



Special Event

Towards Prosecuting Core International Crimes Committed by Members of Da'esh/ISIL in Iraq:

Command Responsibility, Identifying Leaders and the Role of ISIL Foreign Fighters

Remarks by Mr. Christian Ritscher

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

**League Of Arab States, Cairo, Egypt
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Your Excellency, Ambassador Dr. Mohammed Lemine Guig, Under-Secretary General for Legal Affairs,

Your Excellency, Ambassador Ahmed Al Dalaimy, Permanent Representative of Iraq to the League of Arab States, and Ambassador to Egypt,

Dr. Issam Al Saadi, Deputy National Security Advisor of Iraq,

Honourable Judges Nabil Karim Hassoun and Yassin Ahmed Fathi,

Distinguished guests and colleagues,

Ladies and Gentlemen,

It is such a pleasure to welcome you all here today, in this important event. I am personally grateful and delighted to be present here at the Headquarters of the League of Arab States for the first time, and on my first visit to Egypt as well. So, I would like to first of all extend my thanks to the General Secretariat of the League, in particular the sector of Legal Affairs,

for facilitating the convening of this event and for bringing together this esteemed group of representatives of members states of the League, as well as representatives of the international diplomatic community in Cairo and also colleagues from United Nations offices based here. I believe that it is really important that we at UNITAD reach out more to states of the Arab region, as we are based in Iraq, and Iraq is one of the founding members of the League of Arab States.

I am confident that we all are present here today because we believe in the ultimate goal of achieving accountability and ensuring justice for international crimes committed by Da'esh/ISIL. In this particular event, we are aiming to take a closer look at the structure of ISIL's leadership including the role of commanders in the organization and to shed light also on the role of the so called "Foreign Fighters"; meaning the non-Iraqi nationals who travelled from several other countries, including some countries of the region, to join the ranks of the organization, some of whom had key roles in its structure.

This is particularly important because understanding this hierarchy and identifying the leaders (those who gave orders) puts us on the path of identifying those most responsible for the range of heinous international crimes that were committed in Iraq. It helps us to complete the puzzle of establishing the individual criminal responsibility of the alleged perpetrators for these international crimes. In this, the aim is to go after those most responsible, not just the "rank and file" ISIL members who were given the instructions to commit such crimes.

Ladies and Gentlemen,

Progress in UNITAD's investigations towards that aim has been built on close cooperation and engagement with Iraqi national authorities. Iraq remains UNITAD's main ally and partner. First and foremost, because UNITAD was established in 2017 at the request of the Government of Iraq, backed by the unanimous and remarkable support of the international community. But more importantly, because we work with Iraqi counterparts, in particular the Iraqi judiciary, on a daily basis, to move forward with our work towards achieving accountability and ensuring justice for international crimes committed by ISIL. I am particularly pleased to have Judge Hassoun and Judge Fathi with us today, as their respective courts, Rusafa Court and Tal Kaif Court are among the main counterparts we work closely with in our investigations. I look forward to hearing from them today.

Our close cooperation with the Judiciary in Iraq aims also to build the capacities of Iraqi Judges in the areas of International Criminal Law and International Humanitarian Law. Just next week, UNITAD is gladly bringing 20 Iraqi Judges to the International Nuremberg Principles Academy in Germany to complete a one-week advanced in-depth training course in those areas. We are also supporting the Judiciary in ensuring that the massive evidence on ISIL's international crimes, which counterparts at the Judiciary already have in their holdings, is digitized, and well-preserved in a way that makes it usable even after years, if necessary even after decades. UNITAD and several Iraqi judges also started practical case-building exercises, in which we work together to build cases on specific international crimes concerning specific ISIL perpetrators.

As you are all well-aware, UNITAD's mandate first and foremost deals with international crimes and not with terrorism. This distinction is key in terms of legal implications and also in terms of victims' rights and their participation in the accountability process. Eventually, what we want to see in Iraq is for members of ISIL, including senior commanders, to be held accountable for international crimes through evidence-based trials before competent courts, and in line with international standards and UN policies and best practices. Our objective as UNITAD remains to assist and support the Iraqi judiciary in delivering justice for the crimes committed by ISIL against the communities of Iraq, who constitute the majority of victims of those international crimes. A main challenge in reaching this goal remains to be the absence, so far, of an appropriate legal framework that deals with ISIL crimes as international crimes in Iraq. We do hope that the Iraqi Council of Representatives will resume discussion on this matter very soon. UNITAD stands ready to assist and provide technical support as soon as this Iraq-lead process resumes.

Excellencies, distinguished guests,

ISIL has been an international phenomenon, and countries of this region - the Arab region - have suffered the most from the criminality of ISIL, both in terms of perpetrators and victims. In my former role as Head of the War Crimes Unit in Germany, I worked on the case of the Jordanian pilot Moaz Kasasba, who was monstrously burnt alive by ISIL members. I am well aware that a lot of victims come from the region, as well as many ISIL perpetrators too.

I am confident that today's special event will represent a milestone in UNITAD's cooperation with states of the region in promoting accountability for ISIL's international crimes. Our priority remains to meet the expectations and needs of the victims and survivors, who have been waiting to see justice served. Our work also helps to provide a platform from which a historical and undeniable record of the crimes committed by ISIL; crimes against humanity, war crimes and in some cases even genocide, can be shown to the world.

UNITAD, in cooperation with the government of Iraq, will continue to do its work, with dedication and determination. I truly believe that we collectively stand at a moment of real opportunity to show that justice for international crimes committed by ISIL is attainable, through due process and drawing on evidence to the highest possible standards. I assure you that UNITAD will spare no effort in working towards this goal, and I can confidently say that we are closer to reaching this goal more than ever.

I thank you all again for being present with us today.