

## **UNITAD-NGO Dialogue Forum: Second Thematic Roundtable**

### *“Investigations into ISIL Crimes Affecting Children”*

26 February 2021

#### Meeting Summary

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

The United Nations Investigative Team to promote Accountability for crimes committed by Da'esh/ ISIL (UNITAD) Special Adviser and Head of the Investigative Team, Karim Khan QC, convened the second thematic roundtable of the UNITAD-NGO Dialogue Forum on 25 February 2020. The principal objective of this second thematic roundtable meeting is to consider the ways in which UNITAD can strengthen its work with NGOs to enhance its investigations into ISIL crimes affecting children. UNITAD has successfully partnered with several NGOs documenting ISIL crimes, including crimes against children. Through these partnerships, UNITAD has been able to identify patterns of crimes against children and the context in which they occurred. These partnerships have also led to the identification of witnesses, including affected children. A broader goal of UNITAD is to support the children and their families in their efforts to participate in accountability processes in a manner that is sensitive to their experiences and in particular any trauma they may have suffered as a result of those crimes. This meeting is an opportunity to identify challenges and potential avenues through which such partnerships between UNITAD and the NGO community can be strengthened further. The UNITAD-NGO Dialogue Forum provides a platform for sustained collaboration and exchange of information between UNITAD and Iraqi and international NGOs, to achieve the common objective of holding members of ISIL accountable for crimes against humanity, war crimes and genocide committed in Iraq.

##### *Special Adviser and Head of UNITAD: Opening Statement*

More than 60 NGO participants attended the thematic roundtable virtual meeting, with Special Adviser Khan and members of the Investigative Team. In his opening remarks, the Special Adviser emphasized that ISIL crimes against children and crimes affecting children are among the key priorities that he established upon his appointment as Special Adviser. It is critical that proper resources and specialists are used for this category of crimes. Children are targeted, whether through slavery or forcible recruitment, but also in numerous other ways, including forced indoctrination, closure of schools, healthcare facilities as well as physical and mental trauma. The transgenerational effect of the crimes inflicted on children requires specific attention. The Special Adviser welcomed the input of the panelists and expressed deep appreciation for the opportunity to listen to NGOs, so that UNITAD can put in place appropriate mechanisms to ensure that the crimes can be properly documented and presented in cases that can be adjudicated on by domestic authorities.

The Special Adviser noted that UNITAD's six field investigation units have started regular engagements with NGOs at least once a month, as had been promised previously. He highlighted the Shuhud application, which is an important tool for victims, survivors and witnesses to contact UNITAD wherever they are. This is particularly important given COVID-imposed travel restrictions, and the fact that many survivors from different communities live all over the world. UNITAD has started individual training sessions for NGOs, and others can request trainings by contacting the UNITAD-NGO Focal Points. In the next period UNITAD will continue its engagement with the Iraqi NGO Working Group to establish a general agreement on the focus of discussion and how to move forward. There has been some movement on the law that would allow Iraq to prosecute ISIL crimes

as genocide, crimes against humanity and war crimes. There have been some delays due to the upcoming elections and other issues. UNITAD would like to work hand in hand with NGOs to help focus minds of those in parliament to get the law passed. We need to call these crimes for what they were as opposed to carrying on with prosecution of these cases under the generic umbrella of terrorism. The Special Adviser welcomed the adoption of the Yazidi Women Survivors' Law which represents recognition by the Government of Iraq.

Most recently, UNITAD has worked with the Government of Iraq and with NGOs to help ensure that the returns of the first identified bodies from Kocho were given back to their loved ones and could be buried in accordance with religious and cultural practices. The Special Adviser expressed his appreciation to Yazda, Free Yezidi Foundation, EMMA, and IOM for the psychosocial support that they gave in conjunction with UNITAD's psychologists.

*Panel Discussion: Good Practices in Addressing Crimes Affecting Children*

This was followed by a moderated panel discussion highlighting good collaborative practices between UNITAD's field investigation units and NGOs in addressing crimes affecting children. The panel discussion was commenced through a presentation by Ms. Lina Biscaia, who is the head of the UNITAD's Gender and Children Unit. Ms. Biscaia has worked with international tribunals, UN commissions of Inquiry, and NGOs investigating mass atrocities in Syria, Uganda, Democratic Republic of Congo, Cote d'Ivoire, Timor-Leste, and Bosnia. She was part of the prosecution team in the ICC Lubanga case, which focused on conscription of children. She has authored numerous reports covering crimes against children and gender-based violence.

The Gender and Child Unit works with all the field investigation units on any crimes against children and gender-based violence. The unit is currently comprised of nine staff, including investigators, analysts, lawyers and an interpreter. Each member has a specialization in crimes against children and gender-based violence. There are two national staff members who are especially important given their understanding of the region, the conflict and the communities.

Before the commencement of investigations, the team tries to understand how different groups of people might be more vulnerable to certain crimes because of their gender and age. Research is undertaken to establish what are the patterns of those crimes, how crimes against children and gender-based crimes fit in broader criminal patterns, and how the same crime can impact men, women and children differently. This analysis allows to identify within those patterns what will be selected for investigations and also allows for an overarching view of the criminality and its gender dimensions. Finally, the unit conducts legal analysis to qualify the crimes and looks at modes of liability which could apply to specific alleged perpetrators.

The unit works alongside the field investigation units and sometimes separately in identifying sources of information that can provide evidence on all these crimes, including NGOs. The team collects evidence of crimes against children from a range of sources including victims and witnesses. NGOs play a key role in assisting UNITAD to identify victims and witnesses. The team has observed that conscription and enlistment of child soldiers, which affected almost entirely boys, as well as forced labour and forced conversion, which affected both boys and girls. Regarding forced marriage, we have received information that shows how different communities have been impacted as Yazidi girls and some Sunni girls were forced to get married. There are crimes that affect individual children as well as those crimes that may not be directed specifically against children but in which they are

disproportionately affected such as forced displacement or destruction of civilian structures including hospitals and schools.

When the unit conducts interviews with children or young adults who were children at the times that the crimes were committed, our first concern is always the well-being of the children and young adults. Prior to an interview, UNITAD's psychologists conduct an assessment with a potential witness to see if they are psychologically ready and can be interviewed. UNITAD uses child friendly interview rooms that were designed in a way for the witnesses to feel comfortable. The investigators are specialized in conducting interviews with children. Psychologists remain available during interviews to provide support to witnesses if needed.

Regarding the partnership with NGOs, the unit appreciates and reviews any documents published by NGOs to see if there are reports or relevant information on crimes against children. A mapping exercise of all the NGOs working with a specific community is undertaken in cooperation with the field investigation units in order to build relationships with them. UNITAD has benefited immensely from the information received from NGOs and the unit is eager to learn how we can be of use to NGOs. The unit can provide trainings and workshops that could be thematic in nature to identify issues of mutual interest. The unit welcomes working with NGOs to help engage more conservative communities where it is more challenging for survivors to come forward and give their accounts about ISIL crimes.

The second panelist to speak, as a representative of Iraqi NGOs, was Bahar Ali, who is the Director of EMMA Organization for Human Development. EMMA was co-founded by Bahar in 2013 to respond to the needs of women and girls. Since 2015 EMMA has been running a women's center for the rehabilitation and reintegration of conflict-related SGBV survivors. Bahar was also a member of the expert committee that developed national strategies for elimination of gender-based violence in the Kurdistan Region of Iraq. She studied Translation at the University of Mosul, Law at Gihan University in Erbil and Gender studies in University of Nijmegen in the Netherlands.

In her remarks, Ms. Ali highlighted the different state and non-state actors involved in documenting and investigating crimes against children. She expressed concerns about unfulfilled promises made to children when inviting them to participate in interviews. She emphasized the lack of psychosocial support provided to the children in general. Victims include girls who faced sexual violence, child mothers who were forced to marry ISIL militants, as well as boys and teenagers that were radicalized after being forced to convert and brainwashed. She highlighted the need for UNITAD and NGOs to discuss how to ensure that gender is mainstreamed throughout the investigation process. She recommended that psychosocial support is provided to survivors for at least a month after the interview is completed and that support is also provided to the families of those interviewed.

The third panelist to speak, as a representative of international NGOs, was Ms. Donatella Rovera, who is the Senior Crisis Response Adviser in the Crisis Response Program of Amnesty International. Ms. Rovera has carried out and led Amnesty International's field investigations into war crimes and other gross human rights abuses in most major armed conflicts across the Middle East and Africa for over 20 years – most recently in Nagorno Karabakh/Azerbaijan/Armenia, Libya, Syria, Iraq, Yemen, Israel-Palestine, Somalia, South Sudan, Nigeria and Central African Republic. Ms. Rovera's work focused specifically on Iraq in 2014-2016 for Amnesty International.

Noting the limited resources and the need to prioritize, Ms. Rovera highlighted areas where support for the victims and their carers has fallen short. This includes ensuring that both victims and their carers receive psychosocial support in an integrated manner. This will enable the carers to deal with the challenges that they are facing in caring for children who have been subjected to and witnessed the most heinous crimes. It is also critical that other forms of support are provided, such as catch up programmes or vocational training for those children who are now young adults and missed out on education. There are also survivors who have not yet reached the point where they can contribute to the investigations, and therefore exercise their right to seek justice and redress, because in order to get to that place they need support to have their personal needs met. Ms. Rovera emphasized the importance of increased proactive efforts to identify survivors from other communities who may also have valuable contributions to the investigations into crimes committed against themselves or others. The lack of information about crimes committed against women and girls from other communities impedes the rights of the survivors to justice and to reparation. Noting the sensitivities involved, Ms. Rovera also highlighted the need to address the rights of the children who were born out of rape. The lack of engagement on this issue leaves the women and children victimized twice. They have a right to have the crimes committed against them investigated and to seek justice and reparation. Ms. Rovera recommended that this would be best done through the establishment of an investigative mechanism involving UNITAD and different UN agencies (IOM, UNHCR and UNICEF) that will allow for investigations to take place inside Syria in the camps where many of the women and their children are believed to be. Finally, she underscored the important role of the UN in facilitating the resettlement of these women and children to places where they can live in safety and contribute to justice processes.

### *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) Criteria used by UNITAD for investigations:

The Special Adviser noted that there is no one criteria. A central theme of UNITAD's work is that there is no hierarchy of victim which applies across the crimes committed by children as long as the acts under investigation fall within UNITAD's jurisdiction. UNITAD will continue to pursue the evidence while bearing in mind that we have a wide horizon as to the types of crimes against children that can constitute criminal conduct. In the coming months UNITAD will also make public its Standard Operating Procedures which are living documents and NGOs can provide suggestions on how to address gaps or problems that UNITAD has not foreseen. UNITAD will also be publishing a trauma-informed field guide for investigators that will be a distillation of best practices based upon a collaboration between UNITAD and Stanford University. The Special Adviser noted that the Sesame Street Foundation has agreed to provide videos from Sesame Street (in Kurmanji/Arabic) that can be played for children while their parents are being interviewed. These videos are focused on children who have suffered bereavement or displacement or are living in camps. It is a way to help with trauma and for them to identify some coping mechanism and cope with their experiences and circumstances.

#### 2) Cooperation and coordination between UNITAD and the MRM Country Task Force in Iraq:

The Special Adviser noted that UNITAD engages with all parts of the UN, including with UNAMI's human rights office, and has personally spoken with the Special Representative of the Secretary-General on Sexual Violence and Children and Armed Conflict.

3) Providing integrated support to victims as well as their carers:

Ms. Biscaia highlighted that support to victims includes the provision of psychological education and coping mechanisms, which is also provided to any accompanying person. The psychologists contacted witnesses weeks after the interview to follow up on how they are doing and how the interview affected them.

4) Issues facing missing women and children born of rape:

The Special Adviser noted that UNITAD has engaged with the women in a way that mitigates the harm to the extent that it can, but it does not deal with the fundamental issue. The Yazidi community and the late Baba Sheikh have pointed to gaps in existing legislation, and the fact that these children are not recognized as Yazidis. The inter-faith statement last year included a provision in which all religious leaders accepted that children affected or impacted by Da'esh should be treated with kindness. UNITAD is planning to continue this interfaith dialogue.

UNITAD's Director of Investigations, Ms. Sareta Ashraph, highlighted the wider context of the issue of children born out of rape in other genocides. She emphasized that the views of the Yazidi community are not monolithic and that there are tremendous challenges within the community including cultural and legal challenges. There is increasing acknowledgement of the trauma of the mothers, which the Yazidi community has been sensitive and active on. UNITAD has a limited capacity to intervene, given the nature of its mandate and these complex issues that do not necessarily relate to UNITAD's mission. Ms. Ashraph emphasized that Yazidi women and girls have been the face and voice of the Yazidi community and communicating what they have experienced to the world. There has been a tremendous growth in female activism and voices in the community, and it's important their voices are heard when it comes to the issue of children born of rape. One of the aspects of the challenge of children born of rape has to do with the historic marginalization of the Yazidi community. It should be up to the Yazidi community and activists who are working on this issue to bring this to the surface and discuss possible ways forward. With regard to the process of determining who is missing and then locating them within the camps is not something within UNITAD's remit and resources. In some cases it might not be safe for these women to be interviewed, if they are indoctrinated or highly traumatized.

*Closing Remarks of the Special Adviser and Head of UNITAD*

In his closing remarks, the Special Adviser expressed his thanks to the panelists and the insightful recommendations put forward by NGO representatives. He emphasized that the solution is not going to come from one place but is going to require all of us to play a part. Responsibility cannot be passed onto UNITAD nor can we give it to you or to the victims or to other parts of the UN. It is about each of us assuming this collective responsibility.

The visit of His Holiness Pope Francis to Iraq will hopefully give exceptional momentum to the dialogue regarding not only the effective management of diversity but the enriching power of diversity that Iraq. Iraq will unleash its latent potential when it embraces religious, tribal, ethnic and

gender diversity. UNITAD has planned an interfaith dialogue series that can also carry on the same discussions in a different setting.

The Special Adviser noted that he will remain in his position until he gives his sixth and final report to the UN Security Council.

Annex: List of Proposed Recommendations

**Plenary Recommendations / Outcomes**

- 1) **Integrated psychosocial support to victims and carers:** UNITAD MHPSS team will provide an outline of the support package that is provided to victims and their carers.
- 2) **Trainings for NGOs on investigations regarding children:** UNITAD's psychologists can provide trainings to NGOs on how to engage children that have been affected by ISIL crimes. Please contact the UNITAD-NGO Focal Points if you would like to request this training.
- 3) **Addressing the issue of missing women:** UNITAD will continue to engage with UNAMI and other UN agencies to discuss with relevant actors how to best address this issue and the connected issue of children born of rape.