

# In the Shadow of the Caliphate: A Decade of Islamic State Gendered Violence

By Devorah Margolin and Gina Vale

**Throughout its rule, the Islamic State employed an ideologically driven system of control and persecution, resulting in widespread gendered violence perpetrated by and against men, women, and even children. On the 10th anniversary of the start of the group's genocidal campaign against the Yazidi community, Islamic State ideology persists, and its members have yet to be held fully accountable for crimes against civilian and minority populations. This article explores the Islamic State's gendered violence during and since its caliphate years, and it considers how a diverse spectrum of responses from local and international actors have aided or hampered efforts to achieve justice, peace, and security.**

**T**he 2014 declaration of the Islamic State 'caliphate' set off a decade of highly gendered violence perpetrated by and against men, women, and even children.<sup>a</sup> While the group's epicenter lay within Iraq and Syria until its territorial collapse in 2019, the group's brutality and the responsive international campaign against it has stretched globally. A decade later, on the eve of the 10th anniversary of the start of the Yazidi genocide (on August 3), this article examines Islamic State gendered violence committed during and since its caliphate years, and it considers how local and international responses have aided or hampered efforts to achieve justice, peace, and continued security.

## Gendered Violence in the 'Caliphate'

Central to the Islamic State's governance in Iraq and Syria was a strategy of 'divide and conquer.' Established as a 'utopia' for the *ummah* (global Muslim community), adherence to Sunni Islam was a prerequisite for inclusion in the Islamic State's newly envisioned society. This resulted in a distinction between in- and out-group identity that had vital implications for policy and treatment within

the 'caliphate.'<sup>b</sup> More specifically, the Islamic State's military and governance practices were driven by its salafi-jihadi ideology, the integrity and authenticity of which rested on a reconstruction of a traditionalist gender order.<sup>1</sup> Within its territorial borders, the Islamic State implemented an ideological-legislative system of control that stipulated binarized and gender-essentialized roles, often simplifying its message to: men in public spaces, women in private spaces.<sup>2</sup> Convergence or divergence from these ideals determined each individual's position within the Islamic State's society, and legitimized the behavioral regulation of the in-group and the victimization of the out-group.<sup>c</sup>

b For men and boys, in-group membership was determined and documented by formal military enlistment or pledge of allegiance. For women and girls, affiliation was less clear-cut, though scholarly consensus points to ideological adherence and active participation in the movement beyond reluctant acquiescence or compliance as means of survival. See Devorah Margolin and Charlie Winter, "Women in the Islamic State: Victimization, Support, Collaboration, and Acquiescence," *The ISIS Files*, The George Washington University, June 24, 2021, pp. 6-7; Aymenn Jawad Al-Tamimi, "The Islamic State and its Treatment of 'Out-Groups': A Comparative Analysis," Center for Justice and Accountability, August 2023.

c This was undertaken on an individual level dependent on intersecting identity factors. Thus, Gina Vale argues that the Islamic State implemented an intra-gender stratified system of governance to facilitate and legitimate the group's control. See Gina Vale, *The Unforgotten Women of the Islamic State* (Oxford: Oxford University Press, 2024 forthcoming).

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a Gendered or gender-based violence is any form of violence (physical, psychological, verbal, emotional, sexual, socio-economic) directed against a person on account of their gender or violence that affects persons of a particular gender disproportionately. Despite misconceptions that gendered violence is an issue affecting only women, that is not the case. As noted by the UNCTED, while "women and girls are disproportionately affected by [sexual and gender-based violence], such acts of violence are also committed against men and boys and members of the lesbian, gay, bisexual, transgender, and queer community." See "Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism," United Nations Security Council Counter-Terrorism Committee Executive Directorate, November 2023.

### *Against the In-Group*

Islamic State-affiliated men and boys were lauded for their military prowess and public leadership as state-builders,<sup>3</sup> with the group instilling masculine ideals amongst its population from an early age.<sup>4</sup> Toddlers and preschoolers were encouraged to wear military fatigues, wave Islamic State flags, and even act as informants on their own relatives.<sup>5</sup> Pre-teen and teen boys were forced to adopt more active roles through the “Cubs of the Caliphate” training program.<sup>6</sup> In both public and private spaces, violence became ingrained in boys’ upbringing—whether through school curricula and training camps,<sup>7</sup> public preaching and propaganda viewings,<sup>8</sup> or forced attendance of amputations and executions.<sup>9</sup> Between 2015 and 2018, more than 70 boys conducted camera-recorded executions on behalf of the Islamic State.<sup>10</sup> Boys’ indoctrination into and forcible participation in the Islamic State’s violence was a product of the group’s gendered ideology, reflecting the group’s militarized expectations for male recruits and its ambitions of intergenerational endurance through the creation of its “lions of tomorrow.”<sup>11</sup>

In contrast to men and boys, the Islamic State’s ideal “Muslimwoman”<sup>12</sup> was expected to embrace hyper-feminine attributes in the private sphere.<sup>13</sup> Enforced domesticity<sup>d</sup>—coupled with the sex segregation of all public institutions<sup>14</sup>—placed gendered obstacles to access basic goods and services.<sup>15</sup> In particular, women and girls (across in- and out-group populations) faced acute deprivation of education and health care. While primary education for Sunni Muslim girls was considered critical for the Islamic State’s state-building project,<sup>16</sup> prioritization of female modesty introduced severe restrictions as girls became older. Secondary schools only permitted same-sex teaching,<sup>17</sup> and admission of both female staff and students was dependent on conformity with the group’s ultra-conservative dress code.<sup>18</sup> The result was girls’ school closures on account of a shortage of female teachers deemed qualified by the Islamic State,<sup>19</sup> the impact of which was felt so acutely by local communities to spark high-risk female-led street protests.<sup>20</sup> Many university degrees were open only to male students,<sup>21</sup> and (ideological) schooling was largely limited to Sunni Muslim (and—by force—some Yazidi) boys.<sup>22</sup> Similarly in the health sector, segregated hospitals and clinics failed to provide tailored care. The prohibition on male doctors’ treatment of female patients demonstrated the Islamic State’s emphasis of its self-defined morality over providing care to its citizenry.<sup>23</sup> Eventually, the increasing costs of treatment,<sup>24</sup> prioritization of treating Islamic State militants and their families,<sup>25</sup> and shortage of female doctors<sup>26</sup> meant that healthcare standards plummeted.<sup>27</sup> Local civilian women reported traumatic botched procedures by untrained female medical students and even operations without anesthesia.<sup>28</sup> Thus, in practice, for many women in the caliphate, the Islamic State’s public institutions were either inaccessible or the source of their gendered violence.

Women and girls—even those in the in-group—were seemingly

forcibly erased from the public sphere altogether, often through violent means.<sup>29</sup> These campaigns did not target men’s sexual desire, but rather women’s bodies and their “characteristics of immodesty.”<sup>30</sup> Among the first signs of the Islamic State’s territorial governance were billboards instructing (Muslim) women to wear the *shari’i* (legally mandated) attire.<sup>31</sup> Over time, the dress code evolved to cover the entire body and face, including a twin-layered veil over the eyes.<sup>32</sup> Violations of the Islamic State’s behavioral codes were met with punishments meted out by the group’s *hisba* (morality police) brigades.<sup>33</sup> All-female *hisba* units were established in 2014 to enable law enforcement through intra-gendered violence.<sup>34</sup> Sentences ranged from lashings for inappropriate attire, imprisonment for ‘security reasons,’ and even death by stoning for adultery.<sup>35</sup> While men were not immune from dress and sexual conduct regulations<sup>36</sup>—with particularly theatrical public brutality reserved for LGBTQ+ persons<sup>e</sup>—the Islamic State’s administrative documentation emphasizes men’s responsibility to enforce women’s “correct” behavior.<sup>f</sup> Fulfilling the role of the *mahram* (guardian), the Islamic State required a male relative to accompany a woman on all travel within the caliphate to avoid illicit intermixing.<sup>37</sup> However, this policy was later extended to forbid women from leaving the house altogether.<sup>38</sup> For many women, the cascade of regulations on the familial unit restricted any and all freedoms, thereby converting the individual home into an extension of the Islamic State’s public surveillance.<sup>39</sup>

The Islamic State presented the restriction of basic freedom for women and girls as a positive return to the fundamental roles of wife and mother. Yet, this enforced domesticity created an enabling environment for gendered violence.<sup>40</sup> Islamic State marriage contracts emphasize the custodial responsibility of men over women, requiring financial provision in the form of bride price and confirmation of the bride’s “sexual purity.”<sup>41</sup> Moreover, forced and child marriage from age nine were integral to the Islamic State’s societal revisioning.<sup>42</sup> Seven Syrian and Iraqi women interviewed by Amnesty International said they had been forcibly married to Islamic State members when they were 15 or younger, with the most common age reported being 13.<sup>43</sup> Gender inequality is the root of early marriage for girls, which under the Islamic State was facilitated by uninformed assent or consent by proxy of a male

d For example, all 23 of the articles specifically directed at women in English-language Islamic State magazines since 2014 talk about the home as an ‘ideal’ place for women. See Devorah Margolin, Forthcoming Unpublished Ph.D. Thesis, King’s College London. See also “Abide in your homes,” in *Rumiyah* Issue 3, Al Hayat Media Center, November 11, 2016; “Sisters: The woman is a shepherd in her husband’s home and responsible for her flock,” in *Rumiyah* Issue 9, Al Hayat Media Center, May 4, 2017.

e Between 2014 and 2016, OutRight International reported 41 incidents of targeted killings for men “guilty” of “sodomy.” Most often, these were conducted by throwing individuals from a high building followed by public (forced) participatory stoning. To the authors’ knowledge, Islamic State documentation does not include cases of criminalization for lesbian women or other LGBTQ+ persons. However, with reporting difficulties and societal norms concerning queer identity preventing victim identification, the 41 cases are likely to be a significant underestimate of the total death toll of LGBTQ+ persons at the hands of the Islamic State. See “Timeline of Publicized Executions for ‘Indecent Behavior’ by IS Militias,” OutRight International, June 23, 2016; Joshua Tchantret, “Cleansing the Caliphate: Insurgent Violence against Sexual Minorities,” *International Studies Quarterly* 62:2 (2018): pp. 260-273; Graeme Reid, “Islamic State’s war on gays,” Human Rights Watch, June 8, 2015.

f For example, male taxi drivers transporting female workers had to sign pledges to abide by Islamic State rules regarding women’s dress, and male shopkeepers were forbidden from selling products to women who did not have an appropriate escort. See Aymenn Jawad Al-Tamimi, “Archive of Islamic State Administrative Documents,” Specimens 8F: Regulations for clothes shop owners imposed by Diwan al-Hisba (Albukamal area): September 2015 and 10R: Regulations for shops in Raqqa province, January 27, 2015; Islamic State, “Written Pledge: Raqqa Province,” NMEC-2017-110372, Combating Terrorism Center at West Point, Harmony Program, n.d.



*Iraqi Yazidi worshippers arrive at the Lalish temple in a valley near the Kurdish city of Dohuk, northwest of Baghdad, Iraq, on May 21, 2015. (Safin Hamid/AFP via Getty Images)*

guardian.<sup>44</sup> While the group officially prohibited forced marriage (for Sunni Muslim women),<sup>45</sup> pressure for women and girls to marry into the movement was unrelenting, with policies of polygamy and remarriage disarming the excuse of potential widowhood.<sup>46</sup> On occasion, this pressure escalated to extreme intimidation or physical violence, with reports of death threats against parents and even rape of non-compliant women in front of their family.<sup>47</sup>

#### ***Against the Out-Group***

The Islamic State arguably exacted its greatest ire and gendered brutality upon out-group populations. Its propaganda and supporters consistently glorified the pursuit of territorial expansion into “infidel” lands, lauding victories of bloodshed, and even genocide, of ethno-religious minorities.<sup>48</sup> The treatment of Shi`a Muslims—viewed by the Islamic State as “apostates”<sup>49</sup>—was clear-cut: Those found would be killed on sight.<sup>50</sup> The most heinous example of this practice is the June 2014 Camp Speicher massacre, in which approximately 1,700 mostly Shi`a adult male Iraqi soldiers, air cadets, and volunteers were captured, tortured, and murdered by the Islamic State.<sup>51</sup> Available evidence does not elucidate the fate of Shi`a women and girls beyond their protection from enslavement.<sup>52</sup> By contrast, Christians were initially afforded protection under the classical Islamic *dhimmi* pact to safeguard *kitabiyat* (people of Abrahamic faiths).<sup>53</sup> However, shortly after the declaration of the caliphate, the Islamic State issued an ultimatum, stating that the Christians of Mosul must either pay the *jizya* (non-Muslim) tax or face the sword.<sup>54</sup> Four months later, the group declared that Christian women could be held as slaves.<sup>55</sup>

On August 3, 2014, the Islamic State launched devastating

attacks on the Yazidi community in the area of Sinjar, Northern Iraq. The group’s strategy was premeditated and legitimized by its ideology, with the clear aim of eradication of non-Muslims through conversion or death.<sup>56</sup> An estimated 9,900 Yazidis were either killed or kidnapped in a matter of days,<sup>57</sup> and a further 400,000 were displaced in Iraqi Kurdistan.<sup>58</sup> The Islamic State’s persecution of the Yazidis has been highly gendered. An estimated 3,100 Yazidis died in the initial siege of Sinjar, with nearly half—almost entirely teenage and adult males—executed *en masse*.<sup>59</sup> A further 6,800 Yazidis—predominantly women and young children—were abducted, trafficked, and enslaved within Islamic State-held territory.<sup>60</sup> In the initial months of occupation, some families were able to live “freely” as “Muslims,” dependent upon compulsory proclamation of conversion and conformity to the Islamic State’s religious codes and practices.<sup>61</sup> Eventually, all captured Yazidis were enslaved and sold as chattel through a system of provincial markets.<sup>62</sup> While boys were often forcibly separated for conversion to Islam and military training,<sup>63</sup> women and girls were destined to be ‘owned’ and abused as *sabaya* (female prisoners-of-war).

The sexual exploitation of young (mostly unmarried) Yazidi women and girls was central to the Islamic State’s invasion of Sinjar, serving to boost camaraderie and troop cohesion in “lawful” access to multiple sexual partners.<sup>64</sup> Representing the most innocent and pure members of the ‘infidel’ community, the youngest virgin girls commanded the highest value. Their purpose was unmistakable and pre-planned. Emphasis was consistently placed on acts of symbolic and ideological “conversion” through forced religious education, marriage, and rape.<sup>65</sup> An Islamic State pamphlet even stated that “it is permissible to have intercourse with the female

slave who hasn't reached puberty if she is fit for intercourse."<sup>66</sup> Once brought within the unregulated private Islamic State family home, Yazidi captives were frequently subject to victimization that contravened the group's own slavery policies.<sup>67</sup> While forced impregnation was an expected, and even celebrated, by-product of the group's campaign of genocidal rape,<sup>68</sup> some cases of forced abortion and violent miscarriage reinforced the dehumanization of the Islamic State's captive population.<sup>69</sup> Moreover, as supporters and even accessories to militants' sexual abuses, reports of liberated Yazidi women and girls also highlight the role of Islamic State-affiliated women in their detention and subjection to psychological and physical violence.<sup>70</sup> The self-containment of the Islamic State family home space within its territorial borders enabled grave and illicit abuses against captive women and girls. With some violence perpetrated by women, the Islamic State's genocide was in part "gendered oppression – *by the oppressed*."<sup>71</sup>

### Responses to Islamic State Gendered Violence

In 2017, the Islamic State lost its grip on Iraq, and in 2019, the group fell at Baghouz, Syria. Yet, even without its caliphate, the Islamic State's gendered violence continues, as its supporters and ideology remain. Arguably, the lack of timely and appropriate responses has perpetuated this violence. As such, the situation of both perpetrators and victims has remained in a sort of limbo since the end of the group's territorial control.

Syria, Iraq, and the international community have sought to address the perpetrators of the Islamic State's gendered violence in a variety of ways, including prosecutions utilizing international and domestic laws, granting amnesty or focusing on reconciliation, and, in some cases, ignoring the issue altogether and allowing for indefinite detention. Responses to Islamic State-affiliated individuals (including repatriation and accountability) have been dependent on location, legal frameworks, scope of the issue, and desire to act.<sup>72</sup> Moreover, these responses are highly gendered themselves and, as explored below, have exacerbated and even created new forms of gendered violence in the years since the caliphate's collapse.

Responses to Islamic State victimization also vary widely, with programming largely focused on specific out-group communities at the local or international level. More recently, with an eye on long-term reintegration, international responses have also sought to wrestle with the psycho-social and rehabilitative needs of affiliated men, women, boys, and girls. The concentration of responsive efforts focusing on minority group victims, and even perpetrators, stands in stark contrast to the deprioritization of local Sunni Muslim civilian populations, whose private and undocumented victimization by the Islamic State evades recognition and justice.<sup>73</sup>

### Syria

Following the Islamic State's final defeat in Baghouz, thousands of affiliated men, women, and children were transferred to "pop-up" detention facilities and securitized camps, under the control of the Democratic Autonomous Administration of North and East Syria (DAANES) and its military arm, the Syrian Democratic Forces

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(SDF).<sup>g</sup> Once peaking at over 80,000 individuals,<sup>74</sup> today more than 54,000 remain in indefinite detention in northeast Syria in at least 27 detention facilities (including women's prisons and two teenage "rehabilitation centers") and two detention camps.<sup>h</sup> The division of these detained populations and the treatment afforded to them reflect highly gendered assumptions concerning ideological commitment and risk—largely informed by the Islamic State's own binarized ideals and stipulated roles within the caliphate.<sup>75</sup>

In detention camps, like Al-Hol and Roj, the majority of residents are women and young children, with more than 62 percent of the population under the age of 18.<sup>76</sup> The situation has been deemed a humanitarian crisis, with limited access to water, health care, sanitation, and education,<sup>77</sup> as well as pervasive insecurity.<sup>78</sup> Specifically, gendered violence has continued in these detention camps in three main ways: 1) exploitation and abuses of camp residents by aid workers and security forces;<sup>79</sup> 2) resident intra-female violence to enforce continued adherence to Islamic State ideology and behavioral codes;<sup>80</sup> and 3) sexual exploitation of young boys by women residents in order to reproduce the next generation of the Islamic State.<sup>81</sup> Younger residents are especially vulnerable to indoctrination and exploitation in these camps, with recent videos shared on social media of boys chanting Islamic State slogans and creating make-shift flags and toy weapons.<sup>82</sup> By not repatriating children to remove them from this situation, the international community is putting them at greater risk of violence and continued Islamic State ideological influence.<sup>83</sup> Moreover, years later, Yazidi victims of the Islamic State have been found still among the population in Al-Hol—some remaining there by choice for fear of being separated from their children,<sup>84</sup> while others may have been forced to stay in hiding by Islamic State-affiliated women.<sup>85</sup> The DAANES' non-state status and geopolitical distractions, including Turkey's threats of incursions and Syrian normalization,

g Not a country, the DAANES gained its de facto autonomous status in 2012 during the Syrian civil war. The DAANES operates with the support of the United States and the Global Coalition to Defeat ISIS.

h In August 2023, Amnesty International assessed that Iraqis comprised 42 percent of the detainee population in northeast Syria, while Syrians made up 37 percent and third country nationals made up 21 percent. See "Syria: Aftermath: Injustice, torture and death in detention in north-east Syria," Amnesty International, April 17, 2024, p. 45 and "Operation Inherent Resolve and Other U.S. Government Activities Related to Iraq & Syria January 1, 2024-March 31, 2024," U.S. Department of Defense, April 30, 2024, p. 31.

coupled with the international community's fatigue regarding indefinite detention in northeast Syria, have hindered responses to the ongoing detainee crisis and accountability, and in doing so perpetuating many forms of (gendered) violence and injustice.<sup>86</sup>

By contrast with women and girls, and on account of the perceived threat resulting from Islamic State indoctrination and training, the SDF has separated teenage boys as young as 14 from their families for imprisonment in facilities with adult men.<sup>i</sup> In 2022, it was reported that 539 detainees in the Ghwayran Detention Facility were younger than 18 years old when they were initially detained in 2019.<sup>87</sup> Since then, as young boys have aged into adolescence in detention camps like Al-Hol, the SDF has continued to transfer them to prisons in what has been termed a “conveyor belt of incarceration.”<sup>88</sup> After backlash over the policy, the SDF began to move younger boys to “rehabilitation centers,” including Orkesh and Hourri, rather than prisons.<sup>89</sup> The DAANES has argued that “the children who arrive at the [‘rehabilitation’] center[s] are considered victims who have been manipulated by ISIS,”<sup>90</sup> and thus, authorities have attempted to provide some medical, educational, and psychosocial services to the teenage boys held there.<sup>91</sup> In 2023, the DAANES noted that young boys were removed from detention camps for three reasons: “1) youth engaged in criminal and violent activities, 2) youth becoming ideologically indoctrinated and trained to act on behalf of [IS], or 3) ‘victimhood,’ including physical and sexual violence at the hands of IS.”<sup>92</sup> These “rehabilitation centers” are an improvement from prison settings, where male adult and juvenile inmates face inhumane conditions of disease, malnutrition, and even torture.<sup>92</sup> Yet, without repatriation or a long-term solution to indefinite detention, this offer of “rehabilitation” is only a passing phase until inevitable transfer to prison at age 18.<sup>k</sup> The DAANES has thus failed to appropriately hold to account many boys and men that did commit crimes under the Islamic State, while furthering the victimization of countless others.

In response, there have been considerable efforts to relieve the detainee burden, with more prompt release for Syrian and Iraqi nationals.<sup>93</sup> For Syrians, only residents of SDF-controlled areas have been able to return due to the ongoing civil war.<sup>94</sup> The DAANES has implemented a policy of amnesty for low-level militants and “IS [Islamic State] families” with an estimated 10,000 Syrians (mostly women and minors) released from Al-Hol camp in a “lengthy and opaque process, which entails providing a vetted named male guarantor to the camp administrator, often

associated with tribes.”<sup>95</sup> This dependency—on a male relative or even a stranger—increases the vulnerability of unaccompanied women to gendered risks including forced marriage and exploitation.<sup>95</sup> In addition to returning populations, the DAANES brought 8,650 Syrian nationals (men and some women) to trial in its “people’s defence court,” resulting in 1,881 convictions for association with the Islamic State as of June 2020.<sup>96</sup> However, no trials of third-country nationals (TCNs) have been held, and the DAANES has not utilized international law in its prosecutions, or prosecuted for gender-based crimes.<sup>97</sup>

The non-state status of the DAANES has also further complicated the situation in northeast Syria. Without the power to deport foreign citizens or put foreign individuals on trial (despite the threats to do so<sup>98</sup>), authorities have resorted to highly gendered means to manage the stagnated detention of Islamic State-affiliated persons. Also lacking proper funding to run victim-focused programming, reported cuts to even basic medical care have resulted in preventable deaths.<sup>99</sup> Overall, the DAANES remains largely unable to proactively and meaningfully address accountability for Islamic State-related crimes,<sup>100</sup> and instead risks embedding further violence through constrained inaction.

### Iraq

With the support of the Global Coalition to Defeat ISIS, Iraq was able to retake its territory in 2017. In the wake of mass arrests, by March 2018 Iraq had detained approximately 19,000 men, women, and minors accused of Islamic State affiliation or other terror-related offenses,<sup>101</sup> and sentenced more than 3,000 of them to death.<sup>102</sup> Iraq’s anti-terrorism legislation is all-encompassing, criminalizing membership of a designated organization with the same penalty applied irrespective of an individual’s role or crimes committed therein.<sup>103</sup> The country’s justice system has thus been highly criticized for arbitrary detention, flawed trials, insufficient evidence, prosecution of minors, and use of the death penalty.<sup>104</sup> Mass executions, paused after November 2020, restarted in December 2023.<sup>105</sup> Iraq also holds foreign nationals in its custody, including women, whose countries have revoked their citizenship or refused to take them back.<sup>m</sup> Once also reluctant to bring back its own citizens, Iraq has now repatriated approximately 9,500 individuals from Syrian detention camps to Jeddah 1 transit camp and 1,200 from Syrian detention facilities to Iraqi prisons since 2021.<sup>106</sup> While a step in the right direction, these policies have

i How these minors are held in prison facilities is not fully clear, as access to third-party evaluators is limited. There are some juvenile-only facilities, while others hold minors in the same facilities (or even cells) as adult men. Fionnuala Ní Aoláin, “Gendering the Boy Child in the Context of Counterterrorism: The Situation of Boys in Northeast Syria,” *Just Security*, June 8, 2021; “Syria: Aftermath: Injustice, torture and death in detention in north-east Syria.”

j Claims have arisen that Islamic State-affiliated women in Al-Hol are sexually abusing young boys in the hopes of becoming pregnant and continuing to give birth to more Islamic State-affiliated children. For more information, see “Draft AANES Policy Statement and Procedures for Selection and Removal of Foreign ISIS-Affiliated Youth from the Camps, February 2023” on file with Amnesty International (cited in “Syria: Aftermath: Injustice, torture and death in detention in north-east Syria.”)

k For example, in 2022, 203 Iraqi juvenile detainees were repatriated from military detention facilities to Iraq. See “Operation Inherent Resolve Lead Inspector General Report to the United States Congress April 1, 2022-June 30, 2022,” U.S. Department of Defense, July 29, 2022, p. 70.

l Many have argued that this population mostly included victims of the Islamic State that were in the camp prior to the 2019 fall of Baghouz. See “Punishing the Innocent: Ending Violations Against Children in Northeast Syria,” Independent International Commission of Inquiry on the Syrian Arab Republic, March 19, 2024, p. 13; “Hidden Battlefields: Rehabilitating ISIS Affiliates and Building a Democratic Culture in Their Former Territory,” Rojava Information Center via the International Centre for Counter-Terrorism, December 2020.

m For example, in May 2019, an Iraqi court put 11 French nationals on trial, and nine were sentenced to death. See Simona Foltyn, “Inside the Iraqi courts sentencing foreign Isis fighters to death,” *Guardian*, June 2, 2019; Murad Shishani and Nick Sturdee, “Islamic State: Hundreds of women on hunger strike at Iraqi prison,” *BBC Arabic*, May 5, 2023.

n The SDF and Iraqi government operate under an unofficial deal that for every 150 families Iraq repatriates from Al-Hol to Jeddah 1, they also repatriate 50 men from prisons in northeast Syria and put them into prisons in Iraq. Simona Foltyn, “‘The people don’t want us’: inside a camp for Iraqis returned from Syrian detention,” *Guardian*, June 15, 2023.

gendered consequences.<sup>107</sup>

The conviction rate in Iraq for cases involving Islamic State affiliation is 98 percent, with widespread application of the death sentence.<sup>108</sup> Amnesty International has raised concerns for individuals repatriated to Iraq from Syrian prisons on terrorism charges who face all-but-guaranteed convictions (if not death sentences) upon their return.<sup>o</sup> To date, Iraq has not yet utilized international law to prosecute any Islamic State crimes,<sup>109</sup> and despite U.S. urging, Iraq has not passed legislation to prosecute international crimes in its territory.<sup>110</sup> Owing to the victim-witness testimony of Ashwaq Haji Hamid Talo, Mohammed Rashid Sahab is the only person convicted in Iraq of Islamic State membership and “the rape and abduction of Yazidi women.”<sup>111</sup> This case sadly remains an exception, and the charges fall short of the international crimes of slave trade and sexual enslavement.<sup>112</sup> Moreover, the United Nations mission to collect and preserve evidence of crimes committed by Islamic State in Iraq (UNITAD) is due to shut down in September 2024 before the completion of its mandate, creating difficulties for those seeking justice for the Islamic State’s undocumented crimes or abuses perpetrated within private spaces.<sup>113</sup> This decision thus strikes a further blow to reparations and recovery for civilian populations, who must continue to turn to civil society and community-led programs for recognition and assistance,<sup>114</sup> compounding frustrations that funds and programming are available for Islamic State-affiliated individuals but not those victimized by the group.<sup>115</sup>

Many displaced Iraqis—including ethno-religious minorities persecuted by the Islamic State—have been accommodated in internally displaced persons (IDP) camps.<sup>116</sup> The International Organization for Migration estimates that between 2014 and 2023 there were over one million IDPs in Dohuk alone, adding to the endemic mental health and psychosocial support needs of the Ninewa region.<sup>117</sup> Sinjar was officially liberated from Islamic State control in November 2015. However, owing to Yazidis’ continued sense of insecurity and the area’s infrastructure still lying in ruins, thousands are unable or unwilling to return.<sup>118</sup> With many men and adolescent boys killed or kidnapped by the Islamic State, the majority of camp residents are women and children reliant upon scarce humanitarian aid.<sup>119</sup> For the few Yazidi men who did escape Islamic State occupation, even less consideration has been paid to their recovery needs. They have effectively become “living ghosts.”<sup>120</sup> Studies of the trauma and rehabilitation of the Yazidi community have overwhelmingly focused on former child soldiers and (female) survivors of sexual violence.<sup>121</sup> This oversight or omission of Yazidi men extends beyond Iraq to international support initiatives. Indeed, in a study of the Baden-Württemberg ‘Special Quota’ program for Yazidi (female) refugees in Germany, Thomas McGee notes that the women’s male relatives were prohibited from accompanying them to the rehabilitation sessions or even accommodations.<sup>122</sup> In 2021, Iraq passed the Yazidi Survivors Law as a more inclusive step toward helping victims return and reintegrate,<sup>123</sup> though Human Rights Watch has criticized its flawed implementation.<sup>124</sup> Furthermore, despite early U.S. condemnation of Islamic State violence against

Christians as a “genocide,”<sup>125</sup> the 2021 visit of Pope Francis to Iraq—the first in the nation’s history<sup>126</sup>—as well as a push to rebuild churches once destroyed by the Islamic State,<sup>127</sup> significantly less attention has been paid by local authorities to the psycho-social recovery of, and justice for, Iraq’s Christian community.<sup>128</sup> Despite these limited efforts, many minority communities in Iraq have felt that there have been inadequate steps toward achieving justice, peace, and continued security.

Moreover, over the years, Iraq has systematically closed IDP camps across the country, with the last camps set to close in July 2024.<sup>129</sup> Many of these former camps have now become informal settlements where IDPs remain without access to government assistance, leaving behind vulnerable populations.<sup>130</sup> What remains is the Jeddah 1 camp in Nineveh Province, a transfer center for individuals (mostly female-headed households) who have been repatriated from Al-Hol as they reintegrate back into Iraq. Families seeking to leave Jeddah 1 must obtain a security clearance and approval from local authorities in the area they seek to resettle, and in some cases a local sponsor to vouch for behavior.<sup>p</sup> A U.N. study in 2022 found that sponsorship requirements were employed much more frequently for female-headed households (57 percent), compared to male-headed households (four percent).<sup>131</sup> The study also found that female-headed households received local sponsorships at much lower rates compared to men due to factors such as poor family ties and social relationships and the perception that women were more closely affiliated with the Islamic State.<sup>132</sup> These gendered obstacles derive from local norms to further constrain release and reintegration for women and their families.

While Iraq has seemingly worked to repatriate and reintegrate Islamic State-affiliated individuals, the country has taken questionable steps related to its sweeping justice system, and is lacking proper oversight and evaluation of its reintegration programming.<sup>133</sup> Moreover, its policies toward minority communities victimized by the Islamic State, specifically the Yazidis, remain inadequate, as both avenues for justice as well as reintegration are insufficient to address the gendered nature and implications of their victimization by the Islamic State.

### *International Community*

While TCNs from more than 60 countries remain detained in Syria alone,<sup>134</sup> the international community has responded in a variety of different ways. While there was an initial spike in repatriations and returns in 2019,<sup>135</sup> many countries have been slow and reluctant to repatriate their citizens. For example, some researchers have argued that between May 2018 and January 2023, Canada “adopted a strategy of non-responsiveness and delay in an effort to avoid making any progress on facilitating the [repatriation] of Canadians.”<sup>136</sup> Other countries have revoked (or threatened to revoke) citizenship of Islamic State-affiliated individuals,<sup>137</sup> though some European courts have put pressure on countries to repatriate.<sup>138</sup> To date, at least 35 countries with citizens in detention

<sup>o</sup> While Iraq has applied the death sentence to women, it has not been at the same scope and scale as applied to men. See “Urgent Action: Iraqi Women Facing Execution,” Amnesty International, July 21, 2009; “Syria: Aftermath: Injustice, torture and death in detention in north-east Syria.”

<sup>p</sup> Sponsors are typically a relative, though sometimes heads of villages or tribal leaders act as sponsors to constituents. While gender is not explicitly stated, it can thus be assumed that sponsors are predominantly male. Jacqueline Parry and Yousif Khalid Khoshnaw with Siobhan O’Neil, Juan Armando Torres Munguia, and Melisande Genat, “The Road Home from Al Hol Camp: Reflections on the Iraqi Experience,” United Nations Institute for Disarmament Research and United Nations University, December 2022, pp. 27-30.

have not conducted any repatriation operations.<sup>139</sup> In doing so, these states have neglected their responsibility to hold the Islamic State responsible for its gendered violence while also increasing further risk for a new generation of vulnerable populations that continue to be held in indefinite detention, as explored above.

Since 2019, an estimated 3,600 TCNs have been returned or repatriated from Syria and Iraq to 40 different countries.<sup>140</sup> But the process remains too slow and inappropriately gendered. While in 2020 the United Nations warned too few women were being repatriated and facing accountability,<sup>141</sup> today the opposite is true: The majority of individuals repatriated between 2019 and 2024 are women and minors.<sup>142</sup> Due to domestic political considerations, many countries remain extremely reluctant to repatriate men and teenage boys held in prisons.<sup>q</sup> This means that teenage boys, who as minors according to international law were victims of the Islamic State, continue to be lumped together with adult men, perpetuating the gendered violence against them.<sup>r</sup> This is not to say that a threat does not exist, but most countries choose to approach this group of individuals as homogenous, rather than addressing them on a case-by-case basis.

However, repatriation is just the first step in a long process that for some countries includes accountability (for adults). Countries such as the United States, Germany, and the Netherlands have taken a prosecutorial approach. Yet, even within criminal justice efforts, variations have emerged. For example, the majority of adults repatriated by the United States have been prosecuted for involvement with the Islamic State using local terrorism legislation.<sup>143</sup> Conversely, Germany has led the way in utilizing international law with successful war crime prosecutions against Jennifer W. (2021),<sup>144</sup> Nurten J. (2021),<sup>145</sup> Sarah O. (2021),<sup>146</sup> Omaira A. (2021),<sup>147</sup> Jalda A. (2022),<sup>148</sup> and Nadine K. (2023).<sup>149</sup> These women faced accountability for crimes against Yazidis, though their victims had a long wait for justice. The first of these cases was concluded more than five years after the United Nations declared the Islamic State's atrocities against the community as genocide.<sup>150</sup> Interestingly, Germany's first war crime prosecution for the Islamic State was against an Iraqi man, Taha A.J. (2021).<sup>s</sup> Since then, most countries that have utilized international law charges have largely used them against female defendants.<sup>151</sup> Furthermore, it is important to acknowledge that the majority of the cases repatriated, and thus prosecuted, are adult women.<sup>152</sup> Gender disparities in

**“Few countries have yet to utilize international law to expand Islamic State-related prosecutions beyond generic group membership. Siloed approaches to accountability—plagued by narrow investigative strategies, evidentiary challenges, and the exclusion of victims—have hamstrung efforts to achieve meaningful justice.”**

holding individuals accountable become even more apparent when taking into account that women were often relegated to peripheral roles under the Islamic State's gendered system of control. As such, some analysts have pointed to prosecutorial persistence and innovation to secure convictions against women for diverse charges beyond membership, including war crimes against property, as well as gendered crimes of abduction of a minor and “failure to fulfill duty of care and education.”<sup>153</sup> To date, to the authors' knowledge, no man has been charged with similar offenses concerning the welfare of their own children born within or taken to the caliphate.

Some countries have taken a different gendered approach to accountability, charging and sentencing adult men, while never charging (or in some cases granting amnesty to) adult women. While Albania, Bosnia and Herzegovina, and North Macedonia have repatriated citizens and prosecuted men, charges have not been brought against women.<sup>154</sup> Kosovo, on the other hand, has brought charges against women, but has either placed them under house arrest or issued suspended sentences following conviction.<sup>155</sup> The full implications of gendered justice related to Islamic State crimes across the international community have not yet been fully studied. However, academics and practitioners have recently sought to build up this body of research<sup>156</sup> and share information on holding Islamic State-affiliated persons accountable with considerations across gender, age, and ethno-religious identity.<sup>157</sup> In doing so, the international community has sought to remedy some of the problems related to accountability and the Islamic State's gendered violence, but there is still a long way to go.

Once Islamic State-affiliated individuals are returned or repatriated (and, in some cases, held accountable), most countries around the world focus on resettlement and reintegration.<sup>†</sup> The breadth of reintegration programming across the international community is vast (and deserves its own article), but the wide consensus appears to address the importance of proper reintegration programs for minors,<sup>158</sup> to include consideration of

q “Only the United States, Iraq, and certain Western Balkan and Central Asian countries have regularly repatriated individuals from prisons.” Devorah Margolin and Camille Jablonski, “Five Years After the Caliphate, Too Much Remains the Same in Northeast Syria,” Policy Watch 3847, Washington Institute for Near East Policy, March 19, 2024.

r The risks of this homogenizing and gendered approach to detention came to fruition in an attempted jailbreak in Hasaka involving 700 boys held hostage, with some foreign teenagers even killed in the crossfire. See Ben Hubbard, “The ISIS Hostages: ‘These Children Should Not Have Been There,’” *New York Times*, January 26, 2022.

s On November 30, 2021, Taha A.-J. was convicted and sentenced to life imprisonment for genocide, crimes against humanity, and war crimes following his enslavement and abuse of Yazidis in Fallujah, Iraq. Although Taha A.-J. and his victims are not German nationals, and his crimes were not committed on German soil, German courts have jurisdiction over the crimes of genocide, war crimes, and crimes against humanity under the principle of universal jurisdiction. For more information, see “German court hands down first genocide conviction against ISIS member,” Doughty Street Chambers, November 30, 2021.

† The vast majority of countries have moved from repatriation to rehabilitation for minors, without criminal justice proceedings. Some countries, including the United States, have brought charges against individuals who traveled to Syria and Iraq as minors but committed crimes under the group as adults. See Tanya Mehra, Merlina Herbach, Devorah Margolin, and Austin C. Doctor, “Trends in the Return and Prosecution of ISIS Foreign Terrorist Fighters in the United States,” International Centre for Counter-Terrorism and the National Counterterrorism Innovation, Technology, and Education Center, August 2023.

their gendered experiences and recovery needs.<sup>159</sup> Indeed, for the reintegration process to avoid the pitfalls of further embedding gendered violence, it must “frame itself around families, take a gendered approach, and provide trauma-informed care.”<sup>160</sup> For many of the minors reintegrating into their countries of origin, both boys and girls, focusing on the trauma that they faced at the hands of the Islamic State is key to their reintegration success.<sup>161</sup> As such, these initiatives offer a hopeful break in the cycle of violence experienced by minors during and since Islamic State control.

### One Decade Is Long Enough

Gendered analysis of Islamic State rule revealed the group’s creation of a society that was built upon the centrality of men and preoccupation with feminine ‘honor.’ While in-group men and boys were brutalized in their forced conformity to jihadi masculine ideals, women and girls were deprived basic rights and freedoms, with control focused on erasing their bodies from the public sphere. Islamic State-affiliated women served to bridge the physical divide that resulted from the group’s sex-segregation policy, facilitating ideological influence and intra-female violence against Sunni Muslim civilians and captive Yazidis. Women and girls thus disproportionately suffered under Islamic State control, not only as a result of their gender, but also through a hierarchy dependent on ethno-religious identity and group affiliation.

Despite the 2016 confirmation to the Human Rights Council that the Islamic State had carried out a genocide against the Yazidi community, few countries have yet to utilize international law to expand Islamic State-related prosecutions beyond generic group membership. Siloed approaches to accountability—plagued by narrow investigative strategies, evidentiary challenges, and the exclusion of victims—have hamstrung efforts to achieve meaningful justice.<sup>162</sup> However, before the thousands of Islamic State-affiliated persons can even reach a courtroom, the biggest barrier to

accountability is repatriation.<sup>u</sup> As U.S. Secretary of State Antony Blinken reminded the international community in June 2023, “We know that repatriation is the only durable solution.”<sup>163</sup> Alleviation of the detention burden in Syria and Iraq is also vital in order to refocus resources on reconciliation and recovery for local populations. While much attention has focused on affiliated individuals, a critical gap remains related to communities victimized by the Islamic State. Moreover, efforts must move beyond treatment of Islamic State victims as a monolith, and instead work to include, recognize, and respond to the needs of marginalized communities, including “widows and orphans, LGBTQ+ persons, and the disabled.”<sup>164</sup>

It is now 10 years on from the establishment of the Islamic State caliphate and the initiation of the genocidal campaign against the Yazidis and persecution of other minority groups. As the continued U.S. presence in Syria and Iraq remains in question, addressing the Islamic State’s gendered violence during its caliphate years, and ensuring that gendered violence does not continue to be perpetuated through local and international responsive efforts—or lack thereof—are vital for achieving justice, peace, and continued security. The cycle of violence—and its global ripple effect—is untenable.<sup>165</sup> In order to avoid further decades of gendered violence directed or inspired by the Islamic State’s ideology, efforts to achieve security and accountability must address the group’s fragmentation of communities and work to fully engage victims and perpetrators.

### CTC

<sup>u</sup> For states that are unwilling or unable to accept their citizens’ return, the option to try Islamic State-affiliated persons through an International Criminal Court (ICC) tribunal is politically appealing. However, scholars have noted complications including the lack of ICC jurisdiction within Syria and Iraq, evidentiary challenges to prosecution under the Rome Statute, and conflicts with pending national prosecutions. See Pieter Omtzigt and Ewelina U. Ochab, “Bringing Daesh to Justice: What the International Community Can Do,” *Journal of Genocide Research* 21:1 (2019): pp. 71, 79.

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