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Not Yet Dead: The Establishment and Regulation of Slavery by the Islamic State

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ABSTRACT

The Islamic State is an organization at the nexus of modern slavery and terrorism. This article provides the first in-depth analysis of how it regulated slavery. With a consideration of gendered approaches, it applies multiple data sources to reveal a three-part assessment of the forms, establishment, and regulation of slavery from 2014 to 2017. Beginning with the August 2014 Sinjar massacre, it reveals the logistics of slavery through an innovative process entitled the Division and Regulation of Enslavement Framework. It concludes with a discussion on the domestic and international aspects of this crime, detailing recommendations for research and policy.

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Who does not know that the victors keep their property and add to it that of the vanquished, whereas the vanquished lose it all at once, their persons, and the property? The victor can lay his hands on everything at once, men, women, their property, and all their land. It is a universal and eternal law that in a city taken during war, everything, including persons and property, belongs to the victors.¹ - Xenophon, Athens, c. 350 BCE

“As long we were desirable enough and not yet dead”.² Slavery survivor and Nobel Peace Prize laureate Nadia Murad’s testimony condenses one of the most formidable and egregious cases of slavery by a violent non-state actor since the adoption of the 1926 Slavery Convention. The Islamic State is a Salafi-jihadist organization often referred to as Daesh, IS, ISIS/ISIL. This organization mobilized the practices of abduction, rape, and enslavement to a systematic level with meritorious framing and links to religious observance.³ It affronted the international acknowledgment of the human right to freedom from slavery.⁴ In particular, its structured treatment of the Yazidi population of northern Iraq was an example of “systematic cultural cleansing”.⁵ From 2014-2017, the Islamic State located itself as an organization at the nexus of modern slavery and contemporary terrorism.

Academic work on the Islamic State continues to develop, adding to the early works published after the group’s sensational arrival on the global political scene in June 2014.⁶ Yet analysis of the Islamic State has thus far been concerned with analysis of the ideology, structure or operational performance of the organization itself as well as on

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the domestic counter-terrorism responses to Islamic State-affiliated “lone wolves”, sleeper cells, or returning foreign fighters.⁷ A focus on the Islamic State’s use of slavery as a specific organizational tactic has not yet been addressed. This article will reveal a collection of comprehensive data and original analysis of one of the Islamic State’s most prevalent and prized tactics. It illuminates how slavery became one of the Islamic State’s most fundamental socioeconomic components within its larger strategy of military expansion and establishment of political order.

The scale of the Islamic State’s use of enslavement requires a new assessment framework. It demands a consideration of multidisciplinary, multigenerational, and gendered approaches toward supporting escaped and liberated civilians. We address these considerations by applying multiple data sources to a three-part assessment of: the *establishment of slavery* by the Islamic State, detailing the sites of capture and logistics of transfers; the *forms of slavery* practiced by the Islamic State by demographic and institutional capacity; and the *regulation of slavery* by the Islamic State, via an innovative assessment framework we call the Division and Regulation of Enslavement (DREF), which reveals a systematic gender-based process of enslavement. This article also provides the only instance of analyzing data from the Sinjar massacre on August 3 to August 15, 2014 in order to establish the systematic and bureaucratic characteristics of rape and slavery. It concludes with a discussion of the domestic and international aspects that emerge from the findings, providing recommendations for both research and policy initiatives.

A comprehensive assessment of the use of slavery on this scale aims to raise the visibility of counter-slavery issues within counter-terrorism policy debates. This is an especially important issue given the prominence of modern slavery in the contemporary “crime-terror nexus”. As the military Global Coalition Against Daesh reduced the physical area under the Islamic State’s control—even leading U.S. President Donald Trump to announce that ISIS as a group was “defeated”⁸—this research urges an analytical turn away from the focus on *territorial* liberation of Islamic State-controlled areas and toward the *human* liberation of those forcibly enslaved. Before beginning with an assessment of how slavery was operationalized within the conflict, it is important to review the legitimacy and condemnation of slavery within the Islamic State.

The Context of Slavery and the Islamic State: legitimization and Condemnation

The prohibition of slavery is widely acknowledged. Article 4 of the Universal Declaration of Human Rights guarantees that “No one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms”.⁹ Further, a second Additional Protocol to the Geneva Conventions of 1977 included a ban on slavery in civil wars. The prohibition of slavery is also regarded as a rule of customary law applicable in all conflicts as *jus cogens* - a peremptory legal norm from which no derogation is ever permitted. Yet, the prevalence of this crime remains a global issue. Criminals exploit gaps in protections and conflict zones—such as Syria and Iraq during 2014—create conditions that enable this exploitation. What remains significant in this case was the Islamic State’s audacity to publicly promote slavery as a societal and

religious norm. The following section provides an overview of the Islamic State's attempts to legitimize slavery through religious justification and the reactions to this justification.

How the Islamic State Attempted to Legitimize Slavery

The prevalence of slavery throughout Islamic history has led to a sizeable volume of Islamic jurisprudence building up over the centuries regarding the rules of enslavement and the permissive nature of sexual relations with slaves. Despite being permitted in the Qur'an with regulations on it specified in certain applications of Shari'ah (religious) Law, slavery was proscribed in Islamic societies throughout the nineteenth and twentieth centuries.¹⁰

The Islamic State's "theology of rape" involved extreme and selective citation of Qur'anic verse to legitimate their practices.¹¹ The Islamic State openly framed slavery "as religiously meritorious: not just acceptable but a positive good... [that] proclaims enslavement a triumphalist reflection of its own legitimacy".¹² Journalist Graeme Wood quotes Musa Cerantonio, one of Australia's most proISIS Islamists, who in an interview with him justified slavery inside ISIS territory by arguing: "If we've got no problem actually fighting *kuffar* [infidels], I don't see why we'd have a problem with enslaving them."¹³ In a similar vein, the British Islamist preacher Anjem Choudary told Wood that slavery was a magnanimous act: "What is to be done with widows and orphans? They cannot be left to die in the desert."¹⁴

There is no official number of the civilians enslaved by the Islamic State. The ethnic Yazidi population of northern Iraq, centered around the Sinjar region, was the most affected by enslavement in areas of ISIS control. Estimates of those who have been captured, enslaved and/or killed range from 3,000 to 9,900.¹⁵ The Yazidi population of northern Iraq is a religious minority that made up just over 1% of the entire population, and the Islamic State's brutal treatment of them includes forms of slavery and extreme sexual violence.

In advance of the August 2014 attack on the Yazidis in the Sinjar region, ISIS leaders sought a religious ruling on the validity of enslaving Yazidi women. The ISIS religious scholars affirmed that because Yazidis were polytheists and not explicitly referred to in the Qur'an as a protected group like the Jews and Christians,¹⁶ then their enslavement was permitted. ISIS leaders made reference to a purported prophecy attributed to the Prophet Muhammed in which the Day of Judgement must be near when "the slave girl shall give birth to her master"—an event, ISIS believed, that necessitated the presence of slavery inside their territory.¹⁷ In addition, using a rationalization parallel to that of Christian slaveholders in the antebellum U.S. South, ISIS promulgated a number of religious commentaries that focused on the righteousness of bringing people into Islam through enslavement — "Allah marvels at a people who enter *Jannah* [heaven/paradise] in chains".¹⁸

The Islamic State considered civilians as resources to use in building the stability of their "state". Specifically, the Yazidi demographic falls in line with the religiously-derived categorization of both *mushrikin* (polytheists), fully outside religious protections, and *Al-Harb*, which denotes captured and defeated people. The terminology that was

used for female captives was *Al-Sabi* (plural is *sabaya*). Women who escaped enslavement report that the title of *Al-Sabi* and *sabaya* was used to address them, instead of their actual or official names.¹⁹ Sites for the transfer, buying or selling of female victims of slavery have been identified in Syria, and specific buildings were referred to as *souk sabaya*, which translates as female captive or slave market. Considered property once bought, these individuals became part of the estate of their owners.²⁰ Contracts bound the conditions of sale. Thus, the captives became a resource to be allocated as needed—including in issues of inheritance.²¹ Overall, the Islamic State sought to legitimize slavery as righteous through sovereignty defense and religious justification.

Reactions to This Legitimization

The Islamic State strived to be seen as both a religiously and politically legitimate organization. However, religious groups and the international community brought outright condemnation to any attempts by this terrorist organization to representing its acts as theologically or politically acceptable. A visible effort emerged from various levels of authority in the Islamic community to condemn several aspects of this organization's behaviors: its occupation of territory, its acts of terrorism across the world, the establishment of the "Caliphate", the appointment of Ibrahim Awad Ibrahim Al-Badri, renamed as "Abu Bakr al-Baghdadi" as the worldwide leader of Muslims, the utilization of *jihad* (participating in a religious-based struggle), and the violation of human rights and dignity arising from the torture, and the killing and enslavement of civilians. Condemnation would often occur after a public event of cruelty by the Islamic State, seen in such news headlines as: "American Muslim Organizations Condemn ISIS Terrorism" and "How Muslim Groups, Scholars Have been Fighting ISIS".²² Despite this public admonishment and disgust, the Islamic State continually argued in support of their Islamic-based claims of legitimate slavery practice in recruitment materials, as seen in the magazine, *Dabiq* issue 9.²³ Apart from religious organizations disapproving the Islamic State's use of religious scripture to legitimize slavery, the United Nations swiftly denounced any political right to this act, as the then United Nations Secretary-General, Ban Ki-Moon, firmly declared this terrorist organization as the "Un-Islamic Non-State".²⁴ However, it should be noted that the Islamic State's ability to exercise forms of "justice" and maintain institutions for civilian services does characterize this terrorist organization as a successful "jihadi proto-state".²⁵

The sexual crimes and enslavement that were committed by the Islamic State during their take-over of Mosul, Iraq on 10 June 2014 (known as the "Fall of Mosul") and the neighboring city of Tal Afar came to the attention of the United Nations soon after. The observation of these crimes in those cities was made to the United Nations Human Rights Council on 1 September 2014 through the testimony of three nongovernmental organizations that have special consultative status: MADRE, the Organization for Women's Freedom in Iraq (OWFI), and the Women's International League for Peace and Freedom (WILPF).²⁶ The report urged the United Nations Human Rights Council to establish an independent, fact-finding mission to determine the scale of Gender-Based Violence (GBV) and Islamic State-led enslavement and related abuses.

The United Nations Human Rights Council swiftly requested the High Commission to urgently consider dispatching a fact-finding mission to the territory controlled by the Islamic State.²⁷ Reports on the situation followed in November and December of 2014 and continued into February 2015.²⁸ On March 13, 2015, an eighteen-page report with findings from the independent fact-finding mission was submitted to the United Nations Human Rights Council, revealing details of the enslavement of the Yazidis and linked human rights violations committed by the Islamic State in the territory it controlled.²⁹ Several reports since then have reiterated the condemnation of forced Labor, sexual exploitation, and sexual slavery practiced by the Islamic State, including an investigative report that gathered interviews and testimony from the Yazidi population detailing the atrocities and institution of slavery.³⁰

Our methodology utilizes this growing pool of “grey literature” emerging from international bodies such as the United Nations who have published reports that include compelling survivor testimonies. Furthermore, we make use of ISIS documents recently declassified by the U.S. government and the Global Coalition Against Da’esh. These documents offer a unique opportunity to understand how ISIS utilized enslavement as a tactic of war. Survivors of ISIS slavery are starting to have their voices heard – including that of the co-recipient of the 2018 Nobel Peace Prize, Nadia Murad. The next section begins with an assessment of Islamic State and the forms of slavery that this terrorist organization maintained.

The Forms of Slavery in the Islamic State

The Islamic State used slavery in four main ways: the distribution of enslaved women to combatants as a reward and to build social cohesion within the ranks, as noted in the work of Cohen³¹; the exploitation of female captives for its ideological propaganda to formulate sovereignty arguments; the forcible use of child soldiers to augment its fighting force; and the participation in human trafficking crime to supplement its revenue. The Yazidi population that was captured by the Islamic State makes up the majority of those exposed to violent sexual crimes; however it is important to note how a method of isolating groups in terms of ethnic and religious identity, gender, and age, in *modus operandi* of these crimes reveals the specific forms of slavery practiced by the Islamic State. This isolation of subsets of the population also clarifies how the Islamic State used these distinct markers of affiliation to prop up different parts of their overall regulation and sustainment of slavery practices. This section will present an assessment of the forms of slavery, with special reference to the demographics of 1) religious identifications, 2) sex, and 3) age.

Forms of Slavery according to the Religion of Victims

Shia Muslim communities were targeted by the Islamic State, with reports of systematic executions upon capture.³² While there are fewer reports of the Islamic State capturing Muslims and enforcing upon them the same slavery conditions suffered by other religious groups, there are reports of fighters abducting families thought to be loyal to the Syrian Assad regime. Family members were separated, and some individuals were put

in reeducation camps for *Shari'ah* (religious behavior and law) training.³³ It is possible that reported “arranged marriages” linked to Sunni families wanting to appease the Islamic State can be placed under the scope of enslavement (forced marriage), if, as defined in the 1956 UN Slavery Convention, the “woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group.” – the avoidance of threatened violence qualifying as “consideration ... in kind”.³⁴

There is limited information available on how the Islamic State treated the Christian minority of Iraq. When occupying territory, Christian property was seized and the populace were given a choice in accordance to the religiously-derived *dhimmi* contract (a “protection” from the state). The choices were paying *Jizya* (a religiously-derived form of annual taxation) for protection, converting to the Islamic State’s interpretation of religion, and leaving the area, or facing immediate execution.³⁵ Christians have also been abducted from their homes, with their bodies later found in a different location, which indicates a form of trafficking.³⁶ There is also at least one case of a Christian woman being enslaved for sexual exploitation and reportedly sold over three times to buyers of Iraqi, Syrian, and Saudi nationalities.³⁷

As the most vulnerable sect, the Yazidis were systematically targeted and faced with two choices: convert or be executed.³⁸ The threat and use of gang rape was used to force conversions among women who refused.³⁹ The conversions from some areas were later deemed false by Islamic State authorities, which led to executions or their enslavement.⁴⁰ The Yazidis were held, transported, trafficked and forced into several forms of slavery. Demographic categories of sex and age were predictive of the type of enslavement.

Forms of Slavery according to the Gender of Victims

The majority of Yazidi men were executed at the place of their capture, often in public locations where families were forced to watch.⁴¹ In some instances, boys over the age of 12 were considered men.⁴² Some were transported and either executed at a new location or enslaved on farms and construction sites. Additionally, they were forced to adhere to the religious rituals and behaviors required by the Islamic State authorities.⁴³

The majority of Yazidi women and teenage girls were enslaved for sexual exploitation, including girls as young as six.⁴⁴ Women and girls were enslaved in the following categories: household slaves; slaves to be used for sexual exploitation in “rest houses” for fighters in several areas; slaves given as “gifts” to individuals, and slaves sold to generate income in markets and online auctions.⁴⁵ Many women and girls were internationally transferred to registration and holding sites while being processed and prepared for one of these uses.⁴⁶ Gender further determined an enforced visibility when in captivity. While the surviving Yazidi men were forced to adopt the rituals and behaviors of the Islamic State men (such as growing a beard), the Yazidi women were restricted from wearing the normally public attire of black cloaks, known as *abaya*. As the Islamic State law stipulated that *abaya* was to be worn in all public places for females older than ten years of age, the absence of an *abaya* indicated that the individual is a slave. This enhanced and stigmatizing visibility became a deterrent to escape.

Forms of Slavery according to the Age of Victims

Children younger than eight were usually kept with their mothers. Both girls and boys were enslaved as servants.⁴⁷ Some children were also sold for organ harvesting.⁴⁸ Some boys were sent to training camps for weapons handling, violence, desensitization, and religious education. Once trained they were used as guards at checkpoints, where they handled ammunition and weapons that included knives, grenades and Kalashnikovs.⁴⁹ Reports also indicate that boys played a tactical logistical role by fetching water and ammunition for fighters on the front lines.⁵⁰

For the Yazidi girls, age affected their “value”. According to a price list verified as authentic by the United Nations, some of the girls who were aged one to nine years were held and ransomed back to their families, with a reported value of 165 USD. The older the girl the lower her “value” with older girls and women offered internally at the price to 124 USD to ISIS fighters. In the physical and online markets, however, where girls and women were offered to foreign buyers, prices reached into the thousands of U.S. dollars.⁵¹ Physical appearance for teenagers affected the location of captivity, with reports of those deemed more valuable sent to Raqqa versus other holding sites.⁵²

The systematic violation of human rights within conflict can be strategic, or tactical, or both. While the types of enslavement noted above were primarily tactical, a key component in the Islamic State’s strategy of invasion and occupation territories was to routinely kill all the non-Muslim men and enslave the non-Muslim women. The establishment of the Caliphate was perhaps the key strategic aim of the Islamic State, and achieving that aim required that the necessary territory be “cleansed”. This cleansing was accomplished in tactical two ways, the genocidal extirpation of non-Muslim men; and the annihilation and “conversion” of non-Muslim women through impregnation with “Muslim” fetuses. These tactics ensured that sexual violence was a primary device used by the group to underpin their hyper-masculine ideology and to reduce, subordinate, and control those ethnic groups deemed to be inferior.⁵³ Kecia Ali has observed that the use of slavery by a contemporary terrorist group “has the feel of something archaic, primitive, and horrible, especially when it merges violence and sex.”⁵⁴ The world community took notice of this swift emergence of slavery within the Islamic State during the early offensives against the group in late summer of 2014, only months after the self-proclaimed leader Abu Bakr al-Baghdadi established the group’s final political system and the rebranding of the group from the “Islamic State of Iraq and Syria” (ISIS) to the “Islamic State”. The next section presents the first-ever contextualization of the Sinjar attack in August 2014 in order to illuminate how the Islamic State established slavery and the scale of the logistics involved with capturing, transporting, and containing civilians for purpose of enslavement.

The Establishment of Slavery by the Islamic State

The use of slavery is prevalent in contemporary, “low intensity” conflicts. According to Smith, Datta and Bales, out of the 1,113 conflicts recorded in the Uppsala Conflict Database between 1989 and 2016, approximately 90% of them included at least one type of slavery.⁵⁵ However, what is lacking is a deep understanding of the *processes* of tactical and strategic enslavement within conflict, especially by violent non-state actors like the

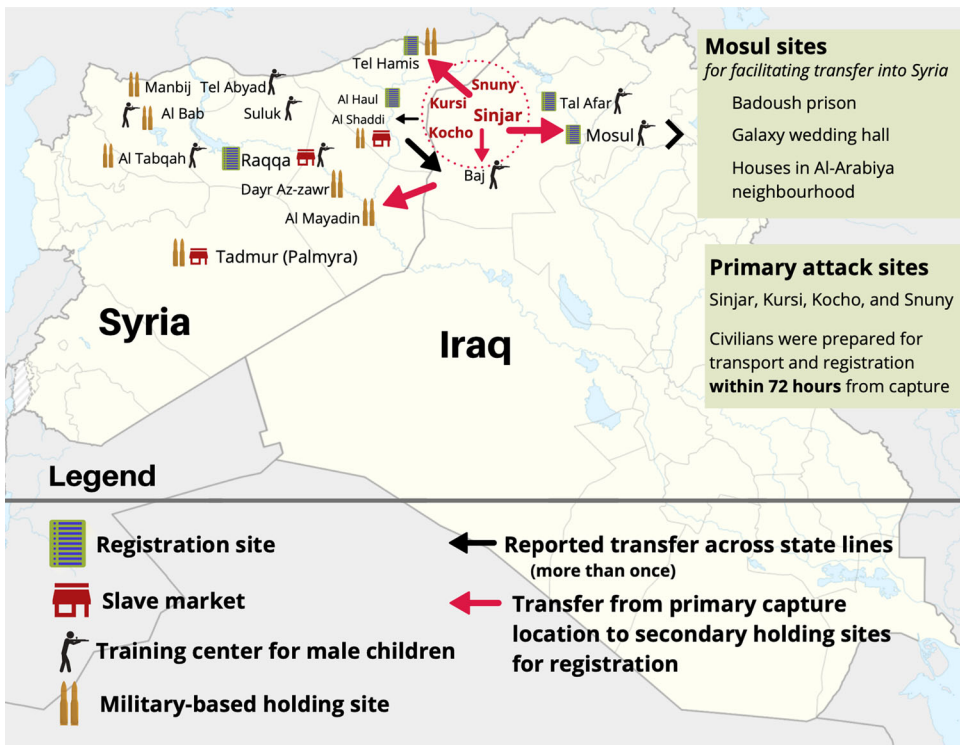


Figure 1. Tactical enslavement logistics within the Sinjar attack and aftermath.

Islamic State. The events around Sinjar in the early months of the Islamic State's existence provide an important case study for understanding how this group established an institution of slavery in newly-taken territory.

The Islamic State attacked the Sinjar region in early August 2014. This offensive against the local Yazidi population marked the first systematic establishment of co-ordinated slavery in areas under the control of the group and, as such, is worthy of detailed analysis of the processes and planning that established these enslavement practices.

A high level of planning was required in trafficking (enslaving and transferring) girls and women within a relatively short time frame. Reports indicate that enslaved girls and women were put on buses and trucks, with curtains freshly installed, at the primary capture sites.⁵⁶ They were then transferred to secondary locations for registration, which indicates prior planning for record-keeping, processing, and disposal. **Figure 1** details the logistics and known sites related to the Sinjar attack based on an accumulation of qualitative data, including investigative reports submitted to the United Nations General Assembly.⁵⁷

At the primary attack sites in Iraq of Sinjar, Kursi, Snuny and later Kocho, civilians were first separated on the basis of gender.⁵⁸ A majority of the men were executed in public. Some were transported for execution at a later time or enslaved for forced labor.⁵⁹ Women were divided by marital status and age, then transported with their children via bus and truck to secondary holding sites.⁶⁰ They were registered at the holding sites in Tal Afar and Mosul in Iraq, and Tel Hamis, Al-Haul, and Raqqa in Syria.⁶¹ Within Mosul, the women were held in Badoush prison, the Galaxy wedding

hall, and even some houses in the Al-Arabiya neighborhood of the city.⁶² UN reports indicate that in Mosul these sites were managed by local Islamic State fighters who facilitated the transfers of slaves into Syria.⁶³ The markets specifically set up for disposal of the enslaved, known as *souk sabayah*, took place in Al Shaddi, Tadmur and Raqqa in Syria.⁶⁴ Women and girls were also held at several of the Syrian military-base holding sites of Tel Hamis, Al Shaddi, Dayr Az-zawr, Al Mayadin, Tadmur, Al Tabqah, Raqqa, Manbij, and Al Bab.⁶⁵ Some of these transfers of enslaved women and girls occurred across national borders - sometimes more than once. This is indicated by reports of civilians being taken from the primary sites of Sinjar, Iraq, and then transported across state lines to Al-Haul, Syria for registration, and then transferred back again into Iraq toward Baj or Mosul.⁶⁶

The attack on the Sinjar region in August 2014 provides the first documentation of the Islamic State establishing a bureaucratic system of enslavement. Internal documents detailing the Islamic State organization and regulation of its institutions – including its “Department of War Spoils” which was responsible for notarizing slave sales – have leaked out of the area and are crucial for analyzing the slave system instituted by the Islamic State.⁶⁷ In the two years following the Sinjar attack, the Islamic State established a system of regulation regarding slavery. From preparing buildings as holding areas, registration sites, and slave markets, there is evidence that an organized and multifaceted system of slave acquisition and disbursement became a vital source of income, as well as societal norm, for this terrorist organization. This was organized logistical and tactical enslavement tailored to support the overarching strategic aims of the Islamic State, and as such, as with nearly all forms of militarized enslavement, it left behind records and victims. From analyzing these there is an opportunity to understand how the Islamic State utilized enslavement as a tactic of power, control, and resource generation contributing to the political, military, and financial growth of the organization. The next section discusses the regulation of slavery by the Islamic State, focusing on what happened after civilians were captured in the Sinjar attack and massacre.

The Regulation of Slavery by the Islamic State

The Bellagio-Harvard Guidelines on the Legal Parameters of Slavery (2012) set out the fundamental activities that determine the existence of slavery as an act of possession, or more specifically as a relationship between two or more people that is marked by “the powers attaching to the right of ownership”.⁶⁸ This is critical in that the concept and nuances of property and possession are the key organizing principles of the 1926/1956 UN Convention(s) on slavery, and provide both the basis for a widely agreed legal definition, as well as a highly useful social scientific operational definition, of slavery as a human activity.

The law of ownership includes specified *indicia*. These are indicators that specify whether “ownership” exists and can be traced back to Roman law that also applied to the ownership and control of slaves. These *indicia* clarify ownership and thus control and were used by the framers of the 1926 Slavery Convention to specify what activities were to be included under the concept of, and to determine the existence of, slavery. We use these *indicia* to analyze the regulation of slavery by the Islamic State in order to make clear three points: firstly, the close and full relationship of the practice of slavery

by Islamic State with the international legal definition of slavery in the 1926/1956 UN Slavery Conventions. Secondly, that enslavement in practice is multifaceted, and that enslavement as a tactic in conflict as practiced by the Islamic State exhibits a number of these facets. Thirdly, we use these *indicia* to demonstrate that the analyses of conflict and enslavement can be united through the use of precise operational definitions. These operational definitions illuminate the overlapping nature of two areas: conflict as violence directed toward control (including destruction) and the condition of enslavement as violence directed toward exploitation *through* control. In other words, these *indicia* create a clearer picture of the interrelation between violent acts, control techniques, and the intention to exploit that manifests from the Islamic State's slavery operations.

The “powers attaching to the right of ownership” are specifically the *indicia* of possession, which can be used as criteria and descriptors in the diagnosis of the regulation and execution of slavery by the Islamic State. These *indicia* can be grouped into six categories of control and exploitation as follows:

- a. *Buying, Selling, or Transferring a Person* – As noted in the Guidelines: “Having established control tantamount to possession; the act of buying, selling or transferring that person will be an act of slavery. Evidence of slavery may also be found in similar transactions, such as bartering, exchanging, or giving or receiving a person as a gift ...” Clearly, through sales and through bartering, exchanging, or gifting individuals, Islamic State has operationalized slavery within conflict as both a tactic and a logistical practice serving several ends, including that of resource generation.
- b. *Using a Person* – this refers to using a person in order to derive benefit from their service or labor, including profiting from their work or being used for sexual gratification. Men enslaved by the Islamic State were put to work in a number of ways that both served the “war aims” of the group as well as generating resources. The same can be said of women and girls in addition to the various ways in which they were enslaved for sexual gratification, impregnation, familial service, and as payment to others.
- c. *Managing the Use of a Person* – Managing the economic and exploitive processes of a person under control through enslavement is a specific subset of slavery crime in international law. Clearly, the Islamic State, within its large scale and extensive use of enslaved persons did so through a bureaucratic organization that allowed some to oversee and manage the use of slaves, and others to carry out the direct use or exploitation, and still others who managed the specifically economic activities that benefited from selling slaves.
- d. *Profiting from the Use of a Person* – Profiting from the use of a person treated as if they are property is considered, in and of itself, evidence of slavery. There are several levels to the activity of profiting from the use of a person. At the most basic level the logistical use of enslaved people as porters, construction workers, agricultural workers, cleaners, cooks, and in other ways by the Islamic State both meets the criteria of enslavement, but also demonstrates the use of slavery as a logistical tactic within conflict. Specifically, this use frees combatants from logistical tasks so that they may be used for military operational ends.

- e. *Transferring a Person to an Heir or Successor* – Within this conflict, captured women and children, in particular, were likely to be transferred to heirs or successors, as servants, “wives”, slaves, or even as potential heirs in their own right as enslaved women were impregnated in order to produce children for the person who controlled them – the last reflecting a tactic used to achieve the strategic aim of cleansing but populating territory absorbed into the Caliphate.
- f. *Disposal, Mistreatment, or Neglect of a Person* – The Guidelines explain that within cases of slavery, “Evidence of such mistreatment or neglect may include sustained physical and psychological abuse, whether calculated or indiscriminate; or the imposition of physical demands that severely curtail the capacity of the human body to sustain itself or function effectively.” It goes on to make clear that this includes “disposal”, that the person might be killed with impunity since they are, in effect, like any other piece of property that might disposed of.

Taking these criteria into consideration, it is clear from the planning stages, to the logistics in transferring the Yazidi civilians to different locations from their point of capture, that the Islamic State established a form of bureaucratic regulation of slavery which met not some, but all, of the legal subcategories of enslavement under the UN Slavery Convention. This in turn demonstrates the extensive and complex nature of the regulation of their slavery system. Buildings were prepared to serve as specific bases for this regulation. This section will first provide a graph of the enslavement structure, termed by us as the Division and Regulation of Enslavement Framework (DREF). Then, it will detail aspects of the division and regulation using testimony from survivors. It will discuss how the findings from the application of this framework involve both domestic and international concerns.

The Division and Regulation of Enslavement

In order to understand the processes in the Islamic State’s emerging tactic of slavery, it is important to first narrow a focus on creating a corpus of knowledge from largely first-hand experiences that detail conditions of regulating bodies. Then, we are able to assess the patterns that emerge, as well as any distinguishing features between experiences and investigative reports. In this way, we were able to analyze what is common in the slavery structure, such as girls and young women being subjected to conditions that evidenced gender and puberty as a factor in the Islamic State’s decision process of dividing civilians upon capture. At the same time, we were able to assess how different conditions in the experience indicate a specific strategy of predetermining the “resource” of the captured civilians before the Islamic State performed the Sinjar attack.

Figure 2 provides an overview of the process of enslavement, compiled from resources listed in the references. While not an exhaustive list, it provides a glimpse into how the Islamic State categorized civilians and processed them in a manner which can only be seen as a tactic of strengthening the human and economic resources of this non-state actor. The categories are primarily based on the conditions of the Yazidi populace. A system of cross-referencing media reports with United Nations documents and academic analysis was applied, taking into account some discrepancies that existed on the

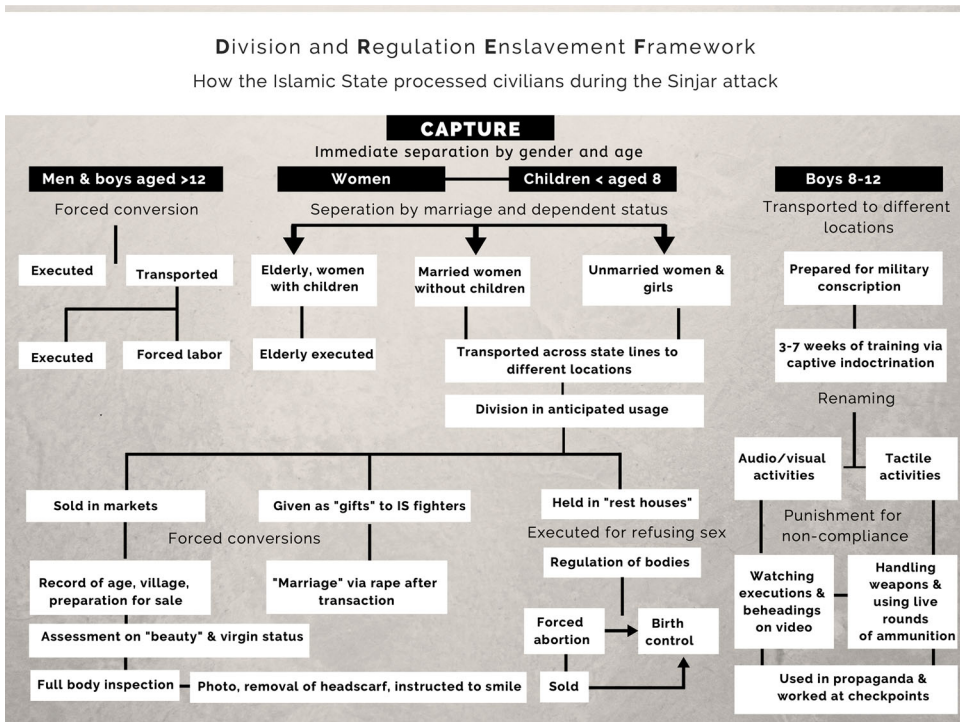


Figure 2. Division and regulation of enslavement framework.

ages of children for military training (ranging from 8-10 years old as the point of military conscription).

The above figure reveals the outcome of the Islamic State's division and regulation of slavery in its territory. It is noticeable how the process was systematic, demonstrating a methodical process of capturing, containing, classifying, processing, and disposing of civilians, in more than one location and at more than one time. It also reveals a gender-based approach to division of slaves. The economic and cultural value of each enslaved person was based first on their gender, then their age, and further on visual and physical attributes. Women and girls had specific inherent value, both economic and cultural, with the result that gender also determined differential conditions of enslavement. Based in primary data, including survivor testimony given to the UN and Human Rights Watch, the regulation of enslavement in Islamic State-controlled areas can now be described in detail, using the Division and Regulation of Enslavement Framework outlined above.

Upon entering the villages in the Sinjar region, the Islamic State immediately ordered the civilians to gather publicly.⁶⁹ Once forced to gather in a public space a visual inspection determined gender and age. Determining age sometimes consisted of an inspection to determine pubescence.⁷⁰ Civilians were separated by gender and age into the following categories (with slight discrepancy on reports of boy's ages): Men and boys aged twelve and above; single women and women who had children younger than eight; and boys aged eight to twelve. This classification and separation usually occurred at the primary capture site.⁷¹

Men

The Islamic State executed the majority of the men and boys determined to be “adults”. A minority were allowed to undergo forced conversion.⁷² These were conversions at the end of a gun; for reasons that are not yet clear some men were allowed to choose conversion when threatened with execution. Of this minority some were transported and enslaved as laborers on farms, in construction projects, and in the trenches.⁷³ Some were also executed upon arrival at a second location.⁷⁴

Women and Girls

Women were separated by marital status and known dependents. Some women claimed children who happened to be near them as dependents in order to not be categorized as “virgins”. They had perceived that “virginity” increased their likelihood of exploitation due to the high “value” it has in the Islamic State enslavement system.⁷⁵ The Islamic State soldiers in charge of classification doubted the marital status of some women, who were then questioned and examined. Women above the age of sixty were deemed elderly and executed.⁷⁶ The more valuable married women without children and unmarried women and girls were separated and transported to registration sites in different locations.⁷⁷ Firstly at the point of capture, and then at the registration and classification sites the captors divided the girls and women into different categories based on their intended use by Islamic State.

The division of women and girls was in accordance to three anticipated uses: being sold in local or online markets; being given as “gifts” to Islamic State fighters; and being enslaved for forced sexual exploitation in “rest houses”.⁷⁸ The women sent to be sold experienced forced conversions.⁷⁹ As a fungible commodity they were assigned a registration number.⁸⁰ A record was kept of their first, middle and last name, their age, their home village, and their marital status.⁸¹ In processing these women, inspectors forced them to remove their veils and expose their hair. There are reports that their teeth were inspected, and that the color of their eyes might also affect their value.⁸² A full body inspection culminated with photos taken of them with forced smiles.⁸³ Anyone who has attended organized sales of commercial livestock will recognize these procedures.

Once processed, classified, and prepared for market, the women were auctioned off in the various “live” slave markets or in online markets through encrypted mobile applications such as Telegram.⁸⁴ In the “live” markets, women were lined up and made to walk without headscarves amongst the male buyers who would then express interest or bid on specific women.⁸⁵ Once sold, they were often transported to their buyer’s home via the buyer’s personal vehicle. Several sources indicate a wide range of international buyers, some paying thousands of dollars.⁸⁶ As the United Nations envoy Zainab Bangura noted, “girls get peddled like barrels of petrol”.⁸⁷ Identities and motivations of these “international buyers” in both face-to-face and online markets are not clear. Were they supporters of Islamic State seeking to acquire slave women and through those purchases increase the economic resources of IS? Were they criminals, already engaged in human trafficking and enslavement, who paid lip service to IS in order to gain access to the markets? And if international buyers were using online auctions to acquire enslaved women and girls, apparently paying the largest amounts for these living “spoils”, how were their purchased items delivered to them? Whatever their characteristics and

motivations, these were significant funders, fitting neatly into a complex and coordinated tactical logistical system of resource development by the Islamic State.

Some girls and women deemed economically and culturally “valuable” were given as “gifts” to Islamic State leaders and fighters in certain military campaigns. Abu Sayyaf, a senior ISIS commander, was known to keep slaves specifically for sexual exploitation, including a pair of Yazidi sisters who later escaped to the safety of an American Special Forces command post in Iraqi Kurdistan in October 2014, and an American hostage, the aid worker Kayla Mueller. After U.S. Delta Force killed Sayyaf in a raid on his compound in May 2015, intelligence determined that his wife, Umm Sayyaf, was regularly selling female captives as slaves – some after they had first been raped by Islamic State leader Abu Bakr al-Baghdadi, including the American hostage Kayla Mueller.⁸⁸ In another instance, women and girls enslaved for sexual exploitation were openly awarded as prizes to the winners of a Qur’an memorization competition in ISIS-controlled Mosul in June 2015.⁸⁹

Other enslaved women and girls were handed over to Islamic State leaders and fighters as “wives”. “Marriage” between an enslaved civilian and an Islamic State fighter would immediately occur via rape.⁹⁰ This “marriage” carries a number of implications concerning both the tactical and strategic uses of enslavement by the Islamic State. A “wife” within the parameters of the theological worldview of the Islamic State was also property, but importantly, was also a woman not just available for sexual and logistical exploitation but also for legitimate, theologically recognized, impregnation, child bearing and rearing. As Ariel I. Ahram has argued: “Placed into sexual slavery, captured women and girls became, in effect, breeding stock.”⁹¹

These forced “marriages” of enslaved women achieved both tactical and strategic goals of the Islamic State. Firstly, the “marriages” converted apostate or *mushrik* women into theologically acceptable wives and mothers. This both decreased the number of “enemy” peoples within the emerging “Caliphate” and had the potential to increase the number of true believers and ultimately IS fighters through procreation. It has been argued by Fisher and others that such forced impregnation is a form of genocide,⁹² and the “cleansing” required to establish the “Caliphate” is a specific example of such genocidal rape and impregnation by the Islamic State, not least in that it displays other known markers of genocide in the planning, organization, and coordinated execution of rape and “cleansing”, to achieve strategic aims. Secondly, these enslaved “wives” were required to provide extensive logistical support to their “husbands” as well as to their nonenslaved senior sister wives.

Girls and women were also enslaved and sexually exploited in “rest houses”.⁹³ These locations served as sites for Islamic State fighters to visit and rape civilians in the same controlled and organized way that Japanese forces in World War Two maintained an extensive network of “comfort stations” where civilian women were raped.⁹⁴ If women and girls refused sex with Islamic State fighters, they were executed.⁹⁵ The threat of execution was also used to deter resistance to sexual assault.⁹⁶ Within these “rest houses”, there was further regulation and control of women’s bodies. Islamic State religious parameters stipulate that a man cannot have sex with an enslaved woman if she is pregnant. Therefore, women who were pregnant on arrival were forced to abort their fetuses.⁹⁷ Forced abortions also occurred if women and girls became pregnant while in

the rest houses.⁹⁸ Some were put on birth control to prevent pregnancy.⁹⁹ Some women and girls were also sold from these locations.¹⁰⁰

Nadia Murad describes the pattern of events that became familiar for her and thousands of other Yazidi women sold into sexual slavery by ISIS:

“We would be bought at the market, or given as a gift to a new recruit or a high-ranking commander, and then taken back to his home, where we would be raped and humiliated, most of us beaten as well. Then we would be sold or given as a gift again, and again raped and beaten, then sold or given to another militant, and raped and beaten by him, and sold or given, and raped and beaten, and it went this way for as long as we were desirable enough and not yet dead.”¹⁰¹

Male Children

Boys aged eight to twelve were transported to various locations, sometimes across state lines.¹⁰² The boys were given new Islamic names.¹⁰³ They were prepared for military use and religious education.¹⁰⁴ This preparation consisted of three to seven weeks of “training” via captive indoctrination that consisted of audio/visual desensitization activities and military training.¹⁰⁵ For the former activities, the children were made to watch executions and beheadings on videos.¹⁰⁶ For the latter, they were made to handle weapons and use live rounds of ammunition.¹⁰⁷ They were punished for noncompliance, with reports of rape, flogging, and torture.¹⁰⁸

This regulation of slavery relates to a triumphant display of sovereignty over territory. The captured civilians were taken over state borders that were deemed “erased” by the establishment of the Caliphate. The free population in the territory was aware of the existence of slavery.¹⁰⁹ While some locals were directly implicated in economy of slavery, there were also notices advertising escaped slaves placed in prominent public areas. Photos of slaves were displayed at exit checkpoints around Mosul so that no slave could escape unnoticed. The Islamic State purportedly offered a 5,000 USD reward to anyone who returned an escaped slave.¹¹⁰ As the number of enslaved persons increased, ISIS leaders fixed the price of slaves being sold at markets in October 2014 to halt any price deflation. Children aged one to nine were sold for 200,000 Iraqi dinars (approximately 170 USD), with a \$40 reduction for every subsequent decade the slave for sale was aged.¹¹¹ These slaves were not just purchased by ISIS fighters and kept inside their territory (especially Raqqa), but were also purchased by human traffickers who transported them to residences and brothels across the entire Middle East region.¹¹²

This evidence of public awareness of the enslavement, coupled with the findings presented in this section on the Division and Regulation of Enslavement Framework, suggests it is imperative to consider the domestic and international aspects in the Islamic State’s institution of this crime against humanity.

The Domestic and International Aspects of the DREF

The Division and Regulation of Enslavement Framework displays how the Islamic State controlled captured civilians, and how the slaves were allocated as “resources” that strengthened the terror actor. Through an analysis of determining the execution of men, the three uses for female slaves, and the specific utility of male children in a

jihadist proto-state, it is apparent that the Islamic State's institution of slavery has both domestic and international aspects. Even though a non-state actor, this insurgent organization had considerable control over the territory it occupied. Its first acquisition of a significant area of territory within Iraq was Fallujah in January 2014, and later Mosul and Tikrit in June (known then as *Islamic State of Iraq and Levant*, ISIL/ISIS). During that time, the Islamic State kidnapped Kurdish boys along the Syrian border in May 2014 and put them in religious schooling. It focused on territory acquisition with an approach that didn't just "grow" the non-state actor's control, but used the rural population to strengthen both the military and the urban occupations in terms of human resources.

This strategic approach first consisted of controlling major cities with infrastructure and municipal services. These cities had buildings that would easily be adapted into religious and political offices. Then, the Islamic State expended fighters and resources into clearing small villages (places deemed insignificant in terms of not having traditional energy resources, agriculture, or infrastructure). After that, the "human resources" of captured, often enslaved, civilians were brought to urban areas. This, in turn, attracted people from rural areas to these urban zones and particularly to locations where they might purchase enslaved people. This "shopping" for, acquiring, and exploiting enslaved civilians was seen as the rightful prerogative of the "citizens" of this "state".

The *domestic* aspect of the enslavement institution considers how a city's infrastructure, such as schools, housing areas, and wedding halls, were adapted to contain this human resource and commodity. Also, it considers how civilians sympathetic to the Islamic State adapted to accepting the transactions of humans as a "norm" within this political system, even participating in returning escaped slaves to their owners. The *international* aspect of the slavery institution include the following, interrelated elements: how the transactions (trafficking) of people as resources involved crossing areas that are deemed by the international community as a state border; how the Islamic State flaunted this practice to the international community by projecting a form of sovereignty over territory and a monopoly of violence over its civilians and property (classic "state" features); how slavery as an institution became a piece of discourse in the international community linked to the identifications of *what* this state actor might be; the fact that many buyers were international; and how processes outside of the Islamic State's direct control or religious justification facilitated human trafficking and enslavement for commercial sexual exploitation up toward Europe.

Conclusion with Recommendations

This article has shown how the Islamic State systematically established and regulated slavery in the territory it controlled from 2014 to 2017, both in ways strategic and tactical within its military operations, and as an element of "state" building. This article provided a method of using a wide range of sources, from investigative reports to United Nations documents and testimony from survivors—demonstrating how this is a growing field of inquiry. From the assessment of the slavery regulation presented in this article, two distinct policy issues emerge.

First, there is a need to explore how slavery aided a violent non-state actor in a manner that was considered "successful" for its objectives. This includes understanding how

the practice operates as a tactic in constructing and strengthening the political features of sovereignty, legitimacy, and authority as well as serving strategic aims. In much of the literature on the Islamic State and its practice of enslavement, there is either a deep focus on one demographic (such as children in its promotional materials) or the morality of this practice of enslavement (such as slavery being permissible/impermissible in Islam). However, there is still a great need to develop an understanding of it as a *specific* tactic that needed *certain* conditions available for it to emerge, and how the enslavement operated in a largely open, systematic manner for several years. This does not diminish the moral issue of enslavement. Instead, it offers a perspective that helps in understanding how the Islamic State's "success" of enslavement can be immediately identified and hopefully can be halted in the actions of a future non-state actor. As such we underscore the United Nations Security Council Resolution 2331's emphasis on "the importance of collecting and preserving evidence relating to ... acts of trafficking, particularly the sale or trade in persons."¹¹³

This leads to the second area of exploration, namely the identification of gaps of perception and interpretation that existed during the critical time of noticing the capture of slaves, the institutionalization of enslavement practices, and the investigative response time that followed. Although humanitarian actions were undertaken in a swift manner (such as food drops to trapped Yazidis in the Sinjar mountain region), there is a need to investigate how the presence of slavery was considered in planning the coalition actions aimed to defeat the Islamic State.

Both of these areas of exploration require a multidisciplinary approach, as the first "scope" of comprehending the conditions of enslavement was in a lens of the Islamic State being an insurgent group, and consequently treating enslavement as a norm that is condemned in the international community. However, the Islamic State did not regard the concerns of the international community, and even used the justification of working in a capitalist society as participating in form of modern day slavery.¹¹⁴ While the condemnation of slavery by the international community is justifiably strong, it inadvertently overshadows an understanding of it as a tactic that strengthens terrorist and insurgent groups in vital areas, how it might serve their strategic aims and how certain conditions made slavery a possibility and an institution.

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