

## **Joint Open Letter**

**By Yazda and the Free Yazidi Foundation to the Iraqi Government, the United States, European Countries and the United Nations**

**On the Risks to Accountability, Security, and Justice Arising from the Transfer of ISIL Detainees from Syria to Iraq**

January 23, 2026

We, the undersigned organizations, write to express our deep concern regarding the transfer of ISIL detainees from northeastern Syria to Iraq at a time of heightened regional instability. According to [publicly available information](#), 150 ISIL detainees have already been transferred, and plans are reportedly underway that could involve the transfer of up to 7,000 ISIL prisoners, including Foreign Terrorist Fighters (FTFs). Although we recognize the complex security challenges faced by Iraq and its partners, large-scale transfers carried out without an internationally supported accountability framework risk undermining justice efforts, regional and global security, social cohesion, and long-term stability.

These transfers are taking place amid ongoing attacks by Syrian Government forces and affiliated armed groups against the Syrian Democratic Forces (SDF) that had been holding ISIL detainees for several years. The attacks are affecting detention facilities and displacement camps. This includes Al-Hol camp, which continues to host tens of thousands of individuals with alleged ISIL links and has long been recognized as a highly fragile environment with significant protection and radicalization risks.

The deteriorating security environment in northeastern Syria heightens the risk of ISIL and extremist resurgence, posing a direct threat to civilians, including ethnic and religious minorities, such as Yazidis, in both Syria and Iraq.

In this context, the movement of large numbers of ISIL detainees raises legitimate concerns about safety, oversight, and Iraq's capacity to manage, without sustained international support, a significantly increased number of ISIL prisoners while ensuring meaningful accountability. We therefore underscore the urgent need for full transparency, coordination, and international engagement throughout the process, including sustained support for the SDF, who for more than a decade have played a critical role in protecting civilians, securing detention facilities, and preventing ISIL resurgence on behalf of the international community.

Our organizations were established in direct response to ISIL's genocide against the Yazidi community and its systematic targeting of all those who opposed or did not conform to its extremist ideology. For more than a decade, together with survivors from Yazidi, Christian, Shia Turkmen, Shabak, and other affected communities, we have consistently called for accountability that reflects the full scope and gravity of ISIL crimes.

To date, accountability efforts have remained limited. In Iraq, ISIL members have largely been prosecuted under terrorism-related charges, leaving core crimes, such as genocide, crimes against humanity war crimes, sexual violence, killings, torture, enslavement, forced indoctrination and militarization, and forced displacement, unaddressed in judicial proceedings. This approach has prevented the establishment of an authoritative judicial record of ISIL crimes committed against all affected communities and has excluded survivors from meaningful participation in justice processes.

Accountability for ISIL crimes is not only a legal obligation but a necessary foundation for reconciliation, sustainable peace and global security. Prosecuting ISIL members for genocide, crimes against humanity, and war crimes is essential to reveal the systematic and multi-community nature of ISIL violence, counter denial and historical distortion, and ensure that responsibility is attributed to individual perpetrators rather than entire communities. Credible justice processes can therefore reduce grievances, prevent collective blame, strengthen trust in state institutions, and contribute to long-term stability and non-recurrence.

While we are deeply concerned by current developments, particularly the rise of extremist behaviour and targeted attacks against ethnic and religious minorities, we also recognize that this presents an important moment for Iraq to combat impunity. Iraq has taken meaningful steps toward recognition and accountability for ISIL crimes, including the adoption of a groundbreaking reparations framework, the [Yazidi Survivors Law](#), and ongoing efforts to exhume mass graves of ISIL victims across the country. These exhumations are uncovering critical evidence of atrocities committed against multiple communities and underscore the urgent need for prosecutions that reflect the full extent of these crimes. Without corresponding judicial processes that hold perpetrators individually responsible, these efforts risk remaining incomplete and falling short of survivors' expectations for justice and truth.

Iraq's recent election to the United Nations Human Rights Council for the 2026-2028 term and its National Action Plan on Human Rights further provide a framework for strengthened international cooperation on accountability. With coordinated international support, Iraq can transform these efforts into a comprehensive justice process that establishes the truth about ISIL crimes against all affected communities, strengthens social cohesion, and contributes to durable peace and non-recurrence.

Despite the passing of time, survivors continue to express a clear and consistent demand for justice. In a [recent survey](#) conducted by Yazda with 601 survivors, more than 98% emphasized the importance of prosecuting ISIL members for genocide and crimes against humanity, and 95% rejected any form of amnesty. These views reflect not only a desire for accountability, but for truth, recognition, and a future free from recurrence.

In light of the above, we respectfully call for the following actions:

#### **To the Iraqi Government**

- **Ensure full transparency and oversight regarding any transfer of ISIL detainees from Syria to Iraq**, including public clarification of the number and nationality of detainees, and applicable legal safeguards, in coordination with relevant international partners and institutions.
- **Establish and apply rigorous vetting, screening, and classification procedures** for all transferred detainees, with international technical support as needed, to assess individual criminal responsibility, distinguish between levels of involvement, identify suspects responsible for core international crimes, and ensure that those most responsible are prioritized for prosecution.
- **Guarantee that no form of amnesty, pardon, or early release** is granted to individuals responsible for genocide, crimes against humanity, and war crimes, and publicly reaffirm Iraq's commitment to accountability in line with international law and survivor expectations.
- **Adopt comprehensive legislation incorporating genocide, crimes against humanity, and war crimes into national law**, ensuring that ISIL crimes are prosecuted in their full scope and that judicial proceedings contribute to truth-telling, reconciliation, and social cohesion. In this regard, the existing draft law prepared by the Committee on International Humanitarian Law linked to the Prime Minister's Office should be formally transmitted to Parliament for discussion and adoption as a matter of priority.
- **In parallel with domestic efforts, explore complementary international accountability pathways, including cooperation with the International Criminal Court (ICC)**. This could include lodging a declaration under Article 12(3) of the Rome Statute to accept the Court's jurisdiction, and referring at least one high-level ISIL member for prosecution, thereby providing an international judicial platform that would draw global attention to ISIL crimes, reinforce the rule of law, and contribute to countering radicalization by publicly exposing and condemning the group's atrocities.

#### **To States**

- **Provide sustained support to the SDF and relevant civilian authorities responsible for securing ISIL detention facilities and displacement camps in northeastern Syria**, while prioritizing the protection of civilians and preventing actions that risk destabilizing these facilities, enabling escapes, or contributing to renewed ISIL and extremist activity.
- **Provide sustained, predictable, and coordinated legal, technical, financial, and political support to Iraq**, including support for judicial reform, specialized war crimes units, forensic and investigative capacity, detention management, and witness and survivor protection, to ensure fair trials that meet international standards.
- **Support transparency and accountability mechanisms related to detainee transfers**, including monitoring arrangements and information-sharing frameworks, and

continue to support partners responsible for securing detention facilities and protecting civilians from ISIL and extremist threats.

- **Repatriate their nationals detained in Syria or Iraq without delay** and investigate and prosecute them for genocide, crimes against humanity, war crimes, and related offenses, or actively pursue cases under universal jurisdiction, thereby sharing responsibility for accountability and reducing pressure on Iraq's detention and judicial systems.

#### **To the United Nations**

- **Support transparent, coordinated, and rights-respecting transfer processes**, including by facilitating information-sharing, technical assistance, and international oversight where appropriate, to ensure that transfers contribute to accountability rather than impunity.
- **Ensure timely, transparent, and survivor-centered access to evidence collected by the UN Investigative Team to Promote Accountability for Crimes Committed by Daesh/ISIL (UNITAD)**, so that national and international courts can effectively pursue accountability and establish a comprehensive historical record of ISIL crimes.
- **Enhance coordination among relevant UN entities** to support Iraq in managing the legal, security, and human rights implications of detainee transfers, with a focus on non-recurrence, social cohesion, and the protection of affected communities.

We remain committed to constructive engagement with all stakeholders. Without coordinated, transparent, and survivor-centered action, the transfer of ISIL detainees risks repeating past failures and undermining prospects for justice, reconciliation, and peace. We therefore urge all concerned actors to act collectively and decisively to ensure that accountability for ISIL crimes against all affected communities is finally realized.

**Yazda**

**Free Yezidi Foundation**