

UNITAD-NGO Dialogue Forum: Fifth Biannual Plenary Roundtable

17 July 2023-Baghdad

Meeting Summary

Background / Purpose of Meeting

The UNITAD-NGO Dialogue Forum provides a platform for a continuous exchange of information between UNITAD and Iraqi and international NGOs on issues pertaining to the common objective of holding members of ISIL accountable for crimes against humanity, war crimes and genocide.

The Fifth Biannual Plenary Roundtable meeting of the UNITAD-NGO Dialogue Forum, held on 17 July 2023, marked a significant milestone as the second in-person roundtable, and the first to convene in-person in Baghdad. Since its inception in December 2020, the Forum had been conducting its meetings virtually. The fourth Biannual Plenary Roundtable convened on 5 October 2022 in Erbil, during which Special Adviser Christian Ritscher shared his vision for UNITAD's work and continued cooperation with the NGO community.

The primary objective of this Fifth Biannual Roundtable was to provide a platform for this continued cooperation between UNITAD and the NGO community towards the common goal of achieving justice for ISIL international crimes in Iraq.

Special Adviser and Head of UNITAD Mr. Christian Ritscher presented an overview of the Team's recent activities, including what was highlighted in UNITAD's latest report and briefing to the UN Security Council. He also outlined the Team's priorities for the upcoming months, and engaged in an exchange of ideas, perspectives and reflections on what has been achieved and how best to move forward.

Per usual practice in biannual plenary roundtables, a space was dedicated to the voice of survivor communities. In this plenary roundtable the space was dedicated to a guest speaker, Ms. Natia Navrouzov, Legal Advocacy Director at Yazda Organization. Ms. Navrouzov gave a presentation about the participation of survivors in justice processes, before, during and after trials. She also emphasised the role of cooperation and partnerships between all stakeholders towards achieving "meaningful justice" for victims, survivors, and all affected communities. She provided examples on cases in which Yazidi survivors were able to participate in court proceedings against ISIL perpetrators in third States with competent jurisdictions, especially in Germany, where landmark convictions were issued against ISIL perpetrators on charge of international crimes.

The focal point for the UNITAD-NGO Dialogue Forum served as a facilitator of this meeting. Several key points were raised during the discussion:

- How UNITAD can engage better with the NGO community over the coming months?
- What are the best practices for effective collaboration?
- How to strengthen collaboration and capacity building?

It was noted that the Forum has been committed to providing a safe space for all community members to share their thoughts and experiences, and has respected and valued the opinions of participants from all Iraqi communities impacted by ISIL international crimes.

A reminder was also conveyed to all participants regarding the presence of UNITAD's Public Information Office team, who were taking photos during the event for documentation and publication purposes. Participants who preferred not to appear in these visual recordings, were kindly requested to promptly inform the Public Information team and/or the meeting facilitator to ensure that no photos of them were taken.

Opening remarks-Special Adviser and Head of UNITAD

During his opening remarks, Special Adviser and Head of UNITAD Christian Ritscher warmly welcomed the NGOs representatives to the Fifth Biannual Plenary Roundtable dialogue which was convening for the first time as an in-person event in Baghdad.

He underlined the importance of this meeting and the work of the UNITAD-NGO Forum overall as: "an important arm of enhanced cooperation between UNITAD and the NGO community. A platform for discussion, exchange of thoughts, and for exploring how we all can support each other's work towards the common goal of achieving justice for ISIL's international crimes in Iraq."

Special Adviser Ritscher presented an overview of the Team's work over the previous months, as detailed in UNITAD's 10th report to the UN Security Council, outlining the progress in the Team's structural investigations covering ISIL's international crimes against all affected communities; Yazidis, Shia, Sunni, Christian, Kaka'i, Shabak and Turkmen Shia.

On progress in supporting accountability efforts in Iraq, Special Adviser Ritscher highlighted the launch of a joint working group in March 2023, together with the Office of the Prime Minister, the National Permanent Committee for International Humanitarian Law, the Iraqi State Council and senior members of the judiciary, as well as key parliamentarians, to support the Iraq-led process of enacting a national legislation that allows for prosecuting ISIL perpetrators for their international crimes before national courts in Iraq. He also highlighted progress in the digitization project that has enabled, so far, the digitization of almost 9 million physical pages of documentary evidence at relevant courts across Iraq, announcing that the anticipated next step would be the

establishment of a “Central Archive for ISIL records” - which would be a unified repository of all digitized evidenced against ISIL, to be located at the Supreme Judicial Council of Iraq. He noted that “as a perspective for the future this central repository will play a key role to support prosecutions of ISIL perpetrators for their international crimes in Iraq.”

He mentioned that over the upcoming months UNITAD would continue its work in jointly building cases against specific persons of interest and alleged perpetrators, jointly with competent Iraqi judges, prioritizing persons of interest who are residing in third states.

The Special Adviser indicated that UNITAD’s investigative priorities would focus on crimes committed in Mosul, furthering investigations into ISIL’s destruction of cultural heritage, and ISIL’s development and use of chemical and biological weapons.

Spotlight: Yazidi community, survivors’ participation in meaningful justice

Ms. Natia Navarousov, Legal Advocacy Director at Yazda Organization, presented during the spotlight segment for this roundtable, providing an overview on meaningful justice, and victims’ participation in trials, highlighting the Yazidi community’s experience. She described the process and the challenges faced by the victims involved in trial processes, explaining the support needed for victims and survivors throughout the different stages of the trial proceedings, whether with logistics, travel, language, legal support among other aspects of necessary support.

Further, Ms. Navarousov stressed the importance of documenting and preserving survivor testimonies and their use as evidence to support justice proceedings. She also emphasized the importance of culturally sensitive approaches when dealing with survivors who have endured traumatic experiences.

Ms. Navrouzov concluded that the expertise and the trust NGOs have built while working with survivor communities have been crucial in supporting survivors’ participation in justice process. Thus, there is need to ensure that a survivor-centered approach is consistently implemented in justice processes.

Plenary Discussion

In the plenary discussion segment of the roundtable, all participating NGOs were requested to give introductions (through *a tour de table*), and to share their comments and recommendations.

Several Iraqi NGOs provided information on various areas of their work that can be of support to UNITAD’s investigations.

Discussing UNITAD’s support for national institutions serving victims and survivors, several NGO commended the role of UNITAD and its tireless work to support justice and accountability.

Main questions raised by participating NGOs during the plenary, and UNITAD's responses

*How many Mass Graves are still to be exhumed? And how long is this work expected to take?
 What are the challenges?*

The Team is working with national authorities, mainly the Mass Graves Directorate (MGD), and Medico- Legal Directorate (MLD) to support opening additional mass graves in all areas where ISIL crimes were committed. This work is coordinated in accordance with the national mass graves plan of the Iraqi authorities. UNITAD works with the national counterparts in this area, in support of the national strategy, and provides national authorities with equipment, knowledge, and expertise, as well as field technical support for mass grave excavation and identification of human remains to carry out excavations in all areas.

UNITAD aims to ensure that the chances of identification are maximized, and therefore, the Team's Investigation Units constantly review and adapt operations to ensure work with all counterparts is more efficient and to effectively address the challenges. UNITAD to support and strengthen national institutions responsible for excavation and identification of remains. The Team continues to hold meetings, trainings and consultive workshops to address any arising issues. The mandate of UNITAD is not there to replace Iraqi efforts, but rather is present to assist and support.

How is UNITAD looking into ISIL's crimes against children whose lives have been severely affected due to such atrocities?

UNITAD's Gender and Children Crimes Unit (GCU) is the main unit within the Team ensuring that UNITAD effectively investigates such crimes committed by ISIL in Iraq. GCU conducts its overarching work in coordination with all field investigative units, to cover all affected communities. UNITAD psychologists ensure that a trauma-informed approach to investigations is followed, and can support with referrals of vulnerable victims, in particular children, women and victims of conflict-related sexual violence, to appropriate local service providers who can offer the necessary specialized support.

GCU ensures UNITAD investigations of these crimes are carried out in a manner consistent with international criminal law standards and through effective engagement with survivors and impacted communities.

*What kind of legal framework is needed to see trials on charges of international crimes in Iraq?
 To what extent does UNITAD's work feed into criminal justice systems? Is an international tribunal an option?*

It is crucial to label ISIL crimes what they truly were; international crimes, meaning war crimes, crimes against humanity and in some cases genocide. This is highly significant for victims' participation and victims' rights: that the victims give their testimonies and take part as witnesses in trials. The perpetrators should be faced by the record of the heinous crimes which they committed. This is what UNITAD has been doing, in cooperation with Iraqi judges, in supporting

prosecutions in several third states with competent jurisdictions for prosecuting ISIL international crimes.

A national legislation that allows for prosecuting ISIL perpetrators for international crimes in Iraq is very important for UNITAD's work to yield its results by seeing ISIL perpetrators stand trial for their crimes. The goal remains to see trials of ISIL perpetrators here in Iraq before competent courts, and in line with international standards.

An international tribunal cannot be a substitute for prosecutions at the national level, as the magnitude of ISIL crimes and the number of ISIL perpetrators are huge.

How does the scope of UNITAD's investigations cover ISIL crimes committed against smaller minorities?

UNITAD has a dedicated Field Investigative Unit (FIU) that investigates ISIL crimes against all affected smaller minorities; the Kaka'i, the Turkmen-Shia, and Shabak communities. There is also a dedicated FIU investigating crimes against the Christian community. UNITAD's structural investigations aim to cover ISIL's crimes against all affected communities in Iraq, as there is no hierarchy of victims.

Key recommendations from participating NGOs:

1. Intensifying efforts to open more mass graves in different areas of Nineveh plains and Mosul.
2. Continuing with trainings and capacity building initiatives, especially in psychosocial support, and including more NGOs that work with different survivor communities.
3. Intensifying investigations into ISIL's destruction of religious and cultural heritage, ISIL development and use of chemical weapons, and ISIL's pillaging of oil and natural resources.
4. Leveraging the expertise of international investigators and judges, bringing them to meet with their Iraqi counterparts and exchange ideas on how to best support trials of ISIL perpetrators for international crimes.
5. Providing Arabic translation of court documents pertaining to trials in third states (e.g. Germany), so that survivors and other key interlocutors have better access to fully understand the proceeding and the verdicts.