

THE COGNITIVE AND LINGUISTIC IMPLICATIONS OF ISIS PROPAGANDA:
PROVING THE CRIME OF DIRECT AND PUBLIC INCITEMENT TO GENOCIDE

INTRODUCTION

The self-declared Islamic State (ISIS/ISIL/IS/Da'esh) spread their propaganda far and wide through radio stations, television, social media, online forums, physical distribution of writings etc.¹ When assessing whether this propaganda constitutes the international crime of direct and public incitement to commit genocide, one must consider utterances which directly fulfil the necessary *actus reus* and *mens rea* of said crime, as well as the propaganda techniques used in the surrounding narrative which prepares the audience to become susceptible to carrying out such calls.

Dealing with the crime of incitement to genocide itself is unique in the sense that it requires the expertise of linguistics in order to determine the meaning of the words uttered in their geographical, cultural or religious contexts. For example, in determining whether incitement to genocide took place, the International Criminal Tribunal for Rwanda (ICTR), was faced with the challenging task of understanding the Kinyarwanda language.² None of the judges and very few lawyers in the prosecution and defense teams spoke the language.³ Alexander Zahar argues that the Tribunal was thinking in English semantics rather than Kinyarwanda semantics.⁴ Essentially, thinking in different semantics and through the prism of a different culture or tradition can result in a failure to accurately determine the intent of the speaker as well as how the targeted audience perceived a certain discourse, both essential elements of establishing the crime of incitement to genocide.⁵

This chapter will thus analyze key concepts and labels employed by ISIS by placing them in their linguistic, historical, religious and ideological contexts. By doing so it will convey the intended implications of the discourse on the part of the speaker as well as its likely perception on the part of the audience. It is important to note that in order to appeal to their audiences, ISIS rely heavily on culturally and religiously well-established Islamic concepts thus even when writing or speaking in other languages, they refer to such concepts in their original Arabic form. A clear understanding of the meanings behind the words uttered is further essential for a finding of the requisite *mens rea* in lieu of excessive reliance on a causal link with subsequent crimes committed for this purpose.⁶

This chapter will further analyze the cognitive implications of ISIS propaganda by looking at how they employ various media, imagery, music and sound effects in order to make their polarizing messaging more effective. In ISIS Al Hayāt Media Centre's⁷ own words, their aim is to 'convey the message of the Islamic state in different languages with the goal of unifying the Muslims under one flag.'⁸ While essentially the same themes run through their various media, each one serves to achieve a different psychological effect on the audience with the main aim of creating a black and white picture of the world. The audience is presented with a choice of being either with the ISIS and following their strict interpretations of Islam, including the necessity of killing and terrorizing everyone who remains outside the group, or are themselves branded unbelievers and therefore a lawful target for killing. The demarcation between the in-group and out-group is thus constructed entirely on a very specifically defined religious belief and practices with absolutely no room for leniency or compromise with regards to variations in said belief or approach to the 'other'. ISIS tap into mainstream Muslim expectations and beliefs, sentiments and grievances, to structure a

convincing narrative of hatred and the denial of any dignity of the out-group.

Building a case against ISIS and putting together evidences proving incitement to genocide is very timely particularly in light of the adoption of the United Nations Security Council Res. 2379 (2017) which established an investigative team to Promote Accountability for Da'esh/ISIL Crimes (UNITAD) and to ensure that perpetrators of those heinous crimes be brought to justice.⁹ Since Iraq has ratified the Genocide Convention on January 20, 1959,¹⁰ individuals sufficiently involved in ISIS media organs could be prosecuted for the crime of direct and public incitement to commit genocide before Iraqi courts.

ISIS IDEOLOGY AND ITS EMBEDDEDNESS IN JIHĀDI-SALAFĪSM

The ISIS *jihādi* campaign is a mixture of *Salafism* and Qutbism.¹¹ The term *Salafism* is a form of Islamic revivalism which seeks to bring society back to the practices of the first three generations of Muslims, the *salaf*.¹² This idea as well as the rest of the core *Salafī* theological corpus was adopted from the medieval scholar Ibn Taymiyyah (d.1328), a controversial figure of his time, who has become one of the most influential medieval writers in contemporary Islam.¹³ According to Taymiyyah the correct method of interpreting the *Qur'ān* was crucial. He attacked what is known as '*tafsīr al-Qur'ān bi-al-ra'y*' (interpretation based on personal opinion) and contended that even if one arrived thus at the true divine meaning of the *Qur'ān*, such an interpretation would have to be rejected since done through the wrong method.¹⁴ According to him, one is strictly bound in their interpretation of the *Qur'ān* to the *Qur'ān* itself, the *Sunnah* (the Prophet's acts and words) and the interpretations of the *salaf* considering them more knowledgeable due to their proximity to the revelation.¹⁵ While the medieval exegetical tradition refused to succumb to

such a radical restriction on the authority of the exegete,¹⁶ Taymiyyah's radical hermeneutics nevertheless resonates with a segment of the Muslim population. As is the case for all Muslims, the fundamental component running through the belief of *Salafism* is the doctrine of God's oneness (*tawhīd*).¹⁷ However *Salafīs* principally criticise other Muslims for what they see as denying *tawhīd* by corrupting the faith with beliefs and practices that are not Islamic. The idea that most Muslims despite professing *tawhīd* do not follow or even understand, it was also espoused by Mohamad bin Abdel Wahhab, the founder of the Saudi, and arguably more radical, version of *Salafism* pejoratively called Wahhabism.¹⁸ In this sense Saudi *Salafism* presented itself as a correction to widespread *jahiliyyah* (ignorance) declaring anyone else an infidel.¹⁹

Salafism evolved in the twentieth century, with the emergence of Hassan al-Banna's Society of the Muslim Brotherhood (*al-Ikhwān al-Muslimīn*). A legendary speaker himself, Banna carefully chose other individuals with oratorical capabilities for high positions within the society, created his own press and played heavily on the emotions of people to win support.²⁰ Most importantly, he organized mass meetings for strengthening loyalties, proclaiming aloud the facts of unity, universality, and power and creating an atmosphere of internal strength and hostility to the outside world.²¹ These propaganda techniques were highly effective and the Brotherhood became the ideological and institutional epicentre of fundamentalism in the Arab sphere and the Islamic world.²²

ISIS echo these divisive propaganda techniques and the *Salafist* ideology in the aggressive assertion that their view is the only pure and authentic interpretation of the worship of God. To give legitimacy to this claim they purport to follow the so-called prophetic methodology

(*'ala minhaj al-nubuwwa*). They have produced a video on the topic²³ and all major decisions and laws promulgated are claimed in their press pronouncements, on billboards, license plates, stationery and coins to adhere to said methodology.²⁴ Unsurprisingly, they also call their political creation the 'Caliphate upon the prophetic methodology' and claim all the *Shari'ah* institutions, therein, training camps, and even the kindergartens are upon the methodology of prophethood.²⁵ This propaganda technique serves to close the doors for any alternative opinions and interpretations and presents ISIS as infallible, as the only ones who follow divine as opposed to man-made laws thereby creating a polarized view of the society, whereby you either follow them or you are a *kāfir* (unbeliever, pl. *kuffār*).

When the originally peaceful *Salafist* concepts were incorporated into the school of *jihād*, the military dimension became essential.²⁶ The adherents of the *jihādī-Salafist* movement follow a stricter approach to the question of *hakimiyyah* (ruling in accordance with God's sovereignty) and believe in a duty of declaring unbelief (*takfir*) upon those who have deviated from this principle, showing an open display of enmity, disavowal and hatred towards them and waging *jihād* (holy war) against them.²⁷ The core aim of the *jihādī-Salafist* movement lies in 'a revolutionary program of overthrowing un-Islamic regimes in the Muslim world, as well as irredentism aiming at expelling non-Muslim military presence and influences from Muslim lands.'²⁸ An important event in light of this was the killing of Egyptian president Anwar Sadat in 1981 when his assassin shouted: "I have killed the Pharaoh, and I do not fear death."²⁹ The concept of Pharaoh as a paradigm of the evil ruler and a prototype of tyranny stems from the book of Exodus for the Judeo-Christian religion.³⁰ For Muslims, the Pharaoh similarly appears as the ultimate example of the irreligious and oppressive ruler whom it is the believers' duty to disobey and if possible to overthrow.³¹ In the words of Lewis the choice of Pharaoh as the "prototype of tyranny conveys a religious

perception of the offense, the judgment, and the punishment executed.”³² The inspiration and coordination of Sadat’s assassination came from Abd al-Salam Faraj. In his work *The Neglected Duty*, Faraj called upon fellow Muslims to assassinate their “un-Islamic” leader, whom he considered “the near enemy,” in order to establish a truly Islamic caliphate which would eventually take on the “far enemy,” i.e. the crusader Americans and the Zionist Jews and rule the world.³³

As many other contemporary radical Islamist movements, ISIS subscribe to the core *jihādī-Salafīst* aims and employ much of the same language when describing the enemy, for example Pharaoh for a ruler they perceive to be un-Islamic.³⁴ However the extremeness of their approach to *jihād* and their widespread application of *takfīr* distinguishes them from other radical groups, such as al-Qaeda, and has led also to the killing of thousands of civilians at their hands.³⁵

A fundamental part of *jihādī-Salafī* as well as ISIS ideology is the principle of *al-walā’ wa-l-barā* (loyalty and disavowal) in the sense of openly showing animosity towards what is non-Islamic. They employ it as a tool for polarising audiences along a strict delineation between their construction of Islam and everything and everyone else.³⁶ In essence *al-walā’ wa-l-barā* signifies love and hate or loyalty and disavowal for the sake of God, understood as steering away from *bid‘ah* (heretical innovation in religion), *kufr* (unbelief) and *shirk* (idolatry or polytheism), i.e. anything that might be non-Islamic be it thought, action, individual or institution.³⁷ During the first two Saudi states the concept was politicized in the sense that it counselled tribes and rulers against seeking the help of non-Muslims. Thus, portraying the Ottomans as *mushrikūn* (idolaters or polytheists) the concept of *al-walā’ wa-*

l-barā was developed in an attempt to win the loyalty of wavering Hijazi tribes for al-Sa'ūd's reign instead.³⁸

In his famous work *Millat Ibrahim* (The way of Abraham), Abu Muhammad al-Maqdisi, however, transformed this passive concept into a muscular and aggressive one, requiring a series of positive and affirmative acts.³⁹ Apart from Prophet Ibrahim's acts representing *al-walā'* to God, the example of physically destroying a number of idols surrounding the Ka'ba is given as his most important *barā* from them.⁴⁰ Maqdisi quoted Hamad ibn 'Atīq to clarify that uttering the *Shahādātayn* (the two testimonies of faith)⁴¹ was not sufficient for a Muslim to declare his religion when amongst the unbelievers but in fact he "has not openly declared his religion until he opposes every assembly [of disbelief] in whatever disbelief it is famous for, while clearly declaring his enmity towards it and his disavowal (*barā*) from it."⁴² *Millat Ibrahim* still enjoys a sustained readership within radical circles and by Maqdisi's own testimony has become the cornerstone of *jihādi* ideology.⁴³

The radical interpretation of *al-walā' wa-l-barā* includes the practice of *takfīr*, which is an act of religious censure depriving a Muslim of their Islamic status based on an accusation of *kufr*, thus making them subject to lawful killing.⁴⁴ The issue with the practice of *takfīr* lies in its subjectivism, rendering it an extremely dangerous weapon in the hands of fanatical sectarians.⁴⁵ Historically, its use often went beyond the religiously defined 'unbelief' and served in political, social, or cultural conflicts between individuals or groups.⁴⁶

Accusations of unbelief and the resultant trials, aimed at monitoring and repressing parties opposed to the established theological and political order, began in the second/seventh century with the emergence of the *Khawārij*, who followed a simple principle, namely that

anyone disobeying God should automatically be condemned as a *kāfir*.⁴⁷ They saw themselves as the only real Muslims, branding everyone else as *kuffar*⁴⁸ and considered their killing permissible.⁴⁹ Like the *Khawārij*, ISIS considers resisting a single ruling (*hukm*) of the *Shari‘āh* as a reason for declaring *takfīr* and a justification for killing.⁵⁰ Unsurprisingly, they also reject the idea of *irjā’* (postponing) as “the most dangerous *bid‘ah*.”⁵¹ This concept refers to the call for postponing the question of who is a true Muslim until God’s own judgment in the afterlife as humans are not fit to evaluate the faith of another. It was brought forward by the *Murjia ‘ah*⁵² who witnessed the bloody massacres between the proto-Sunnis, the proto-Shi‘a and the *Khawārij*.⁵³ ISIS on the other hand praise those who “fight, massacre, and terrorize the *kuffār* while not differentiating between them under the influence of *irjā’*”⁵⁴ while accusing those practising *irjā’* as the ones, who “made Islam into a mere claim having no reality.”⁵⁵

The most infamous declaration of *takfīr* by the *Khawārij* was on Caliph ‘Ali for concluding an arbitration agreement with Mu‘awiya. ⁵⁶ The *Khawārij* argued that by doing so ‘Ali had followed human judgment instead of divine judgment thus his action was clearly *kufr*.⁵⁷ It is *hakimiyyah* or the doctrine of absolute sovereignty of Allah which dictates that all governance is in accordance with the *Shari‘āh* and not man-made laws, a principle rigorously followed by ISIS.

Regarding situations of ruling or judging in accordance with anything other than the *Shari‘āh*, the general *Salafī* doctrine places importance on whether such governing is regarded as being permissible. It distinguishes between major and lesser *kufr* in this regard, whereby somebody is a *kāfir* in cases where he regards it as being permissible or denies that

which Allah has revealed, and in cases of promulgating legislation that goes against the laws of Allah.⁵⁸ In instances of injustice and oppression in individual cases, this is considered to be only lesser *kufir* which does not make one a *kāfir*, provided that he believes that he is sinning and that the ruling of Allah is true.⁵⁹ While not a major disbelief, this is still a major sin, and is worse than many other major sins.⁶⁰

The *Khawārij* in comparison considered it a major *kufir*, even if it was only in a specific case, and even if the one who did it, believed that he was disobeying Allah.⁶¹ The *Khawārij* cited a precedent for their declaration of *takfir* on ‘Ali, namely the murder of the Third Caliph, ‘Uthman. This murder had been justified by declaring that ‘Uthman had ‘broken God’s law by not inflicting a penalty prescribed in the *Qur’ān*.”⁶²

The unbelief is ascribed based on the logic that those who rule by legislation other than *Shari‘ah* usurp the divine attribute of God as ‘the legislator’ (*al-Hākim*) for themselves and are categorised as tyrants who rebel against God and impose this rebellion upon others *ṭawāghūt* (sing. *ṭāghūt*). They are also considered polytheists (*mushrikūn*) for making themselves as objects that are worshipped, followed and obeyed as partners beside God.⁶³ If they profess the Islamic faith, they are also hypocrites⁶⁴ and *murtaddūn* (apostates, sing. *murtadd*). Furthermore, turning away from the laws of Allah (*tabdīl shara’ Allāh*) and conferring upon oneself the authority to make *tahlīl* and *tahrīm* (declaring something to be either permissible or impermissible in a way that contradicts the divine legislations of God) “in and of itself, nullifies Islam.”⁶⁵

Salafī-jihādīs interpret any sign of secularisation or democracy as major unbelief and subsequently rush to declarations of *takfir* and *jihād* on such political regimes and their

supporters.⁶⁶ Islamists tend to refer to Ibn Taymiyyah anti-Mongol fatwa in justifying this attitude and have used it as a call to rebellion against the rulers of governments of certain modern Muslim countries.⁶⁷ However according to Yahya Michot, this is a betrayal of the medieval scholar's thought.⁶⁸ He rather links the fatwas to the Mongol project of invading Syria and thus sees it as a call to struggle against a foreign invader (whose newly claimed belief in Islam was suspect) and not the struggle against a Muslim ruler who ruled in a manner that could be subject to serious reserve or criticism.⁶⁹ For the latter situation Taymiyyah rather commanded patience above all in contrast with the radicals referring to him.⁷⁰

THE HATE PROPAGANDA OF ISIS MEDIA MACHINE

The above described ideology, embedded in *Salafī-jihādism* and further radicalized by ISIS is spread to their targeted audiences through their sophisticated media machine⁷¹ using well-established propaganda techniques and high quality productions.⁷² ISIS create daily radio and text bulletins, photographic essays and videos alongside official audio statements from senior members of the group, including the so-called 'caliph' Abu Bakr al-Baghdadi and the then official spokesperson Abu Mohammad al-Adnani. In ISIS -held territories they are controlling several TV stations, distributing DVDs and hard copies of their writings as well as showing their videos on big screens in public parks and blasting their radio broadcasts through speakers.⁷³ Their media however also reaches beyond these territories. For example, *Dabiq* and *Rumiyah* are ISIS's English language online magazines and until early 2018 they were freely available to anyone who had access to the worldwide web.⁷⁴ Their radio station, *Al-Bayan* broadcast in Arabic, Kurdish, English, French and Russian and while FM frequencies could be tuned into from neighboring territories it was also available online

through links and later even through an app.⁷⁵ They have been using a variety of social media including YouTube, WordPress, Twitter WhatsApp and Telegram among others to communicate with recruits and disseminate propaganda materials⁷⁶ and their own Arabic twitter app available through Google Play, called ‘The Dawn of Glad Tidings,’ automatically posted ISIS material and links through the accounts of everyone who had signed up for it.⁷⁷

In places under ISIS control one can thus observe an environment where the marketplace of ideas has been severely diminished and replaced with a saturation of hate propaganda thus creating a fertile ground for its calls to violent action.

a) Speaking in Vox Dei

In the theory of Staub, the basic sources of genocide are cultural characteristics and difficult life conditions.⁷⁸ In terms of the former, authoritarian cultures as opposed to those that celebrate individual freedom and rights are more susceptible to genocide.⁷⁹ Secondly, the hierarchy of motives of a particular society sets which motives are higher on the list and thus easier to ‘make active’ than others.⁸⁰ And thirdly, culture dictates the identification of the enemy.⁸¹

It is clear that ISIS use an extreme reading of the religion for the ‘identification of the enemy.’ Furthermore, ISIS ideology fits important characteristics of Muslim culture, tradition and society. Unlike in Christian Europe, where religion has taken a back seat to mostly secular values, in Muslim societies across the world, religion is still the most important aspect of an individuals’ life with an emphasis on avoidance of sin and the obedience to God. The name Islam in itself stands for ‘submission to God.’ This indicates a culture, not with an acute sense of individual freedom but rather of obedience, albeit not to

any worldly figure, but God himself. Radical Islamist narratives cherry-pick excerpts from scripture, take them out of their context and burry the significance of central Islamic practices⁸² to manipulate and hijack this noble sentiment (which can also be described as one of the main ‘motives’ of the culture), and employ it for less than noble ends.

Using a testimonial persuasion technique, i.e. pretending to speak in *Vox Dei*,⁸³ ISIS heavily lace their narrative with reference to the *Qur’ān*, the teachings of the Prophet Muhammad as well as numerous Islamic scholars, some more other less known.⁸⁴ This method of persuasion relies on the selective omission of facts and the deliberate mischaracterization of events and adversaries and is what transforms hate discourse into hate propaganda.⁸⁵ In the context of ISIS it is ultimately persuasive to a section of the population as it creates the illusion that to deny the orders of ISIS would be to deny the orders of Allah. ISIS further seek to present an aura of legitimacy by publishing and broadcasting in the name of ‘caliph’ Abu Bakr al-Baghdadi who claims direct descent from the Prophet.

b) Polarisation of Audiences

One could categorize ISIS articles, programs, videos and songs according to their different topics, however, the polarization of the audience and the creation of a crisis-solution dichotomy is the leitmotif that runs through nearly all of them. Thus, already the titles of the newspapers *Dabiq* and *Rumiyah* convey this message, when understood in light of their theological connotations. *Dabiq* is a small town in Syria, where, according to Islamic prophecy the apocalyptic battle against Rome (Christians) will take place. To reiterate the location’s importance, every issue begins with a quote by Abū Mus’ab al-Zarqāwī:⁸⁶ “The spark has been lit here in Iraq, and its heart will continue to intensify — by Allah’s permission — until it burns the crusader armies in Dābiq.” ISIS claim they are fulfilling this prophecy by establishing a caliphate and those who join it will be saved whereas all others

will “melt as salt melts in water” upon facing him.⁸⁷ The same idea is hammered in with the title of the second issue of the magazine called “The Flood,” whereby the story of Noah is used to portray the ISIS caliphate as the ark while anyone failing to join shall be wiped away.⁸⁸ Referencing such events may appear insignificant and merely metaphorical to secular audiences, yet a large percentage of the Muslim population believes that they will live to see the apocalypse,⁸⁹ which highlights the importance of conducting an analysis of the material thrust into the social sphere by ISIS in light of how their intended audience understands its implications.

In Issue 4 of *Dābiq*, entitled “The Failed Crusade” and bearing an image of the Vatican on its cover, al-Zarqāwī⁹⁰ is quoted as saying: “We perform *jihād* here while our eyes are upon al-Quds. We fight here, while our goal is Rome.”⁹¹ He then reassures those skeptical that “Allah will grant the Muslims the conquest of Rome, just as Allah’s Messenger (sallallāhu ‘alayhi wa sallam) promised.”⁹² His successor Abū Hamzah al-Muhājir further declares that “we will not rest from our *jihād* until we are under the olive trees of Rome, after we destroy the filthy house called the White House.”⁹³ After 15 issues and when ISIS lost control over *Dābiq* in a humiliating defeat to Turkish-backed rebels, they renamed the magazine to *Rumiyah* (Rome) in order to avoid reminding the readers of their loss while keeping the reference to the same apocalyptic narrative. The fight against “Rome” now represents the fight against all Western civilization as a continuation of the ancient Roman Empire, against which the early Muslims fought.⁹⁴ Thus, already the very titles of *Dābiq* and *Rumiyah* coincide with the group’s genocidal intent as it highlights their aim to eradicate everyone outside the realm of their Islamic belief, a vision embodied in their establishment of their utopian caliphate.

ISIS thus present the ‘Islamic State’ as the *only* justified and legitimate political structure of *the Ummah* (Muslim society) and Abu Bakr al Baghdadi as the *Amīrul Mu’minīn* (the Commander of the Faithful). By doing so they present it as a religious *duty* to pledge allegiance to them and migrate to what is described as a ‘glorious’ new caliphate. To them, in the name of God, victory is promised which will bring the end of humiliation for the Muslims and restore the golden age of Islam.⁹⁵ With this comes a necessary rejection of one’s loyalty to any other group based on tribe, nationality or citizenship.⁹⁶

Anyone who falls outside the circle of ISIS’s adherents, falls in the camp of *kufṛ* (unbelief). In *Dabiq*, Issue 3, al-Zarqāwī puts the readers before a clear choice: “There are only two camps: the camp of truth and its followers, and the camp of falsehood and its factions. So, choose to be from one of the two camps.”⁹⁷ This out-group does not merely include the traditional targets of Islamist groups such as those of al Qa’eda, i.e. the ‘far enemy’ (the crusader West or the communist Russians) and the ‘near enemy’ (secular regimes of Muslim majority countries), but also all other religious groups, different Islamic sects, such as the Shi’a, and even other Sunni Muslims. Using derogatory language and names, these groups are described, as deviant, wicked, innately hostile to Muslims, and their killing is not only described as permissible but as an essential part of practicing the religion and “a form of worship” in itself.⁹⁸

In contrast with the constant denigration of ‘the enemy,’ the articles glorify ISIS fallen leaders and fighters, always writing *tarahhum*⁹⁹ after their names, referring to them as martyrs and their suicide missions as *istishhādi* operations, i.e. heroic deaths.¹⁰⁰ On the other hand, active fighters are called ‘knights’ acting to defend Muslim honor¹⁰¹ or more commonly the *mujāhidīn*, i.e. those engaged in a battle against the enemies of Islam.

In *Dabiq*, Issue 4, “The failed Crusade”, the then spokesperson for ISIS, Shaykh Abū Muhammad al-’Adnānī ash-Shāmī, is quoted adoringly flattering the soldiers:

O soldiers of the Islamic State, what a great thing you have achieved by Allah!... Who are you? Who are you O soldiers of the Islamic State? From where have you come? What is your secret? Why is it that the hearts of the East and West are dislocated by their fear of you? Why is it that the chest muscles of America and its allies shiver out of fear of you?

Dabiq interweaves rational- and identity-choice appeals using a variety of narratives. According to Ingram, similarly to Al Qaeda’s *Inspire* magazine, the architects of *Dabiq* strategically generate psychological, existential and socio-political anxieties in the audience which is presented with a clear choice between the out-group (tied to the image of crisis) or the in-group (tied to the image of solution).¹⁰²

c) The Use of Sound and Vision

Using sound and vision, ISIS push further their divisive narrative as well as their claim of fulfilling God’s will. *Dabiq* and *Rumiyah* are thus replete with images of scripture and the *mujāhidīn* reading scripture or praying; staged or photoshopped representations of events from the *Qur’ān* or Islamic history; the *tawhīd* gesture declaring the oneness of God; the ISIS flag; actions signifying allegiance to ISIS; ISIS exercising their authority by enforcing *Shari’ah* rulings and ISIS engaged in social welfare activities.¹⁰³

Furthermore, the magazines are full of images of the ‘far’ and ‘near’ enemies and the outcomes of the battles between them and ISIS. High-definition depictions of the most abhorrent brutality are not rare, with graphic images of beheadings, the dead bodies of ISIS fighters, the damage caused by Coalition-led airstrikes, and mass killings of civilians are scattered throughout the magazine. The blame for this misery, which ISIS have largely been responsible for creating, is squarely put on the shoulders of the stereotyped and generalized out-groups, further stirring up passions of resentment and desire for revenge. The wide broadcast of unvarnished violence is furthermore an attempt at desensitizing audiences and blunting empathy, attracting individuals to violent action and frightening victims into compliance.¹⁰⁴

ISIS also use *jihādi anashīd* as one of their main propaganda techniques either stand-alone or as video soundtracks. *Anashīd* (religious hymns), have always existed in Islam. However, during the rise of Islamists movements in the 1970s and 80s, a new form emerged, i.e. *jihādi nashīd*. Islamists in Syria and Egypt used *nashīd* songbooks, records and cassettes to change the public’s interpretation of Islam, while exiled Egyptian Muslim Brotherhood members set up youth camps in Saudi Arabia where attendees sung *anashīd*.¹⁰⁵ Some of the *anashīd* written at this time are still used in videos of terrorist organizations today.¹⁰⁶

Initially ISIS relied on existing *anashīd* however they gradually shifted to producing their own and founded a specialized unit for this purpose in 2013.¹⁰⁷ By 2017, 94 percent of their videos used IS-specific *anashīd*. Since they are less prone to being removed from the web, they have become the most popular *jihādi* content online.¹⁰⁸

Sang *a cappella*, producers make the recordings sound more impressive by multi-tracking them with digital software, as if there was a multitude of voices singing in perfect harmony. Composed in classical Arabic they follow the rules of classical Arabic poetry (*qasida*).¹⁰⁹ They tend to adhere to a monorhyme and monometer and thus usually have a strong rhythm, which suggests a great potential to “hook their listeners.”¹¹⁰ The poetry, repetition and engaging rhythm, coupled with the use of themes that are likely to resonate with Sunni Muslim audiences on an emotional level, make them a powerful tool for reinforcing grievances and motivating violent action. For example, *anashīd* decrying the current weakness of the *Ummah* are likely to arouse emotions in those that have traditionally viewed it as destined for world leadership. *Anashīd* focusing on a sense of humiliation are likely to resonate with younger Muslims, be it those in the Middle East, facing high levels of unemployment despite being educated,¹¹¹ or second or third generation migrants in the West experiencing feelings of double non-belonging.¹¹²

Staub identified difficult life conditions and the needs and motives that arise from them, as one of the main sources of genocide. He sees humiliation as such a life condition.¹¹³ Reflecting on radical Islamism in the 1970s and 1980s, Emmanuel Sivan noted that the twentieth century had been particularly hard on Muslim self-esteem; “[a] civilization that had always viewed itself as destined for leadership suffered one setback after the other at the hands of infidels who now set the pace in all realms of human activity.”¹¹⁴ Several new Western foreign policy disasters since then have only added insult to injury.

Playing on these emotions, the *anashīd* present as the only solution to humiliation brutality and the waging of war against anyone and anything un-Islamic which offers great pride, victory and rewards in heaven.¹¹⁵ An illustrative example is the most famous ISIS *nashīd*, “My *Ummah*, Dawn has appeared, so await the expected victory.” An excerpt from another *nashīd* “I am not pleased with the life of humiliation” reads:

‘The life of humiliation, no, I am not pleased with it
And love of death with honour is a desire
By God, I do not fear death, for the slave has no place in the world,
For the slave has no place in the world
For the slave has no place in the world’¹¹⁶

Lemieux and Nill find that melody can increase the ability to convey a message, because rhythmic and tonal elements can make it very captivating and addictive, while at the same time making the listeners less critical to the message conveyed, by engaging them on an emotional level.¹¹⁷ For music with aggressive lyrical themes they found that it demonstrates “the potential to increase aggressive thoughts, feelings, and potentially behaviors among listeners.”¹¹⁸ In the context of radicalism across different ideologies, Pieslak found abundant examples of music’s pivotal function, from recruitment strategies to engendering a culture of militancy and motivating action.¹¹⁹

It is exactly the ability of music to evoke emotions that has made *anashīd* problematic in the eyes of Wahhabis. They take a suspicious stance towards *anashīd* because they see them

as a distraction from studying and listening to the *Qur'ān*.¹²⁰ On the other hand, the Muslim Brotherhood is more relaxed on music. The *jihādi* movement, taking inspiration from both, uses music extensively, however only following the strict *Salafist* conditions placed on it.¹²¹

The *anashīd* play an important role in creating a sense of community. ISIS videos clearly document *nashīd* sessions in which *jihādīs* recite *anashīd* together as well as *da'wa* (preaching Islam) events involving considerable live recitation.¹²² Behnam Said notes that they are a common cultural asset which connect people all over the globe and therefore are a valuable tool in creating a global *jihādi* community.¹²³ ISIS group-specific *anashīd* furthermore reflect its distinct political identity as a state.¹²⁴ By replacing the existing Islamic *anashīd* with their own productions, IS signalled the beginning of a new era which demands the purging of all cultural items contaminated by anything non-ISIS, reflecting the dominant Muslim imagination which projects a binary between Islam and *jahiliyyah*.¹²⁵

Another powerful tool employed by ISIS in its propaganda efforts is the use of skilfully produced videos. The videos professionally reflect the format of modern Western action movie trailers or video games, where violence is depicted as exciting entertainment and any negative impact in terms of human suffering is left out of the picture, desensitizing viewers to the violence. Accompanying the images are typical movie trailer sound effects skilfully intertwined with *anashīd*.

A good example of this is one of the most professionally produced videos, the “Flames of War” produced by Al Hayat Media Centre.¹²⁶ Its first part depicting ‘the crisis’ is filled with classic cinematic tension build-up sound effects, creating anxiety in the audience, which is then soothed with the introduction of the calming sound of the *nashīd*. Finally, the built-up anxiety is released through ‘the solution,’ i.e. depictions of ISIS violence against the enemy.

d) Negative Stereotyping and Generalisation

In order to incite to genocide, ISIS employ the technique of extreme negative stereotyping in a somewhat complex fashion using religious justification. Unlike the Nazi genocide with its at least theoretically manageable target of exterminating the Jewish and other minority populations, and the Rwandan genocide focusing only on the Tutsis, ISIS makes its target the vast majority of the world’s population. While tempting to do so, it would be over simplistic to describe ISIS narratives on the out-group as dehumanizing. Although certainly denying any dignity to the people belonging to these groups, they are not dehumanizing them, since in their perception humanity holds no value *per se*. People are not intrinsically worthy of respect and nothing of human origin is of value or importance, but rather characterized as *bid‘ah* or *shirk*. Human emotions, apart from those in reference to God, equally hold no importance. A human only gains value by becoming a slave to God, following the rules of *Shari‘ah* and spreading the realm of Islam by *jihād*. In this sense they also render the intrinsic morality of a human to be flawed, thus any sympathy an ISIS follower may feel for the *kuffar* should be suppressed and replaced by the adherence of strict IS rules which dictate their killing ‘wherever possible.’ An example of suppressing natural instincts of humanity and compassion is clear in *Rumiyah*, Issue 1, where a picture of a seemingly kind and smiling seller of flowers is accompanied with the caption “Even the blood of a merry Crusader citizen selling flowers to passers-by [is permissible for you to shed, so shed it].”¹²⁷

The out-group, is termed by ISIS “the camp of *kufr*, *riddah* [apostasy] and hypocrisy,” “the camp of the Jews, the crusaders, their allies, and with them the rest of the nations and religions of *kufr*, all being led by America and Russia”¹²⁸ or the civilization of *shirk*, the civilization of *riba* (usury) and prostitution, the civilization of humiliation and subjugation.¹²⁹ Within are different sub-groups distinguished by what ISIS present as their respective lack of belief in the Islamic religion. Each holding a specific connotation, ISIS use several names for these groups, many times bearing a deeply derogatory meaning from a (Sunni) Muslim perspective such as, the *murtaddūn*, the *mushrikūn*, the crusaders, the innovators,¹³⁰ the rebellious,¹³¹ the hypocrites,¹³² the quasi-*jihādists*, mock *mujāhidīn*, the *tawāghīt* and their followers, the *Rāfidah* (the rejectors), etc.

There is at least in theory a hierarchy between the groups. Based on the teachings of Ibn Taymiyyah and Muhammad Ibn ‘Abd-al-Wahhab, ISIS categorize disbelief and polytheism from the most to the least severe. Thus, the refusal to excommunicate Satan, or claiming to be a deity, as well as worshiping them is at the top of the list. Wrongly described as devil-worshippers,¹³³ the Yazidis thus fall into this category. The next category are pagans, Christians, Jews and anyone that has ‘deviated’ from Islam, while other categories consist of those who are simply ‘immoral’ or do not pray.¹³⁴ In *Dabiq* 9, a further hierarchy between the Christians and the Jews is explained: “because the *kāfir* Christians did not curse Prophet ‘Īsā (‘alayhis-salām) nor accuse his virtuous mother of sin, they were made to humiliate the Jews who cursed ‘Īsā and slandered Maryam.”¹³⁵

Below we thus examine the meanings behind the names given to specific groups on IS's list of enemies and the main IS narratives on them in light of the relevant context which clearly convey direct incitement to genocide.

ISIS CATEGORY OF THE DEVIL – WORSHIPPERS: YAZIDI

Yazidis are considered to be one of the oldest ethnic groups in Mesopotamia.¹³⁶ They identify themselves, not merely in terms of ethnicity but also in terms of religion. Their monotheistic belief emanate from a mixture of other religions including Christianity, Shamanism and Zoroastrianism.¹³⁷ For centuries and long before the emergence of ISIS, the misinterpretation of this belief, has made the community a target of genocidal language and violence.¹³⁸ For example, the Ottomans constantly subjected them to forced conversions¹³⁹ and those who rejected such religious assimilation suffered violence or even death.¹⁴⁰ In the Ottoman archives and unofficial documents one can find the characterisation of Yazidis as a “pervert community,” “looters’ and ‘bandits who do not pay their taxes.’”¹⁴¹ Furthermore, they are described as the “descendants of Yezid bin Muaviye”¹⁴² (647-683 A.D.), the second caliph of the Umayyad dynasty, known as the perpetrator of Karbala Incident and thus an utterly disliked figure among Shi‘a, ‘Alawites and Sunni Muslims. ISIS continue to ascribe this lineage to the Yazidis, despite the name having nothing to do with Yazid, but rather deriving from the Farsi word "ized", which means angel or deity. The name Izidis simply means "worshippers of god," which is how Yazidis describe themselves.¹⁴³

In *Dabiq* 4, ISIS brand the Yazidis an “originally *mushrik* group,” i.e. polytheists (*mushrikūn*) since pre-Islamic times. They describe their ‘creed’ as entailing:

the worship of *Iblīs* [devil] who they [Yazidis] consider to be a fallen but forgiven angel amongst the angels who were ordered to prostrate to *Ādam*! He alone refused to prostrate to *Ādam*, and they consider this arrogant disobedience of Allah to be his noblest deed! They consider him to be misunderstood by mankind! They consider him to be good and enlightened, and claim that Allah will openly forgive him on Judgment Day after already forgiving him beforehand for crying tears of piety over a period of thousands of years! So they have made *Iblīs* – who is the biggest *tāghūt* – the symbolic head of enlightenment and piety! What arrogant *kufr* can be greater than this?¹⁴⁴

Here ISIS are taking actual elements of the Yazidi religion and distort them in order to portray the group as devil-worshippers and stir up disgust for them amongst the Muslim population. While in fact monotheists, Yazidis believe in the angel Melek Taus whose story resembles that of Satan, however, according to their belief he is not the devil but rather has become an intermediary between God and humanity after having reconciled with God. In the extremist ISIS view on the world however, there is only space for one interpretation and meaning of the story and Yazidis display the biggest *kufr* by understanding it in their own way. In the words of ISIS, the “continual existence [of Yazidis] to this day is a matter that Muslims should question as they will be asked about it on Judgment Day, considering that Allah had revealed *Āyat as-Sayf* (the verse of the sword) over 1400 years ago.”¹⁴⁵

With this ISIS makes a clear call to genocide as they present to their followers the destruction of the Yazidi group as a religious duty of utmost importance. The destruction however is not focused on the Yazidi as an ethnic group but as a religious group, thus

conversion to Islam is offered as a way out of death and even the sexual enslavement of Yazidi women and children is presented as a way to the eventual conversion of the group to Islam.¹⁴⁶ This does not however make their aim any less genocidal as “protecting against forced religious conversions safeguards the very existence of certain human groups and endorses elementary principles of morality. By including religious groups within the Convention's protections, the drafters reveal their intent that protecting religious beliefs is of paramount importance.”¹⁴⁷

ISIS CATEGORY OF THE PAGAN CHRISTIANS (NASSARAH, NAZARENE)

In *Dabiq* ISIS refers to their *fuqahā'* (scholars) to explain how each out-group should be dealt with. Thus the *fuqahā'* indicated that Jews and Christians could pay *jizyah* (religious tax) and continue their existence within the Caliphate.¹⁴⁸ On the contrary for the Yazidis as ‘original *mushrikūn*’ there was no room for such an arrangement.¹⁴⁹ This official narrative of IS has lead the United Nations Human Rights Council to conclude that IS do not intend to eradicate Christians, as they do the Yazidis, but instead offer to protect and respect them through the traditional Islamic option of entering a *dhimmah* covenant of security and safety and paying the *jizya* (religious tax).¹⁵⁰ Yet interviews with the Christian leaders directly involved with negotiations with ISIS reveal that the claims of this option are a “deception and a propaganda ploy” more akin to extortion than the 7th century Pact of Omar according to which the community paid a progressive tax, in exchange for the protection of their families’ lives and property and for their religious rights.¹⁵¹ *Dabiq* 15 furthermore makes it clear that it is not enough to pay the *jizya* but that the Christians have to live under the authority of Islam in humiliation and even so, ISIS declare “we would continue to hate you [the Christians].”¹⁵² They furthermore stipulate that the hatred is a religious duty based *first and foremost* on the ‘disbelief’ of the Christians for rejecting the oneness of Allah by making

partners for him in worship, a reference to the concept of the Holy Trinity.¹⁵³ For this, they declare the Christians to be pagans and polytheists and this *shirk* makes them a legitimate target to be killed.¹⁵⁴ Secondly the hatred is based on Christian societies being secular, liberal and nationalistic and permitting what “Allah has prohibited while banning many of the things He has permitted.”¹⁵⁵ Western foreign policy is only further down on the list of reasons for hatred which the article makes explicitly clear:

What’s important to understand here is that although some might argue that your foreign policies are the extent of what drives our hatred, this particular reason for hating you is secondary... The fact is, even if you were to stop bombing us, imprisoning us, torturing us, vilifying us, and usurping our lands, we would continue to hate you because our primary reason for hating you will not cease to exist until you embrace Islam.¹⁵⁶

Dabiq explains that any halt to the IS war against Christians can only be temporary, until all Christians convert to Islam.¹⁵⁷ The inviolability of their blood in cases of a *dhimmah* contract would be an exceptional ruling, and whenever that ruling is terminated – either due to their violation of the covenant, or due to the expiry of the duration of the covenant – “their blood would go back to the default ruling of it being permissible to shed.”¹⁵⁸

The genocidal intent of ISIS propaganda is also evident from their video depicting the slaughter of Christians in Libya and Ethiopia and the destruction of churches, crosses and paintings depicting the Virgin Mary. A voice in the video says:

To the nation of the cross, we are back again... Muslim blood that was shed under the hands of your religion is not cheap. We swear to Allah... you will not have safety even in your dreams until you embrace Islam.¹⁵⁹

Despite describing Western foreign policy as a “less important” factor, IS seek to arouse hatred in their targeted audience for all Christians exactly by stereotyping them and presenting them as the coalition forces and crusaders. This way, absurdly, even Coptic Christians from Egypt get branded crusaders before being slaughtered:

Oh people, recently you've seen us on the hills of Al-Sham [Greater Syria] and on Dabiq's Plain, chopping off the heads that had been carrying the cross delusion for a long time, filled with spite against Islam and Muslims, and today we... are sending another message: Oh crusaders, safety for you will be only wishes especially when you're fighting us all together, therefore we will fight you all together until the war lays down its burdens and Jesus peace be upon him will descend, breaking the cross, killing the swine. The sea you have hidden Sheikh Osama bin Laden's body in, we swear to Allah we will mix it with your blood.¹⁶⁰

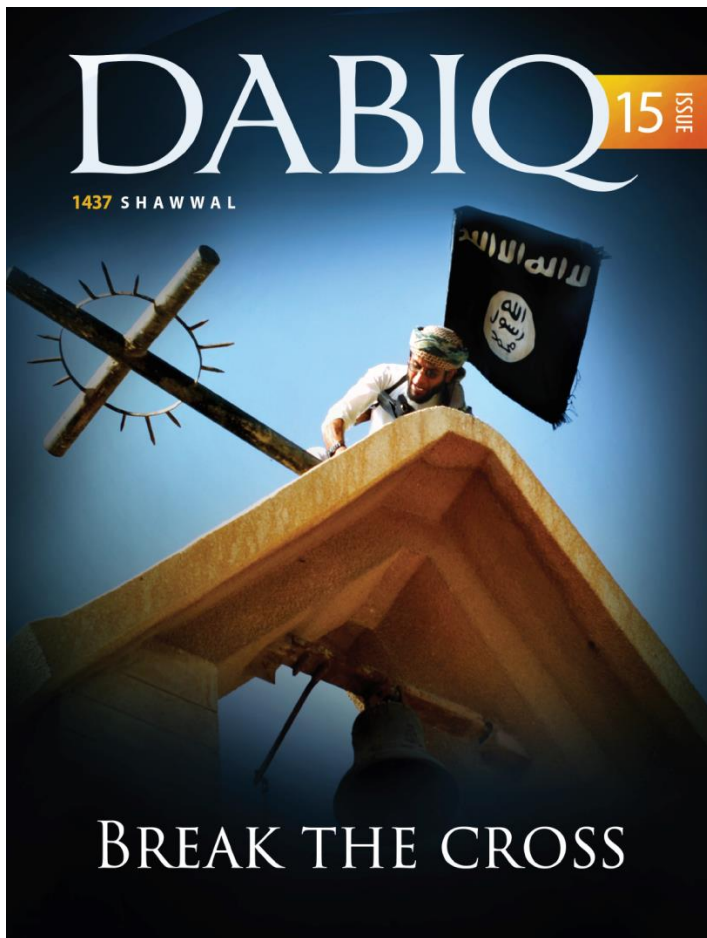
In *Dabiq* 9, Christians are presented as those who ‘plot’ against Muslims in an apparent accusation in mirror,¹⁶¹ while Baghdadi dispels any possibility of a peaceful coexistence between Muslims and Christians saying:

O Muslims! Whoever thinks that it is within his capacity to conciliate with the Jews, Christians, and other *kuffār*, and for them to conciliate with him, such that he

coexists with them and they coexist with him while he is upon his religion and upon *tawhīd*, then he has belied the explicit statement of his Lord.¹⁶²

Furthermore, *Dabiq* 7 leaves little doubt as to the instructions to their followers regarding the treatment of this group when it states: “We will argue, before Allah, against any Muslim who has the ability to shed a single drop of crusader blood but does not do so.”¹⁶³ *Dabiq* 15 makes it clear that while Christians are being dragged by ISIS “further and further into a swamp” they are offered a way out by way of conversion to Islam¹⁶⁴ while *Rumiyah*, Issue 9, sanctions the slavery of Christian women and children.¹⁶⁵ From the above it is clear, that the future IS propagates for the Christian communities is much like that of the Yazidi, i.e. their destruction.

In 2016, the European Parliament unanimously passed a resolution recognizing the rapes, murders, kidnappings, enslavement and dispossessions of Christians, Yazidi and other religious minorities by ISIS as genocide as did later the US House of Representatives and the UK Parliament.¹⁶⁶



The cover of *Dabiq*, Issue 15, shows an image of the destruction of the main Christian symbol of faith.

ISIS CATEGORY OF APOSTATES: THE SHI‘A, ‘ALAWITES, DURŪZ AND ISMĀ‘ĪLIYYAH, THE SAHWĀT AND THE FOLLOWERS OF THE TĀGHŪT

The apostate group, according to ISIS, includes amongst others the *Rāfidah/Safawi* (pejoratively referring to Shi‘a Muslims), *Nusayriyyah* (pejoratively referring to ‘Alawites), Durūz (Druze community), Ismā‘īliyyah (branch of Shi‘a Islam) and followers of the *tawāghīt*.¹⁶⁷ According to the ISIS *fuqahā’*, unlike the *mushrikūn*, the “apostate” groups cannot be enslaved but “can only be given an ultimatum to repent or face the sword.”¹⁶⁸

The Shi‘a are arguably one of the main targets of IS hatred and aggression, which does not reflect only the sectarian divide between the Sunni and Shi‘a but also the hostility found across the spectrum of the *Salaḥī* ideology towards the Shi‘a beliefs.¹⁶⁹ The former Grand Mufti of Saudi Arabia, ‘Abd al-‘Aziz bin Baz stated that every sect of Shi‘a has forms of *bid‘ah*¹⁷⁰ and contradicts the Islamic way called by the Prophet Muhammad.¹⁷¹ Zarqāwī declared all Shi‘a apostates and publicly announced that their “perfidy engraved in the forehead of history.”¹⁷² *Dabiq* 13, refers to more than twenty scholars who allegedly made *takfīr* of the Shi‘a.¹⁷³

ISIS refer to Shi‘a as *Rāḥidah*, or the rejecters, a derogatory term dating back to the Umayyad dynasty used on account of the Shi‘a refusal to recognize the first three caliphs as legitimate. Shi‘ism is presented as a plot by a Jew¹⁷⁴ and their awaited Messiah as the Dajjāl, i.e. the false messiah or the great deceiver – the most dangerous figure in Islamic eschatology (theology concerning the end of the world):

The closer the Hour approaches, the more the *Rāḥidah* fall in line with the Jews in preparation for the appearance of this awaited evil leader. Upon reading the *Rāḥidī* account of the ‘Mahdī,’ it becomes clear that he is none other than the Dajjāl.¹⁷⁵

One can furthermore observe classic hate propaganda techniques of depicting a people in animal terms. “The *Rāḥidah* are the insurmountable obstacle, the lurking snake, the scorpion of deception and malice, the prowling enemy, the deadly poison.”¹⁷⁶ The Shi‘a are also stereotyped as *Safawīyyah*, a term associated by Sunnis with any expansionist Shi‘a groups acting against Sunnis or their interests.¹⁷⁷ In the article “Know your Enemy: Who Were the Safawīyyah?” ISIS presents them as a group started by a Sufi order “which transformed into

a militant *Rāfidī* movement to become a tyrannical state that subdued Persia with ambitions to wipe out all traces of the *Sunnah* and its people.”¹⁷⁸ Today’s Shi‘a are presented as the continuation of this ‘cult’ propagating Persianism and allying with the crusaders.¹⁷⁹

Nibras Kazimi traces the current intensified Sunni hostility towards the Shi‘a to a book supposedly written by a Syrian member of the Muslim Brotherhood in which he claimed that the Iranian revolution was only in part about the revival of Shi‘a Islam while the rest was about restoring Zoroastrianism, which threatens Islamic and Arabic culture.¹⁸⁰ This is reflected in another name ISIS use for the Shi‘a, i.e. the *Majūs*, a pejorative term for Zoroastrians, who despite being the first monotheists were wrongfully branded by Islamists as “fire worshippers” due to their belief that fire represents God’s light or wisdom.¹⁸¹ *Dabiq* also features an image of a Shi‘a shrine dedicated to Piruz Nahawandi, termed in Arabic Abū Lu‘lu‘ah al-Majūsī, a Sasasian general revered by the Shi‘a but hated by the Sunni due to his assassination of Caliph Umar who was holding him captive.¹⁸² The ‘al-Majūsī’ indicates that the Sunnis consider him to be a Zoroastrian. The reference to his shrine is an apparent attempt to tap into historical resentments and mainstream Sunni sentiments as many Sunni scholars have called the shrine offensive and un-Islamic and have demanded its destruction.¹⁸³ It is also important to note that the term *Majūs* was used for Iranians as part of Iraqi propaganda already in the 1980s during the Iraq-Iran war to depict Iranians as not real Muslims.

In sum, ISIS portray Shi‘a as apostates, that worship the dead and other forms of *kufr* and *shirk* and claim they have “nothing to do with Islam other than to deter the people from it.”¹⁸⁴ In another classic case of ‘accusation in mirror’ IS claim the Shi‘a have a tradition of hatred towards the *Ahlu-Sunnah* (Sunnis) and aim to eradicate them and replace them with

a population of apostasy.¹⁸⁵ This talk can easily fall on fertile ground as within the last decade, polls have found that at least 40 percent of Sunni Muslims from five Middle Eastern and North African countries did not recognise the Shi‘a as true Muslims.¹⁸⁶ Exploiting this collective sectarianist view allowed IS to ally themselves with other Sunni militant groups with which it had previously been fighting.¹⁸⁷ Thus, this demonization also serves as a unifier through hatred of the ‘other’.¹⁸⁸

Numerous other groups fall under the catch-all category of ‘apostates’ due to their beliefs such as the ‘Alawites, Durūz and Ismā‘īliyyah. Still other groups fall under this category due to their political orientation, despite professing a Sunni belief. As mentioned above, any ruler embracing nationalistic or even democratic ideas as opposed to pure *Shari‘ah* is named a *tāghūt* and their followers *murtaddūn*. For example, in *Dabiq* 6, a picture of Egyptian soldiers holds the caption: “The *murtadd* soldiers of Egypt’s new Pharaoh,”¹⁸⁹ while a picture of Jordanian pilots meeting the king holds the caption: “The *murtaddūn* meet the *tāghūt* of Jordan.”¹⁹⁰ After IS had shot down a Jordanian plane and captured its pilot, *Dabiq* ran an interview with him. Instead of his name, Muath al-Kasasbeh, the word *murtadd* appeared before every answer he gave, in a clear propaganda technique of relentless repetition of the derogatory term to achieve the desired effect on the audience.¹⁹¹

Even the modern Muslim Brotherhood get the name “The Murtadd Brotherhood” on the front cover of *Dabiq*, Issue 14.¹⁹² Inside readers are told the *Ikhwān* (Brotherhood) is:

nothing but a secularist party with an ‘Islamic’ cloak... the wickedest of the secularists...[a] party that worships seats and parliaments... a party that would

prostrate to *Iblīs* if it were required to achieve seats... a party of extreme apostasy and ... it is thus obligatory upon the Muslims to declare the stance of *takfīr*, *barā'ah*, animosity, and enmity towards this group and its members¹⁹³

In other words, no better than devil-worshippers, the Muslim Brotherhood is at the receiving end of ISIS hatred due to the Brotherhood embracing democratic procedures and legislation as in their ideology this goes against the *hakimiyya*.¹⁹⁴ The Taliban are also condemned for their *murtadd* nationalism, their 'superficial application' of the *Shari'ah* their support for *kāfir* systems and embracing of *tawāghit*.¹⁹⁵

Since political affiliation is not one of the categories defining protected groups under the Genocide Convention, one might conclude that the targeting of the supposed *tawāghit* and their followers could not fall under the definition of the crime of genocide. However, since ISIS themselves do not distinguish between the political and the religious and target these people as 'apostates,' their persecution nevertheless falls under 'religious.' As far as the framing of the protected groups is concerned there has been a shift in international jurisprudence from an objective understanding to a combination of objective and subjective criteria. The ICTR thus considered both self-perception (self-identification by the group) and perception (identification by others) as criteria for defining a people as a protected group under the Genocide Convention.¹⁹⁶

Much attention of ISIS is also dedicated to the disdain of the so-called *Sahwāt* (Awakening). A fairly modern term, it has its roots in the war in Iraq where it was used for local Sunni

tribes which collaborated with the US forces against al-Zarqāwī and the Al-Qaeda in Iraq, the precursor to ISIS. The term is now used by ISIS to denote all Sunni ‘traitors,’ who do not support ISIS and fight against them.¹⁹⁷ According to the black and white ISIS logic, this makes them also apostates.

All these categorizations of people as *kuffar* and their rejection and persecution follow from the aggressive interpretation of the concept of *al-walā’ wa-l-barā*, a fundamental part of ISIS ideology, and its many implications described above. As mentioned, ISIS are far more radical in their use of *takfīr* than other Islamist groups. Thus in *Dabiq*, ISIS strongly criticise Al Qaeda, and their leader Ayman al-Zawahiri, for not making *takfīr* of the Shi‘a in general, but only on account of their support of America in their aggression towards the Sunnis.¹⁹⁸ Likewise, they are criticised for not making *takfīr* on the supporters of the *tawāghit* except for those officers who torture Muslims and belong to some specific departments of National Security.¹⁹⁹ While Zawahiri refuses to declare *takfīr* on these groups of Muslims due to their ‘ignorance,’ ISIS strongly oppose this option.²⁰⁰ ISIS also criticise Zawahiri for not issuing a blanket condemnation on anyone resisting any *Shari‘ah* laws, while they make it clear that the slightest disobedience to the *Shari‘ah* would be met with a declaration of apostasy and the subjugation to killings, enslavement and the taking of wealth.²⁰¹

As with most totalitarian movements, the ISIS idea of purging the society through the practice of *takfīr* reached absurd proportions, when a fatwa was issued on 17th May 2017 with “the second most important seal” in ISIS, i.e. the Delegated Committee which is directly subordinate to Baghdadi. The ruling declared “making of *takfīr* of the *mushrikin* as one of the *utmost principles of the religion*, which must be known before knowing the prayer and other obligations that are known of the religion by necessity.”²⁰² By elevating *takfīr* to

a principle of the religion, they essentially declared *takfīr* on any Muslim, who failed to exercise *takfīr* on others.²⁰³ In contrast, the Grand Mufti and one of the first *jihādīst* ideologues supporting Baghdadi's caliphate, Turki Al-Bin'ali himself rejected the fatwa and said it would have led to an 'endless chain of *takfīr*' denouncing as unbelievers even adamant *takfīrists* such as al-Zarqāwī and Abu Muhammad al Adnani, who refrained from declaring *takfīr* on all Muslims who did not follow their ways.²⁰⁴ After publishing it in *Rumiyah* and *Al Naba*, ISIS eventually rescinded the ruling in an effort to quell the controversy and released numerous lectures through *Al Bayan* radio, cross-promoted by *Al Naba* proclaiming that *takfīr* was in fact not a principle of the religion but merely an obligation and that 'ignorance' was a sufficient excuse for failing to excommunicate other Muslims in some cases.²⁰⁵ Furthermore he made it clear that it is permissible to refrain from *takfīr* in the lightest forms of disbelief, i.e. when Muslims are merely 'immoral' or not praying.²⁰⁶

PLACING ISIS RHETORIC IN THE CONTEXT OF INTERNATIONAL CRIMINAL LAW

Incitement to hatred/hate propaganda has been dealt with in the international criminal jurisprudence since the Nazi propagandist Julius Streicher was found guilty of crimes against humanity by the International Military Tribunal at Nuremberg (IMT), while another propagandist, Hans Fritzsche, was acquitted. Since then the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948) established the international crime of direct and public incitement to commit genocide.²⁰⁷ This crime was incorporated verbatim into the statutes of the ICTY (1993) and the ICTR (1994), while the ICC statute (2002), in respect of the crime of genocide, established individual criminal responsibility for anyone who directly and publicly incites others to commit genocide.²⁰⁸

While publicly uttered hate speech falling short of direct incitement to commit genocide did not get its own specific provision in any of the statutes, it can still be considered criminal if it amounts to instigation, aiding and abetting²⁰⁹ or participation in a joint criminal enterprise²¹⁰ in relation to any of the enumerated crimes in the statutes. For the establishment of liability in these instances, a causal link is necessary between the speech and subsequent crimes committed, while such a link is not necessary in terms of incitement to genocide.²¹¹

In *Nahimana* and more recently in *Šešelj* the ICTR and ICTY respectively established that hate speech can *per se* constitute persecution as a crime against humanity, when there is discrimination in fact and the denial of a fundamental right, such as the right to dignity or the right to security.²¹²

THE ELEMENTS OF DIRECT AND PUBLIC INCITEMENT TO GENOCIDE

In *Nahimana et al.* the Appeal Judgment defines the elements of direct and public incitement to genocide as follows:

A person may be found guilty of the crime specified in Article 2(3)(c) of the Statute if he or she directly and publicly incited the commission of genocide (the material element or *actus reus*) and had the intent directly and publicly to incite others to commit genocide (the intentional element or *mens rea*). Such intent in itself presupposes a genocidal intent.²¹³

The public element of incitement is satisfied when call for criminal action is communicated to the public at large, for example, through means of mass communication.²¹⁴ It is clear that IS more than satisfy this element by spreading their propaganda relentlessly through numerous means and channels, as explained above. The other element of the *actus reus* is whether the call for criminal action is direct. In this regard, the *Akayesu Trial Judgment* made it clear that:

the direct element of incitement should be viewed in the light of its cultural and linguistic content. Indeed, a particular speech may be perceived as ‘direct’ in one country, and not so in another, depending on the audience... incitement may be direct, and nonetheless implicit... The Chamber will ... consider on a case-by-case basis whether, in light of the culture ... and the specific circumstances of the instant case, acts of incitement can be viewed as direct or not, by focusing mainly on the issue of whether the persons for whom the message was intended immediately grasped the implication thereof.²¹⁵

In *Nahimana et al.* the Appeals Chamber confirmed this approach and noted that it had been adopted in several other judgements and by the Supreme Court of Canada in *Mugesera*.²¹⁶ The Chamber further stated that “the principal consideration is thus the meaning of the words used in the specific context: it does not matter that the message may appear ambiguous to another audience or in another context.”²¹⁷

ISIS narrative is laced with explicit calls for killing and destruction,²¹⁸ which would be clearly understood as such by any culture around the globe. For example the statement in Issue 13 of *Dabiq* referring to the Shi‘a: “the *Rāfidah*... must be killed wherever they are to be found, until no *Rāfidī* walks on the face of earth.”²¹⁹

However, taking into consideration the particular context, culture and ideology, these are not the only statements which their audience ‘immediately grasps’ as direct calls for extermination. Every time ISIS describe an individual or group as apostate, this is undisputedly understood by their followers as a call to kill. While there is some controversy in the Muslim community as to whether *Shari‘āh* prescribes a worldly punishment for apostasy, there is no doubt in the *jihādi-Salaḥī* ideology that the punishment is death.²²⁰ It is exactly for this reason that declarations of *takfīr* in itself, without a need for any further explanations of what this implies, are perceived for their inherent danger of inciting violence and an effort to legislate against them has been taking place in Tunisia and Iraq.²²¹

On the other hand, for anyone branded an original polytheist, such as the Yazidi, for *jihādi-Salaḥīs* the verse of the sword will apply, undoubtedly perceived by their audience as essentially the same instruction, that is, to kill. There is some room for enslavement and forcible conversion, when it comes to so-called original polytheists; however, this falls squarely under the destruction of a community, its culture and religion, regarded by some to fall under the definition of genocide.²²²

Furthermore, several statements advocate for a ‘genocidal rape’ campaign against Yazidi women. Issue 4 of *Dabiq* magazine, “The Failed Crusade” asserted that “enslaving the families of the *kuffār* and taking their women as concubines is a firmly established aspect of the *Shari‘āh* that if one were to deny or mock, he would be denying or mocking the verses of

the *Qur'ān* and the narrations of the Prophet and thereby apostatizing from Islam.”²²³ One of the aims of these rapes is to produce Muslim children out of Yazidi women. This is clear from the justifications for the rapes given by ISIS, when they describe as a sign of the end times that “the slave girl gives birth to her master,” i.e. based on the father’s religion the child will be a Muslim, and thus the master of the non-Muslim mother.²²⁴ These calls constitute direct and public incitement to commit genocidal rape as recognized by the ICTR in its *Akayesu Judgment* which concluded that even those rapes that do not result in the death of the victim could constitute genocide where “[s]exual violence was a step in the process of destruction of the ... group—destruction of the spirit, of the will to live, and of life itself.”²²⁵ As in the Rwandan example, the rapes of Yazidi women resulted not only in their psychological destruction, but also of their families and their communities.

Furthermore, in *Nahimana et al.* the Appeal Chamber noted that, “while it is not necessary to prove that the pronouncements in question had actual effects, the fact that they did have such effects can be an indication that the receivers of the message understood them as direct incitement to commit genocide.”²²⁶ Widespread killings, rapes and acts of genocide have been attempted and committed by followers of ISIS, which additionally indicates that their propaganda is perceived as a call for such actions.

For example, in June 2016 the Independent International Commission of Inquiry on the Syrian Arab Republic submitted their report to the United Nations Human Rights Council which found a genocidal campaign orchestrated by ISIS against the Yazidis’ by demonstrating that the five enumerated acts of genocide have been materialized by ISIS:

ISIS has sought to destroy the Yazidis through killings; sexual slavery, enslavement, torture and inhuman and degrading treatment and forcible transfer causing serious bodily and mental harm; the infliction of conditions of life that bring about a slow

death; the imposition of measures to prevent Yazidi children from being born, including forced conversion of adults, the separation of Yazidi men and women, and mental trauma; and the transfer of Yazidi children from their own families and placing them with ISIS fighters, thereby cutting them off from beliefs and practices of their own religious community, and erasing their identity as Yazidis. The public statements and conduct of ISIS and its fighters clearly demonstrate that ISIS intended to destroy the Yazidis of Sinjar, composing the majority of the world's Yazidi population, in whole or in part.²²⁷

As mentioned above, in terms of the *mens rea*, the Appeal Chamber in *Nahimana et al.* established that it requires the intent directly and publicly to incite others to commit genocide, which in itself presupposes a genocidal intent.²²⁸

While unveiling the intention behind the ISIS general narrative and their particular statements, one should employ much of the same considerations as for determining whether the calls for criminal action were *direct*. That is, the cultural and ideological contexts as well as the context of any criminal acts being carried out while the message was disseminated. In *Nahimana et al.* the Appeals Chamber thus noted that “the fact that a speech leads to acts of genocide could be an indication ... that this was indeed the intent of the author of the speech.”²²⁹

The religious and ideological contexts of ISIS publications and broadcasts as analysed in this chapter clearly demonstrate the requisite *mens rea* for direct and public incitement as

does the fact that these messages were disseminated while religious minorities were actively being targeted and killed on the basis of their membership in religious groups.²³⁰ The praising and glorification of such attacks and attackers in the relevant newspapers, videos and radio stations, furthermore indicates the necessary intent.²³¹

One should furthermore not overlook the fact that groups such as the Yazidis, Christians and Shi'a have been subject to widespread and systematic violence in the region in the past. This likewise indicates the intent of the propagandists to incite the commission of further crimes against these groups. The promotion of the destruction of minorities' places of worship and other cultural objects of significance to their existence as distinct groups is likewise an indicator of the intent to incite to genocide.²³²

HATE DISCOURSE SURROUNDING THE DIRECT AND PUBLIC INCITEMENT TO COMMIT GENOCIDE AS ITS ESSENTIAL CONTEXT

In *Nahimana* the Prosecutor sought a characterization of the crime of direct and public incitement to commit genocide as a continuing crime, since an accused embarks upon a course directed towards inciting, or instigating genocide, with every discrete act which is done in the pursuit of that goal necessarily building upon and renewing the preceding acts done for the same purpose.²³³ In the particular case the Prosecution thus sought a conviction based on the totality of the articles published in *Kangura* and the totality of RTLM broadcasts for forming part of a *continuous transaction calculated to incite genocide*.²³⁴ The Appeals Chamber did not consider it necessary to decide whether the totality of said articles and broadcasts could constitute one continuing incitement to commit genocide, however it emphasized that an accused cannot be convicted simply on the basis of "programming" in

general but only on the basis of clearly identified specific acts of direct and public incitement:²³⁵

It appears from the *travaux préparatoires* of Genocide Convention that only specific acts of direct and public incitement to commit genocide were sought to be criminalized and not hate propaganda or propaganda tending to provoke genocide.²³⁶

Despite this, the Appeals chamber made it clear that context is a factor to consider in deciding whether the relevant discourse constitutes direct incitement to commit genocide and that uttered speech which does not by itself amount to this crime can nevertheless provide such a context.²³⁷ As other contextually important information, it could explain how the listeners perceived the relevant speech and the impact the speech may have had.²³⁸

The Appeals Chamber acknowledged that ‘[i]n most cases, direct and public incitement to commit genocide can be preceded or accompanied by hate speech’ that is not prohibited as such under Art. 2(3)(c) of the Statute.²³⁹ In fact, more than merely ‘accompanying’ or ‘preceding’ genocide, history shows that extensive and systematic hate rhetoric which forms part of a persuasion campaign aimed at the relevant audience, is a *sine qua non* of a successful genocidal campaign. A direct and public incitement to genocide uttered in a vacuum, absent of a prior hate propaganda, would fall on unfertile ground and never reach the stage of prosecution at any international criminal tribunal. In this sense, it is not merely a trigger dependent on a particular culture, but it also importantly influences and molds that culture.

Our analysis shows that ISIS narrative covers all three components found in hate discourse that motivates and justifies violence, i.e. negative stereotyping; presenting the group as an extreme threat to the well-being of the in-group; and the eliminationist solution in its most radical form, i.e. calls for killing and rape.²⁴⁰

ISIS rhetoric is not only embedded in the existing culture, geo-political situation of the region in which they operate and the religious ideology of violent *jihādi* groups that preceded them, but is also an important influence on all three that will outlive the group itself to inspire the ideological framework of the next generation of mass-murderers.

CONCLUSION

Tapping into mainstream emotions found across different Sunni Muslim communities, ISIS use negative stereotyping and labelling of the out-group to drive existing dislikes to hatred which arouses passion for revenge and aggression and a numbness towards the killing of the victim.²⁴¹ Such hate is found at the extreme end of a scale that runs from dislike, through animosity to outright hatred and it is negative stereotyping that leads to a move on this scale from less towards more negative emotions.²⁴² With their elimination of the grey zone²⁴³ they furthermore seek to undermine non-violent modes of conflict management and instead unabashedly and relentlessly openly call for killing and genocide. In genocidal rhetoric the victims are characterized as a threat to the survival and well-being of the in-group creating a public demand for a response to reduce the threat.²⁴⁴ As Ervin Staub theorizes, the immediate cause of genocide is that perpetrators come to believe either that the victims have something they want or (more likely) stand in the way of something they want.²⁴⁵ In the

discourse of ISIS, the victims are presented as a threat to the religious purity or even the existence of the *Ummah* and stand in its way of fulfilling its religious duty of establishing a pure Islamic Caliphate which will rule the entire world. Using a classic persuasion technique, the ISIS hate narrative is furthermore never changing and repeated *ad nauseam* through their various media platforms.²⁴⁶ It would be appropriate to consider *Dabiq* and *Rumiyah* as well as other ISIS outlets as media for incitement to genocide²⁴⁷ and try and identify, apprehend and bring to justice individuals involved in the ISIS media apparatus.

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¹ “IS” is referred to as the Islamic State of Iraq and Syria (ISIS), the Islamic State of Iraq and the Levant (ISIL) or the Arabic acronym Da’esh. The use of “IS” in the present Chapter in no way acknowledges or accepts the so-called Islamic State’s claim as a legitimate ‘Caliphate’, nor does it support its claims or ambitions in this respect. The acronym Da’esh comes from al-Dawlah al-Islamiyah fi al-’Irāq wa-al-Shām, (i.e. the Islamic State of Iraq and the Levant (ISIL) which was the initial title the militants gave themselves. However, since acronyms are rare in the Arabic language and have an unusual tone for the native speaker, the term Da’esh plays the role of mocking the militants.

² See *Prosecutor v. Akayesu*, ICTR-96-4-T, Judgment, 2 September 1998 (hereinafter *Akayesu* Trial Judgment), paras. 146-153.

³ Mathias Ruzindana, ‘The Challenges of Understanding Kinyarwanda Key Terms Used to Instigate the 1994 Genocide in Rwanda’, in Predrag Dojčinović (ed.), *Propaganda, War Crimes Trials and International Law: From Speakers’ Corner to War Crimes* (Routledge, London, 2012), 145. See also Richard Ashby Wilson, *Incitement on Trial, Prosecuting International Speech Crimes* (Cambridge University Press, 2017) 192.

⁴ Alexander Zahar, ‘The ICTR’s ‘Media’ Judgement and the Reinvention of Direct and Public Incitement to commit Genocide’, 16 *Criminal Law Forum* (2005) 33–48, 40.

⁵ Ruzindana, *supra note 3*, 147.

⁶ The crime of incitement to genocide does not require a causal link with an actual genocide subsequently committed. Nevertheless, the ICTR has occasionally turned to causality as a substitute for a systematic method of proving the necessary *mens rea*. William A. Schabas, *Genocide in International Law: The Crime of Crimes*, 2nd ed. (Cambridge University Press, New York, 2009), 324.

⁷ *Markaz al-Hayāt l-il-I’lām* (al-Hayāt Media Center): IS Media unit responsible for publishing online magazines, see *infra note 72*.

⁸ Amr Al-Kinānī, ‘It’s Either the Islamic State or the Flood’, *Dabiq* 2, ‘The Flood’ (2014) 5.

⁹ S/RES/2379 (2017) adopted by UNSC at its 8052nd meeting on 21 September 2017. Pursuant to this resolution the United Nations Secretary-General António Guterres appointed Mr Karim Khan as the Special Adviser and Head of the Investigative Team to support domestic efforts to hold Islamic State in Iraq and the Levant (ISIL/Da’esh) accountable by collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by the terrorist group.

¹⁰ United Nations Treaty Collections, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-1&chapter=4&clang=en

¹¹ Referring to Sayyid Qutb, a leading figure of the Muslim Brotherhood in the 1950s and 1960s who advocated violent *jihād* to establish governance according to Islamic law. His ideas were further radicalized by Abd al-Salam Faraj in his working paper “The Neglected Duty” see *infra note 33*.

¹² Thomas Hegghammer, ‘Jihadi Salafis or Revolutionaries? On Theology and Politics in the Study of Militant Islamism’ In Roel Meijer (ed) *Global Salafism: Islam’s New Religious Movement* (Columbia University Press 2009) 244-66.

¹³ Cole Bunzel, 'From Paper State to Caliphate: The Ideology of the Islamic State' *The Brookings Project on U.S. Relations with the Islamic World*, No.19 (2015) 8; Yossef Rapoport and Shahab Ahmed, *Ibn Taymiyya and his Times*. (OUP, 2010), introduction.

¹⁴ *Ibn Taymiyyah, Muqaddima fi usul al-tafsir*, ed. 'Adnān Zarzūr (Kuwait: Dār al-Qur'ān al-Karīm, 1971) 105, 108.

¹⁵ *Ibid*, 93, 95, 105.

¹⁶ Rapoport, *supra* note 13, 152.

¹⁷ Bernard Haykel, 'On the Nature of Salafi Thought and Action' in Meijer (ed) *supra* note 12, 38-39; Nael Shama, 'Al-Jama 'Al-Islamiya And The Al-Jihad Group in Egypt' in John L. Esposito and Emad El-Din Shahin (eds) *The Oxford Handbook of Islam and Politics* (OUP 2013) 608.

¹⁸ Abdurrahman Bin Qasim (ed) *Ad'durar As'samiyah fi Al-Ajwibah An'najdiyah*, vol. 10, (Alqassem Publishers, 1996) cited in Bader Al-Ibrahim, 'ISIS, Wahhabism and Takfir' (2015) 8 *Contemporary Arab Affairs* 408, 413.

¹⁹ Al-Ibrahim, *ibid*.

²⁰ Richard P. Mitchell, *The Society of the Muslim Brothers*, (OUP, 1993), 190.

²¹ *Ibid*, 191.

²² Richard Hrair Dekmejian, *Islam in Revolution: Fundamentalism in the Arab World*, (2nd edn, Syracuse University Press, 1995), p. 73

²³ Al-Furqān Media Foundation, 'Ala minhaj al nubuwwa' (2014) available at: <https://jihadology.net/2014/07/28/al-furqan-media-presents-a-new-video-message-from-the-islamic-state-upon-the-prophetic-methodology/>.

²⁴ Graeme Wood, 'What ISIS really Wants', *The Atlantic* (March 2015), available at:

<https://www.theatlantic.com/magazine/archive/2015/03/what-isis-really-wants/384980/>

²⁵ Umm Sumayyah al-Muhājirah, 'To our Sisters: a Jihād without Fighting', *Dabiq* 11 'From the Battle of Al-Ahzāb to the War of Coalitions' (2015) 45.

²⁶ Mitchell, *supra* note 20, 192.

²⁷ Abdulbasit Kassim, 'Defining and Understanding the Religious Philosophy of jihādī-Salafism and the Ideology of Boko Haram' (2015) 16 *Politics, Religion & Ideology* 173, 185.

²⁸ Petter Nesser, 'Abū Qatāda and Palestine', (2013) 53 *Welt des Islams* 416, 417; Quintan Wiktorowicz, 'The New Global Threat: Transnational Salafis and Jihad', (2001) 8 *Middle East Policy* 18–38; Quintan Wiktorowicz, 'Anatomy of the Salafi Movement', (2006) 29 *Studies in Conflict and Terrorism* 207; Assaf Moghadam, 'The

Salafi-Jihad as a Religious Ideology’, (*Combating Terrorism Centre at West Point* February 2008) 14–7; Joas Wagemakers, *A Quietist Jihadi: The Ideology and Influence of Abu Muhammad al-Maqdisi* (CUP 2012)

²⁹ Gilles Kepel, *Muslim Extremism in Egypt: Prophet and Pharaoh*, (Al Saqi Books, 1985) 192.

³⁰ Bernard Lewis, *Islam in History: Ideas, People, and Events in the Middle East*, (Open Court Publishing, 2001) 375.

³¹ This religious perception of the Pharaoh stands in contrast to the Pharaoh as a symbol of patriotism and pride for Egyptians, which emerged after the science of Egyptology made the language, literature and history of pre-Islamic Egypt known for the first time to Muslim Egyptians. Lewis, *ibid*, 375-376.

³² *Ibid*, 375.

³³ Abd al-Salam Faraj, *al-Farida al-gha'iba*, (Amman, n.d.); this pamphlet radicalized further the ideas of Sayyid Qutb.

³⁴ Unknown author, ‘The Flood of the Mubāhalah’, *Dabiq* 2, ‘The Flood’ (2014) 27.

³⁵ See Abū Maysarah ash-Shāmī, ‘The Qā’idah of Adh-Dhawāhirī, Al-Harārī, and An-Nadhārī and the Absent Yemenī Wisdom’, *Dabiq* 6, ‘Al Qa’idah of Waziristan: A Testimony from Within’ (2014) 16-25.

³⁶ Shiraz Maher, *Salafi-Jihadism, The History of an Idea*, (Hurst & Company, 2016) 112; *al-walā’* derives from *muwālah*, meaning ‘love’.³⁶ It is similar to terms like *wilāyah*, meaning ‘loyalty’ or ‘devotion’ and is linked to the word *tawāli* which appears in the *Qur’ān* in the context of obedience.³⁶ *Al-barā’* on the other hand means ‘severance’ or ‘to be free of.’

³⁷ *Ibid*, 113.

³⁸ *Ibid*, 116.

³⁹ *Ibid*, 120-121.

⁴⁰ Abū Muhammad ‘Āsim Al-Maqdisī, *Millat Ibrāhīm* (The Religion of Ibrāhīm): (2nd edn. Al-Tibyān Publications).

⁴¹ Bearing witness that there is no God but Allah, and that Muhammad is the messenger of Allah.

⁴² Al-Maqdisī, *supra* note 40, 42.

⁴³ Maher, *supra* note 36, 120.

⁴⁴ Toshihiko Izutsu, *The Concept of Belief in Islamic Theology: A Semantic Analysis of Iman and Islam* (Books for Libraries, 1980) 11; Ibrahim A. Karawan, ‘Takfir’, in John Esposito (ed.), *The Oxford Encyclopaedia of the Modern Islamic World*, vol. 5 (OUP, 2009) 311; For more on the practice of *takfir* (branding one’s opponents unbelievers (*kuffar*) by contemporary extremist militants groups see Mohamed Badar *et al.*, ‘The Radical

Application of the Islamic Concept of Takfir', (2017) 31 *Arab Law Quarterly* 134-162. On *takfir* in general see Mohamed Badar *et al.*, 'The Radical Application of the Islamic Concept of Takfir', (2017) 31 *Arab Law Quarterly*, 134-162; see also Camilla Adang *et al.* (eds.), *Accusations of Unbelief in Islam: A Diachronic Perspective on Takfir* (Brill, 2016).

⁴⁵ Izutsu, *ibid*, 17.

⁴⁶ Adang, *supra* note 44, 108.

⁴⁷ Izutsu, *supra* note 44, 12.

⁴⁸ Arthur S. Tritton, *Muslim Theology* (Asiatic Society, 1947) 38; Jane I. Smith, 'Faith', in Jane Dammen McAuliffe (ed.), *Encyclopaedia of the Qur'an*, 2 (Brill, 2001) 170.

⁴⁹ William Montgomery Watt, *Islamic Political Thought* (Edinburgh University Press, 1968) 55–56.

⁵⁰ This applies regardless of whether those resisting the ruling deny the obligation to obey it or not. Ash-Shāmī, *supra* note 35, 19, fn. 3.

⁵¹ *Dabiq* 8, 'Shari'ah alone will Rule Africa' dedicates an 18-page long article 'Irjā': The Most Dangerous Bid'ah: and its Effects on the Jihād in Shām' to denouncing the concept, 39-56.

⁵² A group of Muslim scholars during the very first century of Islam

⁵³ Mustafa Akyol, 'A Medieval Antidote to ISIS', *New York Times*, (21 December 2015) <https://www.nytimes.com/2015/12/21/opinion/a-medieval-antidote-to-isis.html>

⁵⁴ Unidentified author, 'The Soldiers of Terror', *Dabiq* 8, 'Shari'ah Alone Will Rule Africa' (2015) 19.

⁵⁵ Unidentified author, *supra* note 51, 42.

⁵⁶ Mu'awiya was the founder of the Umayyad Dynasty of the Caliphate; r.661–680 Annie C. Higgins, 'Kharijites, Khawarij', in Richard C. Martin (ed.), *Encyclopedia of Islam and the Muslim World* (Macmillan, 2004) 390; John L. Esposito, Foreword in Joel S. Hayward, *Fatwa on Terrorism and Suicide Bombings* (Minhaj-ul- Qur'an International, London, 2010) 272. https://www.minhajbooks.com/images-books/Edict-Terrorism-Fitna-Khawarij/Edict-Terrorism-Fitna-Khawarij_1.pdf

⁵⁷ Izutsu, *supra* note 44, 11; Patricia Crone and Fritz Zimmermann, *The Epistle of Salim Ibn Dhakwan*, (OUP, 2001) 95–97; Abū-Mansur 'Abd-al-Kahir ibn Tahir al-Baghdadi, *Moslem Schisms and Sects (al-Fark bain al-firak) Being the History of the Various Philosophic Systems Developed in Islam*, translated from the Arabic with Introduction and notes by Abraham S. Halkin (Palestine Publishing, 1935) 168:

⁵⁸ Abdur-Rahmaan ibn Salih al-Mahmood, *Man-made Laws vs. Shari'ah*, (International Islamic Publishing House, 2003) 354.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ *Ibid* 343.

⁶² Watt, *supra* note 49, 54-55; al-Mahmood, *ibid* 347, on the opposite extreme, the *Murji'ah* did not regard the person who rejected the *Shari'ah* and replaced it with man-made laws as a *kāfir*, unless he regarded this as being permissible.

⁶³ See Johannes J. G. Jansen, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East* (Macmillan Publishing, 1986)

⁶⁴ Referring to the *munafiqun*, a group decried in the *Qur'an* as outward Muslims who were inwardly concealing disbelief and actively sought to undermine the Muslim community.

⁶⁵ Kassim, *supra* note 27, 181; al-Mahmood, *supra* note 58, 354.

⁶⁶ Kassim, *ibid* 185.

⁶⁷ Yahya Michot, *Muslims under Non-Muslim Rule*, (Interface Publications, 2006), 32, referring to writings of Muhammad 'Abd al-Salām Faraj, Shaykh 'Abs Allāh Yūsuf 'Azzam, Muhammad b 'Abs Allāh al-Mas'ari, Shaykh 'Abd al-'Aziz b. Sālih b. Sulaymān al-Jarbū, Zuhayr Sālim, Shaykh Sa'd al-Dīn b. Muhammad al-Kibbī

⁶⁸ *Ibid* 49.

⁶⁹ *Ibid* 35, 53.

⁷⁰ *Ibid* 42, 43, 49, 53.

⁷¹ IS has three centralised Media units. The first was *Mu'assasat al-Furqān* (the al-Furqān Foundation for Media Production) established back in 2006 and producing DVDs, CDs, pamphlets and official statements from the organisation's leadership. In 2013 it was joined by *Mu'assasat al-I'tisām* (al-I'tisām Media Foundation) and in 2014 *Markaz al-Ḥayāt l-il-I'lām* (al-Ḥayāt Media Center) which published online magazines: *Dabiq*, in a number of different languages including English; *Konstantiniyye* in the Turkish language; *Dar al-Islam* in the French language; and *Rumiyyah*, which replaced the first three since 2016. IS also established the *Mu'assasat Ajnād*, (the Ajnād Foundation) specialising in audio recordings (see *anashīd* below). See Charlie Winter, 'The Virtual 'Caliphate': Understanding Islamic State's Propaganda Strategy' (Quilliam Foundation, July 2015) 18 <https://www.stratcomcoe.org/charlie-winter-virtual-caliphate-understanding-islamic-states-propaganda-strategy>

⁷² Lori Hinnant, 'The ISIS Radio Station Targeting European Recruits Sounds Like NPR', *Business Insider*, (1 June 2015), <https://www.businessinsider.com/the-isis-radio-station-targeting-european-recruits-sounds-like-npr-2015-6?r=UK&IR=T>

⁷³ Fazul Rahim, Mushtaq Yusufzai and F. Brinley Bruton, 'ISIS Takes to Airwaves, Transmits Fatwas in Jalalabad, Afghanistan', *NBC News*, (19 December 2015), <https://www.nbcnews.com/storyline/isis-uncovered/isis-takes-airwaves-transmits-fatwas-jalalabad-afghanistan-n482471>; 'ISIS' al-Bayan Radio Station in Mosul is Bombed into Silence by Iraqi Jets,' *NBC News* (3 Oct. 2016) <https://www.nbcnews.com/storyline/isis-terror/isis-al-bayan-radio-station-mosul-bombed-silence-iraqi-jets-n658521>; Daniel Milto, 'The Islamic State: An Adaptive Organization Facing Increasing Challenges', in Muhammad al-'Ubaydi, Nelly Lahoud *et al.*, *The Group That Calls Itself a State: Understanding the Evolution and Challenges of the Islamic State*, (The Combatting Terrorism Centre at West Point, December 2014) 47, 53-54 <https://www.files.ethz.ch/isn/186737/CTC-The-Group-That-Calls-Itself-A-State-December20141.pdf>.

⁷⁴ *Dabiq* had been issued frequently between 5 July 2014 (the date of the declaration of the so-called caliphate) until 31 July 2016 (the date when the town of *Dabiq* was lost) altogether 15 issues. Its successor *Rumiyah* had been issued since September 2016, altogether 13 issues. Both magazines have been released by Al Hayat Media Centre.

⁷⁵ Winter, *supra* note 71.

⁷⁶ 'Counter-Terrorism Project, 'Terrorists on Telegram', (May 2017) https://www.counterextremism.com/sites/default/files/Terrorists%20on%20Telegram_052417.pdf, 4.

⁷⁷ How ISIS Games Twitter, *The Atlantic*, (16 June 2014) <https://www.theatlantic.com/international/archive/2014/06/isis-iraq-twitter-social-media-strategy/372856/>

⁷⁸ Evin Staub, *The Roots of Evil*, (CUP, 1989).

⁷⁹ *Ibid*, 20.

⁸⁰ *Ibid*, 22.

⁸¹ *Ibid*.

⁸² Emman El-Badawy *et al.*, 'Inside the Jihadi Mind: Understanding Ideology and Propaganda' (Centre on Religion and Geopolitics, October 2015) <https://institute.global/insight/co-existence/inside-jihadi-mind-understanding-ideology-and-propaganda>, 7.

⁸³ Anthony Oberschall, 'Propaganda, Hate Speech and Mass Killings', in Dojčinović (ed.), *supra* note 3, 172.

⁸⁴ The Centre on Religion & Geopolitics has analyzed a cross-section of 114 propaganda sources from IS, Jabhat al-Nusra, and al-Qaeda in the Arabian Peninsula and found that the *Qur'ān* is used five times more often in Salafī-jihādi than in mainstream material. Justifications taken from the *Qur'ān*, *hadīth* or from scholarship appeared in 87 percent of the sources analyzed. In one IS statement references to 13 different *surahs* (chapters) in the *Qur'ān* made up 26 per cent of that entire statement. El-Badawy, *ibid*, 5, 7. See <https://institute.global/our-mission>.)

⁸⁵ Oberschall, *supra* note 83, 172–73.

⁸⁶ founder of Al Qa'eda in Iraq, the precursor of IS and the main ideologue of IS.

⁸⁷ Unidentified author, 'Dabiq Magazine', *Dabiq* 1, 'The Return of the Khilafah' (2014) 4.

⁸⁸ Al-Kinānī, *supra* note 8, 9.

⁸⁹ El-Badawy *supra* note 82, 5.

⁹⁰ Founder of Al Qa'eda in Iraq, the precursor of IS and the main ideologue of IS.

⁹¹ Unidentified author, 'Foreword', *Dabiq* 4, 'The Failed Crusade' (2014) 4.

⁹² *Ibid*.

⁹³ *Ibid*.

⁹⁴ *ibid*.

⁹⁵ El-Badawy *supra* note 82, 5.

⁹⁶ Unidentified author, *supra* note 54, 17

⁹⁷ Unidentified author, 'The Islamic State before Al-Malhamah: The Immigrants to the Land of Malāhim', *Dabiq* 3, 'A Call to Hijrah' (2014) 12.

⁹⁸ Unidentified author, 'The Kafir's Blood is Halal for you, so Shed it', *Rumiyah* 1 (2016) 36.

⁹⁹ Saying (rahimahullah), a phrase often used after mentioning the righteous Islamic personalities who came after the companions of Prophet Muhammad.

¹⁰⁰ Unidentified author, 'The Fight against the PKK', *Dabiq* 2, 'The Flood' (2014) 13.

¹⁰¹ Unidentified author, 'Foreword', *Dabiq* 12, 'Just Terror' (2015) 2-3.

¹⁰² Haroro J. Ingram, 'An Analysis of *Inspire* and *Dabiq*: Lessons from AQAP and Islamic State's Propaganda War', (2016) 40 *Studies in Conflict and Terrorism* 357-375; Haroro J. Ingram, 'Learning from ISIS's virtual propaganda war for Western Muslims: A Comparison of *Inspire* and *Dabiq*' 4 available online at <https://icct.nl/wp-content/uploads/2017/07/INGRAM-nato-chapter-21JUL17.pdf>. For more on IS's overarching

propaganda strategy see Haroro J. Ingram, 'The Strategic Logic of Islamic State Information Operations', (2015) 69 *Australian Journal of International Affairs* 729-752.

¹⁰³ Peter Wignell *et al.* 'A Mixed Methods Empirical Examination of Changes in Emphasis and Style in the Extremist Magazines Dabiq and Rumiya' (2017) 11 *Perspectives on Terrorism* 4-5.

¹⁰⁴ Jessica Stern and J.M. Berger, *ISIS: The State of Terror* (William Collins, 2015) 219.

¹⁰⁵ Behnam Said, 'Hymns (*Nasheeds*): A Contribution to the Study of the Jihadist Culture', (2012) 35 *Studies in Conflict & Terrorism* 863, 867.

¹⁰⁶ *Ibid.*

¹⁰⁷ the Ajnad Media Foundation: unit for jihādi audio chants; Jonathan Pieslak and Nelly Lahoud, 'The *Anashid* of the Islamic State: Influence, History, Text, and Sound' (2018) *Studies in Conflict and Terrorism*, DOI: 10.1080/1057610X.2018.1457420, 4.

¹⁰⁸ Gilbert Ramsay, *Jihadi Culture on the World Wide Web*, (Bloomsbury Publishing USA, 2013), 63.

¹⁰⁹ *Ibid*, 64.

¹¹⁰ Henrik Gråtrud, 'Islamic State *Nasheeds* As Messaging Tools', (2016) 39 *Studies in Conflict and Terrorism*, 1050, 1052.

¹¹¹ Jad Chaaban, 'Youth and Development in the Arab Countries: The Need for a Different Approach', (2009) 45 *Middle Eastern Studies* 38-47.

¹¹² Oliver Roy, *Den Globaliserende Islam* (Vandkunsten, 2004) 193.

¹¹³ Staub, *supra* note 78, 30.

¹¹⁴ Immanuel Sivan, *Radical Islam: Medieval Theology and Modern Politics* (Yale University Press, 1985) 65.

¹¹⁵ Gråtrud, *supra* note 110, 1060-1061.

¹¹⁶ *Ibid* 1063.

¹¹⁷ Anthony Lemieux and Robert Nill, 'The Role and Impact of Music in Promoting (and Countering) Violent Extremism' in Sarah Canna, (ed.) *Countering Violent Extremism: Scientific Methods and Strategies* (Air Force Research Laboratory, 2011) 145-146 <https://apps.dtic.mil/dtic/tr/fulltext/u2/a552480.pdf>.

¹¹⁸ *Ibid*, 150.

¹¹⁹ Jonathan Pieslak, *Radicalism and Music: An Introduction to the Music Cultures of al-Qa'ida, Racist Skinheads, Christian-Affiliated Radicals, and Eco-Animal Rights Militants* (Wesleyan University Press, 2015)

¹²⁰ Said, *supra* note 105, 869-970.

¹²¹ *Ibid* 870.

¹²² Pieslak *supra* note 107.

¹²³ Said *supra* note 105.

¹²⁴ Pieslak and Lahoud, 'Music of the Islamic State', (2018) 60 *Survival: Global Politics and Strategy*, 153-168, 158.

¹²⁵ *Ibid*, 158-159.

¹²⁶ Al-Hayāt Media Center, 'Flames of the War' (2014) available at <https://jihadology.net/?s=Flames+of+War+video>.

¹²⁷ Unidentified author, *supra* note 98.

¹²⁸ Unidentified author, 'The World has Divided into Two Camps', *Dabiq* 1, 'The Return of the Khilafah' (2014) 10.

¹²⁹ Unidentified author, *supra* note 91, 4 citing Abu Bakr al-Baghdadi.

¹³⁰ The innovators – referring to *bid'ah* or heretical innovation in religion

¹³¹ The rebellious – referring to *Iblīs* or the devil rebelling against *Allah*

¹³² The hypocrites – referring to the *munaḥḥiqūn*, a group decried in the *Qur'ān* as outward Muslims who were inwardly concealing disbelief and actively sought to undermine the Muslim community.

¹³³ Unidentified author, *supra* note 91, 4.

¹³⁴ Thomas Joscelyn, 'Islamic State radio tries to quell controversy over takfir', FDD's Long War Journal, (26th September 2017), referring to a lecture series broadcast on *Al Bayan* 20th September 2017

¹³⁵ Unidentified author, 'Conspiracy Theory: Shirk', *Dabiq* 9, They Plot and Allah Plots, (2015) 17; *Īsā* is the *Qur'ānic* name for Jesus and Maryam is the *Qur'ānic* name for Mary; Anti-semitic discourse found in political communication across Europe from the late 19th century leading up to the birth of Nazi ideology, included similar examples of 'religious Jewish malfeasance', e.g. Jews are Christ killers, Oberschall, *supra* note 83, 175.

¹³⁶ United Nations Human Rights Council, 32nd session, Human rights situation that require the Council's attention, "'They came to destroy": ISIS Crimes Against the Yazidis' UN Doc. A/HRC/32/CRP.2 (15 June 2016).

¹³⁷ V. Arakelova, 'Sufi Saints in the Yezidi Tradition I: Qawlē H'usēyīni H'alāj' (2001) 5 *Iran & the Caucasus*, 183-192.

¹³⁸ Emre Basci, 'Yazidis: A Community Scattered in between Geographies and Its Current Immigration Experience,' (2016) 3 *International Journal of Humanities and Cultural Studies* 340, 341-42; Arielle Mullaney,

‘Wiping out an Entire Religion: How ISIS Will Inevitably Eliminate an Ancient Culture Unless the United States Employs Military and Diplomatic Intervention,’ (2016) 39 *Suffolk Transnational Law Review* 107–10.

¹³⁹ Ahmed Gökçen, *Osmanlı ve İngiliz arşiv belgelerinde Yezidiler*, (Bilgi University, 2012), 7, 11, in Basci, *ibid*, 341.

¹⁴⁰ E. Çelebi, *Seyahatname*, (T.T. Kuran & N. Akbaş, Trans.), (Üçdal Neşriyat, 1986), 169-171; Edip Gölbaşı, *The Yezidis and the Ottoman State: Modern power, military conscription, and conversion policies, 1830-1909* (Unpublished Master’s dissertation, Bogazici University, 2008), both in Basci, *ibid*, 341.

¹⁴¹ Basci, *ibid*, 341.

¹⁴² *Ibid*.

¹⁴³ Magazine Monitor, ‘Who, What, Why: Who are the Yazidis?’ *BBC News* (8 August 2014) <https://www.bbc.co.uk/news/blogs-magazine-monitor-28686607>.

¹⁴⁴ Unidentified author, ‘The Revival of Slavery Before the Hour’, *Dabiq* 4, ‘The Failed Crusade’ (2014) 14.

¹⁴⁵ *Ibid*, 14.

¹⁴⁶ *Ibid*, 15.

¹⁴⁷ Nathan Lee, ‘Convert or Die: Forced Religious Conversions and the Convention on the Prevention and Punishment of the Crime of Genocide,’ (2015-2016) 47 *Georgetown Journal of International Law*, 606.

¹⁴⁸ Unidentified author, *supra* note 144, 15.

¹⁴⁹ *Ibid*.

¹⁵⁰ UNHRC, *supra* note 136.

¹⁵¹ Nina Shea, ‘Falling for ISIS Propaganda about Christians,’ (21 July 2016) <https://www.the-american-interest.com/2016/07/21/falling-for-isis-propaganda-about-christians/>

¹⁵² Unidentified author, ‘Why We Hate You and Why We Fight You’, *Dabiq* 15, ‘Break the Cross’ (2016) 33.

¹⁵³ *Ibid*, 31.

¹⁵⁴ Unidentified author, ‘The Ruling on the Belligerent Christians’, *Rumiyah* 9 (2017), 5.

¹⁵⁵ *Supra* note 153, 31-32.

¹⁵⁶ *Ibid*, 33.

¹⁵⁷ *Ibid*, 31.

¹⁵⁸ *Supra* note 154.

¹⁵⁹ Scottish Catholic Observer, ‘Pope Condemns the ISIS Slaughter of 30 Christians’ (24 April 2015) <http://www.sconews.co.uk/news/44778/pope-condemns-the-isis-slaughter-of-30-christians/>.

¹⁶⁰ Ahram Online, ‘Video shows beheading of Copts at IS hands: Egypt declares week of mourning’ (15 February 2015) <http://english.ahram.org.eg/News/123128.aspx>; The breaking of the cross and killing of the swine is a reference to a hadith predicting the return of Jesus as a just judge in a major sign of the last days.

¹⁶¹ The basic idea of “accusation in a mirror” is that propagandists ‘impute to enemies exactly what they and their own party are planning to do’ Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* 65 (Human Rights Watch, 1999) 66. See also The Prosecutor Versus Jean-Paul Akayesu, Judgement, Case No. ICTR-96-4-T, 2 September 1998, para. 99. The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze, Judgment and Sentence, Case No. ICTR-99-52-T, 3 December 2003, para. 111.

¹⁶² Unidentified author, ‘And Allah is the Best of Plotters’, *Dabiq* 9, They Plot and Allah Plots, (2015) 51.

¹⁶³ Unidentified author, ‘Wilāyat Khurāsān and the Bay’āt from Qawqāz’, *Dabiq* 7, ‘From Hypocrisy to Apostasy: The Extinction of the Grey Zone’ (2015) 37.

¹⁶⁴ Unidentified author, *supra* note 152.

¹⁶⁵ Unidentified author, *supra* note 153, 7.

¹⁶⁶ European Parliament, Joint Motion, ‘Resolution on the Systematic Mass Murder of Religious Minorities by the so-called ISIS/Daesh’ (3 February 2016), 2016/2529(RSP).

¹⁶⁷ Unidentified author, *supra* note 144, 15, fn. 1.

¹⁶⁸ *Ibid.*

¹⁶⁹ Maher, *supra* note 36, 102-103.

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.*

¹⁷² Shane Drennan, ‘Constructing Takfir: From ‘Abdullah ‘Azzam to Djamel Zitouni’’, (2008) 1 *Combating Terrorism Centre at West Point* 3 <https://ctc.usma.edu/constructing-takfir-from-abdullah-azzam-to-djamel-zitouni/>.

¹⁷³ Ash-Shāmī, *supra* note 35, 19.

¹⁷⁴ Unidentified author, ‘From the Pages of History: the Safawiyah’, *Dabiq* 13, ‘The Rāfidah: From Ibn Saba’ to the Dajjāl’ (2016) 13.

¹⁷⁵ Unidentified author, ‘The “Mahdī” of the Rāfidah: The Dajjāl’, *Dabiq* 11 ‘From the Battle of Al-Ahzāb to the War of Coalitions’ (2015) 16.

¹⁷⁶ *Ibid.*, 34.

¹⁷⁷ Donald Holbrook *The Al-Qaeda Doctrine: The Framing and Evolution of the Leadership's Public Discourse* (Bloomsbury Publishing, 2014) 120.

¹⁷⁸ Unidentified author, *supra* note 174, 10.

¹⁷⁹ *Ibid*, 10-11.

¹⁸⁰ Nibras Kazimi, 'Zarqawi's anti-Shi'a legacy: Original or Borrowed?', *Current Trends in Islamist Ideology*, (1 November 2006), in Maher, *supra* note 36, 103, fn 78; Leading members of the Saudi *sahwa* movement, a hybrid between Qutbism and Wahhabism, echoed similar views.

¹⁸¹ Unidentified author, 'Foreword', *Dabiq* 11, 'From the Battle of Al-Ahzāb to the War of Coalitions' (2015) 5.

¹⁸² Unidentified author, *supra* note 174, 11.

¹⁸³ Raihan Ismail, *Saudi Clerics and Shi'a Islam* (OUP, 2016) 93.

¹⁸⁴ Unidentified author, *supra* note 174, 12.

¹⁸⁵ Unidentified author, *supra* note 174, 12.

¹⁸⁶ El-Badawy, *supra* note 82, 4.

¹⁸⁷ *Ibid*, 47.

¹⁸⁸ See James Waller, *Becoming Evil. How Ordinary People Commit Genocide and Mass Killing*, (Cambridge University Press, 2002).

¹⁸⁹ ash-Shāmī, *supra* note 35, 20.

¹⁹⁰ Unidentified author, 'The Capture of the Crusader Pilot', *Dabiq* 6, 'Al Qa'idah of Waziristan: A Testimony from Within' (2014), 36.

¹⁹¹ *Ibid*, 34-36.

¹⁹² *Dabiq* 14, 'The Murtadd Brotherhood' (2016), cover page.

¹⁹³ Unidentified author, 'Operations', *Dabiq* 14, 'The Murtadd Brotherhood' (2016), 43.

¹⁹⁴ Maher, *supra* note 35, glossary, xvii.

¹⁹⁵ Unknown author, 'Establishing the Islamic State: Between the Prophetic Methodology and the Paths of the Deviants,' *Rumiyah* 7, 8; unknown author, 'The Murtadd Taliban Movement: On the Footsteps of the Iraqi and Shami Sahwat,' *Rumiyah* 10, 42.

¹⁹⁶ *Prosecutor v. Kayishema and Ruzindana*, ICTR-95 1-T, Judgment, 21 May 1999, para. 98; Carsten Stahn, *A Critical Introduction to International Criminal Law*, (Cambridge University Press 2019), 36-37

¹⁹⁷ Michael Degerald, 'How Daesh talks about the world: Central points of Daesh discourse' (10 March 2016) <https://historyxisis.com/2016/03/10/how-daesh-talks-about-the-world-central-points-of-daesh-discourse/>.

¹⁹⁸ Ash-Shāmī, *supra* note 35, 19.

¹⁹⁹ *Ibid*.

²⁰⁰ *Ibid.*

²⁰¹ Ash-Shāmī, *supra* note 35, 19, fn 3.

²⁰² IS, Delegated Committee, ‘That Those Who Perish Would Perish Upon Proof and Those Who Live Would Live Upon Proof’, 17 May 2017, emphasis added.

²⁰³ Thomas Joscelyn, ‘Islamic State rescinds one of its most problematic religious rulings’, FDD’s Long War Journal, (20 September 2017).

²⁰⁴ *Ibid.*

²⁰⁵ Thomas Joscelyn, ‘Islamic State radio tries to quell controversy over takfir’, FDD’s Long War Journal, (26 September 2017)

²⁰⁶ *Ibid.*

²⁰⁷ Article III (c).

²⁰⁸ ICTY Statute Art. 3(c); ICTR Statute Art. 2(3)(c); ICC Statute, Art. 25 3 (e).

²⁰⁹ *Prosecutor v. Brđanin*, ICTY-IT-99-36-T, Judgment, 1 September 2004, paras. 80, 323-32.

²¹⁰ *Prosecutor v. Karadžić*, ICTY-IT-95-5/18-T, Judgment, 24 March 2016, para. 3514.

²¹¹ *Prosecutor v Nahimana, Barayagwiza, Ngeze*, ICTR-99-52-A, Judgment, 28 November 2007 (hereinafter *Nahimana et al.* Appeals Judgment), para. 678.

²¹² See *Nahimana et al.* Appeals Judgment 985-6; *Prosecutor v. Šešelj*, MICT-16-99-A, Judgment, 11 April 2018, paras. 159, 163.

²¹³ *Nahimana et al.* Appeals Judgment, para. 677.

²¹⁴ *Akayesu* Trial Judgment, 556.

²¹⁵ *Akayesu* Trial Judgment, para. 557-558. See also *Prosecutor v. Muvunyi*, ICTR-00-55A-T, Judgment, 11 February 2010, para. 502; *Prosecutor v. Niyitegeka*, ICTR-96-14-T, Judgment, 16 May 2003, para. 431; *Prosecutor v. Kajelijeli*, ICTR-98-44A-T, Judgment, 1 December 2003, para. 853; *Prosecutor v. Bikindi*, ICTR-01-72-T, Judgment, 2 December 2008, para. 387; *Nahimana et al.* Appeals Judgment, para. 700

²¹⁶ *Nahimana et al.* Appeals Judgment, para. 699; *Mugesera v. Canada (Minister of Citizenship and Immigration)*, [2005] 2 S.C.R. 100, 2005 SCC 40, paras. 87, 94.

²¹⁷ *Nahimana et al.* Appeals Judgment, para. 701.

²¹⁸ As mentioned above for the Yazidi, for the Shi‘a, for the Christians, etc.

²¹⁹ Unidentified author, ‘The Rāfidah: From Ibn Saba’ to the Dajjāl’, *Dabiq* 13, ‘The Rāfidah: From Ibn Saba’ to the Dajjāl’ (2016), 45.

²²⁰ Mohamed Badar et al., ‘The Radical Application of the Islamic Concept of Takfir’ 31 (2017) *Arab Law Quarterly* 134, 136-38.

²²¹ See Art. 14 (8) of the Tunisian Organic Law No. 26 of 7 August 2015 on the Fight Against Terrorism and the Repression of Money-Laundering. Art. 7 of Iraq’s Constitution 2005. An attempt to include

²²² Raphael Lemkin considered cultural genocide to be a component of genocide. Raphael Lemkin, *Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations* (1933); Raphael Lemkin, *Axis Rule in Occupied Europe*, (1944), 91. The drafters of the 1948 Genocide Convention, however, did not include cultural genocide in the Convention.

²²³ Unidentified author, *supra* note 144, 17.

²²⁴ *Ibid*, 15.

²²⁵ Beth Van Schaack, ‘Engendering Genocide: The Akayesu Case before the ICTR’ (2008), Available at: <http://digitalcommons.law.scu.edu/facpubs/629>, p. 17

²²⁶ *Nahimana et al.* Appeal Judgment, fn. 1674.

²²⁷ UNHRC, *supra* note 136, 1.

²²⁸ *Nahimana et al.* Appeals Judgment, para. 677.

²²⁹ *Nahimana et al.* Appeals Judgment, para. 709.

²³⁰ European Parliament, *supra* note 166.

²³¹ For example, reflecting on the sexual attacks on women Umm Sumayyah al-Muhājirah, ‘Slave-girls or Prostitutes?’, *Dabiq* 9, They Plot and Allah Plots, (2015) 46

²³² On ‘cultural genocide’ or ‘ethnocide’ see Andrew Woolford, ‘The Ontological Destruction of Canadian Aboriginal Peoples,’ (2009) 4 *Genocide Studies and Prevention* 81 – 97; Kristin Romney, ‘ISIS Destruction of Ancient Sites Hits Mostly Muslim Targets’, *National Geographic*, (2 July 2015), <http://news.nationalgeographic.com/2015/07/150702-ISIS-Palmyra-destruction-salafism-sunni-shiite-sufi-Islamic-State/>; see also United Nations Assistance Mission for Iraq, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 11 December 2014 - 30 April 2015*, (UNAMI/OHCHR, 13 July 2015), https://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_4th_POCR-report-11Dec2014-30April2015.pdf.

²³³ *Nahimana et al.* Respondent’s Brief, para. 137.

²³⁴ *Nahimana et al.* Respondent’s Brief, paras. 138-140; Prosecutor’s Response to the *Amicus Curiae* Brief, para. 22.

²³⁵ *Nahimana et al.* Appeals Judgment, para. 726.

²³⁶ Articles 2(2) and (3) of the Statute reproduce Articles 2 and 3 of the Genocide Convention. The *travaux préparatoires* of the Genocide Convention can therefore shed light on the interpretation of Articles 2(2) and (3) of the Statute. See UN ORCA, 6th Committee, 3rd Session, 86th meeting, UN Doc. A/C.6/3/CR. 86, 28 October 1948, pp. 244-248, and UN ORGA, 6th Committee, 3rd Session, 87th meeting, UN Doc. A/C.6/3/CR. 87, 29 October 1948, pp.248-254.

²³⁷ *Nahimana et al.* Appeals Judgment, paras. 715, 725.

²³⁸ *Ibid*, 725.

²³⁹ *Nahimana et al.* Appeals Judgment, para. 692.

²⁴⁰ Waller *supra* note 188.

²⁴¹ Oberschall, *supra* note 83; Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Fountain Publishers, 2001) where the author examines the process by which a group is made to be seen as ‘foreign’ or ‘alien’ using Rwanda as a case study.

²⁴² Oberschall, *supra* note 83, 174.

²⁴³ See the editorial section titled ‘Extinction of the Grayzone’, 7 *Dabiq*, *supra* note 95, which explicitly talks about IS trying to eliminate the ‘gray zone of coexistence.’; see also El-Badawy, *supra* note 82, 16 Oberschall, *ibid* 179.

²⁴⁴ Waller, *supra* note 188, 127; Carl I. Hovland, Irving L. Janis and Harold H. Kelly, *Communication and Persuasion: Psychological Studies of Opinion Change* (Yale University Press, 1953) 56. See in general Anthony Pratkanis and Elliot Aronson, *Age of Propaganda: The Everyday Use and Abuse of Persuasion* (W. H. Freeman and Company, 1999); Garth S. Jowett and Victoria O’Donnel, *Propaganda and Persuasion*, 5th ed. (Sage Publications, 2012).

²⁴⁵ Staub, *supra* note 78, 23.

²⁴⁶ Oberschall, *supra* note 83, 172.

²⁴⁷ Diane F. Orentlicher, ‘Criminalising Hate Speech in the Crucible of the Trial: *Prosecutor v. Nahimana*’, (2005) 12 *New England Journal of International and Comparative Law*, 17–50.