



Security Council

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Accountability for Crimes Committed by Da'esh / Islamic State in Iraq and the Levant

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Mr. President, Distinguished Delegates,

I am honored and humbled to address you this morning to deliver my sixth and final report as Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for the Crimes of Da'esh/ISIL.

In December 2018, when I delivered my first report, and I originally briefed the distinguished members of this august body, I announced that we had deployed to Iraq with five staff at the end of October 2018. Just around two and a half years later, I am delighted to announce that we now have an active Investigative Team, we have six Field Investigative Units that are ensuring that the crimes against the various communities in Iraq are being properly, thoroughly, and completely investigated. We have a gender and children's unit, we have a financial and tracking unit, and we also have a dedicated Witness Protection and Support Unit including clinical psychologists. Over these last two and a half years we also conducted more than 22 mass grave exhumations.

Mr. President,

We can clearly see that the work of UNITAD has moved at a pace, and we are a fully functioning investigative team pursuant to the mandate that you have established in 2017.

In the last six months, an enormous amount of work has been done. We have collected further forensic evidence from mass grave sites, we helped crack phones and hard drives from battlefield evidence and we have also taken a variety of additional testimonial evidence both by direct contact with witnesses but also by our hybrid measures because of the constraints of COVID-19.

We have been working very closely with the Iraqi authorities, both in the federal territory and

in the KRG, to ensure the complete digitization of relevant files that were previously siloed so that we have the greatest universe of information available, so we have the best chance of identifying those members of ISIL that have committed crimes within the jurisdiction of the mandate.

In parallel with this, we have moved forward quite significantly to harness innovation and advanced technological tools, machine learning tools, analytical tools to search mass databases, mass evidence, this morass of evidence is one of the distinguishing features of ISIL crimes. And we have been able to both construct timelines, but also identify people of interest, and by way of battlefield evidence and other information identify where they were situated in terms of different battalions of ISIL.

There is really a rich stream, a rich vein to mine that ISIL left behind in terms of payment logs, immigration records, medical records. They had this penchant for document keeping. And the ability of UNITAD to gather that evidence and combine it with forensic analysis and abstraction and testimonial evidence, working in partnership with the sovereign Government of Iraq and other States supporting us has been key, at every step, to the successes that have been achieved.

This in fact is a landmark moment. I am pleased to announce that two of the key investigative priorities that I announced in my very first briefing to the respected Members of the Council have now been completed. They relate to the crimes at Camp Speicher-Tikrit Air Cadet Academy, and also crimes against the Yazidi people.

The crimes against the Yazidis were horrific. They shocked the conscience of humanity. They spurred the honorable members of this Council to action, to demand accountability, to demand justice and to ensure that impunity and the violent extremism that was the signature of Da'esh would not go un-investigated and, God willing, would not be allowed to go unpunished.

The team has established a detailed account of the atrocities committed against the Yazidis. Thousands of statements have been taken by the Team, or obtained from the Iraqi authorities or from the KRG, or from NGOs. We have combined that with analysis of computers and phone records, cell-side evidence, forensic analysis, facial recognition, and I am able to announce that based on independent and impartial investigations – complied with international standards and UN best practice – that there is clear and convincing evidence that the crimes against the Yazidi people clearly constituted genocide.

AS DELIVERED

More particularly, we have identified specific perpetrators that clearly have responsibility for the crime of genocide against the Yazidi community.

The intent of ISIL to destroy the Yazidi physically and biologically was manifested in the ultimatum that was repeated in so many different villages in Iraq: to convert or to die. Thousands of men, women and children were killed pursuant to this ultimatum. Some were taken to sites where they were mowed down with machine guns. Those who were breathing a few gasps were shot. Others who were fleeing even with wounds were killed. And people that fled and sought refuge in mount Sinjar also died because Da'esh were pursuing them and were intent on destroying them in whole or in part.

A full scope of criminality displayed in the awful criminality of Da'esh against the Yazidi community. Executions, slavery, sexual slavery, crimes against children that are horrific and really chill one's soul, that how on earth can certain things be allowed to happen, yet they did.

The crimes against children particularly shows that they were directly and deliberately targeted by Da'esh. Not only by way of the so-called cubs of the caliphate to indoctrinate, to harm, to kill, to treat them as expendable nothings, but also this idea of brainwashing the next generation, and the hope by the way of sexual slavery that women who would fall pregnant were to give birth to children in the full knowledge by Da'esh that they would not be part and they would be excluded from their community.

The children of the Yazidis that were targeted by Da'esh have been profoundly impacted, and this is a trans-generational crime, and they carry that suffering today. It is palpable when one meets them. They carry, not only the stigma unfortunately which is completely undeserved, but they carry the effects of the criminality of Da'esh.

These crimes are of course ongoing. They have not ended with the end of the territorial control by Da'esh of swathes of territory. Thousands of Yazidis remain missing. Children are separated from their mothers. Mothers are also separated from their children, but also many are unknown where are they? There is clear evidence also that some may still be detained by ISIL in the region.

The crimes of Da'esh have affected all communities. And we've also been able to prioritize and come to findings regarding the brutal massacre of un-armed cadets and other personnel at the so-called Camp Speicher, at the Tikrit Air Academy. They were led away. Many were massacred and executed. And there is clear and convincing evidence that a variety of crimes have been

committed against them, War Crimes of course, cruel treatment, murder, outrageous on personal dignity. But by way of a video put together quiet deliberately, quiet callously, quiet fiendishly by Da'esh in July 2015, it is clear that the crime of direct and public incitement to commit genocide occurred. One doesn't even need to look at the content of the video and we have done that; we have had language experts to analyze it. But it is by the title of the video that Da'esh broadcasted: "kill them wherever you find them".

Mr. President, distinguished delegates,

The Team has, therefore, finished initial case-files regarding these two case-briefs for the Yazidi and Camp Speicher. But work has been continuing to make sure no victim, no child of humanity is left behind, whatever their race or religion or ethnic origin.

In this reporting period, the crimes against the Sunni community have progressed by the establishment of a dedicated team by UNITAD.

It is clear in relation to investigations that actually originated from battlefield evidence that Da'esh perhaps – uniquely in relation to non-state actors – have a demonstrated capacity to manufacture and deploy biological and chemical weapons. They did so when they took over Mosul University. Both Da'esh members from the region and those from outside of the region took part in the manufacture and deployment of those chemical weapons, initially weaponizing chlorine from water treatment plants, experimenting by putting thulium and nicotine in terms of human experimentation, and then manufacturing and deploying, successfully mustard gas in relation to rockets that were fired. 40 rockets were fired on the Turkman Shia town of Taza Khurmatu.

It is hoped Mr. President, distinguished delegates of the Council, that in the next five months, an initial case-file will be presented by the time of my successor's next report to the Council in relation to that. But also, in relation to further initial case files, in relation to crimes against the Christian community and the Sunni community, crimes of Badoush, mostly against Shia individuals and other communities as well.

It is not sufficient obviously simply to document. Early on I said that the desire during my tenure as Special Adviser is not to preside over an archive or library that the material gathers dust or cobwebs. It needs to be deployed in domestic courts to vindicate the promise that this Council has made to survivors, that there is no hiding place for such criminals.

To fulfil this mandate, and to realize the importance of sharing evidence with national

AS DELIVERED

authorities, I am extremely pleased to announce that we have recently concluded an agreement with the Government of Iraq to be able to share – and we have shared – evidence in relation to financial crimes by Da’esh with Iraqi judiciary in full compliance with the scriptures imposed upon me and the Council by way of resolution 2379 (2017).

Legislation of course is needed to ensure that Iraq has the legal architecture in place to prosecute this hemorrhage of the human soul, not as common crimes of terrorism – heinous though they are – but as acts of genocide, crimes against humanity and war crimes. I have been providing, and the Team will continue to provide technical support to the Government of Iraq to progress the bill that is currently before parliament in Baghdad, that has completed its first reading. I think that is really important for the survivors and for the people of Iraq as a whole to come to grips with the heroism and the suffering that was manifest in equal measure during the crimes of Da’esh. The heroism of the Iraqi people is one that constantly humbles anybody who becomes acquainted with the facts of the case.

I also applaud directly, if I may, the initiative of the Prime Minister and President of the KRG. Last week, the Prime Minister signed a bill that has been presented to the KRG Parliament, that will allow the KRG to prosecute acts of Da’esh as genocide, crimes against humanity and war crimes. And if it is passed, and the various changes that have been promised are enacted, it would provide a very real and usable doorway for UNITAD to also work with our partners in the KRG.

In parallel with assisting the Iraqi domestic authorities, we’ve also been assisting consistent with the resolution that was passed with other domestic courts. We have now received 14 requests from Member States of the United Nations, and we have fed into domestic processes, whether at the investigation stage, trial stage, or the appeal stage, in a way that is completely in accordance with the terms of the resolution, and the imperative that I articulated previously that there must be no hiding place, no safe haven for individuals who have committed such acts and are infected with the rabid hate that many of these Da’esh members clearly have for humanity.

Much of the progress Mr. President and distinguished members of the Council, that I have adumbrated will also be detailed, God willing, on Wednesday in an Arria Formula of the Council. And effectively what UNITAD has been doing is harnessing technology as a key part, with the human intelligence team, the wonderful staff that we have in UNITAD, Iraqi staff, international staff working as one, to actually get to grips with this mountain of evidence of a huge scope, electronic evidence, data, financial records and testimonials to name but a few. But

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at the same time of harnessing technology, it is important as the Arria Formula event on Wednesday we will hopefully show, to do things in a way that fully safeguards and fully respects the rights of survivors, we must not only have utterances that we do no harm, we must do things in a way in which we fully respect and interact with those that have suffered more than any human soul should endure in a way that ensures their wellbeing, and actually also ensures that the evidence that is obtained is more cogent and more complete, and therefore more capable of being given weight by domestic courts.

The partnership is one of the golden threads that runs through the mandate, respecting the sovereignty of Iraq, and working hand in hand with the Government of Iraq as a key partner. And the partnership that we have had with Iraq, that I have enjoyed with the Government of Iraq in Baghdad and also in the KRG, has really been splendid. I commend and I thank them for that constant support. Our relationship with the National Coordinating Committee has been excellent, and the cooperation with the President of the Judicial Council and all the Iraqi judges has been magnificent, it has been outstanding, I really couldn't have asked for more cooperation and more assistance than I have received from the Iraqi judges.

I was delighted last week to inaugurate a training course with the Iraqi judges from throughout Iraq, from Kurdish region, from Baghdad, men and women, from both areas, from federal territories and from KRG. Twenty-seven judges have participated in that, which will help them become ever more familiar with the crimes of genocide, crimes against humanity and war crimes, so that they are able to properly adjudicate cases when the laws are enacted in Iraq. That certificate course is being run by UNITAD, with the full support of the Supreme Judicial Council and also the Australia National University.

In tandem with that, the Team has been working with Iraqi judges in relation to mentoring and helping them prepare cases, even now, before laws are passed, that would be ready to feed into the legal apparatus once it is enacted, so that there would be hopefully a narrow gap between a law entitling Iraqi judges to prosecute for genocide, crimes against humanity and war crimes, and the actual cases that are ready to go.

Combining this training with our ongoing support for the Iraqi authorities, the exhumations of mass graves, digitization of documentary evidence, we have really built, in my respectful view, a strong and solid basis to ensure the proper prosecution of ISIL members.

When I said earlier Mr. President that the partnership is key, the partnership is not only with

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Iraq, although primarily we are very fortunate to be hosted and supported by the Government of Iraq. It is a joint endeavor by members of this council, by the Iraqi religious leaders and by the Iraqi civilians, the survivor groups, and I have been extremely touched and inspired in my engagement with them repeatedly over this period.

In my report, I have highlighted some steps that I believe would enable, UNITAD once a law is passed, to move early next year to help the Iraqi authorities prosecute the crimes against the civilian population for crimes that are mandated by the Council.

The imperative of justice is not theoretical. It is not academic. And that has been brought to me at every step of this term, every moment that I had the privilege to lead UNITAD. But it was brought very close to home in March of this year, just a couple of months ago, when we returned 103 individuals from Kojo village, the village of Nadia Murad. The pain and the hurt, the patience and the determination of the Yazidi communities to continue to survive, to prosper, and to achieve justice is absolutely remarkable and all inspiring. But it is something that is there amongst all communities, Christian and Shia, Yazidi and Turkman, Kaka'i and Shabak. And UNITAD is committed to ensuring all of those communities have proper investigations and cases that can be presented in fair trials that meet international standards.

It is fitting that today, with the permission of the President, the next briefer is Nadia Murad. She was here in September 2017 before I was appointed when she addressed the council when [resolution] 2379 was passed. She had been a source of wisdom, and an important voice for the conscience of humanity that action and determination is not a favor to the people of Iraq. But it is a duty that we owe, not only to the survivors, but our own children if we hope to move to a more civilized world where these types of crimes become finally extinct.

Mr. President,

On a personal level I wish to thank, with the utmost humility, and real sincerity the wonderful support of Council Members during this period that I have had the honor to serve as the Special Adviser and Head of UNITAD. It has meant a great deal, but we have a way to go, and I am confident that your promise to Nadia Murad, your promise to our next generation, that justice is a right, will be achieved by your continued support to UNITAD, and my own successor.

Thank you enormously for the privilege of addressing this Council one last time.