

**Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on minority issues; the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on violence against women, its causes and consequences; and the Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice**

REFERENCE: UA  
IRQ 1/2015:

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on freedom of religion or belief; Special Rapporteur on minority issues; Special Rapporteur on the sale of children, child prostitution and child pornography; Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on violence against women and Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice, its causes and consequences pursuant to Human Rights Council resolutions 22/20, 25/5, 25/6, 24/3, 26/12, 23/25 and 23/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **reported mass summary executions of up to 400 members of the Yezidi community and the deportation of Yezidi girls and women for sexual exploitation by the so-called forces of the Islamic State in Iraq (ISIL).**

According to information received:

Up to 2,500 members of the Yezidi minority community, who are being held by force by the so-called Islamic State in the territory of Tal Afar in Iraq's Nineveh province, have been forced to convert to Islam. Older girls and young women

have allegedly been sold to, abused, sexually exploited and enslaved by ISIL fighters.

In the recent weeks members of the Yezidi minority community have reportedly been able to flee from ISIL. To discourage and prevent further escapes, ISIL fighters have been carrying out actions, for instance, they allegedly tied two Yezidi men to a truck and drove them through the streets.

On 26 April 2015, ISIL troops, with reinforcements from Mosul, moved the 2,500 captive members of the Yezidi minority community to a school in Tal Afar. Subsequently, up to 700 men and teenage boys were reportedly separated from the rest of the captives. According to the information received, these men and teenage boys were moved to the village of Jino near Tal Afar. Furthermore, girls of a young age were reportedly also separated from the rest of the group.

On 27 April 2015, according to our sources, up to 400 Yezidi males, from the aforementioned group, were executed in an unknown location in Ayathiya and Zummar sub-districts. Furthermore, the remaining women and children are allegedly to be moved to Syria.

Without prejudging the accuracy of the information made available to us, grave concerns are expressed about the credible allegations of mass summary and arbitrary executions at the hands of fighters from ISIL.

Further concerns are expressed regarding the conditions of female members of the Yezidi minority community. In particular, there are serious concerns regarding the young Yezidi girls who have been separated from their families and face the reported fate of being sold, enslaved, abused and sexually exploited.

While recognizing that a situation of conflict exists at the present time in Iraq and some regions and territories currently fall under the de facto control of ISIL, we nonetheless respectfully urge your Excellency's Government to take all possible measures in order to prevent the repetition of these credible allegations and seek the liberation of the surviving members of the Yezidi minority community. We further call on your Excellency's Government to bring to justice those found responsible of grave human rights violations and to take effective measures to ensure that the right to life, liberty and security of persons is fully guaranteed in accordance with international human rights norms and standards.

Furthermore, in respect to the members of the Yezidi community who have reportedly been able to escape, we call on your Excellency's Government to take all measures, in accordance with international human rights standards, to ensure access to justice and effective remedies for the victims. Women and girls, in particular, who have

been victims of slavery, sale, abuse and sexual exploitation require specific assistance and rehabilitation.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the following articles:

Articles 3 and 6 (1) of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) ratified by Iraq on 25 January 1971, guarantee the right of every individual to life and security and provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of his or her life. Article 18 (2) of ICCPR also proscribes coercion that would impair anyone of his or her freedom to have or to adopt a religion or belief of his or her own choice.

In its General Comment No. 31, the Human Rights Committee recalls the responsibility of State parties to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non-state actors, which includes the duty to take appropriate measures to prevent, investigate, prosecute and punish those responsible and repair the damage caused by private persons or entities (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

The prohibition of slavery is a jus cogens norm under international law. The UDHR in its Article 4 and ICCPR in Article 8 provide for the prohibition of slavery. The Slavery Convention of 1926, ratified by Iraq on 23 May 1955, calls for a complete abolition of slavery in all its forms in Article 2(b).

Article 3, common to the four Geneva Conventions of 1949 to which your State is party, establishes the minimum standards that all parties involved in a non-international armed conflict should observe concerning the treatment and protection of civilians, including the prohibition of violence to life and person. Moreover, Article 27 of the Fourth Geneva Convention of 1949 further specifies that women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Article 34 and 35 of the Convention on the Rights of the Child, to which your State is party, further require the protection of the child from all forms of sexual exploitation and sexual abuse as well as the need to take all appropriate measures to prevent the abduction of, the sale of or traffic in children. Article 39 additionally requires that States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment

or punishment; or armed conflicts. Furthermore, Article 16 (2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which your State is also bound, provides that the betrothal and the marriage of a child shall have no legal effect.

We would also like to recall the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It requires States to protect the existence and identity of national or ethnic, religious and linguistic minorities within their territories and states that persons belonging to national or ethnic, religious and linguistic minorities have, inter alia, the right to enjoy their own culture and to profess and practice their own religion without discrimination.

We also wish to recall that the Committee on the Elimination of Discrimination against Women in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of Article 1 of the CEDAW, ratified by your Excellency's Government on 13 August 1986, whether perpetrated by a State official or a private citizen, in public or private life. It further makes clear that "under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation". In its general recommendation No. 30 (2013), the Committee reiterated that States have to ensure redress for the acts of private individuals or entities, as part of their due diligence obligation.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

It is our responsibility under the mandates provided to us by the Human Rights Council to seek and clarify the above issues brought to our attention. Since we are expected to report on this case to the Human Rights Council, we would be grateful for your observations on the following matters:

1. Please provide any additional information or comment you may have on the above-mentioned allegations.
2. Please provide detailed information about the measures taken to effectively protect and ensure the life and security of the Yezidi individuals and communities, and other minority groups at risk.

3. Please provide the measures taken to protect the right to freedom of religion or belief and prevent coercion to change one's religion.
4. Please provide any information on measures taken to ensure accountability of those found responsible of gross human rights violations and serious violations of international humanitarian law.
5. Please provide detailed information on the steps taken to provide remedy and reparation to victims of gross human rights violations and serious violations of international humanitarian law.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

We further wish to inform you that we reserve the right to publicly express our concerns in the near future, as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

Please accept, Excellency, the assurances of our highest consideration.

Heiner Bielefeldt  
Special Rapporteur on freedom of religion or belief

IZSÁK Rita  
Special Rapporteur on minority issues

Maud De Boer-Buquicchio  
Special Rapporteur on the sale of children, child prostitution and child pornography

Urmila Bhoola

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Christof Heyns  
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Rashida Manjoo  
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Emna Aouij  
Chairperson-Rapporteur of the Working Group on the issue of discrimination against  
women in law and in practice