



# Free Yezidi Foundation<sup>1</sup> Report

## The Case of Samantha Elhassani aka Um Yusuf

19 September 2019

This report addresses the forthcoming trial of the United States national Ms. Samantha Elhassani, also known as Um Yusuf.

Female members of the Islamic State (IS, ISIS, ISIL, Daesh) have actively engaged in terrorist activity and gross human rights violations, and in many cases seek to manipulate lack of evidence, lack of independent verification, or other means to plead for sympathy in the court of law and the court of public opinion to avoid accountability. Most importantly, individuals who joined the terrorist and genocidal organization must not be allowed to reshape the narrative in an effort to downplay or avoid their own agency and responsibility for the horrors they have inflicted or facilitated.

Female members of ISIS are often perceived as being passive, naïve, or even as victims. This is a dangerous and wildly inaccurate characterization. The Netherlands Ministry of the Interior publication, “*Jihadist women, a threat not to be underestimated*,”<sup>2</sup> states:

“The role that these jihadist women play within the jihadist movement should not be underestimated. In many cases, jihadist women are at least as dedicated to jihadism as men. They pose a threat to the Netherlands by recruiting others, producing and disseminating propaganda, and raising funds. Moreover, they indoctrinate their children with jihadist ideology. Women form an essential part of the jihadist movement, both in the Netherlands and in the conflict area in Syria and Iraq.”<sup>3</sup>

### Background

Alleged ISIS member Ms. Samantha Elhassani is currently held in prison in Indiana, the United States, awaiting trial which is currently scheduled for 2020. Ms. Elhassani’s story has been documented publicly in open sources.<sup>4</sup>

In brief, Ms. Elhassani was married to Moussa Elhassani, and living in Elkhart, Indiana, in the United States.<sup>5</sup> In late 2014, Moussa Elhassani informed Ms. Elhassani that he and his brother

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<sup>1</sup> The Free Yezidi Foundation is an apolitical, non-profit civil society organization led by Yezidi women, based in the Netherlands, dedicated to providing humanitarian and human rights assistance to Yezidis in need.

<sup>2</sup> <https://english.aivd.nl/publications/publications/2017/12/14/publication-jihadist-women-a-threat-not-to-be-underestimated>

<sup>3</sup> ibid

<sup>4</sup> <https://www.cnn.com/2018/04/19/middleeast/syria-us-isis-bride-intl/index.html> ; <https://www.chicagotribune.com/suburbs/post-tribune/news/ct-ptb-elhassani-government-response-st-1220-story.html>

<sup>5</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Elhassani%20Government%20Response.pdf>

wanted to go to Syria and join ISIS.<sup>6</sup> Ms. Elhassani allegedly decided to join her husband, allegedly bringing her children on a series of trips designed to elude detection of United States and international security services. She allegedly helped to arrange significant financial transfers, purchase of tactical military gear, and arranging for the family to move to Syria and begin a life with ISIS.<sup>7</sup> The US government estimates that Ms. Elhassani arrived in Syria with her husband and children between April and July 2015.<sup>8</sup>

As an alleged female member of ISIS, Ms. Elhassani apparently lived mostly in Raqqa, ISIS' declared capital in Syria. In Ms. Elhassani's account, she describes herself as a victim during her time in Syria.<sup>9</sup> Corroborating the alleged crimes that she did or did not commit while she was resident in ISIS-controlled Syria is difficult. Her efforts to portray herself as a victim, rather than a willing accomplice and active perpetrator, are extremely dubious. But evidence necessary to charge Ms. Elhassani with the human rights violations she admits is difficult to verify. Perhaps for this reason, the US government has not charged her with crimes committed while in Syria, but only with preparation and execution of material support for the ISIS terrorist organization in arranging her and her family's arrival in Syria and decision to join the terrorist group.<sup>10</sup>

In the view of the Free Yezidi Foundation, her efforts to portray herself as a victim, rather than a willing accomplice and active perpetrator, are extremely concerning and warrant further investigation. According to US government filings, Ms. Elhassani lied about nearly every aspect of her decision to travel to Syria and join ISIS.<sup>11</sup> The current report is primarily intended to address the crimes Ms. Elhassani committed in contributing to the genocide, trafficking, and mass slavery of the Yezidis, and her own accounts of interacting with Yezidis, in order to better judge the validity of her statements regarding her time in Syria.

### Material Support for a Terrorist Organization

Readers are encouraged to examine the full document filed by the US government's response to Ms. Elhassani's motion for release.<sup>12</sup> The forthcoming trial will determine whether the defendant is guilty of material support for a terrorist organization. The defendant's argument includes variations of being forced or tricked into arriving in Syria and joining ISIS. Ultimately, an American jury will determine whether this is a realistic defense.

It should be recalled that material support for a terrorist organization, regardless of one's personal actions whilst in or with such an organization, also contributes to the terrorists' ability to commit various crimes, in this case including mass atrocities and genocide. This is relevant because the defendant argues through media interviews that her behavior in relation to Yezidi survivors was benign or even helpful.<sup>13</sup> Given the defendant's extensive history of fabrication and manipulation

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<sup>6</sup> ibid

<sup>7</sup> ibid

<sup>8</sup> ibid

<sup>9</sup> <https://www.cnn.com/2018/04/19/middleeast/syria-us-isis-bride-intl/index.html>

<sup>10</sup> <https://www.pbs.org/wgbh/frontline/article/american-mom-charged-with-aiding-terrorists-after-living-under-isis/>

<sup>11</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Elhassani%20Government%20Response.pdf>

<sup>12</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Elhassani%20Government%20Response.pdf>

<sup>13</sup> <https://www.cnn.com/2018/04/19/middleeast/syria-us-isis-bride-intl/index.html>

as alleged in the US government filing, Yezidi human rights defenders must evaluate this situation carefully.

In a landmark case in France, the cement giant Lafarge-Holcim was indicted for complicity in the commission of crimes against humanity.<sup>14</sup> The charge did not imply that Lafarge was itself committing or overseeing such human rights violations, but instead alleged that support to an organization committing genocide or crimes against humanity constitutes complicity and a grave crime in itself.<sup>15</sup> Regardless of any decisions and actions taken by Ms. Elhassani in Syria, the decision to help finance and purchase tactical equipment for ISIS and provide material support for the organization, if proved, also constitutes functional support for the organization and the mass atrocities it committed. The Free Yezidi Foundation urges US government prosecutors and prosecutors in other jurisdiction to carefully examine if and how international human rights laws can and should be applied to any and all individuals, companies, and groups that helped ISIS to implement its horrific crimes, including the slavery and horrific sexual abuse that ISIS members perpetrated.

The Free Yezidi Foundation, like other Yezidi organizations and civilians, is primarily interested in judicial action to identify and punish atrocity crimes committed against Yezidis, including but not exclusive to murder, rape, sexual enslavement, torture, false imprisonment, human trafficking, crimes against humanity, and genocide.<sup>16</sup> The commission of these crimes by ISIS members has been widely and credibly documented, including by the United Nations, the Holocaust Museum, and various governments and parliaments around the world.<sup>17</sup>

Most ISIS perpetrators who surrender or are caught deny their own agency or culpability. Ms. Elhassani rejects the notion that she committed crimes as a member of ISIS. Beyond this, according to the US government filing, she even denies agency or participation in preparation and travel to Syria, despite the trail of action, evidence, and travel records.

The common and oft-repeated claim of victimhood is employed most often by female members of ISIS, with the apparent hope that authorities will view them as victims or unwilling/unwitting members. For this reason, it is important that every effort is taken to examine the behavior of female ISIS members and the so-called 'ISIS brides' during their time in Syria.

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<sup>14</sup> <https://www.ecchr.eu/nc/en/press-release/landmark-decision-in-lafarge-case-1/>

<sup>15</sup> <https://www.asso-sherpa.org/submission-from-sherpa-and-ecchr-on-an-indictment-of-lafarge-for-complicity-in-crimes-against-humanity>

<sup>16</sup> <https://www.theguardian.com/world/2018/sep/09/yazidis-isis-only-bones-remain-fear-returning-home> ; <https://www.newsweek.com/will-noone-save-yazidis-extinction-486650> ; <https://www.fidh.org/en/region/north-africa-middle-east/iraq/sexual-violence-against-yazidis-isil-foreign-fighters-should-be>

<sup>17</sup> <https://www.ushmm.org/m/pdfs/Iraq-Bearing-Witness-Report-111215.pdf> ; <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=20113&LangID=E>

## Behavior of ISIS Women

The behavior and actions of female ISIS members has been a subject of legitimate legal and policy debate as well as morbid fascination.<sup>18</sup> This has been seen in the cases of the United Kingdom's Shamima Begum,<sup>19</sup> the American Hoda Muthana,<sup>20</sup> and other such cases. When citizens of foreign countries joined ISIS and have either surrendered or fled from ISIS, serious debate over international law has arisen.<sup>21</sup> The fact that the alleged crimes occurred abroad do present genuine challenges for security and justice officials in terms of the collection of evidence and the construction of solid, prosecutable cases.<sup>22</sup> For the Yezidi community, it is important that the crimes committed by ISIS, including those allegedly committed by ISIS women, must not be forgotten.<sup>23</sup> It is also instructive for the case of Ms. Elhassani.

- Ms. Begum, for example, claimed that she was only a housewife and did not participate in any heinous crimes or violation of human rights as an ISIS member. Some portrayed her as an innocent schoolgirl who was brainwashed, uninformed, and simply wanted to return home to Britain.<sup>24</sup> Some human rights proponents, politicians, and other commentators challenged the comparison of Ms. Begum to ISIS fighters.<sup>25</sup> However, evidence now suggests that she was in fact a member of the ISIS 'morality' police, a group of ISIS women which was an integral part of ISIS' terror and atrocity apparatus, and was armed with an automatic weapon on her patrols.<sup>26</sup> The crimes allegedly committed by the morality police include major human rights offenses,<sup>27</sup> including support to ISIS' slave trade of Yezidis.

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<sup>18</sup> <https://www.pri.org/stories/2019-03-14/women-isis-are-more-just-brides> ;  
<https://catholicherald.co.uk/magazine/isis-brides-werent-brainwashed-just-ask-their-victims/> ;  
<https://www.ft.com/content/157c8e12-3053-11e9-8744-e7016697f225>

<sup>19</sup> <https://institute.global/insight/co-existence/shamima-begum-must-dealt-accordance-law> ;  
<https://www.independent.co.uk/news/world/middle-east/shamima-begum-isis-syria-morality-police-suicide-belts-a8869016.html>

<sup>20</sup> <https://www.usatoday.com/story/news/world/2019/02/18/isis-brides-shamima-begum-and-hoda-muthana-plead-go-home/2903063002/> ; <http://www.fox13news.com/news/local-news/tampa-attorney-isis-bride-should-be-treated-like-any-us-citizen->

<sup>21</sup> <https://www.cbc.ca/radio/thecurrent/the-current-for-february-15-2019-1.5019984/canadian-women-who-went-to-join-isis-not-willing-to-express-regret-reporter-1.5019999> ; <https://www.haaretz.com/middle-east-news/syria/.premium-isis-women-want-to-go-home-and-the-west-faces-a-tough-dilemma-1.7001957>

<sup>22</sup> <https://foreignpolicy.com/2019/03/04/the-west-needs-to-take-the-politics-of-women-in-isis-seriously/> ;  
<https://www.cnn.com/2019/02/20/europe/isis-jihadi-returns-europe-gbr-intl/index.html> ;  
[https://www.ecfr.eu/article/commentary\\_in\\_legal\\_limbo\\_eu\\_returnees\\_in\\_the\\_post\\_isis\\_era](https://www.ecfr.eu/article/commentary_in_legal_limbo_eu_returnees_in_the_post_isis_era)

<sup>23</sup> <https://www.buzzfeednews.com/article/nishitajha/isis-yazidi-shamima-begum-hoda-muthana> ;  
[https://www.realclearpolitics.com/articles/2019/03/20/dont\\_give\\_jihadi\\_brides\\_victimhood\\_status\\_try\\_them\\_13979\\_5.html](https://www.realclearpolitics.com/articles/2019/03/20/dont_give_jihadi_brides_victimhood_status_try_them_13979_5.html) ; <https://www.cnn.com/2019/04/09/europe/germany-isis-bride-yazidi-murder-trial-grm-intl/index.html>

<sup>24</sup> <https://www.dailystar.co.uk/news/latest-news/764385/shamima-begum-isis-bride-diane-abbott-labour-sajid-javid-citizenship> ; [https://medium.com/@buffsoldier\\_96/shamima-begum-neither-victim-or-villain-9e010268fb43](https://medium.com/@buffsoldier_96/shamima-begum-neither-victim-or-villain-9e010268fb43)

<sup>25</sup> <https://www.theguardian.com/commentisfree/2019/feb/14/shamima-begum-grooming-islamic-state-pregnant-uk> ;  
<https://www.irishtimes.com/opinion/the-problem-with-banishing-shamima-begum-1.3802957> ;  
<https://quilllette.com/2019/02/18/isis-bride-should-be-judged-for-what-she-did-not-who-she-is/>

<sup>26</sup> <https://www.telegraph.co.uk/news/2019/04/13/shamima-begum-cruel-enforcer-isis-morality-police-say-syrian/> ;  
<https://inews.co.uk/news/world/shamima-begum-isis-bride-syria-discipline-morality-police/>

<sup>27</sup> <https://www.independent.co.uk/news/world/middle-east/shamima-begum-isis-syria-morality-police-suicide-belts-a8869016.html>

- Ms. Mothana also allegedly served as a member of ISIS' female police unit, responsible for enforcing ISIS rule on civilians.<sup>28</sup> ISIS female police units allegedly committed violent human rights violations. As part of the ISIS security apparatus, this also contributed to the captivity and ultimately mass rape of Yezidis, and she was actively and publicly supporting further ISIS attacks in the United States.<sup>29</sup>
- Elsewhere, a captured female ISIS member claimed that she was not in favor of the practice of ISIS men enslaving and raping Yezidi women.<sup>30</sup> She claimed that her husband told her this was Sharia law, and so it must be followed. However, a Yezidi woman who was held in the captivity of this female ISIS member relayed a very different story.<sup>31</sup> This particular ISIS wife was responsible for preparing the Yezidi women to be raped and was an active member of the ISIS human trafficking network. She beat the women, forced them to recite the Quran, and regularly humiliated and mistreated them.<sup>32</sup>
- In a current trial in Germany, a female ISIS member is on trial on allegations of committing horrific crimes against a five-year old Yezidi child held in ISIS-controlled Iraq.<sup>33</sup> The Yezidi child fell ill, and as punishment, she was chained outside the house. The child reportedly died of thirst and heat exposure in what must have been an excruciating death.<sup>34</sup> The female ISIS member eventually returned to Germany, thanks in large part to her conversation with an undercover FBI agent.<sup>35</sup> She is now on trial for her alleged role in this crime, a murder that must be understood in the context of the systematic genocide and enslavement of Yezidis.
- When ISIS lost the last of its territory in Baghouz, Syria, a number of female ISIS members, and children, surrendered and were taken into the custody of the Syrian Democratic Forces.<sup>36</sup> In one video upon their surrender, a bus full of ISIS wives chant that ISIS will remain.<sup>37</sup> [This is one of ISIS' common refrains.] In another video, an ISIS wife explains why she endorses and condones the practice of enslaving Yezidi women.<sup>38</sup>

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<sup>28</sup> <https://www.latimes.com/world/la-fg-isis-women-20190305-story.html> ;

<sup>29</sup> <https://www.memri.org/reports/exclusive-memri-jttm-reports-social-media-accounts-hoda-muthana-american-isis-member-alabama> ; <https://www.counterextremism.com/content/isiss-persecution-women>

<sup>30</sup> <https://www.freeyezidi.org/blog/publications/fyf-and-yazda-submit-report-to-the-icc-click-here-for-redacted-version/>

<sup>31</sup> Account of Yezidi survivor

<sup>32</sup> Account of Yezidi survivor

<sup>33</sup> <https://www.dw.com/en/german-is-member-on-trial-for-war-crimes-in-munich/a-48259664>

<sup>34</sup> ibid

<sup>35</sup> ibid

<sup>36</sup> <https://www.reuters.com/article/us-mideast-crisis-islamic-state/hundreds-surrender-as-islamic-state-nears-defeat-in-last-enclave-idUSKBN1QT0VB> ; <https://www.france24.com/en/20190313-syria-thousands-surrender-islamic-state-group-nears-defeat-baghouz>

<sup>37</sup> [https://twitter.com/Free\\_Yezidi/status/1099690487517270018](https://twitter.com/Free_Yezidi/status/1099690487517270018)

<sup>38</sup> <https://twitter.com/starrcongress/status/1104452306513420288> ;

<https://twitter.com/mutludc/status/1103083323423969281> ;

<https://twitter.com/BrendaStoter/status/1104493303813324800>

- A news story, recently published, outlines the activities and exploits of Omaima Abdi.<sup>39</sup> Ms. Abdi reportedly traveled to Syria and joined ISIS, apparently at some point marrying a well-known German ISIS member, so-called Deso Dog.<sup>40</sup> Eventually, her husband was killed, and Ms. Abdi returned home, and currently resides in Hamburg.<sup>41</sup> Under normal circumstances, it would be difficult to account for her activities as a member of ISIS. However, Ms. Abdi lost her mobile phone, which was later recovered by journalist Jenan Moussa.<sup>42</sup> Through her phone, it is possible to obtain a better view into the actual lives of female ISIS members.<sup>43</sup> Readers are referred to Ms. Moussa’s report for further insight into Ms. Abdi’s time as an alleged ISIS member.<sup>44</sup> Ms. Abdi has since been arrested by German authorities.<sup>45</sup>

Two essential points: first, reports from Yezidi survivors suggest that female members of ISIS were accepting of ISIS enslavement and abuse towards Yezidis; and second, ISIS women were more complicit in the commission of mass rape, human trafficking, crimes against humanity and genocide than they claim, and with greater agency.<sup>46</sup>

This context is important when evaluating the claims of innocence and victimhood professed by Ms. Elhassani and other female ISIS members – especially as Ms. Elhassani has publicly admitted her role in the purchase of human slaves and the rapes that this action helped to facilitate. But even if Ms. Elhassani was less cruel than other slave owners, it does not abdicate her of legal culpability under the rubric of the United States Criminal Code.

#### Ms. Elhassani Purchases “Sex Slaves” at a Slave Market

According to Ms. Elhassani’s own statements to the press<sup>47</sup> and a reference in the US government filing,<sup>48</sup> she and her husband purchased Yezidi ‘slaves’. It is impossible to truly ascertain who decided to engage in the purchasing of human beings at an ISIS slave market, and how Ms. Elhassani and her husband arrived at the decision. Ms. Elhassani claims to the press that the decision to purchase ‘slaves’ was her husband’s.<sup>49</sup> Since he is dead, this is impossible to verify. The US government allegations of Ms. Elhassani’s pattern of deception and obfuscation must be recalled in this context.

Ms. Elhassani’s claims that she does not regret purchasing the Yezidi ‘slaves’, arguing that ‘she offered them protection and care that other homes could not have’, even though her husband

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<sup>39</sup> <https://www.akhbaralaan.net/jenan/omaima/>

<sup>40</sup> <https://www.telegraph.co.uk/news/2018/01/19/german-rapper-jihadist-deso-dogg-seduced-fbi-translator-killed/>

<sup>41</sup> <https://twitter.com/jenanmoussa/status/1117808535184842752>

<sup>42</sup> [https://twitter.com/jenanmoussa?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/jenanmoussa?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)

<sup>43</sup> <https://www.akhbaralaan.net/jenan/omaima/>

<sup>44</sup> *ibid*

<sup>45</sup> <https://www.dw.com/en/widow-of-german-is-rapper-is-arrested-in-hamburg/a-50357629>

<sup>46</sup> As noted by countless Yezidi survivors. See also:

<https://english.aivd.nl/publications/publications/2017/12/14/publication-jihadist-women-a-threat-not-to-be-underestimated;> <https://www.hudson.org/research/14894-don-t-give-jihadi-brides-victimhood-status-try-them>

<sup>47</sup> <https://www.cnn.com/2018/04/19/middleeast/syria-us-isis-bride-intl/index.html>

<sup>48</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Elhassani%20Government%20Response.pdf>

<sup>49</sup> <https://www.cnn.com/2018/04/19/middleeast/syria-us-isis-bride-intl/index.html>



repeatedly raped the young women.<sup>50</sup> It should be noted that both Yezidi women were minors, thus adding pedophilia and abuse of minors to the crimes reportedly committed by Moussa Elhassani, with Ms. Elhassani allegedly an accessory to the crime.<sup>51</sup> According to the CNN report:

“‘When I met Soad, I couldn't think about money, I needed to help her,’ she said. The teenage girl cost her \$10,000 -- half the money she says she smuggled with her from their United States savings. She brought Soad home, and soon, her husband Elhassani began raping her. But that was not enough. Elhassani soon decided to ‘buy’ his own slave, using another \$7,500 from their savings to purchase Bedrine, who was younger than Soad. She was also raped by Elhassani...[Ms. Elhassani] is defensive about the decision to buy the girls, saying she offered them a protection and care that other homes could not have...Asked if she feels she enabled the girls' serial rape, she said: ‘In every house that she was in before that was the same situation, but she did not have the support of someone like me. We constantly talked about going to see her mother. I was going to get her out and she was going to go back home...And no, no one will ever know what it is like to watch their husband rape a 14-year-old girl. Ever. And then she comes to you -- me -- after crying and I hold her and tell her it's going to be OK. Everything is going to be fine, just be patient...I would never apologize for bringing those girls to my house.’”<sup>52</sup>

Ms. Elhassani denies any wrongdoing for her participation in human trafficking and slavery. In the viewpoint of the Free Yezidi Foundation, *even* if Ms. Elhassani decided that owning slaves and facilitating human trafficking was wrong, and *even* if there were genuine efforts to help the Yezidi captives eventually escape, there remain serious alleged acts of criminal wrongdoing already admitted by the defendant. She allegedly chose to go to Syria, join ISIS, and use money and materials to reportedly enable the rape and enslavement of two Yezidi women and the enslavement of a young Yezidi child. Ms. Elhassani’s claim that her actions were coerced by her husband, that she lacked agency, and that she was herself the victim can never be independently verified. But they certainly are convenient explanations.

The 2014 ISIS attacks against Yezidis were designed to eradicate Yezidis from the Earth. This was elucidated through the absurd religious logic outlined by ISIS in its magazine, *Dabiq*.<sup>53</sup> The ISIS attacks on Sinjar succeeded in driving Yezidis from the Sinjar area, achieved through the gruesome execution of thousands of men and older women, and the abduction of thousands of women and children.<sup>54</sup> The women and children then became the ‘slaves’ of ISIS, a policy that even now is considered legitimate by some captured ISIS members, including ISIS women.<sup>55</sup> The gendered nature of the ISIS attacks have led some academic and legal scholars to more closely examine the

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<sup>50</sup> *ibid*

<sup>51</sup> <https://www.dailymail.co.uk/news/article-5635811/American-ISIS-widow-dreams-returning-US.html>

<sup>52</sup> <https://www.cnn.com/2018/04/19/middleeast/syria-us-isis-bride-intl/index.html>

<sup>53</sup> <https://www.theatlantic.com/international/archive/2014/10/isis-confirms-and-justifies-enslaving-yazidis-in-new-magazine-article/381394/> ; <https://www.nytimes.com/video/world/middleeast/100000003226608/isis-slave-market-day.html>

<sup>54</sup> <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=20113&LangID=E>

<sup>55</sup> <https://twitter.com/starrcongress/status/1104452306513420288> ;

<https://twitter.com/mutludc/status/1103083323423969281> ;

<https://twitter.com/BrendaStoter/status/1104493303813324800>



role of rape and sexual slavery in armed conflict, and the extent to which these are constitutive of genocide.<sup>56</sup>

In this respect, every decision by every ISIS member to ‘own’ a Yezidi and commit violations against him or her, including rape and sexual assault, must be considered part of the genocide committed by ISIS against the Yezidi people. If so proven, Ms. Elhassani’s decision to go with her husband and purchase a Yezidi ‘slave’ is an aspect of the genocide perpetrated against Yezidis. If the US government was able to gather enough evidence against Ms. Elhassani to indict on charges of crimes committed against Yezidis, such a judicial exploration of her liability would be very much welcomed by the Yezidi community as we continue to seek justice.

### Yezidi witnesses

As Ms. Elhassani’s case heads to trial in Indiana, an essential aspect of the trial will be the defendant’s actions, intentions, and agency. Her own account of her preparation and travel to Syria differ significantly from the chain of events outlined in US government filing.<sup>57</sup> There is significant concern that her participation in atrocities could be misrepresented or downplayed.

In the case of Ms. Elhassani, media interviews have included references to Yezidi women and a Yezidi child who she held captive, and there have also been media interviews with the survivors. The Free Yezidi Foundation attaches greatest importance to the welfare of survivors. The experience of slavery and loss of family members through the ISIS genocide against Yezidis has been extremely traumatic for all Yezidi survivors.

Because there are few witnesses who can accurately assess the actions and behaviors of ISIS member Ms. Elhassani, both the US government and Ms. Elhassani’s legal team could seek information from Yezidi witnesses. Both parties have legitimate legal rights to seek the truth in preparation for trial. For the Free Yezidi Foundation, the most important element of this process is the well-being, dignity, and rights of the survivors.

It would be adding further hardship if these survivors are pressured or treated improperly in their current circumstances in Iraq. In fact, there is every reason to be cautious in this regard. One of the survivors is a minor and the others have suffered extreme trauma. In general, Yezidi survivors are not highly empowered agents, due to difficult living conditions, such as in IDP camps in Iraq, and ongoing recovery from intense trauma.<sup>58</sup> Exploitation and manipulation of Yezidi survivors, especially women, has been a serious problem.<sup>59</sup> Yezidi survivors deserve to know their legal rights and be informed and empowered, so that they can make their own decision in interactions with legal teams or members of the media.

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<sup>56</sup> <http://globaljusticecenter.net/publications/advocacy-resources/284-daesh-s-gender-based-crimes-against-yazidi-women-and-girls-include-genocide> ; <http://globaljusticecenter.net/files/Gender-and-Genocide-Whitepaper-FINAL.pdf>

<sup>57</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Elhassani%20Government%20Response.pdf>

<sup>58</sup> <https://www.americamagazine.org/politics-society/2018/10/05/traces-isis-might-be-disappearing-yazidi-continue-suffer>

<sup>59</sup> <https://www.sciencedirect.com/science/article/abs/pii/S0277539517301905> ; <https://www.womensmediacenter.com/women-under-siege/study-85-percent-of-yazidi-women-interviewed-describe-unethical-journalism-practices>



## Recommendations

*Foreign Governments and Ministries of Justice:* Redouble efforts to ensure current laws criminalizing atrocities are enforced. There are many potential cases against alleged members of ISIS, male and female, from a number of countries around the world. For those states with statutes criminalizing human trafficking, slavery, crimes against humanity, and genocide, there is a duty to make every reasonable effort to see that alleged perpetrators from such states are fully investigated and held accountable for these crimes, and not only terrorism.

*United Nations:* UNITAD, created specifically to address justice and accountability in the aftermath of ISIS crimes, may be in a position to help ensure that survivors are better aware of their rights as victims and witnesses. Efforts can be made to ensure that the witnesses mentioned in this report, and victims or witnesses in general, understand their legal rights. Witnesses must be informed that they can choose to speak or not speak to visiting lawyers, journalists, television crews, or other parties seeking information or accounts of their suffering for their own purposes. Empowering Yezidi survivors and ensuring they are properly informed will be an important achievement in itself.

*Yezidi Organizations:* All Yezidi organizations should be aware of the Samantha Elhassani case. If there are efforts by legal teams to contact the Yezidi survivors mentioned in this case, it will be absolutely essential that an impartial party, perhaps UNITAD, can fully and clearly inform the survivors of their rights, including the right to decline any and all interviews if they so wish, or participate in such interviews with their own legal representation and protection. We must all respect the decisions made by the survivors, and we also must ensure that survivors are given access to legal representation and accurate information about their rights to make informed decisions.

*International Human Rights Organizations:* It is important for human rights organizations to appreciate the context of the ISIS genocide against Yezidis and the crimes they committed against other groups and individuals in Iraq and Syria when evaluating female members of ISIS. Human rights organizations are correct to be concerned with every human rights violation and note the legal rights of alleged ISIS members, male and female. ISIS members who have surrendered during military conflict do have rights – but so do our survivors. **It is important that alleged perpetrators and facilitators of the most heinous crimes do not receive better treatment and more sympathy than survivors of those same crimes.**