

**UNITAD-NGO Dialogue Forum:
Third Biannual Plenary Roundtable**
15 February 2022

Meeting Summary

Background / Purpose of Meeting

The United Nations Investigative Team to Promote Accountability for ISIL/Da'esh Crimes (UNITAD) convened the second biannual plenary roundtable of the UNITAD-NGO Dialogue Forum on 13 July 2021. The principal objective of this meeting was for Iraqi and international NGOs to share reflections and recommendations on how the Investigative Team can best fulfil its mandate. Special Adviser and Head of UNITAD Mr. Christian Ritscher provided an overview of the latest activities of the Team and outlined priority work plans for 2022. A space was given for a survivor from the Yazidi community to reflect on ongoing challenges facing the survivor communities as well as a civil society representative from the Coalition for Just Reparations. This was followed by the plenary segment, where NGOs provided observations and recommendations. The UNITAD-NGO Dialogue Forum provides a platform for a continuous exchange of information between UNITAD and Iraqi and international NGOs, and by collecting, preserving, and storing evidence in line with international standards it aims to hold members of ISIL accountable for crimes against humanity, war crimes and genocide committed in Iraq.

Mr. Christian Ritscher, Special Adviser and Head of UNITAD: Opening Statement

In his opening remarks, Mr. Ritscher highlighted the steps he has taken since his appointment to familiarize himself with the operational environment and has conducted a number of meetings with the national authorities as well as community leaders and NGOs. He outlined his main goals since his arrival which included:

- listening to the Iraqi side, both in the Government and the Judiciary, on how cooperation can be enhanced to better serve the purpose of implementing UNITAD's mandate;
- Getting a first-hand experience of the Team's work on the ground, a huge part of which is done in cooperation with Iraqi counterparts on a daily basis;
- And developing a strategic vision, in consultation with civil society, on how best to move UNITAD's work forward in order to serve the ultimate goal of achieving accountability and ensuring justice for international crimes committed by ISIL.

Recalling his previous work as a Federal Public Prosecutor at the Federal Court of Justice in Germany, Mr. Ritscher noted that the purpose of UNITAD's work is simply not to establish a record for ISIL crimes, but to hold members of ISIL, those who committed such heinous international crimes, accountable through evidence-based trials before competent courts. He emphasized that UNITAD's mandate deals with international crimes and not with terrorism, and this distinction is key in terms of legal implications, as well as victims' participation and rights.

In his meetings with Iraqi officials Mr. Ritscher stressed that according to UNITAD's mandate, Iraq is the primary intended recipient of the Team's work, and that the Team wants to see Iraq playing its natural leading role in pursuing accountability for ISIL international crimes, according to international standards and in line with UN policies and best practices. As he mentioned during his 1st briefing to the UN Security Council in December, Iraq should be applauded for its global leadership



for its request for the establishment of UNITAD and for its cooperation with the Team to date. This role is crucial in promoting global accountability for ISIL international crimes, and more importantly for serving justice to the victims and survivors, most of whom are Iraqis.

The Special Adviser stressed that it is important to applaud efforts taken by the Parliament of Iraq in adopting the Yazidi Women Survivors Law (YSL). As his colleague Ms Pramilla Patten, the Special Representative of the Secretary-General on Sexual Violence in Conflict, noted: “this new law provides for measures of reparations, rehabilitation and reintegration for victims/survivors from the Yazidi, Turkmen, Christian and Shabak communities of abductions and other crimes including sexual violence committed by ISIL.” He welcomed the important efforts taken by survivors, particularly from the Yazidi community, in calling for the expansion of this law to look at children and men, as well as victims/survivors from other affected ethnoreligious communities. Article 7 of the YSL is the most relevant to UNITAD’s mandate, and UNITAD stands ready to work with the Ministry of Foreign Affairs to assist them in revealing ISIL’s atrocity crimes in international forums and to support criminal proceedings.

Finally, the Special Adviser noted that there is a lot of work to be done in cooperation with different branches of the Government of Iraq -the Executive, the Judiciary and the Parliament- to ensure we can achieve our collective objective of bringing Daesh to justice for their atrocities. He concluded that UNITAD will continue to work with civil society, in the highest spirit of cooperation, to extend every support possible, and overcome any challenges through positive and creative approach.

Spotlight: Representatives from the Coalition for Just Reparations and Survivor Groups from the Yazidi Community

Mr. Ritscher expressed his honor to be joined by Ms. Shokhan Hama Rashid Ahmed, from the Women’s Legal Assistance Organization (WOLA) and speaking on behalf of the Coalition for Just Reparations, and Ms. Salwa Saido Omar, a Yazidi activist and survivor speaking on behalf of the Coalition’s Survivors Council.

Ms. Shokhan Hama Rashid Ahmed spoke in detail about the work of the Coalition for Just Reparations in supporting the Government of Iraq to implement the YSL as well as ongoing challenges. She noted that Coalition calls for comprehensive reparations for survivors of atrocities committed during the ISIS conflict in Iraq. It seeks to provide a collaborative space for members of all affected communities including Shabak, Kaka’i, Christian, Shia, Sunni and Yazidis. It aims to equip and support survivors and amplify their voices. The YSL is a groundbreaking law that specifically addresses the rights and needs of survivors of conflict-related sexual violence, while recognizing the atrocities as genocide and crimes against humanity. The law also focuses on criminal justice, memorialization and efforts regarding the fate of missing persons. She noted that implementation is entering a critical stage to ensure a survivor-centered approach. This requires sufficient funding and a well-structured, transparent outreach engagement. The Coalition emphasizes that criminal accountability and reparations go hand-in-hand, noting that survivors can only heal if justice is applied holistically. The Coalition expressed its wish for UNITAD to support the implementation of the law, especially its accountability component and supporting endeavors to incorporate international crimes; genocide, war crimes and crimes against humanity into the Iraqi national law.

Ms. Salwa Saido Omar offered the perspective of survivors by noting that the passing of the YSL provided a positive impact on the wellbeing of survivors as well as other communities affected by ISIL. It was a first step towards achieving accountability and justice, and a better future for survivors and others affected by ISIL. The YSL provides hope of a decent livelihood away from the hardship of everyday life. However, one year has passed already and survivors are still waiting to start the implementation of the law and the establishment of the directorates to ensure its activation. Communities are facing considerable challenges everyday including shelter and basic needs. Correct implementation of the YSL would enable survivors to overcome these challenges and enhance their psychological state. She noted that it was important to see the German court deliver a genocide conviction for the first time. She welcomed efforts by NGOs, such as the establishment of the Coalition, in supporting survivors and ensuring implementation of the YSL. She asserted the role of Coalition which is looking into a mechanism for implementation and supporting survivors by building their capabilities. She hopes that UNITAD will echo the efforts being taken by groups such as the Coalition, and that the investigative team will take into consideration the recommendations put forward by survivors and the Coalition. She urged national authorities, international organizations, and NGOs to respond to the needs of survivors by implementing the YSL. Finally, she requested enhanced support to rescue missing family members.

Plenary Discussions

During the plenary segment of the roundtable, NGOs provided comments and recommendations on how UNITAD can enhance its engagement with NGOs and its work on issues related to its mandate. UNITAD team members provided the following remarks in response:

1) Update on status of mass grave excavations:

UNITAD is constantly working on this issue in close cooperation with the relevant directorates of the national authorities. While UNITAD is working as quickly as possible, it is critical to do this in a careful manner to avoid destroying evidence and to store it appropriately. This can then be used in courts such as the trial in Germany. As this is a lengthy and difficult process, patience is needed to ensure that this approach is done properly and that remains are identified correctly and burials are arranged solemnly. UNITAD noted that mass excavations in Hardan will commence on 22 February.

2) Use of evidence collected by UNITAD at the ICC:

UNITAD noted that the ICC is not competent because Iraq is not a state party of the ICC. Nevertheless, UNITAD will continue to collect and store evidence so that it can be used in national prosecutions in countries where jurisdiction can be established, whether in Iraq, or in third states.

3) Possibility of the establishment of an international tribunal:

It is up to the decision of the sovereign state of Iraq whether a hybrid tribunal is established, while the United Nations has the authority to establish a special mechanism similar to the ICTR and

United Nations



Nations Unies

ICTY, this can barely be applicable to the case of ISIL members. It is up to the Iraqi legislature to adopt an appropriate legal framework to deal with ISIL crimes as international crimes. UNITAD will provide assistance and expertise when required by the competent Iraqi authorities, including the Parliament.

Closing Remarks of Mr. Christian Ritscher, Special Adviser and Head of UNITAD:

In his closing remarks, Mr. Ritscher expressed his gratitude to the NGOs that participated in the Forum's meetings, as well as those engaging with Field Investigation Units at the operational level on a bilateral basis. He reiterated his keenness to meet representatives of NGOs in-person, and perhaps to aim for the next event of the UNITAD-NGO Dialogue Forum to be a hybrid one. Finally, he emphasized UNITAD's forthright commitment to continue working with NGOs and all affected communities.