

United Nations



Nations Unies

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

فريق التحقيق التابع للأمم المتحدة لتعزيز المساءلة عن الجرائم المرتكبة من جانب داعش (يونيتاد)

## UNITAD-NGO Dialogue Forum: Seventh Biannual Plenary Roundtable

### Meeting Summary

*6 March 2024-Virtual Event*

#### **Background / Overview/ Purpose of Meeting**

The UNITAD-NGO Dialogue Forum provides a platform for a continuous exchange of information between UNITAD and Iraqi and international NGOs on issues pertaining to the common objective of holding members of ISIL accountable for crimes against humanity, war crimes and genocide.

The Sixth Biannual Plenary Roundtable had convened on 17 of December 2023 shortly after the submission of the 11<sup>th</sup> report of the Special Adviser to the UN Security Council. Discussions focused on challenges faced by the Team and its obligations under Resolutions 2697 (2023) and 2397 (2017). The outcomes of sixth roundtable were incorporated in the Annex prepared by the Special Adviser for the report of the Secretary-General on the implementation of resolution 2697 (2023). This report was submitted to the Security Council in January 2024 and published as a UN document.

The Seventh Biannual Plenary Roundtable meeting of the UNITAD-NGO Dialogue Forum was held on 6 March 2024. The primary objective of this Roundtable was to provide a platform for participating NGOs to engage in discussions and share their recommendations towards the common goal of achieving justice for ISIL's international crimes in Iraq, in light of the challenges UNITAD's mandate has been facing, and for UNITAD leadership to inform the NGO community about the outcome of its engagements with Iraqi officials, as the Team approaches the next milestone for implementing SC res. 2697 by developing "a roadmap for the completion of the Team's mandate, to be developed in consultation with the Government of Iraq" by 15 March 2024.

Special Adviser and Head of UNITAD Mr. Christian Ritscher presented an overview of the Team's recent activities, including the conclusion of consultations with Iraqi counterparts, informing that the decision of the Iraqi Government stands that the Team has to conclude its work by 17 September 2024.

The meeting commenced with a comprehensive overview of the agenda and procedural matters, followed by the opening remarks of the Special Adviser, continued with plenary discussions and wrapped up with SA Ritscher closing remarks. The Focal Point for the UNITAD-NGO Dialogue

Forum served as the facilitator of this meeting. During the plenary discussion, some main points were raised:

- UNITAD's current status and the proposed upcoming activities towards the fulfilment of SC resolution 2697;
- NGOs eagerness to contribute to the roadmap and to upcoming UNITAD capacity building efforts;
- Questions about the structure and function of the Iraqi national team, and whether it will engage with the NGO community;
- Questions about the handling of evidence holdings, the future of evidence management and continuation of the investigations after UNITAD's closure.

### ***Opening remarks-Special Adviser and Head of UNITAD***

During his opening remarks, Special Adviser and Head of UNITAD Christian Ritscher extended a warm welcome to NGO representatives. He stressed the importance of recent developments since the last NGO Forum meeting, which convened in December 2023.

He further expressed gratitude for the valuable input provided by attendees during the last meeting, some of which was incorporated into the Secretary-General's report of January 2024. He informed that over the past months, UNITAD engaged in a series of consultations with key interlocutors in Iraq, including the Chief Justice, the Foreign Minister, the Chair of the National Coordinating Committee and senior investigative judges.

The primary objectives of those consultations were:

- *"To establish clarity on the competent authorities in Iraq for the provision of evidence, in accordance with the SG's report and in line with the Team's mandate and ToRs"*
- *and "to explore the best possible way forward for the proper completion of the Team's mandate, and an orderly transition, that serves our shared goal to ensure that the work of UNITAD can be used to support accountability efforts in Iraq and throughout the world."*

Addressing the challenge of uncertainty surrounding the continuity post-UNITAD, Special Adviser Ritscher acknowledged the Iraqi Government's firm stance on concluding the mission by September 2024, expressing respect to the host government's decision, as *"there is no way forward for the Team to operate without the consent of the Government of Iraq."*

In the same time, Special Adviser Ritscher reiterated that: *"the Team remains under full obligation in line with its Terms of Reference and the UN policies and regulations, when dealing with witness consent and witness protection, while implementing the provision of evidence as stipulated in the report of the Secretary-General of 15 January"*.

Reflecting on his tenure, Special Adviser Ritscher indicated that *“it has been a real pleasure to work with all of you over the past 2 and a half years.”* He commended the growth of the UNITAD-NGO Dialogue Forum over the past years as a platform that allowed for enhancing cooperation, continuous engagement and sharing of ideas and knowledge, expressing his hope that the pursuit of justice for ISIL international crimes will continue through different avenues.

### ***Plenary Discussions***

During the plenary discussion segment of the roundtable, all participating NGOs were invited ask questions, and to provide their comments and any feedback they might have had.

It was emphasized that the Team’s engagement with non-governmental organizations and survivor groups have been critical to the progress achieved by the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD) since the commencement of its activities in Iraq in October 2018. The expertise and experience of non-governmental organizations (NGOs) working on the ground with impacted communities have been essential for the implementation of the UNITAD’s mandate.

*Main questions raised by participating NGOs during the plenary segment:*

*How will the national team be put together? Can the SA/UNITAD recommend NGOs for the national team?*

The composition of the national team remains at the discretion of the Government of Iraq. the Government of Iraq has conveyed its intention to create a specialized national team and has named 17 specialized experts, led by a designated team leader from the Supreme Judicial Council. As requested by the Government of Iraq, the Team will continue to provide capacity-building for the specialized national experts until September 2024. While UNITAD can stress the importance of continued engagement with the NGO community, it remains up to the national team how they will continue with that engagement.

*How can NGOs be involved in the capacity building activities over the upcoming months?*

There are already ongoing capacity building projects with NGOs that will continue over the coming months. While the Team will exert every possible effort to maximize the implementation of such projects, there will need to be some adjustments to accommodate the drawdown and upcoming closure.

*How many mass graves have been investigated? Who will continue mass grave work and Yazidi Survivors Law follow-up after UNITAD?*

UNITAD will continue its support to the work of national counterparts (MGD and MLD) on mass graves until its closure. This remains one of the main priorities for the coming months. However, it is regrettable that completion of all the planned work is unlikely, as the Team’s work is coming

to a rather abrupt end. In the same time, UNITAD is committed to providing equipment and capacity building, to the maximum possible extent, for national counterparts working on mass grave excavation and identification of remains, so that this important work will continue beyond UNITAD.

In terms of the investigative work on the crimes against the Yazidi community, the Team is finalizing an updated report on crimes against the Yazidis is expected in the next six months. While the work on the Yazidi Survivors Law is extremely important, it has not been part of UNITAD mandates, and it will rest with other interlocutors (including several UN counterparts and NGOs) to continue with the follow up.

*Who will facilitate interaction between the UN and the Iraqi government after the roadmap? Will there be coordination with Iraqi counterparts on trials of ISIL victims in third states? There is a need to address concerns with the Iraqi government on behalf of victims.*

There is currently no mechanism in place to advise or facilitate after the closure of UNITAD. The Team's ongoing work on third State requests for assistance would terminate along with the mandate. It will be up to each third state to decide whether or how they wish to make a request to Iraq directly. UNITAD will still endeavor to maximize its capacity building efforts for Iraqi counterparts over the coming months, laying the ground for enhanced channels of cooperation with third states.

UNITAD will do its best to communicate the concerns of the victim communities and NGOs with the Iraqi authorities for as long as the Team is operating.

*Concerns about the management of evidence holdings after UNITAD's closure. Is there a competent authority in Iraq that can take over this work?*

The Iraqi Government has repeatedly expressed its commitment to continue with accountability efforts for ISIL crimes post-UNITAD. The Team will maximize its effort to support with training and capacity building of national specialists. The Iraqi Judiciary remains the competent authority in Iraq for the provision of evidence. It will be up to Iraq to decide on the technical system of evidence management that it is willing to use moving forward. Evidence shared by the Team is only as good as the system Iraq has in place to manage it.

The challenge that remains is the lack of an appropriate legal framework that allows for prosecuting ISIL perpetrators for international crimes. While a draft law exists, the process for enacting a legislation has yet to move forward within the Iraqi Council of Representatives.

*How will the UNITAD evidence repository be handled after closure?*

The UNITAD archive will remain with the mission until the end of the mandate in September. A decision on the future of repository will be made by the UN and Iraq. The final location of the archive will be determined by the United Nations.