

**CONFLICT-RELATED SEXUAL VIOLENCE MULTI-PARTNER TRUST FUND****UN TEAM OF EXPERTS ON THE RULE OF LAW AND SEXUAL VIOLENCE IN CONFLICT****FINAL NARRATIVE REPORT COVER PAGE**

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| <b>Participating UN Organization(s):</b><br><b>UNITAD</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Project<sup>1</sup> Title:</b> “UNITAD – TOE expertise to assist national authorities in strengthening the rule of law to address sexual violence in conflict and to support accountability in Iraq”<br><br><b>Project Number:</b> |
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| <b>UN Action pillar of activity:</b><br><input type="checkbox"/> Advocacy<br><input type="checkbox"/> Knowledge building<br><input checked="" type="checkbox"/> Support to UN system at country level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Reporting Period:</b> 13 February 2023 – 17 September 2024                                                                                                                                                                         |
| <b>Project Budget:</b><br>\$293,590.88                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                       |

<sup>1</sup> The term “project” is used for projects, programmes and joint programmes

## **Final Narrative Report**

### **I. Background**

On 3 August 2014, Da'esh launched an attack on the Sinjar region, Iraq, that would have catastrophic consequences for the lives of thousands of Yazidis and other religious and ethnic minorities for many years to come. This was no regular military operation seeking to seize and secure territory. From the outset of the operation, Da'esh sought to capture as many Yazidis and other minorities as it could. The purpose of this approach was revealed in the days and weeks following, as Da'esh killed any men and older boys who refused to convert, and killed, enslaved, raped, and committed many other serious international crimes against women, men and children. The system of ownership of human beings, and the inexorable sexual violence and other crimes flowing from it, was authorized, promoted, carried out by Da'esh's leadership and militants.

Indeed, Da'esh openly acknowledged and sought to justify these crimes. In October 2014, a Da'esh publication stated that "[t]heir continual existence to this day is a matter that Muslims should question as they will be asked about it on Judgment Day [...] kill the mushrikin wherever you find them [...] But if they should repent, establish prayer, and give zakah, let them [go] on their way." Pursuant to this ideology, Yazidis and others who refused to convert were killed; many thousands more were enslaved and subjected to other abuses; and children were transferred from their families and brought up within Da'esh. These and other actions against Yazidis, Turkmen Shi'a, Christians, Shabak and other communities have resulted in courts of law globally finding that war crimes, crimes against humanity, and genocide have been committed.

Since the end of major kinetic operations against Da'esh, the UN estimates indicate that 15,000 to 20,000 ISIL (Da'esh) members have returned or relocated to third States. In order to ensure accountability for their crimes, and given that the evidence, such as the crime scenes and witnesses, remain in Iraq, such cooperation between third States, UNITAD and federal Iraqi and Kurdistan regional authorities including the Commission for the Investigation and Gathering of Evidence (CIGE), was essential.

### **II. Objective**

The primary objective of the project was to deploy a Judicial Affairs Officer (JAO) to assist UNITAD in case-building with judicial authorities (CIGE) in Kurdistan. Secondary objectives included supporting the implementation of the Yazidi Survivors Law (YSL) and improving collaboration with the UN Country Team, civil society, and national actors working on accountability for sexual violence crimes. Additional tasks envisaged for the JAO included supporting the UNITAD Witness Protection Unit with advice on a survivors-centred approach and supporting the Gender & Children Unit, if requested.

### **III. Progress/Results**

#### **1. Case-building with judicial authorities**

Success Criteria: National authorities (CIGE) able to complete two (2) case files for transfer to third State with minimal oversight/guidance from UNITAD.

During the reporting period, the JAO worked with CIGE to prepare two case files for Persons of Interest (POI) who are suspected of committing sexual violence crimes against Yazidi women in Iraq. Both POIs are currently based outside of Iraq, and one was a subject of a Request for Assistance (RFA) sent by a third State to UNITAD.

A search of one of the aliases for the POI yielded more than 60 results in CIGE's database. Further refinement of the search terms was advised and additional search terms in English and Arabic (with alternative spellings) were also provided. Once internal discussions and sharing protocols were clarified, the summarized statements were shared by CIGE in late February. A review of those statements, in comparison with UNITAD evidentiary holdings, was conducted in mid-March to finalize the profile. UNITAD inquired with the third State who had sent the RFA if they would still be interested in receiving information. The State indicated that it would be interested and would reach out directly to CIGE, in light of UNITAD's closure in September.

Additionally, to better support CIGE in building its skills set, a training on Open-Source Investigations (OSINT) and Digital Forensics was organized and held, in collaboration with the UNITAD Forensic Science Unit, at CIGE in late February. Following this training, a second POI profile was given to CIGE to begin working on in early March. This POI was not the subject of a current request from a third State and was chosen in order to enhance the capacity of members of CIGE during the training.

In parallel, the same capacity building trainings were held at Yazda, an NGO working to document crimes committed against Yazidis, support survivors in applying for reparations under the YSL, and respond to requests from third States for information related to suspected ISIL perpetrators. Yazda became a UNITAD implementing partner and began working on digitization and case-building efforts, as it also receives requests from third States. A training specifically on case-building was held in early March and the same initial POI was given to Yazda to do a search in its own files. Yazda completed the work on this profile in early July and was to share its findings directly with the third State thus resulting in increased capacity in Iraqi civil society as well as enhancing judicial cooperation in holding Da'esh accountable in courts of law.

In alignment with other UNITAD capacity building efforts, the JAO presented during a workshop with more than 30 members from civil society on case-building techniques and best practices for engaging with third States that may be pursuing prosecution on the basis of universal or other forms of jurisdiction. Furthermore, due to the closure of UNITAD, it was clear that CIGE would need to find modalities for cooperating with third States more directly in the future. UNITAD supported the visit of a third State prosecutor to the Kurdistan Region of Iraq. During her visit, the JAO facilitated her meeting with both CIGE and survivors, which was beneficial to advance several ongoing cases within that State.

## **2. Capacity-building to improve implementation of Yazidi Survivors Law**

Success Criteria: Training designed for judiciary and police to improve interviewing skills with survivors filing claims under the YSL.

During the period, a report was produced by IOM and the ToE assessing the implementation of the YSL. The results of the assessment have not yet been published and therefore this success criteria could not be strictly met. Yet post-closure of UNITAD, IOM and the ToE are in discussions with the Survivors Directorate implementing the YSL about the findings of the study.

## **3. Outreach/Coordination under the Joint Communiqué**

Success Criteria: Improved communication and coordination amongst UNCT members on gender crimes. Increased national ownership of prosecution of gender crimes.

There has been noted improvement in the level of communication/coordination between the JAO and

various actors of the UNCT and civil society working on the response to sexual violence. Together with the Senior Women's Protection Adviser (SWPA) and a platform through the Kurdistan Region of Iraq Government's Coordinator of International Advocacy, multiple round table events with all relevant actors were launched in March to better coordinate activities and provide updates related to sexual violence, accountability efforts for ISIL crimes, and align activities to the Kurdistan Regional Human Rights Plan. It was originally envisaged that a similar attempt would be made with the Federal Government of Iraq, but this was de-prioritized in light of other considerations linked to the renewal of UNAMI's mandate and UNITAD's closure.

Engagement with civil society increased, including with the Coalition for Just Reparations (C4JR), a group of NGOs working on response to ISIL crimes, and Global Survivors Fund. Both entities were instrumental in performing the needs assessment for the capacity building linked to the implementation of the YSL. Because of improved relations, meetings with the Acting Special Adviser were able to be coordinated in mid-May and in mid-July when ASG Stephen Matthias visited Erbil. Additionally, through C4JR, the JAO interacted with the UN Special Rapporteur on Torture to understand more her upcoming report on sexual violence as torture and her study results regarding ISIL crimes in Iraq.

#### **4. Other UNITAD Tasks**

No assistance was requested for either the Witness Protection Unit or the Gender and Children Unit. However, in mid-May, the JAO was assigned to take over two lines of investigation – crimes committed against the Christian community and crimes committed in and around Badush Prison. Crimes committed against the Christian community did include sexual violence crimes. An internal brief was finalized in this case, as well as a brief that was for the Iraqi authorities, in alignment with the witnesses' consent to share their information. The internal brief for crimes committed in and around Badush Prison was completed and shared with the Office of the Acting Special Adviser and is still pending. As the Erbil Head of Office, assigned also in mid-May, the JAO took over the management of the field office, including attending security briefings, time management for all staff, and participating in the Mission drawdown discussions. This included ensuring that survivors' consent to share information in line with international and UN standards was reviewed prior to turning over information to the Iraqi federal and Kurdistan regional governments.

#### **IV. Challenges**

The renewal of UNITAD's mandate on 17 September 2023 for one year only had an impact on the deliverables originally envisaged for the project as UNITAD priorities did not necessarily align with the project. It was also a challenge for the JAO to only be based in Kurdistan and not work with other Iraqi authorities, which would have given more opportunities for capacity building of the judiciary. Additionally, in Kurdistan Region of Iraq, the focus was solely on CIGE, when other members of the judiciary in both the federal government and Kurdistan Region could have benefitted from capacity building.

An additional challenge was where the position was located within UNITAD's structure. It would have been more coherent to have the JAO placed in the Office of the Special Adviser (OSA) or the Jurisdictional Support Unit (JSU) so that judicial cooperation could have been more streamlined. The JAO was excluded from much of the discussions related to ongoing investigations within the Office of Field Investigations (where the position was placed) and the position relied more on cooperation coming from JSU and OSA.

Finally, a key challenge was that staff began to leave UNITAD after the September 2023 mandate renewal.

The primary focal point, who designed the partnership with CIGE, in the Yazidi investigation left the mission area in late October 2023 and never returned. Additionally, the Senior Legal Officer in Erbil left in mid-May 2024 and many of her tasks were reassigned to the JAO to complete. This included the supervision of nine staff, overseeing two different lines of investigation, and the appointment as Head of Office.

## **V. Recommendations for the way forward**

Advocacy needs to continue with the Government of Iraq in order to hold perpetrators accountable for sexual violence crimes committed in Iraq. The continued charging of only terrorism-related charges and not for international crimes will remain the standard practice. As such, survivors do not necessarily feel as though the crimes committed against them are being adequately addressed. The ToE should consider ways to continue to engage with and support the Government of Iraq in alignment with the commitments made in the Joint Communiqué. The ToE should also consider deploying capacity to be placed in another UN entity (e.g. UNDP) to continue making advancements on accountability for sexual violence crimes committed by ISIL.

## **VI. Conclusion**

In sum, the project met most of its goals, however, more could have been done had the UNITAD mandate been renewed.