



Security Council

**Briefing by Mr. Karim Asad Ahmad Khan QC
Special Adviser and Head of the United Nations Investigative Team to Promote
Accountability for Crimes Committed by Da'esh / Islamic State in Iraq and the Levant**

10 May 2021

Mr. President, Distinguished Delegates,

I am honoured to address you this morning to present my sixth and final Report as Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh / Islamic State in Iraq and the Levant.

In October 2018, I provided my first briefing to you, outlining how our Team of five staff members in Iraq had begun work in the implementation of the innovative mandate established pursuant to Security Council resolution 2379, at the request of the Government of Iraq.

Today, two and half years on, I am pleased to be able to report on the activities of more than 200 staff, including national experts appointed in consultation with the Government of Iraq; working from offices in Baghdad, Dahuk, Erbil and New York; harnessing the investigative activities of six Field Investigation Units addressing crimes committed against all communities in Iraq. Specialized thematic units on gender-based crimes and crimes against children, financial tracking and witness protection are providing targeted support across all aspects of our work, while a dedicated mass graves unit has now successfully supported excavations at 22 sites.

UNITAD is now a fully functioning investigation team capable of addressing some of the key challenges faced by national authorities in prosecuting ISIL members for their crimes in Iraq.

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Drawing on this infrastructure, the Team has rapidly expanded its evidentiary holdings in the last six months, including significant developments in the collection of forensic evidence from mass grave sites; digital data extracted from ISIL hard drives and the digitization of documentary case-files in cooperation with Iraqi authorities.

In parallel, the introduction of advanced technological tools have further enhanced our evidence processing capabilities, allowing investigators to search rapidly across data sets in order to reconstruct events, respond to targeted requests for information, and ensure that evidence is properly corroborated.

In a significant development, the application of artificial intelligence and machine learning tools in the analysis of internal ISIL databases now allow the Team to establish clear timelines of activities of key ISIL members. Drawing together information from ISIL immigration records, medical records, payment logs and fighter rosters we have directly tied persons of interest to ISIL battalions and crime scenes.

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Building on this progress, a landmark moment has been reached in our work, with initial case briefs completed in relation to two key investigative priorities: the mass killing of unarmed cadets and military personnel at Tikrit Air Academy in June 2014; and the attacks against the Yazidi community in the Sinjar region.

The crimes committed against the Yezidi community represent some of the most brutal and widespread acts of violence inflicted by ISIL on the people of Iraq.

The Team has established a detailed account of these atrocities through the excavation of mass grave sites, by ensuring the most vulnerable of witnesses have been able to come forward with their accounts, and by collecting extensive documentary evidence in cooperation with Iraqi authorities, non-governmental organizations and other partners.

I can confirm to the Council that based on our independent criminal investigations, UNITAD has established clear and convincing evidence that genocide was committed by ISIL against the Yazidi as a religious group.

The intent of ISIL to destroy the Yazidi, physically and biologically, is manifest in its ultimatum – applied remorselessly to all members of their community – to convert or die. Thousands were killed pursuant to this ultimatum, either executed en masse, shot as they fled, or dying from exposure on Mount Sinjar as they tried to escape. Thousands more were enslaved, with women and children abducted from their families and subjected to the most brutal abuses, including serial rape and other forms of unendurable sexual violence. For many this abuse lasted years, often leading to death. The intent of these acts was to permanently destroy the capacity of these women and children to have children and build families within the Yazidi community.

The Team has also established that numerous other international crimes were also committed against the Yezidi community, including extermination, enslavement, sexual violence, forcible transfer, persecution on religious and gender grounds, and conscription of children into an armed group. Yazidi children were in many cases directly targeted and disproportionately impacted by Da’esh’s crimes. Anyone who escaped alive, but particularly children, carry daily the burden of the lasting effects of these crimes.

But let us not forget, these crimes are ongoing. Thousands of Yezidi women, boys and girls remain detached from their families, disappeared and some even continue to be held by their original ISIL captors or those to whom they were sold. We will not forget them, and our work to ensure justice for all those impacted by these crimes will continue.

Through investigations into the attacks by ISIL on predominantly Shia unarmed air cadets and personnel from Tikrit Air Academy, the Team has compiled and analysed extensive evidence detailing their capture, torture and mass execution. These acts were carried out in the most brutal circumstances imaginable with many men humiliated prior to being killed.

Based on its independent investigative work, the Team has concluded that these acts constitute the war crimes of murder, torture, cruel treatment and outrages upon personal dignity. Furthermore, the Team has concluded, based on clear and convincing evidence, that a Da’esh video released in July 2015 showing these killings constitutes a direct and public incitement to commit genocide against Shia Muslims. The narration glorifying the horrifying images of these mass executions contains a repeated and clear exhortation to ISIL followers: “Kill them wherever you find them”.

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As the Team has finalized its initial case-briefs in relation to its initial investigative priorities, we have also established key additional lines of investigation into crimes within our mandate. This has included the establishment of a new Field Investigation Unit dedicated to the investigation of crimes committed against the Sunni community in Iraq.

Information obtained from ISIL electronic devices has also led to the opening of a new investigation into the development and successful deployment of chemical and biological weapons by ISIL in Iraq.

Evidence collected to date details how ISIL used laboratories at Mosul University as the epicentre of its chemical weapons programme, drawing on the expertise of scientists and medical professionals from Iraq and abroad. Initially weaponizing chlorine from water treatment plants overtaken in 2014, ISIL subsequently developed toxic lethal compounds including thallium and nicotine that were tested on live prisoners, leading to death. As its capacity strengthened, ISIL developed a sulfur mustard production system that was deployed in March 2016 through the firing of 40 rockets at the Turkmen Shia town of Taza Khurmatu.

This investigation is developing rapidly, with an initial case-brief anticipated to be completed and available to national authorities within five months.

By the end of 2021, the Team also anticipates the completion of case briefs addressing crimes committed against Christian, Kaka'i, Shabak, Shia Turkmen and Sunni communities in Iraq, as well as the massacre of predominantly Shia inmates at Badush prison.

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In line with the mandate that this Council has provided, it is course not sufficient for evidence to be collected and synthesized, for findings to be reached and presented in reports.

To fulfil this mandate, and most importantly to meet the expectations of survivors, our work must be put before national courts to prosecute those responsible for the horrific crimes that I have just described.

In this spirit, I am pleased to be able to confirm to the Council that arrangements have now been put in place with the Iraqi judiciary that have allowed us to transfer evidence collected by the Team concerning financial crimes committed in support of ISIL activities in Iraq. This represents an important initial step in ensuring our work contributes tangibly to accountability efforts in Iraq, in a manner consistent with our Terms of Reference.

I am also continuing to support efforts by the Iraqi Council of Representatives to adopt legislation establishing a legal basis for the prosecution of ISIL members in Iraq for war crimes, crimes against humanity and genocide. This will be a further crucial step towards the delivery comprehensive accountability for ISIL crimes in Iraq, in partnership with our Team.

I am also pleased to inform the Council that last week, legislation was presented before the Parliament of the Kurdistan Region to establish a court with jurisdiction over international crimes committed by ISIL. I commend the President and Prime Minister of the Kurdistan Regional Government for their strong support for this legislation, and for their efforts in securing accountability for these crimes. The adoption of this law could potentially represent an important moment in efforts to achieve the full implementation of our mandate.

In parallel with these initiatives in Iraq, the Team has sought to harness existing channels for the use of its evidence in criminal proceedings, strengthening its support to other national authorities in response to requests for assistance. As reflected in my Report, a total of 14 States have requested the Team's assistance with respect to ongoing national proceedings. Drawing on our expanded evidentiary holdings, and in particular our exploitation of internal ISIL documentation, we have been able to respond positively to a significant majority of requests received.

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Much of the progress and activities I have described to you today have emphasized one of the key principles of our strategic approach: innovation. As Council members may be aware, on Wednesday this week UNITAD will participate in an Arria-formula meeting highlighting some of the key ways in which we have harnessed technology and drawn on advanced psycho-social practices to accelerate our investigations.

However, equally important is the other core principle underlying all of our activities: that of partnership. This is reflected in particular through the excellent cooperation and collaboration our Team has developed with the Government of Iraq throughout my time as Special Adviser.

As reflected in my report, the cooperation and assistance received from the national coordinating committee responsible for facilitating our work in Iraq has remained central to progress achieved. The Iraqi judiciary has continued to be exemplary in its engagement with the Team, working with us as partners in the digitization of evidence and providing extensive information that has accelerated investigations. The Kurdistan Regional Government has also provided steadfast support for our Team.

As channels begin to be opened for information-sharing with Iraqi authorities, we have also expanded our provision of capacity-building support. Last week, I was delighted to inaugurate a new 10-part training course on international criminal law for 27 senior judges and prosecutors. Delivered in collaboration with the Australian National University, this course will provide participants with in-depth knowledge of international criminal law and its application to the crimes of ISIL. Building on this basis, our Team will mentor individual judges in the construction of case-files against specific ISIL members for war crimes, crimes against humanity and genocide.

Combining this training with our ongoing support to Iraqi authorities in the excavation of mass grave sites and the digitization of documentary evidence, the Team has sought to establish a strong basis on which prosecutions of ISIL members for international crimes may be taken forward swiftly following the establishment of an appropriate legal basis in Iraq.

Our ongoing and strengthening partnership with survivor groups, non-governmental organizations and religious authorities has also continued to be central to progress in investigative activities. I would wish to extend my sincere thanks to all of our Iraqi partners for the invaluable contribution they have made in our collective pursuit of accountability for ISIL crimes.

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Through the progress made by the Team in the collection of evidence and the parallel strengthening of channels available for its use in national courts, I believe a path has now been set, in collaboration with our Iraqi partners, for the successful completion of the Team's work.

Reflecting this, I have outlined in my Report a series of steps that would allow for the conduct of trials in Iraq addressing key crimes committed against all impacted communities, drawing extensively on the evidence collected by the Team. I consider it possible that such trials could begin next year.

In taking these steps together, we must ensure focus remains on those we have ultimately been mandated to serve. Throughout my time as Head of the Team I have sought to ensure our work draws on deep connections with the communities of Iraq. The message I have received from community leaders, religious authorities and survivor groups is consistent and clear. If we are to meaningfully address the legacy of ISIL crimes in Iraq, justice must be the basis on which such efforts are built.

The imperative of heeding these calls was underlined to me in March this year as our Team supported the return of remains of 103 Yezidi men recovered from mass graves previously excavated in Kojo village. In that profound setting, I was struck that the pain reflected amongst families present is also felt constantly by the hundreds of thousands of Iraqis from Yezidi, Shia, Sunni, Kaka'i, Christian and other communities who have lost family members or had their lives irreversibly impacted by the crimes of ISIL. So many will not even have the chance to bury those they loved.

It is fitting that we are joined today by Ms. Nadia Murad, Nobel Peace Prize Laureate whose call to action and appeal to our collective conscience gave rise to the establishment of UNITAD. As the Team moves into a crucial phase of its work, we must remain conscious of the promise made to Ms. Murad and all communities impacted by ISIL crimes that the international community will stand with them in ensuring those responsible for such acts are held accountable.