

**UNITAD-NGO Dialogue Forum:
Second Biannual Plenary Roundtable**

13 July 2021

Meeting Summary

Background / Purpose of Meeting

The United Nations Investigative Team to promote Accountability for crimes committed by Da'esh/ ISIL (UNITAD) convened its second biannual plenary roundtable of the UNITAD-NGO Dialogue Forum on 13 July 2021.

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 principal objective of the July 2021 meeting was for Iraqi and international NGOs to share reflections and recommendations on how the Investigative Team can best implement its mandate. Ms. Sareta Ashraph, Director of the Office of Field Investigations at UNITAD and Officer in Charge of UNITAD, provided an overview of the latest activities of the Team and outlined priority work plans for the second half of 2021. A survivor from the Yazidi community was invited as a speaker to share her perspective and reflections. This was followed by the plenary segment, during which NGOs shared observations and recommendations.

Ms. Sareta Ashraph, Director of Field Investigations and Officer in Charge of UNITAD: Opening Statement

In her opening remarks, Ms. Ashraph highlighted the critical importance of regular dialogue between UNITAD and the NGOs in achieving the common objective of seeking accountability and delivering justice. While noting that the Forum is a significant arm of this cooperation, she emphasized that an even more significant aspect of UNITAD's work with NGOs occurs at the operational level. UNITAD has concluded more than 40 Memorandum of Understandings with NGOs.

As highlighted by the former Special Adviser, Karim Khan QC, in his final briefing to the UN Security Council on 10 May 2021, Ms. Ashraph reiterated that two of UNITAD's key areas of investigation have reached significant milestones. **Field Investigative Unit 1, supported by the Gender and Children's Unit**, established a detailed account of the atrocities committed against the Yazidi community. UNITAD now holds thousands of statements of survivors and witnesses. Some of these were collected directly by the Investigative Team, while others have been obtained from the national authorities and NGOs. Combining this testimonial evidence with an analysis of computer and phone records, forensic analysis and facial recognition, based on independent and impartial investigations, and in compliance with international standards and UN best practice, UNITAD has determined that there is clear and convincing evidence that the crimes against the Yazidi community constitute genocide. More particularly, UNITAD has identified specific perpetrators who hold responsibility for committing the crime of genocide against the Yazidis.

Regarding crimes committed against unarmed cadets and other personnel at the Tikrit Air Academy, often referred to as Camp Speicher, UNITAD, through the work of its **Field Investigative Unit 2**, documented evidence of a brutal massacre and has determined that there is clear and convincing evidence of the commission of war crimes of cruel treatment, murder and outrages upon

personal dignity. Furthermore, UNITAD has found clear evidence of the commission of the crime of direct and public incitement to commit genocide.

While these are important milestones, UNITAD is continuing its investigations into crimes against the Yazidis across Sinjar and focusing more on the relatively under-documented areas of northern Sinjar. Field Investigative Unit 2 will be broadening its focus to look at other locations in the Salahuddin governate.

There has been significant progress in other area of focus for UNITAD's investigation. The investigation into the attack on Badoush prison and the subsequent massacre of predominantly Shia prisoners in June 2014, led by **Field Investigative Unit 3**, has developed substantially. Based on witness testimonies, as well as documentary, digital and forensic evidence, multiple perpetrators and additional execution sites have been identified. **Field Investigative Unit 4** which is investigating ISIS attacks on the Kaka'i, Shabak and Shia Turkmen communities has more than tripled the total number of identified incidents. This achievement is the direct result of consistent and highly productive collaborations with community leaders and civil society representatives. The team is also pursuing investigation into ISIS alleged development and use of chemical and biological weapons, which UNITAD hopes to report on more fully towards the end of the year. Regarding crimes against the Christian community, **Field Investigative Unit 5** has further developed its analysis of multiple crimes, including persecution of Christians, forced conversions, forced transfers, and sexual and gender-based violence, including rape and enslavement. Investigations into attacks on cultural or religious heritage have documented the desecration and destruction of churches by ISIS in Karamlesh, Batnaya, Mosul, Bartella and Qaraqosh. This has included the use of religious sites for weapons training and ammunition storage by ISIL. Investigators have obtained witness testimony and photographic evidence of the destruction of bell towers, desecration of graves, including removal of human remains. **Field Investigative Unit 6**, which focuses on crimes committed against the Sunni community started its work in December of 2020. The Unit is reaching out to relevant actors likely to have documented crimes against Sunnis in Anbar, including video material, photographs and potential witnesses.

In April UNITAD launched a training course, with the aim to deepen the knowledge and expertise of key members of the Iraqi judiciary in the areas of International Humanitarian Law and International Criminal Law. All the lectures will be made available on UNITAD's website, and can be a useful resource for anyone seeking knowledge of IHL and ICL.

Regarding UNITAD's priorities for the remainder of 2021, in the next five months an initial case-file will be prepared on the use of biological and chemical weapons. Further case files are being prepared in relation to crimes against those imprisoned in Badoush Prison in June 2014, as well as crimes against the Christian and Sunni communities. UNITAD is also continuing to support the work of excavations, and in cooperation with the Iraqi governmental agencies and ICMP will also continue to support the identification and return of remains of victims who were buried in mass graves for dignified burials. UNITAD continues to work with religious leaders of the inter-faith statement for the engagement at the community level to garner support for the principles of the statement. UNITAD also provides psychological support to witnesses and stands ready to provide NGO partners with trainings to survivors impacted by trauma. NGO can request trainings by contacting the UNITAD-NGO Focal Points.

Spotlight: Speaker from Victims and Survivor Groups

The UNITAD head of Field Investigative Unit 1, which works on crimes against the Yazidi community, expressed her gratitude to all organizations that contributed to the case file which concluded that genocide had been committed against the Yazidis. She noted that The Netherlands and Belgium have since recognized the crimes committed against the Yazidi community as genocide. She commended the work done by the Free Yazidi Foundation to support the work of UNITAD in Hardan. The head of FIU 1 introduced the guest speaker, a survivor of the Yazidi genocide, and welcomed the important role she has played in acting as a bridge between UNITAD and the survivor communities as well as with the national and international authorities.

The Yazidi genocide survivor spoke in detail about the situation facing her community since the genocide as well as the challenges facing female and male survivors today, including the worsening mental health crisis affecting survivor communities. She emphasized the importance of justice and reparations for survivors, and in ensuring that perpetrators are not tried for terrorism charges alone. She called on UNITAD to expedite the excavation of mass graves, as well as supporting the rescue of missing family members and the reconstruction of destroyed homes.

Providing additional remarks, a representative from the Free Yazidi Foundation welcomed efforts by UNITAD to train local lawyers and emphasized the importance of prioritizing the welfare of survivors during investigations.

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 UNITAD's advocacy work to support the Government of Iraq to domesticate international crimes.

UNITAD is supporting all efforts to domesticate international crimes in Iraq which will allow for Iraq to hold ISIS members accountable for international crimes. It's a matter for the Iraqi government to take the political steps to have such legislation in place and we do hope that Iraqi NGOs will be part of that conversation with your own government. A lot of UNITAD's work also extends beyond Iraq to supporting investigations and pursuing accountability all over the world. The issue of an ad hoc tribunal or a specialized tribunal is something that can be supported if it is run in accordance with international standards and best human rights practices. However, it is important to note that the national proceedings play an incredibly valuable role in bringing about accountability and should be supported.

- 2) Establishing a structural engagement between UNITAD and NGOs using the Syria IIIM as a model.

Ms. Ashraph noted that the new generation of investigative mechanisms, including UNITAD and the Syria IIM, do communicate and discuss common working practices, and will discuss this point. She further noted that UNITAD has a multi-pronged approach to reaching out to NGOs, survivor communities and survivors themselves. The NGO Dialogue Forum is the most general umbrella which allows NGOs to come together and have conversations as a larger group systematically. However, it is not the sole platform for engagement. The Field Investigative Units have direct and regular contacts at the operational level with civil society representatives, survivor communities and NGOs working with survivors. Aside from that, UNITAD also organizes trainings for NGOs, including on psychological support.

3) Reaching out to survivors living outside of Iraq and updates on the use of Shuhud App.

UNITAD continues to reach out to survivors who live abroad, and investigations are taking place outside of Iraq. It is particularly challenging at present due to COVID-19 travel restrictions. While Iraq remains a primary focus as it is the home of many of the survivor communities, but the survivors living outside of Iraq are as much as important.

The Shuhud app is currently undergoing technical updates. UNITAD will restart trainings on how to use the app once this has been completed.

4) Update on investigations into crimes against the LGBT community.

The head of the Gender and Child Unit informed that investigations into the LGBT community started three months ago. Due to the nature of the crimes and the marginalization of the LGBT community, it continues to be challenging to investigate. Many of the documented crimes are executions of men, but women who were either gay or perceived to be gay also faced execution. This type of investigation is unique both in Iraq and in the international context. UNITAD welcomes cooperation with NGOs that may have information or who can support UNITAD.

5) Sequencing of mass grave excavations.

UNITAD informed that a list of priority sites has been identified, which includes Hardan. The Investigative Team aims to connect with surviving family members as this is key to identification. It is also important for communities to come forward and discuss these priorities. An additional element to note is that excavations of mass graves are done in conjunction with the national authorities (Iraqi Mass Graves Directorate and Medical-Legal Directorate). It is important to note that an excavation, in and of itself, is neither the beginning nor the end of the forensic process. From the case-building perspective, UNITAD seeks to understand from the forensic process, what the mass graves and remains therein tell us about the events on the day, the crimes, and how they link to perpetrators groups and victims' profiles.

Closing Remarks of Ms. Sareta Ashraph, Director of Field Investigations and interim-Special Adviser and Head of UNITAD:

In her closing remarks, Ms. Ashraph expressed her gratitude to the NGOs that participated in the roundtable meeting, as well as those engaging Field Investigative Units on a bilateral basis. She reiterated UNITAD's determination and deep commitment to ensuring that the information provided by NGOs are treated with respect as the team moves through the process of developing more case files.