

**UNITAD-NGO Dialogue Forum:
First Biannual Plenary Roundtable**
14 December 2020

Meeting Summary

Background / Purpose of Meeting

The United Nations Investigative Team to Promote Accountability for ISIL/Da'esh Crimes (UNITAD) Special Adviser and Head of the Investigative Team, Karim Khan QC, convened the first biannual plenary roundtable of the UNITAD-NGO Dialogue Forum on 14 December 2020. The principal objective of this meeting was for Iraqi and international NGOs to share reflections and recommendations on how the Investigative Team can best fulfil its mandate in 2021.

The Special Adviser provided an overview of the latest activities of the Team and outlined priority work plans for the coming year. A space was given for victims and survivor groups from the Shia Turkmen community to share their views. This was followed by the plenary segment, where NGOs provided observations and recommendations. The UNITAD-NGO Dialogue Forum provides a platform for a continuous exchange of information between UNITAD and Iraqi and international NGOs, and by collecting, preserving, and storing evidence in line with international standards it aims to hold members of ISIL accountable for crimes against humanity, war crimes and genocide committed in Iraq.

Special Adviser and Head of UNITAD: Opening Statement

More than 55 NGO participants attended the meeting with Special Adviser Khan and members of the Investigative Team. In his opening remarks, the Special Adviser highlighted that the Biannual Plenary Roundtable is one of the most important events in the UNITAD calendar, noting the critical importance of learning from NGOs engaged in work ranging from documentation to psychosocial support. NGOs are the bridge that allows the Investigative Team to better communicate with the victims and survivors.

The Special Adviser noted that he was honoured to brief the UN Security Council in the same week that Iraq marked its anniversary of victory over Da'esh as well as the International Day of Commemoration and Dignity of the Victims of Genocide. In his briefing to the Council, he highlighted the strength, resilience, and importance of the NGO communities. He noted that the establishment and ongoing engagement of the UNITAD-NGO Dialogue Forum was well received by Council members.

On the issue of reparations, the Special Adviser reiterated that accountability has many aspects beyond criminal responsibility. Reparations for survivors are a key element, and he welcomes the important work by the Coalition for Just Reparations.

The UNITAD-NGO Focal Points will continue to engage Iraqi NGOs in establishing a working group to ensure sustained engagement to address their specific needs. The first meeting of the UNITAD-Iraq NGO Working Group will take place in the beginning of the year. Hanan Elbadawi will be joining the team of UNITAD-NGO Focal Points to strengthen community engagement in partnership with Iraqis NGOs.

Implementation of Recommendations:

The Special Adviser noted that following the first UNITAD-NGO Thematic Roundtable in October 2020, a list of recommendations was circulated, incorporating the outcomes of that discussion and additional subsequent suggestions provided by Shlomo Organization for Documentation and the Jiyan Foundation for Human Rights. In response to those recommendations, the Special Adviser had initiated the implementation of the following initial steps:

- 1) Field Investigation Units (FIUs) will organize check-in meetings twice a month with different NGOs relevant to UNITAD's investigations to ensure better communication. The Special Adviser also noted that UNITAD does not require a bilateral Memorandum of Understanding (MoU) in order to receive information from NGOs, but any NGO wishing to sign an MoU should contact the head of the relevant FIU to formalize exchanges of information.
- 2) UNITAD stands ready to provide NGO partners with trainings in relation to (i) engaging with survivors impacted by trauma (ii) use of the *Shuhud* application. NGOs interested in receiving such training should contact the UNITAD-NGO Focal Points.
- 3) UNITAD will consult with NGOs as part of its engagement with religious authorities in order to further enhance efforts to support victims and accountability processes.
- 4) A dedicated space on the UNITAD website has been created. This is intended to be a useful hub that will include relevant news and documents for NGOs.

Updates on UNITAD Activities over the past six months:

The Special Adviser noted that it was a personal honour to stand side-by-side with NGOs at the Solagh Institute excavation. The mass grave contains the remains of teenage children and women who were executed after they were deemed to be past childbearing age. By learning from those that have been so terribly affected by the crimes linked to such sites, we see ever more clearly how critical it is to incorporate a trauma-informed approach in our work. UNITAD's clinical psychologists and witness protection team are constantly working with the Government of Iraq – and with many of you – to provide assistance and training in order to avoid secondary traumatization, and to improve our own work. A network of support involving NGOs and the Government of Iraq is necessary because the needs are overwhelming.

Mr. Khan stressed that ensuring a survivor-centric approach is central to UNITAD's work, and that the biannual meetings will provide a space for victim and survivor groups to speak. In future meetings all communities that have been impacted by ISIL will have a platform to speak and share their perspectives and experiences, and to provide suggestions and advice on how UNITAD can do better. NGOs wishing to participate in this manner should contact the UNITAD-NGO Focal Points.

In partnership with the Government of Iraq, UNITAD has established a joint national mass graves excavation strategy. In coordination with the International Commission for Missing Persons, this strategy provides a unified and coherent framework for mass grave excavations relating to crimes in Iraq. UNITAD will work more closely with other international partners to expedite work on mass graves, deploying technological tools and expertise to collect evidence in line with international standards. Communities in Iraq will see that evidence has been gathered, and ultimately that remains can be identified and returned for burial, in accordance with the requisite religious and cultural practices of the community concerned.

UNITAD has always emphasised that there is no hierarchy of victims; a principle which is reflected in its strategy and investigations. At this moment, besides the original three investigative priorities, UNITAD has active investigations regarding crimes against the Christian, Kaka'i, Turkmen, and Shabak communities, and also crimes against the Sunni community.

A major evidence-digitization project is currently underway thanks to funding support from the European Union. This is aimed at harnessing the large volumes of data held by various Iraqi authorities, including judges and military intelligence. So far, 18 Iraqi authorities have engaged in this project. UNITAD has completed some initial evidence assessment surveys and is currently assessing the various challenges of physical archiving and then digitization, storage, and processing. Already it is clear that this project is a major key to gather and then unlock the copious amounts of evidentiary material that is available, and to ensure it is not siloed and that UNITAD can properly leverage it to build cases against those most responsible. This has been possible because of the excellent relationship with the new government in Iraq, which has allowed penetration of that support at different levels. There has been palpable support from the President and Prime Minister of Iraqi Kurdistan over the past six months.

The excellent cooperation with the Iraqi judiciary has moved into a new phase. The Investigative Team is now providing training and support to investigative judges in building case files for the prosecution of Da'esh members for war crimes, crimes against humanity and genocide, and progress has already been made in this regard. UNITAD has identified initial case files that are going to be the subject of particular attention. For example, case files in relation to sexual slavery committed by Da'esh, and a case file relating to a high-ranking member of ISIS currently in detention. And we want to do that in relation to crimes of genocide, crimes against humanity and war crimes. When the law is passed that will allow Iraq to prosecute the acts by Da'esh as international crimes, there will no longer be an unnecessary lag between the legislation being enforced and the cases that could feed into the court in compliance with UN standards and in terms of Resolution 2379.

UNITAD has forged innovative partnerships with the private sector, including universities and tech companies. One example is the fantastic collaboration with Microsoft. This follows a meeting in September 2019 with Brad Smith, President of Microsoft, and that engagement and our excellent information management team have now moved this forward. The cooperation has allowed UNITAD to use tools that would otherwise be prohibitively expensive for the United Nations. Cognitive services and artificial intelligence will allow UNITAD to do better in terms of translation of documents, facial

and voice identification analysis, authentication of documents and labelling of videos with graphic content. These partnerships have enabled UNITAD to harness different skills and create a multidisciplinary team that can move the dial on accountability.

UNITAD Priorities for 2021:

The Special Adviser envisages finalization of the first thematic case briefs in the first half of the year, which will deal with the legal characterization crimes and will be focused on the crimes in Sinjar against the Yazidi community as well as the crimes at Tikrit Academy.

The second priority is to support the draft piece of legislation that is currently before parliament which would allow for the prosecution of ISIL crimes as war crimes, crimes against humanity and genocide.. The Special Adviser noted that recognition of the intent that very often lay behind some of these crimes is of great importance to the victims, whether it's a crime of persecution or an intent that may be relevant to an assessment of whether or not genocide has been committed. Victims want to see these crimes properly labelled, and they want to have their day in court. UNITAD is trying to support the adoption of this law so that domestic proceedings in Iraq can take place without further delay.

UNITAD wants to move forward with religious engagement to ensure there are no gaps in the chain, and faith leaders are as important, if not more so, as politicians and communities. The historic visit by His Holiness the pontiff Pope Francis to Iraq in Spring 2021 provides a fantastic opportunity to further galvanize religious communities to move forward on a whole spectrum of activities, that emphasize humanity over division, but also the quest for accountability.

Engagement between UNITAD and NGOs is critical if we are to be successful. It is imperative that the investigative team forges strong links with the NGO community. UNITAD want to know how we can do things better. UNITAD-NGO Focal Points will follow up with an outcome report in January and the second Thematic Roundtable in February.

Spotlight: Victims and Survivor Groups from the Turkmen Community

The UNITAD Head of Field Investigation Unit focused on investigating crimes committed against the Shia Turkmen community emphasized that the investigations continue to be a pressing priority, as well as those into crimes committed against the Shabak and Kaka'i communities.

He noted that the Shia Turkmen community suffered terribly at the hands of Da'esh during this period. The unit is actively seeking to connect with the affected communities and will be conducting wide-ranging inquiries to identify victims and understand the circumstances of disappearance and the potential criminality involved. Information received already has led the team to understand the incidence of mass graves; large-scale abductions; targeted killings and executions; sexual and gender-based violence; crimes against children; destruction of cultural heritage; and the use of chemical weapons against populations. UNITAD works closely with forensic specialists and other UN actors, as well as the national authorities, to ensure a coordinated approach. The Field Investigation Unit has been on a number of missions to the region for a range of purposes including forensic processing using drones, scanning, 3D reconstruction, processing, and preserving. In addition,

the unit has been gathering available overhead imagery, including satellite imagery and other forms of forensic evidence. The team is looking closely at the desegregation of information received in terms of the age, gender, and circumstances. Finally, the unit is heavily pursuing identification of Da'esh leadership figures that are most responsible for these crimes. Moving forward, UNITAD welcomes further assistance from NGOs including introductions to witnesses, victims, affected families, and survivors to discuss the circumstances of the crimes committed by Da'esh. The exhumation of the mass grave site north of Tel Afar is expected to take place in 2021.

Representatives from the Tuly for Turkmen's Affairs Organization and the Turkmen Rescue Foundation talked in detail about the crimes committed by Da'esh against the Shia Turkmen community and reflected on the ongoing suffering, particularly the fate of the abducted and missing women and children. They highlighted the need for increased psychosocial support for victims, including the use of new technology, which will help other survivors to come forward and support accountability processes. Highlighting the lack of official statements by national actors and the international community on the plight of the Shia Turkmen community, the speakers called for unique advocacy programmes to raise awareness and urged national authorities to strengthen documentation efforts and establish a database that will support future investigations. The representative from the Tuly for Turkmen's Affairs Organization requested a database to record crimes committed against the Shia Turkmen community, while the representative from the Turkmen Rescue Foundation stressed the importance of transitional justice working on many levels, including accountability and reparations.

Plenary Discussions

During the plenary segment of the roundtable, NGOs provided comments and recommendations on how UNITAD can enhance its engagement with NGOs and its work on issues related to its mandate. UNITAD team members provides the following remarks in response:

- 1) Issues relating to ensuring the welfare of witnesses and victims that come forward to support accountability processes:

The Head of the Field Investigation Unit addressing investigations relating to the Christian community highlighted that work started with crimes committed in Mosul and has extended to the Nineveh Plains. He welcomed support from Shlomo Organization for Documentation and Hammurabi, who assisted UNITAD by contacting victims that were identified as the priority witnesses to the crimes of Da'esh against the Christian community. UNITAD has brought on board a witness liaison consultant who will cement the bridge between NGOs and UNITAD investigators so that interviews with the victims can start in the next quarter of 2021, in coordination with UNITAD's psychosocial and witness protection teams.

UNITAD's Witness Protection and Support Unit addressed the nature of the investigative team's engagement with traumatized victims and witnesses, and the type of assistance that can be provided. UNITAD adopts a victim centered approach which guides interactions with witnesses and the way in which investigations are conducted. This involves creating an environment that is safe and conducive to the needs of witnesses where they feel empowered and in control during investigative interviews.

Understanding the needs and vulnerability of witnesses is important in order to create an emotionally safe environment to obtain the fullest possible account of the events the witness has experienced.

Prior to the investigative interview UNITAD's team of clinical psychologists undertake vulnerability assessments to gain an understanding of the psychosocial needs of the witness, including the presence of trauma. Subsequently, appropriate recommendations are made to the investigative team to adapt the interview setting and process. The clinical psychologists acknowledge the importance of preparing witnesses to be better equipped to deal with any emotional and adverse reactions that may arise when they recollect traumatic events during the investigative interviews. This is commonly referred to as psychoeducation aimed at normalizing common distressing reactions, and providing techniques or tools to cope with such reactions. Witnesses are supported further as per the needs identified during the psychological assessment and can involve referral to UNITAD's established network of mental health and medical service providers for those requiring specialist intervention.

2) Roll-out and usage of the *Shuhud* application:

Since the launch of the Shuhud app there has been a positive response to the platform from within the communities themselves and in Iraq primarily. There have been numerous responses from the Shia Turkmen community in particular. These responses have already been entered for processing by UNITAD's analysis staff, and consenting individuals will be responded to, where applicable.

3) Progress relating to investigations in the crimes against the Kaka'i community:

Since the establishment of the FIU there has been substantial progress regarding investigations into the crimes committed against the Kaka'i community. Significant accomplishments so far include the identification of 11 religious sites and two cemeteries of the Kaka'i community that were damaged or destroyed by Da'esh. It is clear that there has been widespread destruction of property which has resulted in long-lasting impacts upon the welfare and economic aspects, among others, of life for the community. The team has also gathered information on the prevalence of kidnappings and murders. UNITAD has actively engaged Kaka'i NGOs and civil society, which has been supported by having several Macho-speaking members of the team. The endorsement of the Interfaith Statement by Mr. Sardar Arjmand Fattah Agha of the Kaka'i Community, and engagement with Kaka'i NGOs, assists the investigation team in developing a better understanding of the course of events and matching it with other forms of available evidence. The team is now in the process of analysing the material, identifying patterns in the crimes that may constitute criminal intent.

4) Addressing reparative justice in addition to criminal justice:

The Special Adviser highlighted that accountability has a number of critical parts and fully agrees that it must include the right to restitutions and reparations. He has raised this issue in conversations with the President and Prime Minister of Iraq as well as with the UNAMI's Special Representative of the Secretary-General. UNITAD is looking at ways to support the adoption of the draft survivor reparations legislation. The Coalition for Just Reparations has UNITAD's support in this regard.

5) Security Threats resulting from returning Da'esh members:

The Special Adviser noted that the communities' fears emanating from the return of Da'esh members is completely understandable. UNITAD has a clear responsibility for those witnesses, but there is also a larger issue which requires us all to come together with the Government of Iraq and the Kurdish Regional Government, namely to understand those concerns and ensure we can move in the right direction.

6) Issue relating to a specific Yazidi case:

The Head of the Field Investigation United focused on the Yazidi community noted that the team is building cases against Da'esh perpetrators by following the evidence. UNITAD's investigations are independent of the Iraqi authorities and cannot comment on specific cases.

Closing Remarks of the Special Adviser and Head of UNITAD

In his closing remarks, the Special Adviser stressed that this is the beginning of a process of constructive engagement, which is essential and not simply window dressing. It is something that we in UNITAD consider to be a key pillar of our ability to deliver. It is a sign of respect for the critical role that NGOs have played continue to play, to support communities whose lives have been shattered by acts of Da'esh. The NGO Dialogue Forum is an attempt to better synchronize our activities so that UNITAD's independent investigations can work collaboratively with NGOs and forge a unity of purpose. The commitment to formally reach out to NGOs at least twice a month is based on UNITAD's recognition that it is neither perfect nor the finished article. The question of accountability requires constant endeavor, and a willingness to do better together. As long as that attitude of constructive engagement and non-defensive dialogue continues to be a feature of UNITAD, our aim of ever better communication with you as a critical bridge between us and the survivor communities will be fulfilled.

The Special Adviser looks forward to the workshop with Iraqi NGOs and the Thematic roundtable in February. These different programs are not isolated endeavors in and of themselves. They are part of a chain which UNITAD is attempting to build in partnership with NGOs and the diverse communities in Iraq, in order to bear the weight of responsibility and give justice to the survivors.

The next meeting will be the thematic roundtable which will take place towards the end of February 2021.