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**Letter dated 11 November 2020 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 fifth 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



## **Fifth 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 fifth 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 Investigative Team has continued to adopt an innovative approach to the implementation of its mandate so as to address the significant challenges posed by the coronavirus disease (COVID-19) pandemic.

The strengthening of cooperation with Iraqi judicial authorities has been central to the progress made. In a significant development, the Team has commenced the provision of training and support to Iraqi investigative judges in building case files for the prosecution of Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) members for war crimes, crimes against humanity and genocide. The Team is also working intensively with both judicial and executive organs to ensure widespread digitization and archiving of documentary materials that will be vital to marshalling evidence in support of criminal cases against ISIL members.

Those capacity-building initiatives have been taken forward while progress has been made in Iraq towards the adoption of draft legislation currently before the Iraqi Council of Representatives that would provide the domestic legal basis for the prosecution of ISIL members for international crimes.

The investigative activities of the Team have also accelerated, despite the substantial impediments posed by COVID-19. A wide range of internal ISIL administrative documents has been obtained from various Iraqi authorities that, when analysed and processed in a single repository, assist in providing a comprehensive view of those most responsible for specific crimes committed by ISIL. Interviews of witnesses and survivors have continued in compliance with COVID-19 protocols, including through the use of videoconference technology. The Team has also developed Shuhud, a digital platform allowing witnesses and survivors to submit information remotely, securely, and confidentially in relation to crimes committed by ISIL.

The Team has also continued its support for the excavation of mass grave sites in Iraq, with work recommencing at two additional sites in October following the suspension of activities earlier in the year owing to COVID-19-related travel restrictions. That area of activity has further benefited from the establishment of a common mass grave excavations strategy with the Government of Iraq. In parallel, the Team has expanded its provision of assistance to Iraqi authorities with respect to witness protection and support, with a particular focus on psychosocial care for survivors and family members during excavation activities.

Through its work with Iraqi religious leaders in line with the document entitled "Interfaith statement on the victims of Da'esh", as well as the establishment of the UNITAD-NGO Dialogue Forum, the Team has sought to ensure that the expertise and community networks of non-governmental organizations and religious authorities are fully harnessed in the implementation of its mandate. Significantly, generous financial contributions from Member States have allowed the Team to further expand its lines of investigation so as to reflect the full breadth of communities affected by the crimes committed by ISIL in Iraq.

Progress made in the collection of evidence has allowed the Team to enhance its strategic approach, focusing on the delivery of three mutually supportive outputs: thematic case briefs; case files supporting individual prosecutions; and the provision of rapid and targeted support to ongoing national proceedings. Collectively, those pillars now provide the Team with an enhanced framework to support domestic accountability efforts through to the completion of its mandate.

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## I. Introduction

1. The fifth 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 Investigative Team has continued its investigations pursuant to its mandate to support domestic 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 Security Council on 13 February 2018. In line with paragraph 3 of resolution 2379 (2017), the Special Adviser and Head of the Investigative Team has also continued to engage closely with survivor groups, national authorities, religious actors, and non-governmental organizations 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. On 18 September 2020, in its resolution 2544 (2020), the Security Council, at the request of the Government of Iraq, decided unanimously to extend the mandate of the Investigative Team, renewing its endorsement of the unique partnership developed between national authorities, the international community and affected communities in pursuit of accountability.

4. The reporting period was marked by the introduction of innovative solutions in order to address the serious and ongoing challenges posed by coronavirus disease (COVID-19). With field-based investigative activities constrained in the light of travel restrictions and external engagement with key national partners similarly curtailed, the Team has identified new ways of collecting evidence and ensuring that the most vulnerable witnesses are heard. A deepened partnership with Iraqi authorities and the further harnessing of advanced technological tools have been central to those activities. The formation of a new Government in Iraq in August 2020 has created further opportunities to strengthen cooperation with key national authorities.

5. The present report outlines both the progress that the Team has continued to achieve and the extensive challenges it has faced. Building on the significant developments, both in Iraq and in other Member States, with respect to the potential prosecution of ISIL members for war crimes, crimes against humanity and genocide, the report further outlines a renewed strategic vision for the Team through which it aims to deliver targeted and effective support to ongoing domestic proceedings.

## II. Strategic focus and structure of the Investigative Team

### A. Status of investigations

6. Two years after the commencement of its investigative activities in Iraq, the Team has both deepened and diversified its lines of enquiry into crimes committed by ISIL, developing an evidence base that is now capable of significantly enhancing domestic accountability efforts. Strengthened relationships with survivor communities and national authorities have been harnessed, and an increasing number of investigative priorities have entered the phase of evidentiary consolidation and legal analysis. Six dedicated field investigation units are now in place, with additional specialized thematic units in the areas of gender-based crimes, crimes against or affecting children, witness protection, forensic sciences and financial tracking further supporting the investigative activities of the Team.

**Progress in initial investigative priorities**

7. With respect to its investigations into attacks against the Yazidi community in Sinjar and elsewhere in Iraq, the Team is finalizing its lines of enquiry into crimes committed in the village of Kojo and related mass killings that occurred in Solagh, in southern Sinjar. That work includes the completion of excavation processes in Kojo and at the Solagh Institute, as well as the identification of and the building of profiles on key ISIL perpetrators responsible for those attacks. During the reporting period, the collection of testimony from a number of high-value witnesses and the collection of key internal ISIL documents have been particularly valuable in strengthening the Team's understanding of the effective command structure of ISIL in relation to the attacks, in particular with respect to ISIL units in Qayrawan, Ba'aj and Tall Afar. The Team has also identified a number of additional Yazidi cultural heritage sites that were destroyed by ISIL and is continuing its investigations into the ISIL units and individual perpetrators responsible.

8. In the coming months, the Team will adjust the focus of the investigation towards other locations in southern Sinjar, including sites of crimes in and around Hardan, Sinuni and Khanah Sur, as well as crimes committed against the fleeing Yazidi population towards and on Mount Sinjar. The ISIL siege of Mount Sinjar has been identified as a particular priority in the light of the large numbers of Yazidis, many of them reportedly children, that died during those attacks. The killing and abduction of members of the Yazidi community in northern Sinjar will also receive sustained focus in the coming months.

9. The investigation into the mass killings of unarmed cadets and military personnel at Tikrit Air Academy in June 2014 progressed significantly during the reporting period, with the Team advancing its legal characterization of applicable crimes, which was aided by an in-depth technical analysis undertaken by the Forensic Sciences Unit of ISIL videos of the mass killings. The investigation has also benefited from the continued strong cooperation of the national judicial commission established to investigate those crimes. During the reporting period, the commission provided several hundred forensic reports on the identification of victims' remains. The Team will seek to conclude initial work in relation to that investigative priority in the coming reporting period.

10. In June 2020, the field investigation unit investigating crimes committed by ISIL in the Mosul area between 2014 and 2016 commenced a new line of enquiry into the mass killings of majority-Shiite inmates in the grounds of Badush prison in June 2014. The scope of the investigation incorporates the ISIL planning and preparation phase leading up to the attack as well as the activities of ISIL in and around the areas of Badush following the massacre. In its initial stages, the investigation has focused on engagement with direct witnesses, survivors, victims' families and community representatives. Cooperation with the Ministry of Justice recently led to the receipt of a significant number of statements previously obtained from witnesses to the events. Evidence-collection activities in the coming months will focus on the interviewing of survivors and key witnesses coupled with detailed crime scene analysis at mass grave sites.

**Diversification of lines of investigation: new priorities**

11. Substantial progress has been made pursuing new lines of investigation in relation to crimes committed against the Kaka'i, Shabak and Shia Turkmen communities. In the initial stages of the investigations, the Team has emphasized close cooperation with community and religious representatives, village mukhtars, scholars and civil society leaders. Drawing on direct engagement with those partners, the Team has focused initial investigations on the alleged systematic destruction of

cultural heritage, homes and other property, pillaging, mass abductions, targeted killings of civilians and forcible displacement. Immediate evidence-collection priorities include the forensic analysis of the Alu Antar mass grave, and digital forensic acquisitions focused on identifying those most responsible for crimes committed against those communities.

12. Over the past six months, the Team has drawn up extensive lines of enquiry focusing on crimes committed against the Christian community in Iraq. Through cooperation with relevant non-governmental organizations, the Team has been able to identify additional potential victims and witnesses as well as leads on several ISIL perpetrators. Photographic evidence obtained from witnesses showing damage or destruction of places of worship and testimony addressing the impact of such acts have also been important in guiding investigative activities. Further focus will be placed in the coming months on obtaining evidence regarding sexual and gender-based violence, and crimes against children, committed against Christian communities.

13. During the reporting period, the Investigative Team also worked to put in place key staff for a new field investigation unit focused on the investigation of crimes committed against the Sunni community in Iraq.

14. The Investigative Team is grateful for the significant financial contributions provided by the United Kingdom of Great Britain and Northern Ireland and the United States of America in order to support the work on those additional lines of investigation.

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

15. The Sexual and Gender-based Crimes and Crimes against Children Unit continues to actively engage with victims and witnesses to such crimes. Recent interviews, conducted in line with a survivor-centred approach, have strengthened established investigations in that area and have served to identify additional suspected ISIL perpetrators connected with sexual slavery. During the reporting period, the Team also developed its work with respect to ISIL ideology and policies governing the commission by ISIL of such crimes. Extrabudgetary funds received from the United Arab Emirates have strengthened those activities.

16. In the coming months, emphasis will be placed on further developing the Team's engagement with the lesbian, gay, bisexual, transgender and queer community in Iraq, building on existing relationships with relevant non-governmental organizations. It is hoped that those partnerships will further encourage vulnerable witnesses or survivors of crimes targeting the community to provide their accounts to the Team.

17. Drawing on extrabudgetary contributions provided by Germany, the Financial Tracking Unit has continued to support the work of the Team with regard to the financial aspects of crimes falling within its mandate. To that end, the Unit has engaged with a number of partners in Iraq and internationally in order to gather evidence, including online digital footprints of financial facilitators, case materials from partner countries and agencies, select transaction data from financial institutions and accounts from expert interviews. Looking forward, the Team is prioritizing the examination of key members of the ISIL leadership believed to have supported its most significant financial activities.

18. In line with its strategic priorities, the Team is in the process of establishing a specialized detainee investigation unit. Drawing on existing personnel, including clinical psychologists, lawyers, investigators and analysts, the Unit will serve as a seat of planning and expertise within the Team on the interviewing of ISIL detainees.

19. A more detailed overview of specific activities undertaken by the Team in the collection, storage and preservation of evidentiary materials is provided in section III.

## **B. Strategic vision: structuring outputs to support prosecutions**

20. As its investigative activities have progressed, the Team has placed further emphasis on ensuring that the evidence it collects and preserves can ultimately be used effectively before national courts.

21. In line with that renewed focus, the Team has structured its workflow to deliver outputs across three mutually supportive pillars: (a) thematic and overarching case briefs corresponding to the key investigative priorities of the Team that describe, explain and analyse evidence collected, and offer a legal characterization of offences disclosed by that evidence; (b) individual case files in relation to particular suspects identified by the Team as being responsible for those crimes; and (c) the targeted delivery of support in response to requests from domestic authorities. Through the coordinated implementation of the three pillars, the Team seeks to maximize the relevance of its work to ongoing domestic proceedings and establish a clear framework for the allocation of resources through to the completion of its mandate.

### **Case briefs: evidence and legal characterization of crimes committed by Islamic State in Iraq and the Levant**

22. The Team is presently working towards the production of case briefs in relation to each of the investigative priorities described above. Providing a narrative of relevant events and actions, the briefs will set out the legal characterization of the crimes that are determined to have been committed by ISIL in the area of investigation in question. The narrative is supported by references to specific evidence, similar in form to a “pretrial brief” frequently seen in the prosecution of war crimes, crimes against humanity and genocide cases.

23. The case briefs will also address the preconditions for the application of international criminal law itself, namely, the existence of a widespread and systematic attack against a civilian population or the existence of an armed conflict, in the case of crimes against humanity and war crimes, respectively. Drawing on the full range of testimonial, documentary, digital and forensic evidence collected to date, the Team will outline how the underlying elements of the crimes falling within its mandate are established through evidence collected.

24. Through that pillar of its work, the Team seeks to strengthen the basis on which national authorities can assess evidence available to them and consider how the material elements of international crimes may be substantiated in their area of investigation. The assessment of existing evidentiary material, utilizing and supplemented by the case briefs produced by the Team, will strengthen the ability of national authorities to charge suspects for war crimes, crimes against humanity and genocide within their jurisdiction.

25. At present, the most advanced briefs being prepared by the Team address the attacks committed by ISIL against the Yazidi community commencing in the Sinjar district in August 2014 and the mass killing of unarmed Iraqi air force cadets and military personnel from Tikrit Air Academy in June 2014. It is anticipated that both of the briefs will be finalized in the first half of 2021.

26. Subsequent briefs will address other current investigative priorities of the Team including crimes committed against Christian, Kaka’i, Shabak, Sunni and Turkmen Shia communities in Iraq. A further brief will outline constituent elements of crimes related to its ongoing Mosul investigation, with a particular focus on crimes committed by ISIL at Badush prison. It will also serve as an entry point for the deepening of investigations into other crimes planned or committed in Mosul by ISIL. A further, cross-cutting thematic brief on gender-based crimes and crimes against children is also envisaged.

27. It is anticipated that, by the end of 2021, a total of four case briefs will be available to national authorities upon request. The briefs will continue to evolve as further evidence is collected, with an executive summary of each brief made available to the public.

**Individual case files: connecting members of Islamic State in Iraq and the Levant to their crimes**

28. In parallel with the production of case briefs addressing the contextual basis of crimes under investigation, the Investigative Team has developed a wide range of case files detailing the evidence linking specific members of ISIL to the crimes described in those briefs.

29. The internationally recognized modes of liability by which a suspect can be held criminally responsible, including superior responsibility, will be set out in the case files, along with the necessary supporting evidence collected by the Investigative Team.

30. In accordance with its mandate, in developing its case files, the Investigative Team has focused its efforts on those most responsible for the crimes committed by ISIL in Iraq, including regional or mid-level commanders and those responsible for the ordering and commission of such acts. Reflecting the progress of investigations, the greatest number of case files presently open relate to the Team's investigations into crimes committed by ISIL in and around Sinjar and Tikrit.

31. In building such case files, emphasis is placed on incorporating evidence that is capable of filling existing gaps in domestic accountability processes, including: testimonial and documentary evidence from witnesses who have previously not come forward with their accounts; digital evidence extracted from electronic devices formerly used by ISIL; call data records and other mobile data; and forensic material and analysis collected through the excavation of mass grave sites in cooperation with Iraqi and Kurdistan Region authorities. Information contained in internal ISIL administrative records collected by the Team have proved of particular importance in the development of a number of case files.

32. Through the development of those outputs, in combination with the contextual case briefs, the Investigative Team ultimately seeks to provide a robust stand-alone basis for the prosecution of members of ISIL in domestic proceedings.

33. Allied with that independent case-building work, and as reflected in further detail in section IV, the Investigative Team has put in place an agreement with the Supreme Judicial Council of Iraq to support the joint development of case files with Iraqi investigative judges, in anticipation of the establishment of a legal basis in Iraq for the prosecution of crimes committed by ISIL as war crimes, crimes against humanity and genocide. It is anticipated that the first case files produced under the arrangement will be completed in the second half of 2021.

**Targeted support: responding to requests for assistance in ongoing proceedings**

34. During the reporting period, there have been concerted efforts in Iraq in support of the adoption of domestic legislation providing the basis for the prosecution of members of ISIL in Iraq for war crimes, crimes against humanity and genocide. Further detail is provided in section IV.

35. In parallel, an increasing number of other States have demonstrated a willingness and capacity to take forward prosecutions of members of ISIL for international crimes, as has been reflected recently in proceedings taken forward in a number of European Member States.

36. Such positive developments also present a wider range of opportunities for the Team to provide support to ongoing proceedings. As reflected in further detail in

section V, in response, the Team has strengthened the forms of assistance it is able to provide, including: cross-checking evidence held by domestic authorities against the evidence holdings of the Team; identifying and interviewing witnesses and survivors who are capable of providing accounts relevant to ongoing investigations by domestic authorities; and pursuing the targeted collection of evidence relevant to such proceedings, in consultation with domestic authorities.

37. In order to increase its ability to identify and capitalize on opportunities for the provision of support to ongoing investigations and prosecutions, the Investigative Team has developed a comprehensive tracking system with respect to domestic criminal proceedings that are relevant to its investigative work. The Team also comprehensively monitors previous requests in order to be in a position to proactively engage with national authorities when additional relevant evidence has been collected.

38. As outlined in section III, in addition to the development of the three core outputs outlined above, the Team has also continued to build its archives and data lake of evidentiary material so as to store and preserve the widest possible range of material in line with international standards. In doing so, the Team seeks to establish an ongoing future resource for Iraqi and other authorities in the investigation of crimes committed by ISIL.

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

39. The Investigative Team now benefits from a total of 155 personnel, including 134 staff members. Further recruitment to vacant positions is presently on hold in the light of the freeze put in place as a response to the financial position presently faced by the Organization.

40. Ensuring gender and geographical balance has remained a priority, with women presently accounting for 46 per cent of substantive and support staff, including gender balance in senior management positions in the Team. All regional groupings of the United Nations continue to be represented in the Team.

41. In consultation with the Government of Iraq, the number of national experts appointed to the Team has increased during the reporting period. Through the use of extrabudgetary funding and the filling of remaining positions, it is anticipated that an additional eight national experts will be appointed during the upcoming reporting period.

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

42. The Investigative 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 eight experts are presently being provided by the national authorities of Australia, Finland, Germany, Jordan, Saudi Arabia and Sweden. The Team has also recently received confirmation from a number of additional States regarding their intention to contribute personnel, including leading experts in the investigation of cultural heritage crimes.

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

43. After a significant pause necessitated by COVID-19, construction recommenced in September on the forensics laboratory facilities at the premises of the Team in Baghdad. The facilities, now scheduled for completion in December, will allow the Team to conduct a wide range of forensic examinations on site, including video authentication and forensic examination of digital evidence. The Team also intends to utilize the facilities to deliver specialized capacity-building training to Iraqi authorities.

44. The Team has also strengthened the facilities in place at its office in Dahuk, enhancing technological infrastructure for use in witness interviews. Additional staff members have been transferred to work primarily in the Dahuk premises so as to increase access to key affected communities in northern Iraq, further integrate the investigative and analytical functions of the Team and thereby strengthen the overall effectiveness of investigative activities.

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

45. While the Team was required to reduce the amount of field investigative activities in Iraq during the reporting period owing to the challenges posed by COVID-19, relationships with national actors and international partners, combined with technical advances in its work, have supported the continued expansion of evidentiary holdings.

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

46. The Team has continued to deepen its cooperation with Iraqi national authorities in the collection of existing documentary material, ensuring that field-based evidence-collection activities can be targeted to fill key evidentiary gaps that have been identified.

47. The Iraqi judiciary and the Ministry of Justice remain key partners, providing a wide range of case files and underlying evidentiary material of relevance to the investigative priorities of the Team. The Team continues to welcome the support provided by the Counter-Terrorism Court of Tallkayf, Mosul, which provided a significant number of witness statements and other documentary evidence during the reporting period that were of relevance to investigations in relation to high-level ISIL members connected to crimes committed in Mosul and Sinjar. Similarly, the Karkh Court has provided an array of relevant material to the Team, including case files and video materials, in support of ongoing work on the financial aspects of crimes committed by ISIL, as well as investigations into high-level members of ISIL who are presently in detention. The cooperation has included extensive support in response to follow-up enquiries from the Team following the provision of relevant material. With respect to the investigations of the Team in relation to the targeting of members of the judiciary by ISIL in Mosul, the Supreme Judicial Council has also been of significant support, providing case files detailing prior investigations in relation to such crimes, as well as broader assistance to members of the Team.

48. As outlined further in section IV, the Team is rapidly 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.

49. During the reporting period, the Team welcomed the significant support of the Kurdistan Regional Government, in particular the Office of the Coordinator for International Advocacy, which led to the collection of a range of evidentiary material in response to requests for information. The Team is particularly grateful for the support provided by the Prime Minister and President of the Kurdistan Regional Government in ensuring effective responses to requests for information by the Team.

50. In response to a priority request for information in connection with the lines of investigation of the Team in Sinjar, Kurdistan Region authorities, including the Counter-Terrorism Department of the Kurdistan Region Security Council, have provided relevant analytical reports and lists of detainees who are available for interview. In addition, a wide range of evidentiary items, including witness statements

and interview audio recordings, were provided by the Kurdistan Region authorities responsible for the identification and rescue of victims of kidnapping by ISIL.

51. Technological innovation was at the centre of one of the significant developments in the evidence-collection activities of the Team during the reporting period, with the development of the new digital platform, Shuhud, which supports the submission of evidence relating to crimes committed by ISIL by survivors and members of affected communities. Through Shuhud, after ensuring that informed consent is obtained and screening questions are completed, users can submit text, documents, images or alleged ISIL crime scene locations to the Team, in addition to contact details for further follow-up. Following submission, information is triaged and reviewed by relevant field investigation units.

52. The collection of accounts from survivors and witnesses of crimes committed by ISIL has remained a central priority of the Team. Adapting to the challenges posed by COVID-19, the Team rapidly adopted standard operating procedures for the conduct of remote interviews and screenings. The modalities have proved successful, allowing investigators to continue to engage effectively with witnesses and survivors, including through the collection of testimonial evidence.

53. The Investigative Team has continued to strengthen its trauma-informed approach in all interviews, aiming to create conditions whereby witnesses can provide the fullest possible account while ensuring full regard for their well-being. In that regard, the Witness Protection and Support Unit has developed guidance documents and in-house training to enhance the ability of investigators to engage with vulnerable witnesses in a manner aligned with best practice.

54. Drawing on the expertise of the four clinical psychologists that have been recruited to the Team, the Witness Protection and Support Unit also continues to conduct pre-interview psychological screening of survivors and witnesses, as well as monitoring their well-being, debriefing them after interviews and referring them to local psychosocial support service providers through arrangements underpinned by memorandums of understanding that have been concluded with such entities. The clinical psychologists have also assisted and advised investigators in adapting interview techniques so as to address the specific needs of traumatized or vulnerable witnesses. The activities, supported by an extrabudgetary contribution from the Government of the Netherlands, have been particularly important when engaging with communities with limited awareness of mental health issues and symptoms and the impact of trauma.

## **B. Excavation of mass graves**

55. During the reporting period, the Investigative Team continued its support for the excavation of mass grave sites in Iraq. Despite the restrictions arising from COVID-19, a number of milestones have been achieved.

56. In a key development, the Team has conducted a comprehensive review of excavation priorities in close cooperation with the Government of Iraq and the International Commission on Missing Persons, leading to the adoption of a common mass graves excavation strategy. Following the adoption of the strategy, the Investigative Team participated in a series of joint planning events facilitated by the committee designated by the Government to coordinate with the Team, identifying common priority excavation sites in line with both the national plan on mass graves and the investigative strategy of the Team.

57. On the basis of that common vision for action, the Team recently commenced the provision of support to Iraqi authorities and the Kurdistan Regional Government with respect to the forensic archaeological excavation of two mass grave sites in the

Sinjar district and the associated collection of data relating to missing persons. Specifically, the Investigative Team led the provision of support in relation to a site at Solagh, known as the “grave of the mothers”, which is believed to contain the remains of approximately 80 female members of the Yazidi community from the village of Kojo who were reportedly considered by ISIL to be past childbearing age and executed as part of mass killings carried out in August 2014. Concurrently, the Investigative Team supported the excavation of an additional site within the village of Kojo itself, which marks the completion of excavation work at that location.

58. Throughout the excavations, forensic anthropologists, forensic science specialists and investigators from the Team have provided technical guidance and assistance to national authorities in order to ensure that the activities are conducted in line with international standards. Assistance has been provided in areas including site coding, surface surveys, crime scene preservation, adherence to appropriate field protocols, completion of evidence-collection forms and the classification and packing of evidentiary material. A simultaneous data collection campaign in Sinjar has been taken forward with a view to establishing DNA-based identifications and the return of previously unidentified human remains to next of kin.

59. In collaboration with the national coordinating committee, the Team has also developed a joint community outreach campaign with national authorities and the International Commission on Missing Persons in connection with the start of excavations at Solagh Institute and in the village of Kojo. The Team has sought to ensure that such efforts are conducted in a manner that is respectful of religious and cultural practices, as well as reflecting the needs and wishes of the surviving families of victims. Assistance provided at the sites has included the implementation of a comprehensive psychosocial support plan in consultation with the International Organization for Migration and non-governmental organizations so as to ensure that survivors and affected communities receive the necessary assistance during the excavation process.

60. As part of the common mass grave excavations strategy, the Team has also agreed two further priority locations in the Mosul district where excavations will immediately commence following completion of forensic work at the sites in the Sinjar district. Excavations will be carried out at a site in Zaghrutiyah, as well as at Badush prison. Preparations for excavations at both sites began in March but were subsequently postponed following the introduction of COVID-related travel restrictions in Iraq. A final site to be excavated during the first phase of the strategy has been identified in Anbar Governate, north of Ramadi.

61. In line with the mass graves excavation strategy, the Team has also agreed key priorities for the provision of capacity-building and technical assistance to the Mass Graves Directorate of the Martyrs Foundation and the Medico-Legal Directorate of the Ministry of Health of Iraq. The programme will include further in-person training in the use of the international-standard equipment previously provided by the Team to Iraqi authorities, including portable three-dimensional laser scanners tailored for forensic anthropology and medical examination applications.

62. Recognizing the fundamental importance of returning the remains of victims to their families, the Investigative Team has continued to work with Iraqi authorities in planning the return of remains previously exhumed from sites in the village of Kojo. The Special Adviser has emphasized that the return and dignified burial of the remains must represent the highest priority as measures related to COVID-19 are relaxed and activities are fully resumed.

63. The Team is grateful for the generous financial contributions provided by the United States, which have supported the activities outlined in paragraphs 55–63.

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

64. In the past six months, the Investigative Team has introduced a series of policy and staffing structure enhancements in order to effectively exploit its evidence processing capabilities. The measures build on the full establishment of its comprehensive evidence life cycle management system and e-discovery suite during the previous reporting period.

65. In that regard, the Team has restructured and expanded its Office of Evidence Management to more effectively process its increasing evidence intake, which has included the establishment of a dedicated team responsible for the preliminary analysis of all evidence collected. The Team has further introduced an advanced evidence holdings plan in order to decrease the time between the collection of evidentiary items and their availability for review.

66. The evidence life cycle management system of the Team also continues to be enhanced in order to better support the needs of investigators and analysts. Improvements have been made in the area of investigation task management and new tools have been developed to effectively manage responses to requests for assistance made to the Team.

67. The Team has also continued to develop and harness new technologies to address challenges faced with respect to the analysis of large volumes of electronic and multimedia data. In collaboration with the United Nations International Computing Centre and the Microsoft Corporation Tech for Social Impact and Artificial Intelligence for Humanitarian Action initiative, the Investigative Team is developing an advanced evidence analysis platform that leverages cloud computing resources to more effectively filter and process relevant data. The platform will extend the range of capacities available to the Team to include facial detection and recognition across large volumes of image and video data; machine translation of Arabic and Kurdish text to English; image and video indexing; automatic voice recognition for Arabic to convert speech to text; and automatic detection and labelling of videos with graphic content.

68. It is anticipated that the initiative will be operational prior to the end of 2020, serving to rapidly accelerate the availability of evidence for analysis and reduce the need for analysis of large file groups by individual members of the Team.

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

69. The effective delivery of the mandate of the Investigative Team continues to be founded on a close partnership with national actors across Iraq. During the reporting period, the Team further strengthened its relationship with domestic authorities, religious leaders, non-governmental organizations and other entities.

### **A. Establishment of a legal basis for the prosecution of crimes committed by Islamic State in Iraq and the Levant as war crimes, crimes against humanity and genocide in Iraq**

70. In October, the Council of Representatives of Iraq formally commenced consideration of legislation establishing a legal basis for the prosecution of members of ISIL in Iraq for war crimes, crimes against humanity and genocide. The legislation, presented to the Council of Representatives by the President of Iraq, also provides a channel through which evidence collected by the Team may be relied upon in such proceedings, in accordance with Security Council resolution [2379 \(2017\)](#).

71. Following the first reading of the legislation in the Council, the Special Adviser and Head of the Team engaged with key national counterparts, including political leaders, members of the Council of Representatives and members of the judiciary, in order to consider the opportunities that the domestic initiative might present in holding ISIL members accountable for their crimes. In the discussions, emphasis has been placed on how such legislation might respond to the expressed wish of many survivors for the crimes committed by ISIL to be addressed under domestic law in a manner that reflects the gravity of the impact of the crimes on their communities. The Special Adviser has also engaged with senior members of the Kurdistan Regional Government in that regard, with a follow-up working-level session facilitated by the Team in order to discuss the draft legislation.

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

72. While the COVID-19 pandemic posed serious challenges to the operational activities of the Team, the reporting period was marked by a significant strengthening of its cooperation with the Government of Iraq. Enhanced collaboration with the national coordinating committee led to agreement on strategic frameworks for action in relation to a number of key activities, including the excavation of mass grave sites; the provision of support to Iraqi authorities with respect to witness protection measures; and the implementation of the major evidence digitization project being led by the Team.

73. The Investigative Team also continues to engage with the committee to facilitate the appointment of additional national experts to the Team and with respect to the establishment of modalities for the sharing of evidence with competent Iraqi authorities in accordance with the terms of reference.

74. In a significant step, the Investigative Team put in place an 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. In anticipation of the adoption of legislation in Iraq providing the legal basis for such prosecutions, the Team will provide training and mentoring support to selected judges in order to develop case files based on evidentiary material already held by Iraqi authorities. The Team has liaised closely with the Supreme Judicial Council in order to identify the specific judges to be engaged through the project. Similar arrangements have also been put in place with the Judicial Council of the Kurdistan Region.

75. Through preliminary consultations with investigative judges selected to work with the Team on the project, initial case files have already been identified for development in relation to the administration of sexual slavery by ISIL and the activities of a high-level member of ISIL presently in detention. The Team is grateful for the financial support of the Government of Denmark, which has been crucial in supporting the delivery of training and other forms of technical assistance within the initiative.

76. As noted in section III, the Team has also continued to cooperate effectively with key Government departments and ministries in the implementation of its mandate.

77. The Office of the Prime Minister has also continued to provide essential operational assistance to the Team through the National Operations Centre by supporting field missions during the reporting period through the coordination of relevant security assets. Such support has been of particular importance as the Team has adapted its procedures in order to accommodate national regulations addressing the COVID-19 pandemic.

78. During the reporting period, the Special Adviser also continued his engagement with senior members of the Government of Iraq in order to strengthen cooperation in furtherance of the strategic objectives of the Investigative Team. Those consultations have included high-level meetings with the President, the Minister for Foreign Affairs, the Minister for Defence, the Minister for Justice, the Minister of the Interior, the Director of Military Intelligence of the Ministry of Defence and the Commander of the Counter-Terrorism Service. The Special Adviser has continued to be grateful for the ongoing guidance and support of the Chief Justice and Head of the Supreme Judicial Council.

79. The Special Adviser has also welcomed the opportunity to meet on a number of occasions with the President and the Prime Minister of the Kurdistan Region and the Minister of the Interior of the Region, in order to discuss the activities of the Team and its provision of support to Kurdistan Region authorities.

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

80. As noted throughout the present report, the Investigative Team has continued to expand its efforts to share knowledge and provide technical assistance to Iraqi authorities in accordance with paragraph 39 of the terms of reference.

81. During the reporting period, the Investigative Team worked closely with Iraqi authorities and those of the Kurdistan Region on the implementation of a major project aimed at supporting such entities in the archiving and digitization of evidentiary material concerning crimes committed by ISIL, in line with international standards, as well as the extraction of data from electronic devices previously used by ISIL. Through the project, which was supported by a financial contribution from the European Union, the Investigative Team anticipates being able to support the archiving and digitization of several million documents and digital assets of relevance to its investigative activities.

82. An initial pilot project was successfully implemented with the Directorate of Military Intelligence during the previous reporting period, through which the Team has already been able to support the digitization and extraction of over 60,000 documents. That successful proof of concept formed the basis for a broader roll-out, with the Team presently engaging with more than 15 additional authorities in Iraq, including in the Kurdistan Region.

83. Key judicial counterparts, including the Karkh, Rusafah and Tallkayf Courts, have been onboarded to the project, and the Team is also working closely with the National Security Advisory and the national coordinating committee in order to expand the project to defence, security and other government agencies holding information of relevance to crimes committed by ISIL.

84. Beneficiary entities have completed archival mapping questionnaires on the basis of which detailed digitization implementation plans have been developed in anticipation of on-site assessment visits by the Team in the near future. It is anticipated that a number of on-site assessments will be completed in 2020, in addition to the installation of key equipment at relevant government agencies and national courts. Through those efforts, the Team hopes to significantly enhance the evidence repositories of key national counterparts and also to strengthen the basis for the potential centralization of evidence holdings in Iraq.

85. The Investigative Team has also continued to engage with Iraqi authorities with respect to the potential establishment of a specialized witness protection department, in addition to preparing a training seminar for relevant national psychosocial and mental health service providers, to be held before the end of the year. The Team is

grateful for the role played by the national coordinating committee in supporting the implementation of those initiatives.

86. As noted in section III, during the reporting period, the Team continued to underline its commitment to providing training to national authorities engaged in the excavation of mass grave sites so as to ensure that their work is conducted in line with international standards.

87. The Investigative Team has also continued to seek to raise awareness of its mandate and activities among key national partners, including through the delivery of a seminar in October for relevant prosecutors and officials from the Kurdistan Regional Government.

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

88. To ensure that its investigative work is informed by the knowledge and experience of all affected communities in Iraq, the Investigative Team has continued to prioritize its engagement with religious actors, survivor groups, non-governmental organizations and community leaders.

89. During the reporting period, the Investigative Team strengthened the institutional framework for its engagement with both national non-governmental organizations and their international partners through the establishment of the UNITAD-NGO Dialogue Forum.

90. Through the Forum, the Team will build on its ongoing engagement with Iraqi and international non-governmental organizations in order to address key areas in which cooperation could serve to strengthen the implementation of its mandate. Following initial meetings in June 2020 with over 50 non-governmental organizations and a further written consultation process, the initial structure, objectives and principles guiding the work of the Forum were adopted in October.

91. On 28 October 2020, the first thematic meeting of the Forum was held, addressing the topic “Empowering community members and survivors of ISIL to engage in accountability efforts”. A dedicated working group has also been established to support dialogue between the Investigative Team and Iraqi non-governmental organizations in relation to issues benefiting from a specific focus on national context.

92. Building on the adoption of the landmark document entitled “Interfaith statement on the victims of Da’esh” during the previous reporting period, the Investigative Team continued to strengthen its engagement with Iraqi religious authorities. In July, more than 150 religious actors and prominent leaders welcomed the interfaith statement as part of a virtual conference hosted jointly by the Team, the Office on Genocide Prevention and the Responsibility to Protect, and Religions for Peace. All signatories to the statement, as well as religious leaders from a number of other Member States, reflected on how its principles can be converted into action in Iraq and used as a platform for harnessing the moral force of religious actors in order to support all survivors and combat violent extremism.

93. During the reporting period, the Witness Protection and Support Unit strengthened relationships with key non-governmental entities in the field of psychosocial support, focusing in particular on the establishment of cooperation frameworks so as to ensure the provision of care and specialist treatment for vulnerable victims, in particular those that have suffered from conflict-related sexual violence.

94. The Team also continues to provide technical support to key partners in the fields of witness protection and psychosocial training, with mental health training programmes having been delivered on vicarious trauma and survivor-centred approaches to a number of national non-governmental organizations.

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

### **A. Engaging Member States and providing support to ongoing domestic proceedings**

95. In line with its mandate and terms of reference, the Team has continued to ensure that its investigative and analytical work is focused and structured in order to effectively support ongoing accountability processes.

96. As referenced throughout the present report, a number of positive developments have been achieved with respect to proceedings in Iraq, including the launch of joint case-building activities between the Team and relevant investigative judges, and concerted steps to establish a domestic legal basis for the prosecution of ISIL members for war crimes, crimes against humanity and genocide.

97. The Team has also been in a position to strengthen its provision of support to other national authorities in response to requests for assistance, drawing on extensive cooperation with Iraqi authorities. To date, a total of eight States have formally approached the Team about potential support for their ongoing domestic proceedings concerning crimes committed by ISIL, while a number of other States have indicated their intention to request assistance in the near future.

98. During the reporting period, the Team has been able to contribute to accountability processes through a variety of forms of support, including by further leveraging its now fully established evidence life cycle management system and e-discovery suite. Together with significantly expanded evidentiary holdings, that technological framework has allowed the Team to positively identify information of relevance to a number of ongoing domestic investigations and prosecutions.

99. Through strong cooperation with the Iraqi judiciary and other national authorities, the Team has also been able to identify a range of documentation supportive of ongoing domestic proceedings in Member States, including the analysis of extensive ISIL personnel databases extracted from digital devices through cooperation with Iraqi authorities.

100. The Team has also been able to provide tailored support to national authorities through the collection of testimonial evidence relevant to ongoing proceedings. That, in turn, has led to the collection of information and the identification of persons of interest that the Team was able to cross-reference against its evidentiary holdings.

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

101. During the reporting period, the Investigative Team further strengthened cooperative modalities with well-established partners within the United Nations system, while also putting in place new channels for collaboration.

102. In response to the operational constraints faced in the light of COVID-19, the Team has worked closely with the United Nations Assistance Mission for Iraq (UNAMI) in its role in leading country-wide mitigating measures, which has allowed the Investigative Team to maintain a critical footprint in Iraq, ensuring the health and

safety of its staff while pursuing prioritized excavation and investigative activities. The Team wishes to extend its thanks to UNAMI and to the Special Representative of the Secretary-General for Iraq, Jeanine Hennis-Plasschaert, for their invaluable support during the reporting period. The Team has also established effective collaboration with the Mine Action Service in Iraq, providing a basis for the joint demining and explosive hazard assessment of the Alu Antar mass grave site in the Tall Afar district.

103. The Team was also grateful to 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 for its positive response during the reporting period to a request for information in relation to a high-level ISIL member under investigation by the Team.

104. As referenced above, the Team has also continued its productive collaboration with the Office on Genocide Prevention and the Responsibility to Protect with respect to the engagement of religious authorities in support of actions undertaken in line with the interfaith statement. In that context, during the reporting period, the Investigative Team was pleased to join the United Nations Inter-agency Task Force on Religion and Development.

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

105. During the reporting period, the Investigative Team also sought to further strengthen the engagement of academic institutions, private sector entities and other partners in its work.

106. With respect to academic institutions, the Team was pleased to partner with the University of Dahuk in order to facilitate the translation into English of a major publication on crimes committed against the Yazidi community in Iraq. In addition to the development of a best practice field guide, as outlined in section VI, the Human Rights in Trauma Mental Health Program at Stanford University is supporting the Team through the development of expert impact reports synthesizing available mental health data pertaining to those affected by crimes committed by ISIL.

107. During the reporting period, the Investigative Team also initiated training programmes for its staff through cooperation arrangements with Physicians for Human Rights and the Institute for International Criminal Investigations. The Physicians for Human Rights course is focused on best practices in the forensic documentation and assessment of physical evidence of international crimes of sexual and gender-based violence committed against women, adolescents and children. The Institute for International Criminal Investigations course is focused on core investigators' skills in the investigation of mass atrocities, in line with international standards.

108. Through its Witness Protection and Support Unit, the Team also plans to strengthen its network of psychosocial and medical service providers through the development of an interactive mapping tool providing updated accessible, confidential and gender-attuned support services for survivors.

109. With a view to further strengthening its engagement with relevant national authorities, the Team was also pleased to be granted associate status with the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes during the reporting period.

## **VI. Promoting accountability globally**

110. In line with his mandate pursuant to paragraph 3 of resolution [2379 \(2017\)](#), the Special Adviser has continued his efforts 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.

111. Harnessing its work in Iraq as a potential source of good practices, the Investigative Team is finalizing a reference guide and field manual that will provide practical guidance to investigators engaging with vulnerable survivors and witnesses. Developed jointly by a multidisciplinary team with the Human Rights in Trauma Mental Health Program at Stanford University, the guide draws on best practices established by the Investigative Team through its field-based investigative work, broader international experience and leading academic literature, with a view to informing and strengthening a trauma-informed approach to investigations. In the coming reporting period, the Special Adviser intends to host two regional workshops as a basis for building dialogue among key national actors on the issues addressed in the field manual.

112. As referenced in section IV, in July, the Special Adviser facilitated a global dialogue among faith communities, using the interfaith statement as a framework in order to discuss the role of religious leaders and actors in promoting wider national and international accountability efforts for the crimes committed by ISIL (also known as Da'esh). Participants underlined their united rejection of the violence committed by ISIL and emphasized the important role that religious communities can play globally in addressing the legacy of those crimes and preventing further crimes.

## **VII. Funding and resources**

113. In line with the overall financial position of the Organization and consequent measures put in place to address related challenges, the Investigative Team was required to reduce operational expenditures during the reporting period.

114. While the Team has sought to be creative and proactive in its response, the freeze in recruitment and other restrictions thereby necessitated have been acutely felt. Under the circumstances, contributions made by Member States to the trust fund established to support key specialized activities have proved critical in ensuring the continued progress of investigative activities. The Team is grateful to all States that have provided extrabudgetary support to its work during the reporting period and previously.

115. In that regard, as referenced in section II, the United States has strengthened its financial support for the Team through the provision of a significant contribution in support of mass grave excavations and the recovery of the remains of victims of ISIL in Iraq. Through projects supported by a separate contribution from the United States, the Team has also strengthened its investigations into crimes committed against minority communities in Iraq, with the investigation of sexual and gender-based crimes and crimes against children as a cross-cutting priority within those projects. The Team is also grateful to the United States for its contribution in support of interfaith outreach and forensic evidence collection.

116. As referenced in section II, the Investigative Team continues to be grateful for the crucial support provided by the United Kingdom, including its financial contribution in support of minority-focused investigations and its vital assistance in the development of the Shuhud digital platform. As noted above, funding provided by the European Union has allowed for the launch of a major evidence digitization

project that has the potential to both significantly strengthen the capacity of national authorities and expand the evidence holdings of the Team.

117. During the reporting period, Germany also renewed its funding in support of the work of the Financial Tracking Unit, addressing the financial aspects of crimes committed by ISIL and the financial networks that were used to support the commission of crimes during its peak campaign years (2014–2016).

118. Support from the Netherlands continues to ensure that the Team benefits from the expertise of its in-house clinical psychologists, who have remained an essential component in ensuring that the Team adheres to international standards in its engagement with witnesses and survivors. As referenced above, financial support provided by Denmark has facilitated the provision of training and capacity-building support to Iraqi investigative judges. Contributions provided by the United Arab Emirates have continued to support and enhance the work of the Sexual and Gender-based Crimes and Crimes against Children Unit.

119. The Investigative Team is also grateful to Microsoft Corporation for the contribution it made during the reporting period aimed at enhancing the data processing and evidence management capacity of the Team. It included the provision of a dedicated group of program engineers to assist the Team in building a sophisticated and interactive evidence analysis system, incorporating the latest technology in the field of artificial intelligence.

120. The Investigative Team 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: priorities and challenges of the Investigative Team**

121. In the implementation of its enhanced strategic vision, as outlined in section II of the present report, the key priorities of the Investigative Team in the coming six months will include:

(a) Implementation of the technical assistance project with Iraqi investigative judges allowing for the development of case files that are capable of supporting the prosecution of war crimes, crimes against humanity and genocide committed by ISIL before national courts in Iraq;

(b) Finalization of thematic case briefs relating to the initial investigative priorities of the Team, including crimes committed against the Yazidi community in Sinjar and the mass killings carried out by ISIL in Tikrit in June 2014;

(c) Continued implementation of the major evidence digitization project being undertaken with Iraqi authorities, through which millions of documents will be scanned and archived in line with international standards.

122. The Team will continue to implement those priorities in close cooperation with the national coordinating committee and key partners across Iraq, including survivor groups, affected communities and religious leaders.

## **IX. Conclusion**

123. As noted in the present report, the past six months were marked both by the multiplicity of challenges resulting from the COVID-19 pandemic and by significant

positive developments that served to expand opportunities for the provision of direct support to domestic accountability efforts.

124. The impact of COVID-19 has been serious, with operational work affected during the majority of the reporting period owing to the imposition of travel restrictions in Iraq. The Team has sought to respond with focus and innovation, drawing on technological solutions and prioritizing activities that can be implemented without requiring unnecessary field-based presence. Through close cooperation with the Iraqi authorities, the Team is now moving forward with a number of priority activities on the ground in Iraq, including the crucial resumption of mass grave excavations and the return of the remains of victims to families.

125. In parallel, the deepening of cooperation with national authorities and the purposeful moves by Iraqi partners towards the enhancement of the domestic legal framework in Iraq have served to significantly strengthen the basis on which the prosecution of ISIL members for war crimes, crimes against humanity and genocide may soon be taken forward in the country. Through the combined initiatives of domestic legislative reform, the provision of support by the Team to Iraqi authorities in the preparation of case files and the digitization of vast amounts of evidence, a path towards the successful completion of the mandate of the Team has emerged.

126. The Team therefore looks forward to 2021 with renewed optimism. In seeking to capitalize on the aforementioned opportunities, the Team will continue to rely on its partnership with survivors, affected communities, national authorities and the international community in pursuit of meaningful accountability for crimes committed by ISIL.

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