

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:
Sixth Biannual Plenary Roundtable
17 December 2023-Virtual Meeting**

Meeting Summary

Background/Purpose of Meeting

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

The Sixth Biannual Plenary Roundtable meeting of the UNITAD-NGO Dialogue Forum, held on 17 December 2023, was convened virtually on the KUDO platform with simultaneous translations available in English, Arabic and Kurdish. The Forum was convened virtually to ensure maximum participation by NGOs.

The previous plenary meeting was the fifth Biannual Plenary Roundtable, which convened on 17 July 2023, in person in Baghdad. During the fifth Biannual roundtable, Special Adviser Christian Ritscher provided, per usual practice, an overview of UNITAD's latest activities, including the most recent report to the United Nations Security Council, and the Team's priorities for the upcoming months. Additionally, the guest speaker for this event was Ms. Natia Navrouzov, Legal Director at Yazda, who presented about meaningful justice and victims' participation in the criminal legal processes, showcasing what it means for survivors of Da'esh/ISIL crimes to take part in court proceedings and give their witnesses accounts.

The Focal Point for the UNITAD-NGO Dialogue Forum facilitated the meeting. Discussions aimed to cover the following main points:

- Provide civil society representatives with a broad update from the Special Adviser on the latest work of UNITAD, including UNITAD's most recent report and briefing to the UN Security Council, and the Team's priorities for the upcoming months, its engagements with Iraqi counterparts and the implications of the most recent mandate renewal;
- Invite participation from NGOs on any reflections and recommendations on how UNITAD can best fulfil its mandate, especially in the context of the UN Security Council Resolution 2697 (UNSC Res 2679) (2023); and
- For NGOs to share reflections and recommendations on how the Investigative Team can best fulfil its mandate, especially in the context of UNSC Res 2697 (2023).

The meeting started by providing a general overview of the agenda, and procedural matters. The Forum is committed to providing a safe space for all community members to share their thoughts and experiences, and it respects and values the opinions of participants from all Iraqi communities impacted by the crimes

of Da'esh/ISIL. Participants were reminded that any interventions (written or spoken) would remain confidential.

Opening remarks by Special Adviser Christian Ritscher

Special Adviser and Head of UNITAD, Christian Ritscher, warmly welcomed participants to the Forum and noted the importance of continued engagement between UNITAD and NGOs at the operational level.

He shared key findings from UNITAD's 11th report to the Security Council, including pertaining to the request of the Iraq Government to end UNITAD's mandate in 2024. He stressed that Iraq's consent is key for UNITAD to continue its operations, noting also that UNITAD is obligated to operate under its Terms of Reference, including when dealing with witness consent and protection.

The Special Adviser noted that UNITAD remains fully operational but is taking steps in light of the September resolution to fulfil Iraq's requests. To achieve this, in October 2023, UNITAD reached an agreement with the Iraqi government on a modality that allowed the resumption of UNITAD's support to third States.

UNITAD has also intensified cooperation with the Iraqi judiciary and provided a comprehensive case assessment report on the use and deployment of chemical and biological weapons Da'esh/ISIL, which came as a result of 3 years of investigative fieldwork. Continuation of capacity-building activities in the areas of digital forensics, evidence preservation, mass graves excavations, training in interview techniques, witness protection and psychosocial support provided by UNITAD experts has continued.

As mandated in SC Resolution 2697, the Team has engaged in consultations with the Government of Iraq towards developing a roadmap for the completion of UNITAD's investigations, aiming to lay out how Iraq can maximise the benefit from UNITAD's work over the past years, and ensuring an orderly conclusion of the Team's operations.

Plenary Discussions

In the plenary segment, several rounds of interventions took place where NGOs provided comments and recommendations pertaining to UNITAD's work, with particular emphasis on the situation after UNSC res. 2679.

Several NGOs expressed concern regarding the end of UNITAD's mandate, the future of accountability efforts, and the possibility of an international initiative or some form of an international tribunal for ISIL perpetrators. Another issue of concern was the impact of UNITAD's shortened timeline on witnesses and victims of Da'esh/ISIL crimes, and the related implications. Questions were raised about witness consent and protection, to which UNITAD reiterated its obligations under the Team's Terms of Reference.

The Special Adviser reiterated the Team's respect to Iraq's sovereignty, stressing that the consent of the Host Government is key for any UN entity, and this is of particular importance for an investigative mechanism with a unique mandate such as UNITAD. Also discussed was the critical nature of UNITAD's capacity-building activities for its Iraqi counterparts – most noted were the capacity training for the Iraqi judiciary in international criminal law and the joint working group for the development of a domestic legislation that allows for prosecuting ISIL perpetrators on charges of international crimes.

Discussions included how to engage with Iraqi investigative judges to ensure a better understanding of a trauma-informed approach to investigations and of how to avoid retraumatizing witnesses. The Special

Adviser proposed that, with the consent of witnesses, some competent Iraqi investigative judges can be given the opportunity to participate in witness interviews conducted by the Team, as a practical way to share best practices in implementing trauma-informed methodologies.

The Special Adviser repeatedly stressed that UNITAD has maintained close contact with the Iraqi authorities (in particular the National Coordinating Committee) regarding the next steps, particularly in the development of the roadmap which will provide more clarity on the conclusion of the Team's mandate.

Main questions raised by participating NGOs during the plenary, and UNITAD's responses

What are the alternatives or tracks for alternative measures that Iraq will be taking when UNITAD is gone next year? Has the Iraqi government provided any approach to investigating Da'esh/ISIL?

The Special Adviser mentioned that the Iraqi government has clearly indicated its will to make use of the evidence that was gathered and analysed by UNITAD. There is a productive approach, manifested by the establishment of technical teams to have a proper handover. UNITAD is in no place to speak on behalf of GoI, but the NGO community can raise those questions directly in due course and as they see fit.

What is being done to recognise the suffering of the Shabak people in Iraq?

UNITAD is currently investigating crimes committed against the Shabak community in Iraq and hopes to finalise a report regarding this before the mission is complete.

How will UNITAD continue to achieve justice with its end strategy? How can survivors ensure that the investigative process will continue?

UNITAD was never designed to last forever, the investigations would have been concluded at a point, and the mandate would have ended, albeit after a longer while. This is why the capacity-building activities which the Team has been providing to Iraqi counterparts have been crucial. The capacity-building of the Iraqi judiciary in the area of international criminal law is one spotlight example of this goal.

Achieving justice is a long path, and it remains to be seen whether there will be an appropriate legal framework at the domestic level, which paves the way for prosecuting ISIL perpetrators on charges of international crimes before Iraqi courts.

What practical engagements is UNITAD engaged in with third-States? Is there a possibility of coordinating another mechanism to prosecute Da'esh/ISIL perpetrators? Regarding this, some Iraqi judges have been trained in international crimes by UNITAD – could they run some sort of tribunal?

The creation of a tribunal is outside the scope of UNITAD's mandate. While legally possible, the creation of such a mechanism would require ensuring that there is a political will at the end of several political actors, including the Iraqi government.

The Special Adviser noted that even a universal mechanism of prosecution such as the International Criminal Court will likely only take a few cases of high-profile perpetrators. But that will not be a solution for thousands of Da'esh/ISIL perpetrators of mass atrocities, as those would be best addressed through prosecutions at the national level, whether in Iraq or in third states with competent jurisdictions. This will

better serve the cause of serving justice with victim and witness participation. This is where the capacity building of Iraqi partners and the development of an appropriate domestic legislation are critical.

When it comes to the development of the road map, how can NGOs, especially women organisations, be a part of the conversation?

The Special Adviser noted that the roadmap will provide a clear understanding on what will be achieved and in which time frame. It will certainly aim to include the contributions of civil society that support victims and impacted communities. The Team understands that it is essential for UNITAD to get input from NGOs today and also to remain in constant contact over the coming months.

Concerning NGO involvement, the Special Adviser stressed that women organizations have a role to play, especially when it comes to trainings in gender-sensitive investigations and victim-centred approaches to prevent re-traumatization of witnesses. The Special Adviser proposed that some competent Iraqi investigative judges can be given the opportunity to participate in witness interviews conducted by the Team, as a practical way to share best practices in implementing trauma-informed methodologies, noting that NGOs can help with such initiatives.