



Damage and  
destruction of cultural  
heritage  
by ISIL (Da'esh) in  
Iraq





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

Office of Field Investigations

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by ISIL (Da'esh) in Iraq**

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## I. EXECUTIVE SUMMARY

1. This report presents factual and preliminary legal findings on the damage and/or destruction of Iraq's cultural heritage by ISIL (Da'esh) between June 2014 and August 2017. The Security Council, in its Resolution 2379 (2017) uses the term "Islamic State in Iraq and the Levant" (ISIL) and clarifies that it is also known as "Da'esh" or "ISIL (Da'esh)". For simplification, this report uses the term "ISIL".

2. Cultural heritage encompasses movable or immovable property of great importance to the cultural legacy of every people, as well as buildings whose main and effective purpose is to preserve or exhibit movable cultural property. Mosques, *husayniyyat* (congregation halls), shrines, temples, monasteries, churches, *jamkhana* (ritual halls), tombs and cemeteries fall under the umbrella term of cultural heritage.

3. The main factual findings of the report are as follows. On 10 June 2014, ISIL took over the city of Mosul in the Nineveh governorate. On 12 June 2014, ISIL issued the so-called Mosul City Covenant. According to Article 10 of the covenant, ISIL intended to "obliterate" all statues and "level to the ground" all tombs.

4. Following the takeover of Mosul, ISIL took control of numerous cities and villages in the **Nineveh governorate** in the period between 10 June and mid-August 2014. These include: (i) Tal Afar, which was predominantly inhabited by Turkmen; (ii) Umarkan, Abu Jarbu'a, Ali Rash, Ortakhrab, Kabarli, Bazwaya and Baybukh, where a large part of the inhabitants were Shabak; (iii) Sinjar region, Kocho town and Bashiqa-Bahzani villages predominantly inhabited by the Yazidi community; (iv) Qaraqosh, Bartella and Karamlesh which are located in the Nineveh Plains and housed a large Christian community; and (v) Wardak, Gazakan and Tel al-Ban predominantly inhabited by Kaka'i. On 11 June, ISIL took control of Tikrit in **Salah al-Din governorate**, which was mainly inhabited by Sunni Muslims. A few days later, around 16 June 2014, in **Kirkuk governorate**, ISIL attacked Bashir village, which was predominantly inhabited by Shi'a Turkmen. Around October 2014, ISIL attacked parts of **al-Anbar governorate**, including the Hiit-Ramadi area where the Sunni Albu Nimr tribe lived.

5. From around **10 June 2014**, when ISIL took over Mosul, until **26 August 2017**, when the Iraqi forces recaptured Tal Afar from ISIL, ISIL damaged and/or destroyed at minimum several dozens of Shi'a, Sunni, Christian, Yazidi and Kaka'i cultural heritage sites in the aforementioned locations. Mostly by means of explosions, ISIL damaged or destroyed:

- (i) some 30 religious structures belonging to the Shi'a Turkmen community in Bashir and Tal Afar (around 16 June and 26 June 2014);
- (ii) at least two Sunni shrines in and near Tikrit (in the fall of 2014);
- (iii) some 20 cultural heritage sites, including mosques, shrines, *husseiniyat* (congregation halls) and cemeteries belonging to mostly the Shi'a Shabak community residing in

villages surrounding Mosul city (between approximately 2 July 2014 and September 2015);

- (iv) several Sunni shrines in Hiit, Rawa and Husayba (between 20 July 2014 and 2015);
- (v) some 28 Yazidi shrines or temples around the Sinjar Mountain and in the Bashiqa-Bahzani villages (between 3 August 2014 and 12 July 2015); and
- (vi) at least five Kaka'i shrines in addition to several other cultural and religious objects in Wardak, Tel al-Ban and Gazakan villages (between approximately 8 August and 28 September 2014).

6. Additionally, at least between 10 June 2014 and 26 August 2017, ISIL reportedly took over and used several cultural heritage sites for its own purposes. At least ten Christian sites were burnt, damaged, vandalized, looted and in some cases used by ISIL for military training, shooting practice, as courts and as detention facilities. Christian symbols and icons such as crosses, bells, ancient scriptures, books and the statutes of religious figures were removed, burnt and destroyed. ISIL also possibly used the Tal Afar Citadel as a prison and the Mosul Museum as its *zakat* (poll tax) office.

7. The main preliminary legal findings are as follows. There are reasonable grounds to believe that the damage and/or destruction caused by ISIL members to cultural heritage sites and objects in Nineveh, Salah al-Din, Kirkuk and al-Anbar governorates between at least 10 June 2014 and 26 August 2017 may amount to:

- (i) destruction or wilful damage of cultural property as a war crime;
- (ii) unlawful attacks against civilian objects and destruction of civilian property as war crimes; and
- (iii) persecution as a crime against humanity.

## II. TERMS OF REFERENCE

8. UNITAD's Investigative Team is mandated, pursuant to Security Council resolution 2379 (2017) ("SC Resolution 2379" or "Resolution"), to "support domestic efforts to hold ISIL (Da'esh) accountable by collecting, preserving and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by ISIL (Da'esh) in Iraq".<sup>1</sup> Evidence is collected by the Team in line with the highest possible standards "to ensure the broadest possible use before national courts and complementing investigations being carried out by Iraqi authorities, or investigations carried out by authorities in third countries at their request".<sup>2</sup>

9. The analysis of the destruction of cultural and religious heritage by ISIL in Iraq is based on evidence collected by UNITAD and its counterparts prior to UNITAD's closure.<sup>3</sup> This comprises witness interviews, ISIL internal documentation, publications and videos, audio-visual material, including from public sources. The present report does not provide a complete list of crimes committed by ISIL, nor an exhaustive review of the evidence available in the UNITAD holdings. For security purposes, most references have been removed from this public report. Quotations and main legal sources are generically referenced.

10. The findings in this report are made in accordance with the "reasonable grounds to believe" evidentiary threshold. This standard does not apply to every piecemeal assertion contained in this report. Rather, it only applies to the ultimate findings as to the crimes committed.

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<sup>1</sup> United Nations Security Council, [Resolution 2379 \(2017\)](#) (21/09/2017), para. 2.

<sup>2</sup> United Nations Security Council, [Resolution 2379 \(2017\)](#) (21/09/2017), para. 2.

<sup>3</sup> In accordance with Security Council Resolution 2697 (2023), through which the Security Council decided to extend the mandate of UNITAD until 17 September 2024 only.



### III. DEFINITION OF CULTURAL HERITAGE

11. The Investigative Team relied on Article 1(a) of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) for a definition of what constitutes cultural heritage, that is, movable or immovable property of great importance to the cultural heritage of every people, as well as buildings whose main and effective purpose is to preserve or exhibit the movable cultural property.

12. As such, for the purposes of this report, mosques, *husayniyyats* (congregation halls), shrines, temples, monasteries, churches, *jamkhana* (ritual halls), tombs and cemeteries located in Iraq and belonging to its various religious or ethnic communities are considered to fall under the umbrella term of “cultural heritage”.

### IV. FACTUAL FINDINGS

13. During its control of parts of northern Iraq, ISIL damaged or destroyed countless cultural heritage sites. The present report first sets out ISIL’s rationale for the destruction of such sites, focusing on the religious, military and financial motivations. The report then elaborates on the damage and destruction caused to cultural heritage sites across four governorates (Nineveh, Kirkuk, Salah al-Din and Anbar) and six ethnic or religious communities (Christians, Yazidis, Shi’a (Turkmen), Shabak, Kaka’i and Sunni).

#### i. ISIL’s rationale for the destruction

14. ISIL’s motivation to destroy cultural heritage sites in Iraq was based on religious, military and financial considerations.

##### A. Religious motivations

15. On 12 June 2014, ISIL issued the so-called Mosul City Covenant. According to Article 10 of this covenant, ISIL intended to obliterate all statues and level all the graves to the ground.<sup>4</sup> ISIL continued to call on its followers to “demolish all [non-Islamic] idols and flatten them to the ground”, for example, through its *Dabiq* and *Al-Naba* Magazines.<sup>5</sup>

16. According to ISIL’s interpretation of Islam, mosques, mausoleums and domes containing graves had to be levelled to the ground, especially when they were used as places of worship. Worshipping a human being, whether dead or alive, was seen as *shirk* (idolatry or polytheism).

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<sup>4</sup> ISIL publication, City Covenant, Central Media, Al Hima Printing House, 14 Shaban 1435 (12 June 2014); ISIL publication, City Covenant, Islamic State, Al Hima Printing House, Shawal 1436 (July 2014); UN Habitat, “[City Profile of Mosul, Iraq: Multi-sector assessment of a city under siege - October 2016](#)” (10/2016), p. 38.

<sup>5</sup> ISIL publication, *Dabiq* Magazine, Issue No. 8, 1436 Jumada al-Akhirah (22 March – 19 April 2015), pp. 22-24. The article incited and celebrated the destruction of cultural heritage, including using phrases like “*May Allah cleanse all Muslims’ lands of the idols of both the past and the present.*”; ISIL publication, *Dabiq* Magazine, Issue No. 10, 1436 Ramadan (18 June – 16 July 2015) p. 59; ISIL publication, *Al-Naba* Magazine, Issue No. 25 (04/04/2016), p. 14; ISIL publication, *Al-Naba* Magazine, Issue No. 26 (11/04/2016), p. 14; ISIL publication, *Al-Naba* Magazine, Issue No. 27 (18/04/2016), p.14.

17. ISIL also published photos and videos depicting the destruction of cultural heritage sites. In several of these videos, ISIL referred to Yazidis as “devil” or “Satan worshippers”.<sup>6</sup> In a depiction of the destruction of the St. George Catholic Monastery in Mosul, ISIL referred to the damage inflicted upon the monastery as a removal of “manifestations of polytheism”.<sup>7</sup> In another video depicting ISIL fighters destroying ancient artefacts at the Mosul Museum, the fighters announce “*The Prophet Muhammad commanded us to shatter and destroy statues. This is what his companions did later on, when they conquered lands. Since Allah commanded us to shatter and destroy these statues, idols and remains, it is easy for us to obey and we do not care, even if these costs billions of dollars*”.<sup>8</sup>

18. For ISIL members, destroying these sites was a means of both strengthening and demonstrating their own religious beliefs and destroying the beliefs and religious symbols of those considered disbelievers (*kuffar*) by ISIL.

### ***B. Military considerations***

19. ISIL used some of the cultural heritage sites, including the Tal Afar Citadel, Mosul Museum and many of the Christian churches and monasteries in the Nineveh governorate, as a base for its headquarters, detention facilities, courts and shooting ranges.

20. It is possible that ISIL purposefully chose these sites as safe havens which, due to their cultural or religious significance, were less likely to be targeted by air strikes from opposition forces. At the same time, as noted above, ISIL published video recordings, photos and articles depicting the destruction of cultural heritage sites likely to gain wider media attention and encourage others to join ISIL. This also proved to be an effective form of demoralizing the Iraqi population.

### ***C. Financial incentives***

21. There is evidence that ISIL illicitly traded and sold antique artefacts it looted from various Iraqi museums and cultural heritage sites to finance its criminal activities. Throughout this report, a note is made whenever there is available evidence that a particular site was looted.

#### **ii. Nineveh governorate**

22. Prior to launching an attack in northern Iraq, ISIL reportedly published on social media a list of 40 monuments located in Nineveh governorate and its intent to remove them. From June 2014 until August 2017, ISIL damaged or destroyed many cultural heritage sites in the

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<sup>6</sup> ISIL video by Ninawa Province Media Office, “Assault of the Righteous on the unbelieving Peshmerga part 2 in the Raid of Abu Ali al-Anbari, may God receive him well” (09/05/2016). At minute 16:36-17:00, the video depicts an ISIL member blowing up a shrine. The description indicates that this is a bombing of a “*temple of devil worshippers - Yazidis*”.

<sup>7</sup> CNN Arabic, “[In pictures: ISIS removes crosses from churches as part of operations to “remove manifestations of polytheism”](#)” [إزالة مظاهر الشرك "داعش يزع الصليبان عن الكنائس ضمن عمليات.. بالصور"] (16/03/2015); ISIL publication, Photo Report 1: Wilayat Nineveh - Obliterating Crosses and Removing Manifestations of Polytheism [ولاية نينوى طمس الصليبان وإزالة مظاهر الشرك] (15/03/2015).

<sup>8</sup> Aljazeera, “[ISIL video shows destruction of Mosul artefacts](#)” (27/02/2015).

governorate. The paragraphs below detail some of these acts in relation to affected community or localities.

*A. Mosul city (10 June 2014 – July 2017)*

23. ISIL damaged or destroyed many cultural heritage sites in Mosul. The present report only details the damage and destruction of two of such sites: the al-Nabi Yunus Mosque and Tomb and the Mosul Museum.

*a) Al-Nabi Yunus Mosque and Tomb*

24. The al-Nabi Yunus Tomb, also known as Prophet Jonah's Tomb or al-Jonah's Tomb, was located on the grounds of the Sunni-affiliated al-Nabi Yunus Mosque, in a shrine built in the early 13<sup>th</sup> century on an older archaeological site. The mosque and the shrine were located left of the Tigris River in Mosul, on a mound south of the ancient city of Nineveh. Initially built as a palace around 600 BC, the site was later destroyed and a Nestorian-Assyrian church (later associated with Prophet Jonah) was built over it. In the late 14<sup>th</sup> century, the site was converted into a mosque (known today as the historic al-Nabi Yunus Mosque). The site's association with Jonah's tomb remains, however, to this day. Described as Iraq's most important mosque and adjoining shrine, the al-Nabi Yunus Mosque and the Tomb of Prophet Jonah was revered by Muslims and Christians alike.

25. On 24 July 2014, ISIL laid explosives in and around the mosque and shrine, blowing them up and reducing them to a mound of rubble. Shortly before the detonation, ISIL announced its intention to destroy the site and warned the residents to evacuate the area. The destruction of the mosque and shrine was captured on video and subsequently posted online. The tomb of Rashid Lolan (1882-1964), a Sufi sheikh and Kurdish political leader, was also located at the site. His tomb was built to the west of the al-Nabi Yunus Mosque and was destroyed during the explosion.

26. Before the explosion, ISIL reportedly looted many valuable artefacts, dating back to the Assyrian era, from underneath the Tomb of Prophet Jonah. Such artefacts included gold and a statute of a bull with wings, also known as the stone statute of Lamassu. Around the same time, as punishment for unidentified acts, a few dozen persons were ordered by ISIL to destroy tombs in the cemetery adjoining the mosque and the shrine. ISIL provided tools like spades, pickaxes and sledgehammers. Each person was responsible for flattening around 100 to 300 tombs.

27. A large-scale looting operation of the site, including of the artefacts underneath the tomb, likely continued after the explosion, until the site was liberated on 16 January 2017 by the Iraqi Armed Forces.

*b) Mosul Museum*

28. The Mosul Museum was and arguably remains, one of the most important museums in Iraq and the region. The building was inaugurated in 1952, but became fully accessible to the public only in 1974. The ground floor was divided in three main halls: (i) the Hatra, or Hatrene Hall, displaying statues and archaeological artefacts, including marble and limestone sculptures and



portrays of ancient gods and kings; (ii) the Islamic Hall, mostly displaying examples from a more recent history of Mosul itself; and (iii) the Assyrian Hall, dedicated to regional Assyrian history, from sites such as Assyria, Nimrud, Khorsabad and Nineveh, exhibiting lamassu statues and cuneiform tablets. The Prehistoric Hall was located on the mezzanine floor. The basement housed the library and was also used for administration and as storage space. The museum's library collection hosted between 25,000 and 28,000 books, with at least 2,500 rare and/or historical books and atlases. The museum closed in 2003 and, after a series of renovations that began in 2012, it was due to be reopened in June 2014.

29. Around 17 June 2014, ISIL reportedly summoned the staff of the Mosul Museum and ordered them to surrender the keys of the museum. Around 24 June 2014, ISIL informed the museum staff that they were no longer allowed to enter the premises. Reportedly, sometime between 10 and 25 June 2014, ISIL converted the museum into its *zakat* office. Around October-November 2014, ISIL erected a sign on the outside wall of the museum that read "the Department of Slavery and *Zakat*" [ديوان الرق و الزكاة].

30. Between 25 June 2014 and 9 July 2017, ISIL looted the museum. ISIL destroyed six out of ten plaster copies that were on display in the Hatra and Assyrian halls. During the same time period, the Museum also sustained structural damage. At least 50 pieces of art are missing to this day and are presumed either destroyed or stolen.

31. On 26 February 2015, ISIL published a video depicting its fighters using sledgehammers and drills to destroy ancient artefacts. It is, however, likely that the actual destruction took place earlier than 26 February 2015.

#### ***B. Christian cultural heritage (10 June 2014 – July 2017)***

32. In 2014, the Christian community made up approximately 40 per cent of the population in the Nineveh Plains. The majority of Christians in Iraq, at over 60 per cent, are Chaldeans. The remaining Christians are Assyrians, Syriac Orthodox, Syriac Catholic, Armenian Catholic, Armenian Apostolic, Anglican, Evangelical and Protestants. The following are considered as major Chaldean Catholic towns in the Nineveh Plains: Tal Esqof, Batnaya, Tal Kayf, Baqofah, Alqosh and Karamlesh. These towns are located north of Mosul (except for Karamlesh, which is located east of Mosul). The following are major Syriac towns in the Nineveh Plains: Qaraqosh (Syriac Catholic), Bashiqa (Syriac Catholic) and Bartella (Syriac Orthodox). All three are located east of Mosul. Except for Alqosh, it is believed that all these towns had been taken over by ISIL.

33. On 9 June 2014, ISIL took control of the city of Mosul, the capital of the Nineveh governorate and one of Iraq's richest cities in terms of its cultural heritage. Around 6 to 7 August 2014, ISIL took control of the Nineveh Plains, including the cities of Qaraqosh, Bartella and Karamlesh.

34. In line with the Mosul City Covenant issued on 12 June 2014, on 16 June 2014, ISIL instructed its members to destroy churches in Mosul.

35. Christian sites in Mosul and the Nineveh plains were deliberately destroyed by ISIL upon their invasion of the areas. Contrary to the Yazidi, Kaka'i, Shi'a Shabak and Turkmen sites (see below), Christian sites were not destroyed using explosives. Churches and monasteries were burnt, damaged, vandalized, looted and in some cases used by ISIL for military training, shooting practice, or as courts and detention facilities. Christian symbols and icons such as crosses, bells, ancient scriptures, books and the statutes of religious figures were removed, burnt and destroyed. The damage or destruction of some 10 Christian sites in Mosul, Qaraqosh, Bartella and Karamlesh is outlined below.

*a) 10 June 2014 – 20 July 2017: Mosul*

36. During ISIL's control of Mosul, around 200,000 buildings were either damaged or destroyed in the city. By the end of May 2016, 41 buildings of historical value in Mosul were verified to have been either ruined or completely razed to the ground.

37. The damage or destruction of a number of important sites, namely the Church Square, al-Sa'a (Clock) Church and St. George Catholic Monastery are discussed below.

*1. Church Square*

38. The Church Square is also known as al-Khan Square or "Hush al-Bae'a" [حوش البيعية]. It is located in the middle of al-Sh'arin market in an area known as al-Maeadin District in the heart of Mosul's old town. The Church Square is comprised of four churches: the ancient church of Mother Virgin Mary for Syriac Orthodox worshippers, the Armenian church, the old al-Tahira church and the new church of al-Tahira for Syriac Catholic believers. The Church Square also includes the Bishop's House (Archdiocese) and a building that had been converted into a public school named al-Ghassanea School.

39. ISIL exploited, damaged and destroyed various parts of the Church Square for its own purposes. Sometime during ISIL's control of Mosul, ISIL members converted one of the buildings into the *Diwan al-Hisbah*, or the so-called morality police, headquarters. *Diwan al-Hisbah* was an ISIL ministry (*diwan*) responsible for addressing violations of *shari'ah* law. ISIL used either the old or the new al-Tahira Church as a detention facility. Seven marble pillars in the new al-Tahira Church as well as the old cemetery attached to it were damaged or destroyed. ISIL also had their *zakat* (tax) office and a courthouse in one of the buildings in the Church Square. Meanwhile, the churchyard was used to store weapons and thousands of stolen satellite dishes collected from the civilian houses in Mosul. The Armenian Church was reportedly used by ISIL to store food and fuel.

*2. Al Sa'a (Clock) Church*

40. The al-Sa'a (Clock) Church, also known as Our Lady of the Hour Church, was built by the French Dominican Order between 1866 and 1873. It is located in the Sarjkhana market in Mosul. Since its inception, this Church has represented an important spiritual, educational and cultural center for the local community. According to historical records, the first Arabic language Bible

was printed in this Church complex and the first clock in Iraq was hung at this Church. In 1882, the first bell tower in Iraq was added to the building. The bell tower had clocks facing all four directions to keep the different religious communities in Mosul informed about the time. The Church complex also hosted the first school for girls in Mesopotamia. It was an institution where many Muslim and Christian girls from Mosul studied and graduated.

41. Sometime after 10 June 2014, ISIL began using the al-Sa'a Church as headquarters for its operations. Reportedly, ISIL used the backyard of the church as a military training center and the art gallery as a place for torture. ISIL also took over buildings owned by the al-Sa'a Church in the area and likely rented them out to other ISIL members. After the liberation of Mosul in July 2017, women's clothing was found in the prayer room of the church indicating that women might have been imprisoned there. In the basement of the church, many computers and hard drives were found suggesting that ISIL might have used this location as a center for their operations.

42. Additionally, ISIL desecrated, looted and destroyed many areas of the al-Sa'a Church, as well as its artefacts. ISIL broke a wall in the backyard and dug a hole in the floor of the library; burned and destroyed around 4,000 historical books in the library and stole the ancient wooden shelves; destroyed the clocks in the bell tower and damaged the tower itself; damaged the main hall of the church with the altar either completely removed or destroyed; destroyed the statute of the Mother Mary; looted the marble tiles, electric plugs and cables in the church; and posted their own flags and propaganda flyers instead. ISIL also removed the crosses and bells from the al-Sa'a Church.

43. ISIL also altered the architecture of the al-Sa'a Church by building stone and steel walls around the premises to protect the building from external attacks.

### ***3. St. George Catholic Monastery***

44. The monastery was reportedly used by ISIL as a detention facility. In December 2014, the monastery allegedly held some 150 detainees, including Sunni tribal chiefs opposing ISIL and former members of the security apparatus, previously held in the Badush prison.

45. In December 2014, ISIL removed crosses from the dome and the roof of the monastery. In March 2015, ISIL further damaged the façade of the building. On 16 March 2015, ISIL published photos depicting the removal of a cross from the top of the monastery as well as damage to the building. The cemetery adjacent to the monastery was also reportedly destroyed.

### ***b) 07 August 2014 – 23 October 2016: Qaraqosh***

46. The al-Tahira Church, also known as Tahira Immaculate Church and Virgin Mary Church, was built in 1932-1948. The Church complex is nearly 1,300 square meters, making it the largest Christian church complex in Iraq. The al-Tahira Church Complex consists of two churches: the great al-Tahira Church and the ancient al-Tahira Church.



47. ISIL took over Qaraqosh in the early morning of 7 August 2014, following several days of hostilities with the Peshmerga. Qaraqosh remained under ISIL control for more than two years and it was finally liberated on 21-23 October 2016.

48. During its control of Qaraqosh, ISIL used one of the walls in the courtyard between the great al-Tahira Church and the ancient al-Tahira Church (i.e. at the entrance to the ancient al-Tahira Church) for shooting practice. Furthermore, ISIL removed and demolished both crosses on top of the church complex as well as statues of religious figures inside the building. The faces of the demolished statues may have been used for target practice. Around September 2014, ISIL members were seen gathering and burning bibles inside the church complex. Three chapels – Mar Abdelhad, the Heart of the Holy Jesus and the Immaculate Conception – were reportedly used as ISIL training camps. In the beginning of October 2016, ISIL set parts of the al-Tahira Church on fire.

*c) 6-10 August 2014: Bartella*

49. At least three churches in Bartella were damaged or destroyed by ISIL during its control of the town: (i) the Mart (St.) Shmoni Church, built in 1855 and dedicated to Lady Marth Shmoni and her seven martyred sons; (ii) the Mar (St.) Georgis Church, built in 1934; and (iii) the Mart (St.) Mariam (Virgin Mary) Church.

50. The Mart Shmoni and Mar Georgis churches were allegedly set on fire by ISIL. The fire damaged the altars and the libraries of the sites. All the crosses in and around the churches were destroyed, as were the statues. Both churches were also looted. The temple inside the Mart Shmoni Church was destroyed, as well as the cemetery outside the church. ISIL had placed C4 explosives around the pillars of the Mar Georgis Church, but they did not explode.

51. ISIL may have looted the Virgin Mary Church and destroyed crosses in the church. ISIL also allegedly used the dome as a sniper tower.

52. While the precise dates of the destruction and looting are unknown, around 6 August 2014, ISIL threw a statue of Mother Mary down from the top of the Virgin Mary Church. ISIL was also seen forcing open the church door and throwing bibles and other books on the street. Furthermore, around 10 August 2014, at least one cross on the gate of the Mart Shmoni Church was destroyed by an alleged ISIL member using a hammer.

*d) 6 August 2014 – 17 October 2016: Karamlesh*

53. At least three important cultural heritage sites were damaged or destroyed in Karamlesh during ISIL's control of the town. These are the: (i) Mart (St.) Barbara Monastery; (ii) Mar (St.) Addai Church; and (iii) Mar (St.) Georgis Church and Cemetery.

### ***1. Mart (St.) Barbara Monastery***

54. Around 6 August 2014, when ISIL took over Karamlesh, it set up a checkpoint at the Mart (St.) Barbara Monastery. There may have been around 100 ISIL members at this checkpoint around 6 August 2014.

55. ISIL damaged the monastery, including by (i) destroying crosses and murals on the wall; (ii) digging tunnels in the hill of the Mart (St.) Monastery and through the building itself; (iii) adding graffiti in and outside the monastery; (iv) burning objects inside the monastery and in its yard; and (v) destroying marble tiles. After the liberation, clothing was found in the monastery suggesting that detainees had been kept there.

56. Several inscriptions were left in the monastery indicating that ISIL had been present there, including: (i) “20 Dhu al-Hijjah 1437 [21 or 22 September 2016] [...]” on a pillar in the yard; (ii) “No Barbra after today, this has become the place of the Islamic State”; (iii) “1437, [...]”; (iv) “In the name of Allah, the most gracious and merciful – Nothing will happen to us except what Allah has decreed for us, [...]”.

57. Open-source satellite imagery from 17 October 2016 illustrates black plumes of smoke rising from the monastery. The image indicates at least three or four objects, possibly (military) vehicles, positioned at the side of the road as the source of the smoke plumes. The circumstances of this event are unknown. Karamlesh was liberated a few days later, on 24 October 2016.

### ***2. Mar (St.) Addai Church***

58. From around 6 August 2014, ISIL used the Mar (St.) Addai Church in Karamlesh as its headquarters. After the area’s liberation, many extremist Islamic books and internal ISIL documents, including documents containing the names of ISIL fighters, were discovered in the church.

59. ISIL may have also damaged or destroyed parts of the church. In particular, the bell tower was damaged, parts of a mural depicting the face of a saint was demolished, the church and the convent was set on fire, the head and the hands of the statute of Virgin Mary were cut off and the grave of Father Salem Ghanni was excavated.

### ***3. Mar (St.) Georgis Church and Cemetery***

60. Mar (St.) Georgis Church and its cemetery is reputed to have been established in the late sixth century and the site began to be used primarily as a cemetery after the Mongol invasion.

61. ISIL damaged Mar (St.) Georgis Church and its cemetery, including by: (i) demolishing a monument commemorating those fallen in the Iran-Iraq War of 1980-1988; (ii) destroying crosses inside and outside the church; and (iii) excavating at least two graves.

### ***C. Tal Afar and Shi’a Turkmen cultural heritage (16 June 2014 – 26 August 2017)***

62. Turkmen form the third largest ethnic group in Iraq, representing 5-13 per cent of the overall population. Turkmen are primarily present in an area they refer to as ‘Turkmeneli’, stretching

from the northwest of the country to its center-east and covering the Nineveh, Erbil, Kirkuk, Salah al-Din and Diyala governorates, with the highest numbers living in and around Tal Afar, Kirkuk, Tuz Khurmatu and Khanaqin. Turkmen regard Kirkuk as their historic capital. Approximately 60 per cent of Iraqi Turkmen are Sunni Muslims, with the remainder practicing Shi'a Islam.

63. ISIL took over Tal Afar, a predominantly Shi'a Turkmen city, on 16 June 2014 and remained in control until the city's liberation on 31 August 2017. During its control of the city, ISIL may have destroyed a high number of cultural heritage sites and objects, including the Tal Afar Citadel and at least 16 Shi'a (Turkmen) mosques and shrines, mostly by using explosives.

*a) 16 June 2014 – 26 August 2017: Tal Afar Citadel*

64. The Tal Afar Citadel, sometimes referred to as the Castle, was a walled fortress situated on elevated ground in the center of Tal Afar. The Citadel is believed to have been built during the Ottoman period, on the grounds of constructions potentially predating this period. Up until 1980, when Iraq enacted legislation to preserve the nation's cultural heritage, the Citadel was subject to modern additions. Over the years, the Citadel was used for different purposes, including as a base for American forces as well as the headquarters of the Tal Afar municipal council and the local police after 2003. It was regarded as one of the most important archeological landmarks of Iraq.

65. During its control of the city, ISIL may have used the Tal Afar Citadel as a prison, where it repeatedly detonated explosives severely damaging the site. In particular, ISIL detonated explosives at the Citadel on at least three occasions: in July 2014; on 31 December 2014; and on 1 August 2015. An undated video footage captures one of the explosions. A male voice can be heard to say in Arabic, *"We are the Islamic State! When you are ready, detonate!"* The footage likely depicts either the July or December 2014 explosion, as the Citadel appears to be largely intact. According to a local, before the second explosion, an ISIL member declared that the Citadel would be destroyed as it belonged to disbelievers (*kuffar*) and rejectors (*rafidali*) and was a place which had previously imprisoned their *"brothers"*.<sup>9</sup> This reference may relate to those detained at the Tal Afar Police detention centre of the Citadel before ISIL's takeover.

66. According to satellite imagery analysis, in the period between December 2014 and August 2015, the northern and western walls of the Citadel were destroyed. The satellite imagery also indicates that in this period the rubble caused by the detonations was cleared in various phases. The complete destruction of the Citadel took about 12 months. Then, from at least May 2016 until March 2017, the Citadel was looted and additional structures were destroyed. The overall extent of damage to the Citadel was 91-100 percent.

67. The Citadel was liberated on 26 August 2017.

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<sup>9</sup>UNITAD Confidential Testimonial Evidence.

**b) 24-26 June 2014: Shi'a mosques and shrines in Tal Afar**

68. During its control of the city, ISIL damaged or destroyed many Shi'a mosques and shrines in Tal Afar. According to a video published by ISIL about the destruction of shrines and mosques in Tal Afar, it was necessary to destroy the "*places of polytheism [shirk] and tyrants [طُغَاغِيَّت]*" as soon as possible as those were "*symbols of disbelief [kufr] and polytheism [shirk]*".<sup>10</sup>

69. Most of these sites were destroyed towards the end of June 2014, shortly after ISIL's takeover of the city. In particular, on or about 24 June 2014, ISIL may have destroyed the al-Sabtain Mosque and al-Zahra Husseiniyah (congregation hall). On or about 25 June 2014, ISIL destroyed three mosques, namely the Imam Sa'ad bin Aqeel Mosque or Shrine, the Khider al-Elias shrine (a Shi'a shrine where Christians and Yazidis also worshipped) and the mosque of Hashim Antr. On or about 26 June 2014, ISIL destroyed another five mosques, namely the Imam Sadiq Mosque, the al-Abbas Mosque, the Ar Mahmoud Mosque, the Ahl al-Beit Mosque and the Mosque of Sheikh Jawad al-Sadiq. Around the same time, ISIL also blew up other Shi'a mosques, such as the Qaddo Mosque, the Imam al Hassan al Askari Mosque (also known as the Mosque of the Martyr of Lashkar-e-Mulla), the Qabr al-Mulla Mahmoud Mosque as well as the Ali Ibn Abi Talib and the Imam al-Hakim mosques. Another two mosques were also destroyed during the same timeframe, likely by ISIL: the Sheikh Mohammad Taqi al-Mawla and a mosque complex located northeast of the Ras al-Jedi traffic circle.

70. The Imam al Hassan al-Askari Mosque, known also as the Martyrs of Lashkar-e Mulla Mosque, was a place of worship, as well as an institution for religious education for community members in al-Qadisiyah neighborhood of Tal Afar. Since it was the only mosque in this neighborhood, it was used by both Sunni and Shi'a Muslims for prayers. The mosque was built in May 2003. It spanned across two floors and measured approximately 360 square meters. The building could host between 200 and 300 people. Sometime between 24 and 26 June 2014, ISIL used explosives to destroy the mosque. According to an assessment conducted by UNESCO, the building was "*an architectural masterpiece*" until its complete demolition, reducing it to nothing but rubble.<sup>11</sup>

71. Al-Sabtain Mosque and al-Zahra Husseiniyah (congregation hall) were places of cultural and religious heritage for the Shi'a Muslim community in Tal Afar, especially for individuals living in the al-Nida neighborhood. The mosque and the congregation hall were a gathering place for the local Shi'a community where they performed prayers, funerals and celebrations, all of which were organized by the Tal Afar Shi'a Endowment Office. Together, the site could host over 400 people. The mosque and congregation hall were built in October 2004. Originally, they were two standalone, two-story buildings next to each other, measuring a combined 676 square meters. Later on, the buildings were connected. Both buildings were completely destroyed.

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<sup>10</sup> ISIL publication, Video "For the Shrines and Mosques of Tal Afar" (08/08/2022).

<sup>11</sup> UNESCO Historical Building Condition assessment card (01/01/2019).

#### ***D. Yazidis (3 August 2014 – 12 July 2015)***

72. The Yazidi (Êzidî) people firmly believe their faith to be one of the world's oldest religions, with links to ancient Mesopotamia. Due to their tight-knit community and geographical specificity, their faith and history is not widely known. It is believed that the Yazidi religion has its roots in a pre-Zoroastrian Iranian faith which far predates Islam and Christianity. With no written book, the Yazidi community places less emphasis on conforming to specific beliefs and more on participation in religious rituals, which are usually passed down generations orally. The temples and shrines are central to the practice of Yazidi religious rituals. They are sometimes encircled by cemeteries where the ancestors of the community are buried. The Yazidi community have built such sacred sites around Sinjar Mountain since the 13<sup>th</sup> century. Furthermore, the Yazidi community considers olive trees a sacred natural heritage and uses olive oil in religious ceremonies.

73. On 3 August 2014, ISIL launched a coordinated attack across the Sinjar region, targeting its civilian Yazidi population. On 15 August 2014, ISIL launched another attack on Kocho town. Around the same time, as it is outlined below, ISIL attacked the Bashiqa-Bahzani villages located some 130 kilometers east of Sinjar and Kocho.

74. According to UN and other reports, approximately 68 Yazidi sites, including temples, statues, tombstones, graves and shrines were destroyed by ISIL in Iraq. In particular, between approximately 3 August 2014 and 12 July 2015, ISIL blew up at least 12 Yazidi shrines around Sinjar Mountain. On or around 15 August 2014, ISIL blew up at least 16 Yazidi shrines in the Bashiqa-Bahzani villages. In the same area, between 2014 and 2016, ISIL also burned down olive groves.

75. The details regarding the damage or destruction of shrines, temples and olive groves are outlined below.

##### ***a) 3 August 2014: Sinjar***

76. On or about 3 August 2014, ISIL destroyed at least three temples or shrines near the Sinjar Mountain. The three shrines – Ismaeel Bek, also known as Eze shrine, Sheikh Mahmade Behteny, also known as Rambusi temple and the Shi'a Sayyida Zainab – were located on the southern central side of the Sinjar Mountain.

77. The temple of Sheikh Mahmade Bahteny was attended by Yazidi people from Rambusi village and elsewhere every Wednesday and Friday to perform rituals and conduct other religious ceremonies. A fourth site, the Qanbar Ali Shrine, located in close proximity to the Ismaeel Bek and Sayyida Zainab shrines, may also have been destroyed by ISIL at an unknown date.

##### ***b) 15 August 2014: Bashiqa-Bahzani and Sinjar***

78. On or about 15 August 2014, at least 16 Yazidi temples or shrines in Bashiqa-Bahzani villages were destroyed, likely by ISIL. These sites are as follows: the Mir Sjadeen Temple or

Shrine; (ii) the Pir Bob [*Pîr Bûb*] Temple or Shrine, likely dating back to the 13<sup>th</sup> century and containing a large Yazidi library; (iii) the Sheikh Babek Temple or Shrine; (iv) the Sheikh Mand Shrine; (v) the Sheikh Bakeur al Qatanir Temple or Shrine, also known as Sheikh U Bakr or Sheikh Abu Bekir Temple or Shrine, likely dating back to the 14<sup>th</sup> century; (vi) the Malak Naserddin Shrine; (vii) the Gav'ani Zar'za Shrine; (viii) the Mahamad Batin Shrine; (ix) the She'shems Shrine; (x) the Kha'foura Reya Shrine; (xi) the Seed U Mas'ud Shrine; (xii) the Stiya Khaji Shrine; (xiii) the Abdi Rush Shrine; (xiv) the Stiya Habib Shrine; (xv) the Malek Miran Shrine; (xvi) the Sheikh Zeynal-Dîn Shrine, likely dating back to the 14<sup>th</sup> century. All of these sites were reconstructed by April 2018. At least four other shrines or temples may have been destroyed by ISIL in the Bashliqa-Bahzani villages.

79. Between 2014 and 2016, ISIL set on fire an olive grove in Bahzani. The grove, located across the Sheikh Bakeur al-Qatani Shrine or Temple, also known as Sheikh Abu Bekir or Sheikh U Bakr, consisted of approximately 3,000 olive trees. ISIL burned down some 300 trees and damaged around 2,200 others. Many of these trees were over 100 years old. ISIL may have burned down a total of 90,000 olive trees in the Bashliqa-Bahzani villages.

80. At least another two shrines, the Sheikh Abdul Qader and Sheikh Hassan shrines, located in Sinjar, were also destroyed on 15 August 2014, likely by ISIL. Only the Sheikh Abdul Qader Shrine was reconstructed by April 2018.

*c) 24 August 2014: Sinjar*

81. On or about 24 August 2014, ISIL may have destroyed at least one Yazidi temple or shrine. The Sheikh Mand Shrine or Temple was located in the Jedaly village at the foot of the Sinjar Mountain. The temple was built around 1948 at an preexisting worship location. Sheikh Mand is a holy figure for many Yazidi tribes, connecting the Yazidis to God. The Sheikh Man Temple had a guesthouse and was surrounded by a cemetery. This temple, as many others, was used to celebrate Yazidi festivals.

82. Starting from around 3 August 2014 when Sinjar was attacked by ISIL, many Yazidi people sought shelter from ISIL at the Sheikh Mand temple. On the morning of the 24 August 2014, around 11 ISIL cars came to the temple from the direction of Sinjar town on the East Road. Everyone who could flee, fled. At this time, there were Yazidi fighters in the vicinity of the temple. Within half an hour, ISIL blew up the Sheikh Mand Temple, destroyed its guesthouse, as well as the graves close to the temple. At least seven Yazidi civilians, including six blind elderly people who were sleeping inside the temple, were killed by ISIL during the attack on the temple.

83. In 2020-2021, the temple was rebuilt. In December 2022, the first festival was celebrated in the temple since 2014 and some 100 families attended it.

*d) 14-24 October 2014: Sinjar*

84. Between approximately 14 and 24 October 2014, at least five Yazidi temples or shrines were destroyed, likely by ISIL.



85. Two of these shrines (the Amadin Shrine and the Mahma Rashan Shrine) were destroyed between 14 and 16 October 2014. They were located next to each other on the south-eastern side of the Sinjar Mountain in Solagh village. ISIL destroyed the Amadin Shrine on 14 or 24 October 2014. The shrine was named after Amadine Shamsa, who was seen as having a holy connection with God. The Amadin Shrine also had a cemetery. Yazidis would visit the shrine and celebrate their festivals there. Yazidis from Turkey would come to bury their family members at the cemetery. The shrine served as a temporary refuge for fleeing Yazidis after ISIL attacked Sinjar on 3 August 2014. Yazidi defenders from the area, including from Tal Qasab, defended the shrine against ISIL for eight days. On the eighth day, ISIL attacked with Humvees and the Yazidi defenders withdrew. The shrine was then blown up by ISIL. The Mahma Rashan Shrine was destroyed on 16 October 2014 by ISIL. The shrine likely dated back to the 12<sup>th</sup> century and was named after the holy person associated with agriculture, rain and the annual harvest. The reconstruction of the shrine was finalized on 30 September 2022.

86. The other three shrines (Malek Fakhraddin, Sheikh Abdul Qader and Sheikh Abdul Aziz shrines) were destroyed on or about 23-24 October 2014. They were all located next to each other on the south-western side of Sinjar Mountain. The Sheikh Abdul Aziz Shrine, which was destroyed by ISIL on 24 October 2014, had been built around 1867 and was named after one of the ancient Yazidi fighters. Historically, Yazidi people would regularly attend the shrine and would bring the ill to have them cured, or would pray for rain to come in years of draught. Following the 3 August 2014 ISIL attack on the area, Yazidis from the Siba Sheikh Khider area fled to this shrine. A day later they left the area as there was no water facility.

*e) 12 July 2015: Sinjar*

87. On 12 July 2015, the Sheikh Hassan Temple or Shrine, located in Gabara (Sinjar), was destroyed, likely by ISIL using explosives. This site was a cultural and religious center for the community of Gabara village, where weekly gatherings and annual feast celebrations were hosted. The site was rebuilt in 2020-2021.

*E. Shi'a Shabak (2 July 2014 – September 2015)*

88. Shabak are a distinct minority community who have lived in Iraq since the 16<sup>th</sup> century. While precise demographic breakdowns are not available, prior to ISIL's takeover, Shabak reportedly numbered between 200,000 and 350,000 – less than 1 per cent of Iraq's population. Most Shabak identify as a distinct ethnic group, neither Arab nor Kurdish and speak a distinct language, known as Shabaki. The majority of Shabak are Shi'a (about 70 per cent) and the remainder are Sunni. Primarily located in Nineveh governorate, Shabak people reside in about 75 villages across the Nineveh Plains and are mostly farmers. There is also a small community of Shabak living in Mosul city.

89. Between around 2 July 2014 and September 2015, ISIL blew up approximately 20 cultural and religious heritage objects, including mosques, shrines, *husseiniyat* (congregation halls) and cemeteries located in Shabak villages within 30-kilometre distance from Mosul city. Furthermore,

the Ali bin Abi Talib Mosque, historically a Sunni Shabak Mosque used by Shi'a Shabak residents, was reportedly used by ISIL members as their place of worship.

90. The damage or destruction carried out by ISIL members in these Shabak villages will be detailed below.

***a) 2 July 2014: Umarkhan***

91. The village of Umarkhan, also known as Omar Khan, is located about 30 kilometres south-east of Mosul city. This mostly Shabak village was attacked by ISIL on 2 July 2014. On that day, ISIL destroyed the Ahmad Idris Mosque, also known as Ahmad Arafat Mosque, which was a Shi'a site still under construction at the time. ISIL also destroyed the Shi'a Imam al-Abbas Shrine by first setting it on fire and then blowing it up using explosives. ISIL may have also destroyed the headstones of both Shi'a and Sunni Shabak graves in the Umarkhan cemetery.

***b) 14 August 2014: Ali Rash***

92. The village of Ali Rash is located about 14 kilometres south-east of Mosul city. It fell under ISIL's control on 6 August 2014.

93. Originally built in the 1930s, the Imam Zain al-Abdin shrine consisted of a central building with a dome and a minaret within a walled complex, the total size of which was around 4,000 square meters. The shrine included a mosque, halls and rooms for men, women, administration and storage. In the centre there was a cenotaph. The shrine was a holy place for local Shi'a to gather, pray and conduct commemoration rituals and celebrations. Shi'a pilgrims would travel to the shrine, including from Tal Afar. The shrine was of great importance to the Shabak, as they held there the largest annual Ashura march on the 10<sup>th</sup> of the month of Muharram.

94. ISIL members opened fire onto the Imam Zain al-Abdin Shrine on 7 August 2014, the day after they arrived in the village. ISIL operatives may have believed that Shi'a Shabak were hiding inside the shrine. ISIL used explosives to destroy the shrine a week later on 14 August 2014.

***c) 20 August 2014: Ortakhrab***

95. Ortakhrab is a Shabak village located some 12 kilometres north-east of Mosul city. It was attacked by ISIL around 8 August 2014.

96. On 20 August 2014, ISIL reportedly destroyed the Imam al-Hasan al Mujtaba Mosque located in Ortakhrab village using explosives. On the same date, ISIL also reportedly destroyed the al-Imam Hussein Shrine and the Imam Ali Shrine. A newly built Shi'a *husseiniya* close to the village may have also been destroyed by ISIL at an unknown date.

***d) 7 August 2014 – March 2015: Baybukh***

97. The village of Baybukh is located approximately 15 kilometres north of Mosul city centre and is a mixed village consisting of Shabak, Arabs and Kurds. In 2014, the majority of the residents were Shi'a Shabak. ISIL attacked and took over Baybukh around 7-10 August 2014.

98. ISIL likely destroyed several Shabak sites sometime between 7 August 2014 and March 2015:

- (i) the Rasul al-Atham Shi'a mosque located in the Muhajareen area. The site has since been rebuilt;
- (ii) the Ali bin Abi Talib mosque which historically was a Sunni Shabak mosque but in 2014 was used by Shi'a Shabak residents. Around August-September 2014, around 7-8 ISIL members entered the mosque and removed all Shi'a property, including books and prayer stones, which they then proceeded to burn in front of the mosque. ISIL members told a local that they intended to use the mosque as their place of worship.
- (iii) the Baybukh *Husseiniyah*, located at the end of the village, which was used by the Shi'a Shabak community. The site measured 300-400 square meters. The *husseiniyah* was reportedly destroyed by ISIL around two months after they arrived at Baybukh village, that is, around the beginning of October 2014, using explosives. ISIL members warned residents nearby to leave the area, announcing that they were going to destroy the site and advised residents to open their windows before leaving. The community has since partially rebuilt it.
- (iv) the Baybukh Cemetery, which was more than 150 years old and was used by both Sunni and Shi'a Shabak families in the village. One section of the cemetery was dedicated to community members with the honorific title, *Agha*. The cemetery was damaged by ISIL around October-November 2014. The then ISIL leader of Baybukh village drove a bulldozer through a part of the wall surrounding the *Agha* section of the cemetery before continuing through the rest of the cemetery, destroying graves and headstones. The *Agha* section of the cemetery was almost completely destroyed, including two graves with a cement structure over them. Approximately 15 to 20 of the graves with name-marked headstones were destroyed. The following day, the same ISIL leader told a local that "*all the graves need to be flat.*"<sup>12</sup>
- (v) the Sayed Hassan Gayar Shrine, which was built from stone and resembled the typical Yazidi temples with a conical dome. This shrine contained a tomb. The shrine was destroyed a few days after ISIL was seen damaging the Baybukh Cemetery with a bulldozer.

***e) September 2014: Abu Jarbu'a***

99. ISIL entered Abu Jarbu'a, a Shabak village located some 15 kilometres north-east of Mosul and some 5 kilometres south-west from Bashiqa-Bahzani villages, in early August 2014. In

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<sup>12</sup> UNITAD Confidential Testimonial Evidence.

September 2014, ISIL reportedly destroyed the Imam Zain al-Abdin Shrine located in the centre of the village using explosives.

*f) September 2014 – March 2015: Bazwaya*

100. Bazwaya village is located about 15 kilometres east of Mosul city. After a few attacks against the village in June and July 2014, ISIL finally took control of it around 9 August 2014.

101. The Ahl al-Beit Mosque and Imam al-Abbas Shrine were located less than 100 meters apart in the centre of Bazwaya. Prior to ISIL's takeover, the Akh al-Beit Mosque featured a minaret. The Imam al-Abbas Shrine featured a dome and two minarets. Both of these Shi'a sites were destroyed by ISIL, likely in August 2014, with the use of explosives. According to the available satellite imagery, the mosque, especially its minaret, was damaged sometime between 28 September 2014 and 7 March 2015.

*g) September 2015: Kabarli*

102. The village of Kabarli is located around 50 kilometers south-east of Mosul city. ISIL arrived in Kabarli around 8 August 2014. The village was liberated in the spring of 2017.

103. At least three sites of importance to the Shabak community were damaged or destroyed likely by ISIL in late September 2015:

- (i) the Imam al-Mahdi Mosque, built in 2003-2005 specifically for the Shi'a Shabak community, comprised three buildings inside a walled complex measuring over 1,600 square meters, including a domed mosque;
- (ii) the Zainulabdeen or Zain al-Abadin Mosque, built in 2009-2012 primarily for the Shi'a Shabak community. On certain occasions, such as funerals, some Kaka'i would also go there. The mosque featured a green dome. At some point, the mosque was also allegedly booby-trapped by ISIL.
- (iii) the Khidir Elias Shrine, also known as Khidir Zinda, was used by both Kaka'i and Shi'a Shabak communities. The shrine was around 25 square meters large and featured a green dome. The shrine held a profound significance for community members of Kabarli. The Khidir Elias shrine was likely destroyed using explosives. After the liberation of Kabarli the shrine was rebuilt.

104. Approximately half of the graves in the Kabarli Cemetery, used by both Kaka'i and Shabak communities, was destroyed during ISIL's control of the village. The cemetery held about 1,000 graves in total. The majority of those destroyed belonged to the Kaka'i community (see below) whose graves had often been marked as "al-Kakayi".<sup>13</sup>

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<sup>13</sup> UNITAD, Confidential Testimonial Evidence.

#### ***F. Kaka'i (8 August – 28 September 2014)***

105. The Kaka'i community is a religious minority group living in Iraq and is also known as Yarsani or Ahl al-Haqq. They practice Yarsanism, a syncretic religion that contains, among others, elements of Zoroastrianism and Shi'a Islam. The Kaka'i community in Iraq numbers between 100,000 and 250,000 people, located mainly in Kirkuk, Diyala, Erbil, Nineveh and Sulaymaniyah governorates. They are generally considered to be Kurdish in ethnicity, speaking a dialect known as Macho, although there are also some Arabic-speaking communities. The Kaka'i hold communion every month in a temple called *jamkhana* (ritual hall). Kaka'i places of worship may be an ordinary house, so as not to attract attention.

106. The Kaka'i villages of Wardak, Tel al-Ban and Gazakan are located east and south-east of Mosul city, in the Nineveh Plains and near the aforementioned Shabak villages. During its control of the area, between approximately 8 August and 28 September 2014, ISIL damaged or destroyed at least five Kaka'i shrines and several other cultural and religious objects in Wardak, Tel al-Ban and Gazakan. Details of the damage and destruction are provided below.

##### ***a) 8 August – 28 September 2014: Wardak***

107. Around 7-8 August 2014, Kaka'i residents fled Wardak as ISIL advanced towards the village. On 8 August 2014, ISIL took control of Wardak and remained in control until around July 2016.

108. Between approximately 8 August and 28 September 2014, ISIL destroyed the following Kaka'i religious and cultural sites:

- (i) The Sayed Hayas or Shah Hayas Shrine complex, consisting of Sayed Hayas, Pir Dastawar, Baba Ali, Baba Gulab and Baba Shamrad Shrines as well as a garden and a Kaka'i cemetery. There is also large *jamkhana* used for religious purposes and cultural gatherings adjacent to the Sayed Hayas Shrine. The shrines are places of religious rites and traditions. In August 2014, ISIL blew up the Sayed Hayas and Pir Dastawar shrines using explosives. The Baba Ali, Baba Gulab and Baba Shamrad shrines were also destroyed. However, the exact time and methods used for the destruction of this second batch of shrines remains unknown. A large number of graves in the cemetery were also damaged, specifically those graves marked as *sayed* ["سەيد"] or *shaheed* ["شهيد"] meaning someone who had been a spiritual leader in the Kaka'i community. The gardens were also destroyed. While the walls of the *jamkhana* were left largely intact, ISIL removed and likely destroyed Kaka'i religious texts and symbols from the site.
- (ii) The Sayed Mahdi Shrine, located around 200-300 meters east of the Sayed Hayas Shrine Complex, built in 2009 and surrounded by a garden. The shrine was likely destroyed by ISIL sometime between 8 August and 28 September 2014.

109. Another *jamkhana* in the same village may have also been destroyed by ISIL, presumably on or after 10 August 2014. It held four *Saranjam* books which contained the most important and sacred text among the Kaka'i, five *Bayaz* books and two Tanburs which were musical instruments used in Kaka'i rituals – all of these items are believed to have been either stolen or destroyed by ISIL.

110. The Sayed Hayas Shrine complex, the Sayed Mahdi Shrine and the *Jamkhana* have now been rebuilt.

**b) 8 August – 28 September 2014: Gazakan and Tel al-Ban**

111. Gazakan and Tel al-Ban are neighboring villages split apart by the Nahr al-Khazir river. They are located some 3 kilometers north from the Wardak village. ISIL took control of Gazakan around 7-9 August 2014 and it took over Tel al-Ban on 17 August 2014.

112. Between approximately 8 August and 28 September 2014, ISIL destroyed at least two Kaka'i shrines, as follows:

- (i) the Baba Yadgar Shrine, located in Tel al-Ban village and built around 100 years ago. The shrine held precious artefacts, such as authentic antiquities and religious books and texts, including copies of the Holy Quran. ISIL destroyed the shrine and all the artefacts using explosives.
- (ii) the Baba Haidar Shrine, also known as the Shah Haidar, located in Gazakan. The shrine also comprises a *jamkhana*, a visitor room and a garden with olive trees. It is frequented by all people who would like to make a wish, also known as *niyaz*. The shrine was looted and destroyed by ISIL.

113. At an unknown date, at least another religious site was destroyed in Tel al-Ban. Additionally, ISIL destroyed important religious objects, including Tanburs.

114. Both the Baba Yadgar and Baba Haidar shrines have since been rebuilt.

**iii. Kirkuk governorate: Shi'a Turkmen (Bashir village, 17-18 June 2014)**

115. On 17 June 2014, ISIL captured Bashir village where the majority of the inhabitants were Shi'a Turkmen. The destruction of mosques started in the first days of ISIL's control of the village. ISIL likely blew up at least 14 religious structures, including six shrines, seven mosques and one *husseiniyat*. An ISIL affiliated twitter account asserted the organization's role and responsibility in the destruction of these sites. According to a series of tweets on 17 July 2014 by a self-declared "Islamic State activist" about attacks on civilian objects in Bashir, ISIL destroyed at least three cultural heritage sites in the village: "*The #Islamic\_State destroy a Huseiniya for Mirza Jawad Al-Tabrizi in Bashir village, Kirkuk (#IS #KhilafaRestored)*"; "*The #Islamic\_State destroy a den of Shirk which*



*the pagan Shi'a use for their worship in Bashir village, #Kirkuk (#IS)"; and "The #Islamic\_State destroy a #Shia Husseiniya temple in Bashir village, #Kirkuk (#IS #KhilafaRestored #Islam #Quran)."*<sup>14</sup>

**iv. Salah al-Din governorate: Sunni Muslims (Tikrit, 11 June – 24 September 2014)**

116. Sunni Muslims make up approximately 30-40 per cent of Iraq's population. Sunni cultural heritage sites that were perceived by ISIL as not conforming to their precepts were also damaged and destroyed. Between 11 June and 24 September 2014, ISIL damaged or destroyed at least two shrines in Tikrit and surrounding areas.

117. After its takeover of Tikrit on 11 June 2014, ISIL used, damaged and/or destroyed several religious and historic monuments in the city. One of the most important of such sites, was the Sunni Shrine of the 40, located within the far left side of the main building of the al-Arba'een mosque [جامع الأربعين شهيدا] in Tikrit. The Shrine of the 40 houses the tombs of forty martyrs who led the establishment of Tikrit as a major city during Islam's expansion in the seventh century CE. The shrine is the most important religious symbol for the people of Tikrit, because locals used to celebrate the national and religious holidays at this site. In June 2014, ISIL took hold of the Shrine of the 40 and used it as a base for some of their operations. In and around September 2014, the shrine was destroyed. While ISIL placed the blame on an airstrike that hit the shrine, the location of the debris and undetonated C4 found at the site after liberation suggested that the destruction was the result of a ground explosion rather than an airstrike. While no locals appear to have witnessed the destruction of the shrine, residents believed that ISIL destroyed the holy site because its ideology forbade the worshipping of shrines and tombs.

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

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<sup>14</sup> Conflict Antiquities, "[Islamic State urbicide in Iraq: destruction of Shia cultural property and state structures in Bashir \(Kirkuk\)](#)" (18/07/2014)

**v. Al-Anbar governorate: Sunni Muslims (Hiit, Rawa and Husayba, 20 July 2014-2015)**

119. Between 20 July 2014 and 2015, ISIL likely destroyed several shrines in Anbar governorate, namely in Hiit, Rawa and Husayba villages.

120. On or about 1-2 October 2014, ISIL took control of the town of Hiit, located between Ramadi and Haditha and its surroundings to the west. Between 22 and 24 October 2014, ISIL also took control of the area east to the town of Hiit. ISIL likely destroyed the following sites in Hiit: (i) the Abdallah Ibn al-Mubarak Shrine; (ii) the Prophet Ayoub's Shrine; (iii) a shrine located in Hiit market; (iv) the 40<sup>th</sup> Imam's Shrine; and (v) the Ali al-Hiiti Shrine. While the dates of the destruction have not been confirmed, it is likely that these objects were destroyed sometime after ISIL's takeover of the area in October 2014.

121. Furthermore, ISIL also reportedly destroyed, by use of explosives, the Sheikh Rajah (or Rijab) Shrine in Rawa, near the cemetery and the Rawa Hospital, as well as the Sheikh Mas'oud Shrine in Husayba area near Ramadi. The Sheikh Rajah Shrine and the tomb within it date back to 1676. The shrine was demolished and subsequently rebuilt in 1990s. ISIL may have blown up the shrine on the morning of 20 July 2014.

## **V. LEGAL FINDINGS**

122. The substantive law applied in the subsequent analysis is international criminal law recognized as being part of customary international law. Prominence is therefore given to the jurisprudence of international criminal tribunals that apply customary international law.<sup>15</sup> Where necessary, reference will be made to the Rome Statute of the International Criminal Court and its jurisprudence to highlight any significant differences in the applicable law and to support related investigations in domestic jurisdictions that have incorporated the Rome Statute into their legislation.

123. All legal requirements for the analyzed crimes are set out below. These requirements are further elaborated only where the legal analysis so requires. Preliminary legal findings are made according to the "reasonable grounds to believe" evidentiary standard (see paragraph 10).

**i. The Protection of Cultural Heritage under Customary International Law**

124. Cultural heritage (see paragraphs 11-12 for definition) is protected under customary international law also in non-international armed conflicts.<sup>16</sup> All parties to the armed conflict must: (i) refrain from using such property for purposes that are likely to expose it to destruction or damage; and (ii) refrain from any hostile act directed against such property. Additionally, all

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<sup>15</sup> This refers to the jurisprudence of the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY), the Extraordinary Chambers in the Courts of Cambodia (ECCC) and the Kosovo Specialist Chambers (KSC).

<sup>16</sup> See International Committee of the Red Cross, "[International Humanitarian Law Databases](#)", Rules 38-41.

parties to the conflict must prohibit and prevent any form of theft, pillage or misappropriation of and any acts of vandalism directed against, cultural property.<sup>17</sup>

125. Under customary international criminal law, an attack against cultural heritage sites may amount to war crimes, crimes against humanity and it can be indicative of a genocidal intent. Attacks against cultural property are criminalized under the statutes of the International Criminal Tribunal for the Former Yugoslavia (ICTY),<sup>18</sup> the Extraordinary Chambers in the Courts of Cambodia (ECCC),<sup>19</sup> the Kosovo Specialist Chambers (KSC)<sup>20</sup> and the International Criminal Court (ICC).<sup>21</sup>

## **ii. War Crimes**

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

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

128. Damage or destruction of cultural heritage sites may amount to the war crimes of destruction or wilful damage to cultural property and unlawful attacks against civilian objects (damage and destruction of civilian property).

### ***A. Destruction or wilful damage to cultural property***

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

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

### ***B. Unlawful attacks against civilian objects (damage and destruction to civilian property)***

131. The crime of unlawful attacks against civilian objects as a war crime is committed through an act of violence which causes extensive damage to civilian objects. Civilian objects are those that are not military objects or are not well-suited for military use. Civilian objects encompass those indispensable for the survival of the civilian population, as well as protected objects. When

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<sup>17</sup> Article 4 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954). These obligations may be waived only in cases where military necessity imperatively requires such a waiver.

<sup>18</sup> Article 3(d) of the International Criminal Tribunal for the Former Yugoslavia (ICTY).

<sup>19</sup> Article 7 of the Statute of the Extraordinary Chambers in the Courts of Cambodia (ECCC).

<sup>20</sup> Article 14(1)(d) of the Kosovo Specialist Chambers and Specialist Prosecutor's Office.

<sup>21</sup> Article 8(2)(e)(iv) of the Rome Statute.

assessing the gravity of an attack against a civilian object, the extent of the damage caused, the nature of the unlawful behavior and the circumstances of the time, place and manner may be taken into consideration. The impact of an attack on civilian objects with a symbolic and emotional value for the civilian population may be heightened by the relaying of that attack in the media.

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

### *C. Preliminary Legal Analysis*

133. UNITAD has already found that there were reasonable grounds to believe that, between 30 December 2013 and at least 9 December 2017, a non-international armed conflict existed between ISIL and the Iraqi government.<sup>22</sup>

134. As described above, ISIL damaged and/or destroyed at minimum several dozens of Shi'a and Sunni Muslim mosques, *husayniyya* (congregation halls) and shrines; Yazidi shrines and temples; Christian monasteries and churches; and Kaka'i shrines and *jamkhana* (ritual halls); as well as tombs and cemeteries across northern Iraq. These objects were not used for military purposes at the moment when ISIL attacked them. The use of explosives, as well as ISIL's media statements urging its members to destroy the objects indicated that ISIL intended to destroy or at least severely damage the above-mentioned objects.

135. Consequently, there are reasonable grounds to believe that the damage and/or destruction caused by ISIL members to cultural heritage sites and objects in Nineveh, Salah al-Din, Kirkuk and al-Anbar governorates between at least 10 June 2014 and 26 August 2017 may amount to the war crimes of destruction or wilful damage of cultural property and unlawful attacks against civilian objects.

### **iii. Crimes Against Humanity**

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

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

138. Damage or destruction of cultural heritage sites may amount to the crimes against humanity of other inhumane acts and persecution.

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<sup>22</sup> UNITAD, Confidential Report, 'Non-International Armed Conflict in Iraq and Da'esh/ISIL as an Organized Non-State Actor' (shared with the Supreme Judicial Council in September 2024).

### *A. Other inhumane acts*

139. The crime of other inhumane acts is committed through an act or omission of similar gravity to other crimes against humanity, resulting in serious mental or physical suffering or injury, or constituting a serious attack on human dignity. The severity of the conduct must be assessed on a case-by-case basis with due regard for the individual circumstances of the case. Burning down civilian properties, including religious sites, along with a number of other acts of violence directed against the civilian population, may form the material elements of the crime of other inhumane acts.

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

### *B. Persecution*

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

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

### *C. Preliminary Legal Analysis*

143. UNITAD has already found that there are reasonable grounds to believe that ISIL members conducted a systematic and widespread attack directed against the civilian population in Iraq, from on or about 9 June 2014 until at least December 2017, involving the commission of multiple criminal acts against a large number of victims.<sup>23</sup> In particular, during this period, ISIL directed a

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<sup>23</sup> UNITAD, Confidential Report, 'Contextual Elements of Crimes Against Humanity Committed by ISIL (Da'esh) in Iraq' (shared with the Supreme Judicial Council in September 2024).

widespread and systematic attack against the civilian population in north-west of Iraq, namely in Nineveh, Salah al-Din, Anbar and Kirkuk governorates. ISIL particularly targeted Shi'a Muslims, Yazidis, Christians, Kaka'i community members and Sunni Muslims whom it perceived as non-compliant with its interpretation of Islam.

144. UNITAD has already found that there are reasonable grounds to believe that ISIL persecuted some communities (Christian, Shi'a Muslim, Shi'a Turkmen, Shi'a Shabak, Yazidi, Kaka'i) based on religious grounds and other communities (Sunni Turkmen, Sunni Shabak, Sunni Albu Nimr tribe, Sunni population of Tikrit, al-Dour, al-Alam and al-Dhuluiya, in particular the al-Jubouri tribe) based on political grounds.<sup>24</sup>

145. Accordingly, the damage and/or destruction caused by ISIL to cultural heritage sites and objects in the above-mentioned communities in Nineveh, Salah al-Din, Kirkuk and al-Anbar governorates between at least 10 June 2014 and 26 August 2017 was committed alongside other crimes, including imprisonment, torture, murder and extermination. As described above, during their control of parts of the aforementioned governorates, ISIL damaged and/or destroyed at minimum several dozens of Shi'a and Sunni Muslim mosques, *husayniyya* (congregation halls) and shrines; Yazidi shrines and temples; Christian monasteries and churches; and Kaka'i shrines and *jamkhana* (ritual halls); as well as tombs and cemeteries across northern Iraq. Additionally, ISIL attacked the sacred Yazidi olive groves in the Bashiqa-Bahzani area. In Wardak, Gazakan and Tel al-Ban, ISIL removed and likely destroyed, Kaka'i religious texts, including Saranjam and Bayaz books, Tanburs used in Kaka'i rituals and other symbolic objects. In Mosul, Qaraqosh, Bartella and Karamlesh, ISIL appropriated Christian churches and monasteries and exploited them, including by using them as military headquarters, detention facilities and storage spaces. ISIL also burned bibles and historical books held in these churches and monasteries. They also destroyed statutes of the Mother Mary and removed crosses and bells from the properties.

146. Effectively, ISIL ensured that Shi'a Muslims, Yazidis, Kaka'i and Christians residing in territories taken over by ISIL could not practice or take part in religious and traditional customs that ISIL deemed non-compliant with its interpretation of Islam. The sites destroyed were targeted by ISIL given their significance to the communities and were discriminatory in fact. Considering their nature, context and timing, these acts constitute both a serious attack against human dignity and a blatant and gross denial of the right to freedom of thought, conscience and religion and the right to take part in cultural life.

147. As outlined above, the use of explosives, as well as ISIL's media statements urging its members to destroy the objects indicates that ISIL members intended to destroy or at least severely damage the above-mentioned objects. Moreover, the destruction/damage of the cultural heritage sites was carried out with the knowledge that it would have a serious impact on the dignity of the affected communities as well as with a specific intent to discriminate against such

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<sup>24</sup> UNITAD, Confidential Report, 'Contextual Elements of Crimes Against Humanity Committed by ISIL (Da'esh) in Iraq' (shared with the Supreme Judicial Council in September 2024).



communities, perceived by ISIL as non-compliant with its interpretation of Islam. This is apparent from the derogatory language used by ISIL during the acts and in ISIL's media publications.

148. Based on the above, it can be inferred that, at least between 10 June 2014 and 26 August 2017, the destruction/damage to the cultural heritage sites amounts to other inhumane acts and persecution as crimes against humanity.

#### **iv. Genocide**

149. Damage or destruction of cultural heritage sites or objects may be considered evidence of a specific intent to physically destroy a protected group, within the meaning of the Convention on the Prevention and Punishment of the Crime of Genocide. UNITAD already found that there were reasonable grounds to believe that ISIL maintained a genocidal policy against the Yazidis and that the crimes committed by ISIL members against Yazidis qualify as genocide.<sup>25</sup> The aforementioned damage and destruction of Yazidi cultural heritage sites corroborates other evidence of ISIL members' genocidal intent against the Yazidi community.

## **VI. GAPS AND RECOMMENDATIONS**

150. The present report does not provide a complete list of the cultural heritage sites and objects destroyed by ISIL. Any future report should attempt to capture fully the destruction of cultural heritage in Iraq, as well as further investigate the following matters:

- (i) Further evidence regarding the exact location of the sites and the date of destruction or damage. This includes obtaining high resolution satellite imagery close to the alleged dates of destruction to confirm it;
- (ii) Further evidence on the orders, including fatwas, issued by the ISIL leadership in relation to destruction of the cultural heritage sites;
- (iii) Additional information and evidence regarding the role of ISIL's ministries and officials in the damage and destruction of the cultural heritage sites, including those of the Delegated Committee (previously known as General Supervisory Committee), the Diwan al-Rikaz (department of natural and buried resources), the Diwan al-Hisbah (department of mortality), the Diwan Bayt al-Mal (treasury department) and the Wali (governor) of Nineveh;
- (iv) Further evidence on the items looted by ISIL; and
- (v) Further information regarding the reported use of cultural heritage sites as ISIL headquarters and detention facilities.

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<sup>25</sup> UNITAD, The Crimes of ISIL against the Yazidi Community in Sinjar with English Subtitles, <https://www.youtube.com/watch?v=WrdUSQh9l3I>