

UNITAD-NGO Dialogue Forum: Fifth Thematic Roundtable

“Towards holding ISIL perpetrators accountable for international crimes: Investigating Gender-based Crimes”

26 February 2023

Meeting Summary

Background / Purpose of Meeting

The United Nations Investigative Team to Promote Accountability for ISIL/Da'esh Crimes (UNITAD) convened the fifth thematic roundtable of the UNITAD-NGO Dialogue Forum on 26 February 2023. The principal objective of this thematic roundtable is to discuss ongoing investigations relating to ISIL's gender-based crimes, and how UNITAD can work better with NGOs to further those investigations.

The panel part of the thematic roundtable brought together UNITAD's head of the Gender and Children Crimes Unit, alongside an international expert and an Iraqi expert. The panel speakers presented respectively on the Team's ongoing investigations into ISIL gender-based crimes, a comparative angle from other investigative contexts in which investigations into gender-based crimes were conducted (e.g. Bosnia, Rwanda,...), and particular challenges to working with survivors in Iraq.

The meeting addressed observations and recommendations related to:

- Good practices with respect to supporting NGOs involved in working with survivors of gender-based crimes as well as investigations into ISIL's crimes including sexual slavery;
- Entry points for exploring and expanding venues of cooperation with NGOs working on ISIL's gender-based crimes in Iraq.

The UNITAD-NGO Dialogue Forum has provided a platform for sustained collaboration and exchange of information between UNITAD and Iraqi and international NGOs, to achieve the common objective of holding members of ISIL accountable for their international crimes in Iraq.

Opening Statement

Ms. Defne Akca, Chief of Office of Investigations, delivered the opening remarks on behalf of Special Adviser and Head of UNITAD Mr. Christian Ritscher.

The remarks highlighted the importance of UNITAD's investigations in the field of Gender-based Crimes as a cross-cutting theme while looking into ISIL's international crimes against various communities in Iraq, including, in particular, ISIL's crimes against Yazidi, Christian and Shia Turkmen communities.

It was reiterated that ISIL committed gender-based violence and crimes against children from all communities. It was indicated that over the past months, UNITAD has expanded its investigations into ISIL's use of child soldiers from different communities. This includes Yazidi and Shia Turkmen boys, and also Sunni boys who were forced into conscription. UNITAD's lines of investigations cover the breadth of crimes committed against all impacted communities in Iraq.

It was stressed in the remarks that the plight of victims is not forgotten and that UNITAD is looking into crimes committed against all communities, highlighting also the important role of NGO/civil society representatives as critical partners.

Panel Discussion: Investigating Gender-based Crimes

The opening segment was followed by a moderated panel discussion, commencing with a presentation by Ms. Maria Pimentel Biscaia, Head of UNITAD Gender and Children Crimes Unit (GCU).

In her presentation, Ms. Biscaia focused on the investigations of sexual and gender-based violence committed by ISIL and the role of GCU as the lead unit on these investigations.

Ms. Biscaia explained that GCU consists of a team of national and international investigators, lawyers and analysts that work with UNITAD's Field Investigative Units (FIUs) which conduct structural investigations against all impacted communities. Through its work, GCU uncovers patterns of sexual and gender-based crimes committed by ISIL against women and girls from different communities. Ms. Bascaia pointed the difference between gender analysis, which looks into gender, age, context, ideology, and legal analysis when it comes to the crimes, and the actual investigation which identifies sources, interviews survivors, and involves physical evidence.

She also introduced important elements of interviewing survivors of such crimes, and the necessary psychosocial support to the witnesses at all stages of the interviewing process. She also highlighted that GCU maintains successful cooperation with several NGOs, to ensure that the work is not duplicated and to help minimize re-traumatization of victims/survivors.

She also elaborated on the challenges facing investigating such crimes, including the stigma facing survivors, identifying perpetrators, and establishing the link between crimes and perpetrators, especially the responsibility of commanders.

The second panelist, Ms. Gergana Yancheva, Investigator at the United Nations, who took part in the event remotely, presented a comparative angle from her experiences investigating sexual and gender-based crimes internationally, introducing her experience in international settings where sexual and gender-based violence was documented.

She elaborated on the different purposes of working with survivors, whether be it documentation, investigation, restorative justice, strategic policy guidance ...etc.

She also explained the challenges in working with victims and survivors of sexual and gender-based violence, including ongoing armed conflicts, distance between investigative team and the witnesses (remote interviewing and its challenges), fear of stigma (from partners, family and community), and other challenges. Besides stigma, there are also other reasons that may impact the willingness of witnesses to give their accounts, including a lack of trust in the accountability process, fear of retaliation, and lack of proper spaces for interviewing victims.

She presented some best practices in dealing with these challenges, including advocacy for justice and against stigmatization of victims and the key role played by civil society leaders, highlighting the focus on individual criminal responsibility (identification of perpetrators), and stressing the need for additional investigations to collect other types of evidence – not only survivor or victim interviews, and the importance of linking evidence to testimonies (to prove a link between a perpetrator and the specific crimes).

The third panelist, Ms. Hajir Abbas, Transitional Justice Researcher and Consultant, focused in her presentation on the challenges faced by survivors in Iraq. She provided insights from her experience on the challenges facing Iraqi survivors in investigative processes, whether for accountability purposes or for other reparative or restorative justice purposes, mentioning security concerns, cultural and religious considerations, survivors fatigue, among other reasons. She also stressed the importance of adopting victim-centered approaches, mentioning that the lack of adequate psychological services has led to suicide cases among survivors.

She also mentioned the importance of adopting the Yazidi Survivors Law, explaining about engagement in its drafting and mechanisms for its implementation.

Discussion: Challenges to accountability efforts for ISIL international crimes: Investigating Gender-based Crimes

The participating NGOs raised additional points pertaining to challenges faced by survivors of sexual and gender-based crimes committed by ISIL. This includes the challenge of documentation of all types of crimes that can be classified as gender-based crimes. Moreover, participants highlighted the importance of expanding support to survivor, and the implementation of the Yazidi Survivor Law. Incorporating psychosocial support measures is crucial throughout investigations and also during the overall justice processes. Privacy and security assurances for survivors shall encourage their coming forward to give witness testimonies.

On her part, Ms. Bascaia addressed some of the issues discussed by the participants, stressing the importance of coordination between different entities conducting interviews to safeguard witnesses' psychosocial wellbeing. Organizations conduct interviews for different purposes, some for documentation, some for tracking wellbeing of survivors, others for criminal investigations. It is

important not to subject witnesses to the same questions over and over, and this is where coordination and sharing of information between organizations is necessary.

The discussion articulated a number of recommendations that address some challenges to investigation and documentation of ISIL's sexual and gender-based crimes, including:

1. Mobilizing support at all levels (governmental, societal, and religious leaders) to better enable victims and survivors to testify in a safe and supportive environment.
2. Recognition of the sexual and gender-based crimes and qualifying the crimes for what they truly were (e.g. sexual enslavement) which also entails recognition to the victims' plight.
3. Integrating victim-centered and trauma-informed approaches throughout investigations as well as legal proceedings, to minimize the risk of re-traumatization, and encourage victims of sexual and gender-based crimes to come forward and share their witness accounts.
4. Documentation of sexual and gender-based crimes in a comprehensive way, including forced marriages, and killings.
5. Advocacy for improvements on the Yazidi Survivors Law to include victims from all impacted communities.
6. Intensify focus of investigations into crimes against Shia Turkmen, Christian and Shabak women.
7. Highlight the impact of witness testimonies on competent accountability processes as well as examples of contribution of witness testimonies to the conviction of ISIL members. This is expected to promote faith in the justice process and would be an incentive for witnesses to come forward.
8. The importance of viable witness protection programs to help increase the sense of security and privacy among victims of sexual and gender-based crimes committed by ISIL.