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Letter dated 17 May 2019 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 15 of Security Council resolution [2379 \(2017\)](#), the second 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



Second 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 second 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 [2379 \(2017\)](#).

Since its arrival in Iraq on 30 October 2018, the Investigative Team has worked with focus and purpose to operationalize its mandate. Core staffing, facilities and initial evidence collection practices are in place, and initial documentary, digital, testimonial and forensic material is being collected in line with the investigative strategy.

Emphasis has been placed on the forensic analysis of mass grave sites and the exhumation of the remains of victims, with the first set of excavations undertaken in the village of Kojo in Sinjar, north-western Iraq, in March and April 2019. In cooperation with national authorities, the Team has sought to act with urgency in this area in order to secure an important source of evidentiary material and demonstrate its ability to respond rapidly to the clearly expressed needs of survivors and the relatives of victims.

That work has underlined that the delivery of the mandate of the Investigative Team also requires the development of strong partnerships between survivors, local communities and the Government of Iraq in the common pursuit of accountability.

The establishment of the Investigative Team as an independent, impartial, trusted partner for all actors in Iraq, with the capacity to conduct its work in line with international standards, has been central to its ability to harness such collaboration in pursuit of its investigative priorities.

On the basis of evidentiary material collected to date, initial analytical outputs are now being produced. In turn, those outputs will inform the ongoing investigative priorities and activities of the Team as it seeks to establish a symbiotic relationship between its investigative and analytical branches.

With a view to ensuring the effective use of evidentiary materials and analyses before national courts, the Investigative Team has held initial discussions with a number of relevant States regarding specific forms of support that it may provide with respect to ongoing domestic proceedings.

As the Investigative Team moves into the fully operational stage of its activities, it faces new challenges. The evolving nature of the evidentiary base, particularly in the light of the disintegration of ISIL as a coherent geographical entity, requires an innovative response. As the range of evidentiary material collected by the Team grows, the need to identify and harness further channels for the effective use of that material in criminal proceedings increases.

In addressing these challenges, the Investigative Team underlines its commitment to delivering on the promise made to victims and survivors through resolution [2379 \(2017\)](#), while continuing to draw on the continued collective support of the international community.

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I. Introduction

1. The second 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 hereby submitted to the Security Council.

2. Through its operational activities on the ground to date, the Investigative Team has engaged first-hand with the survivors of and witnesses to the violence of Islamic State in Iraq and the Levant (ISIL). The survivors come from all communities in Iraq, whether Shia, Yazidi, Christian, Sunni, Kaka'i or Turkmen, and their message has been consistent and clear: ISIL must be held accountable for its crimes. In Mosul, Tikrit, Dahuk and elsewhere in Iraq, victims have given harrowing accounts of their suffering, of entire communities erased and of women and girls taken as slaves. Their courage in coming forward with their experiences underlines the heroism of the survivors and the imperative of ensuring that the Team delivers on their demand for action.

3. This call for accountability is not one of retribution, but one of justice. Those who have spoken to the Investigative Team wish for the crimes of ISIL to be exposed, openly and objectively, so that the world can see the true nature of those acts and so that we can, together, honour the victims. In providing their accounts, witnesses and survivors have consistently emphasized that they do not seek revenge, but assistance in obtaining recognition for what they have suffered and in bringing those responsible to justice.

4. Seeking to build on this collective will to take action, the Investigative Team has worked intensively since its last report in order to implement its mandate, which is to support domestic efforts to hold ISIL accountable by collecting, preserving and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide. This work 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 Security Council on 14 February 2018. The Special Adviser and Head of the Investigative Team has also taken concrete steps to ensure that the voices and accounts of survivors and victims are placed at the centre of global accountability efforts, in line with paragraph 3 of resolution [2379 \(2017\)](#).

5. The ability of the Investigative Team to deliver on this mandate ultimately stems from its unique capacity to draw on its independent, impartial status in order to engage with all actors, whether national, local or international, and thereby collect a comprehensive range of evidentiary material in line with the highest possible standards. As discussed below, the Team has also sought to draw on the expertise and support of governments, universities, non-governmental organizations and a broad range of other entities. In doing so, it hopes to further foster a global movement towards accountability.

6. The present report sets out the achievements of the Investigative Team to date, outlining its investigative strategy and the progress that it has made with respect to the collection, preservation and storage of evidentiary material. Finally, the report outlines key next steps in the development of the work of the Team as it moves towards the provision of meaningful support for ongoing domestic accountability processes in Iraq and other States.

II. Operationalizing the mandate of the Investigative Team

A. Investigative strategy

7. During the reporting period, the Investigative Team prioritized the development of its investigative strategy, drawing on a series of site visits to key crime scenes in Iraq and engaging with national authorities, survivor groups and civic and religious leaders in the country.

8. Building on its initial strategic framework, as outlined in the first report of the Investigative Team, the investigative strategy sets out the criteria for determining investigation priorities and identifying specific areas for investigation. The strategy further incorporates the consideration of key factors, such as the scope and scale of alleged crimes, including sexual and gender-based crimes and crimes against children, and the identification of those who bear the greatest responsibility. Several key practical factors are also taken into account, including the availability of witnesses and of evidence in general, as well as the existence and status of proceedings in various jurisdictions. The strategy will be reviewed on a regular basis and as events and contingencies require.

9. In developing its investigative strategy, the Investigative Team has sought to take a methodical approach, while remaining practical and adapting to realities on the ground and rapidly changing contextual factors. Accordingly, the Team is tracking and analysing relevant developments both in Iraq and elsewhere to continually assess the potential for investigative opportunities, as well as risks and limitations, thereby positioning itself to react quickly and decisively on the basis of objective principles and criteria.

Legal basis and framework

10. In the implementation of its investigative strategy, the work of the Team will at all times remain guided by its core mandate, as outlined in resolution 2379 (2017), the terms of reference and the guiding principles of the Team set out in its first report to the Security Council (S/2018/1031). In accordance with paragraph 6 of resolution 2379 (2017), the Team will ensure that it continues to operate as an impartial, independent and credible entity.

11. In addition, and in accordance with resolution 2379 (2017) and the terms of reference, the Investigative Team will continue to ensure that its work, including any potential use of evidentiary material collected, is conducted in accordance with United Nations policies and best practices and relevant international law, including international human rights law, rules and standards.

12. The Investigative Team will at all times ensure that its activities are conducted with full respect for the sovereignty of Iraq and its jurisdiction over crimes committed in its territory.

Substantive investigative priorities

13. On the basis of its investigative strategy, and drawing on the initial collection and analysis of documentary and digital evidentiary material, the Investigative Team has adopted an implementation plan in which the following three initial areas for investigation are set out, each accompanied by specific monthly benchmarks for progress:

(a) Attacks committed by ISIL against the Yazidi community in the Sinjar district in August 2014;

(b) Crimes committed by ISIL in Mosul between 2014 and 2016, including the execution of religious minorities, crimes involving sexual and gender-based violence and crimes against children;

(c) The mass killing of unarmed Iraqi air force cadets from Tikrit Air Academy in June 2014.

14. The initial focus areas above are not exclusive, and the Investigative Team continues to undertake preparatory work in areas for subsequent investigation, in line with an approach that reflects the imperative of ensuring equitable treatment of the diverse communities represented in Iraq. Specifically, in parallel to its investigations based on the initial priorities outlined above, the Team is compiling preparatory files with respect to a broad range of additional crimes, including those committed against Kaka'i, Shabak, Sunni and Turkmen communities. It is anticipated that this work will give rise to further investigative priorities in the coming months.

15. The benchmarks in relation to the areas of investigation listed above take into account the anticipated arrival of further staff, including national colleagues, the acquisition of specialized forensic equipment, responses to requests for information made by the Investigative Team, and other related developments. This approach to operational effectiveness draws on the full range of expertise already available on the Team and is intended to ensure a comprehensive strategy that remains agile and responsive in order to adapt to opportunities and challenges that may arise.

B. Composition and premises of the Investigative Team

16. Since the approval of the budget of the Investigative Team by the General Assembly in December 2018, priority has been given to filling key substantive and support positions, as well as putting in place the physical infrastructure necessary for the Team to function effectively.

17. By the beginning of May 2019, the Investigative Team had recruited a total of 48 staff members, and 37 additional selected candidates are currently being onboarded. It is anticipated that over 80 per cent of the investigative and analytical positions on the Team will be filled by August 2019. In building the Team, close attention has been paid to ensuring a gender and geographical balance, with women currently accounting for 55 per cent of substantive and support staff, and with all regional groups of the United Nations represented. More than half of senior management positions are held by female staff members.

18. As a result of the emphasis placed on recruitment during the reporting period, initial staffing has been completed for all substantive units within the Investigative Team, with the majority of posts in the Office of Analysis and Evidence now filled. Recruitment to positions in the Office of Field Investigations is also nearly complete, and the new recruits are being progressively onboarded.

Integrating national expertise

19. The successful integration of Iraqi national professional personnel into the Investigative Team, on an equal footing with international staff members, will be essential in ensuring that the Team is able to gain the support of the people of Iraq, complement the investigative activities of Iraqi national authorities and produce evidence that is capable of supporting domestic proceedings.

20. Reflecting that imperative, and in line with paragraph 14 of the terms of reference, Iraqi nationals account for more than one third of professional staff members within the staffing structure of the Investigative Team. On 13 May 2019, the Prime Minister of Iraq and the Special Adviser and Head of the Investigative Team

formally announced the appointment of Salama Hasson al-Khafaji as Chief of National Engagement and Support, the most senior national position within the Team. Following that appointment, and in consultation with the Government of Iraq, the Team is now moving forward with the recruitment of all other positions allocated for national experts. The Team anticipates that those positions will be filled by August 2019.

21. In appointing the Iraqi members of the Investigative Team, and in accordance with the terms of reference, the Special Adviser has emphasized the importance of ensuring a balance in terms of gender, ethnicity and religion in order to ensure that the national component of the Team reflects the diversity of Iraq itself, thereby helping to support the conduct of effective investigations into crimes committed against all communities throughout Iraq.

Provision of expert personnel by Member States

22. Pursuant to paragraph 14 of resolution [2379 \(2017\)](#), the Investigative Team has engaged with a number of Member States with respect to the provision of expert personnel to the Team. In that regard, the Team is grateful to the Governments of Germany, Saudi Arabia, Sweden and Turkey, which have committed to providing the Team with experts, including intelligence analysts and members of national police forces. The Team will continue to leverage this modality in order to supplement its core staffing structure, with the objective of integrating at least 10 such experts in 2019.

Premises of the Investigative Team

23. In April 2019, the Investigative Team moved into its official premises in Baghdad, in line with the strategic priorities described in its first report to the Security Council. Refurbished from former premises of the United Nations Assistance Mission for Iraq (UNAMI), the offices currently have the capacity for more than 80 staff members. Enhanced security infrastructure and video communications technology are being installed, which will enable witnesses to testify by video link in support of domestic proceedings in Iraq or in third countries at their request.

24. Following the completion of adjoining structures in the coming months, the premises will also include dedicated evidence storage and analysis facilities, including a decontamination room, specialized storage rooms for documentary, biological, physical and digital evidence, and a small forensic laboratory in which preliminary forensic examinations can be conducted, as necessary.

25. From October 2018 to April 2019, prior to moving into its permanent premises, the Investigative Team used preliminary office space in a private hotel in the International Zone in Baghdad, as well as temporary premises provided by UNAMI.

III. Collection and analysis of evidentiary material

A. Documentary and digital evidence collection

26. Since its first report to the Council, the Investigative Team has worked to establish its capacity with respect to the collection and storage of documentary and digital evidence. Initial standard operating procedures have been developed, and legal frameworks are now in place, facilitating the transmission of evidentiary material to the Team from a range of entities.

27. Consistent with the requirement that the Investigative Team conduct its work in accordance with the highest possible standards, priority has been given to the

establishment of standard operating procedures and internal policies governing the receipt and processing of documentary and digital evidence. An initial policy on information management, confidentiality and handling has been agreed upon and promulgated to staff members, providing a specialized set of measures, in addition to those outlined in the Secretary-General's bulletin on information sensitivity, classification and handling (ST/SGB/2007/6), and an information security staff declaration has also been drawn up.

28. In order to provide a framework for the ongoing establishment of the policies, procedures and practices of the Investigative Team with respect to the handling of documentary and digital material, an initial information management workflow has been developed. Standard operating procedures have also been put in place for the collection, handling, preservation and storage of evidence, and information management tools, including chain of custody forms, are being finalized and tested so as to ensure their probative value before a broad range of national courts.

29. With respect to the digital storage and analysis architecture of the Investigative Team, strategic decisions have been taken with regard to the operating system to be deployed, in line with recommendations developed by expert consultants and in-depth discussions held with other United Nations investigative and fact-finding mechanisms. It is anticipated that the system will be fully implemented by August 2019.

30. As an interim measure, an initial evidence log has been established for all digital, documentary and other evidentiary material received by the Investigative Team, thus ensuring the secure, structured and coherent storage of evidentiary material from the outset of its investigative work. The establishment of the official premises of the Team in mid-April now also provides a secure environment in which digital and documentary evidence collected by the Team can be stored.

31. As part of the operationalization of documentary and digital evidence collection, the Investigative Team has sought to establish the core legal framework for the transmission of such material from national Governments, non-governmental organizations and other entities, and several agreements have been concluded. The Team has also continued its work to put in place arrangements with a number of relevant Iraqi national authorities to provide for the transmission of relevant evidentiary material in support of the investigative activities of the Team, and it has also established such an arrangement with the Kurdistan Regional Government.

32. The Investigative Team has harnessed the legal framework in the collection of its initial evidence base, in combination with extensive open-source research, and initial documentary evidentiary material has been received from national Governments, United Nations entities, academic institutions, non-governmental organizations and individual specialists.

33. This initial work has revealed the extensive scope of the evidentiary base from which the Investigative Team will be able to draw, reflecting the self-publicized nature of many crimes committed by ISIL. To address this challenge, and as outlined elsewhere in the present report, the Team is seeking to further strengthen its digital research capacity through the secondment of national experts and the identification of potential avenues for cooperation with academic institutions and technology companies in the mapping and collection of such material, in a manner consistent with the terms of reference.

B. Collection of forensic material and excavation of mass graves

34. The collection of forensic, physical and biological material from mass grave sites in Iraq represents a central focus of the initial work of the Investigative Team. This is an area in which the Team has sought to act with urgency, reflecting the importance of such evidence in underpinning the investigation of war crimes, crimes against humanity and genocide, and demonstrating the ability of the Team to respond rapidly to the clearly expressed needs of survivors and of the relatives of victims.

35. This area of activity is also bound up with deep emotional, cultural and religious currents in Iraq, requiring a sensitive, inclusive and respectful approach, while adhering to international standards with a view to ensuring the effective use of evidentiary material in domestic courts. In that context, the work of the Investigative Team has been founded on strong collaborative relationships and coordinated action with national authorities, religious leaders and communities.

36. Under those cooperation modalities, the Investigative Team has closely guided and supported investigative work led by the Mass Graves Directorate of the Martyrs Foundation and the Medico-Legal Directorate of the Ministry of Health of Iraq, thereby ensuring that forensic, physical and biological evidence is collected, stored and preserved in line with international standards and developing a crucial evidence base to be drawn on by the Team.

37. In advance of excavation activities, the Investigative Team worked with both the Medico-Legal Directorate and the Mass Graves Directorate to ensure that practices and procedures conformed to international standards. Conceptually, a shift in approach was encouraged in order to align working methods with those used in criminal investigations, ensuring that mass grave sites were treated as formal crime scenes. Following the conduct of initial capacity assessments by the Team, targeted training sessions and in-depth technical consultations were conducted in order to enhance processes and practices with respect to, inter alia, the gathering of ante-mortem and post-mortem information, evidence collection mechanisms, security arrangements for excavation sites and facilities for the storage of biological material.

38. From 13 to 20 March 2019, following extensive consultations with community representatives, victims groups and religious leaders, the first excavations of mass grave sites were carried out in the village of Kojo, in Sinjar district, north-western Iraq. Reflecting the importance of fully engaging families and communities in this process, exhumations were preceded by a religious ceremony fully respecting Yazidi rituals and presided over by Yazidi religious leader Baba Sheikh Khurto Hajji Ismail. Demonstrating a unified and collective approach, speeches were delivered by community leaders, the Special Adviser and senior representatives of the national Government and the Kurdistan Regional Government. Counselling and psychosocial support were made available by the Investigative Team on site.

39. Throughout the excavation process, the Investigative Team provided guidance and assistance to national authorities so as to ensure that key steps were carried out in line with international standards, including site coding, surface surveys, excavation activities, preservation of the crime scene, adherence to appropriate field protocols, the completion of evidence collection forms and the classification and packing of evidentiary material. The Team has also worked to ensure that the physical and forensic material collected from excavation sites is stored in line with international standards and in a manner that will allow the Investigative Team to harness that material most effectively in furthering its investigative activities.

40. Following the successful completion of excavation activities at the initial site, the Investigative Team has continued to work with the Mass Graves Directorate and

the Medico-Legal Directorate, in cooperation with the Kurdistan Regional Government and the International Commission on Missing Persons. To date, excavations of a total of 12 grave sites have been completed.

41. In parallel with those activities, the Investigative Team has sought to ensure that it benefits from a stand-alone, international-standard capacity with respect to the collection of forensic, physical and biological evidentiary material. By using leading international expert consultants and recruiting an experienced forensic expert to the Forensic Sciences Unit, the Team has ensured that its initial activities in this field have been guided by the necessary expertise. A comprehensive analysis of technical equipment requirements has also been conducted following a series of crime scene visits by the Special Adviser and relevant experts in November and December 2018, on the basis of which the Team is currently in the process of procuring advanced tools, including remotely piloted aircraft systems with 4K video technology and laser scanning equipment for three-dimensional mapping, modelling and reconstruction of crime scenes.

42. The Investigative Team has also sought to foster further cooperation between the Government of Iraq and the Kurdistan Regional Government with respect to the use of forensic material collected from the sites of crimes committed by ISIL. On 29 January 2019, following a series of discussions facilitated by the Team, a framework agreement was signed between the Ministry of Martyrs and Anfal Affairs of the Kurdistan Regional Government, the Medico-Legal Directorate and the Mass Grave Directorate for the consolidation and centralization of DNA samples taken from victims, survivors and relatives of those affected by crimes committed by ISIL. In February, the implementation of the agreement was taken forward, and all blood samples held by the Ministry of Martyrs and Anfal Affairs were transferred to the premises of the Medico-Legal Directorate in Baghdad. Building on that progress, the parties have also agreed on advanced modalities for cooperation moving forward, including common approaches with respect to the collection of ante-mortem and post-mortem information and agreed modalities with respect to the conduct of future excavation activities in cooperation with the Team.

C. Collection of testimonial evidence and protection of witnesses

43. In establishing its framework for the collection of testimonial evidence, the Investigative Team has sought to ensure that accounts provided by victims are placed at the heart of its work. In line with that objective, the Team has developed a specialized witness protection strategy and put in place initial standard operating procedures and evidence collection practices with respect to witness interviews. In May 2019 it began to collect testimonial accounts, in line with its investigative priorities. In particular, attention has been paid to ensuring that survivors of sexual and gender-based violence are provided with specialized support when engaging with the Investigative Team.

44. The victim and witness protection strategy of the Investigative Team, finalized in May 2019, outlines the key international standards and the domestic legal framework relevant to the work of the Team in this field and details the four levels of protection to be provided to potential witnesses. The guiding operating principle of the Team under the strategy is to limit the potential exposure of witnesses to identified threats by ensuring that interviews are conducted according to a systematic and deliberate planning process and on the basis of an identified investigative need.

45. With respect to the operational framework for the collection of testimonial evidence, standard operating procedures and protocols governing the interaction of the Investigative Team with witnesses and survivors have been developed and core

evidence collection forms have been drafted. Key staff have also been appointed, with the Head of the Witness Protection Unit now leading the development and implementation of appropriate measures to support witnesses in their engagement with the Team. The Team has also recruited clinical psychologists who will provide enhanced support to especially vulnerable victims and witnesses.

46. As an initial step towards beginning to collect testimonial evidence, the Investigative Team conducted an assessment mission to various locations in Iraq in April 2019, including visits to camps that support internally displaced persons. Through its engagement with United Nations entities, religious and community leaders, victims groups and individual victims and witnesses, the Team collected information relevant to the development of threat and risk assessments and strengthened its field-based networks in order to facilitate the provision of operational support to the Team in the collection of testimonial evidence. During those consultations, a consistent message was received with regard to the need for the Team to build trust with relevant communities, to ensure that it continues to be viewed as impartial and independent of all other actors and to demonstrate that it is capable of ensuring the strict confidentiality of all testimonial evidence that it collects. The need for enhanced mental health services, including psychosocial counselling for survivors and witnesses, was further underlined.

47. Following the establishment of the strategic and procedural framework with respect to the collection of testimonial evidence, and in the light of the findings of its initial assessment mission, the Investigative Team conducted a set of initial interviews in May 2019, in line with its investigative priorities.

48. Over the next six months, the Investigative Team intends to expand its collection of testimonial evidence in line with its investigative priorities. In doing so, the Team will liaise closely with relevant United Nations agencies currently providing support to communities affected by crimes committed by ISIL. Consideration is also being given to the establishment of an operational base in northern Iraq in order to provide an appropriate, emotionally safe and controlled environment in which witnesses can provide their accounts and to ensure continuity in relationships with local actors.

D. Analytical capacity and outputs

49. In its initial period of operation, the Investigative Team has also sought to prioritize the establishment of its staffing structure and technical capacities with respect to the analysis of evidentiary material. The analytical outputs of the Team, in turn, inform its ongoing investigative priorities and activities, as it seeks to establish a symbiotic relationship between its investigative and analytical branches.

50. As an initial step, the Office of Analysis and Evidence has established the core priority information requirements of the Investigative Team, providing a guide for initial information collection activities. The key requirements identified include senior and provincial leadership structures, ISIL financial support networks, media apparatus, foreign terrorist fighter recruitment processes and mapping of the members of ISIL who are being held in Iraqi prisons. A first-order statistical analysis system is also being developed and will cover data pertaining to all information requirements, including ongoing ISIL activities, arrests, trials and the sentencing of ISIL members by Iraqi courts, as well as other incidents of relevance.

51. With respect to technical infrastructure, pending the procurement and installation of the final storage and analysis platform of the Investigative Team, appropriate interim measures have been put in place, including specialist analytical software and file storage mechanisms, to ensure that initial analytical work is

conducted in line with best practices and the confidentiality and information management requirements applicable to the work of the Team.

52. Reflecting the terms of resolution [2379 \(2017\)](#), and pursuant to its investigative objective of identifying those members of ISIL who bear the greatest responsibility for its crimes, the Investigative Team has conducted an initial mapping of the ISIL command structure, detailing its overarching hierarchy between June 2014 and June 2016. Created on the basis of initial information collected by the Team, this product reflects both de facto and de jure relationships between senior ISIL members at the time.

53. Other initial analytical products in development are aligned with the key investigative priorities of the Team, including preliminary orders of battle outlining local command structures at the time of acts under investigation. Initial topic assessments have also been produced to collate information on action taken by national authorities to date with respect to specific crimes, including the status of relevant criminal proceedings and the location and status of ISIL members suspected of having played a role in their commission.

IV. Fostering collective support in Iraq

A. Delivering in collaboration with the Government of Iraq

54. In line with its terms of reference, the Investigative Team has continued to enhance its engagement with the Government of Iraq in the implementation of its mandate.

55. In that regard, the Investigative Team is grateful for the continued high-level support provided by the Government of Iraq for its work. The Special Adviser and Head of the Investigative Team has had the opportunity to engage in regular discussions regarding the work of the Team with senior members of the national Government, including the President, the Prime Minister, the Chief Justice and Head of the Supreme Judicial Council, the Minister for Foreign Affairs, the Secretary-General of the Council of Ministers, the National Security Adviser, the Minister of the Interior and the Speaker of the Council of Representatives. The Team is grateful for the continued commitment of all members of the Government of Iraq to working in a cooperative and collaborative manner to implement the Team's mandate. The Team is also grateful for the support and cooperation of the Kurdistan Regional Government during the reporting period.

56. In addition to strengthened political support for the work of the Investigative Team in Iraq, the operational cooperation modalities between the Team and national authorities have been significantly reinforced as its field-based investigative activities have commenced. As reflected above, the Team has developed strong cooperative relationships with the operations room of the Council of Ministers, the National Operations Centre, the Mass Graves Directorate and the Medico-Legal Directorate, in line with resolution [2379 \(2017\)](#) and the terms of reference regarding the activities of the Team in Iraq.

57. In an important step, initial agreements are now being developed with key national authorities in order to facilitate the transmission of relevant evidentiary material to the Investigative Team. The conclusion of those agreements is a central pillar in the information collection activities of the Team and will also be crucial in ensuring that its work can be conducted in a manner that is complementary to ongoing investigations in Iraq and serves to fill evidentiary gaps in support of domestic proceedings. Similar positive steps have been taken with respect to establishing

channels for the transmission of evidentiary material from the Kurdistan Regional Government.

58. This engagement with national authorities has also extended to discussions regarding mechanisms by which evidentiary material collected by the Investigative Team might be used before Iraqi courts in accordance with the terms of reference. In that regard, detailed consultations have been held with respect to mechanisms for the domestication of war crimes, crimes against humanity and genocide, as well as the potential establishment of specialized forums capable of handling such cases. In parallel, the Team has strengthened its communication with Iraqi authorities in relation to ongoing criminal proceedings involving members of ISIL and potential avenues through which the Team can support accountability processes in accordance with its terms of reference.

59. The Investigative Team has also continued to liaise with the Steering Committee designated by the Government of Iraq to coordinate with the Team, as well as with the national security authorities of Iraq, with respect to facilitating its field-based activities. The Team is grateful for the support that it has received in this regard.

B. Working in partnership with all elements of Iraqi society

60. The realization of the mandate of the Investigative Team must be a collective endeavour, a partnership between the Team and the people of Iraq. During the reporting period, the Team sought to further strengthen its relationship with all communities so as to be able to draw on their support, counsel and experience in its work and to engage them as partners in supporting victims to come forward with their accounts.

61. Central to those efforts has been the work of the Investigative Team in engaging with the broad range of religious communities in Iraq, all of which have suffered as a result of the crimes committed by ISIL. On 23 January 2019, the Special Adviser met with Grand Ayatollah Ali al-Sistani, after which the Grand Ayatollah underlined his support for the work of the Team and urged the Special Adviser to ensure that its work addressed crimes committed by ISIL against minority groups, including Yazidis in Shingal, Christians in Mosul and Turkmen in Tall Afar.

62. On 30 January 2019, the Special Adviser met with Sheikh Ahmed Hasan al-Taha, Chair of the Iraqi Council for Islamic Jurisprudence at the Imam Abu Hanifa Mosque. The Sheikh welcomed the work of the Investigative Team on behalf of the Sunni community in Iraq and expressed his commitment to using all platforms available to share information with the Team, emphasizing the need to ensure that women are able to come forward to share their testimony. The Special Adviser also met with Chaldean Patriarch Cardinal Louis Raphaël I Sako. The Team is grateful to the Cardinal and his fellow senior members of the clergy for their support for its work, and for their call for Iraqis of all faiths to unite in the spirit of human kindness and generosity to share with the Team information relating to crimes committed by ISIL.

63. The Special Adviser and the Investigative Team have also sought the guidance and support of religious and tribal leaders of the Yazidi community, meeting on a number of occasions with Baba Sheikh Khurto Hajji Ismail to discuss the mandate and activities of the Team. As part of the memorial service conducted in advance of the first mass grave excavation in the village of Kojo, the Baba Sheikh conducted a religious ceremony at the grave site.

64. As mentioned elsewhere in the present report, the Investigative Team has also established effective relationships with a range of non-governmental organizations and victims groups representing communities affected by the crimes of ISIL.

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

65. Through constructive engagement with Member States and with bodies both within and outside the United Nations system, the Investigative Team has been able to access important sources of documentary and digital material, strengthen the delivery of assistance to national authorities and coordinate its work with key operational actors in order to leverage expertise and avoid duplication of effort. In engaging with external entities, the Team has continued to ensure that its cooperation modalities remain aligned with its terms of reference and the confidentiality requirements applicable to its work.

A. Engaging Member States

66. The continued collective support of Member States for the work of the Investigative Team is central to its ability to deliver on its mandate. In the light of the importance of that continued engagement, the Team has sought to strengthen relations with national Governments in order to build further understanding and support for its mandate, establish legal frameworks and modalities for the transmission of information to the Team and develop a clearer vision of how the work of the Team can provide tangible support for ongoing domestic proceedings.

67. With respect to the legal framework for the receipt of evidentiary material from relevant national authorities, cooperation agreements have been signed with a number of States to enable the transmission of evidentiary material to the Investigative Team, and a number of additional States have confirmed their willingness and ability to transmit evidentiary material on a case-by-case basis as relevant to investigative priorities.

68. Discussions have also been held with a number of States regarding the role that the Investigative Team can play in supporting domestic proceedings concerning crimes committed by ISIL. Consultations with three States have extended to the identification of evidentiary gaps in cases currently being pursued by national authorities and to modalities for the provision of support by the Team with respect to those proceedings. Such cooperation may include the provision of testimony by witnesses in Iraq through the information technology platforms available at the Team's premises, in consultation with Iraqi authorities.

69. The Special Adviser has conducted official visits to France, Germany, Turkey and the United States of America with a view to engaging key national actors in the work of the Team and laying the groundwork for cooperation in pursuit of its investigative priorities. High-level consultations have also been held with the permanent representatives of a wide range of Member States at United Nations Headquarters in New York.

B. Ensuring coherence with United Nations system entities

70. The Investigative Team has also worked to strengthen its relationships with United Nations system entities, prioritizing the establishment of the mechanisms necessary to facilitate the transmission of relevant information held by those entities to the Team. Concerted efforts have also been made to ensure a unified and coherent approach to mandate delivery so as to ensure that duplication is avoided.

71. Following a briefing of the Security Council Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the

Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities by the Special Adviser in October 2018, the Committee confirmed to the Investigative Team that it would consider requests for information from the Team on a case-by-case basis, including modalities for information-sharing. Discussions on the implementation of the arrangement have continued at the working level.

72. Arrangements have also been put in place with a number of other United Nations system entities to facilitate the transmission of reports, analytical products and supporting materials to the Investigative Team. In addition, the Team has continued to engage proactively with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Office on Genocide Prevention and the Responsibility to Protect and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

73. As mentioned above, as part of its preparatory work prior to the collection of testimonial material, the Investigative Team has engaged with a range of United Nations entities in order to build its understanding of the status and experiences of victims and to identify ways to build trust. UNAMI has remained an important source of advice and guidance regarding the logistical and security challenges posed by field-based investigative activities in Iraq.

C. Cooperating with other entities

74. Work has also continued with respect to the engagement of international organizations, non-governmental bodies, private sector entities and academic institutions in support of the work of the Investigative Team. Through those efforts, the Team seeks to establish frameworks within which it can access evidentiary material and harness the expertise and resources of all sectors, fostering a collective movement in support of accountability efforts worldwide.

International and regional organizations

75. The Investigative Team has developed a strong working relationship with the International Commission on Missing Persons with respect to the forensic analysis of mass grave sites. The relationship is underpinned by a cooperation agreement under which the Commission and the Team have agreed to coordinate their activities in Iraq in support of the implementation of resolution [2379 \(2017\)](#). An implementation plan outlining more detailed modalities and substantive focus areas for coordination is currently being developed.

76. The European Union has served as an important partner, providing valuable guidance and support in the early stages of the work of the Investigative Team. On 5 February 2019, the Special Adviser provided a briefing to the International Criminal Court subgroup of the Working Party on Public International Law on the mandate and activities of the Team and has also had the opportunity to engage with senior European Union officials in Brussels with a view to identifying further modalities for cooperation in the coming months.

77. With the objective of establishing a further channel for access to operational information and expertise relevant to the mandate of the Investigative Team, discussions have advanced with the International Criminal Police Organization (INTERPOL) with respect to the establishment of operational cooperation modalities.

Non-governmental organizations, academic institutions and the private sector

78. The Investigative Team has developed strong cooperation modalities with groups representing Yazidi victim communities, including Yazda and the Free Yezidi

Foundation, leading to the conclusion of memorandums of understanding with those entities in order to facilitate the transmission of relevant material to the Team and other forms of cooperation. The Commission for International Justice and Accountability provided a series of thematic briefs that have helped to guide initial investigative priorities. That cooperation was subsequently reinforced through an exchange of letters between the Commission and the Team.

79. Productive cooperation has continued with the Counter Extremism Project, with the Investigative Team intending to commence use of that organization's eGlyph research platform in the near future, allowing for the identification of unique digital characteristics of media to facilitate the filtering of specific content, such as pictures or videos relevant to the investigative activities of the Team.

80. The Investigative Team is also pursuing cooperation with the Human Rights in Trauma Mental Health programme at Stanford University with a view to further strengthening the capacity of the Team with respect to its engagement with witnesses and survivors who may have suffered trauma as a result of crimes committed by ISIL. That cooperation is envisaged to include the provision of specialized training to Team staff members and the development of a best practice guide addressing the identification of mental health symptoms relating to trauma.

81. The Investigative Team also remains committed to partnering closely with private sector entities with a view to benefiting from cutting-edge technological tools and operational practices. In that regard, the Team has concluded a voluntary contribution agreement with a rapid DNA analysis company, in accordance with which the company will provide the Team with a rapid DNA analysis machine, as well as appropriate training and expert support to staff members in order to facilitate the effective use of the equipment in the implementation of the mandate of the Team. The technology, provided at no cost to the Team, will be deployed primarily as a rapid screening tool in concert with traditional DNA testing to support the forensic analysis of bone samples obtained from mass grave sites and the analysis of DNA samples collected by the Team.

VI. Support of the United Nations Assistance Mission for Iraq

82. The Investigative Team has continued to work closely with UNAMI in order to prevent duplication of effort and maximize the leveraging of existing resources in the implementation of the Team's mandate.

83. In line with the commitment of the Investigative Team to harness existing staffing and operational structures, the majority of support posts within the Team have been embedded within the UNAMI staffing framework. Creating an integrated structure has enabled the joint provision of support services between UNAMI and the Team, establishing a new model for ensuring the efficient use of resources on the ground, preventing potential duplication between parallel structures and reducing the need for additional layers of staff. The lessons learned from the application of this new practice will be taken into account in the future in order to further increase the effectiveness of this organizational structure.

84. The Investigative Team wishes to express its gratitude to UNAMI and the Special Representative of the Secretary-General for Iraq for the crucial support that they continue to provide in these formative stages of the activities of the Team. In particular, the Team wishes to thank UNAMI for the surge capacity support it has provided with respect to budgetary and administrative matters as the Team has continued to build its own capacity in those areas.

VII. Promoting accountability globally

85. As ISIL continues to seek common cause globally and attempts to expand its corrupt ideology across borders, there must be no gaps in the response of the international community in its global accountability efforts. Over the past six months, the Special Adviser has put in place a strategic plan and carried out a number of initial activities in order to strengthen the global response, in line with his mandate pursuant to paragraph 3 of resolution [2379 \(2017\)](#), namely, to promote global accountability for acts that may amount to war crimes, crimes against humanity or genocide committed by ISIL and to ensure that the interests of survivors are placed at the centre of such efforts.

86. In that regard, the Special Adviser has sought to leverage global forums as a means of strengthening the collective resolve of the international community to ensure that ISIL is held accountable wherever it seeks to promote or implement its terrorist activities. The international counter-ISIL coalition has been an important partner in this regard. The Special Adviser addressed the ministerial meeting of the coalition held in Washington, D.C., on 6 February 2019 and had the opportunity to deliver a keynote address at a meeting of its working group on foreign terrorist fighters in Ankara on 7 May.

87. Efforts have also been made to engage proactively with national Governments of States in which ISIL and affiliated groups have sought to expand operational capacity and activities. In this respect, from 30 April to 2 May, the Special Adviser paid an official visit to the Niger, establishing modalities for cooperation in the implementation of the mandate of the Investigative Team and meeting with the President and the Prime Minister, as well as other senior members of the Government, to discuss the role of formal accountability processes as a key pillar in the fight against ISIL, including affiliated groups operating in the Niger.

88. As the international community increasingly seeks global solutions to the accountability challenges posed by ISIL, the Investigative Team is grateful to the Government of Qatar for its offer to host a conference on the accountability of ISIL in order to identify key challenges faced by national authorities in the prosecution of members of ISIL in fair and transparent proceedings, to find innovative collective solutions and to identify how the Team can best tailor its investigative work to fill the common evidentiary gaps identified.

89. Emphasis has also been placed on enhancing the ability of the Investigative Team to effectively communicate its mandate and activities globally. In that respect, the Team has developed a global communications strategy and has established initial platforms through which it has been able to raise awareness of its work, including on Twitter and Facebook, while ensuring that appropriate levels of confidentiality are maintained in line with the terms of reference and information management policies. The development of an official website for the Team is now well advanced, and the website is expected to be launched in June.

VIII. Funding and resources

90. In December 2018, the first budget of the Investigative Team was approved by the General Assembly, providing a stable basis on which the Team has been able to build its initial activities in 2019. The budget provides the Team with the resources necessary to support a streamlined staffing structure and core infrastructural requirements in order to carry out its mandated activities in accordance with international standards, pursuant to paragraph 2 of resolution [2379 \(2017\)](#).

91. As the Investigative Team makes the transition from the status of a start-up mission to a fully operational entity, and as the scope of the evidentiary material falling within its mandate becomes clearer, its requirements with respect to human and financial resources have developed further. Specifically, additional requirements have already been identified regarding the translation and digitization of existing documentary evidence held by Iraqi national authorities and regarding the comprehensive collection of open-source material.

92. While core staffing and infrastructural needs have been addressed through the budget approved by the General Assembly, the Investigative Team will continue to rely on individual financial contributions of States to the trust fund established to support supplementary, specialized activities in furtherance of its mandate. To date, contributions from the United Kingdom of Great Britain and Northern Ireland have been crucial in ensuring that the Team has benefited from the technological and infrastructural base necessary for its initial work in Iraq, while contributions received from the United States have enabled the Team to rapidly operationalize its investigative activities with respect to the forensic analysis of mass grave sites, as outlined above. A contribution from the Netherlands has allowed the Team to enhance the protection and support it can provide for the most vulnerable survivors and witnesses who wish to provide their accounts in support of the work of the Team. The Team is also grateful to the Governments of Cyprus, Qatar and Slovakia for their contributions to the trust fund.

93. In accordance with paragraph 14 of resolution [2379 \(2017\)](#), the Investigative Team encourages further contributions of funds, equipment and services from States and regional and intergovernmental organizations in support of the implementation of its mandate.

IX. Looking forward: priorities and challenges of the Investigative Team

94. Over the past six months, the Investigative Team has taken tangible steps towards realizing its mandate: trust has been strengthened with affected communities and field-based investigative activities have been initiated. However, while significant progress has been made, continued work is needed in order to address some of the inherent challenges faced by the Team in the implementation of its mandate within a complex and demanding operational environment. In seeking to address those challenges, the Team remains conscious of the needs and expectations of all communities in Iraq affected by the crimes of ISIL.

95. Key focus areas in the coming six months include the consolidation of the operational capacity of the Team in Iraq and the establishment of clear and effective channels for the use of evidentiary material in domestic proceedings. Specific priorities will include:

- (a) Establishment of three fully operational field investigation units that are capable of conducting effective field-based investigative activities in parallel;
- (b) Implementation of the final information technology platform for the receipt, categorization, storage and analysis of evidentiary material;
- (c) Identification of common evidentiary gaps faced by States in prosecuting ISIL members in domestic proceedings, through enhanced dialogue with the Government of Iraq and other Member States;
- (d) Further engagement with national police and prosecutorial bodies with a view to mapping all relevant ongoing proceedings that relate to crimes committed by

ISIL members and identifying specific evidentiary gaps that represent potential barriers to accountability in those cases;

(e) Continued engagement with the Government of Iraq in order to enhance the ability of evidence collected by the Investigative Team to contribute to domestic proceedings in Iraq in line with the terms of reference, with priority placed on ensuring that substantive and procedural frameworks are put in place so as to allow for the prosecution of war crimes, crimes against humanity and genocide under national law.

96. With respect to the collection of evidentiary material, the Investigative Team will continue to face challenges in gaining access to all material falling within the scope of its mandate, particularly in the light of the cross-border nature of ISIL command structures at the time of the commission of key criminal acts. While extensive material is available to the Team through its cooperation with the national authorities of Iraq and its field-based investigative work, many sources of evidence remain out of reach. In the coming months, the Team will seek innovative solutions to mitigate those restrictions, including through enhanced cooperation with Member States that hold relevant material.

97. In expanding the scope and depth of its investigative work, the Investigative Team will also have to remain cognizant of various developing security threats in the light of the content and focus of its work. The ongoing capacity of ISIL to launch attacks has been reflected in the security arrangements of the Team for 2020.

98. A key challenge with respect to the effective use of evidentiary material collected by the Investigative Team remains the relatively limited number of forums in which proceedings related to war crimes, crimes against humanity and genocide are currently being taken forward in connection with ISIL. While a number of domestic cases are ongoing or have recently been concluded, the Team will need to work in concert with relevant national authorities in order to maximize the opportunities that such proceedings present.

99. The end of ISIL as a coherent geographical entity also presents new challenges and raises demanding questions as to how those held in the Syrian Arab Republic and elsewhere can be held accountable in accordance with due process and the right to a fair trial. Action by Member States, on both an individual and a collective level, will be crucial to providing the appropriate channels through which the evidentiary material collected by the Investigative Team may be deployed in fair and independent trials before recognized courts in order to hold ISIL members accountable for their crimes. The Team stands ready to work with the international community to identify and develop innovative solutions.

100. Lastly, the Investigative Team will need to continue to address the legitimate and sincere expectations of victims for action to be taken promptly in relation to crimes affecting their communities. In the light of the scale and geographical scope of the crimes committed by ISIL, it is not currently possible for the Team to fully investigate all alleged crimes in parallel, creating potential for the perception that some communities are receiving preferential treatment. To address this issue, the Team will continue to engage proactively with all communities in Iraq with a view to explaining its work and mandate, the limitations and challenges affecting its immediate scope for action, as well as the importance, value and potential benefits of fair and independent trials.

X. Conclusion

101. As reflected in the present report, the Investigative Team has worked with focus and creativity to operationalize its mandate over the past six months. As a result of those efforts, the Team has been able to begin the collection of evidentiary material and to commence engagement with national authorities with a view to supporting domestic accountability processes.

102. Above all else, the work of the Investigative Team to date has underlined that its dual core imperatives – that of ensuring its independence and seeking cooperation with domestic authorities and that of demonstrating impartiality and pursuing national engagement – do not present a dichotomy. In fact, the opposite is true: the mutually reinforcing nature of those imperatives has been demonstrated in concrete, tangible terms through the collection of accounts from victims, the excavation of grave sites and the production of initial analytical products that will ultimately allow Member States to hold those responsible for the crimes of ISIL to account, in line with the rule of law and due process.

103. As the Investigative Team moves into the fully operational phase of its work, and as it begins to provide direct support for domestic accountability processes, its ability to address new challenges will depend on its capacity to continue to simultaneously leverage its unique position as an impartial, independent entity and maintain the continued support of the people of Iraq.

104. The Investigative Team wishes to extend its gratitude to all persons and entities, including survivors, national Governments, private sector bodies, academic institutions and others, that have supported its work over the last six months and contributed to the common global cause of delivering justice for the victims of crimes committed by ISIL. It is only through that unity, and through collective recognition of the scale and gravity of the crimes committed by ISIL, that meaningful accountability can be achieved.
