a Harvard-trained physicist bears the same visual indicia of reliability as content posted by a fringe conspiracy theorist. On social media, there are no editorial gatekeepers, nor is cost a barrier to entry.

Instead, production value serves as the most readily available indicator of quality, and terrorists have grown adept at using desktop software to turn out propaganda materials that are as polished as traditional media. An analysis of American jihadists by the Program on Extremism at George Washington University found, 'Two features that seemed to distinguish the media operations of IS [Islamic State] from previous jihadist organizations' material was their professional-quality productions and their ability to disseminate this content through social media.' As one researcher found, based on 30 days of following ISIS propaganda at the height of its pseudo-caliphate: 'In just 30 days, IS's official propagandists created and disseminated 1,146 separate units of propaganda. Photo essays, videos, audio statements, radio bulletins, text roundups, magazines, posters, pamphlets, theological treatises, ... [r]adio bulletins and text round-ups were released in six languages. ... All of it was uniformly presented and incredibly well-executed, down to the finest details.' Much of this material is designed to influence young men of prime recruiting age, for whom social media is the most important information source. Meanwhile, the 'multi-lingual approach IS implements' in its propaganda has another 'clear objective: targeting non-Arabic speaking potential recruits.' This seems to have worked. Danish researchers found 'that the foreign fighter flow to Syria [was] younger than for past conflicts, with typical recruits being between 16 and 25 years old—a prime social media age.'

Another advantage of social media is that it enables terrorist sympathizers to engage directly, and publicly, with more credible figures, hijacking those figures' visibility to amplify the terrorists' own messages. Sometimes this means riding in the wake of a more-prominent user's messages, a now familiar tactic for social-media self-promotion; 'being the first to reply to a Trump tweet,' for example, 'promises someone an enormous audience.' But it can also entail baiting, debating, or harassing more prominent figures, to gain prominence or to win plaudits from like-minded users. Terrorist propagandists have capitalized on this aspect of social media, eagerly trading rhetorical salvos with U.S. government accounts...

The final reason why social media is such an effective amplifier for terrorists is the power with which platforms' algorithms connect users to content that resonates with their existing inclinations and preferences. Columbia University Professor Tim Wu has dubbed the internet giants that control the major social-media platforms 'attention merchants'; like newspapers and television networks before them, their business models depend on selling advertising, which means that their profits depend on attracting as much of users' scarce attention as possible. Social-media platforms possess two assets that enable them to capture attention more durably than any prior medium: reams of detailed, personal information about their users' preferences, and algorithms that analyze that data to determine what the user wants to see, read, or buy. This enables them to tailor the content the user sees in order to keep the user glued to the platform. The news that Facebook users see in their news feed 'is personalized based on past clicks,' including the 'like' button, and on an item's popularity among other users with similar preferences. Similarly, Google sorts and filters search results based on the user's 'location and previous searches and clicks.' Engineers working on YouTube's recommendation engine, which determines which videos a user will see in the 'up next' column, 'continuously experiment[ed] with new formulas that would increase advertising revenues by extending the amount of time people watched videos.' The result, according to sociologist and technology expert Zeynep Tufekci, is that 'the videos recommended and auto-played by YouTube get more and more bizarre

or hateful.’ Ensnared in a ‘filter bubble’ created by algorithms designed to give the user what he or she wants, a user may rarely, if ever, encounter any opinion with which he or she disagrees. Indeed, this effect tends to become more pronounced over time: As the platforms acquire more information about the user’s exact preferences, the algorithms become progressively better at anticipating the user’s desires. (Emphasis added.)

The result is that the sharpest-edged, least-nuanced content, which tends to be the most emotionally resonant, is also the most widely disseminated. Illustrative Facebook news feeds produced by this approach look less like traditional newspapers and more like ‘red’ and ‘blue’ propaganda channels, as a recent Wall Street Journal feature illustrated. Users become enmeshed in feedback loops that confirm, and therefore strengthen, their preexisting beliefs about the world—their hatreds, their fears, their preferred accounts of the causes of their grievances, and their sense of what is to be done.

To be sure, the process of radicalization in online echo chambers resembles radicalization in any other closed environment: The vulnerable mind is fed a steady diet of narrative, cherry-picked facts, and encouragement to act, all of which point in the same direction...Social media creates a similar intellectual and emotional climate, enabling radicalization without the need for direct personal contact. As such, it dramatically expands the set of young Muslims vulnerable to radicalization; anyone with an internet connection can now receive the jihadists’ call.

Social media has also given sympathizers a new way to support jihadist causes without committing or financing attacks themselves. This new class of ‘virtual [terrorist] entrepreneurs,’ as Seamus Hughes and Alexander Meleagrou Hitchens have described them, have ‘acted in a more auxiliary capacity, plugging their Western contacts into wider extremist milieus (both online and offline) and encouraging extreme beliefs, while offering suggestions and options for mobilization.’ Sometimes the assistance extends to the direct planning of an attack, but often ‘encouragement, reassurance, and comradery’ is all a potential terrorist needs. Hughes and Hitchens describe an extensive U.S.-based network of such virtual entrepreneurs, who were linked to ISIS propagandists and planners in Syria.¹⁵⁷ (*Original citations omitted.*)

3.4 Inspired by ISIS Terroristic Propaganda Spread on Social Media, Foreign Fighters Flow into Syria and Iraq to Fight for ISIS and Take Slaves

According to the National Bureau of Economic Research, as of December 2015 approximately 30,000 fighters from at least 85 countries had joined ISIS.¹⁵⁸ Although the great majority of ISIS recruits come from the Middle East and the Arab world, there are also many from Western nations, including most member-states of the European Union as well as the United States, Canada, Australia and New Zealand.¹⁵⁹ Thousands of fighters from Russia and hundreds from Indonesia

¹⁵⁷ <https://bipartisanpolicy.org/wp-content/uploads/2019/03/BPC-National-Security-Digital-Counterterrorism.pdf> at 4 (last visited Sept. 26, 2021).

¹⁵⁸ <https://www.nber.org/digest/jun16/where-are-ississ-foreign-fighters-coming> (last visited Sept. 26, 2021).

¹⁵⁹ *Id*

and Tajikistan also have joined. ISIS's recruitment of foreign fighters is a global phenomenon that provides the organization with the human capital needed to operate outside the Middle East.¹⁶⁰

Table 4:
Ranking of Countries based on ISIS Foreign Fighters to General Population

Country	Fighters/Population	Country	Fighters/Population
1. Tunisia	545.5	31. Azerbaijan	11.0
2. Maldives	500.0	32. Germany	9.4
3. Jordan	303.0	33. Serbia	8.5
4. Lebanon	200	34. Switzerland	7.0
5. Kosovo	128.9	35. Egypt	6.7
6. Libya	95.2	36. Somalia	6.7
7. Bosnia	86.8	37. Ireland	6.5
8. Kyrgyzstan	86.2	38. Israel	6.1
9. Saudi Arabia	80.9	39. Australia	5.1
10. Macedonia	69.5	40. Qatar	4.5
11. Turkmenistan	67.9	41. Algeria	4.4
12. Montenegro	50	42. Canada	3.7
13. Tajikistan	46.5	43. Malaysia	3.3
14. Belgium	42.0	44. Spain	2.9
15. Trinidad and Tobago	35.7	45. Indonesia	2.8
16. Morocco	35.4	46. Sudan	1.8
17. Austria	35.3	47. United Arab Emirates	1.7
18. Albania	31.0	48. Afghanistan	1.6
19. Sweden	30.9	49. New Zealand	1.5
20. Turkey	27.7	50. Italy	1.4
21. France	25.7	51. Portugal	1.2
22. Denmark	22.3	52. Philippines	1.0
23. Kuwait	18.4	53. Argentina	0.5
24. Kazakhstan	17.3	54. United States	0.5
25. Russia	16.7	55. Pakistan	0.4
26. Norway	15.9	56. Singapore	0.4
27. Netherlands	13.0	57. Moldova	0.3
28. Finland	12.7	58. China	0.2
29. United Kingdom	11.8	59. Madagascar	0.1
30. Georgia	11.1	60. Japan	0.1
		61. Cambodia	0.7
		62. Romania	0.5
		63. South Africa	0.2
		64. India	0.2
		65. Brazil	0.1

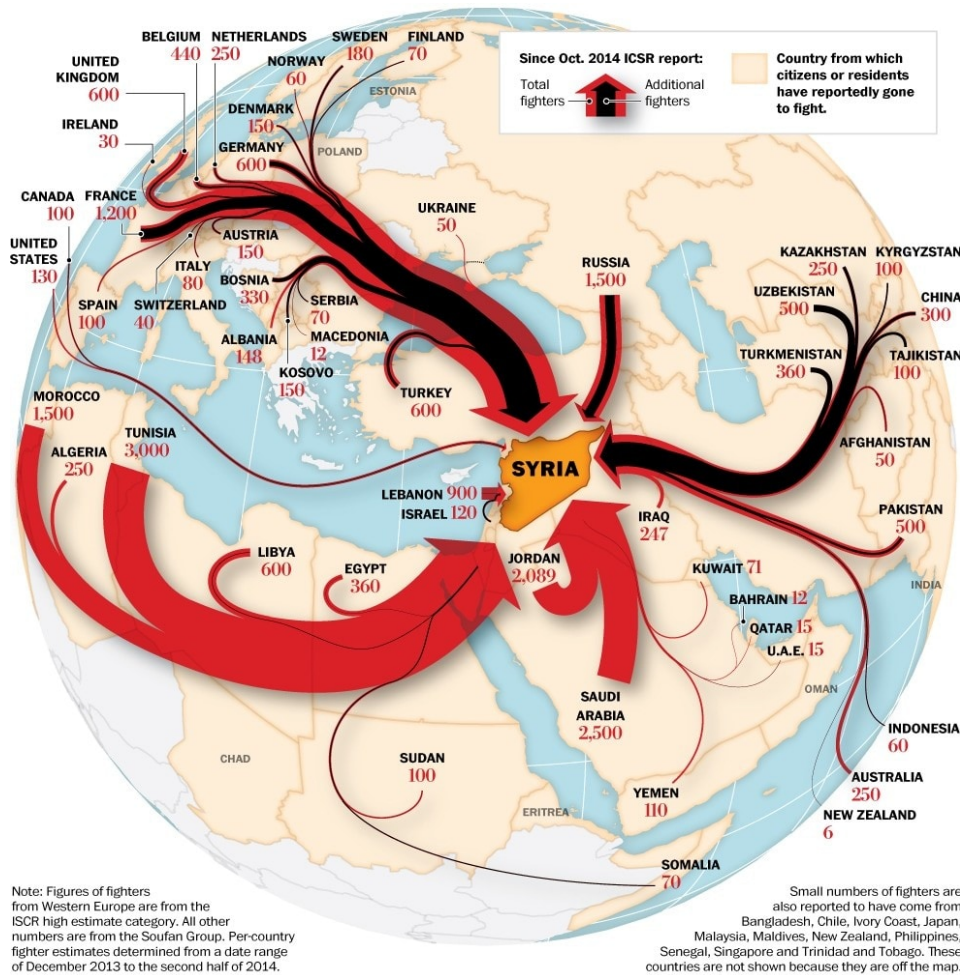
Note: Data on number of ISIS foreign fighters come from Barrett (2014) and The Soufan Group (2015). Population size data come from the World Bank.

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¹⁶⁰ *Id.*

¹⁶¹ *Id.*

The number of foreign fighters who have joined ISIS exceeded 20,000 by January 2015.¹⁶² According to ICSR, nearly a fifth of the fighters come from Western European nations.¹⁶³



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In testimony on October 15, 2015, before the United States House of Representatives' Subcommittee on National Security of the Committee on Oversight and Government Reform, Representative Stephen F. Lynch stated:

¹⁶² https://www.washingtonpost.com/world/foreign-fighters-flow-to-syria/2015/01/27/7fa56b70-a631-11e4-a7c2-03d37af98440_graphic.html?tid=a_inl_manual (last visited Sept. 26, 2021).

¹⁶³ *Id.*

¹⁶⁴ *Id.*

The impact of ISIL's extensive social media presence has already been witnessed in the unprecedented flood of foreign fighters to Iraq and Syria. A few months ago, I had the opportunity to travel with several House and Senate Members in a congressional delegation to the Syrian-Turkish border, an area north of Aleppo. We were briefed on the lack of meaningful progress in our train and equip program of so-called moderate rebels. We also met with representatives of about a half dozen rebel groups. And the only common characteristic between these groups was, one, they all saw Bashar al-Assad and his regime as the primary enemy. And, second, they all use WhatsApp [*sic*] as their platform for communication.

As reported in September of 2015 by the Bipartisan Congressional Task Force on Combatting Terrorism and Foreign Travel, nearly 30,000 foreign fighters have traveled to Iraq and Syria in 2011 to join the Islamic State, including an estimated 250 individuals from the United States who have sought to fight on the side of the extremists in ISIL conflict zones. There is also more direct evidence of the effect of Islamic State's online strategy here at home. According to the West Point report, at least 60 individuals have been arrested in the United States in 2015 for criminal acts in support of the Islamic State. Social media has played a role in the recruitment or radicalization in almost every single case.

As ranking member for the Financial Services Committee's Task Force to Investigate Terrorism Financing, I am well aware that ISIL and other terrorist groups are also using social media platforms and applications to coordinate funding for terrorist activity. Last year, David Cohen, who was then the undersecretary for Terrorism and Financial Intelligence at Treasury, remarked that constraining the flow of funds to terrorist groups is, 'particularly challenging in an area when social media allows anyone with an Internet connection to set himself up as an international terrorist financier.' In particular, we have seen that private funding networks are relying on social media to solicit so-called charitable donations and inconspicuously connect donors with recipients on the battlefield. ***In response to the exploitation of social media by ISIL and other terrorist groups, Twitter and other service providers have slowly, and I must say grudgingly in some cases, begun to take some action to suspend terrorism-linked users accounts.*** This is often called a whack-a-mole approach to countering terrorism messaging, as suspended users can simply create new accounts. Jessica Stern and other analysts have noted that to a certain extent this strategy can prove effective in disrupting for a while and eventually downgrading terrorist social networks.¹⁶⁵ (***Emphasis added.***)

In his article, "Tweeting the *Jihad*: Social Media Networks of Western Foreign Fighters in Syria and Iraq," Jytte Klausen states:

Social media have played an essential role in the *jihadists'* operational strategy in Syria and Iraq, and beyond. Twitter in particular has been used to drive communications over other social media platforms...The *jihadist* insurgents in Syria and Iraq use all manner of social media apps and file-sharing platforms, most prominently Ask.fm, Facebook, Instagram, WhatsApp, PalTalk, kik, viper, JustPaste.it, and Tumblr...

The literature on terrorist communication has focused on what Gabriel Weimann has called the 'theater of terror.' Terrorism aims to intimidate a particular audience—or sometimes multiple audiences. Victims are chosen not because they are the enemy but because of their symbolic importance. Alex Schmid quotes a Chinese proverb: 'Kill one—frighten ten thousands.' To achieve their objectives, terrorists need to reach broad publics...

¹⁶⁵ <https://www.govinfo.gov/content/pkg/CHRG-114hhrg97977/html/CHRG-114hhrg97977.htm> (last visited Sept. 26, 2021).

The focus in the terrorism literature on the theater of terrorist spectacles overshadows the reality that terrorists also use the Internet for the same reasons everybody else does; for organization and planning, proselytizing and entertainment, and to educate the believers. In fact, most of the online communication of terrorists is mundane to the point of appearing innocuous...

Communication is therefore critical to terrorist strategy as well as organization. The Internet was a gift to terrorists on both scores...During the first *jihadi* insurgency in Iraq, Ayman al-Zawahiri reiterated the lesson and wrote to the now deceased leader of Al Qaeda in Iraq Abu Musab al-Zarqawi: 'We are in a battle, and more than half of this battle is taking place in the battlefield of the media. And that we are in a media battle in a race for the hearts and minds of our Ummah.' Documents found at the Abbottabad compound in May 2011 revealed bin Laden's insistence upon the primacy and significance of online media. In a letter to an associate, he wrote: 'media occupies the greater portion of the battle today.'

...Starting in 2011, many *jihadi* groups, media outlets, and individuals moved on to mainstream social media platforms and created new accounts on Twitter and Facebook. Most groups' media outlets still post their content to *jihadi* forums but will simultaneously create sponsored Twitter accounts where they release new statements or videos.

In the new lateral social media environment control over content is decentralized. Anyone can participate. Distribution is decentralized via 'hubs' and volunteers use mainstream interactive and inter-connected social media platforms, blogs, and file sharing platforms. Cross-posting and re-tweeting content on social media by volunteers is a low-cost means of dissemination to wide audiences.¹⁶⁶

The role of Western Fighters – both men and women – who were recruited using Western social media tools and platforms, is outlined in the report, "Western Fighters and the Yazidi Genocide," in which researcher Liam Duffy states:

The role of citizens of dozens of Western states in the mass rape and attempted destruction of the Yazidi people should not be omitted from our historical understanding of grim episode of history during which Islamic State's so-called 'Caliphate' existed. Not only do many states have an obligation to pursue justice for genocide, crimes against humanity and war crimes, it can also be effective counter-terrorism practice. Overwhelmed security services in the West are dealing with the fallout of thousands of fighters and recruits who joined Islamic State. Investigating and prosecuting atrocities where found can help to ease this burden and ensure longer convictions which can keep the public safe. In other words, justice for the crimes against the Yazidis is not only the right thing to do; it will make us all safer. It will also send a strong message to future generations of extremists that travelling overseas to commit atrocities against local civilians is intolerable and unacceptable.¹⁶⁷

¹⁶⁶ <https://www.tandfonline.com/doi/full/10.1080/1057610X.2014.974948> (last visited Sept. 26, 2021).

¹⁶⁷

<https://www.counterextremism.com/sites/default/files/Western%20Foreign%20Fighters%20and%20the%20Yazidi%20Genocide%20Report%2016%20March%202021.pdf> at 6 (last visited Sept. 26, 2021).

PART IV: SOCIAL MEDIA COMPANIES ENABLED CYBER EXPLOITATION OF YEZIDI WOMEN AND CHILDREN

4.1 ISIS Makes the Enslavement, Human Trafficking and Exploitation of Yezidis a Family Affair by Using Social Media to Recruit Women ISIS Members, who Brutally Participate in the Torture and Abuse of Yezidi Women and Children

An estimated 500 European Muslim girls made the journey abroad from their homes to join ISIS.¹⁶⁸ Many girls were influenced by the social media activity of those who have already joined ISIS and posted online idyllic pictures of a fun, harmonious life within the Islamic State.¹⁶⁹ They told stories of happy families, posted pictures of cats on Twitter and shared recipes.¹⁷⁰ They used social media to express their grievance at the treatment of Muslims across the world and their perception of ISIS as a truly Islamic society built upon sharia law.¹⁷¹ They spread the belief that it is a feminist duty of all female Muslims to travel to ISIS areas.¹⁷² They believed that in this world they would get everything they need, not only a man that loves her, children, a beautiful house, but also recognition as women warriors fighting alongside men on the battlefield for a just cause. Some of the girls traveled from the West to meet militants they encountered online.¹⁷³

As outlined in the article, “Keeping up with the Jihadis: Mothers living under ISIS post Photographs of Their Children and Newborn Babies Next to Guns on Social Media in Sickening Game of One-upmanship,” depraved terrorists used social media to share photos of gun-toting children, including images titled “The Little Terrorist” and “Generation Kilafah,” and the photographs posted by jihadis on social media were an attempt to “outdo one another on social media.”¹⁷⁴

¹⁶⁸

<https://reutersinstitute.politics.ox.ac.uk/sites/default/files/research/files/Isis%20and%20Propaganda-%20How%20Isis%20Exploits%20Women.pdf> (last visited Sept. 26, 2021).

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ <https://www.dailymail.co.uk/news/article-3000271/Keeping-jihadis-Mothers-living-ISIS-post-photographs-children-newborn-babies-guns-social-media-sickening-game-one-upmanship.html> (last visited Sept. 26, 2021).

According to advocates for Yazidi survivors of ISIS enslavement, the Jihadi Bride portrayal of ISIS Women Members is incorrect as addressed by Heidi Kingstone's article, "Not a 'Jihadi Bride', but a Female Member of ISIS":

[W]e refer to Begum and women like her as 'jihadi brides', which takes away their agency as active participants in the violence and ideology to which they subscribe.

The media tends to stereotype and fetishize female terrorists, often characterizing them as mothers and carers [care-givers]. We view these women as abhorrent and unnatural and they are rarely considered to be either as violent or ideological as men. Under the ISIS occupation, women had fundamental roles as Sharia enforcers, which included the torturing of recalcitrant women and the preparation of Yazidi sex slaves for rape by their Isis husbands.¹⁷⁵

When addressing the issue of foreign fighters and the 2014 Yazidi Genocide, Counter Terrorism researcher Liam Duffy states:

In addition to celebrating and glorifying violence and terror attacks against Western targets, many of Islamic State's Western recruits and its supporters based in the West endorsed and openly supported the enslavement of Yazidis...

Western policymakers should not overlook the fact that many foreign members and so-called 'Brides' willingly travelled to join Islamic State's 'Caliphate' after the genocide, and after enslavement of Yazidi women and children was already well publicized. They travelled with knowledge of, and in some cases may even have been incentivized by these crimes. Those now in Kurdish detention have shown little to no remorse for the plight of the Yazidis, and few have been pressed on the matter by journalists.

Furthermore, scattered across the internet there are scraps of evidence hinting at Western foreign fighter involvement and support for the genocide, often posted on their own social media accounts. A small selection of evidence to this end is detailed below. This is not with the intent to provide sufficient grounds to build a case, but to raise awareness of the role of Westerners in enslaving Yazidi women and children and to encourage governments, the media and the public not only to assess the foreign members question through the lens of counter-terrorism, but to assess involvement in human rights abuses and crimes against humanity as well.¹⁷⁶

¹⁷⁵ <https://www.thearticle.com/not-a-jihadi-bride-but-a-female-member-of-isis> (last visited Sept. 26, 2021).

¹⁷⁶

<https://www.counterextremism.com/sites/default/files/Western%20Foreign%20Fighters%20and%20the%20Yazidi%20Genocide%20Report%2016%20March%202021.pdf> (last visited Sept. 26, 2021).

Some home countries of foreign women ISIS fighters have started legal proceedings against them.¹⁷⁷

The widely publicized cases of Jennifer W. and Hoda Muthana highlight the reality that Islamic State women often play critical roles in the group. Jennifer W., a 27-year-old woman [convicted] in Germany, is accused of joining ISIS and committing war crimes, including as an accomplice to the murder of a five-year-old Yazidi girl she allegedly enslaved. And Hoda Muthana, now 24, seeks to return to the United States after leaving her college in Alabama to join ISIS where she ran a recruitment Twitter account for the group. These women's involvement in the group highlight that Islamic State women are not always victims, nor are they necessarily tricked into joining the group.

In fact, women and men tend to join ISIS for the same reasons. They enlist because they desire to participate in a religious movement, seek economic empowerment, join a political movement, and overcome social or cultural alienation. Men and women also play active roles in ISIS as recruiters and combatants.¹⁷⁸

A German court recently convicted a woman of crimes against humanity for her involvement in the enslavement of a Yazidi woman.¹⁷⁹ The 35-year-old woman was sentenced to four years and three months in prison on several charges, including membership of a terrorist organization, serious deprivation of liberty, and aiding and abetting crimes against humanity, according to a statement from the UK-based Doughty Street Chambers, which represents the Yazidi woman listed as a co-plaintiff.¹⁸⁰ The defendant was said to have used the Yazidi woman, taken captive by ISIS following its offensive on the Iraqi district of Shingal in 2014, for slave labor on 50 occasions.¹⁸¹

4.2 Posted on Social Media, ISIS Rewards ISIS Fighters in the Caliphate with Yazidi Slaves

ISIS targeted primarily non-Muslim women and children, particularly Yazidis, to capture as slaves. The Yazidi women and girls were used as household slaves and sexually exploited. The Yazidi boys were trained to be cubs of the caliphate. Specifically:

¹⁷⁷ <https://www.e-ir.info/2019/08/26/islamic-state-men-and-women-must-be-treated-the-same/> (last visited Sept. 26, 2021).

¹⁷⁸ *Id.*

¹⁷⁹ <https://www.rudaw.net/english/world/230420211> (last visited Sept. 26, 2021).

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

The ISIS propaganda machine was mobilized to justify its revival of slavery. Articles, sermons and fatwas interpreting Islamic law were issued outlining how taking slaves was in accordance with Islam. Islamic Sharia law traditionally allowed and regulated slavery, just as many societies did throughout history, but almost all Muslim clerics now say slavery is no longer permissible.

ISIS operated centralized slave markets in Mosul, Raqqa and other cities. At the market in the Syrian city of Palmyra, women walked a runway for ISIS members to bid on. Others, like the one in al-Shadadi, distributed women to militants by lottery. A June 2015 notification reviewed by the AP called on ISIS fighters in Syria's Homs province to register for an upcoming slave market, or 'Souk al-Nakhassa,' giving those on the front lines a 10 day-notice to attend. Participants were told to enter bids in a sealed envelope. The Soldiers' Department, or Diwan al-Jund, recorded fighters who owned slaves, usually referred to by the Arabic word 'sabaya.'

For a time, ISIS paid fighters a stipend of about \$50 per slave and \$35 per child — equivalent to the stipend for a wife. The stipend eventually stopped, apparently because military defeats hurt revenues and because owning a sabaya became a sign of wealth and privilege. Managing the robust system turned out to be more complicated than the leadership planned. And chaos abounded.

Slaves meant to be a reward to fighters were resold for personal profit, and some ISIS members made tens of thousands of dollars ransoming captives back to their families. Violence and abuse by owners led to rising reports of suicides and escapes among captives. (Emphasis added.)¹⁸²

In Mah-Rukh Ali's article, "ISIS and Propaganda: How ISIS Exploits Women,"¹⁸³ the issue of Sexual Jihad and the Enslavement of Yezidi Women is extensively outlined:

ISIS enslaves their women and abuses them sexually, arguing that they can rightfully keep Yezidi women as slaves in order to perform better Jihad because they are not Muslim. ISIS fighters do not need to marry these women for sexual gratification; a fighter can keep a Yezidi woman as slave for his own pleasure. They are given to men as a 'gift from Allah'. After attacking a village, ISIS typically separates the men and women. Men aged 14 and above are killed. The women are stripped naked and their bodies examined for breast size and attractiveness, and virginity tests are performed. A price is decided, and the women are sold at a market, with the youngest and prettiest get the highest price.

An article published by Mail Online reported, quoting the website IraqiNews.com as its source, that ISIS had published a document containing a price scheme outlining the going rate for women and children slaves. According to the document, girls 9 years old and under fetch the highest price and are sold for US\$170 each. 10 – 20-year olds sell for US\$130, while those between 20-30 years of age are sold for US\$90. The document states, 'The market to sell women and spoils of war has been experiencing a significant decrease, which has adversely affected ISIS revenue and financing of the Mujahidin.' According to the document, no one is allowed to purchase more than three slaves, unless they are foreigners such as Turks, Syrians or Arabs.

Videos online show ISIS Jihadists joking about buying and selling Yezidi women as sex slaves. One video shows young men relaxing and chatting about women slaves. 'Today is slave market', says one. 'Today is distribution day, God willing.' The men tease a fighter who appears to be very young. 'Can you handle one?' they ask, as he laughs. According to newspaper reports, bidding is offered

¹⁸² <https://www.rudaw.net/english/middleeast/iraq/210520202> (last visited Sept. 26, 2021).

¹⁸³ <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/research/files/Isis%20and%20Propaganda-%20How%20Isis%20Exploits%20Women.pdf> (last visited Sept. 26, 2021).

first to the leaders, then the emirs, and finally the soldiers, and fighters frequently take up to 3-4 women as slaves. At slave auctions it is customary for buyers to haggle, driving down prices by pointing out qualities that reduce the worth of the commodities, such as a flat chest or unattractiveness. They are kept until the men tire of them, usually around a month, and then resold at market. Zainab Bangura, a UN special representative on sexual violence, says ISIS has institutionalized rape and sexual slavery as a terror tactic. ‘The countries I have worked in include Bosnia, Congo, South Sudan, Somalia and Central African Republic; I never saw anything like this. I cannot understand such inhumanity. I was sick, I couldn’t understand... We heard a story of a 20-year-old girl who was burned alive because she refused to perform an extreme sexual act,’ she said. Some reports suggest that at the end of 2014 between 3,000 and 4,000 Yezidi women were still being kept as slaves.¹⁸⁴

In the foreword written by barrister Amal Clooney¹⁸⁵ for Nadia Murad’s autobiography, *The Last Girl*¹⁸⁶:

Nadia [Murad]¹⁸⁷ was one of the thousands of Yezidis taken by ISIS to be sold in markets and on Facebook sometimes for as little as twenty dollars...What Nadia was telling me about is genocide. And genocide doesn’t just happen by accident. You have to plan it. Before the genocide began, the ISIS ‘Research and Fatwa Department’ studied the Yazidis and concluded that, as a Kurdish-speaking group that did not have a holy book, Yazidis were nonbelievers whose enslavement was a ‘firmly established aspect of the Shariah.’ This is why, according to ISIS’s warped morality, Yazidis-unlike Christians, Shias, and others-can be systematically raped. Indeed, this was to be one of the most effective ways to destroy them.

What followed was the establishment of a bureaucracy of evil on an industrial scale. ISIS even released a pamphlet entitled Questions and Answers on Taking Captives and Slaves to provide more guidelines. ‘Question: Is it permissible to have intercourse with a female slave who hasn’t reached puberty? Answer: It is permissible to have intercourse with a female slave who hasn’t reached puberty if she is fit for intercourse. Question: Is it permissible to sell a female captive? Answer: It is permissible to buy, sell and gift female captives and slaves, for they are merely property.’...

Thousands of Yazidi women and children were still being held captive...

4.3 Cyber Exploitation of Yezidi Boys as “Cubs of the Caliphate”

The cyber exploitation of Yezidi boys is particularly disturbing. ISIS boasted on social media with videos, posts and tweets about the fact that it had captured, converted and trained Yezidi boys to be “Cubs of the Caliphate.”¹⁸⁸ According to the article, “How Islamic State is Training Child

¹⁸⁴ *Id.*

¹⁸⁵ <https://www.doughtystreet.co.uk/barristers/amal-clooney> (last visited Sept. 26, 2021).

¹⁸⁶ *The Last Girl, My Story of Captivity, and My Fight Against the Islamic State* by Nadia Murad (Author), Amal Clooney (Forward)

¹⁸⁷ <https://www.nobelprize.org/prizes/peace/2018/murad/facts/> (last visited Sept. 26, 2021).

¹⁸⁸ <https://www.theguardian.com/world/2016/mar/05/islamic-state-trains-purer-child-killers-in-doctrine-of-hate> (last visited Sept. 26, 2021).

Killers in the Doctrine of Hate,” a new generation of ISIS recruits is being developed in the Islamic State’s “caliphate,” indoctrinated with religious concepts from birth, and viewed by its fighters as better and purer than themselves, according to the first study of the exploitation and abuse of children as a means of securing the group’s future.¹⁸⁹

The report, *Children of Islamic State*, has been endorsed by the UN.¹⁹⁰ It was compiled through a study of propaganda released by ISIS featuring children and liaising with trusted sources within the caliphate.¹⁹¹ The portrait painted is of a terrorist group eager to enlist children to help safeguard its future. Many are being trained as spies, preachers, soldiers, “executioners” and suicide bombers.¹⁹² With regard to Yazidi and Turkmen boys, the article states:

Recruitment of children into Isis frequently involves coercion, according to the report, with abduction being a favoured method. The UN Assistance Mission for Iraq estimates that Isis has abducted between 800 and 900 children between the ages of nine and 15. From August 2014 to June 2015, hundreds of boys, including Yazidis and Turkmens, were forcibly taken from their families in Nineveh and sent to training centres, where boys as young as eight were taught the Qur’an, the use of weapons and combat tactics.¹⁹³

Similarly, in “An education in Islamic State Extremism,”¹⁹⁴ Robert Postings writes:

At media points set up throughout their territory, ISIS would entice children with free food and drinks, encouraging them to watch propaganda videos. Children were also exploited in such videos; in the most extreme cases ISIS made children carry out executions or participate in combat that was filmed and later broadcast in cities and through social media.

ISIS also coerced children to join the ‘cubs of the caliphate’ training regimes. This became more important as the group came under increasing military pressure and needed as many fighters as possible, and state-like functions such as education became less essential compared to defending territory. Many children, especially Yazidi boys, were kidnapped and forced to fight...

ISIS textbooks have also been disseminated online. Download links have appeared on messenger sites like Telegram – which is popular with ISIS and its supporters – and mainstream social media

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ <https://www.thedefensepost.com/2019/05/08/islamic-state-education-children/> (last visited Sept. 26, 2021).

sites such as Facebook, which claims more than one billion monthly active users. Counters on sites where textbooks can be obtained show many have been downloaded tens of thousands of times.¹⁹⁵

4.4 Sexual Exploitation and Slave Trading of Yazidis and Others is Known to the Executives and Corporate Boards of Social Media Companies

ISIS's use of social media for the purposes of enslavement, human trafficking, sexual exploitation and slave trading was an open secret to social media companies, governments and the news media.

According to PBS:

A group of investigators with the Commission for International Justice and Accountability is amassing evidence, hoping to prosecute Islamic State figures for crimes against humanity, war crimes and genocide...

'Islamic State fighters didn't take it upon themselves to rape these women and girls. There was a carefully executed plan to enslave, sell, and rape Yazidi women presided over by the highest levels of the Islamic State leadership,' said Bill Wiley, executive director and founder of CIJA. 'And in doing so, they were going to eradicate the Yazidi group by ensuring there were no more Yazidi children born.'

CIJA shared some of its findings with The Associated Press. The group, through Islamic State documents and interviews with survivors and insiders, identified 49 prominent Islamic State figures who built and managed the slave trade, as well as nearly 170 slave owners, including Western, Asian, African and Arab fighters. These also include top financiers, military commanders, local governors and women traders, many of them from the region neighboring the Yazidi community's villages.

The AP also put together findings from the Islamic State's own literature, along with interviews with Islamic State members, former slaves and rescuers, to establish how slavery was strictly mapped out from the earliest days, devolving into a free-for-all with fighters enriching themselves by selling Yazidi women as the group's power began to disintegrate.

CIJA's focus now is to build cases that courts can use to try Islamic State members for crimes against humanity or genocide. Countries can prosecute militants for individual rapes or torture or for membership in a terrorist group. But to prove higher charges, they would need the contextual evidence that CIJA provides, showing the crimes were part of a greater structure.

'Practically every Daesh prosecution that has ever happened anywhere in the world is a material support case, a membership case,' Wiley said, using an Arabic name for the group. 'Prosecuting high crimes could serve as a counter-radicalization tool for Islamic State supporters.'¹⁹⁶

¹⁹⁵ *Id.*

¹⁹⁶ <https://www.pbs.org/newshour/world/investigators-build-case-for-isis-crimes-against-yazidis> (last visited Sept. 26, 2021).

On September 16, 2021, *The Wall Street Journal* reported that “employees raised alarms about how the site is used in developing countries, where its user base is hugely expanding and according to internal documents, company’s [Facebook] response was weak.”¹⁹⁷ According to this same article, a former cop turned Facebook Inc. investigator posted an all-staff memo on the company’s internal message board. It began “Happy 2021 to everyone!!” and then proceeded to detail a new set of what he called “learnings.”¹⁹⁸ The biggest one: A Mexican drug cartel was using Facebook to recruit, train and pay hit men. The behavior was shocking and in clear violation of Facebook’s rules. But the company didn’t stop the cartel from posting on Facebook or Instagram, the company’s photo-sharing site.¹⁹⁹ Further, the documents recently obtained by *The Wall Street Journal* revealed that the social network has, for example, the notion that Instagram is a toxic environment for teenagers.²⁰⁰ In addition, the article shows that compliance with the rules on the social network is not equal for all users and that there are groups that are not punished.²⁰¹ By its own admission, Facebook has stated:

‘In the past, we didn’t address security and security challenges early in the product development process. But we fundamentally changed that approach. Today, we incorporate teams with a specific focus on security and safety issues directly into the product development teams, which allows us to address these issues during our product development process, not afterward,’ says a security post on the official blog. Facebook.²⁰²

After this recent story broke, U.S. Senator Marsha Blackburn (R-Tenn.) discussed in a televised interview the human trafficking rings, cartel drug activity, and toxicity towards younger users enabled by Facebook’s platforms.²⁰³ Senator Blackburn stated:

¹⁹⁷ <https://www.wsj.com/articles/facebook-drug-cartels-human-traffickers-response-is-weak-documents-11631812953> (last visited Sept. 27, 2021).

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

²⁰⁰ <https://olhardigital.com.br/en/2021/09/21/internet-e-redes-sociais/facebook-foi-usado-para-traffic-de-drogas-e-de-pessoas-diz-jornal/> (last visited Sept. 27, 2021).

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ <https://www.blackburn.senate.gov/2021/9/icymi-senator-blackburn-exposes-facebook-s-abuse-and-shares-details-from-whistleblower> (last visited September 27, 2021).

The whistleblower had an interesting take that there is a lack of governance at Facebook that Facebook seems to follow. The whistleblower has great inside information. It seems like Mark Zuckerberg is surrounded by yes-men. If you don't follow the company line, support him, and say 'yes,' then you're out. We also learned that in China, WhatsApp and Messenger are embedding malware to follow and track Uyghurs. Of course, the genocide that the Chinese Communist Party is carrying out against the Uyghurs, the fact that the Uyghurs are being used for slave labor and forced to manufacture these products for Apple, NBA licensed products, Nike, and other companies there in the Xinjiang province, embedding that malware and targeting these Uyghurs so that they can follow them. This is the type of destructive nature that is being used...Facebook has not taken down some of these Mexican drug cartels, sex trafficking rings, human traffickers that are broadcasting through Central America and through 150 countries around the world, where we've had those illegally enter the southern border...The Facebook we see in the U.S. is a more sanitized version than what Facebook is in other countries, and the bulk of Facebook's usage is in these other countries. Maria, they have an obligation, when it is illicit, nefarious activity, to block that, and they are choosing not to block that.²⁰⁴

According to the Igarape Institute, an independent think and do tank focused on the areas of public, climate and digital security and its consequences for democracy, drug cartels [and other criminal cartels] are all over Instagram, Facebook and TikTok, finding that “Drug traffickers and gangs are lively social media users across the Americas. Cartel bosses and their underlings use mainstream social media and popular messaging apps such as Telegram to shore up power and influence, threaten the competition, recruit new members, conduct sex trafficking, and sell drugs and contraband.”²⁰⁵

Below are examples of the headlines from widely available news articles and publicly available social media posts confirming the role of social media companies in contributing to the Yazidi Genocide committed by ISIS, including facilitating online auctions and human trafficking of Yazidis on their platforms:

*Is ISIS Selling Yazidi Sex Slaves on Facebook?*²⁰⁶

²⁰⁴ *Id.*

²⁰⁵ <https://igarape.org.br/en/drug-cartels-are-all-over-instagram-facebook-and-tiktok/> (last visited September 27, 2021).

²⁰⁶ <https://www.christianpost.com/news/isis-selling-yazidi-sex-slaves-on-facebook.html> (last visited Sept. 26, 2021).

*Now ISIS is Trying to Sell Their Sex Slaves on Facebook*²⁰⁷

*ISIS Fighters Seem to be trying to sell sex slaves online*²⁰⁸

*ISIL's human traffickers are using Facebook, WhatsApp, and Telegram to sell slaves*²⁰⁹

*ISIS fighters laugh about buying and selling female Yazidi slaves (Watch on YouTube)*²¹⁰

*Online 'auctions' of Yazidi captives speak of ongoing Islamic State activity in Turkey*²¹¹

ISIS: Terrorist Usage of Twitter and Social Media²¹²

Jihadists buy and sell Yazidi Girls for Sex on WhatsApp²¹³

**Right-Wing Extremism and Islamic Extremism Spread Online In Similar Ways:
Hate groups are using them to attract online recruits into small, intense groups — and beat
Facebook's censors.**²¹⁴

ISIS NOW USING FACEBOOK TO SELL SEX SLAVES²¹⁵

²⁰⁷ <https://www.indiatimes.com/news/world/now-isis-is-trying-to-sell-their-sex-slaves-on-facebook-255919.html> (last visited Sept. 26, 2021).

²⁰⁸ https://www.washingtonpost.com/world/national-security/isis-fighters-appear-to-be-trying-to-sell-their-sex-slaves-on-the-internet/2016/05/28/b3d1edea-24fe-11e6-9e7f-57890b612299_story.html (last visited Sept. 26, 2021).

²⁰⁹ <https://qz.com/777152/isil-is-using-facebook-fb-whatsapp-and-telegram-to-sell-slaves/> (last visited Sept. 26, 2021).

²¹⁰ <https://nypost.com/2014/11/03/isis-fighters-laugh-about-buying-and-selling-female-yazidi-slaves/> (last visited Sept. 26, 2021).

²¹¹ <https://www.al-monitor.com/originals/2021/03/turkey-syria-yazidi-captives-speak-of-isis-ongoing-activity.html> (last visited Sept. 26, 2021).

²¹² <https://smallwarsjournal.com/jrnl/art/primer-terrorist-usage-twitter-and-social-media> (last visited Sept. 26, 2021).

²¹³ <https://www.thetimes.co.uk/article/jihadists-buy-and-sell-yazidi-girls-for-sex-on-whatsapp-7207zrg7j> (last visited Sept. 26, 2021).

²¹⁴ <https://www.defenseone.com/technology/2020/08/right-wing-extremism-and-islamic-extremism-spreads-online-similar-ways-new-study/167916/> (last visited Sept. 26, 2021).

²¹⁵ <https://www.israel365news.com/68822/isis-online-sex-slaves-for-sale-05-16/> (last visited Sept. 26, 2021).

ISIS USING WHATSAPP AND TELEGRAM TO SELL SEX SLAVES²¹⁶

**YAZIDI WOMEN SOLD AS SEX SLAVES: IS MILITANTS ARE NOW RESORTING
TO SOCIAL MEDIA TO SELL SEX SLAVES ONLINE²¹⁷**

ISLAMIC STATE TERRORIST PROPAGANDA IS GOING VIRAL ON FACEBOOK²¹⁸

ISIS FIGHTERS PEDDLING YAZIDI SEX SLAVES ON SOCIAL MEDIA²¹⁹

IS-STRIJDER ZET SEKSSLAVINNEN TE KOOP OP FACEBOOK²²⁰

IS-STRIJDERS VERKOPEN SEKSSLAVINNEN VIA FACEBOOK²²¹

DES FEMMES VENDUES SUR FACEBOOK PAR DAECH?²²²

²¹⁶ <https://www.independent.co.uk/news/world/middle-east/isis-using-whatsapp-telegram-sell-sex-slaves-iraq-facebook-a7125551.html> (last visited Sept. 26, 2021).

²¹⁷ <https://www.opendemocracy.net/en/north-africa-west-asia/yazidi-women-sold-as-sex-slaves/> (last visited Sept. 26, 2021).

²¹⁸ <https://www.wired.co.uk/article/islamic-state-terrorism-facebook> (last visited Sept. 26, 2021).

²¹⁹ <https://www.foxnews.com/world/isis-fighters-peddling-yazidi-sex-slaves-on-social-media> (last visited Sept. 26, 2021).

²²⁰ <https://www.bd.nl/buitenland/is-strijder-zet-seksslavinnen-te-koop-op-facebook~a078feab/?referrer=https%3A%2F%2Fwww.google.com%2F> (last visited Sept. 26, 2021).

²²¹ <https://www.rtlnieuws.nl/buitenland/artikel/555216/strijders-verkopen-seksslavinnen-facebook> (last visited Sept. 26, 2021).

²²² <https://www.elle.fr/Societe/News/Des-femmes-vendues-sur-Facebook-par-Daech-3104062> (last visited Sept. 26, 2021).



Facebook profile of a German ISIS fighter discovered by MEMRI²²³ appears to offer Yazidi sex slaves for \$8,000.²²⁴



²²³ <https://www.foxnews.com/world/isis-fighters-peddling-yazidi-sex-slaves-on-social-media> (last visited Sept. 26, 2021).

²²⁴ *Id.*

The posts were riddled with comments disparaging the women.²²⁵



A screenshot of the fighter's Facebook page.²²⁶

²²⁵ *Id.*

²²⁶ *Id.*



MEMRI discovered a Facebook post advertising two Yazidi slaves, aka women of the Yazidi group in Iraq that ISIS abhors.²²⁷

²²⁷ <https://www.revelist.com/world/isis-sex-slaves-social-media/2727/on-may-20-memri-discovered-a-facebook-post-advertising-two-yazidi-slaves-aka-women-of-the-yazidi-group-in-iraq-that-isis-abhors/1> (last visited Sept. 26, 2021).

The following are out-takes from an ISIS video, posted to YouTube, owned by Google, that opens with a group of men on couches discussing how each will receive their "share" of female Yazidi slaves.



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According to Sheera Frenkel, a BuzzFeed News World Correspondent:

Human rights groups say thousands of Yazidi women and young girls were taken from their ancestral homes in northern Iraq earlier this year when ISIS fighters swept through the Sinjar mountains, where the Yazidi people have practiced their own unique religion for thousands of years. Many Yazidi told stories of women and children being captured by the fighters. Those who could flee, scaled Sinjar Mountain, where some died from scorching heat and thirst before they could be rescued.

Family members often said they did not know where their female relatives had been taken, but they feared the worst. In the months since their capture, stories have leaked out about women being forced to convert and marry ISIS fighters.

²²⁸ <https://www.buzzfeednews.com/article/sheerafrenkel/video-appears-to-show-isis-fighters-joking-about-selling-sla> (last visited Sept. 26, 2021).

In the last issue of *Dabiq*, an online magazine published by ISIS as a propaganda tool, there was an article arguing that Yazidi women and children captured by ISIS should be divided among fighters 'according to Sharia law.'

But the ISIS fighters appear to have their own ideas about the women. One man repeatedly tries to buy "shares" of the girls from the other men, claiming he wants as many as possible.²²⁹



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²²⁹ *Id.*

²³⁰ *Id.*



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²³¹ *Id.*



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²³² *Id.*



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²³³ *Id.*



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²³⁴ *Id.*



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²³⁵ *Id.*



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²³⁶ *Id.*



A Yazidi who had been held by ISIS militants as a slave for several months sits in a tent outside Duhok, Iraq. Two different ISIS captives recently appeared to be offered for sale on Facebook. (Alice Martins/For The Washington Post)²³⁷

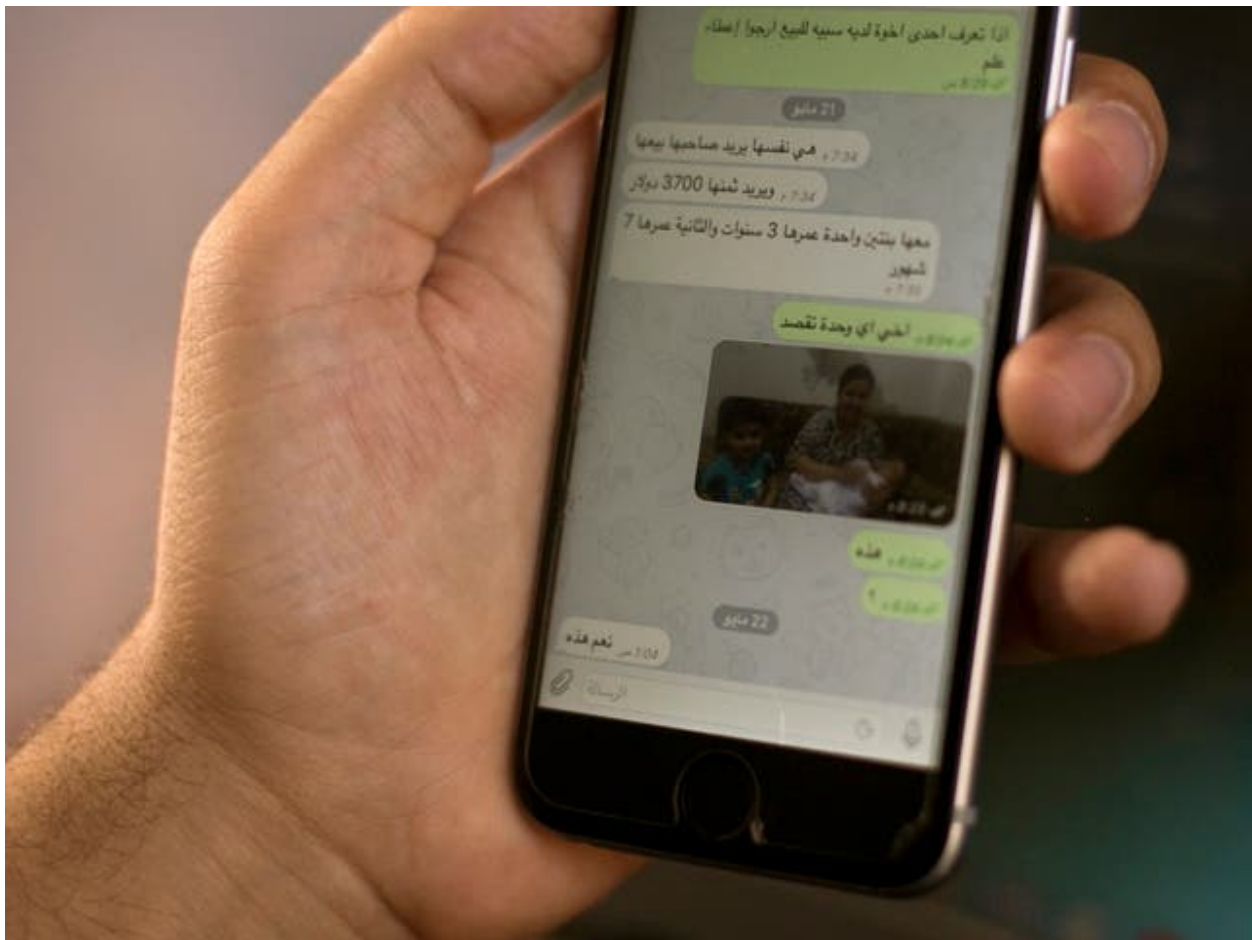
According to the U.K.'s Independent newspaper in an article, "ISIS Using Whatsapp and Telegram to Sell Sex Slaves":

Yazidi women and girls as young as 12 are being advertised for sale as sex slaves by Isis fighters on the instant messenger apps Whatsapp and Telegram.

Ahmed Burjus, the director of Yazda in the UK, an organization that was formed to support the Yazidi community in the aftermath of the 2014 genocide, told *The Independent*: "We condemn the inaction of social media websites such as Telegram, Facebook, Twitter and Whatsapp, for allowing the trade of the Yazidi women and children. Social media websites [such as] Twitter and Facebook have not responded to requests to remove materials such as auction pages [selling] Yazidi women. [Isis] are also insulting Yazidi families everyday through these apps by sending pictures of their kidnapped members.'

²³⁷ https://www.washingtonpost.com/world/national-security/isis-fighters-appear-to-be-trying-to-sell-their-sex-slaves-on-the-internet/2016/05/28/b3d1e2ea-24fe-11e6-9e7f-57890b612299_story.html (last visited Sept. 26, 2021).

Mr. Burjus added the organization was concerned Yazidi children were being used as a recruitment tool by Isis on social media. Multiple pictures have emerged of Yazidi children posed, raising index fingers in apparent allegiance to Isis.



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²³⁸ <https://www.independent.co.uk/news/world/middle-east/isis-using-whatsapp-telegram-sell-sex-slaves-iraq-facebook-a7125551.html> (last visited Sept. 26, 2021).



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²³⁹ *Id.*



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According to the Middle East Eye, “Under IS captivity, Yazidi women and children were bought and sold like livestock. Some women were traded into sexual slavery via messenger apps or Facebook, and others bought in-person at slave bazaars in IS-controlled cities.”²⁴¹

²⁴⁰ <https://www.middleeasteye.net/news/its-making-my-mission-harder-rescuers-search-yazidis-sold> (last visited Sept. 26, 2021).

²⁴¹ *Id.*



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4.5 Online Social Media Platforms Aided and Abetted ISIS’s Use of Modern Slavery and Terrorism

In their article “Not Yet Dead: The Establishment and Regulation of Slavery by the Islamic State,” authors Nadia Al-Dayel, Andrew Mumford and Kevin Bales outline in detail the Islamic State’s

²⁴² <https://www.buzzfeed.com/ellievhall/inside-the-online-world-of-the-women-of-isis> (last visited Sept. 26, 2021).

use of modern slavery and terrorism.²⁴³ Specifically, the authors explore the fact that “[t]he Islamic State is an organization at the nexus of modern slavery and terrorism.”²⁴⁴ This article provides the first in-depth analysis of how it regulated slavery.²⁴⁵ With a consideration of gendered approaches, it applies multiple data sources to reveal a three-part assessment of the forms, establishment and regulation of slavery from 2014 to 2017.²⁴⁶ Beginning with the August 2014 Sinjar massacre, it reveals the logistics of slavery through an innovative process entitled the Division and Regulation of Enslavement Framework.²⁴⁷ It concludes with a discussion on the domestic and international aspects of this crime, detailing recommendations for research and policy.²⁴⁸

The use of online slavery auctions was part of ISIS’s slavery logistics.²⁴⁹ The diagram below depicts the Division and Regulation Enslavement Framework, including the step where Yezidis were sold in markets, which occurred both in person and online²⁵⁰:

²⁴³ <https://www.tandfonline.com/doi/full/10.1080/1057610X.2020.1711590> (last visited Sept. 26, 2021).

²⁴⁴ *Id.*

²⁴⁵ *Id.*

²⁴⁶ *Id.*

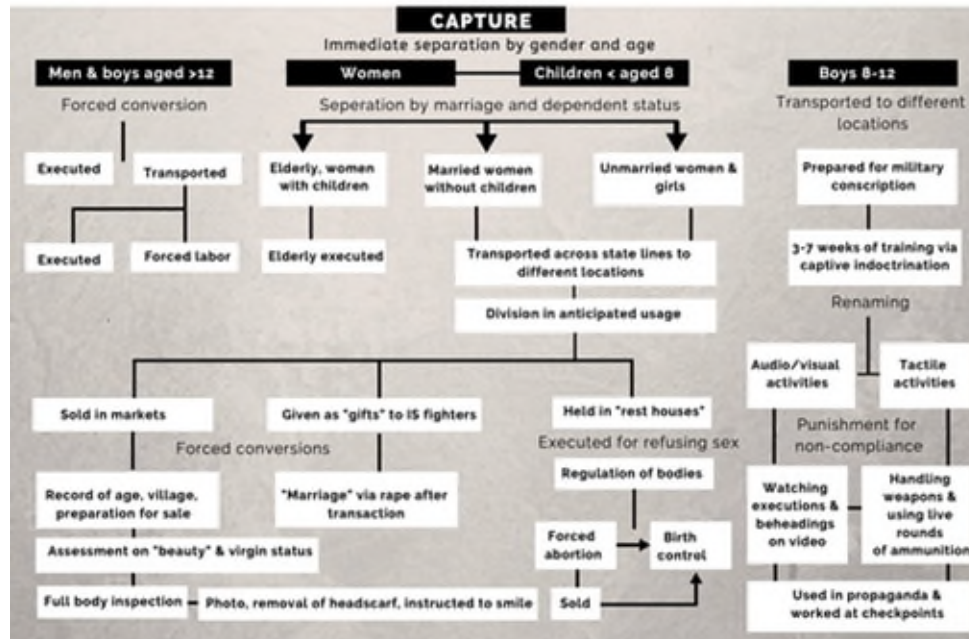
²⁴⁷ *Id.*

²⁴⁸ *Id.*

²⁴⁹ *Id.*

²⁵⁰ *Id.*

Division and Regulation Enslavement Framework
How the Islamic State processed civilians during the Sinjar attack



The article details how ISIS segregated kidnapped Yazidis:

Women and Girls

Women were separated by marital status and known dependents. Some women claimed children who happened to be near them as dependents in order to not be categorized as ‘virgins’. They had perceived that ‘virginity’ increased their likelihood of exploitation due to the high ‘value’ it has in the Islamic State enslavement system. The Islamic State soldiers in charge of classification doubted the marital status of some women, who were then questioned and examined. Women above the age of sixty were deemed elderly and executed. The more valuable married women without children and unmarried women and girls were separated and transported to registration sites in different locations. Firstly at the point of capture, and then at the registration and classification sites the captors divided the girls and women into different categories based on their intended use by Islamic State.

The division of women and girls was in accordance to three anticipated uses: being sold in local or **online** markets; being given as ‘gifts’ to Islamic State fighters; and being enslaved for forced sexual exploitation in ‘rest houses’. The women sent to be sold experienced forced conversions. As a fungible commodity they were assigned a registration number. A record was kept of their first, middle and last name, their age, their home village, and their marital status. In processing these women, inspectors forced them to remove their veils and expose their hair. There are reports that their teeth were inspected, and that the color of their eyes might also affect their value. A full body inspection culminated with photos taken of them with forced smiles. Anyone who has attended organized sales of commercial livestock will recognize these procedures.

Once processed, classified, and prepared for market, the women were auctioned off in the various 'live' slave markets or in **online** markets through encrypted mobile applications such as **Telegram**. In the 'live' markets, women were lined up and made to walk without headscarves amongst the male buyers who would then express interest or bid on specific women. Once sold, they were often transported to their buyer's home via the buyer's personal vehicle. Several sources indicate a wide range of international buyers, some paying thousands of dollars. As the United Nations envoy Zainab Bangura noted, 'girls get peddled like barrels of petrol'. The identities and motivations of these 'international buyers' in both face-to-face and **online** markets are not clear. Were they supporters of Islamic State seeking to acquire slave women and through those purchases increase the economic resources of IS? Were they criminals, already engaged in human trafficking and enslavement, who paid lip service to IS in order to gain access to the markets? And if international buyers were using **online** auctions to acquire enslaved women and girls, apparently paying the largest amounts for these living 'spoils', how were their purchased items delivered to them? Whatever their characteristics and motivations, these were significant funders, fitting neatly into a complex and coordinated tactical logistical system of resource development by the Islamic State.

Some girls and women deemed economically and culturally 'valuable' were given as 'gifts' to Islamic State leaders and fighters in certain military campaigns. Abu Sayyaf, a senior ISIS commander, was known to keep slaves specifically for sexual exploitation, including a pair of Yazidi sisters who later escaped to the safety of an American Special Forces command posting Iraqi Kurdistan in October 2014, and an American hostage, the aid worker Kayla Mueller. After U.S. Delta Force killed Sayyaf in a raid on his compound in May 2015, intelligence determined that his wife, Umm Sayyaf, was regularly selling female captives as slaves – some after they had first been raped by Islamic State leader Abu Bakr al-Baghdadi, including the American hostage Kayla Mueller. In another instance, women and girls enslaved for sexual exploitation were openly awarded as prizes to the winners of a Qur'an memorization competition in ISIS-controlled Mosul in June 2015.

Other enslaved women and girls were handed over to Islamic State leaders and fighters as 'wives'. 'Marriage' between an enslaved civilian and an Islamic State fighter would immediately occur via rape. This 'marriage' carries a number of implications concerning both the tactical and strategic uses of enslavement by the Islamic State. A 'wife' within the parameters of the theological worldview of the Islamic State was also property, but importantly, was also a woman not just available for sexual and logistical exploitation but also for legitimate, theologically recognized, impregnation, child bearing and rearing. As Ariel I. Ahram has argued: 'Placed into sexual slavery, captured women and girls became, in effect, breeding stock.'

These forced 'marriages' of enslaved women achieved both tactical and strategic goals of the Islamic State. Firstly, the 'marriages' converted apostate or *mushrik* women into theologically acceptable wives and mothers. This both decreased the number of 'enemy' peoples within the emerging 'Caliphate' and had the potential to increase the number of true believers and ultimately IS fighters through procreation. It has been argued by Fisher and others that such forced impregnation is a form of genocide, and the 'cleansing required to establish the 'Caliphate' is a specific example of such genocidal rape and impregnation by the Islamic State, not least in that it displays other known markers of genocide in the planning, organization, and coordinated execution of rape and 'cleansing', to achieve strategic aims. Secondly, these enslaved 'wives' were required to provide extensive logistical support to their 'husbands' as well as to their non-enslaved senior sister wives.

Girls and women were also enslaved and sexually exploited in 'rest houses'. These locations served as sites for Islamic State fighters to visit and rape civilians in the same controlled and organized way that Japanese forces in World War Two maintained an extensive network of 'comfort stations'

where civilian women were raped. If women and girls refused sex with Islamic State fighters, they were executed. The threat of execution was also used to deter resistance to sexual assault. Within these ‘rest houses’, there was further regulation and control of women’s bodies. Islamic State religious parameters stipulate that a man cannot have sex with an enslaved woman if she is pregnant. Therefore, women who were pregnant on arrival were forced to abort their fetuses. Forced abortions also occurred if women and girls became pregnant while in the rest houses. Some were put on birth control to prevent pregnancy. Some women and girls were also sold from these locations.

Nadia Murad describes the pattern of events that became familiar for her and thousands of other Yazidi women sold into sexual slavery by ISIS:

‘We would be bought at the market or given as a gift to a new recruit or a high-ranking commander, and then taken back to his home, where we would be raped and humiliated, most of us beaten as well. Then we would be sold or given as a gift again, and again raped and beaten, then sold or given to another militant, and raped and beaten by him, and sold or given, and raped and beaten, and it went this way for as long as we were desirable enough and not yet dead.

Male Children

Boys aged eight to twelve were transported to various locations, sometimes across state lines. The boys were given new Islamic names. They were prepared for military use and religious education. This preparation consisted of three to seven weeks of ‘training’ via captive indoctrination that consisted of audio/visual desensitization activities and military training. For the former activities, the children were made to watch executions and beheadings on videos. For the latter, they were made to handle weapons and use live rounds of ammunition. They were punished for noncompliance, with reports of rape, flogging, and torture.

This regulation of slavery relates to a triumphant display of sovereignty over territory. The captured civilians were taken over state borders that were deemed ‘erased’ by the establishment of the Caliphate. The free population in the territory was aware of the existence of slavery. While some locals were directly implicated in economy of slavery, there were also notices advertising escaped slaves placed in prominent public areas. Photos of slaves were displayed at exit checkpoints around Mosul so that no slave could escape unnoticed. The Islamic State purportedly offered a 5,000 USD reward to anyone who returned an escaped slave. As the number of enslaved persons increased, ISIS leaders fixed the price of slaves being sold at markets in October 2014 to halt any price deflation. Children aged one to nine were sold for 200,000 Iraqi dinars (approximately 170 USD), with a \$40 reduction for every subsequent decade the slave for sale was aged. These slaves were not just purchased by ISIS fighters and kept inside their territory (especially Raqqa), but were also purchased by human traffickers who transported them to residences and brothels across the entire Middle East region.

This evidence of public awareness of the enslavement, coupled with the findings presented in this section on the Division and Regulation of Enslavement Framework, suggests it is imperative to consider the domestic and international aspects in the Islamic State’s institution of this crime against humanity.²⁵¹ (*Emphasis Added. Original cites omitted.*)

²⁵¹ *Id.*

4.6 Social Media and Technology Companies' Role in Aiding and Abetting ISIS's Rise to Power and Reign of Terror

There is a mountain of evidence that ISIS militants' ability to conquer large parts of Iraq and Syria was achieved by using social media. Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram aided and abetted ISIS's crimes by failing to remove hate speech leading to the Yezidi Genocide. Such evidence requires an international criminal and civil investigation and prosecution of culpable corporate actors.

The film *The Social Dilemma*²⁵² spells out how “social media platforms and algorithms manipulate individuals and contribute to issues such as viral conspiracy theories, teenage mental health issues, rampant misinformation, and political polarization” including pushing violent terroristic propaganda towards users interested in it.²⁵³ Jeff Orlowski, the director of the film, stated, “The algorithms control what we see, when we see it, how we see it, with no regard for the truth or for humanity... These platforms are driven by a business model that values attention above quality, and the algorithms will systematically push users to more and more polarized and extreme thinking in search of anything that will keep us engaged.”²⁵⁴

In her book, “Weapons of Math Destruction,”²⁵⁵ former Wall Street quant and data scientist Cathy O’Neil²⁵⁶ refers to the mathematical models upon which global social media programs operate as “**weapons of math destruction**” for the detrimental impact the models can have on society. Specifically, Cathy O’Neil leverages her expertise in mathematics and her passion for social justice to poke holes in the triumphant narrative of Big Data.²⁵⁷ She makes a compelling case that math is being used to squeeze marginalized segments of society and magnify inequities.²⁵⁸ **The models**

²⁵² <https://www.indiewire.com/2020/08/the-social-dilemma-trailer-netflix-documentary-1234583007/> (last visited Sept. 26, 2021).

²⁵³ *Id.*

²⁵⁴ *Id.*

²⁵⁵ <https://mathbabe.org/contact/> (last visited Sept. 26, 2021),

²⁵⁶ *Id.*

²⁵⁷ *Id.*

²⁵⁸ *Id.*

being used today are opaque, unregulated, and uncontestable, even when they're wrong.²⁵⁹

Most troubling, they reinforce discrimination...Models are propping up the lucky and punishing the downtrodden, creating a "toxic cocktail for democracy."²⁶⁰

How this applies to the war crimes against Yezidis that ISIS posted and boasted about on social media is that, even though social media is touted as a positive force for social good, the mathematical models behind these platforms actually have a compound effect on those predisposed or inclined to consume and be inspired by ISIS propaganda. The models achieve this by further engaging ISIS members and sympathizers as well as emboldening ISIS to continue to spread its propaganda unfettered on global social media. In terms of the spread of terroristic hate speech and its influence on some societies, the impact of these mathematical models, coupled with ineffective language tools employed by global technology companies to monitor media posts, has been an unmitigated disaster.

The Algorithmic Justice League,²⁶¹ founded by Joy Buolamwini,²⁶² has the mission to raise awareness about the impacts of Artificial Intelligence (AI), equip advocates with empirical research, build the voice and choice of the most impacted communities, and galvanize researchers, policy makers and industry practitioners to mitigate AI harms and biases.²⁶³ The Algorithmic Justice League states that while these tools show great promise, they can also harm vulnerable and marginalized people and threaten civil rights.²⁶⁴ Unchecked, unregulated and, at times, unwanted, AI systems can amplify racism, sexism, ableism and other forms of discrimination.²⁶⁵ The impact that faulty AI operating behind the global social media platforms has had on targeted communities such as Yezidis when it comes to spreading ISIS's terroristic propaganda has been catastrophic and deadly.

ISIS swept over the Yezidi homeland like a terrorist tsunami propelled by the spread of terroristic propaganda on social media platforms such as Facebook, YouTube, Twitter, Google, WhatsApp,

²⁵⁹ *Id.*

²⁶⁰ *Id.*

²⁶¹ <https://www.ajl.org/> (last visited Sept. 26, 2021).

²⁶² <https://www.poetofcode.com/> (last visited Sept. 26, 2021).

²⁶³ <https://www.ajl.org/> (last visited Sept. 26, 2021).

²⁶⁴ *Id.*

²⁶⁵ *Id.*

Messenger, Kik and Telegram, among others. In her article “Terrorism, the Internet, & Propaganda: A Deadly Combination,” published in the *Journal of National Security Law & Policy*, Ariel Victoria Liberman writes:

The Internet provides a relatively unregulated and unrestricted place where terrorists can craft and disseminate propaganda through seemingly limitless numbers of websites and social media platforms, tailoring their pitch so as to target thousands of potential new recruits to join their organization and further their cause. ISIS, in particular, produces the most technologically advanced propaganda yet. Through sophisticated digital means, they have promoted the idea that ISIS has successfully established a caliphate and recruited thousands of new members to join the terrorist organization. ISIS films, which range from minutes to hours long, use Hollywood-style production tricks and special effects to portray ISIS terrorists as heroes and depict fighting for ISIS as akin to playing in a real-life video game. These violent and gruesome depictions are sent out alongside pictures and posts describing romantic, exciting encounters and riches enjoyed by ISIS youth. ISIS propaganda combines the horrifying and tantalizing to deliberately target young adults through social media, portraying life in ISIS territory as glamorous and utopian, and its members as heroic and desirable. Such propaganda fails to disclose the harsh realities of life in ISIS or ISIS-perpetrated atrocities. Efforts to thwart this propaganda in its many forms thus far have been relatively unsuccessful.²⁶⁶

...ISIS has gone so far as to establish the ‘Al Hayat Media Center’ in which generates media specifically aimed at non-Arabic speakers, particularly younger viewers. Its output resembles that of mainstream broadcasts, though their videos are distinguished by glossy identifying marks: either a teardrop-shaped logo of Arabic script materializing from a digital cascade of water or a black and white ISIS flag in the corner of the screen. The Center makes videos in several different languages and formats, including everything from minute-long Twitter-friendly ‘muja tweets’ to hour-long Hollywood-style documentaries showcasing special effects and action scenes...[T]he ISIS propaganda machine produces as many as 90,000 posts on Twitter, YouTube, Facebook, and many other social media platforms every single day. Twitter, the San Francisco-based social media network, has more than 288 million active users worldwide, and is by far the most popular platform for ISIS propaganda.²⁶⁷

²⁶⁶ https://jnslp.com/wp-content/uploads/2017/04/Terrorism_the_Internet_and_Propaganda_FINAL.pdf at 95 (last visited Sept. 26, 2021).

²⁶⁷ *Id.* (Original citations omitted.) at 105.

4.7 Social Media Companies Allowed ISIS Media to Freely and Fully Employ Their Platforms to Spread Terroristic Propaganda for More Than a Decade

“Hashtag Terror: How ISIS Manipulates Social Media,” published by the Anti-Defamation League in August 2014, explained how as ISIS gained confidence and territory in the Middle East, its social media presence “expanded its influence well beyond the battlefields.”²⁶⁸ According to the article:

Although various terrorist organizations have maintained Twitter accounts since at least 2010, they often did so as a secondary means of communication. Terrorist propaganda was generally made available on extremist forums, featuring downloadable content such as magazines, videos and brochures.

ISIS, however, has disseminated information almost exclusively via Twitter, where it can quickly share its views around the world and enable supporters to take part in that process. ISIS also relies on this network of support to increase the reach and influence of its messages.

Twitter users are also able to conceal their identities more effectively than on forums and other social networking sites. And while Twitter accounts can be – and indeed, sometimes are – shut down by Twitter, new ones can almost always be immediately established.

ISIS has maintained Twitter accounts for several of its official media outlets, including Al-Hayat media, which mostly distributes polished propaganda pieces in Arabic, although it also maintains Twitter feeds in various other languages, including English; Al-Medrar, which publishes in a variety of languages; Platform Media, which primarily tweets news updates in Arabic; and Al-Battar media, which has English and Arabic feeds that tweet news, graphics, official statements, and videos. In addition, multiple ISIS regional groups maintain Twitter feeds posting news, images, and video of their activities.

ISIS has also attempted to branch out to alternate social networks such as Friendica, Quitter and Diaspora, but with limited success; Friendica and Quitter in particular were quick to remove the group's presence from their sites. In August 2014, following ISIS's online release of a video depicting the beheading of an American journalist, Diaspora removed ISIS accounts on its site and Twitter adopted a more active policy of removing ISIS and pro-ISIS accounts (which it had already been doing to some extent prior to the release), suspending accounts that posted imagery from the video. However, ISIS has been adept at quickly reinstating its Twitter accounts.

ISIS official Twitter accounts are augmented by supporters, some of whom seem to have quasi-official status. The Markaz al Islam Twitter feed, for example, has not only promoted ISIS propaganda (primarily in English), but has also directed supporters to his English-language Facebook pages (continuously replacing pages as they are removed by Facebook for content violation) that do the same. Several other feeds appear to serve similar roles. Such supporters are often active in a variety of languages and on a variety of platforms, including Twitter, Facebook, Instagram, and the question and answer service Ask.FM.

²⁶⁸ <https://www.adl.org/education/resources/reports/isis-islamic-state-social-media> (last visited Sept. 26, 2021).

Supporters can also sign up for an app for Android through Google Play called ‘Dawn of Glad Tidings’ as a way of receiving information from ISIS on the smart phone. When they do so, ISIS also gains the ability to post Tweets from users’ Twitter accounts – which therefore become *de facto* ISIS propaganda outlets.

ISIS also organizes hashtag campaigns, skewing trending terms by encouraging supporters to repeatedly Tweet various hashtags such as #AllEyesonISIS or #CalamityWillBefallUS. The goal is that these terms will then trend on Twitter, vastly increasing the visibility of tweets with ISIS’s message.

Similarly, ISIS encourages tweets of ‘active hashtags,’ or hashtags that are already trending. Thus, it will encourage its supporters to tweet ISIS messages with popular hashtags such as #worldcup so that people searching for those hashtags will inadvertently come across pro-ISIS posts...

Recruiting and Image

The vast majority of non-Arabic propaganda distributed by ISIS is designed to get attention (often tweeting information at members of the media and government), enhance the group’s image and encourage Westerners to support and join the organization.

Much of the social media campaign centers on depicting ISIS as a goodwill organization. Several Twitter feeds maintained by ISIS (as well as accounts on Facebook and other social media outlets belonging to ISIS or supporters) regularly distribute images of militants engaging with children, distributing food and performing other social services. In April 2014, ISIS released a video featuring former German rapper-turned-ISIS-militant Denis Cuspert engaged in a snowball fight with fellow extremists, stating in German, ‘Now you see...here in Syria, we also can have fun!...That’s jihad, jihad makes fun...and we have fun here with the children...Come on, we invite you to jihad!’

In June 2014, ISIS began posting a series of short videos called ‘Muja tweets’ (named ostensibly for their brevity) to YouTube. The videos are designed to depict ISIS as a charitable organization, beloved by civilians and establishing a better society. The first episode depicts an apparent European recruit singing a song in German praising ISIS. The second episode shows clips of children having fun with ISIS militants. The third episode features an apparent Syrian chef – an everyday civilian – who explains how good life is now that ISIS controls his region.

The fourth, released in July 2014, takes a slightly different tack, following an apparently German ISIS member who visits supposed wounded militants in a hospital, telling viewers, ‘Come to the land of honor and search for *shahada* (martyrdom).’ The fourth episode is in German with English subtitles. By August 2014, ISIS had released Muja 8 tweets episodes in total.

Some ISIS propaganda also focuses on the work the organization is doing to establish a supposedly model Islamic state. Along with multiple short Tweets and messages by the organization and its supporters praising a coming caliphate, the organization has released highly popularized videos such as ‘Khairah Ummah,’ a fifteen minute film released in June 2014 and promoted on multiple Twitter feeds and on Facebook that shows an ISIS member ‘reminding’ shopkeepers to go to the mosque on Friday and not to display manikins with women’s clothing, among other things. ‘This’, he explains, creates, ‘the best *Ummah* [community] produced for mankind.’

The video later shows how ISIS found and executed someone they claimed to be a sorcerer – a scene meant to show the extent to which it is working to eradicate evil and implement Islamic law and

values. The Khairah Ummah video was released in multiple versions for western audiences, with subtitles in several languages, including English, French, Russian and Turkish.

Other social media efforts tout ISIS's military strength, calling on followers to join in fighting. The 'Ya Junod Al-Haqq Hayya' video, released early in June 2014, featured prominently displayed English subtitles of a song bragging about ISIS's military conquests and its ability to instill fear in its enemies. Later in the same month, a video called 'Haya alal-Jihad' or 'Let's go for Jihad!' featured a song in German, with prominent English subtitles, with the lyrics: 'Brothers join us/We slaughter until the day of Judgment,' and proclaims that ISIS members 'love to die.' The song was accompanied by images of explosions, casualties and fighting ISIS members.

The image ISIS seeks to portray is reminiscent of *Inspire* magazine, published by Al Qaeda in the Arabian Peninsula. The magazine's earlier issues attempted to encourage Americans to join terrorist training camps abroad by depicting an almost summer-camp like atmosphere.

ISIS has created its own English-language magazines that are distributed on Twitter as well. Its first attempt, the *Islamic State Report*, primarily featured images with headlines and quotes from the Qu'ran, along with occasional short essays praising ISIS. Various news items in the report included brags about killing sorcerers and information about grain distribution and implementation of Islamic law in relation to giving charity and tax.

In July 2014, ISIS issued a second English-language magazine called *Dabiq*. In its first issue, *Dabiq* was more similar to other terrorist magazines like *Inspire*, featuring 50 pages of graphics and articles on ideology, theology and praise of the organization, as well as quotes from American military and political figures describing ISIS's strength. The second issue of *Dabiq*, released in July 2014, included philosophical justifications for ISIS and its ideology and urged readers to move to ISIS territory or at least pledge allegiance to the organization.

Like that of other terrorist organizations, ISIS propaganda does not shy away from graphic military imagery. It regularly posts images of shootings, crucifixions, beheadings and mass executions it claims to perpetrate, as well as images of individuals it claims as martyrs. These can be seen on organizational Twitter accounts as well as on the accounts of its regional affiliates. Throughout the winter of 2013-2014, ISIS also released a number of propaganda posters explaining the 'virtues of swords,' 'virtues of seeking martyrdom', and the benefit of 'racing towards jihad.'²⁶⁹

In their article "Measuring the Impact of ISIS Social Media Strategy," engineers at the Department of Computer Science & Engineering at Texas A&M University and the Information Sciences Institute at the University of Southern California explained the findings of their research:

In this work we study the extent to which ISIS is able to spread their message beyond their immediate supporters. Are they operating in their own sphere with limited interaction with the overall community? Or are they well rooted among normal users? We find that three-quarters of the interactions ISIS received on Twitter in 2015 actually came from eventually suspended accounts raising questions about the potential number of ISIS-related accounts and how organic ISIS audience is.

²⁶⁹ *Id.*

We select two groups of tweets – one that represents ISIS-related tweets and another randomly sampled group that we use to compare ISIS to other normal users. Concretely, we have the following sets of data (summarized below in Table 1):

- **ISIS-Tweets:** Tweets posted by the reported ISIS-related accounts. There are 23,880 accounts that generated 17,424,323 tweets.
- **ISIS-Retweets:** All retweets of ISIS tweets including those from themselves. There are 10,436,603 retweets, posted by 551,869 users.
- **ISIS-Mentions:** All tweets that mention any of the ISIS accounts. There are 19,570,380 such tweets generated by 745,721 accounts.

In order to better understand the behavior and interactions of ISIS accounts, we randomly sampled an equal-size set of legitimate accounts (i.e. accounts that were still alive on Twitter by end of 2016) and use them for comparison. Concretely we have the following:

- ***Legit-Tweets:** A random sample of 23,880 legitimate accounts. These accounts posted 17,454,068 tweets.*
- ***Legit-Retweets:** All retweets of the above legit tweets. We found 12,175,619 retweets generated by 1,753,195 users.*
- ***Legit-Mentions:** All tweets mentioning the above legit tweets. We found 17,479,990 tweets generated by 2,161,106 users.²⁷⁰ (Emphasis added.)*

Dataset	Accounts	Tweets
ISIS-Tweets	23,880	17,434,323
ISIS-Retweets	551,869	10,436,603
ISIS-Mentions	745,721	19,570,380
Legit-Tweets	23,880	17,454,068
Legit-Retweets	1,753,195	12,175,619
Legit-Mentions	2,161,106	17,479,990

Table 1: ISIS-Tweets are tweets posted by a known seed of ISIS-related accounts. Legit-Tweets is a randomly sampled set of users and their tweets. Retweets and mentions of these two sets (ISIS and Legit) by the overall Twitter community are also extracted.

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²⁷⁰ https://snap.stanford.edu/mis2/files/MIS2_paper_23.pdf (last visited Sept. 26, 2021).

²⁷¹ *Id.*

4.8 The Truth is Revealed About the Defective Artificial Intelligence (AI) Employed by Social Media Giants

On April 23, 2019, *Reuters* published “Facebook’s Flood of Languages Leave It Struggling to Monitor Content,”²⁷² which illustrates the language deficiencies that Facebook and other social media companies have, making it impossible for them to enforce their Community Standards:

Facebook Inc’s struggles with hate speech and other types of problematic content are being hampered by the company’s inability to keep up with a flood of new languages as mobile phones bring social media to every corner of the globe.

The company offers its 2.3 billion users features such as menus and prompts in 111 different languages, deemed to be officially supported. Reuters has found another 31 widely spoken languages on Facebook that do not have official support.

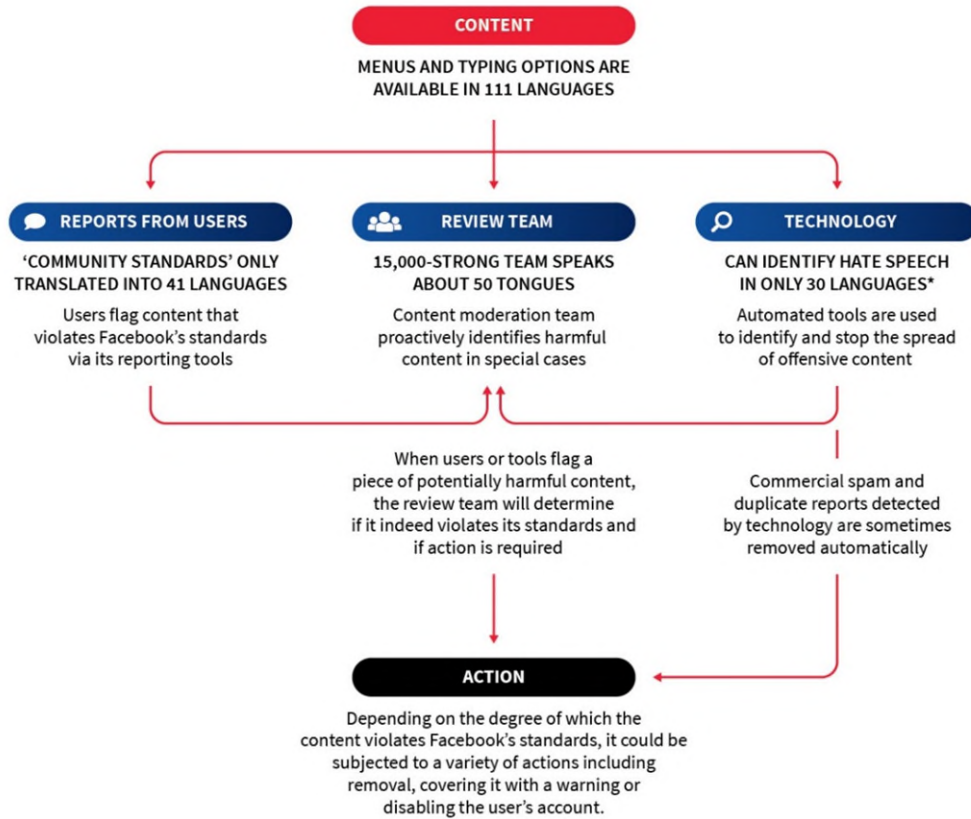
Detailed rules known as ‘community standards,’ which bar users from posting offensive material including hate speech and celebrations of violence, were translated in only 41 languages out of the 111 supported as of early March, Reuters found.

Facebook’s 15,000-strong content moderation workforce speaks about 50 tongues, though the company said it hires professional translators when needed. Automated tools for identifying hate speech work in about 30.

²⁷² <https://www.reuters.com/article/us-facebook-languages-insight/facebooks-flood-of-languages-leaves-it-struggling-to-monitor-content-idUSKCN1RZ0DW> (last visited Sept. 26, 2021).

How Facebook detects harmful content

Under pressure from regulators, users and investors worldwide, Facebook expanded its ability to take action on offensive content. It hired more contract workers to review content, fortified automated defense tools and vowed to launch a robust appeals system for moderation decisions. However, the social network company is struggling to keep up with the flood of regional languages now being used on its services in developing countries.

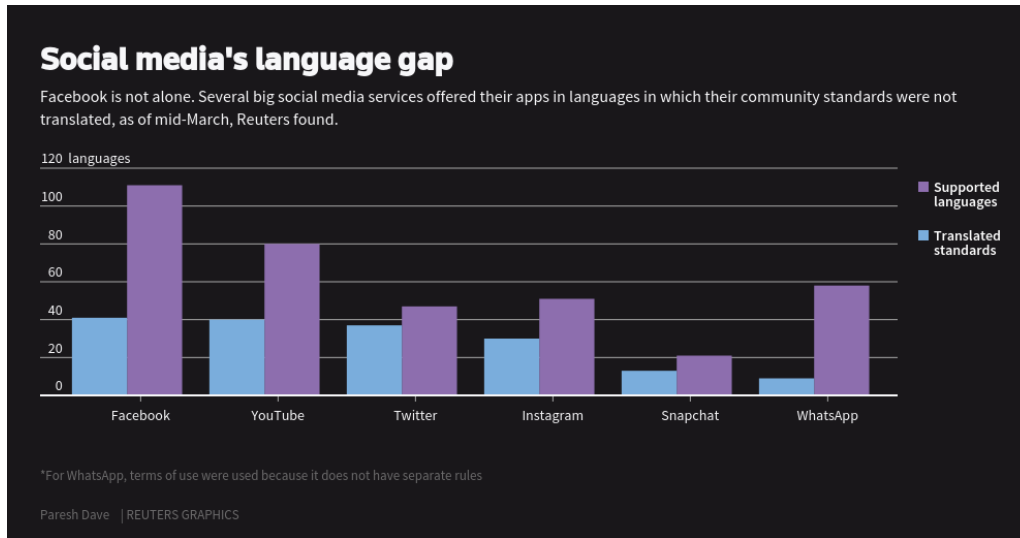


Sources: Facebook; Reuters
C. Chan 18/04/2019

* Tools work in 30 languages for hate speech and 19 languages for "terrorist propaganda"



The language deficit complicates Facebook's battle to rein in harmful content and the damage it can cause, including to the company itself. Countries including Australia, Singapore and the UK are now threatening harsh new regulations, punishable by steep fines or jail time for executives, if it fails to promptly remove objectionable posts. (Emphasis added.)



The community standards are updated monthly and run to about 9,400 words in English.

Monika Bickert, the Facebook vice president in charge of the standards, has previously told Reuters that they were ‘a heavy lift to translate into all those different languages.’

A Facebook spokeswoman said this week the rules are translated case by case depending on whether a language has a critical mass of usage and whether Facebook is a primary information source for speakers. The spokeswoman said there was no specific number for critical mass.

She said among priorities for translations are Khmer, the official language in Cambodia, and Sinhala, the dominant language in Sri Lanka, where the government blocked Facebook this week to stem rumors about devastating Easter Sunday bombings.

A Reuters report found last year that hate speech on Facebook that helped foster ethnic cleansing in Myanmar went unchecked in part because the company was slow to add moderation tools and staff for the local language.

Facebook says it now offers the rules in Burmese and has more than 100 speakers of the language among its workforce.

The spokeswoman said Facebook’s efforts to protect people from harmful content had ‘a level of language investment that surpasses most any technology company.’

But human rights officials say Facebook is in jeopardy of a repeat of the Myanmar problems in other strife-torn nations where its language capabilities have not kept up with the impact of social media.

‘These are supposed to be the rules of the road and both customers and regulators should insist social media platforms make the rules known and effectively police them,’ said Phil Robertson, deputy director of Human Rights Watch’s Asia Division. ‘Failure to do so opens the door to serious abuses.’

[]

Mohammed Saneem, the supervisor of elections in Fiji, said he felt the impact of the language gap during elections in the South Pacific nation in November last year. Racist comments proliferated on

Facebook in Fijian, which the social network does not support. Saneem said he dedicated a staffer to emailing posts and translations to a Facebook employee in Singapore to seek removals.

Facebook said it did not request translations, and it gave Reuters a post-election letter from Saneem praising its 'timely and effective assistance.'

Saneem told Reuters that he valued the help but had expected pro-active measures from Facebook.

'If they are allowing users to post in their language, there should be guidelines available in the same language,' he said.

Similar issues abound in African nations such as Ethiopia, where deadly ethnic clashes among a population of 107 million have been accompanied by ugly Facebook content. Much of it is in Amharic, a language supported by Facebook. But Amharic users looking up rules get them in English.

At least 652 million people worldwide speak languages supported by Facebook but where rules are not translated, according to data from language encyclopedia Ethnologue. Another 230 million or more speak one of the 31 languages that do not have official support.

Facebook uses automated software as a key defense against prohibited content. Developed using a type of artificial intelligence known as machine learning, these tools identify hate speech in about 30 languages and 'terrorist propaganda' in 19, the company said.

Machine learning requires massive volumes of data to train computers, and a scarcity of text in other languages presents a challenge in rapidly growing the tools, Guy Rosen, the Facebook vice president who oversees automated policy enforcement, has told Reuters.

[]

Beyond the automation and a few official fact-checkers, Facebook relies on users to report problematic content. That creates a major issue where community standards are not understood or even known to exist...

Facebook-owned Instagram said its 1,179-word community guidelines are in 30 out of 51 languages offered to users. WhatsApp, owned by Facebook as well, has terms in nine of 58 supported languages, Reuters found.

Alphabet Inc's YouTube presents community guidelines in 40 of 80 available languages, Reuters found. Twitter Inc's rules are in 37 of 47 supported languages, and Snap Inc's in 13 out of 21.

'A lot of misinformation gets spread around and the problem with the content publishers is the reluctance to deal with it,' Saneem said. '*They do owe a duty of care.*' (Emphasis added.)²⁷³

²⁷³ *Id.*

4.9 Despite Statements to the Contrary, ISIS-branded merchandise is still sold on Amazon and Facebook²⁷⁴

Despite Facebook’s claims that a cluster of pages peddling ISIS goods would be taken down, recent searches show many pages containing merchandise with the terrorist group’s symbols still remain on the most popular social-media site in the world according to MEMRI:

‘At Facebook, we have rules that bar direct statements of hate, attacks on private individuals and groups, and the promotion of terrorism,’ said Facebook spokesman Israel Hernandez in June. ‘We have a team of professional investigators both here in the U.S. and abroad who enforce these rules. Where hateful content is posted and reported, Facebook removes it and disables accounts of those responsible.’



[T]he items offered for sale include baseball caps, clothing and jewelry – many bearing the familiar black flag associated with the terrorist group and its slogan, ‘Baqiyah’...One of the Facebook pages is run by a jihadi sympathizer based in Toulouse, France. He posts pro-ISIS messages on his ‘Baqiyah Création’ page and advertises ‘high-quality’ products made for ‘true believers,’ according to MEMRI’s Jihad and Terrorism Threat Monitor...Many of the websites selling ISIS merchandise are based in Indonesia, where there is growing support for the extremist group. The gear bears slogans like ‘Mujahideen Around the World United We Stand,’ ‘Fight for Freedom Till The Last Drop of Blood’ and ‘We Stand for ISIS.’...An Indonesian vendor who runs the ‘Al-Faruq Islamic Store’ sells his products through Facebook and eBay. The store’s Facebook banner advertises: ‘We sell Islamic Flags, Badges, Headbands and other stuff.’...Another vendor named Zirah Moslem now uses Twitter to sell his products from Indonesia after his Facebook page and website were shut down in June of this year, reports MEMRI.²⁷⁵

²⁷⁴ <https://en.abna24.com/service/middle-east-west-asia/archive/2014/09/22/639365/story.html> (last visited Sept. 26, 2021).

²⁷⁵ *Id.*

4.10 The Yezidis Were Powerless Against the Military Might of ISIS, and Social Media Companies Potentially Have Criminal and Civil Liability for the Destruction of the Yezidi Community in Iraq and Syria

The Yezidi people were powerless against ISIS's evil tsunami of terror. Incapable of running away or seeking shelter from ISIS, over 5,000 Yezidis were killed by ISIS,²⁷⁶ 7,000 were enslaved by ISIS²⁷⁷ and 500,000 fled their villages and were displaced by ISIS.²⁷⁸ In the aftermath of genocide and heritage destruction, the Yezidi homeland of Sinjar has been left largely destroyed by ISIS:

Despite this long history of persecution at the hands of various forces, nothing could have prepared the Yezidi community for the horrors unleashed by the IS in mid-2014. When the IS swept through Sinjar and other Yezidi enclaves across Sheikhan, thousands of Yezidis were slaughtered in a matter of days. Tens of thousands fled their homes in fear, many ending up trapped on Mount Sinjar without food, water or weapons – including up to 25,000 children. Many of the most vulnerable – children, the elderly and the disabled – perished from hunger and dehydration in the scorching 50° heat.

Those Yezidis who were left behind were rounded up and systematically separated into four distinct groups: men, older or less attractive women, boys and physically attractive young women and girls. Each group suffered distinct and systematic violations at the hands of the IS. Yezidi men were taken to IS courts where they were forced to convert to Islam. Those who refused – and even many who accepted – were tortured and executed, their bodies dumped in mass graves. Older or less attractive women suffered a similar fate. After Sinjar was re-taken in November 2015 by Iraqi and Kurdish forces, six mass graves were unearthed containing the bodies of at least 200 women aged between 40 and 80. Yezidi boys were sent to Islamist training schools where they were forcibly converted and indoctrinated in jihadist Islam before being sent out to the front lines to fight for the IS. Finally, the physically attractive young women and girls were taken as sex slaves. According to a report commissioned by the United Nations in 2016, as many as 3200 Yezidi women – including girls as young as 6 – were taken into slavery, forced into marriages and raped. Those deemed to be the most attractive were given as 'gifts' to senior IS leaders or married off to IS fighters, and the remainder were repeatedly sold at public auctions in IS strongholds such as Mosul and Raqqa where men gathered to inspect and then bid on them. A June 2016 report from the UN Human Rights Council stated categorically that: 'ISIS has committed, and continues to commit, the crime of genocide, as well as multiple crimes against humanity and war crimes, against the Yezidis'.

In addition to the violence against the Yezidi people, the IS undertook an aggressive campaign to cleanse the region of the physical manifestations of the Yezidi community as a whole – including their many heritage sites. Once the IS had cleared the Sinjar region of Yezidis, they hoisted their black flag over key buildings and marked the Yezidi houses to distinguish them from those belonging to Muslims. Many of these houses were later 'looted, and some were destroyed or severely damaged'. They also damaged or destroyed the many sacred shrines and temples of the Yezidis as they swept through Sinjar and its surrounding villages. Among the many Yezidi sites

²⁷⁶ https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_32_CRP.2_en.pdf (last visited Sept. 26, 2021).

²⁷⁷ *Id.*

²⁷⁸ *Id.*

damaged or destroyed by the IS were: the shrine of Sheikh Hassan in Gabara; the shrine of Malak Fakhraddin in Sikeeniya; the shrine of Sheikh Abdul Qader in Hayali; the shrine of Sheikh Abdul Aziz in Majnonia; the shrine of Ismaeel Bek in Qandil; the shrines of Mahma Rashan and Amadin, both in Solagh; and the Baate shrine in Babire with its seven canonical spires. In one particularly abhorrent incident, the IS executed 14 elderly men inside the shrine of Sheikh Mand in the village of Jiddala at the foot of Mount Sinjar before blowing up the shrine with the bodies still inside.

In the villages of Bashiqa and Bahzani in the Sheikhan district, the IS undertook a systematic campaign to erase virtually the entire legacy of Yezidi life. Between August 2014 and November 2016, the IS damaged or destroyed at least 16 Yezidi sites across the two villages. This included the 14th-century shrines of Sheikh Bakir and Sheikh Babik, as well as the 'Three Domes' monument in the centre of Bashiqa which housed the shrines of Sheikh Muhammad, Sitt Habibi and Sitt Hecici. Also in Bashiqa, the damage included the Pir Bub shrine, the Sheikh Hassan shrine which was bulldozed and the Malak Miran shrine which was blown to rubble by the IS. According to Yezidi belief, Malak Miran (or Angel Miran) is believed to be the angel who saved the Biblical prophet Abraham from King Nimrod's furnace. The Yezidi hold an annual festival in September to commemorate Miran's role in saving Abraham. Not stopping at shrines and temples, the IS also destroyed other Yezidi sites in the villages. For example, a statue dedicated to Ezidi Mirza, a 17th-century Yezidi military hero, was all but destroyed. Also targeted were the 13th-century Yezidi cemeteries in both Bashiqa and Bahzani, including the desecration of tombstones and the smashing open of graves. (*Original citations omitted.*)²⁷⁹

²⁷⁹ <https://journals.sagepub.com/doi/full/10.1177/1469605319884137> (last visited Sept. 26, 2021).

PART V: CONCLUSION AND CALL FOR INVESTIGATION

5.1 Conclusion: NLHY's Allegations Against Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, Among Others, Require a Government Investigation

Through its extensive research, NLHY can affirmatively state that:

1. ISIS used social media platforms such as Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, among others, to spread its propaganda and recruit fighters to fight for its caliphate with the promise of riches and slaves;
2. Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, among others, own and control the technology and servers used by ISIS to spread its propaganda and recruit fighters to fight for its caliphate with the promise of riches and slaves;
3. Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, among others, require all users who open accounts and use their social medium platforms, as well as private communication tools, to adhere to Community Standards²⁸⁰ that do not permit hate speech or any activity that is in furtherance of committing crimes such as human trafficking;
4. In an effort to achieve global dominance, Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, among others, rely on artificial intelligence and permit users to post in many languages, including languages in which these companies do not have sufficient language capacity. As such, properly monitoring the content being posted by users was impossible as was enforcing the Community Standards, which are a

²⁸⁰ See <https://www.facebook.com/communitystandards/> (last visited Sept. 26, 2021); <https://help.instagram.com/477434105621119> (last visited Sept. 26, 2021); <https://www.youtube.com/howyoutubeworks/policies/community-guidelines/> (last visited Sept. 26, 2021); <https://help.twitter.com/en/rules-and-policies/twitter-rules> (last visited Sept. 26, 2021); <https://faq.whatsapp.com/general/security-and-privacy/how-to-use-whatsapp-responsibly> (last visited Sept. 26, 2021); <https://developers.facebook.com/docs/messenger-platform/policy> (last visited Sept. 26, 2021); and <https://telegram.org/tos> (last visited Sept. 26, 2021).

contract between the users and the companies to adhere to the community rules for using social media platforms;

5. Additionally, because Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, among others, specifically rely on artificial intelligence to push content towards its users, Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger and Telegram's algorithms actually reinforced the dehumanized messaging about Yezidis to other users interested in this type of information;
6. Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, among others, permitted the dehumanizing postings about Yezidis, including about capturing, keeping and trading Yezidi women and children as slaves, which directly helped fuel the Yezidi Genocide committed by ISIS;
7. Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, among others, failed to remove the dehumanizing postings about Yezidis, including about capturing, keeping and trading Yezidi women and children as slaves, which directly helped fuel the Yezidi Genocide committed by ISIS;
8. In direct violation of international laws and treaties as well as national and subnational laws governing the same, Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, among others, permit the human trafficking of Yezidis on their platforms. Human trafficking is a very profitable activity for ISIS, which sold Yezidis repeatedly through in-person and online auctions;
9. The boards of directors and executive management of Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, among others, were informed about ISIS's illegal activities on its platforms and failed to take the necessary steps to stop these illegal activities and crimes against humanity;
10. The boards of directors and executive management of Facebook, Instagram, YouTube, Twitter, WhatsApp, Messenger, Kik and Telegram, among others, have never been held to account for their roles in aiding and abetting the crimes committed by ISIS through its use of their social media platforms; and
11. Despite there being a mountain of evidence against them, no government, including no member of the Coalition of the Willing countries that invaded Iraq, has ever thoroughly

investigated the role that social media companies played in allowing ISIS to recruit foreign fighters and allowing human beings to be trafficked online.

As legal and human rights experts, we call for and demand a thorough and complete investigation into the legal culpability and liability of social media companies that allowed their social media platforms to be openly and efficiently utilized by ISIS as a tool for spreading its propaganda, recruiting ISIS fighters with the promise of riches and slaves, and the human trafficking of Yezidi women and children as war booty.

There has been no investigation of the social media companies' role in aiding and abetting ISIS in its online recruitment of fighters for its caliphate and none have been held to account for the billions of dollars in damages resulting from their inaction, whether criminal or civil.

5.2 Formal Call for an Investigation

On behalf of the Yezidi victims of ISIS, NLHY:

1. Calls on all countries, including members of the Coalition of the Willing that invaded Iraq, and the international governing legal bodies charged with investigating and punishing genocide and war crimes to investigate and hold accountable to the full extent of the law Facebook, Twitter, Google, YouTube, Messenger, WhatsApp, Kik and Telegram for their roles in aiding and abetting ISIS;
2. Calls for a complete and thorough investigation including the subpoenaing and production of all ISIS-related data collected by Facebook, Twitter, Google, YouTube, Messenger, WhatsApp, Kik and Telegram, among others, in the period beginning in 2006 through the present;
3. Calls for hearings and investigations by international and national legislative and investigative bodies to question under oath the executives, board members and officers of

Facebook, Twitter, Google, YouTube, Messenger, WhatsApp, Kik and Telegram, among others, regarding ISIS's use of their platforms;

4. Calls on the corporate executive officers and boards of directors of Facebook, Twitter, Google, YouTube, Messenger, WhatsApp, Kik and Telegram, among others, to be prosecuted to the full extent of the law for criminal and civil acts in furtherance of ISIS's war crimes, genocide and crimes against humanity; and
5. Calls on the corporate executive officers and boards of directors of Facebook, Twitter, Google, YouTube, Messenger, WhatsApp, Kik and Telegram, among others, to compensate for the billions of dollars in war damages caused by the destruction of the Yezidi homeland as a result of the acts of these companies and for the formal establishment of a Yezidi Victims Compensation Fund funded by social media companies.

The cost of rebuilding Iraq has been estimated at \$82 billion dollars,²⁸¹ and the United States, France, Germany, Sweden and Australia, among others, are bearing the costs of rebuilding Iraq and accepting Yezidis and Christians as asylum seekers, both of which have enormous price tags paid for by the taxpayers of these countries. Germany alone has taken in over 1,100 women enslaved by ISIS and committed over \$107 million to bring Yezidi women, and also Christians and Shiite Muslims, to Germany for rehabilitation and the opportunity to start a new life.²⁸² Part of the bill for the reconstruction of Sinjar has been sent to the Iraqi government, which is in no financial position to pay, and to countries such as the United States, France and Germany, which have already spent hundreds of millions of dollars assisting the Yezidi people. At the same time, social media companies have never been called to account for their role in the rise of ISIS and the damage that they contributed to in Iraq and Syria by allowing ISIS to use their social media

²⁸¹ <https://www.cnn.com/2018/02/12/88-point-2-billion-us-dollar-price-tag-for-rebuilding-iraq-after-islamic-state-war.html> (last visited Sept. 26, 2021).

²⁸² <https://www.foxnews.com/world/raped-and-tortured-by-is-yazidi-women-recover-in-germany> (last visited Sept. 26, 2021).

platforms to spread terroristic propaganda, extensively recruit fighters online and trade slaves online.

NLHY demands this investigation not just for the benefit of the Yezidi people but for all religious and ethnic minorities who are at the mercy of these powerful global technology companies that fully own, design and control these social media platforms and the content placed on them.

NLHY demands that all Coalition governments, investigative bodies and judicial institutions charged with the responsibility to investigate and prosecute the crimes against the Yezidi people, including those outlined in this letter, fulfill the obligations with which they have been charged and pursue justice for the Yezidi people.

If an appropriate investigation is not conducted, accountability and punishment are not enforced, and constructive international efforts are not made to mitigate these crimes, it is only a matter of time before impunity allows these crimes to happen again.

NLHY remains available to discuss its call on governments, justice departments, prosecutors and investigators and NLHY hopes to provide additional and vital information that will be helpful in starting this indispensable investigation.

ADDENDUM

Genocide Recognition: International Recognition of the 2014 Ongoing Yazidi Genocide²⁸³

The following states and entities have recognized that ISIS is committing genocide against the Yazidi people:

1. Parliamentary Assembly of the Council of Europe on 27 January 2016: Adopted a resolution noting “that many of these recent terrorist attacks are claimed by, and may be attributed to, individuals who act in the name of the terrorist entity which calls itself ‘Islamic State’ (Daesh)²⁸⁴ and who have perpetrated acts of genocide and other serious crimes punishable under international law. States should act on the presumption that Daesh commits genocide and should be aware that this entails action under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide.”
2. Kurdistan Regional Government Foreign Minister Falah Mustafa in November 2014: “We are committed to taking all the necessary steps to end, prosecute and punish the acts of genocide and crimes against humanity committed by the ISIS terrorists. The principle of the Responsibility to Protect (R2P) obliges individual states and the international community to take effective measures to punish and prevent acts of genocide and crimes against humanity, if necessary also by military intervention or support of the local forces combating ISIS.”
3. European Parliament on 4 February 2016: Passed a resolution which “Expresse[d] its view that the persecution, atrocities and international crimes amount to war crimes and crimes against humanity; stresses that the so-called ‘ISIS/Daesh’ is committing genocide against Christians and Yazidis, and other religious and ethnic minorities, who do not agree with the so-called ‘ISIS/Daesh’ interpretation of Islam and that this therefore entails action under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide; underlines the fact that those who intentionally, for ethnic or religious reasons, conspire in, plan, incite, commit or attempt to commit, are complicit in or support atrocities should be brought to justice and prosecuted for violations of international law, notably war crimes, crimes against humanity and genocide.”
4. U.S. House of Representatives on 14 March 2016: Voted 393 to 0 in declaring that “the atrocities perpetrated by the Islamic State of Iraq and the Levant (ISIL) against Christians, Yazidis, and other religious and ethnic minorities in Iraq and Syria constitute war crimes, crimes against humanity, and genocide” and “governments, including the United States, and international organizations, including the United Nations and the Office of the

²⁸³ <https://www.yazda.org/genocide-recognition>. Also see: 2017 Yazda Report, Yazidi Situation in Sinjar – Ongoing Crisis. https://docs.wixstatic.com/ugd/92f016_d9af26635924468e981527a3e11e09ba.pdf (last visited Sept. 26, 2021).

²⁸⁴ Daesh is a reference for ISIS.

Secretary-General, should call ISIL atrocities by their rightful names: war crimes, crimes against humanity, and genocide.”

5. U.S. Secretary of State John Kerry on 17 March 2016: “My purpose in appearing before you today is to assert that, in my judgment, Daesh is responsible for genocide against groups in areas under its control, including Yazidis, Christians, and Shia Muslims. Daesh is genocidal by self-proclamation, by ideology, and by actions – in what it says, what it believes, and what it does. Daesh is also responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities.”
6. UK House of Commons 20 April 2016: The House voted 278-0 and declared that “this House believes that Christians, Yazidis, and other ethnic and religious minorities in Iraq and Syria are suffering genocide at the hands of Daesh; and calls on the Government to make an immediate referral to the UN Security Council with a view to conferring jurisdiction upon the International Criminal Court so that perpetrators can be brought to justice.”
7. United Nations Independent International Commission of Inquiry on the Syrian Arab Republic on 15 June 2016: Issued a report on ISIS crimes committed against the Yazidis in which it concluded that “ISIS has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis, thousands of whom are held captive in the Syrian Arab Republic where they are subjected to almost unimaginable horrors.”
8. Canadian House of Commons on 16 June 2016: Then Minister of Foreign Affairs Stéphane Dion declared in the House of Commons Chamber that “[g]iven this evidence, our government believes that genocide against the Yazidis is currently ongoing.” See House of Commons, Debates, 1st Session, 42nd Parliament, 16 June 2016, p. 1420 (Hon. Stéphane Dion (Minister of Foreign Affairs)).
9. French Senate on 6 December 2016: The French Senate unanimously adopted a resolution recognizing that the acts committed by ISIS against Yazidis constitute genocide, urging the French Government to recognize the genocide as well.
10. French National Assembly 8 December 2016: Members of the National Assembly (which, together with the Senate, constitutes the French Parliament) voted unanimously to pass a resolution recognizing the IS massacre against the Yazidis as genocide and urging the Government of France to officially recognize the genocide of Yazidis by ISIS and refer it to the International Criminal Court through the United Nations Security Council.
11. Scottish Parliament 23 March 2017: The Scottish Parliament recognized and condemned “the genocide perpetrated against the Yezidi people by Daesh” and noted the calls on the

UK Government to “request that the United Nations Security Council refer the genocide committed against the Yezidi people to the International Criminal Court.”

12. Iraq Government 18 November 2014: Council of Ministers in Iraq adopted a decision on 18 November 2014 to recognize ISIS crimes against Yazidis, Christians, Shabak and other minorities as genocide.
13. Armenian Parliament 16 January 2018: The Armenian Parliament officially recognizes and condemns Yazidi Genocide and Calls for the Perpetrators to be Held Accountable.
14. Australian Parliament on Monday, 26 February 2018: Australian Parliament condemned the continuing genocide perpetrated against Yazidis by ISIS and calls on the Australian Government to investigate and prosecute the perpetrators of ISIS’s crimes against the Yazidis where possible in Australian courts, including by providing mutual legal assistance, and supporting other national, international and/or hybrid investigations and prosecutions of crimes committed by ISIS against Yazidis
15. Kurdistan Recognized Yazidi Genocide: August 2019
16. Portuguese Parliament recognized the Yazidi Genocide committed by ISIS²⁸⁵
17. Belgian Parliament recognized the Yazidi Genocide, June 2021
18. Dutch Parliament recognized the Yazidi Genocide, July 2021
19. German Parliament recognized the Yazidi Genocide, January 2023

²⁸⁵ <https://ezidi24.com/en/?p=5167> (last visited Sept. 26, 2021).

Victim Impact Statement
by
Yezidi Woman/Jane Doe

I am a Yezidi Woman. I am from Ramboosy, a village south of Sinjar, Iraq. I spent most of my life with my family working in the fields. I was ten years old when I became the caregiver for my siblings. I loved my simple life because I was with my family. In the midsummer of 2014 there were news about DAASH overtaking Mosul. I did not know who or what DAASH was, but people said that they are taking women and raping them. But we thought they had come for the Shia Muslims. No one knew DAASH was there to take Yazidi women. I wish our elderly and tribal leaders would have warned us to take fled to the mountain. On August 3rd 2014 DAASH reached Shingal. My sister in law had been to a visit to see her family and this was during our mid-summer holiday (Eida Chela Haveena). In the evening, we heard gun shots coming from Ger Zarek, Seba Shex Xeder and Tel Ezer. I called my cousin and told him that we need to escape. He instructed me to call my uncle. When I called, my other cousin answered and said that my uncle had joined some other Yazidi men to fight DAASH at the dirt barrier. I kept calling my uncles to get updates. After a while they gave up the fight and started coming back toward the village. At this point, I was preparing some food and other necessities so that we could take with us. I baked some bread and placed it in a bag. My sister in law came back home because her family had fled to Mount Sinjar. After preparing some stuff I locked our door and told my brother I will jump over the wall because the door locked from the inside and I wanted to make sure we locked our door before we left. I had heard that DAASH was selling Yazidi women in sex markets. I told my brother I want him to kill me and my sisters before they ever touched us. My brother thought I was crazy and told me to stop staying such things. We then loaded into our little pick-up truck and headed toward the Sinjar Mountain. By the time we arrived at the foothills of the mountain our vehicle broke down. My Brother told the rest of us to keep walking up the mountain and we will follow you later. My sisters and I and my young brother were walking. I lost my sister for a second because she had passed me and had already been past a hill on the mountain. I was screaming and ran toward her. We came by some other family members who asked where my brother Ali and my uncle Rasho were. We called them to see where they were. My uncle answered and quickly said that he cannot talk and hung up. We could hear my brother Ali say that they do not have chance to run now. We

believed that DAASH had captured them. We arrived on top of the hill and could see smoke everywhere and gunshots firing everywhere. Then we saw three vehicles come from the other side of the mountain with ISIS members who ordered us to throw away our phones and any weapons that we had. I did not throw away my phone. I immediately turned it off and placed it inside my sock and in between my shoe. My sister also turned off her phone and placed it in between her clothes. We had two full cases of bullets and a pair of binoculars that one of the guys had given me to hide in the car under the seat which I sat on. They had told me that I should keep them very well hidden, otherwise if caught, the ISIS militants would kill all the men and our driver. Other men threw away their weapons on the floor. Then the militants ordered the men to take out their personal identification cards and their wallets. My cousin had two phones which he broke one because he did not want DAASH to have access to the phone numbers and names of our family. I could see that one of the militants had only one eye, the other one seemed to be blind. He had long beard. We were terrified as they started threatening us and screamed over us ordering us to gather. They forced us all into their vehicles and took the keys from our drivers and loaded us in our vehicles. They took us to a wedding hall in Shingal, near the mountain. There were my brother and uncle sitting outside of the hall along with many other Yazidi men women and children. The militants did not even allow families to sit with each other as they had separated the men from the rest of the families. They killed one young man right in front of us because he refused to get out of the vehicle because he wanted to wait for the rest of his family to reach him. They took him out of the vehicle and forced him to go down on his knees then fired three bullets into the back of his head. They then pushed him off the hill by the hall. We were all watching as they killed this young man. The militants had chosen one of their members to be in charge of killing and executing us. He was identified by being barefoot while all the others were wearing shoes. After they killed the young man we all started screaming and crying. They told us that if we did not stop we would all be killed. People were terrified, we couldn't even turn around to look for our families. They then ordered us to get in the vehicles and drove us to another building in Shingal where people would normally go to for their vital records. It was also known as the Shingal Statute office. They took the men and women separately. They placed all the men in one room and the rest of us children and women stayed in the yard. They locked the door on the men. There were hundreds of ISIS members around threatening to kill anyone who had phones with them. During sundown more of

them came and there was chaos. The men were watching us from the windows. In the evening they came and picked out girls for themselves. My sister, S, was about 15 years old and she was the second girl that was taken. Her hand was in my hand. She was throwing up and crying. She was wearing a dress I had made for her. I was crying and begging them to not take her. One of the militants hit my back with the barrel of his weapon. I was terrified and screaming and begging them not to take her. They took her and started choosing other girls. I thought I was going to die as I couldn't bare losing my sister. My uncle's wife was telling me to go sit with her and placed a baby in my lap. The baby was my brother's son, my nephew. My uncle and brother were asking from out of the window why I was crying and when they heard that S had been taken my brother was looking at me from the window and started crying as well. We hid my other sister, K, who is older than S and she is about 20 years old. My oldest sister was also captured. Her husband was separated from her and managed to escape to the mountain. My sister was captured with her four children. The militants came around with flashlights looking for girls in the dark. My older sister begged them to leave her alone because she was married and could not leave her four children. My uncle's wife also was forced to go to their vehicle, but she insisted on coming back to her children, so she came back around the other side of the vehicle. They took many girls to the courthouse in Mosul and kept them in the courthouse building. They took many girls there who were virgins. I kept begging them to take me to my sister, S. The militants were laughing and mocking me. We stayed inside the Shingal Statute office for a day. The next day one of their leaders came by us and he seemed to be registering names and numbers of women that were being held. One of the militants was counting the number of people inside the building. In the morning they had brought us some meat and bread. No one of us could eat, but the children were eating. They then took all of us by foot to another place that seemed to have belong to some KRG leaders, because there were the KRG flags on the floor which the militants ordered us to walk on as we entered the building. We stayed there for a day and the next day in the evening one of the women there had delivered her baby inside the building. They had taken her somewhere then brought her body back saying she was dead. Her young children were crying for their mother. Around 4 pm in the afternoon we heard airplanes striking at the building and people were crammed while trying to escape from the building; they were stampeding. One woman's leg broke because people were running over her. There were over one hundred militants outside who ordered us to get back inside

the building as we were trying to exit. In the evening, they forced us all into the buses and took us to Badoosh jail. The jail smelled filthy and there was blood everywhere on the floor. The building seemed to have been burned due to airstrikes. I was looking for my sister S inside the jail because I had thought they had brought all the girls there. My other sister and I scratched off the ashes on the wall and smeared it on our faces to make us look less attractive. I did not find S. People were asking me what I was looking for and I told them I was looking for my sister S. In the morning they brought a girl that was covered all in black. She could barely walk. I ran to her and asked her about S. She said she had not seen her. She said she had not heard of S's name. This girl was telling the other women that ISIS militants had raped her and that they had been raping all the girls, especially those who resisted to read the Quran. We stayed inside the Badoosh jail for about a week. They forced us to drink the water that they had taken shower with. They would sometimes bring us some rotten grapes. The adults did not eat anything, but children could not live without eating. The smell was filthy because everyone's feces was everywhere inside this building. Everyone would wake up from their sleep when we heard the militant's walkie talkies. The airplanes bombed near the building twice while we were there. They used our children as their interpreters between us and them and they also used them as human shields. We had learned by this time that whenever we had a meal they would come and take groups of us. We were terrified to eat because we knew what was coming next. One time they came and took away infants from their mothers. The mothers would scream for their children. I had hid my nephew under the blanket. He almost suffocated. The building was bombed one more time and they brought back all the children to us. We were so happy to see the children again. It felt like we had been freed. The next day in the morning the militants came in the building again. We had thought that they were coming again for the children. But they said they were there to take the young girls. However, they did not. They instead took away the elderly women. They tried to resist. But the ISIS militants told them that they were going to take them to Tel Afar so they can have more space, they fooled the women had no choice but to obey them. The elderly women were all taken. I held on to my uncle's wife's dress, but one of the militants threatened to kill me if I didn't stop. We did not know where they were taking the women and what they were going to do to us or them. During the evening, we were ordered to load into the buses as we started hearing the airplanes. This caused the militants to hurry up leaving some people behind and pushing others by using them as human shields and

into the buses they went. After the airplanes bombed, some of the militants left the vehicles and went hiding. Some of the vehicles kept going without a driver. After the airplanes were gone the militants came back and put the rest of us in the vehicles and took us to Tel Afar. They unloaded everyone, and the militants started pushing all of us around. There were two of them by names H.M. who was from Tel Afar and A.A. who was from Mosul. There was screaming, and everyone was crying. There was a large number of ISIS militia and they were threatening to kill us again if they found phones with us. I placed my phone in my niece's diaper. I was afraid they would find it. Some people threw their phones away. They went around checking girls. I told my sister K to get in front of me so that they wouldn't see her. I found my uncle's wife in one of the rooms. She was with other elderly women and they did not look good. I managed to move around with my brother's baby pretending it was mine. My sister K also had my other niece but they did not believe her as they took her away and put the baby down. My uncle's wife said she was worried about us and thought we had been killed. I was crying over my sister S still. There were hundreds of us crammed into this building and we did not know what was going to happen to us. We stayed here for seven days. I did not eat the bread they had brought us. After seven days my brother and two other young men came to us. When I saw my brother D, I fainted. I asked him how he was able to come. He told me that the militants had asked him to come talk to us about converting to Islam. Then they asked him to leave. I was holding my brother's arm and begged them to leave him alone. My brother was crying and did not want to let go but they took him. They then called my uncle who said that we should do whatever they asked us. He said that he and the other men did not have hope to live and advised us to listen to whatever ISIS ask us or we would get killed. When they took us by the buses we saw my uncles and my brothers. My brothers had pretended that they were married to my sisters and I had pretend to be my cousin K's wife, in hopes that they would allow families to stay together. ISIS brought the men who claimed to be married to us and they brought them by us while searching for their family members. We could barely recognize my brothers and uncles because they had grown long beards and were wearing clothes that DAASH had given them. My cousin told me that they had not allowed other young men to come because they were single. During this whole time, we could hear the airplanes. They ordered everyone to walk by the trench wall where we all hid. There were hundreds of us hiding under the dirt wall. There were giant ants eating off of the babies and biting them and the young children. After the airplanes left

we were told to get on the buses and headed toward Kaser al Muhrad and Qizel Qelo. It was pitch black here as there was no electric power and no food. The militants left us as they seemed to have gone to rape the girls they had taken. Many of the other Yazidis who came there were by us now. In the morning we saw five dead cows and other animals laying on the floor. The smell was filthy, and we had a hard time breathing. We did not have a chance to escape that night because families were looking around searching for their missing family members. There were hundreds of militants that came around us in the morning. They asked my uncle to fix the water well which he did and that's how we were able to drink dirty and salty water. We stayed here for three months. It was during our Ezid holiday and I remember we secretly fasted for three days. They would take the men and force them to drink water and do the Muslim prayer. Sometimes they would bring rotten food to us to eat. I did not have the appetite to eat anything. The militants would bring the girls that had been married to them under Sharia law, to their families. My cousin was one of the girls who they brought to visit us. They had their marriage certificates with them to show that they have been married to a DAASH militant. They would first stop at the check point and register any girls with there before they would bring them to us. This was to ensure that everyone knew which militant the girl had been married to and also for security purposes so that if a girl tried to escape they would know about it. Whenever they brought the girls and whenever they came around to check on us, I would hide behind one of the trench walls. The holes were very deep, and it was difficult for them to see me. My cousin who was my pretended husband, K, was taken during the day, along with the other Yazidi men to build a mosque that would eventually belong to DAASH. I believe the mosque was blown up before it was finished. I would leave D, who was my pretended baby with K's mother whenever I hid myself in the holes. The militants would take any woman that looked young and single. I would hide anywhere where they could not see me; such as hiding in the "Baytoon" a small shed where people kept their blankets and pillows when it was time for people to sleep on the roof. One time when they brought my cousin to see us. I had hid in a house that my uncle was staying in because he didn't think they would come to check their house since the militants had already taken my uncle's daughter, P, and there was no reason for them to come looking for any girls. I thought about hiding under some blankets but feared that was not a good enough hiding place. Then I thought about hiding in the toilet room. My uncle said that they would easily find me there. So, I ended up going to the house that my uncle was staying at. I stayed there

until the next day. In the morning, five militants showed up at my uncle's house. My uncle's wife had gone to bake bread at the other house, so they thought that I was my uncle's wife. I remember I was getting some food for breakfast ready for my uncle and the kids. The militants asked my uncle who I was, and he said this is my family, so they left. After they left I went back to the house I was staying at with K, D, and his parents. My brother was staying at the house next to us but I couldn't go see him because they would question our relationship. After our fasting holiday they took us to a different place. It was in the evening that they forced everyone into the trucks that had no windows. We were all crammed into these trucks and people were standing on each other and walking on each other. It was hard to breathe, people were vomiting, and it was very dark inside the truck. We did not know where we were headed. At night, we arrived in Mosul. They put us all in a large building. The building was leaking and had a filthy smell. I believe it was a school. They told each family to take a room inside the building. I went to one of the rooms with K and his parents where I had asked K to write my name on my arm with the needle in the form of a tattoo, in case I committed suicide, so they would know who I was. He was crying and said I will be fine, but I insisted that he write my name in English letters on my arm. We stayed in this building for about a week. They continued to take all the men to do the prayer. They told the women that they we had to pray as well, and we always told them that we did. One time they came to count everyone and asked about people's relationship to each other. They separated people by families into different rooms. They arrived at our room. I was terrified at this point. I was frozen. I kept looking down with my scarf covering my forehead and eyes. One of the militants, H.M. pushed my head and asked me to look up. He asked me if I was married. I said yes, and I told him that D was my son and that K was my husband. He wrote my name and K's name. They went to the other rooms and wrote the names of fourteen other girls. Some of the other girls had also pretended that some of the Yazidi men were their husbands. I was crying and was terrified that they would come back to get me because I had noticed that H.M. wrote mine and K's names on a separate side of his papers. My uncle said to stop worrying and that he had convinced them that K was my husband and that I should stop worrying about this. At night, I went to tell my brothers and my uncles that if the militants came back to take me that I was going to kill myself and would never allow them to rape me and bring me back to visit my family, like they did to the other girls. My uncle told me that if they took me he knew it was against my will. My brothers told me that If I tried to kill

myself they would never forgive me. The next morning, I had a terrible headache because I had not slept the night before. I had D in my lap. The militants came rushing to our room, they took D from me and forced me and K to go down stairs along with other girls who had pretended that they were married to the other Yazidi men. There were about fourteen of us how pretended to be couples. They separated the men from us. They brought the Quran to us to swear by it that the Yazidi men were truly our husbands. K was begging them and crying and telling [sic] to that I was his wife and that they should leave us alone, but the militants were laughing and told us that we could not fool them with our trick. The militants, H.M. and A.A. and their Muslim pastor were in the room. The militants then brought the buses. I was begging them and kissing the barrel of their pistols to not take us. They did not listen. They threatened to kill by wrapping one of the young men in a blanket and firing gunshots above him. This was to stop us from insisting to have them leave us alone. I thought they had killed the man, but later learned that they had not killed him. I was worried that they would kill my cousin, K, and I felt guilty because I felt it was my fault if they did it because he has lied about us being a married couple. They started loading the women including myself into the buses and I could see my three brothers crying as they [sic] buses moved farther away from them. My youngest brother was telling me to not do anything to myself. My brother's wife later told me that my brothers were crying all night and were furious that DAASH had taken me from them. The buses arrived at the courthouse in Mosul. The militant, H.M. was laughing and telling us that we did not win by fooling them. They locked us all in one of the rooms and left us. I immediately placed my scarf around my throat and was going to choke myself to death if the other girls hadn't stopped me. We were all crying. One of the girls had already been married to militant who had died so she told us she knew that they were going to rape us. In the morning, the Muslim pastor came in the room and asked us to take off our scarves. He then took photos of each one of us both front and back and wrote everyone's names down. The girl that had been married before told us that since her husband had died that they would not force her to marry anyone else and if they did it would be one her husband's brothers from the same family. In the evening they brought us some bread and eggs. I did not eat anything. After that a woman, N who was a doctor who previously was treating Yazidis in Shingal. She had come to do a virginity test on all of us. She was looking at all of us and said that she knew without doing any tests which one of us was still a virgin and which was a married woman. She had known most of us from Shingal

before DAASH had overrun it. She had gloves on but did not do the test. But she did tell the militants [sic] that two only two of the women among us were married and that the rest of us were all virgins. There was some noise coming from outside and she left with the militants. I am not sure where they went. The next morning, they came in with breakfast and told the Yazidi girl who had already been married to a militant. They used her as the interpreter between us and the militants. Because she had been through this she had learned Arabic and told us she knew what was going to happen next. She told us that their pastor was going to come and choose us for one of the militants. I went to wash my hands in the bathroom and stayed in there for a while contemplating my own escape. As I walked out the bathroom I passed out while walking. When I opened my eyes, I saw all the girls standing above me. I decided from that point on I would not talk or walk. The girls were all crying around me. They covered me with a blanket. The Yazidi interpreter used the walkie talkie to call for help for me. She told them about how I had fainted. There was another girl who had seizures, so they were tired of coming to check on her. They did not come to check on me. The girls brought me some water, but I did not drink. The next day the militants came to check on me. One of them stood on my feet and kept telling me to stand up, but I did not move any part of my body. After many attempts they gave up. One of them came with N (the doctor woman from Shingal) and took me to the hospital in Mosul. They did not allow any of the Yazidi girls to come with me. They covered me all in black. The pastor took a look at me and gave them to OK to take me. When I saw the ambulance, I assumed they were taking me to the hospital. The ambulance was full of DAASH militants including, N. When the doctors checked me ,they decided that I had had a stroke. They put me on IV. The doctors were trying to make me talk, but I did not. The only thing I did was cry. They brought in two other nurses who inserted a urine bag inside me. They also gave some medications to take with me. They then brought me back to the Yazidi girls and told the Yazidi interpreter to place the IV back in my arm. They told her to also make sure I take my medications. She suggested that I do what they tell me because they would not leave me alone. The girls were telling me to eat and drink and that they would not tell anyone, but I did not trust anyone at this point, so I remained pretending to be paralyzed. In the morning the militants came in and told us that the pastor was about to come in. All the girls started crying. The pastor came and asked if I had talked or ate. They had brought a bag filled with black clothes for us to wear. They told the girls to go shower and wear the black Burqa. The first

girl, B, was told to go outside to marry one of the militants. She was eventually sold off to one of the militants who was already married. After that they sold A, another girl. She came and hugged all of us before she left. She was crying and saying that that was the end of all of us. Then they sold my friend, M, who later managed to escape and is now in Germany. We had believed that M was going to be taken back to our families so we each gave her a note to take to our families. M knew my family so she wrote the note for me without me saying anything. They then took another girl. That day they sold off four of the girls. The next day the militants came for another girl who the other girls would joke about because she was very skinny and so they would tell her that she is lucky because they would not want to take her. She wore the black dress and was all covered in black. She was taken to be seen by the militant, but he did not want to marry her, so she came back. Then it was my turn. Three of militants covered me in black fabric and picked me up and took me to the other room where the pastor was. The pastor uncovered my face and said that I looked OK so he sold me to an elderly militant, A.A. from Baaj. H.M. had supposedly originally taken me for himself but because I did not talk or walk he sold me to A.A.

A.A. took me with him to Baaj and it turned out he was already married and had a big family. His wife came by me with five of their children and she kissed me and said I should eat some food. I still did not walk or talk. A.A. was rich so he took me to a separate house from his wife's. There was [sic] many other militants in his house. At night he came to the room. I was terrified. He moved the blanket. I insisted on not moving. He tried to move my feet and with his key chain tried to scratch my body to see if I would move. The next night he came in the room again and told me he was going to marry me. I started crying and did not make a move. He brought in two other militants in the room. This was the most difficult time for me because I was terrified at the thought that they were going to gang rape me. But they brought the Quran to my face and were laughing and making fun of me and my religion. Another one of them prayed over some water and placed his hand on my head and did a prayer so that I could talk and drink the water, but I did not drink it. I could not sleep that night at all as they all slept. A.A. told me that even if I did not talk or walk that he was still going to marry me. I was staring at them the whole night. When they woke up. They ate breakfast. They two other militants left and A.A. came to me and was molesting me. He grabbed my hands and stepped on my feet. It was so painful. I did not move again so he left. When they were outside I could hear them talk about dollars. He then sold me to ABA for one hundred

dollars. ABA brought me back to Mosul to the jail where all the girls were originally. There were only two girls left. The skinny one and another one who had been struck [sic] by airplanes. She had had a head injury and was not mentally stable. She was very pretty but they did not take her because she seemed retarded [sic]. She had told us about her head injury and how a piece of a metal had been stuck in her head and how she had to spend many days in the hospital. She could speak Arabic well and, sometimes, could have a normal conversations [sic]. I had apparently fainted again and ended up in the hospital in Mosul and this girl had apparently come with me. In the hospital they told me to take the medicine. ABA had bought me, so he was with me all the time. He would tell the doctors to make me take the medicine so that I can eat and talk so he could marry me. A man who they called "Shex" from Mosul came to the hospital and he had a gun with him. It looked like he had fake beard and long hair on. He asked Abu Ali to give me to him in exchange of his gun. They were laughing and giving each other a hands [sic] up. He was telling ABA that he already has two other Yazidi women with him. ABA also had three other Yazidi women with him. One of them was [of] the Zandine tribe and she had run away. I think her name was S. ABA was telling the other man, Sx, that I was pretending to be sick and that I was trying to do this to run away. I prayed to God that I would die before ABA touched me. I did not talk. The more they insisted the more I did not move. They were making fun of V.D., who is the Yazidi member of Iraqi Parliament and they were telling me let V come save you from us. ABA did not sell me to the Sx, and after four days I was released from the hospital. They took me back to the jail. They had inserted a urine back inside me. It was suffering from a lot of pain. All I could do was pray to my God they would touch me because ABA was threatening to have them gang rape me. There was another Christian woman who was held in this jail. She would scream and walk all over me. She had suffered so much that she had lost her mind. They said she was a crazy Christian woman. She was very pretty but they had tortured her to the point she couldn't function anymore. They had named her H. I stayed in this jail for about a week. Sometimes she would come sit by me and hold my hand and cry. Then she would take off all of her clothes and start screaming. She frightened me more when she did this. ABA had said he was selling me while in the hospital. A week later. ABA came with another militant, A.D., he had blonde long beard and curly hair, and told me he had sold me for a dollar to the militant told ABA that he is a doctoe [sic] and that he will fix me for himself. Three of the militants came to take me and dragged me with the blanket to

the car. There were two other Yazidi women in the car. They pushed me into the back of the car. The militant asked the other Yazidi women to talk to me. The two women asked me why I wasn't talking. I did not respond. I was terrified to say a word. They were driving us to Syrian. When we entered the Syrian border, I felt nauseous, but couldn't open my mouth because I had a gold crown on and did not want to get their attention. They had said that my crown looked pretty in the beginning when I was still talking. I passed out in Syria due to infection from the bladder bag they had inserted inside me. I was taken to a hospital in Syria. The two Yazidi women had come with me to the hospital. They gave me IV in the hospital and I was immediately released. The nurses were making fun of me because I smelled bad. They were also wearing burqas. I was then taken to one of their stations with the two Yazidi women. I believe they both had been sold multiple times. At this station one of the Yazidi women was sold to one of the militants who spoke the Kurdish language. He was telling her that he already has a wife and that he loves his wife, but he wanted to marry her to make more children because he said only had one child. He was telling her had been married for a long time and could not have more children. He was wearing a scarf around his forehead. After he had a long conversation with her, they asked the women to go cook for them. They cooked some eggs. While they were eating a militant walked in and he had a laptop with him. I wasn't sure what he was doing with it. The others told him that I was the one they had mentioned to him and, apparently, he was there to make me talk. He was suppose [sic] to heal me so that could talk. He placed his hand on my head and was saying some things over a cup of water. He then asked me to drink the water, but I resisted so he threw the water at my face. The two militants and the two Yazidi women all spent that night in that room. The militants did not want to leave us in case we tried to escape. In the morning, the brought breakfast in the room. They had brought tea and yogurt for everyone to eat. The two Yazidi women had a couple of bites, but I did not eat. They then brought in some liquid and forced the other Yazidi women to help with restraining me. The two Yazidi women were crying as they did this, and the green oily liquid was pushed down in my mouth by one of the militants. They were talking about where each one of us was going. A.D. was telling the other militants that he had bought me and that he was going to take me for himself. A.D. and the other militant were cousins and they were saying that both of their parents are in Turkey. The other militant [sic] was telling the other Yazidi woman that his mother was angry with him for joining ISIS and he was telling her that he wanted to marry her, so

he could leave ISIS and go to Turkey with her. They were telling us that they were going to buy us a lot of gold and take us to Turkey with them. Adel's cousin was asking him why I didn't talk. But Adel said I will make her talk. The other Yazidi woman was sold and taken with another militant. We were taken to another building. The Yazidi woman was crying and asked the militant who she married to take me with her so A.D. brought me a black dress and burqa and they took me with the other Yazidi woman to the hospital. They were all there with me. I was crying in the hospital. They were all asking me why I wasn't talking. They removed my scarf from my face and laughing at me. They put me in a wheelchair and one of the workers pushed me inside. A.D. had a white gown because he was a doctor. He brought the IV and medicine to give me. Up until this point they were all calling me by H, but my name on my arm was exposed and they now knew that my real name was S, but they said this was a Yazidi name and they kept calling me H. He was asking the other Yazidi woman why I had my name on my arm. He said if it had anything to do with my religion that he was going to take my name off. He did put me on IV. He then came back later and was saying that I seemed to be feeling better, so he played Quran verses on his phone and placed it next to my head so that I could memorize it. The other militant took the Yazidi girl with him and they left. A.D. came sat by me and was telling me that I need to get better, so he could take me. Then he left. At night he and another militant came in with another Yazidi girl named N. She said she was from Kocho. They had brought her in to ask me questions to see if I would talk. She had been sold to one of the militants. She was married to an ISIS doctor who treated the wounded ISIS fighters. She said she was staying with him in an underground jail. She asked me many questions. She asked why I wasn't talking and since when I had been in that condition. She described the militant she been sold to. She asked if I had been married before and I would use hand gestures saying that I had three children. She said that I should cooperate with them or they would harm me. She said they had forced her to marry the militant too. I did not talk after a few hours, so she went back and came back in with her husband and others. N said that she was coming another time and that she would like to see me talk and that she wanted to visit me and help me. After they left. Abu Adel turned his phone on Quran verses again and they all left the room. I was very weak at this point and kept getting dizzy. I was having delusions and could not feel anything anymore as I watched the locked door on myself and thought about all that has happened to me and my family. The next morning, they brought in cake and would leave it in the room to see if I

would eat it. But I did not eat any of it. A.D. was becoming very angry with me and said that he was going to marry me. He said that A.A. had me he had not married me so he said he wanted me to get ready to take me. A woman had walked in who looked very scary. She was also a doctor and spoke very loudly in English. She had multiple weapons around her body and was wearing sunglasses. They agreed to take me to another hospital, one that this woman doctor referred. She ended up coming with us to that hospital. There was another militant [sic] who they said is the head doctor who would know if I was lying about my illness or not. After they took me to the hospital and took Xrays [sic] of all of my body. They had dressed me in a hospital gown. I did not know what they were planning to do to me. It took them about an hour to do the Xrays. They learned from the Xray results that I did not have any broken bones and that I was lying. They took me to another room. They put me on IV again. A.D. was telling the head doctor. He was telling him that I was lying about my story. The head doctor did not speak Arabic, he only spoke English. The doctor came later and checked my vital signs. He then said that I had had a stroke. Since I had told them that I had been married they said they will bring my children back to me. The woman doctor told them that she did not think I had been married and said that she thought I was lying. They left the room again because I did not say a word. A.D. came back to the room in the morning. He was torturing me and stood on my feet. He was angry with me. The head doctor came in the room as well and checked my joints to see if I would move my body. I did not, so he pushed me off the bed and I fell on the ground. He then said he wants me to walk, but I did not. He asked two of the nurses to put me back on the bed, so they did. Two hours later another man came into the room. He had was gigantic. He came near me and was trying to scare me. He came close to my face and would move his hands in the air to try to scare me. I was terrified, but I managed to not move despite shedding many tears. He stayed in the room for about 15 minutes, but I did not move so he left. The other doctors were all waiting for him outside the room. A.D. was speaking in English to another person. He asked for a device to shock me and electrocute me. I thought he had asked for a device that would test my virginity. A doctor and the woman doctor walked into the room with a bunch of wires. They then placed the wire all over my body. They placed them on my ears, my toes, my feet, my stomach and even my back. My brother later told me that this is how they electrocuted a man in one of the Turkish movies that we used to watch and cry with and he was shocked to know that his own sister had gone through this horrific atrocity. He was so angry

and cried so much that he had to be hospitalized the next day. When I was being electrocuted the nurses and doctors were all standing above me and laughing at me. They kept increasing the strength of the electricity as I was being shocked until I finally fell off the bed and passed out. When I woke up the device was still sitting there but they had removed the wires. I could not feel my hands when I woke up. I was numb all over my body. I could not open my eyes or move my fingers. They put me on IV after seven days of being in that situation. I could not feel any part of my body even after they put me on IV, but I was now able to open my eyes. After that they took me to the station. They then brought the other Yazidi women that they had forcibly married. They wanted me to talk. The two Yazidi women swore by Qutan [sic] that if I talked they would take me to my family. But I did not talk. They folded me in a blanket and took me outside in the back yard. They covered my head with a blanket and fired gunshots above my head. They were laughing and said rest in peace. The other Yazidi woman was screaming and said don't kill her please. They did not kill me, but I could not hear anything after that. I felt deaf after they brought me back in the room. They were standing above me and laughing, one of them fell on the ground because he was laughing so hard at me. A.D. called A.O. who is a doctor from Mosul. He was the last ISIS militant who bought me. A.D. took me to the same building in Mosul where the Christian lady was. She was still there. She was eating rice and when she was done she spilled the rest of it on her head. I was in this building for three days. A.D. had sold me to A.O., I think I was sold for less than 40 dinars. He kept saying the word devil. He told A.O. how he and others have tried so hard to make me talk but that I did not talk. I was so exhausted and could not open my eyes. The smell in the building was so filthy that I could not breathe. The Christian woman urinated all over the room. My blanket was so dirty because I had been covering myself under that same blanket for months and I would have my periods and could not change or wash the blanket. A.O. and A.S. came to the room with walkie talkies. They took me to the hospital and they brought the Yazidi girl to do interpreting for me. This was the same girl that had been struck [sic] by the airplane. A.S. had wanted to take her I learned. She came and asked me questions about my brother, A. She asked if I was A's sister. I did not answer her, and my heart was aching when she said my brother's name, but I did not cry so she would not find out that I am his sister. She asked if I was the sister of the "generator boy." My brother has been in charge of the generator to run electricity. They had me in a wheelchair, so they would transport me back and forth to the hospital. Then Abu Omar

came to the hospital with his two daughters. When he took me to his house I learned that he had another daughter. He also had a young boy. His youngest daughter would pull at my hair all the time. Her name was A. A.O. also had son in law who had been struck [sic] by the airplane and was walking on crutches. He would say that he was going to Kirkuk and that he was going to take me to Kurdistan if I talked. He would ask me if I have any relatives in Kurdistan and that he was going to call them if I gave him their numbers, so he could take me by them. I did not give him their numbers. I was only looking at him and sometimes tears would come down my eyes. I could not control it. He would ask if I talked he would take me by my brothers. A.O. also had a daughter who had a boyfriend from Duhok. The girl said that her uncles and cousins are from Kirkuk. They would tell me if I talked they would take me to Q.S.- The Yazidi fighter, whose sister was later released with me. His sister told me that when she was held captive that my brother, A would help her many times. She said he was like a brother to her. After many attempts of them forcing me to talk or say something. I did not. One night they brought in a doctor to my room. He checked my vitals and told A.O. that I had had a stroke because I did not move my body when he was testing me. I was laying on the floor. I would get cold at night and shake. My teeth would jetter [sic] but I did not want them to hear the noise that it was making so I would force myself to stop from shivering. After three days of being with them, A.O. and his wife and daughter took me to the hospital. At this point I had not ate for months so I could barely open my eyes. When they took me to the hospital I could not hear or see much but I could heard [sic] them say something about a surgery. They took me to a different room. I was crying a lot. When we entered [sic] the elevator the doors were stuck and did not open so A.O.'s wife started screaming for help. They put me in a different room where many doctors were at. They were talking in English. I would reach my hands out begging to no operate on me. They placed me on another bed and they were discussing what they were going to do to me. They remove the IV from one of my arms and placed it on the other one. My arms were both swollen from this. One of the doctors came above me and asked me why in Kurdish language why I was crying and said If I talked they would not operate on me. I had a ring from one that my grandmother had given me years ago. The doctor asked me to take it off, but I resisted, and he was asking why I did not want to take it off. I did not say a word. I was crying and did not want them to take it off. I remember it was pouring rain outside. But A.O. wanted me to get better, so he could marry me. But they put me to sleep before I could find out if they removed

the ring. I did not wake up from the anesthesia until the next day. When I woke up I was restrained to the wall. There was bandage on my stomach and I was in so much pain. When I cried I could not stand the pain in my abdomen. I was in a hospital gown and I throw up and felt very dizzy. I had IV's in both of my arms. There was another lady who passed away in my room. A.O.'s wife was sleeping next to me and woke up when I threw up. She came up to me, checked my stomach and went back to her bed next to mine. I passed out again after seeing this. When I woke up next, there were A.O. and two nurses standing next to me. I kept thinking about what could they have done to my stomach. They had two bags inserted inside me. One was a urine and the other was filled with blood. There was another woman who had had stroke and was being treated in the same room I was. She asked A.O. why I was there. A.O. was telling her that I was a Yazidi girl who had been converted to Islam and that I had had a stroke. She was laughing as she said this. The other lady was describing her son who they called M. Her son's [sic] were all armed with heavy weapons when they visited her at the hospital. The DAASH woman who was a doctor brought some balloons for me to blow air in and gave me some gum to chew so that I could talk but I did not blow air in the balloons and did not chew their gum. After two days, A.O. took me to his house. His wife and A.S. as well as their guard were with them. When we arrived at their house they wrapped a blanket around me. A.O.'s wife's sister came there to visit from H.A. and she asked them who I was, they told her that I was a Muslim convert. In the morning I had excruciating pain in my stomach, so they took me to the hospital again. The doctors said that I had infection in my stomach. My stomach was swollen. They ran some tests on me and gave me four injections through the IV and sent me to A.O.'s house with four injections. In the evening my pain kept getting worse. I could not move any part of my body so they called the doctor who came and gave me an injection on my leg. I did not wake up until the next day. In the morning, a doctor came to their house and stood on my legs and moved my hands around. He said that I had a stroke. The next day, A.O.'s wife undid my stitches. I felt excruciating pain and I started bleeding in my abdomen. I past [sic] out twice while she was doing this to me. The doctor was later called to come finish the stitches. They left two of the stitches in. They left some tape on the stitches. I felt the blood come down my back as they did this. It was itching very back so they removed the tape after two days when A.S. and his wife took me back to the hospital. They gave me another injection through the IV. My arm was becoming so painful and it was swollen. But they kept using the same

location for the injections. They brought me to their house after covering my face with a burqa. When they pushed the wheelchair I would feel excruciating pain in my stomach and back. After they brought me home I saw their daughter who was married to an ISIS man whose leg was missing due to an explosion during one of the missions he was in. He was laughing at me when they told him who I was. I could hear an airplane and saw all of them leave the house. When the airplane went away they came back in the house with a DAASH flag and placed it inside the house. A.O. and his wife poured boiling water on my leg and feet to see if I would move, but I did not. One day a man walked into their house. He was very tall and big in size. He was armed with weapons all around his waist. He talked on his walkie talkie. It seems they were talking about our elderly Yazidis. The man came approached me and stepped on my legs. I felt excruciating pain in my legs. They were talking about some things that I didn't understand. All of my medications were in a bag by my head. They seemed to be talking about them. There was a lot of commotion and I wasn't sure where they were taking me, but I started to cry when they took my wheelchair down the stairs. I wasn't sure what they were going to do to me. They brought me to the front yard where a vehicle was parked. They continued to talk on their walkie talkies. A.O. and the huge man were talking as they got on the vehicle after they placed me in the back seat. A.S. and A.O.'s wife also got on the vehicle. I could not see anything from where I was sitting because the windows were tinted, and it was hard to tell where they were taking me. As I was laying in the back seat and they started driving I was crying and praying to my God that they wouldn't do anything to me. I wished that before my family and would go through this that we had all die instead of being separated and tortured. They took me to one of their leaders in Tel Afar where a Yazidi girl was also held captive. They picked her up and took both of us to the same jail back in Mosul. They took the Yazidi girl out and took her to the jail. She tried to resist, but they forced her out of the vehicle. After they dropped her off they continued driving toward Tel Afar to one of their stations. The huge man asked about my name and they told him that my real name is S but that they call me H. They then all went out of the vehicle to do something at the station and came back. I wasn't sure why they did this. They brought a book with them. I am not sure what the book was for, but It might have been for names of Yazidis that they had held captive. They started driving again and were talking on their walkie talkies. They kept mentioning the Yazidi elderly. They stopped at the gravel road and took another road. When the car stopped again they kept talking on their walkie talkies and

there was a lot of commotion. I saw a bus. It was the same bus that they had taken all of us in in the beginning. They took my wheelchair down and took me to the bus. They pushed me into the bus and inside the bus I could see many Yazidi elderly. One of the men had been laying down on the floor. The guards were all around in the bus, so I couldn't ask the people where they were taking us. They took us to Haweeja where all the busses stopped. I felt dizzy and passed out. There was a woman from Kocho who later told me that she thought I had died when I fell on the ground. She told me this while she and I were inside the holy Yazidi temple, Lalish. She told me that she knew my brothers who she saw while in ISIS captivity. She told me that she placed her hands on my eyes because she thought I had died. When I awoke I was inside a hospital in Haweeja. They put me on IV and gave me an injection. They were talking about my stitches and tried to give me some pills, but I did not take any. One day an airplane striked Haweeja. They elderly ladies were frightened. They were saying that they had heard DAASH was taking all of us all somewhere to be electrocuted and that they were going to throw us in the river. I was frightened when I heard this. I had infection in my stomach, so I could not move. The next day DAASH members came in and forced all of us to pray to Quran. There was an elderly man who could not move but they forced him to pray anyways. They did not take me because they were saying that I was paralyzed. In the evening we could hear airplanes again and they all left, except for a young man who came hiding with us. Everyone was screaming, and they wanted to run outside but the man did not allow them to run. After it was quiet they came back and took us to town called Rashidia. They forced everyone to pray again. Many of them had not ate for days. We we [sic] all put in the bus again and they were talking on the phone, they also gave the phone over to some of the elderly to talk and ask about their family members. There was a group of men who were ISIS men but did not have beards. They were talking to the Peshmerga on the other side of the road. They told us that they were taking us back because they said that Peshmarga was not giving them money in exchange to return us to them. After the driver of our bus came back. There were busses that Peshmarga soldiers were driving that came toward us from the other direction. They put us all in the busses and took us to a place where they had a lot of media channels. V.D. was there as well. In fact, it seemed the elderly ill man was related to V. D. They had forgotten him in the bus and then went to go bring him. They were talking to the news channels about me and that I had lost my speech and could not talk. They took us to the hospital in Erbil and conducted some blood

tests. I remember they were confused about where they should give me the medicine through the IV because I had many bruises. They took us all to Lalish and had us all wash ourselves. They then asked about our family members so that we could be reunited with our families. My brothers had come to see if any of us were with this group and that's where he met me. When they came I was in the bus. My brothers, Q and K came running toward the bus and they saw me laying in the back. They told the driver that I was their sister. They were crying over me and helped me get out of the bus on the wheelchair. I was crying and that's when I started talking again.

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Victim Impact Statement
by
Yezidi Man/John Doe

I am Yazidi man and a survivor of Yazidi genocide in 2014 by ISIS. I was living in Bara village, southwest of Sinjar city in Iraq when ISIS attacked Sinjar/Iraq and committed a horrific genocide against my people, Yazidis. Before ISIS attacks Sinjar, we were hearing the horrific things that ISIS was doing to people posting them publicly on social media platforms. ISIS was spreading their horror using different social media platform and that was a psychological war that they used to terrify people. We heard and watched videos of ISIS killing, slaughtering people, taking women and children which impacted on us so negatively even before ISIS attacks our city. The psychological war that was promoted by social media for ISIS also impacted that abilities of the military and the police to defend our city and as a result, thousands of Iraqi military and police abandoned the civilians as they knew that ISIS is going to attack which led to a genocide against Yazidis afterwards.

Me and my family, we were 11 people and had no car. We were so scared that we would have to stay or flee on foot towards the mountains which would be a hard decision and that would be a less chance of surviving as ISIS was approaching us our villages coming from south part of Sinjar Mountain. Eventually, we managed with our relatives and neighbors who thankfully had some space in their vehicles, and they let us join them. We left with nothing except our clothes on from the fear of being captured by ISIS on the early morning of August 3rd of 2014 as ISIS has already attacked the south part of Sinjar Mountain and they were only few miles away to approach us. We heard from people of south that massacres are happening as ISIS was killing all males who were over 12 and taking women and children. Hundred thousand of people were fleeing and many of them running bare foot towards the mountain. We left our house with our neighbors and relatives and stopped on the main road waiting for all cars to join us so we can take the road to the mountain. We heard from other people passing by that we must continue driving as ISIS was coming from the south. They told us that we would be stuck at the mountain as ISIS is going to control the whole area in few hours or maybe less. We continued driving towards the other villages in the north. We arrived to Sinuni district in about 45 minutes of driving through bad traffic. There was a traffic of

thousands of vehicles and most of the people had no idea where to go as they thought ISIS was attacking from everywhere. We have decided to flee towards Kurdistan region through Arabic residence areas who many of them have joined ISIS. We were facing some shooting while we were going through those areas near to Syria border. Luckily, we made it safely to Kurdistan region which was like a miracle for us. We learned afterwards that ISIS bombed our house that we as a whole family worked so hard to build it for 10 years.

We arrived at Kurdistan region of Iraq and after moving from one place to another we were finally located into an IDPs (internally Displace Camp) near Zakho city of Kurdistan region of Iraq. My family is still living in that camp after 7 years now and is unable to return to Sinjar as it is a destroyed area.

ISIS abducted more than 7,000 Yazidi women and children in 2014 and moved them from Sinjar to different places in Iraq and Syria, after killing their families. ISIS used these 7,000 Yazidi women and children as slaves. Women who were 9 years and older were forced married to ISIS members and most of them were raped and tortured. I personally interviewed over 100 of these women after they escaped from ISIS captivity. Some of them were raped for 30 times by 30 different ISIS members in the same day. Some of them committed suicide and others tried for so many times to commit suicide while they were still in ISIS captivity being raped and tortured. ISIS used Yazidi women for trading using the social media platforms. They would make up WhatsApp groups and advertise Yazidi women by posting their exposed photos and the price. They would sell out Yazidi women to each other's in that way. In fact, some of Yazidi women who were captive by ISIS were sold out to other people from other countries, such as Saudi Arabia, Afghanistan, Turkey, ect., [sic] in that way. Until today, there are approximately over 2,700 Yazidi women and children holding captive by ISIS or missing.

Yazidis, the genocide survivors from ISIS, are still displaced and living in IDPs (Internally Displaced Camps) camps in Kurdistan region of Iraq including my family. They displaced after ISIS attack on Sinjar in 2014. According to report, ISIS destroyed 80% of Sinjar city. The infrastructure was destroyed. Most of the houses were bombed including my house. Sinjar is a

ghost city right now and more than 300,000 Yazidi who left their homes can't return. The Yazidi current situation in the IDPs camps is horrible. Those camps are lacking the basic needs. Yazidi families have been living in small flammable tents that could turn into ashes in 30 seconds if a fire started into them which has happened in many occasions and as a result many Yazidis lost their lives in the fire. Just last year there was a fire in Sharya camp in Kurdistan region of Iraq that burned over 200 tents into ashes.

Just to mention that my Facebook account was recently hacked by ISIS and Facebook company disabled it instead of helping me to get it back. I have had my Facebook account since 2012 and have been posting about the ISIS crimes against Yazidis and humanity. For that reason, ISIS hacked my account to stop me advocating for Yazidis against them and as a non-direct threat to me.

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Recent Legal Developments related to the Yazidi Genocide

March 21, 2021

The Yazidi Survivors Law (YSL) was adopted by Iraq on 1 March 2021 by the Iraqi Council of Representatives, establishing an administrative reparation program for survivors of crimes committed by the Islamic State, including genocide against the Yazidi community.²⁸⁶

November 30, 2021

“An Iraqi member of the Islamic State (IS) group has been found guilty of genocide against the Yazidi religious minority in a landmark German trial. A court in Frankfurt sentenced Taha al-Jumailly to life for crimes including the murder of a Yazidi girl in Iraq. The court found the jihadist enslaved the five-year-old in 2015, chaining her up and leaving her to die of thirst. Al-Jumailly is the first IS member to be convicted of genocide against the Yazidis.”²⁸⁷

July 2022

“Conclusions include that there are reasonable grounds to conclude that Iraq, Syria and Turkey from April 2013 onwards failed to take all means reasonably available to prevent the genocide of the Yazidi, in circumstances where they had the capacity to influence the circumstances and/or possible perpetrators of the genocide. That failure is continuing to the present day.”²⁸⁸ “Victim’s counsel Amal Clooney commented on the conviction: ‘Today we have reached another milestone in the pursuit of justice. My client put her life on the line so that a court would recognise that what happened to her community was genocide. And today her abuser became the second ISIS member to be convicted of this crime.’”²⁸⁹

August 2022

“A German court has handed down the second conviction of genocide for Islamic State of Iraq and Syria’s (ISIS) campaign to eradicate the Yazidi religious minority, seven months after the first genocide conviction. In late July, German national Jalda A was sentenced to over five years’ imprisonment for aiding and abetting genocide, as well as crimes against humanity and war crimes. She had enslaved and abused a Yazidi woman, ‘M’.”²⁹⁰

October 2022

“French building materials manufacturer Lafarge has agreed to pay almost \$780mn in fines and forfeitures to the US government, after pleading guilty to conspiring to provide material support to Isis and the Al-Nusrah Front in war-torn Syria.”²⁹¹

²⁸⁶ Iraq: Statement on the Implementation of the Yazidi Survivors Law - Amnesty International (last visited May 21, 2026.) *See also*, ENG Factsheet YSL Application Process Announcement-Sept 7-FF.pdf

²⁸⁷ <https://www.bbc.com/news/world-europe-59474616> (last visited February 23, 2023).

²⁸⁸ <https://www.yazidijustice.com/the-report> (last visited March 17, 2023).

²⁸⁹ <https://www.doughtystreet.co.uk/news/german-court-hands-down-second-genocide-conviction-against-isis-member-following-enslavement> (last visited February 20, 2023).

²⁹⁰ <https://www.ibanet.org/War-crimes-Universal-jurisdiction-secures-convictions-for-genocide-against-Yazidi-people> (last visited February 23, 2023).

²⁹¹ <https://www.ft.com/content/4979a42b-327e-4263-ba79-893f010ebe75> (last visited February 20, 2023).

Recent Legal Developments related to the Yazidi Genocide

January 2023

“With today’s vote, Germany is joining the growing list of more than 18 governments and international bodies that have officially recognized the Yazidi Genocide. Today, the voices of survivors are heard.”²⁹²

February 2023

“The Supreme Court heard arguments on Wednesday over whether internet platforms may be sued for aiding and abetting international terrorism by failing to remove videos supporting the Islamic State.”²⁹³ “Their suit takes aim at a federal law, Section 230 of the Communications Decency Act, which shields online platforms like Facebook, Instagram and Google’s YouTube from lawsuits over content posted by their users or their decisions to take content down. The case gives the Supreme Court’s justices the opportunity to narrow how that legal shield is applied or to gut it entirely, potentially opening up the companies to liability for what users post and to lawsuits over libel, discriminatory advertising and extremist propaganda.”²⁹⁴

“Prosecutors in the Netherlands on Friday announced they plan to put a Dutch woman who joined Islamic State on trial for crimes against humanity for enslaving a Yazidi woman in Syria in 2015. The woman, identified by Dutch media as Hasna Aarab, will also be tried for membership of a terrorist organisation along with 11 other women who were repatriated to the Netherlands in November last year from camps for IS members in Syria.”²⁹⁵

“On February 14 and 15, 2023, a Rotterdam court, the District Court of The Hague, held the first *pro forma* hearings against twelve women that the Dutch government brought back from a prison camp in Syria in November 2022. The women were arrested after arrival on suspicion of terrorist crimes, as suspected members of Daesh, a terrorist organization that is accused of committing genocide and crimes against humanity in Iraq and Syria. As announced by the Dutch Public Prosecution Service, one of the women is also suspected of slavery as a crime against humanity. The woman is said to have used a Yazidi woman as a slave in Syria in 2015. It is the first time that someone in the Netherlands has been charged with a crime against the Yazidis and for crimes against humanity.”²⁹⁶

Originally published October 18, 2022.

²⁹² <https://www.nadiasinitiative.org/news/nadia-murads-statement-on-recognition-of-yazidi-genocide-by-german-government> (last visited February 23, 2023).

²⁹³ <https://www.nytimes.com/2023/02/22/us/supreme-court-twitter-terrorism.html> (last visited February 23, 2023).

²⁹⁴ <https://www.nytimes.com/2023/02/20/technology/supreme-court-tech-section230.html> (last visited February 23, 2023).

²⁹⁵ <https://www.reuters.com/world/europe/dutch-prosecute-woman-islamic-state-membership-yazidi-enslavement-2023-02-10/> (last visited February 20, 2023).

²⁹⁶ <https://www.forbes.com/sites/ewelinaochab/2023/02/22/dutch-court-prosecuting-first-ever-case-for-enslaving-yazidis-in-syria/?sh=32993f392c7a> (last visited February 23, 2023).

May 2024

Netherlands to Set up International Anti-ISIS Tribunal... The new Dutch government, a coalition of four political parties, announced a coalition agreement on May 16, six months after the elections, which includes an initiative to establish an international tribunal for prosecuting crimes, including genocide, committed by ISIS.²⁹⁷ In July 2021, the Dutch Parliament recognized the ISIS massacre of Yazidis in August 2014 as genocide.²⁹⁸

August 2024

10th Anniversary of the Yazidi Genocide²⁹⁹ “The suffering of the Yazidi community will continue and the community will not be able to move on with their lives until the truth about the atrocities is established and the perpetrators are brought to justice for the true nature and scale of the atrocities that targeted the annihilation of the community in the region. And as long as there is no justice for the community, their future is not secure as impunity always begets further crime. States and the international community as a whole must end the impunity and send a strong message that one cannot get away with genocide. This is a message that continues to be relevant 10 years after the horrific atrocities against the Yazidis.” *Forbes* article by Dr. Ewelina U. Ochab

March 2025

A Yazidi woman was rescued from Gaza by Israel after eleven years of ISIS captivity, during which time she was subject to rape, sexual assault, and other forms of abuse by multiple men throughout her years in captivity. She has left behind two children born in the Gaza enclave.³⁰⁰

May 4, 2026

A Yazidi woman was rescued from Syria as part of a coordinated humanitarian operation involving multiple countries. While the exact name of the woman has not been publicly disclosed in the available reports, her case is part of a broader pattern of Yazidi survivors being freed from captivity or displacement in the aftermath of ISIS’s 2014–2017 genocide.³⁰¹

²⁹⁷ Netherlands to Set up International Anti-ISIS Tribunal (kurdistanchronicle.com) (last visited July 1, 2024.)

²⁹⁸ *Id.*

²⁹⁹ <https://www.forbes.com/sites/ewelinaochab/2024/08/03/yazidi-genocide10-years-on-the-suffering-of-the-community-continues/> (last visited August 19, 2024.)

³⁰⁰ *Yazidi rescued from Gaza by Israel thought she was 'going to be stuck there forever'* / The Times of Israel, March 26, 2025. (last visited May 21, 2026.)

³⁰¹ *See Yazidi Girl Rescued After 11 Years in ISIS Captivity*, May 4, 2026. (last visited May 21, 2026.)