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**Letter dated 1 May 2021 from the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant addressed to the President of the Security Council**

I have the honour to transmit herewith, in accordance with paragraph 4 of Security Council resolution [2544 \(2020\)](#), the sixth report on the activities of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant.

I would be grateful if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

*(Signed)* Karim Asad Ahmad **Khan**  
Special Adviser and Head of the Investigative Team



## **Sixth report of the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant**

### *Summary*

The sixth report on the activities of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant is submitted pursuant to Security Council resolution [2544 \(2020\)](#).

During the reporting period, the Team maintained momentum in investigative activities by adopting innovative solutions to the continued challenges posed by the coronavirus disease (COVID-19) pandemic.

Through this approach, the Team reached a significant milestone, with initial case briefs now completed in relation to two core investigative priorities: (a) the attacks against the Yazidi community in the Sinjar region; and (b) the mass killing of unarmed cadets and military personnel at Tikrit Air Academy in June 2014. Substantiating its findings through a synthesis of testimonial, documentary and forensic evidence, the Team sought to address the fundamental challenges faced by national authorities in the prosecution of those responsible for crimes committed by Islamic State in Iraq and the Levant (ISIL, also known as Da'esh).

This progress has been achieved by rapidly expanding the Team's evidence holdings, combined with a strengthened analytical capacity drawing on artificial intelligence, machine learning and other advanced technological tools. The detailed analysis of internal ISIL documentation collected by the Team has enhanced its understanding of ISIL administrative and decision-making structures and supported the construction of comprehensive timelines of activity of priority persons of interest.

Drawing on extrabudgetary resources, the Team has opened a key additional line of investigation focusing on crimes committed against the Sunni community in Iraq, while furthering its investigations addressing Christian, Kaka'i, Shia Turkmen and Shabak communities.

A new investigation into the development and use of chemical and biological weapons by ISIL in Iraq has developed rapidly. Through the collection of a diverse range of evidence, the Team has confirmed the repeated deployment of chemical weapons by ISIL against civilian populations in Iraq between 2014 and 2016, as well as the testing of biological agents on prisoners.

In a significant and solemn moment, the Team supported the return of the remains of 103 Yazidis recovered from nine mass grave sites in the village of Kojo. Working closely with victims' families, community leaders and Iraqi authorities, the Team ensured that this event and associated commemorative ceremonies reflected the wishes and traditions of the Yazidi community. In collaboration with Iraqi authorities, work has started at a number of additional mass grave sites, with excavation activities to commence in May at a site connected with the killing of up to 600 predominantly Shia inmates at Badush prison in June 2014.

Cooperation with the Government of Iraq has continued to be indispensable for progress, drawing in particular on strengthened engagement with the committee designated by the Government to coordinate with the Team and facilitate its work. Partnership with the Iraqi judiciary has also continued to be critical for all Team activities. This has included close collaboration with individual courts and investigative judges in order to strengthen national capacity with respect to the storage and preservation of evidence and the development of case files as a basis for

the future prosecution of ISIL members for international crimes. The provision of training to Iraqi authorities has also expanded in key areas, including the collection and analysis of forensic evidence, digital reconstruction of crime scenes and witness protection.

Drawing on frameworks for action established in connection with the document entitled “Interfaith statement on the victims of Da’esh” and the UNITAD-NGO Dialogue Forum, the Team has continued to ensure that its work is informed by close engagement with religious and community leaders, non-governmental organizations and survivor groups. In March 2021, the Special Adviser announced the launch of the Interfaith Dialogue Series aimed at addressing barriers faced by members of religious communities seeking to engage in accountability processes.

In May 2021, pursuant to the mandate of the Special Adviser to promote accountability globally for crimes committed by ISIL, the Team will launch two publications aimed at promoting innovative practices with respect to the engagement of witnesses suffering from trauma and the harnessing of advanced technology as part of criminal investigations.

Reflecting on the progress made since it began its activities in July 2018, the Team considers pathways towards the full realization of its mandate and the delivery of meaningful accountability for the victims and survivors of ISIL crimes.

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## I. Introduction

1. The sixth report on the activities of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) is hereby submitted to the Security Council.
2. During the reporting period, the Team continued its investigations pursuant to its mandate to support national efforts to hold Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) accountable for acts that may amount to war crimes, crimes against humanity and genocide. The work of the Team has been conducted in accordance with Security Council resolution [2379 \(2017\)](#) and the terms of reference for the activities of the Team in Iraq ([S/2018/118](#), annex), as approved by the Council on 13 February 2018. In line with paragraph 3 of resolution [2379 \(2017\)](#), the Special Adviser and Head of the Team has also continued to engage closely with survivor groups, national authorities, religious actors and non-governmental organizations (NGOs) in order to promote, throughout the world, accountability for crimes committed by ISIL and to work with survivors to ensure that their interests in achieving accountability for ISIL are fully recognized.
3. The present report, which is the final report of the current Special Adviser, reflects a number of landmarks in the work of the Team. The finalization of case briefs in relation to two initial investigative priorities will significantly strengthen the Team's ability to support national authorities in the investigation and prosecution of ISIL crimes. The rapid expansion of evidentiary holdings has provided extensive investigative opportunities while also demanding innovative technological solutions for the analysis of mass data sets collected.
4. Marked by the continued adaptation of working methods to address the challenges posed by the coronavirus disease (COVID-19) pandemic, the Team's progress has continued to draw on strong partnerships with Iraqi authorities. Close to three years since it began its activities, the Team reflects on lessons learned during that period and outlines a path towards the delivery of meaningful justice for survivors and communities affected by ISIL crimes.

## II. Status of investigations

5. During the reporting period, the Team made significant progress across its investigative priorities, in line with the investigative strategy set out in section II of the previous report submitted to the Security Council (see [S/2020/1107](#)).
6. As outlined below, this progress is reflected in the finalization of initial case briefs addressing two of the Team's core investigative priorities: (a) the attacks against the Yazidi community in the Sinjar region; and (b) the mass killing of unarmed cadets and military personnel at Tikrit Air Academy in June 2014. Through the work of its dedicated Financial Tracking Unit, the Team has also completed an initial case brief identifying individuals and companies that facilitated crimes, including pillage, by providing financial services to ISIL.
7. These case briefs provide a detailed analysis of the legal characterization of applicable crimes in their respective areas of investigation, strengthening the basis on which national authorities may take forward prosecutions of ISIL members. They will be expanded and developed as further evidence is collected and analysed.
8. By the end of 2021, the Team anticipates the completion of additional case briefs addressing crimes committed against Christian, Kaka'i, Shabak, Shia Turkmen and Sunni communities in Iraq, as well as the massacre of predominantly Shia inmates at

Badush prison. An initial case brief addressing the development and use of chemical and biological weapons by ISIL in Iraq will also be finalized in 2021.

## **A. Progress in investigative priorities**

9. The investigative work of the Team continues to be led by six dedicated field investigation units based in Baghdad, Dahuk and Erbil. Adaptations and improvements to investigative practices and procedures have allowed for momentum to be maintained while ensuring compliance with national regulations regarding COVID-19.

### **Crimes committed against the Yazidi community in Sinjar**

10. With respect to its investigations into attacks against the Yazidi community, the Team has identified 1,444 potential perpetrators, of whom 469 have been identified as having participated in the attack on Sinjar and 120 in the attack on the village of Kojo.

11. Key initial findings, established using testimonial evidence, have been expanded and strengthened through advances in the collection and analysis of forensic, documentary and digital evidence. DNA identifications and autopsy reports received from Iraqi authorities as part of cooperation on the excavation of mass grave sites has confirmed key aspects of survivors' accounts. In parallel, the Team has identified a significant number of internal ISIL documents within its evidentiary holdings, confirming the identity and activities of priority persons of interest.

12. Reflecting progress made, the Team has moved to finalize its lines of enquiry into crimes committed in Kojo and related mass killings in Sulaqah, southern Sinjar. In parallel, investigations have been expanded to include villages in northern Sinjar, addressing crimes committed against the Yazidi community in and around Khanah Sur, Hardan and Sinuni. This includes investigations into the fate of those not executed upon capture and subsequently taken to Tall Banat, Kojo, Tall Afar, Mosul and other locations. A site visit to mass graves in and around Hardan junction has been conducted, as have outreach events with survivors from Khanah Sur and Hardan.

13. Building on this work, the Team has finalized an initial case brief addressing the legal characterization of the crimes committed against the Yazidi community, identifying those most responsible, and detailing modes of liability pursuant to which the identified perpetrators could be tried for war crimes, crimes against humanity or genocide. The brief draws on a synthesis of all forms of evidentiary material collected by the Team and incorporates individual case files in relation to 14 primary persons of interest.

### **Mass killing in Tikrit, June 2014**

14. The investigation into the mass killing of unarmed cadets and military personnel at Tikrit Air Academy in June 2014 progressed significantly during the reporting period, with the Team also finalizing its initial case brief in relation to this investigative priority.

15. By analysing video material of the attacks consistent with documentary, digital and testimonial evidence collected, the Team has identified 20 key persons of interest. Enhanced searches in its evidence holdings have allowed the Team to identify relevant internal ISIL documents, including payroll records, confirming the ISIL unit, ISIL identity number and role of alleged perpetrators.

16. Evidence drawn from expert reports commissioned by the Team on ISIL messaging and propaganda has advanced its understanding of language used by ISIL members in videos depicting the killings. This has strengthened findings with respect

to the intention of those participating in the attacks. The Team has also successfully geolocated images of victims and perpetrators shown in such videos, drawing on reference images collected by the Team on a recent mission to Tikrit.

17. Combining this evidence with DNA reports provided by the national judicial commission established to investigate these crimes, the Team has established the identities of 875 victim remains from 11 mass grave sites. Analysis of 640 anthropological reports received by the Team has corroborated the cause of death of victims. Where clothing was found with remains, further analysis confirmed that the vast majority were wearing civilian clothing at the time of execution. The Team has also obtained information indicating the potential use of child soldiers in the attacks.

18. As the initial work in relation to this investigative priority has concluded, the Team will build on its progress by expanding the investigation to include other crimes committed by ISIL in the Tikrit area.

### **Mass executions at Badush prison, Mosul**

19. Substantial progress has been made in the investigation into the attack by ISIL on Badush prison in June 2014 and the subsequent massacre of predominately Shia prisoners. By analysing documentary, digital and forensic evidence, the Team has identified a consistent pattern of attack across four execution sites involving four separate ISIL commanders. In conducting executions, ISIL leaders separated detainees according to whether they were Shia or Sunni, executing those identified as Shia. This deliberate and consistent pattern of conduct is being further analysed in combination with internal ISIL records and information on ideological doctrine obtained by the Team, with a view to establishing higher-level decision-making and command responsibility in relation to the attacks. This evidence is considered likely to be probative in determining the intent behind the screening and separation of inmates on the basis of their religion.

20. Case files provided by the Ministry of Justice of Iraq have also confirmed the accounts of witnesses present at the initial planning and preparation meetings for the attacks, allowing the Team to identify the ISIL commander with overarching command responsibility and his deputy. While the lead commander is presumed dead, it is believed that the deputy is alive and potentially remains an active member of ISIL.

21. The Team has identified additional execution sites in Badush Valley, Ayn Jahsh, Bawabat al-Sham and specific industrial locations in Badush. In December 2020, an initial surface forensic examination was conducted at the Badush Valley execution site, combined with the collection of relevant ante-mortem data from families of victims living in the southern provinces of Iraq. An invasive forensic examination of the site is scheduled for May 2021, including the excavation of the remains of those executed. Priority lines of enquiry include interviewing both witnesses in third countries believed to hold relevant video evidence and detainees who survived the attacks.

### **Crimes committed against the Christian community of Iraq**

22. The investigation into crimes committed against the Christian community in Iraq continues to expand, with a number of new lines of enquiry opened pertaining to the destruction of cultural and religious heritage and the Christian community's experience of sexual and gender-based violence perpetrated by ISIL.

23. This has included investigating the desecration and destruction of churches by ISIL in Karamlays, Batnay, Mosul, Bartalah and Hamdaniyah, including the use of religious sites for weapons training and ammunition storage. Witness testimony and photographic evidence depict the destruction of statues, bell towers and sculptures and the desecration of graves, including the removal of human remains.

24. As part of this work, the Team has obtained the testimony of clergy who participated in the rescue of items of cultural and religious significance. The testimony included accounts of efforts by Christian religious leaders to extract and protect ancient religious manuscripts and artefacts as ISIL advanced through northern Iraq in 2014.

25. Investigations to date have also identified evidence concerning the rape and enslavement of members of the Christian community by ISIL. This will continue to be a key line of enquiry based on strong community outreach initiatives aimed at addressing stigma and associated challenges faced by those wishing to report crimes of sexual and gender-based violence. The Team has further developed its military analysis of ISIL campaigns in the Ninawa plains from early July 2014, during which ISIL issued the “Mosul ultimatum” giving Christians the choice to pay *jizyah* (protection taxes), convert or be killed. Investigations have also continued into the takeover by ISIL of Christian settlements in early August 2014, including Hamdaniyah, Tallkayf, Bartalah and Karamlays. As in other lines of investigation, exploitation of internal ISIL records held by the Team has made it possible to identify priority persons of interest.

26. The Unit responsible for this investigation, established through extrabudgetary contributions from the United States of America, has further strengthened its network of national interlocutors and stakeholders. The visit of Pope Francis to Iraq presented further opportunities for engagement with community representatives, while the recent establishment of an office in Erbil will strengthen relationships with affected communities, many of which reside in the Kurdistan Region.

### **Crimes committed against Kaka’i, Shabak and Shia Turkmen communities**

27. During the reporting period, the number of incidents identified by the Team as relevant to its investigations into crimes committed against Kaka’i, Shabak and Shia Turkmen communities tripled, thanks to collaboration with minority community leaders, civil society representatives, scholars and local residents. Investigations continue to be focused on targeted killings and inhumane treatment of civilians, mass abductions, systematic destruction of private homes and other properties, pillaging, and forcible displacement of communities.

28. The destruction of buildings dedicated to religion, education and art, historic monuments and other heritage sites of significance also remains a key investigative focus. Geolocation and preliminary analysis of key sites have now been completed. The Team has continued to undertake forensic acquisition of photographic and video evidence, expert satellite imagery and geospatial data analyses, along with continued preparations for the exhumation of the Bi’r Alu Antar mass grave site. The Team remains grateful for the financial contribution of the United Kingdom of Great Britain and Northern Ireland in support of this area of its work.

### **New lines of investigation**

#### *Crimes committed against the Sunni community*

29. A new field investigation unit focusing on crimes committed against the Sunni community commenced its work during the reporting period. Initial analysis of relevant documentary holdings has facilitated the mapping of key incidents, focusing in particular on Anbar Governorate. By analysing audio, photographic and video materials, as well as witness statements, the Unit has developed an initial chronology of events.

30. On this basis, preliminary lines of enquiry have been established, taking into account the gravity of the potential crimes committed, the number of victims and the existence of persons of interest currently in custody. Further research and analysis are



under way to identify broader command structures and linkage evidence. The Team is prioritizing its engagement with local authorities in Anbar, as well as tribal leaders, civil society and representatives of affected communities. This engagement will incorporate the organization of in-person town hall meetings with Sunni communities as soon as current COVID-19 restrictions allow.

*Development and use of chemical weapons by ISIL*

31. The Team opened an investigation into the alleged development and use of chemical and biological weapons by ISIL. Initial work has been focused on lines of enquiry associated with the attack against Tazah Khurmatu, the ISIL takeover of the University of Mosul and its subsequent repurposing in support of a weapons development programme, and the attack against the Mishraq sulfur field and processing facility. Alleged attacks reportedly resulted in civilian deaths and injuries, including by asphyxiation and other chemical and biological weapons-related symptoms, affecting minority communities in particular. Evidence already secured indicates that ISIL tested biological and chemical agents and conducted experiments on prisoners as part of this programme, causing death. Weaponized vesicants, nerve agents and toxic industrial compounds are suspected to have been considered under the programme.

32. To date, the Team has collected and analysed information and evidence emanating from battlefield records, detainee testimonies, victim accounts, satellite imagery, remote sensing techniques and video analysis. Aspects related to materials procurement and logistics, physical infrastructure, leadership and expertise are also being analysed.

33. With this material, the Team has been able to identify repeated successful deployments of chemical weapons by ISIL against civilian populations between 2014 and 2016. Investigations into the successful development and use by ISIL of an indigenous chemical weapons capability may represent an unprecedented moment for accountability in modern conflict with respect to non-State actors.

## **B. Specialized thematic units: mainstreaming expertise on key aspects of investigations**

34. In parallel with the core investigative work of its field investigation units, the Team has continued to build its capacity in specialized areas in order to ensure that investigative activities are conducted in line with international standards.

### **Sexual and gender-based crimes and crimes against children**

35. The Gender Crimes and Children Unit continues its work in analysing ISIL ideologies, policies and organs that were central in the commission of sexual and gender-based crimes and crimes against children. Focus has been placed on the internal ISIL structures that supported the implementation of policies regarding the sexual enslavement of women and girls and the conscription of boys.

36. The Unit has also strengthened its coordination with field investigation units by appointing focal points to ensure that gender analysis and the identification of sexual and gender-based crimes and crimes against children is mainstreamed across the operational activities of the Team. This cooperation has led to the development of a common strategy on how to obtain evidence of sexual and gender-based crimes in communities in which stigma may prevent survivors from coming forward with their accounts.

37. The Unit has also commenced work on an investigation into crimes committed by ISIL against the lesbian, gay, bisexual, transgender and queer community. A review of

initial evidence collected has allowed the Team to identify preliminary patterns of victims, crimes, time frames, and locations. This has in turn supported the identification of priority lines of enquiry to be taken forward in the next reporting period.

38. During the current reporting period, the Unit significantly expanded the number of interviews with survivors of sexual violence, including a number of witnesses who were children at the time of the events. With support and guidance from in-house psychologists of the Witness Protection and Support Unit, these interviews have strengthened evidence with respect to specific slavery routes and the involvement of individual perpetrators in the management and administration of the slave trade. The expansion of interviews with survivors of gender-based crimes will continue to be a core part of the work of the Team in the months ahead. The Team is grateful for the financial contributions of Denmark and the United Arab Emirates in support of this area of its work.

#### **Financing of ISIL crimes**

39. The Financial Tracking Unit has finalized its initial case brief, examining networks of money remitters and exchange businesses alleged to be part of the ISIL financial infrastructure. The Team has identified central subjects of interest to the networks, collected primary documentation on the inner administrative and logistical workings of the ISIL financial system and obtained witness statements and other evidence addressing how such networks may have facilitated the commission of war crimes, crimes against humanity and genocide.

40. The Team continues to investigate the ISIL treasury department (Bayt al-Mal). This has involved an extensive analysis of how ISIL generated revenue from its various illicit markets and diverted proceeds to its military and general operations, including those that resulted in or otherwise supported the commission of crimes in Iraq. The Unit has enhanced its cooperation with relevant national authorities, especially the Karkh Court. Relationships with global financial institutions have also been deepened with the aim of collecting and preserving pertinent transaction data.

41. The Unit also continues to provide financial investigation expertise in support of the work of other units, in particular where links appear between financial facilitation and specific crimes. The Team is grateful for the financial contribution provided by Germany in support of this area of its work.

### **C. Composition and facilities of the Investigative Team**

42. The Team now benefits from a total of 216 personnel, including 176 staff members. Ensuring gender and geographical balance has remained a key priority, with women presently accounting for 49 per cent of substantive and support staff and gender parity maintained in leadership across field investigation units and director-level positions. All regional groupings of the United Nations continue to be represented in the Team.

43. National expert positions continue to be mainstreamed throughout the staffing structure of the Team, with national professional staff members now forming part of almost all substantive units. In consultation with the Government of Iraq, a total of 13 national experts have now been recruited, with an additional 7 such positions expected to be filled in the next reporting period.

#### **Provision of expert personnel by Member States**

44. The Team continues to welcome the support of Member States through the provision of expert personnel in accordance with paragraph 14 of resolution [2379](#)

(2017). A total of nine experts are presently being provided by the national authorities of Australia, Finland, Germany, Jordan, Saudi Arabia and Sweden.

45. In early May, with the support of the Police Division of the Office of Rule of Law and Security Institutions, in the Department of Peace Operations, a note verbale will be circulated to Member States launching a new campaign for the recruitment of expert personnel to a range of roles within the Team, including Electronic Discovery Officer, Forensic Geneticist and Investigative Analyst. The Team strongly encourages Member States to nominate qualified candidates.

#### **Premises and facilities of the Investigative Team**

46. Construction was completed during the reporting period of a state-of-the-art forensics laboratory and evidence vault at the Team's premises in Baghdad. The facilities have significantly enhanced capacity with respect to the analysis of digital evidence, including three-dimensional laser scans and other imagery data, as well as the forensic analysis of evidence recovered from mass grave excavations. Full security of evidence is ensured through the integration of a biometric system. The Team is grateful to the United States for its generous financial contribution in support of the construction of the facilities.

47. The Team has established an additional office in Erbil, within the compound of the United Nations Assistance Mission for Iraq. These premises will serve to strengthen engagement with local communities, enhance access to mass grave sites and facilitate the provision of additional support to national authorities and those of the Kurdistan Regional Government.

### **III. Investigative activities: collection and storage of evidentiary material**

48. To address the challenges posed by the COVID-19 pandemic, the Team has placed increased emphasis on relationships with national actors and international partners, combined with the integration of advanced technological solutions into its work. This approach has facilitated the rapid expansion of the evidence holdings of the Team.

#### **A. Documentary, testimonial and digital evidence collection**

49. The digital and documentary evidence holdings of the Team have grown significantly as a result of excellent cooperation with Iraqi authorities as well as independent evidence-collection activities.

50. The increased ability of the Team to exploit internal ISIL documentation extracted from former ISIL digital devices, obtained through cooperation with Iraqi authorities, has been central to the success achieved in this regard. Through the collection and processing of assets, including ISIL immigration records, medical records, payment logs, fighter rosters and records connected with its administration of academic institutions, the Team has been able to directly tie persons of interest to specific ISIL battalions, geographic locations and crime scenes.

51. These data have in turn allowed the Team, using advanced search tools, to identify persons of interest in relation to specific crime scenes according to their unit or organizational affiliation. Once identified, detailed timelines of activity of individual ISIL members in Iraq can be developed on the basis of documented events, including their engagement in active fighting, medical treatment received, ownership of slaves and payments made to them and family members. This has proved of

significant value in corroborating testimonial accounts obtained from survivors and witnesses and has been integrated into case briefs finalized by the Team during the reporting period.

52. Consistent increases were seen in the submission of evidence to the Team through its digital platform, Shuhud, during the reporting period. The provision of training to local communities and NGOs in the use of this tool has supported the submission of information encompassing the capture and occupation of minority community villages by ISIL, the imposition of inhumane living conditions upon residents, and survivor and witness accounts of attacks involving the use of chemical weapons by ISIL in Iraq. Significant numbers of submissions were received from members of Shia Turkmen, Kaka'i, Shabak and Christian communities. Initial results have also indicated that the platform will assist in ensuring that the accounts of women are fully reflected in the Team's work, with 25 per cent of submissions received from female respondents.

53. As outlined further in section IV, the Team is expanding its work with Iraqi national authorities with respect to the digitization of existing documentary material and the forensic extraction of digital evidence from electronic devices seized from ISIL. The Team also continues to benefit from the provision of a broad range of documentary evidence by Iraqi national authorities, the Kurdistan Regional Government, United Nations entities, NGOs and academic institutions.

54. With respect to the collection of testimonial evidence, the Team has introduced a number of innovations in order to broaden the range of witnesses able to engage with the Team and provide their accounts, including the expanded use of remote interviews and screenings in order to address restrictions in place owing to the COVID-19 pandemic. These modalities have proved effective, with investigators engaging with an increased number of witnesses and survivors during the reporting period.

55. In March 2021, the Team conducted a series of interviews in Australia in order to obtain testimony from the Yazidi diaspora in connection with the ongoing investigation into crimes committed by ISIL against the Yazidi community. In consultation with the Australian Federal Police and the Queensland state police, the Team was able to secure testimony from key witnesses, gaining valuable evidence that has been incorporated into the recently finalized initial case brief addressing this investigative priority. As part of this work, the Team has established positive relationships with civil society organizations connected to the Yazidi community in Queensland, which are expected to facilitate the collection of further information relevant to ongoing investigations.

56. The Team also conducted an interview with a former ISIL member currently detained in a third country, which has yielded considerable information regarding ISIL hierarchies and technological infrastructure. Further interviews with this detainee are planned to be conducted in person, subject to COVID-19 restrictions. During May and June 2021, the Team plans to conduct four interviews with high-level persons of interest currently detained by Iraqi authorities.

## **B. Excavation of mass graves and return of remains**

57. The Team has continued its support for the excavation of mass grave sites in Iraq and the return of remains to families. Despite continued challenges posed by restrictions on field movements due to the COVID-19 pandemic, momentum has been maintained through effective cooperation with national authorities and affected communities.

58. In a significant and solemn moment, the Team supported the return to next of kin and dignified burial of the human remains of 103 Yazidis recovered from nine mass graves previously excavated in Kojo. DNA-based identification and detailed post-mortem analysis by Iraqi authorities with the support of the Team has allowed death certificates to be issued to the families of the victims, strengthening access to national remedies and reparations. The analysis of 103 case files relating to identified victims, shared with the Team by Iraqi authorities, has provided evidence linking survivor testimony gathered by investigators with the forensic evidence addressing the cause, manner of death and profile or demography of the victims. As reflected above, this synthesis of testimonial and forensic evidence has been integrated into the initial case brief produced by the Team relating to the crimes committed by ISIL against the Yazidi community in Sinjar.

59. Cognizant that the return of remains engages deep emotional, cultural and religious sentiments among the Yazidi community, the Team supported a series of outreach events in Dahuk and in camps for internally displaced persons in northern Iraq to ensure that the views of victims' families and community leaders were placed at the centre of planning and implementation. The Team has also worked extensively with Iraqi authorities and affected communities to facilitate dialogue and cooperation in support of a victim- and survivor-centred approach to these activities.

60. To this end, The Team provided logistical and financial support for commemorative ceremonies held at the Martyrs' Monument in Baghdad and in Kojo, where remains were interred. In collaboration with NGOs, the Team deployed psychosocial experts on site at the burial ceremony to ensure the provision of effective psychological and emotional support to survivors and the families of victims. Relatives from overseas who attended the commemorative burial ceremony in Kojo were able to provide DNA reference samples and register their missing relatives.

61. In December 2020, the Team collaborated with the International Commission on Missing Persons in support of joint missions led by the Mass Graves Directorate of the Martyrs Foundation and the Medico-Legal Directorate of the Ministry of Health of Iraq aimed at safeguarding human remains and evidence at a substantial mass grave site related to the killing of up to 600 predominantly Shia inmates at Badush prison in June 2014. The mission also supported the recovery of vulnerable human remains lying on the surface and the discovery of an additional execution site in the vicinity. A tandem data collection campaign was carried out in four provinces south of Baghdad (Wasit, Basrah, Nasiriyah and Maysan) to gather DNA reference samples from the relatives of victims of the killings at Badush with a view to establishing DNA-based identifications in the future.

62. Building on this initial field work, the Team conducted a comprehensive survey of the Badush mass grave site in April 2021 using three-dimensional laser scanning technology. This is one of the measures taken in preparation for the full excavation and recovery of the remains scheduled to commence in May 2021. Logistical and on-site expert forensic support will be provided by the Team to Iraqi authorities in line with the joint mass grave investigations strategy, ensuring that evidence is collected in accordance with international standards.

63. Following requests made by members of local communities, the Team has supported Iraqi authorities in the forensic recovery of human remains and associated evidence from four locations in Jaddalah, to the south-west of Mount Sinjar. Support was also provided with respect to the safeguarding of a grave site in Hawijah Kirkuk, with excavations also scheduled for May 2021.

64. Across all mass grave excavation activities, the Team has sought to ensure the application of a trauma-informed approach to community engagement. In this regard, the Witness Protection and Support Unit facilitated inter-agency coordination with

the International Organization for Migration, Yazda, the Emma Organization for Human Development and other NGOs to develop a comprehensive psychosocial support plan for excavations and the return of remains. The plan ensures that survivors and affected communities receive necessary assistance throughout the planning process, the excavations and the subsequent identification and return of remains. As an extension to the psychosocial support provided to families, the Team has produced a guidance document for the Mass Graves Directorate to support adherence to trauma-informed principles during the handover of case files of identified human remains to respective families.

65. As reflected in section IV, the Team has provided extensive capacity-building and support to the Mass Graves Directorate and the Medico-Legal Directorate, including advanced technical equipment as well as theoretical and practical training on its deployment on site.

66. On 20 April, and building on its enhanced collaboration with Iraqi authorities during the reporting period, the Team participated in the second partner and stakeholder meeting with the national coordinating committee in order to operationalize the joint mass grave excavation strategy concluded in the previous reporting period. Outcomes included an agreed schedule for the excavation of priority mass grave sites over the next 12 months and a programme of work to support timely DNA-based identifications.

### **C. Storage, analysis and management of evidence**

67. Effectively exploiting the breadth of evidence collected by the Team requires technological innovation. In the past six months, the Team has introduced a series of new tools to enhance its evidence processing capabilities so as to draw on the significant range of new data sets that have been incorporated into its evidence holdings.

68. As noted in section II, the establishment of the new forensics laboratory and evidence room facilities in Baghdad now allows for on-site forensic analysis, including video authentication and forensic examination of digital and physical evidence. The Team also intends to use the facilities to deliver specialized capacity-building training to Iraqi authorities.

69. The Information Systems Unit has supported the implementation of a number of new technologies for the search, analysis and review of image and video data collected by the Team. Through this process, the Team has been able to extract facial profiles from image data across its archives, establishing a dedicated repository of over 175,000 such profiles. This has proven immediately effective with respect to the identification of persons of interest relevant to the investigative priorities of the Team. As a next step, processing has commenced on the more than 34,000 video files currently held by the Team, with a view to extracting all facial profiles and other relevant images. The Team is taking forward a roll-out campaign, which will empower all investigators to harness advanced image and video searches in support of their work.

70. The Team is in the final stages of implementation of the Zeteo project, a custom-made data enrichment platform using the latest in artificial intelligence, Microsoft cognitive services, machine learning, machine translation and facial recognition. The project will be integrated into the existing Relativity document review platform used by the Team, allowing analysts and investigators to rapidly exploit multimedia files and identify relevant objects, faces and locations. In a significant step, the project will also support the automatic transcription and subsequent machine translation of video assets held by the Team, meaning that videos depicting crimes committed by ISIL are automatically converted into English-language transcriptions. This will significantly enhance the ability of the Team to filter and analyse the content of such material.

71. In addition to bringing transformational enhancements to the investigative capabilities of the Team, these tools are also a critical component in efforts to support the mental health of those whose work exposes them to graphic and disturbing imagery. By leveraging this technology to automatically group duplicate and near duplicate extreme content and temporarily pixelate flagged documents, artificial intelligence has been harnessed to protect staff members. The Team is grateful for the continued support of Microsoft Corporation in the implementation of this project.

72. As part of efforts to exploit former ISIL electronic devices in its evidence collection activities, the Forensic Sciences Unit has enhanced the decryption capacity of the Team during the reporting period. Software and hardware procured by the Team can now attempt up to 1 million passwords per second and have been successful in cracking devices containing highly sensitive internal ISIL documentation of significant evidentiary value to the Team.

73. As reflected in section VI, these and other technological innovations will be highlighted in a publication on harnessing technology in criminal investigations, to be launched by the Team on 11 May.

#### **IV. Delivering accountability in collaboration with national actors**

74. The partnership between the Team and national actors across Iraq continues to be central to progress in the effective delivery of its mandate. During the reporting period, the Team expanded its cooperation with Iraqi authorities, survivor groups, NGOs and religious authorities.

##### **A. Engagement and cooperation with the Government of Iraq**

75. The national coordinating committee has remained a crucial partner in the work of the Team. Building on the establishment of common strategic frameworks in the previous reporting period, the relationship between the Team and the committee has been strengthened through a series of joint activities.

76. As reflected in section III, the Team worked closely with the national coordinating committee in facilitating the successful return and burial of the remains of victims identified through mass grave excavations in Kojo. The Team has also been grateful for the committee's role in facilitating cooperation between the Team and relevant national authorities with respect to the ongoing excavation activities at Badush prison.

77. The coordinating committee has collaborated closely with the Team in the design, development and implementation of a range of capacity-building and training activities for national authorities in Iraq. As reflected elsewhere in the report, this has included the delivery of programmes in such areas as the use of state-of-the-art equipment for the extraction and processing of data from crime scenes; evidence preservation and forensic reporting techniques; evidence digitization; and training on dangerous hazards provided together with the Mine Action Service.

78. Cooperation and partnership with the Iraqi judiciary has remained fundamental to the progress made by the Team. By collaborating with judicial partners, the Team has been able to gain access to significant amounts of additional evidentiary material relevant to its investigative work. As reflected in subsection B below, the Team is working closely with individual courts and investigative judges in Iraq to strengthen national practices and procedures with respect to the storage and preservation of evidence, as well as the development of case files responsive to the requirements of the future prosecution of ISIL members for war crimes, crimes against humanity and genocide.

79. During the reporting period, the Team continued to strengthen its cooperation with the Kurdistan Regional Government. With the support of the Office of the Coordinator for International Advocacy, the Team has established modalities for the digitization of evidence held by regional authorities and has received positive responses to targeted requests for information concerning ISIL leadership structures in Sinjar and Mosul.

80. The Office of Rescued Yazidi Affairs of the Kurdistan Regional Government has been a particularly important partner, having provided a total of 4,636 written statements and 109 audio statements to the Team. Witness statements and other documentation have also been received from the Commission for Investigation and Gathering Evidence, with a modality established for the receipt of a significant number of additional statements in the near future.

81. The Special Adviser continued his engagement with senior members of the Government of Iraq in order to further enhance cooperation in pursuit of the Team's strategic objectives. This included high-level meetings with the Prime Minister, the President, the Minister for Foreign Affairs, the Director of Military Intelligence of the Ministry of Defence and the President of the Iraqi High Commission for Human Rights. He also met on a number of occasions with the Chief Justice and Head of the Supreme Judicial Council and continues to be grateful for the latter's invaluable support for the work of the Team.

82. Engagement with the senior members of the Kurdistan Regional Government has also remained a priority of the Special Adviser during the reporting period, with meetings held on a number of occasions with the President and the Prime Minister of the Kurdistan Region and with other ministers.

## **B. Strengthening the capacity of Iraqi authorities**

83. In accordance with paragraph 39 of its terms of reference, the Team broadened its provision of training and support to Iraqi authorities during the reporting period.

84. The Team has continued to partner with Iraqi authorities and those of the Kurdistan Region in the implementation of a major project aimed at supporting judicial and government entities in archiving and digitizing evidentiary material concerning crimes committed by ISIL, in line with international standards. The Team has now completed assessments of the documentary holdings of 12 Iraqi authorities, including by carrying out detailed on-site reviews of their archives. Through such assessments, the Team has identified that a number of key documentary repositories relevant to ISIL crimes, including the entire evidence collections of some central counter-terrorism courts, remain held entirely on paper-based systems. Priority has been placed on delivering assistance to such entities.

85. Following the installation of technical equipment at the Counter-Terrorism Court of Tallkayf, Mosul, and the related Faysaliyah repository, the digitization of 33,000 priority case files and underlying materials is under way at the Faysaliyah site. Technical equipment is due to be installed at the Karkh Court in Baghdad in May 2021. The Team has also installed workstations at the Ministry of the Interior of the Kurdistan Regional Government, which will serve as a central partner for the digitization process in the Region. The Team remains grateful to the European Union for the significant financial contribution provided in support of this project.

86. The Team has also taken forward implementation of its agreement with the Supreme Judicial Council of Iraq to support Iraqi investigative judges in the development of case files for the prosecution of ISIL members for war crimes, crimes against humanity and genocide. With a view to strengthening the capacity of Iraqi



investigative judges in the investigation of such crimes, the Team has commenced delivery of a 10-part training course on international criminal law for senior members of the Iraqi judiciary. Commencing in May 2021, the course, delivered in collaboration with the Australian National University, will be delivered by leading international experts and will cover the definition of core international crimes; internationally recognized modes of participation and liability; fair trial rights; and the relationship of Islamic law to international criminal law concepts.

87. Building on this initial training programme, the focus will move in the coming months to the provision of one-to-one mentoring to relevant judges in the development of individual case files. Priority cases have already been identified in this regard, including those addressing ISIL members who played a leading role in the implementation of sexual slavery practices. The Team remains grateful to the Government of Denmark for the financial support provided in support of this area of activity.

88. The Team has also continued to support the establishment of the Witness Protection Department of the Government of Iraq, as foreseen in national witness protection legislation. This has included the delivery of a two-day witness protection planning workshop for Ministry of the Interior representatives. A similar initiative is being undertaken in support of efforts by authorities of the Kurdistan Regional Government in this field.

89. In February 2021, theoretical training on the use of three-dimensional laser scanners at mass grave sites and the post-processing of digital data was provided to members of the Mass Graves Directorate. This forms part of the Team's ongoing training and capacity-building efforts aimed at enhancing national capacity in the recording and analysis of complex crime scenes.

90. The Team remains mindful that mass grave investigations work throughout Iraq, especially in areas where ISIL was present, carries an inherent risk to the safety of individuals working within and around mass graves, due in particular to the pervasive presence of exploded and unexploded remnants of war and improvised explosive devices. In recognition of this, the Team has collaborated with the Mine Action Service in the delivery of explosive hazards awareness training for key Iraqi national authorities. A first session was provided in April 2021, with a tailored training programme continuing to be rolled out until all relevant staff of the Mass Graves Directorate and the Medico-Legal Directorate have been trained.

91. In support of excavations at additional mass grave sites in Anbar Governorate, the Team has also provided four-wheel drive vehicles, smart monitors and data storage devices to the Mass Graves Directorate. Combined with associated training, the provision of such equipment will enhance operational capacity ahead of this collective work.

### **C. Working in partnership with all elements of Iraqi society**

92. The ability of the Team to draw on the experiences of all affected communities in Iraq remains central to the delivery of its mandate. Reflecting this, the Team has redoubled its efforts to partner with religious actors, survivor groups, NGOs and community leaders in its work.

93. During the reporting period, the Team continued to strengthen its partnership with Iraqi and international NGOs through the UNITAD-NGO Dialogue Forum. Now benefiting from the membership of over 70 NGOs, the Forum has enhanced the Team's ability to draw on the experience and expertise of partner entities in order to

strengthen engagement with affected communities and improve policies and procedures in key areas of work.

94. On 25 February 2021, the Team held its second thematic round-table discussion within the framework of the Forum, on the theme “Investigations into ISIL crimes affecting children”. Discussions addressed how the Team could strengthen its collaboration with NGOs with respect to investigations concerning children, as well as measures to support the participation of children in accountability processes in a manner sensitive to their specific needs and experiences.

95. At the first biannual plenary round table of the Forum, held on 14 December 2020, the Team provided an update on action taken on the basis of recommendations received at the first thematic round table on the theme “Empowering community members and survivors of ISIL to engage in accountability efforts”.

96. During the reporting period, the Witness Protection and Support Unit continued to provide training to NGOs and health providers on psychosocial and trauma-informed approaches to engagement with survivors, with a total of seven sessions delivered this year. Another set of seven training seminars is scheduled for May. The conclusion of arrangements with a number of entities has strengthened the Team’s ability to refer survivors to appropriate health-care facilities where required.

97. Upon the visit of the Pope to Iraq, the Special Adviser, together with the Special Adviser to the Secretary-General on the Prevention of Genocide, Alice Wairimu Nderitu, announced the launch of the Interfaith Dialogue Series, to be held at locations across Iraq commencing in 2021. Reflecting the core principles of the landmark document entitled “Interfaith statement on the victims of Da’esh” endorsed by Iraqi religious leaders in March 2020, the Interfaith Dialogue Series will seek to support engagement between religious actors in order to address the barriers faced by members of communities wishing to participate in accountability processes. The series will also consider how collective messaging from Iraqi religious communities can prevent incitement to discrimination, hostility and violence.

## **V. Cooperation in support of the activities of the Investigative Team**

### **A. Engaging Member States and providing support for ongoing national proceedings**

98. In line with its mandate and terms of reference, the Team has continued to ensure that its work is focused and structured in a manner that maximizes its utility to ongoing accountability processes.

99. As referenced throughout the report, work has continued with Iraqi counterparts in order to strengthen the evidentiary and legal basis on which proceedings may be taken forward in Iraq. This has included the ongoing provision of capacity-building support to Iraqi investigative judges to assist in the development of case files with respect to ISIL acts that may constitute war crimes and crimes against humanity. As reflected in section VIII, the Special Adviser has also continued to engage with the Council of Representatives and senior political leadership with respect to the establishment of a legal basis for the prosecution of ISIL members in Iraq for international crimes.

100. In a significant development, arrangements have been put in place with the Iraqi judiciary allowing for the sharing of information relevant to financial crimes committed in connection with ISIL activities in Iraq, in a manner consistent with the

Team's terms of reference. This arrangement will allow for strengthened cooperation with respect to the investigation and prosecution of individuals who facilitated and financially benefited from ISIL crimes in Iraq, including the building of case files for submission in Iraqi national proceedings.

101. The Team has also significantly strengthened its capacity to provide support to other national authorities in response to requests for assistance, drawing on strong cooperation with Iraqi authorities. To date, a total of 14 States have requested the Team's assistance with respect to ongoing national proceedings.

102. Drawing on its expanded evidentiary holdings and enhanced analytical tools, the Team has been able to identify a wide range of documentary evidence responsive to such requests. The ability of the Team to exploit internal ISIL documentation extracted from digital devices has been central to the success achieved.

103. The Team has also developed new search methodologies allowing it to produce analytical products, compiling evidence held by the Team identifying nationals of specific Member States. In a number of cases, this has in turn allowed for the completion of more targeted searches through which substantial information relevant to specific alleged perpetrators has been identified. Drawing on its rapidly increasing evidentiary holdings and improvements in analytical capacity, the Team has been able to respond positively to a significant majority of requests received.

## **B. Ensuring coherence with United Nations system entities**

104. During the reporting period, the Team continued to be grateful for the support and collaboration of United Nations system entities in the delivery of its mandate. Harnessing the expertise and operational capacities of United Nations partner entities in Iraq and globally, the Team has gained access to information relevant to investigations and found efficiencies in the delivery of logistical aspects of its work.

105. The Team continues to work closely with the United Nations Assistance Mission for Iraq, benefiting in particular from its role in leading the crisis response to the operational constraints imposed by the COVID-19 pandemic. The Special Adviser wishes to extend his thanks to the Mission and to the Special Representative of the Secretary-General for Iraq, Jeanine Hennis-Plasschaert, for their invaluable support during the reporting period and throughout his time as Head of the Team.

106. As reflected in section IV, cooperation with the Mine Action Service has included the joint delivery of training to Government of Iraq stakeholders on explosive hazard awareness. Joint planning was also undertaken for a hazard assessment to be conducted in the area of the Al Hilwat mass grave site north of Ramadi.

107. The Team has also benefited from a strengthened partnership with the United Nations Institute for Training and Research, in particular its Operational Satellite Applications Programme, which has provided a number of satellite maps and associated reports of relevance to the Team's investigations, focused on Sinjar, Mosul and Tikrit. These products have assisted in delineating potential locations of mass graves, ISIL activities, movements of fleeing civilians and damaged Yazidi religious and cultural sites.

108. During the reporting period, the Team was also grateful to a number of other United Nations system entities for the provision of information responsive to requests for assistance submitted by the Team.

### **C. Cooperating with other entities**

109. During the reporting period, the Team sought to expand its partnership with international organizations, academic institutions and private sector entities.

110. The Team has worked closely with the Human Rights in Trauma Mental Health programme at Stanford University to strengthen practices pertaining to trauma-informed aspects of investigations. This collaboration has led to the preparation of an expert report synthesizing mental health data collected as part of the Team's activities to assess the psychological impact of ISIL crimes on individuals and affected communities.

111. The Witness Protection and Support Unit has continued to strengthen partnerships with a range of agencies in order to enhance the provision of psychosocial support to witnesses, in particular women and child survivors. During the reporting period, the Unit collaborated with Sesame Workshop, which provided gender-sensitive psychoeducational resources and therapeutic materials to enhance the Team's engagement with vulnerable children through storytelling. Reflecting a trauma-informed approach, these resources are also anticipated to have vicarious benefits for adult survivors engaging with the Team with their children. By making these tools available on its website in local languages of affected communities, the Team also seeks to support diaspora families in addressing the trauma that children may suffer as a result of reduced contact with their communities.

112. During the reporting period, the Team completed the delivery of specialized training programmes for national and international staff members through partnerships with Physicians for Human Rights and the Institute for International Criminal Investigations. Through these initiatives, staff members benefited from training on the forensic documentation and assessment of physical evidence of international crimes of sexual and gender-based violence and core skills in the investigation of mass atrocities.

113. The Team has recently developed a training programme in partnership with the National Attorneys General Training and Research Institute, with a view to strengthening the capacity of investigators in conducting child forensic interviews. This series will address areas including the detrimental psychological impact of crimes committed against children, the impact of such trauma on forensic interviews and how to mitigate harm to child witnesses.

114. The Team has also concluded an arrangement with the International Crimes Unit of the Netherlands through which the Team will be able to harness networks of national authorities supported by the European Union Agency for Law Enforcement Cooperation. This represents an important step in strengthening the Team's ability to identify ongoing national investigations and prosecutions relevant to its mandate and explore ways in which it can provide tangible support for such proceedings.

115. As reflected in section III, the Team has also continued to develop its engagement with the International Commission on Missing Persons as part of the provision of training and capacity-building to Iraqi authorities with respect to mass grave excavations and the identification and return of victims for burial.

### **VI. Promoting accountability globally**

116. In line with paragraph 3 of resolution [2379 \(2017\)](#), the Special Adviser has sought to draw on the lessons learned from the Team's investigative work in order to promote good practice globally with respect to the investigation and prosecution of ISIL crimes.

117. In May, the Team will launch the *Trauma-Informed Investigations Field Guide*, aimed at assisting investigators in understanding and addressing the potential effects of trauma on witnesses who have endured widespread, sustained and grave crimes directed against entire populations. Drawing on the experience of the Team in engaging with survivors of ISIL crimes in Iraq, the *Field Guide* seeks to promote a trauma-informed approach, supporting investigators in eliciting from witnesses the most complete and coherent account of events possible, while at the same time safeguarding the well-being of both interviewees and interviewers. The Team is grateful for the collaboration of the Human Rights in Trauma Mental Health programme at Stanford University in the production of this publication.

118. Focus has also been placed on promoting innovative practices globally with respect to the use of technological solutions in pursuit of accountability for ISIL crimes. Highlighting advances made by the Team in the deployment of a range of advanced evidence-collection and analysis tools, a publication entitled “Harnessing advanced technology in international criminal investigations” will also be launched in May 2021.

119. With a view to promoting best practice among national and international entities engaged in the investigation of international crimes, the Team has made a number of its standard operating procedures publicly available on its website.<sup>1</sup> In sharing procedures governing areas including the conduct of interviews with children and survivors of sexual and gender-based violence, the Team seeks to promote dialogue that supports mutual learning among practitioners.

## VII. Funding and resources

120. The Team has continued to seek efficiencies in the implementation of its mandate in order to address financial pressures caused by the broader funding environment faced by the United Nations.

121. Organization-wide liquidity challenges have required the Team to strategically balance shortcomings in operational funds. By December 2020, the Team had received 47 per cent of its approved operating expenditure budget, leading to the postponement of infrastructure upgrades and the delivery of equipment needed for excavation and investigative activities.

122. In the light of the financial pressures faced by the Team, extrabudgetary contributions have taken on increased importance. During the reporting period, the Team was grateful to receive an additional financial contribution from the Government of Denmark supporting the use of advanced technological tools in the investigation of sexual and gender-based crimes and crimes against children. Support from the Government of Denmark has also continued to facilitate the provision of training and capacity-building assistance to Iraqi investigative judges by the Team.

123. As referred to in section II, the United States has maintained its financial support with respect to mass grave excavations and investigations into crimes committed against minority communities. The Team also remains grateful to the United States for its contribution in support of interfaith outreach and forensic evidence collection. As also stated in section II, the Team continues benefit from financial contributions from the United Kingdom, including its support for investigations into crimes committed against minority communities. Funding provided by the European Union has continued to support the implementation of a major evidence-digitization project.

124. The Team has also welcomed the renewed support of the Government of the Netherlands, ensuring that the Team continues to benefit from in-house clinical

<sup>1</sup> See [www.unitad.un.org](http://www.unitad.un.org).

psychologists in its engagement with vulnerable witnesses. The support of the United Arab Emirates has strengthened the Team's work with respect to the investigation of sexual and gender-based crimes, while the Team also remains grateful for the support of Germany with respect to investigations into the financing of ISIL crimes in Iraq.

125. It is anticipated that 2021 will be a challenging year for extrabudgetary resource mobilization because of the COVID-19 pandemic. The Team therefore continues to encourage further contributions of funds, equipment and services from States and from regional and intergovernmental organizations in support of the implementation of its mandate, in accordance with paragraph 14 of resolution [2379 \(2017\)](#).

## **VIII. Looking forward: delivering meaningful accountability in partnership with national authorities**

126. The present report is submitted nearly three years after the Team's arrival in Iraq. In October 2018, a total of five staff members commenced work in Baghdad to deliver on the vision set by the Security Council in resolution [2379 \(2017\)](#) and by the Government of Iraq. Since then, the Team has expanded to over 200 personnel and has worked intensively in partnership with Iraqi authorities, affected communities and international partners to establish a basis on which meaningful accountability for ISIL crimes can be delivered.

127. The breadth of evidence collected by the Team, combined with the analytical capacity that it has put in place, now provides an opportunity to overcome fundamental challenges previously faced in prosecuting those responsible for ISIL crimes. In parallel, recent steps by national authorities to strengthen national legislation and take forward proceedings against ISIL members have steadily broadened avenues for use of this evidence in national courts. By harnessing these mutually supportive strands of progress, a course can now be charted for the full realization of the Team's mandate.

### **A. Taking stock: assessing progress made in the implementation of Security Council resolution [2379 \(2017\)](#)**

128. As reflected in the present report, the Team has now established a fully functioning international-standard capacity to collect, store and preserve evidence in relation to ISIL crimes, drawing on strong cooperation with Iraqi authorities. Core elements of this capacity include:

(a) Over 200 staff members in place in Iraq, including investigators, forensic experts, psychosocial support staff, legal officers, digital forensic experts and witness protection staff. National experts have been integrated across all areas of work of the Team;

(b) Six field investigation units covering all communities in Iraq affected by ISIL crimes, working in close cooperation with Iraqi national authorities, survivor groups and relevant communities;

(c) Specialized thematic units on sexual and gender-based crimes and crimes against children, financial tracking, and witness protection and support, providing targeted support across all investigative activities of the Team;

(d) Operational offices established in Baghdad, Dahuk, Erbil and New York, allowing the Team to engage effectively with communities, respond rapidly to evidence collection opportunities and partner effectively with United Nations entities and Member States;

(e) Programmes of support in place to enhance the capacity of Iraqi authorities in areas including:

- (i) Building of case files relating to ISIL crimes that may constitute war crimes, crimes against humanity and genocide;
- (ii) Excavation of mass grave sites;
- (iii) Digital exploitation of battlefield evidence;
- (iv) Provision of effective protection and support to witnesses;

(f) Rapidly expanding evidence holdings containing documentary, testimonial, forensic and digital evidence, including extensive internal ISIL documentation;

(g) Analytical capacity drawing on industry-leading technological tools allowing for the exploitation of evidence through artificial intelligence, automatic facial recognition and machine learning and translation;

(h) Completion of in-depth thematic case files in relation to two of the Team's initial investigative priorities: the crimes committed against the Yazidi community in Sinjar; and the mass killing of unarmed Iraqi air force cadets and military personnel from Tikrit Air Academy in June 2014;

(i) Successful completion of excavations at 22 mass grave sites, allowing for the return of remains to families and the collection of forensic evidence crucial to the building of case files against perpetrators.

129. Together, these elements of progress have established a platform from which the Team can provide effective assistance to national authorities seeking to investigate and prosecute those responsible for ISIL crimes.

## **B. Pathways to accountability: unlocking channels for action at the national level**

130. In parallel with the momentum built by the Team in the collection and analysis of evidence, emerging progress has been seen in recent action taken by national authorities in pursuit of accountability for ISIL crimes. This has in turn strengthened avenues through which evidence collected by the Team can ultimately be put before national courts.

### **Towards comprehensive accountability in Iraq**

131. As reflected in previous reports, the Council of Representatives continues to consider legislation to establish a legal basis for the prosecution of ISIL members in Iraq for war crimes, crimes against humanity and genocide. This draft legislation also provides a channel through which evidence collected by the Team may be relied upon in such proceedings, in accordance with resolution [2379 \(2017\)](#).

132. The Special Adviser has engaged proactively with key national counterparts in support of this initiative. In doing so, he has underlined the crucial impact that this legislation can have in responding to the expressed wish of many survivors for ISIL crimes to be addressed in a manner that reflects the gravity of such crimes and their impact on the communities of Iraq. The Team has also provided technical advice in support of efforts in the Kurdistan Region aimed at establishing a legal basis for the prosecution of ISIL members for international crimes. In April, the Council of Ministers of the Kurdistan Regional Government announced its approval of legislation establishing a new criminal court to address such cases. This legislation is presently being considered by the Parliament of the Kurdistan Region.

133. In supporting these initiatives, the Team seeks to respond to the mandate set by the Security Council to promote accountability for crimes committed by ISIL that may constitute war crimes, crimes against humanity and genocide. The establishment of a legal basis for use of evidence collected by the Team in such proceedings represents a crucial step forward in this effort.

134. The basis for the implementation of such legislation was strengthened during the reporting period through the adoption by the Council of Representatives of the Yazidi Female Survivors Law. In establishing a legal imperative for the prosecution of ISIL members for international crimes and formally recognizing the gravity of the crimes committed against Yazidi, Turkmen, Christian and Shabak communities, the law provides a positive vision for the delivery of justice in Iraq.

#### **Action taken in other jurisdictions**

135. In parallel with efforts in Iraq to establish a legal basis for the prosecution of ISIL members for crimes falling within the Team's mandate, national authorities in other Member States have also demonstrated an increasing willingness and ability to address ISIL crimes through the prism of international criminal law.

136. Investigations and prosecutions are currently being taken forward in a number of European and North American jurisdictions, with national authorities in many States adopting a cumulative approach through which alleged ISIL members are charged with both terrorist offences and international crimes. These proceedings have included prosecutions of individuals for genocide, slavery, pillaging and enlisting child soldiers. In Germany, cases involving the purchase of two Yazidis enslaved by ISIL have been taken forward. This led in April to the conviction of a German woman for war crimes and aiding and abetting crimes against humanity. Two ongoing trials, of a German and an Iraqi national, include the use of universal jurisdiction to prosecute genocide under legislation on international crimes.

137. Structural investigations are also increasingly being used by national authorities to address challenges faced in the investigation and prosecution of ISIL crimes. Through this approach, national authorities are able to collect evidence across a broad crime base and establish the constituent elements of international crimes, in turn allowing prosecutors to act swiftly when individual suspects are identified. It is anticipated that the case briefs produced by the Team during the reporting period, as well as those expected to be completed in the second half of the year, will contribute significantly to the efforts of national authorities adopting this structural approach.

### **C. Defining success: a completion strategy for the Investigative Team**

138. Through the progress made by the Team in the collection of evidence and the parallel strengthening of channels available for its use in national courts, a path can begin to be set for the successful conclusion of the Team's work. In developing its completion strategy, the Team has identified a series of key steps that would ultimately allow for the reduction of its field-based presence in Iraq.

139. At the national level, adoption of the law currently being considered by the Council of Representatives would provide the forum in which evidence collected by the Team can be effectively harnessed in the prosecution of ISIL members for international crimes. In parallel, efforts to finalize arrangements for the sharing of evidence with competent Iraqi authorities in accordance with the terms of reference will be further prioritized. These steps would allow proceedings in Iraq to benefit fully from the forensic, testimonial, digital and documentary material collected by the Team. Building on ongoing engagement between the Team and the Government of Iraq, it is anticipated that such arrangements can be put in place before the end of 2021.



140. On this basis, and drawing on the comprehensive case briefs developed by the Team, it is anticipated that trials of ISIL members in Iraq for international crimes could begin in 2022. Such trials would also benefit from the Team's ongoing work, highlighted in section IV of the report, to support Iraqi investigative judges in developing individual case files for the prosecution of ISIL members for war crimes, crimes against humanity and genocide.

141. Reflecting the Team's investigative strategy, trials could be structured to address key crimes committed against communities across Iraq, providing an opportunity for national and international recognition of the gravity of such acts and their ongoing impact on survivors. Drawing on the case briefs and individual case files developed by the Team, the trials would serve to strengthen broader efforts to empower and engage all communities in addressing the legacy of ISIL crimes in Iraq.

142. Looking further ahead, it may then be envisaged that the Team could move to a residual footing. Such an approach, implemented through close engagement with Iraqi authorities, would prioritize the continued effective storage and analysis of evidence collected, allowing it to be shared with national authorities for use in national proceedings in Iraq and other Member States on an ongoing basis. Following the successful implementation of the key steps outlined above, this posture could be adopted within a period of two to three years.

## IX. Conclusion

143. Close to three years since the Team began its activities, it has sought, in the present report, to consider progress made and continued challenges in its work. As reflected above, a basis is now in place that could allow national authorities to overcome long-standing barriers to the effective investigation and prosecution of ISIL members for international crimes. Through this collective work, those who believed that they would benefit from complete impunity will be held accountable.

144. Adopting a broader lens, the present moment provides an opportunity to reflect on the potential impact of Security Council resolution [2379 \(2017\)](#) as a model for international action in the face of crimes of the scale inflicted by ISIL on the people of Iraq. In establishing this mandate along with the Government of Iraq, the Council adopted an innovative approach, seeking to harness both the independent, international-standard capacity of the Team as well as the full cooperation and engagement of national authorities.

145. As noted in the second report of the Special Adviser, the experience of the Team has consistently shown that these dual imperatives – of ensuring its independence and collaborating with Iraqi authorities – do not present a dichotomy. The opposite is true: the mutually reinforcing nature of these principles continues to be demonstrated through the collection of accounts from victims, the provision of training and support to national counterparts, the production of comprehensive case briefs and the burgeoning provision of direct support for national proceedings.

146. In continuing to harness these dual drivers of progress, the Team will seek to further strengthen the growing foundation on which Member States can take forward efforts to hold those responsible for ISIL crimes to account, in line with the rule of law and due process.