

Accountability for Islamic State Crimes Against Yazidis

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Policy Brief Series No. 192 (2025)

1. Context

The Islamic State¹ terrorist organization emerged in the Syrian conflict in April 2013, when the terrorist group *Jabhat al-Nusrah* merged with the Islamic State in Iraq under the banner of the Islamic State in Iraq and Al-Sham. By January 2014, IS forces had captured the entirety of Raqqa city, followed by other urban centres across Syria, eventually controlling over half of Syria and much of northern Iraq. In June 2014, IS proclaimed the Islamic State and declared Raqqa the capital of its so-called ‘caliphate’. Rapidly, IS imposed its warped interpretation of *Shari’ah* law on civilians, including public executions and other harsh punishments, the persecution of minorities, gender-based oppression, and the destruction of cultural and religious property.²

2. IS Crimes Against Yazidis

The group’s radical jihādide ideology sought to justify the extermination and enslavement of those it deemed *kuffār* (infidels) and *mushrikīn* (polytheists). During the summer of 2014, IS forces advanced through Ninewa in northern Iraq, attacking Christian settlements, seizing Talla’fār – where many *Shi’ah* Turkmen resided – and launching a major attack on Sinjar (the ancestral homeland of the Yazidi people) on 3 August 2014. Religious and cultural minorities were met with brutal violence and displacement by IS forces, while the Yazidis in particular were subjected to genocidal acts. At multiple locations, Yazidi men and boys were massacred by IS forces from 3 to 15 August, following IS ultimatums to convert to Islām or die. Males who converted were taken captive and held in Haīy al-Khadrah, Talla’fār, until April 2015 when they ultimately faced the same fate. Concomitantly, IS instituted a highly-organized, well-regulated slave trade in which thousands of captured women and children – the majority of them Yazidis – were bought and traded amongst its adherents from August 2014 until the fall of the so-called caliphate, though some remained captive for much longer.

3. IS Criminal Policies and *Modus Operandi*

Investigations³ have shown that the extermination and enslavement of the Yazidi people were sanctioned by IS in multiple texts which proclaimed the threat ‘devil-worshippers’ posed to Islāmīc monotheism. In turn, this message was reinforced in the speeches and writings of Abu-Bakr Al-Baghdadi and other IS leaders.⁴ Indeed, the IS slave trade in women and children was no mere by-product of the Sinjar operation. Rather, it was established pursuant to a stated policy that was approved and disseminated by IS organs answerable directly to senior leadership. The policy was, furthermore, implemented throughout the entirety of IS *vilāyat* (governorates), *dawawin* (thematic departments), *Shari’ah* courts, military units, and other institutions. The IS leadership had full knowledge of the slave trade, and many senior officials – including successive IS leaders – personally owned women and children as slaves.

The IS leadership relied heavily on religious scholarship to justify its crimes against the Yazidis, while IS’ bureaucratic nature left a paper trail documenting the implementation of the warped theological precepts. Such was particularly true of the slave trade, which IS soon discovered required significant oversight of rank-and-file adherents to ensure ideological conformity.

IS’ criminal policies towards Yazidis relied on regressive interpretations of Islāmīc teachings dating back centuries. For example, according to an IS pamphlet on slavery, the practice of *shirk* (idolatry or attributing divinity to anything other than *Allāh*), justified the practice of *Ahl al-Harb*, that is, taking prisoner the relatives and servants of fighters who have fought against Muslims.⁵ Subsequent IS documents thus purported to sanction the taking of enemy women as *sabaya* (slaves).⁶ IS documents discussing the treatment of captives explicitly condoned the rape and beating of enslaved women and girls, envisioned the sale of enslaved girls from the ages of one to twelve years old via *Shari’ah* courts, and set out rules for slave-owners to abide by.⁷

¹ Referred to by various appellations and acronyms, this policy brief uses ‘Islamic State’ or ‘IS’ except where another term (ISIS/ISIL/Da’esh) is part of the formal title of an entity or cited source. The group called itself *Dawla Islamiyah fil Iraq wa AshSham* – in English, Islamic State in Iraq and Al-Sham (‘ISIS’) – from April 2013 until mid-2014. The appellation Islamic State in Iraq and the Levant (‘ISIL’) is an English translation of the group’s name (ISIS) during that period. Al-Sham, or the Levant, refers to Syria. On 30 June 2014, the group’s then leader, Abu-Bakr Al-Baghdadi, proclaimed the formation of the ‘Islamic State’, dropping its references to Iraq and Syria. The group is still frequently referred to in Arabic by the term Da’esh, an acronym derived from the Arabic version of Islamic State in Iraq and Syria.

² See Evelyn Anoya and Amal Nassar, “Crimes Against Religious Minorities in Iraq: Is the Future of Accountability for ISIL Crimes Domestic?”, Policy Brief Series No. 174 (2025), Torkel Opsahl Academic EPublisher, Brussels, 2025 (<https://www.toaep.org/pbs-pdf/174-anoya-nassar/>).

³ In 2020, an Associated Press exclusive publicised the results of a multi-year Commission for International Justice and Accountability (‘CIJA’) investigation into the IS slave trade in women and children. See Sarah El Deeb, “Investigators build a case for IS crimes against Yazidis”, *Associated Press*, 21 May 2020.

⁴ See, for instance, “A response to the question by the *Shaykh* Al-Mujahid Turki Bin Ali”, *Justpasteit*, 17 August 2014.

⁵ Aymenn Al-Tamimi, “Unseen IS Pamphlet on Slavery”, in *Aymenn Al-Tamimi Blog*, 29 December 2015; English translation: MEMRI Jihad & Terrorism Threat Monitor, “Islamic State (ISIS) Releases Pamphlet on Female Slaves”, 3 December 2014.

⁶ IS, Research and Fatwa Issuance Committee, “The Creator’s Maxims/Rulings on Slavery and Captivity”, 2015, p. 5; IS, *Diwan Al-Ilam, Al-Hay’at*, “Slave-Girls or Prostitutes?”, in *Dabiq*, 2015, no. 9, p. 45.

⁷ See IS, Research and Fatwa Issuance Committee, “Booklet: Accompaniments

More generally, IS documentation gathered on the battlefield evoke a clear picture of how state-like machinery was deployed to regulate and administrate these criminal policies. For example, a host of documents issued by IS *Shari'ah* courts purporting to render and nullify ownership of *sabaya* and their children demonstrate the systemization of the sale, and resale, of Yazidis to IS slave-owners. Still other documents emanating from the Delegated Committee – the IS cabinet – show that the senior leadership of IS was aware of the trade in *sabaya* among its members and that the cabinet had the power to issue orders regulating the slave trade, such as a 2015 edict not to sell slaves to non-adherents and positing the disciplinary measures to be applied to those who disobeyed.⁸ Other documentation, aside from voluminous eye-witness testimony, confirms that high-level IS officials such as *walis* and *emirs* personally owned *sabaya*.

4. Accountability Pathways and Achievements

The command and control of senior IS leadership over the slave trade in Yazidis and others is beyond evidentiary dispute. Battlefield evidence collection, effected in no small part by the Commission for International Justice and Accountability (CIJA), has been a core enabler of a wave of successful criminal prosecutions in multiple jurisdictions.⁹ The primary source materials are, in turn, corroborated by the testimony of hundreds of Yazidi victims; most notably, former female captives. These brave individuals have given testimony to investigators recalling pertinent facts and, in some instances, supplied documentary evidence that they smuggled from the so-called caliphate, confirming their status as former slaves.

Outside of Syria and Iraq, the criminal prosecutions of suspected IS adherents has focused overwhelmingly on persons who did not travel to IS-held territory. These individuals have primarily been charged with the provision of support to a designated terrorist entity (that is, IS) by, for instance, disseminating propaganda, recruiting for the group, or forming the intent to travel to IS-held territory. Of the large number of IS-related prosecutions brought outside of Syria and Iraq, just 10 per cent of the cases have related to conduct undertaken whilst on territory under IS control. Most of these prosecutions were triggered by States exercising extraterritorial or universal jurisdiction for violations of international criminal and humanitarian law ('ICHL'), as well as domestic counter-terrorism provisions.¹⁰ This relatively low figure is not so much a reflection of any lack of evidence as it is of the availability of suspects. The wastage rates for IS fighters was exceedingly high, with many of those who survived, additional to a great many female adherents, remaining incarcerated in north-east Syria.

Initially, where law-enforcement authorities, particularly those operating in rule-of-law States, were able to apprehend IS adherents who had travelled to the operational theatre, the practice was invariably to bring terrorism (for example, material support) charges, whilst eschewing allegations of ICHL offences. One such case was that of Zoher J., who was convicted in Munich in March 2019 for the provision of material support to a terrorist organization in Aleppo.¹¹ More recently, domestic authorities have brought cumulative charges against suspects where possible, often relying upon evidence provided by the CIJA.¹² This change of prosecutorial approach has been driven

first and foremost by the Genocide Prosecution Network situated at Eurojust and the indefatigable head of its secretariat. One recent notable case in France relied on closed-circuit video footage recovered by the CIJA from Aleppo Children's Hospital, which was used by IS as a detention and torture facility. The French case saw the conviction of Mehdi Nemouche, amongst others, for the kidnapping and detention of four French journalists.¹³ Several arrests of suspected IS members on suspicion of ICHL offences have occurred as a result of proactive reports by the CIJA to law enforcement agencies regarding individuals it has tracked to Europe, such as a recent case in Belgium.¹⁴ It is the practice of the CIJA to inform without delay the relevant public authorities it supports of the presence of suspected IS adherents in a given jurisdiction in light of the fact that the continuing public security threat posed by IS cannot be divorced from the collective effort to see IS perpetrators brought to justice.

The increasing resort to the exercise of extraterritorial and universal jurisdiction has likewise resulted in other cases being brought against suspected IS adherents accused of crimes against Yazidis, not least with evidentiary support provided by the CIJA. Convictions have been registered in Germany and Sweden in several cases related to the IS slave-trade of Yazidi women and children, with cases pending in other jurisdictions. These cases have resulted in convictions for, *inter alia*, enslavement as a crime against humanity, gender-based persecution as a crime against humanity, and genocide.

A husband and wife, of Iraqi and German nationality respectively, were tried separately in Germany in 2019 and 2020 for their roles in the death of the five-year-old daughter of a Yazidi woman enslaved in their household in Fallujah, Iraq.¹⁵ The key witness – the Yazidi mother, who was also a participating victim in the proceedings in both cases – testified that she was brought from Syria to Iraq, where Taha Al-J. purchased her, and that, prior to her sale, she had been raped by other IS personnel in Syria. Taha Al-J. – who was neither a fighter nor a senior figure in IS – was the first person worldwide to face genocide charges for having a role in the IS slave-trade. He was convicted in November 2021 and sentenced to life imprisonment.¹⁶ His now ex-wife, Jennifer W., a convert to Islām, was convicted in October 2021 and sentenced to 10 years' imprisonment for aiding and abetting enslavement as a crime against humanity, attempted murder, aiding and abetting the war crime of attempted murder by omission, and membership in a terrorist organization.¹⁷

al-Rahman' und Kriegsverbrechen erhoben", 11 April 2024 (<https://www.legal-tools.org/doc/rccg50a4/>); for Sami A.S. in Dusseldorf, Germany, see Federal Court of Justice, *Prosecutor v. Sami A.S.*, Judgment, 5 April 2021, 3 StR 16/22 (<https://www.legal-tools.org/doc/f70fo3d9/>); for Ossama A. in Koblenz, Germany, see FPO, "Anklage gegen ein mutmaßliches Mitglied der ausländischen terroristischen Vereinigung 'Islamischer Staat' u.a. wegen Kriegsverbrechen und Verbrechen gegen die Menschlichkeit erhoben", 15 January 2025 (<https://www.legal-tools.org/doc/p9hptj1/>). See also, Christian Ritscher, "Cumulative Prosecution – Combining Charges of Counterterrorism and International Crimes: Remarks from a National Prosecutor's Point of View", *YouTube*, 14 October 2021 (former Head of War Crimes Unit at the FPO speaking in his personal capacity).

¹³ "French jihadist accused of holding journalists hostage in Syria sentenced to life in prison", *France24*, 21 March 2025.

¹⁴ For example, the case of Anon (arrested in Belgium on 28 March 2023 for crimes against humanity and war crimes). CIJA identified and tracked the suspect, submitted a suspect dossier to Belgian authorities, and responded to requests for assistance. See CIJA, *supra* note 11.

¹⁵ FPO, "Anklage gegen ein mutmaßliches Mitglied der ausländischen terroristischen Vereinigung 'Islamischer Staat' (IS) wegen Mordes, Völkermordes u.a. erhoben", 21 February 2021 (noting the charging of Taha Al-J.). Note that the suspect was arrested in Greece and extradited to Germany in accordance with an international arrest warrant; FPO, "Anklage gegen ein mutmaßliches Mitglied der ausländischen terroristischen Vereinigung 'Islamischer Staat' (IS) wegen Mordes und der Begehung eines Kriegsverbrechens erhoben", 28 December 2018 (noting the charging of Jennifer W.).

¹⁶ Germany, Federal Court of Justice, *Prosecutor v. Taha Al-J.*, Judgment, 30 November 2022, 3 StR 230/22 (<https://www.legal-tools.org/doc/f98fmno3/>).

¹⁷ Germany, Federal Court of Justice, "Criminal proceedings against IS returnee

of the Slave", in *Hijri*, October 2015, no. 1436, p. 2.

⁸ For a public example of such a document, see IS, Delegated Committee, "Condensed summary of the statements for distribution and directives issued by the Delegated Committee", in *Aymenn Al-Tamimi Blog*, 2015.

⁹ See Stephanie Barbour, "Key findings of CIJA's Investigation into the IS Slave Trade", in *Opinio Juris*, 10 June 2021.

¹⁰ Proceedings conducted in Austria, Finland, France, Germany, the Netherlands, Sweden and Switzerland.

¹¹ CIJA, "Key Successes – Da'esh/Islamic State" (available on its web site) (William H. Wiley and a CIJA investigator provided testimony in the case).

¹² For Oussama Achraf Akhlafa in the Netherlands, see Hague District Court, *Prosecutor v. Oussama Achraf Akhlafa*, Judgment, 23 July 2019, 09/748003-18/19 (<https://www.legal-tools.org/doc/6mr82aqw/>); for Amer A. in Kiel, Germany, see German Federal Prosecutor's Office ('FPO'), "Anklage wegen Mitgliedschaft in der ausländischen terroristischen Vereinigung 'Liwa Jund

Omaima A., a German-Tunisian dual national, was the first female returnee to be convicted for the crime against humanity of enslavement, amongst other offences, having kept a thirteen-year-old Yazidi girl in her home as a slave. She was sentenced to three and half years' imprisonment.¹⁸ In 2021, Omaima A. was convicted on further charges of aiding and abetting enslavement as a crime against humanity after evidence given by a Yazidi co-plaintiff in her original trial demonstrated that Omaima A. had also exploited Yazidi slaves that visited her home.¹⁹

Sarah O., a German-Algerian dual national, was prosecuted in October 2019 for keeping three Yazidi women in her home as slaves, as well as for participation in the death of an enslaved fourteen-year-old girl who had been killed in a car accident during a dangerous journey approved by the defendant. Sarah O. was convicted and sentenced to six and a half years' imprisonment for, amongst other offences, a crime against humanity resulting in death through enslavement, persecution as a crime against humanity, and aiding and abetting rape as a crime against humanity.²⁰ Another female IS follower, Nurten J., was indicted in November 2020 on charges related to forcing the Yazidi woman held as a slave by Sarah O. to clean her home on up to 50 occasions. She was convicted in April 2021 and sentenced to four years' and three months' imprisonment for aiding and abetting enslavement as a crime against humanity.²¹

Romiena S. was charged in Germany in December 2021 with enslavement as a crime against humanity in relation to allegations that she had exploited economically a Yazidi enslaved by IS in Raqqa in the household of a slave-trader in 2016.²² In June 2022, she was convicted as an accessory to crimes against humanity, as well as of several child abuse charges, and sentenced to three years' and three months' imprisonment.²³

In a notable development, in April 2022, Jalda A. became the first woman affiliated with IS to be charged with aiding and abetting genocide for her role in slave-owning. Prosecutors alleged that she kept a Yazidi slave in her household in Mayadin, Syria in late 2017, physically abusing her and exploiting her labour. In July 2022, prosecutors secured a conviction against Jalda A. and a sentence of five and a half years' imprisonment.²⁴ In addition to aiding and abetting genocide, the court also found her guilty of the crimes against humanity of persecution, enslavement and severe deprivation of liberty, and of aiding and abetting crimes against humanity and war crimes.²⁵ The addition of the genocide allegation against Jalda A. pointed to an evolution of the prosecutorial strategy of the German Federal Prosecutor's Office.

for crime against humanity to detriment of Yazidi woman and girl concluded by final decision", 11 April 2024 (<https://www.legal-tools.org/doc/h1313fzl/>).

¹⁸ Philipp Woldin, "Neue Vorwürfe gegen Cuspert-Witwe", *Welt*, 22 March 2021.

¹⁹ *Ibid.* The defendant pled guilty in the second case, see Germany, Federal Court of Justice, "Conviction of the widow of a known member of the 'Islamic State' becomes final", 22 March 2021 (<https://www.legal-tools.org/doc/gv9uskkh/>).

²⁰ Germany, Higher Regional Court of Düsseldorf, *Prosecutor v. Sarah O.*, Judgment, 16 June 2021, 7 StS 3/19 (<https://www.legal-tools.org/doc/ulclukuu/>).

²¹ Germany, Higher Regional Court of Düsseldorf, *Prosecutor v. Nurten J.*, Judgment, 21 April 2021, 7 StS 2/20 (<https://www.legal-tools.org/doc/7du8e7et/>).

²² FPO, "Anklage gegen ein mutmaßliches Mitglied der ausländischen terroristischen Vereinigung 'Islamischer Staat (IS)' erhoben", 28 January 2022 (<https://www.legal-tools.org/doc/yuxgaumk/>) (noting the charging of Romiena S.).

²³ "German court convicts IS returnee who took daughter to Syria", *Associated Press*, 1 June 2022.

²⁴ FPO, "Anklage gegen ein mutmaßliches Mitglied der ausländischen terroristischen Vereinigung 'Islamischer Staat (IS)' wegen Verbrechen gegen die Menschlichkeit, Kriegsverbrechen und Beihilfe zum Völkermord u.a. erhoben", 12 April 2022 (<https://www.legal-tools.org/doc/0kmwjvx6/>).

²⁵ Doughty Street Chambers, "German court hands down second genocide conviction against ISIS member following enslavement and abuse of Yazidi woman in Syria", 27 July 2022.

In particular, the Jalda A. charges indicated that the acts of women affiliated with IS with respect to owning slaves and exploiting them for labour or sexual use are also viewed as constituting the infliction of serious physical or mental harm – an *actus reus* of the crime of genocide. The court held that it was 'unthinkable' that Jalda A. was unaware of IS' persecution of the Yazidis given that she lived in the so-called caliphate for over three years and was married to high-level IS members, thus supporting the finding that she shared in the special intent to destroy the Yazidi ethno-religious group through their enslavement.

In Sweden, Lina Ishaq was convicted in February 2025 of genocide, crimes against humanity and war crimes and sentenced to 12 years' imprisonment for her role in the enslavement and forced religious conversion of nine Yazidi women and children in Raqqa in 2015.²⁶ In France, Sonia M. was indicted in March 2024 for crimes against humanity and genocide, including the sexual slavery of a Yazidi teenager and for acts committed in Iraq, Syria and Turkey during the period 2014–2019. The victim had been kidnapped in August 2014, sold into slavery, and at the age of 16 years bought by the suspect's husband, Abdelnasser Benyoucef, the former head of IS's external operations.²⁷ The CIJA provided substantial assistance to prosecutors in several of the aforementioned cases.

Other pathways to accountability remain largely nascent. A preliminary examination announced by the Office of the Prosecutor of the International Criminal Court ('ICC-OTP') into IS foreign terrorist fighters based on nationality was closed owing to the absence of senior IS figures bearing the nationality of any State Party to the Rome Statute (neither Iraq nor Syria are States Parties).²⁸ Corporate criminal and civil complaints have also been filed in third states in relation to IS crimes, notably in France and the United States ('US'), against Lafarge-Holcim, a Franco-Swiss cement company which continued to operate following the IS takeover of its facility in Raqqa. Evidence has shown that the company made payments to IS to permit its continued operations. This has led to proceedings in France on charges of complicity in terrorism and crimes against humanity, with a group of Yazidi victims of slavery joining the case as civil parties.²⁹ In addition, the company received record-breaking fines and forfeitures amounting to USD 778 million, following a guilty plea by the company in US federal court on material support to terrorism charges.³⁰ The now defunct US Global Office for Criminal Justice rightly argued for part of the sum collected to be used to repair the harm to Yazidi victims of IS.³¹ Meanwhile, the ruling sparked civil cases in federal courts, including one filed on behalf of a group of 427 Yazidi plaintiffs.³²

Similarly, non-judicial accountability mechanisms have emerged.³³

²⁶ Sweden, Stockholm District Court, *Prosecutor v. Lina Ishaq*, Judgment, 11 February 2025, B 3210-23 (<https://www.legal-tools.org/doc/efgdv17u/>).

²⁷ On 8 July 2025, the Paris Court of Appeal ruled that Sonia M. will be tried for genocide on suspicion of having enslaved a Yazidi girl in the spring of 2015. See Busra Nisa Sarac, "Yazidi genocide victims offered glimmer of hope for justice – but challenges remain", *The Conversation*, 28 July 2025 (<https://www.legal-tools.org/doc/j0lsc2o4/>).

²⁸ ICC-OTP, "Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the alleged crimes committed by ISIS", 8 April 2015 (<https://www.legal-tools.org/doc/b1d672/>).

²⁹ In the latest development, the case is likely to proceed on crimes against humanity charges alone. See Tassilo Hummel, "Lafarge can be charged with 'complicity in crimes against humanity', French court says", *Reuters*, 16 January 2024 (<https://www.legal-tools.org/doc/ka4vco2u/>).

³⁰ United States, Department of Justice, "Lafarge Pleads Guilty to Conspiring to Provide Material Support to Foreign Terrorist Organizations", Press Release, 18 October 2022 (<https://www.legal-tools.org/doc/5n4hwghw/>). See also, O'Brien and Thrush, "French Cement Company to Pay \$780 Million Over Payoffs to ISIS", *The New York Times*, 18 October 2022.

³¹ Charlie Savage, "Should Hundreds of Millions in Seized Assets Go to ISIS Victims?", *The New York Times*, 18 June 2024.

³² Amal Clooney and Lee Wolosky, "Opinion: Why We're Helping Yazidi Americans Get Justice", *The New York Times*, 17 December 2023.

³³ For further details on non-judicial accountability pathways relevant to Syria, see Synergy for Justice, *Syria Supplement to the Second Edition of the Inter-*

Two United Nations ('UN') investigative mechanisms have scope to gather evidence on IS crimes – the Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL ('UNITAD') and the International, Impartial and Independent Mechanism in Syria – and provide support to prosecutions. An Independent Institution on Missing Persons in Syria and the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons may also examine IS criminality through their specific remits. In addition, legal activists have filed strategic litigation under national terrorism victim compensation schemes and before UN treaty bodies.³⁴ UNITAD had few successes, owing, in our assessment, to early and severe failures of leadership, and closed in September 2024. The other international bodies have been (and will continue to be) of relevance.

5. Lessons Learned

To achieve this burgeoning cascade of domestic proceedings against IS members for crimes against Yazidis, prosecuting authorities have availed themselves of a variety of tools and strategies. Structural investigations concerning IS crimes against Yazidis have been mounted in several countries, notably Canada, France and Germany. Several joint investigation teams ('JITs') have been established and facilitated through the Genocide Prosecution Network and Eurojust mechanisms. For example, in 2022, a JIT was established by France and Sweden to examine and share the evidence of crimes committed by foreign terrorist fighters in Syria against Yazidis and Christians.³⁵

Various types of evidence were available and relied upon in securing the convictions discussed above, including powerful survivor testimony from Yazidis, material gathered by non-governmental organizations on the battlefields of Syria and Iraq, expert testimony, and, in some cases, open-source and digital evidence. Considerable use has been made of mutual legal assistance procedures.

Cumulative charging of terrorism and ICHL offences has proven to be successful in the majority of instances where it has been applied.³⁶ This approach has concomitantly ensured that, where sufficient evidence is available, suspects are brought to justice for their adherence to a terrorist entity and for their criminal conduct in Syria and Iraq. This approach has allowed direct victims to participate in the proceedings as both co-plaintiffs and to testify as prosecution witnesses, helping to ensure that the harms experienced by myriad victims at the hands of IS are brought to light. This represents a significant improvement on material support cases, offering the added benefit of more severe custodial sentences where accused are convicted of core international crimes. Moreover, this approach contributes to the broader

establishment of judicial truth concerning the Yazidi genocide.

The aforementioned high wastage rates experienced by the middle and senior IS leadership has resulted in a situation where only relatively low-level perpetrators are brought to trial. Despite the copious evidence of the criminal responsibility of IS' senior leadership gathered to date, the majority of those who have been brought to justice are IS wives. As seen above, prosecutors have often pursued these defendants based on liability for their omissions and as accessories to offences perpetrated by male albeit sometimes senior IS personnel.³⁷ Indeed, some cases have produced anomalous results, such as the conviction of one female IS member for rape as a crime against humanity committed by her jihadist husband – since deceased – while she herself was still a minor.³⁸

Plainly, there has yet to be a case that fully unfurls the evidence of the genocidal plan to erase the Yazidis through extermination and enslavement and which correspondingly holds a high-level perpetrator accountable. Unfortunately, a comprehensive case-selection and -prioritization policy remains out of reach as long as extraterritorial- and universal-jurisdiction proceedings against returning IS members are the only viable pathway to accountability for IS crimes against Yazidis. The collapse of the Assad regime in December 2024 brings hope for domestic accountability efforts in the future, though the (new) Syrian authorities are prioritizing the prosecution of senior officers in the late regime.³⁹ The case for a court of pooled jurisdiction capable of exercising a more coherent prosecution strategy thus remains an urgent question.⁴⁰

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ISBN: 978-82-8348-290-4.

TOAEP-PURL: <https://www.toaep.org/pbs-pdf/192-barbour-wiley/>.

LTD-PURL: <https://www.legal-tools.org/doc/e53od0k5/>.

Date of publication: 15 October 2025.

national Protocol on the Documentation and Investigation of Sexual Violence in Conflict, November 2023, pp. 44 ff. ('IP2 Syria Supplement') (<https://www.legal-tools.org/doc/8ozdkvmt/>).

³⁴ Hogan Lovells, "Australia High Court declines to provide reparations to Yazidi victims of enslavement, sexual violence and crimes against humanity perpetrated by an Australian foreign fighter of so called 'Islamic State'", 30 April 2021; Kaamil Ahmed, "Yazidi women kept as slaves by IS appeal to UN to intervene in their fight for compensation", *The Guardian*, 24 January 2023.

³⁵ Eurojust, "Support to joint investigation team of Sweden and France targeting crimes against Yazidi victims in Syria and Iraq", Press Release, 7 January 2022.

³⁶ See Eurojust, Genocide Prosecution Network, "Cumulative Prosecutions of Foreign Terrorist Fighters for Core International Crimes and Terrorism-Related Offences: An Analysis of Selected Jurisprudence", 11 September 2025 (<https://www.legal-tools.org/doc/8xpzmbct/>).

³⁷ In Germany, where evidence of direct involvement in criminality lacks, prosecutors have even charged IS wives with the war crime of appropriation of property (pillage) for occupation of illegally seized residential apartments. For instance, see FPO, 2020, *supra* note 21 (noting the charging of Nurten J. for use of residential dwellings in Syria).

³⁸ The case of Sarah O, see *supra* note 20.

³⁹ See Raya Jalabi, "Investigators race to secure evidence of atrocities by Syria's Assad regime", *Financial Times*, 29 December 2024 (discussing the scale of the task of securing evidence of the Assad regime's atrocities).

⁴⁰ See IP2 Syria Supplement, 2023, p. 74, *supra* note 33 (an internationalized or hybrid court for Syria). See also Stephen J. Rapp, "A Legal Legacy that Opens the Way to Justice in Challenging Places and Times", in *FIU Law Review*, 2021, vol. 15, no. 1, p. 65; Ingrid Elliott, "A Meaningful Step towards Accountability? A View from the Field on the United Nations International, Impartial and Independent Mechanism for Syria", in *Journal of International Criminal Justice*, 2017, vol. 15, no. 2, pp. 239–256.



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