

**UNITAD-NGO Dialogue Forum: Fourth Thematic Roundtable***“ISIL’s Crimes in the Destruction of Cultural Heritage”*

31 May 2022

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, Mr. Christian Ritscher, convened the fourth thematic roundtable of the UNITAD-NGO Dialogue Forum on 31 May 2022. The principal objective of the thematic roundtable meeting was to discuss ISIL’s crimes in the destruction of cultural heritage and how UNITAD can work better with NGOs as part of their investigations. ISIL’s destruction of cultural heritage was an attempt to erase Iraq’s rich cultural diversity. In 2014, in response to the destruction of the archaeological site of Nimrud in Iraq, Irina Bokova, the then-UNESCO Director General noted that: “the deliberate destruction of cultural heritage constitutes a war crime.” Crimes affecting cultural heritage have an impact on the daily lives and customs of local populations in Iraq and stain collective humanity.

The UNITAD-NGO Dialogue Forum provides 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 crimes against humanity, war crimes and genocide committed in Iraq.

Special Adviser and Head of UNITAD: Opening Statement

NGO participants took part in the thematic roundtable meeting virtually, with Special Adviser Ritscher and members of the Investigative Team. In his introductory remarks, the Special Adviser highlighted that ISIL’s atrocities and the deliberate destruction of Iraq’s rich cultural heritage are an affront to us all. UNITAD’s mandate includes investigation into these crimes and the determination to bring the perpetrators to justice, and UNITAD plans to expand its investigative work on those crimes, noting also increased funding support from Member States in this area.

He expressed his genuine respect and admiration for the cultural heritage of Iraq. Last December he visited the Nimrud site and was devastated by the destruction that ISIL/Da’esh did. At the same time, he was highly impressed and inspired by the work Iraqis are trying to do in order to restore this site and many other cultural heritage sites that were impacted by ISIL crimes. He noted the work done by UNESCO in several areas of Nineveh, which he visited several times. Most recently he read about the work of sculptor Daniel Ibled and the Louvre’s director of eastern antiquities Ariane Thomas in their endeavors to restore the Mosul Museum, which was savagely destroyed by ISIL in 2014. Such restoration work of course will take years, but it is work that has to be done, no matter how long it takes. The case is very similar to UNITAD’s work to ensure accountability and justice.

Panel Discussion: Good Practices in Investigations into ISIL’s Crimes in the Destruction of Cultural Heritage

The opening was followed by a moderated panel discussion highlighting good collaborative practices between UNITAD and NGOs. The panel discussion was commenced through a presentation

by Mr. Don Schultz, Head of UNITAD Field Investigative Unit 5, which investigates ISIL crimes against the Christian community.

Mr. Shultz noted that the destruction of cultural heritage by ISIL in Iraq has been widely publicized and documented. The dynamiting of religious buildings, the wrecking of archaeological sites, and the burning of libraries were common occurrences during 2014-2016. However, there have been no prosecutions under international criminal law for these crimes. Iraq's Christian cultural heritage, including churches, monasteries, manuscripts, and art works, were specifically targeted in a campaign of destruction by ISIL. UNITAD has identified over 90 churches across Ninewa Plains that were damaged or destroyed by ISIL during the mass displacement of Christians from the area. Alleged ISIL perpetrators have also been identified. While many of these buildings have been reconstructed, no one has been held to account for their destruction. As time passes, the calls for justice for cultural heritage crimes grew louder from the Christian community. This destruction, and the subsequent lack of recognition and accountability, continues to erode Iraq's social fabric while exacerbating feelings of persecution and marginalization among Christians.

At the end of 2019, UNITAD established a dedicated investigative unit, FIU5, to investigate ISIL crimes against Christians in Iraq and to identify those responsible for those crimes. This investigative unit was established and has continued with United States Government funding.

During the first two years, FIU5's investigative efforts were focused on developing an investigative framework, identifying information to support crime bases, developing a list of potential witnesses and other evidentiary leads and sources of documentation relevant to the destruction of cultural heritage. The focus during the past year has been to conduct a comprehensive evidence assessment and analysis of the evidence collected to date, in order to advance the legal characterization of applicable crimes and identifying existing gaps for focusing investigative efforts for 2022. This process has identified evidence in support of the following crimes:

- i. Forcible transfer (crime against humanity)
- ii. Persecution (crime against humanity)
- iii. Other inhumane act of forced conversion (crime against humanity)
- iv. Enslavement (crime against humanity)
- v. Rape (crime against humanity)
- vi. Plunder (war crime)
- vii. Destruction of Cultural heritage/Appropriation of Cultural Heritage (war crime)

Civil society and NGO cooperation has proven crucial to the FIU5 investigation. For example, UNITAD concluded MOUs with Shlomo Organization for Documentation (SOD) and Hammurabi Human Rights Organization. Both Shlomo and Hammurabi are leading Iraqi Christian non-governmental organizations working for the rights of ISIL victims. The positive working relationships are essential for building trust and gaining access to the Christian community, encouraging witnesses to come forward. FIU5 will continue to strengthen its network of domestic interlocutors and stakeholders as a result of investigative work and targeted community engagement and greatly appreciates efforts by NGOs in this area.

Concluding his presentation, Mr. Shultz noted the following:

United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL

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- The destruction of cultural heritage forms part of war crimes, crimes against humanity, and genocide investigations and accountability for these crimes is essential for justice efforts dealing with ISIL atrocities in Iraq.
- Pursuing accountability and justice for cultural heritage crimes is an inter-disciplinary effort, that requires diverse expertise and strong stakeholder networks.
- Iraqi government stakeholders require technical assistance in documenting the destruction of cultural heritage, as well as conducting investigation into these crimes, and consequently prosecution of ISIL members for such international crimes.

The first NGO panelist to speak, Mr. Seán Fobbe, Chief Legal Officer of RASHID International. In his remarks, Mr. Fobbe provided an overview of Rashid International, EAMENA and Yazda's report "Destroying the Soul of the Yazidis: Investigating the Destruction of Yazid Heritage." The report reviewed 24 out of the 68 sites that were destroyed by Daesh. The findings confirmed that the military destruction of 22 sites between 2013 and 2016. He noted that discussions of the genocide committed against the Yazidi people by Daesh from 2014 onwards have generally focused on murder, slavery and sexual exploitation. This report analyzes the destruction of Yazidi tangible and intangible cultural heritage as a significant facet of Daesh's policy of ethnic cleansing and genocide. He highlighted how evidence of the destruction is collected and presented in context with other criminal acts.

The second NGO panelist to speak was Mr. Farhad al-Kake, Director of Chiraw Organization for Documentation. In his remarks Mr. al-Kake provided an overview of the plight facing the Kaka'i community today as well as historic and ongoing discrimination. He highlighted Daesh's intent to destroy the Kaka'i way of life including the destruction of civilian property and religious temples. He requested support from UNITAD to strengthen investigations into the destruction of Kaka'i cultural heritage, including assistance with documentation.

Closing Remarks of the Special Adviser and Head of UNITAD

In his closing remarks, the Special Adviser expressed his thanks to the panelists and the insightful presentations and discussion. He noted that Mr. Schultz and Field Investigation Unit 5 will follow up on the implementation of relevant recommendations, and other ideas raised during the discussion. He also urged NGOs to contact the focal points of the UNITAD-NGO Dialogue Forum to respond to any questions or concerns from NGO partners.

He added that he will provide a comprehensive update on the work of UNITAD at the next Biannual Plenary Roundtable of the Forum.